UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTIETH CONGRESS
OF THE UNITED STATES OF AMERICA

1948

AND

PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

COMPILED, EDITED, INDEXED, AND PUBLISHED BY AUTHORITY OF LAW
UNDER THE DIRECTION OF THE SECRETARY OF STATE

VOLUME 62

IN THREE PARTS

PART 1

PUBLIC LAWS

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1949

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For sale by the
Superintendent of Documents
U. S. Government Printing Office, Washington 25, D. C.
Price $7.75 (Buckram)

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546	*Carolina Power and Light Co., construction, etc., of dam.* AN ACT Granting the consent of Congress to Carolina Power and Light Company to construct, maintain, and operate a dam in the Lumber River	May 21, 1948	257

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547	*Supplemental National Defense Appropriation Act, 1948.* AN ACT Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1948, and for other purposes	May 21, 1948	258
548	*Reconstruction Finance Corporation Act, amendments.* AN ACT To amend the Reconstruction Finance Corporation Act, as amended, and for other purposes	May 25, 1948	261
549	*National Advisory Committee for Aeronautics.* AN ACT To promote the national defense by increasing the membership of the National Advisory Committee for Aeronautics, and for other purposes	May 25, 1948	266
550	*General Bridge Act of 1946, amendment.* AN ACT To amend the General Bridge Act of 1946	May 25, 1948	267
551	*East Bay Municipal Utility District, Calif.* AN ACT To authorize the Secretary of the Navy to grant to the East Bay Municipal Utility District, an agency of the State of California, an easement for the construction and operation of a water main in and under certain Government-owned lands comprising a part of the United States naval air station, Alameda, California	May 25, 1948	268
552	*Aliens.* AN ACT To amend the immigration laws to deny admission to the United States of aliens who may be coming here for the purpose of engaging in activities which will endanger the public safety of the United States	May 25, 1948	268
553	*Boulder City, Nev.* AN ACT Directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nevada	May 25, 1948	268
554	*Flathead Indian irrigation project, Mont.* AN ACT To provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes	May 25, 1948	269
555	*Northport Irrigation District.* AN ACT Authorizing the execution of an amendatory repayment contract with the Northport Irrigation District, and for other purposes	May 25, 1948	273
556	*Clams.* AN ACT Authorizing and directing the Fish and Wildlife Service of the Department of the Interior to undertake certain studies of the soft-shell and hard-shell clams	May 26, 1948	274
557	*Civil Air Patrol.* AN ACT To establish Civil Air Patrol as a civilian auxiliary of the United States Air Force and to authorize the Secretary of the Air Force to extend aid to Civil Air Patrol in the fulfillment of its objectives, and for other purposes	May 26, 1948	274
558	*Memorial Day.* JOINT RESOLUTION Requesting the President to issue a proclamation designating Memorial Day, 1948, as a day for a Nation-wide prayer for peace	May 28, 1948	275
559	*Federal Power Act, amendment.* AN ACT To amend section 24 of the Federal Power Act so as to provide that the States may apply for reservation of portions of power sites released for entry, location, or selection to the States for highway purposes	May 28, 1948	275
560	*Government, etc., personnel, transportation.* AN ACT To provide for furnishing transportation for certain Government and other personnel, and for other purposes	May 28, 1948	276
561	*Use of public lands for national defense purposes.* AN ACT Authorizing the head of the department or agency using the public domain for national defense purposes to compensate holders of grazing permits and licenses for losses sustained by reason of such use of public lands for national defense purposes	May 28, 1948	277
562	*Alaska, public airports.* AN ACT To authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska	May 28, 1948	277
563	*Potash mining.* AN ACT To amend the Act entitled "An Act to promote the mining of potash on the public domain", approved February 7, 1927, so as to provide for the disposition of the rentals and royalties from leases issued or renewed under the Act entitled "An Act to authorize exploration for and disposition of potassium", approved October 2, 1917	June 1, 1948	279
564	*Canadians admitted to U. S. Naval and Military Academies.* AN ACT To amend the Acts authorizing the courses of instruction at the United States Naval Academy and the United States Military Academy to be given to a limited number of persons from the American Republics so as to permit such courses of instruction to be given to Canadians	June 1, 1948	279

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565	*Kearney, Nebr., conveyance.* AN ACT To authorize the Secretary of the Army to exchange certain property with the City of Kearney, Nebraska	June 1, 1948	280
566	*Federal Works Agency, special policemen.* AN ACT To authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes	June 1, 1948	281
567	*Nationality Act of 1940, amendment.* AN ACT To amend the Nationality Act of 1940	June 1, 1948	281
568	*Fairbanks, Alaska, conveyance.* AN ACT To transfer lot 1 in block 115, city of Fairbanks, Alaska, to the city of Fairbanks, Alaska	June 1, 1948	283
569	*Alaska, district court division.* AN ACT To amend the fourth paragraph of section 4, chapter 1, title I, of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 322; 48 U. S. C. sec. 101), as amended	June 1, 1948	283
570	*Boulder Canyon Project Adjustment Act, amendment.* AN ACT To provide for the distribution among the States of Colorado, New Mexico, Utah, and Wyoming of the receipts of the Colorado River Development Fund for use in the fiscal years 1949 to 1955, inclusive, on a basis which is as nearly equal as practicable and to make available other funds for the investigation and construction of projects in any of the States of the Colorado River Basin in addition to appropriations for said purposes from the Colorado River Development Fund	June 1, 1948	284
571	*Mineral Leasing Act, 1920, amendment.* AN ACT To amend the Mineral Leasing Act of February 25, 1920, to permit the exercise of certain options on or before August 8, 1950	June 1, 1948	285
572	*Inaugural ceremonies, quartering of troops.* JOINT RESOLUTION To provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies of 1949	June 1, 1948	285
573	*Weather Bureau.* AN ACT To provide basic authority for certain functions and activities of the Weather Bureau, and for other purposes	June 2, 1948	286
574	*Inaugural ceremonies, maintenance of public order.* JOINT RESOLUTION To provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1949	June 3, 1948	286
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576	*Mineral leases, public lands.* AN ACT To amend the Mineral Leasing Act of February 25, 1920, and the Potassium Act of February 7, 1927, in order to promote the development of certain minerals on the public domain; and for other purposes	June 3, 1948	289
577	*Veterans' Administration, acquisition of hospitals.* AN ACT To provide for the acquisition of the hospital at Camp White, Medford, Oregon, and Schick General Hospital, Clinton, Iowa, for use as domiciliary facilities by the Veterans' Administration	June 3, 1948	292
578	*Alaska, powerboat mail service.* AN ACT To amend an Act entitled "An Act to authorize the Postmaster General to contract for certain powerboat service in Alaska, and for other purposes", approved August 10, 1939 (53 Stat. 1338)	June 3, 1948	292
579	*Parker River National Wildlife Refuge, Mass.* AN ACT To reduce in area the Parker River National Wildlife Refuge in Essex County, Massachusetts, and for other purposes	June 3, 1948	293
580	*Snake River, Idaho and Wyo.* AN ACT Granting the consent of Congress to the States of Idaho and Wyoming to negotiate and enter into a compact for the division of the waters of the Snake River and its tributaries originating in either of the two States and flowing into the other	June 3, 1948	294
581	*Hawaiian Homes Commission Act, amendment.* AN ACT To amend section 203 of the Hawaiian Homes Commission Act, designating certain public lands as available home lands	June 3, 1948	295
582	*Hawaii, certain interest rates.* AN ACT To ratify sections 1 and 2 of Joint Resolution 7 enacted by the Legislature of the Territory of Hawaii in its regular session of 1947	June 3, 1948	295

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583	*Interstate Commerce Act, amendment.* AN ACT To amend section 20 (12) of the Interstate Commerce Act, with respect to recourse, by an initial or delivering carrier, against the carrier on whose line loss of, or damage or injury to, property is sustained, on account of expense incurred in defending actions at law	June 3, 1948	295
584	*Hawaii, revenue bonds.* AN ACT To approve Act Numbered 74 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to revenue bonds of the Territory of Hawaii", and Act Numbered 95 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to Territorial and county public improvements and the financing thereof by the issuance of revenue bonds"	June 3, 1948	296
585	*Hawaii, water supply of Honolulu.* AN ACT To ratify Act 237 of the Session Laws of Hawaii 1947	June 3, 1948	296
586	*Fort Peck project, Mont.* AN ACT To authorize payments to the public school district or districts serving the Fort Peck project, Montana, for the education of dependents of persons engaged on that project	June 3, 1948	297
587	*Coast and Geodetic Survey Commissioned Officers' Act of 1948.* AN ACT To provide for the distribution, promotion, separation, and retirement of commissioned officers of the Coast and Geodetic Survey, and for other purposes	June 3, 1948	297
588	*Oklahoma, land conveyance.* AN ACT To provide for the conveyance of certain land to the State of Oklahoma for the use and benefit of the Northeastern State College at Tahlequah, Oklahoma	June 3, 1948	301
589	*Department of the Interior, oaths.* AN ACT To eliminate the requirement of oaths in certain land matters, and for other purposes	June 3, 1948	301
590	*Cape Hatteras National Seashore Recreational Area project.* AN ACT To provide for the addition of certain surplus Government lands to the Cape Hatteras National Seashore Recreational Area project, and for other purposes	June 3, 1948	301
591	*Coast Guard, service credit.* AN ACT To allow service credit for certain enlisted men of the Coast Guard who acted as policemen and guards at the Ivigtut Cryolite Mine, Greenland, during 1940 and 1941	June 3, 1948	302
592	*Coast Guard.* AN ACT To amend the Act of July 23, 1947 (61 Stat. 409) (Public Law Numbered 219 of the Eightieth Congress)	June 3, 1948	302
593	*Alaska, taxes.* AN ACT To amend section 9 of the Act of August 24, 1912 (37 Stat. 512)	June 3, 1948	302
594	*Hawaiian Homes Commission Act, amendment.* AN ACT To amend section 203 of the Hawaiian Homes Commission Act, designating certain public lands as available home lands	June 3, 1948	303
595	*Hawaii, public-improvement bonds.* AN ACT To confirm and ratify Act 205 of the session laws of 1947 of the Territory of Hawaii, relating to the issuance of public-improvement bonds	June 3, 1948	304
596	*Veterans, homestead entries.* AN ACT To amend an Act entitled "An Act to allow credit in connection with certain homestead entries for military or naval service rendered during World War II."	June 3, 1948	305
597	*Departments of State, Justice, Commerce, and the Judiciary Appropriation Act, 1949.* AN ACT Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1949, and for other purposes	June 3, 1948	305
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599	*Escorts of repatriated war dead.* AN ACT To amend the Act of May 16, 1946 (Public Law 383, Seventy-ninth Congress), as amended, to provide increased allowances for the escorts of repatriated war dead	June 3, 1948	334
600	*Aliens, reentry permits.* AN ACT Relating to the issuance of reentry permits to certain aliens	June 3, 1948	335
601	*Protestant Episcopal Cathedral Foundation, D. C.* AN ACT To amend an Act entitled "An Act to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia", approved January 6, 1893, as amended	June 3, 1948	335

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603	*Cass County, Minn., fish propagation.* AN ACT To authorize the State of Minnesota to condemn lands owned by the United States in the county of Cass, State of Minnesota, for fish propagation, and for other purposes	June 4, 1948	337
604	*Yellowstone National Park, school facilities.* AN ACT To provide adequate school facilities within Yellowstone National Park, and for other purposes	June 4, 1948	338
605	*Armory Board, D. C.* AN ACT To establish a District of Columbia Armory Board, and for other purposes	June 4, 1948	339
606	*Second Decontrol Act of 1947, amendment.* AN ACT To continue for a temporary period certain powers, authority, and discretion conferred on the President by the Second Decontrol Act of 1947, and for other purposes	June 4, 1948	342
607	*Volunteer firemen, commemorative stamp.* JOINT RESOLUTION To provide for the issuance of a special postage stamp series in honor of volunteer firemen	June 4, 1948	343
608	*Fort Kearney, Nebr., commemorative stamp.* JOINT RESOLUTION To authorize the issuance of a special series of stamps commemorative of the one hundredth anniversary of the founding of Fort Kearney in the State of Nebraska	June 4, 1948	343
609	*New York City, commemorative stamp.* JOINT RESOLUTION To authorize the issuance of a stamp commemorative of the golden anniversary of the consolidation of the Boroughs of Manhattan, Bronx, Brooklyn, Queens, and Richmond, which boroughs now comprise New York City	June 4, 1948	343
610	*Meat inspection.* AN ACT Relating to the meat-inspection service of the Department of Agriculture	June 5, 1948	344
611	*National Archives.* AN ACT To amend section 10 of the Act establishing a National Archives of the United States Government	June 8, 1948	344
612	*Tariff Act of 1930, amendment.* AN ACT To amend paragraph 813 of the Tariff Act of 1930	June 8, 1948	344
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614	*International Industrial Exposition, Inc., Atlantic City, N. J.* JOINT RESOLUTION To permit articles imported from foreign countries for the purpose of exhibition at the International Industrial Exposition, Incorporated, Atlantic City, New Jersey, to be admitted without payment of tariff, and for other purposes	June 8, 1948	345
615	*Sexual psychopaths, D. C.* AN ACT To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes	June 9, 1948	346
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617	*Civil Service Act, amendment.* AN ACT To amend the Civil Service Act to remove certain discrimination with respect to the appointment of persons having any physical handicap to positions in the classified civil service	June 10, 1948	351
618	*Chesapeake and Ohio Canal, parkway study.* AN ACT To authorize the Secretary of the Interior to have made by the Public Roads Administration and the National Park Service a joint reconnaissance survey of the Chesapeake and Ohio Canal between Great Falls, Maryland, and Cumberland, Maryland, and to report to the Congress upon the advisability and practicability of constructing thereon a parkway, and for other purposes	June 10, 1948	351
619	*Fort Story, Va.* AN ACT To provide for the disposal of surplus sand at Fort Story, Virginia	June 10, 1948	352
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623	*Civil service, certain salaries.* AN ACT To provide for payment of salaries covering periods of separation from the Government service in the case of persons improperly removed from such service	June 10, 1948	354
624	*Emergency housing, Oreg. and Wash.* JOINT RESOLUTION To amend section 303 of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes"	June 11, 1948	356
625	*Women's Armed Services Integration Act of 1948.* AN ACT To establish the Women's Army Corps in the Regular Army, to authorize the enlistment and appointment of women in the Regular Air Force, Regular Navy and Marine Corps, and in the Reserve components of the Army, Navy, Air Force, and Marine Corps, and for other purposes	June 12, 1948	356
626	*Army and Air Force, construction at military installations.* AN ACT To authorize the Secretary of the Army and the Secretary of the Air Force to proceed with construction at military installations, and for other purposes	June 12, 1948	375
627	*Highland Falls, N. Y., water-filtration plant.* AN ACT To authorize the payment of a lump sum, in the amount of $85,000, to the village of Highland Falls, New York, as a contribution toward the cost of construction of a water-filtration plant, and for other purposes	June 12, 1948	381
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630	*Tariff Act of 1930, amendment.* AN ACT To amend paragraph 1772 of the Tariff Act of 1930, as amended	June 12, 1948	383
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632	*Richmond County, N. Y., railroad right-of-way.* AN ACT To amend an Act of Congress approved February 9, 1881, which granted a right-of-way for railroad purposes through certain lands of the United States in Richmond County, New York	June 12, 1948	385
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635	*Revenue Act of 1942, amendment.* JOINT RESOLUTION To extend the time for the release, free of estate and gift tax, of powers of appointment, and for other purposes	June 12, 1948	387
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637	*Port Chicago, Calif., claims.* AN ACT To provide a method of paying certain unsettled claims for damages sustained as a result of the explosions at Port Chicago, California, on July 17, 1944, in the amounts found to be due by the Secretary of the Navy	June 14, 1948	389
638	*Hawaiian Homes Commission Act, 1920, amendments.* AN ACT To amend sections 207, 213, 215, 216, 220, 222, and 225, of title 2 of the Hawaiian Homes Commission Act, 1920, as amended	June 14, 1948	390

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640	*Treasury and Post Office Departments Appropriation Act, 1949.* AN ACT Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1949, and for other purposes	June 14, 1948	408
641	*Legislative Branch Appropriation Act, 1949.* AN ACT Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1949, and for other purposes	June 14, 1948	423
642	*Social-Security coverage.* JOINT RESOLUTION To maintain the status quo in respect of certain employment taxes and social-security benefits pending action by Congress on extended social-security coverage	June 14, 1948	438
643	*World Health Organization.* JOINT RESOLUTION Providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor	June 14, 1948	441
644	*Preston Bench project, Idaho.* AN ACT To authorize the Secretary of the Interior to construct the Preston Bench project, Idaho, in accordance with the Federal reclamation laws	June 15, 1948	442
645	*Golden Nematode Act.* AN ACT To provide for the protection of potato and tomato production from the golden nematode, and for other purposes	June 15, 1948	442
646	*Supplemental Federal Security Agency Appropriation Act, 1949.* AN ACT Making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes	June 16, 1948	443
647	*International Aviation Facilities Act.* AN ACT To encourage the development of an international air-transportation system adapted to the needs of the foreign commerce of the United States, of the postal service, and of the national defense, and for other purposes	June 16, 1948	450
648	*William Allen White, commemorative stamp.* JOINT RESOLUTION To authorize the issuance of a stamp commemorative of William Allen White, whose literary genius made such a great contribution in the field of American literature	June 16, 1948	455
649	*Nome, Alaska.* AN ACT To provide for the construction of shore protective works at the town of Nome, Alaska	June 16, 1948	455
650	*Caribou National Forest, Idaho.* AN ACT To authorize the revision of the boundaries of the Caribou National Forest in the State of Idaho	June 16, 1948	455
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652	*Surplus athletic equipment.* AN ACT To aid the associations, groups, organizations, and institutions encouraging participation of the youth of the country in athletic and sports programs by making surplus athletic equipment available to such associations, groups, organizations, and institutions, and for other purposes	June 16, 1948	458
653	*Navy, public works.* AN ACT To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes	June 16, 1948	459
654	*Bridges, Chesapeake Bay and Patapsco River.* AN ACT Supplementing the Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938	June 16, 1948	463
655	*National Heart Act.* AN ACT To amend the Public Health Service Act to support research and training in diseases of the heart and circulation, and to aid the States in the development of community programs for the control of these diseases, and for other purposes	June 16, 1948	464
656	*Civil Aeronautics Act of 1938, amendment.* AN ACT To amend the Civil Aeronautics Act of 1938, as amended, by limiting the liability of certain persons not in possession of aircraft	June 16, 1948	470
657	*Thunderstorms, etc., study of.* AN ACT To provide safety in aviation and to direct a study of the causes and characteristics of thunderstorms and other atmospheric disturbances	June 16, 1948	470

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658	*Bridge, Mystic River.* AN ACT To authorize the Secretary of the Navy to convey to the Mystic River Bridge Authority, an instrumentality of the Commonwealth of Massachusetts, an easement for the construction and operation of bridge approaches over and across lands comprising a part of the United States Naval Hospital, Chelsea, Massachusetts	June 16, 1948	471
659	*Virginia, public-highway easement.* AN ACT To authorize the Secretary of the Navy to convey to the Commonwealth of Virginia a right-of-way for public-highway purposes in certain lands at Pungo, Virginia	June 16, 1948	471
660	*Veterans' Administration, travel expenses.* AN ACT To amend Public Law Numbered 432, Seventy-sixth Congress, to include an allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for vocational-rehabilitation purposes	June 16, 1948	471
661	*Servicemen's Readjustment Act of 1944, amendment.* AN ACT To extend for one year certain provisions of section 100 of the Servicemen's Readjustment Act of 1944, as amended, relating to the authority of the Administrator of Veterans' Affairs to enter into leases for periods not exceeding five years	June 16, 1948	472
662	*Interstate Commerce Act, amendment.* AN ACT To amend the Interstate Commerce Act with respect to certain agreements between carriers	June 17, 1948	472
663	*Dade Monument.* AN ACT Authorizing the Secretary of the Army to have prepared a replica of the Dade Monument for presentation to the State of Florida	June 17, 1948	474
664	*Postal accounts, reimbursement for certain shortages.* AN ACT To amend section 3 of the Act of August 24, 1912 (37 Stat. 554), as amended, so as to provide reimbursement to the Post Office Department by the Navy Department for shortages in postal accounts occurring while commissioned officers of the Navy and Marine Corps are designated custodians of postal effects	June 17, 1948	474
665	*Suspension of annual assessment work on mining claims.* AN ACT Providing for the suspension of annual assessment work on mining claims held by location in the United States	June 17, 1948	475
666	*Pinellas County, Fla., conveyance.* AN ACT To provide for the conveyance to Pinellas County, State of Florida, of certain public lands herein described	June 17, 1948	475
667	*Patents for public lands.* AN ACT To revise the method of issuing patents for public lands	June 17, 1948	476
668	*Secretary of the Navy, discretionary powers.* AN ACT To amend certain provisions of law relating to the naval service so as to authorize the delegation to the Secretary of the Navy of certain discretionary powers vested in the President of the United States	June 17, 1948	476
669	*Postal service, star routes.* AN ACT To provide for the carrying of mail on star routes, and for other purposes	June 19, 1948	477
670	*National Defense Act, amendment.* AN ACT To further amend the thirteenth paragraph of section 127a of the National Defense Act, as amended	June 19, 1948	477
671	*Census of manufacturers, etc.* AN ACT To provide for the collection and publication of statistical information by the Bureau of the Census	June 19, 1948	478
672	*Investments by life insurance companies, D. C.* AN ACT To amend section 35 of chapter III of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", as amended, and to repeal section 36 of said chapter III of said Act, as amended, so as to permit certain additional investments	June 19, 1948	480
673	*U. S. marshals, etc., mileage allowance.* AN ACT To authorize a mileage allowance of 7 cents per mile for United States marshals and their deputies for travel on official business	June 19, 1948	484
674	*Postal Service, credit for certain service.* AN ACT To credit certain service performed by employees of the postal service who are transferred from one position to another within the service for purposes of determining eligibility for promotion	June 19, 1948	484
675	*Navy, training of officers.* AN ACT To amend the Act entitled "An Act to provide for the training of officers for the naval service, and for other purposes", approved August 13, 1946, as amended	June 19, 1948	485

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676	*D. C. Code, amendments.* AN ACT To amend sections 1301 and 1303 of the Code of Law for the District of Columbia, relating to liability for causing death by wrongful act	June 19, 1948	487
677	*D. C. Code, amendments.* AN ACT To amend sections 235 and 327 of the Code of Laws for the District of Columbia	June 19, 1948	487
678	*National Guard and Reserve forces, care and treatment.* AN ACT To amend the Act entitled "An Act to make provision for the care and treatment of members of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and Citizens' Military Training Camps who are injured or contract diseases while engaged in military training, and for other purposes", approved June 15, 1936, as amended, and for other purposes	June 19, 1948	488
679	*U. S. property and disbursing officers, credit in accounts.* AN ACT To authorize credit in certain accounts of United States property and disbursing officers under the War Department, and for other purposes	June 19, 1948	488
680	*Army and Air Force personnel, disabled.* AN ACT To provide for retention in the service of certain disabled Army and Air Force personnel, and for other purposes	June 19, 1948	489
681	*Air Force, longevity pay.* AN ACT To amend the Act of Congress entitled "An Act to credit certain service performed by members of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service prior to reaching eighteen years of age for the purpose of computing longevity pay, or for other pay purposes", approved March 6, 1946	June 19, 1948	489
682	*Camp Phillips, Kans., transfer of lands.* AN ACT To transfer certain lands at Camp Phillips, Kansas, to the Department of the Army	June 19, 1948	490
683	*Army disbursing officers, supervision.* AN ACT To repeal section 1 of the Act of April 20, 1874, prescribing regulations governing inquiries to be made in connection with disbursements made by disbursing officers of the Army (18 Stat. 33; 10 U. S. C. 174)	June 19, 1948	490
684	*Postal Service, promotions.* AN ACT To amend the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, so as to provide promotions for temporary employees of the custodial service	June 19, 1948	490
685	*Wadsworth, Nev., restoration of lands.* AN ACT To restore certain lands to the town site of Wadsworth, Nevada	June 19, 1948	491
686	*Pierre, S. Dak., conveyance.* AN ACT To convey certain land to the city of Pierre, South Dakota	June 19, 1948	491
687	*Railway postal clerks, etc., travel allowance.* AN ACT To increase the maximum travel allowance for railway postal clerks and substitute railway postal clerks	June 19, 1948	491
688	*Great Lakes, Ill., recreational park.* AN ACT To authorize the the Army and Navy Union, United States of America, Department of Illinois, to construct a recreational park on the grounds of the United States naval hospital, United States naval training center, Great Lakes, Illinois	June 19, 1948	492
689	*Defense housing, sale to veterans.* AN ACT To amend the Lanham Act so as to permit the sale of certain permanent war housing thereunder to veterans at a purchase price not in excess of the cost of construction	June 19, 1948	492
690	*Naval vessels, work stoppage.* AN ACT To authorize the President, in his discretion, to permit the stoppage of work on certain combatant vessels	June 19, 1948	492
691	*Fees for liens on motor vehicles, D. C.* AN ACT To amend the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940, as amended	June 19, 1948	493
692	*Civil Aeronautics Act of 1938, amendments.* AN ACT To amend the Civil Aeronautics Act of 1938, as amended, to make further provision for the recording of title to, interests in, and encumbrances upon certain aircraft, and for other purposes	June 19, 1948	493

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693	*Puerto Rico, conveyance.* AN ACT To authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to return certain lands situated in Puerto Rico, in accordance with the terms of the conveyances to the United States Government, and final judgments in certain condemnation proceedings	June 19, 1948	495
694	*Hospitals, liens for moneys due.* AN ACT To amend the Act entitled "An Act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens", approved June 30, 1939	June 19, 1948	496
695	*Admiralty jurisdiction, extension.* AN ACT For the extension of admiralty jurisdiction	June 19, 1948	496
696	*Panama Canal, recognition of civilian services.* AN ACT To amend the Act of May 29, 1944, providing for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal	June 19, 1948	497
697	*Conservation of wildlife.* AN ACT To amend the Act of March 10, 1934, entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", as amended by the Act approved August 14, 1946	June 19, 1948	497
698	*Bridge, Missouri River.* AN ACT To extend the authorized maturity date of certain bridge revenue bonds to be issued in connection with the refunding of the acquisition cost of the bridge across the Missouri River at Rulo, Nebraska	June 19, 1948	497
699	*D. C. Fire Department.* AN ACT To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes	June 19, 1948	498
700	*Army vessel Hygiene.* AN ACT To authorize and direct the Secretary of the Army to transfer to the Territory of Alaska the title to the Army vessel Hygiene	June 19, 1948	499
701	*Arkansas-Mississippi Bridge Commission.* AN ACT To increase the size of the Arkansas-Mississippi Bridge Commission, and for other purposes	June 19, 1948	499
702	*Housing, disabled veterans.* AN ACT To authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of the nature of their service-connected disabilities	June 19, 1948	500
703	*Arlington County, Va., conveyance.* AN ACT To authorize the conveyance by the Secretary of the Interior to the Richmond, Fredericksburg and Potomac Railroad Company, of certain lands lying in the bed of Roaches Run, Arlington County, Virginia, and for other purposes	June 19, 1948	501
704	*Gettysburg National Cemetery.* AN ACT To enlarge the Gettysburg National Cemetery	June 19, 1948	502
705	*Del Norte County, Calif., conveyance.* AN ACT To transfer Pelican Rock in Crescent City Harbor, Del Norte County, California, to that county	June 19, 1948	503
706	*Internal Revenue Code, amendment.* AN ACT To amend section 1700 (a) (1) of the Internal Revenue Code so as to exempt hospitalized servicemen and veterans from the admissions tax when admitted free	June 19, 1948	504
707	*Civil Service Retirement Act, amendment.* AN ACT To amend the Civil Service Retirement Act of May 29, 1930, as amended	June 19, 1948	504
708	*Puerto Rico and Hawaii, payments to sugar producers.* AN ACT To authorize Commodity Credit Corporation to make adjustment payments to certain producers of raw cane sugar in Puerto Rico and Hawaii	June 19, 1948	504
709	*Navy and Coast Guard, checkage of retired pay.* AN ACT To prevent retroactive checkage of retired pay in the cases of certain enlisted men and warrant officers appointed or advanced to commissioned rank or grade under the Act of July 24, 1941 (55 Stat. 603), as amended, and for other purposes	June 19, 1948	505
710	*Armed Forces Leave Act of 1946, amendments.* AN ACT To amend further the Armed Forces Leave Act of 1946, as amended, to permit certain payments to be made to surviving brothers and sisters, and nieces and nephews, of deceased members and former members of the armed forces	June 19, 1948	506
711	*D. C. nursery schools, etc.* AN ACT To continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children of the District of Columbia	June 19, 1948	507

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712	*Department of Agriculture Appropriation Act, 1949.* AN ACT Making appropriations for the Department of Agriculture (exclusive of the Farm Credit Administration) for the fiscal year ending June 30, 1949, and for other purposes	June 19, 1948	507
713	*Public Health Service Act, amendment.* AN ACT To extend the provisions of title VI of the Public Health Service Act to the Virgin Islands	June 19, 1948	531
714	*Choctaw Coal and Railway Company, repeal of Act of incorporation.* AN ACT To repeal an Act approved August 24, 1894, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company", and all Acts amendatory thereof and supplemental thereto	June 19, 1948	532
715	*Fort Vancouver National Monument, Wash.* AN ACT To provide for the establishment of the Fort Vancouver National Monument, in the State of Washington, to include the site of the old Hudson's Bay Company stockade, and for other purposes	June 19, 1948	532
716	*Army-Navy Medical Services Corps Act of 1947, amendment.* AN ACT To amend section 202 of title II of the Army-Navy Medical Services Corps Act of 1947, as amended, to remove the present restriction on appointments to the Navy Medical Service Corps	June 19, 1948	533
717	*Grazing lands.* AN ACT To provide for the acquisition of lands for grazing and related purposes	June 19, 1948	533
718	*Canadian fishing vessels, use of Alaskan ports.* AN ACT To permit the landing of halibut by Canadian fishing vessels to Alaskan ports, and for other purposes	June 19, 1948	533
719	*Langlade County, Wis., conveyance.* AN ACT To transfer certain land in Langlade County, Wisconsin, to the United States Forest Service	June 19, 1948	534
720	*Farm Tenant Act, amendments.* AN ACT To amend title I of the Bankhead-Jones Farm Tenant Act, as amended, so as to increase the interest rate on title I loans, to provide for the redemption of nondelinquent insured mortgages, to authorize advances for the preservation and protection of the insured loan security, and for other purposes	June 19, 1948	534
721	*Hawaii, extension of leases of certain land.* AN ACT To authorize the extension of leases of certain land in the Territory of Hawaii	June 19, 1948	536
722	*Veterans' Administration, establishment of internships.* AN ACT To authorize the establishment of internships in the Department of Medicine and Surgery of the Veterans' Administration	June 19, 1948	536
723	*Public Health Service Act, amendment.* AN ACT To amend the provisions of title VI of the Public Health Service Act relating to standards of maintenance and operation for hospitals receiving aid under that title	June 19, 1948	536
724	*D. C. Appropriation Act, 1949.* AN ACT Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1949, and for other purposes	June 19, 1948	537
725	*Lead, import duties.* AN ACT To provide for the temporary free importation of lead	June 19, 1948	559
726	*California, land conveyance.* AN ACT To authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California	June 19, 1948	559
727	*Supplemental Treasury and Post Office Departments Appropriation Act, 1949.* AN ACT Making supplemental appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1949, and for other purposes	June 19, 1948	560
728	*D. C. Motor Vehicle Parking Facility Act of 1942, amendment.* AN ACT To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942	June 19, 1948	565
729	*Veterans' Administration, prosthetic appliances.* AN ACT To aid in the development of improved prosthetic appliances, and for other purposes	June 19, 1948	566

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730	*Macon, Ga., jurisdiction of Court to hear claims.* AN ACT To confer jurisdiction upon the District Court of the United States for the Middle District of Georgia to hear, determine, and render judgment on the claims of the owners of the fee-simple titles and leasehold interests in lands leased to the United States by the city of Macon, Georgia, for use as a part of the site of Camp Wheeler, Georgia	June 19, 1948	566
731	*Dedication of Palomar Mountain Observatory, commemorative stamp.* AN ACT To provide for the issuance of a special postage stamp in commemoration of the dedication of the Palomar Mountain Observatory	June 21, 1948	567
732	*School District 55, Roosevelt County, Mont., conveyance.* AN ACT To authorize the Secretary of the Interior to convey certain lands in the State of Montana to School District 55, Roosevelt County, Montana	June 21, 1948	567
733	*Superior National Forest, Minn.* AN ACT To safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes	June 22, 1948	568
734	*Saratoga National Historical Park, N. Y.* AN ACT To establish the Saratoga National Historical Park, in the State of New York, from the lands that have been acquired by the Federal Government for that purpose pursuant to the Act of June 1, 1938 (52 Stat. 608), and for other purposes	June 22, 1948	570
735	*Alaska, mining claims.* AN ACT To provide for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska	June 22, 1948	571
736	*Chopawamsic Park, Va.* AN ACT To authorize the transfer of certain Federal lands within the Chopawamsic Park to the Secretary of the Navy, the addition of lands surplus to the Department of the Army to this park, the acquisition of additional lands needed to round out the boundaries of this park, to change the name of said park to Prince William Forest Park, and for other purposes	June 22, 1948	571
737	*St. Elizabeths Hospital, D. C.* AN ACT To provide for the voluntary admission and treatment of mental patients at Saint Elizabeths Hospital	June 22, 1948	572
738	*Coast Guard.* AN ACT To authorize the Coast Guard to operate and maintain ocean stations	June 22, 1948	574
739	*Postal service, certain seniority rights.* AN ACT To preserve seniority rights of ten-point preference eligibles in the postal service transferring from the position of letter carrier to clerk or from the position of clerk to letter carrier	June 22, 1948	574
740	*Railway postal clerks.* AN ACT Relating to the compensation of certain railway postal clerks	June 22, 1948	575
741	*Veterans' Preference Act of 1944, amendment.* AN ACT To amend section 19 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387), and for other purposes	June 22, 1948	575
742	*Oklahoma, public lands.* AN ACT To extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma	June 22, 1948	576
743	*Postal service, delivery of certain mails.* AN ACT Requiring all mails consigned to an airport from a post office or branch, or from an airport to a post office or branch, within a radius of thirty-five miles of a city in which there has been established a Government-owned vehicle service to be delivered by Government-owned motor vehicles	June 23, 1948	576
744	*Railroad Retirement Act of 1937 and Railroad Unemployment Insurance Act, amendments.* AN ACT To amend the Railroad Retirement Act of 1937, as amended, and the Railroad Unemployment Insurance Act, as amended, and for other purposes	June 23, 1948	576
745	*D. C. Code, amendment.* AN ACT To amend section 1064 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, relating to admissibility of testimony by a party to a transaction when the other party is incapable of testifying	June 24, 1948	579
746	*Organic Act of Puerto Rico, amendments.* AN ACT Relating to salaries of certain officers and employees of the United States and certain officers and employees of Puerto Rico	June 24, 1948	579

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747	*Harney National Forest, S. Dak.* AN ACT To permit, subject to certain conditions, mining locations under the mining laws of the United States within that portion of the Harney National Forest, designated as a game sanctuary, and for other purposes	June 24, 1948	580
748	*Veterans Regulations, amendments.* AN ACT To amend Veterans Regulation Numbered 1 (a), parts I and II, as amended, to establish a presumption of service connection for chronic and tropical diseases	June 24, 1948	581
749	*Federal Food, Drug, and Cosmetic Act, amendments.* AN ACT To amend sections 301 (k) and 304 (a) of the Federal Food, Drug, and Cosmetic Act, as amended	June 24, 1948	582
750	*Tariff Act of 1930, amendment.* AN ACT To amend the Tariff Act of 1930 to provide for the free importation of limestone to be used in the manufacture of fertilizer	June 24, 1948	583
751	*Fort Des Moines Veterans' Village, Iowa.* AN ACT To confer jurisdiction over the Fort Des Moines Veterans' Village upon the State of Iowa	June 24, 1948	583
752	*Naval Academy, Filipinos.* AN ACT To authorize the course of instruction at the United States Naval Academy to be given to not exceeding four persons at a time from the Republic of the Philippines	June 24, 1948	583
753	*Department of the Navy Appropriation Act, 1949.* AN ACT Making appropriations for the Department of the Navy and the naval service for the fiscal year ending June 30, 1949, and for other purposes	June 24, 1948	584
754	*Choctaw and Chickasaw Nations of Indians.* JOINT RESOLUTION Providing for the ratification by Congress of a contract for the purchase of certain lands and mineral deposits by the United States from the Choctaw and Chickasaw Nations of Indians	June 24, 1948	596
755	*National Dental Research Act.* AN ACT To amend the Public Health Service Act to provide for, foster, and aid in coordinating research relating to dental diseases and conditions, and for other purposes	June 24, 1948	598
756	*Interstate Commerce Act, amendment.* AN ACT To amend the Interstate Commerce Act so as to permit the issuance of free passes to time inspectors of carriers subject to part I of such Act	June 24, 1948	602
757	*Longshoremen's and Harbor Workers' Compensation Act, amendments.* AN ACT To increase certain benefits payable under the Longshoremen's and Harbor Workers' Compensation Act	June 24, 1948	602
758	*National Military Establishment, professional and scientific service.* AN ACT To amend the Act of August 1, 1947, to clarify the position of the Secretary of the Air Force with respect to such Act, and to authorize the Secretary of Defense to establish six additional positions in the professional and scientific service, and for other purposes	June 24, 1948	604
759	*Selective Service Act of 1948.* AN ACT To provide for the common defense by increasing the strength of the armed forces of the United States, including the reserve components thereof, and for other purposes	June 24, 1948	604
760	*Lafayette Building, Washington, D. C.* AN ACT To authorize the Federal Works Administrator to lease for commercial purposes certain space in the building located at 811 Vermont Avenue Northwest, Washington, District of Columbia, commonly known as the Lafayette Building	June 24, 1948	644
761	*Lighthouse Service.* AN ACT To further perfect the consolidation of the Lighthouse Service with the Coast Guard	June 24, 1948	644
762	*Spanish-American War veterans, pensions for widows.* AN ACT To provide pensions for certain widows of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection	June 24, 1948	645
763	*Marine Band.* AN ACT To authorize the attendance of the United States Marine Corps Band at the national assembly of the Marine Corps League to be held at Milwaukee, Wisconsin, September 22 to September 25, inclusive, 1948	June 24, 1948	645
764	*Chickamauga and Chattanooga National Military Park.* AN ACT To provide for the addition of certain surplus Government lands to the Chickamauga and Chattanooga National Military Park, in the States of Georgia and Tennessee, and for other purposes	June 24, 1948	646

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765	*Standard Time Act of 1918, amendment.* AN ACT To amend section 3 of the Standard Time Act of March 19, 1918, as amended, relating to the placing of a certain portion of the State of Idaho in the third time zone	June 24, 1948	646
766	*Military Functions Appropriation Act, 1949.* AN ACT Making appropriations for military functions administered by the National Military Establishment for the fiscal year ending June 30, 1949, and for other purposes	June 24, 1948	647
767	*Assistant Secretaries of State.* AN ACT To continue the authorization for the appointment of two additional Assistant Secretaries of State	June 24, 1948	670
768	*Civil Service Retirement Act of 1930, amendment.* AN ACT To amend the Civil Service Retirement Act of May 29, 1930, to provide annuities for certain surviving spouses of annuitants retired prior to April 1, 1948	June 25, 1948	670
769	*Customs duties, free entry for certain articles.* JOINT RESOLUTION Permitting the free entry of certain articles imported to promote international good will, and for other purposes	June 25, 1948	671
770	*Contracts for petroleum products.* AN ACT To ratify and confirm amendments to certain contracts for the furnishing of petroleum products to the United States	June 25, 1948	671
771	*U. S. Code, title 3.* AN ACT To codify and enact into law Title 3 of the United States Code, entitled "The President"	June 25, 1948	672
772	*U. S. Code, title 18.* AN ACT To revise, codify, and enact into positive law, Title 18 of the United States Code, entitled "Crimes and Criminal Procedure"	June 25, 1948	683
773	*U. S. Code, title 28.* AN ACT To revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary"	June 25, 1948	869
774	*Displaced Persons Act of 1948.* AN ACT To authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes	June 25, 1948	1009
775	*Judge Advocate General, U. S. Air Force.* AN ACT To provide for the administration of military justice within the United States Air Force, and for other purposes	June 25, 1948	1014
776	*Organic Act of Puerto Rico, amendment.* AN ACT To amend the Organic Act of Puerto Rico	June 25, 1948	1015
777	*Army, rank of Assistant to Chief of Engineers.* AN ACT To fix the rank of the Assistant to the Chief of Engineers in charge of river and harbor and flood-control improvements	June 25, 1948	1015
778	*Commodore John Barry, statue.* JOINT RESOLUTION To increase the sum authorized to be appropriated for the presentation to Eire of a statue of Commodore John Barry	June 25, 1948	1015
779	*U. S. courts, jurors' fees, etc.* AN ACT Relating to the payment of fees, expenses, and costs of jurors	June 25, 1948	1016
780	*U. S. courts, probation system.* AN ACT To amend section 2 of an Act, entitled "An Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia", approved March 4, 1925, as amended (18 U. S. C. 725)	June 25, 1948	1016
781	*Public Health Service Act, amendments.* AN ACT To amend the Public Health Service Act to permit certain expenditures, and for other purposes	June 25, 1948	1017
782	*Civil Functions Appropriation Act, 1949.* AN ACT Making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes	June 25, 1948	1019
783	*Nationality Act of 1940, amendment.* AN ACT To amend section 332 (a) of the Nationality Act of 1940	June 25, 1948	1026
784	*National Archives, fees.* AN ACT To amend the Act of June 19, 1934, providing for the establishment of the National Archives, so as to provide that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives	June 25, 1948	1026
785	*Second Deficiency Appropriation Act, 1948.* AN ACT Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes	June 25, 1948	1027
786	*Coast Guard.* AN ACT To authorize the Coast Guard to establish, maintain, and operate aids to navigation	June 26, 1948	1050

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787	*Navigation laws, amendment.* AN ACT To amend section 5 of the Act entitled "An Act to amend the laws relating to navigation, and for other purposes."	June 26, 1948	1051
788	*Statue of Gen. Jose Gervasio Artigas.* AN ACT To provide for the acceptance on behalf of the United States of a statue of General Jose Gervasio Artigas, and for other purposes	June 26, 1948	1051
789	*Cannon's Procedure in the House of Representatives.* JOINT RESOLUTION Authorizing the printing and binding of Cannon's Procedure in the House of Representatives and providing that the same shall be subject to copyright by the author	June 26, 1948	1052
790	*Bureau of Reclamation, emergency fund.* AN ACT To authorize an emergency fund for the Bureau of Reclamation to assure the continuous operation of its irrigation and power systems	June 26, 1948	1052
791	*Regular Army and Regular Air Force, appointments.* AN ACT To authorize the permanent appointment in the Regular Army of one officer in the grade of general and to authorize the permanent appointment in the Regular Air Force of one officer in the grade of general, and for other purposes	June 26, 1948	1052
792	*Trade Agreements Extension Act of 1948.* AN ACT To extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, and for other purposes	June 26, 1948	1053
793	*Foreign Aid Appropriation Act, 1949.* AN ACT Making appropriations for foreign aid, and for other purposes	June 28, 1948	1054
794	*Pan American Railway Congress.* JOINT RESOLUTION Providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor	June 28, 1948	1060
795	*Independence National Historical Park, Philadelphia, Pa.* AN ACT To provide for the establishment of the Independence National Historical Park, and for other purposes	June 28, 1948	1061
796	*Defense housing.* AN ACT To amend the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended	June 28, 1948	1062
797	*Washington County, Ark., conveyance.* AN ACT To authorize the Administrator of Veterans' Affairs to convey a certain tract of land in the State of Arkansas to Washington County, Arkansas	June 28, 1948	1065
798	*Department of State, consular functions for German nationals.* AN ACT To authorize the Secretary of State to perform certain consular-type functions within the United States and its Territories and possessions	June 28, 1948	1065
799	*Bridge, Rio Grande.* AN ACT Authorizing the Hidalgo Bridge Company, its heirs, legal representatives, and assigns, to construct, maintain, and operate a railroad toll bridge across the Rio Grande, at or near Hidalgo, Texas	June 28, 1948	1066
800	*Barbers, D. C.* AN ACT To amend section 11 of an Act entitled "An Act to regulate barbers in the District of Columbia, and for other purposes."	June 28, 1948	1067
801	*Vessels of Canadian registry.* AN ACT To amend the Act of July 30, 1947, permitting vessels of Canadian registry to transport certain merchandise between Hyder, Alaska, and points in the continental United States	June 28, 1948	1067
802	*Veterans of World War II, benefits.* AN ACT To provide further benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States, and who, due to service-connected disabilities, are unable to perform the duties of the positions for which examinations were taken	June 28, 1948	1068
803	*Johnson City, Tenn., conveyance.* AN ACT To authorize the Administrator of Veterans' Affairs to convey certain land in Tennessee to the city of Johnson City	June 28, 1948	1068
804	*Officer Personnel Act of 1947, amendment.* AN ACT To amend the Officer Personnel Act of 1947 (Public Law 381, Eightieth Congress), and for other purposes	June 28, 1948	1069
805	*Department of Agriculture Organic Act of 1944, amendment.* AN ACT To amend section 502 (a) of the Department of Agriculture Organic Act of 1944	June 29, 1948	1070
806	*Commodity Credit Corporation Charter Act.* AN ACT To provide a Federal charter for the Commodity Credit Corporation	June 29, 1948	1070

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807	*Alexandria, Va., commemorative stamp.* AN ACT To authorize the issuance of a stamp commemorative of the two-hundredth anniversary of the founding of the city of Alexandria, Virginia	June 29, 1948	1075
808	*Canal Zone Code, amendment.* AN ACT To amend the Canal Zone Code for the purpose of incorporating the Panama Railroad Company	June 29, 1948	1075
809	*Lincoln's Gettysburg Address, commemorative stamp.* JOINT RESOLUTION To authorize the issuance of a special series of stamps commemorative of the eighty-fifth anniversary of Lincoln's Gettysburg Address	June 29, 1948	1080
810	*Army and Air Force Vitalization and Retirement Equalization Act of 1948.* AN ACT To provide for the elimination of Regular Army and Regular Air Force officers and for the retirement of officers, warrant officers, and enlisted men of the Regular Army and the Regular Air Force, and to provide retirement benefits for members of the Reserve components of the Army of the United States, the Air Force of the United States, United States Navy and Marine Corps, and Coast Guard	June 29, 1948	1081
811	*Moina Michael, commemorative stamp.* AN ACT To authorize the issuance of a special series of stamps in honor and commemoration of Moina Michael, originator of Flanders Field memorial poppy idea	June 29, 1948	1091
812	*Rough Riders, commemorative stamp.* JOINT RESOLUTION Authorizing the issuance of a special series of stamps commemorative of the fiftieth anniversary of the organization of the Rough Riders (First Volunteer United States Cavalry) of the Spanish-American War	June 29, 1948	1091
813	*Federal Credit Union Act, transfer of administration.* AN ACT To transfer administration of the Federal Credit Union Act to the Federal Security Agency	June 29, 1948	1091
814	*Potholes Dam, change of name.* JOINT RESOLUTION To change the name of the Potholes Dam in the Columbia Basin project to O'Sullivan Dam	June 29, 1948	1092
815	*Civil Aeronautics Act of 1938, amendment.* AN ACT To provide for the training of air-traffic control-tower operators	June 29, 1948	1093
816	*Board of Visitors, Naval Academy and Military Academy.* AN ACT To provide for a Board of Visitors to the United States Naval Academy and for a Board of Visitors to the United States Military Academy, and for other purposes	June 29, 1948	1094
817	*Arming of American vessels.* AN ACT Relating to the arming of American vessels	June 29, 1948	1095
818	*Importation of foreign wild animals and birds.* AN ACT To prohibit the importation of foreign wild animals and birds under conditions other than humane, and for other purposes	June 29, 1948	1096
819	*Air parcel-post service.* AN ACT To provide for an air parcel-post service, and for other purposes	June 29, 1948	1097
820	*Army, revolving fund.* AN ACT To provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold	June 29, 1948	1098
821	*Federal Prison Industries, Inc.* AN ACT Authorizing the extension of the functions and duties of Federal Prison Industries, Incorporated, to military disciplinary barracks	June 29, 1948	1100
822	*University of Minnesota, conveyance.* AN ACT To authorize the Secretary of the Interior to convey a certain parcel of land in Saint Louis County, Minnesota, to the University of Minnesota	June 29, 1948	1100
823	*Army, transfer of horses and equipment.* AN ACT To authorize the transfer of horses and equipment owned by the United States Army to the New Mexico Military Institute, a State institution, and for other purposes	June 29, 1948	1101
824	*Tin-smelting industry.* AN ACT To extend for two years the authority to provide for the maintenance of a domestic tin-smelting industry	June 29, 1948	1101
825	*Reconstruction Finance Corporation Act, amendment.* AN ACT To amend the Reconstruction Finance Corporation Act, as amended	June 29, 1948	1101
826	*Parking lots, D. C.* JOINT RESOLUTION To authorize and direct the Commissioners of the District of Columbia to investigate and study certain matters relating to parking lots in the District of Columbia	June 29, 1948	1102

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827	*Theodore Roosevelt National Memorial Park.* JOINT RESOLUTION Correcting Act establishing the Theodore Roosevelt National Memorial Park, as amended	June 29, 1948	1102
828	*Internal revenue, claims for war losses.* JOINT RESOLUTION Providing an extension of time for claiming credit or refund with respect to war losses	June 29, 1948	1102
829	*Surplus Property Act of 1944, amendment.* AN ACT To amend section 13 (a) of the Surplus Property Act of 1944, as amended	June 29, 1948	1103
830	*Public Health Service Act, amendment.* AN ACT To amend section 624 of the Public Health Service Act so as to provide a minimum allotment of $100,000 to each State for the construction of hospitals	June 29, 1948	1103
831	*Cheyenne, Wyo., conveyance.* AN ACT To authorize the Administrator of Veterans' Affairs to convey to the city of Cheyenne, Wyoming, for public-park and golf-course purposes, certain land situated within the boundaries of the Veterans' Administration center at Cheyenne, Wyoming	June 29, 1948	1104
832	*Los Angeles, Calif., post-office facilities.* AN ACT To provide for the extension and improvement of post-office facilities at Los Angeles, California, and for other purposes	June 29, 1948	1104
833	*Oklahoma, land conveyance.* AN ACT To direct the Secretary of Agriculture to convey certain land to the State of Oklahoma	June 29, 1948	1104
834	*Federal-Aid Highway Act of 1948.* AN ACT To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes	June 29, 1948	1105
835	*Bureau of Reclamation, payments to school districts.* AN ACT To authorize appropriations for the Bureau of Reclamation for payments to school districts on certain projects during their construction status	June 29, 1948	1108
836	*Postmasters.* AN ACT To amend the Act of July 6, 1945 (Public Law 134)	June 29, 1948	1108
837	*D. C. Appropriation Act, 1903, amendment.* AN ACT To amend section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended	June 29, 1948	1108
838	*National Service Life Insurance Act of 1940, amendment.* AN ACT To amend subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended, to authorize renewal of level premium term insurance for a second five-year period, and for other purposes	June 29, 1948	1109
839	*Federal Works Agency, assistance to school agencies.* AN ACT To provide assistance to certain local school agencies overburdened with war-incurred, or postwar national-defense-incurred, enrollments	June 29, 1948	1110
840	*Federal Airport Act, amendment.* AN ACT To amend the Federal Airport Act	June 29, 1948	1111
841	*Interior Department Appropriation Act, 1949.* AN ACT Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1949, and for other purposes	June 29, 1948	1112
842	*National Freedom Day.* JOINT RESOLUTION Requesting the President to proclaim February 1 as National Freedom Day	June 30, 1948	1150
843	*International Labor Organization.* JOINT RESOLUTION Providing for acceptance by the United States of America of the Constitution of the International Labor Organization Instrument of Amendment, and further authorizing an appropriation for payment of the United States share of the expenses of membership and for expenses of participation by the United States	June 30, 1948	1151
844	*Interstate compact, Mich., Minn., and Wis.* JOINT RESOLUTION Consenting to an interstate boundary compact by and between the States of Michigan, Minnesota, and Wisconsin	June 30, 1948	1152
845	*Water Pollution Control Act.* AN ACT To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes	June 30, 1948	1155
846	*Sac and Fox Indian Reservation, Iowa.* AN ACT To confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation	June 30, 1948	1161

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897	*Agricultural Act of 1948.* AN ACT To authorize the Secretary of Agriculture to stabilize prices of agricultural commodities; to amend section 22 of the Agricultural Adjustment Act, reenacted by the Agricultural Marketing Agreement Act of 1937; and for other purposes	July 3, 1948	1247
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901	*Housing Act of 1948.* AN ACT To amend the National Housing Act, as amended, and for other purposes	Aug. 10, 1948	1268
902	*Report of Joint Committee on Labor-Management Relations.* JOINT RESOLUTION To provide for an extension of time within which the Joint Committee on Labor-Management Relations shall make its final report	Aug. 10, 1948	1286
903	*United Nations, loan agreement.* JOINT RESOLUTION To authorize the President, following appropriation of the necessary funds by the Congress, to bring into effect on the part of the United States the loan agreement of the United States of America and the United Nations signed at Lake Success, New York, March 23, 1948	Aug. 11, 1948	1286

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904	*Supplemental Appropriation Act, 1949.* JOINT RESOLUTION Making appropriations for the Housing and Home Finance Agency and the Veterans' Administration	Aug. 13, 1948	1289
905	*Inflation controls.* JOINT RESOLUTION To aid in protecting the Nation's economy against inflationary pressures	Aug. 16, 1948	1291
906	*Commission on Organization of the Executive Branch of the Government.* JOINT RESOLUTION To extend for sixty days the time within which the Commission on Organization of the Executive Branch of the Government may make a report of its findings and recommendations, and for other purposes	Dec. 31, 1948	1292

PUBLIC LAWS

PUBLIC LAWS

ENACTED DURING THE

SECOND SESSION OF THE EIGHTIETH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 6, 1948, and adjourned sine die on Friday, December 31, 1948

HARRY S. TRUMAN, President; ARTHUR H. VANDENBERG, President of the Senate *pro tempore;* JOSEPH W. MARTIN, Jr., Speaker of the House of Representatives.

[CHAPTER 1]

AN ACT

To extend veterans' preference benefits to widowed mothers of certain ex-servicemen and ex-servicewomen.

January 19, 1948
[H. R. 1426]
[Public Law 396]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Veterans' Preference Act of 1944 is amended by striking out the period at the end thereof and inserting a semicolon and the following: "(5) widowed mothers (if they have not remarried and were widows at the time of the death or disability of their ex-serviceman son or ex-servicewoman daughter)—

Veterans' Preference Act of 1944, amendments.
58 Stat. 387.
5 U. S. C. § 851.
Post, p. 1233.
Widowed mothers of deceased or disabled ex-servicemen.

"(A) of deceased ex-servicemen or ex-servicewomen who lost their lives while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or

"(B) of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen,

if said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions; and (6) a mother of a deceased ex-serviceman or ex-servicewoman who lost his or her life while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or of a service-connected permanently and totally disabled ex-serviceman or ex-servicewoman, if (A) said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions, (B) the mother was divorced or legally separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) said ex-serviceman son or ex-servicewoman daughter is the only child of said mother".

Mother of deceased or disabled ex-serviceman.

SEC. 2. Section 3 of the Veterans' Preference Act of 1944 is amended by striking out "and (3)," after the second comma in the first sentence, and inserting the following: "(3), (5) and (6),".

58 Stat. 388.
5 U. S. C. § 852; Supp. I, § 852 note.

SEC. 3. Section 10 of the Veterans' Preference Act of 1944 is amended by striking out "and (3)" and inserting "(3), (5) and (6)".

58 Stat. 390.
5 U. S. C. § 859.

Approved January 19, 1948.

[CHAPTER 2]

AN ACT

January 19, 1948
[H. R. 3146]
[Public Law 397]

To amend section 3 of the Flood Control Act approved August 28, 1937, and for other purposes.

Flood control.
50 Stat. 877.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Flood Control Act approved August 28, 1937, is amended to read as follows:

Surveys authorized.
49 Stat. 1570.
33 U. S. C. §§ 701a, 701b.

"SEC. 3. That, in order to further the declaration of policy and principles declared in sections 1 and 2 of the Flood Control Act approved June 22, 1936, and to supplement the preliminary examinations and surveys which the Secretary of War has heretofore been, or is hereafter, authorized and directed to make of waterways with a view to the control of their floods, the Secretary of Agriculture be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for run-off and water-flow retardation and soil-erosion prevention on the watersheds of said waterways, the costs thereof to be paid from appropriations heretofore or hereafter made for such purposes."

Report to Congress.
49 Stat. 1570.
33 U. S. C. §§ 701a-701f, 701h.

SEC. 2. After the Secretary of Agriculture has submitted to Congress a regular or formal report made on any examination or survey, pursuant to the Flood Control Act approved June 22, 1936, as amended and supplemented, a supplemental, additional, or review report or estimate may be made if authorized by law or by resolution of the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate.

Approved January 19, 1948.

[CHAPTER 3]

AN ACT

January 19, 1948
[H. R. 4055]
[Public Law 398]

To provide increases in the rates of pension payable to veterans of Indian wars and the dependents of such veterans.

Veterans of Indian wars.
Pension rates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all monthly rates of pension payable to veterans of the Indian wars and dependents of such veterans which are payable under any public laws administered by the Veterans' Administration are hereby increased by 20 per centum.

The increases provided by this section shall be effective from the first day of the second calendar month following the date of enactment of this Act.

Approved January 19, 1948.

[CHAPTER 16]

AN ACT

January 26, 1948
[S. 1020]
[Public Law 399]

To amend the Philippine Rehabilitation Act of 1946, as amended.

Philippine War Damage Commission employees.
60 Stat. 128.
50 U. S. C. app. § 1751 (b).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (b) of the Philippine Rehabilitation Act of 1946, as amended, is amended by inserting after the word "employees," the following: "who shall be entitled to accumulate annual leave to the maximum of ninety work days exclusive of the time actually and necessarily occupied in going to and from the continental United States and such time as may be necessarily occupied in awaiting sailing or flight,".

60 Stat. 128.
50 U. S. C. app. § 1751 (c).

SEC. 2. Subsection (c) of section 101 of such Act, as amended, is amended by inserting after the words "Commonwealth of the Philippines" the following: "(or the Republic of the Philippines)".

SEC. 3. Subsection (a) of section 106 of such Act, as amended, is amended to read as follows:

60 Stat. 131.
50 U. S. C. app. § 1756 (a).

"SEC. 106. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the amount of $400,000,000 for the purpose of paying compensation to the extent authorized by this title, and of such sum, not to exceed $12,000,000 shall be available to pay the expenses of the Commission. All moneys heretofore or hereinafter appropriated under authority of this title shall remain available until April 30, 1951."

Appropriation authorized.

Availability of funds.

Approved January 26, 1948.

[CHAPTER 17]

AN ACT

To amend the Civil Service Retirement Act so as to make such Act applicable to the officers and employees of the National Library for the Blind.

January 26, 1948
[S. 1324]
[Public Law 400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3 of the Civil Service Retirement Act, approved May 29, 1930, as amended (U. S. C., title 5, section 693 (a)), is amended by inserting before the colon preceding the first proviso thereof a comma and the following: "and to all officers and employees of the National Library for the Blind at the election of such officers and employees as herein provided".

National Library for Blind.
Retirement of officers and employees.
46 Stat. 470.
5 U. S. C., Supp. I, § 693 (a).
Post, p. 49.

SEC. 2. Subsection (a) of section 3 of such Act is further amended by adding at the end thereof two new sentences as follows: "In the case of any officer or employee in the service of the National Library for the Blind on the effective date of this amendment, notice of desire to come within the purview of the Act must be given to the disbursing officer by whom his salary is paid within six months from the date of enactment of this Act. In the case of any officer or employee of the National Library for the Blind who enters the service of such Institution after the date of enactment of this amendment, such notice of desire to come within the purview of this Act must be given within six months after the date of entrance into such service."

SEC. 3. The first paragraph of section 5 of such Act is amended by inserting after "or the legislative branch of the Government" a comma and "and periods of service as an officer or employee of the National Library for the Blind".

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.

SEC. 4. Any service rendered prior to the effective date of this Act as an officer or employee of the National Library for the Blind shall be considered creditable service for the purposes of section 9 of such Act.

Credit for prior service.
46 Stat. 475.
5 U. S. C. § 736b.
Post, p. 53.

Approved January 26, 1948.

[CHAPTER 35]

AN ACT

To amend section 2 of the Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes, approved March 3, 1883 (22 Stat. 564).

January 27, 1948
[S. 929]
[Public Law 401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of March 3, 1883 (22 Stat. 564), is hereby amended to read as follows:

U. S. Soldiers' Home, D. C.
24 U. S. C. § 60.

"SEC. 2. The Inspector General of the Army shall designate officers of the Inspector General's Department under his jurisdiction to inspect

Inspection.

thoroughly, once each year, the United States Soldiers' Home, Washington, District of Columbia, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing to the Secretary of the Army, including in his report such suggestions as he desires to make."

Approved January 27, 1948.

[CHAPTER 36]

January 27, 1948
[H. R. 3342]
[Public Law 402]

AN ACT

To promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations.

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

TITLE I—SHORT TITLE, OBJECTIVES, AND DEFINITIONS

SHORT TITLE

United States Information and Educational Exchange Act of 1948.

SECTION 1. This Act may be cited as the "United States Information and Educational Exchange Act of 1948".

OBJECTIVES

SEC. 2. The Congress hereby declares that the objectives of this Act are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries. Among the means to be used in achieving these objectives are—

(1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs;

(2) an educational exchange service to cooperate with other nations in—

(a) the interchange of persons, knowledge, and skills;

(b) the rendering of technical and other services;

(c) the interchange of developments in the field of education, the arts, and sciences.

UNITED NATIONS

SEC. 3. In carrying out the objectives of this Act, information concerning the participation of the United States in the United Nations, its organizations and functions, shall be emphasized.

DEFINITIONS

SEC. 4. When used in this Act, the term—

"Secretary." (1) "Secretary" means the Secretary of State.

"Department." (2) "Department" means the Department of State.

"Government agency." (3) "Government agency" means any executive department, board, bureau, commission, or other agency of the Federal Government, or independent establishment, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

TITLE II—INTERCHANGE OF PERSONS, KNOWLEDGE AND SKILLS

PERSONS

SEC. 201. The Secretary is authorized to provide for interchanges on a reciprocal basis between the United States and other countries of students, trainees, teachers, guest instructors, professors, and leaders in fields of specialized knowledge or skill and shall wherever possible provide these interchanges by using the services of existing reputable agencies which are successfully engaged in such activity. The Secretary may provide for orientation courses and other appropriate services for such persons from other countries upon their arrival in the United States, and for such persons going to other countries from the United States. When any country fails or refuses to cooperate in such program on a basis of reciprocity the Secretary shall terminate or limit such program, with respect to such country, to the extent he deems to be advisable in the interests of the United States. The persons specified in this section shall be admitted as nonimmigrant visitors for business under clause 2 of section 3 of the Immigration Act of 1924, as amended (43 Stat. 154; 8 U. S. C. 203), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to section 14 of the Immigration Act of 1924 (43 Stat. 162, 8 U. S. C. 214). Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive. Such persons shall not be eligible for suspension of deportation under clause 2 of subdivision (c) of section 19 of the Immigration Act of February 5, 1917 (54 Stat. 671, 56 Stat. 1044; 8 U. S. C. 155).

Post, p. 227.

Termination or limitation of program.

Admission of persons; status.

Deportation authority.

Post, p. 1206.

BOOKS AND MATERIALS

SEC. 202. The Secretary is authorized to provide for interchanges between the United States and other countries of books and periodicals, including government publications, for the translation of such writings, and for the preparation, distribution, and interchange of other educational materials.

INSTITUTIONS

SEC. 203. The Secretary is authorized to provide for assistance to schools, libraries, and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States. In assisting any such schools, however, the Secretary shall exercise no control over their educational policies and shall in no case furnish assistance of any character which is not in keeping with the free democratic principles and the established foreign policy of the United States.

TITLE III—ASSIGNMENT OF SPECIALISTS

PERSONS TO BE ASSIGNED

SEC. 301. The Secretary is authorized, when the government of another country is desirous of obtaining the services of a person having

Post, p. 227.

special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any citizen of the United States in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the Secretary finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 302, or (3) such government shall have made an advance of funds, property, or services as provided in section 902. Nothing in this Act, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

Infra.

Post, p. 13.

STATUS AND ALLOWANCES

SEC. 302. Any citizen of the United States, while assigned for service to or in cooperation with another government under the authority of this Act, shall be considered, for the purpose of preserving his rights, allowances, and privileges as such, an officer or employee of the Government of the United States and of the Government agency from which assigned and he shall continue to receive compensation from that agency. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 (3) of the Foreign Service Act of 1946 (60 Stat. 999). The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 1765 of the Revised Statutes.

60 Stat. 1026.
22 U. S. C. § 1131 (3).

5 U. S. C. § 70.

ACCEPTANCE OF OFFICE UNDER ANOTHER GOVERNMENT

SEC. 303. Any citizen of the United States while assigned for service to or in cooperation with another government under authority of this Act may, at the discretion of his Government agency, with the concurrence of the Secretary, and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this Act: *Provided, however*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

Restriction.

TITLE IV—PARTICIPATION BY GOVERNMENT AGENCIES

GENERAL AUTHORITY

Post, p. 227.

SEC. 401. The Secretary is authorized, in carrying on any activity under the authority of this Act, to utilize, with the approval of the President, the services, facilities, and personnel of the other Govern-

ment agencies. Whenever the Secretary shall use the services, facilities, or personnel of any Government agency for activities under authority of this Act, the Secretary shall pay for such performance out of funds available to the Secretary under this Act, either in advance, by reimbursement, or direct transfer. The Secretary shall include in each report submitted to the Congress under section 1008 a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this Act, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

Report to Congress.
Post, p. 14.

TECHNICAL AND OTHER SERVICES

SEC. 402. A Government agency, at the request of the Secretary, may perform such technical or other services as such agency may be competent to render for the government of another country desirous of obtaining such services, upon terms and conditions which are satisfactory to the Secretary and to the head of the Government agency, when it is determined by the Secretary that such services will contribute to the purposes of this Act. However, nothing in this Act shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

POLICY GOVERNING SERVICES

SEC. 403. In authorizing the performance of technical and other services under this title, it is the sense of the Congress (1) that the Secretary shall encourage through any appropriate Government agency the performance of such services to foreign governments by qualified private American individuals and agencies, and shall not enter into the performance of such services to any foreign government where such services may be performed adequately by qualified private American individuals and agencies and such qualified individuals and agencies are available for the performance of such services; (2) that if such services are rendered by a Government agency, they shall demonstrate the technical accomplishments of the United States, such services being of an advisory, investigative, or instructional nature, or a demonstration of a technical process; (3) that such services shall not include the construction of public works or the supervision of the construction of public works, and that, under authority of this Act, a Government agency shall render engineering services related to public works only when the Secretary shall determine that the national interest demands the rendering of such services by a Government agency, but this policy shall not be interpreted to preclude the assignment of individual specialists as advisers to other governments as provided under title III of this Act, together with such incidental assistance as may be necessary for the accomplishment of their individual assignments.

Limitation on services relating to public works.

Ante, p. 7.

TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

GENERAL AUTHORIZATION

SEC. 501. The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information

Availability of press releases, etc.

media, and through information centers and instructors abroad. Any such press release or radio script, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, shall be made available to Members of Congress.

POLICIES GOVERNING INFORMATION ACTIVITIES

SEC. 502. In authorizing international information activities under this Act, it is the sense of the Congress (1) that the Secretary shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this Act shall be construed to give the Department a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

SEC. 601. There are hereby created two advisory commissions, (1) United States Advisory Commission on Information (hereinafter in this title referred to as the Commission on Information) and (2) United States Advisory Commission on Educational Exchange (hereinafter in this title referred to as the Commission on Educational Exchange) to be constituted as provided in section 602. The Commissions shall formulate and recommend to the Secretary policies and programs for the carrying out of this Act: *Provided, however*, That the commissions created by this section shall have no authority over the Board of Foreign Scholarships or the program created by Public Law 584 of the Seventy-ninth Congress, enacted August 1, 1946, or the United States National Commission for UNESCO.

60 Stat. 754.
50 U. S. C. app. §§ 1619, 1641.

MEMBERSHIP OF THE COMMISSIONS; GENERAL PROVISIONS

SEC. 602. (a) Each Commission shall consist of five members, not more than three of whom shall be from any one political party. Members shall be appointed by the President, by and with the advice and consent of the Senate. No person holding any compensated Federal or State office shall be eligible for appointment.

(b) The members of the Commission on Information shall represent the public interest, and shall be selected from a cross section of professional, business, and public service backgrounds.

(c) The members of the Commission on Educational Exchange shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

Term of office.

(d) The term of each member appointed under subsection (a) of this section shall be three years, except that the terms of office of such members first taking office on each Commission shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years from the date of the enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(e) The President shall designate a chairman for each Commission from among members of the Commission. Chairman.

(f) The members of the Commissions shall receive no compensation for their services as such members but shall be entitled to reimbursement for travel and subsistence in connection with attendance of meetings of the Commissions away from their places of residences, as provided in subsection (6) of section 801 of this Act. Compensation. *Post*, p. 12.

(g) The Commissions are authorized to adopt such rules and regulations as they may deem necessary to carry out the authority conferred upon them by this title. Rules and regulations.

(h) The Department is authorized to provide the necessary secretarial and clerical assistance for the Commissions.

RECOMMENDATIONS AND REPORTS

SEC. 603. The Commissions shall meet not less frequently than once each month during the first six months after their establishment, and thereafter at such intervals as the Commissions find advisable, and shall transmit to the Secretary a quarterly report, and to the Congress a semiannual report of all programs and activities carried on under the authority of this Act, including appraisals, where feasible, as to the effectiveness of the several programs, and such recommendations as shall have been made by the Commissions to the Secretary for effectuating the purposes and objectives of this Act and the action taken to carry out such recommendations.

TITLE VII—APPROPRIATIONS

GENERAL AUTHORIZATION

SEC. 701. Appropriations to carry out the purposes of this Act are hereby authorized. *Post*, pp. 226, 312.

TRANSFER OF FUNDS

SEC. 702. The Secretary shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this Act, any part of any appropriations available to the Department for carrying out the purposes of this Act, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this Act or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this Act.

TITLE VIII—ADMINISTRATIVE PROCEDURES

THE SECRETARY

SEC. 801. In carrying out the purposes of this Act, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out title II of this Act, within the limitation of such appropriations as the Congress may provide, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries; Grants of funds, etc. *Ante*, p. 7.

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

Radio facilities. *Ante*, p. 9.

(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of real property both within and without the continental limits of the United States for periods not to exceed ten years, or for longer periods if provided for by the appropriation Act;

(4) to provide for printing and binding outside the continental limits of the United States, without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111);

40 Stat. 1270.

(5) to employ, without regard to the civil-service and classification laws, when such employment is provided for by the appropriation Act, (i) persons on a temporary basis, and (ii) aliens within the United States, but such employment of aliens shall be limited to services related to the translation or narration of colloquial speech in foreign languages when suitably qualified United States citizens are not available; and

Advisory committees.

(6) to create, with the approval of the Commission on Information and the Commission on Educational Exchange, such advisory committees as the Secretary may decide to be of assistance in formulating his policies for carrying out the purposes of this Act. No committee member shall be allowed any salary or other compensation for services; but he may be paid his actual transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, while away from his home in attendance upon meetings within the United States or in consultation with the Department under instructions.

GOVERNMENT AGENCIES

SEC. 802. In carrying on activities which further the purposes of this Act, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 3741 of the Revised Statutes (41 U. S. C. 22);

(3) under such regulations as the Secretary may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Act of 1926, as amended; and

44 Stat. 688. 5 U. S. C. § 821.

(4) to make grants for, and to pay expenses incident to, training and study.

MAXIMUM USE OF EXISTING GOVERNMENT PROPERTY AND FACILITIES

SEC. 803. In carrying on activities under this Act which require the utilization of Government property and facilities, maximum use shall be made of existing Government property and facilities.

TITLE IX—FUNDS PROVIDED BY OTHER SOURCES

REIMBURSEMENT

SEC. 901. The Secretary shall, when he finds it in the public interest, request and accept reimbursement from any cooperating governmental or private source in a foreign country, or from State or local governmental institutions or private sources in the United States, for all or part of the expenses of any portion of the program undertaken hereunder. The amounts so received shall be covered into the Treasury as miscellaneous receipts.

ADVANCE OF FUNDS

SEC. 902. If any other government shall express the desire to provide funds, property, or services to be used by this Government, in whole or in part, for the expenses of any specific part of the program undertaken pursuant to this Act, the Secretary is authorized, when he finds it in the public interest, to accept such funds, property, or services. Funds so received may be established as a special deposit account in the Treasury of the United States, to be available for the specified purpose, and to be used for reimbursement of appropriations or direct expenditure, subject to the provisions of this Act. Any unexpended balance of the special deposit account and other property received under this section and no longer required for the purposes for which provided shall be returned to the government providing the funds or property.

TITLE X—MISCELLANEOUS

LOYALTY CHECK ON PERSONNEL

SEC. 1001. No citizen or resident of the United States, whether or not now in the employ of the Government, may be employed or assigned to duties by the Government under this Act until such individual has been investigated by the Federal Bureau of Investigation and a report thereon has been made to the Secretary of State: *Provided, however,* That any present employee of the Government, pending the report as to such employee by the Federal Bureau of Investigation, may be employed or assigned to duties under this Act for the period of six months from the date of its enactment. This section shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate.

Employment pending report of FBI.

DELEGATION OF AUTHORITY

SEC. 1002. The Secretary may delegate, to such officers of the Government as the Secretary determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act.

RESTRICTED INFORMATION

SEC. 1003. Nothing in this Act shall authorize the disclosure of any information or knowledge in any case in which such disclosure (1) is prohibited by any other law of the United States, or (2) is inconsistent with the security of the United States.

REPEAL OF ACT OF MAY 25, 1938, AS AMENDED

SEC. 1004. (a) The Act of May 25, 1938, entitled "An Act authorizing the temporary detail of United States employees, possessing special

5 U. S. C. § 118e.

qualifications, to governments of American Republics and the Philippines, and for other purposes," as amended (52 Stat. 442; 53 Stat. 652), is hereby repealed.

Executive orders and regulations.

(b) Existing Executive orders and regulations pertaining to the administration of such Act of May 25, 1938, as amended, shall remain in effect until superseded by regulations prescribed under the provisions of this Act.

22 U. S. C. § 801 *et seq.*

(c) Any reference in the Foreign Service Act of 1946 (60 Stat. 999), or in any other law, to provisions of such Act of May 25, 1938, as amended, shall be construed to be applicable to the appropriate provisions of titles III and IX of this Act.

Ante, pp. 7, 13.

UTILIZATION OF PRIVATE AGENCIES

SEC. 1005. In carrying out the provisions of this Act it shall be the duty of the Secretary to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Secretary shall encourage participation in carrying out the purposes of this Act by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country.

TERMINATION PURSUANT TO CONCURRENT RESOLUTION OF CONGRESS

SEC. 1006. The authority granted under this Act shall terminate whenever such termination is directed by concurrent resolution of the two Houses of the Congress.

VETERANS' PREFERENCE ACT

58 Stat. 387. 5 U. S. C. §§ 851-869; Supp. I, §§ 852 note, 863.

SEC. 1007. No provision of this Act shall be construed to modify or to repeal the provisions of the Veterans' Preference Act of 1944.

Ante, p. 3; *post*, pp. 575, 1233.

REPORTS TO CONGRESS

SEC. 1008. The Secretary shall submit to the Congress semiannual reports of expenditures made and activities carried on under authority of this Act, inclusive of appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted.

REGULATORY PROVISIONS TO APPLY TO ALL INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL EXCHANGES OF STATE DEPARTMENT

SEC. 1009. All provisions in this Act regulating the administration of international information activities and educational exchanges provided herein, shall apply to all such international activities under jurisdiction of the Department of State.

SEPARABILITY OF PROVISIONS

SEC. 1010. If any provision of this Act or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Approved January 27, 1948.

[CHAPTER 38]

JOINT RESOLUTION

Providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor.

January 28, 1948
[H. J. Res. 232]
[Public Law 403]

Whereas delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America attended the South Seas Conference held at Canberra, Australia, and signed an "Agreement Establishing the South Pacific Commission" on February 6, 1947; and

South Pacific Commission.

Whereas the purpose of the South Pacific Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the South Pacific in accordance with the principles set forth in chapter XI of the Charter of the United Nations, thereby contributing to the maintenance of international peace and security: Therefore be it

59 Stat. 1048.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the United States in the South Pacific Commission, created by the Agreement Establishing the South Pacific Commission, signed on February 6, 1947, at Canberra, Australia, by delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

Acceptance of membership for U. S.

SEC. 2. When used in this joint resolution—

(1) the term "Secretary" means the Secretary of State;

"Secretary."

(2) the term "Government agency" means any department, independent establishment, or other agency of the Government of the United States, or any corporation wholly owned by the Government of the United States; and

"Government agency."

(3) the term "Commission" means the South Pacific Commission.

"Commission."

SEC. 3. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

Appropriation authorized.
Post, p. 309.

(a) Not more than $20,000 annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, as set forth in article XIV of the Agreement Establishing the South Pacific Commission;

U. S. share of expenses.

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1923, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111), and section 3709 of the Revised Statutes, as amended; and such other expenses as the Secretary of State finds necessary to

42 Stat. 1488.
5 U. S. C. §§ 661–674.
60 Stat. 810.
5 U. S. C. § 55a.
40 Stat. 1270.
41 U. S. C. § 5.

participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

60 Stat. 714. 22 U. S. C. § 287r.

Detail of employees.

SEC. 4. The Secretary is authorized, when the Commission is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to detail, or authorize the detail of, for temporary service to or in cooperation with the Commission, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving, under the same conditions as those governing the detail of officers and employees of the United States Government to the government of another country in accordance with the provisions of the Act of May 25, 1938 (52 Stat. 442), as amended, except that the authority vested in the President under that Act shall be vested in the Secretary for the purpose of carrying out this section.

5 U. S. C. § 118e. *Ante*, p. 13.

Approved January 28, 1948.

[CHAPTER 41]

AN ACT

January 31, 1948 [H. R. 3645] [Public Law 404]

Relating to the exchange of certain private and Federal properties within Gettysburg National Military Park, Pennsylvania, and for other purposes.

Gettysburg National Military Park, Pa. Exchange of lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of consolidating Federal holdings of land within Gettysburg National Military Park, Pennsylvania, the Secretary of the Interior is hereby authorized, in his discretion, to accept, on behalf of the United States, approximately four acres of non-Federal land within the park boundaries, such land to be conveyed to the United States without cost by the Evergreen Cemetery Association, of Gettysburg. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park. In exchange for the conveyance to the United States of the aforesaid property, the Secretary of the Interior is authorized to convey to the Evergreen Cemetery Association approximately one and one-quarter acres of federally owned land within the park, such property constituting a right-of-way through the Evergreen Cemetery property: *Provided*, That the aforesaid exchange shall be consummated only upon condition that the Secretary is satisfied that such exchange is in the public interest and that the properties to be exchanged are of approximately equal value.

Condition.

Approved January 31, 1948.

[CHAPTER 42]

JOINT RESOLUTION

February 2, 1948 [S. J. Res. 179] [Public Law 405]

To change the date for filing the report of the Joint Committee on the Economic Report.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (b) (3) of the Employment Act of 1946, as amended, is amended by striking out "February 1" and inserting in lieu thereof "March 1".

60 Stat. 25, 838. 15 U. S. C. § 1024 (b) (3).

Approved February 2, 1948.

[CHAPTER 44]

AN ACT

February 5, 1948
[H. R. 2361]
[Public Law 406]

To authorize the filing of actions in State courts to quiet title to lands described in a treaty between the United States and the Delaware Indians, dated October 3, 1818.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an action may be brought by any person against any Indian or the heirs of any Indian, and/or the unknown heirs, devisees, or assigns of any Indian, who was or were granted, or was or were to have granted to him or them, land by virtue of a treaty between the United States and the Delaware Indians, dated October 3, 1818 (7 Stat. 188), which contained a condition that such lands should never be conveyed or transferred without the approbation of the President of the United States, for the purpose of determining and quieting the question of title to such land, in cases where there is no deed or record showing a conveyance by the Indian, or his heirs, to whom the land was granted, and where the records of the county in which the land is located show that the present record owners, or their grantees, immediate and remote, have claimed title to said land and have paid the taxes on said land for more than seventy-five years.

Indian lands.
Actions to quiet title.

(b) Such actions may be brought in the State courts having jurisdiction, in the county in which such real estate is located, to hear actions to quiet title, shall be brought in the same manner and under the same rules as other suits may be brought to quiet title where there is a defect in the record title to real estate, and service may be had on the Indian, or his heirs, to whom the real estate was granted, and/or his unknown heirs and assigns, in the same manner as service may be acquired upon persons generally, and their unknown heirs and assigns, in suits to quiet title in such State court, the same as though such treaty had not contained any condition or requirement with respect to securing the approbation of the President of the United States prior to the making of any conveyance or transfer of such lands, the same as though such Indians had never been wards of the United States, and regardless of whether or not the heirs of such Indians are now wards of the United States.

Jurisdiction of courts.

(c) Any Indian who is now a ward of the Government of the United States who may or might have any right, interest, or title in or to any of the lands granted to an Indian or Indians under such treaty shall assert such right, title, or interest not later than September 1, 1948, if such right, title, or interest would be barred or extinguished except for the fact that such Indian is a ward of the Government of the United States; and any such right, title, or interest which otherwise would be barred, shall not be asserted after September 1, 1948.

Wards of U. S. Government.

Approved February 5, 1948.

[CHAPTER 45]

AN ACT

February 5, 1948
[H. R. 3322]
[Public Law 407]

To empower the Secretary of the Interior to grant rights-of-way for various purposes across lands of individual Indians or Indian tribes, communities, bands or nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, empowered to grant rights-of-way for all purposes, subject to such conditions as he may prescribe, over and across any lands now or hereafter held in trust by the United States for individual Indians or Indian tribes, communities, bands,

Indian lands.
Rights-of-way.

or nations, or any lands now or hereafter owned, subject to restrictions against alienation, by individual Indians or Indian tribes, communities, bands, or nations, including the lands belonging to the Pueblo Indians in New Mexico, and any other lands heretofore or hereafter acquired or set aside for the use and benefit of the Indians.

25 U. S. C. §§ 461-479.
25 U. S. C. § 473a; 48 U. S. C. § 358a.
25 U. S. C. §§ 501-509; Supp. I, § 502.
Post, p. 991.

SEC. 2. No grant of a right-of-way over and across any lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967), shall be made without the consent of the proper tribal officials. Rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners if (1) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (2) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary of the Interior finds that the grant will cause no substantial injury to the land or any owner thereof; or (4) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof.

Grants without owners' consent.

Compensation.

SEC. 3. No grant of a right-of-way shall be made without the payment of such compensation as the Secretary of the Interior shall determine to be just. The compensation received on behalf of the Indian owners shall be disposed of under rules and regulations to be prescribed by the Secretary of the Interior.

16 U. S. C. §§ 792-825r; Supp. I, § 809 note.
Post, p. 275.

SEC. 4. This Act shall not in any manner amend or repeal the provisions of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), as amended by the Act of August 26, 1935 (49 Stat. 838), nor shall any existing statutory authority empowering the Secretary of the Interior to grant rights-of-way over Indian lands be repealed hereby.

Rights-of-way for use of U. S.

SEC. 5. Rights-of-way for the use of the United States may be granted under this Act upon application by the department or agency having jurisdiction over the activity for which the right-of-way is to be used.

Regulations.

SEC. 6. The Secretary of the Interior is hereby authorized to prescribe any necessary regulations for the purpose of administering the provisions of this Act.

Effective date.

SEC. 7. This Act shall not become operative until thirty days after its approval.

Approved February 5, 1948.

[CHAPTER 46]

February 5, 1948
[H. R. 3326]
[Public Law 408]

AN ACT

To provide for the granting of certificates of competency to certain members of the Osage Indian Tribe in Oklahoma, and for other purposes.

Osage Indian Tribe. Certificates of competency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall issue a certificate of competency to each member of the Osage Tribe of less than one-half Indian blood heretofore or hereafter attaining the age of twenty-one years; and shall thereupon pay and deliver to such member, or to his legal guardian if such member has been declared incompetent by a court of competent jurisdiction, all money, property, and funds theretofore accrued or here-

after accruing to the individual credit of such member; and all payments to the legal guardian of such member may be expended without the approval of the superintendent of the Osage Agency: *Provided*, That all restrictions against alienation of the property of every kind and character, except headright shares or interests in the Osage tribal mineral estate, of members of the Osage Tribe who now have, or may hereafter receive, a certificate of competency, are hereby removed.

Removal of restrictions.

Approved February 5, 1948.

[CHAPTER 48]

AN ACT

To amend the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union".

February 6, 1948
[S. 1005]
[Public Law 409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, the Act of June 28, 1935 (49 Stat. 425; 22 U. S. C. 276), is hereby amended to read as follows:

Interparliamentary Union.

"An appropriation of $30,000 annually is hereby authorized, $15,000 of which shall be for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and $15,000, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group."

Appropriation authorized.
Post, p. 308.

Approved February 6, 1948.

[CHAPTER 51]

AN ACT

Making it a petty offense to enter any national-forest land while it is closed to the public.

February 10, 1948
[H. R. 1826]
[Public Law 410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, without lawful authority or permission, shall go upon any national-forest land while it is closed to the public by or under authority of a regulation of the Secretary of Agriculture made pursuant to law shall be fined not more than $500, or imprisoned without hard labor not more than six months, or both: *Provided*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture under other law to otherwise provide for regulating the occupancy and use of national-forest lands and lands administered by the Forest Service.

National-forest land.
Unlawful entry.

Approved February 10, 1948.

[CHAPTER 52]

AN ACT

To provide increased subsistence allowance to veterans pursuing certain courses under the Servicemen's Readjustment Act of 1944, as amended, and for other purposes.

February 14, 1948
[S. 1394]
[Public Law 411]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of paragraph 6 of part VIII of Veterans Regulation Numbered 1 (a), as amended, as precedes the proviso, is hereby amended to read as follows:

Veterans' subsistence allowances.
58 Stat. 289.
38 U. S. C., Supp. I, note foll. § 733.
Post, p. 308.

"6. While enrolled in and pursuing a course under this part, such person, upon application to the Administrator, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding thirty days in a calendar year: Except, That while enrolled in and pursuing a course of full-time institutional training under this part, such person, upon application to the Administrator, shall be paid a subsistence allowance of $75 per month, if without a dependent or dependents, or $105 per month if he has one dependent, or $120 per month if he has more than one dependent, including regular holidays and leave not exceeding thirty days in a calendar year. Such person attending a course on a part-time basis, and such person receiving compensation for productive labor whether performed as part of his apprentice or other training on the job at institutions, business or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances as may be determined by the Administrator:".

57 Stat. 43.
38 U. S. C., Supp. I, note foll. § 733.
Post, p. 209.

SEC. 2. So much of paragraph 3 of part VII of Veterans Regulation Numbered 1 (a), as amended, as precedes the first proviso, is hereby amended to read as follows:

"3. While pursuing training prescribed herein, and for two months after his employability is determined, each veteran pursuing a course under this part, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents: Except, That each veteran pursuing a full-time institutional course under this part shall be paid a subsistence allowance of $75 per month, if without a dependent or dependents, or $105 per month, if he has one dependent, or $120 per month, if he has more than one dependent:".

Effective date.

SEC. 3. This Act shall take effect on the first day of the second calendar month next succeeding its enactment.

Approved February 14, 1948.

[CHAPTER 53]

February 18, 1948
[H. R. 3778]
[Public Law 412]

AN ACT

To amend section 30 of the Revised Statutes of the United States (U. S. C., title 2, sec. 25).

House of Representatives.
Copies of oath of office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30 of the Revised Statutes of the United States (U. S. C., title 2, sec. 25), be, and it is hereby, amended by adding at the end thereof the following:

The Clerk of the House of Representatives of the Eightieth and each succeeding Congress shall cause the oath of office to be printed, furnishing two copies to each Member and Delegate who has taken the oath of office in accordance with law, which shall be subscribed in person by the Member or Delegate, who shall thereupon deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record; and such signed copies, or certified copies thereof, or of either of such records thereof, shall be admissible in evidence in any court of the United States, and shall be held conclusive proof of the fact that the signer duly took the oath of office in accordance with law.

Members and Delegates of the House of Representatives of the Eightieth Congress may subscribe and deliver the two signed copies of the printed oath of office at their convenience, at any time before the expiration of the Eightieth Congress.

Approved February 18, 1948.

[CHAPTER 65]

AN ACT

February 19, 1948
[H. R. 1366]
[Public Law 413]

To facilitate procurement of supplies and services by the Departments of the Army, the Navy and the Air Force, the Coast Guard, and the National Advisory Committee for Aeronautics, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Services Procurement Act of 1947."

Armed Services Procurement Act of 1947.

SEC. 2. (a) The provisions of this Act shall be applicable to all purchases and contracts for supplies or services made by the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics (each being hereinafter called the agency), for the use of any such agency or otherwise, and to be paid for from appropriated funds.

(b) It is the declared policy of the Congress that a fair proportion of the total purchases and contracts for supplies and services for the Government shall be placed with small business concerns. Whenever it is proposed to make a contract or purchase in excess of $10,000 by negotiation and without advertising, pursuant to the authority of paragraph (7) or (8) of section 2 (c) of this Act, suitable advance publicity, as determined by the agency head with due regard to the type of supplies involved and other relevant considerations, shall be given for a period of at least fifteen days, wherever practicable, as determined by the agency head.

Small business concerns.

Advance publicity.

Infra.

(c) All purchases and contracts for supplies and services shall be made by advertising, as provided in section 3, except that such purchases and contracts may be negotiated by the agency head without advertising if—

Negotiation without advertising.

(1) determined to be necessary in the public interest during the period of a national emergency declared by the President or by the Congress;

(2) the public exigency will not admit of the delay incident to advertising;

(3) the aggregate amount involved does not exceed $1,000;

(4) for personal or professional services;

(5) for any service to be rendered by any university, college, or other educational institution;

(6) the supplies or services are to be procured and used outside the limits of the United States and its possessions;

(7) for medicines or medical supplies;

(8) for supplies purchased for authorized resale;

(9) for perishable subsistence supplies;

(10) for supplies or services for which it is impracticable to secure competition;

(11) the agency head determines that the purchase or contract is for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test: *Provided*, That beginning six months after the effective date of this Act and at the end of each six-month period thereafter, there shall be furnished to the Congress a report setting forth the name of each contractor with whom a contract has been entered into pursuant to this subsection (11) since the date of the last such report, the amount of the contract, and, with due consideration given to the national security, a description of the work required to be performed thereunder;

Report to Congress.

(12) for supplies or services as to which the agency head determines that the character, ingredients, or components thereof

are such that the purchase or contract should not be publicly disclosed;

(13) for equipment which the agency head determines to be technical equipment, and as to which he determines that the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts and that such standardization and interchangeability is necessary in the public interest;

(14) for supplies of a technical or specialized nature requiring a substantial initial investment or an extended period of preparation for manufacture, as determined by the agency head, when he determines that advertising and competitive bidding may require duplication of investment or preparation already made, or will unduly delay procurement of such supplies;

(15) for supplies or services as to which the agency head determines that the bid prices after advertising therefor are not reasonable or have not been independently arrived at in open competition: *Provided*, That no negotiated purchase or contract may be entered into under this paragraph after the rejection of all bids received unless (A) notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the agency head to each responsible bidder, (B) the negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the agency head, and (C) such negotiated price is the lowest negotiated price offered by any responsible supplier;

(16) the agency head determines that it is in the interest of the national defense that any plant, mine, or facility or any producer, manufacturer, or other supplier be made or kept available for furnishing supplies or services in the event of a national emergency, or that the interest either of industrial mobilization in case of such an emergency, or of the national defense in maintaining active engineering, research and development, are otherwise subserved: *Provided*, That beginning six months after the effective date of this Act and at the end of each six-month period thereafter, there shall be furnished to the Congress a report setting forth the name of each contractor with whom a contract has been entered into pursuant to this subsection (16) since the date of the last such report, the amount of the contract, and, with due consideration given to the national security, a description of the work required to be performed thereunder; or

Report to Congress.

(17) otherwise authorized by law.

Violation of antitrust laws.

(d) If in the opinion of the agency head bids received after advertising evidence any violation of the antitrust laws he shall refer such bids to the Attorney General for appropriate action.

Repair, etc., of buildings.

(e) This section shall not be construed to (A) authorize the erection, repair, or furnishing of any public building or public improvement, but such authorization shall be required in the same manner as heretofore, or (B) permit any contract for the construction or repair of buildings, roads, sidewalks, sewers, mains, or similar items to be negotiated without advertising as required by section 3, unless such contract is to be performed outside the continental United States or unless negotiation of such contract is authorized by the provisions of paragraph (1), (2), (3), (10), (11), (12), or (15) of subsection (c) of this section.

SEC. 3. Whenever advertising is required—

Advertisement for bids.

(a) The advertisement for bids shall be a sufficient time previous to the purchase or contract, and specifications and invitations for bids shall permit such full and free competition as is consistent with the

procurement of types of supplies and services necessary to meet the requirements of the agency concerned.

Opening of bids.

(b) All bids shall be publicly opened at the time and place stated in the advertisement. Award shall be made with reasonable promptness by written notice to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when the agency head determines that it is in the public interest so to do.

Rejection.

Types of contracts.

SEC. 4. (a) Except as provided in subsection (b) of this section, contracts negotiated pursuant to section 2 (c) may be of any type which in the opinion of the agency head will promote the best interests of the Government. Every contract negotiated pursuant to section 2 (c) shall contain a suitable warranty, as determined by the agency head, by the contractor that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business, for the breach or violation of which warranty the Government shall have the right to annul such contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

Warranty.

Cost-plus contracts.

(b) The cost-plus-a-percentage-of-cost system of contracting shall not be used, and in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the agency head at the time of entering into such contract (except that a fee not in excess of 15 per centum of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's costs and not in excess of 6 per centum of the estimated cost, exclusive of fees, as determined by the agency head at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility project). Neither a cost nor a cost-plus-a-fixed-fee contract nor an incentive-type contract shall be used unless the agency head determines that such method of contracting is likely to be less costly than other methods or that it is impractical to secure supplies or services of the kind or quality required without the use of a cost or cost-plus-a-fixed-fee contract or an incentive-type contract. All cost and cost-plus-a-fixed-fee contracts shall provide for advance notification by the contractor to the procuring agency of any subcontract thereunder on a cost-plus-a-fixed-fee basis and of any fixed-price subcontract or purchase order which exceeds in dollar amount either $25,000 or 5 per centum of the total estimated cost of the prime contract; and a procuring agency, through any authorized representative thereof, shall have the right to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost or cost-plus-a-fixed-fee contract.

Advance notification of subcontract, etc.

Advance payments.

SEC. 5. (a) The agency head may make advance payments under negotiated contracts heretofore or hereafter executed in any amount not exceeding the contract price upon such terms as the parties shall agree: *Provided*, That advance payments shall be made only upon adequate security and if the agency head determines that provision for such advance payments is in the public interest or in the interest of the national defense and is necessary and appropriate in order to procure required supplies or services under the contract.

Restriction.

Lien in favor of Government.

(b) The terms governing advance payments may include as security provision for, and upon inclusion of such provision there shall thereby be created, a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited and upon such of the material and other property acquired for performance of the contract as the parties shall agree.

Liquidated damages.

SEC. 6. Whenever any contract made on behalf of the Government by the agency head or by officers authorized by him so to do includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the agency head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

Determinations by agency head.

SEC. 7. (a) The determinations and decisions provided in this Act to be made by the agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (b) of this section, the agency head is authorized to delegate his powers provided by this Act, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the agency.

Delegation of powers.

(b) The power of the agency head to make the determinations or decisions specified in paragraphs (12), (13), (14), (15), and (16) of section 2 (c) and in section 5 (a) shall not be delegable, and the power to make the determinations or decisions specified in paragraph (11) of section 2 (c) shall be delegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000.

Ante, pp. 21, 22, 23.

Basis of determination, etc.

(c) Each determination or decision required by paragraphs (11), (12), (13), (14), (15), or (16) of section 2 (c), by section 4 or by section 5 (a) shall be based upon written findings made by the official making such determination, which findings shall be final and shall be available within the agency for a period of at least six years following the date of the determination. A copy of the findings shall be submitted to the General Accounting Office with the contract.

Ante, pp. 21, 22, 23.

Preservation of data.

(d) In any case where any purchase or contract is negotiated pursuant to the provisions of section 2 (c), except in a case covered by paragraphs (2), (3), (4), (5) or (6) thereof, the data with respect to the negotiation shall be preserved in the files of the agency for a period of six years following final payment on such contract.

Ante, p. 21.

SEC. 8. No purchase or contract shall be exempt from the Act of June 30, 1936, as amended (49 Stat. 2036, as amended by the Act of June 28, 1940, 54 Stat. 681, and by the Act of May 13, 1942, 56 Stat. 277; U. S. C., title 41, secs. 35 to 45) or from the Act of March 3, 1931, as amended (46 Stat. 1494, as amended by the Act of August 30, 1935, 49 Stat. 1011, and by the Act of June 15, 1940, 54 Stat. 399; U. S. C., title 40, secs. 276a to 276a–6), solely by reason of having been entered into pursuant to section 2 (c) hereof without advertising, and the provisions of said Acts and of the Act of June 19, 1912, as amended (37 Stat. 137, as amended by the Act of September 9, 1940, 54 Stat. 884; U. S. C., title 40, secs. 324 and 325a), if otherwise applicable, shall apply to such purchases and contracts.

40 U. S. C., Supp. I, § 276a–5 note.
Ante, p. 21.

40 U. S. C. § 325; Supp. I, § 325 note.
Post, p. 989.

SEC. 9. As used herein—

"Agency head."

(a) The term "agency head" shall mean the Secretary, Under Secretary (if any), or any Assistant Secretary of the Army, of the Navy, or of the Air Force; the Commandant, United States Coast Guard, Treasury Department; and the Executive Secretary, National Advisory Committee for Aeronautics, respectively.

"Supplies."

(b) The term "supplies" shall mean all property except land, and shall include, by way of description and without limitation, public

works, buildings, facilities, ships, floating equipment, and vessels of every character, type and description, aircraft, parts, accessories, equipment, machine tools and alteration or installation thereof.

Delegation of procurement responsibilities.

SEC. 10. In order to facilitate the procurement of supplies and services by each agency for others and the joint procurement of supplies and services required by such agencies, subject to the limitations contained in section 7 of this Act, each agency head may make such assignments and delegations of procurement responsibilities within his agency as he may deem necessary or desirable, and the agency heads or any of them by mutual agreement may make such assignments and delegations of procurement responsibilities from one agency to any other or to officers or civilian employees of any such agency, and may create such joint or combined offices to exercise such procurement responsibilities, as they may deem necessary or desirable. Appropriations available to any such agency shall be available for obligation for procurement as provided for in such appropriations by any other agency through administrative allotments in such amount as may be authorized by the head of the allotting agency without transfer of funds on the books of the Treasury Department. Disbursing officers of the allotting agency may make disbursements chargeable to such allotments upon vouchers certified by officers or civilian employees of the procuring agency.

Ante, p. 24.

Appropriations available.

Repeals.

SEC. 11. (a) The following Acts are hereby repealed:

Revised Statutes, section 3716 (U. S. C., title 10, sec. 1202);

Revised Statutes, section 3717 (U. S. C., title 41, sec. 9);

Revised Statutes, section 3718 (U. S. C., title 34, sec. 561);

Revised Statutes, section 3719 (U. S. C., title 34, sec. 562);

Revised Statutes, section 3720 (U. S. C., title 34, sec. 563);

Revised Statutes, section 3721, as amended (U. S. C., title 34, secs. 569–570);

Revised Statutes, section 3722 (U. S. C., title 34, sec. 572);

Revised Statutes, section 3723 (U. S. C., title 34, sec. 573);

Revised Statutes, section 3724 (U. S. C., title 34, sec. 574);

Revised Statutes, section 3726 (U. S. C., title 34, sec. 577);

Revised Statutes, section 3727 (U. S. C., title 34, sec. 578);

Revised Statutes, section 3729 (U. S. C., title 34, sec. 579);

Act of June 14, 1878, Numbered 30 (20 Stat. 253; U. S. C., title 34, sec. 565);

Act of March 3, 1893 (ch. 212, sec. 1, 27 Stat. 732; U. S. C., title 34, sec. 566);

Act of March 2, 1907 (ch. 2512, 34 Stat. 1193; U. S. C., title 34, sec. 571);

Act of March 4, 1913 (ch. 148, 37 Stat. 904; U. S. C., title 34, sec. 575);

Act of June 30, 1914 (ch. 130, 38 Stat. 398; U. S. C., title 34, sec. 567);

Act of May 15, 1936 (ch. 400, 49 Stat. 1277; U. S. C., title 10, sec. 1199 (a));

10 U. S. C. § 1199a.

Act of July 13, 1939 (ch. 265, 53 Stat. 1000; U. S. C., title 10, sec. 313).

Nonapplicability of certain Acts.

(b) The following Acts shall not apply to the procurement of supplies or services by the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, Treasury Department, or the National Advisory Committee for Aeronautics:

Revised Statutes, section 3709, as amended (U. S. C., title 41, sec. 5);

Revised Statutes, section 3735 (U. S. C., title 41, sec. 13);

Act of October 10, 1940, ch. 851, sec. 1, 54 Stat. 1109, as amended (U. S. C., title 41, secs. 6 and 6a).

Acts repealed in part.

(c) The following parts of Acts are hereby repealed:

(1) That portion of the Act making appropriations for fortifications, approved February 24, 1891 (26 Stat. 769), relating to "Armament of fortifications", which reads as follows: "*Provided*, That no contract for the expenditure of any portion of the money herein provided, or that may be hereafter provided, for the purchase of steel shall be made until the same shall have been submitted to public competition by the Department by advertisement."

(2) Those portions of the Army Appropriation Acts approved March 2, 1901 (ch. 803, 31 Stat. 905; U. S. C., title 10, sec. 1201); and June 30, 1902 (32 Stat. 514), relating to "Quartermaster's Department, Regular Supplies", which read as follows: "*Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered."

(3) That portion of the Army Appropriation Act approved June 12, 1906 (ch. 3078, 34 Stat. 258; U. S. C., title 10, sec. 1205), relating to "Ordnance Department", which reads as follows: "Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among businessmen, when the aggregate of the amount required does not exceed five hundred dollars; but every such purchase exceeding one hundred dollars shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe."

(4) That portion of the Army Appropriation Act, approved May 11, 1908 (ch. 163, 35 Stat. 125; U. S. C., title 10, sec. 1199), relating to "Ordnance Department", which reads as follows: "Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient."

(5) That portion of the War Department Appropriation Act, approved May 15, 1936 (49 Stat. 1299), relating to "Arms, uniforms, equipment, and so forth, for field service, National Guard", which reads as follows: "*Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard."

(d) All other laws and parts of laws to the extent that they are inconsistent with this Act are hereby repealed.

Authority of Secretaries.

SEC. 12. The Secretary of the Navy shall have the same authority with respect to contracts of the Department of the Navy as the Secretary of the Army has with respect to contracts of the Department of the Army under the Act of April 10, 1878, as amended (20 Stat. 36, as amended by the Act of March 3, 1883, 22 Stat. 487; U. S. C., title 5, sec. 218). The Secretary of the Army and the Secretary of the Air Force shall have the same authority with respect to emergency purchases of war material abroad as the Secretary of the Navy has with respect to such purchases under the Act of June 30, 1914 (38 Stat. 399; U. S. C., title 34, sec, 568).

Effective date.

SEC. 13. This Act shall become effective ninety days after the date of enactment.

Approved February 19, 1948.

[CHAPTER 66]

AN ACT

February 19, 1948
[H. R. 1634]
[Public Law 414]

To amend section 1, and provisions (6), (7), and (8) of section 3, and provision (3) of section 4 of chapter V of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", and to add sections 5a, 5b, and 5c thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of chapter V of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", be amended to read as follows:

Life insurance, D. C.
48 Stat. 1156.
D. C. Code § 35-701.

"SECTION 1. SUPERINTENDENT TO VALUE POLICIES; LEGAL STANDARD OF VALUATION.—(a) The Superintendent shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life-insurance policies and annuity and pure endowment contracts of every life-insurance company doing business in the District except that in the case of an alien company such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves. All such valuations made by him or by his authority, shall be made upon the net premium basis. In calculating such reserves, he may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any State or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such State or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the Superintendent when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that State or jurisdiction.

Annual valuation of reserve liabilities.

Basis.

Valuations made by States, etc.

"Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the Superintendent, adopt any lower standard of valuation, but not lower than the minimum herein provided.

"(b) This subsection shall apply to only those policies and contracts issued prior to the operative date of section 5b (the standard nonforfeiture law) of this chapter.

Post, p. 31.

"The legal minimum standard for the valuation of life-insurance contracts issued before January 1, 1935, shall be the method and basis of valuation heretofore applied by the Superintendent in the valuation of such contracts, and for life-insurance contracts issued on and after said date shall be the one-year preliminary term method of valuation, except as hereinafter modified, on the basis of the American Experience Table of Mortality with interest at 3½ per centum per annum: *Provided*, That any life company may, at its option, value its insurance contracts issued on and after January 1, 1935, in accordance with their terms on the basis of the American Men Ultimate Table of Mortality with interest not higher than 3½ per centum per annum by the level net premium method or by the modified preliminary term method hereinafter described.

Valuation of life-insurance contracts.

"If the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than twenty years from date of the policy,

Premium payment.

Reserves.

or under an endowment preliminary term policy, exceeds that charged for like insurance under twenty payment life preliminary term policies of the same company, the reserve thereon at the end of the year, including the first, shall not be less than the reserve on a twenty payment life preliminary term policy issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of the premium payment period, equal to the difference between the value at the end of such period of such a twenty payment life preliminary term policy and the full net level premium reserve at such time of such a limited payment life or endowment policy. The premium payment period is the period during which premiums are concurrently payable under such twenty payment life preliminary term policy and such limited payment life or endowment policy.

Premium payment period.

Preliminary term method.

"Policies issued on the preliminary term method shall contain a clause specifying that the reserve thereof shall be computed in accordance with the modified preliminary term method of valuation provided for herein.

Valuation of annuities.

"The legal minimum standard for the valuation of annuities issued on and after January 1, 1935, shall be McClintock's Table of Mortality Among Annuitants, with interest at 4 per centum per annum, but annuities deferred ten or more years and written in connection with life insurance shall be valued on the same basis as that used in computing the consideration or premium therefor, or upon any higher standard at the option of the company.

Valuation of industrial policies.

"The legal minimum standard for the valuation of industrial policies issued after January 1, 1935, shall be the American Experience Table of Mortality with interest at 3½ per centum per annum: *Provided*, That any life company may voluntarily value its industrial policies on the basis of the standard industrial mortality table or the substandard industrial mortality table by the level net premium method or in accordance with their terms by the modified preliminary term method hereinbefore described.

Variation of standards.

"The Superintendent may vary the standards of interest and mortality in the case of alien companies as to contracts issued by such companies in other countries than the United States, and in particular cases of invalid lives and other extra hazards.

"Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this subsection.

"(c) This subsection shall apply to only those policies and contracts issued on or after the operative date of section 5B (the standard nonforfeiture law) of this chapter.

Post, p. 31.

Minimum standards for valuation.

"(1) The minimum standard for the valuation of all such policies and contracts shall be the Commissioners reserve valuation method defined in paragraph (2), 3½ per centum interest, and the following tables:

"(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table.

"(ii) For all industrial life-insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table.

"(iii) For annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 Standard Annuity Mortality Table.

"(iv) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, class (3) Disability Table (1926)

which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life-insurance policies.

"(v) For accidental death benefits in or supplementary to policies, the Intercompany Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life-insurance policies.

"(vi) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the Superintendent.

Reserves.

"(2) Reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (A) over (B), as follows:

Modified net premiums.

"(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due: *Provided, however*, That such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

"(B) A net one-year term premium for such benefits provided for in the first policy year.

Calculation of reserves.

"Reserves according to the Commissioners reserve valuation method for (i) life-insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life-insurance policies, shall be calculated by a method consistent with the principles of this paragraph (2).

"(3) In no event shall a company's aggregate reserves for all life-insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the method set forth in paragraph (2) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

Optional standards.

"(4) Reserves for any category of policies, contracts, or benefits as established by the Superintendent, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein: *Provided, however*, That reserves for participating life-insurance policies may, with the consent of the Superintendent, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half per centum the company issuing such policies shall file with

Use of lower interest rate.

the Superintendent a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the Superintendent shall approve."

48 Stat. 1159. D. C. Code § 35-703 (6), (7), (8).

SEC. 2. That provisions (6), (7), and (8) of section 3 of chapter V of said Act, be amended to read as follows:

Loans.

"(6) A provision that after the policy has been in force three full years the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the insured less than the amount required by section 5c of this chapter under the conditions specified thereby; and that the company will deduct from such loan value any indebtedness not already deducted in determining such value and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year.

Post, p. 34.

Indebtedness.

Nonapplicability.

This provision shall not be required in term insurance, nor shall it apply to temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies. The policy may further provide that if the interest on the loan is not paid when due it shall be added to the existing loan and shall bear interest at the same rate.

Interest.

"(7) A provision for nonforfeiture benefits and cash surrender values in accordance with the requirements of section 5a or section 5b of this chapter.

Infra.

Post, p. 31.

"(8) A provision specifying the options, if any, to which the policyholder is entitled in the event of default in a premium payment."

48 Stat. 1161. D. C. Code § 35-704 (3).

SEC. 3. That provision (3) of section 4 of chapter V of said Act, be amended to read as follows:

Settlement at maturity at less than face value.

"(3) Except for provisions relating to misstatement of age, suicide, aviation, and military or naval service in time of war, a provision for any mode of settlement at maturity, after the expiration of the contestable period of the policy, of less value than the amount insured on the face of the policy plus dividend additions, if any, less any indebtedness to the company on or secured by the policy, and less any premium that may, by the terms of the policy, be deducted. This paragraph shall not apply to any nonforfeiture provision."

Nonapplicability.

48 Stat. 1161. D. C. Code § 35-705.

SEC. 4. That said Act is amended by inserting after section 5 of chapter V thereof the following three new sections:

"SEC. 5a. NONFORFEITURE BENEFITS AND CASH SURRENDER VALUES.—This section shall apply only to policies of life insurance issued prior to the operative date of section 5b (the standard nonforfeiture law) of this chapter.

Default in premium payments.

"The nonforfeiture benefits referred to in provision (7) of section 3 of this chapter shall be available to the insured in event of default in premium payments, after premiums shall have been paid for three years, and shall be a stipulated form of insurance, effective from the due date of the defaulted premium, the net value of which shall be at least equal to the reserve at the date of default on the policy and on dividend additions thereto, if any, exclusive of the reserve on account of return premium insurance and on total and permanent disability and additional accidental death benefits (the policy to specify the mortality table and rate of interest adopted for computing such reserve), less a specified percentage (not more than two and one-half) of the amount insured by the policy and of existing dividend additions thereto, if any, and less any existing indebtedness to the company on or secured by the policy: *Provided*, That a company may, in lieu of the provision herein permitted for the deduction from the reserve of a sum not more than 2½ per centum of the amount insured by the policy, and of any dividend additions thereto, insert in the policy a

Deductions.

provision that one-fifth of said reserve may be deducted, or may provide therein that a deduction may be made of said 2½ per centum or one-fifth of said reserve, at the option of the company: *Provided further*, That the policy may be surrendered to the company at its home office within one month of the due date of defaulted premium for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid: *And provided further*, That the company may defer payment for not more than six months after the application therefor is made. A provision may also be inserted in the policy that in event of default in a premium payment before such benefit becomes available, the reserve on any dividend additions then in force may at the option of the company be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy. This section shall not apply to term insurance of twenty years or less. The net single premium rate employed in computing the term of temporary insurance or the amount of pure endowment insurance granted as a nonforfeiture value under any life-insurance policy may at the option of the company be based upon a table of mortality showing rates of mortality not greater than 130 per centum of those shown by the American Men Ultimate Table of Mortality instead of the table used in computing the reserve on the policy, or in case of substandard policies not greater than 130 per centum of the rates of mortality shown by the table of mortality approved by the Superintendent for computing the reserve on the policy, anything herein to the contrary notwithstanding.

Surrender for cash value.

Deferred payment.

Default before benefit becomes available.

Nonapplicability.

Net single premium rate.

"SEC. 5b. STANDARD NONFORFEITURE LAW.—(a) In the case of policies issued on or after the operative date of this section, as defined in subsection (g) no policy of life insurance, except as stated in subsection (f), shall be issued or delivered in the District of Columbia unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the Superintendent are at least as favorable to the defaulting or surrendering policyholder—

Post, p. 34.

Post, p. 33.

"(1) that, in event of default in any premium payment after premiums have been paid one full year in the case of ordinary insurance or three full years in the case of industrial insurance, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified;

Paid-up nonforfeiture benefit.

"(2) that, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the company will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified;

Cash surrender value.

"(3) that a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

"(4) that, if the policy shall become paid up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified;

Statement of table and interest rate used.

"(5) a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the company on the policy;

Statement of calculation method.

"(6) a brief and general statement of the method to be used in calculating the cash surrender value and the paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy, with an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy.

Nonapplicability.

"Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

Deferred payment.

"The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

Cash surrender value.

"(b) Any cash surrender value available under any policy referred to in subsection (a) in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (a), shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (i) the then present value of the adjusted premiums as defined in subsection (d), corresponding to premiums which would have fallen due on and after such anniversary, and (ii) the amount of any indebtedness to the company on the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by subsection (a), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

Ante, p. 31.

Nonforfeiture benefit.

"(c) Any paid-up nonforfeiture benefit available under any policy referred to in subsection (a), in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

Ante, p. 31.

Adjusted premiums.

"(d) The adjusted premiums for any policy referred to in subsection (a) shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts stated in the policy as extra premiums to cover impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) 2 per centum of

Ante, p. 31.

the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) 40 per centum of the adjusted premium for the first policy year; (iv) 25 per centum of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: *Provided, however*, That in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed 4 per centum of the amount of insurance or level amount equivalent thereto.

Restriction.

"In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this subsection shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy.

"All adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table for Ordinary Insurance and the 1941 Standard Industrial Mortality Table for Industrial Insurance and the rate of interest, not exceeding 3½ per centum per annum, specified in the policy for calculating cash surrender values, if any, and paid-up nonforfeiture benefits: *Provided, however*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than 130 per centum of the rates of mortality according to such applicable table: *Provided, further*, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Superintendent.

Basis.

Rates of mortality.

Substandard basis.

"(e) Any cash surrender value and any paid-up nonforfeiture benefit, available under any such policy in the event of default in the payment of any premium due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (b), (c), and (d) may be calculated upon the assumption that any death benefit is payable at the end of the policy or contract year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (b), additional benefits payable (i) in the event of death or dismemberment by accident or accidental means, (ii) in the event of total and permanent disability, (iii) as reversionary annuity or deferred reversionary annuity benefits, (iv) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (v) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

Calculation of benefits, etc.

Ante, p. 32.

Net value.

Additional benefits.

"(f) This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor

Nonapplicability.

to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection (d), is less than the adjusted premium so calculated, on such fifteen-year term policy issued at the same age and for the same initial amount of insurance, nor to any policy or contract which shall be delivered outside the District of Columbia through an agent or other representative of the company issuing the policy.

Election of compliance by company.

"(g) After the effective date of this Act, any company may file with the Superintendent a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1950. After the filing of such notice, then upon such specified date (which shall be the operative date for such company), this section shall become operative with respect to the policies and contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January 1, 1950."

Loan value.

Ante, p. 31.

Ante, p. 30.

"SEC. 5c. LOAN PROVISIONS IN POLICIES.—(a) In the case of ordinary policies issued prior to the operative date of section 5b (the standard nonforfeiture law) of this chapter the loan value referred to in provision (6) of section 3 of this chapter shall be the reserve at the end of the current policy year on the policy and on the dividend additions thereto, if any, exclusive of the reserve on account of return premium insurance and of total and permanent disability and additional accidental death benefits, less a sum not more than 2½ per centum of the amount insured by the policy and of any dividend additions thereto (the policy to specify the mortality table and rate of interest adopted for computing such reserve). The policy may provide that such loan may be deferred for not exceeding six months after the application therefor is made. A company may, in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than 2½ per centum of the amount insured by the policy and of any dividend additions thereto, insert in the policy a provision that one-fifth of the said reserve may be deducted in case of a loan under the policy, or may provide therein that the deduction may be the said 2½ per centum or the one-fifth of the said reserve at the option of the company.

Deferment of loan.

Deductions.

Deferment of loan.

Ante, p. 31.

Ante, p. 30.

"(b) In the case of ordinary policies issued on or after the operative date of section 5b (the standard nonforfeiture law) of this chapter the loan value referred to in provision (6) of section 3 of this chapter shall be the cash surrender value at the end of the current policy year as required by section 5b of this chapter. The company shall reserve the right to defer such loan, except when made to pay premiums, for six months after application therefor is made."

Approved February 19, 1948.

[CHAPTER 67]

February 25, 1948
[H. R. 2029]
[Public Law 415]

AN ACT

To provide for the free importation of synthetic-rubber scrap.

46 Stat. 678.
19 U. S. C. § 1201, par. 1697.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1697 of the Tariff Act of 1930 (relating to the free importation of rubber and rubber scrap) is amended by striking out "scrap or refuse india rubber" and inserting in lieu thereof "scrap or refuse synthetic or india rubber".

Approved February 25, 1948.

[CHAPTER 68]

AN ACT

Authorizing the sale of undisposed of lots in Michel addition to the town of Polson, Montana.

February 25, 1948
[S. 1507]
[Public Law 416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to sell, under existing rules and regulations, the undisposed of lots in blocks 3, 4, and 5, in the Michel addition to the city of Polson, Montana, said lots being embraced in the trust allotment of Angeline Michel, deceased, Flathead allottee numbered 1914.

Polson, Mont.
Sale of lots.

Approved February 25, 1948.

[CHAPTER 72]

AN ACT

To permit the issuance of unrestricted deeds for town-site lands held by Alaska natives, and for other purposes.

February 26, 1948
[H. R. 3503]
[Public Law 417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trustee or trustees to whom a patent has been issued for a townsite surveyed pursuant to section 11 of the Act of March 3, 1891 (26 Stat. 1095), or section 3 of the Act of May 25, 1926 (44 Stat. 629), upon a finding by the Secretary of the Interior or his authorized representative that any Alaska native who claims and occupies a tract of land within such townsite is competent to manage his own affairs and has petitioned the Secretary or his authorized representative for an unrestricted deed, or shall issue to such native an unrestricted deed, and thereafter all restrictions as to sale, encumbrance, or taxation of said lands shall be removed, but said land shall not be liable to the satisfaction of any debt, except obligations owed the Federal Government, contracted prior to the issuing of such deed.

Alaska.
Townsite lands.
48 U. S. C. § 355.
48 U. S. C. § 355c.

Approved February 26, 1948.

[CHAPTER 73]

AN ACT

To authorize the sale of certain lands of the L'Anse Band of Chippewa Indians, Michigan.

February 27, 1948
[S. 522]
[Public Law 418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to sell for the sum of $2,015 and convey to the village of L'Anse, Michigan, certain tribal land and allotted Indian lands described as the southeast quarter of the southeast quarter of section 32, township 51 north, range 32 west, the north half northwest quarter of section 1, the south half northeast quarter of section 2, township 50 north, range 33 west, Michigan meridian, Michigan, containing one hundred and seventy-seven and twenty-nine one-hundredths acres, more or less. The sale of the tribal land shall be made only with the consent of the tribal council. The proceeds of the sale of the tribal lands, $640, shall be delivered to the bonded disbursing officer of the Great Lakes Indian Agency, Ashland, Wisconsin, to be credited to the tribal funds of the Keweenaw Bay Indian Community. The proceeds of the sale of the allotted lands, $1,375, are to be placed to the credit of the various heirs in their respective individual Indian accounts by the disbursing officer of the Great Lakes Indian Agency. Such funds, received from the sale of these lands, may be reinvested in other lands, in accordance with and subject to the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended.

L'Anse, Mich.
Conveyance.
25 U. S. C. §§ 461-479.

Approved February 27, 1948.

[CHAPTER 74]

AN ACT

February 27, 1948
[S. 1485]
[Public Law 419]

To authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the Albuquerque Indian School, New Mexico.

Albuquerque Indian School, N. Mex.
Sale of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion and subject to such terms and conditions as he may prescribe, to sell or exchange all or any part of those certain areas heretofore acquired for the Albuquerque Indian School, New Mexico, situated within tracts numbered 97a, 97b, and 98 as shown on the Middle Rio Grande Conservancy District map, comprising approximately thirty and seventy-five one-hundredths acres. In effecting any sale or exchange hereunder the Secretary of the Interior is authorized to execute such deeds or other instruments as may be necessary to transfer the title to any land so sold or exchanged. Any exchanges of land effected pursuant to this Act shall be on an equal value basis.

Proceeds.

SEC. 2. That the proceeds derived from any sale made under authority of this Act shall be deposited in the Treasury of the United States as school revenues, pursuant to the Act of May 27, 1926 (44 Stat. 560), and shall be available in the discretion of the Secretary of the Interior for the purchase of other lands and improvements or interests therein for the use of said Albuquerque Indian School.

25 U. S. C. § 155.

Approved February 27, 1948.

[CHAPTER 75]

AN ACT

February 27, 1948
[S. 1591]
[Public Law 420]

To transfer certain transmission lines, substations, appurtenances, and equipment in connection with the sale and disposition of electric energy generated at the Fort Peck project, Montana, and for other purposes.

Fort Peck project.
Transfer of transmission lines, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in aid of the administration of the Fort Peck project, there is hereby granted to the United States, for use by the Bureau of Reclamation, Department of the Interior (hereinafter referred to as the "Bureau"), in the discharge of its duties pursuant to the Act of May 18, 1938 (52 Stat. 403), the electric-transmission lines, substations, rights-of-way, and other property described in section 7 of that certain permit and memorandum of understanding, dated November 2, 1945, between the Bureau and the Office of Indian Affairs, Department of the Interior (hereinafter referred to as the "Indian Office"): *Provided, however*, That the Bureau shall continue to furnish electric service for the uses and purposes of the Indian Office on the Fort Peck Indian Reservation, pursuant to the terms and conditions of said permit and memorandum of understanding, except as the same may be modified by the Secretary of the Interior.

16 U. S. C. §§ 833–833k.

Purchase price.

SEC. 2. That the amount of money to be paid for said property shall be $58,577.52, or so much thereof as the Secretary of the Interior shall determine to be needed pursuant to the provisions of said permit and memorandum of understanding. Such sum shall be paid, from funds now or hereafter made available to the Department of the Interior for the construction of transmission lines and substations of the Fort Peck project, to the Commissioner of Indian Affairs, who shall deposit such sum in the Treasury of the United States as a credit on expenditures made for irrigation and power construction on the Fort Peck Indian irrigation project.

SEC. 3. The Secretary of the Interior is authorized to perform any and all acts as may be deemed necessary to carry out the provisions of this Act.

Approved February 27, 1948.

[CHAPTER 76]

AN ACT

To amend an Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective Departments.

February 27, 1948
[H. R. 774]
[Public Law 421]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannonballs in their respective departments", approved May 22, 1896, as amended, is amended to read as follows:

Loan or gift of condemned ordnance, etc.

29 Stat. 133.
50 U. S. C., Supp. I, § 67.

"That the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy and the Secretary of the Treasury are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion, and other recognized war veteran associations, State museums, and incorporated museums operated and maintained for educational purposes only, whose charter denies them the right to operate for profit, municipal corporations, and posts of the Sons of Veterans Reserve, condemned or obsolete combat material, books, manuscripts, works of art, drawings, plans and models which may not be needed in the service of either of said Departments.

"Such loan or gift shall be made subject to rules and regulations covering the same in each Department, and the Government shall be at no expense in connection with any such loan or gift."

SEC. 2. The Act of May 22, 1896, as amended, shall not be construed as altering, amending, or repealing the provisions of any other law under authority of which the President, the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, or the Secretary of the Treasury may dispose of Government material.

Supra.

Approved February 27, 1948.

[CHAPTER 77]

AN ACT

To continue for a temporary period certain provisions of the Housing and Rent Act of 1947.

February 27, 1948
[H. R. 5390]
[Public Law 422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 4 of the Housing and Rent Act of 1947 (Public Law 129, Eightieth Congress), is hereby amended by striking out "March 1, 1948," wherever it occurs and inserting in lieu thereof "April 1, 1948,".

61 Stat. 195.
50 U. S. C., Supp. I, app. § 1884 (a).
Post, p. 93.

SEC. 2. Subsection (a) of section 204 of the Housing and Rent Act of 1947 is hereby amended by striking out "February 29, 1948" and inserting in lieu thereof "the close of March 31, 1948". Subsection (f) of such section 204 is hereby amended by striking out "on February 29, 1948" and inserting in lieu thereof "at the close of March 31, 1948".

61 Stat. 197, 199.
50 U. S. C., Supp. I, app. § 1894 (a), (f).
Post, pp. 94, 98.

SEC. 3. Section 2 of Public Law 301, Eightieth Congress, approved July 31, 1947 (relating to eviction of tenants from publicly operated housing accommodations), is hereby amended by striking out "March 1, 1948," and inserting in lieu thereof "April 1, 1948,".

61 Stat. 705.
42 U. S. C., Supp. I, § 1413a.
Post, p. 100.

Approved February 27, 1948.

[CHAPTER 78]

JOINT RESOLUTION

February 27, 1948
[S. J. Res. 173]
[Public Law 423]

To continue until March 1, 1949, the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes.

Maritime Commission.
Post, pp. 62, 217
61 Stat. 190.
50 U. S. C., Supp. I, app. §§ 1744 (a), 1735 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Act entitled "An Act to continue temporary authority of the Maritime Commission until March 1, 1948", approved June 28, 1947 (Public Law 127, Eighteenth Congress), is amended by striking out the date "March 1, 1948" and inserting in lieu thereof the date "March 1, 1949".

60 Stat. 43.
50 U. S. C. app. § 1739.

(b) Notwithstanding the provisions of subsection (a), no contract of sale under section 6 of the Merchant Ship Sales Act of 1946 shall be made after March 1, 1948; and nothing contained in this or any other Act shall be deemed to authorize the United States Maritime Commission to charter any war-built vessel (as defined in the Merchant Ship Sales Act of 1946) to any person who is not a citizen of the United States (as defined in the Merchant Ship Sales Act of 1946).

60 Stat. 42.
50 U. S. C. app. § 1736 (g).

SEC. 2. Section 2 of the joint resolution entitled "Joint resolution authorizing the Commandant of the United States Coast Guard to waive compliance with the navigation and vessel-inspection laws administered by the Coast Guard", approved March 31, 1947 (Public Law 27, Eighteenth Congress), as amended, is amended by striking out the date "April 1, 1948" and inserting in lieu thereof the date "March 1, 1949".

61 Stat. 33.
46 U. S. C., Supp. I, note prec. § 121.

Approved February 27, 1948.

[CHAPTER 82]

AN ACT

February 28, 1948
[S. 1133]
[Public Law 424]

Providing for the per capita payment of certain moneys appropriated in settlement of certain claims of the Indians of the Fort Berthold Indian Reservation in North Dakota.

Fort Berthold Indian Reservation, N. Dak.
Per capita payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within sixty days from the date of enactment of this Act the Secretary of the Interior shall withdraw from the Treasury, and pay to the enrolled members of the Indians of the Fort Berthold Indian Reservation in North Dakota, $300,000 to be distributed per capita, out of the balance of the principal and interest of the amount appropriated in settlement of certain claims of such Indians pursuant to the last paragraph preceding the heading "Miscellaneous Indian Tribal Funds", in the first section of the Interior Department Appropriation Act, 1947, remaining after the fees and expenses authorized by such paragraph to be paid from such appropriation shall have been paid or provided for. The money paid to such members under this Act shall not be subject to any lien or claim of any nature against any of such members.

60 Stat. 359.

Approved February 28, 1948.

[CHAPTER 83]

AN ACT

February 28, 1948
[S. 1454]
[Public Law 425]

To amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes.

Public Health Service Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (j)

of section 2 of the Public Health Service Act, as amended (42 U. S. C., ch. 6A), is amended by inserting immediately after the semicolon at the end thereof the words "isonipecaine and its derivatives, compounds, salts, and preparations; opiates (as defined in section 3228 (f) of the Internal Revenue Code);".

58 Stat. 683.
42 U. S. C. § 201 (j).

60 Stat. 38.
26 U. S. C. § 3228 (f); Supp. I, § 3228 note.

SEC. 2. Section 203 of such Act is amended by striking out the last sentence thereof.

58 Stat. 683.
42 U. S. C. § 204.

SEC. 3. Section 205 of such Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

58 Stat. 684.
42 U. S. C. § 206.

Special temporary positions.

"(c) The Surgeon General, with the approval of the Administrator, is authorized to create special temporary positions in the grade of Assistant Surgeons General when necessary for the proper staffing of the Service; but the number of such special temporary positions, when added to the eight positions created by section 204 and subsections (a) and (b) of this section, shall not on any day exceed three-fourths of 1 per centum of the highest number, during the ninety days preceding such day, of officers of the Regular Corps on active duty and officers of the Reserve Corps on active duty for more than thirty days. The Surgeon General may assign officers of either the Regular Corps or the Reserve Corps to any such special temporary positions, and while so serving they shall each have the title of Assistant Surgeon General."

58 Stat. 684.
42 U. S. C. §§ 205, 206 (a), (b).

SEC. 4. (a) The first sentence of subsection (a) of section 206 of such Act is amended to read: "The Surgeon General, during the period of his appointment as such, shall be of the same grade, with the same pay and allowances, as the Surgeon General of the Army; and the Deputy Surgeon General, while assigned as such, shall have the grade corresponding with the grade of major general, with the same pay and allowances. Assistant Surgeons General, while assigned as such, shall have the grade, with the pay and allowances thereof, corresponding with either the grade of brigadier general or the grade of major general, as may be determined by the Administrator after considering the importance of the duties to be performed: *Provided*, That the number of Assistant Surgeons General having a grade higher than that corresponding to the grade of brigadier general shall at no time exceed one-half of the number of positions created by subsection (b) of section 205 or pursuant to subsection (c) of such section."

58 Stat. 684.
42 U. S. C. § 207 (a).
Surgeon General.

Deputy Surgeon General and Assistant Surgeons General.

58 Stat. 684.
42 U. S. C. § 206 (b).
Supra.

(b) Such section is further amended by adding at the end thereof the following new subsections:

Officer below grade of director.

"(c) Any commissioned officer below the grade of director who is assigned to serve as chief of a division shall, for the duration of such assignment, have the grade of director and receive the pay and allowances applicable to such grade.

Authorized numbers.

"(d) Within the total number of officers of the Regular Corps authorized by the appropriation Act or Acts for each fiscal year to be on active duty, the Administrator shall by regulation prescribe the maximum number of officers authorized to be in each of the grades from the junior assistant grade to the director grade, inclusive. Such numbers shall be determined after considering the anticipated needs of the Service during the fiscal year, the funds available, the number of officers in each grade at the beginning of the fiscal year, and the anticipated appointments, the anticipated promotions based on years of service, and the anticipated retirements during the fiscal year. The number so determined for any grade for a fiscal year may not exceed the number limitation (if any) contained in the appropriation Act or Acts for such year. Such regulations for each fiscal year shall be prescribed as promptly as possible after the appropriation Act fixing the authorized strength of the corps for that year, and shall be

subject to amendment only if such authorized strength or such number limitation is thereafter changed. The maxima established by such regulations shall not require (apart from action pursuant to other provisions of this Act) any officer to be separated from the Service or reduced in grade."

58 Stat. 685.
42 U. S. C. §§208, 209, 210.

SEC. 5. (a) Such Act is further amended by striking out section 207 thereof and by redesignating sections 208 and 209 as sections 207 and 208, respectively.

58 Stat. 685.
42 U. S. C. § 209 (a) (1), (2).

(b) Paragraph (1) of subsection (a) of the section herein redesignated as section 207 is amended by striking "surgery," therefrom.

Graduates of osteopathy colleges.

Graduates of colleges of osteopathy whose graduates are eligible for licensure to practice medicine or osteopathy in a majority of the States of the United States, or approved by a body or bodies acceptable to the Administrator, shall be eligible, subject to the other provisions of this Act, for appointment as commissioned medical officers in the Public Health Service. The second sentence of paragraph (2) of such subsection is amended to read: "Reserve commissions shall be for a period of not more than five years and may be terminated at any time, as the President may direct."

Reserve commissions.

58 Stat. 685.
42 U. S. C. § 209 (b).

(c) Subsection (b) of such section is amended to read:

Original appointments.

"(b) Not more than 10 per centum of the original appointments to the Regular Corps authorized to be made during any fiscal year may be made to grades above that of senior assistant, but no such appointment may be made to a grade above that of director. For the purpose of this subsection the number of original appointments authorized to be made during a fiscal year shall be (1) the excess of the number of officers of the Regular Corps authorized by the appropriation Act or Acts for such year over the number of officers on active duty in the Regular Corps on the first day of such year, plus (2) the number of such officers of the Regular Corps who, during such fiscal year, have been or will be retired upon attainment of age sixty-four or have for any other reason ceased to be on active duty. In determining the number of appointments authorized by this subsection an appointment shall be deemed to be made in the fiscal year in which the nomination is transmitted by the President to the Senate. No person shall be appointed pursuant to this subsection unless he meets standards established in accordance with regulations of the President."

58 Stat. 686.
42 U. S. C. § 209 (c), (d), (e), (f).

(d) Such section is further amended by redesignating subsections (c), (d), (e), and (f) thereof as subsections (e), (f), (g), and (h), respectively; by changing "subsection (c)" to "subsection (e)" and changing "subsection (d)" to "subsection (f)" in the subsection hereby designated as subsection (g); and by inserting after subsection (b) the following new subsections:

Issuance of commissions.

"(c) Commissions evidencing the appointment by the President of officers of the Regular or Reserve Corps shall be issued by the Administrator under the seal of the Federal Security Agency.

Service credit.
Senior assistants, etc.
58 Stat. 685.
42 U. S. C. § 209 (a).
Supra.
Infra; post, p. 41.

"(d) (1) For purposes of pay and pay period and for purposes of promotion, any person appointed under subsection (a) to the grade of senior assistant in the Regular Corps, and any person appointed under subsection (b), shall, except as provided in paragraphs (2) and (3) of this subsection, be considered as having had on the date of appointment the following length of service: Three years if appointed to the senior assistant grade, ten years if appointed to the full grade, seventeen years if appointed to the senior grade, and eighteen years if appointed to the director grade.

Service credit under other provision of law.
58 Stat. 685.
42 U. S. C. § 209 (a).
Supra.

"(2) For purposes of pay and pay period, any person appointed under subsection (a) to the grade of senior assistant in the Regular Corps, and any person appointed under subsection (b), shall, in lieu of the credit provided in paragraph (1), be credited with the service for which he is entitled to credit under any other provision of law if

such service exceeds that to which he would be entitled under such paragraph.

"(3) For purposes of promotion, any person originally appointed in the Regular Corps to the senior assistant grade or above who has had active service in the Reserve Corps shall be considered as having had on the date of appointment the length of service provided for in paragraph (1), plus whichever of the following is greater: (A) The excess of his total active service in the Reserve Corps (above the grade of junior assistant) over the length of service provided in such paragraph, to the extent that such excess is on account of service in the Reserve Corps in or above the grade to which he is appointed in the Regular Corps or (B) his active service in the same or any higher grade in the Reserve Corps after the first day on which, under regulations in effect on the date of his appointment to the Regular Corps, he would have had the training and experience necessary for such appointment.

Active service in Reserve Corps.

Ante, p. 40.

"(4) For purposes of promotion, any person whose original appointment is to the assistant grade in the Regular Corps shall be considered as having had on the date of appointment service equal to his total active service in the Reserve Corps in and above the assistant grade."

Assistant grade.

(e) Beginning as of the date of enactment of this Act, any officer of the Regular Corps of the Public Health Service on active duty on such date shall, in lieu of the service with which he was credited for the purposes of pay and pay period at the time of his appointment to such corps, receive credit, if it is greater, for three years if his appointment was to the senior assistant grade, twelve years if it was to the full grade, twenty years if it was to the senior grade, and twenty-six years if it was to the director grade.

Officer of Regular Corps on active duty.

(f) Any person appointed to any grade above the assistant grade in the Regular Corps of the Public Health Service after enactment of this Act and prior to July 1, 1948, shall, for purposes of pay and pay period, and (except in the case of an appointment to the director grade) for purposes of promotion, receive the credit provided under section 207 of the Public Health Service Act, as amended by this Act, or shall receive credit, if it is greater, of three years if appointed to the senior assistant grade, twelve years if appointed to the full grade, twenty years if appointed to the senior grade, and twenty-six years if appointed to the director grade. In the case of an officer so appointed to the full or senior grade (1) he shall receive two years' seniority in grade if appointed to the full grade and three years' if appointed to the senior grade, and (2) he shall be considered as having completed the one year of service in grade required for promotion to a restricted grade or to the director grade, as the case may be.

Appointment above assistant grade.

58 Stat. 685.
42 U. S. C. § 209.
Ante, p. 40.

Appointment to full or senior grade.

(g) Subsection (b) of the section herein redesignated as section 208 is amended to read:

58 Stat. 686.
42 U. S. C. § 210 (b).
Ante, p. 40.

"(b) Reserve officers, except when otherwise provided by law, shall receive the same pay and allowances when on active duty as commissioned officers of the Regular Corps, including allowances for travel and transportation of household goods and effects."

Reserve officers.

(h) Subsection (h) of the section herein redesignated as section 208 is amended by striking out "section 208 (d)" and inserting in lieu thereof "section 207 (f)".

58 Stat. 687.
42 U. S. C. § 210 (h).
Ante, p. 40.

(i) Such Act is further amended by inserting after the section herein redesignated as section 208 the following new section:

"PROFESSIONAL CATEGORIES

"SEC. 209. (a) For the purpose of establishing eligibility of officers of the Regular Corps for promotions, the Surgeon General shall by

regulation divide the corps into professional categories. Each category shall, as far as practicable, be based upon one of the subjects of examination set forth in section 207 (a) (1) or upon a subdivision of such subject, and the categories shall be designed to group officers by fields of training in such manner that officers in any one grade in any one category will be available for similar duty in the discharge of the several functions of the Service.

58 Stat. 685.
42 U. S. C. § 209 (a) (1).
Ante, p. 40.

Assignment.

"(b) Each officer of the Regular Corps on active duty shall, on the basis of his training and experience, be assigned by the Surgeon General to one of the categories established by regulations under subsection (a). Except upon amendment of such regulations, no assignment so made shall be changed unless the Surgeon General finds (1) that the original assignment was erroneous, or (2) that the officer is equally well qualified to serve in another category to which he has requested to be transferred, and that such transfer is in the interests of the Service.

Authorized number.
Ante, p. 39.

"(c) Within the limits fixed by the Administrator in regulations under section 206 (d) for any fiscal year, the Surgeon General shall determine for each category in the Regular Corps the maximum number of officers authorized to be in each of the grades from the assistant grade to the director grade, inclusive.

Excess of authorized number.

"(d) The excess of the number so fixed for any grade in any category over the number of officers of the Regular Corps on active duty in such grade in such category (including, in the case of the director grade, officers holding such grade in accordance with section 206 (c)) shall for the purpose of promotions constitute vacancies in such grade in such category. For purposes of this subsection, an officer who has been temporarily promoted or who is temporarily holding the grade of director in accordance with section 206 (c) shall be deemed to hold the grade to which so promoted or which he is temporarily holding; but while he holds such promotion or grade, and while any officer is temporarily assigned to a position pursuant to section 205 (c), the number fixed under subsection (c) of this section for the grade of his permanent rank shall be reduced by one.

Ante, p. 39.

Temporary promotions, etc.
Ante, p. 39.

Ante, p. 39.

Absence of vacancy.
58 Stat. 685.
42 U. S. C. § 209.
Ante, p. 40.

"(e) The absence of a vacancy in a grade in a category shall not prevent an appointment to such grade pursuant to section 207, a permanent length of service promotion, or the recall of a retired officer to active duty; but the making of such an appointment, promotion, or recall shall be deemed to fill a vacancy if one exists.

Vacancies.

"(f) Whenever a vacancy exists in any grade in a category the Surgeon General may increase by one the number fixed by him under subsection (c) for the next lower grade in the same category, without regard to the numbers fixed in regulations under section 206 (d); and in that event the vacancy in the higher grade shall not be filled except by a permanent promotion, and upon the making of such promotion the number for the next lower grade shall be reduced by one."

Ante, p. 39.

58 Stat. 687.
42 U. S. C. § 211.
Promotions up to and including director grade.

SEC. 6. (a) Section 210 of such Act is amended to read:

"SEC. 210. (a) Promotions of officers of the Regular Corps to any grade up to and including the director grade shall be either permanent promotions based on length of service, other permanent promotions to fill vacancies, or temporary promotions. Permanent promotions shall be made by the President, by and with the advice and consent of the Senate, and temporary promotions shall be made by the President. Each permanent promotion shall be to the next higher grade, and shall be made only after examination given in accordance with regulations of the President.

"Restricted grade."

"(b) The President may by regulation provide that in a specified professional category permanent promotions to the senior grade, or

to both the full grade and the senior grade, shall be made only if there are vacancies in such grade. A grade in any category with respect to which such regulations have been issued is referred to in this section as a 'restricted grade'.

"(c) Examinations to determine qualification for permanent promotions may be either noncompetitive or competitive, as the Surgeon General shall in each case determine; except that examinations for promotions to the assistant or senior assistant grade shall in all cases be noncompetitive. The officers to be examined shall be selected by the Surgeon General from the professional category, and in the order of seniority in the grade, from which promotion is to be recommended. In the case of a competitive examination the Surgeon General shall determine in advance of the examination the number (which may be one or more) of officers who, after passing the examination, will be recommended to the President for promotion; but if the examination is one for promotions based on length of service, or is one for promotions to fill vacancies other than vacancies in the director grade or in a restricted grade, such number shall not be less than 80 per centum of the number of officers to be examined.

Examinations.

Recommendation for promotion.

"(d) Officers of the Regular Corps, found pursuant to subsection (c) to be qualified, shall be given permanent promotions based on length of service, as follows:

Permanent promotions. *Supra.*

"(1) Officers in the junior assistant grade shall be promoted at such times as may be prescribed in regulations of the President.

"(2) Officers with permanent rank in the assistant grade, the senior assistant grade, and the full grade shall (except as provided in regulations under subsection (b)) be promoted after completion of three, ten, and seventeen years, respectively, of service in grades above the junior assistant grade; and such promotions, when made, shall be effective, for purposes of pay and pay period and for purposes of seniority in grade, as of the day following the completion of such years of service. An officer with permanent rank in the assistant, senior assistant, or full grade who has not completed such years of service shall be promoted at the same time, and his promotion shall be effective as of the same day, as any officer junior to him in the same grade in the same professional category who is promoted under this paragraph.

Officers with permanent rank.

Ante, p. 42.

"(e) Officers in a professional category of the Regular Corps, found pursuant to subsection (c) to be qualified, may be given permanent promotions to fill any or all vacancies in such category in the senior assistant grade, the full grade, the senior grade, or the director grade; but no officer who has not had one year of service with permanent or temporary rank in the next lower grade shall be promoted to any restricted grade or to the director grade.

Officers in professional category. *Supra.*

"(f) If an officer who has completed the years of service required for promotion to a grade under paragraph (2) of subsection (d) fails to receive such promotion, he shall (unless he has already been twice examined for promotion to such grade) be once reexamined for promotion to such grade. If he is thereupon promoted (otherwise than under subsection (e)), the effective date of such promotion shall be one year later than it would have been but for such failure. Upon the effective date of any permanent promotion of such officer to such grade, he shall be considered as having had only the length of service required for such promotion which he previously failed to receive.

Failure to receive promotion. *Supra.*

"(g) If, for reasons other than physical disability incurred in line of duty, an officer of the Regular Corps in the junior assistant grade is found pursuant to subsection (c) not to be qualified for promotion he shall be separated from the Service. If, for reasons other than physical disability incurred in line of duty, an officer of the Regular

Separation from Service. *Supra.*

Corps in the assistant, senior assistant, or full grade, after having been twice examined for promotion (other than promotion to a restricted grade), fails to be promoted—

"(1) if in the assistant grade he shall be separated from the Service and paid six months' pay and allowances;

"(2) if in the senior assistant grade he shall be separated from the Service and paid one year's pay and allowances;

"(3) if in the full grade he shall be considered as not in line for promotion and shall, at such time thereafter as the Surgeon General may determine, be retired from the Service with retired pay (unless he is entitled to a greater amount by reason of another provision of law) at the rate of 2½ per centum of his active duty pay at the time of retirement for each complete year, not in excess of thirty, of his active commissioned service in the Service.

Refusal to take examination.

"(h) If an officer of the Regular Corps, eligible to take an examination for promotion, refuses to take such examination, he may be separated from the Service in accordance with regulations of the President.

Review of officer's record.

"(i) At the end of his first three years of service, the record of each officer of the Regular Corps originally appointed to the senior assistant grade or above, shall be reviewed in accordance with regulations of the President and, if found not qualified for further service, he shall be separated from the Service and paid six months' pay and allowances.

Order of seniority.

"(j) (1) The order of seniority of officers in a grade in the Regular Corps shall be determined, subject to the provisions of pargaraph (2), by the relative length of time spent in active service after the effective date of each such officer's original appointment or permanent promotion to that grade. When permanent promotions of two or more officers to the same grade are effective on the same day, their relative seniority shall be the same as it was in the grade from which promoted. In all other cases of original appointments or permanent promotions (or both) to the same grade effective on the same day, relative seniority shall be determined in accordance with regulations of the President.

Credit for active service in Reserve Corps.

"(2) In the case of an officer originally appointed in the Regular Corps to the grade of assistant or above, his seniority in the grade to which appointed shall be determined after inclusion, as service in such grade, of any active service in such grade or in any higher grade in the Reserve Corps, but (if the appointment is to the grade of senior assistant or above) only to the extent of whichever of the following is greater: (A) His active service in such grade or any higher grade in the Reserve Corps after the first day on which, under regulations in effect on the date of his appointment to the Regular Corps, he had the training and experience necessary for such appointment, or (B) the excess of his total active service in the Reserve Corps (above the grade of junior assistant) over three years if his appointment in the Regular Corps is to the senior assistant grade, over ten years if the appointment is to the full grade, or over seventeen years if the appointment is to the senior grade.

Temporary promotions.

"(k) Any commissioned officer of the Regular Corps in any grade in any professional category may be recommended to the President for temporary promotion to fill a vacancy in any higher grade in such

War or emergency promotions.

category, up to and including the director grade. In time of war, or of national emergency proclaimed by the President, any commissioned officer of the Regular Corps in any grade in any professional category may be recommended to the President for promotion to any higher grade in such category, up to and including the director grade, whether or not a vacancy exists in such grade. The selection of officers to be recommended for temporary promotions shall be made in accordance with regulations of the President. Promotion of an

officer recommended pursuant to this subsection may be made without regard to length of service, without examination, and without vacating his permanent appointment, and shall carry with it the pay and allowances of the grade to which promoted. Such promotions may be terminated at any time, as may be directed by the President.

Number exceeding authorized strength.

"(l) Whenever the number of officers of the Regular Corps on active duty, plus the number of officers of the Reserve Corps who have been on active duty for thirty days or more, exceeds the authorized strength of the Regular Corps, the Administrator shall determine the requirements of the Service in each grade in each category, based upon the total number of officers so serving on active duty and the tasks being performed by the Service; and the Surgeon General shall thereupon assign each officer of the Reserve Corps on active duty to a professional category. If the Administrator finds that the number of officers fixed under section 209 (c) for any grade and category (or the number of officers, including officers of the Reserve Corps, on active duty in such grade in such category, if such number is greater than the number fixed under section 209 (c)) is insufficient to meet such requirements of the Service, officers of either the Regular Corps or the Reserve Corps may be recommended for temporary promotion to such grade in such category. Any such promotion may be terminated at any time, as may be directed by the President.

Ante, p. 42.

Acceptance of promotion.

"(m) Any officer of the Regular Corps, or any officer of the Reserve Corps on active duty, who is promoted to a higher grade shall, unless he expressly declines such promotion, be deemed for all purposes to have accepted such promotion; and shall not be required to renew his oath of office, or to execute a new affidavit as required by the Act of December 11, 1926, as amended (5 U. S. C. 21a)."

44 Stat. 918.

Infra.

(b) Except as provided in subsection (d) of this section, no promotion shall be made under section 210 of the Public Health Service Act, as amended by this Act, prior to July 1, 1948. Until that date officers of the Regular Corps may receive temporary promotions to higher grades with the pay and allowances thereof pursuant to section 210 (a) (1) of the Public Health Service Act, in force prior to the enactment of this Act, notwithstanding the termination, prior to such date, of the war and of the national emergencies proclaimed by the President. Any officer holding, on June 30, 1948, an appointment pursuant to such section to a higher temporary grade shall continue in such grade until such appointment is terminated, as the President may direct.

Ante, p. 42.

Additional service credit.

(c) Effective as of the date of the enactment of this Act, each officer of the Regular Corps on such date, in addition to the credit he has under preexisting legislation for purposes of promotion, shall be credited with three years of service.

Promotions to senior assistant.

(d) (1) Officers of the Regular Corps who have, or who on or before July 1, 1948, will have, the years of service prescribed in paragraph (2) of section 210 (d) of the Public Health Service Act, as amended by this Act, for promotion to the senior assistant, full, or senior grade, shall be recommended to the President for such promotion, to be effective as of July 1, 1948, whether or not vacancies exist in such grade. Such promotions shall be made without examination, except that no promotions shall be made to the senior grade or any grade immediately below a restricted grade until the officer is found qualified for promotion pursuant to subsection (c) of section 210 of the Public Health Service Act, as amended by this Act. No promotion shall be made pursuant to this paragraph to any grade in any professional category if such grade has been made a restricted grade pursuant to subsection (b) of section 210 of the Public Health Service Act, as amended by this Act. For purposes of seniority an officer promoted under this paragraph shall be credited with the years of service in the grade to

Ante, p. 43.

Ante, p. 43.

Promotions in restricted grades.

Ante, p. 42.

Crediting of service.

which promoted equal to the excess of his years of service on the date of promotion over the years of service required for promotion to such grade under paragraph (2) of section 210 (d) of the Public Health Service Act, as amended by this Act.

Ante, p. 43.

Officers in junior assistant grade.

(2) Officers in the junior assistant grade in the Regular Corps who have, or who on or before July 1, 1948, will have four or more years of service in the junior assistant grade, shall be recommended to the President for promotion to the assistant grade, to be effective as of July 1, 1948, without examination and whether or not vacancies exist in such grade. For purposes of promotion and seniority in grade, an officer promoted under this paragraph shall be credited with the years of service equal to the excess of his years of service on the date of promotion over four years.

Crediting of service.

(e) For purposes of seniority, any officer of the Regular Corps of the Public Health Service on the date of enactment of this Act shall be considered as having had service in the grade which he holds on such date equal to the excess of the service credited to him for promotion purposes over the length of service required under section 210 (d) (2), as amended by this Act, for promotion to such grade.

Ante, p. 43.

(f) Except as provided in subsection (d) of this section, the provisions of this section shall not, prior to July 1, 1948, affect the term or tenure of office (including any office held under temporary promotion) of any commissioned officer of the Service in office upon the date of the enactment of this Act.

58 Stat. 688.
42 U. S. C. § 212 (b).
Retirement.

SEC. 7. (a) The first sentence of subsection (b) of section 211 of such Act is amended to read: "A commissioned officer shall be retired on the first day of the month following the month in which he attains the age of sixty-four years; and a commissioned officer may be retired by the Administrator, and shall be retired if he applies for retirement, on the first day of any month after completion of thirty years of active commissioned service in the Service."

58 Stat. 688.
42 U. S. C. § 212 (c) (2).
Retired pay for certain officers.

(b) Paragraph (2) of subsection (c) of such section is amended to read:

"(2) The retired pay to which an officer, who has served four years or more as Surgeon General, Deputy Surgeon General, or Assistant Surgeon General, is entitled shall be based on the pay of the highest grade held by him as such Surgeon General, Deputy Surgeon General, or Assistant Surgeon General."

58 Stat. 688.
42 U. S. C. § 212 (d).

(c) Subsection (d) of such section is amended by changing the words "for age" to "under the provisions of subsection (b)".

(d) Section 211 of such Act is further amended by adding at the end thereof the following new subsections:

Retirement of officer in Regular Corps.

"(g) An officer of the Regular Corps in the senior assistant grade in a category in which the full grade is a restricted grade, who has had twenty years of active commissioned or noncommissioned service in the Service (including any active Federal service in the armed forces) or has attained the age of fifty, or an officer of the Regular Corps in the full grade in a category in which the senior grade is a restricted grade, who has had twenty-five years of such service or has attained the age of fifty-five, may be retired in accordance with regulations of the Administrator if he has not been found pursuant to section 210 (c) to be qualified for promotion to the full grade or the senior grade, as the case may be. The retired pay of any such officer shall be at the rate of 2½ per centum of his active-duty pay at the time of retirement for each complete year, not in excess of thirty, of such service.

Ante, p. 43.
Retired pay.

Termination of retired pay.

"(h) Retired pay pursuant to this section shall be terminated if the officer receiving such pay is recalled to active duty or, in the case of an officer of the Reserve Corps, if he is found to have recovered from his disability. Such pay shall be suspended for any period

during which an officer fails without good cause to comply with a request by the Surgeon General that he submit to a medical examination, and shall be terminated if such failure continues for six months."

SEC. 8. Title II of such Act is further amended by adding at the end thereof the following new section: 58 Stat. 683. 42 U. S. C. §§ 202-218.

"TRAINING OF OFFICERS

"SEC. 218. (a) Appropriations available for the pay and allowances of commissioned officers of the Service shall also be available for the pay and allowances of any such officer on active duty in the Regular Corps while attending any educational institution and, subject to regulations of the President and to the limitation prescribed in such appropriations, for payment of his tuition, fees, and other necessary expenses incident to such attendance. Pay and allowances.

"(b) Any officer whose tuition and fees while attending an educational institution are paid pursuant to subsection (a) shall be obligated to reimburse the Service for such tuition and fees if he voluntarily leaves the Service within two years after the cessation of such attendance." Reimbursement to Service.

SEC. 9. (a) Sec. 706 of the Act of July 1, 1944 (58 Stat. 682, 713), as amended, is amended to read: 60 Stat. 1049. 42 U. S. C. § 230.

"SEC. 706. In the case of any commissioned officer of the Service appointed prior to July 1, 1944, there shall be included, in determining the amount of retired pay pursuant to subsection (c) (1) of section 211, and in determining whether he should or may be retired pursuant to subsection (b) of such section, noncommissioned service in the Public Health Service, as well as all commissioned service." Computation of retired pay. 58 Stat. 688. 42 U. S. C. § 212 (c) (1), (b). *Ante*, p. 46.

(b) Title VII of such Act is amended by changing sections 711 and 712, and references thereto, to sections 713 and 714, respectively, and by inserting immediately after section 710 the following new sections: 58 Stat. 714; 60 Stat. 1049. 42 U. S. C. § 201 note.

"APPOINTMENTS TO HIGHER GRADES FOR MENTAL HEALTH AND HOSPITAL CONSTRUCTION ACTIVITIES

"SEC. 711. Twenty officers may be appointed to grades in the Regular Corps of the Service above that of senior assistant, but not to a grade above that of director, to assist in carrying out the purposes of this Act with respect to mental health and twenty officers may be appointed to such grades in the Regular Corps to assist in carrying out title VI of this Act. Officers appointed pursuant to this section in any fiscal year shall not be counted as part of the 10 per centum of the original appointments authorized to be made in such year under section 207 (b); but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b). The twenty officers authorized by this section to be appointed to carry out the purposes of this Act with respect to mental health and the twenty officers so authorized to be appointed to carry out title VI shall be reduced by the number of officers appointed under clause (A) and the number appointed under clause (B), respectively, of section 208 (b) (2) of this Act, in effect prior to the enactment of this section. 60 Stat. 1041. 42 U. S. C. §§ 291-291m. *Ante*, p. 40. 60 Stat. 422, 1049. 42 U. S. C. § 209 (b) (2).

"CERTAIN RETIREMENTS FOR DISABILITY

"SEC. 712. An officer of the Reserve Corps of the Public Health Service who was separated from the Service or returned to inactive status by reason of a disability incurred in line of duty after December 6, 1941, and prior to July 1, 1944, and who would have been eligible for retirement by reason of such disability if section 211 of the Public

58 Stat. 688.
42 U. S. C. § 212.
Ante, p. 46.

Health Service Act had been in effect on and after December 7, 1941, shall be considered as though he had been retired at the time of such separation or return to inactive service. Any such officer, and any other officer of the Reserve Corps retired for a disability which was incurred in line of duty after December 6, 1941, and prior to July 1, 1944, shall be entitled, for periods both before and after the date of the enactment of this section, to the same retired pay to which he would have been entitled if such section 211, as amended simultaneously with the enactment of this section, had been in effect on and after December 7, 1941."

Approved February 28, 1948.

[CHAPTER 84]

AN ACT

February 28, 1948
[H. R. 4127]
[Public Law 426]

To amend the Civil Service Retirement Act of May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

Civil Service Retirement Act, amendments.
46 Stat. 468.
5 U. S. C. § 691; Supp. I, § 691.
Age and service eligibility.

"SEC. 1. (a) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act, or who shall have attained or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service, shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act.

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.

Post, p. 49.

"(b) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of fifty-five years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act, reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years.

46 Stat. 472.
5 U. S. C. § 707.
Post, pp. 50, 49.

Involuntary separation.

"(c) Any officer or employee to whom this Act applies, after having rendered at least twenty-five years of service computed as prescribed in section 5 of this Act, shall, upon involuntary separation from the service not by removal for cause on charges of misconduct or delinquency, be paid an immediate life annuity computed as provided in section 4 of this Act reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years. This subsection shall become effective July 1, 1947.

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.
Post, p. 49.

Special agents, etc., of FBI.
Post, p. 1221.

"(d) Any special agent, special agent in charge, inspector, Assistant Director, assistant to the Director, Associate Director, or the Director, who is at least fifty years of age and who has rendered twenty years of service or more as a special agent, or as aforesaid above, in the Federal Bureau of Investigation may, on his own application and with the consent of the Attorney General, retire from the service and such annuity of such employee shall be equal to 2 per centum of his average basic salary for the five years next preceding the date of his retirement, multiplied by the number of years of service, not exceeding thirty years."

46 Stat. 469.
5 U. S. C. § 715; Supp. I, § 715 note.

SEC. 2. Section 2 of the Act of May 29, 1930, as amended, is amended to read as follows:

5 U. S. C. §§ 715, 715a, 715d; Supp. I, § 715 note.
Automatic separation.
46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.

"SEC. 2. (a) Except as provided in section 204 of the Act of June 30, 1932 (47 Stat. 404), and section 3 of the Act of July 13, 1937 (50 Stat. 512), any officer or employee to whom this Act applies who shall have completed fifteen years of service computed as provided in section 5 of this Act shall, on the last day of the month in which he attains the age of seventy years, or completes fifteen years of service if then beyond

such age, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and the head of each department, branch, or independent office of the Government concerned shall notify each such employee under his direction of the date of his separation from the service at least sixty days in advance thereof: *Provided*, That should the head of the department, branch, or independent office fail, through error, to give timely notification, the employee's separation from the service shall not be effected without his consent until the expiration of said sixty-day period. Upon such separation, the officer or employee shall be eligible for retirement on annuity as provided in section 4 hereof.

Notification to employee.

Failure to give notification.

Infra.

"(b) No person who is receiving an annuity under the provisions of this Act and who has reached the age of sixty years shall be eligible again to appointment to any appointive office, position, or employment under the Government of the United States or of the District of Columbia, unless the appointing authority determines that he is possessed of special qualifications: *Provided*, That no deductions for the retirement fund shall be withheld from the salary, pay, or compensation of such person, but there shall be deducted from his salary, pay, or compensation otherwise payable a sum equal to the retirement annuity allocable to the period of actual employment: *Provided further*, That the annuity in such case shall not be redetermined upon such person's subsequent separation from the service."

Reemployment after 60.

Deduction from pay.

Annuity.

SEC. 3. (a) Except insofar as amendments made by this Act change rates of interest and eliminate tontine deductions, such amendments shall not apply to any person subject to the provisions of section 3A of the Act of May 29, 1930, as amended, and the rights and obligations of such person under such Act shall continue as though this Act had not been enacted.

60 Stat. 850.
5 U. S. C. § 693–1.
Post, p. 504.

(b) Section 3 (a) of the Act of May 29, 1930, as amended, is amended by adding at the end thereof the following:

46 Stat. 470.
5 U. S. C. § 693 (a); Supp. I, § 693 (a).
Ante, p. 5.

"Notwithstanding any other provision of this Act, any officer or employee in the legislative branch of the Government within the classes of officers or employees which were made eligible for the benefits of this Act by the Act of July 13, 1937, serving in such position on the effective date of this Act, may give notice of his desire to come within the purview of this Act at any time prior to July 1, 1948."

50 Stat. 512.
5 U. S. C. §§ 693b–693d, 698b, 715d, 719a.

SEC. 4. Section 4 of the Act of May 29, 1930, as amended, is amended to read as follows:

46 Stat. 471.
5 U. S. C. § 698.

"SEC. 4. (a) The annuity of an officer or employee retired under this Act shall be a life annuity, terminable upon the death of the annuitant and shall be an amount equal to the following: (1) 1½ per centum of the average annual basic salary, pay, or compensation received by the officer or employee during any five consecutive years of allowable service at the option of the officer or employee multiplied by the years of service, or (2) 1 per centum of the average annual basic salary, pay, or compensation received by the officer or employee during any five consecutive years of allowable service at the option of the officer or employee multiplied by the years of service, plus a sum equal to $25 for each year of such service: *Provided*, That in no case shall the annuity exceed an amount equal to 80 per centum of the highest average annual basic salary, pay, or compensation received by the officer or employee during five consecutive years of allowable service.

Computation of annuity.

Limitation.

"(b) Any officer or employee, if a husband, retiring under the provisions of section 1, 2, or 6 of this Act may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity and an annuity after his death payable to his surviving widow designated by him at time of retirement equal to 50 per centum of such life annuity. The annuity of the officer or employee making such

Reduced annuity; widow's annuity.
Ante, p. 48.
46 Stat. 472.
5 U. S. C. §§ 710–714.
Post, p. 51.

election shall be equal to 90 per centum of such life annuity, reduced by three-fourths of 1 per centum of such life annuity for each full year, if any, his wife is under the age of sixty at the date of such retirement, but shall in no case be less than 75 per centum of such life annuity. The annuity of such widow shall begin on the first day of the month in which the death of the husband occurs or the first day of the month following the widow's attainment of age fifty, whichever is the later, and such annuity or any right thereto shall terminate upon her death or remarriage.

Reduced and survivor annuity.
Ante, p. 48.

"(c) Any unmarried officer or employee in good health retiring under the provisions of section 1 or 2 of this Act may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity payable to him during his life, and an annuity after his death payable to a survivor annuitant having an insurable interest in such officer or employee, duly designated in writing and filed with the Civil Service Commission at the time of his retirement, during the life of such survivor annuitant equal to 50 per centum of such reduced annuity and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable. The annuity hereunder payable to the officer or employee shall be 90 per centum of the life annuity otherwise payable if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85 per centum if the survivor annuitant is five but less than ten years younger; 80 per centum if the survivor annuitant is ten but less than fifteen years younger; 75 per centum if the survivor annuitant is fifteen but less than twenty years younger; 70 per centum if the survivor annuitant is twenty but less than twenty-five years younger; and 60 per centum if the survivor annuitant is twenty-five or more years younger. No such election shall be valid until the retiring officer or employee shall have satisfactorily passed a physical examination as prescribed by the Civil Service Commission. No person shall be eligible to receive an annuity under this subsection and an annuity under subsection (c) of section 12, based upon the service of the same officer or employee, covering the same period of time.

Validity of election.

Post, p. 54.

"(d) For the purpose of this Act all periods of service shall be computed in accordance with section 5 hereof, and the monthly annuity installment shall be fixed at the nearest dollar.

46 Stat. 472.
5 U. S. C. § 707.
Infra.

"(e) Except as provided in sections 501 and 522 (b) of the Federal Employees Pay Act of 1945, as amended, the term 'basic salary, pay, or compensation', wherever used in this Act, shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation."

59 Stat. 301.
5 U. S. C. §§ 931, 935 (b).
"Basic salary, pay, or compensation."

SEC. 5. The first paragraph of section 5 of the Act of May 29, 1930, as amended, is amended to read as follows:

46 Stat. 472.
5 U. S. C. § 707.
Ante, p. 5.

"Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any annuity provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified officer or employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an officer or employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based

Periods of service in computation of annuity.
Post, p. 53.

shall not be included, except that in the case of an officer or employee who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or resulting from an explosion of an instrument of war, the period of the military service shall be included: *Provided*, That an officer or employee must have served for a total period of not less than five years exclusive of such military or naval service before he shall be eligible for annuity under this Act. Nothing in this Act shall be construed as to affect in any manner an officer's or employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

Minimum service.

SEC. 6. The first three paragraphs of section 6 of the Act of May 29, 1930, as amended, are amended to read as follows:

46 Stat. 472. 5 U. S. C. §§ 710, 711, 713.

"Any officer or employee to whom this Act applies who shall have served for a total period of not less than five years computed as provided in section 5 of this Act, and who, before meeting the age and service requirements for retirement under section 1 (a) hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the officer or employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No officer or employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Civil Service Commission for that purpose, and found to be disabled in the degree and in the manner specified herein. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. The time limitation for execution of claims for retirement under the terms of this section may be waived by the Civil Service Commission in case of an officer or employee who at the date of separation from service or within six months thereafter is receiving hospital treatment, but the application in such case must be filed with the Civil Service Commission not later than six months after the termination of such hospitalization; in the case of any such person heretofore separated from service application may be filed within six months after the effective date of this Act. Such time limitation may similarly be waived in the case of an officer or employee who at the date of separation from service or within six months thereafter is mentally incompetent, but the application in such case must be filed with the Civil Service Commission within one year from the date of restoration of such person to competency or the appointment of a fiduciary whichever is the earlier.

Disability retirement.

46 Stat. 472. 5 U. S. C. § 707. *Ante*, pp. 50, 48.

Ante, p. 49.

Physical examination.

Application for retirement.

Waiver of time limitation.

"Every annuitant retired under the provisions of this section unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching age sixty, be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Civil Service Commission for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching age sixty

Annual examination.

and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding one year from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Civil Service Commission may order or direct at any time such medical or other examination as it shall deem necessary to determine the facts relative to the nature and degree of disability of any officer or employee retired on an annuity under this section.

Failure to appear for examination.

Failure to obtain reemployment.

"If a recovered disability annuitant whose annuity is discontinued subsequent to June 30, 1945, shall fail to obtain reemployment in any position included in the provisions of this Act, he shall be considered as having been separated from the service within the meaning of section 7 of this Act as of the date he was retired for disability and shall, after the discontinuance of the disability annuity, be entitled to a deferred annuity in accordance with the provisions of such section."

Infra.

46 Stat. 474.
5 U. S. C. § 733.

SEC. 7. Section 7 of the Act of May 29, 1930, as amended, is amended to read as follows:

Separation after 5 years' service.

"SEC. 7. (a) Should any officer or employee to whom this Act applies after having rendered five years of civilian service, computed as prescribed in section 5 of this Act, but less than twenty years of creditable civilian service and before becoming eligible for retirement under section 1 (a) of this Act become separated from the service, such officer or employee shall be paid as he may elect, (A) a deferred annuity beginning at the age of sixty-two years, or the age at separation if beyond the age of sixty-two, computed as provided in section 4 (a) of this Act, or (B) the total amount credited to his individual account together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year to date of separation.

46 Stat. 472.
5 U. S. C. § 707.
Ante, p. 50.
Ante, p. 48.
Ante, p. 49.

Separation after 20 years' service.

"(b) Should any officer or employee to whom this Act applies, after having rendered at least twenty years of creditable civilian service and before becoming eligible for retirement under section 1 (a) of this Act become separated from the service, such officer or employee shall be paid a deferred annuity beginning at the age of sixty-two years, or the age at separation if beyond the age of sixty-two, computed as provided in section 4 (a).

Ante, p. 48.
Ante, p. 49.

Redeposit of refund.

"(c) All amounts returned to an officer or employee under this section must upon reinstatement, retransfer, or reappointment to a position within the purview of this Act, be redeposited, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, by such officer or employee before he may receive any credit for the service covered by the refund. Such interest shall not be required for any period during which the officer or employee is separated from the service."

Interest.

46 Stat. 475.
5 U. S. C. § 736c.
Post, p. 670.

SEC. 8. Section 8 of the Act of May 29, 1930, as amended, is amended to read as follows:

Increase in annuity.

"SEC. 8. In the case of any officer or employee who before the effective date of this Act shall have been retired on annuity under the provisions of the Act of May 22, 1920, as amended, or section 8 (a) of the Act of June 16, 1933, the annuity shall be increased, effective on the first day of the second month following the month in which this Act is enacted by 25 per centum or $300, whichever is the lesser: *Provided*, That each

41 Stat. 614.
5 U. S. C. § 691 *et seq.*; Supp. I, § 691 *et seq.*
48 Stat. 305.
5 U. S. C. § 736a.

such annuitant may, prior to the effective date herein prescribed, elect to retain his or her present annuity, in lieu of the increased annuity provided by this section, and name his wife or her husband to receive upon his or her death one-half of his or her present annuity but not to exceed $600 per annum during the remainder of the life of such surviving husband or wife and upon the death of such survivor no further annuity shall be due or payable. Except as provided in this paragraph, the amendments made by this Act shall not apply in the case of officers and employees retired prior to the effective date of this Act.

Election to retain present annuity.

"In case any officer or employee shall have been separated subsequent to January 23, 1942, and prior to the effective date of this Act and have acquired title to annuity under section 7 of the Act of May 29, 1930, as amended, beginning after such effective date, his rights shall be determined and annuity computed as though this Act had not been enacted."

Protection of acquired rights.

46 Stat. 474.
5 U. S. C. § 733.

SEC. 9. Section 9 of the Act of May 29, 1930, as amended, is amended to read as follows:

46 Stat. 475.
5 U. S. C. § 736b.

"SEC. 9. Each officer or employee within the purview of this Act shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the credit of the 'civil-service retirement and disability fund' a sum equal to 2½ per centum of his basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926; 3½ per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, and prior to July 1, 1942; 5 per centum of said basic pay, salary, or compensation for services rendered from and after July 1, 1942, and prior to the first day of the first pay period which begins after June 30, 1948, and also 6 per centum thereafter, covering service during which no deductions were withheld for deposit in the said fund. Such interest shall not be required for any period during which the officer or employee is separated from the service. Each such officer or employee may elect to make such deposits in installments during the continuance of his service in such amounts and under such conditions as may be determined in each instance by the Civil Service Commission. The amount so deposited shall be credited to the individual account of the officer or employee in the said fund. Notwithstanding the failure of an officer or employee to make such deposit, credit shall be allowed for the service rendered, but the annuity of such employee shall be reduced by an amount equal to 10 per centum of the amount of such deposit, unless the officer or employee shall elect to eliminate such service entirely from credit under this Act: *Provided*, That no deposit shall be required for any service rendered prior to August 1, 1920, or for periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States."

Deposits to credit of fund by employees.

Deposits in installments.

Credit to individual account.

Exemptions.

SEC. 10. The first two paragraphs of section 10 of the Act of May 29, 1930, as amended, are amended to read as follows:

46 Stat. 475.
5 U. S. C. §§ 719, 719–1.

"Beginning as of July 1, 1942, there shall be deducted and withheld from the basic salary, pay, or compensation of each officer or employee to whom this Act applies a sum equal to 5 per centum of such officer's or employee's basic salary, pay, or compensation: *Provided*, That from and after the first day of the first pay period which begins after June 30, 1948, there shall be deducted and withheld from the basic salary, pay, or compensation of each officer or employee to whom this Act applies a sum equal to 6 per centum of such officer's or employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each officer or employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the civil-service

Deductions from salary.

Increase in deductions.

41 Stat. 614. 5 U. S. C. § 691 *et seq.*; Supp. I, § 691 *et seq.*

retirement and disability fund created by the Act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.

Voluntary deposits.

"Any officer or employee may at his option and under such regulations as may be prescribed by the Civil Service Commission deposit additional sums in multiples of $25 but not to exceed 10 per centum of his annual basic salary, pay, or compensation, for service rendered since August 1, 1920, which amount together with interest thereon at 3 per centum per annum compounded as of December 31 of each year, shall, at the date of his retirement, be available to purchase, as he shall elect and in accordance with such rules and regulations as may be prescribed by the Civil Service Commission, an annuity in addition to the annuity provided by this Act. The life annuity shall consist of $7 for each $100, increased by 20 cents for each full year, if any, such officer or employee is over the age of fifty-five years at the date of retirement. In the event of death or separation from the service of such officer or employee before becoming eligible for retirement on annuity, the total amount so deposited, with interest at 3 per centum per annum to date of death or separation compounded on December 31 of each year, shall be refunded in accordance with the provisions of section 12 of this Act. In case a retired employee who is receiving a life annuity under this paragraph shall die without having received in annuity purchased by the total amount so deposited, with interest at 3 per centum per annum compounded on December 31 of each year, to date of retirement, the difference shall be paid, upon the establishment of a valid claim therefor, in the order of precedence prescribed in section 12 (e)."

Purchased life annuity.

Infra.

Post, p. 56.

46 Stat. 476. 5 U. S. C. § 724; Supp. I, § 724.

SEC. 11. Section 12 of the Act of May 29, 1930, as amended, is amended to read as follows:

Deductions credited to individual account.

"SEC. 12. (a) Under such regulations as may be prescribed by the Civil Service Commission the amounts deducted and withheld from the basic salary, pay, or compensation of each officer or employee for credit to the 'civil-service retirement and disability fund' created by the Act of May 22, 1920, covering service from and after August 1, 1920, shall be credited to an individual account of such officer or employee.

41 Stat. 614. 5 U. S. C. § 691 *et seq.*; Supp. I, § 691 *et seq.*

Separation with less than 5 years' service.

"(b) (1) In the case of any officer or employee to whom this Act applies who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed as prescribed in section 5 of this Act, or who shall be transferred to a position not within the purview of this Act, the amount credited to his individual account together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year to date of separation shall be returned to such officer or employee: *Provided*, That in computing interest under this subsection, a fractional part of a month in the total service covered by the refund shall be disregarded, and no interest shall be allowed in any case unless the service covered by the refund aggregates more than one year.

46 Stat. 472. 5 U. S. C. § 707. *Ante*, p. 50.

Redeposit of refund.

"(2) All amounts returned to an officer or employee under this subsection must, upon reinstatement, retransfer, or reappointment to a position within the purview of this Act, be redeposited, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, by such officer or employee before he may receive any credit for the service covered by the refund. Such interest shall not be required for any period during which the officer or employee is separated from the service.

Payment of annuity to widow.

"(c) (1) In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed

in section 5 of this Act and is survived by a widow, such widow shall be paid an annuity beginning the first day of the month following the death of the officer or employee or following the widow's attainment of age fifty, whichever is the later, equal to one-half the amount of an annuity computed as provided in section 4 (a) hereof with respect to such officer or employee: *Provided*, That such payments or any right thereto shall cease upon death or remarriage of the widow.

46 Stat. 472. 5 U. S. C. § 707. *Ante*, p. 50.

Ante, p. 49.

"(2) In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed in section 5 of this Act, or after having retired subsequent to such date of enactment under section 1, 2, or 6, and is survived by a widow and a child or children, such widow shall be paid an immediate annuity terminable upon death, remarriage, or attainment of age fifty. The annuity payable to the widow of such officer or employee shall be equal to one-half the amount of an annuity computed as provided in section 4 (a) hereof with respect to such officer or employee. The annuity payable to the widow of such annuitant shall be equal to one-half the amount of the annuity which such annuitant was receiving at the time of his death excluding any portion thereof purchased by voluntary contributions under the second paragraph of section 10, or, if such annuitant had elected a reduced annuity under subsection (b) or (c) of section 4, one-half of the annuity which such annuitant would have received if he had not made such election. There shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed $900 divided by the number of such children or $360, whichever is lesser. Upon the death of such widow, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection.

Widow and child or children.

46 Stat. 472. 5 U. S. C. §§ 707, 710–714. *Ante*, pp. 50, 48, 51.

Ante, p. 49.

Ante, p. 54.

Ante, pp. 49, 50.

"(3) In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed in section 5 of this Act or after having retired subsequent to such date of enactment under section 1, 2, or 6, and leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, but not to exceed $1,200 divided by the number of such children or $480, whichever is lesser.

Child or children but no widow or widower.

46 Stat. 472. 5 U. S. C. §§ 707, 710–714. *Ante*, pp. 50, 48, 51.

Supra.

"(4) The annuity payable to a child under this subsection shall be terminable upon (A) his attaining the age of eighteen years, (B) his marriage, or (C) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability. In any case in which the annuity of a child, under this subsection, is terminated, the annuities of any other child or children, based upon the service of the same officer or employee, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such officer or employee.

Termination of annuity to child.

"(d) As used in this section—

"(1) The term 'widow' means a surviving wife of an individual, who either (A) shall have been married to such individual for at least two years immediately preceding his death, or (B) is the mother of issue by such marriage.

"Widow."

"(2) The term 'child' means an unmarried child, including a dependent stepchild or an adopted child, under the age of eighteen years, or such unmarried child who because of physical or mental disability is incapable of self-support.

"Child."

Dependency and disability.

"(3) Questions of dependency and disability arising under this section shall be determined by the Civil Service Commission and its decisions with respect to such matters shall be final and conclusive and shall not be subject to review. The Commission may order or direct at any time such medical or other examinations as it shall deem necessary to determine the facts relative to the nature and degree of disability of any annuitant or applicant for annuity under this section, and may suspend or deny any such annuity for failure to submit to any such examination.

Payment of claims to beneficiaries, etc.

"(e) In any case in which—

"(1) an officer or employee to whom this Act applies shall die before having rendered five years of civilian service computed as prescribed in section 5, or after having rendered five years of civilian service but without a survivor or survivors entitled to annuity benefits provided by subsection (c), or

46 Stat. 472.
5 U. S. C. § 707.
Ante, p. 50.

"(2) the right of all persons entitled to annuity under subsection (c) based on the service of such officer or employee shall terminate before a valid claim therefor shall have been established,

the total amount credited to the individual account of such officer or employee with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of death of such officer or employee, shall be paid upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries designated in writing by such officer or employee and recorded with the Civil Service Commission;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such officer or employee;

"Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the officer or employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

Failure to establish claim for annuity.
Ante, p. 52.

"(f) In case any separated officer or employee who is entitled to a deferred annuity as provided in section 7 hereof shall die before having established a valid claim for annuity, the total amount credited to his individual account with interest at 4 per centum per annum to December 31, 1947, or the date of separation, whichever is earlier, and 3 per centum per annum thereafter, compounded on December 31 of each year, to date of death, shall be paid upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e).

"(g) In any case in which—

Ante, pp. 49, 50, 54.

"(1) a retired officer or employee shall die without a survivor entitled to annuity benefits provided by subsection (b) or (c) of section 4 or subsection (c) of this section, or

"(2) a retired officer or employee shall die leaving a survivor or survivors entitled to such annuity benefits and the right to annuity of all such survivors shall terminate before a valid claim therefor shall have been established, or

"(3) the annuities of all persons entitled to annuity based upon the service of an officer or employee shall terminate,

before the aggregate amount of annuity paid equals the total amount credited to the individual account of such officer or employee with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each

year, to date of death or retirement of such officer or employee, whichever first occurs, the difference shall be paid, upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e).

Unpaid accrued annuity.

"(h) Any accrued annuity remaining unpaid upon the death of any retired officer or employee shall be paid, upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e). Any accrued annuity remaining unpaid upon the termination (other than by death) of the annuity of any person based upon the service of an officer or employee shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving annuity based upon the service of an officer or employee shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the duly appointed executor or administrator of the estate of such person;

"Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such person, to such individual or individuals as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other individual.

Payment to guardian, etc.

"(i) Where any payment under this Act is to be made to a minor, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the State of residence of the claimant, the Civil Service Commission shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

Incompetents.

"(j) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed $1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of thirty days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person.

Designation of beneficiary.

"(k) Each employee or retired employee to whom this Act applies shall, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries for the purposes of this Act."

46 Stat. 477.
5 U. S. C. § 725.

SEC. 12. The first paragraph of section 13 of the Act of May 29, 1930, as amended, is amended to read as follows:

Monthly payment of annuities.

"Annuities granted under the terms of this Act shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued. Payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the Treasury Department in such form and manner and with such safeguards as shall be prescribed by the Civil Service Commission in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments."

46 Stat. 477.
5 U. S. C. § 718.

Commencement and continuance.
Ante, p. 48.

46 Stat. 472.
5 U. S. C. §§ 710–714.
Ante, pp. 51, 52.
46 Stat. 477.
5 U. S. C. § 723.

Effective date.

SEC. 13. The third paragraph of section 13 of the Act of May 29, 1930, as amended, is amended to read as follows:

"An annuity granted for retirement under the provisions of section 1 or 2 of this Act shall commence the first day of the month following the date of separation from the service, or on the first day of the month following the month in which salary shall cease provided the employee meets the age and service requirements for retirement at that time, and shall continue during the life of the annuitant. An annuity granted under the provisions of section 6 or 7 hereof shall be subject to the limitations specified in said sections."

SEC. 14. Section 14 of the Act of May 29, 1930, as amended, is hereby repealed.

SEC. 15. Except as otherwise provided herein, this Act shall become effective on the first day of the second month following the month of approval.

Approved February 28, 1948.

[CHAPTER 85]

February 28, 1948
[H. R. 5391]
[Public Law 427]

AN ACT

To continue for a temporary period certain powers, authority, and discretion conferred on the President by the Second Decontrol Act of 1947.

61 Stat. 322, 323.
50 U. S. C., Supp. I, app. § 645 (b), (c).
Post, p. 342.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1501 of the Second War Powers Act, 1942, as amended by the Second Decontrol Act of 1947 (Public Law 188, Eightieth Congress), is hereby amended by striking out "February 29, 1948," and inserting in lieu thereof "the close of May 31, 1948,". Subsection (c) of such section 1501 is hereby amended by striking out "February 29, 1948," and inserting in lieu thereof "May 31, 1948,".

Approved February 28, 1948.

[CHAPTER 89]

March 3, 1948
[H. R. 1350]
[Public Law 428]

AN ACT

To amend the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes."

National Archives.

44 U. S. C. §§ 300–300k.
Post, pp. 344, 1026.
44 U. S. C. § 300c.
Restrictions on use of records.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934 (48 Stat. 1122–1124), as amended, is hereby amended as follows:

(A) By striking out the proviso in section 3, and by inserting in lieu thereof the following language: "*Provided*, That whenever the head of any agency shall specify in writing restrictions on the use or examination of records being considered for transfer from his custody to that of the Archivist that appear to him to be necessary or desirable in the public interest, the Archivist shall impose such restrictions on such of the records as are transferred to his custody; and restrictions so imposed shall not be removed or relaxed by the Archivist without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated: *And provided further*, That restrictions on the use or examination of records in the custody of the Archivist heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 18, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or

relaxed by the Archivist with the concurrence in writing of the head of the agency from which the material has been transferred or by the Archivist alone if the existence of that agency shall have been terminated."

(B) By inserting after section 6 a new section as follows:

48 Stat. 1123.
44 U. S. C. § 300f.
Statutory restrictions.

"SEC. 6a. Whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the custody of the Archivist of the United States, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Archivist of the United States and to the employees of the National Archives Establishment, respectively."

(C) By inserting after section 8 a new section as follows:

48 Stat. 1123.
44 U. S. C. § 300h.
Post, p. 1026.
Certifications, etc.

"SEC. 8a. Any official of the United States Government who is authorized to make certifications or determinations on the basis of records in his custody is hereby authorized to make certifications or determinations on the basis of records that have been transferred by him or his predecessors to the custody of the Archivist of the United States."

Approved March 3, 1948.

[CHAPTER 90]

AN ACT

March 3, 1948
[H. R. 4141]
[Public Law 429]

To amend subsection 602 (d) (5) of the National Service Life Insurance Act of 1940, as amended, to extend for two years the time within which eligible persons may apply for gratuitous insurance benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 602 (d) (5) of the National Service Life Insurance Act of 1940, as amended (38 U. S. C. 802 (d) (5)), is amended by substituting "seven" for "five" in the first proviso, so that the subsection will read as follows:

National Service Life Insurance Act of 1940, amendment.
56 Stat. 658.

"(5) If any person deemed to have been issued insurance under subsection (3) (A) or (B) hereof die without filing application and within the time limited therefor, death insurance benefits shall be payable in the manner and to the persons as stated in subsection (2): *Provided*, That no application for insurance payments under subsections (2) or (3) as hereby amended, shall be valid unless filed in the Veterans' Administration within seven years after the date of death of the insured and the relationship and dependency of the applicant, where required as a basis for such claim, shall be proved as of date of death of insured by evidence satisfactory to the Administrator: *And provided further*, That persons shown by evidence satisfactory to the Administrator to have been mentally or legally incompetent at the time the right to apply for continuation of insurance or for death benefits expires, may make such application at any time within one year after the removal of such disability."

Approved March 3, 1948.

[CHAPTER 91]

AN ACT

March 3, 1948
[H. R. 5525]
[Public Law 430]

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise

Urgent Deficiency Appropriation Act, 1948.
Post, pp. 213, 1027.

appropriated, to supply supplemental appropriations for the fiscal year ending June 30, 1948, and for other purposes, namely:

LEGISLATIVE BRANCH

SENATE

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

39 Stat. 120, 582. 5 U. S. C. §§ 58, 59.

Notwithstanding the provisions of the Act of May 10, 1916, as amended by the Act of August 29, 1916, the Sergeant at Arms of the Senate is hereby authorized during the Eightieth Congress to employ, whenever necessary, the services of Government employees for folding speeches and pamphlets at the prevailing rates provided by law.

CONTINGENT EXPENSES OF THE SENATE

Expenses of Inquiries and Investigations: For an additional amount for expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134 (a) of Public Law 601, Seventy-ninth Congress, including compensation for stenographic assistance of committees at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, but not exceeding the rate of 25 cents per hundred words for the original transcript of reported matter, $300,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

60 Stat. 831.

44 Stat. 688. 5 U. S. C. § 821.

HOUSE OF REPRESENTATIVES

For payment to Mary E. M. Drewry, widow of Patrick H. Drewry, late a Representative from the State of Virginia, $12,500.

For payment to Lida Robsion, widow of John M. Robsion, late a Representative from the State of Kentucky, $12,500.

TEMPORARY CONGRESSIONAL AVIATION POLICY BOARD

Post, p. 214.

For an additional amount for salaries and expenses of the Temporary Congressional Aviation Policy Board created by the Act to establish a National Aviation Council, and for other purposes (Public Law 287, 80th Congress), to be available until June 30, 1948, and to be disbursed by the Secretary of the Senate on vouchers approved by the Chairman, $5,000: *Provided*, That expenditures hereunder shall be made in accordance with the laws applicable to inquiries and investigations ordered by the Senate.

61 Stat. 676. 49 U. S. C., Supp. I, § 421 note.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Post, p. 214.

Capitol Power Plant: For an additional amount for "Capitol Power Plant", $118,000.

LIBRARY OF CONGRESS

DISTRIBUTION OF PRINTED CARDS

Salaries and expenses: For an additional amount for "Salaries and expenses" for the distribution of printed cards and other publications of the Library, $26,000, to be transferred from "Printing and binding, catalogue cards, 1948".

THE JUDICIARY

COURT OF CLAIMS

Salaries and expenses: The appropriation under this head in the Judiciary Appropriation Act, 1948, is hereby made available in an amount not to exceed $25,000, as may be necessary and approved by the chief justice, Court of Claims, for transfer to the appropriation "Repairs and improvements" for expenditure by the Architect of the Capitol for structural changes, alterations, and installations of fixtures in the Court of Claims buildings, necessary for the accommodations of the court.

Post, p. 215.
61 Stat. 303.

MISCELLANEOUS ITEMS OF EXPENSE

Salaries of judges: For an additional amount for "Salaries of judges", $75,000.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF DEFENSE TRANSPORTATION

Salaries and expenses: For an additional amount for "Salaries and expenses," $10,000; and the limitation on traveling expenses under this head in The Supplemental Appropriation Act, 1948, is increased from "$50,000" to "$60,000".

61 Stat. 612.

INDEPENDENT OFFICES

ATOMIC ENERGY COMMISSION

Salaries and expenses: The limitation on travel expenses of the Atomic Energy Commission for the fiscal year 1948 is hereby increased from $1,430,000 to $2,430,000.

COMMISSION ON ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

Salaries and expenses: For salaries and expenses of the Commission on Organization of the Executive Branch of the Government, $1,188,600: *Provided*, That the appropriation of $750,000 under this head in the Second Supplemental Appropriation Act, 1948, is hereby consolidated with and made a part of this appropriation, the total thereof to be disbursed and accounted for as one fund which shall remain available during the existence of the Commission for expenses necessary to carry out the Act of July 7, 1947 (Public Law 162), as amended by the Act of December 19, 1947 (Public Law 391), including travel expenses; printing and binding; and deposits in the Treasury for penalty mail (39 U. S. C. 321d).

61 Stat. 696.

61 Stat. 246, 940.
5 U. S. C., Supp. I, §§ 138a–138j.

58 Stat. 394.
Post, p. 1049.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Salaries and expenses: For an additional amount for "Salaries and expenses", including attendance at meetings concerned with labor and industrial relations; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); $850,000.

60 Stat. 810.

60 Stat. 843.
Post, p. 1008.

FEDERAL SECURITY AGENCY

BUREAU OF EMPLOYEES' COMPENSATION

Employees' compensation fund: For an additional amount for "Employees' compensation fund", $3,300,000.

OFFICE OF EDUCATION

Further development of vocational education: For an additional amount for "Further development of vocational education", $1,583,942.

PUBLIC HEALTH SERVICE

Grants for hospital construction: For liquidation of contractual obligations authorized to be incurred during the fiscal year 1948 or any subsequent fiscal year for construction grants under part C, title VI, of the Public Health Service Act, as amended (42 U. S. C. 291–291m), $15,000,000, to remain available until expended.

60 Stat. 1042.
Post, pp. 531, 536, 602, 1103.

SOCIAL SECURITY ADMINISTRATION

Grants to States for old-age assistance, aid to dependent children, and aid to the blind: For an additional amount for "Grants to States for old-age assistance, aid to dependent children, and aid to the blind", $101,000,000.

HOUSING AND HOME FINANCE AGENCY

FEDERAL HOUSING ADMINISTRATION

Federal Housing Administration: The amount made available under this head in the Government Corporations Appropriation Act, 1948, for administrative expenses of the Federal Housing Administration, is increased from "$20,000,000" to "$20,200,000", the additional amount to be derived from the sources specified under said head.

61 Stat. 578.

PHILIPPINE WAR DAMAGE COMMISSION

Philippine War Damage Commission: The limitation under this head in the Independent Offices Appropriation Act, 1948, on the amount available for necessary expenses of the Philippine War Damage Commission, is increased from "$1,900,000" to "$2,175,000".

61 Stat. 601.

UNITED STATES MARITIME COMMISSION

United States Maritime Commission: The operating receipts made available to the United States Maritime Commission by the Second Supplemental Appropriation Act, 1948, for the purpose of carrying out operating functions transferred to the Maritime Commission by section 202 of the Naval Appropriation Act, 1947, are continued available from March 1, 1948, to April 1, 1948, for carrying out such functions as extended by the Senate Joint Resolution 173, Eightieth Congress, "To continue until March 1, 1949, the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes": *Provided*, That the limitation under this head in the Second Supplemental Appropriation Act, 1948, on the use of operating receipts for "Cost of placing vessels into reserve fleet," is increased from "$5,500,000" to "$6,103,000".

Post, p. 217.
61 Stat. 697.
60 Stat. 501.
50 U. S. C. app. § 1291 note.
Ante, p. 38.
61 Stat. 697.
Post, p. 217.

DISTRICT OF COLUMBIA

COMPENSATION AND RETIREMENT FUND EXPENSES

District government employees' compensation: For an additional amount for "District government employees' compensation", $45,000.

REGULATORY AGENCY

Office of Recorder of Deeds: For an additional amount for "Office of Recorder of Deeds", $33,992.

COURTS

United States courts: For an additional amount, fiscal year 1947, for "United States courts", $227,311.64.

HEALTH DEPARTMENT

Operating expenses, Health Department (excluding hospitals): The appropriation "Operating expenses, Health Department (excluding hospitals)", shall be available, in an amount not to exceed $3,400, for the enforcement of the Act relating to the licensing of undertakers.

Capital outlay, Gallinger Municipal Hospital: For the construction of three elevators and for revision of heating system for the psychiatric unit, $54,500, to remain available until June 30, 1949.

Medical charities: For an additional amount, fiscal year 1947, for care and treatment of indigent patients under contracts made by the Health Officer of the District of Columbia and approved by the Commissioners with institutions, as follows: Children's Hospital, $36,923; Central Dispensary and Emergency Hospital, $23,845.30; Eastern Dispensary and Casualty Hospital, $24,333.05; in all, $85,101.35.

Medical charities: For an additional amount, fiscal year 1946, for care and treatment of indigent patients under contracts made by the Health Officer of the District of Columbia and approved by the Commissioners with institutions, as follows: Children's Hospital, $27,218; Central Dispensary and Emergency Hospital, $11,203.40; Eastern Dispensary and Casualty Hospital, $16,759.70; in all, $55,181.10.

PUBLIC WELFARE

Agency services: For an additional amount for "Agency services", $36,000; and the limitation for carrying out a "penny milk" program for the school children of the District of Columbia is increased from "$62,000" to "$98,000".

Saint Elizabeths Hospital: For an additional amount for "Saint Elizabeths Hospital", $250,000.

PUBLIC WORKS

Capital outlay, Refuge Division: The Commissioners of the District of Columbia are authorized to enter into contract or contracts for the construction of a refuse transfer station in square 739 at a total cost of not to exceed $918,700.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (46 Stat. 500), $2,633.23.

JUDGMENTS

For the payment of final judgments, rendered against the District of Columbia, as set forth in House Document No. 502, together with such further sum as may be necessary to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment, $11,924.35.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act, 1948.

61 Stat. 425.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Salaries and Expenses

Insect investigations: For an additional amount for "Insect investigations", for sawfly investigations and to provide for investigations in Mexico, including testing of methods that may be used for the control of citrus blackfly, $115,000, to remain available until June 30, 1949.

Insect and plant disease control: For an additional amount for "Insect and plant disease control", $174,200.

Control of Emergency Outbreaks of Insects and Plant Diseases

Control of emergency outbreaks of insects and plant diseases: For an additional amount for "Control of emergency outbreaks of insects and plant diseases", $420,000.

Control of Forest Pests

Forest Pest Control Act: For expenses necessary to carry out the Forest Pest Control Act of June 25, 1947 (Public Law 110), $843,000, to remain available until December 31, 1948.

61 Stat. 177.
16 U. S. C., Supp. I, §§ 594-1—594-5.

FOREST SERVICE

SALARIES AND EXPENSES

National forest protection and management: For an additional amount for "National forest protection and management", $475,000.

Fighting forest fires: For an additional amount for "Fighting forest fires", $4,932,000.

PRODUCTION AND MARKETING ADMINISTRATION

NATIONAL SCHOOL LUNCH ACT

For an additional amount to enable the Secretary of Agriculture to carry out the provisions of the National School Lunch Act of June 4, 1946 (Public Law 396), $5,000,000.

60 Stat. 230.
42 U. S. C. §§ 1751-1760; Supp. I, § 1752 note.

DEPARTMENT OF COMMERCE

CIVIL AERONAUTICS ADMINISTRATION

Salaries and expenses: Not to exceed $75,000 of the appropriation under this head in the Department of Commerce Appropriation Act, 1948, shall be available for hire of aircraft. 61 Stat. 296.

COAST AND GEODETIC SURVEY

Salaries and expenses, field: For an additional amount for "Salaries and expenses, field", $152,000.

TITLE II—GENERAL PROVISION

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 201. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not, contrary to the provisions of this section, engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That no part of the foregoing appropriations shall be used for the purpose of converting any coal-heating units to oil or natural gas or artificial gas in any federally owned or rented buildings in or outside the District of Columbia, or for the installation of oil-heating units in any new construction.

Affidavit.

Penalty.

SEC. 202. This Act may be cited as the "Urgent Deficiency Appropriation Act, 1948".

Short title.

Approved March 3, 1948.

[CHAPTER 97]

JOINT RESOLUTION

March 4, 1948
[H. J. Res. 231]
[Public Law 431]

Providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor.

Caribbean Commission.

Whereas representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America

signed "An agreement for the establishment of the Caribbean Commission" in Washington on October 30, 1946, which agreement continued and extended the international cooperative arrangements initiated in 1942 between the United Kingdom of Great Britain and Northern Ireland, and the United States; and

Whereas the purpose of the Caribbean Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the Caribbean area, whose economic and social development is of vital interest to the security of the United States, in accordance with the principles set forth in chapter XI of the Charter of the United Nations: Therefore be it

59 Stat. 1048.

Acceptance of membership for U. S.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the United States in the Caribbean Commission, created by "An agreement for the establishment of the Caribbean Commission," signed in Washington on October 30, 1946, by representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

Appropriation authorized.
Post, p. 308.

SEC. 2. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $142,000 annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, pursuant to article XV of the "agreement for the Establishment of the Caribbean Commission"; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, appropriate staff, without regard to the civil-service laws and the Classification Act of 1923, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111), and section 3709 of the Revised Statutes, as amended; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

42 Stat. 1488.
5 U. S. C. §§ 661–674.

60 Stat. 810.
5 U. S. C. § 55a.

40 Stat. 1270.
41 U. S. C. § 5.

60 Stat. 714.
22 U. S. C. § 287r.

Approved March 4, 1948.

[CHAPTER 98]

March 5, 1948
[S. 1252]
[Public Law 432]

AN ACT

Making certain changes in the organization of the Navy Department, and for other purposes.

Navy Department, organization.

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

"Naval Establishment."

(a) The term "Naval Establishment" means naval sea, air, and ground forces—vessels of war, aircraft, auxiliary craft and auxiliary

activities, and the personnel who man them—and the naval agencies necessary to support and maintain the naval forces and to administer the Navy as a whole; the Marine Corps, and in time of war or when the President shall so direct, the Coast Guard, are parts of the Naval Establishment.

(b) The term "Navy Department" means the executive part of the establishment at the seat of the Government. "Navy Department."

(c) The term "operating forces" means the several fleets, sea-going forces, sea-frontier forces, district forces, and such of the shore establishment of the Navy and other forces and activities as may be assigned to the operating forces by the President or the Secretary of the Navy. "Operating forces."

CHIEF OF NAVAL OPERATIONS

SEC. 2. (a) There shall be a Chief of Naval Operations who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of not more than four years, from among the officers of the active list of the line of the Navy who are eligible for the exercise of command at sea and not below the grade of rear admiral. The Chief of Naval Operations shall take rank above all other officers of the naval service.

(b) It shall be his duty to command the operating forces and be responsible to the Secretary of the Navy for their use, including, but not limited to, their training, readiness, and preparation for war, and plans therefor. In addition, the Chief of Naval Operations shall be the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment. Duties.

VICE CHIEF OF NAVAL OPERATIONS

SEC. 3. A flag officer of the active list of the line of the Navy, eligible for the exercise of command at sea, shall be appointed by the President, by and with the advice and consent of the Senate, to be Vice Chief of Naval Operations. The Vice Chief of Naval Operations shall exercise such executive authority with respect to the Naval Establishment as the Chief of Naval Operations may, with the approval of the Secretary of the Navy, delegate to him, and in case of the death, resignation, absence, or sickness of the Chief of Naval Operations shall, until otherwise directed by the President as provided by section 179 of the Revised Statutes, perform the duties of the Chief of Naval Operations until his successor is appointed or such absence or sickness shall cease. All orders issued by the Vice Chief of Naval Operations in performing duties assigned him shall be considered as emanating from the Chief of Naval Operations and shall have full force and effect as such. 5 U. S. C. § 6.

DEPUTY CHIEFS OF NAVAL OPERATIONS

SEC. 4. There shall be in the Office of the Chief of Naval Operations not more than six Deputy Chiefs of Naval Operations, who shall be detailed by the Secretary of the Navy from among the flag officers of the active list of the line of the Navy. The Deputy Chiefs of Naval Operations shall be charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. All orders issued by the Deputy Chiefs of Naval Operations in performing duties assigned them shall be considered as emanating from the Chief of Naval Operations and shall have full force and effect as such.

ASSISTANT CHIEFS OF NAVAL OPERATIONS

SEC. 5. Officers of the active list of the line of the Navy or Marine Corps, in numbers considered by the Chief of Naval Operations to be appropriate and necessary, shall, with the approval of the Secretary of the Navy, be detailed as Assistant Chiefs of Naval Operations. The Assistant Chiefs of Naval Operations shall perform such duties as the Chief of Naval Operations may prescribe.

NAVAL INSPECTOR GENERAL

SEC. 6. In addition to the divisions herein created, there shall be in the Office of the Chief of Naval Operations the Office of the Naval Inspector General. The Naval Inspector General shall be a flag officer of the active list of the line of the Navy. The Naval Inspector General shall be charged, when directed, with the inquiry into, and the report upon, any matter which affects the discipline or military efficiency of the Naval Establishment. He shall make such inspections, investigations, and reports as may be directed by the Secretary of the Navy or by the Chief of Naval Operations. He shall propose, periodically, programs of inspections to the Chief of Naval Operations and he shall recommend additional inspections and investigations as may from time to time appear appropriate.

Duties.

Inspections, reports, etc.

CHIEF OF NAVAL MATERIAL

SEC. 7. (a) There is hereby established in the Navy Department an Office of Naval Material which shall be headed by a Chief of Naval Material, who shall be detailed by the Secretary of the Navy from among officers on the active list of the Navy not below the rank or grade of rear admiral. He shall be entitled to receive the pay, allowances, and the privileges of retirement as are now or may hereafter be prescribed by law for chiefs of bureaus in the Navy Department.

Duties.

(b) The Chief of Naval Material shall, under the direction of the Secretary of the Navy, effectuate policies of procurement, contracting, and production of material throughout the Naval Establishment, and plans therefor, and his orders shall be considered as emanating from the Secretary of the Navy and as having full force and effect as such.

VICE CHIEF OF NAVAL MATERIAL

SEC. 8. An officer on the active list of the Navy may be detailed as Vice Chief of Naval Material, and such officer, in case of the death, resignation, absence, or sickness of the Chief of Naval Material, shall, until otherwise directed by the President as provided by section 179 of the Revised Statutes, perform the duties of such Chief until his successor is appointed or such absence or sickness shall cease.

5 U. S. C. § 6.

COORDINATING DUTIES

SEC. 9. In order that military operations and the support thereof shall be effectively coordinated, the Chief of Naval Operations, under the direction of the Secretary of the Navy, shall determine the personnel and material requirements of the operating forces, including the order in which ships, aircraft, surface craft, weapons, and facilities are to be constructed, maintained, altered, repaired, and overhauled, and shall coordinate and direct the efforts of the bureaus and offices of the Navy Department as may be necessary to effectuate availability and distribution of the personnel and material required where and when they are needed. The Chief of Naval Material, under the direction of the Secretary of the Navy, shall determine the procurement

and production policies and methods to be followed by the Naval Establishment in meeting the material requirements of the operating forces, and shall coordinate and direct the efforts of the bureaus and offices of the Navy Department in this respect.

Succession to duties of Secretary of Navy.

SEC. 10. During the temporary absence of the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretary of the Navy, and the Assistant Secretary of the Navy for Air; the Chief of Naval Operations, and the Vice Chief of Naval Operations in that order, shall be next in succession to act as the Secretary of the Navy.

Grade, rank, pay, and allowances.

SEC. 11. The Vice Chief of Naval Operations, the Deputy Chiefs of Naval Operations, the Naval Inspector General, and the Chief of Naval Material may have the grade, rank, pay, and allowances provided under any provision of law heretofore or hereafter enacted which authorizes such grade, rank, pay, and allowances for officers so designated by the President to perform any special or unusual duty or duty of great importance and responsibility.

SEC. 12. (a) That portion of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes", approved March 3, 1915, which reads as follows: "There shall be a Chief of Naval Operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet, and with the preparation and readiness of plans for its use in war" (38 Stat. 929), is hereby repealed. 5 U. S. C. § 422.

(b) Section 2 of the Act entitled "An Act providing for the reorganization of the Navy Department, and for other purposes", approved June 20, 1940 (54 Stat. 494), is hereby repealed. 5 U. S. C. § 422a.

(c) That portion of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes", approved March 3, 1915, which reads as follows: "During the temporary absence of the Secretary and the Assistant Secretary of the Navy, the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy" (38 Stat. 929), as amended by the Act entitled "An Act to amend the provision contained in the Act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy," approved February 11, 1927 (44 Stat. 1086), is hereby repealed. 5 U. S. C. § 423.

(d) The Act entitled "An Act to provide for an Assistant to the Chief of Naval Operations", approved May 27, 1930 (46 Stat. 430), is hereby repealed. 5 U. S. C. § 426a.

Approved March 5, 1948.

[CHAPTER 99]

AN ACT

March 5, 1948
[S. 1961]
[Public Law 433]

To amend the Act of December 3, 1945, so as to extend the exemption of Navy or Coast Guard vessels of special construction from the requirements as to the number, position, range, or arc of visibility of lights, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of December 3, 1945 (59 Stat. 590), is hereby repealed. 50 U. S. C. app. § 1731 note.

Approved March 5, 1948.

[CHAPTER 100]

AN ACT

March 5, 1948
[H. R. 2159]
[Public Law 434]

To authorize the Secretary of the Interior to prepare plans and estimates for a sewage-disposal system to serve the Yorktown area of the Colonial National Historical Park, Virginia, and for other purposes.

Colonial National Historical Park, Va.
Sewage-disposal system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, through the National Park Service, is hereby authorized and directed to make a study of sewage conditions in the Yorktown area of the Colonial National Historical Park, Virginia, and to prepare construction plans and estimates for an adequate sewage-disposal system for said area, including disposal of sewage from privately owned property in the locality of and within the said park. Such construction plans and estimates shall include an equitable basis for payment by private owners, who may use the sewage-disposal system, of a fair and reasonable proportionate share of the cost of construction of the said system and of the annual costs incidental to its maintenance and operation.

Report to Congress.

SEC. 2. The Secretary of the Interior shall transmit to the Congress a full and comprehensive report on this matter within one year from the date of appropriation of funds to carry out the provisions of this Act.

Appropriation authorized.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to carry out the provisions of this Act.

Approved March 5, 1948.

[CHAPTER 101]

JOINT RESOLUTION

March 5, 1948
[H. J. Res. 61]
[Public Law 435]

To provide for the designation of the Park River dam and reservoir project in Walsh County, North Dakota, as the Homme Reservoir and Dam.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Park River dam and reservoir project in Walsh County, North Dakota, shall be designated on the public records as the Homme Reservoir and Dam.

Approved March 5, 1948.

[CHAPTER 103]

AN ACT

March 8, 1948
[S. 1195]
[Public Law 436]

To repeal the laws relating to the length of tours of duty of officers and enlisted men of the Army at certain foreign stations.

Foreign duty of Army personnel.
38 Stat. 1078.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Act of March 4, 1915, as amended (10 U. S. C. 17), which reads "No officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, on the Asiatic station, or in China, Hawaii, Puerto Rico, or the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities and except in the discretion of the Secretary of War for temporary emergencies: *Provided*, That the foregoing provision shall not apply to the organization known as the 'Philippine Scouts'" is hereby repealed.

"SEC. 2. The Secretary of Defense shall advise the Committees on Armed Services of the Senate and the House of Representatives on the first of April and the first of October of each year concerning the regulations governing the lengths of tours of duty outside the continental United States of personnel of the Army, and Air Force, and of any changes therein." Report to Congressional committees.

Approved March 8, 1948.

[CHAPTER 104]

AN ACT

To authorize the carrying of Civil War battle streamers with regimental colors.

March 9, 1948
[S. 703]
[Public Law 437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with such regulations as the Secretary of War may prescribe, each regiment and other units of the Army of the United States is hereby authorized to carry appropriate Civil War battle streamers with its regimental colors or standards, upon verification in the War Department that it is entitled to such honors. Civil War battle streamers.

Approved March 9, 1948.

[CHAPTER 105]

AN ACT

To authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the armed forces of the United States during the Second World War.

March 9, 1948
[S. 1802]
[Public Law 438]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and directed to award, in the name of the Congress, a Medal of Honor to the unknown American who lost his life while serving overseas in the armed forces of the United States during the Second World War, and who will lie buried in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia, as authorized by the Act of June 24, 1946, Public Law 429, Seventy-ninth Congress. Unknown American of World War II. Medal of Honor. 60 Stat. 302.

Approved March 9, 1948.

[CHAPTER 107]

AN ACT

To authorize the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury to accept and use gifts, devises, and bequests for schools, hospitals, libraries, cemeteries, and other institutions under the jurisdiction of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Department of the Treasury respectively, and for other purposes.

March 11, 1948
[S. 1528]
[Public Law 439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury is hereby authorized in his discretion to accept, receive, hold, administer, and expend any gift, devise, or bequest of property, real or personal, made on condition that it be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, cemetery, or other institution or organization Military Departments, etc. Acceptance of gifts, devises, and bequests.

under the jurisdiction of the Department of the Army or the Army, the Department of the Navy or the Navy, the Department of the Air Force or the Air Force, or the Treasury Department or the Coast Guard, respectively. The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury, as the case may be, is further authorized to pay all necessary fees, charges, and expenses in connection with the conveyance or transfer of any such gift, devise, or bequest.

Expenses of conveyance.

Deposit in Treasury.

SEC. 2. Gifts or bequests of money or the proceeds from sales of other property received as gifts or devises pursuant to this Act shall be deposited in the Treasury of the United States under the title "United States Department of the Army General Gift Fund", "United States Department of the Navy General Gift Fund", "United States Department of the Air Force General Gift Fund", or "United States Coast Guard General Gift Fund", as the case may be, and any funds so deposited shall be subject to disbursement by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury, as the case may be, for the benefit or use of the designated institution or organization, subject to the terms and conditions of any particular gift, devise, or bequest.

Taxes.

SEC. 3. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest of property, real or personal, accepted by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

Investments.

SEC. 4. The Secretary of the Treasury is authorized, upon request of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, in his own discretion insofar as the Coast Guard general gift fund is concerned, as the case may be, to invest, reinvest, or retain investments of the money or securities composing the United States Department of the Army general gift fund, the United States Department of the Navy general gift fund, the United States Department of the Air Force general gift fund, or the United States Coast Guard general gift fund, as the case may be, or any part thereof deposited in the Treasury pursuant to section 2 of this Act, in securities of the United States of America or in securities guaranteed as to principal and interest by the United States of America. The interest and profits accruing from such securities shall be deposited to the credit of the United States Department of the Army general gift fund, the United States Department of the Navy general gift fund, the United States Department of the Air Force general gift fund, or the United States Coast Guard general gift fund, as the case may be, and will be available for disbursement as provided in section 2 of this Act.

Interest.

Approved March 11, 1948.

[CHAPTER 108]

March 11, 1948
[S. 1698]
[Public Law 440]

AN ACT

To define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes.

Uintah and Ouray Reservation, Utah. Exterior boundary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundary of the Uintah and Ouray Reservation in Grand and Uintah Counties, in the State of Utah, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, is hereby extended to include the following area:

Beginning at the northwest corner of section 18, township 9 south, range 20 east, Salt Lake meridian, and running thence west to Green River;

Thence northeasterly up Green River approximately thirteen miles to a point where said river intersects the north line of section 11, township 8 south, range 20 east;

Thence east along said section line seven miles to the northeast corner of section 12, township 8 south, range 21 east, Salt Lake meridian;

Thence south along section line two miles to the northeast corner of section 24, township 8 south, range 21 east, Salt Lake meridian;

Thence east one mile to the northeast corner of section 19, township 8 south, range 22 east; thence south one mile to the southeast corner of said section 19; thence east two miles to the northeast corner of section 28;

Thence south six miles to the southeast corner of section 21, township 9 south, range 22 east, Salt Lake meridian;

Thence west eleven miles to the northeast corner of section 27, township 9 south, range 20 east, Salt Lake meridian;

Thence south eight miles to the southeast corner of section 34, township 10 south, range 20 east;

Thence west one and one-half miles to the south quarter corner of section 33;

Thence north one-half mile to the center of said section 33;

Thence east one-fourth of a mile to the southwest corner of the southeast quarter northeast quarter, said section 33;

Thence north one mile to the southeast corner of the southwest quarter northeast quarter, section 28;

Thence west one-quarter of a mile to the center of said section 28;

Thence south one-fourth of a mile to the southeast corner of the northeast quarter southwest quarter, said section 28;

Thence west one-fourth of a mile to the north rim of Big Pack Mountain;

Thence southwesterly along said rim approximately one and one-half miles to the north quarter corner of section 4, township 11 south, range 20 east;

Thence south three-fourths of a mile to the southeast corner of the northeast quarter southwest quarter, said section 4;

Thence west one-fourth of a mile to the northeast corner of the southwest quarter southwest quarter, said section 4;

Thence south one-half mile to the southeast corner of the northwest quarter northwest quarter, section 9;

Thence west one-half mile to the southwest corner of the northeast quarter northeast quarter, section 8;

Thence south three-fourths of a mile to the southeast corner of the southwest quarter southeast quarter, said section 8;

Thence west three-fourths of a mile to the northeast corner of section 18;

Thence south along section line to the southeast corner of said section 18;

Thence southerly along the west rim of Big Pack Mountain approximately three and three-fourths miles to the northeast corner of the southeast quarter southeast quarter, section 1, township 12 south, range 19 east, Salt Lake meridian;

Thence south along the township line five and one-fourth miles to the southeast corner of township 12 south, range 19 east;

Thence following the north and east boundary of Indian Allotment Numbered 353 Uncompahgre on Hill Creek to the southeast corner of said allotment;

Thence along the east line of township 13 south, range 19 east, approximately one and one-half miles to the north rim of East Squaw Canyon;

Thence southeasterly along said rim and up said canyon approximately three and three-fourths miles to the northeast corner of section 33, township 13 south, range 20 east;

Thence south along the section line 6 miles to the northeast corner of section 33, township 14 south, range 20 east;

Thence along the north rim of Flat Rock Mesa approximately six miles to the west quarter corner of section 24;

Thence easterly along the north rim of Ute Canyon approximately two miles to the north quarter corner of section 19, township 14 south, range 21 east, Salt Lake meridian;

Thence continuing along the north rim of said canyon approximately three miles to the center of section 21;

Thence south one mile to the center of section 28;

Thence west one-half mile to the west line of said section;

Thence south one and one-half miles to the southeast corner of section 32;

Thence west along the south line of said township two miles to the southwest corner of township 14 south, range 21 east;

Thence south six miles along the east line of township 15 south, range 20 east, to the southeast corner of said township;

Thence east one-half mile to the center of the north line of section 33, township 15½ south, range 21 east, Salt Lake meridian;

Thence south approximately one and one-half miles to the south quarter corner of section 4, township 16 south, range 21 east, Salt Lake meridian;

Thence west one-half mile to the southwest corner of said section 4;

Thence north one-fourth of a mile to the southeast corner of the northeast quarter southeast quarter, section 5;

Thence west one-half mile to the northeast corner of the southeast quarter southwest quarter, said section 5;

Thence south two and one-fourth miles to the south quarter corner of section 17;

Thence west one-half mile to the northeast corner of section 19;

Thence south one-half mile to the east quarter corner of said section 19;

Thence west one-half mile to the center of said section 19;

Thence south two and one-half miles to the south quarter corner of section 31;

Thence west one-half mile to the southwest corner of said township 16 south, range 21 east;

Thence south one and one-half miles to the east quarter corner of section 12, township 17 south, range 20 east, Salt Lake meridian;

Thence west one mile to the east quarter corner of section 11;

Thence south one-half mile to the southeast corner of said section 11;

Thence west one-half mile to the south quarter corner of said section 11;

Thence south one mile to the south quarter corner of section 14;

Thence west one-half mile to the southwest corner of said section 14;

Thence south one mile to the southeast corner of section 22;

Thence west one mile to the southwest corner of section 22;

Thence south approximately one and one-half miles to a point where the section line intersects the ridge between Supply Canyon and West Willow Creek;

Thence southwesterly along said ridge approximately two and one-half miles to the south quarter corner of section 8, township 18 south, range 20 east;

Thence south to the center of section 17;

Thence east one-half mile to the east quarter corner of said section 17;

Thence south to the southeast corner of said section 17;
Thence east approximately one-third of a mile to the top of the ridge between Clear Creek and West Willow Creek;
Thence southerly along the top of said ridge approximately three miles to the center of section 33;
Thence south one-half mile to the south quarter corner of said section 33;
Thence east one-fourth of a mile;
Thence south two miles to the southeast corner of the southwest quarter southeast quarter, section 9, township 19 south, range 20 east, Salt Lake meridian;
Thence east one-fourth of a mile to the northeast corner of section 16;
Thence south one mile to the southeast corner of said section 16;
Thence west three miles to the southwest corner of section 18;
Thence north 2 and three-fourths miles;
Thence west one-fourth of a mile;
Thence north one-fourth of a mile to the southwest corner of the southeast quarter southeast quarter, section 36, township 18 south, range 19 east;
Thence west three-fourths of a mile to the southwest corner of said section 36;
Thence northwesterly along the watershed divide of Book Cliff Mountains approximately twelve and one-half miles to the east quarter corner of section 6, township 18 south, range 19 east;
Thence southwesterly down Coal Creek Canyon approximately thirteen miles to Green River at a point approximately one-fourth of a mile west of the southeast corner of section 18, township 18 south, range 17 east, Salt Lake meridian;
Thence northerly up Green River to a point two and one-half miles north eighty degrees west from the southwest corner of section 7, township 12 south, range 19 east, Salt Lake meridian;
Thence southwesterly along the east rim of Main Tabyago Canyon approximately three and one-half miles;
Thence south five-eighths of a mile to the rim of the ridge;
Thence southwesterly across West Tabyago Canyon approximately one-half mile to the ridge;
Thence southwesterly along the north rim of the ridge approximately two and one-fourth miles to Rock House Canyon;
Thence southwesterly across Rock House Canyon approximately three-fourths of a mile to the top of knoll in Rock House Canyon;
Thence southeasterly along the south rim of Rock House Canyon approximately two and three-fourths miles to a point approximately one mile north of Gray Knoll;
Thence south one-half mile across bench to north rim of Big Canyon; thence southeasterly along the north rim of Big Canyon approximately two miles to the head of draw approximately one mile east of Gray Knoll;
Thence southeasterly one-fourth of a mile across bench to the north rim of Big Canyon Flat;
Thence southeasterly along north rim of Big Canyon Flat approximately three and one-fourth miles;
Thence east approximately one-fourth of a mile across bench to the north rim of Big Canyon Flat;
Thence southeasterly along the north rim of Big Canyon Flat approximately one mile;
Thence east approximately one-fourth of a mile across bench to north rim of Big Canyon Flat;
Thence southeasterly along the north rim of Big Canyon Flat approximately two and one-half miles;

Thence east approximately one-fourth of a mile across bench;
Thence southeasterly along the north rim of Big Canyon Flat approximately one and three-fourths miles;
Thence east to northwest corner of section 31, township 13 south, range 19 east, Salt Lake meridian;
Thence east one mile;
Thence south one mile;
Thence east one mile to the southeast corner of section 32;
Thence east on section line to CCC road;
Thence northerly along said CCC road to the point where said road intersects rim of a mesa south of the north line of township 13 south, range 19 east, Salt Lake meridian;
Thence northeasterly along said rim to the northeast corner of section 26 of said township and range;
Thence north one-fourth of a mile;
Thence east one-fourth of a mile;
Thence north one-fourth of a mile to the northwest corner of the northeast quarter southwest quarter, section 24;
Thence northerly along Hill Creek approximately one and one-fourth miles;
Thence west one-fourth of a mile;
Thence south one-fourth of a mile to the quarter corner between sections 13 and 14;
Thence west two miles to the quarter corner between sections 15 and 16;
Thence north along the section line one-half mile to the southeast corner of section 9 to the top of the ridge;
All of the foregoing descriptions being in township 12 south, range 19 east, Salt Lake meridian;
Thence northerly along the top of said ridge three and three-fourths miles to the center of section 28, township 11 south, range 19 east, Salt Lake meridian;
Thence northwesterly to the CCC road;
Thence northwesterly along said road to the top rim of Wild Horse Bench;
Thence northeasterly along the top rim of Wild Horse Bench to the southeast corner of section 21;
Thence north one mile;
Thence diagonally northeast to the southwest corner of section 1;
Thence northeasterly to the north quarter corner of said section 1;
Thence east one-half mile to the intersection of CCC road at the northeast corner of said section 1;
Thence northeasterly along said road approximately four miles to where said road intersects the east line of section 20, township 10 south, range 20 east, Salt Lake meridian;
Thence north along said section line to the east quarter corner of section 8, township 10 south, range 20 east, Salt Lake meridian;
Thence northeasterly to the northwest corner of Indian Allotment Numbered 326 Uncompahgre;
Thence east to Willow Creek;
Thence northwesterly down Willow Creek to the west line of section 4, township 10 south, range 20 east, Salt Lake meridian;
Thence south along said section line to the southwest corner of section 4, said township and range;
Thence west one mile;
Thence north four miles to the northwest corner of section 20, township 9 south, range 20 east, Salt Lake meridian;
Thence west one mile;
Thence north one mile to point of beginning.

Valid rights and claims of individuals initiated under the public-land laws or otherwise involving any lands within said boundary shall not be affected by this Act.

Uranium, thorium, etc.

The foregoing reservation shall not extend to or include deposits of uranium, thorium, and other materials reserved to the United States by section 5 (b) 7 of the Atomic Energy Act of 1946 (60 Stat. 755, 762), and shall include surface rights only in lands withdrawn by Executive Order Numbered 5327, dated April 15, 1930, as interpreted by Circular Numbered 1220, dated June 9, 1930 (53 I. D. 127), and more particularly described in a letter dated April 22, 1931, addressed to the register, Salt Lake City, Utah, by the Commissioner of the General Land Office.

42 U. S. C. § 1805 (b) (7).
43 CFR 197 note.

Right-of-way for water purposes, etc.

There is hereby reserved, within the area above described, for the benefit and use of grazing-district permittees, a free right-of-way for trailing and watering purposes, subject to the usual and customary rules and regulations concerning stock driveways within grazing districts, the use of said right-of-way for watering purposes being limited to the usual and customary use of grazing-district permittees adjacent to said right-of-way, over the following lands:

(a) A stock driveway one mile wide along the north side of the White River Road running east from Ouray;

(b) A stock driveway described as beginning at the east quarter corner of section 3, township 9 south, range 20 east, Salt Lake meridian; running thence south eleven and one-half miles to the southeast corner of section 34, township 10 south, range 20 east, Salt Lake meridian; thence west to Willow Creek; thence northerly down Willow Creek to Black Bridge situated in the northwest quarter northeast quarter, section 22, township 10 south, range 20 east, Salt Lake meridian; thence northwesterly following the north and east boundaries of Indian allotments and tribal lands on east side of Willow Creek to the southwest corner of section 32, township 9 south, range 20 east, Salt Lake meridian; thence north five and one-fourth miles to Green River; thence up Green River and White River and on the south side of Indian allotments to point of beginning;

(c) A stock driveway one-half mile on each side of the road running southwesterly from what is known as Squaw Crossing on Willow Creek to the south rim of Wild Horse bench insofar as said road enters or crosses the said reservation;

(d) A stock driveway running from the head of Brown Canyon near the northeast corner of township 11 south, range 19 east, Salt Lake meridian, southeasterly down Brown Canyon across Hill Creek to Big Pack Mountain;

(e) A stock driveway one mile wide across Hill Creek immediately south of Rock House situated in the south half of section 13, township 12 south, range 19 east, Salt Lake meridian.

There is also reserved a watering right on Hill Creek between the Black Bridge and the Brown Ranch for the permittee using the public domain immediately west of said water place.

Revocation of order.

SEC. 2. The Secretary of the Interior is hereby authorized and directed to revoke the order dated September 26, 1933, temporarily withdrawing in aid of legislation certain lands in the former Uncompahgre Indian Reservation.

Relinquishment of certain land by Utah.

SEC. 3. The State of Utah may relinquish to the United States for the benefit of the Indians of the said Ute Reservation such tracts of school or other State-owned lands, surveyed or unsurveyed, within the said reserved area, as it may see fit, reserving to said State, if it so desires, such rights as it may possess to any minerals underlying such State lands as may be relinquished, and said State shall have the right to make selections in lieu thereof outside of the area hereby withdrawn, equal in value, as determined by the Secretary of the Interior, to the

lands relinquished, from the vacant, unappropriated, nonmineral public lands, within the State of Utah, such lieu selections to be made in the manner provided in the enabling Act pertaining to said State, except as to the payment of fees or commissions, which are hereby waived. The value of improvements owned by the State on lands relinquished to the United States for the benefit of said Indians shall be taken into consideration and full credit in the form of lands shall be allowed therefor. Any funds now or hereafter on deposit in the United States Treasury to the credit of the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, are hereby made available, and with the consent of the Uintah and Ouray Tribal Business Committee, may be expended for the purchase of privately owned and State-owned lands, including the improvements thereon, and improvements heretofore placed on public lands, together with water rights and water holes, within said boundary. The title to lands purchased under this authorization may, in the discretion of the Secretary of the Interior, be taken for the surface only. Title to any lands and rights acquired hereunder shall be taken in the name of the United States in trust for the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, and such lands or rights shall be exempt from State or local taxation.

Title to lands.

Judgments against U. S.; offset.

SEC. 4. In any suit now pending or hereafter brought against the United States by the Ute Indian Tribe of the Uintah and Ouray Reservation, or by any one or more of the separate bands comprising said Ute Indian Tribe of the Uintah and Ouray Reservation, in the Court of Claims, the Indian Claims Commission or before any other tribunal, the United States may claim, as an offset against any judgment recovered therein, the fair market value as of the date of this Act of any interest in public lands conveyed by section 1 hereof, and any improvements thereon, and the fair market value as of the date of the transfer of title of the lands and improvements which may be relinquished by the State of Utah to the United States under section 3 of this Act. The validity and amount of any such claim shall be determined by the court, commission, or tribunal in conformity with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050).

25 U. S. C. § 70a.

Approved March 11, 1948.

[CHAPTER 109]

AN ACT

March 11, 1948
[H. R. 4023]
[Public Law 441]

To authorize the establishment of the De Soto National Memorial, in the State of Florida, and for other purposes.

De Soto National Memorial, Fla.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of establishing an appropriate memorial to Hernando De Soto, the Secretary of the Interior is authorized, in his discretion, to acquire on behalf of the United States, by donation, by purchase with donated funds when purchaseable at prices deemed by him reasonable, or by condemnation with donated funds, such lands and interests in land within an area of not to exceed twenty-five acres as he may select in the vicinity of Tampa Bay and Bradenton, Florida, and to construct thereon a suitable memorial structure, together with such connecting roads and public facilities as may be desirable.

SEC. 2. Upon a determination by the Secretary of the Interior that sufficient land has been acquired by the United States for the memorial, such property shall be established as the "De Soto National Memorial", and shall be administered by the Secretary of the Interior, through the National Park Service, for the benefit of the people of the United States. An order of the Secretary of the Interior, constituting notice of such establishment, shall be published in the Federal Register.

Publication of order in Federal Register.

Insofar as applicable and not in conflict with this Act, the Act of August 25, 1916 (39 Stat. 535), providing for the establishment of a National Park Service, as amended and supplemented, shall govern the promotion and development of the national memorial.

16 U. S. C. §§ 1-4, 22, 43.

SEC. 3. There is hereby authorized to be appropriated such sums, not to exceed $25,000, as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

Approved March 11, 1948.

[CHAPTER 115]

AN ACT

March 13, 1948
[S. 1796]
[Public Law 442]

To provide for the preservation of the frigate Constellation and to authorize the disposition of certain replaced parts of such vessel as souvenirs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to repair, equip, and restore the frigate Constellation, as far as may be practicable, to her original condition, but not for active service, and to accept and use any donations or contributions which may be offered for the aforesaid purpose. Except so far as is necessary to incur expense to carry out the provisions of section 2 of this Act, no action shall be taken to repair, equip, or restore such frigate until the Department of the Navy shall have received by donation or contribution, or by sales made pursuant to section 2 of this Act, a sum not less than 75 per centum of the estimated cost of said restoration as certified by the Secretary of the Navy. The Secretary's certification will include the cost of all repairs and equipment, and will exclude the pay and allowances of naval officers and enlisted men engaged in the restoration.

Frigate Constellation.
Restoration.

SEC. 2. The Secretary of the Navy is hereby further authorized to give or to sell, under such regulations as he may prescribe, such parts or pieces, including rigging, of the frigate Constellation, as are suitable for use as relics, souvenirs, or mementos, and which cannot profitably or advantageously be used in restoring this vessel to original condition, to clubs, associations, or individuals making donations or contributions for the restoration of the frigate Constellation. The cost of converting the aforesaid material into relics, souvenirs, or mementos shall be charged against, and the proceeds of such sales shall be added to, the fund created by authority of this Act.

Relics, souvenirs, etc.

Approved March 13, 1948.

[CHAPTER 117]

AN ACT

March 15, 1948
[H. R. 2161]
[Public Law 443]

To amend the Act entitled "An Act authorizing the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shale, agricultural and forestry products, and other substances, in order to aid the prosecution of the war, to conserve and increase the oil resources of the Nation, and for other purposes", approved April 5, 1944 (58 Stat. 190).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 5, 1944 (58 Stat. 190), is amended by changing the words "five years", in the first sentence, to read "eight years", and by changing the numeral "$30,000,000" in section 6 to read "$60,000,000" and by adding to section 1 of the Act the following: "and that not to exceed $1,000,000 of the amount authorized by this Act may be applied to a program of production research on secondary recovery from stripper oil fields and in refining processes".

Synthetic liquid fuels.
30 U. S. C. § 321.

58 Stat. 191.
30 U. S. C. § 321 note.

Approved March 15, 1948.

[CHAPTER 120]

AN ACT

March 15, 1948
[S. 1317]
[Public Law 444]

To give to members of the Crow Tribe the power to manage and assume charge of their restricted lands, for their own use or for lease purposes, while such lands remain under trust patents.

Crow Indians.
Lease of trust lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last proviso of the first section of the Act of May 26, 1926, entitled "An Act to amend sections 1, 5, 6, 8, and 18 of an Act approved June 20, 1920, 'an Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds and for other purposes.'," approved May 26, 1926 (44 Stat. 658, 659), be amended to read as follows: "*Provided further*, That any Crow Indian classified as competent may lease his or her trust lands or any part thereof and the trust lands of their minor children for farming and grazing purposes: *Provided*,

Responsibility.

That any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made: *And provided further*, That leases on inherited or devised trust lands having more than five competent devisees or heirs shall be made only with the approval of the Superintendent. Any adult incompetent Indian with the approval of the Superintendent may lease his or her trust lands or any part thereof and the inherited or trust lands of their minor children for farming and grazing purposes. The trust lands of orphan minors shall be leased by the Superintendent. Moneys received for and on behalf of all incompetent Indians and minor children shall be paid to the Superintendent by the lessee for the benefit of said Indians. No lease shall be made for a period longer than five years, except irrigable lands under the Big Horn Canal, which may be leased for periods of ten years. All leases made under this Act shall be recorded at the Crow Agency."

Approval of Superintendent.

Time limitation.

Approved March 15, 1948.

[CHAPTER 121]

AN ACT

March 15, 1948
[H. R. 3973]
[Public Law 445]

Relating to the compensation of commissioners for the Territory of Alaska.

Alaska.
Compensation of commissioners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions relating to fees earned by commissioners for the Territory of Alaska of section 11 of the Act of June 6, 1900, entitled "An Act making further provision for a civil government for Alaska, and for other purposes", as amended (U. S. C., 1940 edition, title 48, sec. 116), each such commissioner shall pay to the clerk of the proper division of the court only so much of the aggregate net fees earned during the calendar year by such commissioner as exceeds the sum of $5,000.

31 Stat. 326.

Approved March 15, 1948.

[CHAPTER 133]

AN ACT

March 16, 1948
[H. R. 4980]
[Public Law 446]

Relating to the acquisition by the United States of State-owned lands within Glacier National Park, in the State of Montana, and for other purposes.

Glacier National Park, Mont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire, and the State of Montana is authorized to convey to the United States, without regard to the

requirements contained in section 11 of the Act approved February 22, 1889 (25 Stat. 676), any lands, interests in lands, buildings, or other property, real and personal, owned by the State of Montana within the boundaries of Glacier National Park. The aforesaid properties may be acquired from the State of Montana by the Secretary of the Interior for such consideration as he may deem advisable, when the acquisition of such property would, in his judgment, be in the best interests of the United States.

Approved March 16, 1948.

[CHAPTER 136]

AN ACT

March 17, 1948
[H. R. 3936]
[Public Law 447]

To authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia, and for other purposes.

U. S. Park Police. Arrests in environs of D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and within roads, parks, parkways, and other Federal reservations in the environs of the District of Columbia over which the United States has, or shall hereafter acquire, exclusive or concurrent criminal jurisdiction, the several members of the United States Park Police force shall have the power and authority to make arrests without warrant for any felony or misdemeanor committed in the presence or view of such members in violation of any Federal law or regulation issued pursuant to law, or for any felony that in fact has been or is being committed in violation of any such law or regulation where they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, and shall have power to take any person arrested by them, without unnecessary delay, before the Federal court having jurisdiction over the offense or before a United States commissioner specifically designated to try and sentence persons charged with petty offenses as provided in the Act of October 9, 1940 (54 Stat. 1058), or before any other officer having authority to hold or commit for the offense. Such police officers shall also have power upon such roads and within such parks, parkways, and other reservations to execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law: *Provided*, That the power and authority herein granted shall not extend to military personnel for offenses committed on military reservations: *Provided further*, That the power and authority herein granted shall not limit or restrict the investigative jurisdiction of the Federal Bureau of Investigation.

18 U. S. C. §§ 576-576d.
Post, p. 868.

Military personnel.

Jurisdiction of FBI.

SEC. 2. The Secretary of the Interior, with the approval or concurrence of the head of the agency having jurisdiction or control of any road, park, parkway, or other Federal reservation, or his duly authorized representative, is hereby authorized to make all needful rules and regulations for the regulation of traffic, for the protection of persons, property, health, and morals, to prevent breaches of the peace, to suppress affrays and unlawful assemblies and to aid in the enforcement of any of the rules and regulations so promulgated. To any rule or regulation there may be attached a reasonable penalty for the violation thereof not exceeding, however, a fine of not more than $500, imprisonment for not exceeding six months, or both.

Rules and regulations.

Penalty.

SEC. 3. For the purposes of this Act, the environs of the District of Columbia are hereby defined as embracing Arlington and Fairfax Counties and the city of Alexandria in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties in Maryland.

Environs of D. C.

Approved March 17, 1948.

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[CHAPTER 138]

AN ACT

March 18, 1948
[H. R. 2293]
[Public Law 448]

To amend the Act entitled "An Act to regulate navigation on the Great Lakes and their connecting and tributary waters", approved February 8, 1895.

Navigation on Great Lakes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (a) of rule 3 in the first section of the Act entitled "An Act to regulate navigation on the Great Lakes and their connecting and tributary waters", approved February 8, 1895, as amended (U. S. C., 1940 edition, title 33, sec. 252 (a)), is amended to read as follows:

28 Stat. 645.

Forward light.

"(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles. Such light shall be at a greater height above the water than the side lights required by subdivisions (b) and (c)."

SEC. 2. Subdivision (e) of rule 3 in the first section of such Act (U. S. C., 1940 edition, title 33, sec. 252 (e)) is amended to read as follows:

28 Stat. 646.

Additional light for large vessels.

"(e) A steamer of over one hundred feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such a character as to be visible at a distance of at least three miles. Such light shall be placed in line with the keel at least fifteen feet higher than, and more than fifty feet abaft, the light mentioned in subdivision (a); or in lieu thereof two such lights of the same character and height as herein described placed not over thirty inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach."

Supra.

28 Stat. 645.

SEC. 3. Rule 3 of such Act (U. S. C., 1940 edition, title 33, sec. 252) is amended by adding the following:

Additional light for small vessels.

"(f) A steam vessel not more than one hundred feet in length shall carry also a bright white light aft to show all around the horizon. Such light shall be placed in line with the keel higher than the light required by subdivision (a)."

Supra.

28 Stat. 648.

SEC. 4. Subdivision (e) of rule 14 in the first section of such Act (U. S. C., 1940 edition, title 33, sec. 271 (e)) is amended to read as follows:

Sound signals.

"(e) A vessel at anchor and a vessel aground in or near a channel or fairway shall at intervals of not more than two minutes ring the bell rapidly for from three to five seconds and, in addition, at intervals of not more than three minutes shall sound on the whistle or horn a signal of one short blast, two long blasts, and one short blast in quick succession."

SEC. 5. The first section of such Act is amended by adding at the end thereof the following:

Vessels over 65 feet in length, at anchor.

"RULE 30. (a) Between sunrise and sunset every vessel over sixty-five feet in length when at anchor shall carry forward, where it can best be seen, one black ball not less than two feet in diameter.

Vessels not under command.

"(b) A vessel over sixty-five feet in length which is not under command shall carry where they can best be seen and, if a steam vessel, in lieu of the white light required by rule 3 (a), two red lights in a

Supra.

vertical line one over the other not less than three feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles. By day such vessel shall carry in a vertical line one over the other not less than three feet apart, where they can best be seen, two black balls, each two feet in diameter. Such vessel, when not making way through the water, shall not carry the side lights required by rule 3 (b) and (c), but when making way shall carry them.

28 Stat. 646.
33 U. S. C. § 252 (b), (c).

"(c) A vessel aground over sixty-five feet in length shall carry by night the white light or lights prescribed for a vessel at anchor and in addition shall carry, where they can best be seen by approaching vessels, two red lights in a vertical line one over the other, not less than three feet apart, visible all around the horizon at a distance of at least two miles. By day such vessel shall carry in a vertical line one over the other not less than three feet apart, where they can best be seen, three black balls, each two feet in diameter."

Vessels aground.

Approved March 18, 1948.

[CHAPTER 139]

AN ACT

To add certain public and other lands to the Shasta National Forest, California.

March 19, 1948
[H. R. 3175]
[Public Law 449]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to any valid claim or entry now existing and hereafter legally maintained, and for the purposes of protecting, improving, and utilizing their forests, watershed, recreational and other resources, all lands of the United States within the following-described areas are hereby added to and made parts of the Shasta National Forest and hereafter shall be subject to all laws and regulations applicable to the national forests: Section 31, township 36 north, range 3 west; sections 7 to 36, inclusive, township 36 north, range 4 west; sections 11 to 16, inclusive, 20 to 29, inclusive, 33 to 36, inclusive, township 36 north, range 5 west; sections 5 to 9, inclusive, 16 to 21, inclusive, 29 to 32, inclusive, township 35 north, range 3 west; all township 35 north, range 4 west; sections 1 to 4, inclusive, 9 to 17, inclusive, 20 to 29, inclusive, 31, 33 to 36, inclusive, township 35 north, range 5 west; sections 35, 36, township 35 north, range 6 west; sections 26 to 34, inclusive, township 34 north, range 2 west; sections 5 to 11, inclusive, 13 to 36, inclusive, township 34 north, range 3 west; all township 34 north, range 4 west; all township 34 north, range 5 west; sections 1, 2, 3, 10 to 14, inclusive, 23 to 26, inclusive, 35, 36, township 34 north, range 6 west; sections 4 to 7, inclusive, township 33 north, range 2 west; sections 1 to 17, inclusive, township 33 north, range 3 west; sections 1 to 12, inclusive, township 33 north, range 4 west; sections 1 to 18, inclusive, township 33 north, range 5 west; sections 1 to 4, inclusive, 9 to 14, inclusive, township 33 north, range 6 west; all Mount Diablo base and meridian: *Provided*, That lands within the flow lines of reservoirs operated or maintained as parts of the Central Valley reclamation project or otherwise occupied and used for the operation of said project shall continue to be administered by the Bureau of Reclamation of the Department of the Interior.

Shasta National Forest, Calif.
Additional lands.

Administration of certain lands.

SEC. 2. The provisions of the Forest Exchange Act of March 20, 1922, as amended (42 Stat. 465; U. S. C., title 16, secs. 485, 486), are hereby made applicable to the areas described herein.

SEC. 3. This Act shall become effective July 1, 1948.

Effective date.

Approved March 19, 1948.

[CHAPTER 141]

AN ACT

March 24, 1948
[H. R. 4838]
[Public Law 450]

To extend the period of validity of the Act to facilitate the admission into the United States of the alien fiancées or fiancés of members of the armed forces of the United States.

Alien fiancées or fiancés.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority conferred upon the Secretary of State and the Attorney General under the provisions of the Act approved June 29, 1946 (60 Stat. 339), shall be extended to December 31, 1948, midnight.

50 U. S. C. app. §§ 1851-1855; Supp. I, app. § 1851.

SEC. 2. Clause (b) of the proviso of the first section of the Act approved June 29, 1946 (60 Stat. 339), is hereby repealed.

50 U. S. C., Supp. I, app. § 1851 (b).

Effective date.

SEC. 3. This Act shall be regarded as having become effective from and after December 31, 1947.

Approved March 24, 1948.

[CHAPTER 142]

AN ACT

March 24, 1948
[S. 1733]
[Public Law 451]

To authorize payment to certain enrolled members of the Seminole Tribe of Indians under Act of July 2, 1942 (Public, Numbered 645, Seventy-seventh Congress).

Seminole Indians. Payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in making the payment to the enrolled members of the Seminole Tribe of Indians of Oklahoma or their heirs, authorized in section 1 of the Act of July 2, 1942 (Public, Numbered 645, Seventy-seventh Congress), the regulations promulgated by the Secretary of the Interior under date of October 14, 1942, shall be followed in ascertaining the heirs of the enrolled members entitled to share in the funds of said tribe as to those persons who died prior to the Act of December 24, 1942 (Public, Numbered 833, Seventy-seventh Congress), and payment shall be made accordingly.

56 Stat. 528.

56 Stat. 1080. 25 U. S. C. §§ 375a, 375b.

Approved March 24, 1948.

[CHAPTER 143]

AN ACT

March 24, 1948
[S. 1782]
[Public Law 452]

To provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the armed forces who have been disabled in line of duty for active field service.

Superintendents of national cemeteries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That superintendents of the national cemeteries shall be selected from meritorious and trustworthy members of the armed forces who have been honorably separated from the service of the United States, and who have been disabled in line of duty for active field service.

Repeal.

SEC. 2. Section 4874, Revised Statutes (U. S. C., title 24, sec. 275), is hereby repealed.

Approved March 24, 1948.

[CHAPTER 144]

JOINT RESOLUTION

March 24, 1948
[S. J. Res. 172]
[Public Law 453]

To authorize vessels of Canadian registry to transport iron ore between United States ports on the Great Lakes during 1948.

Canadian vessels. Transportation of iron ore.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by reason of the continued extraordinary requirements of the iron and steel industry for

Lake Superior iron ore, notwithstanding the provisions of section 27 of the Act of Congress approved June 5, 1920 (41 Stat. 999), as amended by Act of Congress approved April 11, 1935 (49 Stat. 154), and by Act of Congress approved July 2, 1935 (49 Stat. 442), or the provisions of any other Act of Congress or regulation, vessels of Canadian registry shall be permitted to transport iron ore between United States ports on the Great Lakes during the year 1948 or until such date prior to the end of said year as the Congress by concurrent resolution or the President by proclamation may designate.

46 U. S. C. § 883; Supp. I, § 883 note.

Approved March 24, 1948.

[CHAPTER 146]

AN ACT

March 25, 1948
[H. R. 2453]
[Public Law 454]

To provide for the establishment and operation of a research laboratory in the North Dakota lignite-consuming region for investigation of the mining, preparation, and utilization of lignite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the possibilities for increased utilization of the lignite resources of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the reconversion period and time of peace.

Lignite coal research laboratory, N. Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting through the United States Bureau of Mines, is authorized and directed to establish, equip, and maintain a research laboratory in the lignite-consuming region of North Dakota to conduct researches and investigations on the mining, preparation, and utilization of lignite coal and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for lignite coal and its products. Such laboratory shall be planned as a center for information and assistance in matters pertaining to conserving lignite coal resources for national defense and security; to the more efficient mining, preparation, and utilization of lignite coal; and pertaining to safety, health, and sanitation in mining operations and other matters relating to problems of the lignite industry.

Acquisition of land.

SEC. 2. For the purpose of this Act the Secretary, acting through the United States Bureau of Mines, is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, and to utilize voluntary or uncompensated services at such laboratory. The Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, and State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

Cooperation with other agencies.

Report to Congress.

SEC. 3. The Secretary, acting through the United States Bureau of Mines, shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to, the laboratory established under this Act.

Advisory committee.

SEC. 4. The Secretary of the Interior, acting through the United States Bureau of Mines, may, in his discretion, create and establish an advisory committee composed of not more than six members to exercise consultative functions, when required by the Secretary, in connection with the administration of this Act. The said committee shall be composed of representatives of lignite coal-mine owners, of representatives of lignite coal-mine workers and the public in equal number. The members of said committee shall be appointed by the Secretary of the Interior without regard to the civil-service laws.

Appropriation authorized.

SEC. 5. In order to carry out the purposes of this Act there is hereby

authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of (a) $750,000 for the erection and equipment of a building or buildings, including plumbing, lighting, heating, general service, and experimental equipment and apparatus, the necessary roads, walks, and ground improvement, and land for the site of the building if no land is donated; and (b) $250,000 annually for the maintenance and operation of the experimental station, including personal services, supplies, equipment, and expenses of travel and subsistence.

Approved March 25, 1948.

[CHAPTER 147]

AN ACT

March 25, 1948
[H. R. 3506]
[Public Law 455]

To provide for the acquisition of a site for a new Federal Building in Huntington, West Virginia, adjoining existing Federal buildings there, as an economy measure, before land values have increased as a result of improvements.

Huntington, W. Va.
Site for Federal building.
Post, p. 1033.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is authorized and directed to acquire, by purchase, condemnation, or otherwise, a plot of land approximately two hundred feet long and approximately ninety feet wide, together with all improvements thereon, situated at the southeast corner of Fifth Avenue and Eighth Street in the city of Huntington, West Virginia, for use as a site for the erection of a new Federal building. Such plot of land is more particularly described as follows:

Beginning at a point where the south line of Fifth Avenue intersects with the east line of Eighth Street; thence along the line of Eighth Street approximately two hundred feet to an alley; thence in an easterly direction and with the north line of said alley to a point; thence in a northerly direction and parallel with the line of Eighth Street approximately two hundred feet to a point in the south line of Fifth Avenue; thence in a westerly direction and with the south line of Fifth Avenue approximately ninety feet to the place of beginning.

Approved March 25, 1948.

[CHAPTER 148]

AN ACT

March 25, 1948
[H. R. 4836]
[Public Law 456]

To authorize the purchase of a new post-office site at Omaha, Nebraska.

Omaha, Nebr.
Post-office site.
Post, p. 1033.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site in Omaha, Nebraska, for the purpose of erecting thereon a building for the use and accommodation of the United States post office at Omaha.

Approved March 25, 1948.

[CHAPTER 149]

AN ACT

March 25, 1948
[H. R. 4967]
[Public Law 457]

To provide for the acquisition of a site and preparation of plans and specifications for a new postal building and for remodeling of the existing main post-office building in Portland, Oregon, and for other purposes.

Portland, Oreg.
Site and plans for postal building.
Post, p. 1033.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site in Portland, Oregon, and to prepare or cause to be prepared plans and specifications for a

new building to be located on such site and for the remodeling of the existing main post office all to provide additional postal facilities in said city. The cost of such plans and specifications and the acquisition of the site shall not exceed $300,000.

Approved March 25, 1948.

[CHAPTER 150]

AN ACT

To ratify the administrative promotions of employees on military furlough from the field postal service, in certain cases, and for related purposes.

March 25, 1948
[H. R. 5315]
[Public Law 458]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if an employee in the field postal service was promoted, after September 15, 1940, and before January 1, 1948, to the position of special clerk or to any other position not then in an automatic grade, and the promotion was unauthorized by law only because the employee was then absent on military furlough, the promotion is hereby ratified.

Postal Service.
Promotions during military furlough.

SEC. 2. Such an employee is hereby relieved of all liability to refund to the United States any amounts paid to him as a result of the promotion; and in the audit and settlement of the accounts of any postmaster, or of any other designated disbursing officer of the Post Office Department or postal service, the amounts paid as a result of the promotion shall be considered to have been authorized. Any amounts heretofore credited to the employee or refunded by him to the United States on account of any overpayment made as a result of the promotion shall be repaid out of any money available for the payment of salaries of employees in the service in which he is employed.

Relief of liability.

Approved March 25, 1948.

[CHAPTER 151]

JOINT RESOLUTION

To authorize the issuance of a special series of stamps commemorative of the one-hundredth anniversary of the creation of the Territory of Minnesota.

March 25, 1948
[H. J. Res. 320]
[Public Law 459]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance on March 3, 1949, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the one-hundredth anniversary of the creation of the Territory of Minnesota.

Minnesota, 100th anniversary.
Commemorative stamp.

Approved March 25, 1948.

[CHAPTER 157]

AN ACT

To provide for inactive duty training pay for the Organized Reserve Corps, to provide uniform standards for inactive duty training pay for all Reserve components of the armed forces, and for other purposes.

March 25, 1948
[S. 1174]
[Public Law 460]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the National Defense Act, as amended, be further amended by striking out the words "the Officers Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps," and inserting in lieu thereof the words "and the Organized Reserve Corps".

Organized Reserve Corps, Army.
48 Stat. 153.
10 U. S. C. § 2.

SEC. 2. That section 37a of the National Defense Act of 1916, as amended, is amended by deleting therefrom the following sentence: "A Reserve officer shall not be entitled to pay and allowances except when on active duty."

41 Stat. 776.
10 U. S. C. § 361.

56 Stat. 367.
37 U. S. C. § 114; Supp. I, § 114 note.
Pay and allowances.

SEC. 3. That section 14 of the Pay Readjustment Act of 1942, as amended, be amended to read as follows:

"SEC. 14. RESERVE AND NATIONAL GUARD PERSONNEL.—(a) Officers, warrant officers, and enlisted personnel of the reserve components of any of the services mentioned in the title of this Act, when on active duty in the service of the United States, shall be entitled to receive the same pay and allowances as are authorized for persons of corresponding grade and length of service in the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service.

"(b) Officers, warrant officers, and enlisted personnel of the reserve components of any of the services mentioned in the title of this Act, when participating in full-time training or other full-time duty (provided for or authorized in the National Defense Act, as amended, or in the Naval Reserve Act of 1938, as amended, or in other provisions of law, including participation in exercises or performance of the duties provided for by sections 94, 97, and 99 of the National Defense Act, as amended) shall receive the same pay and allowances as are authorized for persons of corresponding grade and length of service in the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service: *Provided*, That they may be given additional training or other duty as provided for by law, without pay, as may be authorized by the head of the Department concerned, with their consent, and when such authorized training or other duty without pay is performed they may in the discretion of the head of the Department concerned, be furnished with transportation to and from such duty, with subsistence en route, and, during the performance of such duty, be furnished with subsistence and quarters in kind or commutation thereof at a rate to be fixed from time to time by the head of the Department concerned.

39 Stat. 166.
10 U. S. C. § 2 *et seq.*
Ante, p. 87; *post*, pp. 89–91, 477, 643.
52 Stat. 1175.
34 U. S. C. §§ 853–857g; Supp. I, § 853a *et seq.*
Post, p. 368.
39 Stat. 206, 207.
32 U. S. C. §§ 63–65, 144–146.
Additional training without pay.

Computation of pay.

"(c) Under such regulations as the head of the Department concerned may prescribe, and to the extent provided for by law and by appropriations, officers, warrant officers, and enlisted personnel of the National Guard of the United States, Organized Reserve Corps, Naval Reserve, and Marine Corps Reserve, shall receive compensation at the rate of one-thirtieth of the monthly base pay including longevity pay, authorized for such persons when on active duty in the armed forces of the United States, for each regular period of instruction, or period of appropriate duty, at which they shall have been engaged for not less than two hours, including those performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties as may be prescribed by the head of the Department concerned: *Provided*, That personnel required to perform aerial flights, parachute jumping, glider flights, or submarine duty shall receive the increases in pay provided for by law for personnel in such status: *Provided further*, That for each of the several classes of organizations prescribed for the National Guard of the United States, the Organized Reserve Corps, Naval Reserve, and Marine Corps Reserve, the rules applicable to each of which services and classes within services may differ, the head of the Department concerned: (1) Shall prescribe minimum standards which must be met before an assembly for drill or other equivalent period of training, instruction, or duty or appropriate duties may be credited for pay purposes, which minimum standards may require the presence for duty of officers and enlisted personnel equal to or in excess of a minimum number or percentage of unit strength for a specified period of time with participation in a prescribed character of training; (2) shall prescribe the maximum number of assemblies, or periods of other equivalent training, instruction, or duty or appropriate duties, which may be counted for pay purposes in each fiscal year; (3) shall prescribe the maximum number of assemblies, or periods of other

Aerial flights, etc.

Rules and regulations.

equivalent training, instruction, or duty or appropriate duties which can be counted for pay purposes in lesser periods of time; and (4) shall prescribe the minimum number of assemblies or periods of other equivalent training, instruction, or duty or appropriate duties, which must be completed in stated periods of time before the personnel of organizations or units can qualify for pay: *And provided further*, That the provisions of this paragraph shall not apply when such persons are entitled to receive full pay and allowances as provided for in paragraphs (a) and (b) of this section.

Nonapplicability.

"(d) In addition to pay provided in paragraph (c) of this section, officers of the National Guard of the United States, Organized Reserve Corps, Naval Reserve, and Marine Corps Reserve, commanding organizations having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the head of the Department concerned may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the head of the Department concerned may, from time to time, divide them into classes and fix the amount payable to the officers in each class: *Provided*, That the provisions of this paragraph shall not apply when such persons are entitled to receive full pay and allowances as provided for in paragraphs (a) and (b) of this section.".

Certain commanding officers having administrative functions.

Nonapplicability.

SEC. 4. That Section 55a of the National Defense Act of 1916, as amended, be amended to read as follows:

41 Stat. 780.
10 U. S. C. § 422.

"SEC. 55a. ORGANIZED RESERVE CORPS—ORGANIZATION AND TRAINING.—The Organized Reserve Corps shall include the personnel and units of the Officers Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves. The Secretary of the Army shall prescribe all necessary and proper regulations for the recruiting, organization, government, administration, training, inspection, and mobilization of the Organized Reserve Corps, and shall detail such officers and enlisted personnel of the Regular Army and Organized Reserve Corps, and shall make available such material, uniforms, arms, supplies, equipment, and other facilities of the Army, or procured from funds appropriated for the purpose as he may deem necessary and advisable for the development, training, instruction, and administration of the Organized Reserve Corps and the care of Government property issued to the members and units of the Organized Reserve Corps. Any or all members of the Organized Reserve Corps may be formed into military organizations, which in turn may be sponsored by civilian organizations as affiliated units.

"Organized Reserve Corps units will be of three classes, varying in degree of organization, as follows:

Reserve Corps units.

"1. Those combat and service types organized with a full complement of officers and men: *Provided*, That there will be included in this category only those units which are considered necessary for prompt mobilization.

"2. Those combat and service types generally organized with a full complement of officers and an enlisted cadre.

"3. Those combat and service types generally organized with a full complement of officers only.

"Under such regulations as the Secretary of the Army may prescribe, personnel of the Organized Reserve Corps shall assemble for drill, training, instruction, or other duty and shall participate in encampments, maneuvers, or other exercises: *Provided*, That assemblies for such duty under such regulations for members of the Organized Reserve Corps assigned to fully organized units shall be on the same minimum basis as now or hereafter prescribed for the National Guard: *Provided further*, That other units of the Organized Reserve

Assemblies.

Corps may be assembled, under such regulations, for such duty; however, personnel of these units may not receive pay in any one fiscal year for a total number of regular periods of instruction, or periods of appropriate duty, at which they shall have been engaged for not less than two hours, or for the performance of such other equivalent training, instruction, or duty or appropriate duties as may be prescribed by the Secretary of the Army in accordance with subsection (c), section 14, Pay Readjustment Act of 1942, as amended, in excess of 50 per centum of the number of such assemblies authorized for personnel assigned to similar positions in the National Guard: *Provided further*, That members of the Organized Reserve Corps not assigned to table of organization units may be required to perform duties as prescribed by such regulations and receive credit for regular periods of instruction or duty, for pay purposes, up to the same maximum as prescribed herein for members of units of the Organized Reserve Corps, other than fully organized type units: *And provided further*, That members of the Organized Reserve Corps classified in scientific or specialist categories, or members of the Organized Reserve Corps, whether or not assigned to a unit, who, under regulations prescribed by the Secretary of the Army, are designated for a mobilization day assignment, may be required to perform duties as prescribed by such regulations and receive credit for regular drill periods for pay purposes on the same minimum basis as prescribed herein for members of the Organized Reserve Corps in fully organized type units.

Ante, p. 88.

Members not assigned to a unit.

Scientific or specialist categories, etc.

"Under such regulations as the Secretary of the Army may prescribe, personnel of the Organized Reserve Corps may receive compensation as provided in section 14 of the Pay Readjustment Act of 1942, as amended, for attending periods of instruction, or periods of appropriate duty, duly prescribed under the authority of the Secretary of the Army, including those performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties, as may be prescribed by the Secretary of the Army.

Ante, p. 88.

Annual requirement.

"Members of the Organized Reserve Corps in receipt of pay for the performance of drills, or other equivalent training, instruction, or duty or appropriate duties, may be required to perform such active duty or training duty, not to exceed fifteen days annually, as may be prescribed by the Secretary of the Army: *Provided*, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Army: *Provided further*, That when authorized training or other duty without pay is performed by members of the Organized Reserve Corps they may in the discretion of the Secretary of the Army be furnished with transportation to and from such duty, with subsistence en route, and, during the performance of such duty, be furnished subsistence and quarters in kind or commutation thereof at a rate to be fixed from time to time by the head of the Department concerned.".

Additional training.

Transportation, etc., expenses.

39 Stat. 206.
32 U. S. C. § 62.

SEC. 5. (a) That section 92 of the National Defense Act of 1916, as amended, be further amended by changing the period at the end of said section to a colon and adding the following: "*Provided further*, That members of the National Guard of the United States may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Army: *And provided further*, That when authorized training or other duty without pay is performed by members of the National Guard of the United States they may in the discretion of the Secretary of the Army be furnished with transportation to and from such duty, with subsistence en route, and, during the performance of such duty, be furnished subsistence and quarters in kind or commutation

Additional training for National Guard.

Transportation, etc., expenses.

thereof at a rate to be fixed from time to time by the Secretary of the Army.".

(b) That the portion of section 109 of the National Defense Act, as amended, which precedes the final proviso of such section, be amended to read as follows:

39 Stat. 209. 32 U. S. C. § 143 note.

"SEC. 109. PAY FOR NATIONAL GUARD OFFICERS.—Under such regulations as the Secretary of the Army may prescribe, officers and warrant officers of the National Guard of the United States may receive compensation as provided in section 14 of the Pay Readjustment Act of 1942, as amended, for attending regular periods of instruction, or periods of appropriate duty, duly prescribed under the authority of the Secretary of the Army, including drills performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties, as may be prescribed by the Secretary of the Army.".

Ante, p. 88.

(c) That the portion of section 110 of the National Defense Act, as amended, which precedes the first proviso of such section, be amended to read as follows:

39 Stat. 209. 32 U. S. C. § 154.

"SEC. 110. PAY FOR NATIONAL GUARD ENLISTED MEN.—Under such regulations as the Secretary of the Army may prescribe, enlisted men of the National Guard of the United States may receive compensation as provided in section 14 of the Pay Readjustment Act of 1942, as amended, for attending regular periods of duty and instruction duly prescribed under the authority of the Secretary of the Army, including those performed on Sundays and holidays.".

Ante, p. 88.

SEC. 6. The provisions of this Act shall be applicable to the Department of the Air Force: *Provided*, That all references therein to the Secretary of the Army, the Department of the Army, the Regular Army, the National Guard and the National Guard of the United States, the Organized Reserve Corps, the Officers Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves, shall be construed for the purposes of this section as referring to the Secretary of the Air Force, the Department of the Air Force, the Regular Air Force, the Air National Guard, the Air Force Reserve, the officers section of the Air Force Reserve, the enlisted section of the Air Force Reserve, and personnel of the Organized Reserves transferred to the Department of the Air Force, respectively.

Applicability.

Approved March 25, 1948.

[CHAPTER 158]

AN ACT

March 27, 1948
[S. 468]
[Public Law 461]

To amend the Act entitled "An Act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan", to increase the amount of property which the corporation may hold from $100,000 to $5,000,000.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan", approved February 25, 1909 (35 Stat. 646), is amended to read as follows:

Imperial Palace, Dramatic Order Knights of Khorassan.

"SEC. 2. That the said corporation shall have power to take and hold real and personal estate not exceeding in value five million dollars, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the fraternal and benevolent purposes of said corporation."

Maximum property holdings.

Approved March 27, 1948.

[CHAPTER 159]

AN ACT

March 29, 1948
[S. 1990]
[Public Law 462]

To provide a means for the orderly continuation and completion of the Deer Creek and aqueduct divisions of the Provo River project, Utah.

Provo River project, Utah.
Deer Creek and aqueduct divisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide a means for the orderly continuation and completion of the Deer Creek and aqueduct divisions of the Provo River project, Utah, and for the recovery by the United States of the actual construction cost thereof, the Secretary of the Interior in proceeding with the construction, completion, and administration of said divisions heretofore authorized, subject to the execution of such contracts as the Secretary may deem necessary to maintain existing repayment contracts between the United States, the Provo River Water Users Association and the Metropolitan Water District of Salt Lake City consistent with the interim construction cost recovery plan herein provided, is authorized (a) to deliver water or make project works available therefor, as the case may be, on terms and at annual rates or other annual charges to be fixed by the Secretary from year to year, calculated to return to the United States (in addition to the cost of operation and maintenance) the actual cost in excess of existing repayment contract liability that may be incurred by the United States in completing said divisions of the Provo River project; and (b) to postpone the commencement of annual construction charge installments under existing repayment contracts: *Provided*, That any such postponement of annual construction charge installments shall in no event operate to delay the commencement of construction charges, as provided by existing repayment contracts, beyond the time when costs that may be incurred by the United States in excess of existing contract liability have been returned to the United States.

Commencement of construction charges.

Approved March 29, 1948.

[CHAPTER 160]

AN ACT

March 29, 1948
[H. R. 2502]
[Public Law 463]

To provide for the general welfare and advancement of the Klamath Indians in Oregon.

Klamath Welfare Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Klamath Welfare Act".

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed, from the capital reserve fund deposited in the Treasury of the United States to the credit of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians (hereinafter referred to as the "Klamath Tribes"), said fund being established pursuant to the Act of August 28, 1937 (ch. 874, 50 Stat. 872), as augmented by the proceeds of the judgment fund of the Klamath Indians as provided in the Act of August 7, 1939 (ch. 552, 53 Stat. 1252), to credit the sum of $500 upon the books of the Office of Indian Affairs, to each person determined by the Secretary of the Interior to be entitled to enrollment upon the annuity roll of said tribes of the Klamath Reservation, Oregon, living upon the date of the enactment of this Act. The share of each adult member of the credit so established shall be available for expenditure, under such rules and regulations as the Secretary of the Interior may prescribe, for the following purposes:

25 U. S. C. §§ 530-535.

25 U. S. C. §§ 541-543.

Purchase, etc., of land.

Purchase of land or interests in land; improvement of lands acquired or already held by the Indian; erection and improvement of suitable

homes, including household equipment and furnishings; repayment of any loans received from the United States or from the Klamath tribal funds; purchase of building material, feed, seed, and grain; purchase or rehabilitation and repair of farming equipment, tools, trucks, tractors, machinery, and implements; and purchase of any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education and adult education, as will enable them to become self-supporting; and health, including dental work: *Provided, however*, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support: *Provided further*, That during minority the share of each minor Indian shall be available for expenditure only for his education and for health purposes, including dental work, except that in an emergency expenditure of a minor Indian's share may be made for any of the purposes specified in this Act. As herein used, the term "minor" shall include all members of the tribe who have not attained the age of twenty-one years, except that minors eighteen years of age or over and who are married or have families of their own to support, shall be regarded as adults. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be distributed as personal property, and shall be available for expenditure by the distributees only for the purposes herein authorized: *And provided further*, That each member of the Klamath Tribes honorably discharged from service to the United States in its armed forces shall, upon application to the Commissioner of Indian Affairs, be paid $200 in cash, free from the aforesaid restrictions and in addition to the $500 to be credited to such member as provided in section 2 of this Act.

Repayment of loans.

Maintenance of aged, etc.

Education and health purposes.

"Minor."

Death of member.

Honorably discharged veterans.

SEC. 3. That in no event shall any portion of the funds hereby directed to be credited and paid become liable, payable, or subject to any debt or debts contracted prior to the passage of this Act by any Indian of the Klamath Tribe, except debts to the United States or to the tribe.

Prior debts.

Approved March 29, 1948.

[CHAPTER 161]

AN ACT

March 30, 1948
[S. 2182]
[Public Law 464]

To extend certain provisions of the Housing and Rent Act of 1947, to provide for the termination of controls on maximum rents in areas and on housing accommodations where conditions justifying such controls no longer exist, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Rent Act of 1948".

Housing and Rent Act of 1948.
Post, p. 216.

TITLE I—AMENDMENTS TO TITLE I OF HOUSING AND RENT ACT OF 1947

SEC. 2. Section 1 (b) of the Housing and Rent Act of 1947, as amended, is hereby repealed.

61 Stat. 193.
50 U. S. C., Supp. I, app. § 1881 (b).

SEC. 3. Section 4 of such Act, as amended, is amended by striking out "April 1, 1948" wherever such date appears therein and inserting in lieu thereof "April 1, 1949".

61 Stat. 195.
50 U. S. C., Supp. I, app. § 1884.
Ante, p. 37.

TITLE II—MAXIMUM RENTS

SEC. 201. Section 202 (c) of such Act, as amended, is amended by striking out paragraphs (2) and (3) thereof and inserting in lieu of such paragraphs the following:

61 Stat. 197.
50 U. S. C., Supp. I, app. § 1892 (c) (2) (3).

"(2) any motor court, or any part thereof; any trailer or trailer

space, or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof; or

"(3) any housing accommodations (A) the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (B) which for any successive twenty-four month period during the period February 1, 1945, to the date of enactment of the Housing and Rent Act of 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations; or (C) the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations; or

60 Stat. 207.
50 U. S. C. app. §§ 1821-1833; Supp. I, app. §§ 1821-1832.

"(4) nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if (A) no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and (B) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family."

61 Stat. 197.
50 U. S. C., Supp. I, app. § 1894 (a).
Ante, p. 37.

SEC. 202. (a) Section 204 (a) of such Act, as amended, is amended by striking out "March 31, 1948" and inserting in lieu thereof "March 31, 1949".

61 Stat. 198.
50 U. S. C., Supp. I, app. § 1894 (b).
Maximum rents.

(b) Section 204 (b) of such Act, as amended, is amended to read as follows:

"(b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, during the period beginning on the effective date of this title and ending on the date this title ceases to be in effect, no person shall demand, accept, or receive any rent for the use or occupancy of any controlled housing accommodations greater than the maximum rent established under the authority of the Emergency Price Control Act of 1942, as amended, and in effect with respect thereto on June 30, 1947: *Provided, however*, That the Housing Expediter shall, by regulation or order, make such individual and general adjustments in such maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within any such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title. In the making of adjustments to remove hardships due weight shall be given to the question as to whether or not the landlord is suffering a loss in the operation of the housing accommodations.

56 Stat. 23.
50 U. S. C. app. §§ 901-922, 923-946; Supp. I, § 901 *et seq.*
Adjustments.

Lease entered into on or before Dec. 31, 1947.

"(2) In any case in which a landlord and tenant, on or before December 31, 1947, in accordance with the provisions of this subsection as then in effect, voluntarily entered into a valid written lease in good faith with respect to any housing accommodations, such housing accommodations shall not be subject to any maximum rent established or maintained under the provisions of this title unless such lease is hereafter terminated or expires before March 31, 1949, in which case the maximum rent for such housing accommodations shall, through March 31, 1949, be not in excess of 15 per centum over the maximum rent which in the absence of a lease would be in effect with respect thereto on the date of enactment of the Housing and Rent Act of 1948: *Provided*, That the landlord and a tenant (including any new tenant) may enter into a new voluntary lease subject to the conditions, specified

New voluntary lease.

in paragraph (3) of this subsection, applicable with respect to landlords and tenants who have not heretofore entered into voluntary leases, except that no maximum rent need be in effect on the date of execution of such new lease.

"(3) In any case in which a landlord and tenant (including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith (at any rental agreed upon in the lease, but not in excess of 15 per centum over the maximum rent which in the absence of a lease would be in effect with respect thereto on the date of enactment of the Housing and Rent Act of 1948) with respect to any housing accommodations for which a maximum rent is in effect under this section, and such lease takes effect on or after the effective date of the Housing and Rent Act of 1948 and expires on or after December 31, 1949, and if a true and duly executed copy of such lease is filed, within fifteen days after the date of execution of such lease, with the Housing Expediter, such housing accommodations shall not thereafter be subject to any maximum rent established or maintained under the provisions of this title unless such lease is terminated before March 31, 1949. If any such lease is so terminated the maximum rent (unless a subsequent lease entered into under the provisions of this paragraph is in force) shall be not in excess of 15 per centum over the maximum rent which in the absence of a lease would be in effect with respect thereto on the date of enactment of the Housing and Rent Act of 1948.

Lease entered into on or before Dec. 31, 1948.

Termination.

"(4) A landlord shall file a report with the Housing Expediter of any termination of a lease entered into under this subsection prior to the expiration date of the lease, including leases entered into under this subsection prior to the date of enactment of the Housing and Rent Act of 1948. Such report shall be filed within fifteen days after such termination or fifteen days after the effective date of such Act, whichever is the later date."

Filing of report.

(c) Section 204 (c) of such Act, as amended, is amended to read as follows:

61 Stat. 198.
50 U. S. C., Supp. I, app. § 1894 (c).

"(c) The Housing Expediter is hereby authorized and directed to remove any or all maximum rents before this title ceases to be in effect, in any defense-rental area or portion thereof or with respect to any class of housing accommodations in any such area or portion thereof, if in his judgment the need for continuing maximum rents in such area or portion thereof or with respect to such class of housing accommodations no longer exist, due to sufficient construction of new housing accommodations or when the demand for rental housing accommodations has been otherwise reasonably met. The Housing Expediter shall from time to time make surveys with a view to carrying out the purpose of this subsection to decontrol housing accommodations at the earliest practicable time."

Removal of maximum rents in defense-rental area.

Surveys.

(d) Section 204 (e) of such Act, as amended, is amended to read as follows:

61 Stat. 198.
50 U. S. C., Supp. I, app. § 1894 (e).

"(e) (1) The Housing Expediter is authorized and directed to create in each defense-rental area, or such portion thereof as he may designate, a local advisory board, each such board to consist of not less than five members who are citizens of the area and who, insofar as practicable, as a group are representative of the affected interests in the area, to be appointed by the Housing Expediter, from recommendations made by the respective Governors: *Provided*, That in any case where the Governor has made no recommendations for original appointments to local boards or appointments to fill vacancies, within thirty days after request therefor (subsequent to the date of enactment of the Housing and Rent Act of 1948) from the Housing Expediter, the Housing Expediter shall without such recommendations appoint the original members of such boards or such members as may

Local advisory board.

be required to fill vacancies. Nothing in the foregoing provisions shall require the reappointment of present members of local advisory boards, but any change in the membership of any local advisory board necessitated by this provision shall be effectuated as promptly as may be practicable. Each such board shall have sufficient members to enable it promptly to consider individual adjustment cases coming before it on which the board shall make recommendations to the officials administering this title within its area; and before recommending any such adjustment the board shall give notice to the parties and shall hold a hearing at the request of either party. Any local board may make such recommendations to the Housing Expediter as it deems advisable with respect to the following matters:

Removal of maximum rents.

"(A) Removal of any or all maximum rents in the area, or any portion thereof, over which the local board has jurisdiction, or with respect to any class of housing accommodations within such area or any portion thereof, if in the judgment of the local board the need for continuing maximum rents in such area or portion thereof or with respect to such class of housing accommodations no longer exists, due to sufficient construction of new housing accommodations or when the demand for rental housing accommodations has been otherwise reasonably met; and

Adjustments.

"(B) Adjustments, other than individual adjustments, in maximum rents in such area or any portion thereof or with respect to any class of housing accommodations within such area or any portion thereof, deemed by the local board to be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title; and

Hardship cases.

"(C) Operations generally of the local rent office with particular reference to hardship cases.

Office space, etc.

"(2) The Housing Expediter shall furnish the local boards suitable office space and stenographic assistance and shall make available to such boards any records and other information in the possession of the Housing Expediter with respect to the establishment and maintenance of maximum rents and housing accommodations in the respective defense-rental areas which may be requested by such boards.

Approval of recommendations.

"(3) Upon receipt of any recommendation from a local board, the Housing Expediter shall promptly notify the local board, in writing, of the date of his receipt of such recommendation. Except as provided hereinafter in this subsection, within thirty days after receipt of any recommendation of a local board such recommendation shall be approved or disapproved or the local board shall be notified in writing of the reasons why final action cannot be taken in thirty days. Any recommendation of a local board appropriately substantiated and in accordance with applicable law and regulations shall be approved and appropriate action shall promptly be taken to carry such recommendation into effect.

Supra.

"(4) For the purposes of paragraph (3) any recommendation of a local board as to a matter referred to in paragraph (1) (A) or (B) shall be deemed to be appropriately substantiated and in accordance with applicable law and regulations, and shall be carried into effect as hereinafter provided—

Effecting of recommendations.

"(A) if the local board held a public hearing on such matter, at which interested persons (including representatives of the State and of political subdivisions thereof) were given a reasonable opportunity to be heard, by interpleader or otherwise, with right to be represented by counsel;

"(B) if notice of the date, time, place, and purpose of such hearing was given (i) in writing to the Governor of the State not less than fifteen days prior to such date, and (ii) by publication in a newspaper of general circulation in the area over which the

local board has jurisdiction at least fifteen days prior to such date, and a second notice was given by publication in such a newspaper at least five days prior to such date;

"(C) if a copy of the local board's recommendation was filed with the Governor of the State within five days after such recommendation was mailed to the Housing Expediter;

"(D) if a record is made of the evidence adduced at the public hearing held by the local board, and the local board certifies and transmits to the Housing Expediter, with such recommendation, a transcript of such record, or of those parts of such record, upon which its recommendation is based and a written statement of its findings made upon the basis of such record; and

"(E) if the record so certified and transmitted to the Housing Expediter contains adequate and substantial evidence to support the findings and recommendation of the local board.

Filing of recommendation in Emergency Court of Appeals.

If the Housing Expediter does not approve such recommendation within thirty days after the date of its receipt by him, he shall, within five days after the expiration of such thirty-day period, file such recommendation in the Emergency Court of Appeals, together with the record and statement of findings of the local board and such statement as the Housing Expediter may desire to make as to his views on the matter. The statement of the Housing Expediter may be accompanied by such supporting information as the Housing Expediter deems appropriate. Thereupon the Emergency Court of Appeals shall have jurisdiction to enter, within thirty days after the date of its receipt of such recommendation from the Housing Expediter (or within such additional period of not more than thirty days as the court may find necessary in exceptional cases), an order approving or disapproving the recommendation of the local board. The recommendation, record, and statement of findings of the local board, together with the statement and supporting information filed by the Housing Expediter, shall constitute the record before the court. If the court determines that the recommendation is not in accordance with law, or that the evidence in the record before the court, including such additional evidence as may be adduced before the court, is not of sufficient weight to justify such recommendation, the court shall enter an order disapproving such recommendation; otherwise it shall enter an order approving such recommendation. The judgment and decree of the court shall be final. The powers heretofore granted by law to the Emergency Court of Appeals are hereby continued for purposes of exercise of the jurisdiction granted by this subsection. The court shall prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this paragraph. The Housing Expediter, the local board, and representatives of the State or States involved, shall be granted, to the extent determined by the court, an opportunity to be heard, by interpleader or otherwise, with right to be represented by counsel.

Finality of decision.

"(5) Any recommendation to which paragraph (4) applies, if an order of disapproval thereof has not been entered by the Emergency Court of Appeals within the time prescribed in such paragraph, shall be carried out by the Housing Expediter—

"(A) if it is with respect to a matter referred to in paragraph (1) (A), so that the decontrol is effected, retroactively if necessary, on the date recommended by the local board, but not before sixty days after the date of the receipt of such recommendation by the Housing Expediter: *Provided*, That during the period of ninety days beginning with the date on which such decontrol is effected, the provisions of section 209 of this title shall be in effect as though such decontrol had not been effected; and

Ante, p. 96.

61 Stat. 200.
50 U. S. C., Supp. I, app. § 1899.
Post, pp. 98, 99.

"(B) if it is with respect to a matter referred to in paragraph

Ante, p. 96.

(1) (B), so that the adjustment in maximum rents is effected, retroactively if necessary, on the date recommended by the local board, but not before thirty days after the receipt of the recommendation by the Housing Expediter.

Attorneys.

"(6) In addition to employees furnished under paragraph (2), local boards are hereby authorized to employ such attorneys as may be necessary for purposes of hearings and court proceedings under this subsection; and may pay the necessary costs of reporting hearings, but the cost of stenographic services in reporting such hearings shall not be in excess of twenty-five cents per hundred words, with one additional copy at a cost of not exceeding five cents per hundred words. Attorneys shall be paid not to exceed $25 per day when actually employed, and shall be allowed necessary traveling and subsistence expenses.

Cooperation of States, etc.

"(7) Immediately upon the enactment of the Housing and Rent Act of 1948 the Housing Expediter shall communicate with the Governors of the several States advising them of the provisions of this subsection as amended and of the number and location of defense-rental areas in their respective States and the areas or portions thereof in which boards are to be appointed therein, and requesting the cooperation of the Governors of the several States in carrying out such provisions."

61 Stat. 199.
50 U. S. C., Supp. I, app. § 1894 (f).
Ante, p. 37.

(e) Section 204 (f) of such Act, as amended, is amended to read as follows:

"(f) The provisions of this title shall cease to be in effect at the close of March 31, 1949."

(f) Section 204 of such Act, as amended, is amended by adding at the end thereof a new subsection as follows:

Security deposit.

"(g) Nothing in this title shall be interpreted or construed to authorize the Housing Expediter to prohibit, in the case of any rental agreement hereafter entered into, the demand, collection, or retention of a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection, or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent."

61 Stat. 199.
50 U. S. C., Supp. I, app. § 1896.

SEC. 203. Section 206 of such Act, as amended, is amended to read as follows:

Violations.

"SEC. 206. (a) It shall be unlawful for any person to offer, solicit, demand, accept, or receive any rent for the use or occupancy of any controlled housing accommodations in excess of the maximum rent prescribed under section 204 or otherwise to do or omit to do any act in violation of any provision of this title.

61 Stat. 197.
50 U. S. C., Supp. I, app. § 1894.
Ante, pp. 37, 94, 95; *supra*.

"(b) Whenever in the judgment of the Housing Expediter any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this title, he may make application to any Federal, State, or Territorial court of competent jurisdiction, for an order enjoining such act or practice, or for an order enforcing compliance with such provision, and upon a showing by the Housing Expediter that such person has engaged or is about to engage in any such act or practice a permanent or temporary injunction, restraining order, or other order shall be granted without bond."

61 Stat. 200.
50 U. S. C., Supp. I, app. § 1899 (a) (2).

SEC. 204. (a) Section 209 (a) (2) of such Act, as amended, is amended to read as follows:

"(2) the landlord seeks in good faith to recover possession of such housing accommodations for his immediate and personal use and occupancy as housing accommodations, or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family, or, in the case of a landlord which is an organization exempt from taxation under section 101 (6) of the Internal Revenue Code, or the immediate and personal use and occupancy as housing accommodations of members of its staff: *Provided*, That in the case of housing accommodations in a structure or premises owned or leased by a cooperative corporation or association no action or proceeding under this paragraph or paragraph (3) to recover possession of any such housing accommodations shall be maintained unless stock in the cooperative corporation or association has been purchased by persons who are then stockholder tenants in occupancy of at least 65 per centum of the dwelling units in the structure or premises and are entitled by reason of stock ownership to proprietary leases of dwelling units in the structure or premises; but this proviso shall not apply where such corporation or association acquires or leases such structure or premises after the effective date of the Housing and Rent Act of 1948 pursuant to a contract entered into prior to such date;".

Recovery by landlord for personal use, etc.

53 Stat. 33.
26 U. S. C. § 101 (6).

Cooperatively owned or leased housing.

(b) Section 209 (a) (4) of such Act, as amended, is amended to read as follows:

"(4) the landlord seeks in good faith to recover possession of such housing accommodations (A) for the immediate purpose of substantially altering or remodeling the same for continued use as housing accommodations, or for the immediate purpose of conversion into additional housing accommodations, and the altering, remodeling, or conversion cannot practically be done with the tenant in occupancy, and the landlord has obtained such approval as may be required by Federal, State, or local law for the alterations, remodeling, or any conversion planned, or (B) for the immediate purpose of demolishing such housing accommodations;".

61 Stat. 200.
50 U. S. C., Supp. I, app. § 1899 (a) (4).

Alteration, remodeling, etc.

(c) Section 209 (a) (5) of such Act, as amended, is hereby repealed.

61 Stat. 201.
50 U. S. C., Supp. I, app. § 1899 (a) (5).

(d) Section 209 (a) of such Act, as amended, is amended by adding after paragraph (4) thereof two new paragraphs to read as follows:

"(5) the landlord seeks in good faith to recover possession of such housing accommodations for the immediate purpose of withdrawing such housing accommodations from the rental market, and such housing accommodations shall not thereafter be offered for rent as such; or

Withdrawal from rental market.

"(6) the housing accommodations have been acquired by a State or any political subdivision thereof for the purpose of making a public improvement and are rented temporarily pending the construction of such improvement."

Temporary rental by State, etc.

(e) Section 209 of such Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) No tenant shall be obliged to surrender possession of any housing accommodations pursuant to the provisions of paragraph (2), (3), (4), (5), or (6) of subsection (a) until the expiration of at least sixty days after written notice from the landlord that he desires to recover possession of such housing accommodations for one of the purposes specified in such paragraphs."

61 Stat. 200.
50 U. S. C., Supp. I, app. § 1899.

Sixty days' notice.

TITLE III—MISCELLANEOUS

SEC. 301. Section 2 (a) of the Administrative Procedure Act, as amended, is amended by inserting after "Housing and Rent Act of 1947" the following: ", as amended".

60 Stat. 237.
5 U. S. C., Supp. I, § 1001 (a).

SEC. 302. Nothing in this Act or in the Housing and Rent Act of 1947, as amended, shall be construed to require any person to offer any housing accommodations for rent.

61 Stat. 193.
50 U. S. C., Supp. I, app. §§ 1881-1884, 1891-1902.

SEC. 303. Nothing in this Act shall be construed to impose or authorize the imposition of maximum rents upon any housing accommodations in any defense-rental area or portion thereof, or upon housing accommodations of a class, in the case of which maximum rents have been removed by administrative action in accordance with the provisions of the Housing and Rent Act of 1947; and nothing in this Act shall be construed to affect any adjustment in maximum rent made in accordance with the Housing and Rent Act of 1947.

61 Stat. 193.
50 U. S. C., Supp. I, app. §§ 1881–1884, 1891–1902.

SEC. 304. Section 2 of Public Law 301, Eightieth Congress, approved July 31, 1947 (relating to eviction of tenants from publicly operated housing accommodations), as amended, is hereby amended by striking out "April 1, 1948" and inserting in lieu thereof "April 1, 1949".

61 Stat. 705.
42 U. S. C., Supp. I, § 1413a.
Ante, p. 37.

Separability of provisions.

SEC. 305. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act, and the applicability of such provision to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 306. This Act shall become effective on the first day of the first calendar month following the month in which it is enacted.

Approved March 30, 1948.

[CHAPTER 162]

March 30, 1948
[H. R. 1809]
[Public Law 465]

AN ACT

To facilitate the use and occupancy of national-forest lands, and for other purposes.

National-forest lands, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, in conformity with regulations prescribed by him, may permit the use and occupancy of national-forest lands in Alaska for purposes of residence, recreation, public convenience, education, industry, agriculture, and commerce, not incompatible with the best use and management of the national forests, for such periods as may be warranted but not exceeding thirty years and of such areas as may be necessary but not exceeding eighty acres, and after such permits have been issued and so long as they continue in full force and effect the lands therein described shall not be subject to location, entry, or appropriation, under the public land laws or mining laws, or to disposition under the mineral leasing laws: *Provided*, That nothing herein contained shall prevent the said Secretary from canceling, revoking, or otherwise terminating a permit so issued upon proof of a breach of its terms and conditions or for other just cause.

Approved March 30, 1948.

[CHAPTER 163]

March 30, 1948
[H. R. 5856]
[Public Law 466]

AN ACT

To extend for a temporary period the provisions of the District of Columbia Emergency Rent Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (b) of the Act entitled "An Act to regulate rents in the District of Columbia, and for other purposes", approved December 2, 1941, as amended (D. C. Code, 1940 edition, sec. 45–1601), is hereby amended by striking out "March 31, 1948" and inserting in lieu thereof "April 30, 1948".

55 Stat. 788; 61 Stat. 713.
D. C. Code, Supp. VI, § 45–1601.
Post, p. 205.

Approved March 30, 1948.

[CHAPTER 164]

AN ACT

To increase the equipment maintenance of rural carriers 1 cent per mile per day traveled by each rural carrier for a period of two years, and for other purposes.

March 31, 1948
[S. 203]
[Public Law 467]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each carrier in the rural mail delivery service shall be paid for equipment maintenance a sum equal to 1 cent per mile per day for each mile or major fraction of a mile scheduled in addition to the 6 cents per mile per day for each mile or major fraction of a mile scheduled as now provided by law. Payments for the additional equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

Rural mail carriers.
Equipment maintenance.
Post, p. 1261.

SEC. 2. There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

SEC. 3. This Act shall take effect on the first of the month following the date of its enactment and shall terminate two years from the beginning date or such earlier date as the Congress may by concurrent resolution prescribe.

Effective date.

Approved March 31, 1948.

[CHAPTER 165]

AN ACT

To provide for a temporary extension of the National Housing Act, as amended.

March 31, 1948
[S. 2361]
[Public Law 468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso of section 603 (a) of the National Housing Act, as amended, is amended to read as follows: "*Provided*, That the aggregate amount of principal obligations of all mortgages insured under this title shall not exceed $5,350,000,000".

National Housing Act, amendment.
55 Stat. 56.
12 U. S. C., Supp. I, § 1738 (a).
Post, p. 1268.

(b) Section 603 (a) of such Act, as amended, is amended by striking out "March 31, 1948" in each place where it appears and inserting in lieu thereof "April 30, 1948".

(c) Section 603 (b) (2) of such Act, as amended, is amended by striking out "necessary current cost (including the land and such initial service charges and such appraisal, inspection, and other fees as the Administrator shall approve)" and inserting in lieu thereof "value (as of the date the mortgage is accepted for insurance), except that as to applications received by the Administrator on or before March 31, 1948, the mortgage may involve a principal obligation in an amount not to exceed 90 per centum of the Administrator's estimate of the necessary current cost (including the land and such initial service charges and such appraisal, inspection, and other fees as the Administrator shall approve);".

60 Stat. 213.
12 U. S. C. § 1738 (b) (2).

(d) Section 604 (b) of such Act, as amended, is amended by striking out "necessary current cost" and inserting in lieu thereof "value".

55 Stat. 59; 60 Stat. 213.
12 U.S.C. § 1739 (b).

Approved March 31, 1948.

[CHAPTER 166]

AN ACT

To strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry, and for other purposes.

March 31, 1948
[H. R. 5314]
[Public Law 469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rubber Act of 1948".

Rubber Act of 1948.

DECLARATION OF POLICY

SEC. 2. It is the policy of the United States that there shall be maintained at all times in the interest of the national security and common defense, in addition to stock piles of natural rubber which are to be acquired, rotated, and retained pursuant to the Strategic and Critical Materials Stock Piling Act (Public Law 520, Seventy-ninth Congress, approved July 23, 1946), a technologically advanced and rapidly expandible rubber-producing industry in the United States of sufficient productive capacity to assure the availability in times of national emergency of adequate supplies of synthetic rubber to meet the essential civilian, military, and naval needs of the country. It is further declared to be the policy of the Congress that the security interests of the United States can and will best be served by the development within the United States of a free, competitive synthetic-rubber industry. In order to strengthen national security through a sound industry it is essential that Government ownership of production facilities, Government production of synthetic rubber, regulations requiring mandatory use of synthetic rubber, and patent pooling be ended and terminated whenever consistent with national security, as provided in this Act.

60 Stat. 596.
50 U. S. C. §§ 98–98h, app. § 1623 (b); Supp. I, § 98 note.

AUTHORITY TO EXERCISE CERTAIN CONTROLS OVER NATURAL RUBBER AND SYNTHETIC RUBBER AND PRODUCTS CONTAINING NATURAL AND SYNTHETIC RUBBER

SEC. 3. To effectuate the policies set forth in section 2 of this Act, the President is authorized to exercise allocation, specification, and inventory controls of natural rubber and synthetic rubber, and specification controls of products containing natural rubber and synthetic rubber, notwithstanding any changes in the supply or estimated supply of natural rubber or synthetic rubber; and he shall exercise such controls by issuing such regulations as are required to insure (a) the consumption in the United States of general-purpose synthetic rubber in a specified percentage of the combined total estimated annual consumption of natural rubber and general-purpose synthetic rubber consumed within the United States, and (b) the consumption in the United States of any or all types of special-purpose synthetic rubber in specified percentages of the combined total estimated annual consumption of natural rubber, general-purpose synthetic rubber, and special-purpose synthetic rubber consumed within the United States. Such percentages shall be established so as to assure the production and consumption of general-purpose synthetic rubber and special-purpose synthetic rubber in quantities determined by the President to be necessary to carry out the policy of section 2 of this Act, and the provisions of Public Law 520, Seventy-ninth Congress, approved July 23, 1946: *Provided*, That the minimum percentages established by the President shall result in a total annual tonnage consumption of synthetic rubber of at least the amounts specified in section 5 (d) of this Act, and that any mandatory consumption in excess of the quantities specified in section 5 (d) of this Act shall not be more than is deemed by the President to be necessary in the interest of national security and the common defense.

60 Stat. 596.
50 U. S. C. §§ 98–98h, app. § 1623 (b); Supp. I, § 98 note.
Minimum percentages.

IMPORTATION AND EXPORTATION

SEC. 4. (a) The President may impose such import restrictions on finished and semifinished rubber products as he deems necessary to assure equality with like or similar products produced within the United States in accordance with regulations issued under this Act.

(b) The President may exempt from the regulations issued under

this Act finished and semifinished rubber products manufactured in the United States exclusively for export outside the United States.

DOMESTIC RUBBER-PRODUCING CAPACITY

SEC. 5. (a) There shall be maintained at all times within the United States rubber-producing facilities having a rated production capacity of not less than six hundred thousand long tons per annum of general-purpose synthetic rubber and not less than sixty-five thousand long tons per annum of special-purpose synthetic rubber.

Pneumatic inner tubes.

(b) Of the sixty-five-thousand-long-ton rated production capacity for special-purpose synthetic rubber, specified in section 5 (a) of this Act, at least forty-five thousand long tons shall be of a type suitable for use in pneumatic inner tubes.

(c) The synthetic rubber used to satisfy the mandatory consumption provided in section 3 of this Act shall be produced by the Government or for the Government account, or purchased from others for resale by the Government or for the Government account.

(d) Facilities in operation by the Government or private persons shall produce annually not less than one-third of the rated production capacities specified in section 5 (a) and (b) of this Act.

(e) The facilities to be maintained in operation by the Government and those to be maintained in adequate stand-by condition shall be determined from time to time by the President.

Butadiene.

(f) At least one facility for making butadiene from alcohol shall be maintained in operation or in adequate stand-by condition.

RESEARCH AND DEVELOPMENT

SEC. 6. (a) To effectuate further the policies set forth in section 2 of this Act with respect to a technologically advanced domestic rubber-producing industry, continuous and extensive research by private parties and the Government is essential. The Government is hereby authorized to undertake research in rubber and allied fields and the powers, functions, duties, and authority of the Government to undertake research and development in rubber and allied fields shall be exercised and performed by such departments, agencies, officers, Government corporations, or instrumentalities of the United States as the President may designate, whether or not existing at the date of enactment of this Act.

Cost.

(b) The cost of undertaking and maintaining the research and development authorized in section 6 (a) of this Act may be paid from such sums as the Congress, from time to time, may appropriate to carry out the provisions of this Act.

OPERATION OF RUBBER-PRODUCING FACILITIES BY THE UNITED STATES GOVERNMENT

Exercise of authority.

SEC. 7. (a) The powers, functions, duties, and authority to produce and sell synthetic rubber conferred in section 7 (b) of this Act shall be exercised and performed by such department, agency, officer, Government corporation, or instrumentality of the United States as the President may designate, whether or not existing at the date of enactment of this Act.

(b) The department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act shall have the powers, functions, duties, and authority to produce and sell synthetic rubber, including the component materials thereof, in amounts sufficient to assure the production of synthetic rubber as required by the President in section 3 of this Act: *Provided*, That so far as practicable the President shall

Voluntary usage.

authorize such production of synthetic rubber, including the component materials thereof, as may be necessary to satisfy voluntary usage of synthetic rubber, including the component materials thereof.

Related powers.

(c) The aforesaid powers, functions, duties, and authority to produce and sell include all power and authority in such department, agency, officer, Government corporation, or instrumentality of the United States to do all things necessary and proper in connection with and related to such production and sale, including but not limited to the power and authority to make repairs, replacements, alterations, improvements, or betterments to the rubber-producing facilities owned by the Government or in connection with the operation thereof and to make capital expenditures as may be necessary for the efficient and proper operation and maintenance of the rubber-producing facilities owned by the Government and performance of said powers, functions, duties, and authority.

Capital expenditures.

(d) Notwithstanding the provisions of this or any other Act, the aforesaid powers, functions, duties, and authority to produce and sell include the power and authority in such department, agency, officer, Government corporation, or instrumentality of the United States to (1) lease for operation for Government account all or any part of the Government-owned rubber-producing facilities in connection with the performance of said powers, functions, duties, and authority to produce and sell; (2) lease, for a period not extending beyond the termination date of this Act, Government-owned rubber-producing facilities for private purposes if such lease contains adequate provisions for the recapture thereof for the purposes set forth in section 7 (b) of this Act and if such lease provides that any synthetic rubber or component material as may be produced by the leased facilities shall not be used to satisfy mandatory requirements established by section 3; (3) grant permanent easements or licenses for private purposes in, on, or over land comprising part of the Government-owned rubber-producing facilities if such grant provides that such easement or license shall not interfere with the use at any time of the rubber-producing facilities involved; and (4) sell or otherwise dispose of obsolete or other property not necessary for the production of the rated capacity of the particular plant to which such property is charged.

Leases.

Permanent easements or licenses.

Disposal of property.

STAND-BY FACILITIES

SEC. 8. (a) To effectuate further the policies set forth in section 2 of this Act, the President is authorized to place in adequate stand-by condition such rubber-producing facilities as he shall determine necessary to maintain the continued existence of rubber-producing facilities capable of producing the tonnage of synthetic rubber required by section 5 (a) of this Act.

(b) Rubber-producing facilities placed in stand-by condition by the President pursuant to section 8 (a) of this Act may be maintained by such department, agency, officer, Government corporation, or instrumentality of the United States, whether or not existing on the date of enactment of this Act, as the President may designate: *Provided*, That nothing contained in section 8 (b) of this Act shall preclude such department, agency, officer, Government corporation, or instrumentality of the United States from entering into contracts with private persons for the maintenance of stand-by facilities: *Provided further*, That the cost of placing facilities in stand-by condition, maintaining such facilities in adequate stand-by condition, and, when necessary, reactivating such facilities, may be paid from such sums as the Congress, from time to time, may appropriate to carry out the provisions of this Act.

Contracts for stand-by facilities.

Maintenance costs.

DISPOSAL OF GOVERNMENT-OWNED RUBBER-PRODUCING FACILITIES

SEC. 9. (a) The department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act shall undertake immediate study, conducting such hearings as may be necessary, in order to determine and formulate a program for disposal to private industry by sale or lease of the Government-owned rubber-producing facilities other than those authorized to be disposed of pursuant to section 9 (b) of this Act. A report with respect to the development of such a disposal program shall be made to the President and to Congress not later than April 1, 1949. On or before January 15, 1950, the President, after consultation with the National Security Resources Board, shall recommend to the Congress legislation with respect to the disposal of the Government-owned rubber-producing facilities other than those authorized to be sold, leased, or otherwise disposed of under the provisions of section 9 (b) of this Act, together with such other recommendations as he deems desirable and appropriate: *Provided*, That the Government shall maintain the ownership of a rated rubber-producing capacity of six hundred thousand long tons of general-purpose rubber and a rated rubber-producing capacity of sixty-five thousand long tons of special-purpose rubber until a program is formulated and adopted for the sale or lease of such facilities as provided in this section.

Reports.

Recommendation of legislation.

Government ownership.

(b) Notwithstanding the provisions of this or any other Act, the department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act may, after consultation with the National Security Resources Board, sell, lease, or otherwise dispose of to private persons any rubber-producing facility, including such facilities as have been declared surplus pursuant to the Surplus Property Act of 1944, as amended, not required to fulfill the capacity set forth in section 5 (a) of this Act upon such terms and conditions as it may determine providing that such sale or lease shall be on the condition that any synthetic rubber or component materials produced in such facility shall not be used to satisfy the mandatory requirements established by section 3 of this Act.

Sale of surplus facilities.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Post, pp. 350, 1103.

ADMINISTRATION

SEC. 10. (a) The President may issue such rules and regulations as he deems necessary and appropriate to carry out the provisions of this Act.

Rules and regulations.

(b) The President may exercise any or all of the powers, authority, and discretion conferred upon him by this Act, including but not limited to the powers and authority conferred in section 12 of this Act, through such departments, agencies, officers, Government corporations, or instrumentalities of the United States, whether or not existing at the date of the enactment of this Act, as he may direct.

Exercise of authority.

(c) The President, insofar as practical, shall consolidate all of the powers, functions, and authority contained in this Act in one department, agency, officer, Government corporation, or instrumentality of the United States, whether or not existing at the date of enactment of this Act. The President is authorized to cause a corporation to be organized for the purpose of producing and selling synthetic rubber. Any such corporation so organized shall be authorized, subject to the Government Corporation Control Act and to pertinent provisions of law affecting Government corporations, to sue and be sued, to acquire, hold, and dispose of property, to use its revenues, to determine the character of and necessity for its obligations and expenditures and

Consolidation of powers, etc.

59 Stat. 597.
31 U. S. C. §§ 841-869; Supp. I, § 846 *et seq.*
Post, p. 1268.

the manner in which they shall be incurred, allowed and paid, and to exercise such other powers as may be necessary or appropriate to carry out the purposes of the corporation. The Secretary of the Treasury is authorized, out of appropriations made for that purpose, to subscribe to the capital stock of such corporation.

Transfer of facilities, etc.

(d) The President may transfer to the departments, agencies, officers, Government corporations, or instrumentalities of the United States, or to any of them, which he directs to exercise the powers, authority, and discretion conferred upon him by this Act, such rubber-producing facilities, personnel, property, and records relating to such powers, authority, and discretion, as he deems necessary; and he may so transfer all appropriations or other funds available for carrying out such powers, authority, and discretion.

Annual report.

(e) In addition to the reports required by section 9 (a) of this Act, each department, agency, officer, Government corporation, or instrumentality of the United States to whom the President may delegate any powers, authority, and discretion conferred by this Act shall make an annual report to the President and to the Congress of operations under this Act.

PATENT POOLING AND USE OF TECHNICAL INFORMATION

SEC. 11. (a) To effectuate further the policies of this Act, the President is authorized and directed to take such action as may be appropriate with respect to patent pooling, patent licensing and exchange of information agreements entered into with the Government as a part of the wartime synthetic rubber program and, insofar as practicable and consistent with the purposes of this Act, to effectuate immediate cessation of further accumulation of technical information or rights to patents under the agreement dated December 19, 1941, as supplemented June 12, 1942, between the Government and others.

(b) Any department, agency, officer, Government corporation, or instrumentality of the United States as the President may designate to perform the powers, functions, duties, and authority referred to in section 7 (b) of this Act shall be entitled to the benefits of the Act of June 25, 1910 (36 Stat. 851), as amended July 1, 1918 (40 Stat. 705), or any similar Act.

35 U. S. C. § 68.
Post, p. 996.

INFORMATION, REPORTS, SUBPENAS, WITNESSES, AND TESTIMONY

SEC. 12. (a) The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, any person and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this Act.

(b) For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to section 12 (a) of this Act, the President may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date

Production of records.

specified in the subpena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof, or physical evidence, in obedience to any such subpena, or in any action or proceeding which may be instituted under this Act on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment, or to any penalty or forfeiture, for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this section which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and, upon conviction thereof, shall be fined not exceeding $1,000 or be imprisoned not exceeding two years, or both.

Witnesses.

Disclosure of information.

PENALTIES

SEC. 13. Any person who willfully performs any act prohibited, or willfully fails to perform any act required by any provision of this Act or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both.

JURISDICTION OF THE UNITED STATES COURTS

SEC. 14. (a) The district courts of the United States, and the United States courts of any Territory or other place subject to the jurisdiction of the United States, shall have jurisdiction of violations of this Act or any rule, regulation, or order or subpena thereunder, and of all civil actions under this Act to enforce any liability or duty created by, or to enjoin any violation of this Act or any rule, regulation, order, or subpena thereunder.

(b) Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the alleged violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpenas for witnesses who are required to attend a court in any district in any such cases may run into any other district. No costs shall be assessed against the United States in any proceeding under this Act.

EXCULPATORY CLAUSE

SEC. 15. No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or

indirectly from compliance with this Act or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

60 Stat. 237. 5 U. S. C. §§ 1001-1011; Supp. I, § 1001. *Ante*, p. 99. 5 U. S. C. §§ 1002, 1009.

SEC. 16. Functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act except as to the requirements of sections 3 and 10 thereof.

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 18. For the purposes of this Act—

"Natural rubber." (a) The term "natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule and natural rubber latex, but excluding reclaimed natural rubber;

"Synthetic rubber." (b) The term "synthetic rubber" means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber;

"General-purpose synthetic rubber." (c) The term "general-purpose synthetic rubber" means a synthetic rubber of the butadiene-styrene type generally suitable for use in the manufacture of transportation items such as tires or camel-back, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camel-back as determined from time to time by the President;

"Special-purpose synthetic rubber." (d) The term "special-purpose synthetic rubber" means a synthetic rubber of the types now known as butyl, neoprene, or N–types (butadiene-acrylonitrile types) as well as any synthetic rubber of similar or improved quality applicable to similar uses, as determined from time to time by the President;

"Rubber-producing facilities." (e) The term "rubber-producing facilities" means facilities, in whole or in part, for the manufacture of synthetic rubber, and the component materials thereof, including, but not limited to, buildings and land in which or on which such facilities may be located and all machinery and utilities associated therewith;

"Rated production capacity." (f) The term "rated production capacity" means the actual productive capacity assigned to any rubber-producing facilities at time of authorization of construction or as thereafter amended in authorizations of additional construction or alterations thereto and used in published reports and in the records of the Office of Rubber Reserve, Reconstruction Finance Corporation, or successor agency, or privately owned plants, determined by the President based upon operating experience and records as determined from time to time by the President;

"Component materials." (g) The term "component materials" means the material, raw, semi-finished, and finished, necessary for the manufacture of synthetic rubber;

"Stand-by condition." (h) The term "stand-by condition" means the condition in which rubber-producing facilities, in whole or in part, are placed when determined to be not needed for current operations, but are maintained so as to be readily available for the production of synthetic rubber or component materials;

"Person." (i) The term "person" means any individual, firm, copartnership,

business trust, corporation, or any organized group of persons whether incorporated or not, and except for the provisions of section 13 any Government department, agency, officer, corporation, or instrumentality of the United States; and

(j) The term "United States" includes the several States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico. "United States."

AUTHORIZATION FOR APPROPRIATIONS

SEC. 19. (a) There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act. *Post*, p. 1039.

(b) Until such time as appropriations herein authorized are made, any department, agency, officer, Government corporation, or instrumentality of the United States may, in order to carry out its functions, powers, and duties under this Act, continue to incur obligations and make expenditures in accordance with laws in effect on March 31, 1948.

EFFECTIVE DATE

SEC. 20. This Act shall become effective on April 1, 1948, and shall remain in effect until June 30, 1950.

Approved March 31, 1948.

[CHAPTER 167]

JOINT RESOLUTION

March 31, 1948
[H. J. Res. 355]
[Public Law 470]

Making appropriations for foreign aid, welfare of Indians, and refunding internal-revenue collections.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes, namely: Certain deficiency appropriations, 1948.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN AID

Foreign aid: For an additional amount for "Foreign aid", $55,000,000, to be applicable to Austria, France, and Italy: *Provided*, That, notwithstanding the provisions of section 15 of the Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress), all funds appropriated for the purposes of such Act shall remain available for obligation for the procurement of commodities for a period of thirty days following the date of enactment of this Act. 61 Stat. 939. 22 U. S. C., Supp. I, § 1411 note. *Post*, p. 149.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Welfare of Indians: For an additional amount for "Welfare of Indians", $125,000.

TREASURY DEPARTMENT

BUREAU OF INTERNAL REVENUE

Refunding internal-revenue collections: For an additional amount for "Refunding internal-revenue collections", $500,000,000. *Post*, p. 228.

Approved March 31, 1948.

[CHAPTER 168]

AN ACT

April 2, 1948
[H. R. 4790]
[Public Law 471]

To reduce individual income tax payments, and for other purposes.

Revenue Act of 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following Table of Contents, may be cited as the "Revenue Act of 1948":

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TITLE I—INCOME TAX REDUCTION

SEC. 101. REDUCTION OF NORMAL TAX AND SURTAX.

Section 12 (c) of the Internal Revenue Code is hereby amended to read as follows: 53 Stat. 6. 26 U. S. C. § 12 (c).

"(c) REDUCTION OF TENTATIVE NORMAL TAX AND TENTATIVE SURTAX.—

"(1) The combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows: 53 Stat. 5. 26 U. S. C. §§ 11, 12 (b). *Infra.*

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

"(2) In no event shall the combined normal tax and surtax exceed 77 per centum of the net income."

SEC. 102. REDUCTION IN SUPPLEMENT T TAX.

For reduction in the tax under Supplement T of Chapter 1 of the Internal Revenue Code (tax table which may be used by taxpayer at his election if his adjusted gross income is less than $5,000), see section 401. 55 Stat. 689. 26 U. S. C. §§ 400-404. *Post*, p. 128.

SEC. 103. INCOME OF HUSBAND AND WIFE.

For tax in case of joint return of husband and wife (the so-called "splitting of income"), see section 301. *Post*, p. 114.

SEC. 104. TECHNICAL AMENDMENTS.

(a) Section 11 of the Internal Revenue Code (relating to the normal tax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in section 12 (c)". 59 Stat. 557. 26 U. S. C. § 11. *Supra.*

(b) Section 12 (b) of the Internal Revenue Code (relating to the rate of surtax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in subsection (c) of this section". 59 Stat. 557. 26 U. S. C. § 12 (b). *Supra.*

(c) Subsections (d), (e), (f), (g), and (h) of section 12 of the Internal Revenue Code are amended to read as follows: 53 Stat. 6; 58 Stat. 232. 26 U. S. C. § 12 (d)-(h).

"(e) COMPUTATION OF TAX WITHOUT REGARD TO CREDITS AGAINST TAX.—In the application of this section, the combined normal tax and surtax shall be computed without regard to the credits provided in sections 31, 32, and 35. 53 Stat. 24; 56 Stat. 893. 26 U. S. C. §§ 31, 32, 35.

"(f) ASCERTAINMENT OF NORMAL TAX AND SURTAX SEPARATELY.—Whenever it is necessary to ascertain the normal tax and the surtax separately, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax; and the normal tax shall be the remainder of such combined normal tax and surtax.

"(g) CROSS REFERENCES.—

"(1) ALTERNATIVE TAX.—For alternative tax which may be elected if adjusted gross income is less than $5,000, see Supplement T. 55 Stat. 689. 26 U. S. C. §§ 400-404. *Post*, p. 128.

"(2) TAX IN CASE OF CAPITAL GAINS.—For rate and computation of alternative tax in lieu of normal tax and surtax in the case of capital gain from the sale or exchange of capital assets held for more than 6 months, see section 117 (c). 53 Stat. 51. 26 U. S. C. § 117 (c).

"(3) TAX ON PERSONAL HOLDING COMPANIES.—For surtax on personal holding companies, see section 500. 53 Stat. 104. 26 U. S. C. § 500.

"(4) AVOIDANCE OF SURTAXES BY INCORPORATION.—For surtax on corporations which accumulate surplus to avoid surtax on shareholders, see section 102.

53 Stat. 35. 26 U. S. C. § 102.

"(5) SALE OF OIL OR GAS PROPERTIES.—For limitation of surtax attributable to the sale of oil or gas properties, see section 105."

53 Stat. 36. 26 U. S. C. § 105.

SEC. 105. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

Post, p. 136.

TITLE II—CREDITS AGAINST NET INCOME FOR NORMAL TAX AND SURTAX

SEC. 201. ADDITIONAL CREDITS AGAINST NET INCOME FOR NORMAL TAX AND SURTAX.

53 Stat. 18. 26 U. S. C. § 25 (b) (1), (2).

Paragraphs (1) and (2) of section 25 (b) of the Internal Revenue Code are hereby amended to read as follows:

"(1) CREDITS.—There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

"(A) An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

"(B) (i) An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and

"(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

"(C) (i) An additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year; and

"(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death;

"(iii) For the purposes of this subparagraph an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

"(D) An exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

"(2) DETERMINATION OF STATUS.—For the purposes of this subsection—

"(A) the determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

"(B) an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married."

SEC. 202. TECHNICAL AMENDMENTS.

(a) DECLARATION OF ESTIMATED TAX.—Section 58 (a) of the Internal Revenue Code (relating to requirement of declaration of estimated tax) is hereby amended to read as follows:

57 Stat. 141.
26 U. S. C. § 58 (a).

"(a) REQUIREMENT OF DECLARATION.—Every individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable) shall, at the time prescribed in subsection (d), make a declaration of his estimated tax for the taxable year if—

57 Stat. 126.
26 U. S. C. §§ 1621–1627; Supp, I, § 1621.
Post, p. 130.
57 Stat. 142.
26 U. S. C. § 58 (d).

"(1) his gross income from wages (as defined in section 1621) can reasonably be expected to exceed the sum of $4,500 plus $600 with respect to each exemption provided in section 25 (b); or

53 Stat. 18.
26 U. S. C. § 25 (b).
Ante, p. 112.

"(2) his gross income from sources other than wages (as defined in section 1621) can reasonably be expected to exceed $100 for the taxable year and his gross income to be $600 or more."

57 Stat. 126.
26 U. S. C. § 1621; Supp. I, § 1621.

(b) WITHHOLDING EXEMPTIONS.—

(1) IN GENERAL.—Section 1622 (h) (1) of the Internal Revenue Code is hereby amended to read as follows:

57 Stat. 136.
26 U. S. C. § 1622 (h) (1).

"(1) IN GENERAL.—An employee receiving wages shall on any day be entitled to the following withholding exemptions:

"(A) An exemption for himself.

"(B) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (B) (i) (relating to old age) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

Ante, p. 112.
53 Stat. 4.
26 U. S. C. §§ 1–421; Supp. I, § 22 *et seq.*
Ante, p. 111 *et seq.*

"(C) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (C) (i) (relating to the blind) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

Ante, p. 112.
53 Stat. 4.
26 U. S. C. §§ 1–421; Supp. I, § 22 *et seq.*
Ante, p. 111 *et seq.*

"(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption.

"(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (D) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit."

Ante, p. 112.
53 Stat. 4.
26 U. S. C. §§ 1–421; Supp. I, § 22 *et seq.*
Ante, p. 111 *et seq.*

(2) STATUS DETERMINATION DATE.—In the case of an individual entitled to an additional withholding exemption under section 1622 (h) (1) of the Internal Revenue Code by reason of the amendment made thereto by paragraph (1) of this subsection, the term "status determination date" as used in section 1622 (h) (3) (B) of such Code includes also the ninetieth day after the date of the enactment of this Act.

Ante, p. 113.

58 Stat. 254.
26 U. S. C. §1622 (h) (3) (B).

(c) REQUIREMENT OF RETURNS.—

(1) INDIVIDUAL RETURNS.—Section 51 (a) of the Internal Revenue Code (relating to the requirement of individual returns) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

53 Stat. 27; 56 Stat. 828.
26 U. S. C. §51 (a).

(2) FIDUCIARY RETURNS.—Section 142 (a) of such Code (relating to the requirement of fiduciary returns) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

53 Stat. 60; 56 Stat. 828.
26 U. S. C. §142 (a).

(3) INFORMATION RETURNS.—Section 147 (a) of such Code (relating to returns of information) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

53 Stat. 64; 56 Stat. 828.
26 U. S. C. §147 (a).

(d) CREDIT OF ESTATE AGAINST NET INCOME.—Section 163 (a) (1) of such Code (relating to credits against net income of an estate) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

53 Stat. 67; 59 Stat. 559.
26 U. S. C. §163 (a) (1).

(e) REPEAL OF DEDUCTION FOR BLIND INDIVIDUALS.—Effective with respect to taxable years beginning after December 31, 1947, section 23 (y) of such Code (relating to special deduction for blind individuals) is repealed.

58 Stat. 36.
26 U. S. C. §23 (y).

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

Post, p. 136.

TITLE III—HUSBAND AND WIFE

PART I—INCOME TAX

SEC. 301. SPLITTING OF INCOME.

Section 12 of the Internal Revenue Code (relating to surtax of individuals) is hereby amended by adding after subsection (c) of such section the following new subsection:

53 Stat. 5.
26 U. S. C. §12.
Ante, p. 111.

"(d) TAX IN CASE OF JOINT RETURN.—In the case of a joint return of husband and wife under section 51 (b), the combined normal tax and surtax under section 11 and subsection (b) of this section shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half."

Post, p. 115.

53 Stat. 5.
26 U. S. C. §§11, 12 (b).
Ante, p. 111.

53 Stat. 17.
26 U. S. C. §25.
Ante, p. 112.

SEC. 302. STANDARD DEDUCTION.

(a) INCREASE OF STANDARD DEDUCTION IN CASE OF JOINT RETURN OR RETURN BY UNMARRIED PERSON.—Section 23 (aa) (1) (A) of the Internal Revenue Code (relating to the standard deduction) is hereby amended to read as follows:

58 Stat. 236.
26 U. S. C. §23 (aa) (1) (A).

"(A) Adjusted Gross Income $5,000 or More.—If his adjusted gross income is $5,000 or more, the standard deduction shall be $1,000 or an amount equal to 10 per centum of the adjusted gross income, whichever is the lesser, except that

in the case of a separate return by a married individual, the standard deduction shall be $500."

(b) ELECTION BY HUSBAND AND WIFE.—Section 23 (aa) (4) of such Code is hereby amended to read as follows: 58 Stat. 237. 26 U. S. C. § 23 (aa) (4).

"(4) HUSBAND AND WIFE.—In the case of husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction."

(c) DETERMINATION OF STATUS.—Section 23 (aa) of such Code is hereby amended by adding at the end thereof the following new paragraph: 58 Stat. 236. 26 U. S. C. § 23 (aa).

"(6) DETERMINATION OF STATUS.—For the purposes of this subsection—

"(A) the determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

"(B) an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married."

SEC. 303. JOINT RETURNS OF HUSBAND AND WIFE.

Section 51 (b) of the Internal Revenue Code (relating to joint returns) is hereby amended to read as follows: 53 Stat. 27. 26 U. S. C. § 51 (b).

"(b) HUSBAND AND WIFE.—

"(1) IN GENERAL.—A husband and wife may make a single return jointly. Such a return may be made even though one of the spouses has neither gross income nor deductions. If a joint return is made the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

"(2) NONRESIDENT ALIEN.—No joint return may be made if either the husband or wife at any time during the taxable year is a nonresident alien.

"(3) DIFFERENT TAXABLE YEARS.—No joint return shall be made if the husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under section 47 (a). 53 Stat. 26. 26 U. S. C. § 47 (a).

"(4) JOINT RETURN AFTER DEATH.—In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (A) no return for the taxable year has been made by the decedent, (B) no executor or administrator has been appointed, and (C) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

"(5) DETERMINATION OF STATUS.—For the purposes of this section—

"(A) the status as husband and wife of two individuals having taxable years beginning on the same day shall be determined—

"(i) if both have the same taxable year—as of the close of such year; and

"(ii) if one dies before the close of the taxable year of the other—as of the time of such death; and

"(B) an individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

53 Stat. 5. 26 U. S. C. §§ 11, 12 (b) (d). *Ante*, p. 111. 55 Stat. 689. 26 U. S. C. §§ 400–404. *Post*, p. 128.

"(6) TAX IN CASE OF JOINT RETURN.—For determination of combined normal tax and surtax under section 11 and section 12 (b) in case of joint return under this subsection, see section 12 (d). For tax in case of joint return of husband and wife electing to pay the tax under Supplement T, see section 400."

SEC. 304. DEDUCTION FOR MEDICAL EXPENSES.

56 Stat. 825. 26 U. S. C. § 23 (x).

Section 23 (x) of the Internal Revenue Code (relating to deduction of medical, etc., expenses) is hereby amended by striking out the second and third sentences thereof and inserting in lieu thereof the following: "The deduction shall not be in excess of $1,250 multiplied by the number of exemptions allowed under section 25 (b) for the taxable year (exclusive of exemptions allowed under section 25 (b) (1) (B) or (C)), with a maximum deduction of $2,500, except that the maximum deduction shall be $5,000 in the case of a joint return of husband and wife under section 51 (b)."

53 Stat. 18. 26 U. S. C. § 25 (b). *Ante*, p. 112. *Ante*, p. 115.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

Ante, pp. 114, 115; *supra*.

The amendments made by sections 301, 302, 303, and 304 shall be applicable with respect to taxable years beginning after December 31, 1947. The amendment made by section 303 shall also be applicable to taxable years of both husband and wife beginning on the same day in 1947 if at least one of such taxable years ends in 1948. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601. *Post*, p. 136.

PART II—ESTATE TAX

Subpart 1—Repeal of 1942 Community Property Amendments

SEC. 351. REPEAL OF COMMUNITY PROPERTY ESTATE TAX AMENDMENTS.

56 Stat. 941, 942, 945. 26 U. S. C. § 811 (d) (5), (e) (2), (g) (4); Supp. I, § 811 note.

(a) Effective with respect to estates of decedents dying after December 31, 1947, sections 811 (d) (5), 811 (e) (2) and 811 (g) (4) of the Internal Revenue Code (relating to community property) are hereby repealed.

(b) Such section 811 (e) is further amended—

(1) by striking out of the heading of such subsection the words "AND COMMUNITY"; and

(2) by striking out of paragraph (1) the following: "JOINT INTERESTS.—".

53 Stat. 118. 26 U. S. C. §§ 800–938; Supp. I, §§ 811, 812, 861. *Post*, p. 117 *et seq.*

(c) Notwithstanding the repeal of sections 811 (d) (5), 811 (e) (2), and 811 (g) (4) provided in subsection (a), the taxes imposed under chapter 3 of the Internal Revenue Code upon the transfer of the net

estate of any decedent dying after December 31, 1947, and on or before the date of the enactment of this Act shall not exceed the taxes which would have been imposed under such chapter 3 upon such transfer if this section had not been enacted.

Subpart 2—Marital Deduction for Bequests, Etc., to Spouse

SEC. 361. MARITAL DEDUCTION.

(a) Section 812 of the Internal Revenue Code (relating to deductions in computing net estate in the case of a citizen or resident of the United States) is hereby amended by adding at the end thereof a new subsection to read as follows: 53 Stat. 123. 26 U. S. C. § 812; Supp. I, § 812. Post, pp. 121, 1214.

"(e) BEQUESTS, ETC., TO SURVIVING SPOUSE.—

"(1) ALLOWANCE OF MARITAL DEDUCTION.—

"(A) In General.—An amount equal to the value of any interest in property which passes or has passed from the decedent to his surviving spouse, but only to the extent that such interest is included in determining the value of the gross estate.

"(B) Life Estate or Other Terminable Interest.—Where, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, such interest passing to the surviving spouse will terminate or fail, no deduction shall be allowed with respect to such interest—

"(i) if an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse); and

"(ii) if by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse;

and no deduction shall be allowed with respect to such interest (even if such deduction is not disallowed under clauses (i) and (ii))—

"(iii) if such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For the purposes of this subparagraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

"(C) Interest In Unidentified Assets.—Where the assets (included in the decedent's gross estate) out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for the purposes of subparagraph (A), be reduced by the aggregate value of such particular assets.

"(D) Interest of Spouse Conditional on Survival For Limited Period.—For the purposes of subparagraph (B) an interest passing to the surviving spouse shall not be considered as

an interest which will terminate or fail upon the death of such spouse if—

"(i) such death will cause a termination or failure of such interest only if it occurs within a period not exceeding six months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event; and

"(ii) such termination or failure does not in fact occur.

"(E) Valuation Of Interest Passing To Surviving Spouse.—In determining for the purposes of subparagraph (A) the value of any interest in property passing to the surviving spouse for which a deduction is allowed by this subsection—

"(i) there shall be taken into account the effect which a tax imposed by this chapter, or any estate, succession, legacy, or inheritance tax, has upon the net value to the surviving spouse of such interest; and

"(ii) where such interest or property is incumbered in any manner, or where the surviving spouse incurs any obligation imposed by the decedent with respect to the passing of such interest, such incumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to such spouse of such interest were being determined.

"(F) Trust With Power Of Appointment In Surviving Spouse.—In the case of an interest in property passing from the decedent in trust, if under the terms of the trust his surviving spouse is entitled for life to all the income from the corpus of the trust, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire corpus free of the trust (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the corpus to any person other than the surviving spouse—

"(i) the interest so passing shall, for the purposes of subparagraph (A), be considered as passing to the surviving spouse, and

"(ii) no part of the interest so passing shall, for the purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall be applicable only if, under the terms of the trust, such power in the surviving spouse to appoint the corpus, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

"(G) Life Insurance With Power of Appointment in Surviving Spouse.—In the case of proceeds of insurance upon the life of the decedent receivable in annual or more frequent installments commencing within one year after the decedent's death, if under the terms of the policy all amounts payable during the life of the surviving spouse are payable only to such spouse, and if such spouse has the power to appoint all amounts payable after such spouse's death (exercisable in

favor of the estate of such spouse, whether or not the power is exercisable in favor of others)—

"(i) such proceeds shall, for the purposes of subparagraph (A), be considered as passing to the surviving spouse, and

Ante, p. 117.

"(ii) no part of such proceeds shall, for the purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

Ante, p. 117.

This subparagraph shall be applicable only if, under the terms of the policy, such power in the surviving spouse to appoint, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

"(H) Limitation On Aggregate Of Deductions.—The aggregate amount of the deductions allowed under this paragraph (computed without regard to this subparagraph) shall not exceed 50 per centum of the value of the adjusted gross estate, as defined in paragraph (2).

Infra.

"(2) COMPUTATION OF ADJUSTED GROSS ESTATE.—

"(A) General Rule.—Except as provided in subparagraph (B) of this paragraph the adjusted gross estate shall, for the purposes of paragraph (1) (H), be computed by subtracting from the entire value of the gross estate the aggregate amount of the deductions allowed by subsection (b) of this section.

Supra.

53 Stat. 123.
26 U. S. C. § 812 (b).

"(B) Special Rule In Cases Involving Community Property.—If the decedent and his surviving spouse at any time held property as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, then the adjusted gross estate shall, for the purposes of paragraph (1) (H), be determined by subtracting from the entire value of the gross estate the sum of:

"(i) the value of property which is at the time of the death of the decedent held as such community property; and

"(ii) the value of property transferred by the decedent during his life, if at the time of such transfer the property was held as such community property; and

"(iii) the amount receivable as insurance under policies upon the life of the decedent to the extent purchased with premiums or other consideration paid out of property held as such community property; and

"(iv) an amount which bears the same ratio to the aggregate of the deductions allowed under subsection (b) of this section which the value of the property included in the gross estate, diminished by the amount subtracted under clauses (i), (ii), and (iii) of this subparagraph, bears to the entire value of the gross estate.

For the purposes of clauses (i), (ii), and (iii) community property (except property which is considered as community property solely by reason of the provisions of subparagraph (C) of this paragraph) shall be considered as not 'held as such community property' as of any moment of time, if, in case of the death of the decedent at such moment, such property (and not merely one-half thereof) would be or would have been includible in determining the value of his gross estate without regard to the provisions of section 811 (e) (2). The amount

56 Stat. 942.
26 U. S. C. § 811 (e) (2).
Ante, p. 116.

to be subtracted under clause (i), (ii), or (iii) shall not exceed the value of the interest in the property described therein which is included in determining the value of the gross estate.

"(C) Same—Conversion Into Separate Property.—

"(i) If during the calendar year 1942 or after the date of the enactment of the Revenue Act of 1948, property held as such community property (unless considered by reason of subparagraph (B) of this paragraph as not so held) was by the decedent and the surviving spouse converted, by one transaction or a series of transactions, into separate property of the decedent and his spouse (including any form of co-ownership by them), the separate property so acquired by the decedent and any property acquired at any time by the decedent in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clauses (i), (ii), and (iii) of subparagraph (B), be considered as 'held as such community property'.

Ante, p. 119.

Ante, p. 119.

"(ii) Where the value (at the time of such conversion) of the separate property so acquired by the decedent exceeded the value (at such time) of the separate property so acquired by the decedent's spouse, the rule in clause (i) shall be applied only with respect to the same portion of such separate property of the decedent as the portion which the value (as of such time) of such separate property so acquired by the decedent's spouse is of the value (as of such time) of the separate property so acquired by the decedent.

"(3) DEFINITION.—For the purposes of this subsection an interest in property shall be considered as passing from the decedent to any person if and only if—

"(A) such interest is bequeathed or devised to such person by the decedent; or

"(B) such interest is inherited by such person from the decedent; or

"(C) such interest is the dower or curtesy interest (or statutory interest in lieu thereof) of such person as surviving spouse of the decedent; or

"(D) such interest has been transferred to such person by the decedent at any time; or

"(E) such interest was, at the time of the decedent's death, held by such person and the decedent (or by them and any other person) in joint ownership with right of survivorship; or

"(F) the decedent had a power (either alone or in conjunction with any person) to appoint such interest and if he appoints or has appointed such interest to such person, or if such person takes such interest in default upon the release or nonexercise of such power; or

"(G) such interest consists of proceeds of insurance upon the life of the decedent receivable by such person.

Ante, p. 118.

Except as provided in subparagraph (F) or (G) of paragraph (1), where at the time of the decedent's death it is not possible to ascertain the particular person or persons to whom an interest in property may pass from the decedent, such interest shall, for the purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (1), be considered as passing from the decedent to a person other than the surviving spouse.

Ante, p. 117.

"(4) DISCLAIMERS.—

"(A) By Surviving Spouse.—If under this subsection an interest would, in the absence of a disclaimer by the surviving spouse, be considered as passing from the decedent to such spouse, and if a disclaimer of such interest is made by such spouse, then such interest shall, for the purposes of this subsection, be considered as passing to the person or persons entitled to receive such interest as a result of the disclaimer.

"(B) Disclaimer By Any Other Person.—If under this subsection an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for the purposes of this subsection, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made."

(b) The amendment made by subsection (a) of this section shall be applicable only with respect to estates of decedents dying after December 31, 1947. *Ante*, p. 117.

SEC. 362. PROPERTY PREVIOUSLY TAXED.

(a) Section 812 (c) of the Internal Revenue Code (relating to the deduction for property previously taxed) is hereby amended by adding after the first paragraph two new paragraphs to read as follows: 53 Stat. 124. 26 U. S. C. § 812 (c).

"The following property shall not, for the purposes of this subsection, be considered as property with respect to which a deduction may be allowed: (A) property received from a prior decedent who died after December 31, 1947, and was at the time of such death the decedent's spouse, (B) property received by gift after the date of the enactment of the Revenue Act of 1948 from a donor who at the time of the gift was the decedent's spouse, and (C) property acquired in exchange for property described in clause (A) or (B).

"Where, under the provisions of section 1000 (f), a gift received by the decedent was considered as made one-half by the donor and one-half by the donor's spouse, one-half of the gift shall be considered as received by the decedent from each such spouse." *Post*, p. 127.

(b) Section 812 (c) is further amended by striking out "subsections (a) and (d)" and inserting in lieu thereof "subsections (a), (d), and (e)".

SEC. 363. CREDIT FOR GIFT TAX.

(a) Section 813 (a) (2) (A) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended by inserting before the period at the end thereof the following: "reduced by the aggregate amount of the deductions allowed under subsections (d) and (e) of section 812". 53 Stat. 125. 26 U. S. C. § 813 (a) (2) (A). 53 Stat. 124. 26 U. S. C. § 812 (d). *Ante*, p. 117; *post*, p. 1214.

(b) Subparagraph (B) of section 813 (a) (2) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended to read as follows: 53 Stat. 125. 26 U. S. C. § 813 (a) (2) (B).

"(B) In applying, with respect to any gift, the ratio stated in subparagraph (A), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced—

"(i) by such amount as will properly reflect the amount of such gift which was excluded in determining (for the

53 Stat. 146.
26 U. S. C. § 1003 (a).
47 Stat. 247.

purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during the year in which the gift was made;

Ante, p. 117.

"(ii) if a deduction with respect to such gift is allowed under section 812 (e) (the so-called 'marital deduction')— then by an amount which bears the same ratio to such value (reduced as provided in clause (i) of this subparagraph) as the aggregate amount of the marital deductions allowed under section 812 (e) bears to the aggregate amount of such marital deductions computed without regard to subparagraph (H) of section 812 (e) (1); and

Ante, p. 119.

53 Stat. 124.
26 U. S. C., Supp. I, § 812 (d).

"(iii) if a deduction with respect to such gift is allowed under section 812 (d) (the so-called 'charitable deduction')—then by the amount of such value, reduced as provided in clause (i) of this subparagraph.

Post, p. 127.

"(C) Where the decedent was the donor of the gift but, under the provisions of section 1000 (f), the gift was considered as made one-half by his spouse—

53 Stat. 125.
26 U. S. C. § 813 (a) (2) (A).

"(i) the term 'the amount of the tax paid under chapter 4', as used in subparagraph (A) of this paragraph, includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in subparagraph (D); and

"(ii) in applying, with respect to such gift, the ratio stated in subparagraph (A) of this paragraph, the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in clause (i) of subparagraph (B) of this paragraph.

53 Stat. 125.
26 U. S. C. § 813 (a) (2) (A).
Ante, p. 121.
53 Stat. 144.
26 U. S. C. §§ 1000-1031; Supp. I, §§ 1000, 1004.
Post, pp. 125, 127.
47 Stat. 245.

"(D) (i) For the purposes of subparagraph (A), the amount of tax paid under chapter 4, or under Title III of the Revenue Act of 1932, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

"(ii) For the purposes of clause (i) the 'amount of such gift' shall be the amount included with respect to such gift in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 1004 (a) (2), or under section 505 (a) (2) of the Revenue Act of 1932 (the so-called 'charitable deduction'), or under section 1004 (a) (3) (the so-called 'marital deduction')."

53 Stat. 146.
26 U. S. C. § 1003 (a).
47 Stat. 247.

53 Stat. 147.
26 U. S. C. § 1004 (a) (2); Supp. I, § 1004 (a) (2).
47 Stat. 247.
Post, p. 125.
53 Stat. 142.
26 U. S. C. § 936 (b) (1).

(c) Section 936 (b) (1) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended by inserting after the words "entire gross estate" in clause (A) thereof the following: "reduced by the aggregate amount of the deductions allowed under subsections (d) and (e) of section 812".

53 Stat. 124.
26 U. S. C., Supp. I, § 812 (d).
Ante, p. 117.
53 Stat. 143.
26 U. S. C. § 936 (b) (2).

(d) Paragraph (2) of section 936 (b) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended to read as follows:

"(2) In applying, with respect to any gift, the ratio stated in clause (A) of paragraph (1), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced— 53 Stat. 142. 26 U. S. C. § 936 (b) (1) (A). *Ante*, p. 122.

"(A) by such amount as will properly reflect the amount of such gift which was excluded in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during the year in which the gift was made; 53 Stat. 146. 26 U. S. C. § 1003 (a). 47 Stat. 247.

"(B) if a deduction with respect to such gift is allowed under section 812 (e) (the so-called 'marital deduction')— *Ante*, p. 117.

then by an amount which bears the same ratio to such value (reduced as provided in subparagraph (A) of this paragraph) as the aggregate amount of the marital deductions allowed under section 812 (e) bears to the aggregate amount of such marital deductions computed without regard to subparagraph (H) of section 812 (e) (1); and *Ante*, p. 119.

"(C) if a deduction with respect to such gift is allowed under section 812 (d) (the so-called 'charitable deduction')— 53 Stat. 124. 26 U. S. C., Supp. I, § 812 (d).

then by the amount of such value, reduced as provided in subparagraph (A) of this paragraph. *Supra*.

"(3) Where the decedent was the donor of the gift but, under the provisions of section 1000 (f), the gift was considered as made one-half by his spouse— *Post*, p. 127.

"(A) the term 'the amount of the tax paid under chapter 4', as used in paragraph (1) of this subsection, includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in paragraph (4); and 53 Stat. 142. 26 U. S. C. § 936 (b) (1). *Infra*.

"(B) in applying, with respect to such gift, the ratio stated in clause (A) of paragraph (1), the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in subparagraph (A) of paragraph (2).

"(4) (A) For the purposes of paragraph (1), the amount of tax paid under chapter 4, or under Title III of the Revenue Act of 1932, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year. 53 Stat. 142. 26 U. S. C. § 936 (b) (1). *Ante*, p. 122. 53 Stat. 144. 26 U. S. C. §§ 1000-1031; Supp. I, §§ 1000, 1004. *Post*, pp. 125, 127. 47 Stat. 245.

"(B) For the purposes of subparagraph (A) the 'amount of such gift' shall be the amount included with respect to such gift in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 1004 (a) (2), or under section 505 (a) (2) of the Revenue Act of 1932 (the so-called 'charitable deduction'), or under section 1004 (a) (3) (the so-called 'marital deduction')." 53 Stat. 146. 26 U. S. C. § 1003 (a). 47 Stat. 247. 53 Stat. 147. 26 U. S. C. § 1004 (a) (2); Supp. I, § 1004 (a) (2). 47 Stat. 247. *Post*, p. 125.

(e) The amendments made by this section shall be applicable only with respect to the estates of decedents dying after December 31, 1947.

SEC. 364. OPTIONAL VALUATION.

(a) The last sentence of section 811 (j) of the Internal Revenue Code (relating to optional valuation) is hereby amended to read as 53 Stat. 122. 26 U. S. C. § 811 (j).

follows: "In case of an election made by the executor under this subsection, then—

53 Stat. 124, 130. 26 U. S. C., Supp. I, §§ 812 (d), 861 (a) (3).

"(A) for the purposes of the deduction under section 812 (d) or section 861 (a) (3), any bequest, legacy, devise, or transfer enumerated therein, and

"(B) for the purposes of the deduction under section 812 (e), any interest in property passing to the surviving spouse, shall be valued as of the date of the decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting, in the case of property distributed by the executor or trustee, or sold, exchanged, or otherwise disposed of, during such one-year period, the date thereof)."

(b) The amendment made by this section shall be applicable only with respect to estates of decedents dying after December 31, 1947.

SEC. 365. LIABILITY OF LIFE INSURANCE BENEFICIARIES, ETC.

53 Stat. 128. 26 U. S. C. § 826 (c).

(a) Section 826 (c) of the Internal Revenue Code (relating to liability of life insurance beneficiaries) is hereby amended by adding at the end thereof the following new sentence: "In the case of such proceeds receivable by the surviving spouse of the decedent for which a deduction is allowed under section 812 (e) (the so-called 'marital deduction'), this subsection shall not apply to such proceeds except as to the amount thereof in excess of the aggregate amount of the marital deductions allowed under such subsection."

Ante, p. 117.

56 Stat. 943. 26 U. S. C. § 826 (d).

(b) Section 826 (d) of the Internal Revenue Code (relating to liability of recipient of property over which decedent had power of appointment) is hereby amended by adding at the end thereof the following new sentence: "In the case of such property received by the surviving spouse of the decedent for which a deduction is allowed under section 812 (e) (the so-called 'marital deduction'), this subsection shall not apply to such property except as to the value thereof reduced by an amount equal to the excess of the aggregate amount of the marital deductions allowed under section 812 (e) over the amount of proceeds of insurance upon the life of the decedent receivable by the surviving spouse for which proceeds a marital deduction is allowed under such subsection."

Ante, p. 117.

(c) The amendments made by this section shall be applicable only with respect to estates of decedents dying after December 31, 1947.

SEC. 366. BASIS OF SURVIVING SPOUSE'S INTEREST IN COMMUNITY PROPERTY.

53 Stat. 41. 26 U. S. C. § 113 (a) (5).

(a) Section 113 (a) (5) of the Internal Revenue Code (relating to basis of property transmitted at death) is hereby amended by adding at the end thereof the following new sentences: "For the purposes of this paragraph the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory or possession of the United States or any foreign country shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after December 31, 1947, and if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under section 811. In the case of property held by a decedent and his surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if the value of any part of the surviving spouse's one-half share of such property was included in determining the value of the gross estate of the decedent and a tax under chapter 3 was payable upon the transfer

53 Stat. 120. 26 U. S. C. § 811; Supp. I, § 811 note. *Ante*, pp. 116, 123.

53 Stat. 118. 26 U. S. C. §§ 800–938; Supp. I, §§ 811, 812, 861. *Ante*, p. 116 *et seq.*; *post*, p. 1214.

of the net estate of the decedent, then for the purposes of this paragraph such part of such one-half share of the surviving spouse shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after the date of the enactment of the Revenue Act of 1942 and on or before December 31, 1947; but nothing in this sentence shall reduce basis below that which would exist if the Revenue Act of 1948 had not been enacted." 56 Stat. 798.

(b) If the allowance of a credit or refund of any overpayment of tax resulting from the application of this section is prevented on the date of the enactment of this Act, or within one year from such date, by the operation of any law or rule of law (other than section 3761 of the Internal Revenue Code, relating to compromises), credit or refund of such overpayment may, nevertheless, be allowed or made if claim therefor is filed within one year from the date of the enactment of this Act. No interest shall be paid on any overpayment resulting from the application of the last sentence of section 113 (a) (5) of such code, as amended by this section, if such overpayment is for a taxable year beginning before January 1, 1948. 53 Stat. 462. 26 U. S. C. § 3761. *Ante*, p. 124.

PART III—GIFT TAX

SEC. 371. GIFTS OF COMMUNITY PROPERTY.

Section 1000 (d) of the Internal Revenue Code (relating to gifts of property held as community property) is amended by adding at the end thereof a new sentence to read as follows: "This subsection shall be applicable only to gifts made after the calendar year 1942 and on or before the date of the enactment of the Revenue Act of 1948." 56 Stat. 953. 26 U. S. C. § 1000 (d).

SEC. 372. MARITAL DEDUCTION.

Section 1004 (a) of the Internal Revenue Code (relating to deductions in computing net gifts in the case of a citizen or resident of the United States) is hereby amended by adding at the end thereof a new paragraph to read as follows: 53 Stat. 147. 26 U. S. C. § 1004 (a); Supp. I, § 1004 (a).

"(3) GIFT TO SPOUSE.—

"(A) In General.—Where the donor transfers during the calendar year (and after the date of the enactment of the Revenue Act of 1948) by gift an interest in property to a donee who at the time of the gift is the donor's spouse—an amount with respect to such interest equal to one-half of its value.

"(B) Life Estate or Other Terminable Interest.—Where, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, such interest transferred to the spouse will terminate or fail, no deduction shall be allowed with respect to such interest—

"(i) if the donor retains in himself, or transfers or has transferred (for less than an adequate and full consideration in money or money's worth) to any person other than such donee spouse (or the estate of such spouse), an interest in such property, and if by reason of such retention or transfer the donor (or his heirs or assigns) or such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse; or

"(ii) if the donor immediately after the transfer to the donee spouse has a power to appoint an interest in such property which he can exercise (either alone or in

conjunction with any person) in such manner that the appointee may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse. For the purposes of this clause the donor shall be considered as having immediately after the transfer to the donee spouse such power to appoint even though such power cannot be exercised until after the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur.

An exercise or release at any time by the donor, either alone or in conjunction with any person, of a power to appoint an interest in property, even though not otherwise a transfer, shall, for the purposes of clause (i) of this subparagraph, be considered as a transfer by him. Except as provided in subparagraph (E), where at the time of the transfer it is impossible to ascertain the particular person or persons who may receive from the donor an interest in property so transferred by him, such interest shall, for the purposes of clause (i) of this subparagraph, be considered as transferred to a person other than the donee spouse.

Infra.

"(C) Where the assets out of which, or the proceeds of which, the interest transferred to the donee spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets were transferred from the donor to such spouse, then the value of the interest transferred to such spouse shall, for the purposes of subparagraph (A), be reduced by the aggregate value of such particular assets.

Ante, p. 125.

"(D) Joint Interests.—If the interest is transferred to the donee spouse as sole joint tenant with the donor or as tenant by the entirety, the interest of the donor in the property which exists solely by reason of the possibility that the donor may survive the donee spouse, or that there may occur a severance of the tenancy, shall not be considered for the purposes of subparagraph (B) as an interest retained by the donor in himself.

Ante, p. 125.

"(E) Trust With Power Of Appointment In Donee Spouse.—Where the donor transfers in trust an interest in property, if under the terms of the trust his spouse is entitled for life to all the income from the corpus of the trust, payable annually or at more frequent intervals, with power in the donee spouse to appoint the entire corpus free of the trust (exercisable in favor of such donee spouse, or of the estate of such donee spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the corpus to any person other than the donee spouse—

"(i) the interest so transferred in trust shall, for the purposes of subparagraph (A), be considered as transferred to the donee spouse, and

Ante, p. 125.

"(ii) no part of the interest so transferred in trust shall, for the purposes of subparagraph (B) (i), be considered as retained in the donor or transferred to any person other than the donee spouse.

Ante, p. 125.

This subparagraph shall be applicable only if, under the terms of the trust, such power in the donee spouse to appoint the corpus, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

"(F) Community Property.—

"(i) A deduction otherwise allowable under this paragraph shall be allowed only to the extent that the transfer can be shown to represent a gift of property which is not, at the time of the gift, held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country.

"(ii) For the purposes of clause (i), community property (except property which is considered as community property solely by reason of the provisions of clause (iii)) shall not be considered as 'held as community property' if the entire value of such property (and not merely one-half thereof) is treated as the amount of the gift.

"(iii) If during the calendar year 1942 or after the date of the enactment of the Revenue Act of 1948, property held as such community property (unless considered by reason of clause (ii) as not so held) was by the donor and the donee spouse converted, by one transaction or a series of transactions, into separate property of the donor and such spouse (including any form of co-ownership by them), the separate property so acquired by the donor and any property acquired at any time by the donor in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clause (i), be considered as 'held as community property'.

"(iv) Where the value (at the time of such conversion) of the separate property so acquired by the donor exceeded the value (at such time) of the separate property so acquired by such spouse, the rule in clause (iii) shall be applied only with respect to the same portion of such separate property of the donor as the portion which the value (as of such time) of such separate property so acquired by such spouse is of the value (as of such time) of the separate property so acquired by the donor."

SEC. 373. TECHNICAL AMENDMENT.

Section 1004 (c) of the Internal Revenue Code is hereby amended to read as follows: 53 Stat. 148. 26 U. S. C. § 1004 (c).

"(c) EXTENT OF DEDUCTIONS.—The deductions provided in subsection (a) (2) or (3) or in subsection (b) shall be allowed only to the extent that the gifts therein specified are included in the amount of gifts against which such deductions are applied."

SEC. 374. GIFT OF HUSBAND OR WIFE TO THIRD PARTY.

Section 1000 of the Internal Revenue Code (relating to imposition of gift tax) is hereby amended by adding at the end thereof a new subsection to read as follows: 53 Stat. 144; 58 Stat. 71. 26 U. S. C. § 1000; Supp. I, § 1000. *Ante*, p. 125.

"(f) GIFT OF HUSBAND OR WIFE TO THIRD PARTY.—

"(1) CONSIDERED AS MADE ONE-HALF BY EACH.—

"(A) In General.—A gift made after the date of the enactment of the Revenue Act of 1948 by one spouse to any person other than his spouse shall, for the purposes of this chapter, be considered as made one-half by him and one-half by his spouse, but only if at the time of the gift each spouse is a citizen or resident of the United States. This subparagraph shall not apply with respect to a gift by a spouse of an interest in property if he creates in his spouse a power of appointment, as defined in subsection (c) of this section, over such interest. For the purposes of this subsection an

individual shall be considered as the spouse of another individual only if he is married to such individual at the time of the gift and does not remarry during the remainder of the calendar year.

"(B) Consent of Both Spouses.—Subparagraph (A) shall be applicable only if both spouses have signified (in accordance with the regulations provided for in paragraph (2)) their consent to the application of subparagraph (A) in the case of all such gifts made during the calendar year by either while married to the other.

Infra.

"(2) MANNER AND TIME OF SIGNIFYING CONSENT.—

"(A) Manner.—A consent under this subsection shall be signified in such manner as is provided under regulations prescribed by the Commissioner with the approval of the Secretary.

"(B) Time.—Such consent may be so signified at any time after the close of the calendar year in which the gift was made, subject to the following limitations—

"(i) the consent may not be signified after the 15th day of March following the close of such year, unless before such 15th day no return has been filed for such year by either spouse, in which case the consent may not be signified after a return for such year is filed by either spouse;

"(ii) the consent may not be signified after a notice of deficiency with respect to the tax for such year has been sent to either spouse in accordance with section 1012 (a).

53 Stat. 149.
26 U. S. C. § 1012 (a).

"(3) REVOCATION OF CONSENT.—Revocation of a consent previously signified shall be made in such manner as is provided under regulations prescribed by the Commissioner with the approval of the Secretary, but the right to revoke a consent previously signified with respect to a calendar year—

"(A) shall not exist after the 15th day of March following the close of such year if the consent was signified on or before such 15th day; and

"(B) shall not exist if the consent was not signified until after such 15th day.

Supra.

"(4) JOINT AND SEVERAL LIABILITY FOR TAX.—If the consent required by paragraph (1) (B) is signified with respect to a gift made in any calendar year the liability with respect to the entire tax imposed by this chapter of each spouse for such year shall be joint and several."

TITLE IV—ADJUSTED GROSS INCOME OF LESS THAN $5,000

SEC. 401. INDIVIDUALS WITH ADJUSTED GROSS INCOMES OF LESS THAN $5,000.

55 Stat. 689.
26 U. S. C. § 400.

(a) IN GENERAL.—Section 400 of the Internal Revenue Code (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) is hereby amended to read as follows:

"SEC. 400. IMPOSITION OF TAX.

53 Stat. 5.
26 U. S. C. §§ 11, 12.
Ante, pp. 111, 114.

"In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected, and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less

than $5,000, and who has elected to pay the tax imposed by this supplement for such year, a tax as follows:

"If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—								
									2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—								
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$250	$150	$150	$50	$50	$0	$0	$0	$0	$0
675	700	3	0	0	0	2,350	2,375	253	154	154	54	54	0	0	0	0	0
700	725	7	0	0	0	2,375	2,400	257	157	157	58	58	0	0	0	0	0
725	750	11	0	0	0	2,400	2,425	261	161	161	62	62	0	0	0	0	0
750	775	14	0	0	0	2,425	2,450	265	165	165	65	65	0	0	0	0	0
775	800	18	0	0	0	2,450	2,475	268	169	169	69	69	0	0	0	0	0
800	825	22	0	0	0	2,475	2,500	272	172	172	73	73	0	0	0	0	0
825	850	26	0	0	0	2,500	2,525	276	176	176	77	77	0	0	0	0	0
850	875	29	0	0	0	2,525	2,550	280	180	180	80	80	0	0	0	0	0
875	900	33	0	0	0	2,550	2,575	283	184	184	84	84	0	0	0	0	0
900	925	37	0	0	0	2,575	2,600	287	187	187	88	88	0	0	0	0	0
925	950	40	0	0	0	2,600	2,625	291	191	191	92	92	0	0	0	0	0
950	975	44	0	0	0	2,625	2,650	294	195	195	95	95	0	0	0	0	0
975	1,000	48	0	0	0	2,650	2,675	298	199	199	99	99	0	0	0	0	0
1,000	1,025	52	0	0	0	2,675	2,700	302	202	202	103	103	3	0	0	0	0
1,025	1,050	55	0	0	0	2,700	2,725	306	206	206	106	106	7	0	0	0	0
1,050	1,075	59	0	0	0	2,725	2,750	309	210	210	110	110	11	0	0	0	0
1,075	1,100	63	0	0	0	2,750	2,775	313	214	214	114	114	14	0	0	0	0
1,100	1,125	67	0	0	0	2,775	2,800	317	217	217	118	118	18	0	0	0	0
1,125	1,150	70	0	0	0	2,800	2,825	321	221	221	121	121	22	0	0	0	0
1,150	1,175	74	0	0	0	2,825	2,850	324	225	225	125	125	26	0	0	0	0
1,175	1,200	78	0	0	0	2,850	2,875	328	228	228	129	129	29	0	0	0	0
1,200	1,225	82	0	0	0	2,875	2,900	332	232	232	133	133	33	0	0	0	0
1,225	1,250	85	0	0	0	2,900	2,925	336	236	236	136	136	37	0	0	0	0
1,250	1,275	89	0	0	0	2,925	2,950	340	240	240	140	140	40	0	0	0	0
1,275	1,300	93	0	0	0	2,950	2,975	345	243	243	144	144	44	0	0	0	0
1,300	1,325	96	0	0	0	2,975	3,000	349	247	247	148	148	48	0	0	0	0
1,325	1,350	100	1	0	0	3,000	3,050	356	253	253	153	153	54	0	0	0	0
1,350	1,375	104	4	0	0	3,050	3,100	364	260	260	161	161	61	0	0	0	0
1,375	1,400	108	8	0	0	3,100	3,150	373	268	268	168	168	68	0	0	0	0
1,400	1,425	111	12	0	0	3,150	3,200	382	275	275	176	176	76	0	0	0	0
1,425	1,450	115	16	0	0	3,200	3,250	391	283	283	183	183	83	0	0	0	0
1,450	1,475	119	19	0	0	3,250	3,300	399	290	290	190	190	91	0	0	0	0
1,475	1,500	123	23	0	0	3,300	3,350	408	298	298	198	198	98	0	0	0	0
1,500	1,525	126	27	0	0	3,350	3,400	417	305	305	205	205	106	6	0	0	0
1,525	1,550	130	31	0	0	3,400	3,450	425	312	312	213	213	113	14	0	0	0
1,550	1,575	134	34	0	0	3,450	3,500	434	320	320	220	220	121	21	0	0	0
1,575	1,600	138	38	0	0	3,500	3,550	443	327	327	228	228	128	29	0	0	0
1,600	1,625	141	42	0	0	3,550	3,600	452	335	335	235	235	136	36	0	0	0
1,625	1,650	145	45	0	0	3,600	3,650	460	344	342	243	243	143	44	0	0	0
1,650	1,675	149	49	0	0	3,650	3,700	469	353	350	250	250	151	51	0	0	0
1,675	1,700	153	53	0	0	3,700	3,750	478	362	357	258	258	158	59	0	0	0
1,700	1,725	156	57	0	0	3,750	3,800	486	370	365	265	265	166	66	0	0	0
1,725	1,750	160	60	0	0	3,800	3,850	495	379	372	273	273	173	73	0	0	0
1,750	1,775	164	64	0	0	3,850	3,900	504	388	380	280	280	181	81	0	0	0
1,775	1,800	167	68	0	0	3,900	3,950	513	396	387	288	288	188	88	0	0	0
1,800	1,825	171	72	0	0	3,950	4,000	521	405	395	295	295	195	96	0	0	0
1,825	1,850	175	75	0	0	4,000	4,050	530	414	402	303	303	203	103	4	0	0
1,850	1,875	179	79	0	0	4,050	4,100	539	423	410	310	310	210	111	11	0	0
1,875	1,900	182	83	0	0	4,100	4,150	547	431	417	317	317	218	118	19	0	0
1,900	1,925	186	87	0	0	4,150	4,200	556	440	425	325	325	225	126	26	0	0
1,925	1,950	190	90	0	0	4,200	4,250	565	449	432	332	332	233	133	34	0	0
1,950	1,975	194	94	0	0	4,250	4,300	574	457	439	341	340	240	141	41	0	0
1,975	2,000	197	98	0	0	4,300	4,350	582	466	447	350	347	248	148	49	0	0
2,000	2,025	201	101	2	0	4,350	4,400	591	475	454	359	355	255	156	56	0	0
2,025	2,050	205	105	6	0	4,400	4,450	600	483	462	367	362	263	163	63	0	0
2,050	2,075	209	109	9	0	4,450	4,500	608	492	469	376	370	270	171	71	0	0
2,075	2,100	212	113	13	0	4,500	4,550	617	501	477	385	377	278	178	78	0	0
2,100	2,125	216	116	17	0	4,550	4,600	626	510	484	393	385	285	186	86	0	0
2,125	2,150	220	120	21	0	4,600	4,650	635	518	492	402	392	293	193	93	0	0
2,150	2,175	223	124	24	0	4,650	4,700	643	527	499	411	400	300	200	101	1	0
2,175	2,200	227	128	28	0	4,700	4,750	652	536	507	420	407	308	208	108	9	0
2,200	2,225	231	131	32	0	4,750	4,800	661	544	514	428	415	315	215	116	16	0
2,225	2,250	235	135	35	0	4,800	4,850	669	553	522	437	422	322	223	123	24	0
2,250	2,275	238	139	39	0	4,850	4,900	678	562	529	446	430	330	230	131	31	0
2,275	2,300	242	143	43	0	4,900	4,950	687	571	537	454	437	337	238	138	39	0
2,300	2,325	246	146	47	0	4,950	5,000	695	579	544	463	444	345	245	146	46	0"

(b) TAXABLE YEARS TO WHICH APPLICABLE.—The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

Post, p. 136.

TITLE V—REDUCTION IN WITHHOLDING OF TAX AT SOURCE ON WAGES

SEC. 501. PERCENTAGE METHOD.

57 Stat. 128.
26 U. S. C. § 1622 (a), (b) (1).

Section 1622 (a) and section 1622 (b) (1) of the Internal Revenue Code (relating to percentage method of withholding) are hereby amended to read as follows:

"(a) REQUIREMENT OF WITHHOLDING.—Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to 15 per centum of the amount by which the wages exceed the number of withholding exemptions claimed multiplied by the amount of one such exemption as shown in subsection (b) (1).

"(b) (1) The table referred to in subsection (a) is as follows:

"Percentage method withholding table

Pay-roll period	Amount of one withholding exemption
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80"

SEC. 502. WAGE BRACKET WITHHOLDING.

57 Stat. 129.
26 U. S. C. § 1622 (c) (1).

The tables contained in section 1622 (c) (1) of the Internal Revenue Code (relating to wage bracket withholding) are hereby amended to read as follows:

"If the pay-roll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$2.00	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.20	.30	0	0	0	0	0	0	0	0	0
$15	$16	2.30	.40	0	0	0	0	0	0	0	0	0
$16	$17	2.50	.50	0	0	0	0	0	0	0	0	0
$17	$18	2.60	.70	0	0	0	0	0	0	0	0	0
$18	$19	2.80	.80	0	0	0	0	0	0	0	0	0
$19	$20	2.90	1.00	0	0	0	0	0	0	0	0	0
$20	$21	3.10	1.10	0	0	0	0	0	0	0	0	0
$21	$22	3.20	1.30	0	0	0	0	0	0	0	0	0
$22	$23	3.40	1.40	0	0	0	0	0	0	0	0	0
$23	$24	3.50	1.60	0	0	0	0	0	0	0	0	0
$24	$25	3.70	1.70	0	0	0	0	0	0	0	0	0
$25	$26	3.80	1.90	0	0	0	0	0	0	0	0	0
$26	$27	4.00	2.00	.10	0	0	0	0	0	0	0	0
$27	$28	4.10	2.20	.30	0	0	0	0	0	0	0	0
$28	$29	4.30	2.30	.40	0	0	0	0	0	0	0	0
$29	$30	4.40	2.50	.60	0	0	0	0	0	0	0	0
$30	$31	4.60	2.60	.70	0	0	0	0	0	0	0	0
$31	$32	4.70	2.80	.90	0	0	0	0	0	0	0	0
$32	$33	4.90	2.90	1.00	0	0	0	0	0	0	0	0
$33	$34	5.00	3.10	1.20	0	0	0	0	0	0	0	0
$34	$35	5.20	3.20	1.30	0	0	0	0	0	0	0	0
$35	$36	5.30	3.40	1.50	0	0	0	0	0	0	0	0
$36	$37	5.50	3.50	1.60	0	0	0	0	0	0	0	0
$37	$38	5.60	3.70	1.80	0	0	0	0	0	0	0	0
$38	$39	5.80	3.80	1.90	0	0	0	0	0	0	0	0
$39	$40	5.90	4.00	2.10	.20	0	0	0	0	0	0	0
$40	$41	6.10	4.10	2.20	.30	0	0	0	0	0	0	0
$41	$42	6.20	4.30	2.40	.50	0	0	0	0	0	0	0
$42	$43	6.30	4.40	2.50	.60	0	0	0	0	0	0	0
$43	$44	6.50	4.60	2.70	.80	0	0	0	0	0	0	0
$44	$45	6.60	4.70	2.80	.90	0	0	0	0	0	0	0
$45	$46	6.80	4.90	3.00	1.10	0	0	0	0	0	0	0
$46	$47	6.90	5.00	3.10	1.20	0	0	0	0	0	0	0
$47	$48	7.10	5.20	3.30	1.40	0	0	0	0	0	0	0
$48	$49	7.20	5.30	3.40	1.50	0	0	0	0	0	0	0
$49	$50	7.40	5.50	3.60	1.60	0	0	0	0	0	0	0

"If the pay-roll period with respect to an employee is weekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$50	$51	$7.50	$5.60	$3.70	$1.80	$0	$0	$0	$0	$0	$0	$0
$51	$52	7.70	5.80	3.90	1.90	0	0	0	0	0	0	0
$52	$53	7.80	5.90	4.00	2.10	.20	0	0	0	0	0	0
$53	$54	8.00	6.10	4.20	2.20	.30	0	0	0	0	0	0
$54	$55	8.10	6.20	4.30	2.40	.50	0	0	0	0	0	0
$55	$56	8.30	6.40	4.50	2.50	.60	0	0	0	0	0	0
$56	$57	8.40	6.50	4.60	2.70	.80	0	0	0	0	0	0
$57	$58	8.60	6.70	4.80	2.80	.90	0	0	0	0	0	0
$58	$59	8.70	6.80	4.90	3.00	1.10	0	0	0	0	0	0
$59	$60	8.90	7.00	5.10	3.10	1.20	0	0	0	0	0	0
$60	$62	9.10	7.20	5.30	3.40	1.50	0	0	0	0	0	0
$62	$64	9.40	7.50	5.60	3.70	1.80	0	0	0	0	0	0
$64	$66	9.70	7.80	5.90	4.00	2.00	.10	0	0	0	0	0
$66	$68	10.00	8.10	6.20	4.30	2.30	.40	0	0	0	0	0
$68	$70	10.30	8.40	6.50	4.60	2.60	.70	0	0	0	0	0
$70	$72	10.60	8.70	6.80	4.90	2.90	1.00	0	0	0	0	0
$72	$74	10.90	9.00	7.10	5.20	3.20	1.30	0	0	0	0	0
$74	$76	11.20	9.30	7.40	5.50	3.50	1.60	0	0	0	0	0
$76	$78	11.50	9.60	7.70	5.80	3.80	1.90	0	0	0	0	0
$78	$80	11.80	9.90	8.00	6.10	4.10	2.20	.30	0	0	0	0
$80	$82	12.10	10.20	8.30	6.40	4.40	2.50	.60	0	0	0	0
$82	$84	12.40	10.50	8.60	6.70	4.70	2.80	.90	0	0	0	0
$84	$86	12.70	10.80	8.90	7.00	5.00	3.10	1.20	0	0	0	0
$86	$88	13.00	11.10	9.20	7.30	5.30	3.40	1.50	0	0	0	0
$88	$90	13.30	11.40	9.50	7.60	5.60	3.70	1.80	0	0	0	0
$90	$92	13.60	11.70	9.80	7.80	5.90	4.00	2.10	.20	0	0	0
$92	$94	13.90	12.00	10.10	8.10	6.20	4.30	2.40	.50	0	0	0
$94	$96	14.20	12.30	10.40	8.40	6.50	4.60	2.70	.80	0	0	0
$96	$98	14.50	12.60	10.70	8.70	6.80	4.90	3.00	1.10	0	0	0
$98	$100	14.80	12.90	11.00	9.00	7.10	5.20	3.30	1.40	0	0	0
$100	$105	15.30	13.40	11.50	9.60	7.70	5.70	3.80	1.90	0	0	0
$105	$110	16.10	14.10	12.20	10.30	8.40	6.50	4.60	2.70	.70	0	0
$110	$115	16.80	14.90	13.00	11.10	9.10	7.20	5.30	3.40	1.50	0	0
$115	$120	17.60	15.60	13.70	11.80	9.90	8.00	6.10	4.10	2.20	.30	0
$120	$125	18.30	16.40	14.50	12.60	10.60	8.70	6.80	4.90	3.00	1.10	0
$125	$130	19.00	17.10	15.20	13.30	11.40	9.50	7.60	5.60	3.70	1.80	0
$130	$135	19.80	17.90	16.00	14.00	12.10	10.20	8.30	6.40	4.50	2.60	.60
$135	$140	20.50	18.60	16.70	14.80	12.90	11.00	9.10	7.10	5.20	3.30	1.40
$140	$145	21.30	19.40	17.50	15.50	13.60	11.70	9.80	7.90	6.00	4.10	2.10
$145	$150	22.00	20.10	18.20	16.30	14.40	12.50	10.50	8.60	6.70	4.80	2.90
$150	$160	23.20	21.20	19.30	17.40	15.50	13.60	11.70	9.70	7.80	5.90	4.00
$160	$170	24.70	22.70	20.80	18.90	17.00	15.10	13.20	11.20	9.30	7.40	5.50
$170	$180	26.10	24.20	22.30	20.40	18.50	16.60	14.70	12.70	10.80	8.90	7.00
$180	$190	27.60	25.70	23.80	21.90	20.00	18.10	16.10	14.20	12.30	10.40	8.50
$190	$200	29.10	27.20	25.30	23.40	21.50	19.60	17.60	15.70	13.80	11.90	10.00
		15 percent of the excess over $200 plus—										
$200 and over		29.90	28.00	26.00	24.10	22.20	20.30	18.40	16.50	14.60	12.60	10.70

"If the pay-roll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$4.00	.20	0	0	0	0	0	0	0	0	0
$28	$30	4.30	.50	0	0	0	0	0	0	0	0	0
$30	$32	4.60	.80	0	0	0	0	0	0	0	0	0
$32	$34	4.90	1.10	0	0	0	0	0	0	0	0	0
$34	$36	5.20	1.40	0	0	0	0	0	0	0	0	0
$36	$38	5.50	1.70	0	0	0	0	0	0	0	0	0
$38	$40	5.80	2.00	0	0	0	0	0	0	0	0	0
$40	$42	6.10	2.30	0	0	0	0	0	0	0	0	0
$42	$44	6.40	2.60	0	0	0	0	0	0	0	0	0
$44	$46	6.70	2.90	0	0	0	0	0	0	0	0	0
$46	$48	7.00	3.20	0	0	0	0	0	0	0	0	0
$48	$50	7.30	3.50	0	0	0	0	0	0	0	0	0
$50	$52	7.60	3.80	0	0	0	0	0	0	0	0	0
$52	$54	7.90	4.10	.30	0	0	0	0	0	0	0	0
$54	$56	8.20	4.40	.60	0	0	0	0	0	0	0	0
$56	$58	8.50	4.70	.90	0	0	0	0	0	0	0	0
$58	$60	8.80	5.00	1.20	0	0	0	0	0	0	0	0
$60	$62	9.10	5.30	1.50	0	0	0	0	0	0	0	0
$62	$64	9.40	5.60	1.80	0	0	0	0	0	0	0	0
$64	$66	9.70	5.90	2.00	0	0	0	0	0	0	0	0
$66	$68	10.00	6.20	2.30	0	0	0	0	0	0	0	0
$68	$70	10.30	6.50	2.60	0	0	0	0	0	0	0	0
$70	$72	10.60	6.80	2.90	0	0	0	0	0	0	0	0
$72	$74	10.90	7.10	3.20	0	0	0	0	0	0	0	0

"If the pay-roll period with respect to an employee is biweekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$74	$76	$11.20	$7.40	$3.50	$0	$0	$0	$0	$0	$0	$0	$0
$76	$78	11.50	7.70	3.80	0	0	0	0	0	0	0	0
$78	$80	11.80	8.00	4.10	.30	0	0	0	0	0	0	0
$80	$82	12.10	8.30	4.40	.60	0	0	0	0	0	0	0
$82	$84	12.40	8.60	4.70	.90	0	0	0	0	0	0	0
$84	$86	12.70	8.90	5.00	1.20	0	0	0	0	0	0	0
$86	$88	13.00	9.20	5.30	1.50	0	0	0	0	0	0	0
$88	$90	13.30	9.50	5.60	1.80	0	0	0	0	0	0	0
$90	$92	13.60	9.80	5.90	2.10	0	0	0	0	0	0	0
$92	$94	13.90	10.10	6.20	2.40	0	0	0	0	0	0	0
$94	$96	14.20	10.40	6.50	2.70	0	0	0	0	0	0	0
$96	$98	14.50	10.70	6.80	3.00	0	0	0	0	0	0	0
$98	$100	14.80	11.00	7.10	3.30	0	0	0	0	0	0	0
$100	$102	15.10	11.30	7.40	3.60	0	0	0	0	0	0	0
$102	$104	15.40	11.60	7.70	3.90	.10	0	0	0	0	0	0
$104	$106	15.70	11.90	8.00	4.20	.40	0	0	0	0	0	0
$106	$108	16.00	12.20	8.30	4.50	.70	0	0	0	0	0	0
$108	$110	16.30	12.50	8.60	4.80	1.00	0	0	0	0	0	0
$110	$112	16.60	12.80	8.90	5.10	1.30	0	0	0	0	0	0
$112	$114	16.90	13.10	9.20	5.40	1.60	0	0	0	0	0	0
$114	$116	17.20	13.40	9.50	5.70	1.90	0	0	0	0	0	0
$116	$118	17.50	13.60	9.80	6.00	2.20	0	0	0	0	0	0
$118	$120	17.80	13.90	10.10	6.30	2.50	0	0	0	0	0	0
$120	$124	18.20	14.40	10.60	6.70	2.90	0	0	0	0	0	0
$124	$128	18.80	15.00	11.20	7.30	3.50	0	0	0	0	0	0
$128	$132	19.40	15.60	11.80	7.90	4.10	.30	0	0	0	0	0
$132	$136	20.00	16.20	12.40	8.50	4.70	.90	0	0	0	0	0
$136	$140	20.60	16.80	13.00	9.10	5.30	1.50	0	0	0	0	0
$140	$144	21.20	17.40	13.60	9.70	5.90	2.10	0	0	0	0	0
$144	$148	21.80	18.00	14.20	10.30	6.50	2.70	0	0	0	0	0
$148	$152	22.40	18.60	14.70	10.90	7.10	3.30	0	0	0	0	0
$152	$156	23.00	19.20	15.30	11.50	7.70	3.90	0	0	0	0	0
$156	$160	23.60	19.80	15.90	12.10	8.30	4.50	.60	0	0	0	0
$160	$164	24.20	20.40	16.50	12.70	8.90	5.00	1.20	0	0	0	0
$164	$168	24.80	21.00	17.10	13.30	9.50	5.60	1.80	0	0	0	0
$168	$172	25.40	21.60	17.70	13.90	10.10	6.20	2.40	0	0	0	0
$172	$176	26.00	22.20	18.30	14.50	10.70	6.80	3.00	0	0	0	0
$176	$180	26.60	22.80	18.90	15.10	11.30	7.40	3.60	0	0	0	0
$180	$184	27.20	23.40	19.50	15.70	11.90	8.00	4.20	.40	0	0	0
$184	$188	27.80	24.00	20.10	16.30	12.50	8.60	4.80	1.00	0	0	0
$188	$192	28.40	24.60	20.70	16.90	13.10	9.20	5.40	1.60	0	0	0
$192	$196	29.00	25.20	21.30	17.50	13.70	9.80	6.00	2.20	0	0	0
$196	$200	29.60	25.80	21.90	18.10	14.30	10.40	6.60	2.80	0	0	0
$200	$210	30.60	26.80	23.00	19.10	15.30	11.50	7.60	3.80	0	0	0
$210	$220	32.10	28.30	24.50	20.60	16.80	13.00	9.10	5.30	1.50	0	0
$220	$230	33.60	29.80	26.00	22.10	18.30	14.50	10.60	6.80	3.00	0	0
$230	$240	35.10	31.30	27.40	23.60	19.80	16.00	12.10	8.30	4.50	.60	0
$240	$250	36.60	32.80	28.90	25.10	21.30	17.40	13.60	9.80	6.00	2.10	0
$250	$260	38.10	34.30	30.40	26.60	22.80	18.90	15.10	11.30	7.50	3.60	0
$260	$270	39.60	35.80	31.90	28.10	24.30	20.40	16.60	12.80	8.90	5.10	1.30
$270	$280	41.10	37.30	33.40	29.60	25.80	21.90	18.10	14.30	10.40	6.60	2.80
$280	$290	42.60	38.70	34.90	31.10	27.30	23.40	19.60	15.80	11.90	8.10	4.30
$290	$300	44.10	40.20	36.40	32.60	28.70	24.90	21.10	17.30	13.40	9.60	5.80
$300	$320	46.30	42.50	38.70	34.80	31.00	27.20	23.30	19.50	15.70	11.80	8.00
$320	$340	49.30	45.50	41.60	37.80	34.00	30.10	26.30	22.50	18.70	14.80	11.00
$340	$360	52.30	48.50	44.60	40.80	37.00	33.10	29.30	25.50	21.60	17.80	14.00
$360	$380	55.30	51.40	47.60	43.80	40.00	36.10	32.30	28.50	24.60	20.80	17.00
$380	$400	58.30	54.40	50.60	46.80	42.90	39.10	35.30	31.50	27.60	23.80	20.00
		15 percent of the excess over $400 plus—										
$400 and over		59.80	55.90	52.10	48.30	44.40	40.60	36.80	32.90	29.10	25.30	21.50

"If the pay-roll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$4.30	.20	0	0	0	0	0	0	0	0	0
$30	$32	4.60	.50	0	0	0	0	0	0	0	0	0
$32	$34	4.90	.80	0	0	0	0	0	0	0	0	0
$34	$36	5.20	1.10	0	0	0	0	0	0	0	0	0
$36	$38	5.50	1.40	0	0	0	0	0	0	0	0	0
$38	$40	5.80	1.70	0	0	0	0	0	0	0	0	0
$40	$42	6.10	2.00	0	0	0	0	0	0	0	0	0
$42	$44	6.40	2.30	0	0	0	0	0	0	0	0	0
$44	$46	6.70	2.60	0	0	0	0	0	0	0	0	0
$46	$48	7.00	2.90	0	0	0	0	0	0	0	0	0
$48	$50	7.30	3.20	0	0	0	0	0	0	0	0	0
$50	$52	7.60	3.50	0	0	0	0	0	0	0	0	0
$52	$54	7.90	3.80	0	0	0	0	0	0	0	0	0

"If the pay-roll period with respect to an employee is semimonthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$54	$56	$8.20	$4.10	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$58	8.50	4.40	.20	0	0	0	0	0	0	0	0
$58	$60	8.80	4.70	.50	0	0	0	0	0	0	0	0
$60	$62	9.10	5.00	.80	0	0	0	0	0	0	0	0
$62	$64	9.40	5.30	1.10	0	0	0	0	0	0	0	0
$64	$66	9.70	5.60	1.40	0	0	0	0	0	0	0	0
$66	$68	10.00	5.90	1.70	0	0	0	0	0	0	0	0
$68	$70	10.30	6.20	2.00	0	0	0	0	0	0	0	0
$70	$72	10.60	6.50	2.30	0	0	0	0	0	0	0	0
$72	$74	10.90	6.80	2.60	0	0	0	0	0	0	0	0
$74	$76	11.20	7.10	2.90	0	0	0	0	0	0	0	0
$76	$78	11.50	7.40	3.20	0	0	0	0	0	0	0	0
$78	$80	11.80	7.70	3.50	0	0	0	0	0	0	0	0
$80	$82	12.10	8.00	3.80	0	0	0	0	0	0	0	0
$82	$84	12.40	8.30	4.10	0	0	0	0	0	0	0	0
$84	$86	12.70	8.50	4.40	.20	0	0	0	0	0	0	0
$86	$88	13.00	8.80	4.70	.50	0	0	0	0	0	0	0
$88	$90	13.30	9.10	5.00	.80	0	0	0	0	0	0	0
$90	$92	13.60	9.40	5.30	1.10	0	0	0	0	0	0	0
$92	$94	13.90	9.70	5.60	1.40	0	0	0	0	0	0	0
$94	$96	14.20	10.00	5.90	1.70	0	0	0	0	0	0	0
$96	$98	14.50	10.30	6.20	2.00	0	0	0	0	0	0	0
$98	$100	14.80	10.60	6.50	2.30	0	0	0	0	0	0	0
$100	$102	15.10	10.90	6.80	2.60	0	0	0	0	0	0	0
$102	$104	15.40	11.20	7.10	2.90	0	0	0	0	0	0	0
$104	$106	15.70	11.50	7.40	3.20	0	0	0	0	0	0	0
$106	$108	16.00	11.80	7.70	3.50	0	0	0	0	0	0	0
$108	$110	16.30	12.10	8.00	3.80	0	0	0	0	0	0	0
$110	$112	16.60	12.40	8.30	4.10	0	0	0	0	0	0	0
$112	$114	16.90	12.70	8.60	4.40	.30	0	0	0	0	0	0
$114	$116	17.20	13.00	8.90	4.70	.60	0	0	0	0	0	0
$116	$118	17.50	13.30	9.20	5.00	.90	0	0	0	0	0	0
$118	$120	17.80	13.60	9.50	5.30	1.20	0	0	0	0	0	0
$120	$124	18.20	14.10	9.90	5.80	1.60	0	0	0	0	0	0
$124	$128	18.80	14.70	10.50	6.40	2.20	0	0	0	0	0	0
$128	$132	19.40	15.30	11.10	7.00	2.80	0	0	0	0	0	0
$132	$136	20.00	15.90	11.70	7.60	3.40	0	0	0	0	0	0
$136	$140	20.60	16.50	12.30	8.20	4.00	0	0	0	0	0	0
$140	$144	21.20	17.10	12.90	8.80	4.60	.50	0	0	0	0	0
$144	$148	21.80	17.70	13.50	9.40	5.20	1.10	0	0	0	0	0
$148	$152	22.40	18.30	14.10	10.00	5.80	1.70	0	0	0	0	0
$152	$156	23.00	18.90	14.70	10.60	6.40	2.30	0	0	0	0	0
$156	$160	23.60	19.50	15.30	11.20	7.00	2.90	0	0	0	0	0
$160	$164	24.20	20.10	15.90	11.80	7.60	3.50	0	0	0	0	0
$164	$168	24.80	20.70	16.50	12.40	8.20	4.10	0	0	0	0	0
$168	$172	25.40	21.20	17.10	12.90	8.80	4.60	.50	0	0	0	0
$172	$176	26.00	21.80	17.70	13.50	9.40	5.20	1.10	0	0	0	0
$176	$180	26.60	22.40	18.30	14.10	10.00	5.80	1.70	0	0	0	0
$180	$184	27.20	23.00	18.90	14.70	10.60	6.40	2.30	0	0	0	0
$184	$188	27.80	23.60	19.50	15.30	11.20	7.00	2.90	0	0	0	0
$188	$192	28.40	24.20	20.10	15.90	11.80	7.60	3.50	0	0	0	0
$192	$196	29.00	24.80	20.70	16.50	12.40	8.20	4.10	0	0	0	0
$196	$200	29.60	25.40	21.30	17.10	13.00	8.80	4.70	.50	0	0	0
$200	$210	30.60	26.50	22.30	18.20	14.00	9.90	5.70	1.60	0	0	0
$210	$220	32.10	28.00	23.80	19.70	15.50	11.40	7.20	3.10	0	0	0
$220	$230	33.60	29.50	25.30	21.20	17.00	12.90	8.70	4.60	.40	0	0
$230	$240	35.10	31.00	26.80	22.70	18.50	14.40	10.20	6.10	1.90	0	0
$240	$250	36.60	32.50	28.30	24.20	20.00	15.90	11.70	7.60	3.40	0	0
$250	$260	38.10	33.90	29.80	25.60	21.50	17.30	13.20	9.00	4.90	.70	0
$260	$270	39.60	35.40	31.30	27.10	23.00	18.80	14.70	10.50	6.40	2.20	0
$270	$280	41.10	36.90	32.80	28.60	24.50	20.30	16.20	12.00	7.90	3.70	0
$280	$290	42.60	38.40	34.30	30.10	26.00	21.80	17.70	13.50	9.40	5.20	1.10
$290	$300	44.10	39.90	35.80	31.60	27.50	23.30	19.20	15.00	10.90	6.70	2.60
$300	$320	46.30	42.20	38.00	33.90	29.70	25.60	21.40	17.30	13.10	9.00	4.80
$320	$340	49.30	45.20	41.00	36.90	32.70	28.60	24.40	20.30	16.10	12.00	7.80
$340	$360	52.30	48.10	44.00	39.80	35.70	31.50	27.40	23.20	19.10	14.90	10.80
$360	$380	55.30	51.10	47.00	42.80	38.70	34.50	30.40	26.20	22.10	17.90	13.80
$380	$400	58.30	54.10	50.00	45.80	41.70	37.50	33.40	29.20	25.10	20.90	16.80
$400	$420	61.30	57.10	53.00	48.80	44.70	40.50	36.40	32.20	28.10	23.90	19.80
$420	$440	64.20	60.10	55.90	51.80	47.60	43.50	39.30	35.20	31.00	26.90	22.70
$440	$460	67.20	63.10	58.90	54.80	50.60	46.50	42.30	38.20	34.00	29.90	25.70
$460	$480	70.20	66.10	61.90	57.80	53.60	49.50	45.30	41.20	37.00	32.90	28.70
$480	$500	73.20	69.10	64.90	60.80	56.60	52.50	48.30	44.20	40.00	35.90	31.70
		15 percent of the excess over $500 plus—										
$500 and over		74.70	70.60	66.40	62.30	58.10	54.00	49.80	45.70	41.50	37.40	33.20

"If the pay-roll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$80	$8.70	.40	0	0	0	0	0	0	0	0	0
$80	$84	9.80	1.00	0	0	0	0	0	0	0	0	0

"If the pay-roll period with respect to an employee is monthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$64	$68	$9.90	$1.60	$0	$0	$0	$0	$0	$0	$0	$0	$0
$68	$72	10.50	2.20	0	0	0	0	0	0	0	0	0
$72	$76	11.10	2.80	0	0	0	0	0	0	0	0	0
$76	$80	11.70	3.40	0	0	0	0	0	0	0	0	0
$80	$84	12.30	4.00	0	0	0	0	0	0	0	0	0
$84	$88	12.80	4.50	0	0	0	0	0	0	0	0	0
$88	$92	13.40	5.10	0	0	0	0	0	0	0	0	0
$92	$96	14.00	5.70	0	0	0	0	0	0	0	0	0
$96	$100	14.60	6.30	0	0	0	0	0	0	0	0	0
$100	$104	15.20	6.90	0	0	0	0	0	0	0	0	0
$104	$108	15.80	7.50	0	0	0	0	0	0	0	0	0
$108	$112	16.40	8.10	0	0	0	0	0	0	0	0	0
$112	$116	17.00	8.70	.40	0	0	0	0	0	0	0	0
$116	$120	17.60	9.30	1.00	0	0	0	0	0	0	0	0
$120	$124	18.20	9.90	1.60	0	0	0	0	0	0	0	0
$124	$128	18.80	10.50	2.20	0	0	0	0	0	0	0	0
$128	$132	19.40	11.10	2.80	0	0	0	0	0	0	0	0
$132	$136	20.00	11.70	3.40	0	0	0	0	0	0	0	0
$136	$140	20.60	12.30	4.00	0	0	0	0	0	0	0	0
$140	$144	21.20	12.90	4.60	0	0	0	0	0	0	0	0
$144	$148	21.80	13.50	5.20	0	0	0	0	0	0	0	0
$148	$152	22.40	14.10	5.80	0	0	0	0	0	0	0	0
$152	$156	23.00	14.70	6.40	0	0	0	0	0	0	0	0
$156	$160	23.60	15.30	7.00	0	0	0	0	0	0	0	0
$160	$164	24.20	15.90	7.60	0	0	0	0	0	0	0	0
$164	$168	24.80	16.50	8.20	0	0	0	0	0	0	0	0
$168	$172	25.40	17.10	8.80	.50	0	0	0	0	0	0	0
$172	$176	26.00	17.70	9.40	1.10	0	0	0	0	0	0	0
$176	$180	26.60	18.30	10.00	1.70	0	0	0	0	0	0	0
$180	$184	27.20	18.90	10.60	2.30	0	0	0	0	0	0	0
$184	$188	27.80	19.50	11.20	2.90	0	0	0	0	0	0	0
$188	$192	28.40	20.10	11.80	3.50	0	0	0	0	0	0	0
$192	$196	29.00	20.70	12.40	4.10	0	0	0	0	0	0	0
$196	$200	29.60	21.30	13.00	4.70	0	0	0	0	0	0	0
$200	$204	30.20	21.90	13.60	5.30	0	0	0	0	0	0	0
$204	$208	30.80	22.50	14.20	5.90	0	0	0	0	0	0	0
$208	$212	31.40	23.10	14.80	6.50	0	0	0	0	0	0	0
$212	$216	32.00	23.70	15.40	7.10	0	0	0	0	0	0	0
$216	$220	32.60	24.30	16.00	7.70	0	0	0	0	0	0	0
$220	$224	33.20	24.90	16.60	8.30	0	0	0	0	0	0	0
$224	$228	33.80	25.50	17.20	8.90	.60	0	0	0	0	0	0
$228	$232	34.40	26.10	17.80	9.50	1.20	0	0	0	0	0	0
$232	$236	35.00	26.70	18.40	10.10	1.80	0	0	0	0	0	0
$236	$240	35.60	27.30	19.00	10.70	2.40	0	0	0	0	0	0
$240	$248	36.50	28.20	19.90	11.60	3.30	0	0	0	0	0	0
$248	$256	37.60	29.30	21.00	12.70	4.40	0	0	0	0	0	0
$256	$264	38.80	30.50	22.20	13.90	5.60	0	0	0	0	0	0
$264	$272	40.00	31.70	23.40	15.10	6.80	0	0	0	0	0	0
$272	$280	41.20	32.90	24.60	16.30	8.00	0	0	0	0	0	0
$280	$288	42.40	34.10	25.80	17.50	9.20	.90	0	0	0	0	0
$288	$296	43.60	35.30	27.00	18.70	10.40	2.10	0	0	0	0	0
$296	$304	44.80	36.50	28.20	19.90	11.60	3.30	0	0	0	0	0
$304	$312	46.00	37.70	29.40	21.10	12.80	4.50	0	0	0	0	0
$312	$320	47.20	38.90	30.60	22.30	14.00	5.70	0	0	0	0	0
$320	$328	48.40	40.10	31.80	23.50	15.20	6.90	0	0	0	0	0
$328	$336	49.60	41.30	33.00	24.70	16.40	8.10	0	0	0	0	0
$336	$344	50.80	42.50	34.20	25.90	17.60	9.30	1.00	0	0	0	0
$344	$352	52.00	43.70	35.40	27.10	18.80	10.50	2.20	0	0	0	0
$352	$360	53.20	44.90	36.60	28.30	20.00	11.70	3.40	0	0	0	0
$360	$368	54.40	46.10	37.80	29.50	21.20	12.90	4.60	0	0	0	0
$368	$376	55.60	47.30	39.00	30.70	22.40	14.10	5.80	0	0	0	0
$376	$384	56.80	48.50	40.20	31.90	23.60	15.30	7.00	0	0	0	0
$384	$392	58.00	49.70	41.40	33.10	24.80	16.50	8.20	0	0	0	0
$392	$400	59.20	50.90	42.60	34.30	26.00	17.70	9.40	1.10	0	0	0
$400	$420	61.30	53.00	44.70	36.40	28.10	19.80	11.50	3.20	0	0	0
$420	$440	64.20	55.90	47.60	39.30	31.00	22.70	14.40	6.10	0	0	0
$440	$460	67.20	58.90	50.60	42.30	34.00	25.70	17.40	9.10	.80	0	0
$460	$480	70.20	61.90	53.60	45.30	37.00	28.70	20.40	12.10	3.80	0	0
$480	$500	73.20	64.90	56.60	48.30	40.00	31.70	23.40	15.10	6.80	0	0
$500	$520	76.20	67.90	59.60	51.30	43.00	34.70	26.40	18.10	9.80	1.50	0
$520	$540	79.20	70.90	62.60	54.30	46.00	37.70	29.40	21.10	12.80	4.50	0
$540	$560	82.20	73.90	65.60	57.30	49.00	40.70	32.40	24.10	15.80	7.50	0
$560	$580	85.20	76.90	68.60	60.30	52.00	43.70	35.40	27.10	18.80	10.50	2.20
$580	$600	88.10	79.80	71.50	63.20	54.90	46.60	38.30	30.00	21.70	13.40	5.10
$600	$640	92.60	84.30	76.00	67.70	59.40	51.10	42.80	34.50	26.20	17.90	9.60
$640	$680	98.60	90.30	82.00	73.70	65.40	57.10	48.80	40.50	32.20	23.90	15.60
$680	$720	104.60	96.30	88.00	79.70	71.40	63.10	54.80	46.50	38.20	29.90	21.60
$720	$760	110.60	102.30	94.00	85.70	77.40	69.10	60.80	52.50	44.20	35.90	27.60
$760	$800	116.50	108.20	99.90	91.60	83.30	75.00	66.70	58.40	50.10	41.80	33.50
$800	$840	122.50	114.20	105.90	97.60	89.30	81.00	72.70	64.40	56.10	47.80	39.50
$840	$880	128.50	120.20	111.90	103.60	95.30	87.00	78.70	70.40	62.10	53.80	45.50
$880	$920	134.50	126.20	117.90	109.60	101.30	93.00	84.70	76.40	68.10	59.80	51.50
$920	$960	140.40	132.10	123.80	115.50	107.20	98.90	90.60	82.30	74.00	65.70	57.40
$960	$1,000	146.40	138.10	129.80	121.50	113.20	104.90	96.60	88.30	80.00	71.70	63.40
		15 percent of the excess over $1,000 plus—										
$1,000 and over		149.40	141.10	132.80	124.50	116.20	107.90	99.60	91.30	83.00	74.70	66.40

"If the pay-roll period with respect to an employee is a daily pay-roll period or a miscellaneous pay-roll period—

And the wages divided by the number of days in such periods are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least	But less than	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$0.30	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.35	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.40	.10	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.45	.15	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.45	.20	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.50	.25	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.55	.25	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.60	.30	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.60	.35	.05	0	0	0	0	0	0	0	0
$4.25	$4.50	.65	.40	.10	0	0	0	0	0	0	0	0
$4.50	$4.75	.70	.40	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.75	.45	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.75	.50	.20	0	0	0	0	0	0	0	0
$5.25	$5.50	.80	.55	.25	0	0	0	0	0	0	0	0
$5.50	$5.75	.85	.55	.30	0	0	0	0	0	0	0	0
$5.75	$6.00	.90	.60	.35	.05	0	0	0	0	0	0	0
$6.00	$6.25	.90	.65	.35	.10	0	0	0	0	0	0	0
$6.25	$6.50	.95	.70	.40	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.00	.70	.45	.15	0	0	0	0	0	0	0
$6.75	$7.00	1.05	.75	.50	.20	0	0	0	0	0	0	0
$7.00	$7.25	1.05	.80	.50	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.10	.85	.55	.30	0	0	0	0	0	0	0
$7.50	$7.75	1.15	.85	.60	.30	.05	0	0	0	0	0	0
$7.75	$8.00	1.20	.90	.65	.35	.10	0	0	0	0	0	0
$8.00	$8.25	1.20	.95	.65	.40	.10	0	0	0	0	0	0
$8.25	$8.50	1.25	1.00	.70	.45	.15	0	0	0	0	0	0
$8.50	$8.75	1.30	1.00	.75	.45	.20	0	0	0	0	0	0
$8.75	$9.00	1.35	1.05	.80	.50	.25	0	0	0	0	0	0
$9.00	$9.25	1.35	1.10	.80	.55	.25	0	0	0	0	0	0
$9.25	$9.50	1.40	1.15	.85	.60	.30	.05	0	0	0	0	0
$9.50	$9.75	1.45	1.15	.90	.60	.35	.05	0	0	0	0	0
$9.75	$10.00	1.50	1.20	.95	.65	.40	.10	0	0	0	0	0
$10.00	$10.50	1.55	1.25	1.00	.70	.45	.15	0	0	0	0	0
$10.50	$11.00	1.60	1.35	1.05	.80	.50	.25	0	0	0	0	0
$11.00	$11.50	1.70	1.40	1.15	.85	.60	.30	.05	0	0	0	0
$11.50	$12.00	1.75	1.50	1.20	.95	.65	.40	.10	0	0	0	0
$12.00	$12.50	1.85	1.55	1.30	1.00	.75	.45	.20	0	0	0	0
$12.50	$13.00	1.90	1.65	1.35	1.10	.80	.55	.25	0	0	0	0
$13.00	$13.50	2.00	1.70	1.45	1.15	.90	.60	.35	.05	0	0	0
$13.50	$14.00	2.05	1.80	1.50	1.25	.95	.70	.40	.15	0	0	0
$14.00	$14.50	2.15	1.85	1.60	1.30	1.05	.75	.50	.20	0	0	0
$14.50	$15.00	2.20	1.95	1.65	1.40	1.10	.85	.55	.30	0	0	0
$15.00	$15.50	2.30	2.00	1.75	1.45	1.20	.90	.65	.35	.10	0	0
$15.50	$16.00	2.35	2.10	1.80	1.55	1.25	1.00	.70	.45	.15	0	0
$16.00	$16.50	2.45	2.15	1.90	1.60	1.35	1.05	.80	.50	.25	0	0
$16.50	$17.00	2.50	2.25	1.95	1.70	1.40	1.15	.85	.60	.30	.05	0
$17.00	$17.50	2.60	2.30	2.05	1.75	1.50	1.20	.95	.65	.40	.10	0
$17.50	$18.00	2.65	2.40	2.10	1.85	1.55	1.30	1.00	.75	.45	.20	0
$18.00	$18.50	2.75	2.45	2.20	1.90	1.65	1.35	1.10	.80	.55	.25	0
$18.50	$19.00	2.80	2.55	2.25	2.00	1.70	1.45	1.15	.90	.60	.35	.05
$19.00	$19.50	2.90	2.60	2.35	2.05	1.80	1.50	1.25	.95	.70	.40	.15
$19.50	$20.00	2.95	2.70	2.40	2.15	1.85	1.60	1.30	1.05	.75	.50	.20
$20.00	$21.00	3.05	2.80	2.50	2.25	1.95	1.70	1.45	1.15	.90	.60	.35
$21.00	$22.00	3.20	2.95	2.65	2.40	2.10	1.85	1.55	1.30	1.05	.75	.50
$22.00	$23.00	3.35	3.10	2.80	2.55	2.25	2.00	1.70	1.45	1.20	.90	.65
$23.00	$24.00	3.50	3.25	2.95	2.70	2.40	2.15	1.85	1.60	1.35	1.05	.80
$24.00	$25.00	3.65	3.40	3.10	2.85	2.55	2.30	2.00	1.75	1.50	1.20	.95
$25.00	$26.00	3.80	3.55	3.25	3.00	2.70	2.45	2.15	1.90	1.65	1.35	1.10
$26.00	$27.00	3.95	3.70	3.40	3.15	2.85	2.60	2.30	2.05	1.80	1.50	1.25
$27.00	$28.00	4.10	3.85	3.55	3.30	3.00	2.75	2.45	2.20	1.95	1.65	1.40
$28.00	$29.00	4.25	4.00	3.70	3.45	3.15	2.90	2.60	2.35	2.05	1.80	1.55
$29.00	$30.00	4.40	4.15	3.85	3.60	3.30	3.05	2.75	2.50	2.20	1.95	1.70
		15 percent of the excess over $30 plus—										
$30.00 and over		4.50	4.20	3.95	3.65	3.40	3.10	2.85	2.55	2.30	2.05	1.75"

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall be applicable only with respect to wages paid on or after May 1, 1948.

TITLE VI—FISCAL YEAR TAXPAYERS

SEC. 601. FISCAL YEAR TAXPAYERS.

59 Stat. 570.
26 U. S. C. § 108.

Section 108 of the Internal Revenue Code is hereby amended by striking out "(d)" at the beginning of subsection (d) and inserting in lieu thereof "(e)", and by inserting after subsection (c) the following:

"(d) TAXABLE YEARS OF INDIVIDUALS BEGINNING IN 1947 AND ENDING IN 1948.—In the case of a taxable year of an individual beginning in 1947 and ending in 1948, the tax imposed by sections 11, 12, and 400 shall be an amount equal to the sum of—

53 Stat. 5.
26 U. S. C. §§ 11, 12.
Ante, pp. 111, 114, 128.

"(1) that portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1947, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1948, bears to the total number of days in such taxable year, plus

"(2) that portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1948, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1947, bears to the total number of days in such taxable year."

JOSEPH W. MARTIN JR
Speaker of the House of Representatives.

A H VANDENBERG
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
April 2, 1948.

The House of Representatives having proceeded to reconsider the bill (H. R. 4790) entitled "An Act to reduce individual income tax payments, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

JOHN ANDREWS
Clerk.

I certify that this Act originated in the House of Representatives.

JOHN ANDREWS
Clerk.

IN THE SENATE OF THE UNITED STATES,
April 2 (legislative day, March 29), 1948.

The Senate having proceeded to reconsider the bill (H. R. 4790) "An Act to reduce individual income tax payments, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

CARL A. LOEFFLER
Secretary.

[CHAPTER 169]

AN ACT

April 3, 1948
[S. 2202]
[Public Law 472]

To promote world peace and the general welfare, national interest, and foreign policy of the United States through economic, financial, and other measures necessary to the maintenance of conditions abroad in which free institutions may survive and consistent with the maintenance of the strength and stability of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1948". Foreign Assistance Act of 1948.

TITLE I

SEC. 101. This title may be cited as the "Economic Cooperation Act of 1948". Economic Cooperation Act of 1948.

FINDINGS AND DECLARATION OF POLICY

SEC. 102. (a) Recognizing the intimate economic and other relationships between the United States and the nations of Europe, and recognizing that disruption following in the wake of war is not contained by national frontiers, the Congress finds that the existing situation in Europe endangers the establishment of a lasting peace, the general welfare and national interest of the United States, and the attainment of the objectives of the United Nations. The restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance. The accomplishment of these objectives calls for a plan of European recovery, open to all such nations which cooperate in such plan, based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers. Mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to the countries of Europe, it is declared to be the policy of the people of the United States to encourage these countries through a joint organization to exert sustained common efforts as set forth in the report of the Committee of European Economic Cooperation signed at Paris on September 22, 1947, which will speedily achieve that economic cooperation in Europe which is essential for lasting peace and prosperity. It is further declared to be the policy of the people of the United States to sustain and strengthen principles of individual liberty, free institutions, and genuine independence in Europe through assistance to those countries of Europe which participate in a joint recovery program based upon self-help and mutual cooperation: *Provided*, That no assistance to the participating countries herein contemplated shall seriously impair the economic stability of the United States. It is further declared to be the policy of the United States that continuity of assistance provided by the United States should, at all times, be dependent upon continuity of cooperation among countries participating in the program.

PURPOSES OF TITLE

(b) It is the purpose of this title to effectuate the policy set forth in subsection (a) of this section by furnishing material and financial

assistance to the participating countries in such a manner as to aid them, through their own individual and concerted efforts, to become independent of extraordinary outside economic assistance within the period of operations under this title, by—

(1) promoting industrial and agricultural production in the participating countries;

(2) furthering the restoration or maintenance of the soundness of European currencies, budgets, and finances; and

(3) facilitating and stimulating the growth of international trade of participating countries with one another and with other countries by appropriate measures including reduction of barriers which may hamper such trade.

PARTICIPATING COUNTRIES

"Participating country."

SEC. 103. (a) As used in this title, the term "participating country" means—

(1) any country, together with dependent areas under its administration, which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947; and

(2) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

provided such country adheres to, and for so long as it remains an adherent to, a joint program for European recovery designed to accomplish the purposes of this title.

Free Territory of Trieste.
Post, p. 1055.

(b) Until such time as the Free Territory of Trieste or either of its zones becomes eligible for assistance under this title as a participating country, assistance to the Free Territory of Trieste, or either of its zones, is hereby authorized under the Foreign Aid Act of 1947 until June 30, 1949, and the said Foreign Aid Act of 1947 is hereby amended accordingly, and not to exceed $20,000,000 out of funds authorized to be advanced by the Reconstruction Finance Corporation under subsection (a) of section 114 of this title, or under subsection (d) of section 11 of the Foreign Aid Act of 1947 notwithstanding any appropriation heretofore made under such Act, may be utilized for the purposes of this subsection: *Provided*, That section 11 (b) of the Foreign Aid Act of 1947 shall not apply in respect of the Free Territory of Trieste or either of its zones: *And provided further*, That the provisions of section 115 (b) (6) of this title shall apply to local currency deposited pursuant to section 5 (b) of that Act.

61 Stat. 934.
22 U. S. C., Supp. I, § 1411 and note.

Post, p. 149.

61 Stat. 938.
22 U. S. C., Supp. I, § 1411 note.

Post, p. 151.
61 Stat. 936.
22 U. S. C., Supp. I, § 1411 note.

ESTABLISHMENT OF ECONOMIC COOPERATION ADMINISTRATION

* * * *

Administrator.

SEC. 104. (a) There is hereby established, with its principal office in the District of Columbia, an agency of the Government which shall be known as the Economic Cooperation Administration, hereinafter referred to as the Administration. The Administration shall be headed by an Administrator for Economic Cooperation, hereinafter referred to as the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $20,000 per annum. The Administrator shall be responsible to the President and shall have a status in the executive branch of the Government comparable to that of the head of an executive department. Except as otherwise provided in this title, the administration of the provisions of this title is hereby vested in the Administrator and his functions shall be performed under the control of the President.

Deputy Administrator.

(b) There shall be in the Administration a Deputy Administrator for Economic Cooperation who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $17,500 per annum. The Deputy Administrator for Economic Cooperation shall perform such functions as the Administrator shall designate, and shall be Acting Administrator for Economic Cooperation during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

Interim authority of the President.

(c) The President is authorized, pending the appointment and qualification of the first Administrator or Deputy Administrator for Economic Cooperation appointed hereunder, to provide, for a period of not to exceed thirty days after the date of enactment of this Act, for the performance of the functions of the Administrator under this title through such departments, agencies, or establishments of the United States Government as he may direct. In the event the President nominates an Administrator or Deputy Administrator prior to the expiration of such thirty-day period, the authority conferred upon the President by this subsection shall be extended beyond such thirty-day period but only until an Administrator or Deputy Administrator qualifies and takes office.

Creation of corporation.

(d) (1) The Administrator, with the approval of the President, is hereby authorized and empowered to create a corporation with such powers as the Administrator may deem necessary or appropriate for the accomplishment of the purposes of this title.

Powers, etc.

(2) If a corporation is created under this section—

(i) it shall have the power to sue and be sued, to acquire, hold, and dispose of property, to use its revenues, to determine the character of any necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid, and to exercise such other powers as may be necessary or appropriate to carry out the purposes of the corporation;

(ii) its powers shall be set out in a charter which shall be valid only when certified copies thereof are filed with the Secretary of the Senate and the Clerk of the House of Representatives and published in the Federal Register, and all amendments to such charter shall be valid only when similarly filed and published;

(iii) it shall not have succession beyond June 30, 1952, except for purposes of liquidation, unless its life is extended beyond such date pursuant to Act of Congress; and

(iv) it shall be subject to the Government Corporation Control Act to the same extent as wholly owned Government corporations listed in section 101 of such Act.

59 Stat. 597.
31 U. S. C. §§ 841-869; Supp. I, §§ 846 note, 849.

(3) All capital stock of the corporation shall be of one class, be issued for cash only, and be subscribed for by the Administrator. Payment for such capital stock shall be made from funds available for the purposes of this title.

Post, p. 1283.
Capital stock.

Employment of personnel.

(e) Any department, agency, or establishment of the Government (including, whenever used in this title, any corporation which is an instrumentality of the United States) performing functions under this title is authorized to employ, for duty within the continental limits of the United States, such personnel as may be necessary to carry out the provisions and purposes of this title, and funds available pursuant to section 114 of this title shall be available for personal services in the District of Columbia and elsewhere without regard to section 14 (a) of the Federal Employees Pay Act of 1946 (60 Stat. 219). Of such personnel employed by the Administration, not to exceed one hundred may be compensated without regard to the provisions of the Classification Act of 1923, as amended, of whom not more

Post, p. 149.

5 U. S. C. § 947 (g).

42 Stat. 1488.
5 U. S. C. §§ 661-674.

than twenty-five may be compensated at a rate in excess of $10,000 per annum, but not in excess of $15,000 per annum. Experts and consultants or organizations thereof, as authorized by section 15 of the Act of August 2, 1946 (U. S. C., title 5, sec. 55a), may be employed by the Administration, and individuals so employed may be compensated at rates not in excess of $50 per diem and while away from their homes or regular places of business, they may be paid actual travel expenses and not to exceed $10 per diem in lieu of subsistence and other expenses while so employed.

Experts and consultants.

60 Stat. 810.

(f) The Administrator may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out his functions under this title, and he may delegate authority to perform any of such functions to his subordinates, acting under his direction and under rules and regulations promulgated by him.

Rules and regulations.

GENERAL FUNCTIONS OF ADMINISTRATOR

SEC. 105. (a) The Administrator, under the control of the President, shall in addition to all other functions vested in him by this title—

(1) review and appraise the requirements of participating countries for assistance under the terms of this title;

(2) formulate programs of United States assistance under this title, including approval of specific projects which have been submitted to him by the participating countries;

(3) provide for the efficient execution of any such programs as may be placed in operation; and

(4) terminate provision of assistance or take other remedial action as provided in section 118 of this title.

Post, p. 154.

(b) In order to strengthen and make more effective the conduct of the foreign relations of the United States—

Cooperation between Administrator and Secretary of State.

(1) the Administrator and the Secretary of State shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other;

(2) whenever the Secretary of State believes that any action, proposed action, or failure to act on the part of the Administrator is inconsistent with the foreign-policy objectives of the United States, he shall consult with the Administrator and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision;

(3) whenever the Administrator believes that any action, proposed action, or failure to act on the part of the Secretary of State in performing functions under this title is inconsistent with the purposes and provisions of this title, he shall consult with the Secretary of State and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

Export authority.

(c) The Administrator and the department, agency, or officer in the executive branch of the Government exercising the authority granted to the President by section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended, shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other. Whenever the Administrator believes that any action, proposed action, or failure to act on the part of such department, agency, or officer in performing functions under this title is inconsistent with the purposes and provisions of this title, he shall consult with such department, agency, or officer and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

50 U. S. C. app. § 701; Supp. I, § 701.

NATIONAL ADVISORY COUNCIL

SEC. 106. Section 4 (a) of the Bretton Woods Agreements Act (59 Stat. 512, 513) is hereby amended to read as follows: 22 U. S. C. § 286b (a).

"SEC. 4. (a) In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions, there is hereby established the National Advisory Council on International Monetary and Financial Problems (hereinafter referred to as the 'Council'), consisting of the Secretary of the Treasury, as Chairman, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Directors of the Export-Import Bank of Washington, and during such period as the Economic Cooperation Administration shall continue to exist, the Administrator for Economic Cooperation." Composition.

PUBLIC ADVISORY BOARD

SEC. 107. (a) There is hereby created a Public Advisory Board, hereinafter referred to as the Board, which shall advise and consult with the Administrator with respect to general or basic policy matters arising in connection with the Administrator's discharge of his responsibilities. The Board shall consist of the Administrator, who shall be Chairman, and not to exceed twelve additional members to be appointed by the President, by and with the advice and consent of the Senate, and who shall be selected from among citizens of the United States of broad and varied experience in matters affecting the public interest, other than officers and employees of the United States (including any agency or instrumentality of the United States) who, as such, regularly receive compensation for current services. The Board shall meet at least once a month and at other times upon the call of the Administrator or when three or more members of the Board request the Administrator to call a meeting. Not more than a majority of two of the members shall be appointed to the Board from the same political party. Members of the Board, other than the Administrator, shall receive, out of funds made available for the purposes of this title, a per diem allowance of $50 for each day spent away from their homes or regular places of business, for the purpose of attendance at meetings of the Board, or at conferences held upon the call of the Administrator, and in necessary travel, and while so engaged, they may be paid actual travel expenses and not to exceed $10 per diem in lieu of subsistence and other expenses. Members. Meetings. Political affiliations. Per diem allowance. Travel expenses.

(b) The Administrator may appoint such other advisory committees as he may determine to be necessary or desirable to effectuate the purposes of this title. Other advisory committees.

UNITED STATES SPECIAL REPRESENTATIVE ABROAD

SEC. 108. There shall be a United States Special Representative in Europe who shall (a) be appointed by the President, by and with the advice and consent of the Senate, (b) be entitled to receive the same compensation and allowances as a chief of mission, class 1, within the meaning of the Act of August 13, 1946 (60 Stat. 999), and (c) have the rank of ambassador extraordinary and plenipotentiary. He shall be the representative of the Administrator, and shall also be the chief representative of the United States Government to any organization of participating countries which may be established by such countries to further a joint program for European recovery, and shall discharge Appointment. 22 U. S. C. § 801 *et seq.*

in Europe such additional responsibilities as may be assigned to him with the approval of the President in furtherance of the purposes of this title. He may also be designated as the United States representative on the Economic Commission for Europe. He shall receive his instructions from the Administrator and such instructions shall be prepared and transmitted to him in accordance with procedures agreed to between the Administrator and the Secretary of State in order to assure appropriate coordination as provided by subsection (b) of section 105 of this title. He shall coordinate the activities of the chiefs of special missions provided for in section 109 of this title. He shall keep the Administrator, the Secretary of State, the chiefs of the United States diplomatic missions, and the chiefs of the special missions provided for in section 109 of this title currently informed concerning his activities. He shall consult with the chiefs of all such missions, who shall give him such cooperation as he may require for the performance of his duties under this title.

Ante, p. 140.
Infra.

SPECIAL ECA MISSIONS ABROAD

SEC. 109. (a) There shall be established for each participating country, except as provided in subsection (d) of this section, a special mission for economic cooperation under the direction of a chief who shall be responsible for assuring the performance within such country of operations under this title. The chief shall be appointed by the Administrator, shall receive his instructions from the Administrator, and shall report to the Administrator on the performance of the duties assigned to him. The chief of the special mission shall take rank immediately after the chief of the United States diplomatic mission in such country.

Chief of special mission.

(b) The chief of the special mission shall keep the chief of the United States diplomatic mission fully and currently informed on matters, including prospective action, arising within the scope of the operations of the special mission and the chief of the diplomatic mission shall keep the chief of the special mission fully and currently informed on matters relative to the conduct of the duties of the chief of the special mission. The chief of the United States diplomatic mission will be responsible for assuring that the operations of the special mission are consistent with the foreign-policy objectives of the United States in such country and to that end whenever the chief of the United States diplomatic mission believes that any action, proposed action, or failure to act on the part of the special mission is inconsistent with such foreign-policy objectives, he shall so advise the chief of the special mission and the United States Special Representative in Europe. If differences of view are not adjusted by consultation, the matter shall be referred to the Secretary of State and the Administrator for decision.

Cooperation with U. S. diplomatic mission.

(c) The Secretary of State shall provide such office space, facilities, and other administrative services for the United States Special Representative in Europe and his staff, and for the special mission in each participating country, as may be agreed between the Secretary of State and the Administrator.

Office space, etc.

(d) With respect to any of the zones of occupation of Germany and of the Free Territory of Trieste, during the period of occupation, the President shall make appropriate administrative arrangements for the conduct of operations under this title, in order to enable the Administrator to carry out his responsibility to assure the accomplishment of the purposes of this title.

Zones of occupation of Germany and Trieste.

PERSONNEL OUTSIDE UNITED STATES

SEC. 110. (a) For the purpose of performing functions under this title outside the continental limits of the United States the Administrator may—

(1) employ persons who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 (60 Stat. 999), together with allowances and benefits established thereunder; and

22 U. S. C. § 801 *et seq.*

(2) recommend the appointment or assignment of persons, and the Secretary of State may appoint or assign such persons, to any class in the Foreign Service Reserve or Staff for the duration of operations under this title, and the Secretary of State may assign, transfer, or promote such persons upon the recommendation of the Administrator. Persons so appointed to the Foreign Service Staff shall be entitled to the benefits of section 528 of the Foreign Service Act of 1946.

60 Stat. 1010.
22 U. S. C. § 928.

(b) For the purpose of performing functions under this title outside the continental limits of the United States, the Secretary of State may, at the request of the Administrator, appoint, for the duration of operations under this title, alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946 (60 Stat. 999).

Alien employees.

22 U. S. C. § 801 *et seq.*

(c) No citizen or resident of the United States may be employed, or if already employed, may be assigned to duties by the Secretary of State or the Administrator under this title for a period to exceed three months unless such individual has been investigated as to loyalty and security by the Federal Bureau of Investigation and a report thereon has been made to the Secretary of State and the Administrator, and until the Secretary of State or the Administrator has certified in writing (and filed copies thereof with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs) that, after full consideration of such report, he believes such individual is loyal to the United States, its Constitution, and form of government, and is not now and has never been a member of any organization advocating contrary views. This subsection shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate.

Loyalty and security investigations.

Report.

Nonapplicability.

NATURE AND METHOD OF ASSISTANCE

SEC. 111. (a) The Administrator may, from time to time, furnish assistance to any participating country by providing for the performance of any of the functions set forth in paragraphs (1) through (5) of this subsection when he deems it to be in furtherance of the purposes of this title, and upon the terms and conditions set forth in this title and such additional terms and conditions consistent with the provisions of this title as he may determine to be necessary and proper.

(1) Procurement from any source, including Government stocks on the same basis as procurement by Government agencies under Public Law 375 (Seventy-ninth Congress) for their own use, of any commodity which he determines to be required for the furtherance of the purposes of this title. As used in this title, the term "commodity" means any commodity, material, article, supply, or goods necessary for the purposes of this title.

Procurement of commodities.

60 Stat. 168.
50 U. S. C. app. §§ 1621, 1622, 1625, 1627; Supp. I, § 1622.
Post, pp. 350, 1103.
"Commodity."

(2) Processing, storing, transporting, and repairing any commodities, or performing any other services with respect to a participating country which he determines to be required for accomplishing the purposes of this title. The Administrator shall, in providing for the procurement of commodities under authority of this title, take such steps as may be necessary to assure, so far as is practicable, that at least 50 per centum of the gross tonnage of commodities, procured within the United States out of funds made available under this title and transported abroad on ocean vessels, is so transported on United States flag vessels to the extent such vessels are available at market rates.

Transportation on U. S. vessels.

Technical information.
Post, p. 1055.

(3) Procurement of and furnishing technical information and assistance.

Transfer of commodity.

(4) Transfer of any commodity or service, which transfer shall be signified by delivery of the custody and right of possession and use of such commodity, or otherwise making available any such commodity, or by rendering a service to a participating country or to any agency or organization representing a participating country.

Allocation of commodities.

(5) The allocation of commodities or services to specific projects designed to carry out the purposes of this title, which have been submitted to the Administrator by participating countries and have been approved by him.

Private trade channels.

(b) In order to facilitate and maximize the use of private channels of trade, subject to adequate safeguards to assure that all expenditures in connection with such procurement are within approved programs in accordance with terms and conditions established by the Administrator, he may provide for the performance of any of the functions described in subsection (a) of this section—

Accounts.

(1) by establishing accounts against which, under regulations prescribed by the Administrator—

Letters of commitment.

(i) letters of commitment may be issued in connection with supply programs approved by the Administrator (and such letters of commitment, when issued, shall constitute obligations of the United States and monies due or to become due thereunder shall be assignable under the Assignment of Claims Act of 1940 and shall constitute obligations of applicable appropriations); and

54 Stat. 1029.
31 U. S. C. § 203; 41 U. S. C. § 15.

Withdrawals.

(ii) withdrawals may be made by participating countries, or agencies or organizations representing participating countries or by other persons or organizations, upon presentation of contracts, invoices, or other documentation specified by the Administrator under arrangements prescribed by the Administrator to assure the use of such withdrawals for purposes approved by the Administrator.

Such accounts may be established on the books of the Administration, or any other department, agency, or establishment of the Government specified by the Administrator, or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States. Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditures of Government funds: *Provided*, That such expenditures for commodities or services procured outside the continental limits of the United States under authority of this section may be accounted for exclusively on such certification as the Administrator may prescribe in regulations promulgated by him with the approval of the Comptroller General of the United States to assure expenditure in furtherance of the purposes of this title.

Commodities procured outside continental U. S.

Services of departments, agencies, etc.

(2) by utilizing the services and facilities of any department, agency, or establishment of the Government as the President shall direct, or with the consent of the head of such department, agency, or establishment, or, in the President's discretion, by acting in cooperation with the United Nations or with other international organizations or with agencies of the participating countries, and funds allocated pursuant to this section to any department, agency, or establishment of the Government shall be established in separate appropriation accounts on the books of the Treasury.

Guaranties.
Post, p. 1056.

(3) by making, under rules and regulations to be prescribed by the Administrator, guaranties to any person of investments in connection with projects approved by the Administrator and

the participating country concerned as furthering the purposes of this title (including guaranties of investments in enterprises producing or distributing informational media: *Provided*, That the amount of such guaranties in the first year after the date of the enactment of this Act does not exceed $15,000,000), which guaranties shall terminate not later than fourteen years from the date of enactment of this Act: *Provided*, That— Limitation on amount.

(i) the guaranty to any person shall not exceed the amount of dollars invested in the project by such person with the approval of the Administrator and shall be limited to the transfer into United States dollars of other currencies, or credits in such currencies, received by such person as income from the approved investment, as repayment or return thereof, in whole or in part, or as compensation for the sale or disposition of all or any part thereof: *Provided*, That, when any payment is made to any person under authority of this paragraph, such currencies, or credits in such currencies, shall become the property of the United States Government; Credit in currencies.

(ii) the Administrator may charge a fee in an amount determined by him not exceeding 1 per centum per annum of the amount of each guaranty, and all fees collected hereunder shall be available for expenditure in discharge of liabilities under guaranties made under this paragraph until such time as all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this paragraph; and Fees.

(iii) as used in this paragraph, the term "person" means a citizen of the United States or any corporation, partnership, or other association created under the law of the United States or of any State or Territory and substantially beneficially owned by citizens of the United States. "Person."

The total amount of the guaranties made under this paragraph (3) shall not exceed $300,000,000, and as such guaranties are made the authority to realize funds from the sale of notes for the purpose of allocating funds to the Export-Import Bank of Washington under paragraph (2) of subsection (c) of this section shall be accordingly reduced. Any payments made to discharge liabilities under guaranties issued under paragraph (3) of this subsection shall be paid out of fees collected under subparagraph (ii) of paragraph (3) of this subsection as long as such fees are available, and thereafter shall be paid out of funds realized from the sale of notes which shall be issued under authority of paragraph (2) of subsection (c) of this section when necessary to discharge liabilities under any such guaranty. Total guaranties.

(c) (1) The Administrator may provide assistance for any participating country, in the form and under the procedures authorized in subsections (a) and (b), respectively, of this section, through grants or upon payment in cash, or on credit terms, or on such other terms of payment as he may find appropriate, including payment by the transfer to the United States (under such terms and in such quantities as may be agreed to between the Administrator and the participating country) of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources. In determining whether such assistance shall be through grants or upon terms of payment, and in determining the terms of payment, he shall act in consultation with the National Advisory Council on International Monetary and Financial Problems, and the determination whether or not a participating country should be required to make payment for any assistance furnished to such country in furtherance Form of assistance.

of the purposes of this title, and the terms of such payment, if required, shall depend upon the character and purpose of the assistance and upon whether there is reasonable assurance of repayment considering the capacity of such country to make such payments without jeopardizing the accomplishment of the purposes of this title.

Credit assistance.

(2) When it is determined that assistance should be extended under the provisions of this title on credit terms, the Administrator shall allocate funds for the purpose to the Export-Import Bank of Washington, which shall, notwithstanding the provisions of the Export-Import Bank Act of 1945 (59 Stat. 526), as amended, make and administer the credit on terms specified by the Administrator in consultation with the National Advisory Council on International Monetary and Financial Problems. The Administrator is authorized to issue notes from time to time for purchase by the Secretary of the Treasury in an amount not exceeding in the aggregate $1,000,000,000 (i) for the purpose of allocating funds to the Export-Import Bank of Washington under this paragraph during the period of one year following the date of enactment of this Act and (ii) for the purpose of carrying out the provisions of paragraph (3) of subsection (b) of this section until all liabilities arising under guaranties made pursuant to such paragraph (3) have expired or have been discharged. Such notes shall be redeemable at the option of the Administrator before maturity in such manner as may be stipulated in such notes and shall have such maturity as may be determined by the Administrator with the approval of the Secretary of the Treasury. Each such note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the note. Payment under this paragraph of the purchase price of such notes and repayments thereof by the Administrator shall be treated as public-debt transactions of the United States. In allocating funds to the Export-Import Bank of Washington under this paragraph, the Administrator shall first utilize such funds realized from the sale of notes authorized by this paragraph as he determines to be available for this purpose, and when such funds are exhausted, or after the end of one year from the date of enactment of this Act, whichever is earlier, he shall utilize any funds appropriated under this title. The Administrator shall make advances to, or reimburse, the Export-Import Bank of Washington for necessary administrative expenses in connection with such credits. Credits made by the Export-Import Bank of Washington with funds so allocated to it by the Administrator shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945 (59 Stat. 529), as amended. Amounts received in repayment of principal and interest on any credits made under this paragraph shall be deposited into miscellaneous receipts of the Treasury: *Provided*, That, to the extent required for such purpose, amounts received in repayment of principal and interest on any credits made out of funds realized from the sale of notes authorized under this paragraph shall be deposited into the Treasury for the purpose of the retirement of such notes.

12 U. S. C. §§ 635-635h; Supp. I, §§ 635, 635d, 635f, 635i.

Issuance of notes.

Redemption of notes.

Interest.

Public-debt transactions.

Allocation of funds.

Administrative expenses in connection with credits.

12 U. S. C. § 635e.

Retirement of notes.

PROTECTION OF DOMESTIC ECONOMY

SEC. 112. (a) The Administrator shall provide for the procurement in the United States of commodities under this title in such a way as to (1) minimize the drain upon the resources of the United States and the impact of such procurement upon the domestic economy, and (2) avoid impairing the fulfillment of vital needs of the people of the United States.

Petroleum and petroleum products.

(b) The procurement of petroleum and petroleum products under this title shall, to the maximum extent practicable, be made from petroleum sources outside the United States; and, in furnishing commodities under the provisions of this title, the Administrator shall take fully into account the present and anticipated world shortage of petroleum and its products and the consequent undesirability of expansion in petroleum-consuming equipment where the use of alternate fuels or other sources of power is practicable.

Wheat and wheat flour.

(c) In order to assure the conservation of domestic grain supplies and the retention in the United States of byproduct feeds necessary to the maintenance of the agricultural economy of the United States, the amounts of wheat and wheat flour produced in the United States to be transferred by grant to the participating countries shall be so determined that the total quantity of United States wheat used to produce the wheat flour procured in the United States for transfer by grant to such countries under this title shall not be less than 25 per centum of the aggregate of the unprocessed wheat and wheat in the form of flour procured in the United States for transfer by grant to such countries under this title.

"Surplus agricultural commodity."

(d) The term "surplus agricultural commodity" as used in this section is defined as any agricultural commodity, or product thereof, produced in the United States which is determined by the Secretary of Agriculture to be in excess of domestic requirements. In providing for the procurement of any such surplus agricultural commodity for transfer by grant to any participating country in accordance with the requirements of such country, the Administrator shall, insofar as practicable and where in furtherance of the purposes of this title, give effect to the following:

Procurement within United States.

Transfer from one country to another.

(1) The Administrator shall authorize the procurement of any such surplus agricultural commodity only within the United States: *Provided*, That this restriction shall not be applicable (i) to any agricultural commodity, or product thereof, located in one participating country, and intended for transfer to another participating country, if the Administrator, in consultation with the Secretary of Agriculture, determines that such procurement and transfer is in furtherance of the purposes of this title, and would not create a burdensome surplus in the United States or seriously prejudice the position of domestic producers of such surplus agricultural commodities, or (ii) if, and to the extent that any such surplus agricultural commodity is not available in the United States in sufficient quantities to supply the requirements of the participating countries under this title.

(2) In providing for the procurement of any such surplus agricultural commodity, the Administrator shall, insofar as practicable and applicable, and after giving due consideration to the excess of any such commodity over domestic requirements, and to the historic reliance of United States producers of any such surplus agricultural commodity upon markets in the participating countries, provide for the procurement of each class or type of any such surplus agricultural commodity in the approximate proportion that the Secretary of Agriculture determines such classes or types bear to the total amount of excess of such surplus agricultural commodity over domestic requirements.

Surpluses acquired by CCC.

(e) Whenever the Secretary of Agriculture determines that any quantity of any surplus agricultural commodity, heretofore or hereafter acquired by Commodity Credit Corporation in the administration of its price-support programs, is available for use in furnishing assistance to foreign countries, he shall so advise all departments, agencies, and establishments of the Government administering laws providing for the furnishing of assistance or relief to foreign countries (including occupied or liberated countries or areas of such countries).

Thereafter the department, agency, or establishment administering any such law shall, to the maximum extent practicable, consistent with the provisions and in furtherance of the purposes of such law, and where for transfer by grant and in accordance with the requirements of such foreign country, procure or provide for the procurement of such quantity of such surplus agricultural commodity. The sales price paid as reimbursement to Commodity Credit Corporation for any such surplus agricultural commodity shall be in such amount as Commodity Credit Corporation determines will fully reimburse it for the cost to it of such surplus agricultural commodity at the time and place such surplus agricultural commodity is delivered by it, but in no event shall the sales price be higher than the domestic market price at such time and place of delivery as determined by the Secretary of Agriculture, and the Secretary of Agriculture may pay not to exceed 50 per centum of such sales price as authorized by subsection (f) of this section.

Sales price.

(f) Subject to the provisions of this section, but notwithstanding any other provision of law, in order to encourage utilization of surplus agricultural commodities pursuant to this or any other Act providing for assistance or relief to foreign countries, the Secretary of Agriculture, in carrying out the purposes of clause (1), section 32, Public Law 320, Seventy-fourth Congress, as amended, may make payments, including payments to any government agency procuring or selling such surplus agricultural commodities, in an amount not to exceed 50 per centum of the sales price (basis free along ship or free on board vessel, United States ports), as determined by the Secretary of Agriculture, of such surplus agricultural commodities. The rescission of the remainder of section 32 funds by the Act of July 30, 1947 (Public Law 266, Eightieth Congress), is hereby canceled and such funds are hereby made available for the purposes of section 32 for the fiscal year ending June 30, 1948.

49 Stat. 774.
7 U. S. C. § 612c(1); Supp. I, § 612c note.
Post, p. 1257.

Cancellation of rescission.

61 Stat. 550.
7 U. S. C., Supp. I, § 612c note.
Post, p. 1257.

(g) No export shall be authorized pursuant to authority conferred by section 6 of the Act of July 2, 1940 (54 Stat. 714), including any amendment thereto, of any commodity from the United States to any country wholly or partly in Europe which is not a participating country, if the department, agency, or officer in the executive branch of the Government exercising the authority granted to the President by section 6 of the Act of July 2, 1940, as amended, determines that the supply of such commodity is insufficient (or would be insufficient if such export were permitted) to fulfill the requirements of participating countries under this title as determined by the Administrator: *Provided, however*, That such export may be authorized if such department, agency, or officer determines that such export is otherwise in the national interest of the United States.

Restrictions on exports.

50 U. S. C. app. § 701; Supp. I, § 701.

(h) In providing for the performance of any of the functions described in subsection (a) of section 111, the Administrator shall, to the maximum extent consistent with the accomplishment of the purposes of this title, utilize private channels of trade.

Ante, p. 143.

REIMBURESMENT TO GOVERNMENT AGENCIES

SEC. 113. (a) The Administrator shall make reimbursement or payment, out of funds available for the purposes of this title, for any commodity, service, or facility procured under section 111 of this title from any department, agency, or establishment of the Government. Such reimbursement or payment shall be made to the owning or disposal agency, as the case may be, at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to between the Administrator and such agency. The amount

Ante, p. 143.

of any reimbursement or payment to an owning agency for commodities, services, or facilities so procured shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities or such services or facilities: *Provided*, That such commodities, services, or facilities may be procured from an owning agency only with the consent of such agency: *And provided further*, That where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning agency determines that replacement of any commodity procured under authority of this section is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

Disposal of commodity.

(b) The Administrator, whenever in his judgment the interests of the United States will best be served thereby, may dispose of any commodity procured out of funds made available for the purposes of this title, in lieu of transferring such commodity to a participating country, (1) by transfer of such commodity, upon reimbursement, to any department, agency, or establishment of the Government for use or disposal by such department, agency, or establishment as authorized by law, or (2) without regard to provisions of law relating to the disposal of Government-owned property, when necessary to prevent spoilage or wastage of such commodity or to conserve the usefulness thereof. Funds realized from such disposal or transfer shall revert to the respective appropriation or appropriations out of which funds were expended for the procurement of such commodity.

AUTHORIZATION OF APPROPRIATIONS

Advances by RFC.

SEC. 114. (a) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to subsection (c) of this section, to make advances not to exceed in the aggregate $1,000,000,000 to carry out the provisions of this title, in such manner, at such time, and in such amounts as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest for advances made by it hereunder, from funds made available for the purposes of this title.

Unexpended balances.

(b) Such part as the President may determine of the unobligated and unexpended balances of appropriations or other funds available for the purposes of the Foreign Aid Act of 1947 shall be available for the purpose of carrying out the purposes of this title.

61 Stat. 934.
22 U. S. C., Supp. I, § 1411 and note.
Ante, p. 109.

(c) In order to carry out the provisions of this title with respect to those participating countries which adhere to the purposes of this title, and remain eligible to receive assistance hereunder, such funds shall be available as are hereafter authorized and appropriated to the President from time to time through June 30, 1952, to carry out the provisions and accomplish the purposes of this title: *Provided, however*, That for carrying out the provisions and accomplishing the purposes of this title for the period of one year following the date of enactment of this Act, there are hereby authorized to be so appropriated not to exceed $4,300,000,000. Nothing in this title is intended nor shall it be construed as an express or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any country or countries. The authorization in this title is limited to the period of twelve months in order that subsequent Congresses may pass on any subsequent authorizations.

Post, p. 1055.

Appropriation authorized.

Necessary expenses.

(d) Funds made available for the purposes of this title shall be

available for incurring and defraying all necessary expenses incident to carrying out the provisions of this title, including administrative expenses and expenses for compensation, allowances and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purposes of this title, and, without regard to the provisions of any other law, for printing and binding, and for expenditures outside the continental limits of the United States for the procurement of supplies and services and for other administrative purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of government funds, as the Administrator shall specify in the interest of the accomplishment of the purposes of this title.

Merger of deposits.

(e) The unencumbered portions of any deposits which may have been made by any participating country pursuant to section 6 of the joint resolution providing for relief assistance to the people of countries devastated by war (Public Law 84, Eightieth Congress) and section 5 (b) of the Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress) may be merged with the deposits to be made by such participating country in accordance with section 115 (b) (6) of this title, and shall be held or used under the same terms and conditions as are provided in section 115 (b) (6) of this title.

61 Stat. 128, 936.
22 U. S. C., Supp. I, §§ 1416, 1411 note.

Post, p. 151.

Foreign Economic Cooperation Trust Fund.

(f) In order to reserve some part of the surplus of the fiscal year 1948 for payments thereafter to be made under this title, there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Foreign Economic Cooperation Trust Fund. Notwithstanding any other provision of law, an amount of $3,000,000,000, out of sums appropriated pursuant to the authorization contained in this title shall, when appropriated, be transferred immediately to the trust fund, and shall thereupon be considered as expended during the fiscal year 1948, for the purpose of reporting governmental expenditures. The Secretary of the Treasury shall be the sole trustee of the trust fund and is authorized and directed to pay out of the fund such amounts as the Administrator shall duly requisition. The first expenditures made out of the appropriations authorized under this title in the fiscal year 1949 shall be made with funds requisitioned by the Administrator out of the trust fund until the fund is exhausted, at which time such fund shall cease to exist. The provisions of this subsection shall not be construed as affecting the application of any provision of law which would otherwise govern the obligation of funds so appropriated or the auditing or submission of accounts of transactions with respect to such funds.

Transfer of funds.

Trustee.

BILATERAL AND MULTILATERAL UNDERTAKINGS

SEC. 115. (a) The Secretary of State, after consultation with the Administrator, is authorized to conclude, with individual participating countries or any number of such countries or with an organization representing any such countries, agreements in furtherance of the purposes of this title. The Secretary of State, before an Administrator or Deputy Administrator shall have qualified and taken office, is authorized to negotiate and conclude such temporary agreements in implementation of subsection (b) of this section as he may deem necessary in furtherance of the purposes of this title: *Provided*, That when an Administrator or Deputy Administrator shall have qualified and taken office, the Secretary of State shall conclude the basic agreements required by subsection (b) of this section only after consultation with the Administrator or Deputy Administrator, as the case may be.

Temporary agreements.

Basic agreements.

Continued mutual cooperation.

(b) The provision of assistance under this title results from the multilateral pledges of the participating countries to use all their

efforts to accomplish a joint recovery program based upon self-help and mutual cooperation as embodied in the report of the Committee of European Economic Cooperation signed at Paris on September 22, 1947, and is contingent upon continuous effort of the participating countries to accomplish a joint recovery program through multilateral undertakings and the establishment of a continuing organization for this purpose. In addition to continued mutual cooperation of the participating countries in such a program, each such country shall conclude an agreement with the United States in order for such country to be eligible to receive assistance under this title. Such agreement shall provide for the adherence of such country to the purposes of this title and shall, where applicable, make appropriate provision, among others, for— Bilateral agreements.

(1) promoting industrial and agricultural production in order to enable the participating country to become independent of extraordinary outside economic assistance; and submitting for the approval of the Administrator, upon his request and whenever he deems it in furtherance of the purposes of this title, specific projects proposed by such country to be undertaken in substantial part with assistance furnished under this title, which projects, whenever practicable, shall include projects for increased production of coal, steel, transportation facilities, and food; Industrial and agricultural production.

(2) taking financial and monetary measures necessary to stabilize its currency, establish or maintain a valid rate of exchange, to balance its governmental budget as soon as practicable, and generally to restore or maintain confidence in its monetary system; Financial and monetary measures.

(3) cooperating with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and cooperating to reduce barriers to trade among themselves and with other countries; Trade.

(4) making efficient and practical use, within the framework of a joint program for European recovery, of the resources of such participating country, including any commodities, facilities, or services furnished under this title, which use shall include, to the extent practicable, taking measures to locate and identify and put into appropriate use, in furtherance of such program, assets, and earnings therefrom, which belong to the citizens of such country and which are situated within the United States, its Territories and possessions; Use of resources.

(5) facilitating the transfer to the United States by sale, exchange, barter, or otherwise for stock-piling or other purposes, for such period of time as may be agreed to and upon reasonable terms and in reasonable quantities, of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources, and which may be available in such participating country after due regard for reasonable requirements for domestic use and commercial export of such country; Transfer of materials to U. S.

(6) placing in a special account a deposit in the currency of such country, in commensurate amounts and under such terms and conditions as may be agreed to between such country and the Government of the United States, when any commodity or service is made available through any means authorized under this title, and is furnished to the participating country on a grant basis. Such special account, together with the unencumbered portions of any deposits which may have been made by such country pursuant to section 6 of the joint resolution providing for relief assistance to the people of countries devastated by war (Public Law 84, Eightieth Congress) and section 5 (b) of the Special account. *Post*, p. 1055. 61 Stat. 128. 22 U. S. C., Supp. I, § 1416.

61 Stat. 936.
22 U. S. C., Supp. I, § 1411 note.

Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress), shall be held or used within such country for such purposes as may be agreed to between such country and the Administrator in consultation with the National Advisory Council on International Monetary and Financial Problems, and the Public Advisory Board provided for in section 107 (a) for purposes of internal monetary and financial stabilization, for the stimulation of productive activity and the exploration for and development of new sources of wealth, or for such other expenditures as may be consistent with the purposes of this title, including local currency administrative expenditures of the United States incident to operations under this title, and under agreement that any unencumbered balance remaining in such account on June 30, 1952, shall be disposed of within such country for such purposes as may, subject to approval by Act or joint resolution of the Congress, be agreed to between such country and the Government of the United States;

Ante, p. 141.

Quarterly statements.

(7) publishing in such country and transmitting to the United States, not less frequently than every calendar quarter after the date of the agreement, full statements of operations under the agreement, including a report of the use of funds, commodities, and services received under this title;

Information.

(8) furnishing promptly, upon request of the United States, any relevant information which would be of assistance to the United States in determining the nature and scope of operations and the use of assistance provided under this title;

Schedules of availabilities, etc.

(9) recognizing the principle of equity in respect to the drain upon the natural resources of the United States and of the recipient countries, by agreeing to negotiate (a) a future schedule of minimum availabilities to the United States for future purchase and delivery of a fair share of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from the participating countries, and (b) suitable protection for the right of access for any person as defined in paragraph (iii) of subparagraph (3) of section 111 (b) in the development of such materials on terms of treatment equivalent to those afforded to the nationals of the country concerned, and (c) an agreed schedule of increased production of such materials where practicable in such participating countries and for delivery of an agreed percentage of such increased production to be transferred to the United States on a long-term basis in consideration of assistance furnished by the Administrator to such countries under this title; and

Ante, p. 145.

Submission of cases to International Court of Justice, etc.

(10) submitting for the decision of the International Court of Justice or of any arbitral tribunal mutually agreed upon any case espoused by the United States Government involving compensation of a national of the United States for governmental measures affecting his property rights, including contracts with or concessions from such country.

Interim performance of functions.

(c) Notwithstanding the provisions of subsection (b) of this section, the Administrator, during the three months after the date of enactment of this Act, may perform with respect to any participating country any of the functions authorized under this title which he may determine to be essential in furtherance of the purposes of this title, if (1) such country has signified its adherence to the purposes of this title and its intention to conclude an agreement pursuant to subsection (b) of this section, and (2) he finds that

such country is complying with the applicable provisions of subsection (b) of this section: *Provided*, That, notwithstanding the provisions of this subsection, the Administrator may, through June 30, 1948, provide for the transfer of food, medical supplies, fibers, fuel, petroleum and petroleum products, fertilizer, pesticides, and seed to any country of Europe which participated in the Committee of European Economic Cooperation and which undertook pledges to the other participants therein, when the Administrator determines that the transfer of any such supplies to any such country is essential in order to make it possible to carry out the purposes of this title by alleviating conditions of hunger and cold and by preventing serious economic retrogression.

Follow-up system.

(d) The Administrator shall encourage the joint organization of the participating countries referred to in subsection (b) of this section to ensure that each participating country makes efficient use of the resources of such country, including any commodities, facilities, or services furnished under this title, by observing and reviewing such use through an effective follow-up system approved by the joint organization.

Utilization of manpower.

(e) The Administrator shall encourage arrangements among the participating countries in conjunction with the International Refugee Organization looking toward the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this title.

Capital equipment in Germany.

(f) The Administrator will request the Secretary of State to obtain the agreement of those countries concerned that such capital equipment as is scheduled for removal as reparations from the three western zones of Germany be retained in Germany if such retention will most effectively serve the purposes of the European recovery program.

Prisoners of war.

(g) It is the understanding of the Congress that, in accordance with agreements now in effect, prisoners of war remaining in participating countries shall, if they so freely elect, be repatriated prior to January 1, 1949.

WESTERN HEMISPHERE COUNTRIES

SEC. 116. The President shall take appropriate steps to encourage all countries in the Western Hemisphere to make available to participating countries such assistance as they may be able to furnish.

OTHER DUTIES OF THE ADMINISTRATOR

Production increases.

SEC. 117. (a) The Administrator, in furtherance of the purposes of section 115 (b) (5), and in agreement with a participating country, shall, whenever practicable, promote, by means of funds made available for the purposes of this title, an increase in the production in such participating country of materials which are required by the United States as a result of deficiencies or potential deficiencies in the resources within the United States.

Ante, p. 151.

Travel by U. S. citizens.

(b) The Administrator, in cooperation with the Secretary of Commerce, shall facilitate and encourage, through private and public travel, transport, and other agencies, the promotion and development of travel by citizens of the United States to and within participating countries.

Voluntary contributions.

(c) In order to further the efficient use of United States voluntary contributions for relief in participating countries receiving assistance under this title in the form of grants or any of the zones of occupation of Germany for which assistance is provided under this title and the Free Territory of Trieste or either of its zones, funds made available for the purposes of this title shall be used insofar as practicable by the Administrator, under rules and regulations prescribed by him, to pay

ocean freight charges from a United States port to a designated foreign port of entry (1) of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid for operations in Europe, or (2) of relief packages conforming to such specified size, weight, and contents, as the Administrator may prescribe originating in the United States and consigned to an individual residing in a participating country receiving assistance under this title in the form of grants or any of the zones of occupation of Germany for which assistance is provided under this title and the Free Territory of Trieste or either of its zones. Where practicable the Administrator is directed to make an agreement with such country for the use of a portion of the deposit of local currency placed in a special account pursuant to paragraph 6 of subsection (b) of section 115 of this title, for the purpose of defraying the transportation cost of such supplies and relief packages from the port of entry of such country to the designated shipping point of consignee. The Secretary of State, after consultation with the Administrator, shall make agreements where practicable with the participating countries for the free entry of such supplies and relief packages.

Ante, p. 151.

Free entry of relief supplies.

Refusal of delivery of certain commodities.

(d) The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security. Whenever the Administrator believes that the issuance of a license for the export of any commodity to any country wholly or partly in Europe which is not a participating country is inconsistent with the purposes and provisions of this title, he shall so advise the department, agency, or officer in the executive branch of the Government exercising the authority with respect to such commodity granted to the President by section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended, and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

50 U. S. C. app. § 701; Supp. I, § 701.

TERMINATION OF ASSISTANCE

SEC. 118. The Administrator, in determining the form and measure of assistance provided under this title to any participating country, shall take into account the extent to which such country is complying with its undertakings embodied in its pledges to other participating countries and in its agreement concluded with the United States under section 115. The Administrator shall terminate the provision of assistance under this title to any participating country whenever he determines that (1) such country is not adhering to its agreement concluded under section 115, or is diverting from the purposes of this title assistance provided hereunder, and that in the circumstances remedial action other than termination will not more effectively promote the purposes of this title or (2) because of changed conditions, assistance is no longer consistent with the national interest of the United States. Termination of assistance to any country under this section shall include the termination of deliveries of all supplies scheduled under the aid program for such country and not yet delivered.

Ante, p. 150.

EXEMPTION FROM CONTRACT AND ACCOUNTING LAWS

SEC. 119. When the President determines it to be in furtherance of the purposes of this title, the functions authorized under this title may be performed without regard to such provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

EXEMPTION FROM CERTAIN FEDERAL LAWS RELATING TO EMPLOYMENT

SEC. 120. Service of an individual as a member of the Public Advisory Board (other than the Administrator) created by section 107 (a), as a member of an advisory committee appointed pursuant to section 107 (b), as an expert or consultant under section 104 (e), or as an expert, consultant, or technician under section 124 (d), shall not be considered as service or employment bringing such individual within the provisions of section 109 or 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203), of section 190 of the Revised Statutes (U. S. C., title 5, sec. 99), or of section 19 (e) of the Contract Settlement Act of 1944, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States.

Ante, p. 141.
Ante, p. 139.
Post, p. 157.
Post, p. 863.
58 Stat. 668.
41 U. S. C. § 119; Supp. I, § 119 note.

UNITED NATIONS

SEC. 121. (a) The President is authorized to request the cooperation of or the use of the services and facilities of the United Nations, its organs and specialized agencies, or other international organizations, in carrying out the purposes of this title, and may make payments, by advancements or reimbursements, for such purposes, out of funds made available for the purposes of this title, as may be necessary therefor, to the extent that special compensation is usually required for such services and facilities. Nothing in this title shall be construed to authorize the Administrator to delegate to or otherwise confer upon any international or foreign organization or agency any of his authority to decide the method of furnishing assistance under this title to any participating country or the amount thereof.

(b) The President shall cause to be transmitted to the Secretary General of the United Nations copies of reports to Congress on the operations conducted under this title.

Copies of reports.

(c) Any agreements concluded between the United States and participating countries, or groups of such countries, in implementation of the purposes of this title, shall be registered with the United Nations if such registration is required by the Charter of the United Nations.

Registration of agreements with U. N.

TERMINATION OF PROGRAM

SEC. 122. (a) After June 30, 1952, or after the date of the passage of a concurrent resolution by the two Houses of Congress before such date, which declares that the powers conferred on the Administrator by or pursuant to subsection (a) of section 111 of this title are no longer necessary for the accomplishment of the purposes of this title, whichever shall first occur, none of the functions authorized under such provisions may be exercised; except that during the twelve months following such date commodities and services with respect to which the Administrator had, prior to such date, authorized procurement for, shipment to, or delivery in a participating country, may be transferred to such country, and funds appropriated under authority of this title may be obligated during such twelve-month period for the necessary expenses of procurement, shipment, delivery, and other activities essential to such transfer, and shall remain available during such period for the necessary expenses of liquidating operations under this title.

Ante, p. 143.

(b) At such time as the President shall find appropriate after such date, and prior to the expiration of the twelve months following such date, the powers, duties, and authority of the Administrator under this title may be transferred to such other departments, agencies, or

Transfer of authority.

establishments of the Government as the President shall specify, and the relevant funds, records, and personnel of the Administration may be transferred to the departments, agencies, or establishments to which the related functions are transferred.

REPORTS TO CONGRESS

SEC. 123. The President from time to time, but not less frequently than once every calendar quarter through June 30, 1952, and once every year thereafter until all operations under this title have been completed, shall transmit to the Congress a report of operations under this title, including the text of bilateral and multilateral agreements entered into in carrying out the provisions of this title. Reports provided for under this section shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session.

JOINT CONGRESSIONAL COMMITTEE

Joint Committee on Foreign Economic Cooperation.

SEC. 124. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Foreign Economic Cooperation (hereinafter referred to as the committee), to be composed of ten members as follows:

Members.

(1) Three members who are members of the Committee on Foreign Relations of the Senate, two from the majority and one from the minority party, to be appointed by the chairman of the committee; two members who are members of the Committee on Appropriations of the Senate, one from the majority and one from the minority party, to be appointed by the chairman of the committee; and

(2) Three members who are members of the Committee on Foreign Affairs of the House, two from the majority and one from the minority party, to be appointed by the chairman of the committee; and two members who are members of the Committee on Appropriations of the House, one from the majority and one from the minority party, to be appointed by the chairman of the committee.

Vacancy.

A vacancy in the membership of the committee shall be filled in the same manner as the original selection. The committee shall elect a chairman from among its members.

Duties.

(b) It shall be the function of the committee to make a continuous study of the programs of United States economic assistance to foreign countries, and to review the progress achieved in the execution and administration of such programs. Upon request, the committee shall aid the several standing committees of the Congress having legislative jurisdiction over any part of the programs of United States economic assistance to foreign countries; and it shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. The Administrator, at the request of the committee, shall consult with the committee from time to time with respect to his activities under this Act.

Hearings.

(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems

advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection. 2 U. S. C. §§ 192-194.

(d) The committee is authorized to appoint and, without regard to the Classification Act of 1923, as amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable. 42 Stat. 1488. 5 U. S. C. §§ 661-674.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman. Appropriation authorized. *Post*, pp. 213, 1027, 1056.

SEPARABILITY CLAUSE

SEC. 125. If any provision of this Act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

TITLE II

SEC. 201. This title may be cited as the "International Children's Emergency Fund Assistance Act of 1948". International Children's Emergency Fund Assistance Act of 1948.

SEC. 202. It is the purpose of this title to provide for the special care and feeding of children by authorizing additional moneys for the International Children's Emergency Fund of the United Nations.

SEC. 203. The President is hereby authorized and directed any time after the date of the enactment of this Act and before July 1, 1949, to make contributions (a) from sums appropriated to carry out the purposes of this title and (b) from sums appropriated to carry out the general purposes of the proviso in the first paragraph of the first section of the joint resolution of May 31, 1947 (Public Law 84, Eightieth Congress), as amended, to the International Children's Emergency Fund of the United Nations for the special care and feeding of children. Contributions authorized. *Post*, p. 1056. 61 Stat. 125. 22 U. S. C., Supp. I, § 1411.

SEC. 204. No contribution shall be made pursuant to this title or such joint resolution of May 31, 1947, which would cause the sum of (a) the aggregate amount contributed pursuant to this title and (b) the aggregate amount contributed by the United States pursuant to such joint resolution of May 31, 1947, to exceed whichever of the following sums is the lesser: Restriction. 61 Stat. 125. 22 U. S. C., Supp. I, §§ 1411-1417.

(1) 72 per centum of the total resources contributed after May 31, 1947, by all governments, including the United States, for programs carried out under the supervision of such Fund: *Provided*, That in computing the amount of resources contributed there shall not be included contributions by any government for the benefit of persons located within the territory of such contributing government; or

(2) $100,000,000.

SEC. 205. Funds appropriated for the purposes of such joint resolution of May 31, 1947, shall remain available through June 30, 1949.

SEC. 206. There is hereby authorized to be appropriated to carry out the purposes of this title for the fiscal year ending June 30, 1949, the sum of $60,000,000. Appropriation authorized. *Post*, p. 1056.

TITLE III

SEC. 301. This title may be cited as the "Greek-Turkish Assistance Act of 1948". Greek-Turkish Assistance Act of 1948.

Appropriation authorized.
Post, p. 1056.
22 U. S. C., Supp. I, § 1404.

SEC. 302. In addition to the amounts authorized to be appropriated under subsection (b) of section 4 of the Act of May 22, 1947 (61 Stat. 103), there are hereby authorized to be appropriated not to exceed $275,000,000 to carry out the provisions of such Act, as amended.

Advances by RFC.

SEC. 303. (a) Subsection (a) of section 4 of such Act of May 22, 1947, is hereby amended by adding at the end thereof the following: "The Reconstruction Finance Corporation is authorized and directed to make additional advances, not to exceed in the aggregate $50,000,000, to carry out the provisions of this Act, as amended, in such manner and in such amounts as the President shall determine. No interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose."

(b) Subsection (b) of section 4 of the said Act is hereby amended by inserting after the word "repaid" the following: "without interest".

61 Stat. 103.
22 U. S. C., Supp. I, § 1401.

SEC. 304. Subsections (2) and (3) of section 1 of such Act of May 22, 1947, are hereby amended to permit detailing of persons referred to in such subsections to the United States Missions to Greece and Turkey as well as to the governments of those countries. Section 302 of the Act of January 27, 1948 (Public Law 402, Eighteith Congress), and section 110 (c) of the Economic Cooperation Act of 1948 (relating to investigations of personnel by the Federal Bureau of Investigation) shall be applicable to any person so detailed pursuant to such subsection (2) of such Act of 1947: *Provided*, That any military or civilian personnel detailed under section 1 of such Act of 1947 may receive such station allowances or additional allowances as the President may prescribe (and payments of such allowances heretofore made are hereby validated).

Ante, p. 8.
Ante, p. 143.

Military or civilian personnel.

TITLE IV

China Aid Act of 1948.

SEC. 401. This title may be cited as the "China Aid Act of 1948".

SEC. 402. Recognizing the intimate economic and other relationships between the United States and China, and recognizing that disruption following in the wake of war is not contained by national frontiers, the Congress finds that the existing situation in China endangers the establishment of a lasting peace, the general welfare and national interest of the United States, and the attainment of the objectives of the United Nations. It is the sense of the Congress that the further evolution in China of principles of individual liberty, free institutions, and genuine independence rests largely upon the continuing development of a strong and democratic national government as the basis for the establishment of sound economic conditions and for stable international economic relationships. Mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to China, it is declared to be the policy of the people of the United States to encourage the Republic of China and its people to exert sustained common efforts which will speedily achieve the internal peace and economic stability in China which are essential for lasting peace and prosperity in the world. It is further declared to be the policy of the people of the United States to encourage the Republic of China in its efforts to maintain the genuine independence and the administrative integrity of China, and to sustain and strengthen principles of individual liberty and free institutions in China through a program of assistance based on self-help and cooperation: *Provided*, That no assistance to China herein contemplated shall seriously impair the economic stability of the United States. It is further declared to be the policy of the United States that assistance provided by the United States under this title should at all times be dependent upon cooperation by the Republic

of China and its people in furthering the program: *Provided further*, That assistance furnished under this title shall not be construed as an express or implied assumption by the United States of any responsibility for policies, acts, or undertakings of the Republic of China or for conditions which may prevail in China at any time.

SEC. 403. Aid provided under this title shall be provided under the applicable provisions of the Economic Cooperation Act of 1948 which are consistent with the purposes of this title. It is not the purpose of this title that China, in order to receive aid hereunder, shall adhere to a joint program for European recovery.

Ante, p. 137.

SEC. 404. (a) In order to carry out the purposes of this title, there is hereby authorized to be appropriated to the President for aid to China a sum not to exceed $338,000,000 to remain available for obligation for the period of one year following the date of enactment of this Act.

Appropriation authorized.
Post, p. 1056.

(b) There is also hereby authorized to be appropriated to the President a sum not to exceed $125,000,000 for additional aid to China through grants, on such terms as the President may determine and without regard to the provisions of the Economic Cooperation Act of 1948, to remain available for obligation for the period of one year following the date of enactment of this Act.

Additional appropriation authorized.
Post, p. 1056.

SEC. 405. An agreement shall be entered into between China and the United States containing those undertakings by China which the Secretary of State, after consultation with the Administrator for Economic Cooperation, may deem necessary to carry out the purposes of this title and to improve commercial relations with China.

Bilateral agreement.

SEC. 406. Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation is made pursuant to section 404, to make advances, not to exceed in the aggregate $50,000,000, to carry out the provisions of this title in such manner and in such amounts as the President shall determine. From appropriations authorized under section 404, there shall be repaid without interest to the Reconstruction Finance Corporation the advances made by it under the authority contained herein. No interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation in implementation of this section.

Advances by RFC.

Supra.

Repayment to RFC.

SEC. 407. (a) The Secretary of State, after consultation with the Administrator, is hereby authorized to conclude an agreement with China establishing a Joint Commission on Rural Reconstruction in China, to be composed of two citizens of the United States appointed by the President of the United States and three citizens of China appointed by the President of China. Such Commission shall, subject to the direction and control of the Administrator, formulate and carry out a program for reconstruction in rural areas of China, which shall include such research and training activities as may be necessary or appropriate for such reconstruction: *Provided*, That assistance furnished under this section shall not be construed as an express or implied assumption by the United States of any responsibility for making any further contributions to carry out the purposes of this section.

Joint Commission on Rural Reconstruction in China.

Further contributions.

(b) Insofar as practicable, an amount equal to not more than 10 per centum of the funds made available under subsection (a) of section 404 shall be used to carry out the purposes of subsection (a) of this section. Such amount may be in United States dollars, proceeds in Chinese currency from the sale of commodities made available to China with funds authorized under subsection (a) of section 404, or both.

Supra.

Approved April 3, 1948.

[CHAPTER 170]

AN ACT

April 3, 1948
[H. R. 4478]
[Public Law 473]

To provide basic authority for certain administrative expenditures for the Veterans' Administration, and for other purposes.

Veterans' Administration.
Expenditures authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations hereafter made for the Veterans' Administration shall be available, subject to such limitations as the Administrator of Veterans' Affairs may prescribe by regulations, (1) for furnishing and laundering such wearing apparel as may be prescribed for employees in the performance of their official duties, and (2) for transporting children of Veterans' Administration employees located at isolated stations to and from school in available Government-owned automotive equipment.

38 U. S. C. note foll. § 739, p. 4276.

SEC. 2. Veterans Regulation Numbered 6 (a), as amended, is hereby amended by adding a new paragraph IX as follows:

Tobacco.

"IX. Subject to such regulations as he may prescribe, the Administrator of Veterans' Affairs is authorized to provide for the purchase of tobacco to be furnished to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes."

Post, p. 471.

SEC. 3. The Act of March 14, 1940 (54 Stat. 49; 38 U. S. C. 76), is hereby amended by adding thereto a new section as follows:

Printed reduced-fare requests.

"SEC. 2. The Administrator of Veterans' Affairs is hereby authorized to provide for the purchase of printed reduced-fare requests for use by veterans when traveling at their own expense from or to Veterans' Administration facilities."

Preparation, etc., of exhibits.

SEC. 4. Within the limitations of the appropriations made therefor the Administrator of Veterans' Affairs is authorized to provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures and other visual educational information and descriptive material, including the purchase or rental of equipment.

58 Stat. 300.

SEC. 5. Section 1500 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 697), is amended by inserting "(a)" immediately following "SEC. 1500" and adding at the end thereof the following new paragraph:

Allotments and transfers to certain agencies.

"(b) When so specified in an appropriation or other Act, the Administrator of Veterans' Affairs is authorized to make allotments and transfers to the Federal Security Agency (Public Health Service), the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration: *Provided*, That the amounts to be charged the Veterans' Administration for such care and treatment of patients in hospitals shall be calculated on the basis of a per diem rate approved by the Bureau of the Budget."

Hospital care and treatment.

54 Stat. 1184.

SEC. 6. Section 406 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U. S. C. App. 546), is amended by adding the following new sentence at the end thereof: "Any moneys received as repayment of debts incurred under this article, as originally enacted and as amended, shall be credited to the appropriation for the payment of claims under this article."

Crediting of certain moneys.

Approved April 3, 1948.

[CHAPTER 171]

AN ACT

To extend the authority of the Administrator of Veterans' Affairs to establish and continue offices in the territory of the Republic of the Philippines.

April 3, 1948
[H. R. 4943]
[Public Law 474]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 91, Eightieth Congress, approved June 14, 1947, is hereby amended to read as follows:

61 Stat. 132.
38 U. S. C., Supp. I, § 693a note.

"That the authority in section 7 of the World War Veterans' Act, 1924 (43 Stat. 609; 38 U. S. C. 430), and section 101 of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U. S. C. 693a), to establish and continue regional offices, suboffices, contact units, or other subordinate offices may continue to be exercised by the Administrator of Veterans' Affairs with respect to territory of the Republic of the Philippines on and after the date of its independence if he deems such offices necessary, but in no event after June 30, 1950."

Approved April 3, 1948.

[CHAPTER 173]

AN ACT

To amend the Tariff Act of 1930 with reference to platinum foxes, and platinum fox furs, and for other purposes.

April 5, 1948
[H. R. 4938]
[Public Law 475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1519 of the Tariff Act of 1930 is hereby amended by adding at the end thereof a new subparagraph to read as follows:

Tariff Act of 1930, amendments.
46 Stat. 663.
19 U. S. C. § 1001, par. 1519.

"(f) As used in this paragraph the term 'silver or black fox' includes platinum fox and any fox which is a mutation, or type developed, from silver, black, or platinum foxes."

SEC. 2. Paragraph 1606 (a) of such Tariff Act is amended by striking out "except black or silver foxes" and inserting in lieu thereof "except black, silver, or platinum foxes, and any fox which is a mutation, or type developed, therefrom".

46 Stat. 673.
19 U. S. C. § 1201, par. 1606 (a).

Approved April 5, 1948.

[CHAPTER 177]

AN ACT

To exempt Hawaii and Alaska from the requirements of the Act of April 29, 1902, relating to the procurement of statistics of trade between the United States and its noncontiguous territory.

April 7, 1948
[H. R. 3229]
[Public Law 476]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory", approved April 29, 1902 (U. S. C., 1940 edition, title 46, sec. 95), is hereby amended by striking out "Hawaii, Puerto Rico, Alaska," and inserting in lieu thereof "Puerto Rico,".

32 Stat. 172.

Approved April 7, 1948.

[CHAPTER 179]

AN ACT

April 8, 1948
[H. R. 5049]
[Public Law 477]

To reopen the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands to exploration, location, entry, and disposition under the general mining laws.

Revested Oregon and California Railroad, etc., grant lands. Exploration, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provisions of the Act of August 28, 1937 (50 Stat. 874), or any other Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, all of such revested or reconveyed lands, except power sites, shall be open for exploration, location, entry, and disposition under the mineral-land laws of the United States, and all mineral claims heretofore located upon said lands, if otherwise valid under the mineral-land laws of the United States, are hereby declared valid to the same extent as if such lands had remained open to exploration, location, entry, and disposition under such laws from August 28, 1937, to the date of enactment of this Act: *Provided*, That any person who under such laws has entered since August 28, 1937, or shall hereafter enter, any of said lands, shall not acquire title, possessory or otherwise, to the timber, now or hereafter growing thereon, which timber may be managed and disposed of as is or may be provided by law, except that such person shall have the right to use so much of the timber thereon as may be necessary in the development and operation of his mine until such time as such timber is disposed of by the United States: *Provided further*, That locations made prior to August 28, 1937, may be perfected in accordance with the laws under which initiated.

Timber.

Unpatented mining claim.

The owner of any unpatented mining claim located upon any of such lands shall file for record in the United States district land office of the land district in which the claim is situated (1) within one hundred and eighty days after the effective date of this Act, as to locations heretofore made, or within sixty days of locations, as to locations hereafter made, a copy of the notice of location of the claim; (2) within sixty days after the expiration of any annual assessment year, a statement under oath as to the assessment work done or improvements made during the previous assessment year, or as to compliance, in lieu thereof, with any applicable relief Act.

Approved April 8, 1948.

[CHAPTER 180]

AN ACT

April 9, 1948
[H. R. 2298]
[Public Law 478]

To amend the Interstate Commerce Act, as amended, and for other purposes.

Interstate Commerce Act, amendments. Securities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be in aid of the national transportation policy of the Congress, as set forth in the preamble of the Interstate Commerce Act, as amended, in order to promote the public interest in avoiding the deterioration of service and the interruption of employment which inevitably attend the threat of financial difficulties and which follow upon financial collapse and in order to promote the public interest in increased stability of values of railroad securities with resulting greater confidence therein of investors, to assure, insofar as possible, continuity of sound financial condition of common carriers subject to part I of said Act, to enhance the marketability of railroad securities impaired by large and continuing accumulations of interest on income bonds and dividends on preferred stock and to enable said common carriers, insofar as possible, to avoid prospective financial difficulties,

24 Stat. 379.
49 U. S. C. § 27.

inability to meet debts as they mature, and insolvency. To assist in accomplishing these ends and because certain classes of the securities of such carriers are in the usual case held by a very large number of holders, and, further, to enable modification and reformation of provisions of the aforesaid classes of securities and of provisions of the instruments pursuant to which they are issued or by which they are secured in cases where such modification and reformation shall have become necessary or desirable in the public interest in order to avoid obstruction to or interference with the economical, efficient, and orderly conduct by such carriers of their affairs, it is deemed necessary to provide means, in the manner and with the safeguards herein provided, for the alteration and modification, without the assent of every holder thereof, of the provisions of such classes of securities and of the instruments pursuant to which they are outstanding or by which they are secured.

SEC. 2. Part I of the Interstate Commerce Act, as amended, is amended by adding after section 20a the following new section:

41 Stat. 494.
49 U. S. C. § 20a.
Alteration of securities, mortgages, etc.

"SEC. 20b. (1) It shall be lawful (any express provision contained in any mortgage, indenture, deed of trust, corporate charter, stock certificate, or other instrument or any provision of State law to the contrary notwithstanding), with the approval and authorization of the Commission, as provided in paragraph (2) hereof, for a carrier as defined in section 20a (1) of this part to alter or modify (a) any provision of any class or classes of its securities as defined in section 20a (2) of this part being hereinafter in this section sometimes called 'securities'; or (b) any provision of any mortgage, indenture, deed of trust, corporate charter, or other instrument pursuant to which any class of its securities shall have been issued or by which any class of its obligations is secured (hereinafter referred to as instruments): *Provided*, That the provisions of this section shall not apply to any equipment-trust certificates in respect of which a carrier is obligated, or to any evidences of indebtedness of a carrier the payment of which is secured in any manner solely by equipment, or to any instrument, whether an agreement, lease, conditional-sale agreement, or otherwise, pursuant to which such equipment-trust certificates or such evidences of indebtedness shall have been issued or by which they are secured.

Equipment-trust certificates.

"(2) Whenever an alteration or modification is proposed under paragraph (1) hereof, the carrier seeking authority therefor shall, pursuant to such rules and regulations as the Commission shall prescribe, present an application to the Commission. Upon presentation of any such application, the Commission may, in its discretion, but need not, as a condition precedent to further consideration, require the applicant to secure assurances of assent to such alteration or modification by holders of such percentage of the aggregate principal amount or number of shares outstanding of the securities affected by such alteration or modification as the Commission shall in its discretion determine. If the Commission shall not require the applicant to secure any such assurances, or when such assurances, as the Commission may require shall have been secured, the Commission shall set such application for public hearing and the carrier shall give reasonable notice of such hearing in such manner, by mail, advertisement, or otherwise, as the Commission may find practicable and may direct, to holders of such of its classes of securities and to such other persons in interest as the Commission shall determine to be appropriate and shall direct. If the Commission, after hearing, in addition to making (in any case where such alteration or modification involves an issuance of securities) the findings required by paragraph (2) of section 20a, not inconsistent with paragraph (1) of this section shall find that, subject to such terms and conditions and with such amendments as it shall

Filing of application.

Assurances of assent.

Public hearing.

41 Stat. 494.
49 U. S. C. § 20a (2).

determine to be just and reasonable, the proposed alteration or modification—

"(a) is within the scope of paragraph (1);

"(b) will be in the public interest;

"(c) will be in the best interests of the carrier, of each class of its stockholders, and of the holders of each class of its obligations affected by such modification or alteration; and

"(d) will not be adverse to the interests of any creditor of the carrier not affected by such modification or alteration,

then (unless the applicant, carrier shall withdraw its application) the Commission shall cause the carrier, in such manner as it shall direct, to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any) to the holders of each class of its securities affected thereby, for acceptance or rejection. All letters, circulars, advertisements, and other communications, and all financial and statistical statements, or summaries thereof, to be used in soliciting the assents or the opposition of such holders shall, before being so used, be submitted to the Commission for its approval as to correctness and sufficiency of the material facts stated therein. If the Commission shall find that as a result of such submission the proposed alteration or modification has been assented to by the holders of at least 75 per centum of the aggregate principal amount or number of shares outstanding of each class of securities affected thereby (or in any case where 75 per centum thereof is held by fewer than twenty-five holders, such larger percentage, if any, as the Commission may determine to be just and reasonable and in the public interest), the Commission shall enter an order approving and authorizing the proposed alteration or modification upon the terms and conditions and with the amendments, if any, so determined to be just and reasonable. Such order shall make provision as to the time when such alteration or modification shall become and be binding, which may be upon publication of a declaration to that effect by the carrier, or otherwise, as the Commission may determine. Any alteration or modification which shall become and be binding pursuant to the approval and authority of the Commission hereunder shall be binding upon each holder of any security of the carrier of each class affected by such alteration or modification, and upon any trustee or other party to any instrument under which any class of obligations shall have been issued or by which it is secured, and when any alteration or modification shall become and be binding the rights of each such holder and of any such trustee or other party shall be correspondingly altered or modified.

Submission to security holders.

Approval of letters, etc., by Commission.

Assent by holders.

"(3) For the purposes of this section a class of securities shall be deemed to be affected by any modification or alteration proposed only (a) if a modification or alteration is proposed as to any provision of such class of securities, or (b) if any modification or alteration is proposed as to any provision of any instrument pursuant to which such class of securities shall have been issued or shall be secured: *Provided*, That in any case where more than one class of securities shall have been issued and be outstanding or shall be secured pursuant to any instrument, any alteration or modification proposed as to any provision of such instrument which does not relate to all of the classes of securities issued thereunder, shall be deemed to affect only the class or classes of securities to which such alteration or modification is related. For the purpose of the finding of the Commission referred to in paragraph (2) of this section as to whether the required percentage of the aggregate principal amount or number of shares outstanding of each class of securities affected by any proposed alteration or modification has assented to the making of such alteration or modification, any security which secures any evidence or evidences of indebtedness of the carrier or of any company controlling or controlled by

Securities affected by alteration, etc.

the carrier shall be deemed to be outstanding unless the Commission in its discretion determines that the proposed alteration or modification does not materially affect the interests of the holder or holders of the evidence or evidences of indebtedness secured by such security. Whenever any such pledged security is, for said purposes, to be deemed outstanding, assent in respect of such security, as to any proposed alteration or modification, may be given only (any express or implied provision in any mortgage, indenture, deed of trust, note, or other instrument to the contrary notwithstanding) as follows: (a) Where such security is pledged as security under a mortgage, indenture, deed of trust, or other instrument, pursuant to which any evidences of indebtedness are issued and outstanding, by the holders of a majority in principal amount of such evidences of indebtedness, or (b) where such security secures an evidence or evidences of indebtedness not issued pursuant to such a mortgage, indenture, deed of trust, or other instrument, by the holder or holders of such evidence or evidences of indebtedness; and in any such case the Commission, in addition to the submission referred to in paragraph (2) of this section, shall cause the carrier in such manner as it shall direct to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any, as the Commission shall have determined to be just and reasonable) for acceptance or rejection, to the holders of the evidences of indebtedness issued and outstanding pursuant to such mortgage, indenture, deed of trust, or other instrument, or to the holder or holders of such evidence or evidences of indebtedness not so issued, and such proposed alteration or modification need not be submitted to the trustee of any such mortgage, indenture, deed of trust, or other instrument, but assent in respect of any such security shall be determined as hereinbefore in this section provided. For the purposes of this section a security or an evidence of indebtedness shall not be deemed to be outstanding if in the determination of the Commission the assent of the holder thereof to any proposed alteration or modification is within the control of the carrier or of any person or persons controlling the carrier.

Liability as guarantor, etc.

"(4) (a) Any authorization and approval hereunder of any alteration or modification of a provision of any class of securities of a carrier or of a provision of any instrument pursuant to which a class of securities has been issued, or by which it is secured, shall be deemed to constitute authorization and approval of a corresponding alteration or modification of the obligation of any other carrier which has assumed liability in respect of such class of securities as guarantor, endorser, surety, or otherwise: *Provided*, That such other carrier consents in writing to such alteration or modification of such class of securities in respect of which it has assumed liability or of the instrument pursuant to which such class of securities has been issued or by which it is secured and, such consent having been given, any such corresponding alteration or modification shall become effective, without other action, when the alteration or modification of such class of securities or of such instrument shall become and be binding.

Consent in writing.

"(b) Any person who is liable or obligated contingently or otherwise on any class or classes of securities issued by a carrier shall, with respect to such class or classes of securities, for the purposes of this section, be deemed a carrier.

Exclusive and plenary authority.

"(5) The authority conferred by this section shall be exclusive and plenary and any carrier, in respect of any alteration or modification authorized and approved by the Commission hereunder, shall have full power to make any such alteration or modification and to take any actions incidental or appropriate thereto, and may make any such alteration or modification and take any such actions, and any such alteration or modification may be made without securing the approval

of the Commission under any other section of this Act or other paragraph of this section, and without securing approval of any State authority, and any carrier and its officers and employees and any other persons, participating in the making of an alteration or modification approved and authorized under the provisions of this section or the taking of any such actions, shall be, and they hereby are, relieved from the operation of all restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to make and carry into effect the alteration or modification so approved and authorized in accordance with the conditions and with the amendments, if any, imposed by the Commission. Any power granted by this section to any carrier shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State. The provisions of this section shall not affect in any way the negotiability of any security of any carrier or of the obligation of any carrier which has assumed liability in respect thereto.

Negotiability of security.

Reports.

"(6) The Commission shall require periodical or special reports from each carrier which shall hereafter secure from the Commission approval and authorization of any alteration or modification under this section, which shall show, in such detail as the Commission may require, the action taken by the carrier in the making of such alteration or modification.

Provisions permissive.

"(7) The provisions of this section are permissive and not mandatory and shall not require any carrier to obtain authorization and approval of the Commission hereunder for the making of any alteration or modification of any provision of any of its securities or of any class thereof or of any provision of any mortgage, indenture, deed of trust, corporate charter, or other instrument, which it may be able lawfully to make in any other manner, whether by reason of provisions for the making of such alteration or modification in any such mortgage, indenture, deed of trust, corporate charter, or other instrument, or otherwise: *Provided*, That the provisions of paragraph (2) of section 20a, if applicable to such alteration or modification made otherwise than pursuant to the provisions of this section, shall continue to be so applicable.

41 Stat. 494.
49 U. S. C. § 20a (2).

41 Stat. 495.
49 U. S. C. § 20a (6).

"(8) The provisions of paragraph (6) of section 20a, except the provisions thereof in respect of hearings, shall apply to applications made under this section. In connection with any order entered by the Commission pursuant to paragraph (2) hereof, the Commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any such order, subject always to the requirements of said paragraph (2).

Supplemental orders.

48 Stat. 895.
15 U. S. C. § 78n (a).

"(9) The provisions of subdivision (a) of section 14 of the Securities Exchange Act of 1934 shall not apply to any solicitation in connection with a proposed alteration or modification pursuant to this section.

Rules and regulations.

"(10) The Commission shall have the power to make such rules and regulations appropriate to its administration of the provisions of this section as it shall deem necessary or desirable.

"(11) Any issuance of securities under this section which shall be found by the Commission to comply with the requirements of paragraph (2) of section 20a shall be deemed to be an issuance which is subject to the provisions of section 20a within the meaning of section 3 (a) (6) of the Securities Act of 1933, as amended. Section 5 of said Securities Act shall not apply to the issuance, sale, or exchange of certificates of deposit representing securities of, or claims against, any carrier which are issued by committees in proceedings under this

48 Stat. 76, 77.
15 U. S. C. §§ 77c (a) (6), 77e.

section, and said certificates of deposit and transactions therein shall, for the purposes of said Securities Act, be deemed to be added to those exempted by sections 3 and 4, respectively, of said Securities Act.

43 Stat. 75, 77. 15 U. S. C. §§ 77c, 77d.

"(12) The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any alteration or modification effected pursuant to this section.

53 Stat. 195, 424. 26 U. S. C. §§ 1801, 1802, 3481, 3482; Supp. I, §§ 1802, 3481.

Carriers in receivership, etc.

"(13) The Commission shall not approve an application filed under this section by any carrier while in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act, as amended, except that the Commission may approve an application filed by a carrier which, on the date of enactment of this Act, is in equity receivership and with respect to which no order confirming the sale of the carrier's property has been entered, or is in process of reorganization under section 77 and with respect to which no order confirming a plan shall have been entered, or, such an order having been entered, if an appeal from said order is pending on said date in a circuit court of appeals or the matter is pending in the Supreme Court on a petition to review any order of a circuit court of appeals dealing with said order of confirmation or the time within which to make such appeal or to file such petition has not expired, if prior to the filing of such application with the Commission such carrier shall have applied for and been granted permission to file such application by the district judge before whom the equity receivership or section 77 proceeding is pending. Any such carrier applying for permission to file such application shall file with the court as a prerequisite to the granting of such permission (1) a copy of the proposed application, (2) a copy of the proposed plan of alteration or modification of its securities, and (3) assurances satisfactory to the court of the acceptance of such plan from holders of at least 25 per centum of the aggregate amount of all securities, including not less than 25 per centum of the aggregate amount of all creditors' claims, affected by such plan. An order of a district judge granting or withholding such permission shall be final and shall not be subject to review. Upon granting of such permission, such proceeding, so far as it relates to a plan of reorganization, shall be suspended until the Commission shall have notified the court that (a) the application filed by such carrier under this section has been dismissed or denied by the Commission or withdrawn, (b) the Commission has approved and authorized an alteration or modification under this section with respect to the securities of such carrier, or (c) twelve months have elapsed since the filing of such application and no such alteration or modification has been approved and authorized by the Commission. Upon receipt by the court of notification that such application has been dismissed or denied or withdrawn or that twelve months have elapsed and no alteration or modification has been approved and authorized, the equity receivership or section 77 proceeding shall be resumed as though permission to file application under this section had not been granted. Upon receipt by the court of notification that the Commission has authorized and approved such alteration or modification of the carrier's securities under this section as, in the judgment of the court, makes further receivership or section 77 proceeding unnecessary, the court shall enter an order restoring custody of the property to the debtor, and making such other provision as may be necessary to terminate the equity receivership or section 77 proceeding."

Permission to file application.

Notification of court.

Receipt by court.

SEC. 3. (a) Notwithstanding any other provision of law—

Petition to review.

(1) with respect to any plan of reorganization or modified

47 Stat. 1474.
11 U. S. C. § 205.

plan of reorganization approved by the Interstate Commerce Commission under the provisions of section 77 of the Bankruptcy Act, as amended, subsequent to the effective date of this Act, it shall be the duty of the Commission, upon petition of any party to the proceeding filed at any time more than eighteen months after certification by the Commission to the court of the plan or of an order disposing of a like petition, but before any order confirming the plan shall have been entered, or, such an order having been entered, if an appeal from said order is pending on said date in a circuit court of appeals or the matter is pending in the Supreme Court on a petition to review any order of a circuit court of appeals dealing with said order of confirmation or the time within which to make such appeal or to file such petition has not expired, to report to the court in which consideration of such plan is then pending, any changes, facts, or developments which have occurred since the approval of such plan by the Commission, which were not provided for in the plan, and which in the opinion of the Commission make it necessary or expedient for the Commission to reexamine or reconsider and, if necessary, to revise such plan in order to insure that such plan, if consummated and put into effect, shall then, in the opinion of the Commission, be fair and equitable and in the public interest and compatible with the provisions of this section and section 77 of the Bankruptcy Act, as amended. Upon the filing of any such report by the Commission with the court, the court shall remand the plan to the Commission for such reexamination, reconsideration, and possible revision;

(2) if, with respect to any plan of reorganization or modified plan of reorganization approved by the Commission subsequent to the effective date of this Act, the court before which such plan is then pending, for approval or confirmation, no order of confirmation having been entered, or, such an order having been entered, if an appeal from said order is pending on said date in a circuit court of appeals or the matter is pending in the Supreme Court on a petition to review any order of a circuit court of appeals dealing with said order of confirmation or the time within which to make such appeal or to file such petition has not expired, upon petition of any party to the proceeding and either with or without a hearing, shall find that changes, facts, or developments have occurred since the approval of such plan by the Commission which were not provided for in the plan and which make it necessary or expedient, in the opinion of the court, that the Commission reexamine and reconsider and revise such plan in order to insure that the plan consummated and put into effect shall then, in the opinion of the court and the Commission, be fair and equitable and in the public interest and compatible with the provisions of this section, and section 77 of the Bankruptcy Act, as amended, the court shall return the plan to the Commission for such reexamination, reconsideration and possible revision;

(3) with respect to any plan of reorganization or modified plan of reorganization which, on the date of enactment of this Act, is before any district court for approval or confirmation, no order of confirmation having been entered, or, such order having been entered, if an appeal from said order is pending in a circuit court of appeals or the matter is pending in the Supreme Court on a petition to review any order of a circuit court of appeals dealing with said order of confirmation or the time within which to make such an appeal or to file such petition has not expired, it shall be the duty of the Commission, upon petition of any party to the

proceeding, to report to such court any changes, facts, or developments which have occurred since December 31, 1939, which were not provided for in the plan and which, in the opinion of the Commission, make it necessary or expedient for the Commission to reexamine or reconsider and, if necessary, to revise such plan in order to insure that if consummated and put into effect, such plan shall then, in the opinion of the Commission, be fair and equitable and in the public interest and compatible with the provisions of this section and section 77 of the Bankruptcy Act, as amended. Upon the filing of any such report by the Commission with the court, the court shall remand the plan to the Commission for such reexamination, reconsideration, and possible revision;

(4) in the event of the return of a plan to the Commission pursuant to the provisions of this subsection (a), the proceedings with respect thereto shall be governed by the provisions of subsection (d) of section 77 of the Bankruptcy Act, as amended; 47 Stat. 1474. 11 U. S. C. § 205.

(5) each petition filed under the provisions of paragraph (1) or paragraph (3) of this subsection (a) shall be filed with the court before which is pending the plan which is the subject of the petition and such petition shall be referred by the court to the Commission. Upon the filing of such petition with the court all further proceedings for confirmation of the plan shall be suspended pending disposition of the petition by the Commission and certification of its action thereon to the court.

Modification or refusal to modify.

(b) As to any plan so returned to the Commission by the court, the Commission, upon further hearing at which all parties may appear and submit evidence as to prospective earning power and other relevant facts, and upon consideration of all changes, facts, and developments which have occurred since the date of approval of the plan by the Commission (or which have occurred since December 31, 1939, in the case of plans which on the date of enactment of this Act were pending before, but had not been confirmed by, the court by order which shall have become final), including, without limitation, for such period total railway operating revenues, operating expenses and other charges, net earnings, the full effect of amortization deductions on earnings of past and future years, improvements to property, the effect of released collateral through past or future payments of loans, cash and net current assets, retirements and purchases of debt, including retirements and purchases at a discount that have been made or that can reasonably be made, adjustment and reduction of interest rates on outstanding debt that may be made, shall, in a supplemental report and order, modify, or refuse to modify, any plan which it has approved, stating the reasons for such modification or for its refusal to modify the plan. The Commission, if it modifies the plan, shall certify the modified plan to the court, together with a transcript of the proceeding before it and a copy of its report and order approving the modified plan. Thereafter proceedings upon the plan shall be governed by the provisions of subsection (e) of section 77 of the Bankruptcy Act, as amended, and of this section. If the Commission refuses to modify the plan, it shall transmit to the court a copy of its report and order, together with a transcript of the proceedings before it. Thereafter, if the court shall find that the refusal of the Commission to modify the plan is based on sufficient findings and is supported by the record, the proceeding upon the plan shall continue as if the plan had not been returned to the Commission; otherwise the court shall return the plan to the Commission for further consideration. Upon such consideration, the Commission shall again certify the plan to the court with such modifications, if any, as it may find necessary, and thereafter further proceedings upon the plan shall be as provided in said subsection (e) and in this section.

47 Stat. 1478. 11 U. S. C. § 205 (e).

Saving clause.

SEC. 4. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved April 9, 1948.

[CHAPTER 181]

AN ACT

April 9, 1948
[S. 1794]
[Public Law 479]

To authorize the Houston Council, Navy League of the United States, to construct a reflecting pool at the United States naval hospital, Houston, Texas.

Naval Hospital, Houston, Tex. Reflecting pool.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to permit the Houston Council, Navy League of the United States, to construct a reflecting pool on the grounds of the United States naval hospital, at Houston, Texas.

SEC. 2. The site of the reflecting pool and its design and construction shall be subject to the approval of the Secretary of the Navy. The design and construction of the reflecting pool shall be without cost to the United States.

Unconditional gift to U. S.

SEC. 3. Upon completion of the construction of the reflecting pool, the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the Houston Council, Navy League of the United States.

Approved April 9, 1948.

[CHAPTER 183]

AN ACT

April 13, 1948
[H. R. 4167]
[Public Law 480]

To authorize the States of Montana, North Dakota, South Dakota, and Washington to lease their State lands for production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, for such terms of years and on such conditions as may be from time to time provided by the legislatures of the respective States.

Lease of State lands for mineral production.

47 Stat. 150.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended, is amended to read as follows: "Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such term of years and on such conditions as may be from time to time provided by the legislatures of the respective States; leases for grazing and agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years."

Approved April 13, 1948.

[CHAPTER 185]

AN ACT

April 15, 1948
[S. 805]
[Public Law 481]

Authorizing an appropriation for the construction, extension, and improvement of a high-school building near Roosevelt, Utah, for the district embracing the east portion of Duchesne County and the west portion of Uintah County.

Roosevelt, Utah. Appropriation authorized for high-school building.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not

otherwise appropriated, the sum of $250,000 for the purpose of cooperating with the school districts in Utah comprising the east portion of Duchesne County and the west portion of Uintah County for the construction, extension, and improvement of a high-school building near Roosevelt, Utah: *Provided*, That the expenditure of any moneys appropriated hereunder shall be subject to the condition that the school authorities for the said school districts shall take any and all necessary steps, under the laws of the State of Utah, to provide any and all additional funds required to complete the construction, extension, and improvement of the said high-school building, and shall submit proof of compliance with this provision to the Commissioner of Indian Affairs: *Provided further*, That plans and specifications for the construction, extension, and improvement of the said high-school building shall be furnished by the local or State authorities, without cost to the United States, and submitted to the Commissioner of Indian Affairs for approval, before any moneys appropriated hereunder may be expended, and that upon compliance with this provision actual work shall proceed under the direction of such local or State officials: *Provided further*, That payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service to the Commissioner of Indian Affairs, whose determination and approval of the proper amount chargeable to any appropriation made hereunder shall be final and sufficient for such payment thereof: *And provided further*, That the said high school so constructed, extended, and improved shall be maintained by the said school districts and shall be available to all the Indian children of the said districts on the same terms, as to other children of said school districts.

Post, p. 1120.

Additional funds.

Approval of plans and specifications.

Payment for work.

Indian children.

Approved April 15, 1948.

[CHAPTER 186]

AN ACT

April 15, 1948
[S. 1306]
[Public Law 482]

Relating to the construction and disposition of the San Jacinto-San Vicente aqueduct.

San Jacinto-San Vicente aqueduct.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby (1) ratifies the action taken by various departments and agencies in the executive branch of the Government in planning for and proceeding with the construction of an aqueduct running from a connection with the Colorado River aqueduct of the Metropolitan Water District of Southern California near the west portal of San Jacinto tunnel in Riverside County, California, to San Vicente Reservoir in San Diego County, California; (2) authorizes the completion of such aqueduct in accordance with existing Government plans for the completion thereof; and (3) ratifies the action of the Navy Department in disposing of the aqueduct to the city of San Diego, California, pursuant to contract NOy–13300 which provides, among other things, for the leasing of such aqueduct to such city.

Approved April 15, 1948.

[CHAPTER 187]

AN ACT

April 15, 1948
[S. 1581]
[Public Law 483]

To provide additional time to the city of Newark, New Jersey, for paying certain installments on the purchase price of the Port Newark Army Base, and for other purposes.

Port Newark Army Base, Newark, N. J.
Extension of time for payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the sale of the Port Newark

Army Base to the city of Newark, New Jersey, and for other purposes", approved June 20, 1936, is amended by striking out "of which $100,000 shall be paid in cash and the balance in annual installments, on or before August 1 of each succeeding year, of $100,000 per year for the first five years and $200,000 per year thereafter" and inserting in lieu thereof "of which $100,000 shall be paid in cash and the balance in annual installments of $100,000 on or before August 1 of each of the first nine years in which the city of Newark or its lessee has possession and of $200,000 on or before August 1 of each of the next five years in which the city of Newark or its lessee has possession".

49 Stat. 1557.

Supplement to contract.

SEC. 2. The Secretary of War is authorized to execute a supplement to the contract of sale entered into with the city of Newark, New Jersey, pursuant to the Act of June 26, 1936, in order to make effective the amendments made to such Act by this Act.

49 Stat. 1557.

Approved April 15, 1948.

[CHAPTER 188]

AN ACT

April 15, 1948
[S. 1799]
[Public Law 484]

To amend the Act of June 3, 1916, as amended, to make it applicable to the Canal Zone, Guam, American Samoa, and the Virgin Islands.

Wearing of uniform.
Post, p. 864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 125 of the Act of June 3, 1916 (39 Stat. 216; 10 U. S. C. 1393), as amended, is hereby further amended by inserting between the first and second paragraphs thereof the following new paragraph:

"The provisions of this section shall apply to the Canal Zone, Guam, American Samoa, and the Virgin Islands, as well as to all other places within the jurisdiction of the United States."

Approved April 15, 1948.

[CHAPTER 191]

AN ACT

April 17, 1948
[H. R. 3569]
[Public Law 485]

To authorize the construction of a chapel and a library at the United States Merchant Marine Academy at Kings Point, New York, and to authorize the acceptance of private contributions to assist in defraying the cost of construction thereof.

U. S. Merchant Marine Academy.
Chapel and library.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Maritime Commission is authorized to construct a suitable chapel for religious worship by any denomination, sect, or religion, and a library at the United States Merchant Marine Academy at Kings Point, New York.

SEC. 2. The Maritime Commission is authorized to acquire title to an appropriate site or sites adjoining the present Merchant Marine Academy reservation either by purchase, condemnation, gift, or otherwise.

Private contributions.

SEC. 3. The Maritime Commission is authorized to accept private contributions to assist in defraying the cost of construction of the chapel and library provided for herein. Such contributions shall be received and accounted for under such regulations as the Comptroller General of the United States may prescribe.

Appropriation authorized.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to complete the purposes of this Act.

Approved April 17, 1948.

[CHAPTER 192]

AN ACT

To extend the provisions of the Federal Airport Act to the Virgin Islands.

April 17, 1948
[S. 2081]
[Public Law 486]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Airport Act of 1946 is hereby amended by—

(1) Adding after the words "Puerto Rico", wherever they appear in paragraph 7 of section 2 (a) and in sections 3 (a), 7, and 9 (c) thereof, the phrase "and the Virgin Islands".

60 Stat. 170.
49 U. S. C. §§ 1101 (a) (7), 1102 (a), 1106, 1108 (c).

(2) Adding after the word "Alaska" appearing in section 10 (c) the phrase "and the Virgin Islands".

49 U. S. C. § 1109 (c).

Approved April 17, 1948.

[CHAPTER 215]

AN ACT

To amend section 7 of the District of Columbia Traffic Act, 1925, as amended, to provide for learners' permits, and for other purposes.

April 20, 1948
[H. R. 4572]
[Public Law 487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 (a) of the District of Columbia Traffic Act, 1925, as amended, is amended to read as follows:

D. C. Traffic Act, 1925, amendment.
43 Stat. 1121.
D. C. Code, Supp. VI, § 40-301 (a).

"(a) (1) Upon application made under oath and the payment of the fee hereinafter prescribed, the Commissioners or their designated agent shall issue a motor vehicle operator's permit to any individual who, after examination, in the opinion of the Commissioners or their designated agent, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The Commissioners or their designated agent shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District and in the presence of such individuals as may be authorized to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the Commissioners or their designated agent. Should the Commissioners or their designated agent believe that the issuance or reissuance of a permit in accordance with the provisions of this Act may prove a menace to public safety, they or their agent may refuse the issuance or reissuance thereof. Operators' permits shall be issued for a period not in excess of three years upon compliance with such regulations as the Commissioners or their designated agent may prescribe. The fee for any such permit shall be $3. No operator's permit shall be issued to any individual under sixteen years of age. No operator's permit issued to any individual under eighteen years of age shall authorize the operation by such individual while he is under the age of eighteen years of any motor vehicle other than a passenger vehicle or motorcycle or motor bicycle, used solely for purposes of pleasure: *Provided*, That such permit shall not authorize the operation by any such individual under the age of eighteen years of any such motor vehicle for compensation.

Operator's permit.

Examination.

Period of permit.

Fee.

Age restriction.

"(2) Upon application made under oath and the payment of a fee of $1, the commissioners or their designated agent may issue a learner's permit to any applicant who has successfully passed all parts of the examination other than the driving demonstration test. Such permit shall entitle the permittee, while having such permit in his immediate possession, to drive a passenger motor vehicle in the District for a

Learner's permit.

Extension of permit.

period of thirty days, when accompanied by the holder of a motor vehicle operator's permit who is occupying a seat beside such permittee. Any such learner's permit may be extended for one additional period of thirty days. No learner's permit shall be issued to any individual under sixteen years of age; and no such permit issued to any individual sixteen years of age or over but under eighteen years of age shall authorize the operation of any motor vehicle unless the holder of such permit is accompanied by the holder of a motor-vehicle instructor's license who is occupying a seat beside such learner or unless the holder of such permit is operating a passenger vehicle used solely for purposes of pleasure and owned by such learner or his parent or guardian and such learner is accompanied by the holder of a motor-vehicle operator's permit who is occupying a seat beside such learner.

Operation of dual-control vehicles.

"(3) Any pupil fifteen years of age or over enrolled in a high school or junior high school driver education and training course approved by the Commissioners or their designated agent may, without obtaining either an operator's or a learner's permit, operate a dual-control motor vehicle at such times as such pupil is under instruction and accompanied by a licensed motor-vehicle driving instructor: *Provided*, That such instructor shall at all times while he is engaged in such instruction have on his person a certificate from the principal or other person in charge of such school, stating that such instructor is officially designated to instruct pupils enrolled in such course, and whenever demand is made by a police officer such instructor shall display to him such certificate.

Instructor's certificate.

Loss of permit.

"(4) In case of the loss of an operator's permit or a learner's permit, the individual to whom such permit was issued shall forthwith notify the commissioners or their designated agent, who shall furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents.

Permit for Government-owned vehicles.

"(5) Enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate Government-owned vehicles, while engaged in official business, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a Government vehicle and are qualified to drive, and upon proving to the satisfaction of the director of vehicles and traffic that they are familiar with the traffic regulations of the District of Columbia."

43 Stat. 1122. D. C. Code, Supp. VI, § 40-301 (e).

SEC. 2. Section 7 (e) of the District of Columbia Traffic Act, 1925, as amended, is amended to read as follows:

43 Stat. 1123. D. C. Code § 40-303.

"(e) No individual shall operate a motor vehicle in the District, except as provided in section 8, without having first obtained an operator's permit or a learner's permit issued under the provisions of this Act. Any individual violating any provision of this subsection shall, upon conviction thereof, be fined not more than $300 or be imprisoned not more than ninety days."

Penalty.

Approved April 20, 1948.

[CHAPTER 216]

April 20, 1948
[H. R. 4636]
[Public Law 489]

AN ACT

To amend an Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, as amended.

Practice of healing art, D. C. 45 Stat. 1327. D. C. Code § 2-104; Supp. VI, § 2-104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the penultimate sentence of section 6 of the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the

District of Columbia" is hereby amended to read as follows: "If the commission finds that an applicant is entitled to a license by virtue of an outstanding license to practice medicine and surgery in the District of Columbia or by virtue of years of practice, under the provisions of section 24 of this Act or by virtue of reciprocity, under the provisions of section 25, or by virtue of a certificate or diploma by a national examining board as provided in section 25 (a) of this Act, it shall issue to him a license accordingly."

Issuance of license.

45 Stat. 1334, 1335. D. C. Code § 2-120, Supp. VI, § 2-121.

SEC. 2. The penultimate sentence of section 11 of the said Act is hereby amended to read as follows: "An applicant who is reported by the board as qualified in said sciences and who is entitled to a license by reciprocity, without examination, or by virtue of a certificate or diploma issued by a national examining board, shall thereupon be given such a license."

45 Stat. 1329. D. C. Code § 2-108.

SEC. 3. (a) The third sentence of section 23 is hereby amended to read as follows: "Each application shall show whether the applicant (a) seeks a license (1) on the basis of a license to practice medicine and surgery in the District of Columbia, under section 24 of this Act; (2) on the basis of years of practice, under section 24; (3) on the basis of reciprocity, under section 25 of this Act; (4) by virtue of a certificate or diploma issued by a national examining board, as provided in section 25 (a) of this Act; or (5) on the basis of examination, under section 26; or (b) seeks registration as a person exempted from licensure, under section 42."

45 Stat. 1333. D. C. Code § 2-119. Basis.

D. C. Code § 2-120.

D. C. Code, Supp. VI, § 2-121.

Infra.

D. C. Code §§ 2-122, 2-133.

SEC. 3. (b) The fourth sentence of section 23 is hereby amended to read as follows: "Each application shall be accompanied by a fee, as follows: For a license on the basis of a license to practice medicine and surgery in the District of Columbia, a fee of $1; on the basis of years of practice in the District of Columbia, a fee of $25; for a license on the basis of reciprocity, a fee of $50; for a license on the basis of a certificate or diploma from a national examining board, a fee of $25; for certification of applications for license by reciprocity in other jurisdictions, a fee of $10; for a license on the basis of examination, a fee of $25; for registration as a person exempted from license, a fee of $1; but physicians and surgeons of the United States Army, Navy, and Public Health Service, and medical officers in any other branch of the Federal Government whatsoever, and practitioners of the healing art residing within and licensed by States bordering on the District of Columbia, who do not maintain an office or appoint places where patients may be met within the District of Columbia, applying for registration as persons exempted from licensure in the District of Columbia, shall not be required to pay any fee in connection with any such application."

45 Stat. 1333. D. C. Code § 2-119. Fees.

SEC. 4. The said Act is further amended by inserting after section 25 a new section designated "SEC. 25. (a)" to read as follows:

45 Stat. 1335. D. C. Code, Supp. VI, § 2-121. Certificate or diploma from national examining board.

"SEC. 25. (a) The commission may issue a license, without examination, to anyone holding a certificate or diploma from a national examining board: *Provided*, That the examination given by the national examining board was as comprehensive and as exhaustive as that required in the District of Columbia. The applicant for license on this basis shall submit with his application proof satisfactory to the commission that he is not less than twenty-one years of age; that he is of good moral character; that he has had not less than two years of preprofessional education and training in a college or university acceptable to the commission before entering on the study of the healing art; that he has studied the healing art through not less than four graded courses of not less than nine months each, in a professional school or schools registered under this Act, and has been graduated by such school with the degree of doctor of medicine, doctor of

Proof required.

osteopathy, or some equivalent degree; and, if required by the commission, that he has had not less than one year of training in a hospital registered by the commission under this Act: *Provided further*, That the license issued on the basis of a certificate or diploma from a national examining board shall so state on its face."

Approved April 20, 1948.

[CHAPTER 217]

AN ACT

April 20, 1948
[H. R. 4649]
[Public Law 489]

To provide that compensation of members of the Alcoholic Beverage Control Board of the District of Columbia shall be fixed in accordance with the Classification Act of 1923, as amended.

Alcoholic Beverage Control Board, D. C.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

48 Stat. 321.
D. C. Code § 25–104.

Compensation of members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the positions of members of the Alcoholic Beverage Control Board for the District of Columbia shall be classified in accordance with the Classification Act of 1923, as amended.

SEC. 2. That the sentence in section 4 of the Act entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934, as amended, which reads: "The salary of each of the members of the Board shall be $5,000 per annum", shall remain in force and effect until the classifications provided for by the first section of this Act shall have been effected and thereafter said sentence shall stand repealed.

Approved April 20, 1948.

[CHAPTER 218]

AN ACT

April 20, 1948
[H. R. 4739]
[Public Law 490]

To amend paragraph 1629 of the Tariff Act of 1930 so as to provide for the free importation of exposed X-ray film.

Tariff Act of 1930, amendment.
46 Stat. 675.
19 U. S. C. § 1201, par. 1629.

X-ray film.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph 1629 of the Tariff Act of 1930 is hereby amended by inserting after "PAR. 1629." "(a)", and by adding at the end of the paragraph a new subparagraph to read as follows:

"(b) X-ray film, exposed, whether or not developed."

(b) This Act shall be effective as to merchandise entered for consumption, or withdrawn from warehouse for consumption, on and after the thirtieth day after the enactment of this Act.

Approved April 20, 1948.

[CHAPTER 219]

AN ACT

April 20, 1948
[H. R. 5214]
[Public Law 491]

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1949, and for other purposes.

Independent Offices Appropriation Act, 1949.
Post, pp. 1027, 1196.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1949, namely:

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President of the United States, $75,000.

THE WHITE HOUSE OFFICE

Salaries and expenses: For expenses necessary for The White House Office, including compensation of the Secretary to the President, the two additional secretaries to the President and the six administrative assistants to the President at $10,000 each, and other personal services in the District of Columbia; not to exceed $3,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); automobiles; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $35 per diem (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget); and travel and official entertainment expenses of the President, to be accounted for on his certificate solely; $969,612: *Provided*, That employees of the departments and independent offices of the executive branch of the Government may be detailed from time to time to The White House Office for temporary assistance.

58 Stat. 394.
Post, p. 1049.
60 Stat. 810.
Temporary assistance.

For additional personal services, for The White House Office to meet emergencies that may arise, without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $200,000.

EMERGENCY FUND FOR THE PRESIDENT

To provide for emergencies affecting the national interest or security, as the President may specify, without regard to such provisions of law regulating the expenditure of Government funds, $200,000: *Provided*, That no part of such fund shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Eightieth Congress or the first session of the Eighty-first Congress and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

Restriction.

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, $230,700.

BUREAU OF THE BUDGET

Salaries and expenses: For expenses necessary for the Bureau of the Budget and Federal Board of Hospitalization, including personal services in the District of Columbia and elsewhere; exchange of books; newspapers and periodicals (not exceeding $200); teletype news service (not exceeding $900); not to exceed $800 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); not to exceed $35,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C.

58 Stat. 394.
Post, p. 1049.
60 Stat. 810.

55a), at rates not to exceed $35 per diem for individuals (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget); purchase of two passenger motor vehicles for replacement only; a health-service program as authorized by law (5 U. S. C. 150); and the payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); $2,992,000.

60 Stat. 903.
60 Stat. 843.
Post, p. 1008.

Printing and binding: For printing and binding, $122,000.

Regional, etc., offices.

No part of the appropriations herein made to the Bureau of the Budget shall be used for the maintenance or establishment of more than four regional, field, or any other offices outside the District of Columbia.

COUNCIL OF ECONOMIC ADVISERS

Salaries and expenses: For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U. S. C. 1021), including personal services in the District of Columbia; travel expenses; printing and binding; newspapers and periodicals (not exceeding $200); press clippings (not exceeding $300); a health service program as authorized by law (5 U. S. C. 150); the payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and not to exceed $900 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $300,000.

60 Stat. 23.
15 U. S. C. §§ 1021–1024.

60 Stat. 903.

60 Stat. 843.
Post, p. 1008.
58 Stat. 394.
Post, p. 1049.

OFFICE FOR EMERGENCY MANAGEMENT

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

Administrative expenses, Philippine Alien Property Administration: The Philippine Alien Property Administrator is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him, necessary expenses incurred in carrying out the powers and duties conferred on him pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App.), and the Philippine Property Act of 1946 (60 Stat. 418): *Provided*, That not to exceed $440,000 shall be available for the fiscal year 1949 for the general administrative expenses of the Philippine Alien Property Administration, including the salary of the Administrator at $10,000 per annum; printing and binding; not to exceed $100 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); rent of private or Government-owned space in the District of Columbia; employment outside the United States of persons without regard to the civil service and classification laws including temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); personal services in the District of Columbia and expenses of attendance at meetings of organizations concerned with the work of the agency: *Provided further*, That on or before November 1, 1948, the Philippine Alien Property Administrator shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the fiscal year 1948, in connection with the activities of the Philippine Alien Property Administration.

40 Stat. 411.
50 U. S. C. app. §§ 1–38; Supp. I, § 4 *et seq.*
Post, pp. 1218, 1246.
22 U. S. C. §§ 1381–1386; Supp. I, § 1382 note.

58 Stat. 394.
Post, p. 1049.

60 Stat. 810.

Report to Congress.

INDEPENDENT OFFICES

AMERICAN BATTLE MONUMENTS COMMISSION

Salaries and expenses: For necessary expenses, as authorized by the Act of June 26, 1946 (36 U. S. C. 121, 123–132, 138), including the acquisition of land or interest in land in foreign countries; personal services in the District of Columbia; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the

60 Stat. 317.
36 U. S. C., Supp. I, § 132 note.

United States and its Territories and possessions at a cost not exceeding $1,350; travel expenses; not to exceed $50 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); rent of office and garage space in foreign countries; the purchase of two passenger motor vehicles; printing, binding, engraving, lithographing, photographing, and typewriting; $355,000: *Provided*, That where station allowance has been authorized by the War Department for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the armed forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the armed forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

58 Stat. 394.
Post, p. 1049.

Station allowance.

Officers of armed forces, expenses.

Construction of memorials and cemeteries: For the permanent design and construction of memorials and cemeteries in foreign countries as authorized by the Act of June 26, 1946 (36 U. S. C. 121, 123–132, 138), and the Act of August 5, 1947 (Public Law 368), $723,500, to remain available until expended; and in addition the Commission is authorized to enter into contracts in the amount of $1,276,500 for the purposes of this appropriation.

60 Stat. 317.
36 U. S. C., Supp. I, § 132 note.
61 Stat. 779.
50 U. S. C., Supp. I, app. §§ 1811–1819.
Post, p. 334.

CIVIL SERVICE COMMISSION

Salaries and expenses: For necessary expenses, including personal services in the District of Columbia; not to exceed $12,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed $10,000 for medical examinations performed for veterans by private physicians on a fee basis; travel expenses of examiners acting under the direction of the Commission, and expenses of examinations and investigations held in Washington and elsewhere; not to exceed $500 for payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed $425,000 for printing and binding; $15,641,000, of which not to exceed $56,000 shall be available for performing the duties imposed upon the Civil Service Commission by the Act of July 19, 1940 (54 Stat. 767); not to exceed $500,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); for a health service program as authorized by law (5 U. S. C. 150); for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and not to exceed $5,000 for actuarial services by contract, without regard to section 3709, Revised Statutes, as amended: *Provided*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its regional offices shall be made during the fiscal year ending June 30, 1949, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the Commission in Washington or of the regional directors, nor shall it affect the making of details of persons qualified to serve as expert examiners on special subjects: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force: *Provided further*, That members of the Loyalty Review Board in Washington and of the regional loyalty boards in the field may be paid actual transportation expenses, and not to exceed $10 per diem in lieu of subsistence while traveling on official business away from their homes or regular places of business, and while en route to and from and at the place where their services are to be

60 Stat. 810.

18 U. S. C. §§ 61a, 61h, 61j, 61*l*-61t.
Post, p. 868.
58 Stat. 394.
Post, p. 1049.
60 Stat. 903.
60 Stat. 843.
Post, p. 1008.

41 U. S. C. § 5.
Details, restriction.

Emergency transfers or details.

Loyalty Review Board.

Post, p. 863.

performed: *Provided further*, That nothing in sections 109 and 113 of the Criminal Code (18 U S. C. 198, 203) or in section 190 of the Revised Statutes (5 U. S. C. 99) shall be deemed to apply to any person because of his appointment for part-time or intermittent service as a member of the Loyalty Review Board or a regional loyalty board in the Civil Service Commission.

Legal Examining Unit.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order Numbered 9358 of July 1, 1943.

3 CFR, 1943 Supp., p. 30.

Compensation of officers allocating supervisory positions.

No part of appropriations herein shall be used to pay the compensation of officers and employees of the Civil Service Commission who allocate or reallocate supervisory positions in the classified civil service solely on the size of the group, section, bureau, or other organization unit, or on the number of subordinates supervised. References to size of the group, section, bureau, or other organization unit or the number of subordinates supervised may be given effect only to the extent warranted by the work load of such organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and value of the supervision actually exercised.

PANAMA CANAL CONSTRUCTION ANNUITY FUND

58 Stat. 258.

Panama Canal construction annuity fund: For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U. S. C. 1373a), $2,259,098.

CIVIL-SERVICE RETIREMENT AND DISABILITY FUND

41 Stat. 614. 5 U. S. C. §§ 691-738; Supp. I, § 691 *et seq.*

For financing the liability of the United States, created by the Act approved May 22, 1920, and Acts amendatory thereof (5 U. S. C. chap. 14), $224,000,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund".

CANAL ZONE RETIREMENT AND DISABILITY FUND

46 Stat. 1479.

For financing the liability of the United States, created by the Act approved March 2, 1931, and Acts amendatory thereof (48 U. S. C. 1371n), $1,177,000, which amount shall be placed to the credit of the "Canal Zone retirement and disability fund".

ALASKA RAILROAD RETIREMENT AND DISABILITY FUND

49 Stat. 2017.

For financing the liability of the United States created by the Act approved June 29, 1936 (5 U. S. C. 745), $217,000, which amount shall be placed to the credit of the "Alaska Railroad retirement and disability fund".

FEDERAL COMMUNICATIONS COMMISSION

47 U. S. C. § 151 *et seq.*; Supp. I, § 151 *et seq.* 36 Stat. 629.

Salaries and expenses: For necessary expenses in performing the duties imposed by the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1064), the Ship Act of 1910, approved June 24, 1910, as amended (46 U. S. C. 484–487), the International Radiotelegraphic Convention (45 Stat., pt. 2, p. 2760), Executive Order 3513, dated July 9, 1921, as amended under date of June 30, 1934, relating to applications for submarine cable licenses, and the radiotelegraphy provisions of the Convention for Promoting Safety of Life at Sea,

50 Stat. 1146.

ratified by the President July 7, 1936, including contract stenographic

reporting services, special counsel fees, health service program as authorized by law (5 U. S. C. 150), improvement and care of grounds and repairs to buildings (not to exceed $17,500), purchase of not to exceed fifteen passenger motor vehicles for replacement only, travel expenses (not to exceed $122,500), not to exceed $17,500 for deposit in the Treasury for penalty mail (39 U. S. C. 321d) and reimbursements to ships of the United States for charges incurred by such ships in transmitting information in compliance with section 357 of the Communications Act of 1934, as amended, $6,310,000, of which amount not to exceed $3,695,500 may be expended for personal services in the District of Columbia.

60 Stat. 903.

58 Stat. 394.
Post, p. 1049.

50 Stat. 195.
47 U. S. C. § 357.

Printing and binding: For printing and binding for the Federal Communications Commission, $40,000.

FEDERAL POWER COMMISSION

Salaries and expenses: For expenses necessary for the work of the Commission as authorized by law except for the work authorized by the Act of June 28, 1938 (33 U. S. C. 701j), and sections 10 and 12 of the Act of December 22, 1944 (58 Stat. 892, 904), authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, including not to exceed $245,500 for travel; health service program as authorized by law (5 U. S. C. 150); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); not to exceed $8,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); purchase of three and hire of passenger motor vehicles; $3,649,550, of which amount not to exceed $2,122,000 shall be available for personal services in the District of Columbia exclusive of not to exceed $10,000 for special counsel and temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding $35 per diem for individuals (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget).

52 Stat. 1216.

33 U. S. C. §§ 701f, 701j notes.

60 Stat. 903.

60 Stat. 843.
Post, p. 1008.
58 Stat. 394.
Post, p. 1049.

60 Stat. 810.

Flood-control surveys: For expenses necessary for the work of the Commission as authorized by the Act of June 28, 1938 (33 U. S. C. 701j), and sections 10 and 12 of the Act of December 22, 1944 (58 Stat. 892, 904), including contract stenographic reporting services; $340,000, of which amount not to exceed $142,000 shall be available for personal services in the District of Columbia.

52 Stat. 1216.

33 U. S. C. §§ 701f, 701j notes.

Printing and binding: For printing and binding, including engraving, lithographing, and photolithographing, $60,000.

FEDERAL TRADE COMMISSION

Salaries and expenses: For necessary expenses, including personal services in the District of Columbia; health service program as authorized by law (5 U. S. C. 150); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); contract stenographic reporting services; newspapers not to exceed $500; and not to exceed $9,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $3,401,510, of which not less than $228,695 shall be available for the enforcement of the Wool Products Labeling Act; and not less than $207,000 shall be available for the Trade Practice Conference Rule work: *Provided*, That no part of the funds appropriated herein for the Federal Trade Commission shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

60 Stat. 903.

60 Stat. 843.
Post, p. 1008.

58 Stat. 394.
Post, p. 1049.
54 Stat. 1128.
15 U. S. C. §§ 68–68j.

Restriction on use of funds.

Printing and binding: For all printing and binding for the Federal Trade Commission, $46,525.

FEDERAL WORKS AGENCY

OFFICE OF THE ADMINISTRATOR

Salaries and expenses: For salaries and expenses in the Office of the Administrator in the District of Columbia, including the salaries of an Assistant Administrator and a general counsel at $10,000 each per annum; printing and binding (not to exceed $6,000); purchase of newspapers and periodicals (not to exceed $150); health service program as authorized by law (5 U. S. C. 150); preparation, shipment, and installation of photographic displays, exhibits, and other descriptive materials; travel expenses; not to exceed $4,000 for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) but at rates for individuals not in excess of $35 per diem (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget); $344,540.

60 Stat. 903.

60 Stat. 810.

Public Works Administration liquidation: The funds made available for "Public Works Administration liquidation" by the Second Deficiency Appropriation Act, 1944, as amended by the First Deficiency Appropriation Act, 1945, the First Deficiency Appropriation Act, 1946, the Third Deficiency Appropriation Act, 1946, and the Independent Offices Appropriation Act, 1948, are hereby continued available until June 30, 1949, of which not to exceed $21,200 shall be available for administrative expenses during the fiscal year 1949.

58 Stat. 602; 59 Stat. 80, 638; 60 Stat. 611; 61 Stat. 592.

Penalty mail costs: For deposit in the Treasury for penalty mail of the Federal Works Agency (39 U. S. C. 321d), $28,800.

58 Stat. 394.
Post, p. 1049.

Damage claims: For payment of claims arising from the activity of the Federal Works Agency pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $10,000.

60 Stat. 843.
Post, p. 1008.

PUBLIC BUILDINGS ADMINISTRATION

Maintenance.

35 Stat. 537.

For carrying into effect the provisions of the Public Buildings Acts, as provided in section 6 of the Act of May 30, 1908 (31 U. S. C. 683), and for the repair, preservation, and upkeep of all completed public buildings under the control of the Federal Works Agency, the mechanical equipment and the grounds thereof, and sites acquired for buildings, and for the operation of certain completed and occupied buildings under the control of the Federal Works Agency, including furniture and repairs thereof, but exclusive, with respect to operation, of buildings of the United States Coast Guard, of hospitals, quarantine stations, and other Public Health Service buildings, mints, bullion depositories, and assay offices, and buildings operated by the Treasury and Post Office Departments in the District of Columbia:

General administrative expenses: For necessary expenses of the Public Buildings Administration, including personal services in the District of Columbia, and printing and binding (not to exceed $10,000); ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance; $2,160,500: *Provided*, That the foregoing appropriations shall not be available for the cost of surveys, plaster models, progress photographs, test pits and borings, or mill and shop inspections, but the cost thereof shall be construed to be chargeable against the construction appropriations of the respective projects to which they relate.

Surveys, models, etc.

Repair, preservation, and equipment, outside the District of Columbia: For the repair, alteration, improvement, preservation, and equipment, not otherwise provided for, of completed Federal buildings, the grounds and approaches thereof, wharves, and piers, together with the necessary dredging adjacent thereto, and care and safeguarding of sites acquired for Federal buildings and of surplus

real property, the custody of which is the responsibility of the Public Buildings Administration under the Act of August 27, 1935, pending sale or disposition; the demolition of buildings thereon; the purchase and repair of equipment and fixtures in buildings under the administration of the Federal Works Agency; and for changes in, maintenance of, and repairs to the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533); $10,000,000: *Provided*, That the total expenditures for the fiscal year for the repair and preservation of buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings and the installation and repair of the mechanical equipment thereof shall not exceed 20 per centum of the annual rental of such buildings.

49 Stat. 885.
40 U. S. C. §§ 304a–304e.

Pneumatic-tube system, New York City.

Limitation.

Salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area: For expenses necessary for the administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia and the area adjacent thereto, maintained and operated by the Public Buildings Administration, including repair, preservation, and equipment of buildings operated by the Treasury and Post Office Departments in the District of Columbia; rent of buildings; demolition of buildings; expenses incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of building space; traveling expenses; the purchase of two passenger motor vehicles for replacement only; furnishings and equipment; arms and ammunition for the guard force; and purchase, repair, and cleaning of uniforms for guards and elevator conductors; $30,115,000: *Provided*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan for furniture.

Use of present furniture.

Salaries and expenses, public buildings and grounds outside the District of Columbia: For expenses necessary for the administration, operation, protection, and maintenance of public buildings and grounds outside the District of Columbia maintained and operated by the Public Buildings Administration, including cleaning, heating, lighting, rental of buildings and equipment, supplies, materials, furnishings and equipment, personal services in the District of Columbia, arms, ammunition, uniforms for guards and elevator conductors, the purchase of five passenger motor vehicles for replacement only, expenses incident to moving Government agencies in connection with the assignment, allocation, and transfer of building space, and the restoration of leased premises, $22,220,000: *Provided*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan for furniture.

Use of present furniture.

Under the appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, per diem employees may be paid at rates approved by the Commissioner of Public Buildings not exceeding current rates for similar services in the place where such services are employed, and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator.

Per diem employees.

The appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, shall be available for printing and binding and for communication services serving one

Availability of funds.

or more governmental activities, and for services to motor vehicles, and where such services, together with quarters, maintenance, or other services, are furnished on a reimbursable basis to any governmental activity, such activity shall make payment therefor promptly by check upon the request of the Public Buildings Administration, either in advance or after the service has been furnished, for deposit to the credit of the applicable appropriation, of all or part of the estimated or actual cost thereof, as the case may be, proper adjustment upon the basis of actual cost to be made for services paid for in advance.

Costs of maintenance, upkeep, and repair paid by Government corporations pursuant to section 306 of the Government Corporations Appropriation Act, 1948, shall be credited to the appropriations of the Public Buildings Administration bearing such costs.

61 Stat. 584.
40 U. S. C., Supp. I, § 129.

Funds available to the Public Buildings Administration shall also be available for health-service programs as authorized by law (5 U. S. C. 150).

60 Stat. 903.

Hospital center, District of Columbia: For an additional amount for carrying out the purposes of the Act of August 7, 1946 (60 Stat. 896), including the construction of a hospital center in the District of Columbia, $500,000, to remain available until expended, and in addition thereto the Public Buildings Administration is authorized to enter into contracts for such purposes in an amount not exceeding $19,500,000.

Geophysical Institute, Alaska: For the establishment of a geophysical institute at the University of Alaska, as authorized by the Act of July 31, 1946 (48 U. S. C. 175, 175a), $100,000, to be immediately available and to remain available until expended, and in addition thereto the Public Buildings Administration is authorized to enter into contracts for this purpose in an amount not exceeding $875,000: *Provided*, That no part of this appropriation shall become available unless and until title to the land upon which said institute is to be constructed shall have been conveyed to the United States: *Provided further*, That, notwithstanding the provision of any other law, all buildings and equipment constructed or acquired with funds herein appropriated or under authority to contract shall, upon the establishment of the institute, be the property of the United States.

60 Stat. 750.

Funds available to the Public Buildings Administration for construction shall be available for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $35 per diem (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget).

60 Stat. 810.

Converting from coal to oil, etc.
Post, p. 1205.

No part of the foregoing appropriations to the Federal Works Agency shall be used for the purpose of converting any existing coal heating units to oil or natural gas in any federally owned or rented buildings in or outside the District of Columbia when there is a fuel oil shortage.

PUBLIC ROADS ADMINISTRATION

General administrative expenses: For the employment of persons and means, including rent, advertising (including advertising in the city of Washington for work to be performed in areas adjacent thereto), printing and binding (not to exceed $55,000), purchase of periodicals, purchase of one hundred passenger motor vehicles for replacement only, health service program as authorized by law (5 U. S. C. 150), and the preparation, distribution, and display of exhibits, in the city of Washington and elsewhere for the purpose of conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization,

60 Stat. 903.

and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; studies of types of mechanical plants and appliances used for road building and maintenance, and of methods of road repair and maintenance suited to the needs of different localities; for maintenance and repairs of experimental highways; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916, as amended (23 U. S. C. 21), or as otherwise provided.

Road-making experiments.

39 Stat. 355.
Post, p. 1107.
42 Stat. 217.

In carrying out the provisions of "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", as amended and supplemented (23 U. S. C. 1–117), none of the money appropriated for the work of the Public Roads Administration during the fiscal year 1949 shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided*, That during the fiscal year 1949, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies, cooperating foreign countries and State cooperating agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1949 the appropriations for the work of the Public Roads Administration shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Public Roads Administration, and for sale and for distribution to other Government activities, cooperating foreign countries and State cooperating agencies, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That the appropriations available to the Public Roads Administration may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Administration, and (not exceeding $15,000) for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $35 per diem (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget).

Construction of rural post roads.

39 Stat. 355.
Post, p. 1107.

Depreciation on equipment.

Warehouse maintenance, etc.

Medical supplies, etc., in emergencies.

Temporary services.

60 Stat. 810.

For all necessary expenses to enable the President to utilize the services of the Public Roads Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics, signed at Buenos Aires, December 23, 1936, and proclaimed September 16, 1937 (51 Stat. 152), for the continuation of cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway as provided in public resolution, approved March 4, 1929 (Public Resolution 104), as amended or supplemented, and for performing engineering service in Pan-American countries for and upon the request of any agency or governmental corporation of the United States, $100,000 to be derived from the administrative funds provided under the Act of

Inter-American Highway.
Fulfillment of U. S. obligations.

45 Stat. 1697.

39 Stat. 355.
42 Stat. 217.
Post, p. 1107.

July 11, 1916, as amended or supplemented (23 U. S. C. 21), or as otherwise provided.

Elimination of grade crossings: For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, $7,300,000, to be immediately available and to remain available until expended, which sum is a part of the amount authorized to be appropriated for the fiscal year 1943, by section 5 of the Act approved September 5, 1940 (54 Stat. 869).

23 U. S. C. §§ 60–63.

Federal-aid postwar highways: For carrying out the provisions of the Federal-Aid Highway Act of 1944 (58 Stat. 838), $427,288,854, to be immediately available and to remain available until expended, which sum is composed of $77,288,854, the remainder of the amount authorized to be appropriated for the first postwar fiscal year by section 2 of said Act, and $350,000,000, a part of the amount authorized to be appropriated for the second postwar year by said section 2.

Testing and research laboratory: For continuing the construction of a laboratory, on a site already acquired, for permanent quarters for the testing and research work of the Public Roads Administration, $1,000,000, to remain available until expended.

Access roads: During the fiscal year 1949, not to exceed $70,000 of funds remaining unexpended upon completion of access road projects authorized to be constructed under the provisions of the Defense Highway Act of 1941, as amended by the Act of July 2, 1942 (23 U. S. C. 106), shall be available for the maintenance of roads and bridges under the jurisdiction of the Public Roads Administration on Government-owned land in Arlington County, Virginia.

55 Stat. 766; 56 Stat. 562.

BUREAU OF COMMUNITY FACILITIES

Liquidation of public works advance planning: Not to exceed $675,000 of the unobligated balance on June 30, 1947, of the funds made available for public works advance planning under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) shall be available during the fiscal year 1949 for administrative expenses incident to the liquidation of the activity for which said funds were appropriated, including the objects specified under this head in the Independent Offices Appropriation Act, 1946: *Provided*, That $20,000 of the foregoing amount shall be for payment for accumulated and accrued leave of employees separated from the Government service due to said liquidation.

50 U. S. C. app. § 1671.

59 Stat. 112.

Accumulated leave.

Virgin Islands public works: For an additional amount to carry out the provisions of the Act of December 20, 1944 (58 Stat. 827), $896,250.

War public works (community facilities) liquidation: For administrative expenses necessary during the fiscal year 1949 for the liquidation of all activities under titles II, III, and IV of the Act of October 14, 1940, as amended (42 U. S. C. 1531–1534, 1541, and 1562), including personal services and rents in the District of Columbia; printing and binding; health service program as authorized by law (5 U. S. C. 150); not to exceed $337,000 of the unobligated balances of the funds heretofore appropriated for carrying out the provisions of titles II, III, and IV of the Act of October 14, 1940, as amended (42 U. S. C. 1531–1534, 1541, and 1562), of which amount $29,000 shall be for payment for accumulated and accrued leave of employees separated from the Government service due to said liquidation.

55 Stat. 361; 56 Stat. 212.

60 Stat. 903.

55 Stat. 361; 56 Stat. 212.

Veterans' educational facilities: The limitation on the amount for administrative expenses under this head in the Third Deficiency Appropriation Act, 1946, as supplemented by the Second Deficiency

60 Stat. 612.

Appropriation Act, 1947, is hereby increased from $3,750,000 to $4,000,000, of which amount $467,000 shall be used exclusively for payment for accumulated and accrued leave. 61 Stat. 108.

GENERAL ACCOUNTING OFFICE

Salaries: For personal services in the District of Columbia and elsewhere, $31,429,000. *Post*, p. 1034.

Miscellaneous expenses: For necessary expenses, including printing and binding and the purchase of one passenger motor vehicle, $1,732,000, of which not to exceed $50,000 shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d). 58 Stat. 394. *Post*, p. 1049.

Appropriations for the General Accounting Office shall be available for a health service program as authorized by law (5 U. S. C. 150), for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) at rates for individuals not in excess of $35 per diem (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget). 60 Stat. 903. 60 Stat. 843. *Post*, p. 1008. 60 Stat. 810.

INDIAN CLAIMS COMMISSION

Salaries and expenses: For expenses necessary to carry out the purposes of the Act of August 13, 1946 (Public Law 726), creating an Indian Claims Commission, including personal services in the District of Columbia; printing and binding; and for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $90,000. 60 Stat. 1049. 25 U. S. C. §§ 70–70v. 58 Stat. 394. *Post*, p. 1049.

INTERSTATE COMMERCE COMMISSION

General expenses: For expenses necessary in performing the functions vested by law in the Commission (49 U. S. C. 1–24, 301–327, 901–923, 1001–1022), except those otherwise specifically provided for in this Act, and for general administration, including one chief counsel, one director of finance, one director of motor transport, and one director of traffic, at $10,000 each per annum; not to exceed $50,000 for the employment of special counsel; contract stenographic reporting services; personal services in the District of Columbia; newspapers (not to exceed $200); health service program as authorized by law (5 U. S. C. 150); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and purchase of thirty-two passenger automobiles, of which sixteen shall be for replacement only; $9,131,317: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such: *Provided further*, That not to exceed $5,000 may be used for the purchase of evidence in connection with investigations of apparent violations of part II of the Interstate Commerce Act. 60 Stat. 903. 60 Stat. 843. *Post*, p. 1008. Government transportation requests.

Railroad safety: For expenses necessary in performing functions authorized by law (45 U. S. C. 1–15, 17–21, 35–46, 61–64; 49 U. S. C. 26) to insure a maximum of safety in the operation of railroads, including authority to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, including those pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906, and the Sundry Civil Act of May 27, 1908 (45 U. S. C. 35–37), and to require carriers by railroad subject to the Act to install automatic train-stop or train-control devices as prescribed by the Commission (49 U. S. C. 26), including the employment of inspectors, engineers, and personal services in the District of Columbia, $908,000. 49 Stat. 543; 54 Stat. 919. 49 U. S. C. §§ 301–327. 34 Stat. 838; 35 Stat. 325. 41 Stat. 498.

Locomotive inspection: For expenses necessary in the enforcement of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", as amended (45 U. S. C. 22–34), including personal services in the District of Columbia, $615,000.

36 Stat. 913.
45 U. S. C., Supp. I, §§ 24–26.

Printing and binding: For all printing and binding for the Interstate Commerce Commission, including not to exceed $17,000 to print and furnish to the States, at cost, blank annual report forms of common carriers, $205,000.

Penalty mail costs: For deposit in the Treasury for penalty mail of the Interstate Commerce Commission (39 U. S. C. 321d), $35,000.

58 Stat. 394.
Post, p. 1049.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

Contribution to Interstate Commission on the Potomac River Basin: To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the fiscal year 1949 in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), $5,000.

33 U. S. C. § 567b.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Salaries and expenses: For necessary expenses of the Committee, including contracts, without regard to section 3709, Revised Statutes, as amended, for the making of special investigations and reports and for engineering and drafting services; traveling expenses of members and for examination of estimates of appropriations and activities in the field; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory, the Ames Aeronautical Laboratory, and the Flight Propulsion Research Laboratory at Cleveland, Ohio; purchase and maintenance of cafeteria equipment; purchase of three (not to exceed $25,000) and maintenance and operation of aircraft; purchase of seven passenger motor vehicles of which six shall be for replacement; personal services in the District of Columbia; not to exceed $12,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); not to exceed $10,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) at not to exceed $35 per diem for individuals (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget); including $2,500 for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and a health service program for employees as authorized by law (5 U. S. C. 150); in all, $37,810,000: *Provided*, That statutory provisions prohibiting the payment of compensation to aliens shall not apply to any person whose employment by the Committee shall be determined by the Chairman thereof to be necessary: *Provided further*, That aircraft and parts, equipment, and supplies may be transferred to the Committee by the Air Force, Army, and Navy without reimbursement.

41 U. S. C. § 5.

Aeronautical laboratories.

58 Stat. 394.
Post, p. 1049.
60 Stat. 810.
Post, p. 1034.

60 Stat. 843.
Post, p. 1008.
60 Stat. 903.

Compensation to aliens.

Transfer of equipment.

Printing and binding: For printing and binding, $95,000.

Construction and equipment: For construction and equipment at laboratories and research stations of the Committee, $10,000,000, to be available until June 30, 1950, and of which $2,143,000 shall be available for payments under contracts entered into pursuant to the contract authority under this head in the Independent Offices Appropriation Act, 1948: *Provided*, That in addition, the Committee may, prior to

61 Stat. 599.

July 1, 1950, enter into contracts for the purposes of this appropriation in an amount not in excess of $18,200,000.

NATIONAL ARCHIVES

Salaries and expenses: For necessary expenses of the Archivist and the National Archives; including personal services in the District of Columbia; scientific, technical, first-aid, protective, and other apparatus and materials for the arrangement, titling, scoring, repair, processing, editing, duplication, reproduction, and authentication of photographic and other records (including motion-picture and other films and sound recordings) in the custody of the Archivist; contract stenographic reporting services; not to exceed $100 for payment in advance when authorized by the Archivist for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed $675 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); and travel expenses; $1,334,555, of which $1,000 is for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

58 Stat. 394.
Post, p. 1049.

60 Stat. 843.
Post, p. 1008.

Printing and binding: For all printing and binding, $23,500.

NATIONAL CAPITAL HOUSING AUTHORITY

Maintenance and operation of properties: For the maintenance and operation of properties under title I of the District of Columbia Alley Dwelling Authority Act, $23,400: *Provided*, That all receipts derived from sales, leases, or other sources shall be covered into the Treasury of the United States monthly.

52 Stat. 1186.
D. C. Code §§ 5-103 to 5-111; Supp. VI, § 5-103 *et seq.*

Penalty mail costs: For deposit in the Treasury for penalty mail of the National Capital Housing Authority (39 U. S. C. 321d), $1,300.

58 Stat. 394.
Post, p. 1049.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Land acquisition, National Capital and metropolitan area: For necessary expenses for the National Capital Park and Planning Commission in connection with the acquisition of land for the park, parkway, and playground system of the National Capital, as authorized by the Act of May 29, 1930 (46 Stat. 482), and amendment of August 8, 1946 (60 Stat. 960); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and real estate appraisers, by contract or otherwise without regard to the civil service and classification laws and section 3709, Revised Statutes, at rates of pay or fees not to exceed those usual for similar services; purchase of options and other costs incident to the acquisition of land; not to exceed $30 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $400,000, to remain available until expended, $159,000 of said sum to be used for carrying out the provisions of section 1 (b) of said Act and $241,000 for carrying out the provisions of section 4 of said Act.

D. C. Code § 8-102 note.

60 Stat. 810.

41 U. S. C. § 5.

58 Stat. 394.
Post, p. 1049.

46 Stat. 484, 485.

D. C. Code § 8-106 note.

OFFICE OF SELECTIVE SERVICE RECORDS

Salaries and expenses: For expenses necessary for the operation and maintenance of the Office of Selective Service Records as authorized by the Act of March 31, 1947 (Public Law 26), including not to exceed $50,000 for printing and binding; personal services in the District of Columbia; contract stenographic reporting services; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); not to exceed $21,000 for deposit in the

61 Stat. 31.
50 U. S. C., Supp. I, app. §§ 321-329; 38 U. S. C., Supp. I, § 696.

60 Stat. 843.
Post, p. 1008.

58 Stat. 394.
Post, p. 1049.
60 Stat. 903.

Treasury for penalty mail (39 U. S. C. 321d); and health-service program as authorized by law (5 U. S. C. 150); $2,476,700.

PHILIPPINE WAR DAMAGE COMMISSION

60 Stat. 128.
50 U. S. C. app. §§ 1751–1763.
Ante, p. 4.

Philippine War Damage Commission: For carrying out the provisions of title I of the Philippine Rehabilitation Act of 1946, $95,000,000, to remain available until April 30, 1951, of which not to exceed $2,907,991 shall be for necessary expenses of the Philippine War Damage Commission for the fiscal year 1949, including personal services in the District of Columbia; purchase of seven passenger motor vehicles; housing of American employees by rental or lease and necessary repairs and alterations to and maintenance of quarters, without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a); printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed $200 for deposit in the Treasury for penalty mail (39 U. S. C. 321d): *Provided*, That no payment shall be made under the provisions of such title of such Act to any person who, by a civil or military court having jurisdiction, has been found guilty of collaborating with the enemy or of any act involving disloyalty to the United States or the Commonwealth of the Philippines: *Provided further*, That no part of this appropriation shall be available for engaging in any phase of activity or for undertaking any phase of activity authorized by the Philippine Rehabilitation Act of 1946 which would result in obligating the Government of the United States in any sense or respect to the future payment of amounts in excess of the amounts authorized to be appropriated in such Act.

47 Stat. 412.
40 Stat. 1270.
60 Stat. 810.
58 Stat. 394.
Post, p. 1049.
Persons guilty of disloyalty.
Restriction on use of funds.
60 Stat. 128.
50 U. S. C. app. §§ 1751–1806.
Ante, p. 4; *post*, p. 1224.

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses: For necessary expenses, including personal services in the District of Columbia; health service program as authorized by law (5 U. S. C. 150); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); not to exceed $1,150 for the purchase of newspapers; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed $22,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $5,732,140.

60 Stat. 903.
60 Stat. 843.
Post, p. 1008.
60 Stat. 810.
58 Stat. 394.
Post, p. 1049.

Printing and binding: For all printing and binding for the Securities and Exchange Commission, $94,000.

SMITHSONIAN INSTITUTION

Salaries and expenses, Smithsonian Institution: For all necessary expenses for the preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government and from other sources; for the system of international exchanges between the United States and foreign countries; for anthropological researches among the American Indians and the natives of Hawaii and the excavation and preservation of archeological remains; for maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; for the administration of the National Collection of Fine Arts; for the administration, and for the construction and maintenance, of laboratory and other facilities on Barro Colorado Island, Canal Zone, under the provisions of the Act of July 2, 1940, as amended by the provisions of Reorganization Plan Numbered 3 of 1946; for the maintenance and administration of a national air museum as authorized by the Act of August 12, 1946 (20 U. S. C. 921); including

Astrophysical Observatory.
National Collection of Fine Arts.
54 Stat. 724.
48 U. S. C. §§ 1381–1387; Supp. I, § 1381 note.
60 Stat. 1101.
5 U. S. C. § 133y–16 note.
60 Stat. 997.
20 U. S. C. §§ 77–77d.

personal services in the District of Columbia and not to exceed $35,000 for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); traveling expenses; not to exceed $2,600 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); printing and binding, not exceeding $150,000, of which not to exceed $16,800 shall be available for printing the report of the American Historical Association; purchase, repair, and cleaning of uniforms for guards and elevator conductors; repairs and alterations of buildings and approaches; and not exceeding $5,500 for preparation of manuscripts, drawings, and illustrations for publications; $2,090,000.

60 Stat. 810.
58 Stat. 394.
Post, p. 1049.
60 Stat. 843.
Post, p. 1008.
American Historical Association, report.

Salaries and expenses, National Gallery of Art: For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including personal services in the District of Columbia; health-service program as authorized by law (5 U. S. C. 150); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); traveling expenses; not to exceed $1,600 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); not to exceed $250 for payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators; not to exceed $7,000 for printing and binding; purchase or rental of devices and services for protecting buildings and contents thereof; and maintenance and repair of buildings, approaches, and grounds; $966,000: *Provided*, That section 3709 of the Revised Statutes, or the Classification Act of 1923, as amended, shall not apply to the restoration and repair of works of art for the National Gallery of Art, the cost of which shall not exceed $15,000.

National Gallery of Art.
20 U. S. C. §§ 71-75.
53 Stat. 577.
20 U. S. C. § 74.
60 Stat. 903.
60 Stat. 843.
Post, p. 1008.
60 Stat. 810.
58 Stat. 394.
Post, p. 1049.
41 U. S. C. § 5.
42 Stat. 1488.
5 U. S. C. §§ 661-674.

TARIFF COMMISSION

Salaries and expenses: For necessary expenses of the Tariff Commission, including personal services in the District of Columbia, subscriptions to newspapers not to exceed $250, health service program as authorized by law (5 U. S. C. 150), contract stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed $1,500 for deposit in the Treasury for penalty mail (39 U. S. C. 321d), $1,180,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That during the fiscal year ending June 30, 1949, the salaries of the Commissioners of the United States Tariff Commission shall be at the rate of $10,000 per annum.

60 Stat. 903.
60 Stat. 810.
58 Stat. 394.
Post, p. 1049.
46 Stat. 701.
19 U. S. C. §§ 1336-1338.
Salaries of Commissioners.

Printing and binding: For printing and binding, $20,000.

THE TAX COURT OF THE UNITED STATES

Salaries and expenses: For necessary expenses, including contract stenographic reporting services, $754,700, of which not to exceed $675 shall be available for deposit in the Treasury for penalty mail (39

58 Stat. 394.
Post, p. 1049.

U. S. C. 321d): *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

Printing and binding: For printing and binding, $17,500.

INDEPENDENT OFFICES—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 102. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Affidavit.

Provided, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*,

Penalty.

That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Payment of salaries, etc., restriction.

SEC. 103. No part of any appropriation or authorization in this Act shall be used to pay any part of the salary or expenses of any person whose salary or expenses are prohibited from being paid from any appropriation or authorization in any other Act; but this prohibition shall be effective only during the period for which such prohibition in such other Act is effective.

Travel expenses.

SEC. 104. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations.

Purchase of newspapers and periodicals.

SEC. 105. Where appropriations in this Act are expendable for the purchase of newspapers and periodicals and no specific limitation has been placed thereon, the expenditures therefor under each such appropriation may not exceed the amount of $50: *Provided*, That this limitation shall not apply to the purchase of scientific, technical, trade, or traffic periodicals necessary in connection with the performance of the authorized functions of the agencies for which funds are herein provided.

Positions formerly held by employees who entered armed forces.

SEC. 106. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the armed forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified

to perform the duties of his former position and has not been restored thereto.

Attendance at meetings.

SEC. 107. Appropriations contained in this Act, available for expenses of travel, shall be available, when specifically authorized by the head of the activity or establishment concerned, for expenses of attendance at meetings of organizations concerned with the function or activity for which the appropriation concerned is made.

Accounting systems.

SEC. 108. No part of any appropriation or fund contained in this Act shall be available for installing or maintaining systems for administrative appropriation, fund, or inventory accounting except such systems as are prescribed or approved by the Comptroller General: *Provided*, That all agencies for whose activities provision is made in this Act shall hereafter maintain fiscal accounting control of all inventories of supplies, materials, or equipment which may be owned by or be in the custody of such agencies.

TITLE II—GENERAL PROVISIONS

Motor vehicles.

SEC. 201. Unless otherwise specifically provided, the maximum amount allowable, in accordance with section 16 of the Act of August 2, 1946 (Public Law 600), for the purchase of any passenger motor vehicle (exclusive of busses, ambulances, and station wagons), is hereby fixed at $1,400.

60 Stat. 810.
5 U. S. C. §§ 77, 78.

Citizenship requirement.

SEC. 202. Unless otherwise specified and until July 1, 1949, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, or (3) is a person who owes allegiance to the United States: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the prosecution of the war.

Affidavit.

Penalty.

Recoupment.

Nonapplicability.

Per diem allowances.

SEC. 203. Appropriations for the executive departments and independent establishments for the fiscal year 1949 available for travel expenses shall be available for the payment of per diem allowances in lieu of subsistence expenses without regard to the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821–833), to civilian officers and employees of such departments and establishments while traveling on official business outside the continental limits of the United States and away from their designated posts of duty: *Provided*, That the amount of such allowances shall be determined by the head of the department or independent establishment concerned or by such official as he may designate for the purpose, but shall, in no case, notwithstanding any other provision of law, exceed the maximum established by regulations prescribed by the President for the locality in which the travel is performed.

44 Stat. 688.

Allowances for living quarters.

SEC. 204. Appropriations of the executive departments and independent establishments for the fiscal year 1949, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for living quarters allowances in accordance with the Act of June 26, 1930 (5 U. S. C. 118a), and regulations prescribed thereunder, and cost of living allowances similar to those allowed under section 901 (2) of the Foreign Service Act of 1946, in accordance with and to the extent prescribed by regulations of the President, for all civilian officers and employees of the Government permanently stationed in foreign countries: *Provided*, That the availability of appropriations of the Department of State under the caption "Foreign Service" shall not be affected hereby.

46 Stat. 818.

60 Stat. 1026.
22 U. S. C. § 1131 (2).

Senate disapproval of nomination, effect.

SEC. 205. No part of any appropriation for the fiscal year 1949 contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

U. S. Code Annotated; Lifetime Federal Digest.

SEC. 206. No part of any appropriation contained in this or any other Act shall be used to pay in excess of $4 per volume for the current and future volumes of the United States Code Annotated and such volumes shall be purchased on condition and with the understanding that cumulative annual pocket parts shall be furnished free of charge, or in excess of $4.25 per volume for the current or future volumes of the Lifetime Federal Digest.

Employment outside continental U. S.
Post, p. 1205.

SEC. 207. Except as otherwise provided by law, any appropriations or funds available to the executive departments, independent establishments, and corporations for the payment of salaries and compensation to persons employed outside the continental United States or in Alaska shall be available for the payment of such salaries and compensation only in accordance with regulations prescribed by the President at rates of pay equal to those paid for the same or similar services of persons employed by the Government in continental United States, plus not to exceed 25 per centum: *Provided*, That no such salary or compensation shall exceed the maximum provided by the Classification Act of 1923, as amended.

42 Stat. 1488.
5 U. S. C. §§ 661-674.

TITLE III—REDUCTIONS IN APPROPRIATIONS

Amounts available to the Federal Works Agency from appropriations and other funds are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

FEDERAL WORKS AGENCY

58 Stat. 791.
50 U. S. C. app. § 1671.

Office of the Administrator: Public works advance planning, under title V of the War Mobilization and Reconversion Act of 1944, $1,036,000.

Office of the Administrator: Public Works Administration liquidation: $387,647 of the unexpended balances of the funds heretofore made available to said Administration required to liquidate obligations incurred prior to June 30, 1944.

Public Roads Administration: Access roads (national defense), $1,569,111.

60 Stat. 948.

Bureau of Community Facilities: Emergency relief for the Territory of Hawaii, under section 1 of the Act entitled "An Act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes", $100,000.

Short title.

This Act may be cited as the "Independent Offices Appropriation Act, 1949".

Approved April 20, 1948.

[CHAPTER 222]

AN ACT

To exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and Internal Revenue Code.

April 20, 1948
[H. R. 5052]
[Public Law 492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 209 (b) (15) of the Social Security Act, as amended (U. S. C., 1940 edition, Supp. V, title 42, sec. 409 (b) (15)), and section 1426 (b) (15) of the Internal Revenue Code, as amended, are hereby amended to read as follows:

Social Security Act and Internal Revenue Code, amendments.
53 Stat. 1376, 1386.
42 U. S. C. § 409 (b) (15); 26 U. S. C. § 1426 (b) (15).

"(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

"(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or".

(b) The amendment made by subsection (a) to section 209 (b) (15) of the Social Security Act shall be applicable with respect to services performed after the date of the enactment of this Act, and the amendment made to section 1426 (b) (15) of the Internal Revenue Code shall be applicable with respect to services performed after December 31, 1939.

SEC. 2. (a) Section 1607 (c) (15) of the Internal Revenue Code, as amended, is hereby amended to read as follows:

53 Stat. 1395.
26 U. S. C. § 1607 (c) (15).

"(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

"(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;".

(b) The amendment made by subsection (a) shall be applicable with respect to services performed after December 31, 1939, and, as to services performed before July 1, 1946, shall be applied as if such amendment had been a part of section 1607 (c) (15) of the Internal Revenue Code as added to such code by section 614 of the Social Security Act Amendments of 1939.

53 Stat. 1395.
26 U. S. C. § 1607 (c) (15).

SEC. 3. If any amount paid prior to the date of the enactment of this Act constitutes an overpayment of tax solely by reason of an amendment made by this Act, no refund or credit shall be made or allowed with respect to the amount of such overpayment.

Overpayment of tax.

JOSEPH W. MARTIN JR
Speaker of the House of Representatives.

A H VANDENBERG
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
April 14, 1948.

Certificate of House of Representatives.

The House of Representatives having proceeded to reconsider the bill (H. R. 5052) entitled "An Act to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and Internal Revenue Code", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

JOHN ANDREWS
Clerk.

Certificate of origin.

I certify that this Act originated in the House of Representatives.

JOHN ANDREWS
Clerk.

IN THE SENATE OF THE UNITED STATES,
April 20 (legislative day, March 29), 1948.

Certificate of Senate.

The Senate having proceeded to reconsider the bill (H. R. 5052) "An Act to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and Internal Revenue Code", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

CARL A. LOEFFLER
Secretary.

[CHAPTER 223]

April 21, 1948
[H. R. 2645]
[Public Law 493]

AN ACT

To provide that appointments of United States commissioners for the Isle Royale, Hawaii, Mammoth Cave, and Olympic National Parks shall be made by the United States district courts without the recommendation and approval of the Secretary of the Interior.

U. S. commissioners. Appointments to certain national parks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Act entitled "An Act to accept the cession by the State of Michigan of exclusive jurisdiction over the lands embraced within the Isle Royale National Park, and for other purposes", approved March 6, 1942 (U. S. C., 1940 edition, Supp. V, title 16, sec. 408m), is amended by striking out "upon the recommendation and approval of the Secretary of the Interior of a qualified candidate".

56 Stat. 134.
16 U. S. C. § 408m.

SEC. 2. The first paragraph of section 6 of the Act entitled "An Act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930, as amended (U. S. C., 1940 edition, title 16, sec. 395e), is amended by striking out "upon the recommendation and approval of the Secretary of the Interior of a qualified candidate".

46 Stat. 228.
16 U. S. C. § 395e.

SEC. 3. The first sentence of section 5 of the Act entitled "An Act to accept the cession by the Commonwealth of Kentucky of exclusive jurisdiction over the lands embraced within the Mammoth Cave National Park; to authorize the acquisition of additional lands for the

park in accordance with the Act of May 25, 1926 (44 Stat. 635); to authorize the acceptance of donations of land for the development of a proper entrance road to the park; and for other purposes", approved June 5, 1942 (U. S. C., 1940 edition, Supp. V, title 16, sec. 404c–5), is amended by striking out "Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate, the" and inserting in lieu thereof "The".

56 Stat. 318.
16 U. S. C. § 404c-5.

SEC. 4. The first sentence of section 5 of the Act entitled "An Act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes", approved March 6, 1942 (U. S. C., 1940 edition, Supp. V, title 16, sec. 256d), is amended by striking out "Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate, the" and inserting in lieu thereof "The".

56 Stat. 137.
16 U. S. C. § 256d.

Approved April 21, 1948.

[CHAPTER 224]

AN ACT

To transfer the Remount Service from the Department of the Army to the Department of Agriculture.

April 21, 1948
[H. R. 3484]
[Public Law 494]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the interests of economy and efficiency, the records, property, real and personal, and civilian personnel of the Remount Service of the Quartermaster Corps, Department of the Army, are hereby transferred to the Department of Agriculture, effective July 1, 1948. Prior to that date, the Secretary of the Army and the Secretary of Agriculture shall enter into a written agreement on the property and the personnel covered by this transfer.

Remount Service.
Transfer to Department of Agriculture.

Effective date.

SEC. 2. The Secretary of Agriculture is authorized to receive the property transferred by this Act and is directed to administer it in such manner as he deems will best advance the livestock and agricultural interests of the United States, including improvement in the breeding of horses suited to the needs of the United States; the acquisition by purchase in the open market, exchange, hire, or donation of breeding stock, and necessary land, buildings, and facilities; the use of horses in the improvement of the supply of horses available in agriculture; the demonstration of the quality and usefulness of horses through participation in and lending for use in fairs, shows, and other events, or otherwise; the loan, sale, or hire of animals or animal products through such arrangements and subject to such fees as are deemed necessary by the Secretary to accomplish the purposes of this Act, and, in carrying out such program, the Secretary is authorized to cooperate with public and private organizations and individuals under such rules and regulations as are deemed by him to be necessary.

Administration.

SEC. 3. Until June 30, 1949, the Secretary of the Army may detail to the Department of Agriculture such military personnel, including officers in the Veterinary Corps of the Medical Department, as he may determine with the Secretary of Agriculture to be desirable to effectuate the purposes of this Act or to safeguard the interest of the United States. Notwithstanding the limitations contained in existing law, retired officer personnel of the Department of the Army, if employed by the Department of Agriculture for the purposes of this Act only, may receive in addition to their retired pay civilian salary to the extent that the total from both sources does not exceed the pay and allowances received by such persons in the permanent grade last held by them prior to retirement.

Detail of military personnel.

Retired officer personnel.

Appropriation authorized.
Post, p. 1037.

SEC. 4. There is hereby authorized to be appropriated to the Department of Agriculture such funds as may be necessary to carry out this Act. The authority of the Department of the Army to conduct a remount breeding program is hereby abolished. Funds appropriated pursuant to this Act shall be available for necessary administrative expenses, including personal services in the District of Columbia, printing and binding, and purchase or hire of passenger motor vehicles.

Approved April 21, 1948.

[CHAPTER 225]

AN ACT

April 21, 1948
[H. R. 4326]
[Public Law 495]

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

Bankruptcy Act, amendment.
47 Stat. 1471.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 75 (c) (U. S. C., title 11, sec. 203) of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, be and is amended to read as follows:

Petition by farmer.

"(c) At any time prior to March 1, 1949, a petition may be filed by any farmer in the district court of the district in which he resides, stating that such farmer is insolvent or unable to meet his debts as they mature and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section."

Approved April 21, 1948.

[CHAPTER 229]

AN ACT

April 24, 1948
[S. 2038]
[Public Law 496]

To enable the Secretary of Agriculture to conduct research on foot-and-mouth disease and other diseases of animals and to amend the Act of May 29, 1884 (23 Stat. 31), as amended, by adding another section.

Foot-and-mouth disease.
7 U. S. C. § 391; Supp. I, § 391 note; 21 U. S. C. §§ 112-115, 117-120, 130.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 29, 1884 (23 Stat. 31), as amended, is hereby amended by adding a new section 12 reading as follows:

Research laboratories.

"SEC. 12. The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 10 (a) of the Bankhead-Jones Act of 1935, as amended by the Research and Marketing Act of 1946, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal diseases which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: *Provided*, That no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States except coastal islands separated therefrom by waters navigable for deep-water navigation and which shall not be connected with the mainland by any tunnel, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of Agriculture may, at his discretion, permit said virus to be brought into the United States under adequate safeguards. To carry out the provisions of this section, the Secretary is authorized to employ technical experts or scientists without regard to the Classification Act:

60 Stat. 1085.
7 U. S. C. § 427i(a).

Live virus.

Technical experts.

42 Stat. 1488.
5 U. S. C. §§ 661-674.

Provided, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed $15,000 per annum. There is hereby authorized to be appropriated such sums as Congress may deem necessary; in addition, the Secretary is authorized to utilize, in carrying out this section, funds otherwise available for the control or eradication of such diseases."

Appropriation authorized.
Post, pp. 515, 1037.

Approved April 24, 1948.

[CHAPTER 230]

AN ACT

April 24, 1948
[H. R. 3703]
[Public Law 497]

To authorize transfer of surplus real property to the jurisdiction of the Department of the Interior for consolidation of Federal holdings within areas administered by the National Park Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any Federal agency administering real property situated within the boundaries of a national park or national monument and surplus to its needs or any other Federal agency or instrumentality holding such property for disposal only, is authorized, with the approval of the President of the United States, to transfer surplus real property or interest therein to the Department of the Interior without reimbursement or transfer of funds, having an aggregate appraised value not to exceed $500,000, upon determination by the Secretary of the Interior that it is in the Federal interest to consolidate such Federal holdings within areas administered by the National Park Service.

Transfer of surplus real property in national parks, etc.

SEC. 2. Any real property or interest therein transferred pursuant to section 1 of this Act shall become a part of the area with which it is consolidated and shall be subject to all the laws and regulations applicable thereto. The authorization conferred by this Act, unless extended by Congress, shall expire July 1, 1952.

Termination.

Approved April 24, 1948.

[CHAPTER 231]

JOINT RESOLUTION

April 26, 1948
[S. J. Res. 207]
[Public Law 498]

To provide for the commemoration of the sesquicentennial anniversary of the establishment of the Department of the Navy.

Navy Department.

Whereas the Department of the Navy was created by the Act entitled "An Act to establish an Executive Department, to be denominated the Department of the Navy", approved April 30, 1798 (1 Stat. 553); and

Whereas by such Act the Secretary of the Navy was charged with the duty "to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials and the construction, armament, equipment and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States": Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed by appropriate order to designate April 30, 1948, as a day to be observed within the Naval Establishment by appropriate ceremonies in commemoration of the one hundred and fiftieth anniversary of the creation of the Department of the Navy and in honor of the gallant personnel who have rendered service in the Naval Establishment of the United States since the founding of such Department.

One hundred and fiftieth anniversary.

Approved April 26, 1948.

[CHAPTER 232]

April 27, 1948
[S. 1583]
[Public Law 499]

AN ACT

To provide for the conveyance to the State of Maryland, for the use of the University of Maryland, of the northern portion of a parcel of land previously constituting a part of the campus of the university and previously conveyed by the State of Maryland to the United States for the use of the Bureau of Mines.

University of Maryland.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the State of Maryland, for the use of the University of Maryland, a tract of land in Prince Georges County, Maryland, described as follows: Beginning at the stone monument that marks the corner formed by the intersection of boundary lines of the lands now or formerly owned by John and Rachel Keiley (liber S. D. H. 332, folio 113); Sam and —— Buckley (liber 47, folio 325); Charles E., Harry W., James E. and Mary E. McNamee; and the University of Maryland (Maryland Agricultural College, liber C. S. M. 2, folio 294); near College Park, Prince Georges County, Maryland, and running thence with the line formerly owned by McNamee on the one side and the Bureau of Mines on the other side, south forty degrees forty-seven minutes, four seconds west nine hundred and thirty-nine and forty-six one-hundredths feet to an iron pipe marking what was formerly the Engle-McNamee corner (being part of the north forty-four degrees east two hundred and sixty-two and twenty twenty-fifths perches line of Maryland Agricultural College, liber C. S. M. 2, folio 294); thence north eighty-nine degrees thirty minutes no seconds east until it intersects the east line of the Bureau of Mines property seven hundred and one and eighty-eight one-hundredths feet; thence north no degrees thirty minutes west six hundred and sixty-six and thirty-nine one-hundredths feet to an iron pipe marking the northeast corner of the Bureau of Mines property; thence north sixty-four degrees forty-five minutes twenty-four seconds west ninety-one and seven one-hundredths feet along the University of Maryland (formerly Keiley) line to the point of beginning and containing six and three thousand one hundred and forty-eight ten-thousandths acres.

Approved April 27, 1948.

[CHAPTER 235]

April 27, 1948
[S. 560]
[Public Law 500]

AN ACT

To prohibit the operation of gambling ships, and for other purposes.

Operation of gambling ships.

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

"Gambling ship."

(a) The term "gambling ship" means a vessel used principally for the operation of one or more gambling establishments.

"Gambling establishment."

(b) The term "gambling establishment" means any common gaming or gambling establishment operated for the purpose of gaming or gambling, including accepting, recording, or registering bets, or carrying on a policy game or any other lottery, or playing any game of chance, for money or other thing of value.

"Vessel."

(c) The term "vessel" includes every kind of water and air craft or other contrivance used or capable of being used as a means of transportation on water, or on water and in the air, as well as any ship, boat, barge, or other water craft or any structure capable of floating on the water.

"American vessel."

(d) The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any

vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if such vessel is owned by, chartered to, or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

"United States."

(e) The term "United States", when used in a geographical sense, includes the continental United States and the Territories and possessions of the United States, other than the Canal Zone.

Unlawful acts.

SEC. 2. (a) It shall be unlawful for any citizen or resident of the United States, or any other person who is on an American vessel or is otherwise under or within the jurisdiction of the United States, directly or indirectly—

(1) to set up, operate, or own or hold any interest in any gambling ship or any gambling establishment on any gambling ship; or

(2) in pursuance of the operation of any gambling establishment on any gambling ship, to conduct or deal any gambling game, or to conduct or operate any gambling device, or to induce, entice, solicit, or permit any person to bet or play at any such establishment,

if such gambling ship is on the high seas, or is an American vessel or otherwise under or within the jurisdiction of the United States, and is not within the jurisdiction of any State.

Violations.

(b) Whoever violates the provisions of subsection (a) shall, upon conviction, be imprisoned for not more than two years or fined not more than $10,000, or both.

Forfeiture of vessel.

(c) Whoever, being (1) the owner of an American vessel, or (2) the owner of any vessel under or within the jurisdiction of the United States, or (3) the owner of any vessel and being an American citizen, shall use, or knowingly permit the use of, such vessel in violation of any provision of this section shall, in addition to any other penalties provided by this Act, forfeit such vessel, together with her tackle, apparel, and furniture, to the United States.

Transportation of passengers.

SEC. 3. (a) It shall be unlawful to operate or use, or to permit the operation or use of, any vessel for the carriage or transportation, or for any part of the carriage or transportation, either directly or indirectly, of any passengers, for hire or otherwise, between any point or place within the United States and any gambling ship which is not within the jurisdiction of any State. The provisions of this section shall not apply to any carriage or transportation to or from any vessel in case of any emergency involving the safety or protection of life or property.

Rules and regulations.

(b) The Secretary of the Treasury is hereby authorized to prescribe such reasonable rules and regulations as may be necessary to enforce the provisions of this section and to prevent violations of such provisions.

Penalty.

For the operation or use of any vessel in violation of the provisions of this section or of any rule or regulation issued hereunder, the owner or charterer of such vessel shall be subject to a civil penalty of $200 for each passenger carried or transported in violation of such provisions, and the master or other person in charge of such vessel shall be subject to a civil penalty of $300. Such penalty shall constitute a lien on such vessel, and proceedings to enforce such lien may be brought summarily by way of libel in any court of the United States having jurisdiction thereof. The Secretary of the Treasury is hereby authorized to mitigate or remit any of the penalties provided by this section on such terms as he may deem proper.

Jurisdiction of courts.

SEC. 4. Nothing in this Act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof,

or to preclude action, otherwise valid, by any State or Territory with respect to the navigable waters within the boundaries of such State or Territory.

Approved April 27, 1948.

[CHAPTER 236]

April 27, 1948
[H. R. 4931]
[Public Law 501]

AN ACT

To amend title 17 of the United States Code entitled "Copyrights."

Title 17, U. S. Code, amendment.
61 Stat. 667.
17 U. S. C., Supp. I, § 211.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211 of title 17 of the United States Code, entitled "Copyrights", be amended to read as follows:

"SEC. 211. SAME; DISTRIBUTION AND SALE; DISPOSAL OF PROCEEDS.—The said printed current catalogs as they are issued shall be promptly distributed by the Superintendent of Documents to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised list of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the Register of Copyrights for each part of the catalog not exceeding $25 for the complete yearly catalog of copyright entries. The consolidated catalogs and indexes shall also be supplied to all persons ordering them at such prices as may be fixed by the Register of Copyrights, and all subscriptions for the catalogs shall be received by the Superintendent of Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time."

61 Stat. 668.
17 U. S. C., Supp I, § 215.

SEC. 2. Section 215 of said title 17 is amended to read as follows:

"SEC. 215. FEES.—The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:

"For the registration of a claim to copyright in any work, except a print or label used for articles of merchandise, $4; for the registration of a claim to copyright in a print or label used for articles of merchandise, $6; which fees shall include a certificate of registration under seal for each work registered: *Provided*, That only one registration fee shall be required in the case of several volumes of the same book published and deposited at the same time.

"For recording the renewal of copyright and issuance of certificate therefor, $2.

"For every additional certificate of registration, $1.

"For certifying a copy of an application for registration of copyright, and for all other certifications, $2.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, $3; for each additional page or less, 50 cents; for each title over one in the paper recorded, 50 cents additional.

"For recording a notice of use, $2, for each notice of not more than five titles; and 50 cents for each additional title.

"For any requested search of Copyright Office records, or works deposited, or services rendered in connection therewith, $3 for each hour of time consumed."

Effective date.

SEC. 3. This Act shall take effect thirty days after its enactment.

Approved April 27, 1948.

[CHAPTER 237]

AN ACT

April 28, 1948
[S. 1021]
[Public Law 502]

Authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and clerk of the Fort Peck General Council, members of the Fort Peck Tribal Executive Board, and other committees appointed by said Fort Peck General Council, and official delegates of the Fort Peck Tribes.

Fort Peck Indians.
Certain salaries and expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his duly authorized representative, is hereby authorized beginning as of July 1, 1947, and until otherwise directed by Congress, to pay out of any unobligated tribal funds of the Fort Peck Indians in the Treasury of the United States the following salaries and expenses:

To the chairman, secretary, and clerk of the Fort Peck General Council and members of the Fort Peck Tribal Executive Board or other committees appointed by the general council, when engaged on business of the tribes, a salary of not to exceed $8 per day and a per diem of not to exceed $3 in lieu of subsistence and all other expenses; to such official delegates of the Fort Peck Tribes who may carry on the business of the tribes at the seat of government a salary of not to exceed $8 per day and a per diem of $10 in lieu of subsistence and all other expenses: *Provided*, That the rate of salary and per diem paid shall be fixed in advance by the general council of said tribes or by the Tribal Executive Board of the said tribes if authorized by said general council: *Provided further*, That the official delegates of the tribes carrying on said business at the seat of government shall also receive the usual railroad and sleeping-car, or airplane transportation to and from the seat of government, or, if travel is by automobile, delegates furnishing such transportation shall receive an amount equivalent to the cost of their railroad and sleeping-car transportation to and from the seat of government, but salary and per diem shall not be paid to delegates traveling by automobile for any period in excess of the time required to perform the travel by railroad: *Provided further*, That the total amount of the aforesaid salaries and expenses shall not exceed $10,000 per annum: *And provided further*, That the length of stay of the official delegates at the seat of government shall be determined by the Commissioner of Indian Affairs.

Official delegates.

Limitations.

Approved April 28, 1948.

[CHAPTER 238]

AN ACT

April 28, 1948
[S. 2278]
[Public Law 503]

To authorize the sale of certain public lands in San Juan County, Utah, to the Southwest Indian Mission, Incorporated.

Southwest Indian Mission, Inc.
Purchase of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southwest Indian Mission, Incorporated, is hereby authorized for a period of one year from and after the effective date of this Act to file with the Secretary of the Interior an application to purchase, and the Secretary of the Interior is hereby authorized and directed to issue a patent to it, for use by Saint Christopher's Mission to the Navajo, for the following-described lands in San Juan County, Utah: The east half of the southeast quarter of the southeast quarter of section 20, the west half of the southwest quarter of the southwest quarter of section 21, lot 4 and the northwest quarter of the northwest quarter of section 28 and lots 1, 2, and 5 of section 29, township 40 south, range 22 east, Salt Lake meridian, containing one hundred and sixty-five and five-tenths acres.

Payment.

SEC. 2. The patent shall not be issued until after payment has been made by the Southwest Indian Mission, Incorporated, to the Secretary of the Interior for the land at its reasonable appraised price of not less than $1.25 per acre, to be determined by the Secretary in accordance with the provisions of the Act of December 22, 1928 (45 Stat. 1069). The patent shall reserve to the United States all of the oil, gas, and all other mineral deposits in the land, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

43 U. S. C. §§ 1068, 1068a.
Rights reserved to U. S.

Approved April 28, 1948.

[CHAPTER 239]

JOINT RESOLUTION

April 28, 1948
[S. J. Res. 94]
[Public Law 504]

To establish the Fort Sumter National Monument in the State of South Carolina.

Fort Sumter National Monument, S. C.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to transfer, without consideration, to the Secretary of the Interior title to the site of the historic structure known as Fort Sumter, situated in Charleston Harbor, Charleston, South Carolina, together with such buildings and other improvements as are appurtenant to such site.

SEC. 2. The property acquired by the Secretary of the Interior under this joint resolution shall constitute the Fort Sumter National Monument and shall be a public national memorial commemorating historical events at or near Fort Sumter. The Director of the National Park Service under the direction of the Secretary of the Interior shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of the Act entitled "An Act to establish a National Park Service and for other purposes", approved August 25, 1916, as amended.

39 Stat. 535.
16 U. S. C. §§ 1-4, 22, 43.

Approved April 28, 1948.

[CHAPTER 241]

AN ACT

April 29, 1948
[S. 1696]
[Public Law 505]

To amend the Act of August 13, 1940 (54 Stat. 784), so as to extend the jurisdiction of the United States District Court, Territory of Hawaii, over Canton and Enderbury Islands.

U. S. District Court, Hawaii.
Extension of jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes", approved August 13, 1940 (54 Stat. 784, 48 U. S. C., sec. 642a), is hereby amended to read: "The jurisdiction of the United States District Court, Territory of Hawaii, is hereby extended to all civil and criminal cases arising on or within the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, and, having regard to the special status of Canton and Enderbury Islands pursuant to an agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common, the said jurisdiction is also extended to all civil and criminal cases arising on or within Canton Island and Enderbury Island: *Provided*, That such extension to Canton and Enderbury

53 Stat. 2219.

Islands shall in no way be construed to be prejudicial to the claims of the United Kingdom to said islands in accordance with the agreement.

SEC. 2. The title of the said Act approved August 13, 1940, is amended to read: "An Act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island, and for other purposes." 54 Stat. 784. 48 U. S. C. § 642a.

Approved April 29, 1948.

[CHAPTER 242]

AN ACT

To authorize the Board of Commissioners of the District of Columbia to establish daylight saving time in the District.

April 29, 1948
[S. 1481]
[Public Law 506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Commissioners of the District of Columbia is authorized to advance the standard time applicable to the District one hour for the period commencing not earlier than the last Sunday of April 1948 and ending not later than the last Sunday of September 1948. Any such time established by the Commissioners under authority of this Act shall, during the period for which it is applicable, be the standard time for the District of Columbia. Daylight saving time, D. C.

Approved April 29, 1948.

[CHAPTER 243]

AN ACT

To amend and extend the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended.

April 29, 1948
[S. 2195]
[Public Law 507]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (b) of the Act entitled "An Act to regulate rents in the District of Columbia, and for other purposes", approved December 2, 1941, as amended (D. C. Code, 1940 edition, sec. 45-1601), is hereby amended by striking out "on April 30, 1948" and inserting in lieu thereof "at the close of March 31, 1949". D. C. Emergency Rent Act, amendments. 55 Stat. 788. D. C. Code, Supp. VI, § 45-1601 (b). *Ante*, p. 100.

SEC. 2. Section 2 of such Act, as amended (D. C. Code, 1940 edition, sec. 45-1602), is amended by adding at the end thereof the following new subsection: 55 Stat. 788. D. C. Code, Supp. VI, § 45-1602.

"(3) After April 30, 1948, the provisions of this Act shall not apply to the following housing accommodations, and no maximum rent ceilings or minimum service standards shall be prescribed with respect thereto: Nonapplicability after Apr. 30, 1948.

"(a) Any housing accommodations in hotels, which accommodations are used exclusively for transient occupancy, that is, for living quarters for nonresidents upon a short-time basis;

"(b) Any housing accommodations the construction of which was completed after March 31, 1948, or which are additional housing accommodations created by conversion after March 31, 1948;

"(c) Nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if (A) no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and (B) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family."

55 Stat. 793. D. C. Code, Supp. VI, § 45-1609 (a).

SEC. 3. (a) The first sentence of section 9 (a) of such Act, as amended (D. C. Code, 1940 edition, sec. 45–1609), is amended to read as follows: "Within ten days after issuance of an order of the Administrator under section 4, any party may file a petition to review such action in the municipal court of appeals for the District of Columbia, and shall forthwith serve a copy of such petition upon the Administrator."

55 Stat. 790. D. C. Code, Supp. VI, § 45-1604.

55 Stat. 793. D. C. Code, Supp. VI, § 45-1609 (c).

(b) Section 9 (c) of such Act, as amended (D. C. Code, 1940 edition, sec. 45–1609), is amended to read as follows:

Court review.

"(c) The municipal court of appeals for the District of Columbia is hereby granted exclusive jurisdiction to review any order of the Administrator made pursuant to section 4 of this Act. The judgment and decree of the court shall be final, subject to review as provided by law relative to other judgments of the court."

Certification of cases to court of appeals.

SEC. 4. All cases now pending before the statutory three-judge court of the municipal court which have not been presented to that court for decision at the time this Act takes effect shall forthwith be certified by said court to the municipal court of appeals for the District of Columbia. Nothing herein contained shall affect the validity of any judgment or decree of the statutory court (consisting of three judges of the municipal court as heretofore provided by law) rendered subsequent to the effective date of this Act in cases heretofore presented to that court and now awaiting decision.

Approved April 29, 1948.

[CHAPTER 244]

AN ACT

April 30, 1948 [S. 1468] [Public Law 508]

Providing for payment of $50 to each enrolled member of the Mescalero Apache Indian Tribe from funds standing to their credit in the Treasury of the United States.

Mescalero Apache Indian Tribe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the trust funds on deposit to the credit of the Mescalero Apache Tribe, and to make therefrom payment of $50 to each enrolled member of such tribe. The money paid to such members under this Act shall not be subject to any lien or claim of any nature against any of such members.

Approved April 30, 1948.

[CHAPTER 246]

AN ACT

May 3, 1948 [S. 2409] [Public Law 509]

To amend an Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 16, 1947.

D. C. Revenue Act of 1947, amendments. 61 Stat. 332. D. C. Code, Supp. VI, § 47-1551c (h).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph lettered (h) of section 4 of title I of article I of the Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 16, 1947, is amended by striking out the period at the end of the paragraph, inserting a colon, and the following: "*Provided, however*, That the words 'trade or business' shall not include, for the purposes of this article—

"Trade or business."

"(1) Sales of tangible personal property whereby title to such property passes within or without the District, by a corporation or unincorporated business which does not physically have or maintain an office, warehouse, or other place of business in the

District, and which has no officer, agent, or representative having an office or other place of business in the District, during the taxable year; or

"(2) Sales of tangible personal property by a corporation or unincorporated business which does not maintain an office or other place of business in the District and which has no office, agent, or representative in the District except for the sole purpose of doing business with the United States, but such corporations and unincorporated businesses shall be subject to the licensing provisions in title XIV of this article.

61 Stat. 357. D. C. Code, Supp. VI, §§ 47-1591 to 47-1591f.

"For purposes of this proviso, the words 'agent' or 'representative' shall not include any independent broker engaged independently in regularly soliciting orders in the District for sellers and who holds himself out as such."

"Agent" or "representative."

SEC. 2. Section 1 of title X of article I of said Act is amended by striking out the period at the end of the section, inserting a colon, and the following: "*Provided further*, That income derived from the sale of tangible personal property by a corporation or unincorporated business not carrying on or engaging in trade or business within the District as defined in title I of this article shall not be considered as income from sources within the District for purposes of this article, with the exception of income from sales to the United States not excluded from gross income as provided in title III, section 2 (b) (13) of this article."

61 Stat. 349. D. C. Code, Supp. VI, § 47-1580.

61 Stat. 332. D. C. Code, Supp. VI, § 47-1551c (h). *Ante*, p. 206. *Infra.*

SEC. 3. Paragraph lettered (b) of section 2 of title III of article I of said Act is amended by adding thereto the following subparagraph:

"(13) Income derived from the sale of tangible personal property to the United States by corporations and unincorporated businesses having their principal places of business located outside the District, which property is delivered from places outside the District for use outside the District: *Provided, however*, That the taxpayer shall furnish to the Assessor a statement in writing of the amount of gross sales so made and, if required by the Assessor, a list of the names of the agencies of the United States through which such property was sold."

61 Stat. 336. D. C. Code, Supp. VI, § 47-1557a (b).

SEC. 4. Section 4 of title XIV of article I of said Act is repealed.

61 Stat. 358. D. C. Code, Supp. VI, § 47-1591c.

SEC. 5. The amendments made by this Act shall apply to the taxable year or part thereof beginning on the 1st day of January 1948, and to succeeding taxable years.

Approved May 3, 1948.

[CHAPTER 247]

AN ACT

May 3, 1948
[H. R. 5328]
[Public Law 510]

To amend paragraph 1803 (2) of the Tariff Act of 1930, relating to firewood and other woods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1803 (2) of the Tariff Act of 1930 is amended to read as follows:

Tariff Act of 1930, amendment. 46 Stat. 684. 19 U. S. C. § 1201, par. 1803 (2).

"(2) Logs; timber, round, unmanufactured; pulpwoods; firewood, including fuel made by compression from bark, sawdust, or other wood waste of the saw or planing mill; handle bolts, shingle bolts; gun blocks for gunstocks, rough hewn or sawed or planed on one side; and laths; all the foregoing not specially provided for."

(b) This Act shall be effective as to merchandise entered for consumption, or withdrawn from warehouse for consumption, on and after the thirtieth day after the enactment of this Act.

Effective date.

Approved May 3, 1948.

[CHAPTER 254]

AN ACT

May 4, 1948
[H. R. 1275]
[Public Law 511]

To authorize the payment of certain claims for medical treatment of persons in the naval service; to repeal section 1586 of the Revised Statutes; and for other purposes.

Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1586 of the Revised Statutes (U. S. C. Annotated, 1940 edition, title 34, sec. 921) is hereby repealed.

Reimbursement for certain medical treatment.

SEC. 2. The Secretary of the Navy is authorized and directed to promulgate regulations providing for the reimbursement of persons in the naval service for the cost of emergency or necessary medical services, including hospital service and medicines, from civilian sources when the person receiving the service is in a duty status: *Provided, however*, That reimbursement will be made under this Act only if it is determined that no medical service was available from a Federal source.

Duty status.

SEC. 3. For the purpose of this Act a person shall be regarded as in a duty status in the naval service while on authorized liberty or leave.

Approved May 4, 1948.

[CHAPTER 255]

AN ACT

May 4, 1948
[S. 1393]
[Public Law 512]

To provide additional subsistence allowances and to raise the ceilings on wages and allowances pertaining to certain veterans.

Veterans' subsistence allowances.
58 Stat. 289.
38 U. S. C., Supp. I, note foll. § 733.
Ante, p. 19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 6 of part VIII of Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

"6. While enrolled in and pursuing a course under this part, (including an institutional on-farm training course) such person, upon application to the Administrator, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding thirty days in a calendar year: Except, That (1) while so enrolled and pursuing a course of full-time institutional training, such person, shall be paid a subsistence allowance of $75 per month, if without a dependent or dependents, or $105 per month if he has one dependent or $120 per month if he has more than one dependent, and (2) while so enrolled and pursuing a course of part-time institutional training, including a course of institutional on-farm training, or other combination course, such person shall be paid, subject to the limitations of this paragraph, additional subsistence allowance in an amount bearing the same relation to the difference between the basic rates and the increased rates provided in (1) hereof as the institutional training part of such course bears to a course of full-time institutional training. Such person attending a course on a part-time basis, and such person receiving compensation for productive labor whether performed as part of his apprentice or other training on the job at institutions, business or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances as may be determined by the Administrator: *Provided*, That in no event shall the rate of such allowance plus the compensation received exceed $210 per month for a veteran without a dependent, or $270 per month for a veteran with one dependent, or $290 for a veteran with two or more dependents: *Provided further*, That only so much of the compensation as is derived from productive labor based on the standard workweek

for the particular trade or industry, exclusive of overtime, shall be considered in computing the rate of allowances payable under this paragraph."

SEC. 2. So much of paragraph 3 of part VII of Veterans Regulation Numbered 1 (a), as amended, as precedes the first proviso, is hereby amended to read as follows: *Ante*, p. 20.

"3. While pursuing training prescribed herein and for two months after his employability is determined, each veteran pursuing a course under this part, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents: Except, That (1) each veteran pursuing a course of full-time institutional training under this part shall be paid a subsistence allowance of $75 per month, if without a dependent or dependents, or $105 per month, if he has one dependent, or $120 per month, if he has more than one dependent, and (2) each veteran enrolled in and pursuing a course of institutional on-farm training or other combination course, under this part shall be paid, subject to the limitations of this paragraph, additional subsistence allowance in an amount bearing the same relation to the difference between the basic rates and the increased rates provided in (1) hereof as the institutional training part of such course bears to a course of full-time institutional training."

SEC. 3. This Act shall take effect on the first day of April, 1948. Effective date.

Approved May 4, 1948.

[CHAPTER 256]

AN ACT

To authorize the Secretary of the Navy to provide salvage facilities, and for other purposes.

May 4, 1948
[H. R. 4490]
[Public Law 513]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized: Navy Department. Salvage facilities.

(a) To provide, by contract or otherwise, necessary salvage facilities for both public and private vessels upon such terms and conditions as he may, in his discretion, determine to be in the best interests of the United States: *Provided*, That the proposed contracts for salvage facilities which affect the interests of the United States Maritime Commission shall be submitted to the Maritime Commission for recommendation and comment. Submission to U. S. Maritime Commission.

(b) To acquire or to transfer, by charter or otherwise, for operation by private salvage companies, such vessels and equipment as he may deem necessary.

(c) To advance to private salvage companies such funds as may, in his judgment, be necessary to provide for the immediate financing of salvage operations, these advances to be on such terms and under such conditions as he may deem adequate for the protection of the Government.

SEC. 2. (a) Term contracts for the provision of salvage facilities shall be made under section 1 (a) of this Act only (1) after the Secretary of the Navy shall have determined that existing commercial salvage facilities available are not adequate to meet the requirements for such services in the interest of the national defense, and (2) after public notice of the intention to enter into such contracts shall have been given in such manner and for such period of time as will, in the judgment of the Secretary, provide the maximum competition among commercial salvage organizations for such contracts. Term contracts.

(b) When any salvage vessel or salvage gear are sold, chartered, leased, loaned, or otherwise transferred by the Department of the Navy Agreement by private party.

to any private party, such party shall first execute an agreement with the Department of the Navy (1) under which such vessel or gear will be employed, for such period of years as the Secretary of the Navy shall deem appropriate, to support organized offshore salvage facilities, and (2) which shall contain such other provisions as the Secretary of the Navy shall deem appropriate to assure the fulfillment of such undertaking.

Settlement of claims.

SEC. 3. The Secretary of the Navy and his designees are hereby authorized to consider, ascertain, adjust, determine, compromise, or settle any claim for salvage services rendered by the Navy Department to any vessel, and moneys received as a result of the exercise of authority contained in this Act shall be credited to appropriations made for the Navy Department and the naval service for the purpose of maintaining salvage facilities by the Navy for the purposes prescribed by this Act: *Provided*, That if the total moneys received annually by the Navy pursuant to authority contained in this Act shall exceed the total annual costs incurred by the Navy in rendering and maintaining salvage service as authorized in this Act, the amount of such excess shall be covered into the Treasury as "miscellaneous receipts".

Appropriation authorized.

SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such funds, not in excess of $3,000,000 annually, as may be necessary to effectuate the purposes of this Act.

Repeal.

SEC. 5. (a) The Act entitled "An Act to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes", approved October 24, 1941 (55 Stat. 745), as amended by the Act of February 10, 1942 (56 Stat. 86), is hereby repealed.

46 U. S. C. § 732 and note.

(b) That portion of the Act of July 1, 1918, which is the last full paragraph appearing on page 705, volume 40, Statutes at Large, and which reads as follows: "That hereafter the Secretary of the Navy is authorized to cause vessels under his control adapted to the purpose, to afford salvage service to public or private vessels in distress: *Provided*, That when such salvage service is rendered by a vessel specially equipped for the purpose or by a tug, the Secretary of the Navy may determine and collect reasonable compensation therefor.", is hereby repealed.

34 U. S. C. § 472. Repeal.

Approved May 4, 1948.

[CHAPTER 257]

May 4, 1948
[H. R. 5448]
[Public Law 514]

AN ACT

To amend sections 212 (b) and 231 (d) of the Internal Revenue Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 212 (b) of the Internal Revenue Code (relating to income of nonresident alien individuals) is hereby amended to read as follows:

53 Stat. 76.
26 U. S. C. § 212 (b).

"(b) EXCLUSIONS.—The following items shall not be included in gross income of a nonresident alien individual and shall be exempt from taxation under this chapter:

"(1) SHIPS UNDER FOREIGN FLAG.—Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

"(2) AIRCRAFT OF FOREIGN REGISTRY.—Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States."

(b) Section 231 (d) of the Internal Revenue Code (relating to income of foreign corporations) is hereby amended to read as follows: 53 Stat. 78. 26 U. S. C. § 231 (d).

"(d) EXCLUSIONS.—The following items shall not be included in gross income of a foreign corporation and shall be exempt from taxation under this chapter:

"(1) SHIPS UNDER FOREIGN FLAG.—Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

"(2) AIRCRAFT OF FOREIGN REGISTRY.—Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States."

SEC. 2. The amendments made by this Act shall be applicable with respect to taxable years beginning after December 31, 1945.

Approved May 4, 1948.

[CHAPTER 258]

JOINT RESOLUTION

To provide for the issuance of a special postage stamp in honor of the Five Civilized Tribes of Indians in Oklahoma.

May 4, 1948
[S. J. Res. 189]
[Public Law 515]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, to commemorate the centennial celebration of the Trail of Tears, the Postmaster General is hereby authorized and directed to issue a special postage stamp bearing the likeness of the great seals of the Five Civilized Tribes of Indians in Oklahoma: Choctaw, Chickasaw, Cherokee, Creek, and Seminole. Such stamp shall be issued in the denomination of 3 cents and for such a period, beginning October 15, 1948, as he may determine. Such special stamp shall be placed on sale in Muskogee, Oklahoma, one day before it is made available to the public elsewhere.

Five Civilized Tribes, Okla. Special postage stamp.

Approved May 4, 1948.

[CHAPTER 266]

AN ACT

To authorize loans for Indians, and for other purposes.

May 7, 1948
[H. R. 2622]
[Public Law 516]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his designated representative, is hereby authorized, under such regulations as the Secretary may prescribe, to make loans from the revolving fund established pursuant to the Acts of June 18, 1934 (48 Stat. 984), and June 26, 1936 (49 Stat. 1967), to tribes, bands, groups, and individual Indians, not otherwise eligible for loans under the said Acts: *Provided*, That no portion of these funds shall be loaned to Indians of less than one-quarter Indian blood.

Indians. Loans.

25 U. S. C. §§ 461-479, 501-509; Supp. I, § 502. *Post*, pp. 991, 1118.

Approved May 7, 1948.

[CHAPTER 267]

AN ACT

To equalize retirement benefits among members of the Nurse Corps of the Army and the Navy, and for other purposes.

May 7, 1948
[H. R. 4090]
[Public Law 517]

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

Army and Navy Nurse Corps.

Retirement benefits.
10 U. S. C. §§ 1029-1032.

of the Army Nurse Corps heretofore retired under the Act of May 13, 1926 (44 Stat. 531), who at the time of retirement held the relative rank of major, captain, first lieutenant, or second lieutenant in the Army under the Act of June 4, 1920 (41 Stat. 767), and each member of the Navy Nurse Corps heretofore retired under the Act of May 13, 1926 (44 Stat. 531), and placed on the Navy Nurse Corps Retired List in the grade of superintendent, assistant superintendent, chief nurse, or nurse, shall be considered, for the purposes of this Act, as having retired with the commissioned rank either of major, captain, first lieutenant, or second lieutenant in the Army, or lieutenant commander, lieutenant, lieutenant (junior grade), or ensign in the Navy, respectively.

10 U. S. C. § 164.

34 U. S. C. §§ 438-440a; Supp. I, §§ 438-440a.

Disability retirement.

SEC. 2. (a) Each member of the Army Nurse Corps, or person entitled to the rights, privileges, and benefits of members of the Army Nurse Corps, retired for disability under the Act of June 20, 1930 (46 Stat. 790), as amended, who at the time of retirement held the relative rank of colonel, lieutenant colonel, major, captain, first lieutenant, or second lieutenant, shall, for the purposes of this Act, be considered as having retired with the commissioned rank of colonel, lieutenant colonel, major, captain, first lieutenant, or second lieutenant, respectively.

10 U. S. C. § 937.

(b) Each member of the Navy Nurse Corps, or person entitled to the rights, privileges, and benefits of members of the Navy Nurse Corps, retired for disability prior to December 23, 1942, under the Act of June 20, 1930 (46 Stat. 790), as amended, and placed on the Navy Nurse Corps Retired List in the grade of superintendent, assistant superintendent, chief nurse, or nurse, shall, for the purposes of this Act, be considered as having retired with the commissioned rank of lieutenant commander, lieutenant, lieutenant (junior grade), or ensign, respectively.

34 U. S. C. § 436; Supp. I, § 436 note.

Computation of pay.

SEC. 3. The retired or retirement pay of each person referred to in sections 1 and 2 of this Act shall be computed in the same manner as is now or may hereafter be provided by law for the computation of retired pay of an officer of corresponding grade and length of service in the Regular Army or Regular Navy, as the case may be: *Provided*, That nothing contained in this Act shall be construed to deprive any person of any higher retired grade or rank, or any greater retired or retirement pay, to which entitled under any other provision of law.

SEC. 4. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective on the first day of the first calendar month following its enactment, and no back pay for any period prior thereto shall accrue by reason of its enactment.

Approved May 7, 1948.

[CHAPTER 269]

May 10, 1948
[S. 1132]
[Public Law 518]

AN ACT

To amend section 40 of the Shipping Act, 1916 (39 Stat. 728), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 40 of the Shipping Act, 1916 (39 Stat. 728), as amended, is amended by inserting before the period at the end of the first paragraph a comma and the following: "or any other official thereof duly authorized by such corporation to execute any such declaration".

40 Stat. 902.
46 U. S. C. § 838.

Approved May 10, 1948.

[CHAPTER 270]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes.

May 10, 1948
[H. R. 6055]
[Public Law 519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending June 30, 1948, and for other purposes, namely:

First Deficiency Appropriation Act, 1948.
Ante, p. 59; *post*, p. 1027.

LEGISLATIVE BRANCH

SENATE

Office of the Sergeant at Arms and Doorkeeper: For an amount necessary ($3,150) to pay the basic salaries from May 1 to June 30, 1948, inclusive, of the following positions: Clerks—one at $2,500; one at $2,400; four at $1,980 each; one at $1,950: *Provided*, That one position of clerk in folding room at $1,740 per annum be abolished after April 30, 1948; in all, $3,150; and the Legislative Branch Appropriation Act for the fiscal year 1948 hereby is amended accordingly.

61 Stat. 362.

CONTINGENT EXPENSES OF THE SENATE

Joint Committee on Foreign Economic Cooperation: For salaries and expenses of the Joint Committee on Foreign Economic Cooperation, as authorized by Public Law 472, Eighteenth Congress, including per diem and subsistence expenses without regard to the Subsistence Expense Act of 1926, approved June 3, 1926, as amended, $20,000.

Ante, p. 157; *post*, pp. 1027, 1056.

44 Stat. 688.
5 U. S. C. § 821.

Furniture and repairs: For an additional amount for materials for furniture and repairs of same, exclusive of labor, and for the purchase of furniture, $2,500.

Stationery: For an additional allowance for stationery of $200 for each Senator and the President of the Senate, for the second session of the Eighteenth Congress, $19,400, to remain available until December 31, 1948.

Post, pp. 425, 1027.

For stationery for committees and offices of the Senate, $2,500.

HOUSE OF REPRESENTATIVES

For payment to Adah H. Zimmerman, widow of Orville Zimmerman, late a Representative from the State of Missouri, $12,500.

OFFICE OF THE CLERK

For the employment of ten additional telephone operators at the basic salary of $1,800 per annum, each, $4,500.

CONTINGENT EXPENSES OF THE HOUSE

The appropriation contained in Public Law 46 (Eightieth Congress) for the purchase of surplus property is also hereby made available for the purchase of such articles, material, supplies, and equipment through the Bureau of Federal Supply.

61 Stat. 58.

Stationery (revolving fund): For stationery allowance due duly elected Members of the House of Representatives by special elections, first session, Eightieth Congress, six at $300 each, to remain available until expended; in all, $1,800.

For the procurement of a portrait of Honorable Joseph W. Martin, Junior, Speaker of the House of Representatives, $2,500, to be disbursed by the Clerk of the House under the direction of the Speaker.

For payment to Thomas J. O'Brien, contestee, for expenses incurred in the contested election case of Woodward versus O'Brien as audited and recommended by the Committee on House Administration, $1,500, to be disbursed by the Clerk of the House.

TEMPORARY CONGRESSIONAL AVIATION POLICY BOARD

Ante, p. 60.

For an additional amount for salaries and expenses for completion of the work of the Temporary Congressional Aviation Policy Board created by the Act to establish a National Aviation Council, and for other purposes (Public Law 287, Eightieth Congress), to be available until June 30, 1948, and to be disbursed by the Secretary of the Senate on vouchers approved by the Chairman, $5,000: *Provided*, That expenditures hereunder shall be made in accordance with the laws applicable to inquiries and investigations ordered by the Senate.

61 Stat. 676.
49 U. S. C., Supp. I, § 421 note.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Ante, p. 60.

Capitol Power Plant: For an additional amount for "Capitol Power Plant", $20,900.

LIBRARY OF CONGRESS

LEGISLATIVE REFERENCE SERVICE

Salaries: For an additional amount for "Salaries", $5,000, to be derived by transfer from "Miscellaneous and contingent expenses, Library of Congress, 1948"; and the limitation under this head in the Legislative Branch Appropriation Act, 1948, for preparation and reproduction of copies of the Digest of General Public Bills, is increased from "$25,000" to "$30,000".

61 Stat. 372.

GOVERNMENT PRINTING OFFICE

WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

Working capital and congressional printing and binding: For an additional amount for working capital and congressional printing and binding, $2,212,000; and the limitation under this head in the Legislative Branch Appropriation Act, 1948, on the amount available for printing and binding the supplements to the Code of Federal Regulations is increased from "$100,000" to "$125,000".

61 Stat. 375.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

Post, p. 1029.

General expenses: Surplus funds accumulated during the fiscal year 1948 through the operation of the working capital of the Government Printing Office (Public Printing and Binding, Government Printing Office, 1948) are hereby made available in the amount of $650,000 for transfer to the appropriation "General expenses, Office of the Superintendent of Documents, 1948", including the objects and subject to the conditions set forth under this head in the Legislative Branch Appropriation Act, 1948.

61 Stat. 376.

THE JUDICIARY

COURT OF CLAIMS

Salaries and expenses: The appropriation under this head in the Judiciary Appropriation Act, 1948, is hereby made available in an additional amount not to exceed $20,000, as may be necessary and approved by the chief justice, Court of Claims, for transfer to the appropriation "Repairs and improvements" for expenditure by the Architect of the Capitol for structural changes, alterations, and installations of fixtures in the Court of Claims buildings, necessary for the accommodations of the court.

61 Stat. 303.
Ante, p. 61

INDEPENDENT OFFICES

ATOMIC ENERGY COMMISSION

Salaries and expenses: The authorization under this head in the Independent Offices Appropriation Act, 1948, to enter into contracts for the purposes of the appropriation therein made, is hereby increased from "$250,000,000" to "$400,000,000".

61 Stat. 589.

FEDERAL POWER COMMISSION

Flood-control surveys: For an additional amount for "Flood-control surveys", $18,000, and the limitation under this head in the Independent Offices Appropriation Act, 1948, on the amount which may be expended for personal services in the District of Columbia, is increased from "$114,900" to "$120,000".

61 Stat. 591.

FEDERAL SECURITY AGENCY

HOWARD UNIVERSITY

Construction of buildings: In addition to the appropriation of $1,377,920 contained in the Federal Security Agency Appropriation Act, 1947, for the construction of an engineering building and women's dormitory units on the grounds of Howard University, the Public Buildings Administration is authorized to enter into contracts for the purposes of said appropriation in an amount not to exceed $1,706,000: *Provided*, That no contract shall be entered into for such purposes which will result in a total cost to the Federal Government for completion of such buildings in excess of $1,788,000 for the engineering building and $1,378,000 for the women's dormitory units: *Provided further*, That the limitations on contract authority and total cost may be exceeded or shall be reduced by an amount equal to the percentage increase or decrease, if any, in construction costs generally dating from January 1, 1948, as determined by the Federal Works Administrator: *Provided further*, That transfers of funds may be made to the Public Buildings Administration, Federal Works Agency, of amounts appropriated for construction of these buildings.

60 Stat. 688.

Restrictions.

Transfer of funds.

PUBLIC HEALTH SERVICE

Public-health services, Philippine Islands: The maximum price limitations on the purchase of passenger motor vehicles established by or pursuant to section 202 of the Act of May 3, 1945 (59 Stat. 106, 131), or section 5 (c) (1) of the Act of July 16, 1914, as amended (5 U. S. C. 78), shall not be construed to be applicable to passenger

60 Stat. 810.

motor vehicles purchased in the Philippine Islands, during the calendar year 1946, by the Public Health Service for public-health work in such islands.

OFFICE OF VOCATIONAL REHABILITATION

Such sums as may be necessary (not exceeding $4,500,000) are hereby appropriated for making for the first quarter of the fiscal year 1949 payments to States in accordance with the Vocational Rehabilitation Act, as amended (29 U. S. C., ch. 4): *Provided*, That the obligations incurred and expenditures made for such purpose under the authority of this paragraph shall be charged to the appropriation therefor in the Labor-Federal Security Appropriation Act, 1949: *Provided further*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the fiscal year 1948 in accordance with such Vocational Rehabilitation Act.

57 Stat. 374.
29 U. S. C. §§ 31–41.

Post, p. 399.

SOCIAL SECURITY ADMINISTRATION

Grants to States for unemployment compensation administration: For an additional amount for "Grants to States for unemployment compensation administration", $1,555,532.

Reconversion unemployment benefits for seamen: For an additional amount for "Reconversion unemployment benefits for seamen", $970,000.

OFFICE OF THE ADMINISTRATOR

Penalty mail: Not to exceed $365,000 may be transferred from the Federal old-age and survivors insurance trust fund to the appropriation "Penalty mail costs, Federal Security Agency, 1948".

61 Stat. 275.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Plans for elimination of structural and fire hazards, Executive Mansion: For preparation of plans for the elimination of structural and fire hazards in the Executive Mansion, including a survey of the structural condition of the building; the preparation of drawings and specifications for replacement of the existing wooden second-floor structure by a fire-resistant type of construction and for the installation of equipment, devices, and means for modernization of the building; and the making of a report to the Congress of the scope and estimated cost of work required to execute such plans; $50,000, to remain available until expended.

Report to Congress.

BUREAU OF COMMUNITY FACILITIES

Maintenance and operation of schools: For an additional amount for "Maintenance and operation of schools", $2,000,000; and the limitation under this head in the Second Supplemental Appropriation Act, 1948, on the amount available for administrative expenses, is increased from "$50,000" to "$70,000".

61 Stat. 697.

HOUSING EXPEDITER

Salaries and expenses, Office of the Housing Expediter (Housing and Rent Act of 1948): For expenses necessary to carry out the provisions of the Housing and Rent Act of 1948 (Public Law 464, approved March 30, 1948), $2,000,000; and the unexpended balances of the appropriations "Salaries and expenses, Office of the Housing Expediter", in the Government Corporations Appropriation Act, 1948,

Ante, p. 93.

61 Stat. 574.

and "Salaries and expenses, Office of Rent Control", in the Supplemental Appropriation Act, 1948, are hereby consolidated with and made a part of this appropriation, the total thereof to be disbursed and accounted for as one fund which shall be available for all of the objects and purposes of said appropriations (except as such purposes may be limited by the Housing and Rent Act of 1948 or other law), and for a health-service program as authorized by law (5 U. S. C. 150): *Provided*, That the provision of the appropriation "Salaries and expenses, Office of the Housing Expediter", in the Government Corporations Appropriation Act, 1948, making $1,908,000 available exclusively for terminal leave, is hereby repealed: *Provided further*, That the limitation under the head "Salaries and expenses, Office of Rent Control", in the Supplemental Appropriation Act, 1948, on the amount available for deposit in the Treasury for penalty mail is increased from "$175,000" to "$245,000".

61 Stat. 616.

Ante, p. 93.

60 Stat. 903. Repeal.

61 Stat. 574.

61 Stat. 616.

NATIONAL MEDIATION BOARD

Arbitration and emergency boards: For an additional amount for "Arbitration and emergency boards", $48,800.

NATIONAL RAILROAD ADJUSTMENT BOARD

Salaries and expenses: The limitation under this head in the National Mediation Board Appropriation Act, 1948, on the amount available for compensation and expenses of referees, is increased from "$65,000" to "$75,000".

61 Stat. 277.

THE TAX COURT OF THE UNITED STATES

Salaries and expenses: The limitation imposed by section 105 of the Independent Offices Appropriation Act, 1948, on the amount available for travel expenses under this head, is increased from "$20,000" to "$24,000".

61 Stat. 607.

UNITED STATES MARITIME COMMISSION

Amounts available to the Commission for personal services shall be available for additional temporary personal services in an amount not to exceed $259,000 from May 1, 1948, to June 30, 1948.

Maritime training: The limitation under this head in the Independent Offices Appropriation Act, 1948, on administrative expenses, is increased from "$250,000" to "$300,000", and the limitation under said head on transfers to appropriations of the Public Health Service is increased from "$64,000" to "$82,900".

61 Stat. 604.

War Shipping Administration functions: The sum of $4,650,000 of the operating receipts made available by the Second Supplemental Appropriation Act, 1948, and continued available by the Urgent Deficiency Appropriation Act, 1948, for salaries and general administrative expenses, shall be available until June 30, 1948, for carrying out the functions extended by the Act of February 27, 1948 (Public Law 423): *Provided*, That the limitation under the head "United States Maritime Commission" in the Urgent Deficiency Appropriation Act, 1948, on the use of operating receipts for "Cost of placing vessels into reserve fleet" is increased from "$6,103,000" to "$6,903,000".

61 Stat. 697.

Ante, p. 62.

Ante, p. 38.

Ante, p. 62.

War Shipping Administration liquidation: The appropriation to the Secretary of the Treasury in the Second Supplemental Appropriation Act, 1948, for liquidation of obligations found by the General Accounting Office to have been properly incurred against funds of the War Shipping Administration prior to January 1, 1947, is hereby continued available until June 30, 1948: *Provided*, That hereafter all moneys accruing to the United States Maritime Commission from

61 Stat. 698.

operations under the War Shipping Administration revolving fund prior to September 1, 1946 (including all moneys received from agent operators), shall be covered into the Treasury as miscellaneous receipts.

Vessel operating functions: The operating receipts made available to the United States Maritime Commission by the Act of July 23, 1946 (Public Law 521, Seventy-ninth Congress), are continued available for obligation until July 1, 1948, for the purpose of carrying out the operating functions transferred to the Maritime Commission by section 202 of the Naval Appropriation Act, 1947 (60 Stat. 501), as extended by the Act of February 26, 1947 (Public Law 6, Eightieth Congress), the Act of June 28, 1947 (Public Law 127, Eightieth Congress), and the Act of February 27, 1948 (Public Law 423, Eightieth Congress): *Provided*, That obligations incurred in carrying out such functions during the period April 1, 1948, through June 30, 1948, shall not exceed $17,600,000: *Provided further*, That the unobligated balance of such fund on June 30, 1948, shall be covered into the Treasury as miscellaneous receipts.

60 Stat. 614.

50 U. S. C. app. § 1291 note.

61 Stat. 6, 190.
50 U. S. C., Supp. I, app. §§ 1735 note, 1744, 1738.
Ante, p. 38.

VETERANS' ADMINISTRATION

Administration, medical, hospital, and domiciliary services: For an additional amount for administration including necessary contact representatives, medical, hospital, and domiciliary services, $3,000,000.

DISTRICT OF COLUMBIA

Capital outlay: Transfers may be made between limits of costs available in the fiscal year 1948 on projects chargeable against the general fund but the cost limitation for any one project shall not be increased by more than 10 per centum by such transfers.

REGULATORY AGENCIES

Office of Administrator of Rent Control: For an additional amount for "Office of Administrator of Rent Control", $10,210.

PUBLIC WORKS

Operating expenses, Refuse Division: For an additional amount for "Operating expenses, Refuse Division", $60,000.

NATIONAL GUARD

National Guard: For an additional amount for "National Guard", $17,500.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act, 1948.

61 Stat. 425.

DEPARTMENT OF AGRICULTURE

RURAL ELECTRIFICATION ADMINISTRATION

Loans: The authorization under this head in the Department of Agriculture Appropriation Act, 1948, for borrowings from the Secretary of the Treasury under section 3 (a) of the Rural Electrification Act of 1936, as amended, is increased from "$225,000,000" to "$400,000,000".

61 Stat. 546.

49 Stat. 1364.
7 U. S. C., Supp. I, § 903 (a).

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

Printing and binding: For an additional amount for "Printing and binding", $20,000.

Voluntary agreements and export controls: For expenses necessary for carrying out the provisions of sections 2 and 3 of the Act of December 30, 1947 (Public Law 395), relating to voluntary agreements and export controls, during the remainder of the fiscal year 1948, including personal services in the District of Columbia and temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed $35 per diem for individuals (unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget); $225,000: *Provided*, That the authorization granted the Secretary of Commerce in the Third Supplemental Appropriation Act, 1948, with respect to utilization of funds for export controls and for allocation and inventory controls or voluntary agreements relating thereto, is extended from March 31 to June 30, 1948: *Provided further*, That of the total amount made available herein not to exceed $262,500 may be transferred to the Bureau of Customs, Treasury Department, for enforcement of the export-control program, and not to exceed $15,000 may be transferred to the appropriation under the head "Printing and binding" in the Department of Commerce Appropriation Act, 1948.

61 Stat. 945.
50 U. S. C., Supp. I, app. §§ 1912, 1913.
60 Stat. 810.
61 Stat. 943.
61 Stat. 294.

Materials distribution and liquidation of Office of Temporary Controls: For an additional amount for "Materials distribution and liquidation of Office of Temporary Controls", $46,000; and the amount made available under this head in the Supplemental Appropriation Act, 1948, for transfer to the appropriation "Salaries and expenses, Bureau of Foreign and Domestic Commerce", is increased from "$500,000" to "$546,000".

61 Stat. 618.

The foregoing amounts for the Office of the Secretary shall be available for obligation from and including April 1, 1948.

Notwithstanding the provisions of the Department of Commerce Appropriation Act, 1948, for the furnishing of emergency medical services to employees in Alaska and other areas outside the United States on a reimbursable basis, the appropriations for "Salaries and expenses" of the Civil Aeronautics Administration, "Salaries and expenses" of the Civil Aeronautics Board, and "Salaries and expenses" of the Weather Bureau, shall be available in an amount not to exceed $10,000 during the fiscal year 1948 for furnishing such services without charge when authorized or approved by the Secretary of Commerce.

61 Stat. 301.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

OIL AND GAS DIVISION

Oil and Gas Division: For an additional amount for "Oil and Gas Division", $25,000.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

Penalty mail costs: For an additional amount for "Penalty mail costs", $35,000.

BONNEVILLE POWER ADMINISTRATION

Construction, operation, and maintenance, Bonneville power transmission system: For an additional amount for "Construction, operation, and maintenance, Bonneville power transmission system", $665,000, to remain available until expended, and to be subject to such limitations and restrictions, except as to operation and maintenance and personal services in the District of Columbia, as may be applicable to appropriations for this purpose in the Interior Department Appropriation Act, 1948, or other law and the limitation under this head in the Interior Department Appropriation Act, 1948, on the amount available for operation and maintenance of the Bonneville transmission system, is increased from "$2,500,000" to "$2,640,000", and the limitation under said head on the amount available for personal services in the District of Columbia is increased from "$24,000" to "$24,500": *Provided*, That in addition to the contract authorizations contained in the Interior Department Appropriation Act, 1948, and the Supplemental Appropriation Act, 1948, the Administrator is authorized to contract in the fiscal year 1948 for materials, equipment, and services for power transmission facilities in an amount not in excess of $1,475,000.

61 Stat. 462.

61 Stat. 462.
61 Stat. 620.

BUREAU OF LAND MANAGEMENT

The limitations under the head "Salaries and expenses" in the Interior Department Appropriation Act, 1948, and under the head "Management, protection, and disposal of public lands" in the Interior Department Appropriation Act, 1948, as increased by the Second Supplemental Appropriation Act, 1948, on the amounts available for carrying out the provisions of the Act of June 28, 1934 (43 U. S. C. 8A), as amended, shall be exclusive of those classes of expenses which were incurred prior to the adoption of Reorganization Plan Numbered 3 of 1946, by the General Land Office in carrying out certain provisions of said Act.

61 Stat. 463.

61 Stat. 463.
61 Stat. 699.

48 Stat. 1269.
43 U. S. C. §§ 315-315q; Supp. I, §§ 315b-315q.
Post, pp. 533, 277.
60 Stat. 1100.
5 U. S. C. § 133y-16 note.

Management, protection, and disposal of public lands: The limitation under this head in the Interior Department Appropriation Act, 1948, on the amount available for the administration of district land offices, is increased from "$310,000" to "$325,000".

61 Stat. 463.

Fire fighting: For an additional amount for "Fire fighting", $95,000.

Payment to Oklahoma from royalties, oil and gas, south half of Red River: For an additional amount, fiscal year 1947, for "Payment to Oklahoma from royalties, oil and gas, south half of Red River", $379.24.

BUREAU OF INDIAN AFFAIRS

Salaries and expenses, Reservation Administration: For an additional amount for "Salaries and expenses, Reservation Administration", including the objects specified under this head in the Interior Department Appropriation Act, 1948, $1,000.

61 Stat. 465.

Emergency work program, Navajo and Hopi Indians: For expenses necessary for administering and carrying out a work program for the Navajo and Hopi Indians, in accordance with the Act of December 19, 1947 (Public Law 390), including personal services in the District of Columbia; printing and binding; $1,000,000, to remain available until June 30, 1949, of which amount not to exceed $100,000 shall be available for loans to the Navajo and Hopi Tribes, members or association of members thereof for the purchase of milk animals.

61 Stat. 940.

Suppressing forest and range fires: For an additional amount for "Suppressing forest and range fires", $25,000.

Construction, and so forth, irrigation systems: For an additional amount for the construction, rehabilitation, and improvement of irrigation systems on Indian reservations, including the same objects and limitations under this head in the Interior Department Appropriation Act, 1948, to remain available until completion of the project, as follows: 61 Stat. 467.

Montana: Flathead, $125,000.

Construction, and so forth, buildings and utilities: For an additional amount for "Construction, and so forth, buildings and utilities", for the item "Alaska", $716,000.

MISCELLANEOUS INDIAN TRIBAL FUNDS

Suppressing forest and range fires (tribal funds): For an additional amount for "Suppressing forest and range fires (tribal funds)", $25,000.

BUREAU OF RECLAMATION

CONSTRUCTION

Construction: For an additional amount for "Construction", out of the reclamation fund created by the Act of June 17, 1902, as amended (43 U. S. C. 391), for construction and continuation of construction of the following projects in not to exceed the following amounts, to remain available until expended, and to be subject to such limitations and restrictions as may be applicable to appropriations for such purposes in the Interior Department Appropriation Act, 1948, or other law, all to be reimbursable (except as otherwise provided by law) under the reclamation laws: 32 Stat. 388. 61 Stat. 473.

Boise project, Idaho, Anderson Ranch dam, $700,000;

Boise project, Idaho, Payette division, $800,000;

Rathdrum Prairie project, Idaho, $109,500 to be available for emergency rehabilitation of the works of the Hayden Lake unit.

GENERAL FUND, CONSTRUCTION

General fund, construction: For additional amounts for continuation of construction of the following projects, to remain available until expended, and to be subject to such limitations and restrictions as may be applicable to appropriations for such purposes in the Interior Department Appropriation Act, 1948, or other law, as follows: 61 Stat. 475.

Colorado-Big Thompson project, Colorado, $3,000,000;

Central Valley project, California, irrigation facilities, $1,000,000.

OPERATION AND MAINTENANCE

Parker Dam power project, Arizona-California: For an additional amount for "Parker Dam power project, Arizona-California", from power and other revenues, $726,000.

North Platte project, Nebraska-Wyoming: For an additional amount for "North Platte project, Nebraska-Wyoming" from power revenues, $56,800, of which $25,000 is for payment of a claim under part 2 of the Federal Tort Claims Act of August 2, 1946 (28 U. S. C. 921). 60 Stat. 843. *Post*, p. 1008.

COLORADO RIVER DAM FUND

Boulder Canyon project: For an additional amount for "Boulder Canyon project", payable from the Colorado River dam fund, $49,000.

Boulder Canyon project: For payment to the Boulder City School District in accordance with the provisions of S. 1985, $39,000, payable from the Colorado River dam fund. *Post*, pp. 235, 1130.

GEOLOGICAL SURVEY

Gaging streams: For an additional amount for "Gaging streams", $485,000, for cooperation with States or municipalities.

BUREAU OF MINES

Synthetic liquid fuels: For an additional amount for "Synthetic liquid fuels", $4,000,000, to remain available until expended, for the payment of obligations incurred under the contract authorization under this head in the Interior Department Appropriation Act, 1946.

59 Stat. 346.

NATIONAL PARK SERVICE

Emergency reconstruction and fighting forest fires: For an additional amount for "Emergency reconstruction and fighting forest fires", $500,000, of which $400,000 shall be available until June 30, 1949, in the Acadia National Park, Maine, for fighting forest fires, reforestation, forest clean-up, and repair and reconstruction of buildings and facilities damaged or destroyed by fire: *Provided*, That the provisions of section 1 of the Act of August 24, 1912, as amended (16 U. S. C. 451), shall not apply to reconstruction of buildings in said park under this appropriation.

37 Stat. 460.

FISH AND WILDLIFE SERVICE

SALARIES AND EXPENSES

Alaska fisheries: For an additional amount for "Alaska fisheries", $50,000.

GOVERNMENT IN THE TERRITORIES

TERRITORY OF ALASKA

Insane of Alaska: For an additional amount for "Insane of Alaska", $112,200.

Construction and maintenance of roads, bridges, and trails, Alaska: For an additional amount for the construction, repair, and maintenance of roads, tramways, buildings, ferries, bridges, and trails, Territory of Alaska, $7,370,000, to remain available until expended; and in addition, the Secretary or, at his request, the Commissioner of Public Roads, Federal Works Agency, is authorized to incur obligations and enter into contracts for additional work, materials, and equipment for the purposes of this appropriation in an amount not to exceed $4,000,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

Printing and binding: For an additional amount for "Printing and binding", $150,000.

Salaries and expenses, Lands Division: For an additional amount, fiscal year 1942, for "Salaries and expenses, Lands Division", $150.50.

Post, p. 1041.

Miscellaneous salaries and expenses, field: For an additional amount, fiscal year 1945, for "Miscellaneous salaries and expenses, field", $864.76.

Post, p. 1041.

Salaries and expenses of marshals, and so forth: For an additional amount, fiscal year 1947, for "Salaries and expenses of marshals, and so forth", $155,000.

Fees of witnesses: The limitation under this head in the Department

of Justice Appropriation Act, 1948, on the amount available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General or his administrative assistant is increased from "$25,000" to "$50,000". 61 Stat. 290. *Post*, p. 1041.

DEPARTMENT OF LABOR

BUREAU OF LABOR STATISTICS

Salaries and expenses: The limitation under this head in the Second Supplemental Appropriation Act, 1948, on the amount which may be expended for personal services in the District of Columbia, is increased from "$2,327,700" to "$2,530,000". 61 Stat. 700.

UNITED STATES EMPLOYMENT SERVICE

General administration: For an additional amount for "general administration", $40,800.

Grants to States for public employment offices: For an additional amount for "Grants to States for public employment offices", $1,234,815.

NATIONAL MILITARY ESTABLISHMENT

DEPARTMENT OF THE ARMY—MILITARY FUNCTIONS

OFFICE OF THE SECRETARY OF THE ARMY

Penalty Mail, Military Functions

Penalty mail: For deposit in the Treasury for penalty mail of the Department of the Army, military functions (39 U. S. C. 321d), $4,500,000. 58 Stat. 394. *Post*, p. 1049.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

Engineer Service: For an additional amount for "Engineer Service", including construction of buildings and facilities, $1,500,000. *Post*, pp. 259, 1041.

UNITED STATES MILITARY ACADEMY

Pay of Military Academy

Cadets: For an additional amount for "Cadets", $83,488.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

CORPS OF ENGINEERS

Rivers and Harbors

Maintenance and improvement of existing river and harbor works: For an additional amount for "Maintenance and improvement of existing river and harbor works", $1,865,000.

Flood Control

Flood control, general: For an additional amount for "Flood control, general", $1,000,000.

PENALTY MAIL, CIVIL FUNCTIONS

58 Stat. 394. *Post*, p. 1049.

Penalty mail: For deposit in the Treasury for penalty mail of the Department of the Army, civil functions (39 U. S. C. 321d), $133,000.

GOVERNMENT AND RELIEF IN OCCUPIED AREAS

Government and relief in occupied areas: For an additional amount for "Government and relief in occupied areas", $143,000,000, to be derived by transfer from the appropriation "Pay of the Army, 1948".

61 Stat. 552.

DEPARTMENT OF THE NAVY—NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Penalty Mail

58 Stat. 394. *Post*, p. 1049.

Penalty mail: For deposit in the Treasury for penalty mail of the Navy Department and the Naval Establishment (39 U. S. C. 321d), $2,957,000.

BUREAU OF NAVAL PERSONNEL

Training, Education, and Welfare, Navy

Naval training station, San Diego, California: For an additional amount for the naval training station at San Diego, California, $120,000, to be derived by transfer from the appropriation "Officer candidate training, 1948".

61 Stat. 384.

Naval training station, Great Lakes, Illinois: For an additional amount for the naval training station at Great Lakes, Illinois, $165,000, to be derived by transfer from the appropriation "Officer candidate training, 1948".

61 Stat. 384.

Naval Academy

Naval Academy: For an additional amount for Naval Academy, $114,000, to be derived by transfer from the appropriation "Officer candidate training, 1948".

61 Stat. 384.

Naval Home, Philadelphia, Pennsylvania

Naval Home, Philadelphia, Pennsylvania: For an additional amount for Naval Home, Philadelphia, Pennsylvania, $6,450, to be derived by transfer from the appropriation "Officer candidate training, 1948".

61 Stat. 384.

BUREAU OF SHIPS

Maintenance, Bureau of Ships

Of the unexpended balance of the appropriation "Maintenance, Bureau of Ships, 1948", not to exceed $20,000,000 may be used to liquidate contract obligations of the appropriation "Maintenance, Bureau of Ships, 1946".

61 Stat. 385.

59 Stat. 205.

BUREAU OF YARDS AND DOCKS

Public Works, Bureau of Yards and Docks

Public works, Bureau of Yards and Docks: The Secretary of the Navy is authorized to enter into contracts and to liquidate such contracts from the currently available balance of funds heretofore appropriated for naval public works, as follows:

Naval base, Guam: Acquisition of land as authorized by the Act of August 2, 1946 (60 Stat. 803), $1,600,000;

Postgraduate school, Monterey, California: Postgraduate school facilities, including the necessary construction and alterations to provide school facilities, quarters, and collateral facilities and equipment, and the acquisition of the necessary land, all as authorized by the Act of July 31, 1947 (Public Law 302), $2,500,000. 61 Stat. 705. 34 U. S. C., Supp. I, § 1076 note.

POST OFFICE DEPARTMENT

(Out of the Postal Revenues)

POST OFFICE DEPARTMENT, DISTRICT OF COLUMBIA

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

Contingent and miscellaneous expenses: For an additional amount for "Contingent and miscellaneous expenses", $12,800.

Printing and binding: For an additional amount for "Printing and binding", $270,000. *Post*, p. 1045.

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Compensation to postmasters: For an additional amount, fiscal year 1947, for "Compensation to postmasters", $1,000,000, to be derived by transfer from the appropriations "Clerks, first- and second-class post offices, 1947", $300,000, and "City Delivery Carriers, 1947", $700,000. 60 Stat. 582.

Clerks, first- and second-class post offices: For an additional amount for "Clerks, first- and second-class post offices", $32,000,000.

Carfare and bicycle allowance: For an additional amount for "Carfare and bicycle allowance", $175,000.

City delivery carriers: For an additional amount for "City delivery carriers", $16,000,000.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star-route service: For an additional amount for "Star-route service", $665,000.

Star-route and air-mail service, Alaska: For an additional amount for "Star-route and air-mail service, Alaska", $422,800.

Star-route and air-mail service, Alaska: For an additional amount, fiscal year 1947, for "Star-route and air-mail service, Alaska", $224,500, to be derived by transfer from the appropriation "Railway Mail Service, 1947". 60 Stat. 582.

Star-route and air-mail service, Alaska: For an additional amount, fiscal year 1946, for "Star-route and air-mail service, Alaska", $42,000, to be derived by transfer from the appropriation "Powerboat Service, 1946". 59 Stat. 71.

Powerboat service: For an additional amount for "Powerboat service", $95,000.

Railroad transportation and mail messenger service: For an additional amount for "Railroad transportation and mail messenger service", $59,700,000.

Railroad transportation and mail messenger service: For an additional amount, fiscal year 1947, for "Railroad transportation and mail messenger service", $14,300,000.

Railway mail service: For an additional amount for "Railway mail service", $2,200,000.

Railway postal clerks, travel allowance: For an additional amount for "Railway postal clerks, travel allowance", $75,000.

Post, p. 1045.

Foreign mail transportation: For an additional amount for "Foreign mail transportation", $8,000,000.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Unpaid money orders more than one year old: For an additional amount for "Unpaid money orders more than one year old", $300,000.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Post, p. 1046.

Post Office stationery, equipment, and supplies: For an additional amount for "Post Office stationery, equipment, and supplies", $815,000.

Equipment shops, Washington, District of Columbia: For an additional amount for "Equipment shops, Washington, District of Columbia", $425,000.

Post, p. 1046.

Vehicle service: For an additional amount for "Vehicle service", $3,277,000.

Transportation of equipment and supplies: For an additional amount for "Transportation of equipment and supplies", $89,000.

Public Buildings, Maintenance and Operation

Post, p. 1046.

Operating supplies, public buildings: For an additional amount for "Operating supplies, public buildings", $465,000, of which $100,000 is to be derived by transfer from the appropriation "Operating force, public buildings, 1948".

61 Stat. 232.

DEPARTMENT OF STATE

DEPARTMENT SERVICE

61 Stat. 279.

Salaries and expenses, Department of State: The limitation under this head in the Department of State Appropriation Act, 1948, on dues for library membership in societies or associations which issue publications to members only, or at a price to members lower than to subscribers who are not members, newspapers, teletype rentals, and tolls, is increased from "$65,000" to "$80,000".

INTERNATIONAL OBLIGATIONS AND ACTIVITIES

International activities: For an additional amount for international activities, $400,000.

Post, p. 312.

International information and educational activities: For expenses necessary to enable the Department of State to carry out international information and educational activities as authorized by the United States Information and Educational Exchange Act of 1948 (Public Law 402, approved January 27, 1948), including personal services in the District of Columbia; employment, without regard to the civil-service and classification laws, of persons on a temporary basis (not to exceed $30,000) and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946 (22 U. S. C. 801–1158), except title VII and title VIII; printing and binding; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration and script-

Ante, p. 6.

60 Stat. 999.

60 Stat. 1018, 1019. 22 U. S. C. §§ 1041–1047, 1061–1116.

60 Stat. 810.

writing, by contract or otherwise, acquisition of printed materials, purchase of objects for presentation to foreign governments, schools, or organizations, and information and educational activities outside the continental United States, all without regard to section 3709 of the Revised Statutes; $3,000,000, of which not to exceed $65,000 may be transferred to other appropriations of the Department of State: *Provided*, That, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U. S. C. 665), the Department of State is authorized in making contracts for the use of the international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That in the acquisition of leasehold interests payments may be made in advance for the entire term or any part thereof: *Provided further*, That appropriations now available for any of the purposes of this appropriation shall continue to be available for such purposes: *Provided further*, That $1,600,000 of this appropriation shall be available, without regard to section 3709 of the Revised Statutes, exclusively for the purchase, construction, and improvement of buildings and facilities, purchase and installation of necessary equipment for radio transmission and reception, and the acquisition of land and interest in land outside the continental United States by purchase, lease, rental, or otherwise, without regard to section 355 of the Revised Statutes, but title to any land so acquired shall be approved by the Secretary of State: *Provided further*, That not to exceed $100,000 of this appropriation shall be available until June 30, 1949, for the expenses of moving certain offices and equipment of the international information program and the offices and equipment of related activities, including the expenses of restoring the vacated building space to such condition as may be required under existing leases, and installing necessary broadcasting facilities in and altering and repairing the space to be occupied without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a): *Provided further*, That $60,000 of this appropriation shall be available exclusively for activities authorized by titles II, III, and IV of the United States Information and Educational Exchange Act of 1948: *Provided further*, That funds herein appropriated shall not be used to purchase more than 75 per centum of the effective daily broadcasting time from any person or corporation holding an international short-wave broadcasting license from the Federal Communications Commission without the consent of such licensee.

41 U. S. C. § 5.

Contracts for short-wave radio stations.

41 U. S. C. § 5.

50 U. S. C. § 175.

47 Stat. 412.

Ante, pp. 7, 8.

Salaries and expenses, American sections, international commissions: The amount made available under this head in the Department of State Appropriation Act, 1948, for the International Joint Commission, United States and Canada, is increased from "$37,200" to "$38,700"; and the amount made available under said head for special and technical investigations in connection with matters falling within the jurisdiction of the International Joint Commission, United States and Canada, is decreased from "$191,017" to "$189,517".

61 Stat. 265.

GENERAL PROVISION—DEPARTMENT OF STATE

The funds (not to exceed $4,000,000) and authority available to the Secretary of State pursuant to the Act of March 11, 1941 (55 Stat. 31), as amended, to carry out the agreement of December 31, 1943, between the Government of the United States of America and the Government of Liberia for the construction of the port, port

22 U. S. C. §§ 411-419; Supp. I, § 415. 58 Stat. 1357.

facilities, and access roads in Monrovia, Liberia, which have been heretofore partially constructed, shall remain available for such purpose until June 30, 1950.

TREASURY DEPARTMENT

FISCAL SERVICE

BUREAU OF ACCOUNTS

Refund of moneys erroneously received and covered: For an additional amount for "Refund of moneys erroneously received and covered", $300,000, to be derived by transfer from the appropriation "Refunds under Renegotiation Act, 1948".

61 Stat. 623.

Payment of certified claims: For an additional amount for "Payment of certified claims", $1,000,000, to be derived by transfer from the appropriation "Refunds under Renegotiation Act, 1948".

61 Stat. 623.

BUREAU OF THE PUBLIC DEBT

Distinctive paper for United States currency: For an additional amount for "Distinctive paper for United States currency", $361,000, to be derived by transfer from the appropriation "Administering the Public Debt, 1948".

61 Stat. 218.

BUREAU OF CUSTOMS

Collecting the revenue from customs: Funds appropriated under this head for the fiscal year 1948 are hereby made available for the payment to bridge, tunnel, and ferry companies, of claims for refund of reimbursements of extra compensation of customs officers and employees for inspectional services in connection with traffic over highways, toll bridges, toll tunnels, or ferries, as required by section 2 of the Act of June 3, 1944 (19 U. S. C. 1451a).

58 Stat. 270.

Refunds and draw-backs: For an additional amount, for "Refunds and draw-backs", $4,500,000.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: The limitation under this head in the Treasury Department Appropriation Act, 1948, on the amount available for printing and binding, is increased from "$2,530,000" to "$2,670,000".

61 Stat. 220.

Ante, p. 109.

Refunding internal revenue collections: For an additional amount for "Refunding internal revenue collections", $568,000,000.

BUREAU OF ENGRAVING AND PRINTING

Salaries and expenses: For an additional amount for "Salaries and expenses", $1,250,000, to be derived by transfer from the appropriation "Administering the Public Debt, 1948".

61 Stat. 218.

SECRET SERVICE DIVISION

Reimbursement to District of Columbia, benefit payments to White House Police and Secret Service forces: For an additional amount for "Reimbursement to District of Columbia, benefit payments to White House Police and Secret Service forces", $10,700, to be derived by transfer from the appropriation "Salaries and expenses, guard force, Treasury Department, 1948".

61 Stat. 222.

TITLE II

CLAIMS FOR DAMAGES, JUDGMENTS, AND AUDITED CLAIMS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Document Numbered 132 and House Document Numbered 544, Eighteth Congress, $16,047,956.34, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

TITLE III—REDUCTION IN APPROPRIATION

INDEPENDENT OFFICES

FEDERAL SECURITY AGENCY

Office of the Administrator

Penalty mail: The amount made available under this head in the Federal Security Agency Appropriation Act, 1948, is reduced by the amount of $275,000, said amount to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act. 61 Stat. 275.

DEPARTMENT OF THE ARMY—MILITARY FUNCTIONS

The amounts made available under the following heads in the Military Appropriation Act, 1948, are reduced by the amounts indicated, said amounts to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act: 61 Stat. 551.

Finance Service, Army:
Pay of the Army, $32,300,000;
Travel of the Army, $11,000,000.
Medical and Hospital Department, Army, $10,500,000.
Chemical Service, Army, $270,000.
Reserve Officers Training Corps, $3,000,000.

DEPARTMENT OF THE NAVY

BUREAU OF YARDS AND DOCKS

Public Works, Bureau of Yards and Docks

The unfinanced contract authority provided under this head prior to July 1, 1946, is reduced by the amount of $205,071,294.

TITLE IV—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 401. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not, contrary to the provisions of this section, engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Short title.

SEC. 402. This Act may be cited as the "First Deficiency Appropriation Act, 1948".

Approved May 10, 1948.

[CHAPTER 275]

AN ACT

May 11, 1948
[S. 1611]
[Public Law 520]

To extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minnesota.

Mississippi River. Bridge at Sauk Rapids, Minn., time extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Mississippi River, at or near Sauk Rapids, Minnesota, authorized to be built by the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, by an Act of Congress approved October 9, 1940, heretofore extended by an Act of Congress approved June 1, 1944, is hereby extended three years from October 9, 1946.

54 Stat. 1061.

58 Stat. 266.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved May 11, 1948.

[CHAPTER 276]

AN ACT

May 11, 1948
[S. 1648]
[Public Law 521]

To authorize the expenditure of income from Federal Prison Industries, Incorporated, for training of Federal prisoners.

Federal Prison Industries, Inc. Expenditures.
Post, pp. 866, 1194.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of May 27, 1930 (46 Stat. 391; 18 U. S. C. 744 a–h), relating to the training and schooling of prisoners in trades and occupations

shall be construed as applying to all inmates of Federal penal and correctional institutions qualified for such training and schooling without regard to their industrial or other assignments. The prison industries fund established by section 4 of the Act of June 23, 1934 (48 Stat. 1211; 18 U. S. C. 744–L), may be employed in paying the expense of such training and schooling within the limits of amounts specifically authorized annually in the Government Corporations Appropriations Act.

18 U. S. C. § 744*l*.
Post, p. 866.

Approved May 11, 1948.

[CHAPTER 277]

JOINT RESOLUTION

To authorize the Postmaster General to withhold the awarding of star-route contracts for a period of sixty days.

May 11, 1948
[S. J. Res. 198]
[Public Law 522]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to withhold the awarding of star-route contracts for which bids have been received in the second contract section for a period of sixty days after March 30, 1948.

Approved May 11, 1948.

[CHAPTER 284]

AN ACT

To validate payments heretofore made by disbursing officers of the United States Government covering cost of shipment of household effects of civilian employees, and for other purposes.

May 12, 1948
[S. 1298]
[Public Law 523]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments heretofore made by disbursing officers covering the cost of shipment of household effects of civilian employees of the Government of the United States made under orders directing permanent change of station of said employees where such shipments were made from the last permanent-duty station of said employees or from some other place, to some place other than the new permanent-duty station of such employees, are hereby validated, if otherwise proper, and such employees shall be relieved of indebtedness to the United States on account of such shipments to the extent that such payments do not exceed the cost which would have been properly borne by the United States for such shipments under laws and regulations in effect at the time of such shipments, had such shipments been made from the old to the new permanent-duty station of such employees: *Provided*, That in any case where a civilian employee has made refundment to the United States on account of payments herein validated, reimbursement of the amount so refunded is hereby authorized to be made to such employee on the presentation of a claim therefor to the General Accounting Office: *Provided further*, That employees who paid the carriers the amount due covering the shipment of their household effects shall be entitled to reimbursement of so much of the amount expended, if otherwise proper, as does not exceed the cost of such shipment from the old to the new permanent-duty station upon presentation of a claim therefor to the General Accounting Office: *And provided further*, That amounts due deceased persons or persons determined to be mentally incompetent shall be paid to the extent herein provided upon presentation of a claim therefor to the General Accounting Office by their heirs or personal representatives.

Disbursing officers. Validation of certain payments.

Reimbursements.

Amounts due deceased or incompetent persons.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow credit in the settlement of accounts of disbursing officers of the Government of the United States covering payments

Credit in accounts.

for the shipment of household effects of civilian employees which are, and to the extent that such payments are, validated by section 1 hereof.

Appropriation authorized.

SEC. 3. Such appropriations as may be required for the settlement of claims under the provisions of this Act are hereby authorized.

Approved May 12, 1948.

[CHAPTER 285]

AN ACT

May 12, 1948
[S. 1545]
[Public Law 524]

To authorize a bridge, roads and approaches, supports and bents, or other structures, across, over, or upon lands of the United States within the limits of the Colonial National Historical Park at or near Yorktown, Virginia.

Colonial National Historical Park, Va. Right-of-way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, upon such terms and conditions as to location, type, or design of the structure or otherwise as to him and to the Secretary of the Navy may appear proper to protect the interests of the United States, is authorized to grant to the Commonwealth of Virginia or to its agency the Highway Commission of said Commonwealth right-of-way or other easement as may be proper to enable a highway bridge the level and design of which shall be subject to the approval of the Secretary of the Interior and the Secretary of the Navy, such bridge to be erected, operated, and maintained across the York River in the State of Virginia at or near Yorktown, Virginia, and for the purpose of permitting such portions of said bridge, the roads and approaches thereto, together with any necessary structures connected therewith as may be necessary for the construction, maintenance, and operation of said bridge, and for safe, reasonable, and proper ingress thereto or egress therefrom, to be located and erected across, over, or upon the property of the United States forming a part of the Colonial National Historical Park.

Payment.

The Secretary of the Interior is directed and authorized to secure and accept payment in cash or by land exchange as compensation to the United States for any lands used for such right-of-way and any moneys received may in turn be used by the Secretary of the Interior for the purchase of other privately owned historical lands within the boundaries of Colonial National Historical Park. Any lands so received or so purchased shall become part of Colonial National Historical Park.

Determination of value of land.

The value of the park lands to be conveyed to the Commonwealth of Virginia as herein provided shall be determined by a committee of three appraisers, one each to be selected by the Governor of Virginia and the Secretary of the Interior, with the third appraiser to be mutually satisfactory to them. The Secretary may, in his discretion, approve the value agreed upon by a majority of the appraisers or he may require a new appraisal to be made in a similar manner. The decision of the Secretary shall be final and conclusive as to the value of the easement lands conveyed pursuant to the provisions of this Act.

Nothing in this Act or in any grant of right-of-way or other easement issued pursuant to this Act shall be construed to affect the provisions of the General Bridge Act of 1946 (60 Stat. 847).

33 U. S. C. §§ 525-533.
Post, p. 267.

Approved May 12, 1948.

[CHAPTER 286]

AN ACT

May 12, 1948
[H. R. 1036]
[Public Law 525]

To provide for the licensing of marine radiotelegraph operators as ship radio officers, and for other purposes.

Marine radiotelegraph operators. Licensing.

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

complement of any vessel prescribed pursuant to section 4463 of the Revised Statutes, as amended (46 U. S. C., sec. 222), includes one or more radiotelegraph operators such operators shall be required to be licensed officers.

Licensing by boards of local inspectors.

SEC. 2. The boards of local inspectors authorized under section 4414 of the Revised Statutes (U. S. C., 1940 edition, title 46, sec. 382) shall license radiotelegraph operators, and it shall be unlawful to employ any person or for any person to serve as a radiotelegraph operator of any steamer or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

Requirements.

SEC. 3. Whenever any person applies for authority to perform the duties of radiotelegraph operator of any vessel, the inspectors shall require possession of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission; and if, upon full consideration, they are satisfied that his character, habits of life, and physical condition are such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, provided he continues to hold a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

Suspension or revocation.

All licenses issued under this section shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of license of officers under the provisions of section 4450 of the Revised Statutes, as amended.

46 U. S. C. § 239.

SEC. 4. (a) Section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), is amended by striking out the period after the words "management of the vessel" and inserting a colon and the following words: "*Provided*, That in the case of radiotelegraph operators this requirement shall be applicable only when three or more radio officers are employed."

38 Stat. 1164.

(b) Nothing in this Act shall be presumed to repeal the provisions of section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), limiting the work of radiotelegraph operators to eight hours in one day.

38 Stat. 1164.

Oath.

SEC. 5. Every radiotelegraph operator who receives a license shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Every applicant for license as radiotelegraph operator under the provisions of this Act shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this Act, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this Act and knowing the same to be false shall be deemed guilty of perjury.

Change of license by operator.

Every radiotelegraph operator, who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by an inspector or inspectors referred to in this Act shall, for every such offense, upon conviction, be punished by a fine of not more than $500 or by imprisonment at hard labor for a term not exceeding three years.

Posting license on vessel.

SEC. 6. Every radiotelegraph operator who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can

Transfer to another vessel.

be seen by passengers and others at all times: *Provided*, That in case of emergency such radiotelegraph operator may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license; and for every neglect to comply with this provision by any such radiotelegraph operator, he shall be subject to a fine of $100 or to the revocation of his license.

Vessels on Great Lakes.

SEC. 7. Nothing in this Act shall affect the status of radiotelegraph operators while serving aboard vessels operating solely on the Great Lakes.

Number of operators.

SEC. 8. Nothing in this Act shall increase the number of radiotelegraph operators at present required by law to be carried on vessels, or the type of vessels on which radiotelegraph operators are required to be carried, or to alter, repeal, modify, or affect any other statute of the United States, it being the only intent of this Act to give to radiotelegraph operators the status of licensed officers as herein provided without affecting in any way any statute of the United States except as specifically hereinbefore authorized.

Effective date.

SEC. 9. The provisions of this Act will become effective on April 1, 1949.

Approved May 12, 1948.

[CHAPTER 289]

AN ACT

May 14, 1948
[S. 1620]
[Public Law 526]

To establish eligibility for burial in national cemeteries, and for other purposes.

Eligibility for burial in national cemeteries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That burial in national cemeteries of the remains of the following classes of persons is authorized under such regulations as the Secretary of the Army may prescribe: (a) Any member or former member of the armed forces of the United States whose last service terminated honorably, by death or otherwise; (b) any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the armed forces of any government allied with the United States during such war, and whose last service terminated honorably, by death or otherwise; and (c) the wife, husband, widow, widower, minor child, and, in the discretion of the Secretary of the Army, unmarried adult child of any of the persons enumerated in (a) and (b) herein: *Provided*, That the remains of those persons enumerated in (c), above, may, in the discretion of the Secretary of the Army, be removed from a national cemetery proper and interred in the post section of a national cemetery or in a post cemetery if, upon death, the related member of the armed forces of the United States or allied government is not buried in the same or an adjoining grave site.

Burial in post section.

Certain Cabinet members.

Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918, may also be buried in any national cemetery: *Provided*, That the interment is without cost to the United States.

"Widow."

As used in this section, the term "widow" includes the widow of any member of the armed forces of the United States lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action.

Repeal.

SEC. 2. Section 4878, Revised Statutes, as amended (24 U. S. C. 281), is hereby repealed.

Approved May 14, 1948.

[CHAPTER 290]

AN ACT

May 14, 1948
[H. R. 5963]
[Public Law 527]

To authorize the construction of a courthouse to accommodate the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, and for other purposes.

D. C. courthouse. Construction authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is hereby authorized to construct, equip, and furnish the building for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, the planning and site acquisition of which were authorized by the Act of May 29, 1947 (Public Law 80, Eightieth Congress), under a total limit of cost for the entire project of $18,665,000, including architectural, engineering, and administrative expenses (which limit of cost also includes the credit of $2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, and the $370,000 for plans and specifications heretofore appropriated under Public Law 271, Eightieth Congress, approved July 30, 1947) : *Provided*, That the Commissioners of the District of Columbia shall repay to the United States, over a period of twenty-five years, 50 per centum of the cost of the entire project upon completion, less the credit of $2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, in equal annual installments, beginning with the July 1 next following the date of completion of the project: *Provided further*, That the cost of operation, maintenance, and repair of the completed project shall be divided equally between the United States of America and the District of Columbia.

61 Stat. 120. Cost limitation.

61 Stat. 612. Repayment to U. S.

61 Stat. 121.

SEC. 2. The operation, maintenance, and repair of the completed building shall be under the control of the Public Buildings Administration, in the Federal Works Agency, and the allocation of space therein shall be vested in the chief justice of the United States Court of Appeals for the District of Columbia and the chief justice of the District Court of the United States for the District of Columbia.

Maintenance, etc.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized. *Post*, p. 1033.

Approved May 14, 1948.

[CHAPTER 292]

AN ACT

May 14, 1948
[S. 1985]
[Public Law 528]

To amend the Act entitled "Boulder Canyon Project Adjustment Act", approved July 19, 1940.

Boulder Canyon Project Adjustment Act, amendment. 43 U. S. C. §§ 618–618o; Supp. I, § 618 *et seq.* *Post*, p. 284.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 19, 1940, entitled "Boulder Canyon Project Adjustment Act" (54 Stat. 774), is amended by adding the following new paragraph to section 2:

"SEC. 2. (e) Annual appropriation for the fiscal years 1948, 1949, 1950, and 1951 for payment to the Boulder City School District, as reimbursement for the actual cost of instruction, during each school year, in the schools operated by said district, of pupils who are dependents of any employee or employees of the United States living in or in the immediate vicinity of Boulder City, such reimbursement not to exceed the sum of $65 per semester per pupil and to be payable semiannually, after the term of instruction in each semester has been completed, under regulation to be prescribed by the Secretary."

Ante, p. 221; *post*, p. 1130.

Approved May 14, 1948.

[CHAPTER 293]

AN ACT

May 14, 1948
[H. R. 5262]
[Public Law 529]

To authorize the sale of individual Indian lands acquired under the Act of June 18, 1934, and under the Act of June 26, 1936.

Sale of Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his duly authorized representative, is hereby authorized in his discretion, and upon application of the Indian owners, to issue patents in fee, to remove restrictions against alienation, and to approve conveyances, with respect to lands or interests in lands held by individual Indians under the provisions of the Act of June 18, 1934 (48 Stat. 984), or the Act of June 26, 1936 (49 Stat. 1967).

25 U. S. C. §§ 461-479, 501-509; Supp. I, § 502.
Post, p. 991.

Approved May 14, 1948.

[CHAPTER 298]

AN ACT

May 18, 1948
[H. R. 1189]
[Public Law 530]

To establish the methods of advancement for post-office employees (rural carriers) in the field service.

Seniority Act for Rural Mail Carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seniority status of a rural mail carrier shall be based upon the regulations of the Post Office Department which provide that seniority shall commence on the day of appointment as a regular rural carrier. In case of voluntary transfer from one post office to another, or from any branch of the service into the rural service, the relative seniority of the transferee shall be determined by the date of entrance into the rural service of the office to which transfer is made.

Original appointments.

SEC. 2. All rural carriers, upon entering the service, shall be assigned to the least desirable route and shall rise to the more desirable routes by seniority only.

Promotions.

SEC. 3. The awarding of promotions and preferential assignments shall be based upon seniority and ability; if ability be sufficient, seniority shall govern.

New route or vacancy.

SEC. 4. Each new route or vacancy shall be bulletined and all rural carriers attached to the office shall be given a chance to apply. The senior rural carrier who applies shall be assigned thereto as provided in section 3.

Inability to fill assignment.

SEC. 5. Rural carriers awarded these assignments shall have ninety days in which to demonstrate their fitness for the route and shall not be removed therefrom until their inability to fill the assignment has been proven. In case of their inability to fill the new assignment they shall be returned to their former position. Such rural carrier shall be allowed the right of appeal as stated in section 6.

Hearing.

SEC. 6. (a) A senior rural carrier who makes application for a new or vacant route, whose application has been denied, or who has been declared incompetent for same, shall have the right, upon written request, to a hearing before a post-office inspector, on his case, and shall be furnished a statement in writing of the reasons for his rejection by official responsible for same.

(b) This hearing shall occur, except under unusual conditions preventing same, within ten days from the date of his request. In case of a postponement, the rural carrier affected shall be given a written statement of the reason for the postponement.

(c) The rural carrier shall have the right to be represented at the hearing by not more than three representatives of his own choosing.

SEC. 7. The provisions of this Act shall not be construed as supplanting any civil-service regulations in effect on the date of its enactment.

SEC. 8. This Act shall be known as the "Seniority Act for Rural Mail Carriers". Short title.

Approved May 18, 1948.

[CHAPTER 299]

AN ACT

To increase temporarily the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States.

May 18, 1948
[H. R. 1562]
[Public Law 531]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States", approved August 27, 1888, as amended (U. S. C., 1946 edition, title 24, sec. 134), is amended by striking out in the first paragraph thereof "$300 per annum" and inserting in lieu thereof "$500 per annum from the effective date of this amendment through June 30, 1951, and $300 per annum thereafter". Disabled soldiers and sailors. Support. 25 Stat. 450.

SEC. 2. The amendment made by this Act shall apply to payments with respect to the care given to disabled soldiers and sailors on and after the first day of the month next following the month during which this Act is enacted: *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further*, That no payment to a State or Territory under this Act shall be made for any period prior to the date upon which the Administrator of Veterans' Affairs determines that the veteran on whose account such payment is requested is eligible for such care in a Veterans' Administration facility. Effective date.

Approved May 18, 1948.

[CHAPTER 300]

AN ACT

To authorize the attendance of the United States Marine Band at the Eighty-second National Encampment of the Grand Army of the Republic to be held in Grand Rapids, Michigan, September 26 to 30, 1948.

May 18, 1948
[H. R. 5035]
[Public Law 532]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the Eighty-second National Encampment of the Grand Army of the Republic to be held in Grand Rapids, Michigan, September 26 to 30, 1948. U. S. Marine Band. Attendance at G. A. R. encampment.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such convention, there is hereby authorized to be appropriated a sufficient sum to cover the cost of transportation and pullman accommodations for the leaders and members of the Marine Band, and allowance not to exceed $6 per day each for additional traveling and living expenses while on duty, such allowances to be in addition to the pay and allowance to which they would be entitled while serving their permanent station. Appropriation authorized.

Approved May 18, 1948.

[CHAPTER 302]

AN ACT

May 18, 1948
[H. R. 4068]
[Public Law 533]

To authorize the Federal Works Administrator to construct a building for the General Accounting Office on square 518 in the District of Columbia, and for other purposes.

General Accounting Office.
Construction of building.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in lieu of completing the construction of the building authorized by the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1036), for the use and occupancy of the General Accounting Office, the Federal Works Administrator is hereby authorized to construct upon square 518 in the District of Columbia a building for the use and occupancy of the General Accounting Office under a limit cost of $22,850,000, exclusive of funds heretofore obligated or expended for the account of the building hereby superseded: *Provided*, That to the extent practicable, the excavations and construction work heretofore performed upon said site for the building hereby superseded may be utilized for the building herein authorized: *Provided further*, That all powers granted the Federal Works Administrator with respect to the building for the General Accounting Office in the District of Columbia by said First Supplemental Civil Functions Appropriation Act, 1941, are hereby continued and may be exercised for the purposes of this Act within the limits herein fixed.

Cost limitation.
Post, p. 1033.

Unexpended balances.

SEC. 2. The balances of any funds heretofore appropriated under authority of said First Supplemental Civil Functions Appropriation Act, 1941, for the building superseded by the building herein authorized which are unexpended and unobligated on the date of approval of this Act, are hereby made available for the purpose of, and shall be chargeable against the authorization contained in this Act; and the Federal Works Administrator is hereby authorized to enter into contracts for the construction of the building herein authorized as funds are appropriated or contract authorizations are provided therefor.

Additional appropriations.

SEC. 3. No appropriation of funds, in addition to those continued available by section 2 of this Act, shall be made for expenditure during any fiscal year prior to 1950: *Provided*, That for expenditure during the fiscal year 1950 and thereafter, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act within the limit of cost of $22,850,000 herein fixed.

Approved May 18, 1948.

[CHAPTER 303]

AN ACT

May 18, 1948
[H. R. 107]
[Public Law 534]

For the acquisition and maintenance of wildlife management and control areas in the State of California, and for other purposes.

Wildlife management and control areas, Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to purchase or rent not to exceed twenty thousand acres of land or interests therein in suitable locations in the State of California, for the management and control of migratory waterfowl and other wildlife in connection therewith, from moneys to be appropriated by Congress from time to time: *Provided*, That no sums appropriated under this authority for the acquisition of lands shall be expended for such purpose unless and until the State of California shall have set aside and made available for expenditure funds for the purchase of equivalent acreages as determined by the Secretary of the Interior.

Action by Secretary of Interior.

SEC. 2. The Secretary of the Interior may do all things and make all

expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act, including purchase of options when deemed necessary, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payments shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. The acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, exceptions, and reservations which from their nature will, in the opinion of the Secretary of the Interior, in no manner interfere with the use of the areas so encumbered for the purposes of this Act.

SEC. 3. Sections 8, 9, 10, 13, 14, and 15 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 715), as amended, are hereby made applicable for the purposes of this Act in the same manner and to the same extent as though they were enacted as part of this Act, except that lands acquired hereunder may be administered primarily as wildlife management areas not subject to the prohibition against the taking of birds or nests or the eggs thereof, as contained in section 10 of the Migratory Bird Conservation Act, and hunting thereon may be regulated, at the option of the Fish and Game Commission of the State of California, in such cooperative manner as is deemed necessary to carry out the purposes of this Act subject, however, to the provisions of the Migratory Bird Treaty Act of July 3, 1918 (49 Stat. 1555; 16 U. S. C. 703–711), as amended.

16 U. S. C. §§ 715g-715i, 715l-715n.

45 Stat. 1224.
16 U. S. C. § 715i.

16 U. S. C., Supp I, § 704 note.

SEC. 4. Funds made available under this or any other Act for the administration, maintenance, and development of any areas acquired under this Act, shall be available also for the construction of dams, dikes, ditches, buildings, and other necessary improvements and for the purchase, planting, growing, and harvesting of grains and other crops for the feeding of waterfowl and other wildlife frequenting the localities where such lands may be purchased or rented.

Availability of funds.
Post, p. 1145.

Approved May 18, 1948.

[CHAPTER 305]

AN ACT

To amend the Act of July 23, 1947 (61 Stat. 409) (Public Law Numbered 219 of the Eightieth Congress).

May 19, 1948
[H. R. 4892]
[Public Law 535]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 2 of the Act of July 23, 1947 (61 Stat. 409), is amended by striking out the period at the end of the sentence and adding the following: "and upon retirement any officer who is serving, or has served not less than two and one-half years as assistant commandant or engineer in chief (unless entitled to retire at a higher rank or pay under other provisions of law) shall retire with the rank of rear admiral and with the retired pay of a rear admiral (upper half)".

Coast Guard.

14 U. S. C., Supp. I, § 6b.

Approved May 19, 1948.

[CHAPTER 309]

AN ACT

For the relief of Jeffersonville Flood Control District, Jeffersonville, Indiana, a municipal corporation.

May 19, 1948
[H. R. 2000]
[Public Law 536]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon written notice from the Secretary of the Navy that the Jeffersonville Flood Control District has complied with the provisions of section 2 of this

Jeffersonville Flood Control District, Jeffersonville, Ind.

Payment.

Act, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jeffersonville Flood Control District, Jeffersonville, Indiana, a municipal corporation, the sum of $53,099.56. Such sum represents the cost of acquiring an alternate right-of-way for the construction of flood-protection works, the original right-of-way acquired by such district having been taken by the United States for the use of the Department of the Navy, and the Department of the Navy having imposed restrictions making it impossible to construct flood-protection works upon a right-of-way which, pursuant to a stipulation, the Department of the Navy agreed to convey to such district as compensation for the right-of-way taken by the United States. The payment of such sum to such district shall be in full settlement of all claims of such district against the United States on account of complying with the provisions of section 2 of this Act and on account of the taking of such original right-of-way by the United States in proceedings in the United States District Court for the Southern District of Indiana, New Albany Division, entitled "United States of America against 27.02 acres of land, in Jeffersonville, Clark County, Indiana, Howard Shipyards and Dock Company, et al., Civil No. 80", and entitled "United States of America against 15.77 acres of land, more or less, in Jeffersonville, Clark County, Indiana, Dollie Hoffman, et al., Civil No. 92".

Written notice to Secretary of Treasury.

SEC. 2. The Secretary of the Navy shall give written notice to the Secretary of the Treasury that the Jeffersonville Flood Control District has complied with the provisions of this section whenever such district has, in such manner as is satisfactory to the Secretary of the Navy, conveyed to the United States all right, title, and interest which it may have in and to the naval property in Jeffersonville, Clark County, Indiana, particularly described in a proposed grant of easement signed on the 13th day of August, 1943, by which the United States proposed to grant and convey to Jeffersonville Flood Control Commission, Jeffersonville, Indiana, its successors and assigns, a perpetual easement to construct, operate, and maintain a flood-protective system on the two sections of naval property described in such proposed grant of easement.

Approved May 19, 1948.

[CHAPTER 310]

AN ACT

May 19, 1948
[H. R. 4018]
[Public Law 537]

Authorizing the transfer of certain real property for wildlife, or other purposes.

Wildlife conservation.
Transfer of property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the War Assets Administrator, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property

shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States.

Publication in Federal Register.

SEC. 2. Whenever any real property is transferred pursuant to this Act, the War Assets Administrator shall make and have published in the Federal Register an appropriate order, which may be revised from time to time in like manner, designating for which of the purposes specified in section 1 of this Act the property so transferred shall be used.

Statement of acreage and value.

SEC. 3. A statement of the acreage and value of such property as may have been transferred pursuant to this Act during the preceding fiscal year shall be annually prepared by the War Assets Administrator and shall be included in the annual budget transmitted to the Congress.

Approved May 19, 1948.

[CHAPTER 311]

AN ACT

To amend the Immigration Act of 1924, as amended.

May 19, 1948
[H. R. 5137]
[Public Law 538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 4 of the Immigration Act of May 26, 1924, as amended (8 U. S. C. 204 (a)), is hereby amended to read as follows:

Immigration Act of 1924, amendment.
43 Stat. 155.

"(a) An immigrant who is the unmarried child under twenty-one years of age, or the wife, or the husband, of a citizen of the United States: *Provided*, That the marriage shall have occurred prior to issuance of visa and in the case of husbands of citizens, prior to January 1, 1948."

SEC. 2. Section 6 (a) (1) (A) of the Immigration Act of May 26, 1924, as amended (8 U. S. C. 206 (a) (1) (A)), is hereby amended to read as follows:

45 Stat. 1009.

"(A) Quota immigrants who are the fathers or the mothers of citizens of the United States who are twenty-one years of age or over, or who are the husbands of citizens of the United States by marriages occurring on or after January 1, 1948".

Approved May 19, 1948.

[CHAPTER 312]

AN ACT

To extend the time within which application for the benefits of the Mustering-Out Payment Act of 1944 may be made by veterans discharged from the armed forces before the effective date of such Act.

May 19, 1948
[H. R. 5805]
[Public Law 539]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Mustering-Out Payment Act of 1944, as amended (U. S. C., 1940 edition, Supp. V, title 38, sec. 691c), is amended by striking out "within two years after the date of enactment of this Act" and inserting in lieu thereof "not later than February 3, 1950".

58 Stat. 9.
38 U. S. C. § 691c.

Approved May 19, 1948.

[CHAPTER 313]

AN ACT

To permit the temporary free importation of racing shells, and increasing the amount of exemptions allowed for personal purchases abroad.

May 19, 1948
[H. R. 5933]
[Public Law 540]

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

Racing shells.

46 Stat. 630. 19 U. S. C. § 1001, par. 412.

imported racing shells imposed by paragraph 412 of the Tariff Act of 1930 shall be suspended until January 1, 1949.

46 Stat. 683. 19 U. S. C. § 1201, par. 1798.

SEC. 2. (a) Paragraph 1798 of the Tariff Act of 1930, as amended, is hereby amended by inserting, after the sixth proviso, the following: "*Provided further*, That in addition to the exemption authorized by the fourth preceding proviso, a returning resident who has remained beyond the territorial limits of the United States for a period of not less than twelve days, shall be permitted to bring into the United States up to but not exceeding $300 in value of articles (excluding distilled spirits, wines, malt liquors and cigars) acquired abroad by such resident of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, free of duty: *Provided further*, That any subsequent sale, within three years after the date of the arrival of such returning resident in the United States, of articles acquired and brought into the United States pursuant to the provisions of the immediately preceding proviso shall subject the returning resident declaring the articles to double the import duty which would have been collected had this additional exemption not been in effect: *Provided further*, That the additional exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by such returning resident who has not taken advantage of the said exemption within the six-month period immediately preceding his return to the United States:".

Exemption on certain purchases abroad.

Sale of articles.

Six-month limitation.

Effective date.

(b) The amendment made by subsection (a) shall be effective with respect to articles declared on or after the day following the date of enactment of this Act.

Approved May 19, 1948.

[CHAPTER 324]

May 20, 1948
[H. R. 3998]
[Public Law 541]

AN ACT

To provide for regulation of certain insurance rates in the District of Columbia, and for other purposes.

Insurance rates, D. C.

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

SECTION 1. DEFINITIONS.—In this Act, unless the context otherwise requires—

"District."

"District" means the District of Columbia.

"Superintendent."

"Superintendent" means the Superintendent of Insurance of the District of Columbia.

"Insurance."

"Insurance" includes (but is not limited to) fidelity, surety, and guaranty bonds.

"Company."

"Company" means any insurer, whether stock, mutual, reciprocal, interinsurer, Lloyd's, or any other form or group of insurers.

"Policy."

54 Stat. 1064. D. C. Code § 35-1303.

"Policy" means an insurance policy or contract as defined by Public Law 824, Seventy-sixth Congress, approved October 9, 1940.

"Agent."

"Agent" means and shall include any individual, copartnership, or corporation acting in the capacity of or licensed as a "policy-writing agent", "soliciting agent", or "salaried company employee" as defined by the Act entitled "An Act to provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes", approved October 9, 1940.

54 Stat. 1065. D. C. Code § 35-1303.

SEC. 2. SCOPE OF ACT.—This Act shall apply to all forms of casualty, motor vehicle, explosion, sprinkler leakage, and inland marine insurance in the District and to all forms of insurance within the scope of said Act approved October 9, 1940, except those forms of insurance not enumerated herein which are within the scope of the Act entitled "An Act to provide for the regulation of certain insurance rates in the

54 Stat. 1063. D. C. Code §§ 35-1301 to 35-1350.

District of Columbia, and for other purposes", approved June 1, 1944: *Provided*, That this Act shall not apply to reinsurance other than joint reinsurance to the extent provided in this Act, and shall not apply to: (a) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies; (b) title insurance; (c) accident and health insurance; (d) insurance against loss of or damage to aircraft or to liability, other than workmen's compensation and employers' liability, arising out of the ownership, maintenance, or use of aircraft; (e) to insurance issued to self-insurers and insuring against loss in excess of at least $10,000 resulting from any one accident or event, except when rates therefor are made by a rating organization.

58 Stat. 267. D. C. Code, Supp. VI, §§ 35-1401 to 35-1409.

Nonapplicability.

SEC. 3. MAKING OF RATES.—(a) Rates for insurance within the scope of this Act shall not be excessive, inadequate, or unfairly discriminatory.

(b) Due consideration shall be given to past and prospective loss experience within and outside the District, to physical hazards, to safety and loss prevention factors, to underwriting practice and judgment, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies; to dividends, savings, or unabsorbed premium deposits allowed or returned by companies to their policyholders, members, or subscribers; to past and prospective expenses both country-wide and those specially applicable to the District; to whether classification rates exist generally for the risks under consideration; to the rarity or peculiar characteristics of the risks; and to all other relevant factors within and outside the District.

Losses; risks.

(c) Nothing in this section shall be taken to prohibit as unfairly discriminatory the establishment of classifications or modifications of classifications of risks based upon the size, expense, management, individual experience, location or dispersion of hazard, or any other reasonable considerations attributable to such risks provided such classifications and modifications apply to all risks under the same or substantially similar circumstances or conditions.

Classification of risks.

(d) Nothing in this Act shall be construed to require uniformity in insurance rates, classifications, rating plans, or practices.

Uniformity in rates, etc.

(e) Nothing in this Act shall abridge or restrict the freedom of contract of companies, agents, brokers, or employees with reference to the commissions or salaries to be paid to such agents, brokers, or employees by companies.

Commissions or salaries.

(f) Rates may become effective immediately upon filing or at such future time as the company or rating organization making them may specify. They shall thereafter remain in effect unless and until changed by the company or rating organization making them, or adjusted by order of the Superintendent in accordance with the provisions of this Act. Rates for contracts or policies described in the last sentence of subsection (c) of section 4 of this Act may become effective when made and filing thereof shall be made promptly thereafter.

Effective date of rates.

Post, p. 244.

(g) No company, agent, or broker shall make, issue, or deliver, or knowingly permit the making, issuance, or delivery of any policy of insurance within the scope of this Act contrary to pertinent filings which are in effect for the company as provided in this Act, except that upon the written application of the insured stating his reasons therefor, filed with and approved by the Superintendent, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

Excessive rates.

SEC. 4. SUPERVISION OF RATES.—(a) On and after July 1, 1948, every company shall file with the Superintendent, either directly or through a licensed rating organization of which it is a member or subscriber,

except as to rates on inland marine risks which are not made by a rating organization and which by general custom of the business are not written according to manual rates or rating plans, all rates and rating plans, rules, and classifications which it uses or proposes to use in the District.

Investigations.

(b) Whenever it shall be made to appear to the Superintendent, either from his own information or from complaint of any party alleging to be aggrieved thereby, that there are reasonable grounds to believe that the rates on any or on all risks or classes of risks or kinds of insurance within the scope of this Act are not in accordance with the terms of this Act, it shall be his duty, and he shall have the full power and authority, to investigate the necessity for an adjustment of any or all such rates.

Adjustments.

(c) After such an investigation of any such rates, the Superintendent shall, before ordering any appropriate adjustment thereof, hold a hearing upon not less than ten days' written notice specifying the matters to be considered at such hearing, to every company and rating organization which filed such rates, provided the Superintendent need not hold such hearing in the event he is advised by every such company and rating organization that they do not desire such hearing. If after such hearing the Superintendent determines that any or all of such rates are excessive or inadequate, he shall order appropriate adjustment thereof. Pending such investigation and order of the Superintendent, rates shall be deemed to have been made in accordance with the terms of this Act. No order of adjustment shall affect any contract or policy made or issued prior to the effective date of such order unless (i) the adjustment to be effected is substantial and exceeds the cost to the companies of making the adjustment and (ii) the order is made after the prescribed investigation and hearing and within thirty days after the filing of rates affected. In no event shall an order of adjustment affect an existing contract or policy other than one of workmen's compensation or automobile liability insurance required by law, order, rule, or regulation of a public authority, or a contract or policy of any type as to which the rates are not, by general custom of the business or because of rarity and peculiar characteristics, written according to normal classification or rating procedure.

Written notice of hearing.

Prior contracts.

(d) In determining the necessity for an adjustment of rates, the Superintendent shall be bound by all of the provisions of section 3 of this Act.

Ante, p. 243.

Removal of discrimination.

(e) The Superintendent is further empowered to investigate and to order removed at such time and in such manner as he shall specify any unfair discrimination existing between individual risks or classes of risks.

SEC. 5. COOPERATIVE AND CONCERTED ACTION AUTHORIZED.—Subject to the provisions of this Act, two or more companies may cooperate or act in concert with each other—

(a) as a rating organization, for the purpose of making rates, rating plans, or rating systems. No company shall be deemed to be a rating organization;

(b) as an advisory organization, for the purpose of preparing policy forms, making underwriting rules, surveys, or inspections incident to but not including the making of rates, rating plans or rating systems, or collecting and furnishing to companies or rating organizations loss or expense statistics or other statistical data, and acting in an advisory as distinguished from a rate making capacity;

(c) as a group or fleet of companies operating under the same general management and control, for the purpose of conducting a complete insurance service;

(d) as a group, association, or other organization for the purpose of joint underwriting or joint reinsurance, or of equitable apportionment and proper rating of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods.

No company shall be required by this Act to be a member or subscriber of any rating organization.

SEC. 6. COOPERATIVE AND CONCERTED ACTION REGULATED.—(a) Every group, association, or other organization of companies authorized to act as such under the terms of this Act, except groups or fleets described in subsection (c) of section 5, shall file with the Superintendent (1) a copy of its constitution, its articles of agreement or association, or its certificate of incorporation, and of its bylaws, rules, and regulations governing the conduct of its business; (2) a list of its members and subscribers, if any; (3) the name and address of a resident of the District upon whom notices or orders of the Superintendent or process affecting it may be served; and shall notify the Superintendent promptly of any change in the foregoing.

(b) No group, association, or organization shall engage in any unfair or unreasonable practice in the conduct of its business.

License to operate in D. C.

(c) No rating organization shall conduct its business with respect to insurance on risks located within the District without a license from the Superintendent. To obtain such a license, a rating organization shall, in addition to the matters specified in subsection (a) of this section, supply to the Superintendent a statement relating to its qualifications as a rating organization and its ability adequately to administer the rates, rules, and regulations which it may make in behalf of its members and subscribers.

If the Superintendent finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization, he shall forthwith issue a license specifying the kinds of insurance and subdivisions thereof for which the applicant is authorized to act as a rating organization, but, if the Superintendent does not so find within thirty days after he has received such application, he shall, at the request of the applicant, give the applicant a full hearing.

Licenses issued pursuant to this section shall remain in effect until suspended or revoked by the Superintendent unless voluntarily surrendered by the rating organization. The fee for said license shall be $250 and shall be paid by the applicant through the Superintendent to Collector of Taxes, District of Columbia.

Fee.

Amendment of license.

Licenses issued pursuant to this section may, at the request of the rating organization, be amended by the Superintendent so as to include authority with respect to additional kinds of insurance and subdivisions thereof, provided the rating organization satisfies the Superintendent that such amendment would not in any way be contrary to or inconsistent with the provisions of this Act: *Provided*, That an additional fee in the amount of $50 shall be charged for such amendment.

Fee.

Suspension or revocation.

The license of any rating organization may be suspended or revoked by the Superintendent for failure to comply with this Act or for incompetence or untrustworthiness. The Superintendent shall not revoke or suspend the license of any rating organization until he has given it not less than thirty days' notice of the proposed revocation or suspension and of the grounds alleged therefor and has afforded the rating organization an opportunity to be heard.

Penalty.

In lieu of revoking or suspending the license of any rating organization after hearing and for the causes named herein, the Superintendent may subject such rating organization to a penalty of not more than $250 when in his judgment he finds that the public interest would be best served by the continued operation of the rating organization. The amount of any such penalty shall be paid by the rating organization through the Superintendent to Collector of Taxes, District of Columbia.

Subscribers.

(d) Every licensed rating organization shall, subject to reasonable rules and regulations, permit any company not a member to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act; shall give notice of changes in such rules and regulations to its subscribers; and shall furnish its rating services without discrimination to its members and subscribers.

Agreements, etc.

(e) No licensed rating organization shall adopt any rule, effect any agreement, or take any action contrary to or inconsistent with the provisions of this Act or which would have the effect of prohibiting, restricting, or regulating the payment or allowance by any of its members or subscribers of dividends, savings, or unabsorbed premium deposits; nor practice or sanction any plan or act of boycott, coercion, or intimidation; nor enter into or sanction any contract or act by which any person is restrained from lawfully engaging in the business of insurance.

Deviation from filings.

(f) Every member of or subscriber to a licensed rating organization shall adhere to the filings made on its behalf by such organization except that any such member or subscriber may deviate from such filings if it has filed with the rating organization and with the Superintendent the deviation to be applied and information necessary to justify the deviation and provided such deviation is approved by the Superintendent. If approved, the deviation shall remain in force until such approval is withdrawn by the Superintendent after notice to the company or withdrawn by the company with the approval of the Superintendent. The Superintendent shall approve any such deviation unless he finds that the deviation to be applied would not be uniform in its application or would be inconsistent with the provisions of this Act, but unless he approves the deviation within thirty days he shall, within a reasonable time, grant a hearing to the applicant at the applicant's request.

Approval by Superintendent.

SEC. 7. INFORMATION TO BE FURNISHED BY COMPANIES.—(a) Every rating organization and every company which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

Hearing of grievances.

(b) Every rating organization and every company which makes its own rates shall provide within the District reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to revise the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or company fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such company on such request may, within thirty days after written notice of such action, appeal to the Superintendent, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or company, may affirm or reverse such action.

Withholding information.

(c) No company, agent, broker, or rating organization may willfully withhold required information from or give false or misleading information to the Superintendent.

(d) No company, agent, or broker shall fail to furnish to an insured any policy or comparable evidence of insurance to which the insured is entitled.

SEC. 8. AUTHORITY AND DUTY OF SUPERINTENDENT.—In addition to any powers hereinbefore expressly enumerated in this Act, the Superintendent shall have full power and authority, and it shall be his duty,

to enforce by regulations, orders, or otherwise all and singular, the provisions of this Act, and the full intent thereof. In particular he shall have the authority and power— Authority of Superintendent.

(a) to examine all records of companies and rating organizations and to require any or every company, agent, broker, and rating organization to furnish under oath such information as he may deem necessary for the administration of this Act. The expense of such examination shall be paid by the company or rating organization examined. In lieu of such examination the Superintendent may, in his discretion, accept a report of examination made by any other insurance supervisory authority;

(b) to make and enforce such reasonable orders, rules, and regulations as may be necessary in making this Act effective, but such orders, rules, and regulations shall not be contrary to or inconsistent with the provisions of this Act;

(c) to issue an order, after a full hearing to all parties in interest requiring any group, association, or organization of companies and the members thereof to cease and desist from any unfair or unreasonable practice;

(d) The Superintendent may designate one or more rating organizations or other agencies to assist him in gathering statistical data and in making such compilations thereof as may be necessary for the proper administration of this Act. Such compilations shall be made available, subject to reasonable rules promulgated by the Superintendent, to companies and rating organizations.

The Superintendent shall have no authority at any hearing to compel the attendance of witnesses and he shall not be required to adhere to formal rules of pleading or evidence. At the request of a party or parties in interest made prior to any hearing, he shall administer oaths to witnesses and shall permit such party or parties, at the cost and expense of one who so requests, to have made a record of the hearing, which record upon request of such party or parties the Superintendent shall certify. Oaths, etc.

SEC. 9. PENALTIES.—Any company, broker, or agent guilty of violating any of the provisions of this Act or any order, rule, or regulation issued pursuant to this Act, shall be subject to the provisions of sections 3 and 36, respectively, of chapter II, of said Act approved October 9, 1940, as amended. 54 Stat. 1066, 1079. D. C. Code §§ 35-1306, 35-1340; Supp. VI, §§ 35-1306, 35-1340.

SEC. 10. JUDICIAL REVIEW.—Any person, firm or corporation aggrieved by any order, ruling, proceeding, or action of the Superintendent may contest the validity of such order, ruling, proceeding, or action in any court of competent jurisdiction by appeal or through any other appropriate proceedings, as provided under section 45, chapter II, of said Act approved October 9, 1940. 54 Stat. 1082. D. C. Code § 35-1349.

SEC. 11. REPEALS.—All laws or parts of laws, insofar as they relate to business affected hereby and are in conflict with any of the provisions of this Act, are hereby repealed: *Provided*, That this Act shall not be construed as repealing or amending the Act entitled "An Act to amend an Act entitled 'An Act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes', approved June 29, 1938", approved December 15, 1942. 56 Stat. 1051. D. C. Code, Supp. VI, § 44-301.

SEC. 12. UNCONSTITUTIONALITY.—If any section or provision of this Act is held unconstitutional or invalid, the validity of the Act as a whole or of any part thereof, other than the part decided to be unconstitutional or invalid, shall not be affected.

SEC. 13. EFFECTIVE DATE.—This Act shall become effective thirty days after approval.

Approved May 20, 1948.

[CHAPTER 325]

AN ACT

May 20, 1948
[H. R. 5118]
[Public Law 542]

To authorize the sale of certain individual Indian land on the Flathead Reservation to the State of Montana.

Flathead Reservation, Mont.
Sale of individual land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clara Keenan Dumontier, a Flathead Indian, is hereby authorized to sell and convey to the State of Montana the following-described tract of land held by the United States in trust for her under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), said conveyance to be made by an appropriate warranty deed approved by the Secretary of the Interior or his authorized representative: A tract of land in the north half of the southwest quarter, section 1, township 16 north, range 20 west, Montana principal meridian; more particularly described as follows: Beginning at the southwest corner of the said north half southwest corner, section 1, thence from the said point of beginning northerly along the west line of the said point of beginning northerly along the west line of the said section 1, two hundred and fourteen and five-tenths feet, to a point; thence south eighty degrees forty-eight minutes east one thousand three hundred and forty and five-tenths feet, to a point, on the south line of the said north half of the southwest quarter, section 1; thence westerly along the south line of the said north half of the southwest quarter, section 1, one thousand three hundred and twenty-three and three-tenths feet, to the said point of beginning, containing three and twenty-six hundredths acres, more or less.

25 U. S. C. §§ 461–479.

Approved May 20, 1948.

[CHAPTER 326]

AN ACT

May 20, 1948
[H. R. 5651]
[Public Law 543]

Authorizing the Secretary of the Interior to convey certain lands in South Dakota for municipal or public purposes.

Sioux Sanatorium Farm, Rapid City, S. Dak.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized in his discretion to convey without compensation any lands contained in the Sioux Sanatorium Farm at Rapid City, South Dakota, not necessary for the administration and operation of the Sioux Indian Sanatorium, to the city of Rapid City for municipal purposes, or to any public-school district for educational purposes, or to the State of South Dakota for use of the South Dakota National Guard: *Provided*, That the title to any lands so conveyed shall revert to the United States of America when the land is no longer used for the purposes for which such lands were initially conveyed. The Secretary may also in his discretion convey to any church organization for religious purposes, upon receipt of the reasonable value of such lands, any of such lands not conveyed for any of the purposes above named.

Reversion to U. S.

Conveyance to church organization.

Rehabilitation of needy Indians.

SEC. 2. The Secretary of the Interior is also authorized in his discretion to utilize any of the said lands for the rehabilitation of needy Indians, and to exchange any of such lands for other lands in or near Rapid City more suitable for this purpose.

Approved May 20, 1948.

[CHAPTER 328]

AN ACT

Relating to the rules for the prevention of collisions on certain inland waters of the United States and on the western rivers, and for other purposes.

May 21, 1948
[H. R. 3350]
[Public Law 544]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the Act entitled "An Act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States", approved June 7, 1897, as amended (U. S. C., 1940 edition, title 33, sec. 154), as reads "That the following regulations for preventing collision shall be followed by all vessels navigating all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and are hereby declared special rules duly made by local authority:" is amended to read as follows: "That the following regulations for preventing collisions shall be followed by all vessels upon the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, and the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the waters of the Mobile River above Choctaw Point and all of its tributaries, and the Red River of the North; and are hereby declared special rules duly made by local authority:".

Navigation on inland waters, etc.

30 Stat. 96.
Prevention of collisions.

SEC. 2. Article 3 in the first section of such Act approved June 7, 1897, as amended (U. S. C., 1940 edition, title 33, sec. 173), is amended to read as follows:

30 Stat. 97.

"ART. 3. A steam vessel when towing another vessel or vessels alongside or by pushing ahead shall, in addition to her side lights, carry two bright white lights in a vertical line, one over the other, not less than three feet apart, and when towing one or more vessels astern, regardless of the length of the tow, shall carry an additional bright white light three feet above or below such lights. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a) of this chapter or the after range light mentioned in article 2 (f) of this chapter.

Lights on vessel towing another.

30 Stat. 96, 97.
33 U. S. C. § 172(a), (f).

"Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam."

Light abaft.

SEC. 3. Sections 2, 3, and 4 of such Act of June 7, 1897, as amended (U. S. C., 1940 edition, title 33, sections 157, 158 and 159), are amended to read as follows:

30 Stat. 102.

"SEC. 2. (a) That the Commandant of the United States Coast Guard shall establish such rules to be observed on the waters mentioned in the preceding section by steam vessels in passing each other and as to the lights to be carried on such waters by ferryboats and by vessels and craft of all types when in tow of steam vessels, or operating by hand power or horsepower or drifting with the current, and any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are hereby declared special rules duly made by local authority, as provided for in article thirty of chapter eight hundred and two of the laws of eighteen hundred and ninety. Two printed copies of such rules shall be furnished to all vessels and craft

Special rules.

26 Stat. 328.
33 U. S. C. § 131.
Copies of rules.

mentioned in this subsection, which rules shall, where practicable, be kept posted up in conspicuous places thereon.

Publication.

"(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Commandant of the United States Coast Guard under the provisions of this section, the said Commandant shall publish such rules, alterations, amendments, and repeals, and public hearings shall be held with respect thereto before the Coast Guard Merchant Marine Council on such notice as the Commandant deems reasonable under the circumstances.

Penalty for pilots, etc. *Infra.*

"SEC. 3. That every pilot, engineer, mate, or master of any steam vessel, as defined in rule numbered 1, and every master or mate of any barge or canal boat, who neglects or refuses to observe the provisions of this Act, or the regulations established in pursuance of the preceding section shall be liable to a penalty of one hundred dollars, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: *Provided*, That nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

Penalty for vessels.

"SEC. 4. That every vessel that shall be navigated without complying with the provisions of this Act shall be liable to a penalty of two hundred dollars, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense."

SEC. 4. Section 4233 of the Revised Statutes of the United States, as amended (U. S. C., 1940 edition, title 33, sec. 301 and the following) is amended to read as follows:

Navigation rules for Mississippi River, etc.

"SEC. 4233. The following regulations for preventing collisions shall be followed by all vessels upon the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the waters of the Mobile River above Choctaw point and all of its tributaries, and the Red River of the North; and are hereby declared special rules duly made by local authority:

"I—PRELIMINARY DEFINITIONS

"RULE NUMBERED 1. In the following rules every steam vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a steam vessel.

"Steam vessel."

"The words 'steam vessel' shall include any vessel propelled by machinery.

"Under way."

"A vessel is 'under way' within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

"Visible."

"The word 'visible' in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

"Distinct blast."

"The words 'distinct blast' in these rules, when applied to whistle signals shall mean a clearly audible blast of any length.

"II—LIGHTS, AND SO FORTH

"RULE NUMBERED 2. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights, or impair their visibility, shall be exhibited.

Lights on vessel towing another.

"RULE NUMBERED 3. A steam vessel when towing another vessel or vessels alongside or by pushing ahead shall carry—

"(a) On the starboard side a green light so constructed and fixed as to show the light from ahead and not more than half a

point on the port bow to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least three miles.

"(b) On the port side a red light so constructed and fixed as to show the light from ahead and not more than half a point on the starboard bow, to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least three miles.

"(c) The said green and red side lights shall be fitted with inboard screens painted black and projecting at least three feet forward from the light, so as to prevent these lights from being seen more than half a point across the bow.

"(d) At or near the stern, where they can best be seen, two red lights in a vertical line, one over the other, not less than three feet apart, of such a character as to be visible from aft for a distance of at least two miles, and so screened as not to be visible forward of the beam.

Additional lights when towing.

"RULE NUMBERED 4. A steam vessel when towing another vessel or vessels on a hawser astern shall carry, in addition to the side lights described in rule 3 (a), (b), and (c) and at a greater height than those lights, in the forward half of the vessel, two bright white lights in a vertical line, one over the other, at least three feet apart. Each of these lights shall be so constructed as to show an unbroken light over an arc of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side and of such a character as to be visible at a distance of at least three miles.

Vessel underway.

"RULE NUMBERED 5. A seagoing steam vessel underway shall carry lights as required by article 2, International Rules, as amended.

26 Stat. 321.
33 U. S. C. § 72.

"RULE NUMBERED 6. A river steamer, by which is meant a river-type steam vessel with two smokestacks in an athwartship line, may carry, in lieu of the lights prescribed by rule 7 (a), the following lights, namely: One red light on the outboard side of the port smokestack and one green light on the outboard side of the starboard smokestack. Such lights shall show forward, aft, and abeam on their respective sides.

"River steamer."

Infra.

Additional lights for vessel underway.

Ante, p. 250.

"RULE NUMBERED 7. (a) A steam vessel underway, except as otherwise provided in these rules, shall carry, in addition to side lights as described in rule 3 (a), (b), and (c), a central range of two white lights, the after light being carried at an elevation higher than the light at the head of the vessel. The headlight shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon.

Barges, etc., in tow; ferryboats.

"(b) The lights for barges, canal boats, scows, and other vessels of nondescript type, when in tow of steam vessels, and for ferryboats, shall be as prescribed by the Commandant, United States Coast Guard.

Sailing vessel underway; vessels in tow.

"RULE NUMBERED 8. A sailing vessel under way, and any vessel being towed except barges, canal boats, scows, and other vessels of nondescript type when in tow of steam vessels, shall carry screened side lights as prescribed by rule 3, sections (a), (b), and (c), for a steam vessel, and a stern light as prescribed by rule 10.

Ante, p. 250; *post*, p. 252.

Portable lights.

"RULE NUMBERED 9. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable

lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Vessel being overtaken.

"RULE NUMBERED 10. A vessel which is being overtaken by another, except a steam vessel which already has one or more running lights visible from aft, shall show from her stern to such overtaking vessel a white light or a flare-up light.

"The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least two miles.

Sailing pilot vessels.

"RULE NUMBERED 11. (a) Sailing pilot vessels, when engaged on their station on pilotage duty, and not at anchor, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, at a distance of at least three miles, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed ten minutes.

"On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

"A sailing pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the side lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Steam pilot vessel.

"(b) A steam pilot vessel when engaged on her station on pilotage duty and not at anchor shall, in addition to the lights and flares required for sailing pilot vessels, carry, at a distance of eight feet below her white masthead lights, a red light, visible all around the horizon at a distance of at least three miles, and also the side lights required to be carried by vessels when under way.

All pilot vessels.

"(c) All pilot vessels, when engaged on their stations on pilotage duty and at anchor, shall carry the lights and show the flares prescribed above, except that the side lights shall not be shown.

"When not engaged on their stations on pilotage duty they shall carry the same lights as other vessels of their class and tonnage.

Motorboats.

54 Stat. 163.
46 U. S. C. §§ 526-526t.

"RULE NUMBERED 12. Motorboats, when not engaged in towing, shall be lighted as provided by the Motorboat Act of April 25, 1940, as amended. When towing, they shall be subject to the same provisions for lighting as other steam vessels towing.

Vessels under 150 feet in length, at anchor.

"RULE NUMBERED 13. (a) A vessel under one hundred and fifty feet in length, when at anchor, and not moored to the bank or wharf, shall carry forward, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least two miles: *Provided*, That the Secretary of the Army may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of the Army shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length when at anchor in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.

"Special anchorage areas."

Exception.

Vessels of 150 feet or upward, at anchor.

"(b) A vessel of one hundred and fifty feet or upward in length, when at anchor, and not moored to the bank or a wharf, shall carry

in the forward part of the vessel, where it can best be seen, one such light, and at or near the stern of the vessel, and at such a height that it shall not be less than fifteen feet lower than the forward light, another such light.

"RULE NUMBERED 14. The exhibition of any light on board of a vessel of war of the United States or a Coast Guard cutter may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. Vessel of war; Coast Guard cutter.

"RULE NUMBERED 15. All signals prescribed by this article for vessels under way shall be given— Signals.

"By 'steam vessels' on the whistle or siren.

"By sailing vessels and 'vessels towed' on the foghorn.

"A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction; also with an efficient bell. A sailing vessel of twenty gross tons or upward shall be provided with a similar bell.

"In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals described by this article shall be used as follows, namely:

"(a) A steam vessel under way and towing another vessel or vessels shall sound, at intervals of not more than one minute, three distinct blasts of the whistle, of approximately equal length.

"(b) A steam vessel under way without a tow shall sound, at intervals of not more than one minute, three blasts of the whistle, the first two blasts to be approximately of equal length, the last blast to be longer.

"(c) A steam vessel, with or without a tow, lying to, by which is meant holding her position near or against the bank by using her engines, or temporarily moored to the bank, when a fog signal or other sound is heard indicating the approach of another vessel, shall, if lying to on the right bank, give one tap of the bell to indicate her presence, and if lying to on the left bank, two taps of the bell, at intervals of not more than one minute, such signals to continue until the approaching steam vessel has passed. Right and left bank is understood as facing downstream or with the flow of the current.

"(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

"RULE NUMBERED 16. Every steam vessel shall, in fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, go at a moderate speed. A steam vessel hearing, apparently forward of her beam, the fog signal of another vessel shall at once reduce her speed to bare steerageway, and navigate with caution until the vessels shall have passed each other. Speed in fog, etc.

"RULE NUMBERED 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely: Sailing vessels approaching one another.

"(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

"(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

"(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

"(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

"(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

"III—STEERING AND SAILING RULES

"PRELIMINARY—RISK OF COLLISION

"Risk of collision can, when circumstances permit, be ascertained by carefully watching the bearing of an approaching vessel. If the bearing does not appreciably change such risk should be deemed to exist.

Vessels meeting end on.

"RULE NUMBERED 18. (a) When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, except when one steam vessel is ascending and the other descending a river, it shall be the duty of each to pass on the port side of the other, and to alter course to starboard sufficiently so that this can be done in safety. This maneuver shall require an exchange of one-blast signals when the vessels are not less than one-half mile apart, and either vessel shall blow the first signal which the other shall promptly answer.

Ascending and descending vessels.

"(b) When an ascending steam vessel is approaching a descending steam vessel on a river, the signals for passing shall be one distinct blast of the whistle by each vessel if passing port to port, and two distinct blasts of the whistle if passing starboard to starboard.

"The pilot of the ascending steam vessel shall give the first signal for passing, which shall promptly be answered by the same signal by the pilot of the descending steam vessel, if safe to do so, and both shall be governed accordingly; but if the pilot of the descending steam vessel deems it dangerous to take the side indicated by the ascending steam vessel, he shall immediately signify that fact by sounding four or more short and rapid blasts, the danger signal, and it shall be the duty of the pilot of the ascending steam vessel to answer by a similar danger signal and the engines of both shall immediately be stopped and backed, if necessary, until signals for passing are given, answered, and understood. After sounding the danger signal by both vessels, the pilot of the descending steam vessel shall indicate by his whistle the side on which he desires to pass, and the pilot of the ascending steam vessel shall govern himself accordingly, the descending steam vessel being entitled to the right-of-way.

"The pilot of the descending steam vessel shall not blow the first signal, except that if the other vessel has not whistled when the steam vessels, or the forward end of their tows, if being pushed ahead, are within one-half mile of each other, he shall blow the first danger signal, which shall be promptly answered by a danger signal by the ascending vessel; but whether answered or not, the pilot of the descending vessel shall indicate the side on which he desires to pass, and both vessels shall be governed accordingly.

Vessels crossing.

"RULE NUMBERED 19. (a) When two steam vessels are crossing so as to involve risk of collision, other than when one vessel is overtaking another, the vessel which has the other to starboard shall keep out of the way of the other. Either vessel shall give, as a signal of intention to comply with this rule, one distinct blast of her whistle, which the other vessel shall answer with a similar blast: *Provided, however*, That a steam vessel descending a river and towing another vessel or vessels shall be deemed to have the right-of-way over any steam vessel crossing the river, and shall give as a signal of her intention to hold on across the bow of the other vessel, three distinct blasts of the whistle. The crossing vessel shall immediately reply with a similar signal, and shall keep clear by stopping or going under the stern of the descending vessel.

Descending vessel towing another.

Misunderstanding of signals.

"(b) If from any cause the conditions covered by these situations are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing four or more short and rapid blasts, the danger signal,

and both steam vessels shall be stopped and backed if necessary until signals for passing with safety in accordance with these rules are given, answered, and understood.

"RULE NUMBERED 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except when the sailing vessel is overtaking the steam vessel, the steam vessel shall keep out of the way of the sailing vessel. Steam vessel and sailing vessel.

"RULE NUMBERED 21. Every steam vessel, when approaching another vessel so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse. Approaching vessel.

"RULE NUMBERED 22. (a) Notwithstanding anything contained in these rules, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel. Overtaking vessel.

"Every vessel coming up with another vessel from any direction more than two points abaft her beam shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

"As the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

"(b) When one steam vessel is overtaking another steam vessel, so as to involve risk of collision, and the overtaking vessel shall desire to pass on the right or starboard side of the other vessel, she shall give, as a signal of such desire, one distinct blast of her whistle, and if the overtaken vessel answers with one blast, shall direct her course to starboard; or if the overtaking vessel shall desire to pass on the left or port side of the other vessel, she shall give as a signal of such desire, two distinct blasts of her whistle and if the overtaken vessel answers with two blasts, shall direct her course to port. However, if the overtaken vessel does not think it is safe for the overtaking vessel to attempt to pass at that time, she shall immediately so signify by giving several short and rapid blasts of her whistle, not less than four, and under no circumstances shall the overtaking vessel attempt to pass until such time as they have reached a point where it can be safely done, and the overtaken vessel shall have signified her willingness by blowing the proper signal, two blasts for the overtaking vessel to pass on the port side, one blast to pass on the starboard side, which signal shall be answered with a similar signal by the overtaking vessel before passing. After an agreement has been reached the overtaken vessel shall in no case attempt to cross the bow or crowd upon the course of the overtaking vessel.

"RULE NUMBERED 23. Where by rules 17, 19, 20, and 22 one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of rule 25. *Ante*, pp. 253, 254; *supra*.

Post, p. 256.

"RULE NUMBERED 24. (a) If, when steam vessels are approaching each other either vessel for any reason fails to understand, or regards as unsafe, the course or intention of the other, the vessel in doubt shall immediately so signify by giving several short and rapid blasts of her whistle, at least four, the danger signal. Danger signal to approaching vessel.

"(b) Whenever a steam vessel, whether ascending or descending, is nearing a bend in a channel where, from the height of the banks or other cause, a steam vessel approaching from the other direction cannot be seen for a distance of six hundred yards, such steam vessel, when within six hundred yards of such bend—or if she have a tow projecting ahead, then when the head of such tow is within six hundred yards of the bend—shall give a signal by three distinct blasts of her whistle, which signal shall be answered by a similar signal given by any Vessel nearing bend in channel.

approaching steam vessel that may be within hearing around the bend. Should such signal be so answered by a steam vessel upon the farther side of such bend, then, immediately upon sighting each other, the usual signals for meeting and passing shall be given and answered. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

Vessel moved from dock, etc.

"(c) When a steam vessel is moved from her dock, or anchorage, she shall give the same signal as in the case of a steam vessel nearing a bend, but she and any approaching vessel shall be governed by rules 25 and 26 until her course is apparent, and then both vessels shall be governed by the other steering and sailing rules.

Infra.

"(For additional whistle signals and other regulations established by the Commandant, United States Coast Guard, see Pilot Rules for Western Rivers as prescribed under section 4233A.)

Infra.

Departure from rules.

"RULE NUMBERED 25. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. When such departure becomes necessary neither vessel shall have the right-of-way and both shall navigate with caution until danger of collision is over.

Negligence.

"RULE NUMBERED 26. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

"RULE NUMBERED 27. All orders to helmsmen shall be given as follows:

"Right rudder."

" 'Right rudder' to mean 'Direct the vessel's head to starboard'.

"Left rudder."

" 'Left rudder' to mean 'Direct the vessel's head to port'.

Rules and regulations.

"SEC. 4233A. (a) The Commandant of the United States Coast Guard shall establish such rules to be observed on the waters mentioned in the preceding section by steam vessels in passing each other and as to the lights to be carried on such waters by ferryboats and by vessels and craft of all types when in tow of steam vessels, or operating by hand power or horsepower or drifting with the current, and any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are hereby declared special rules duly made by local authority, as provided for in article thirty of chapter eight hundred and two of the laws of eighteen hundred and ninety. Two printed copies of such rules shall be furnished to all vessels and craft mentioned in this subsection, which rules shall, where practicable, be kept posted up in conspicuous places thereon.

26 Stat. 328.
33 U. S. C. § 131.

Publication.

"(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Commandant of the United States Coast Guard under the provisions of this section, the said Commandant shall publish such rules, alterations, amendments, and repeals and public hearings shall be held with respect thereto before the Coast Guard Merchant Marine Council on such notice as the Commandant deems reasonable under the circumstances.

Penalty for pilots, etc.

"SEC. 4233B. Every licensed or unlicensed pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge, canal boat, scow, or other nondescript craft, who neglects or refuses to observe the provisions of section 4233, or the regulations established in pursuance of section 4233A, shall be liable to a penalty not exceeding $500, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: *Provided*, That nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

Ante, p. 250.

Supra.

"SEC. 4233C. Every vessel that shall be navigated without complying with the provisions of section 4233, or the regulations established in pursuance of section 4233A, shall be liable to a penalty of $500, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense."

Penalty for vessel.
Ante, pp. 250, 256.

SEC. 5. Where any Navy or Coast Guard vessel of special construction, as certified to by the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or such official or officials as either may designate, is now or may hereafter by virtue of statute, convention, or treaty, be exempt from compliance with any requirements of the International Rules of the Road, such type of vessel shall similarly be exempt from compliance with any corresponding requirement under the rules specified in this Act.

Exemption of certain vessels.
Ante, p. 69.

SEC. 6. This Act shall become effective on January 1, 1949.

Effective date.

Approved May 21, 1948.

[CHAPTER 329]

AN ACT

May 21, 1948
[H. R. 3505]
[Public Law 545]

Authorizing an appropriation for investigating the oyster beds damaged or destroyed by the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, Louisiana, and by the opening of the Bonnet Carre Spillway, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated the sum of not to exceed $50,000 to enable the Fish and Wildlife Service, Department of the Interior, to investigate and study the means and methods best adaptable to the rehabilitation, replanting and maintenance of the oyster beds in the States of Louisiana and Mississippi that have been or may be destroyed through the operation of the Bonnet Carre Spillway and through the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, Louisiana.

Oyster beds, La. and Miss.
Appropriation authorized.

Approved May 21, 1948.

[CHAPTER 330]

AN ACT

May 21, 1948
[H. R. 5543]
[Public Law 546]

Granting the consent of Congress to Carolina Power and Light Company to construct, maintain, and operate a dam in the Lumber River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to Carolina Power and Light Company, its successors or assigns, to construct, maintain, and operate a dam in, and modify the channel of, the Lumber River, at a point suitable to the interests of navigation, approximately three and one-half miles south of Lumberton, North Carolina, and approximately one and one-half miles below the United States Highway Numbered 74 bridge in Robeson County, North Carolina: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of the Army, and a permit for the construction be issued by them: *Provided further*, That this Act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

Lumber River.
Construction, etc., of dam.

Approval of plans.

Restriction.

Time limitation.

SEC. 2. That the authority granted by this Act shall cease and be null and void, unless actual construction of the dam hereby authorized is commenced within two years and completed within five years from the date of approval of this Act: *Provided*, That from and after thirty days' notice from the Federal Power Commission, or other authorized agency of the United States, to said Carolina Power and Light Company, its successors or assigns, that desirable water-power developments will be interfered with by the existence of said dam, the said company, or its successors or assigns, shall alter the dam, without expense to the United States, so as to remove said interference and, upon failure to do so within a reasonable time, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States, proposing to develop a power project at or near said dam, shall have authority to remove, submerge, or utilize said dam, under such conditions as said Commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam: *And provided further*, That the Carolina Power and Light Company, its successors or assigns, shall hold and save the United States free from all claims for damage which may be sustained by the dam herein authorized, or damage sustained by the appurtenances of the said dam by reason of operations by the United States for flood control, the preservation or improvement of navigation, or for other purposes.

Removal of interference.

Nonliability of U. S. for damage claims.

Rights reserved.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved May 21, 1948.

[CHAPTER 333]

May 21, 1948
[H. R. 6226]
[Public Law 547]

AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1948, and for other purposes.

Supplemental National Defense Appropriation Act, 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1948, and for other purposes, namely:

DEPARTMENT OF THE AIR FORCE

CONSTRUCTION OF AIRCRAFT AND RELATED PROCUREMENT

For construction, procurement, and modification of aircraft and equipment, spare parts and accessories therefor; electronic and communication equipment, detection and warning systems, and specialized equipment; expansion of public plants, and government-owned equipment and installation thereof in public or private plants for the foregoing purposes; and personal services necessary for purposes of this appropriation at the seat of the Government and elsewhere; $608,100,000, of which $250,000,000 is for liquidation of obligations incurred under authority granted in the Military Appropriation Act, 1948, to enter into contracts for the foregoing purposes; and, in addition, the Secretary of the Air Force is authorized, until June 30, 1950, to enter into contracts for the foregoing purposes in an amount not to exceed $1,687,000,000: *Provided*, That the unexpended balance of funds appropriated for the foregoing purposes under the head "Air Corps, Army", in the Military Appropriation Act, 1948, shall be consolidated with this appropriation, to be disbursed and accounted for as one fund which shall remain available until expended: *Provided*

61 Stat. 560.

61 Stat. 559.

further, That any obligation incurred hereunder shall be subject to the general provisions of the Military Appropriation Act for the fiscal year in which such obligation is incurred.

DEPARTMENT OF THE ARMY—MILITARY FUNCTIONS

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

Engineer service: For an additional amount for "Engineer Service", including salaries and expenses of district and division offices, master and advance planning, engineering studies, and engineer activities in overseas areas, $20,849,000. *Ante*, p. 223; *post*, p. 1041.

Barracks and quarters, Army: For an additional amount for "Barracks and quarters, Army", including expenses incident to the disposition of surplus facilities, $5,051,000; and in addition $5,900,000 to be derived by transfer in the amounts indicated from the following fiscal year 1948 appropriations: "Special field exercises", $2,600,000; "Training and operation, Army Ground Forces", $300,000; "Medical and Hospital Department, Army", $2,000,000; and "Transportation service, Army", $1,000,000. 61 Stat. 551, 563, 560, 558.

DEPARTMENT OF THE NAVY

BUREAU OF AERONAUTICS

CONSTRUCTION OF AIRCRAFT AND RELATED PROCUREMENT

For new construction and procurement of aircraft and equipment, spare parts and accessories therefor, including expansion of public plants or private plants (not to exceed $500,000), and government-owned equipment and installation thereof in public or private plants, and for the employment of group IVb personnel in the Bureau of Aeronautics necessary for the purposes of this appropriation, to remain available until expended, $315,000,000, of which $150,000,000 is for liquidation of obligations incurred under authority heretofore granted to enter into contracts for the foregoing purposes, including not to exceed $20,000,000 for liquidation of obligations incurred during fiscal year 1945 against appropriation "Aviation, Navy, 1945"; and in addition, the Secretary of the Navy is authorized, until June 30, 1949, to enter into contracts for the purposes of this appropriation in an amount not to exceed $588,000,000: *Provided*, That the unexpended balances of the appropriations of $310,000,000 and $90,000,000 which were made available until expended for the foregoing purposes by the Navy Department Appropriation Act, 1947, and the Navy Department Appropriation Act, 1948, respectively, shall be consolidated with this appropriation, to be disbursed and accounted for as one fund: *Provided further*, That any obligation incurred hereunder shall be subject to the general provisions of the Navy Department Appropriation Act for the fiscal year in which such obligation is incurred. 58 Stat. 312. 60 Stat. 491. 61 Stat. 388.

SEC. 2. The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the Congress not later than June 30, 1948, and quarterly thereafter, the amounts obligated under the contract authorizations provided for in this Act and such reports shall include a statement of finding by the President that the contracts let are necessary in the interests of the national defense and that the contract specifications insure the maximum utilization of improvements in aircraft and equipment consistent with the defense needs of the United States. Report to Congressional Committees.

SEC. 3. (a) All contracts in excess of $1,000 entered into under the authority of this Act, obligating funds appropriated hereby, obligating Renegotiation Act of 1948.

funds consolidated by this Act with funds appropriated hereby, or entered into through contract authorizations herein granted, and all subcontracts thereunder in excess of $1,000 shall contain the following article:

"RENEGOTIATION ARTICLE.—This contract is subject to the Renegotiation Act of 1948 and the contractor hereby agrees to insert a like article in all contracts or purchase orders to make or furnish any article or to perform all or any part of the work required for the performance of this contract."

Excessive profits.

(b) Whenever in the opinion of the Secretary of Defense excessive profits are reflected under any contract or contracts or subcontract or subcontracts required to contain the Renegotiation Article prescribed in subsection (a), the Secretary is authorized and directed to renegotiate such contracts and subcontracts for the purpose of eliminating excessive profits. He shall endeavor to make an agreement with the contractor or subcontractor with respect to the amount, if any, of such excessive profits and to their elimination. If no such agreement is reached, the Secretary shall issue an order determining the amount, if any, of such excessive profits and shall eliminate them by any of the methods set forth in subsection (c) (2) of the Renegotiation Act of February 25, 1944, as amended. In eliminating excessive profits the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in Section 3806 of the Internal Revenue Code. The powers hereby conferred upon the Secretary shall be exercised with respect to the aggregate of the amounts received or accrued under all such contracts and subcontracts by the contractor or subcontractor during his fiscal year or upon such other basis as may be mutually agreed upon; except that this section shall not be applicable in the event that the aggregate of the amounts so received or accrued is less than $100,000 during any fiscal year.

58 Stat. 83.
50 U. S. C. app. § 1191 (c) (1).

56 Stat. 964.
26 U. S. C. § 3806.

Audit of contractor's books.

(c) For the purpose of administering this section the Secretary of Defense shall have the right to audit the books and records of any contractor or subcontractor subject to this section. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon request of the Secretary of Defense and with the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this section.

(d) The provisions of this section shall not apply to any of the contracts or subcontracts specified in subsection (i) (1) of the Renegotiation Act of February 25, 1944, as amended, and the Secretary of Defense in his discretion may exempt from the provisions of this section any other contract or subcontract both individually and by general classes or types.

58 Stat. 88.
50 U. S. C. app. § 1191 (i) (1).

(e) Agreements or orders determining excessive profits shall be final and conclusive in accordance with their terms and except upon a showing of fraud or malfeasance or willful misrepresentation of a material fact shall not be annulled, modified, reopened, or disregarded, except that in the case of orders determining excessive profits the amount of the excessive profits, if any, may be redetermined by the Tax Court of the United States in the manner prescribed in subsection (e) (1) of the Renegotiation Act of February 25, 1944, as amended, except that such redetermination shall be subject to review to the extent and in the manner provided by subchapter B of chapter 5 of the Internal Revenue Code.

58 Stat. 86.
50 U. S. C. app. § 1191 (e) (1).

53 Stat. 163.
26 U. S. C. §§ 1140–1146.

Post, p. 991.
Publication of regulations in Federal Register.

(f) The Secretary of Defense shall promulgate and publish in the Federal Register regulations interpreting and applying this section and prescribing standards and procedures for determining and eliminating excessive profits hereunder using so far as he deems practicable

the principles and procedures of the Renegotiation Act of February 25, 1944, as amended, having regard for the different economic conditions existing on or after the effective date of this Act from those prevailing during the period 1942 to 1945. In any case in which the contract price of any such contract or subcontract was based upon estimated costs, then the Secretary of Defense shall determine the difference between such estimated costs and actual costs and shall, in eliminating excessive profits, take into consideration as an element the extent to which such difference is the result of the efficiency of the contractor or subcontractor.

58 Stat. 78.
50 U. S. C. app. § 1191.

(g) The powers and duties hereby conferred upon the Secretary of Defense may be delegated by him to any officer (military or civilian) or agency of the National Military Establishment.

Delegation of powers.

(h) Any person who willfully fails or refuses to furnish any information, records, or data required of him under this section, or who knowingly furnishes any such information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than two years, or both.

Failure to furnish information.

(i) This section may be cited as the "Renegotiation Act of 1948".

SEC. 4. This Act may be cited as the "Supplemental National Defense Appropriation Act, 1948".

Short title.

Approved May 21, 1948.

[CHAPTER 334]

AN ACT

To amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

May 25, 1948
[S. 2287]
[Public Law 548]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

Reconstruction Finance Corporation Act, amendment.
47 Stat. 5.
15 U. S. C., Supp. I, § 601.

"SEC. 1. (a) There is hereby created a body corporate with the name 'Reconstruction Finance Corporation' (herein called the Corporation), with a capital stock of $100,000,000 subscribed by the United States of America. Its principal office shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the Board of Directors. This Act may be cited as the 'Reconstruction Finance Corporation Act'.

Principal office.

Short title.

"(b) Within six months after the close of each fiscal year the Corporation shall make a report to the Congress of the United States which shall contain financial statements for the fiscal year, including a balance sheet, a statement of income and expense, and an analysis of accumulated net income. The accumulated net income shall be determined after provision for reasonable reserves for uncollectibility of loans and investments outstanding. Such statements shall be prepared from the financial records of the Corporation which shall be maintained in accordance with generally accepted accounting principles applicable to commercial corporate transactions. The report shall contain schedules showing, as of the close of the fiscal year, each direct loan to any one borrower of $100,000 or more, each loan to any one borrower of $100,000 or more in which the Corporation has a participation or an agreement to participate, and the investments in the securities and obligations of any one borrower which total $100,000 or more. Within six months after the end of each fiscal year, beginning with the fiscal year ended June 30, 1948, the Corporation shall pay over to the Secretary of the Treasury as miscellaneous receipts, a dividend on its capital

Report to Congress.

Payment of dividend into Treasury.

stock owned by the United States of America, in the amount by which its accumulated net income exceeds $250,000,000.

Retirement of capital stock.

"(c) Within sixty days after the effective date of this amendment, the Corporation shall retire all its outstanding capital stock in excess of $100,000,000 and shall pay to the Treasury as miscellaneous receipts the par value of the stock so retired."

47 Stat. 5.
15 U. S. C., Supp. I, § 602.

SEC. 2. Section 2 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

Board of directors.

"SEC. 2. The management of the Corporation shall be vested in a board of directors consisting of five persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the five members of the board, not more than three shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district. The office of director shall be a full-time position. The term of the incumbent directors is hereby extended to June 30, 1950. As of July 1, 1950, two directors shall be appointed for a term of one year, two directors shall be appointed for a term of two years, and one director shall be appointed for a term of three years. Thereafter the term of the directors shall be for a term of three years, but they may continue in office until their successors are appointed and qualified. Whenever a vacancy shall occur in the office of director other than by expiration of term, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. After the confirmation of the directors by the Senate, the President shall designate one of the directors to serve as chairman for a period coextensive with his term as director. The directors, except the chairman, shall receive salaries at the rate of $12,500 per annum each. The chairman of the board of directors shall receive a salary at the rate of $15,000 per annum."

Terms of office.

Vacancy.

Salaries.

61 Stat. 202.
15 U. S. C., Supp. I, § 603 (a).

SEC. 3. Section 3 (a) of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

Period of succession.

Powers.

"SEC. 3. (a) The Corporation shall have succession through June 30, 1956, unless it is sooner dissolved by an Act of Congress. It shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease or purchase such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the Corporation, in accordance with laws, applicable to the Corporation, as in effect on June 30, 1947, and as thereafter amended; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted. Except as may be otherwise provided in this Act or in the Government Corporation Control Act, the board of directors of the Corporation shall determine the necessity for and the character and amount of its obligations and expenditures under this Act and the manner in which they shall be incurred, allowed, paid, and accounted for, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government. The Corporation shall be entitled to and granted the same immunities and exemptions from the payment of costs, charges, and fees as are granted to the United States pursuant to the provisions of law codified in sections 543, 548, 555, 557, 578, and 578a of title 28 of the United States Code, 1940 edition. The Corporation shall also be entitled to the use of the United States mails in the same manner as the executive departments of the Government. Debts due the Corporation, whether heretofore or hereafter arising, shall not be entitled to the priority

59 Stat. 597.
31 U. S. C. §§ 841-869; Supp. I, § 846 *et seq.*
Post, p. 1283.

Post, pp. 994, 995, 998, 1000.

Priority.

available to the United States pursuant to section 3466 of the Revised Statutes (U. S. C., title 31, sec. 191) except that the Corporation shall be entitled to such priority with respect to debts arising from any transaction pursuant to any of the following Acts or provisions in effect at any time: Sections 5d (1) and 5d (2) of the Reconstruction Finance Corporation Act added by section 5 of the Act entitled 'An Act to authorize the purchase by the Reconstruction Finance Corporation of stock of Federal home-loan banks; to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes', approved June 25, 1940 (54 Stat. 573); sections 4 (f) and 9 of the Act entitled 'An Act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes', approved June 11, 1942 (56 Stat. 354, 356); section 2 (e) of the Emergency Price Control Act of 1942 (56 Stat. 26); the Surplus Property Act of 1944 (58 Stat. 765 and the following); sections 11 and 12 of the Veterans' Emergency Housing Act of 1946 (60 Stat. 214, 215); and section 403 of the Sixth Supplemental National Defense Appropriation Act (56 Stat. 245)."

15 U. S. C. § 606b (1) (2).

50 U. S. C. app. §§ 1104 note, 1109.
50 U. S. C. app. § 902 (e).
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*
Post, pp. 350, 1103.
50 U. S. C. app. §§ 1831, 1832; Supp. I, §§ 1831, 1832.
50 U. S. C. app. § 1191; Supp. I, § 1191.
47 Stat. 6.
15 U. S. C., Supp. I, § 604.
Post, p. 1209.

SEC. 4. Section 4 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

"SEC. 4. (a) To aid in financing agriculture, commerce, and industry, to encourage small business, to help in maintaining the economic stability of the country, and to assist in promoting maximum employment and production, the Corporation, within the limitations hereinafter provided, is authorized—

Purchase of obligations of business enterprises.

"(1) To purchase the obligations of and to make loans to any business enterprise organized or operating under the laws of any State or the United States: *Provided*, That the purchase of obligations (including equipment trust certificates) of, or the making of loans to, railroads engaged in interstate commerce or air carriers engaged in air transportation as defined in the Civil Aeronautics Act of 1938, as amended, or receivers or trustees thereof, shall be with the approval of the Interstate Commerce Commission or the Civil Aeronautics Board, respectively: *Provided further*, That in the case of such railroads or air carriers which are not in receivership or trusteeship, the Commission or the Board, as the case may be, in connection with its approval of such purchases or loans, shall also certify that such railroad or air carrier, on the basis of present and prospective earnings, may be expected to meet its fixed charges without a reduction thereof through judicial reorganization except that such certificates shall not be required in the case of loans or purchases made for the acquisition of equipment or for maintenance.

52 Stat. 977.
49 U. S. C. § 401.

Loans to financial institutions.

"(2) To make loans to any financial institution organized under the laws of any State or of the United States. If the Secretary of the Treasury certifies to the Corporation that any insurance company is in need of funds for capital purposes, the Corporation may subscribe for or make loans upon nonassessable preferred stock in such insurance company. In any case in which, under the laws of the State in which it is located, any such insurance company so certified is not permitted to issue nonassessable preferred stock, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Corporation is authorized to purchase the legally issued capital notes or debentures of such insurance company.

Financing of projects.

"(3) In order to aid in financing projects authorized under Federal, State, or municipal law, to purchase the securities and obligations of, or make loans to, (A) States, municipalities, and political subdivisions of States, (B) public agencies and instrumentalities of one or more States, municipalities, and political

Restriction.

subdivisions of States, and (C) public corporations, boards, and commissions: *Provided*, That no such purchase or loan shall be made for payment of ordinary governmental or nonproject operating expenses as distinguished from purchases and loans to aid in financing specific public projects.

Floods, etc.

"(4) To make such loans as it may determine to be necessary or appropriate because of floods or other catastrophes.

"(b) The powers granted in section 4 (a) of this Act shall be subject to the following restrictions and limitations:

Financial assistance.

"(1) No financial assistance shall be extended pursuant to paragraphs (1), (2), and (3) of subsection (a) of this section, unless the financial assistance applied for is not otherwise available on reasonable terms. All securities and obligations purchased and all loans made under paragraphs (1), (2), and (3) of subsection (a) of this section shall be of such sound value or so secured as reasonably to assure retirement or repayment and such loans may be made either directly or in cooperation with banks or other lending institutions through agreements to participate or by the purchase of participations, or otherwise.

Time limitation on loans.

"(2) No loan, including renewals or extensions thereof, may be made under sections 4 (a) (1), (2), and (4) for a period or periods exceeding ten years and no securities or obligations maturing more than ten years from date of purchase by the Corporation may be purchased thereunder: *Provided*, That the foregoing restriction on maturities shall not apply to securities or obligations received by the Corporation as a claimant in bankruptcy or equitable reorganization or as a creditor in proceedings under section 20b of the Interstate Commerce Act, as amended: *Provided further*, That any loan made or securities and obligations purchased prior to July 1, 1947, may in aid of orderly liquidation thereof or the interest of national security, be renewed or the maturity extended for such period not in excess of ten years and upon such terms as the Corporation may determine: *Provided further*, That any loan made under section 4 (a) (1) for the purpose of constructing industrial facilities may have a maturity of ten years plus such additional period as is estimated may be required to complete such construction. The Corporation may, in carrying out the provisions of subsection 4 (a) (3), purchase securities and obligations, or make loans, including renewals or extensions thereof, with maturity dates not in excess of forty years, as the Corporation may determine.

Ante, p. 163.

Loan for construction of industrial facilities.

Participation in loans, limitation.

"(3) In agreements to participate in loans, wherein the Corporation's disbursements are deferred, such participations by the Corporation shall be limited to 70 per centum of the balance of the loan outstanding at the time of the disbursement, in those cases where the total amount borrowed is $100,000 or less, and shall be limited to 60 per centum of the balance outstanding at the time of disbursement, in those cases where the total amount borrowed is over $100,000.

Total amount of loans, etc.

"(c) The total amount of investments, loans, purchases, and commitments made subsequent to June 30, 1947, pursuant to section 4 shall not exceed $1,500,000,000 outstanding at any one time: *Provided*, That the aggregate amount outstanding at any one time shall not exceed (1) under subsection (a) (4) $25,000,000, (2) for construction purposes under subsection (a) (3) $200,000,000, and (3) under the last two sentences of subsection (a) (2) $15,000,000.

Post, p. 1209.

Post, p. 1101.

Restriction on payment of fee.

"(d) No fee or commission shall be paid by any applicant for financial assistance under the provisions of this Act in connection with any such application, and any agreement to pay or payment of any such fee or commission shall be unlawful.

"(e) No director, officer, attorney, agent, or employee of the Corporation in any manner, directly or indirectly, shall participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

Personal interests of officers, etc.

"(f) The powers granted to the Corporation by this section 4 shall terminate at the close of business on June 30, 1954, but the termination of such powers shall not be construed (1) to prohibit disbursement of funds on purchases of securities and obligations, on loans, or on commitments or agreements to make such purchases or loans, made under this Act prior to the close of business on such date, or (2) to affect the validity or performance of any other agreement made or entered into pursuant to law.

Termination of powers.

"(g) As used in this Act, the term 'State' includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands."

"State."

SEC. 5. Effective as of midnight June 30, 1947, the first sentence of section 8 of the Reconstruction Finance Corporation Act, as amended, is hereby amended to read as follows: "The Corporation, including its franchise, capital, reserves and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to special assessments for local improvements and shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed."

61 Stat. 205.
15 U. S. C., Supp. I, § 607.
Exemption from taxation.

SEC. 6. Subsection (m) of section 206 of title II of the joint resolution entitled "Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation", approved June 30, 1947 (Public Law 132, Eightieth Congress), is amended to read as follows:

61 Stat. 208.

"(m) The first section and sections 2, 3, 9, 11, and 13 of the Act approved January 31, 1935 (49 Stat. 1), as amended;".

15 U. S. C. §§ 603a, 604b, 605m, 713b, 605*l*, 607a; Supp. I, §§ 603a, 713b, 605*l*, 607a.

SEC. 7. Section 208 of title II of the joint resolution entitled "Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation", approved June 30, 1947 (Public Law 132, Eightieth Congress), is hereby repealed.

61 Stat. 209.
15 U. S. C., Supp. I, § 618.

SEC. 8. Section 209 of title II of the joint resolution entitled "Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation", approved June 30, 1947 (Public Law 132, Eightieth Congress), is amended to read as follows:

61 Stat. 209.
15 U. S. C., Supp. I, § 601 note.
Administrative expenses.

"SEC. 209. During the period between June 30, 1948, and the date of enactment of legislation making funds available for administrative expenses for the fiscal year ending June 30, 1949, the Corporation is authorized to incur, and pay out of its general funds, administrative expenses in accordance with laws in effect on June 30, 1948, such obligations and expenditures to be charged against funds when made available for administrative expenses for the fiscal year 1949."

SEC. 9. The third paragraph of section 24 of the Federal Reserve Act, as amended by section 328 of the Banking Act of 1935, as amended, is hereby amended to read as follows:

38 Stat. 273; 49 Stat. 717.
12 U. S. C. § 371.
Loans to industrial or commercial businesses.

"Loans made to established industrial or commercial businesses (a) which are in whole or in part discounted or purchased or loaned against as security by a Federal Reserve bank under the provisions of section 13b of this Act, (b) for any part of which a commitment shall have been made by a Federal Reserve bank under the provisions of said section, (c) in the making of which a Federal Reserve bank participates under the provisions of said section, or (d) in which the Reconstruction Finance Corporation cooperates or purchases a participation

48 Stat. 1105.
12 U. S. C. § 352a.

under the provisions of the Reconstruction Finance Corporation Act, as amended, shall not be subject to the restrictions or limitations of this section upon loans secured by real estate."

Approved May 25, 1948.

[CHAPTER 335]

May 25, 1948
[S. 1571]
[Public Law 549]

AN ACT

To promote the national defense by increasing the membership of the National Advisory Committee for Aeronautics, and for other purposes.

National Advisory Committee for Aeronautics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eighth paragraph following the caption "Pay, miscellaneous" in the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes", approved March 3, 1915 (38 Stat. 930; U. S. C., title 49, sec. 241), as amended, is hereby amended to read as follows:

50 U. S. C. § 151.

"NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Membership.

"(a) There is hereby established a National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee') to be composed of not more than seventeen members appointed by the President. Members shall serve as such without compensation, and shall include two representatives of the Department of the Air Force; two representatives of the Department of the Navy, from the office in charge of naval aeronautics; two representatives of the Civil Aeronautics Authority; one representative of the Smithsonian Institution; one representative of the United States Weather Bureau; one representative of the National Bureau of Standards; the chairman of the Research and Development Board of the National Military Establishment; and not more than seven other members selected from persons acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences. Unless otherwise provided by law, each member not representing a government department or agency shall be appointed for a term of five years from the date of the expiration of the term of the member whom he succeeds, except that any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the unexpired term of the member whom he succeeds.

Term of office.

Duties.

"(b) Under such rules and regulations as shall be formulated by the Committee, with the approval of the President, for the conduct of its work, it shall be the duty of the Committee (1) to supervise and direct the scientific study of the problems of flight with a view to their practical solution, (2) to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions, and (3) to direct and conduct research and experiment in aeronautics in the Langley Aeronautical Laboratory, the Ames Aeronautical Laboratory, the Flight Propulsion Research Laboratory, and in such other laboratory or laboratories as may, in whole or in part, be placed under the direction of the Committee.

Report to Congress.

"(c) An annual report to the Congress shall be submitted by the Committee through the President, including an itemized statement of expenditures."

Appointment to fill vacancy.

SEC. 2. Each member of the National Advisory Committee for Aeronautics not representing a government department or agency who may be appointed initially to fill any vacancy created by the increase in the membership of the Committee authorized by the amendment

made by the first section of this Act shall serve under such appointment for a term expiring December 1, 1950.

SEC. 3. The following parts of Acts are hereby repealed: Repeals.

(a) That portion of the ninth paragraph following the caption "Pay, miscellaneous", in the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes", approved March 3, 1915 (38 Stat. 930; U. S. C., title 49, sec. 243), which reads as follows: ": *Provided*, That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures". 50 U. S. C. § 153.

(b) That portion of the paragraph following the caption "National Advisory Committee for Aeronautics", in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918 (40 Stat. 650; U. S. C., title 49, sec. 242), which reads as follows: ": *Provided*, That the Secretary of War is authorized and directed to furnish office space to the National Advisory Committee for Aeronautics in governmental buildings occupied by the Signal Corps". 50 U. S. C. § 152.

(c) That portion of the first paragraph following the caption "National Advisory Committee for Aeronautics", in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes", approved April 22, 1926 (44 Stat. 314; U. S. C., title 49, sec. 244), which reads as follows: ", hereafter to be known as the Langley Memorial Aeronautical Laboratory". 50 U. S. C. § 155.

Approved May 25, 1948.

[CHAPTER 336]

AN ACT

To amend the General Bridge Act of 1946.

May 25, 1948
[S. 1651]
[Public Law 550]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Bridge Act of 1946 be, and the same is hereby, amended by striking out section 506 thereof and by inserting in lieu of said section a new section to be designated as section 506 and to read as follows: 60 Stat. 848.
33 U. S. C. § 529.

"SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested." Sinking fund.

Approved May 25, 1948.

[CHAPTER 337]

AN ACT

May 25, 1948
[S. 2233]
[Public Law 551]

To authorize the Secretary of the Navy to grant to the East Bay Municipal Utility District, an agency of the State of California, an easement for the construction and operation of a water main in and under certain Government-owned lands comprising a part of the United States naval air station, Alameda, California.

East Bay Municipal Utility District, Calif.
Water-pipe lines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to grant and convey to the East Bay Municipal Utility District, an agency of the State of California, without cost to the said utility district, and subject to such terms and conditions as the Secretary of the Navy may deem proper, a perpetual easement for the construction, maintenance, operation, renewal, replacement, and repair of a water-pipe line or lines within a strip of land ten feet wide extending a distance of seven hundred and thirty-nine and ninety-one one-hundredths feet along the eastern boundary of lands comprising a part of the United States naval air station, Alameda, California, contiguous to Webster Street, metes and bounds description of which is on file in the Navy Department.

Approved May 25, 1948.

[CHAPTER 338]

AN ACT

May 25, 1948
[H. R. 1878]
[Public Law 552]

To amend the immigration laws to deny admission to the United States of aliens who may be coming here for the purpose of engaging in activities which will endanger the public safety of the United States.

Exclusion of certain aliens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (a) of the Act of October 16, 1918, as amended (40 Stat. 1012; 41 Stat. 1008–9; 54 Stat. 673; 8 U. S. C., 137), is further amended by inserting the following clause immediately after the clause "Aliens who are anarchists;": "or aliens who the Attorney General knows or has reason to believe seek to enter the United States for the purpose of engaging in activities which will endanger the public safety of the United States".

Approved May 25, 1948.

[CHAPTER 339]

AN ACT

May 25, 1948
[H. R. 4966]
[Public Law 553]

Directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nevada.

Boulder City, Nev.
Sale of certain housing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to sell each house, including furniture, fixtures, and appurtenances, acquired from the Defense Homes Corporation and situated on land in Boulder City, Nevada, to the lessee occupant thereof, if such occupant desires to purchase the house and to lease the land upon which it is situated, and is (1) an employee of an agency of the Department of the Interior who occupied a house on July 1, 1947, and occupies one at the time of sale or (2) is a person regularly employed or conducting a business or profession in Boulder City, Nevada, who occupied a Defense Homes Corporation housing unit or house prior to April 1, 1947, and occupies a house at the time of sale. The offer of sale to any such occupant shall be made within one hundred and eighty days

after enactment of this Act and the sale shall be completed within a reasonable time after such offer. The sale price shall not exceed the amount at which the house was carried on the books of the Defense Homes Corporation at the date of transfer to the Secretary. The sale contract and documents of title shall contain (1) a provision prohibiting resale within three years at a price exceeding the price paid the Secretary and (2) a provision prohibiting resale on any terms during such period unless resale on such terms shall first have been offered to, and refused by, the Secretary. The Secretary is authorized and directed to lease the lot on which each house so sold is situated to the purchaser of such house in accordance with the provisions set out under the heading "Boulder Canyon Project" in the Interior Department Appropriation Act, 1941 (54 Stat. 406, 437).

Sale price.

Sale contract and documents of title.

43 U. S. C. § 617u.

The Secretary is authorized to repossess the houses now occupied by persons who are ineligible to purchase under the provisions of this Act, and to lease all apartments acquired from Defense Homes Corporation and all houses so acquired and not sold pursuant to this Act, together with the lands upon which situated, upon such terms and conditions as he may see fit in accordance with existing law.

Repossession of houses; leases.

All proceeds from the sale and lease of houses and apartments by the Secretary pursuant to this Act shall be deposited in the Treasury and credited to the Colorado River Dam fund established by section 2 of the Boulder Canyon Project Act (45 Stat. 1057).

Proceeds.

43 U. S. C. § 617a.

Approved May 25, 1948.

[CHAPTER 340]

AN ACT

To provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes.

May 25, 1948
[H. R. 5669]
[Public Law 554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the repayment to the United States of all reimbursable costs heretofore or hereafter incurred for the construction of the irrigation and power systems of the Flathead Indian irrigation project in Montana (hereinafter called the project), including such operation and maintenance costs as have been covered into construction costs under the Act of March 7, 1928 (45 Stat. 200, 212–213), and supplemental Acts, and including the unpaid operation and maintenance costs for the irrigation seasons of 1926 and 1927 which are hereby covered into construction costs, shall be accomplished as prescribed by this Act, notwithstanding any provision of law to the contrary.

Flathead Indian irrigation project, Mont.
Adjustment of irrigation charges.

SEC. 2. (a) All costs heretofore or hereafter incurred for the construction of the irrigation system shall be allocated to the Mission Valley, Camas, and Jocko divisions of the project in proportion to the amount of such costs incurred for the respective benefit of each of these divisions.

Allocation of costs.

(b) The net revenues heretofore and hereafter accumulated from the power system shall be determined by deducting from the gross revenues the expenses of operating and maintaining the power system, and the funds necessary to provide for the creation and maintenance of appropriate reserves in accordance with section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s–3).

Net revenues from power system.

(c) The deferred obligation established by the Act of May 10, 1926 (44 Stat. 453, 464–466), for repayment of the per acre costs of the Camas division in excess of the per acre costs of the Mission Valley division shall be determined on the basis of the costs heretofore incurred for the construction of those divisions, and shall be liquidated

Deferred obligation.

from the net revenues heretofore accumulated from the power system.

Reduction of reimbursable costs.

(d) The remainder of the net revenues heretofore accumulated from the power system shall be applied to reduce the reimbursable costs heretofore incurred for the construction of the power system, and the reimbursable costs heretofore incurred for the construction of the irrigation system (exclusive of the deferred obligation for the excess costs of the Camas division) as allocated among the several divisions pursuant to subsection (a) of this section, in proportion to the respective amounts of each of the foregoing categories of costs.

Reimbursable costs of irrigation system.

(e) The reimbursable costs heretofore incurred for the construction of the irrigation system of each division of the project and not repaid through the credits provided for in subsections (c) and (d) of this subsection shall be scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period of fifty years from January 1, 1950. The reimbursable costs hereafter incurred for the construction of the irrigation system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be distributed over all irrigable lands within the division on an equal per acre basis, and the costs so charged against any parcel of lands within the division shall constitute a first lien thereon under the Act of May 10, 1926 (44 Stat. 453, 464–466). Upon the maturity or prepayment of any annual installment, the amount of the installment shall be reduced by deducting any sums included therein which are chargeable to lands on which the collection of construction costs is then deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or which are chargeable to other lands and have been already repaid to the United States.

Annual installments.

Reimbursable costs of power system.

(f) The reimbursable costs heretofore incurred for the construction of the power system and not repaid through the credits provided for in subsections (c) and (d) of this subsection, or through other credits from the revenues of the power system, shall be scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period not exceeding the remaining useful life of the power system as a whole, or not exceeding fifty years from January 1, 1950, whichever period is the lesser. The reimbursable costs hereafter incurred for the construction of the power system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be repaid to the United States solely out of the revenues from the power system.

Annual installments.

Sale of electric energy.

(g) Electric energy available for sale through the power system shall be sold at the lowest rates which, in the judgment of the Secretary of the Interior, will produce net revenues sufficient to liquidate the annual installments of the power system construction costs established pursuant to subsection (f) of this section, and (for the purpose of reducing the irrigation system construction costs chargeable against the lands embraced within the project and of insuring the carrying out of the intent and purpose of legislation and repayment contracts

applicable to the project) to yield a reasonable return on the unliquidated portion of the power system construction costs, and (for the same purpose) to yield such additional sums as will cover the amount by which the wholesale value of the electric energy sold exceeds the cost thereof where such excess is the result of the electric energy having been obtained on a special basis in return for water rights or other grants.

Net revenues from power system.

(h) All net revenues hereafter accumulated from the power system shall be applied annually to the following purposes, in the following order of priority:

(1) To liquidate all matured installments of the schedule of repayments for construction costs of the power system;

(2) To liquidate all matured installments of the schedule of repayments for construction costs of the irrigation system of each division, on an equal per acre basis for all irrigable lands within the division;

(3) To liquidate unmatured installments of the schedule of repayments for construction costs of the power system which will mature at a date not later than the maturity of any unliquidated installment of irrigation system construction costs;

(4) To liquidate unmatured installments of the schedule of repayments for construction costs of the irrigation system of each division which will mature at a date prior to the maturity of any unliquidated installment of power system construction costs, on an equal per acre basis for all irrigable lands within the division;

(5) To liquidate construction costs chargeable against Indian-owned lands the collection of which is deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a); and

(6) To liquidate the annual operation and maintenance costs of the irrigation system.

Allowance for construction costs.

(i) In applying net revenues from the power system to the annual installments of irrigation system construction costs for any division of the project under the preceding subsection, allowance shall be made for any construction costs deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or already repaid to the United States which have been deducted from such installments under subsection (e) of this section, by distributing the net revenues available for such application over all irrigable lands within the division on an equal per acre basis, and by applying the net revenues distributed to the lands chargeable with the construction costs that have been so deferred or repaid, in amounts proportionate to the deductions made on account of such costs, to any then unpaid or subsequently assessed costs of operating and maintaining the irrigation system which are chargeable against the same lands.

Assessment against lands.

(j) Any matured installment of irrigation system construction costs, or portion thereof, which is not liquidated at or before its maturity through the application thereto of net revenues from the power system under subsection (h) of this section shall be repaid to the United States by an assessment against the lands chargeable with the construction costs included in the installment. Such repayment shall be deferred for any period of time that may be requisite to provide for the assessment and collection of such costs in conformity with the laws of the State of Montana, but shall be completed within two years after the maturity of the installment concerned.

Supplemental contracts.

SEC. 3. The repayment adjustments provided for in sections 1 and 2 of this Act shall not become effective unless, within two years after the approval of this Act, the irrigation districts embracing lands within the project not covered by trust or restricted patents have entered into contracts satisfactory to the Secretary of the Interior, whereby such districts (1) obligate themselves for the repayment of

the construction costs chargeable against all irrigable lands embraced within the districts contracting (exclusive of Indian-owned lands on which the collection of construction costs is deferred) to the extent and in the manner prescribed by sections 1 and 2 of this Act; (2) consent to such revisions in the limits of cost for the project, or any division thereof, as the Secretary and the districts contracting may mutually agree upon in order to facilitate the making of needed improvements and extensions to the irrigation and power systems; (3) provide for redetermination by the Secretary of the irrigable area of the project, or any division thereof, and for the exclusion of lands from the project, with the consent of the holder of any water rights that would be canceled by such exclusion; and (4) make such other changes in the existing repayment contracts as the Secretary and the districts contracting may mutually agree upon for accomplishment of the purposes of this Act. In order to facilitate the commencement of repayment at the earliest practicable time, such contracts may provide for adjusting the maturity dates or amounts of the annual installments in a manner which will ultimately place the repayment schedules on substantially the same basis as though such contracts had been entered into prior to their actual execution, but not earlier than January 1, 1949.

Cancellation of certain unpaid charges.

SEC. 4. Unpaid charges for operation and maintenance of the irrigation system which were assessed prior to May 10, 1926, against any lands within the project, amounting to a sum not exceeding $40,549.89, and unpaid charges due from consumers for electric energy sold through the power system between July 1, 1931, and June 30, 1942, amounting to a sum not exceeding $2,195.16, are hereby canceled. The cancellation of the operation and maintenance charges shall be reported in the reimbursable accounts rendered to the Comptroller General of the United States, pursuant to the Act of April 14, 1910 (36 Stat. 269, 270; 25 U. S. C., sec. 145), as deductions from the total indebtedness of the project without regard to the fiscal years in which, or the appropriations from which, the expenditures were made.

Appropriations authorized.

SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the following sums, for the following purposes, to be reimbursed to the United States as hereinafter provided:

Confederated Salish and Kootenai Tribes.

(a) The sum of $64,161.18, with interest thereon at the rate of 4 per centum per annum from May 18, 1916, and the sum of $409.38, with interest thereon at the same rate from December 1, 1925, to be used to repay the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana the balance remaining due them under the Act of May 18, 1916 (39 Stat. 123, 141). The aggregate principal amount of $64,570.56 so repaid shall be added to the construction costs of the project and shall be reimbursable.

(b) The sum of $400,000 to be deposited in the United States Treasury to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana; of which sum one-half shall be in full settlement of all claims of said tribes on account of the past use of tribal lands for the physical works and facilities of the irrigation and power systems of the project, or for wildlife refuges; and the other one-half shall be in full payment to said tribes for a permanent easement to the United States, its grantees and assigns, for the continuation of any and all of the foregoing uses, whether heretofore or hereafter initiated, upon the tribal lands now used or reserved for the foregoing purposes. The said tribes shall have the right to use such tribal lands, and to grant leases or concessions thereon, for any and all purposes not inconsistent with such permanent easement. The amount deposited in the Treasury pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable.

(c) The sum of $1,000,000 to continue the construction of the irrigation and power systems of the project. Amounts expended pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable. Construction.

(d) No expenditure shall be made from any appropriation granted under the authorizations contained in this section until the repayment of all reimbursable construction costs incurred through such expenditure has been secured by contracts conforming to the requirements of section 3 of this Act. Restriction.

SEC. 6. In each fiscal year commencing after the approval of this Act for which an appropriation of the power revenues from the project is made in an indefinite amount pursuant to section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s–3), the power revenues so appropriated shall be available, to the extent of not to exceed $75,000, for the purpose, in addition to those other purposes now required or permitted by law, of making such improvements and extensions to the power system as the Secretary of the Interior may deem requisite for the provision of electric service to persons whose applications for such service could not otherwise be complied with in due course of business. Amounts so expended shall be added to the unmatured portion of the reimbursable construction costs of the power system in accordance with subsection 2 (f) of this Act, so as not to reduce the net power revenues available for application under subsection 2 (h) of this Act. Availability of appropriations.

SEC. 7. Consistent with the terms of the repayment contracts heretofore or hereafter executed, the Secretary of the Interior is hereby authorized to issue such public notices fixing construction costs and apportioning construction charges, to enter into such contracts, to make such determinations, to effect such adjustments in project accounts, to prescribe such regulations, and to do such other acts and things as may be necessary or appropriate to accomplish the purposes of this Act. Issuance of public notices.

SEC. 8. All Acts or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Approved May 25, 1948.

[CHAPTER 341]

AN ACT

Authorizing the execution of an amendatory repayment contract with the Northport Irrigation District, and for other purposes.

May 25, 1948
[H. R. 6067]
[Public Law 555]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, upon finding specifically that existing repayment contracts between the United States and the Northport Irrigation District cannot reasonably be carried out by the said district, is authorized to enter into such contracts as he shall determine appropriate to amend or modify the terms and provisions of such repayment contracts to accomplish the following general repayment plan: (a) Application annually of such net profits as are allocable to the district from the sources specified in subsections I and J of section 4 of the Act of December 5, 1924 (43 Stat. 703), to the extent necessary to meet the annual costs to the district for water carriage through the Farmers' Irrigation District Canal; with any net profits in excess of such annual carriage costs being applied in reduction of the district's total repayment contract construction charge obligation to the United States; (b) payment by the district to the United States of $3,500 as an annual construction charge installment: *Provided*, That in the event the annual net profits for application under (a) hereof are not Northport Irrigation District. Amendment of repayment contracts. 43 U. S. C. §§ 501, 526. Reduction of installment.

sufficient in any given year to meet that year's cost of water carriage through the Farmers' Irrigation District Canal, all or any part of the said $3,500 may be applied to pay the portion of the carriage charge not so met, and the construction charge installment for payment to the United States for that year shall be reduced accordingly: *Provided further*, That the proviso respecting application of net revenues from power plants connected with the North Platte Federal Reclamation project contained in the Act of March 3, 1925 (43 Stat. 1141, 1167), is hereby repealed.

Repeal.

Rules and regulations.

SEC. 2. The Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out the provisions of this Act and any contracts made pursuant thereto.

Approved May 25, 1948.

[CHAPTER 348]

AN ACT

May 26, 1948
[S. 1979]
[Public Law 556]

Authorizing and directing the Fish and Wildlife Service of the Department of the Interior to undertake certain studies of the soft-shell and hard-shell clams.

Fish and Wildlife Service.
Studies of clams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Service of the Department of the Interior is hereby authorized and directed to undertake, in cooperation with appropriate State and interstate agencies in accordance with the provisions of the Act of August 14, 1946 (60 Stat. 1080), comprehensive studies of the soft-shell clam, Mya arenaria, and the hard-shell clam, Venus mercenaria, with particular respect to the biology, propagation, and methods of cultivation of such clams. Such Service shall from time to time recommend appropriate measures for (1) arresting depletion in existing productive beds; (2) restoring to production beds formerly productive but now barren or unusable; (3) developing new areas which may be found suitable; (4) improving methods and techniques of digging, transplanting, and handling; and (5) otherwise increasing production and improving the quality of such clams for the benefit of both producers and consumers.

16 U. S. C. §§ 661-666c.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated, for the five-year period beginning July 1, 1948, out of any money in the Treasury not otherwise appropriated, the sum of $250,000 to carry out the studies of the soft-shell clam and the sum of $250,000 to carry out the studies of the hard-shell clam.

Approved May 26, 1948.

[CHAPTER 349]

AN ACT

May 26, 1948
[H. R. 5298]
[Public Law 557]

To establish Civil Air Patrol as a civilian auxiliary of the United States Air Force and to authorize the Secretary of the Air Force to extend aid to Civil Air Patrol in the fulfillment of its objectives, and for other purposes.

Civil Air Patrol.
Establishment as volunteer civilian auxiliary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Civil Air Patrol be established as a volunteer civilian auxiliary of the United States Air Force; and that, to assist Civil Air Patrol in the fulfillment of its objectives as set out in section 2 of Act of July 1, 1946 (Public Law 476, Seventy-ninth Congress), the Secretary of the Air Force is hereby authorized, to the extent and under such conditions and regulations as he may prescribe—

60 Stat. 346.
36 U. S. C. § 202.

(a) to make available to Civil Air Patrol by gift or by loan, sale or otherwise, with or without charge therefor, obsolete or

surplus aircraft, aircraft parts, matériel, supplies, and equipment of the Air Force Establishment;

(b) to permit utilization of such facilities of the Air Force Establishment as, in the opinion of the Secretary of the Air Force, are required by Civil Air Patrol to carry out its mission;

(c) to furnish to Civil Air Patrol such quantities of gasoline and oil as may be required by it for the purpose of carrying out any specifically assigned mission;

(d) to establish, maintain, supply, and equip liaison offices of the United States Air Force at the National and State headquarters of Civil Air Patrol, and to detail and assign military and civilian personnel of the Air Force Establishment to such liaison offices;

(e) to detail military and civilian personnel of the Air Force Establishment to units and installations of Civil Air Patrol to assist in the training program of Civil Air Patrol.

SEC. 2. The Secretary of the Air Force is authorized in the fulfillment of the noncombatant mission of the Air Force Establishment to accept and utilize the services of Civil Air Patrol.

Approved May 26, 1948.

[CHAPTER 350]

JOINT RESOLUTION

Requesting the President to issue a proclamation designating Memorial Day, 1948, as a day for a Nation-wide prayer for peace.

May 28, 1948
[S. J. Res. 217]
[Public Law 558]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe Memorial Day, 1948, by praying, each in accordance with his religious faith, for permanent peace; designating a period during such day in which all the people of the United States may unite in prayer for a permanent peace, calling upon all the people of the United States to unite in prayer at such time; and calling upon the newspapers, radio stations, and all other mediums of information to join in observing such day and period of prayer.

Memorial Day, 1948.
13 F. R. 2907.
62 Stat., Pt. 2.

Approved May 28, 1948.

[CHAPTER 351]

AN ACT

To amend section 24 of the Federal Power Act so as to provide that the States may apply for reservation of portions of power sites released for entry, location, or selection to the States for highway purposes.

May 28, 1948
[S. 1305]
[Public Law 559]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of the Federal Power Act, as amended, is amended by inserting before the period at the end of the first proviso thereof a colon and the following new proviso: "*Provided further*, That before any lands applied for, or heretofore or hereafter reserved, or classified as power sites, are declared open to location, entry, or selection by the Secretary of the Interior, notice of intention to make such declaration shall be given to the Governor of the State within which such lands are located, and such State shall have ninety days from the date of such notice within which to file, under any statute or regulation applicable thereto, an application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and

Federal Power Act, amendment.
41 Stat. 1075.
16 U. S. C. § 818.

Power sites.

Application by State.

maintenance of such highways, and a copy of such application shall be filed with the Federal Power Commission; and any location, entry, or selection of such lands, or subsequent patent thereof, shall be subject to any rights granted the State pursuant to such application".

Approved May 28, 1948.

[CHAPTER 352]

AN ACT

May 28, 1948
[S. 1525]
[Public Law 560]

To provide for furnishing transportation for certain Government and other personnel, and for other purposes.

Transportation of certain personnel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall determine that the effective conduct of the affairs of his department requires assured and adequate transportation facilities to and from their places of employment for personnel attached to or employed by such department, including, during any period of war or national emergency declared by the Congress or the President, personnel attached to or employed by private plants engaged in the manufacture of material for such departments, he is hereby authorized in the absence of adequate private or other facilities to provide such transportation, by motor vehicle or water carrier, subject, however, to the following provisions and conditions:

Acquisition of equipment.

1. The equipment required to provide such transportation facilities may be either purchased, leased, or chartered for operation by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and when so obtained may be maintained and operated either by enlisted personnel, civil employees of the Department of the Army, the Department of the Navy, or the Department of the Air Force or by private personnel under contract with such departments. Equipment so obtained may also be leased or chartered to private or public carriers for operation under such terms and conditions as the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or such official within their respective departments as they may designate, shall determine necessary and advisable under the existing circumstances: *Provided*, That any equipment purchased, leased, or operated by authority of this Act shall have a seating capacity of twelve or more passengers.

Lease or charter to private or public carriers.

Rates of fare.

2. That in each case where transportation facilities are provided hereunder, reasonable rates of fare for the service furnished shall be established and charged under such regulations as the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall prescribe; the receipts from such fares, and the proceeds from the leasing or chartering of any equipment as provided in the foregoing paragraph, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

Restriction on use.

3. The facilities and service authorized hereunder shall be utilized only for the transportation of personnel heretofore enumerated and for the purpose heretofore stated, under such rules and regulations as may be prescribed by authority of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force: *Provided, however*, That where the equipment and facilities herein provided for are pooled under lease or charter agreements, the reciprocal use of Government-owned and private-owned equipment shall be deemed to be within the intent of this paragraph.

Exercise of authority.

4. The authority herein granted the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall be

exercised in each case only after a determination by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or such official within their respective departments as they may designate, as the case may be, that existing private and other facilities are not and cannot be rendered adequate by other means, that reasonable effort has been made to induce operators of private facilities to provide the necessary service, and that its exercise will result in the most efficient method of supplying transportation to the personnel concerned and a proper utilization of transportation facilities.

Reports to Congress.

SEC. 2. It shall be the duty of the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, respectively, to file with the Congress, within sixty days after the end of the fiscal year a summarized report of the exercise of the authority herein granted, which report shall include (1) location, nature, and size of the activity for which transportation facilities were provided; (2) type, amount, and original cost of equipment furnished; (3) outline of lease or charter for rented or reciprocally used equipment with total costs for period of use or operation; (4) citation of authority of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force under which exercised; and (5) for each activity for which transportation facilities were provided, the maximum number of motor vehicles or water carriers used, the total miles operated, the total revenue from fares or proceeds from the leasing or chartering of equipment, the operating and maintenance expense, depreciation, gross cost, and net cost.

Repeal.

SEC. 3. The Act entitled "An Act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes", approved December 1, 1942 (56 Stat. 1024), as amended by subsections (a) and (b) of section 1 of the Act of April 9, 1946 (60 Stat. 86), is hereby repealed.

50 U. S. C. app. §§ 841, 842.

Approved May 28, 1948.

[CHAPTER 353]

AN ACT

May 28, 1948
[S. 1874]
[Public Law 561]

Authorizing the head of the department or agency using the public domain for national defense purposes to compensate holders of grazing permits and licenses for losses sustained by reason of such use of public lands for national defense purposes.

Use of public domain for national defense purposes.
43 U. S. C., Supp. I, § 315q note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 9, 1942 (56 Stat. 654, 43 U. S. C., sec. 315q), is amended by inserting the words "or national defense" between the word "war" and the word "purposes" wherever the latter two words appear in that Act.

SEC. 2. This amendment is to take effect as of July 25, 1947.

Approved May 28, 1948.

[CHAPTER 354]

AN ACT

May 28, 1948
[H. R. 3510]
[Public Law 562]

To authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska.

Alaska.
Public airports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Civil Aeronautics (hereinafter referred to as the "Administrator") is hereby authorized and directed to construct, protect,

operate, improve, and maintain within the Territory of Alaska a public airport at or near Anchorage and a public airport at or near Fairbanks (including all buildings and other structures necessary or desirable therefor) adequate for the needs of the air-transportation services and air commerce of the United States serving the Territory of Alaska and foreign countries by way of points within the Territory of Alaska.

Acquisition of land.

SEC. 2. For the purpose of carrying out this Act the Administrator is authorized to acquire by purchase, lease, condemnation, or otherwise (including transfer with or without compensation from Federal agencies or the Territory of Alaska or any political subdivision thereof), such lands and appurtenances thereto as may be necessary or desirable for the construction, protection, maintenance, improvement, and operation of said airports.

Rights-of-way.

SEC. 3. For the purpose of this Act the Administrator is empowered to acquire by purchase, lease, condemnation, or otherwise (including transfer with or without compensation from Federal agencies or the Territory of Alaska or any political subdivision thereof), rights-of-way or easements for roads, trails, pipe lines, power lines, railroad spurs, and other similar facilities necessary or desirable for the proper operation of the airports.

Highways and bridges.

The Administrator is authorized to construct any public highways or bridges from the cities of Anchorage and Fairbanks to whatever airport locations may be selected. Upon completion said highways and bridges shall be transferred to the Territory of Alaska without charge and thereafter be maintained by the Territory.

Maintenance, etc., of airports.

SEC. 4. The Administrator shall have control over and responsibility for the care, operation, maintenance, improvement, and protection of the airports, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof: *Provided*, That the authority herein contained may be delegated by the Administrator to such official or officials of the Civil Aeronautics Administration within the Territory of Alaska as the Administrator may designate.

Lease of property within airport.

SEC. 5. The Administrator is empowered to lease under such conditions as he may deem proper and for such periods as may be desirable (not to exceed ten years) space or property within or upon the airports for purposes essential or appropriate to the operation of the airports.

Contracts for fuel, food, etc.

SEC. 6. The Administrator is authorized to contract with any person for the performance of services at or upon the airports necessary or desirable for the proper operation of the airports, including but not limited to, contracts for furnishing food and lodging, sale of aviation fuels, furnishing of aircraft repairs and other aeronautical services, and such other services as may be necessary or desirable for the traveling public. No such contract shall extend for a period of longer than ten years and the provisions of section 3709 of the Revised Statutes shall not apply to such contracts or the leases authorized under section 5 hereof.

41 U. S. C. § 5.

Transfer of property from other Government agencies.

SEC. 7. Any executive department, independent establishment, or agency of the Federal Government or the Territory of Alaska, for the purposes of carrying out this Act, is authorized to transfer to the Administrator, upon his request, any lands, buildings, property, or equipment under its control and in excess of its own requirements which the Administrator may consider necessary or desirable for the construction, care, operation, maintenance, improvement, or protection of the airports.

Violations; penalty.

SEC. 8. Any person who knowingly and willfully violates any rule, regulation, or order issued by the Administrator under this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall

be subject to a fine of not more than $500 or to imprisonment not exceeding six months, or to both such fine and imprisonment.

SEC. 9. Unless the context otherwise requires, the definitions of the words and phrases used in this Act shall be the definitions assigned to such words and phrases by the Civil Aeronautics Act of 1938, as amended. 52 Stat. 977. 49 U. S. C. § 401. *Post*, p. 493.

SEC. 10. There is hereby authorized to be appropriated the sum of $13,000,000 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended. There are hereby authorized to be appropriated from year to year such sums as may be necessary for the proper maintenance, improvement, protection, control, and operation of said airports or as may be otherwise necessary to carry out the purposes of this Act. Appropriation authorized. *Post*, p. 1039.

Approved May 28, 1948.

[CHAPTER 356]

AN ACT

To amend the Act entitled "An Act to promote the mining of potash on the public domain", approved February 7, 1927, so as to provide for the disposition of the rentals and royalties from leases issued or renewed under the Act entitled "An Act to authorize exploration for and disposition of potassium", approved October 2, 1917.

June 1, 1948
[S. 1050]
[Public Law 563]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to promote the mining of potash on the public domain", approved February 7, 1927, is amended by adding at the end thereof the following new sentence: Potash mining. 44 Stat. 1058. 30 U. S. C. § 286 note.

"All money received from royalties and rentals from any lease issued or renewed under the provisions of the Act entitled 'An Act to authorize exploration for and disposition of potassium', approved October 2, 1917, shall be paid into, reserved, and appropriated as follows: 52½ per centum to the Reclamation Fund, 10 per centum to the Treasury of the United States as miscellaneous receipts, and 37½ per centum shall be paid by the Secretary of the Treasury, after the expiration of each fiscal year, to the State within the boundaries of which the leased lands or deposits are or were located, such money to be used by such State or subdivision thereof for the construction and maintenance of public roads or for the support of schools or other public educational institutions, as the legislature of the State may direct." Royalties and rentals. 40 Stat. 297. 30 U. S. C. §§ 141-152.

Approved June 1, 1948.

[CHAPTER 357]

AN ACT

To amend the Acts authorizing the courses of instruction at the United States Naval Academy and the United States Military Academy to be given to a limited number of persons from the American Republics so as to permit such courses of instruction to be given to Canadians.

June 1, 1948
[S. 1723]
[Public Law 564]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sentences of the Act of July 14, 1941 (Public Law 168, Seventy-seventh Congress, first session; 55 Stat. 589), is amended by inserting in the first sentence after the phrase "(other than the United States)" the words "and Canada" and by inserting in the second sentence after the words "of such Republics" the words "and Canada" so that the first and second sentences as so amended will read as follows: U. S. Naval and Military Academies. Instruction for Canadians. 34 U. S. C. § 1036-1.

"That the Secretary of the Navy is hereby authorized to permit,

upon designation of the President of the United States, not exceeding twenty persons at a time from the American Republics (other than the United States) and Canada to receive instruction at the United States Naval Academy at Annapolis, Maryland. Not more than three persons from any of such Republics and Canada shall receive instruction under authority of this Act at the same time."

SEC. 2. The first and second sentences of section 1 of the Act of June 26, 1946 (Public Law 447, Seventy-ninth Congress, second session; 60 Stat. 311), is amended by inserting in the first sentence after the phrase "(other than the United States)" the words "and Canada" and by inserting in the second sentence after the words "of such republics" the words "and Canada" so that the first and second sentences as so amended will read as follows:

10 U. S. C. § 1093c.

"That the Secretary of the Army is hereby authorized to permit, upon designation of the President of the United States, not exceeding twenty persons at a time from the American Republics (other than the United States) and Canada to receive instruction at the United States Military Academy at West Point, New York. Not more than three persons from any one of such republics and Canada shall receive instruction under authority of this Act at the same time."

Approved June 1, 1948.

[CHAPTER 358]

June 1, 1948
[S. 2077]
[Public Law 565]

AN ACT

To authorize the Secretary of the Army to exchange certain property with the city of Kearney, Nebraska.

Kearney, Nebr.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to convey approximately seventeen acres of land and improvements thereon owned by the United States in Buffalo County, Nebraska, lying in the south half southeast quarter section 27, township 9 north, range 15 west of the sixth principal meridian, and the Government-owned improvements located on land leased from the city of Kearney, Nebraska, in said section 27 constructed by the Army for an automotive equipment repair shop, to the city of Kearney, Nebraska, in exchange for approximately four hundred and forty-two and seventy-four one-hundredths acres of land in Buffalo County, Nebraska, described as a tract of land situated in section 27, township 9 north, range 15 west, more particularly described as follows: Beginning at the northeast corner of section 27; thence south along the east section line two thousand eight hundred and thirty-five feet, more or less; thence in a westerly direction one thousand six hundred and seventy-five feet, more or less; thence in a southwesterly direction one thousand two hundred and eighty-five feet, more or less; thence south parallel to the east line of section 27 eight hundred and seventy-five feet, more or less; thence west and parallel to the south line of section 27 two thousand five hundred and seventy feet, more or less; thence north along the west line of section 27 four thousand four hundred and sixty feet, more or less, to the northwest corner of section 27; thence east five thousand two hundred and eighty feet, more or less, along the north line of section 27 to place of beginning, which is to be conveyed to the United States by the city of Kearney, Nebraska, as a part of the Kearney Army Air Field, Nebraska.

Approved June 1, 1948.

[CHAPTER 359]

AN ACT

To authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes.

June 1, 1948
[H. R. 3219]
[Public Law 566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him may appoint uniformed guards of said Agency as special policemen without additional compensation for duty in connection with the policing of public buildings and other areas under the jurisdiction of the Federal Works Agency. Such special policemen shall have the same powers as sheriffs and constables upon such Federal property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations made and promulgated by the Administrator or such duly authorized officials of the Federal Works Agency for the property under their jurisdiction: *Provided*, That the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process and shall be restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Special policemen. Duty on Federal property.

Powers.

Limitation on powers.

SEC. 2. The Federal Works Administrator or officials of the Federal Works Agency duly authorized by him are hereby authorized to make all needful rules and regulations for the government of the Federal property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 4 of this Act, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such Federal property.

Rules and regulations.

Posting of rules.

SEC. 3. Upon the application of the head of any department or agency of the United States having property of the United States under its administration and control and over which the United States has acquired exclusive or concurrent criminal jurisdiction, the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him are authorized to detail any such special policemen for the protection of such property and if he deems it desirable, to extend to such property the applicability of any such regulations and to enforce the same as herein set forth; and the Federal Works Administrator or official of the Federal Works Agency duly authorized by him, whenever it is deemed economical and in the public interest, may utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies.

Details.

SEC. 4. Whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act shall be fined not more $50 or imprisoned not more than thirty days, or both.

Penalty.

Approved June 1, 1948.

[CHAPTER 360]

AN ACT

To amend the Nationality Act of 1940.

June 1, 1948
[H. R. 5193]
[Public Law 567]

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

8 U. S. C., Supp. I, § 601 *et seq.*

Act of 1940, as amended (54 Stat. 1137; 8 U. S. C. 907), be amended by adding a new section to be known as section 324A, as follows:

Naturalization of persons who served in armed forces.

"SEC. 324A. (a) Any person not a citizen who has served honorably in an active-duty status in the military or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States or an outlying possession (including the Panama Canal Zone, but excluding the Philippine Islands), or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: *Provided, however,* That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purposes of this section.

Restriction.

Waiver of certain requirements.

"(b) A person filing a petition under subsection (a) of this section shall comply in all respect with the requirements of this chapter except that—

54 Stat. 1140, 1150. 8 U. S. C. §§ 703, 726.

"(1) he may be naturalized regardless of age, and notwithstanding the provisions of sections 303 and 326 of this Act;

"(2) no declaration of intention, no certificate of arrival, and no period of residence within the United States or any State shall be required;

"(3) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner;

Affidavits of witnesses.

"(4) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States;

Proof of service in armed forces.

"(5) when serving in the military or naval forces of the United States, the service of the petitioner shall be proved either (1) by affidavits forming part of the petition, of at least two citizens of the United States, members of the military or naval forces of a noncommissioned or warrant officer grade, or higher (who may be the same witness described in clause (4) of this subsection), or (2) by a duly authenticated certification from the executive department under which the petitioner is serving. Such affidavits or certifications shall state whether the petitioner has served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946;

"(6) if no longer serving in the military or naval forces of the United States, the service of the petitioner shall be proved by a duly authenticated certification from the executive department under which the petitioner served, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, and was separated from such service under honorable conditions; and

54 Stat. 1157. 8 U. S. C. § 734 (e).

"(7) notwithstanding section 334 (e) of this Act, the petitioner

may be naturalized immediately if prior to the filing of the petition the petitioner and the required witnesses shall have appeared before and been examined by a representative of the Service.

"(c) Citizenship granted pursuant to this section may be revoked in accordance with section 338 of this Act if at any time subsequent to naturalization the person is separated from the military or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation."

Revocation of citizenship.
54 Stat. 1158.
8 U. S. C. § 738.

SEC. 2. The eligibility for naturalization of any person who filed a petition for naturalization prior to January 1, 1947, under section 701 of the Nationality Act of 1940, as amended (8 U. S. C., Supp. V, sec. 1001), and which is still pending on the date of approval of this Act, shall be determined in accordance with section 324A of the Nationality Act of 1940, as added by section 1 of this Act.

Prior application.
56 Stat. 182.
8 U. S. C. § 1001.
Ante, p. 282.

Approved June 1, 1948.

[CHAPTER 362]

AN ACT

To transfer lot 1 in block 115, city of Fairbanks, Alaska, to the city of Fairbanks, Alaska.

June 1, 1948
[H. R. 183]
[Public Law 568]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in and to lot 1 of block 115, Fairbanks, Alaska, be, and the same are hereby, released and relinquished by the United States to the city of Fairbanks, Alaska, for school purposes: *Provided*, That all mineral rights pertaining to such land are hereby reserved to the United States together with the right to prospect for, mine, and remove the same.

Fairbanks, Alaska.

Approved June 1, 1948.

[CHAPTER 363]

AN ACT

To amend the fourth paragraph of section 4, chapter 1, title I, of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 322; 48 U. S. C. sec. 101), as amended.

June 1, 1948
[H. R. 3344]
[Public Law 569]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth paragraph of section 4, chapter 1, title I, of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 322; 48 U. S. C. sec. 101), as amended, is amended to read as follows:

Alaska.
District Court division.
Post, p. 986.

"Division numbered 3 shall consist of all the territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude; thence north along said meridian to a point due east of Mount Natazhat in latitude sixty-one degrees thirty-one minutes twenty seconds north; thence due west to Mount Natazhat; thence westerly and northwesterly along the divide between the White and the Tanana Rivers on the north and the Chitina River on the south to the junction with the divide between the Chisana and the Nabesna Rivers in latitude sixty-one degrees fifty-two minutes forty seconds north, longitude one hundred forty-two degrees thirty-two minutes forty seconds west; thence northerly

and northeasterly along the divide between the Chisana and the Nabesna Rivers to Mount Allen; thence northwesterly on a straight line crossing the Nabesna River approximately twenty-four miles to an unnamed peak in latitude sixty-two degrees thirty minutes forty seconds north, longitude one hundred and forty-two degrees forty-three minutes thirty seconds west; thence northerly and northwesterly along the divide between Cheslina and Tetling Rivers on the north and Totschunda and Platinum Creeks on the south, continuing northwesterly along the divide between the Tanana and the Copper Rivers to Mount Kimball; thence continuing southwesterly along the divide between the waters of the Kuskokwim River and Bay on the north and west and the Gulf of Alaska and Bristol Bay on the south to a westerly point of Cape Newenham; the said division to include the Alaska Peninsula, the Aleutian and Pribilof Islands, and all islands along and off the coast of this division, between Cape Newenham and the point where the one hundred and forty-first meridian, west longitude, intersects the northern line of the territory.

Effective date.

"This Act shall take effect sixty days after it has been approved by the President."

Approved June 1, 1948.

[CHAPTER 364]

AN ACT

June 1, 1948
[H. R. 5901]
[Public Law 570]

To provide for the distribution among the States of Colorado, New Mexico, Utah, and Wyoming of the receipts of the Colorado River Development Fund for use in the fiscal years 1949 to 1955, inclusive, on a basis which is as nearly equal as practicable and to make available other funds for the investigation and construction of projects in any of the States of the Colorado River Basin in addition to appropriations for said purposes from the Colorado River Development Fund.

Boulder Canyon Project Adjustment Act, amendment.
54 Stat. 774.
54 Stat. 776.
43 U. S. C. § 618b.
Post, p. 1130.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (d) of the Boulder Canyon Project Adjustment Act (U. S. C., 1940 edition, title 43, sec. 618a (d)) is hereby amended to read as follows:

"(d) Transfer, subject to the provisions of section 3 hereof, from the Colorado River Dam Fund to a special fund in the Treasury, hereby established and designated the 'Colorado River Development Fund', of the sum of $500,000 for the year of operation ending May 31, 1938, and the like sum of $500,000 for each year of operation thereafter, until and including the year of operation ending May 31, 1987. The transfer of the said sum of $500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided*, That any such transfer for any year of operation which shall have ended at the time this section 2 (d) shall become effective shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this Act will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 3 hereof, then the first receipts of said fund up to $1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to

Appropriation of receipts authorized.

and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division: *Provided, however*, That in view of distributions heretofore made, and in order to expedite the development and utilization of water projects within all of the States of the upper division, the distribution of such funds for use in the fiscal years 1949 to 1955, inclusive, shall be on a basis which is as nearly equal as practicable. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms 'Colorado River system', 'States of the upper division', and 'States of the lower division' as so used shall have the respective meanings defined in the Colorado River compact mentioned in the Project Act. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in this Act shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall this Act be construed as affecting the right of any State to proceed independently of this Act or its provisions with the investigation or construction of any project or projects. Transfers under this section 2 (d) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act."

Basis of distribution.

Terms defined.

45 Stat. 1057.
43 U. S. C. §§ 617-617t.

Contractual obligations of U. S.

54 Stat. 776.
43 U. S. C. § 618b.

SEC. 2. The availability of appropriations from the Colorado River Development Fund for the investigation and construction of projects in any of the States of the Colorado River Basin shall not be held to forbid the expenditure of other funds for those purposes in any of those States where such funds are otherwise available therefor.

Approved June 1, 1948.

[CHAPTER 365]

AN ACT

To amend the Mineral Leasing Act of February 25, 1920, to permit the exercise of certain options on or before August 8, 1950.

June 1, 1948
[H. R. 6302]
[Public Law 571]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 27 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (U. S. C., 1946 edition, title 30, sec. 184), is hereby amended by striking out "within two years after the passage of this Act" and inserting in lieu thereof "on or before August 8, 1950".

41 Stat. 448.
Post, p. 291.

Approved June 1, 1948.

[CHAPTER 366]

JOINT RESOLUTION

To provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies of 1949.

June 1, 1948
[H. J. Res. 381]
[Public Law 572]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency or head of any executive department or establishment is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purposes of quartering troops participating in the inaugural ceremonies

Inaugural ceremonies, 1949.
Quartering of troops.

to be held on January 20, 1949, but such use shall not continue after January 22, 1949. Authority granted by this joint resolution may be exercised notwithstanding the provisions of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.

32 Stat. 152.
40 U. S. C. § 31.

Approved June 1, 1948.

[CHAPTER 373]

AN ACT

June 2, 1948
[H. R. 4426]
[Public Law 573]

To provide basic authority for certain functions and activities of the Weather Bureau, and for other purposes.

Weather Bureau.
Availability of appropriations.
Post, pp. 327, 1040.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations now or hereafter provided for the Weather Bureau shall be available for (a) furnishing food and shelter, without repayment therefor, to employees of the Government assigned to Arctic stations; (b) equipment and maintenance of meteorological offices and stations, and maintenance and operation of meteorological facilities outside the United States by contract or otherwise; (c) repairing, altering, and improving of buildings occupied by the Bureau, and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds; (d) arranging for communication services at rates to be fixed by the Secretary of Commerce by agreement with the companies performing the services when determined to be advantageous to the Government; and (e) purchasing tabulating cards and continuous form tabulating paper.

Printing office.

SEC. 2. When so specified in appropriation Acts, the Weather Bureau is authorized to maintain a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau which could be done at the Government Printing Office without impairing the service of said Bureau.

Employees of other agencies.

SEC. 3. The Weather Bureau is hereby authorized to (a) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations, and (b) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil-service and classification laws and titles II and III of the Federal Employees Pay Act of 1945, both at base rates which shall not exceed such maximum rates as may be specified from time to time in the appropriation concerned.

Investigations in Arctic region.

59 Stat. 296.
5 U. S. C. §§ 911-913, 921, 922; Supp. I, § 922 note.

Transfer of equipment and supplies.

SEC. 4. Subject to approval of the Bureau of the Budget, and without charge to the Weather Bureau, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy are authorized to transfer to the Weather Bureau equipment and supplies which are surplus to the needs of their respective Departments and necessary for the establishment, maintenance, and operation of Arctic weather stations.

Approved June 2, 1948.

[CHAPTER 374]

JOINT RESOLUTION

June 3, 1948
[H. J. Res. 379]
[Public Law 574]

To provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1949.

Inaugural ceremonies, 1949.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That $37,100, or so much

thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District of Columbia from January 15 to January 26, 1949, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating streetcar-loading platforms; for the construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the Commissioners. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Appropriation authorized for maintenance of order, etc.
Post, p. 544.

Regulations.

Licenses to peddlers, etc.

SEC. 2. Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia and in such other manner as the Commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine of not to exceed $100 in the municipal court for the District of Columbia, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

Duration of regulations, etc.

Publication.

Penalty.

Approved June 3, 1948.

[CHAPTER 375]

JOINT RESOLUTION

June 3, 1948
[H. J. Res. 380]
[Public Law 575]

Authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1949, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency, and such other officers of the District of Columbia and the United States as control any public lands in the District of Columbia, are hereby authorized to grant permits, under such restrictions as they may deem necessary, to the Committee on Inaugural Ceremonies to be appointed with the approval of the President-elect for the use of any reservations or other public spaces in the District of Columbia under their control on the occasion of the inauguration of the President-elect in January 1949: *Provided*, That in their opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes, on the occasion aforesaid, such streets, avenues, and sidewalks in said District of Columbia under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public space, as aforesaid, including such as may be erected in connection with the

Inaugural ceremonies, 1949.
Use of public spaces in D. C.

Conditions.

Designation of streets, etc.

Stands and platforms.

display of fireworks, shall be under the said supervision of the said inaugural committee, and no stand shall be built on the sidewalk, streets, parks, and public grounds of the District of Columbia, not including the area on the south side of Pennsylvania Avenue directly in front of the White House, except such as are approved by the inaugural committee, the director of inspection of the District of Columbia, and the Administrator of the Federal Works Agency: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall, after the inauguration, be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the appropriate agency of the Government for any damages of any kind whatsoever upon such reservations or spaces by reason of such use.

Prompt restoration.

Overhead conductors for illumination.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after January 24, 1949, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said District of Columbia on or before January 31, 1949: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, or such other officials as may have jurisdiction in the premises, who shall see that the provisions of this joint resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

Erection of wires over parks, etc.

Time limit.

Supervision of work.

Expense or damage.

Loan of tents, flags, etc.

SEC. 3. The Secretary of Defense be, and he is hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretary in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, to the said committee shall not take place prior to the 11th of January, and they shall be returned by the 25th day of January 1949: *Provided further*, That the said committee shall indemnify the said Government for any loss or damage to such flags not necessarily incident to such use. That the Secretary of Defense is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances, and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, drivers,

Time limit.

Indemnity for loss or damage.

Hospital tents, etc.

stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the Government for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

Indemnity for loss or damage.

SEC. 4. The Commissioners of the District of Columbia and the Administrator of the Federal Works Agency be, and they are hereby, authorized to permit telegraph, telephone, radio-broadcasting and television companies to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies.

Telegraph, telephone, radio, and television wires.

Approved June 3, 1948.

[CHAPTER 379]

AN ACT

To amend the Mineral Leasing Act of February 25, 1920, and the Potassium Act of February 7, 1927, in order to promote the development of certain minerals on the public domain; and for other purposes.

June 3, 1948
[S. 1006]
[Public Law 576]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (41 Stat. 438, 30 U. S. C., secs. 201 and 202), is amended to read as follows:

Mineral Leasing Act, amendments.

"SEC. 2. (a) The Secretary of the Interior is authorized to divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in his opinion, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter he shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant. He is hereby authorized, in awarding leases for coal lands improved and occupied or claimed in good faith, prior to February 25, 1920, to consider and recognize equitable rights of such occupants or claimants. No competitive lease of coal shall be approved or issued until after the notice of the proposed offering for lease has been given in a newspaper of general circulation in the county in which the lands are situated in accordance with regulations prescribed by the Secretary.

Division into leasing tracts.

Offer to qualified applicants.

Rights of occupants or claimants.

Notice.

"(b) Where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit.

Prospecting permits.

"Any coal prospecting permit issued under this section may be extended by the Secretary for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable

Extension of permit.

diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension.

Limitation on lease to railroads.

"(c) No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than ten thousand two hundred and forty acres in the aggregate nor more than one permit or lease for each two hundred miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

Main or branch lines.

"Nothing in this section shall preclude such a railroad of less than two hundred miles in length from securing one permit or lease thereunder but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines."

SEC. 2. Section 9 of the Act (41 Stat. 440, 30 U. S. C., sec. 211) is amended to read as follows:

Phosphate deposits.

"SEC. 9. The Secretary of the Interior is authorized to lease to any applicant qualified under this Act, through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, any phosphate deposits of the United States, and lands containing such deposits, including associated and related minerals, when in his judgment the public interest will be best served thereby. The lands shall be leased under such terms and conditions as are herein specified, in units reasonably compact in form of not to exceed two thousand five hundred and sixty acres."

SEC. 3. Section 10 of the Act (41 Stat. 440, 30 U. S. C., sec. 212) is amended to read as follows:

Description of leased lands.
Royalties.

"SEC. 10. Each lease shall describe the leased lands by the legal subdivisions of the public-land surveys. All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, at not less than 5 per centum of the gross value of the output of phosphates or phosphate rock and associated or related minerals. Royalties shall be due and payable as specified in the lease either monthly or quarterly on the last day of the month next following the month or quarter in which

Annual rental.

the minerals are sold or removed from the leased land. Each lease shall provide for the payment of a rental payable at the date of the lease and annually thereafter which shall be not less than 25 cents per acre for the first year, 50 cents per acre for the second and third years, respectively, and $1 per acre for each year thereafter, during the continuance of the lease. The rental paid for any year shall be

Period of lease.

credited against the royalties for that year. Leases shall be for a term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such reasonable readjustment of the terms and conditions thereof may be made therein as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of

Condition.

such periods. Leases shall be conditioned upon a minimum annual production or the payment of a minimum royalty in lieu thereof, except when production is interrupted by strikes, the elements, or casualties

Suspension of operations.

not attributable to the lessee. The Secretary of the Interior may

permit suspension of operations under any such leases when marketing conditions are such that the leases cannot be operated except at a loss."

SEC. 4. Section 11 of the Act (41 Stat. 440, 30 U. S. C., sec. 213) is hereby amended to read as follows:

Use of silica or limestone deposits.
Ante, p. 290; *supra*; *infra*.

"SEC. 11. Any lease to develop and extract phosphates, phosphate rock, and associated or related minerals under the provisions of sections 9 to 12, inclusive, of this Act shall provide that the lessee may use so much of any deposit of silica or limestone or other rock situated on any public lands embraced in the lease as may be utilized in the processing or refining of the phosphates, phosphate rock, and associated or related minerals mined from the leased lands or from other lands upon payments of such royalty as may be determined by the Secretary of the Interior, which royalty may be stated in the lease or, as to the leases already issued, may be provided for in an attachment to the lease to be duly executed by the lessor and the lessee."

SEC. 5. Section 12 of the Act (41 Stat. 441, 30 U. S. C., sec. 214) is amended to read as follows:

Use of surface of other lands.
Ante, p. 290; *supra*.

"SEC. 12. The holder of any lease issued under the provisions of sections 9 to 12, inclusive, of this Act shall have the right to use so much of the surface of unappropriated and unentered public lands not a part of his lease, not exceeding eighty acres in area, as may be determined by the Secretary to be necessary or convenient for the extraction, treatment, and removal of the mineral deposits, but this provision shall not be applicable to national forest lands."

SEC. 6. The first sentence of section 27 of such Act, as amended (41 Stat. 448, 30 U. S. C., sec. 184), is amended to read as follows:

Ante, p. 285.

Restrictions on holdings.
Coal or sodium.

"No person, association, or corporation, except as herein provided, shall take or hold coal or sodium leases or permits during the life of such lease in any one State, exceeding in the aggregate acreage five thousand one hundred and twenty acres for each of said minerals: *Provided*, That the Secretary of the Interior may, in his discretion where it is necessary in order to secure the economic mining of sodium compounds leasable under this Act, permit a person, association, or corporation to take or hold sodium leases or permits for up to fifteen thousand three hundred and sixty acres in any one State. No person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases exceeding in the aggregate fifteen thousand three hundred and sixty acres granted hereunder in any one State; and no person, association, or corporation shall take or hold at one time phosphate leases or permits exceeding in the aggregate five thousand one hundred and twenty acres in any one State, and exceeding in the aggregate ten thousand two hundred and forty acres in the United States."

Oil or gas.

Phosphate.

SEC. 7. The first sentence of section 39 of such Act of February 25, 1920, as amended (47 Stat. 798, 30 U. S. C., sec. 209), is amended to read as follows:

Waiver, etc., of rental or royalty.

"The Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of coal, oil, gas, oil shale, phosphate, sodium, potassium and sulfur, and in the interest of conservation of natural resources, is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, or on any tract or portion thereof segregated for royalty purposes, whenever in his judgment it is necessary to do so in order to promote development, or whenever in his judgment the leases cannot be successfully operated under the terms provided therein."

Repeal.

SEC. 8. The Act entitled "An Act to grant extensions of time under coal permits", approved March 9, 1928, as amended (45 Stat. 251, 30 U. S. C., sec. 201a), is hereby repealed.

Mining of potash.

SEC. 9. The second sentence of section 3 of the Act entitled "An Act to promote the mining of potash on the public domain", approved February 7, 1927, as amended (44 Stat. 1057, 30 U. S. C., sec. 283), is amended to read as follows: "Any lease issued under this Act shall be for a term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such reasonable adjustment of the terms and conditions thereof may be made therein as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such periods. Leases shall be conditioned upon a minimum annual production or the payment of a minimum royalty in lieu thereof, except when production is interrupted by strikes, the elements, or casualties not attributable to the lessee. The Secretary of the Interior may permit suspension of operations under any such leases when marketing conditions are such that the leases cannot be operated except at a loss. The Secretary upon application by the lessee prior to the expiration of any existing lease in good standing shall amend such lease to provide for the same tenure and to contain the same conditions, including adjustment at the end of each twenty-year period succeeding the date of said lease, as provided for in this Act."

Period of lease.

Condition.

Suspension of operations.

Amendment of lease.

Approved June 3, 1948.

[CHAPTER 380]

AN ACT

June 3, 1948
[S. 1035]
[Public Law 577]

To provide for the acquisition of the hospital at Camp White, Medford, Oregon, and Schick General Hospital, Clinton, Iowa, for use as domiciliary facilities by the Veterans' Administration.

Veterans' Administration.
Camp White Hospital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to acquire from the War Assets Administration the tract of land with improvements thereon formerly used for hospital purposes at Camp White, Medford, Oregon, and known as Camp White Hospital, and to operate and maintain thereon a facility for domiciliary care for veterans.

Schick General Hospital.

SEC. 2. That the Administrator of Veterans' Affairs is authorized and directed to acquire from the War Assets Administration the tract of land with improvements thereon formerly used for hospital purposes at Clinton, Iowa, and known as Schick General Hospital, and to operate and maintain thereon a facility for domiciliary care for veterans.

Approved June 3, 1948.

[CHAPTER 381]

AN ACT

June 3, 1948
[H. R. 1608]
[Public Law 578]

To amend an Act entitled "An Act to authorize the Postmaster General to contract for certain powerboat service in Alaska, and for other purposes", approved August 10, 1939 (53 Stat. 1338).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Postmaster General to contract for certain powerboat service in Alaska, and for other purposes", approved August 10, 1939 (53 Stat. 1338), is amended by striking out "$125,000" and inserting in lieu thereof "$250,000".

39 U. S. C. § 487a.

Approved June 3, 1948.

[CHAPTER 382]

AN ACT

To reduce in area the Parker River National Wildlife Refuge in Essex County, Massachusetts, and for other purposes.

June 3, 1948
[H. R. 3578]
[Public Law 579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Parker River National Wildlife Refuge in Essex County, Massachusetts, is hereby reduced in area by eliminating therefrom those portions of the refuge designated and known as the Crane Pond, Downfall, and Mill Creek Areas, and the Secretary of the Interior is authorized and directed to dispose of all of the interests of the United States in such areas in accordance with the provisions of this Act.

Parker River National Wildlife Refuge, Mass.
Reduction of area.

SEC. 2. (a) Within ninety days following the date of enactment of this Act, the Secretary of the Interior shall mail, to each prior owner of such lands within the three areas designated in section 1 as have been acquired by the United States by direct purchase or the ownership of which has been determined and compensation therefor paid to the prior owner thereof in the condemnation proceeding entitled "United States v. 12,367.47 Acres More or Less of Land Situate in Essex County, Massachusetts, Civil No. 7010, in the District Court of the United States for the District of Massachusetts", or in any other condemnation proceeding instituted by the United States for the acquisition of lands for the Parker River National Wildlife Refuge, a notice stating in effect that title to the lands acquired from such prior owner will be reconveyed to that prior owner upon payment to the United States, within sixty days after the receipt of such notice, of an amount equal to the purchase price paid by the United States for such lands. Upon receipt of payment from the prior owner of the lands in question, the Secretary of the Interior shall convey all right, title, and interest of the United States in such land to the prior owner thereof.

Reconveyance of land to prior owner.

(b) With respect to such other lands as lie within the three areas designated in section 1 and are included in the condemnation proceeding or proceedings referred to, and compensation for the taking of which has not been paid to the prior owners thereof, the Attorney General of the United States is authorized and directed to exclude the same from the condemnation proceedings entitled "United States v. 12,367.47 Acres More or Less of Land Situate in Essex County, Massachusetts, Civil No. 7010, in the District Court of the United States for the District of Massachusetts", or any other condemnation proceeding instituted by the United States for the acquisition of lands for the Parker River National Wildlife Refuge, in accordance with the provisions of the Act of October 21, 1942 (56 Stat. 797; 40 U. S. C., Supp. 258f), within ninety days following the date of enactment of this Act or within such additional period as the court in such proceeding may determine to be necessary to effectuate the purposes of this Act.

Exclusion from condemnation proceedings.

40 U. S. C. § 258f.

(c) Such lands lying within the boundaries of the areas designated in section 1, the title to which cannot be returned to the prior owners thereof in accordance with the provisions of this section, shall be disposed of in such manner and at such prices as the Secretary of the Interior may deem to be in the best interests of the United States.

Lands not returned to prior owners.

SEC. 3. All moneys paid to the United States in accordance with the provisions of section 2, for the reconveyance of lands to prior owners or in connection with the disposition of such lands as provided therein, all moneys on deposit with the District Court of the United

Credit to certain appropriations.

States for the District of Massachusetts for payment as compensation for the taking of lands within the three areas designated in section 1 as are excluded by stipulation from such condemnation proceeding or proceedings, in accordance with the provisions of section 2, shall be credited to the then current appropriation for carrying out the provisions of section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U. S. C. 718–718h), as amended, and shall remain available for such purposes until expended.

16 U. S. C. § 718d.

Edible clam resources.

SEC. 4. In the administration of the Parker River National Wildlife Refuge, the Secretary of the Interior is directed to provide assistance to and cooperate with Federal, State, and public or private agencies and organizations in protecting, developing, and maintaining the edible clam resources found within and adjacent to the Parker River National Wildlife Refuge, all in accordance with the provisions of section 1 of the Act of August 14, 1946 (Public Law Numbered 732, Seventy-ninth Congress, second session), and Acts supplementary thereto within the limits of available appropriations.

60 Stat. 1080.
16 U. S. C. § 661.

Propagation and taking of clams.

SEC. 5. Management and administration of the propagation and taking of clams within the boundaries of the Parker River National Wildlife Refuge shall continue to be exercised in accordance with State and local laws and ordinances, but subject to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended.

16 U. S. C. § 715i.

Approved June 3, 1948.

[CHAPTER 383]

June 3, 1948
[H. R. 3603]
[Public Law 580]

AN ACT

Granting the consent of Congress to the States of Idaho and Wyoming to negotiate and enter into a compact for the division of the waters of the Snake River and its tributaries originating in either of the two States and flowing into the other.

Snake River.
Consent of Congress to interstate compact.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That consent of Congress is hereby given to the States of Idaho and Wyoming to negotiate and enter into a compact providing for an equitable division and apportionment among the said States of the waters of the Snake River and all of its tributaries originating in either of the two States and flowing into the other, upon condition that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact entered into: *Provided*, That any such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of said States and approved by the Congress of the United States: *Provided further*, That nothing in this Act shall apply to any waters within the Yellowstone National Park or Grand Teton National Park or shall establish any right or interest in or to any lands within the boundaries thereof or in subsequent additions thereto.

Ratification and approval.

Nonapplicability.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated a sufficient sum to pay the salary and expenses of the representative of the United States appointed hereunder: *Provided*, That such representative, if otherwise employed by the United States, while so employed shall not receive additional salary in the appointment hereunder.

Approved June 3, 1948.

[CHAPTER 384]

AN ACT

To amend section 203 of the Hawaiian Homes Commission Act, designating certain public lands as available home lands.

June 3, 1948
[H. R. 3633]
[Public Law 581]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of title II of the Hawaiian Homes Commission Act of July 9, 1921 (42 Stat. 109; 48 U. S. C. 697), as amended, designating certain public lands as available home lands, is further amended by adding thereto the following:

Hawaiian Homes Commission Act, amendment.
Post, p. 303.

"Wailuku, Maui: That parcel of government land, situate in the District of Wailuku, island and county of Maui, comprising twelve and four hundred and fifty-five one-thousandths acres of the Ili of Kou and being a portion of the land covered by General Lease Numbered 2286 to Wailuku Sugar Company, Limited, notwithstanding the fact that said parcel is cultivated sugarcane land, subject, however, to the terms of said lease."

Approved June 3, 1948.

[CHAPTER 385]

AN ACT

To ratify sections 1 and 2 of Joint Resolution 7 enacted by the Legislature of the Territory of Hawaii in its regular session of 1947.

June 3, 1948
[H. R. 3635]
[Public Law 582]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Joint Resolution 7, enacted by the Legislature of the Territory of Hawaii in its regular session of 1947, amending section 4565 of chapter 78 of the Revised Laws of Hawaii, 1945, so as to fix at 4 per centum the maximum interest rate chargeable upon the sale of public lands for homestead, residence, or other purposes, and amending section 4601 of such chapter 78 so as to reduce from 6 per centum to 4 per centum the interest rate a freeholder must pay on the balance of the purchase price under a cash freehold agreement, is hereby ratified.

Hawaii.
Interest rates on sale of public lands, etc.

SEC. 2. Section 2 of such Joint Resolution 7, reducing to 4 per centum the interest rate on all special sale agreements and special homestead agreements made prior to the date of enactment of this Act, is hereby ratified.

Approved June 3, 1948.

[CHAPTER 386]

AN ACT

To amend section 20 (12) of the Interstate Commerce Act, with respect to recourse, by an initial or delivering carrier, against the carrier on whose line loss of, or damage or injury to, property is sustained, on account of expense incurred in defending actions at law.

June 3, 1948
[H. R. 3730]
[Public Law 583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (12) of section 20 of the Interstate Commerce Act, as amended, is hereby amended to read as follows:

Interstate Commerce Act, amendment.
34 Stat. 595.
49 U. S. C. § 20 (12).
Recovery by initial or delivering carrier.

"(12) That the common carrier, railroad, or transportation company issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of

such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action at law brought by the owners of such property."

Approved June 3, 1948.

[CHAPTER 387]

AN ACT

June 3, 1948
[H. R. 3954]
[Public Law 584]

To approve Act Numbered 74 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to revenue bonds of the Territory of Hawaii", and Act Numbered 95 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to Territorial and county public improvements and the financing thereof by the issuance of revenue bonds".

Hawaii.
Issuance of revenue bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act Numbered 74 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to revenue bonds of the Territory of Hawaii", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 12, 1947, and Act Numbered 95 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to Territorial and county public improvements and the financing thereof by the issuance of revenue bonds", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 13, 1947, are hereby confirmed and ratified: *Provided*, That nothing herein contained shall be deemed to prohibit the amendment of such Territorial legislation by the Legislature of the Territory of Hawaii from time to time, subject to the provisions of section 1 of the Act of Congress entitled "An Act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, or such other Act or Acts of Congress as may then govern the issuance of revenue bonds by the Territory of Hawaii and its political subdivisions, including without prejudice to the generality of the foregoing the amendment of said Act Numbered 95 of the Session Laws of 1947 of the Territory of Hawaii to provide for changes in the improvements authorized by said act or in the officers or entities authorized to make said improvements, or otherwise.

Amendments.

49 Stat. 516.
48 U. S. C. § 562d.

Approved June 3, 1948.

[CHAPTER 388]

AN ACT

June 3, 1948
[H. R. 4091]
[Public Law 585]

To ratify Act 237 of the Session Laws of Hawaii 1947.

Hawaii.
Water supply in District of Wahiawa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act 237 of the Session Laws of Hawaii 1947, providing for the development, storage, distribution, and supply of water in and near the District of Wahiawa, in the city and county of Honolulu, Territory of Hawaii, is hereby ratified. Nothing therein shall be deemed to approve, add to, alter, or extend any provision of any lease, license, or other instrument issued by the Commissioner of public lands of the Territory of Hawaii, or to confer any water right of, or in lands owned by, the United States of America or the Territory of Hawaii.

Approved June 3, 1948.

[CHAPTER 389]

AN ACT

June 3, 1948
[H. R. 4201]
[Public Law 586]

To authorize payments to the public school district or districts serving the Fort Peck project, Montana, for the education of dependents of persons engaged on that project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under regulations prescribed by the Secretary of the Army, payments may be made, in advance or otherwise, from any funds available for the Fort Peck project, Montana, to the school district or districts serving that project as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the construction, operation, and maintenance of the project and living at or near Fort Peck upon real property of the United States not subject to taxation by State or local agencies and upon which payments in lieu of taxes are not made by the United States, which payments for any school year shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils aforesaid in average daily attendance during that year bears to the whole number of pupils in average daily attendance at those schools during that year: *Provided*, That of the whole amount so paid in any fiscal year, the Bureau of Reclamation, Department of the Interior, shall reimburse the Secretary of the Army from the continuing fund provided in Section 10 of the Act of May 18, 1938 (52 Stat. 403), that part which is properly chargeable as an operation expense incident to the generation and transmission of power delivered to the Bureau under that Act.

Fort Peck project, Mont.
Payments to school districts.

Reimbursement to Secretary of Army.

16 U. S. C. § 833i.

Approved June 3, 1948.

[CHAPTER 390]

AN ACT

June 3, 1948
[H. R. 4393]
[Public Law 587]

To provide for the distribution, promotion, separation, and retirement of commissioned officers of the Coast and Geodetic Survey, and for other purposes.

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

SHORT TITLE

SECTION 1. That this Act may be cited as the "Coast and Geodetic Survey Commissioned Officers' Act of 1948".

Coast and Geodetic Survey Commissioned Officers' Act of 1948.

AUTHORIZED NUMBERS IN GRADES

SEC. 2. (a) Of the total authorized number of commissioned officers on the active list of the Coast and Geodetic Survey, there are authorized numbers in permanent grade, in relative rank with officers of the Navy, in the proportion of eight in the grade of captain, to fourteen in the grade of commander, to nineteen in the grade of lieutenant commander, to twenty-three in the grade of lieutenant, to eighteen in the grade of lieutenant (junior grade), to eighteen in the grade of ensign.

(b) Whenever a final fraction occurs in computing the authorized number of officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half the next higher whole number shall be taken: *Provided*, That the total number of officers as authorized by law shall not be increased as the result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly.

Fractions in computation.

(c) No officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

Vacancies.

(d) Nothing in this section shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades.

PROMOTION AND SEPARATION OF OFFICERS

SEC. 3. Promotion to fill vacancies in all permanent grades above that of lieutenant (junior grade) shall be made by selection from the next lower respective grades upon recommendation of the personnel board hereinafter provided for.

Lieutenant (jg) and lieutenant.

SEC. 4. Irrespective of any vacancies, each officer in the permanent grade of lieutenant (junior grade) and lieutenant shall be considered by the personnel board for promotion to the grade of lieutenant and lieutenant commander in sufficient time so that, if found fully qualified, such officer may be promoted to and appointed in such grade upon completion of seven and fourteen years of service, respectively. All promotions under this section shall be made on the date on which the required service is completed, and the authorized number of officers in the grade of lieutenant and lieutenant commander shall be temporarily increased, if necessary, to authorize such appointments: *Provided*, That an officer found not fully qualified in accordance with this section may be promoted on such later date on which he may be found fully qualified.

Nonqualified officer.

Lieutenant commander and commander.

SEC. 5. Irrespective of any vacancies, any officer in the permanent grade of lieutenant commander who has completed twenty-one years of service and any officer in the permanent grade of commander who has completed thirty years of service may be considered by the personnel board at any time for promotion to the grade of commander and captain, respectively. If selected, he may be promoted at any time and the authorized number of officers in the grade of commander and captain shall be temporarily increased, if necessary, to authorize such appointments.

Ensign.

SEC. 6. (a) Officers in the permanent grade of ensign shall be promoted to and appointed in the grade of lieutenant (junior grade) on completion of three years of service, and the authorized number of officers in the grade of lieutenant (junior grade) shall from time to time be temporarily increased as necessary to authorize such appointments.

Revocation of commission.

(b) Ensigns who are found not fully qualified at any time shall have their commissions revoked and be separated from the commissioned service.

Lineal list.

SEC. 7. Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer below him on the lineal list, except that an officer who has lost numbers shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

Retirement or separation.

SEC. 8. As recommended by the personnel board, officers in the permanent grade of captain, commander, and lieutenant commander may be transferred to the retired list and officers in the permanent grade of lieutenant and lieutenant (junior grade) may be separated from the service: *Provided*, That, in any fiscal year, the total number of officers selected for retirement and separation plus the number of officers retired for age shall not exceed the whole number nearest 4 per centum of the total authorized number of commissioned officers on the active list, except as otherwise provided by law: *Provided further*, That all retirements and separations pursuant to this section shall become effective on the first day of the sixth month following the

Limitation.

Date of retirement or separation.

date of approval of the retirement or separation by the Secretary of Commerce, unless the officer concerned requests earlier retirement or separation, in which case the date shall be as determined by the Secretary of Commerce.

Lump-sum payment.

SEC. 9. Any officer in the grade of lieutenant or lieutenant (junior grade) who is separated from the service in accordance with section 8 of this Act shall be paid a lump-sum payment computed on the basis of two months' active-duty pay with longevity credit at the time of separation for each year of service, but not to exceed a total of two years' active-duty pay with longevity credit: *Provided*, That for the purpose of this section a fractional year of six months or more shall be considered a full year in computing the number of years of service upon which to base such lump-sum payment.

Fractional year.

Senate approval.

SEC. 10. (a) Promotions to all permanent grades shall be made by the President, by and with the advice and consent of the Senate.

Suspension in time of war, etc.

(b) In time of emergency declared by the President or by the Congress, and in time of war, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to promotion.

SEC. 11. Nothing in this Act shall be construed to modify the provisions of existing law relating to examination of officers for promotion, and no officer shall be promoted until he shall have passed the prescribed examinations.

RETIREMENT OF OFFICERS

Officers ranking below rear admiral.

SEC. 12. (a) When any commissioned officer serving in a rank below that of rear admiral has attained the age of sixty years, he shall be placed on the retired list: *Provided*, That this subsection shall not become effective until a date six months subsequent to the enactment of this Act, and until such effective date the retirement age for officers serving in a rank below that of rear admiral shall be sixty-two years.

Officers ranking above captain.

(b) When any officer serving in a rank above that of captain has attained the age of sixty-two years, he shall be placed on the retired list: *Provided*, That the President may, in his discretion, defer placing any such officer on the retired list for the length of time he deems advisable but not later than the date upon which such officer attains the age of sixty-four years.

Voluntary retirement.

SEC. 13. When any commissioned officer has completed thirty years of service, he may at any time thereafter, upon his own application, in the discretion of the President, be placed on the retired list.

Service-incurred disability.

SEC. 14. When any commissioned officer is found incapacitated for active service and his incapacity is the result of disease or injury incurred in line of duty, he shall, upon approval of the President, be placed on the retired list.

Computation of service.

SEC. 15. In computing service for the purpose of retirement of a commissioned officer, there shall be included, in addition to active commissioned service in the Coast and Geodetic Survey, all active service counted on June 30, 1922, for longevity pay, service as authorized in section 2 (b) of the Act of January 19, 1942 (56 Stat. 6), and all service in the Army, Navy, Air Force, Marine Corps, and Coast Guard which is now or hereafter may be authorized by law to be counted for the purpose of retirement of an officer of those services.

33 U. S. C. § 854a (b).
Post, p. 300.

Retired pay.

SEC. 16. (a) Each commissioned officer on the retired list, except as provided in subsection (b) of this section or in some other provision of law, shall receive retired pay at the rate of 2½ per centum of the active-duty pay with longevity credit of the rank with which retired, multiplied by the number of years of service for which entitled to credit in the computation of his pay while on active duty, not to exceed a total of 75 per centum of said active-duty pay with longevity credit:

Fractional year.

Provided, That a fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ per centum is multiplied.

Disability retirement pay.

(b) Each commissioned officer retired for physical disability incurred in line of duty shall receive retired pay at the rate of 75 per centum of the active-duty pay with longevity credit of the rank with which retired.

Rank on retired list.

SEC. 17. (a) Each commissioned officer heretofore or hereafter retired pursuant to any provision of law shall be placed on the retired list with the highest rank, permanent or temporary, held by him while on active duty, if his performance of duty, in the case of temporary rank, has been satisfactory as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and shall receive retired pay based on such higher rank: *Provided*, That for the purposes of this section the words "temporary rank" shall mean temporary rank held prior to June 30, 1946.

"Temporary rank."

(b) Officers on the retired list returned to an inactive status with higher rank pursuant to subsection (a) of this section shall receive retired pay based on such higher rank.

SEC. 18. Nothing in this Act shall prevent any officer from being placed on the retired list with the highest rank and with the highest retired pay to which he might be entitled under other provision of law.

PERSONNEL BOARD

SEC. 19. At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint a personnel board consisting of not less than five officers not below the permanent rank of commander on the active list, to recommend such changes in the lineal list as the board may determine, and to make selections and recommendations for the promotion, separation, and retirement of officers as herein prescribed: *Provided*, That in case any recommendation by the board is not acceptable to the Secretary of Commerce or to the President, the board shall make such further recommendations as shall be acceptable.

AMENDMENTS TO AND REPEAL OF APPOINTMENT, PROMOTION, AND RETIREMENT LAWS

SEC. 20. (a) Section 5 of the Act of February 16, 1929 (45 Stat. 1186), as amended by the Act of March 18, 1936 (ch. 147, 49 Stat. 1164), is hereby further amended by deleting the word "not" in the third line.

33 U. S. C. § 852a.

56 Stat. 8.
33 U. S. C. § 852b.

(b) Section 8 of the Act of January 19, 1942 (59 Stat. 8), is hereby amended by deleting the word "not" in the fourth line, by changing the period at the end of the section to a colon, and by adding the words "*Provided further*, That any officer, upon expiration of his appointment as Director or Assistant Director, shall, unless reappointed, revert to the grade and number that he would have occupied had he not served as Director or Assistant Director. Such officer shall be an extra number in his grade and the authorized number of ensigns shall be decreased accordingly."

Director or Assistant Director.

Repeal.

56 Stat. 6.
33 U. S. C. §§ 851a, 854a, 854b, 854c, 864b, 864c.

SEC. 21. (a) Sections 1, 2 (except the second proviso of section 2 (b)), 3, 4, 5, and 6 of the Act of January 19, 1942 (59 Stat. 8), are hereby repealed.

56 Stat. 8.
33 U. S. C. § 864d.

(b) The word "physicial" in the first line of section 7 of the said Act of January 19, 1942, is hereby amended to read "physical".

Approved June 3, 1948.

[CHAPTER 391]

AN ACT

To provide for the conveyance of certain land to the State of Oklahoma for the use and benefit of the Northeastern State College at Tahlequah, Oklahoma.

June 3, 1948
[H. R. 4512]
[Public Law 588]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to grant and convey, for and in consideration of $1, to the State of Oklahoma for the use and benefit of the Northeastern State College, Tahlequah, Oklahoma, all the right, title, and interest of the United States in and to certain land in Tahlequah, Oklahoma, more particularly described as follows:

Northeastern State College, Tahlequah, Okla.
Conveyance.

The south two and one-half acres of the north fifteen and forty-five one hundredths acres of Seminary Park, less twenty-five feet on the east side and twenty-five feet on the north side of such fifteen and forty-five one hundredths acres, reserved for road purposes according to the official plat of the city of Tahlequah, Oklahoma, approved by the Secretary of the Interior on March 4, 1904.

Approved June 3, 1948.

[CHAPTER 392]

AN ACT

To eliminate the requirement of oaths in certain land matters, and for other purposes.

June 3, 1948
[H. R. 4513]
[Public Law 589]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That written statement in public land matters within the jurisdiction of the Department of the Interior, heretofore required by law to be made under oath, need no longer be made under oath unless the Secretary of the Interior shall, in his discretion, so require.

Oaths in public land matters.

SEC. 2. Unsworn written statements made in public land matters within the jurisdiction of the Department of the Interior shall remain subject to section 35 (A) of the Criminal Code (35 Stat. 1095, 18 U. S. C. sec. 80), as amended.

Unsworn written statements.

Post, p. 863.

SEC. 3. That part of section 558 of the Act of March 3, 1901, entitled "An Act to establish a code of law for the District of Columbia" (31 Stat. 1279), as amended December 15, 1944 (58 Stat. 810, D. C. Code, 1940 edition, Supp. IV, sec. 1–501), which reads as follows: "*And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney or agent or in which he may be in any way interested before any of the Departments aforesaid" shall not apply to matters before the Department of the Interior.

D. C. Code, Supp. VI, § 1–501.
Exception.

Approved June 3, 1948.

[CHAPTER 393]

AN ACT

To provide for the addition of certain surplus Government lands to the Cape Hatteras National Seashore Recreational Area project, and for other purposes.

June 3, 1948
[H. R. 4551]
[Public Law 590]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of surplus Federal property, comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, and designated as "Surplus Real Property No. WH–NC–29, Kitty Hawk, North Carolina," which is now

Cape Hatteras National Seashore Recreational Area project.

subject to disposition by the War Assets Administration, is hereby transferred, without exchange of funds, to the administrative jurisdiction of the National Park Service of the Department of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area project, authorized by the Act of August 17, 1937, as amended (50 Stat. 669; 16 U. S. C., secs. 459–459a–3), and shall be subject to all laws applicable thereto.

Approved June 3, 1948.

[CHAPTER 394]

AN ACT

June 3, 1948
[H. R. 4804]
[Public Law 591]

To allow service credit for certain enlisted men of the Coast Guard who acted as policemen and guards at the Ivigtut Cryolite Mine, Greenland, during 1940 and 1941.

Coast Guard.
Guards, etc., at Ivigtut Cryolite Mine, Greenland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those enlisted men of the Coast Guard who, during 1940 and 1941, were discharged from the Coast Guard to accept employment as policemen and guards at the Ivigtut Cryolite Mine, Greenland, and who reenlisted in the Coast Guard within three months after the termination of their service as such policemen and guards, shall be credited with the time between discharge and reenlistment for purposes of longevity pay and retirement, but no increased retroactive pay shall accrue by reason of the enactment of this Act.

Approved June 3, 1948.

[CHAPTER 395]

AN ACT

June 3, 1948
[H. R. 4817]
[Public Law 592]

To amend the Act of July 23, 1947 (61 Stat. 409) (Public Law Numbered 219 of the Eightieth Congress).

Coast Guard.
Appointment of officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act of July 23, 1947 (61 Stat. 409), is hereby amended to read as follows:

34 U. S. C. §§ 350–350j; Supp. I, §§ 350–350j.

"SEC. 16. All Acts or parts of Acts inconsistent with this Act are hereby repealed; but the Act of July 24, 1941, as amended (55 Stat. 603), shall continue to have application to the Coast Guard until such time as the Secretary of the Treasury shall determine that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 per centum of the number of such officers authorized by law, exclusive of extra numbers, or on January 1, 1957, whichever shall occur earlier."

Approved June 3, 1948.

[CHAPTER 396]

AN ACT

June 3, 1948
[H. R. 5122]
[Public Law 593]

To amend section 9 of the Act of August 24, 1912 (37 Stat. 512).

Alaska.
48 U. S. C. §§ 77–79.
Taxation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso of section 9 of the Act of August 24, 1912 (37 Stat. 512, 515), be amended to read as follows: "*Provided*, That all authorized indebtedness shall be paid in the order of its creation; all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the true and

full value thereof, except that unpatented mining claims and non-producing patented mining claims, which are also unimproved, may be valued at the price paid the United States therefor, or at a flat rate fixed by the legislature, but if the surface ground is used for other than mining purposes, and has a separate and independent value for such other purposes, or if there are improvements or machinery or other property thereon of such a character as to be deemed a part of the realty, then the same shall be taxed according to the true and full value thereof. No tax shall be levied for Territorial purposes in excess of 2 per centum upon the assessed valuation of the property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 3 per centum of the assessed valuation of property within the town in any one year".

Approved June 3, 1948.

[CHAPTER 397]

AN ACT

June 3, 1948
[H. R. 5173]
[Public Law 594]

To amend section 203 of the Hawaiian Homes Commission Act, designating certain public lands as available home lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of title II of the Hawaiian Homes Commission Act of July 9, 1921 (42 Stat. 109; 48 U. S. C. 697), as amended, designating certain public lands as available home lands, is further amended by adding thereto the following paragraph:

Hawaiian Homes Commission Act, amendment.
Ante, p. 295.

"Cultivated sugarcane lands: That parcel of Anahola, Island of Kauai, comprising four hundred and one and four hundred and twenty-three one-thousandths acres, hereinafter described and being portion of the land covered by general lease numbered 2724 to the Lihue Plantation Company, Limited, notwithstanding the fact that said parcel is cultivated sugarcane land, subject however, to the terms of said lease, said parcel being more particularly described as follows:

"Being a portion of land described in general lease numbered 2724 to the Lihue Plantation Company situate in the district of Anahola, Kauai, Territory of Hawaii, beginning at the northwest corner of this parcel of land, the coordinates of which referred to government triangulation station south base are three thousand and forty-nine and sixty-two one-hundredths feet south, one thousand nine hundred and thirty-two and twenty-five one-hundredths feet west, and running thence by azimuths measured clockwise from true south two hundred and eighty-four degrees thirty minutes two hundred and fifty feet, thence on the arc of circular curve to the left, with a radius of eight hundred and ninety feet and a central angle of thirty-five degrees fifteen minutes, the direct azimuth and distance being two hundred and sixty-six degrees fifty-two minutes thirty seconds five hundred and thirty-eight and ninety-six one-hundredths feet, thence two hundred and forty-nine degrees fifteen minutes one thousand eight hundred and nine and twenty-five one-hundredths feet, thence two hundred and twenty-four degrees fifteen minutes three thousand and fifty-six feet, thence one hundred and thirty-four degrees fifteen minutes two hundred and seven feet, to the seashore at Anahola Bay, thence along the seashore around Kahala Point, the direct azimuth and distance being two hundred and thirty-seven degrees six minutes seven seconds one thousand and sixty and fourteen one-hundredths feet, thence along the seashore, the direct azimuth and distance being three hundred and thirty-two degrees no minutes one thousand eight hundred and twenty-seven feet, thence along the seashore, the direct azimuth and distance being three hundred

and fifty-five degrees no minutes one thousand eight hundred and twenty-seven feet, thence eighty-seven degrees twenty minutes seven hundred and forty feet, thence fifty-nine degrees no minutes two thousand seven hundred and fifteen feet, thence sixty-nine degrees fifteen minutes one thousand eight hundred and eighty-seven and thirty-six one-hundredths feet, thence on the arc of a circular curve to the right with a radius of three thousand and twelve feet, and a central angle of thirty-five degrees fifteen minutes the direct azimuth and distance being eighty-six degrees fifty-two minutes thirty seconds one thousand eight hundred and twenty-three and ninety-eight one-hundredths feet, thence one hundred and four degrees thirty minutes two hundred and fifty feet, thence one hundred and ninety-four degrees thirty minutes one thousand and thirty-one feet, thence on the arc of a circular curve to the left with a radius of six hundred and seven and ninety-five one-hundredths feet and a central angle of fifty-three degrees three minutes thirty seconds the direct azimuth and distance being seventy-seven degrees fifty-eight minutes fifteen seconds five hundred and forty-three and nine one-hundredths feet to the government road, thence two hundred and thirty-one degrees twenty-six minutes thirty seconds one hundred and thirteen and sixty-one one-hundredths feet along the government road, thence along the government road on the arc of a circular curve to the left with a radius of four hundred and seventy-seven feet and a central angle of forty-four degrees twenty-six minutes thirty seconds, the direct azimuth and distance being two hundred and nine degrees thirteen minutes fifteen seconds three hundred and sixty and seventy-eight one-hundredths feet, thence one hundred and eighty-seven degrees no minutes one hundred and sixty-nine and fifty-four one-hundredths feet along the government road, thence on the arc of a circular curve to the left with a radius of three hundred and fifty-one and eight one-hundredths feet and a central angle of eighty-two degrees thirty minutes the direct azimuth and distance being three hundred and twenty-five degrees forty-five minutes four hundred and sixty-two and ninety-seven one-hundredths feet, thence one hundred and ninety-four degrees thirty minutes five hundred and seventy-nine feet, thence one hundred and four degrees thirty minutes three hundred feet, thence one hundred and ninety-four degrees thirty minutes two hundred feet, thence two hundred and eighty-four degrees thirty minutes three hundred feet, thence one hundred and ninety-four degrees thirty minutes two hundred and fifty-two feet to the point of beginning containing an area of four hundred and one and four hundred and twenty-three one-thousandths acres more or less."

Approved June 3, 1948.

[CHAPTER 398]

AN ACT

June 3, 1948
[H. R. 5175]
[Public Law 595]

To confirm and ratify Act 205 of the session laws of 1947 of the Territory of Hawaii, relating to the issuance of public-improvement bonds.

Hawaii.
Public-improvement bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That act numbered 205 of the session laws of 1947 of the Territory of Hawaii entitled "An Act making appropriations for public improvements and providing for the issuance of public-improvement bonds", to the extent approved by the Governor of the Territory of Hawaii on May 20, 1947, is hereby confirmed and ratified, subject to the provisions of the Act of Congress approved July 15, 1947 (Public Law 190, Eighteenth Congress, first session), any provision of the Hawaiian Organic Act

61 Stat. 326.
48 U. S. C., Supp. I, § 562l.
31 Stat. 141.
48 U. S. C. § 493 note.

or any other Act of Congress to the contrary notwithstanding: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of said act of said Territory by the legislature thereof from time to time to provide for changes in the improvements authorized by said act or for the disposition of unexpended moneys appropriated by said act, subject, however, to the provisions of the Act of Congress approved July 15, 1947 (Public Law 190, Eightieth Congress, first session), or such other Act or Acts of Congress as may then govern the issuance of public improvement bonds by the Territory of Hawaii.

Amendment of Act.

61 Stat. 326.
48 U. S. C., Supp. I, § 562*l*.

Approved June 3, 1948.

[CHAPTER 399]

AN ACT

To amend an Act entitled "An Act to allow credit in connection with certain homestead entries for military or naval service rendered during World War II."

June 3, 1948
[H. R. 5244]
[Public Law 596]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 27, 1944, as amended (58 Stat. 747; 43 U. S. C. 279, and the following), is hereby amended by renumbering section 5 to read "Section 6", and by adding the following:

Veterans of World War II.
Homestead entries.
43 U. S. C., Supp. I, § 279 *et seq.*

"SEC. 5. As used in this Act, the term "homestead" includes land hereafter disposed of under the Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461): *Provided*, That nothing in this section shall be construed to extend any cultivation requirements to lands disposed of under the Act of May 26, 1934. As used in this Act, the words 'equitable claims subject to allowance and confirmation' include claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands."

Approved June 3, 1948.

[CHAPTER 400]

AN ACT

Making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1949, and for other purposes.

June 3, 1948
[H. R. 5607]
[Public Law 597]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1949, namely:

Departments of State, Justice, Commerce, and the Judiciary Appropriation Act, 1949.

TITLE I—DEPARTMENT OF STATE

Department of State Appropriation Act, 1949.

DEPARTMENT SERVICE

Salaries and expenses, Department of State: For necessary expenses, including personal services in the District of Columbia; salary of the Under Secretary of State, $12,000; salaries of the secretariat for the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by the Act of July 30, 1946 (22 U. S. C. 287o); health service program as authorized by law (5 U. S. C. 150); not to exceed $26,000 for expenses of attendance at meetings concerned with the work of the Department of State; purchase of uniforms for chauffeurs; hire of passenger motor vehicles and purchase of nine (of which seven, including one at not to exceed $3,000, shall be for

60 Stat. 713.
60 Stat. 903.

replacement only); and dues for library membership in societies or associations which issue publications to members only, or at a price to members lower than to subscribers who are not members; newspapers (not to exceed $15,000); rental of tie lines and teletype equipment; stenographic reporting and translating services by contract and services for the analysis and tabulation of technical information and the preparation of special maps, globes, and geographic aids by contract, all without regard to section 3709 of the Revised Statutes, as amended; expenses as authorized by title VII (except section 705), of the Foreign Service Act of 1946; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); refund of fees erroneously charged and paid for the issue of passports as authorized by law (22 U. S. C. 214a); not to exceed $43,000 for deposit in the Treasury for penalty mail of the Department of State (39 U. S. C. 321d); the examination of estimates of appropriations in the field; and maintenance and operation of passport and despatch agencies established by the Secretary of State; $20,000,000, of which $1,000 is for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921): *Provided*, That not to exceed $3,000 of this appropriation may be expended for necessary expenses, except personal services, in carrying out the provisions of section 4 of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, as amended (19 U. S. C. 1354).

Rental of tie lines and teletype equipment.

41 U. S. C. § 5.

60 Stat. 1018.
22 U. S. C. §§ 1041–1047.

60 Stat. 810.

Refund of certain passport fees.

44 Stat. 887.

58 Stat. 394.
Post, p. 1049.

60 Stat. 843.
Post, p. 1008.

48 Stat. 945.
Post, p. 1054.

Printing and binding, Department of State: For printing and binding in the Department of State except as otherwise provided for, $569,000.

Collecting and editing official papers of Territories of the United States: For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia, printing and binding, and traveling expenses, as provided by the Act of July 31, 1945 (5 U. S. C. 168d), $30,000.

59 Stat. 510.
5 U. S. C., Supp. I, § 168d note.

North Atlantic fisheries: For necessary expenses of surveys, discussions, and other activities incident to the participation of the United States in an international agreement relating to conservation of the North Atlantic fisheries, including personal services in the District of Columbia; temporary employment of persons without regard to civil-service laws and the Classification Act of 1923, as amended; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and attendance at meetings of organizations concerned with the furtherance of the purpose hereof, $25,000.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

60 Stat. 810.

FOREIGN SERVICE

Salaries and expenses, Foreign Service: For necessary expenses of the Foreign Service, except as otherwise provided for, including those authorized by the Foreign Service Act of 1946 (22 U. S. C. 801–1158), except title VII, sections 701, 702, 703, 704, 706, 707, title VIII, and section 901 of title IX; repairs, alterations, preservation, and maintenance of Government-owned and leased diplomatic and consular properties in foreign countries, including minor construction on Government-owned properties, without regard to section 3709 of the Revised Statutes, as amended (41 U. S. C. 5); ice and drinking water for office purposes; the hire of passenger motor vehicles, and purchase of twenty-three, including two for chiefs of missions at not to exceed $3,000 each; maintenance, operation, and repair of airplanes; maintenance, operation, repair, and rental of motorboats and launches for use at posts where determined to be necessary by the Secretary of State; insurance of official motor vehicles in foreign countries when

Post, p. 1046.

60 Stat. 999.

22 U. S. C. §§ 1041–1047, 1061–1116, 1131.

required by law of such countries; excise taxes on negotiable instruments; purchase of uniforms; health service program as authorized by law (5 U. S. C. 150); purchase of household furniture and furnishings for Government-owned, rented, or leased buildings, except as provided by the Act of May 7, 1926, as amended (22 U. S. C. 292–299), and the acquisition, by purchase or otherwise, of household equipment for the purpose set forth in section 912 of said Foreign Service Act of 1946, all without regard to section 3709 of the Revised Statutes, as amended; loss by exchange; radio broadcasting; payment in advance for subscriptions to commercial information, telephone and similar services, including telephone service in residences as authorized by the Act of April 30, 1940 (31 U. S. C. 679); burial expenses and expenses in connection with last illness and death of certain native employees, as authorized by the Act of July 15, 1939 (5 U. S. C. 118f); for relief, protection, and burial of American seamen, and alien seamen as authorized by the Act of March 24, 1943 (57 Stat. 45), in foreign countries and in Territories and insular possessions of the United States, and for expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad; for expenses of maintaining in Egypt, Ethiopia, Morocco, and Muscat, institutions for incarcerating American convicts and persons declared insane by any consular court, rent of quarters for prisons, ice and drinking water for prison purposes, and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane; for every expenditure requisite for or incident to the bringing home from foreign countries of persons charged with crime, as authorized by section 5275 of the Revised Statutes (18 U. S. C. 659); and the operation and maintenance of commissary and mess service (not to exceed $200,000), without regard to section 3709 of the Revised Statutes, as amended; $43,750,000: *Provided*, That the Secretary of State may lease or rent, for periods not exceeding ten years, offices, buildings, grounds, and living quarters for the use of the Foreign Service, which rental payments may be made in advance, and may furnish heat, fuel, light, gas, and electricity for Government-owned, leased, or rented offices, buildings, grounds, and living quarters, all without regard to section 3709 of the Revised Statutes, as amended: *Provided further*, That pursuant to section 8 of the Act of August 2, 1946 (Public Law 600), automobiles in possession of the Foreign Service abroad may be exchanged or sold and the exchange allowances or proceeds of such sales applied to replacement of an equal number of passenger vehicles and the cost, including the exchange allowance, of each such replacement shall not exceed $3,000 in the case of the chief of mission automobile at each diplomatic mission and $1,400 in the case of all other passenger vehicles except station wagons, and such replacements shall not be charged against the numerical limitation hereinbefore set forth.

60 Stat. 903.

44 Stat. 403.

60 Stat. 1027.
22 U. S. C. § 1137.
41 U. S. C. § 5.
Radio broadcasting.

54 Stat. 175.

53 Stat. 1043.

Relief, etc., of American seamen.
50 U. S. C. app. § 1291 *et seq.*

Consular prisons, etc.

Bringing home persons charged with crime.

Post, p. 862.

41 U. S. C. § 5.

Advance payment of rent.
Leases.

41 U. S. C. § 5.

60 Stat. 808.
5 U. S. C. § 118d-1.
Automobiles.

Living and quarters allowances, Foreign Service: To provide for allowances as authorized by section 901 (1) and (2) of the Foreign Service Act of 1946 (22 U. S. C. 1131), $7,150,000.

Post, p. 1046.

60 Stat. 1025.

Representation allowances, Foreign Service: For representation allowances as authorized by section 901 (3) of the Foreign Service Act of 1946 (22 U. S. C. 1131), $650,000.

60 Stat. 1026.

Foreign Service retirement and disability fund: For financing the liability of the United States, created by the Foreign Service Act of 1946 (22 U. S. C. 1061–1116), $2,150,000, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund."

60 Stat. 1019.

Printing and binding, Foreign Service: For printing and binding for the Foreign Service, except as otherwise provided for, $170,000:

Provided, That printing and binding outside continental United States may be without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111).

40 Stat. 1270.

Foreign Service buildings fund: For carrying into effect the Act of July 25, 1946 (22 U. S. C. 295b), including the initial alterations, repair, and furnishing of buildings acquired under said Act, $35,000,000, which is exclusively for expenditure under the provisions of said Act which relate to payments representing the value of foreign property or credits.

60 Stat. 663.

Emergencies arising in the Diplomatic and Consular Service: For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), including personal services in the District of Columbia, $9,750,000: *Provided*, That the Secretary of State may delegate to subordinate officials the authority vested in him by section 291 of the Revised Statutes pertaining to certification of expenditures.

Delegation of authority.

31 U. S. C. § 107.

INTERNATIONAL ACTIVITIES

United States participation in international organizations: For expenses necessary for United States participation in international organizations, including payment of the annual contributions, quotas, and assessments, and costs of permanent United States representation to such organizations, in not to exceed the respective amounts as follows:

Post, pp. 1046, 1058.

American International Institute for the Protection of Childhood (22 U. S. C. 269b), $2,000;

45 Stat. 487.

Bureau of the International Telecommunications Union, Radio Section (49 Stat. 2391, 54 Stat. 1417), $6,100;

Bureau of Interparliamentary Union for Promotion of International Arbitration (22 U. S. C. 276, 276a; Public Law 409, approved February 6, 1948), $30,000, of which $15,000 or so much thereof as may be necessary, to assist in meeting the expenses of the American group, shall be disbursed on vouchers to be approved by the President and the executive secretary of the American group;

49 Stat. 425.

Ante, p. 19.

Cape Spartel and Tangier Light, Coast of Morocco (14 Stat. 679), $1,200;

Ante, p. 65.

Caribbean Commission (Public Law 431, approved March 4, 1948), $135,000;

46 Stat. 825.

Central Bureau of the International Map of the World on the Millionth Scale (22 U. S. C. 269a), $50;

59 Stat. 529.

Food and Agriculture Organization of the United Nations (22 U. S. C. 279–279d), $1,250,000;

45 Stat. 491; 58 Stat. 402.

Gorgas Memorial Laboratory (22 U. S. C. 278, 278a, 278b), $50,000;

Post, pp. 1046, 1213.

Inter-American Coffee Board (55 Stat. 1158, 1160), $8,000;

Inter-American Indian Institute (56 Stat. 1303), $4,800;

Inter-American Institute of Agricultural Sciences (58 Stat. 1169), $145,397;

Inter-American Radio Office (53 Stat. 1576), or its successor, $6,720;

56 Stat. 20.

Inter-American Statistical Institute (22 U. S. C. 269d), $29,080;

International Bureau of the Permanent Court of Arbitration (32 Stat. 1779, 36 Stat. 2199), $1,723;

International Bureau for the Protection of Industrial Property (53 Stat. 1748), $1,820;

International Bureau for Publication of Customs Tariffs (26 Stat. 1520), $2,233;

International Bureau of Weights and Measures (20 Stat. 714, 43 Stat. 1687), $8,314;

International Council of Scientific Unions and Associated Unions (22 U. S. C. 274), $6,993; 49 Stat. 540.

International Hydrographic Bureau (22 U. S. C. 275), $9,147; 41 Stat. 1215.

International Labor Organization (22 U. S. C. 271), $1,091,739; 48 Stat. 1182.

International Office of Public Health (35 Stat. 2061), $2,553; *Post*, p. 1151.

International Penal and Penitentiary Commission (22 U. S. C. 263), $4,837; 37 Stat. 692.

International Statistical Bureau at The Hague (22 U. S. C. 269c), $2,500; 43 Stat. 112.

Pan-American Institute of Geography and History (22 U. S. C. 273), $10,000; 49 Stat. 512.

Pan-American Sanitary Bureau (44 Stat. 2041), $145,397;

Pan-American Union (treaty of February 20, 1928; 22 U. S. C. 264; 44 U. S. C. 282), $1,536,352; 36 Stat. 1032.

Payment to the Government of Panama (33 Stat. 2238, 53 Stat. 1818), $430,000;

South Pacific Commission (Public Law 403, approved January 28, 1948), $20,000; *Ante*, p. 15.

United Nations (22 U. S. C. 287–287e), $15,146,032 of which amount $13,841,032 shall be available for contribution; 59 Stat. 619. 22 U. S. C., Supp. I, § 287 note.

United Nations Educational, Scientific, and Cultural Organization (22 U. S. C. 287m–287t), $3,772,775 of which amount $3,637,545 shall be available for contribution; 60 Stat. 712.

International Civil Aviation Organization (Convention ratified by the Senate July 25, 1946), $680,500 of which amount $600,000 shall be available for contribution; *Post*, p. 1047. 61 Stat., Pt. 2, p. 1180.

In all, $24,541,262, together with such additional sums due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay, in foreign currencies, the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation: *Provided*, That, without regard to section 3709 of the Revised Statutes, as amended, amounts for United States representation in United Nations, United Nations Educational, Scientific, and Cultural Organization, and International Civil Aviation Organization shall be available for expenses pursuant to the provisions of the pertinent Acts and Conventions authorizing such representation, including attendance at meetings of societies or associations concerned with the work of the organizations; hire of passenger motor vehicles; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); and purchase of uniforms for guards and chauffeurs: *Provided further*, That the provisions of section 7 of the United Nations Participation Act of 1945, and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to the obligation and expenditure of funds in connection with the United States participation in the International Civil Aviation Organization: *Provided further*, That the Department of State, when requested by the United Nations, is authorized to acquire surplus property for the United Nations in accordance with the provisions of the Surplus Property Act of 1944 (58 Stat. 765–784), as amended, with funds hereby appropriated for the United States contribution to the United Nations, and such contribution shall be reduced by the value of the surplus property and necessary expenses, including transportation costs, incidental to the acquisition thereof: *Provided further*, That the amount for United States representation in United Nations shall be available for the furnishing of living quarters for the use of the Representative of the United States at the seat of the United Nations and this shall be accomplished by utilizing the authority contained in the first proviso of the appropriation

41 U. S. C. § 5.

40 Stat. 1270.

59 Stat. 621. 22 U. S. C. § 287e.

Acquisition of surplus property.

50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.* *Post*, pp. 350, 1103.

Living quarters for U. S. representative.

"Salaries and expenses, Foreign Service", in the Department of State Appropriation Act, 1949, with respect to the furnishing of living quarters for the use of the Foreign Service; and for making allotments to the United States Mission to the United Nations to defray the unusual expenses incident to the maintenance of an official residence for the United States Representative to the United Nations in the same manner that such allotments are authorized to Foreign Service Posts by section 902 of the Foreign Service Act of 1946 (22 U. S. C. 1132).

Ante, p. 306.

60 Stat. 1026.

International contingencies: For necessary expenses, without regard to section 3709 of the Revised Statutes, as amended, of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services in the District of Columbia or elsewhere without regard to civil-service and classification laws; employment of aliens; travel expenses without regard to the Standardized Government Travel Regulations and without regard to the rates of per diem allowances in lieu of subsistence expenses under the Subsistence Expense Act of 1926, as amended; transportation of families and effects under such regulations as the Secretary of State may prescribe; stenographic and other services; rent of quarters by contract or otherwise; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); $3,600,000, of which not to exceed a total of $100,000 may be expended for representation allowances as authorized by section 901 (3) of the Act of August 13, 1946 (22 U. S. C. 1131) and for entertainment.

41 U. S. C. § 5.

44 Stat. 688.
5 U. S. C. § 821.

40 Stat. 1270.

60 Stat. 1026.

Post, p. 1047.

International Boundary and Water Commission, United States and Mexico: For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, and 1944 between the United States and Mexico, and to comply with the Act approved August 19, 1935, as amended (22 U. S. C. 277–277d), including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, boundary fence, and sanitation projects; examinations, preliminary surveys, and investigations; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); and Rio Grande emergency flood protection; construction and operation of gaging stations; purchase of map-reproduction machines and other equipment and machinery; personal services in the District of Columbia; services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $100 per diem; travel expenses, including, in the discretion of the Commissioner, expenses (not to exceed $500) of attendance at meetings of organizations concerned with the activities of the International Boundary and Water Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; printing and binding; purchase of nine (four for replacement only) passenger motor vehicles; hire, with or without personal services, of work animals, and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts and certificates of title; purchase of ice and drinking water; inspection of equipment, supplies, and materials by contract; drilling and testing of foundations and dam sites, by contract if deemed necessary, purchase of planographs and lithographs, and leasing of private property to

24 Stat. 1011; 26 Stat. 1512; 35 Stat. 1863; 34 Stat. 2953; 48 Stat. 1621; 59 Stat. 1219.
49 Stat. 660.

60 Stat. 810.

Leasing of private property.

remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U. S. C. 5); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), and the Act of August 27, 1935, as amended (22 U. S. C. 277e); as follows:

60 Stat. 843.
Post, p. 1008.
49 Stat. 906.

Salaries and expenses: For salaries and expenses, regular boundary activities, including examinations, preliminary surveys, and investigations, $980,000.

Construction: For detail plan preparation and construction of projects authorized by the Convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U. S. C. 277–277d), August 29, 1935 (Public Law 392), June 4, 1936 (Public Law 648), June 28, 1941 (22 U. S. C. 277f), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, $1,500,000, to be immediately available, and to remain available until expended: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That expenditures for the Rio Grande bank-protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (Public Law 40): *Provided further*, That unexpended balances of appropriations for construction under the International Boundary and Water Commission available for the fiscal year 1948 shall be merged with this appropriation and shall continue available until expended.

48 Stat. 1621.
49 Stat. 660, 961, 1463.
55 Stat. 338.
59 Stat. 1219.
Lower Rio Grande flood-control project.
59 Stat. 89
International Boundary and Water Commission.

Rio Grande emergency flood protection: For emergency flood-control work, including protection, reconstruction, and repair of all structures under the jurisdiction of the International Boundary and Water Commission, United States and Mexico, threatened or damaged by floodwaters of the Rio Grande, which have heretofore been authorized and erected under the provisions of treaties between the United States and Mexico, or in pursuance of Federal laws authorizing improvements on the Rio Grande, $100, to be immediately available, to be merged with the unobligated balance of the appropriation for this purpose in the Department of State Appropriation Act, 1948, and to remain available until expended.

61 Stat. 285.

Salaries and expenses, American sections, international commissions: For necessary expenses to enable the President to perform the obligations of the United States under certain treaties between the United States and Great Britain in respect to Canada, including personal services in the District of Columbia; stenographic reporting services by contract; printing and binding; and hire of passenger motor vehicles; as follows: For the International Joint Commission, United States and Canada, under the terms of the treaty between the United States and Great Britain signed January 11, 1909 (36 Stat. 2448), including the salary of one Commissioner on the part of the United States who shall serve at the pleasure of the President (the other Commissioners to serve in that capacity without compensation therefore); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary, $37,560; for special and technical investigations in connection with matters falling within

Post, p. 1047.
International Joint Commission, U. S. and Canada.

the jurisdiction of the International Joint Commission, United States and Canada, including the purchase for replacement only of two passenger automobiles; and the Secretary of State is authorized to transfer to any department or independent establishment of the Government with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes set forth in this clause, $124,487; for the International Boundary Commission, United States and Canada and Alaska, under the terms of the treaty between the United States and Great Britain in respect to Canada, signed February 24, 1925 (44 Stat. 2102), including the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty not to exceed $4 per day each, but not to exceed $3 per day each when a member of a field party and subsisting in camp; hire of freight and passenger motor vehicles from temporary field employees; and for payment for timber necessarily cut in keeping the boundary line clear, $58,853; for the share of the United States of the expenses of the International Fisheries Commission under the convention between the United States and Canada, concluded January 29, 1937 (50 Stat. 1351), $31,500; for the share of the United States of the expenses of the International Pacific Salmon Fisheries Commission, under the convention between the United States and Canada, concluded May 26, 1930 (50 Stat. 1355), $103,100, in all, $355,500, to be disbursed under the direction of the Secretary of State: *Provided*, That sums appropriated for the United States share of the expenses of the International Fisheries Commission and of the International Pacific Salmon Fisheries Commission may, except for the expenses of the members, be advanced to the respective Commissions for the expenses of said Commissions.

Transfer of funds.

International Boundary Commission, U. S. and Canada and Alaska.

International Fisheries Commission.

International Pacific Salmon Fisheries Commission.

Advance of funds.

Ante, p. 226.

International information and educational activities: For expenses necessary to enable the Department of State to carry out international information and educational activities as authorized by the United States Information and Educational Exchange Act of 1948 (Public Law 402, approved January 27, 1948), and to administer the program authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. app. 1641 (b)), including personal services in the District of Columbia; employment, without regard to the civil-service and classification laws, of persons on a temporary basis (not to exceed $50,000) and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946 (22 U. S. C. 801–1158), except title VII and title VIII; expenses of attendance at meetings concerned with activities provided for under this appropriation (not to exceed $6,000); printing and binding; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration and script-writing, by contract or otherwise, acquisition of printed materials, purchase of objects for presentation to foreign governments, schools, or organizations, and information and educational activities outside the continental United States, all without regard to section 3709 of the Revised Statutes; $27,000,000, of which not to exceed $2,500,000 may be transferred to other appropriations of the Department of State: *Provided*, That, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U. S. C. 665), the Department of State is authorized in making contracts for the use of the international short-wave radio stations and facilities, to agree on behalf of the

Ante, p. 6.

60 Stat. 754.

60 Stat. 999.

22 U. S. C. §§ 1041–1047, 1061–1116.

60 Stat. 810.

41 U. S. C. § 5.

Transfer of funds.

International short-wave radio stations.

United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That in the acquisition of lease-hold interests payments may be made in advance for the entire term or any part thereof: *Provided further*, That $3,000,000 of this appropriation shall be available, without regard to section 3709 of the Revised Statutes, exclusively for the purchase, construction, and improvement of buildings and facilities, purchase and installation of necessary equipment for radio transmission and reception, and the acquisition of land and interest in land outside the continental United States by purchase, lease, rental, or otherwise, without regard to section 355 of the Revised Statutes, but title to any land so acquired shall be approved by the Secretary of State; and, in addition, the Department of State is hereby authorized to enter into contracts for the purposes specified in this proviso, and under the same conditions, in an amount not to exceed $1,000,000: *Provided further*, That funds herein appropriated shall not be used to purchase more than 75 per centum of the effective daily broadcasting time from any person or corporation holding an international short-wave broadcasting license from the Federal Communications Commission without the consent of such licensee: *Provided further*, That funds appropriated herein shall be available for payment to private organizations abroad in pursuance of contracts entered into for the processing and distribution of motion-picture films.

Indemnification of owners and operators.

Construction, etc., of buildings.
41 U. S. C. § 5.

Acquisition of land.

40 U. S. C. § 255.

Restriction on purchase of broadcasting time.

Processing and distribution of motion-picture films.

Cooperation with the American Republics: For expenses necessary to enable the Secretary of State to meet the obligations of the United States under the Convention for the Promotion of Inter-American Cultural Relations between the United States and the other American Republics, signed at Buenos Aires, December 23, 1936, and to carry out the purposes of the Act entitled "An Act to authorize the President to render closer and more effective the relationship between the American Republics", approved August 9, 1939 (22 U. S. C. 501), and to supplement appropriations available for carrying out other provisions of law authorizing related activities, including the establishment and operation of agricultural and other experiment and demonstration stations in other American countries, on land acquired by gift or lease for the duration of the experiments and demonstrations, and construction of necessary buildings thereon; such expenses to include personal services in the District of Columbia; not to exceed $150,000 for printing and binding; temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed $5,000 for entertainment; not to exceed $5,000 for expenses of attendance at meetings or conventions of societies and associations concerned with the furtherance of the purposes hereof; and, under such regulations as the Secretary of State may prescribe, tuition, compensation, allowances and enrollment, laboratory, insurance, and other fees incident to training, including traveling expenses in the United States and abroad in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, of educational, professional, and artistic leaders, and professors, students, internes, and persons possessing special scientific or other technical qualifications, who are citizens of the United States or the other American Republics; and the actual expenses of preparing and transporting to their former homes the remains of such persons, not United States Government employees, who may die while away from their homes under the authority of this appropriation: *Provided*, That the Secretary of State is authorized under such regulations as he may adopt, to pay the actual transporta-

51 Stat. 178.

53 Stat. 1290.

Experiment and demonstration stations.

Printing and binding.

60 Stat. 810.

Traveling expenses.

44 Stat. 688.
5 U. S. C. § 821.

Transportation of remains.

Transportation expenses.

tion expenses and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens of the other American Republics while traveling in the Western Hemisphere, without regard to the Standardized Government Travel Regulations, and to make advances of funds notwithstanding section 3648 of the Revised Statutes as amended by the Act of August 2, 1946, Public Law 600; traveling expenses of members of advisory committees in accordance with section 2 of said Act of August 9, 1939; purchase (not to exceed three) and hire of passenger motor vehicles; rental of boats, $4,100,000; and the Secretary of State, or such official as he may designate is hereby authorized, in his discretion, and, subject to the approval of the President, to transfer from this appropriation to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American Republics any part of this amount for direct expenditure by such department or independent establishment for the purposes of this appropriation and any such expenditures may be made under the specific authority herein contained or under the authority governing the activities of the department, agency, or independent establishment to which amounts are transferred: *Provided further*, That this appropriation shall be available to make contracts with, and grants of money or property to, nonprofit institutions in the United States and the other American Republics, including the distribution of materials and other services in the fields of education and travel, arts and sciences, publications, the radio, the press, and the cinema.

31 U. S. C. § 529.
60 Stat. 809.
53 Stat. 1290.
22 U. S. C. § 502.
Transfer of funds.
Grants to nonprofit institutions.

Philippine rehabilitation: For expenses necessary to carry out the provisions of titles III and V of the Philippine Rehabilitation Act of 1946 (50 U. S. C. App. 1781–1791, 1801), hereinafter called the Act, without regard, outside the United States, to section 3709 of the Revised Statutes, as amended, including personal services in the District of Columbia, and employment of personnel outside the continental United States without regard to civil-service and classification laws; temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of nineteen and hire of passenger motor vehicles; hire, maintenance, operation, and repair of aircraft; purchase of health and accident insurance for trainees (for whom such benefits are not otherwise allowed) while in the United States in pursuance of training programs; actual expenses of preparing and transporting to their former homes the remains of trainees who may die while away from such homes under the authority of this Act; advances of funds to trainees, such advancements to be deducted from allowances due to such trainees; not to exceed $28,645 for a health-service program as authorized by law (5 U. S. C. 150); not to exceed $150 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); expenses of attendance at meetings of organizations concerned with the furtherance of the purposes hereof; compilation, printing, and distribution, in the Philippine Islands or the United States, of charts, reports, and publications pertaining to the various programs set forth in the Act; acquisition of sites for the construction of additional buildings, and furnishing and equipping of buildings acquired or constructed, under section 501 of the Act; and acquisition of quarters in the Philippines to house employees of the United States Government, including military personnel, by purchase, rental (without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a)), lease, or construction and necessary repairs and alterations to and maintenance of such quarters; amounts as follows: (a) For carrying out the provisions of sections 302, 303, 304, and 305 of title III of the Act, $18,924,000; and (b) for carrying out sections 306, 307, 308, 309, 310, and 311 of

60 Stat. 135, 140.
Post, p. 1224.
41 U. S. C. § 5.
60 Stat. 810.
Trainees.
60 Stat. 903.
58 Stat. 394.
Post, p. 1049.
40 Stat. 1270.
Acquisition of sites.
60 Stat. 140.
50 U. S. C. app. § 1801.
Acquisition of quarters.
47 Stat. 412.
60 Stat. 135.
50 U. S. C. app. §§ 1782–1785.
Post, p. 1224.

said title III, $2,449,000; in all, $21,373,000, to be available on July 1, 1948, and to remain available until June 30, 1950, and, in addition, the Public Roads Administration, Federal Works Agency, is authorized to enter into contracts for the purposes of section 302 (a) of the Act in an amount not to exceed $14,000,000, and the Philippine War Damage Commission is authorized to incur obligations for the payment of claims for compensation under section 304 of the Act in an amount not exceeding $12,400,000: *Provided*, That this appropriation and the appropriation under this head in the Department of State Appropriation Act, 1948, together with the limitations included in said appropriations, shall be consolidated with the appropriation and limitations under this head in the Third Deficiency Appropriation Act, 1946: *Provided further*, That no part of this appropriation shall be available for engaging in any phase of activity or for undertaking any phase of activity authorized by the Philippine Rehabilitation Act of 1946 that would result in obligating the Government of the United States in any sense or respect to the future payment of amounts in excess of the amounts authorized to be appropriated in such Act, nor shall any part of this appropriation be available for expanding any public works project authorized by law to be replaced or rehabilitated beyond such as may be justified by sound engineering practice and which can be accomplished within the amount authorized to be appropriated: *Provided further*, That the total amount that may be obligated for the entire accomplishment of section 307 (a) of title III of such Act shall not exceed $8,000,000: *Provided further*, That this appropriation shall be available to make contracts with nonprofit institutions in the United States and the Philippines in connection with training programs: *Provided further*, That sums from the foregoing applicable appropriations may be transferred directly to and merged with the appropriations contemplated in section 306 (b) of the Act to reimburse said latter appropriations for expenditures therefrom for the purpose hereof: *Provided further*, That the construction of diplomatic and consular establishments of the United States in the Philippine Islands shall be without regard to the proviso contained in title 22 of the United States Code, section 295a: *Provided further*, That the Secretary of State, or such official as he may designate, is authorized to transfer from any of the foregoing amounts to any department or independent establishment of the Government for participation in the foregoing programs, sums for expenditure by such department or establishment for the purposes hereof, and sums so transferred shall be available for expenditure in accordance with the provisions hereof and, to the extent determined by the Secretary of State, in accordance with the law governing expenditures of the department or establishment to which transferred: *Provided further*, That transfers of funds to participating agencies for the programs set forth in sections 302 to 305 of the Act shall be approved by the President prior to such transfer.

60 Stat. 137.
50 U. S. C. app. §§ 1786–1791.
Post, p. 1225.

60 Stat. 135.
50 U. S. C. app. § 1782 (a).

60 Stat. 136.
50 U. S. C. app. § 1784.

61 Stat. 287.

60 Stat. 621.

Restriction.

60 Stat. 128.
50 U. S. C. app. §§ 1751–1806.
Post, p. 1224.

60 Stat. 137.
50 U. S. C. app. § 1787 (a).

Contracts with nonprofit institutions.

60 Stat. 137.
50 U. S. C. app. § 1786 (b).

Construction of diplomatic, etc., establishments.
22 U. S. C., Supp. I, § 295a note.
52 Stat. 441.

Transfer of funds.

60 Stat. 135.
50 U. S. C. app. §§ 1782–1785.
Post, p. 1224.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Contracts entered into in foreign countries involving expenditures from any of the appropriations under this title shall not be subject to the provisions of section 3741 of the Revised Statutes (41 U. S. C. 22).

Contracts in foreign countries.

SEC. 103. The provision of law prescribing the use of vessels of United States registry by any officer or employee of the United States (46 U. S. C. 1241) shall not apply to any travel or transportation of effects payable from funds appropriated, allocated, or transferred to the Secretary of State or the Department of State.

Transportation of effects.

49 Stat. 2015.
46 U. S. C., Supp. I, § 1241 note.

SEC. 104. Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law,

Termination of employment.
5 U. S. C. § 652.
Post, p. 354.

the Secretary of State may, in his absolute discretion, on or before June 30, 1949, terminate the employment of any officer or employee of the Department of State or of the Foreign Service of the United States whenever he shall deem such termination necessary or advisable in the interests of the United States.

Exchange of funds.

SEC. 105. The exchange of funds for payment of expenses in connection with the operation of diplomatic and consular establishments abroad shall not be subject to the provisions of section 3651 of the Revised Statutes (31 U. S. C. 543).

Travel expenses.

SEC. 106. Appropriations under this Act available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for such expenses when any part of such travel or transportation begins in the fiscal year 1949 pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the fiscal year 1949.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1949".

Department of Justice Appropriation Act, 1949.

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

60 Stat. 903.

For personal services in the District of Columbia, including a health service program as authorized by law (5 U. S. C. 150), and for special attorneys and special assistants to the Attorney General as follows:

For the offices of the Attorney General, Solicitor General, Assistant to the Attorney General, Assistant Solicitor General, Pardon Attorney, Board of Immigration Appeals, and Board of Parole, $770,000.

For the Administrative Division, $1,150,000.

For the Tax Division, $875,000.

For the Criminal Division, $750,000.

For the Claims Division, $1,550,000.

Special assistants to Attorney General.

Not to exceed $250,000 of the foregoing appropriations for personal services shall be available for the employment, on duties properly chargeable to each of said appropriations, of special assistants to the Attorney General without regard to the Classification Act of 1923, as amended.

42 Stat. 1488. 5 U. S. C. §§ 661-674.

Contingent expenses: For miscellaneous and emergency expenses authorized or approved by the Attorney General or his Administrative Assistant, including stenographic reporting services by contract as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), a health service program as authorized by law (5 U. S. C. 150), purchase of one passenger motor vehicle for replacement only, and examination of estimates of appropriation in the field; $220,000.

60 Stat. 810.
60 Stat. 903.

Traveling expenses: For necessary traveling expenses not otherwise provided for, $145,000.

Printing and binding: For printing and binding, $550,000.

Penalty mail: For deposit in the Treasury for penalty mail (39 U. S. C. 321d), $108,000.

58 Stat. 394.
Post, p. 1049.

Damage claims: For payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $5,000.

60 Stat. 843.
Post, p. 1008.

Salaries and expenses, Customs Division: For necessary expenses, including travel expenses and employment of special attorneys and expert witnesses at such rates of compensation as may be authorized or approved by the Attorney General or his Administrative Assistant, $187,000.

Salaries and expenses, Antitrust Division: For expenses necessary

for the enforcement of antitrust and kindred laws, including traveling expenses, services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and personal services in the District of Columbia, $3,411,700, of which $125,000 shall be available exclusively for activities in connection with railroad reparations cases: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division. 60 Stat. 810. Permanent regional offices.

Examination of judicial offices: For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also the official acts, records, and accounts of reporters, referees, and trustees of such courts; travel expenses; $109,000, to be expended under the direction of the Attorney General.

Salaries and expenses, Lands Division: For personal services in the District of Columbia and for other necessary expenses, including travel expenses, services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) and notarial fees or like services, $2,350,000. 60 Stat. 810.

Miscellaneous salaries and expenses, field: For salaries not otherwise specifically provided for, and such other expenses for the field service, including travel expenses, a health service program as authorized by law (5 U. S. C. 150), temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and notarial fees or like services; firearms and ammunition therefor; $545,000. 60 Stat. 903. 60 Stat. 810.

Salaries and expenses of district attorneys, and so forth: For salaries, travel, and other expenses of United States district attorneys, their regular assistants and other employees, including the office expenses of United States district attorneys in Alaska, $5,200,000.

Compensation of special attorneys, and so forth: For compensation of special attorneys and assistants to the Attorney General and to United States district attorneys not otherwise provided for, employed by the Attorney General to aid in special matters and cases, and for payment of foreign counsel employed by the Attorney General in special cases, $100,000, no part of which, except for payment of foreign counsel, shall be used to pay the compensation of any persons except attorneys duly licensed and authorized to practice under the laws of any State, Territory, or the District of Columbia: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed $10,000 per annum: *Provided further*, That reports be submitted to the Congress on the 1st of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each, together with a description of their duties. Foreign counsel. Salary limitation. Reports to Congress.

Salaries and expenses of marshals, and so forth: For salaries, fees, and expenses of United States marshals, deputy marshals, and clerical assistants, including services rendered in behalf of the United States or otherwise; services in Alaska in collecting evidence for the United States when so specifically directed by the Attorney General; meals and lodging for deputy marshals in attendance upon juries when ordered by the court; traveling expenses, including the actual and necessary expenses incident to the transfer of prisoners in the custody of United States marshals to narcotic farms; purchase of five (for replacement only) station wagons, busses, and vans at not to exceed $5,000 each; $5,310,000, of which amount not to exceed $100,000 shall be available for the employment of temporary deputy marshals, in lieu of bailiffs, at a rate not to exceed $10 per day. Services in Alaska. Transfer of prisoners to narcotic farms. Temporary deputy marshals.

Fees of witnesses: For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided by section 846, Revised Statutes (28 U. S. C. 577), $625,000: *Provided*, That not to exceed $50,000 of this amount shall be available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General or his Administrative Assistant, which approval shall be conclusive: *Provided further*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day: *Provided further*, That whenever an employee of the United States performs travel in order to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, his travel expenses in connection therewith shall be payable from the appropriation otherwise available for the travel expenses of such employee.

Post, p. 993.

Authorization by Attorney General.

Limitation on attendance fee.

Travel expenses of Federal employees.

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses, detection and prosecution of crimes: For expenses necessary for the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; including personal services in the District of Columbia; a health service program as authorized by law (5 U. S. C. 150); purchase of five hundred (for replacement only) and hire of passenger motor vehicles; purchase at not to exceed $10,000, for replacement only, of one armored motor vehicle; firearms and ammunition; not to exceed $150,000 for the acquisition or construction of buildings and facilities, including repairs and alterations, at the Federal Bureau of Investigation Training Center, Quantico, Virginia; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; traveling expenses, including expenses, in an amount not to exceed $4,500, of attendance at meetings concerned with the work of such Bureau when authorized in writing by the Attorney General; not to exceed $3,000 for membership in the International Criminal Police Commission; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; $43,900,000: *Provided*, That the compensation of the Director of the Bureau shall be $14,000 per annum so long as the position is filled by the present incumbent: *Provided further*, That of the amount herein appropriated $100,000 is to be held as a reserve for emergencies arising in connection with kidnaping, extortion, bank robbery, and to be released for expenditure in such amounts and at such times as the Attorney General may determine.

Protection of the President.

60 Stat. 903.

FBI Training Center, Quantico, Va.

Travel expenses.

Rewards for information.

Emergencies of confidential character.

Compensation of Director.

Reserve for certain emergencies.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

Civil-service employees.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses, Immigration and Naturalization Service: For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration; personal services in the District of Columbia; a health service program as authorized by law (5 U. S. C. 150); care, detention, maintenance, transportation, and other expenses incident to the deportation, removal, and exclusion of aliens in the United States and to, through, or in foreign countries; advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of $1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards for information leading to the apprehension or conviction of violators of the immigration laws; traveling expenses, including not to exceed $5,000 for attendance at meetings concerned with the purposes of this appropriation; purchase for replacement only of one hundred and twenty-five and hire of passenger motor vehicles; purchase (not to exceed four), maintenance, and operation of aircraft; firearms and ammunition; citizenship textbooks for free distribution; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; stenographic reporting services by contract as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; and for all necessary expenses incident to the maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including transportation and other expenses in the return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; $27,150,000: *Provided*, That the Commissioner of Immigration and Naturalization may contract with officers and employees for the use, on official business, of privately owned horses: *Provided further*, That provisions of law prohibiting or restricting the employment of aliens in the Government service shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent and such temporary employees as are required from time to time) where competent citizen interpreters are not available.

Post, p. 1041.

60 Stat. 903.

Payment of allowances to aliens.

60 Stat. 810.

Alien enemies.

Use of privately owned horses.

Interpreters.

FEDERAL PRISON SYSTEM

Salaries and expenses, Bureau of Prisons: For salaries and travel expenses in the District of Columbia and elsewhere in connection with the supervision of the maintenance and care of United States prisoners, $400,000: *Provided*, That not to exceed $3,500 of this amount shall be available for expenses of attendance at meetings concerned with the work of the Bureau of Prisons when incurred on the written authorization of the Attorney General.

Salaries and expenses, penal and correctional institutions: For expenses necessary for the support of prisoners, and the maintenance and operation of Federal penal and correctional institutions and the construction of buildings at prison camps, interment or transporting remains of deceased inmates to their relatives or friends in the United States, transporting persons released from custody of the United States to place of conviction or arrest or place of bona fide residence within the United States or to such place within the United States as may be authorized by the Attorney General, and the furnishing

of suitable clothing and, in the discretion of the Attorney General, an amount of money not to exceed $30, regardless of length of sentence; including purchase of fifteen passenger motor vehicles; purchase of one bus at not to exceed $5,000; purchase of one large bus at $25,000 for replacement only; not to exceed $10,000 for expenses of attendance at meetings concerned with the work of the Federal Prison System when authorized in writing by the Attorney General; traveling expenses; furnishing of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; not to exceed $35,000 for the acquisition of land adjacent to any Federal penal or correctional institution when, in the opinion of the Attorney General, the additional land is essential to the protection of the health or safety of the institution; firearms and ammunition; purchase and exchange of farm products and livestock; $17,800,000: *Provided*, That section 3709 of the Revised Statutes, as amended, shall not be construed to apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed $500: *Provided further*, That collections in cash for meals, laundry, barber service, uniform equipment, and any other items for which payment is made originally from appropriated funds, may be deposited in the Treasury to the credit of the appropriation for maintenance and operation of the institutions.

Motor vehicles.

Acquisition of land.

41 U. S. C. § 5.

Credit in appropriation.

Medical and hospital service: For medical relief for inmates of penal and correctional institutions and appliances necessary for patients including personal services in the District of Columbia and furnishing and laundering of uniforms and other distinctive wearing apparel necessary for the employees in the performance of their official duties; $1,497,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necesary, in the discretion of the Attorney General for direct expenditure by that Service.

Transfer of funds.

Construction of buildings and facilities: For construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions and all necessary expenses incident thereto, to be expended under the direction of the Attorney General by contract or purchase of material and hire of labor and services and utilization of labor of United States prisoners as the Attorney General may direct, $298,000.

U. S. prisoners in non-Federal institutions and in Alaska.

Support of United States prisoners: For support of United States prisoners in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid; expenses of transporting persons released from custody of the United States to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General, and the furnishing to them of suitable clothing and, in the discretion of the Attorney General, an amount of money not to exceed $30, regardless of length of sentence; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the Act of May 14, 1930 (18 U. S. C. 753c, 753d); support of prisoners becoming insane during imprisonment and who continue insane after expiration of sentence, who have no relatives or friends to whom they can be sent; shipping remains of deceased prisoners to their relatives or friends in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their capture; and for repairs, betterments, and improvements of United States jails, including sidewalks; $1,650,000.

46 Stat. 326.
Post, p. 866.

OFFICE OF ALIEN PROPERTY

Office of Alien Property: The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading with the Enemy Act of October 6, 1917, as amended (50 U. S. C. App.), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Act: *Provided*, That not to exceed $4,100,000 shall be available for the entire fiscal year 1949 for the general administrative expenses of the Office of Alien Property, including the salary of the Director of the Office at $10,000 per annum; printing and binding; not to exceed $5,500 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); rent of private or Government-owned space in the District of Columbia; not to exceed $70,000 for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); personal services in the District of Columbia; a health service program as authorized by law (5 U. S. C. 150), and traveling expenses, including attendance at meetings of organizations concerned with the work of the Office: *Provided further*, That on or before November 1, 1948, the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the fiscal year 1948, in connection with the activities of the Office of Alien Property: *Provided further*, That of the total amount herein authorized the amount of $50,000 is to be transferred to the Administrative Division, Department of Justice.

40 Stat. 411.
50 U. S. C. app. § 1; Supp. I, § 4 *et seq.*
Post, pp. 1218, 1246.
Administrative expenses.
58 Stat. 394.
Post, p. 1049.
60 Stat. 810.
60 Stat. 903.
Report to Congressional committees.
Transfer of funds.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.

License requirement for attorneys.

SEC. 203. Sixty per centum of the expenditures for the offices of the United States district attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Reimbursement to U. S.
Post, p. 545.

SEC. 204. In the procurement of lawbooks, books of reference, and periodicals, the Department of Justice is authorized to exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor.

Exchange of books, etc.

This title may be cited as the "Department of Justice Appropriation Act, 1949".

Citation of title.

TITLE III—DEPARTMENT OF COMMERCE

Department of Commerce Appropriation Act, 1949.
Post, p. 1038.

OFFICE OF THE SECRETARY

Salaries and expenses: For necessary expenses of the Office of the Secretary of Commerce (hereafter in this title referred to as the Secretary) including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed $50 per diem; and teletype news service (not exceeding $1,000); $1,025,000.

Post, pp. 322, 326, 1039.
60 Stat. 810.

Printing and binding: For printing and binding for the Department, except for technical and scientific services in the Office of the Secretary and for the Patent Office, the Civil Aeronautics Board, and

Post, pp. 325, 1039.

work done at the field printing plants of the Weather Bureau authorized by the Joint Committee on Printing, in accordance with the Act of March 1, 1919 (44 U. S. C. 111, 220), $1,200,000.

40 Stat. 1270.

Technical and scientific services: For necessary expenses in the performance of activities and services relating to the collection, compilation, and dissemination of technological information as an aid to business in the development of foreign and domestic commerce, including personal services in the District of Columbia; not to exceed $10,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed $20,000 for printing and binding, $200,000, of which $8,000 shall be transferred to the appropriation "Salaries and expenses" under the Office of the Secretary: *Provided*, That the Secretary is authorized, upon request of any public or private organization or individual, to reproduce by appropriate process, independently or through any other agency of the Government, any scientific or technical report, document, or descriptive material, foreign or domestic, which has been released for public dissemination, and to sell such reproductions at a price not less than the estimated total cost of reproducing and disseminating same as may be determined by the Secretary, the moneys received from such sale to be deposited in a special account in the Treasury, such account to be available for reimbursing any appropriation which may have borne the expense of such reproduction and dissemination and making refunds to organizations and individuals when entitled thereto.

60 Stat. 810.
Ante, p. 321.

Scientific or technical reports, etc.

Penalty mail, Department of Commerce: For deposit in the Treasury for penalty mail of the Department of Commerce, except the Civil Aeronautics Board (39 U. S. C. 321d), $590,000.

58 Stat. 394.
Post, p. 1049.

BUREAU OF THE CENSUS

Salaries and expenses, age and citizenship certification: For expenses necessary for searching census records and supplying information incident to carrying out the provisions of the Social Security Act, and other statutory requirements with respect to age and citizenship certification, including personal services at the seat of government, travel, microfilm, binding records, and photographic supplies, $102,000: *Provided*, That the procedure hereunder for the furnishing from census records of evidence for the establishment of age of individuals shall be pursuant to regulations approved jointly by the Secretary and the Social Security Administration.

49 Stat. 620.
42 U. S. C. §§ 301–1336; Supp. I, § 303 *et seq.*
Ante, p. 195; *post*, p. 438.

Procedure for furnishing evidence of age.

Current census statistics: For expenses necessary for collecting, compiling, and publishing current census statistics provided for by law; temporary employees at rates to be fixed by the Director of the Census without regard to the Classification Act; the cost of obtaining State, municipal, and other records; preparation of monographs on census subjects and other work of specialized character by contract; purchase, construction, repair, and rental of mechanical and electrical tabulating equipment and other labor-saving devices; tabulating cards and continuous form tabulating paper; $5,100,000.

Temporary employees.
42 Stat. 1488.
5 U. S. C. §§ 661–674.

Seventeenth decennial census: For expenses necessary to prepare for the taking of the seventeenth decennial census in accordance with law (13 U. S. C. 201–219), including personal services at the seat of government; printing and binding; and personal services by contract or otherwise at rates to be fixed by the Director of the Census without regard to the Classification Act; $2,676,000, to remain available until June 30, 1950: *Provided*, That transfers may be made from this appropriation to the appropriation "General administration, Bureau of the Census".

46 Stat. 21.

42 Stat. 1488.
5 U. S. C. §§ 661–674.
Transfer of funds.

Post, p. 1038.

General administration, Bureau of the Census: For expenses necessary for general administration, including temporary employees at

Temporary employees.

rates to be fixed by the Director of the Census without regard to the Classification Act; tabulating cards and continuous form tabulating paper; $725,000.

42 Stat. 1488.
5 U. S. C. §§ 661-674.

CIVIL AERONAUTICS ADMINISTRATION

Post, pp. 324, 1039.

Salaries and expenses: For necessary expenses of the Civil Aeronautics Administration in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401), and other Acts incident to the enforcement of safety regulations; maintenance and operation of air navigation facilities and air traffic control; furnishing advisory service to States and other public and private agencies in connection with the construction or improvement of airports and landing areas; and the disposal of surplus airports; including personal services in the District of Columbia; hire of aircraft (not exceeding $395,000); the operation and maintenance of two hundred and twenty-six aircraft, but not more than eighty-five Government-owned aircraft shall be maintained or operated by the Civil Aeronautics Administration after September 30, 1948; contract stenographic reporting services; fees and mileage of expert and other witnesses; examination of estimates of appropriations in the field; purchase (not to exceed one hundred and fifty) and hire of passenger motor vehicles; purchase and repair of skis and snowshoes; and salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or other organizations serving aviation; $82,451,000, and the Departments of the Air Force, Army and Navy, are authorized to transfer to the Civil Aeronautics Administration without charge aircraft engines, parts, flight equipment, and hangar, line, and shop equipment surplus to the needs of such Departments: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, and other public authorities for expenses incurred in the maintenance and operation of airport traffic control towers: *Provided further*, That the War Assets Administrator, acting for and on behalf of the Reconstruction Finance Corporation, is authorized and directed to transfer to the United States without reimbursement or transfer of funds, legal title to a certain tract of land and improvements thereon at Los Angeles, California, covered by lease dated January 1, 1947, between the Civil Aeronautics Administration and the Reconstruction Finance Corporation and heretofore designated by that Corporation as Plancor 890 and declared surplus to the needs of that Corporation, and to transfer such property to the control and jurisdiction of the Federal Works Agency (Public Buildings Administration): *Provided further*, That the Civil Aeronautics Administration is authorized to transfer to the Departments of the Air Force, Army and Navy, without charge, aircraft, aircraft engines, parts, flight equipment and hangar line and shop equipment.

52 Stat. 973.
49 U. S. C. § 401 *et seq.*; Supp. I, § 421 *et seq.*
Post, pp. 470, 493, 1093, 1216.

Operation and maintenance of aircraft.

Motor vehicles.

Transfer of aircraft, etc.

Crediting of funds from States, etc.

Transfer of surplus property.

Transfer of aircraft, etc.

Establishment of air-navigation facilities: For the acquisition and establishment by contract or purchase and hire of air-navigation facilities, including the equipment of additional civil airways for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing air-navigation facilities; the acquisition of the necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Civil Aeronautics Administration and the Weather Bureau stationed at remote localities not on foreign soil where such accommodations are not otherwise available; personal services in the District of Columbia; and purchase (not to exceed fifteen) and hire of passenger motor vehicles; $10,099,000, and, in

Post, p. 1038.

Availability of funds.
61 Stat. 296.

Emergency repairs, etc.

Transfer of funds.
Ante, p. 323.

Ante, p. 323.
Transfer of facilities.

addition, the Civil Aeronautics Administration is authorized to enter into contracts and incur obligations for purposes contained in this paragraph in an amount not exceeding $12,000,000: *Provided*, That the consolidated appropriation under this head for the fiscal year 1948 is hereby consolidated with and made a part of this appropriation to be disbursed and accounted for as one fund and to remain available until June 30, 1949: *Provided further*, That not to exceed $200,000 of this appropriation shall be available for emergency repair and replacement of facilities damaged by fire, flood, or storm, not to exceed $125,000 may be transferred to the appropriation "Salaries and expenses, Civil Aeronautics Administration", for necessary expenses in connection with the transportation by air to and from and within the Territories and possessions of the United States of materials and equipment secured under this appropriation, and not to exceed $578,000 may be transferred to the appropriation "Salaries and expenses, Civil Aeronautics Administration," for necessary administrative costs; and the Departments of the Army, Navy, and Air Force are authorized during the fiscal year 1949 to transfer without charge, subject to the approval of the Bureau of the Budget, air navigation and communication facilities, including appurtenances thereto, to the Civil Aeronautics Administration.

52 Stat. 973.
49 U. S. C. § 401 *et seq.*; Supp. I, § 421 *et seq.*
Post, pp. 470, 493, 1093, 1216.

Technical development: For expenses necessary in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401), relative to such developmental work and service testing as tends to the creation of improved air-navigation facilities, including landing areas, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, and personal services in the District of Columbia; acquisition of necessary sites by lease or grant; purchase of two passenger motor vehicles for replacement only and operation and maintenance of five aircraft; $1,800,000.

Washington National Airport.

Maintenance and operation, Washington National Airport: For expenses incident to the care, operation, maintenance, and protection of the Washington National Airport, including not to exceed $2,900 for the purchase, cleaning, and repair of uniforms, and arms and ammunition; $1,185,000; and the Departments of the Air Force, Army and Navy, are authorized to transfer to the Administrator without payment therefor such equipment as is commonly used in ground operation at airports for use of the Washington National Airport.

Transfer of equipment.

Construction, Washington National Airport: For an additional amount for an extension to the Terminal Building, acquisition of land necessary for and planning of an access road to the airport, the installation of additional paving to facilitate the loading and unloading of aircraft, and the repair of hangar roofs, $1,835,000, to remain available until expended.

60 Stat. 170, 172.
49 U. S. C. §§ 1101-1119.
Ante, p. 173; *post*, p. 1111.

Federal-aid airport program, Federal Airport Act: For carrying out the provisions of the Federal Airport Act of May 13, 1946 (except section 5 (a)), $3,000,000, and in addition, the Civil Aeronautics Administration is authorized until June 30, 1953 to enter into contracts and incur obligations for purposes of this paragraph in an amount not exceeding $37,000,000, of which $36,500,000 shall be for projects in the States in accordance with sections 5 (b) and 6 of said Act, and $500,000 shall be for projects in Hawaii and Puerto Rico in accordance with section 5 (c): *Provided*, That the amount of $3,000,000 appropriated herein shall be available as one fund for necessary planning, research, and administrative expenses; including personal services in the District of Columbia; and hire of passenger motor vehicles; of which $3,000,000 not to exceed $223,500 may be transferred to the appropriation "Salaries and expenses, Civil Aeronautics Administration", to provide for necessary administrative expenses, including

60 Stat. 172, 173.
49 U. S. C. §§ 1104 (b), 1105, 1104 (c).
Planning, research, etc.

Transfer of funds.
Ante, p. 323.

the maintenance and operation of aircraft, and $18,000 may be transferred to the appropriation "Printing and binding, Department of Commerce": *Provided further*, That the appropriation under this head for the fiscal year 1948 is hereby merged with this appropriation.

Ante, p. 321.
61 Stat. 297.

CIVIL AERONAUTICS BOARD

Civil Aeronautics Board, salaries and expenses: For necessary expenses of the Civil Aeronautics Board, including personal services in the District of Columbia; contract stenographic reporting services; employment of temporary guards on a contract or fee basis without regard to section 3709 of the Revised Statutes, as amended; salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; expenses of examination of estimates of appropriations in the field; not to exceed $12,500 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); purchase (not to exceed five, of which four shall be for replacement only) and hire of passenger motor vehicles, and purchase of one and hire, operation, maintenance, and repair of aircraft; $3,400,000: *Provided*, That hereafter the salary of the Chairman of the Board shall be at the rate of $12,000 per annum and the salaries of the other members of the Board shall be at the rate of $11,500 per annum.

41 U. S. C. § 5.

58 Stat. 394.
Post, p. 1049.

Salary of Chairman.

Printing and binding: For printing and binding, $50,000.

COAST AND GEODETIC SURVEY

Salaries and expenses, departmental: For expenses necessary to carry out in the District of Columbia the provisions of the Act of August 6, 1947 (Public Law 373), including the purchase of maps and nautical and aeronautical charts; maintenance of an instrument shop and procurement or exchange of metal working and woodworking supplies and equipment; motion-picture equipment; chart paper, drafting, photographic, photolithographic, and printing supplies and equipment; instruments (except surveying instruments); and stationery for field use; $3,400,000, of which not to exceed $3,100,000 shall be available for personal services.

61 Stat. 787.
33 U. S. C., Supp. I, §§ 883a–883i.

Salaries and expenses, field: For expenses necessary to carry out in the field the provisions of the Act of August 6, 1947 (Public Law 373), including the operation and maintenance of ships and other field units; replacement of observatories and auxiliary buildings where necessary; purchase of plans and specifications of vessels; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; construction of magnetic and seismological observatory and auxiliary buildings at Fairbanks, Alaska; operation, maintenance, and repair of an airplane for photographic surveys; packing, crating, and transporting personal household effects of commissioned officers when transferred from one official station to another, and of commissioned officers who die on active duty, and funeral expenses of commissioned officers, as authorized by law; and extra compensation at not to exceed $15 per month to each member of the crew of a vessel when assigned duties as bomber or fathometer reader, and at not to exceed $1 per day for each station to employees of other Federal agencies while observing tides or currents or tending seismographs; $5,600,000.

61 Stat. 787.
33 U. S. C., Supp. I, §§ 883a–883i.
Field units.

Bombers or fathometer readers.

Employees of other agencies.

Pay, commissioned officers: For pay and allowances prescribed by law for not to exceed one hundred and seventy-one commissioned officers on the active list and of officers retired in accordance with existing law, including payment of six months' death gratuity as authorized by law, $1,255,000.

Death gratuity.

The foregoing appropriations for the Coast and Geodetic Survey

Vehicles.

shall be available for the purchase of not to exceed fifteen vehicles known as station wagons and suburban carry-alls, of which five shall be for replacement only, and (not to exceed $2,500) for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

60 Stat. 810.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Post, p. 1039.

Departmental salaries and expenses: For personal services and other necessary expenses of the Bureau of Foreign and Domestic Commerce at the seat of government, including the purchase of commercial and trade reports, and not to exceed $50,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $4,500,000, of which $190,000 shall be transferred to the appropriation "Salaries and expenses" under the Office of the Secretary: *Provided*, That expenses, except printing and binding, of field studies or surveys conducted by departmental personnel of the Bureau shall be payable from the amount herein appropriated: *Provided further*, That $25,000 shall be available exclusively to carry out a study of hard fibers and hard fiber products.

60 Stat. 810.

Transfer of funds. *Ante*, p. 321; *post*, p. 1039.

Study of hard fibers and hard fiber products.

Post, p. 1039.

Field office service: For expenses necessary to operate and maintain regional, district, and cooperative branch offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, including not to exceed $90,000 for personal services in the District of Columbia, $2,100,000.

PATENT OFFICE

Post, p. 1040.

Salaries and expenses: For necessary expenses, including personal services in the District of Columbia and the salary of the Commissioner at $10,000 per annum; temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed $75 per diem (not to exceed $25,000); expenses of transporting to foreign governments publications of patents issued by the Patent Office; defense of suits instituted against the Commissioner of Patents; travel; and other contingent expenses of the Patent Office: *Provided*, That the headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography; $8,285,000.

60 Stat. 810.

Multigraphing of headings.

Printing and binding: For printing the weekly issue of patents, designs, trade-marks, exclusive of illustrations; printing, engraving illustrations for, and binding the Official Gazette, including weekly and annual indices; and for miscellaneous printing and binding, $1,500,000.

NATIONAL BUREAU OF STANDARDS

For expenses necessary in carrying out the provisions of the Act approved March 3, 1901 (5 U. S. C. 591, 597; 15 U. S. C. 271–278), and Acts supplementary thereto affecting the functions of the Bureau and the functions set forth under the Bureau of Standards in the "Department of Commerce Appropriation Act, 1935", including personal services in the District of Columbia; rental of laboratories in the field; building of temporary experimental structures; expenses of the visiting committee; demonstration of the results of the Bureau's work by exhibits or otherwise as may be deemed most effective; purchase, repair, and cleaning of uniforms for guards; purchase of not to exceed five passenger motor vehicles, of which three shall be for replacement only; not to exceed $100,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and purchase of reprints from trade journals or other periodicals of articles prepared officially by Government employees, as follows:

31 Stat. 1449.

48 Stat. 552.

60 Stat. 810.

Operation and administration: For the general operation and administration of the Bureau; improvement and care of the grounds; plant equipment; maintenance and protection of buildings, including repairs and alterations thereto; $1,350,000.

Research and testing: For calibrating and certifying measuring instruments, apparatus, and standards in terms of the national standards; the preparation and distribution of standard materials; the testing of equipment, materials, and supplies in connection with Government purchases; the improvement of methods of testing; advisory services to governmental agencies on scientific and technical matters; the maintenance and development of national standards of measurement; the development of improved methods of measurement; the determination of physical constants and the properties of materials; the investigation of mechanisms and structures, including their economy, efficiency, and safety; the study of fluid resistance and the flow of fluids and heat; the investigation of radiation, radioactive substances, and X-rays; the development of methods of chemical analysis and synthesis, and the investigation of the properties of rare substances; investigations relating to the utilization of materials, including lubricants and liquid fuels; the study of new processes and methods of fabrication; the solutions of problems arising in connection with standards; cooperation with Government purchasing agencies, industries, and national organizations in developing specifications and facilitating their use; encouragement of the application of the latest developments in the utilization and standardization of building materials; the development of engineering and safety codes, simplified practice recommendations, and commercial standards of quality and performance; and the compilation of and dissemination of scientific and technical data; $4,120,000.

Radio propagation and standards: For development and maintenance of primary standards of measurement of electrical quantities at radio frequencies; calibrating and certifying radio measuring instruments, apparatus, and standards in terms of the national primary standards; investigation of the phenomena affecting the propagation of radio waves; the broadcasting of radio signals of standard frequency; the compilation and dissemination of scientific and technical data relating to the propagation of radio waves, and measurement of electrical quantities at radio frequencies, $3,000,000.

Scientific and technical data.

WEATHER BUREAU

Salaries and expenses: For expenses necessary for carrying into effect in the United States and possessions, on ships at sea, and elsewhere when directed by the Secretary, the provisions of sections 1 and 3 of an Act approved October 1, 1890 (15 U. S. C. 311–313), the Act approved October 29, 1942 (15 U. S. C. 323), section 803 of the Civil Aeronautics Act of 1938 (49 U. S. C. 603) as amended (49 U. S. C. 603), and section 308 of an Act approved April 30, 1946 (50 U. S. C. 1788), including investigations of atmospheric phenomena; cooperation with other public agencies and societies and institutions of learning; personal services at the seat of government; purchase of seven passenger motor vehicles, of which three shall be for replacement only; maintenance, operation, and repair of aircraft; repair, alterations, and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets, abutting Weather Bureau grounds; the erection of temporary buildings for living and working quarters of observers; telephone rentals, and telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary by agreement with the companies performing the service; purchase of

Ante, p. 286; *post*, p. 1040.

26 Stat. 653.

56 Stat. 1012.
15 U. S. C., Supp. I, § 323.
52 Stat. 1014.
60 Stat. 138.
50 U. S. C. app. § 1788.

Maintenance of aircraft, etc.

tabulating cards and continuous form tabulating paper; and establishment, equipment, and maintenance of meteorological offices and stations; $21,880,000, of which not to exceed $10,000 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee; and not to exceed $10,000 for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said Bureau: *Provided further*, That not to exceed $25,000 of this appropriation may be expended for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That in the conduct of meteorological investigations in the Arctic region, pursuant to the Act of February 12, 1946 (15 U. S. C. 313a), the funds herein appropriated shall be available for the appointment of employees at rates to be fixed by the Chief of the Weather Bureau without regard to the civil-service laws and Classification Act and titles II and III of the Federal Employees Pay Act of 1945, but the maximum base rate of pay shall not be in excess of $7,500 per annum and at no time more than five employees shall be in a pay status at such rate of pay, and no other employees shall receive in excess of the base rate of pay of $5,000 per annum; the furnishing of food, shelter, and protective clothing and equipment, without repayment therefor, to employees of the Government assigned to Arctic stations; and the Departments of the Air Force, Army and Navy, are authorized in the fiscal year 1949, subject to the approval of the Bureau of the Budget, to transfer without charge to the Weather Bureau materials, equipment, and supplies, surplus to their needs and necessary for the establishment, maintenance, and operation of Arctic weather stations.

Extra compensation at not to exceed $5 per day may be paid to employees of other Government agencies in Alaska, and in other Territorial possessions for taking and transmitting meteorological observations for the Weather Bureau.

International Meteorological Committee.

Printing office.

60 Stat. 810.
Investigations in Arctic region.
60 Stat. 4.

42 Stat. 1488.
5 U. S. C. §§ 661–674.
59 Stat. 296–298.
5 U. S. C. §§ 911–913, 921, 922; Supp. I, § 922 note.

Subsistence supplies.

Transfer of surplus equipment.

Employees of other agencies.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. The appropriations "Salaries and expenses, Civil Aeronautics Administration"; "Salaries and expenses", Civil Aeronautics Board; and "Salaries and expenses", Weather Bureau, shall be available in an amount not to exceed $10,000 under regulations to be prescribed by the Secretary, for furnishing to employees of the Civil Aeronautics Administration, the Civil Aeronautics Board, and the Weather Bureau in Alaska and other areas outside the United States where determined necessary by the Secretary free emergency medical services by contract or otherwise and medical supplies, and for the purchase, transportation, and storage of food and other subsistence supplies for resale to such employees, the proceeds from such resales to be credited to the appropriation from which the expenditure for such supplies was made and a report shall be made to Congress annually showing the expenditures made for such supplies and the proceeds from such resale; and appropriations of the Civil Aeronautics Administration and the Weather Bureau shall be available in an amount not to exceed $20,000 for furnishing food, clothing, medicines, and other supplies for the temporary relief of distressed persons in remote localities, reimbursement for such relief to be in accordance with regulations prescribed by the Secretary.

Free emergency medical services, Alaska, etc.
Ante, pp. 323, 325, 327.

Credit of proceeds from resales.

Report to Congress.

Relief of distressed persons.

SEC. 303. The appropriations of the Department of Commerce available for salaries and expenses shall be available for health programs as authorized by law (5 U. S. C. 150), and for the payment

60 Stat. 903.

of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

60 Stat. 843.
Post, p. 1008.

SEC. 304. Appropriations of the Department of Commerce available for salaries and expenses shall be available for attendance at meetings of organizations concerned with the activities for which the appropriations are made.

Attendance at meetings.

SEC. 305. During the fiscal year 1949 officers and employees of the Department of Commerce having special scientific or other technical or professional qualifications may be detailed to the Government of any foreign country under the same terms and conditions as provided in the Act of May 25, 1938, as amended (5 U. S. C. 118e), for detail of employees of the United States to the foreign Governments specified in said Act.

Detail to foreign countries.

52 Stat. 442.
Ante, p. 13.

This title may be cited as the "Department of Commerce Appropriation Act, 1949".

Citation of title.

TITLE IV—THE JUDICIARY

Judiciary Appropriation Act, 1949.

UNITED STATES SUPREME COURT

Salaries: For the Chief Justice and eight Associate Justices; Reporter of the Court; and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, $786,600.

Printing and binding: For printing and binding for the Supreme Court of the United States, $8,500, to be expended as required without allotment by quarters, and to be executed by such printer as the Court may designate.

Miscellaneous expenses: For miscellaneous expenses to be expended as the Chief Justice may approve, including purchase of one passenger motor vehicle, $45,100, of which amount not to exceed $1,600 shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d).

58 Stat. 394.
Post, p. 1049.

Structural and mechanical care of the building and grounds: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U. S. C. 13a–13d), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with sections 3709, as amended, and 3744 of the Revised Statutes (41 U. S. C. 5, 16); $175,700.

48 Stat. 668.
Post, p. 990.

OTHER FEDERAL COURTS

UNITED STATES COURTS FOR THE DISTRICT OF COLUMBIA

Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

Reimbursements to U. S.
Post, p. 545.

Repairs and improvements, District Court of the United States for the District of Columbia: For repairs and improvements to the courthouse, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, $5,300, to be expended under the direction of the Architect of the Capitol.

Repairs and improvements, United States Court of Appeals for the District of Columbia: For repairs and improvements to the United States Court of Appeals Building, including repair and maintenance of the mechanical equipment and for labor and material and every item incident thereto, $2,500, to be expended under the direction of the Architect of the Capitol.

COURT OF CUSTOMS AND PATENT APPEALS

Salaries and expenses: For salaries of the presiding judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, traveling expenses, and printing and binding, as may be approved by the presiding judge, $177,400: *Provided*, That not to exceed $180 of this appropriation shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d).

58 Stat. 394.
Post, p. 1049.

UNITED STATES CUSTOMS COURT

Salaries and expenses: For salaries of the presiding judge, eight judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, traveling expenses, and printing and binding, as may be approved by the presiding judge, $356,400: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge: *Provided further*, That not to exceed $500 of this appropriation shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d).

Traveling expenses.

58 Stat. 394.
Post, p. 1049.

COURT OF CLAIMS

Salaries and expenses: For salaries of the chief justice, four judges, seven regular and five additional commissioners, and all other officers and employees of the court, including the compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties as authorized by the Act entitled "An Act amending section 2 and repealing section 3 of the Act approved February 24, 1925 (28 U. S. C. 269, 270), entitled 'An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes", approved June 23, 1930, and as also amended by an Act approved July 1, 1944; and necessary expenses of the court including traveling expenses, and printing and binding; $432,000: *Provided*, That not to exceed $500 of this appropriation shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d).

46 Stat. 799.
28 U. S. C. § 275a.
Post, pp. 1000, 1003.

58 Stat. 663.
41 U. S. C. § 114.

58 Stat. 394.
Post, p. 1049.

Repairs and improvements: For necessary repairs and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, $7,100.

TERRITORIAL COURTS

Hawaii: For salaries of the chief justice and two associate justices of the Supreme Court of the Territory of Hawaii, of judges of the circuit courts in Hawaii, and of judges retired under the Act of May 31, 1938, $106,500.

52 Stat. 591.
28 U. S. C. §§ 375g, 375h.
Post, p. 1005.

MISCELLANEOUS ITEMS OF EXPENSE

Salaries of judges: For salaries of circuit judges; district judges (including two in the Territory of Hawaii, one in the Territory of

Puerto Rico, four in the Territory of Alaska, one in the Virgin Islands, and one in the Panama Canal Zone); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930, $4,575,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto whether active or retired.

Retired judges.
36 Stat. 1161.
28 U. S. C. § 375.
Post, p. 996.
46 Stat. 737.
19 U. S. C. § 6.

Salaries of clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, $3,758,000.

No part of any appropriation in this Act shall be used to pay the cost of maintaining an office of the clerk of the United States District Court at Anniston, Alabama; Florence, Alabama; Jasper, Alabama; Gadsden, Alabama; Grand Junction, Colorado; Montrose, Colorado; Durango, Colorado; Sterling, Colorado; Newnan, Georgia; Benton, Illinois; Salina, Kansas; Chillicothe, Missouri; Roswell, New Mexico; Bryson City, North Carolina; Shelby, North Carolina; Ardmore, Oklahoma; Guthrie, Oklahoma; Aberdeen, South Dakota; Pierre, South Dakota; Deadwood, South Dakota; Ogden, Utah; Casper, Wyoming; Evanston, Wyoming; or Lander, Wyoming; but this paragraph shall not be so construed as to prevent the detail during sessions of court of such employees as may be necessary from other offices to the offices named herein.

Clerks' offices.
Restriction on use of funds.

Detail of employees.

Probation system, United States courts: For salaries of probation officers and their clerical assistants, as authorized by the Act approved June 6, 1930 (18 U. S. C. 726), $1,700,000: *Provided*, That nothing herein contained shall be construed to abridge the right of the district judges to appoint probation officers, or to make such orders as may be necessary to govern probation officers in their own courts: *Provided further*, That no part of this appropriation shall be used to pay the salary or expenses of any probation officer who, in the judgment of the senior or presiding judge certified to the Attorney General, fails to carry out the official orders of the Attorney General with respect to supervising or furnishing information concerning any prisoner released conditionally or on parole from any Federal penal or correctional institution.

46 Stat. 503.
Post, p. 866.
Appointment, etc., of probation officers.

Failure to carry out Attorney General's orders.

Salaries of criers: For salaries of criers as authorized by the Act of December 7, 1944 (28 U. S. C. 9), and the Acts of March 3, 1911, and March 3, 1891, as amended (28 U. S. C. 224 and 547), $468,000.

58 Stat. 796.
Post, p. 1007.
36 Stat. 1133; 26 Stat. 829.

Fees of commissioners: For fees of the United States commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), including fees and expenses of conciliation commissioners, United States courts, including the objects and subject to the conditions specified for such fees and expenses of conciliation commissioners in the Department of Justice Appropriation Act, 1937, $475,000.

Post, pp. 996, 994.

Post, p. 862.

49 Stat. 1327.

Fees of jurors: For mileage and per diems of jurors; meals and lodging for jurors when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900 (31 Stat. 362); and compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court; $1,430,000: *Provided*, That the compensation of jury commissioners for the District of Columbia shall conform to the provisions of section 1401, title 11 of the District of Columbia Code, but such compensation shall not exceed $250 each per annum.

Jury commissioners.

41 Stat. 558.
D. C. Code, Supp. VI, § 11-1401.

Miscellaneous salaries: For salaries of all officials and employees of the Federal judiciary, not otherwise specifically provided for, $1,844,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges (exclusive of any additional compensation under the Federal Employees Pay Act of 1945 and any other

Secretaries and law clerks.
59 Stat. 295.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1268.

Acts of similar purport subsequently enacted) shall be fixed by the Director of the Administrative Office without regard to the Classification Act of 1923, as amended, except that the salary of a secretary shall conform with that of the main (CAF–4), senior (CAF–5), or principal (CAF–6) clerical grade, or assistant (CAF–7), or associate (CAF–8) administrative grade, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the junior (P–1), assistant (P–2), associate (P–3), full (P–4), or senior (P–5) professional grade, as the appointing judge shall determine, subject to review by the judicial council of the circuit if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of any additional compensation under the Federal Employees Pay Act of 1945 and any other Acts of similar purport subsequently enacted) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $6,500 per annum, except in the case of the senior circuit judge of each circuit and senior district judge of each district having five or more district judges, in which case the aggregate salaries shall not exceed $7,500.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Aggregate salaries.

59 Stat. 295.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1268.

Miscellaneous expenses (other than salaries): For miscellaneous expenses of the United States courts and their officers; purchase of firearms and ammunition; purchase of envelopes without regard to the Act of June 26, 1906 (34 Stat. 476); and not to exceed $72,000 for deposit in the Treasury for penalty mail for the United States courts and the Administrative Office of the United States Courts (31 U. S. C. 321d); $600,000.

39 U. S. C. § 355.

58 Stat. 394.
39 U. S. C. § 321d.
Post, p. 1049.

Traveling expenses: For necessary traveling expenses, not otherwise provided for, incurred by the Judiciary, including traveling expenses of probation officers and their clerks, $607,000: *Provided*, That this sum shall be available, in an amount not to exceed $6,000, for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

Attendance at meetings.

Printing and binding: For printing and binding for the Administrative Office and Courts of the United States, $85,800.

Printing and binding: For printing and binding the advance opinions, preliminary prints, and bound reports of the Supreme Court of the United States, $91,200.

Salaries, court reporters: For salaries of court reporters for the district courts of the United States, as authorized by the Act of January 20, 1944 (28 U. S. C. 9a–d), $865,000.

58 Stat. 5.
Post, pp. 996, 1007.

Salaries of referees: For salaries of referees as authorized by the Act of June 28, 1946 (11 U. S. C. 68), $170,000, together with $614,000 to be derived from the referees' salary fund established in pursuance of said Act.

60 Stat. 326.

Miscellaneous expenses of referees: For miscellaneous expenses of referees, United States courts, including the salaries of their clerical assistants, travel expenses, and printing and binding; purchase of envelopes without regard to the Act of June 26, 1906 (34 Stat. 476); and not to exceed $40,000 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); $150,000, together with $654,000 to be derived from the referees' expense fund established in pursuance of the Act of June 28, 1946 (11 U. S. C. 68 (c) (4)).

39 U. S. C. § 355.

58 Stat. 394.
Post, p. 1049.

60 Stat. 327.

Any surplus arising in the referees' salary and expense funds for the fiscal year 1948 shall remain available until June 30, 1949, for the payment of salaries and expenses of referees within the limitations prescribed hereinbefore.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Salaries and expenses: For necessary expenses of the Administrative Office of the United States Courts, including personal services in the District of Columbia, travel, advertising, rent in the District of Columbia and elsewhere, and examination of estimates for appropriations in the field, $430,000.

GENERAL PROVISIONS—THE JUDICIARY

"Circuit court of appeals."

"Senior circuit judge."

"Circuit judge."

"Judge."

SEC. 402. As used in this title, the term "circuit court of appeals" includes the United States Court of Appeals for the District of Columbia; the term "senior circuit judge" includes the chief justice of the United States Court of Appeals for the District of Columbia; the term "circuit judge" includes associate justice of the United States Court of Appeals for the District of Columbia; and the term "judge" includes justice.

U. S. Court of Appeals for D. C., reports.

Marking of books.

SEC. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than $6.50 per volume: *Provided*, That all books purchased hereunder for United States judges and other judicial officers shall be marked plainly "The Property of the United States", and such books shall in all cases be transmitted to their successors in office.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act 1949".

TITLE V—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 501. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Short title.

SEC. 502. This Act may be cited as the "Departments of State, Justice, Commerce, and the Judiciary Appropriation Act, 1949".

Approved June 3, 1948.

[CHAPTER 401]

AN ACT

June 3, 1948
[H. R. 5839]
[Public Law 598]

To authorize the conveyance to States, or political subdivisions, of roads leading to certain historical areas administered by the Department of the Interior, and for other purposes.

Roads leading to national parks, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the the Secretary of the Interior is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the National Park Service. Prior to the delivery of any conveyance under this Act, the State, county, or municipality to which the conveyance herein authorized is to be made shall notify the Secretary of the Interior in writing of its willingness to accept and maintain the road or roads included in such conveyance. Upon the excution and delivery of any conveyance herein authorized, any jurisdiction heretofore ceded to the United States by a State over the roads conveyed shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

"State."

SEC. 2. The word "State" as used in this Act includes Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

Approved June 3, 1948.

[CHAPTER 402]

AN ACT

June 3, 1948
[H. R. 5870]
[Public Law 599]

To amend the Act of May 16, 1946 (Public Law 383, Seventy-ninth Congress), as amended, to provide increased allowances for the escorts of repatriated war dead.

Return of remains of certain persons buried outside U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 16, 1946, entitled "An Act to provide for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States" (Public Law 383, Seventy-ninth Congress), as amended by the Act of August 5, 1947 (Public Law 368, Eighteenth Congress), is further amended by adding the following sections:

60 Stat. 182; 61 Stat. 779.
50 U. S. C., Supp. I, app. §§ 1811-1819.

Allowances for escort personnel.

"SEC. 10. The Secretary of the Army is further authorized to prescribe allowances at such rates as may be necessary to provide for adequate quarters, subsistence, and other necessary incidental expenses for escort personnel utilized in the administration of this Act without regard to rates and allowances presented prescribed by sections 10 and 12 of the Act of June 16, 1942, as amended: *Provided*, That such allowances prescribed by the Secretary of the Army in no case shall exceed $8 per day.

56 Stat. 363, 364.
37 U. S. C. §§ 163, 110, 112; Supp. I, §§ 163 note, 110.

"SEC. 11. References in any of the foregoing sections of this Act to the 'Secretary of War' shall be construed to refer to the 'Secretary of the Army', as established by the Act of July 26, 1947 (Public Law 253, Eightieth Congress)."

61 Stat. 501.
5 U. S. C., Supp. I, § 181-1.

Approved June 3, 1948.

[CHAPTER 403]

AN ACT

Relating to the issuance of reentry permits to certain aliens.

June 3, 1948
[H. R. 5922]
[Public Law 600]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act of May 26, 1924 (43 Stat. 158; U. S. C., title 8, sec. 210 (a)–210 (f)), is amended by adding a new subsection thereto to be known as subsection (g), and to read as follows:

Immigration Act of 1924, amendment.

"(g) An alien lawfully admitted to the United States, pursuant to clause 6, section 3, of this Act, between July 1, 1924, and July 5, 1932, both dates inclusive, who since entry has maintained the status required of him at the time of his admission and who desires to visit abroad and return to the United States to resume the status existing at time of his departure for such visit, may apply to the Commissioner of Immigration and Naturalization for a Treaty-Merchants Return Permit which may be issued by the Commissioner, with the approval of the Attorney General, if he finds that the applicant is entitled thereto. Such a permit shall, in the possession of persons to whom issued, be accepted in lieu of any visa otherwise required from nonimmigrants under this Act or section 30 of the Alien Registration Act of 1940 (54 Stat. 673; 8 U. S. C. 451). Each permit shall be valid for a period therein designated not exceeding one year, but may be extended for good cause shown to the satisfaction of the Commissioner of Immigration and Naturalization, for a period or periods not exceeding six months each. For the issuance of any such permit or any extension thereof there shall be paid to the Commissioner of Immigration and Naturalization a fee of $3, which shall be covered into the Treasury as miscellaneous receipts. The necessary forms and other requirements to effect the purposes of this subsection shall be prescribed by regulations of the Commissioner of Immigration and Naturalization, with the approval of the Attorney General. Subsection (e) shall be applicable to this subsection."

Treaty-Merchants Return Permit.
43 Stat. 155.
8 U. S. C. § 203 (6).

Valid period.

Fee.

43 Stat. 158.
8 U. S. C. § 210 (e).

Approved June 3, 1948.

[CHAPTER 404]

AN ACT

To amend an Act entitled "An Act to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia", approved January 6, 1893, as amended.

June 3, 1948
[H. R. 6209]
[Public Law 601]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia", approved January 6, 1893, as amended, is hereby amended with respect to the number of trustees authorized therein and the method of providing for a quorum of such trustees, by adding at the end of the first section the following paragraph:

Protestant Episcopal Cathedral Foundation, D. C.
27 Stat. 414.

"The present board of trustees of said corporation is hereby authorized to choose additional trustees, so that the board shall hereafter consist of such number of trustees as the board may from time to time determine, not exceeding a total of thirty, which board as hereafter constituted shall succeed to and exercise all of the powers heretofore granted to the board as heretofore constituted, subject to all of the provisions and limitations in such Act, as amended, and shall be authorized to fill any vacancies which may occur and to prescribe, by bylaws, such number as shall constitute a quorum to do business."

Additional trustees.

Approved June 3, 1948.

[CHAPTER 415]

AN ACT

June 4, 1948
[H. R. 3731]
[Public Law 602]

Authorizing modifications in the repayment contracts with the Lower Yellowstone Irrigation District Numbered 1 and the Lower Yellowstone Irrigation District Numbered 2.

Lower Yellowstone Irrigation Districts Nos. 1 and 2.
53 Stat. 1192.
43 U. S. C. § 485g.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, pursuant to section 8 of the Act of August 4, 1939 (53 Stat. 1187), is authorized (a) to enter into appropriate amendatory repayment contracts with Lower Yellowstone Irrigation District Numbered 1 and Lower Yellowstone Irrigation District Numbered 2 for the purpose of effecting changes, modifications, and financial adjustments in the existing district repayment contracts and (b) to make appropriate adjustment of project accounts, all consistent with the provisions of this Act.

Changes in repayment contracts.

SEC. 2. With respect to the Lower Yellowstone Irrigation District Numbered 1:

44 Stat. 640.
Temporarily unproductive land.

(a) Payment of construction charges against one thousand three hundred and forty and four one-hundredths acres of lands classified under the Act of May 25, 1926, as productive and found to be possessed of insufficient productive power to be continued in a paying class shall be suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in the paying class, whereupon payment of construction charges against such areas shall be resumed. While said lands are so classified as temporarily unproductive, and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges or such other charges as may be fixed by the Secretary of the Interior, the advance payment of which may be required in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them in the future, be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund;

Permanently unproductive land.
44 Stat. 640.

(b) The charges in the amount of $12,166 against two hundred and twenty and thirty-six one-hundredths acres of lands classified in a paying class under the Act of May 25, 1926, and found to be permanently unproductive shall be deducted from the contractual obligation of said Lower Yellowstone Irrigation District Numbered 1;

Contractual obligation.

(c) The contractual obligation of Lower Yellowstone Irrigation District Numbered 1 shall, by reason of a finding that four hundred and fifty-two and ninety-six one-hundredths acres of lands previously classed as permanently unproductive, possess sufficient productive power properly to be placed in a paying class, be increased in the sum of $25,008; and

Construction charges.

(d) The construction charges against four hundred and sixty-two and eighty-seven one-hundredths acres of lands included in drain and lateral right-of-way and found to be excluded from the irrigable area of the project shall be included in the principal obligation of the district, but said lands are to be relieved of future assessment by the district.

SEC. 3. With respect to the Lower Yellowstone Irrigation District Numbered 2:

Temporarily unproductive land.
44 Stat. 640.

(a) Payment of construction charges against six hundred and sixty-two and ninety one-hundredths acres of lands classified under the Act of May 25, 1926, as productive and found to be possessed of insufficient productive power to be continued in a paying class shall be suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in the paying class, whereupon payment of construction charges against such areas

shall be resumed. While said lands are so classified as temporarily unproductive, and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges or such other charges as may be fixed by the Secretary of the Interior, the advance payment of which may be required in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them in the future, be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the Reclamation Fund;

Permanently unproductive land.

(b) The charges in the amount of $911 against sixteen and fifty one-hundredths acres of lands classified in a paying class under the Act of May 25, 1926, and found to be permanently unproductive shall be deducted from the contractual obligation of said Lower Yellowstone Irrigation District Numbered 2;

44 Stat. 640.

Contractual obligation.

(c) The contractual obligation of Lower Yellowstone Irrigation District Numbered 2 shall, by reason of a finding that one hundred and eighty-two and twenty-two one-hundredths acres of lands previously classed as permanently unproductive, possess sufficient productive power properly to be placed in a paying class, be increased in the sum of $10,060; and

Construction charges.

(d) The construction charges against four hundred and thirty-one and thirty-eight one-hundredths acres of lands included in drain and lateral right-of-way and found to be excluded from the irrigable area of the project shall be included in the principal obligation of the district, but said lands shall be relieved of future assessment by the district.

Effective dates.

SEC. 4. The contractual modifications provided for in this Act shall be effective, as to Lower Yellowstone Irrigation District Numbered 1, as of September 19, 1945, and, as to Lower Yellowstone Irrigation District Numbered 2, as of October 31, 1945.

Approved June 4, 1948.

[CHAPTER 416]

AN ACT

June 4, 1948
[H. R. 3785]
[Public Law 603]

To authorize the State of Minnesota to condemn lands owned by the United States in the county of Cass, State of Minnesota, for fish propagation, and for other purposes.

Cass County, Minn.
Fish propagation, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Minnesota is hereby authorized to acquire by condemnation under judicial process for use in the construction, operation, and maintenance of fish-rearing ponds, a fish hatchery, and other facilities for fish propagation and culture, the following-described lands owned by the United States and located in Cass County, Minnesota:

That part of the southwest quarter, section 25, township 146 north, range 27 west, described as follows:

Beginning at a point on the south line of said section 25, fifty-four feet east of the southwest corner of said section 25; thence northeasterly along a line parallel to and one hundred and fifty feet distant from the center line of State Aid Road Numbered 9 to an intersection of the center line of the present channel of the Mississippi River as reconstructed and improved below the Lake Winnibigoshish Federal Dam; thence down the center line of the said channel of the Mississippi River to an intersection of the south line of said section 25; thence west along the south line of said section 25 to point of beginning, containing twenty-seven and thirty-two one-hundredths acres, more or less; and

That part of the north two thousand feet of section 36, township 146 north, range 27 west, lying southwesterly of the center line of the present channel of the Mississippi River as reconstructed and improved and northerly and easterly of the following-described line:

Beginning at the northwest corner of said section 36; thence southerly along the west line of said section 36 three hundred and eighty feet; thence south thirty-seven degrees twenty-seven minutes east, containing one hundred twenty-four and fourteen one-hundredths acres, more or less; and

That part of the northeast quarter of section 35, township 146 north, range 27 west, described as follows:

Beginning at the northeast corner of said section 35; thence southerly along the east line of said section 35 three hundred and eighty feet; thence north thirty-seven degrees twenty-seven minutes west to the center line of State Aid Road Numbered 9; thence northeasterly along center line of State Aid Road Numbered 9 to an intersection of the north line of said section 35; thence easterly along the north line of said section 35, to the point of beginning, containing one and twenty-five one-hundredths acres, more or less.

Jurisdiction.

SEC. 2. (a) The United States District Court for the District of Minnesota shall have jurisdiction of the proceedings for such condemnation. The practice, pleadings, forms, and modes of proceedings for such condemnation shall conform, as near as may be, to the practice, pleading, forms, and proceedings in like cases in the courts of record in the State of Minnesota.

Rights reserved to U. S.

(b) The Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture may, respectively, by appropriate pleadings in the condemnation proceedings, specify any rights, easements, or other interests in said lands which they deem advisable to reserve to the United States for any purpose under authority pertaining to said lands as prescribed by laws now in force, and thereupon the condemnation shall be subject to such reservations.

Expenses.

(c) All expenses incurred as a result of such condemnation proceedings as may be instituted by the State of Minnesota under this Act shall be borne by the State.

Approved June 4, 1948.

[CHAPTER 417]

June 4, 1948
[H. R. 4823]
[Public Law 604]

AN ACT

To provide adequate school facilities within Yellowstone National Park, and for other purposes.

Yellowstone National Park.
School facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such regulations as may be prescribed by the Secretary of the Interior, payments may be made, as provided herein, in advance or otherwise, from any revenues received by the United States from visitors to Yellowstone National Park, to the appropriate school district or districts serving that park, as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the administration, operation, and maintenance of the park, and living at or near the park upon real property of the United States not subject to taxation by the State or local agencies and upon which payments in lieu of taxes are not made by the United States: *Provided*, That the payments for any school year for the aforesaid purpose shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils, in average daily attendance during that year, bears to the whole number of pupils in average daily attendance at those schools for that year.

Cooperative agreements with States, etc.

SEC. 2. That, if in the opinion of the Secretary of the Interior, the aforesaid educational facilities cannot be provided adequately and payment made therefor on a pro rata basis, as prescribed in section 1 of this Act, the Secretary of the Interior, in his discretion, may enter into cooperative agreements with States or local agencies for (a) the operation of school facilities, (b) for the construction and expansion of local facilities at Federal expense, and (c) for contribution by the Federal Government, on an equitable basis satisfactory to the Secretary, to cover the increased cost to local agencies for providing the educational services required for the purposes of this Act.

Special fund.

SEC. 3. For the purposes of this Act, the Secretary of the Treasury is authorized to maintain hereafter in a special fund a sufficient portion of the park revenues, based upon estimates to be submitted by the Secretary of the Interior, and to expend the same upon certification by the Secretary of the Interior.

Approved June 4, 1948.

[CHAPTER 418]

AN ACT

To establish a District of Columbia Armory Board, and for other purposes.

June 4, 1948
[H. R. 5874]
[Public Law 605]

D. C. Armory Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the District of Columbia National Guard Armory shall be maintained and operated primarily to provide facilities for the quartering and training of the Militia of the District of Columbia, and, secondarily, to provide suitable facilities for major athletic events, conventions, concerts, and such other activities as may be in the interest of the District of Columbia, and that such armory shall be operated as nearly as practicable on a self-supporting basis.

Establishment; composition.

SEC. 2. There is hereby established an Armory Board, to be composed of the President of the Board of Commissioners of the District of Columbia, the Commanding General of the District of Columbia Militia, and a third person not employed by the Federal or District Governments who shall be appointed by the Chairmen of the District of Columbia Committees of the United States Senate and the United States House of Representatives for a term of three years. Each member of the Armory Board is authorized to appoint, and in his discretion to withdraw the appointment of, an alternate and to delegate to such alternate authority to act in his place and stead in respect of the powers granted by this Act. The members of said Board and their alternates shall serve without additional compensation. Said Armory Board shall elect a chairman from among its members.

Alternates.

Jurisdiction.

SEC. 3. For the purposes of this Act, said Armory Board is vested with the control of and jurisdiction over the District of Columbia National Guard Armory. For the purposes of maintenance and repair the armory shall be under the control and jurisdiction of the Commissioners of the District of Columbia.

Parking areas.

SEC. 4. Upon the request of the Armory Board the Secretary of the Interior shall provide for the use of said Board, under such arrangements for improvement, lighting and maintenance as may be agreed upon between the Secretary of the Interior and said Board, such areas of land adjacent to the Armory and under the control of the Secretary of the Interior as said Board deems adequate for motor vehicle parking purposes.

Use of armory by militia.

SEC. 5. The Armory Board shall set aside for the exclusive use of the militia of the District of Columbia such parts of the headquarters and regimental buildings and basement of the drill hall, and such of

the storage rooms contiguous to the drill hall as shown upon drawing A–3, first-floor plan, approved by the Commissioners April 19, 1940, as said Armory Board may from time to time find are necessary for the use of the militia. The parts of the armory so set aside for the use of the militia shall be under the control and jurisdiction of the commanding general of the militia for all purposes except maintenance and repair of the armory. The drill hall and those parts of the armory not set aside for the exclusive use of the militia shall be available to the militia under schedules for joint use made by the Armory Board so as to carry out the purposes and intent of this Act.

SEC. 6. In order to carry out the secondary purposes of this Act the Armory Board is hereby authorized, without regard to any other provisions of law—

(a) to determine all questions concerning the use of said armory for the secondary purposes of this Act;

(b) to enter into contracts and agreements with District of Columbia and Federal departments, bureaus, establishments, and offices and the provisions of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, Supp. V, title 31, sec. 686), are hereby made applicable to such contracts;

38 Stat. 1084.
31 U. S. C. § 686.

Acquisition of equipment, etc.

(c) to acquire by purchase or lease equipment, appliances, facilities, and property of any kind necessary or desirable to carry out the secondary purposes of this Act, and to sell or dispose of any such property so acquired by said Board when in its judgment it shall be advantageous to do so: *Provided*, That no contract for more than $3,000 shall be entered into for this purpose without competitive bidding;

Restriction.

Installations, etc.

(d) to erect structures or installations in all of such parts of the armory as are not required exclusively for military purposes, and to make such structural and other changes in any such structures as it may deem necessary or desirable for carrying out the secondary purposes of this Act: *Provided*, That nothing in this Act shall authorize or permit the erection of any structure which in the opinion of the Commanding General of the District of Columbia Militia will lessen the availability of the armory for military purposes;

Ante, p. 339.

(e) to prepare, maintain, light, and operate motor-vehicle parking lots on such land as is provided for that purpose by the Secretary of the Interior under the terms of section 4 of this Act;

Concessions.

(f) to operate or contract for the operation of, such concessions, including the checking of clothing and the sale of nonalcoholic beverages and food, as the said Board may deem appropriate to the purposes for which the armory may be leased: *Provided*, That the said Board may at its discretion, and with the approval of the Commanding General of the District of Columbia Militia, grant the concession for nonalcoholic beverages and food to the canteen of the District of Columbia Militia, whenever in the opinion of said Board such action shall be for the public interest;

(g) to furnish such services to renters, lessees, and other occupants of the armory as in its judgment are necessary or suitable for carrying out the secondary purposes of this Act;

Rent, etc., of armory.

(h) to rent or lease from time to time, for any of the secondary purposes of this Act, all or any part or parts of the armory not set aside for the exclusive use of the Militia of the District of Columbia in compliance with section 5 of this Act, including any or all structures, equipment, or facilities of the armory, at such rental values as the Armory Board shall determine to be fair with respect to the interests of the District of Columbia, and for such

Ante, p. 339.

periods of time as the Armory Board may determine, subject to cancellation when the public interest requires: *Provided*, That every lease or rental agreement which includes therein any period of time not covered by the schedules furnished under the provisions of section 5 of this Act shall be binding and effective only when the Commanding General of the District of Columbia Militia has endorsed his approval thereon in writing;

Liability insurance.

(i) to carry public liability insurance protecting the interests of the District of Columbia, the Commissioners of the District of Columbia, the District of Columbia Militia, the Commanding General of the District of Columbia Militia, the Armory Board, and the members, officers, and employees thereof; and to require tenants or lessees of the armory to carry public-liability insurance protecting the interests of such tenants or lessees;

(j) to incur obligations not in excess of $50,000 at any one time in furtherance of the secondary purposes of this Act, and not in excess of $10,000 above the unobligated excess in the Armory Board Working Capital Fund; and

(k) to accept the gratis services of such persons as may volunteer to aid in the conduct of its activities.

Operation of canteen.

SEC. 7. Nothing contained in this Act shall be construed as a limitation upon the operation of a canteen in the said armory for the use and benefit of the District of Columbia Militia, and any funds derived from the operation of such canteen shall inure to the benefit of the said District of Columbia Militia.

Working capital fund.

SEC. 8. There is hereby created an Armory Board working capital fund in the amount of $50,000, and there shall be deposited in the Treasury of the United States to the credit of the said Armory Board working capital fund all receipts derived from the exercise by the Armory Board of the powers granted by this Act. Said Armory Board working capital fund, including all receipts credited thereto, shall be used as a permanent revolving fund for all expenses incurred by the Armory Board in the exercise of the powers granted by this Act, including personal services. There shall also be transferred to said Armory Board working capital fund all revenues derived from rentals of the District of Columbia National Guard Armory under contracts made between July 1, 1947, and the date of enactment of this Act, except revenues resulting from the operation of concessions, and the Secretary of the Treasury is authorized to transfer to the credit of the Armory Board working capital fund authorized by this Act funds resulting from rental of the District of Columbia National Guard Armory received by him and held in escrow pending enactment of legislation. As soon as practicable after the close of each fiscal year, after provision has been made for payment of all lawful obligations then incurred, all sums in excess of $50,000 in said Armory Board working capital fund shall be transferred to the general revenues of the District of Columbia. Expenditures from such fund may be made only upon vouchers which have been certified by said Armory Board and which have been approved before payment by the Auditor of the District of Columbia, and shall be disbursed in the same manner as other District of Columbia funds are disbursed: *Provided*, That the Disbursing Officer of the District of Columbia is authorized to advance to the Armory Board, upon requisitions previously approved by the Auditor of the District of Columbia sums of money not to exceed $1,000 at any one time, to be used for office and sundry expenses of the Armory Board. There is hereby authorized to be appropriated annually such sum as may be required to supply any deficiency in the Armory Board working capital fund. Revenues resulting from the operation of concessions within the District of Columbia National Guard Armory under contracts made between July 1, 1947, and the date of enactment of this

Transfer of funds.

Expenditures.

Advance of funds.

Appropriation authorized.

Transfer of funds.

Act which have been held by the District of Columbia National Guard pending enactment of legislation are hereby transferred to the canteen fund of the District of Columbia National Guard.

Manager.

SEC. 9. The Armory Board is authorized to employ and fix the compensation and term of a manager and such personnel as may be necessary in connection with the operation of the armory for the secondary purposes of this Act without regard to the provisions of the civil-service laws and Classification Act of 1923, as amended, and without regard to any prohibition against double salaries contained in any other law. Under the direction of the Board and with written authorization signed by the members thereof, said manager may exercise such of the powers vested in the Board by section 6 of this Act as the Board shall determine.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Ante, p. 340.

Report to Congress.

SEC. 10. The Armory Board shall file with the Congress in January of each year a financial statement certified as to accuracy by the Auditor of the District of Columbia, a report of the activities and business at the armory during the preceding fiscal year, and recommendations to the Congress as to the future control and use of the armory.

Approved June 4, 1948.

[CHAPTER 419]

June 4, 1948
[H. R. 6659]
[Public Law 606]

AN ACT

To continue for a temporary period certain powers, authority, and discretion conferred on the President by the Second Decontrol Act of 1947, and for other purposes.

Second War Powers Act, 1942, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1501 of the Second War Powers Act, 1942, as amended by the Second Decontrol Act of 1947 (Public Law 188, Eightieth Congress), and as further amended by the Act of February 28, 1948 (Public Law 427, Eightieth Congress), is hereby amended by striking out "May 31, 1948" and inserting in lieu thereof "June 30, 1949".

61 Stat. 322.
50 U. S. C., Supp. I, app. § 645 (b).

Ante, p. 58.

Repeal.

Subsection (b) (1) (C) of such section 1501 is hereby repealed.

Nitrogenous fertilizer materials, etc.

Subsection (b) (1) (E) of such section 1501 is hereby amended by inserting before the semicolon at the end thereof a comma and the following: "and nitrogenous compounds (including anhydrous ammonia), in any form, necessary for the manufacture and delivery of the nitrogenous fertilizer materials required for such export: *Provided, however*, That 50 per centum of the export requirements of nitrogenous fertilizer materials to nonoccupied areas shall be supplied out of nitrogenous fertilizer materials or nitrogenous compounds (including anhydrous ammonia) produced in plants operated by or for the Department of the Army, and notwithstanding any other provision of law the Department of the Army is authorized to produce and sell such nitrogenous fertilizer materials and nitrogenous compounds (including anhydrous ammonia) to fill such 50 per centum of such export requirements".

61 Stat. 323.
50 U. S. C., Supp. I, app. § 645 (c).
Ante, p. 58.

Subsection (c) of such section 1501 is hereby amended by striking out "May 31, 1948" and inserting in lieu thereof "June 30, 1949".

Effective date.

SEC. 2. The provisions of this Act shall take effect as of the close of May 31, 1948, and all regulations, orders, directives, directions, requirements, and delegations issued under title III of the Second War Powers Act, 1942, as amended, which were in effect on May 31, 1948, shall be in effect in the same manner and to the same extent as if this Act had been enacted on May 31, 1948, and any proceeding, petition, application, or appeal which was pending on May 31, 1948, under such title III, as amended, or under any regulation, order, direc-

56 Stat. 177.
50 U. S. C. app. § 633; Supp. I, § 633 note.

tive, or direction issued thereunder, shall be proceeded with and shall be effective in the same manner and to the same extent as if this Act had been enacted on May 31, 1948: *Provided*, That in any case in which such title III, as amended, or any regulation, order, directive, direction, or requirement issued thereunder, prescribes any period of time within which any act is required or permitted to be done, and such period had commenced but had not expired on May 31, 1948, such period is hereby extended for a number of days equal to the number of days from June 1, 1948, to the date of the enactment of this Act, both inclusive: *Provided further*, That no act or transaction, or omission or failure to act, occurring subsequent to May 31, 1948, and prior to the date of enactment of this Act, shall, by reason of the enactment of this Act, be deemed to be a violation of such title III, as amended, or of any regulation, order, directive, or direction issued thereunder.

56 Stat. 177.
50 U. S. C. app. § 633; Supp. I, § 633 note.

Approved June 4, 1948.

[CHAPTER 420]

JOINT RESOLUTION

To provide for the issuance of a special postage stamp series in honor of volunteer firemen.

June 4, 1948
[H. J. Res. 339]
[Public Law 607]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of volunteer firemen and in commemoration of the three hundredth anniversary of the volunteer firemen service in the United States of America, the Postmaster General is hereby authorized and directed to issue as soon as practicable in 1948 a special postage stamp series of the denomination of 3 cents and of such design and for such period as he may determine.

Volunteer firemen. Commemorative stamp.

Approved June 4, 1948.

[CHAPTER 421]

JOINT RESOLUTION

To authorize the issuance of a special series of stamps commemorative of the one hundredth anniversary of the founding of Fort Kearney in the State of Nebraska.

June 4, 1948
[H. J. Res. 341]
[Public Law 608]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue, during 1948, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the one hundredth anniversary of the founding of Fort Kearney in the State of Nebraska.

Fort Kearney, Nebr. Commemorative stamp.

Approved June 4, 1948.

[CHAPTER 422]

JOINT RESOLUTION

To authorize the issuance of a stamp commemorative of the golden anniversary of the consolidation of the Boroughs of Manhattan, Bronx, Brooklyn, Queens, and Richmond, which boroughs now comprise New York City.

June 4, 1948
[H. J. Res. 371]
[Public Law 609]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue, during 1948, a special 5-cent air mail postage stamp, of such design as he shall prescribe, in commemoration of the golden anniversary of the consolidation of the Boroughs of Manhattan, Bronx, Brooklyn, Queens, and Richmond, which boroughs now comprise New York City.

Boroughs of New York City. Commemorative stamp.

Approved June 4, 1948.

[CHAPTER 423]

AN ACT

June 5, 1948
[S. 2256]
[Public Law 610]

Relating to the meat-inspection service of the Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the cost of inspection rendered on and after July 1, 1948, under the requirements of laws relating to Federal inspection of meat and meat food products shall be borne by the United States except the cost of overtime pursuant to the Act of July 24, 1919 (7 U. S. C. 394).

41 Stat. 241.

Approved June 5, 1948.

[CHAPTER 424]

AN ACT

June 8, 1948
[H. R. 3638]
[Public Law 611]

To amend section 10 of the Act establishing a National Archives of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934 (44 U. S. C. 300j), is hereby amended by inserting immediately after the words "books and maps;" the words "payment in advance when authorized by the Archivist for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public;".

48 Stat. 1124.

Approved June 8, 1948.

[CHAPTER 425]

AN ACT

June 8, 1948
[H. R. 5965]
[Public Law 612]

To amend paragraph 813 of the Tariff Act of 1930.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 813 of schedule 8 of the Tariff Act of 1930 is amended to read as follows:

Tariff Act of 1930, amendment.

"PAR. 813. Notwithstanding any other provision of this Act, the duties imposed on beverages in this schedule which are subject also to internal revenue taxes shall be imposed only on the quantities subject to such taxes."

46 Stat. 640.
19 U. S. C. § 1001, par. 813.

SEC. 2. This amendment shall be effective as to all such merchandise entered, or withdrawn from warehouse, for consumption on or after the day following the date of the enactment of this Act and shall apply also to any such merchandise entered or withdrawn before that day with respect to which the liquidation of the entry or withdrawal, the exaction, or the decision as to dutiable quantity has not become final by reason of section 514, Tariff Act of 1930.

46 Stat. 734.
19 U. S. C. § 1514.

Approved June 8, 1948.

[CHAPTER 426]

AN ACT

June 8, 1948
[H. R. 6242]
[Public Law 613]

To continue until the close of June 30, 1949, the present suspension of import duties on scrap iron, scrap steel, and nonferrous metal scrap.

Duties on scrap iron, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 13, 1942, entitled "An Act to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and nonferrous metal scrap", as amended (Public Law 497,

Seventy-seventh Congress; 56 Stat. 171; Public Law 384, Eightieth Congress), is hereby amended by striking out "June 30, 1948" and inserting in lieu thereof "June 30, 1949". 61 Stat. 917. 19 U. S. C., Supp. I, § 1001 note.

Approved June 8, 1948.

[CHAPTER 427]

JOINT RESOLUTION

June 8, 1948
[H. J. Res. 384]
[Public Law 614]

To permit articles imported from foreign countries for the purpose of exhibition at the International Industrial Exposition, Incorporated, Atlantic City, New Jersey, to be admitted without payment of tariff, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the purpose of exhibition at the International Industrial Exposition, Incorporated, an international exposition, to be held at Atlantic City, New Jersey, from June 26 to September 11, 1948, inclusive, by the International Industrial Exposition, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Industrial Exposition, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in

International Industrial Exposition, Inc., Atlantic City, N. J.

Importation of articles.

Sale of articles.

Articles withdrawn.

Marking requirements.

Abandonment of articles.

Articles in customs custody.

Sole consignee; expenses.

connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Industrial Exposition, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1940 edition, title 19, sec. 1524).

Deposit of receipts.

46 Stat. 741.
19 U. S. C. § 1524.

Approved June 8, 1948.

[CHAPTER 428]

June 9, 1948
[H. R. 6071]
[Public Law 615]

AN ACT

To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes.

Sexual psychopaths, D. C.

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

TITLE I

INDECENT EXPOSURE

SEC. 101. Section 9 of the Act of July 29, 1892, entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia", as amended (D. C. Code, 1940 edition, sec. 22–1112), is hereby amended by inserting "(a)" before "That it shall not be lawful" and by adding at the end thereof the following new subsection:

27 Stat. 324.
D. C. Code, Supp. VI, § 22-1112.

"(b) Any person or persons who shall make any obscene or indecent exposure of his or her person or their persons, as described in subsection (a), knowing he or she or they are in the presence of a child under the age of sixteen years, shall be punished by imprisonment of not more than six months, or fined in amount not to exceed $500."

IMMORALITY—INVITING FOR PURPOSE OF, PROHIBITED

SEC. 102. The first section of the Act of August 15, 1935, entitled "An Act for the suppression of prostitution in the District of Columbia" (D. C. Code, 1940 edition, sec. 22–2701) is hereby amended to read as follows:

49 Stat. 651.

"That it shall not be lawful for any person to invite, entice, persuade, or to address for the purpose of inviting, enticing, or persuading any person or persons sixteen years of age or over, in or upon any avenue, street, road, highway, open space, alley, public square, enclosure, public building or other public place, store, shop, or reservation or at any public gathering or assembly in the District of Columbia, to accompany, go with, or follow him or her to his or her residence, or to any other house or building, enclosure, or other place, for the purpose of prostitution, or any other immoral or lewd purpose, under a penalty of not more than $100 or imprisonment for not more than ninety days, or both. And it shall not be lawful for any person to invite, entice, or persuade, or address for the purpose of inviting, enticing, or persuading any such person or persons from any door, window, porch, or portico of any house or building to enter any house, or go with, accompany, or follow him or her to any place whatever, for the purpose of prostitution, or any other immoral or lewd purpose, under the like penalties herein provided for the same conduct in the streets, avenues, roads, highways, or alleys, public squares, open spaces, enclosures, public buildings or other public places, stores, shops, or reservations or at any public gatherings or assemblies."

Penalty.

INDECENT ACTS—CHILDREN

SEC. 103. (a) Any person who shall take, or attempt to take any immoral, improper, or indecent liberties with any child of either sex, under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or who shall commit, or attempt to commit, any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child shall be imprisoned in a penitentiary, not more than ten years.

(b) Any such person who shall, in the District of Columbia, take any such child or shall entice, allure, or persuade any such child, to any place whatever for the purpose either of taking any such immoral, improper, or indecent liberties with such child, with said intent or of committing any such lewd, or lascivious act upon or with the body, or any part or member thereof, of such child with said intent, shall be imprisoned in the penitentiary not more than five years. Penalty.

(c) Consent by a child to any act or conduct prescribed by subsection (a) or (b) shall not be a defense, nor shall lack of knowledge of the child's age be a defense.

(d) The provisions of this section shall not apply to the offenses covered by section 104 of this Act or by section 808 of the Act of March 3, 1901, entitled "An Act to establish a code of law for the District of Columbia", as amended and supplemented (D. C. Code, 1940 edition, sec. 22–2801). *Infra.* 31 Stat. 1322.

SODOMY

SEC. 104. (a) Every person who shall be convicted of taking into his or her mouth or anus the sexual organ of any other person or animal, or who shall be convicted of placing his or her sexual organ in the mouth or anus of any other person or animal, or who shall be convicted of having carnal copulation in an opening of the body except sexual parts with another person, shall be fined not more than $1,000 or be imprisoned for a period not exceeding ten years. Any person convicted under this section of committing such act with a person under the age of sixteen years shall be fined not more than $1,000 or be imprisoned for a period not exceeding twenty years. And in any indictment for the commission of any of the acts, hereby declared to be offenses, it shall not be necessary to set forth the particular unnatural or perverted sexual practice with the commission of which the defendant may be charged, nor to set forth the particular manner in which said unnatural or perverted sexual practice was committed, but it shall be sufficient if the indictment set forth that the defendant committed a certain unnatural and perverted sexual practice with a person or animal, as the case may be: *Provided*, That the accused, on motion, shall be entitled to be furnished with a bill of particulars, setting forth the particular acts which constitute the offense charged. Penalty. Bill of particulars.

(b) Any penetration, however slight, is sufficient to complete the crime specified in this section. Proof of emission shall not be necessary.

TITLE II

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) The term "sexual psychopath" means a person, not insane, who by a course of repeated misconduct in sexual matters has evidenced "Sexual psychopath."

such lack of power to control his sexual impulses as to be dangerous to other persons because he is likely to attack or otherwise inflict injury, loss, pain, or other evil on the objects of his desire.

"Court." (2) The term "court" means the District Court of the United States for the District of Columbia, the criminal branch of the municipal court for the District of Columbia, or the juvenile court of the District of Columbia, as the case may be.

"Patient." (3) The term "patient" means a person with respect to whom there has been filed with the clerk of any court a statement in writing setting forth facts tending to show that such person is a sexual psychopath.

"Criminal proceeding." (4) The term "criminal proceeding" means a proceeding in any court against a person for a criminal offense, and includes all stages of such a proceeding from (A) the time the person is indicted, charged by an information, or charged with an offense in the juvenile court of the District of Columbia, to (B) the entry of judgment, or, if the person is granted probation, the completion of the period of probation.

FILING OF STATEMENT

SEC. 202. (a) Whenever it shall appear to the United States attorney for the District of Columbia that any person within the District of Columbia, other than a defendant in a criminal proceeding, is a sexual psychopath, such attorney may file with the clerk of the District Court of the United States for the District of Columbia a statement in writing setting forth the facts tending to show that such person is a sexual psychopath.

(b) Whenever it shall appear to the United States attorney for the District of Columbia that any defendant in any criminal proceeding prosecuted by such attorney or any of his assistants is a sexual psychopath, such attorney may file with the clerk of the court in which such proceeding is pending a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

(c) Whenever it shall appear to any court that any defendant in any criminal proceeding pending in such court is a sexual psychopath, the court may, if it deems such procedure advisable, direct the officer prosecuting the defendant to file with the clerk of such court a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

Time limitation. (d) Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) may be filed only (1) before trial, (2) after conviction or plea of guilty but before sentencing, or (3) after conviction or plea of guilty but before the completion of probation.

Nonapplicability. (e) This section shall not apply to an individual in a criminal proceeding who is charged with rape or assault with intent to rape.

RIGHT TO COUNSEL

SEC. 203. A patient shall have the right to have the assistance of counsel at every stage of the proceeding under this title. Before the court appoints psychiatrists pursuant to section 204 it shall advise the patient of his right to counsel and shall assign counsel to represent him unless the patient is able to obtain counsel or elects to proceed without counsel.

Infra.

EXAMINATION BY PSYCHIATRISTS

Supra. SEC. 204. (a) When a statement has been filed with the clerk of any court pursuant to section 202, such court shall appoint two qualified psychiatrists to make a personal examination of the patient. The patient shall be required to answer questions asked by the psychiatrists under penalty of contempt of court. Each psychiatrist shall file a

Filing of report.

written report of the examination, which shall include a statement of his conclusion as to whether the patient is a sexual psychopath.

(b) The counsel for the patient shall have the right to inspect the reports of the examination of the patient. No such report and no evidence resulting from the personal examination of the patient shall be admissible against him in any judicial proceeding except a proceeding under this title to determine whether the patient is a sexual psychopath. Inspection of reports.

WHEN HEARING IS REQUIRED

SEC. 205. If, in their reports filed pursuant to section 204, both psychiatrists state that the patient is a sexual psychopath, or if both state that they are unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, or if one states that the patient is a sexual psychopath and the other states that he is unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, then the court shall conduct a hearing in the manner provided in section 206 to determine whether the patient is a sexual psychopath. If, on the basis of the reports filed, the court is not required to conduct such a hearing, the court shall enter an order dismissing the proceeding under this title to determine whether the patient is a sexual psychopath. *Ante*, p. 348. *Infra.*

HEARING; COMMITMENT TO SAINT ELIZABETHS HOSPITAL

SEC. 206. Upon the evidence introduced at a hearing held for that purpose the court shall determine whether or not the patient is a sexual psychopath. Such hearing shall be conducted without a jury unless, before such hearing and within fifteen days after the date on which the second report is filed pursuant to section 204, a jury is demanded by the patient or by the officer filing the statement. The rules of evidence applicable in judicial proceedings in the court shall be applicable to hearings pursuant to this section; but, notwithstanding any such rule, evidence of conviction of any number of crimes the commission of which tends to show that the patient is a sexual psychopath and of the punishment inflicted therefor shall be admissible at any such hearing. The patient shall be entitled to an appeal as in other cases. If the patient is determined to be a sexual psychopath, the court shall commit him to Saint Elizabeths Hospital to be confined there until released in accordance with section 207. *Ante*, p. 348.

PAROLE; DISCHARGE

SEC. 207. Any person committed under this title may be released from confinement when the Superintendent of Saint Elizabeths Hospital finds that he has sufficiently recovered so as to not be dangerous to other persons, provided if the person to be released be one charged with crime or undergoing sentence therefor, the Superintendent of the hospital shall give notice thereof to the judge of the criminal court and deliver him to the court in obedience to proper precept.

STAY OF CRIMINAL PROCEEDINGS

SEC. 208. Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) of section 202 shall stay such criminal proceeding until whichever of the following first occurs: *Ante*, p. 348.

(1) The proceeding under this title to determine whether the patient is a sexual psychopath is dismissed pursuant to section 205 or withdrawn;

(2) It is determined pursuant to section 206 that the patient is not a sexual psychopath; or

(3) The patient is discharged from Saint Elizabeths Hospital pursuant to section 207.

Ante, p. 349.

CRIMINAL LAW UNCHANGED

SEC. 209. Nothing in this title shall alter in any respect the tests of mental capacity applied in criminal prosecutions under the laws of the District of Columbia.

Approved June 9, 1948.

[CHAPTER 433]

AN ACT

June 10, 1948
[S. 2277]
[Public Law 616]

To amend section 13 of the Surplus Property Act of 1944, as amended, to provide for the disposition of surplus real property to States, political subdivisions, and municipalities for use as public parks, recreational areas, and historic-monument sites, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Surplus Property Act of 1944 (58 Stat. 770), as amended, is further amended by adding at the end thereof the following new subsection:

Surplus Property Act of 1944, amendment.
50 U. S. C. app. § 1622; Supp. I, § 1622.
Post, p. 1103.

"(h) (1) Notwithstanding any other provision of this Act, any disposal agency designated pursuant to this Act may, with the approval of the Administrator, convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus land, including improvements and equipment located thereon, which, in the determination of the Secretary of the Interior, is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public. The Administrator, from funds appropriated to the War Assets Administration, shall reimburse the Secretary of the Interior for the costs incurred in making any such determination.

Conveyance to State, etc.

Park or recreational purposes.

"(2) Conveyances for park or recreational purposes made pursuant to the authority contained in this subsection shall be made at a price equal to 50 per centum of the fair value of the property conveyed, based on the highest and best use of the property at the time it is offered for disposal, regardless of its former character or use, as determined by the Administrator. Conveyances of property for historic-monument purposes under this subsection shall be made without monetary consideration: *Provided*, That no property shall be determined under this paragraph to be suitable or desirable for use as an historic-monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled "An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and no property shall be so determined to be suitable or desirable for such use if (A) its area exceeds that necessary for the preservation and proper observation of the historic monument situated thereon, or (B) it was acquired by the United States at any time subsequent to January 1, 1900.

Historic monuments.

16 U. S. C. § 463.

Deed of conveyance.

"(3) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed for a period of not less than twenty years, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States."

SEC. 2. Section 13 (f) of the Surplus Property Act of 1944, as amended, is amended to read as follows:

58 Stat. 772.
50 U. S. C. app. § 1622 (f).

"(f) Except as otherwise provided by this section, the disposal of surplus property under this section to States and political subdivisions and instrumentalities thereof shall be given priority over all other disposals of property provided for in this Act except (1) transfers to Government agencies under section 12 of this Act, as amended, and (2) disposals to veterans under section 16 of this Act, as amended. Disposals of real property to States, political subdivisions, and instrumentalities thereof for any of the purposes specified in section 13 (a) (1) (A), section 13 (a) (1) (B), section 13 (c), section 13 (d), section 13 (e), section 13 (g), or section 13 (h) of such Act, as amended, shall be given priority over all other disposals of property provided for in this Act except transfers to Government agencies under section 12 of this Act, as amended. The Administrator may prescribe a reasonable time during which any such priority shall be exercised."

Priority.

58 Stat. 770, 773.
50 U. S. C. app. §§ 1621, 1625.

SEC. 3. Section 18 (e) of the Surplus Property Act of 1944, as amended, is hereby repealed.

58 Stat. 774.
50 U. S. C. app. § 1627 (e).

Approved June 10, 1948.

[CHAPTER 434]

AN ACT

To amend the Civil Service Act to remove certain discrimination with respect to the appointment of persons having any physical handicap to positions in the classified civil service.

June 10, 1948
[H. R. 4236]
[Public Law 617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to regulate and improve the civil service of the United States", as amended (22 Stat. 403), is amended by adding at the end of paragraph "Second" the following new subparagraph:

Civil Service Act, amendment.

5 U. S. C. § 633.

"Ninth, that no person shall be discriminated against in any case because of any physical handicap, in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the Civil Service Commission, may be efficiently performed by a person with such a physical handicap: *And provided further*, That such employment will not be hazardous to the appointee or endanger the health or safety of his fellow employees or others."

Nondiscrimination of persons physically handicapped.

Approved June 10, 1948.

[CHAPTER 435]

AN ACT

To authorize the Secretary of the Interior to have made by the Public Roads Administration and the National Park Service a joint reconnaissance survey of the Chesapeake and Ohio Canal between Great Falls, Maryland, and Cumberland, Maryland, and to report to the Congress upon the advisability and practicability of constructing thereon a parkway, and for other purposes.

June 10, 1948
[H. R. 5155]
[Public Law 618]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be expended from the appropriations made to the National Park Service for parkways the sum of $40,000 for the purpose of making a joint reconnaissance study by the Public Roads Administration and the National Park Service of the federally owned Chesapeake and Ohio Canal between Great Falls, Maryland,

Chesapeake and Ohio Canal, Md.
Appropriation authorized.

and Cumberland, Maryland, to determine the advisability and practicability of constructing a parkway along the route of the Chesapeake and Ohio Canal, including a report of estimated cost.

Approved June 10, 1948.

[CHAPTER 436]

June 10, 1948
[H. R. 5283]
[Public Law 619]

AN ACT

To provide for the disposal of surplus sand at Fort Story, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law the Secretary of the Army is hereby authorized and empowered to dispose of surplus sand on Government-owned lands at Fort Story, Virginia, by sale, upon such terms and conditions as are deemed advisable by him.

Approved June 10, 1948.

[CHAPTER 437]

June 10, 1948
[H. R. 5816]
[Public Law 620]

AN ACT

To amend the Act of April 25, 1947, relating to the establishment of the Theodore Roosevelt National Memorial Park, and for other purposes.

Theodore Roosevelt National Memorial Park.
61 Stat. 52.
16 U. S. C., Supp. I, § 241.
Post, pp. 384, 1102.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 25, 1947, is hereby amended as follows:

Amend section 1 to read "That all those certain tracts, pieces, or parcels of land, title to which is vested in the United States of America, and being in the State of North Dakota, and within the boundaries particularly described, as follows, to wit: Beginning at the point where the north line of the right-of-way of United States Highway Numbered 10 intersects the east boundary of section 36, township 140 north, range 101 west, fifth principal meridian; thence southwesterly and northwesterly along the north line of said right-of-way through section 1, township 139 north, range 101 west, and sections 36, 35, 34, 27, 28, 29, and 30, township 140 north, range 101 west; thence northwesterly and southwesterly along the north line of the right-of-way of said highway to be relocated as shown on the right-of-way plat for project SNFAP 283C (3) filed for record in the office of the register of deeds, Medora, North Dakota, book numbered 2 of plats, page 68, on June 13, 1942, through section 25 and the east half of the northeast quarter of section 26, township 140 north, range 102 west, to the point of intersection with the east sixteenth section line of said section 26; thence north along the sixteenth section line to the northwest corner of the northeast quarter of the northeast quarter of said section 26; thence northwesterly along a line to the northwest corner of the southwest quarter of the southeast quarter of section 23, township 140 north, range 102 west; thence westerly along the sixteenth section line to the northeast corner of the southeast quarter of the southeast quarter of section 22; township 140 north, range 102 west; thence southerly along the east section line to the southeast corner of said section 22; thence westerly along the south line of said section 22 to the point of intersection with the right bank of the Little Missouri River; thence northerly and westerly along the right bank of said river to the point of intersection with the east line of section 21, township 140 north, range 102 west; thence southerly along the east line of said section 21, to the intersection with the north line of the right-of-way of the Northern Pacific Railway, which point lies north of said United States Highway Numbered 10; thence westerly along the north line of said right-of-way to the point of intersection with the north line of the

right-of-way of said United States Highway Numbered 10; thence westerly along the north line of the right-of-way of said highway through said section 21 to the intersection with the west line of said section 21; thence northerly along the west line of said section 21, and sections 16 and 9, thence continuing northerly to the southeast corner of Government lot 9, section 5, township 140 north, range 102 west; thence northwesterly to the northwest corner of Government lot 2 in said section 5; thence westerly to the southwest corner of the southeast quarter of section 34, township 141 north, range 102 west; thence northerly along the quarter section line to the northwest corner of the said southeast quarter of section 34; thence northwesterly along a line to the southwest corner of section 27, township 141 north, range 102 west; thence northerly along the west line of said section 27, to the southwest corner of the northwest quarter of said section 27; thence northeasterly along a line to the southwest corner of the southeast quarter of section 22, township 141 north, range 102 west; thence continuing northeasterly along a line to the southwest corner of the northwest quarter of section 23, township 141 north, range 102 west; thence continuing northeasterly along a line to the northeast corner of said northwest quarter of section 23; thence easterly along the north lines of said section 23, and section 24, township 141 north, range 102 west; to the northwest corner of section 19, township 141 north, range 101 west; thence continuing easterly along the north line of said section 19 to the northwest corner of the northeast quarter of said section 19; thence southeasterly along a line to the northwest corner of the southwest quarter of the southwest quarter of the northwest quarter of section 20, township 141 north, range 101 west; thence southerly along the west line of said section 20 to the northwest corner of the southwest quarter of section 20; thence easterly to the northwest corner of the southeast quarter of section 20; thence southerly to the southwest corner of the southeast quarter of said section 20; thence easterly along the north lines of section 29 and section 28, to the northeast corner of section 28, township 141 north, range 101 west; thence southerly along the west line of section 27, township 141 north, range 101 west, to the southwest corner of said section 27; thence easterly along the north lines of sections 34, 35, and 36 to the northeast corner of section 36, township 141 north, range 101 west; thence southerly along the east line of said section 36 to the southwest corner of section 31, township 141 north, range 100 west; thence easterly to the southeast corner of said section 31; thence southeasterly along a line to the northwest corner of Government lot 7 of section 2, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the southwest quarter of section 1, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the northeast quarter of section 12, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the southwest quarter of section 7, township 140 north, range 100 west; thence easterly along the quarter section line to the northwest corner of the southeast quarter of said section 7; thence southeasterly along a line to the northwest corner of section 17, township 140 north, range 100 west; thence continuing southeasterly along a line to a point which is 33 feet west of the east line of said section 17, and 33 feet north of the south line of said section 17; thence southerly on a line which lies 33 feet west of and parallel to the east lines of sections 20, 29, and 32 of township 140 north, range 100 west, to the point of intersection with the north right-of-way line of United States Highway Numbered 10; thence westerly along the north line of said right-of-way through said sections 32 and 31, township 140 north, range 100 west, to the point of intersection with the east boundary of section 36, township 140 north, range 101 west, the place of

beginning, containing forty-nine thousand one hundred and fifty-three and seventy-nine one-hundredths acres more or less."

61 Stat. 54. 16 U. S. C., Supp. I, § 244.

Amend section 4 by striking out "lots 2, 3, 4, and 6 of section 33, township 144, range 102," and inserting in lieu thereof "lots 6 and 7, section 33, township 144 north, range 102 west; southeast quarter of southeast quarter, section 32, township 144 north, range 102 west; lots 4 and 5, section 4, township 143, range 102 west; and those parts of lot 1 and the southeast quarter of the northeast quarter, section 5, township 143 north, range 102 west, that lie north and east of a line running diagonally from the northwest corner of said lot 1 to the southeast corner of the southeast quarter of the northeast quarter of said section 5,".

61 Stat. 54. 16 U. S. C., Supp. I, § 246.

Strike out all of section 6 and renumber the remaining sections accordingly.

Conveyance to other agencies.

SEC. 2. Administrative jurisdiction over any of such lands that the Secretary of the Interior finds are not required for exchange purposes as herein provided may be conveyed to other Federal agencies by the Secretary of the Interior without exchange of funds, or if such lands are not required by other Federal agencies they may be conveyed to the State of North Dakota without reimbursement to the United States.

Approved June 10, 1948.

[CHAPTER 438]

JOINT RESOLUTION

June 10, 1948
[H. J. Res. 246]
[Public Law 621]

To authorize the issuance of a special series of stamps commemorative of the one-hundredth anniversary of the poultry industry in the United States.

Poultry industry. Commemorative stamp.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance, during 1948, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the one-hundredth anniversary of the poultry industry in the United States.

Approved June 10, 1948.

[CHAPTER 439]

JOINT RESOLUTION

June 10, 1948
[H. J. Res. 340]
[Public Law 622]

To authorize the issuance of a special series of stamps commemorative of the one-hundredth anniversary of the founding of the American Turners Society in the United States.

American Turners. Commemorative stamp.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance, during 1948, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the one-hundredth anniversary of the founding of the American Turners, which society sponsored physical education and recreation in America.

Approved June 10, 1948.

[CHAPTER 447]

AN ACT

June 10, 1948
[S. 1486]
[Public Law 623]

To provide for payment of salaries covering periods of separation from the Government service in the case of persons improperly removed from such service.

Government employees, salaries. 37 Stat. 555.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of August 24, 1912 (U. S. C., 1946 edition, title 5, sec. 652), is hereby amended to read as follows:

"SEC. 6. (a) No person in the classified civil service of the United States shall be removed or suspended without pay therefrom except for such cause as will promote the efficiency of such service and for reasons given in writing. Any person whose removal or suspension without pay is sought shall (1) have notice of the same and of any charges preferred against him; (2) be furnished with a copy of such charges; (3) be allowed a reasonable time for filing a written answer to such charges, with affidavits; and (4) be furnished at the earliest practicable date with a written decision on such answer. No examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer or employee directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for removal or suspension without pay, and the order of removal or suspension without pay shall be made a part of the records of the proper department or agency, as shall also the reasons for reduction in grade or compensation; and copies of the same shall be furnished, upon request, to the person affected and to the Civil Service Commission. This subsection shall apply to a person within the purview of section 14 of the Veterans' Preference Act of 1944, as amended, only if he so elects.

Removal from classified civil service.

Notice of charges, etc.

Record of charges, etc.

58 Stat. 390.
5 U. S. C., Supp. I, § 863.

"(b) (1) Any person removed or suspended without pay under subsection (a) who, after filing a written answer to the charges as provided under such subsection or after any further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

Compensation upon reinstatement.

"(2) Any person who is discharged, suspended, or furloughed without pay, under section 14 of the Veterans' Preference Act of 1944, as amended, who, after answering the reasons advanced for such discharge, suspension, or furlough or after an appeal to the Civil Service Commission, as provided under such section, is reinstated or restored to duty on the ground that such discharge, suspension, or furlough was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such discharge, suspension, or furlough for the period for which he received no compensation with respect to the position from which he was discharged, suspended, or furloughed, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period.

58 Stat. 390.
5 U. S. C., Supp. I, § 863.

"(3) Any person removed or suspended without pay in a reduction in force who, after an appeal to proper authority, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

Membership in organizations of postal employees.

"(c) Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Right to petition Congress.

"(d) The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with."

Approved June 10, 1948.

[CHAPTER 448]

JOINT RESOLUTION

June 11, 1948
[S. J. Res. 231]
[Public Law 624]

To amend section 303 of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes".

Defense housing, amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 (a) of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940 (Public Law 849, Seventy-sixth Congress), as amended, is hereby amended by striking out the period at the end thereof and inserting a colon and the following: "*And provided further*, That moneys derived from the rental and operation of such property and funds from the reserve account established by the Administrator pursuant to this section 303, not exceeding in the aggregate $10,000,000, shall be available and may be used by the Administrator for expenses found necessary in the provision of stopgap emergency housing in the Portland, Oregon-Vancouver, Washington, area for persons and families displaced as the result of the destruction of the temporary housing at Vanport in Multnomah County, Oregon, and other persons and families in such area rendered homeless as a result of the present flood, and in providing such stopgap emergency housing the Administrator may act without regard to section 3709 of the Revised Statutes."

54 Stat. 1127; 55 Stat. 363.
42 U. S. C. § 1543 (a).
Emergency housing, Oreg. and Wash.
41 U. S. C. § 5.

Approved June 11, 1948.

[CHAPTER 449]

AN ACT

June 12, 1948
[S. 1641]
[Public Law 625]

To establish the Women's Army Corps in the Regular Army, to authorize the enlistment and appointment of women in the Regular Air Force, Regular Navy and Marine Corps, and in the Reserve components of the Army, Navy, Air Force, and Marine Corps, and for other purposes.

Women's Armed Services Integration Act of 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Women's Armed Services Integration Act of 1948".

TITLE I

ARMY

SEC. 101. Effective the date of enactment of this title, there is established in the Regular Army a Women's Army Corps, which shall per-

form such services as may be prescribed by the Secretary of the Army.

Authorized strengths.

SEC. 102. The authorized commissioned, warrant, and enlisted strengths of the Women's Army Corps of the Regular Army shall, from time to time, be determined by the Secretary of the Army, within the authorized commissioned, warrant, and enlisted strengths of the Regular Army, but shall not exceed 2 per centum of such authorized Regular Army strengths, respectively: *Provided*, That for a period of two years immediately following the date of this Act, the actual number of regular personnel in the Women's Army Corps of the Regular Army shall at no time exceed five hundred commissioned officers, seventy-five warrant officers and seven thousand, five hundred enlisted women, and such number of commissioned officers shall be appointed in increments of not to exceed 40 per centum, 20 per centum, 20 per centum, and 20 per centum at approximately equally spaced intervals of time during the said period of two years.

Two-year limitation.

Director of WAC.

SEC. 103. (a) From the officers permanently commissioned in the Women's Army Corps, Regular Army, the Secretary of the Army shall select to serve during his pleasure, but normally not to exceed four years, one officer to be Director of the Women's Army Corps who shall be adviser to the Secretary of the Army on Women's Army Corps matters, and who, without vacation of her permanent grade, shall have the temporary rank, pay, and allowances of a colonel while so serving; one officer to be Deputy Director thereof, who, if permanently commissioned in a lower grade, shall, without vacation of her permanent grade, have the temporary rank, pay, and allowances of a lieutenant colonel while so serving; and from among officers of the Women's Army Corps (including Women's Army Corps officers of the Army of the United States or any component thereof serving on extended active duty) the Secretary of the Army shall select to serve during his pleasure such number of officers as he may determine necessary to fill positions designated by him in the administration and training of the Women's Army Corps, who, if permanently commissioned in a lower grade, shall, without vacation of permanent grade, have the temporary rank, pay, and allowances of lieutenant colonel or major while so serving, as the Secretary of the Army may determine: *Provided*, That after July 1, 1952, such officers shall be selected from among commissioned officers in the permanent grades of lieutenant colonel or major, except the Director and Deputy Director who shall be selected from among officers in the permanent grade of lieutenant colonel: *And provided further*, That prior to July 1, 1952, the Secretary of the Army may extend that date one time until such later date as he may select for that purpose but such later date shall not be later than July 1, 1956.

Deputy Director.

Administration and training officers.

Selection after July 1, 1952.

Retired rank and pay.

(b) Unless entitled to higher retired rank or pay under any provision of law, each such commissioned officer who shall have served for two and one-half years as Director or Deputy Director of such corps may upon retirement at the discretion of the President be retired with the rank held by her while so serving, and with retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which she would receive if serving on active duty with such rank, and if thereafter recalled to active service shall be recalled in such rank.

Appointment of commissioned officers.

SEC. 104. (a) Commissioned officers of the Women's Army Corps of the Regular Army shall be appointed by the President, by and with the advice and consent of the Senate, from female citizens of the United States who have attained the age of twenty-one years and who possess such qualifications as may be prescribed by the Secretary of the Army.

Original appointments.

(b) Except as modified or otherwise provided by express provisions of law, original appointments of officers in the Women's Army Corps of the Regular Army shall be made from among qualified female

persons in the manner now or hereafter prescribed by law for appointment of male persons in the Regular Army except as may be necessary to adapt said provisions to the Women's Army Corps of the Regular Army.

Grades.

(c) Officers shall be permanently commissioned in the Women's Army Corps of the Regular Army in grades from second lieutenant to lieutenant colonel, inclusive. The authorized number in permanent grade of lieutenant colonel shall be such as the Secretary of the Army shall from time to time determine but shall not exceed 10 per centum of the total authorized commissioned strength of such corps.

61 Stat. 883.

(d) Title V of the Officer Personnel Act of 1947 (Public Law 381, Eightieth Congress, approved August 7, 1947) is amended as follows:

61 Stat. 884.
10 U. S. C., Supp. I, § 506 (c).

(1) Subsection 502 (c) of said Act is amended by inserting in the first sentence thereof immediately after the words "as chaplains," the additional words "in the Women's Army Corps,", and by inserting in the second sentence thereof immediately after the words "the Medical Department," the additional words "the Women's Army Corps,".

61 Stat. 884.
10 U. S. C., Supp. I, § 506 (d).

(2) Subsection 502 (d) of said Act is amended by inserting immediately after the words "of the chaplains of the Regular Army;" the additional words "of the Women's Army Corps of the Regular Army;".

61 Stat. 888.
10 U. S. C., Supp. I, § 559 (b) (1).
Colonel and lieutenant colonel grades, restriction.

(3) Subsection 505 (b) of said Act is amended by inserting immediately after the first proviso contained in paragraph (1) thereof the following additional proviso: "*Provided further*, That in the Women's Army Corps promotion list there shall be no officers in the permanent grade of colonel and the authorized number in the permanent grade of lieutenant colonel shall not exceed 10 per centum of the total strength authorized for that promotion list but the percentages not authorized in these grades by virtue of this proviso shall be allotted by the Secretary of the Army to grades below lieutenant colonel in such promotion list:".

61 Stat. 889.
10 U. S. C., Supp. I, § 559 (c) (1).

(4) Subsection 505 (c) of said Act is amended by inserting in paragraph (1) thereof immediately after the words "Air Corps," the additional words "the Women's Army Corps,", and by inserting the following additional paragraph at the end of said subsection:

"(8) The Women's Army Corps promotion list shall contain the names of all promotion-list officers of the Women's Army Corps."

61 Stat. 892.
10 U. S. C., Supp. I, § 559a (a) (4).
Selection board.

(5) Subsection 507 (a) of said Act is amended by changing the period at the end of paragraph (4) thereof to a colon and inserting after such colon the following proviso: "*Provided*, That any selection board convened to consider and recommend officers of the Women's Army Corps of the Regular Army for promotion to any grade may contain officers of the Women's Army Corps of the Regular Army in any grade above that of major either in the Women's Army Corps of the Regular Army or under temporary appointment in the Army of the United States."

61 Stat. 894.
10 U. S. C., Supp. I, § 559c (a).
Nonapplicability.

(6) Subsection 509 (a) of said Act is amended by changing the period at the end of said subsection to a colon and inserting after such colon the following additional words: "*Provided*, That the provisions of this section shall not apply to promotion of officers of the Women's Army Corps of the Regular Army to the grade of lieutenant colonel."

61 Stat. 897.
10 U. S. C., Supp. I, §§ 559c, 559d.

(7) Said Act is amended by inserting between sections 509 and 510 the following new section:

"WOMEN'S ARMY CORPS PROMOTION-LIST OFFICERS—PROMOTION TO GRADE OF LIEUTENANT COLONEL

"SEC. 509A. Women's Army Corps promotion-list officers shall be promoted to and appointed in the permanent grade of lieutenant colonel in the Regular Army only when a vacancy exists in the number

of lieutenant colonels authorized for that promotion list. Such officers shall be appointed in that grade only when selected and recommended for that grade by a selection board under regulations prescribed by the Secretary of the Army."

(8) Subsection 514 (b) of said Act is amended by renumbering paragraphs (2) and (3) thereof so that they will appear as paragraphs (3) and (4) thereof, respectively, and inserting immediately before such paragraphs the following new paragraph:

61 Stat. 903.
10 U. S. C., Supp. I, § 941a (b) (2) (3).

"(2) for any officer appointed in the Women's Army Corps of the Regular Army under the provisions of section 108 of title I of the Women's Armed Services Integration Act of 1948, the period of service credited to such officer at time of her appointment under the provisions of subsection (b) of such section, increased by the period of her active commissioned service in the Regular Army subsequent to such appointment;".

Post, p. 361.

(9) Subsection 514 (d) of said Act is amended by changing the period at the end of the last proviso contained in paragraph (4) thereof to a colon and inserting after such colon the following additional provisos: "*Provided further*, That any of the officers of the Women's Army Corps of the Regular Army in the permanent grade of lieutenant colonel may, in the discretion of the Secretary of the Army, be retained on the active list until thirty days after that date upon which thirty 'years' service' is completed: *And provided further*, That any officer of the Women's Army Corps of the Regular Army in the permanent grade of lieutenant colonel, who is serving in the temporary grade of colonel by virtue of occupying the position of Director of said Corps, may, in the discretion of the Secretary of the Army, be retained on the active list while serving in such temporary grade."

61 Stat. 903.
10 U. S. C., Supp. I, § 941a (d) (4).

Retention on active list.

Director.

(10) Subsection 514 (d) of said Act is further amended by inserting after the end of paragraph (4) thereof the following new paragraph:

Supra.

"(5) After June 30, 1953, unless provided otherwise by some provision of law, each officer of the Women's Army Corps of the Regular Army, heretofore or hereafter appointed in the permanent grade of major, who is not retired or separated at an earlier date under other provisions of law, shall be eliminated from the active list and retired on that date which is thirty days after the date upon which she completes twenty-five 'years' service', unless she is appointed in the permanent grade of lieutenant colonel in the Regular Army before that date."

Majors.

(e) The Women's Army Corps promotion list described in section 505 of the Officer Personnel Act of 1947, as amended, shall be established as soon as officers are appointed in the Women's Army Corps of the Regular Army under the provisions of section 108 of this title. The names of all officers appointed under the provisions of section 108 of this title shall be placed on such promotion list immediately below those officers of the same grade having the same or next greater period of service for promotion purposes.

Promotion list.

61 Stat. 888.
10 U. S. C., Supp. I, § 559 and note.
Ante, p. 358.

Post, p. 361.

(f) Commissioned officers of the Women's Army Corps of the Regular Army are promotion-list officers and they shall be included among officers referred to by that term in all provisions of law relating to promotion-list officers generally, unless otherwise specifically provided.

Promotion-list officers.

(g) The Secretary of the Army shall prescribe the military authority which commissioned officers of the Women's Army Corps may exercise, and the kind of military duty to which they may be assigned.

Military duty, etc.

(h) The Secretary of the Army, under the circumstances and in accordance with regulations prescribed by the President, may termi-

Termination of commission.

nate the commission of any officer appointed in the Women's Army Corps.

Permanent grade promotions.

(i) There shall be no permanent grade promotions in the Women's Army Corps of the Regular Army to the grades of captain, major, or lieutenant colonel until the making of promotions to fill initial requirements in these grades in accordance with the provisions of subsection (j) of this section.

(j) Permanent grade promotions to fill initial requirements in the Women's Army Corps promotion list in the grades of captain, major, and lieutenant colonel shall be made on that date which is fifteen months after the date of enactment of this title or at the earliest practicable time thereafter under provisions identical to those contained in section 518 of the Officer Personnel Act of 1947 except that the first two sentences of paragraph (1) of subsection (a) thereof shall not apply and in the remainder of said section, insofar as promotions in the Women's Army Corps of the Regular Army are concerned, wherever the date "July 1, 1948" appears and wherever the date "June 30, 1948" appears there shall be substituted in lieu thereof that date which is fifteen months after the date of enactment of this title and, insofar as promotions of officers of the Women's Army Corps of the Regular Army to the grade of lieutenant colonel are concerned, the provisions of subsection 518 (b) thereof shall not apply and, insofar as promotions in the Women's Army Corps of the Regular Army are concerned, the phrase "years' service" as used therein shall mean the amount of service credited to persons appointed in the Women's Army Corps of the Regular Army under the provisions of section 108 (b) of this title at time of appointment increased by the period of active commissioned service in the Regular Army performed by such persons subsequent to appointment.

61 Stat. 910.
10 U. S. C., Supp. I, § 559i.

"Years' service."

Post, p. 361.

Suspension of promotions to certain grades.

(k) After the making of promotions to fill initial requirements prescribed in subsection (j) of this section, all permanent grade promotions in the Women's Army Corps of the Regular Army to the grades of captain, major, and lieutenant colonel shall be suspended until that date which is twenty-four months after the date of enactment of this title and at that time section 509 and section 509A of the Officer Personnel Act of 1947, as amended, shall become effective for permanent grade promotions of officers of the Women's Army Corps of the Regular Army to the grades of captain, major, and lieutenant colonel.

61 Stat. 894.
10 U. S. C., Supp. I, § 559c.
Ante, p. 358.

Warrant officers.

SEC. 105. (a) Under such regulations as the Secretary of the Army may prescribe, female citizens of the United States may be appointed warrant officers in the Women's Army Corps of the Regular Army in each of the several warrant officer grades under the provisions of law now or hereafter applicable to the appointment of male persons in such warrant officer grades in the Regular Army and all laws now or hereafter applicable to warrant officers of the Regular Army shall be applicable to such warrant officers.

Termination of appointment.

(b) The Secretary of the Army, under such regulations as he may prescribe, may terminate the appointment of any warrant officer appointed in the Women's Army Corps.

Original enlistments and reenlistments.

SEC. 106. (a) Original enlistments and reenlistments in the Women's Army Corps of the Regular Army, from among female persons who possess such qualifications as the Secretary of the Army may prescribe, may be accepted under applicable provisions of law which govern original enlistments and reenlistments in the Regular Army of male persons except as may be necessary to adapt said provisions to the Women's Army Corps of the Regular Army: *Provided*, That no person shall be enlisted in the Women's Army Corps of the Regular Army who has not attained the age of eighteeen years: *And provided further*, That no person under the age of twenty-one years

Age requirement.

Consent of parents or guardians.

shall be enlisted in such corps without the written consent of her parents or guardians, if any.

Termination of enlistment.

(b) The Secretary of the Army, under such regulations as he may prescribe, may terminate the enlistment of any enlisted woman in the Women's Army Corps, and each person whose enlistment is so terminated shall be discharged from the Army.

Applicability of laws.

SEC. 107. Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers, warrant officers, and enlisted men of the Regular Army; to former male commissioned officers, warrant officers, and enlisted men of the Regular Army; and to their dependents and beneficiaries, shall in like cases be applicable, respectively, to commissioned officers, warrant officers, and enlisted women of the Women's Army Corps, Regular Army, to former commissioned officers, warrant officers, and enlisted women of the Women's Army Corps, Regular Army, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to the Women's Army Corps: *Provided*, That the husbands of women officers and enlisted personnel of the Regular Army shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such officers and enlisted personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

Dependents.

Appointment of officers in WAC of Regular Army.

SEC. 108. (a) At any time not later than a date two years following the date of enactment of this title, the President is authorized to appoint officers in the Women's Army Corps of the Regular Army, by and with the advice and consent of the Senate, in the grades of second lieutenant, first lieutenant, captain, and major, subject to the conditions and limitations hereinafter set forth. Persons appointed under the provisions of this section shall—

(1) be female citizens of the United States, at least twenty-one years of age, of good moral character, physically qualified for active military service, and have such other qualifications as may be prescribed by the Secretary of the Army; and shall

(2) have served honorably in the active Federal service as commissioned officers in the Women's Army Corps of the Army of the United States at some time between July 1, 1943, and the date of enactment of this title.

Service credit.

(b) Each person appointed as a commissioned officer of the Women's Army Corps of the Regular Army under the provisions of this section shall be credited, at the time of appointment, with service equivalent to the total period of active Federal service performed by her after attaining the age of twenty-one years as a commissioned officer in the Army of the United States from July 1, 1943, to the date of such appointment, or a period of service equal to the number of days, months, and years by which her age at the time of such appointment exceeds twenty-five years, whichever period is the greater: *Provided*, That in computing the total period of active commissioned Federal service of any such person who was honorably discharged or relieved from active service subsequent to May 12, 1945, there shall also be credited the period from the date of her discharge or relief from active service to the date of her appointment in the Women's Army Corps of the Regular Army under the provisions of this section.

(c) For the purpose of determining the grade in which each such person shall be originally appointed under the provisions of this section, a computation shall be made of the amount of service with which each such person would have been credited as of the date of enactment of this section under the provisions of subsection (b) of this section had she been appointed in the Women's Army Corps of the Regular Army under the provisions of this section on that date. The amount of service so computed for each such person is hereinafter referred to

"Enactment service."

Grades.

as the amount of such person's "enactment service". Persons appointed in the Women's Army Corps of the Regular Army with less than three years "enactment service" shall be appointed in the grade of second lieutenant; persons with three or more years "enactment service", but less than seven years "enactment service", shall be appointed in the grade of first lieutenant; persons with seven or more years "enactment service", but less than fourteen years "enactment service", shall be appointed in the grade of captain; and persons with fourteen or more years "enactment service", but less than twenty-one years "enactment service", shall be appointed in the grade of major: *Provided*, That no person appointed in the Women's Army Corps of the Regular Army under the provisions of this title shall be entitled, by reason of such appointment, to any pay or allowances for any period prior to the date of acceptance of such appointment.

Restriction on appointment.

(d) No person with twenty-one or more years "enactment service" shall be appointed as a commissioned officer of the Women's Army Corps of the Regular Army under the provisions of this section.

(e) For the purpose of determining eligibility for promotion, each person appointed as a commissioned officer in the Women's Army Corps of the Regular Army under the provisions of this section shall be credited, as of the time of such appointment, with continuous commissioned service on the active list of the Regular Army equal to the period of service credited to her under subsection (b) of this section.

Officers' and Enlisted Reserve Corps.

SEC. 109. (a) Effective the date of enactment of this title, the appointment of women in the Officers' Reserve Corps of the Army of the United States and the enlistment of women in the Enlisted Reserve Corps of the Army of the United States shall be authorized.

Applicability of laws.

(b) Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers and former commissioned officers of the Officers' Reserve Corps, to enlisted men and former enlisted men of the Enlisted Reserve Corps, and to their dependents and beneficiaries, shall in like cases be applicable, respectively, to female commissioned officers and former commissioned officers of the Officers' Reserve Corps, to enlisted women and former enlisted women of the Enlisted Reserve Corps, and to their dependents and beneficiaries, except as may be necessary to adapt said provisions to the female persons in the Officers' and Enlisted Reserve Corps: *Provided*, That the husbands of women officers and enlisted personnel of any of the Reserve components of the Army of the United States shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

Dependents.

Appointments in Officers' Reserve Corps.

(c) Appointments of women in the Officers' Reserve Corps may be made by the President in grades from lieutenant colonel to second lieutenant, inclusive, from female citizens of the United States who have attained the age of twenty-one years and who possess such qualifications as may be prescribed by the Secretary of the Army: *Provided*, That any person who has served satisfactorily as the commanding officer (Director) of the Women's Army Corps established by Act of July 1, 1943 (57 Stat. 371), or as the Director of the Women's Army Corps created by this title, may, if otherwise qualified, be appointed in such Reserve Corps in the grade of colonel: *And provided further*, That women specialists (such as scientists and technical experts) who possess such qualifications as may be prescribed by the Secretary of the Army may be initially appointed in the Officers' Reserve Corps in such grades as may be prescribed by the Secretary of the Army in accordance with regulations prescribed by him.

Colonels.

50 U. S. C. app. §§ 1551–1555; Supp. I, §§ 1551–1555 notes.

Specialists.

Enlistments in Enlisted Reserve Corps.

(d) Enlistments of women in the Enlisted Reserve Corps may be accepted under the provisions of law now or hereafter applicable to

enlistments of male persons in the Enlisted Reserve Corps, under such regulations, in such grades or ratings, and for such periods of time as may be prescribed by the Secretary of the Army.

(e) The President may form any or all female members of the Officers' Reserve Corps and the Enlisted Reserve Corps into such organizations and units as he may prescribe.

SEC. 110. Notwithstanding the provisions of section 2a of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), neither (1) the Act of July 1, 1943 (57 Stat. 371), nor (2) the Act of September 22, 1941 (55 Stat. 728, ch. 414), as amended, insofar as it pertains to officers of the Women's Army Corps heretofore appointed thereunder, shall be repealed until that date which is twelve months after the date of enactment of this Act.

61 Stat. 451.
50 U. S. C. app. §§ 1551–1555; Supp. I, §§ 1551–1555 notes.
10 U. S. C. § 484 note; Supp. I, § 484.

TITLE II

NAVY AND MARINE CORPS

SEC. 201. All laws or parts of laws which now or hereafter authorize enlistments in the Regular Navy and which now or hereafter authorize appointments of commissioned and warrant officers in the Regular Navy shall, subject to the provisions of this title, be construed to include authority to enlist and appoint women in the Regular Navy: *Provided*, That no woman shall be enlisted in the Regular Navy or Naval Reserve who has not attained the age of eighteen years: *And provided further*, That no woman under the age of twenty-one years shall be enlisted in the Regular Navy or Naval Reserve without the written consent of her parents or guardians, if any.

Age requirement.

Consent of parents or guardians.

SEC. 202. The number of enlisted women on the active list of the Regular Navy at any one time shall not exceed 2 per centum of the enlisted strength now or hereafter authorized for the active list of the Regular Navy, and the number of commissioned and warrant women officers on the active list of the Regular Navy at any one time shall not exceed 10 per centum of the authorized number of enlisted women of the Regular Navy: *Provided*, That for a period of two years immediately following the date of this Act, the actual number of women in the Regular Navy shall at no time exceed five hundred commissioned women officers, twenty warrant women officers, and six thousand enlisted women, and such number of commissioned women officers shall be appointed in increments of not to exceed 40 per centum, 20 per centum, 20 per centum, and 20 per centum at approximately equally spaced intervals of time during the said period of two years.

Number on active list.

Limitation on number for two years.

SEC. 203. Women commissioned in the Regular Navy under the provisions of this title shall not have permanent commissioned grade on the active list of the Regular Navy above that of commander. The number of women officers on the active list of the line of the Regular Navy in the permanent grades of commander and lieutenant commander shall not exceed 10 per centum and 20 per centum, respectively, of the number of women officers on the active list of the line of the Regular Navy above commissioned warrant grade at any one time. Computations to determine such numbers shall be made as of January 1 of each year. Whenever a final fraction occurs in any computation made pursuant to this section, the nearest whole number shall be taken, and if such fraction be one-half the next higher whole number shall be taken. Upon determining such numbers, the Secretary of the Navy may further determine the number, which may be a lesser number, of women officers on the active list of the line of the Regular Navy which may serve in each of such grades and the numbers so further determined shall be held and considered as the authorized numbers until subsequent computations and determinations are made. No woman officer of the Regular Navy shall be reduced in grade or pay,

Commanders and lieutenant commanders.

Determination of numbers.

or be separated from the active list, as the result of any such computation or determination.

Original appointments.

SEC. 204. All original appointments of women to commissioned grade in the Regular Navy above the grade of commissioned warrant officer, other than appointments effected pursuant to the Act of April 18, 1946 (60 Stat. 92), as now or hereafter amended, shall be in the grade of ensign or lieutenant (junior grade) at the discretion of the President. Such appointees shall be female citizens of the United States who on July 1 of the year in which appointed are over twenty-one and under thirty years of age. No person shall be appointed pursuant to this section until she shall have established her mental, moral, educational, professional, and physical qualifications to the satisfaction of the Secretary of the Navy.

34 U. S. C. §§ 272a, 151, 691, 153, 15, 16, 228a; Supp. I, §§ 2, 15.

Qualifications.

Assistant to Chief of Naval Personnel.

SEC. 205. From the women officers serving in the grade of lieutenant commander or above, one woman officer may be detailed to duty in the Bureau of Naval Personnel as an assistant to the Chief of Naval Personnel. She shall have the rank of captain while so serving, and shall be entitled to pay and allowances as are now or may be hereafter prescribed by law for a captain of the Regular Navy, and her regular status as a commissioned officer in the Navy shall not be disturbed by reason of such detail.

Applicability of laws.

SEC. 206. (a) The respective provisions of law now existing or hereafter enacted relating to the promotion by selection of line and staff officers of the Regular Navy not restricted in the performance of duty which are not inconsistent with the provisions of this title are hereby made applicable to women officers of the Regular Navy.

Promotion to lieutenant (jg).

(b) A woman officer of the grade of ensign in the Regular Navy shall be eligible for promotion to the grade of lieutenant (junior grade) on the third anniversary of the date of rank stated in her appointment to the grade of ensign.

Selection boards.

(c) Selection boards for the recommendation of women officers of the Regular Navy for promotion in grade shall consist of not less than six nor more than nine officers of the line or appropriate staff corps of the Regular Navy. The Secretary of the Navy shall determine the composition of such boards.

Line officers. Consideration for promotion.

(d) Women lieutenant commanders, lieutenants, and lieutenants (junior grade) of the line of the Regular Navy shall become eligible for consideration by a selection board for promotion to the next higher grade in the fiscal year on June 30 of which they will have completed four, four, and three years, respectively, of service in their grades and shall retain such eligibility until recommended for promotion in the approved report of a board on selection or until separated from the active list. In computing such service in grade, an officer appointed pursuant to the Act of April 18, 1946 (60 Stat. 92), as now or hereafter amended, shall be credited in the grade to which so appointed with all time from the date of rank stated in her appointment in that grade while an officer of the Naval Reserve, exclusive of time in such grade under a temporary appointment which, by its terms, was for a period of limited duration: *Provided*, That no such officer shall become eligible for consideration by a selection board unless all officers of the same grade senior in lineal rank are eligible for such consideration. In each other instance, service in grade shall be computed from the date of rank stated in the appointment to the grade concerned.

Service credit.

34 U. S. C. §§ 272a, 151, 691, 153, 15, 16, 228a; Supp. I, §§ 2, 15.

Running mates.

(e) Women officers of the Staff Corps of the Regular Navy shall have as their running mates women officers of the line of the Regular Navy, women staff officers appointed pursuant to the Act of April 18, 1946 (60 Stat. 92), shall, upon appointment, be assigned running mates as the Secretary of the Navy shall direct; in all other instances, running mates shall be assigned in the manner prescribed by law now

34 U. S. C. §§ 272a, 151, 691, 153, 15, 16, 228a; Supp. I, §§ 2, 15.

existing or hereafter enacted relating to the assignment of running mates to male staff officers of the Regular Navy.

Staff officers. Consideration for promotion.

(f) A woman staff officer of the Regular Navy shall become eligible for consideration for recommendation for promotion to the next higher grade when the President approves the report of a line selection board in which the running mate of such staff officer or a woman line officer junior to such running mate is recommended for promotion to the next higher grade above that held by the staff officer.

Basis of recommendations.

(g) The recommendations of the selection boards in the cases of women officers of the line of the Regular Navy shall be based upon their comparative fitness for the duties to which they are assigned in the line of the Regular Navy.

(h) The recommendations of the selection boards in the cases of women officers of each of the respective staff corps of the Regular Navy shall be based upon their comparative fitness for the duties to which they are assigned in each of the respective staff corps of the Regular Navy.

Number in respect to promotion.

(i) The number to be furnished the appropriate selection board in respect to the promotion of women officers of the line of the Regular Navy to the grades of commander and lieutenant commander shall be determined by the Secretary of the Navy as of the date of the convening of the board and shall be equal to the number of vacancies existing for such officers in the grade concerned plus the estimated number of such vacancies which will occur during the ensuing twelve-month period and minus the number of such officers then on the promotion list.

(j) The number to be furnished the appropriate selection board in respect to the promotion of women line officers of the Regular Navy to the grade of lieutenant shall be determined by the Secretary of the Navy as of the date of the convening of the board and shall be equal to the number of women line officers of the Regular Navy of the grade of lieutenant (junior grade) who are eligible for consideration by such board. The board shall recommend such of the eligible officers who, in the opinion of at least two-thirds of the members of the board, are qualified for promotion and shall so certify in its report. Women line officers recommended for promotion to the grade of lieutenant in the approved report of a board on selection shall become eligible for promotion to that grade on July 1 following the date of approval of the report of the board and, upon promotion, shall be entitled to the pay and allowances of the higher grade from the date of their eligibility for promotion.

(k) Each selection board appointed to recommend women staff officers of the Regular Navy for promotion to the grade of commander or lieutenant commander shall recommend for promotion to the grade concerned in the corps for which it was appointed such eligible officers, in number not to exceed the number furnished it by the Secretary of the Navy, who, in the opinion of at least two-thirds of the members of the board, are best fitted to assume the duties of the next higher grade. The number furnished the appropriate board for each such grade in each corps shall be a fraction of the number of women officers in the next lower grade of the corps concerned who in that fiscal year first become eligible for consideration for recommendation for promotion to the next higher grade; the numerator of such fraction shall be a number equal to the total number of women line officers recommended for promotion to the grade concerned in the approved report of the immediately preceding line selection board; the denominator shall be a number equal to the number of women line officers eligible in the fiscal year concerned for consideration for recommendation for promotion to the grade concerned, exclusive of those who were senior to the junior such officer recommended for promotion to the grade concerned in the

approved report of the second preceding line selection board and of those junior in lineal rank to the junior woman line officer recommended for promotion to that grade in the approved report of the immediately preceding line selection board; if the number so determined be a mixed number and the fraction thereof be one-half or greater, the fraction shall be regarded as a whole number; if such computation produces no whole number, the fraction shall be regarded as a whole number.

(l) Each selection board appointed to recommend women staff officers of the Regular Navy for promotion to the grade of lieutenant shall recommend such of the eligible officers who, in the opinion of at least two-thirds of the members of the board, are qualified for promotion and shall so certify in its report.

Disapproval by President.

(m) Should any women officers of the line or Staff Corps of the Regular Navy of the grade of lieutenant (junior grade), recommended in the report of a selection board for promotion, be not acceptable to the President when such report is presented to him for approval or disapproval, the board shall be so informed and the names of such officers shall be removed from the report of the board and no further selection of women officers shall be made at that time.

Commander or lieutenant commander. Pay and allowances.

(n) Upon promotion to the grade of commander or lieutenant commander, a woman officer of the line of the Regular Navy shall be entitled to the pay and allowances of such grade from the date of the occurence of the vacancy to which she is promoted to fill.

Eligibility of staff officer for promotion.

(o) Each woman staff officer of the Regular Navy recommended for promotion in grade in the approved report of a board on selection shall become eligible for promotion to the grade for which recommended on the date that the line officer who is to be her running mate in such grade becomes eligible for promotion to that grade and, upon promotion, shall be entitled to the pay and allowances of the higher grade from the date upon which she becomes eligible for promotion thereto.

(p) Women officers of the line or Staff Corps of the Regular Navy shall not increase the authorized number of commissioned officers of the line or Staff Corps concerned and such women officers shall be excluded from any computations made pursuant to sections 103 and 203 of the Officer Personnel Act of 1947. Women officers of the Regular Navy of the grades of chief pay clerk, pay clerk, and acting pay clerk shall not increase the authorized number of officers of those grades.

61 Stat. 798, 816. 34 U. S. C., Supp. I, §§ 4, 5.

Sea or foreign service.

(q) Any requirement of sea or foreign service in grade prescribed by law for promotion shall not apply to the promotion of women officers of the Regular Navy.

Warrant officers.

(r) The provisions of law now existing or hereafter enacted relating to the promotion of male warrant officers and to advancement to higher pay periods of male commissioned warrant officers shall apply in like manner to women warrant and commissioned warrant officers.

Applicability of retirement laws.

SEC. 207. (a) All provisions of law now existing or hereafter enacted relating to retired officers of the Regular Navy and to the retirement or separation from the active list of officers of the Regular Navy, except those provisions relating to the same subject matter provided for in the following subsections of this section and except those provisions of the Officer Personnel Act of 1947, which relate to the retirement and discharge of officers for failure of selection for promotion, are hereby made applicable to women officers of the Regular Navy.

61 Stat. 795. 34 U. S. C., Supp. I, § 3a note.

Commander or assistant to Chief of Naval Personnel.

(b) Each woman officer of the grade of commander in the Regular Navy, or a woman officer serving as an assistant to the Chief of Naval Personnel with the rank of captain, who attains the age of fifty-five years or completes thirty years' active commissioned service in the

Regular Navy and the Naval Reserve, whichever is earlier, shall be retired by the President on the first day of the month following that in which she attains such age or completes such service, and except as otherwise provided by law, shall be placed on the retired list in the permanent grade held by her at the time of retirement: *Provided*, That a woman commander or lieutenant commander who serves as an assistant to the Chief of Naval Personnel with the rank of captain and who attains the age of fifty years while so serving may be retired by the President on the first day of the month following that in which she ceases to serve as such assistant to the Chief of Naval Personnel, and if so retired may be placed on the retired list in the rank authorized by subsection (d).

Lieutenant commander.

(c) Each woman officer of the Regular Navy who attains the age of fifty years while serving in the grade of lieutenant commander or below shall be retired by the President on the first day of the month following that in which she attains such age, and, except as otherwise provided by law, shall be placed on the retired list in the permanent grade held by her at the time of retirement: *Provided*, That this subsection shall not apply to an officer of the grade of lieutenant commander who is on a promotion list for the grade of commander or to one while serving as an assistant to the Chief of Naval Personnel with the rank of captain.

Assistant to Chief of Naval Personnel.
Ante, p. 364.

(d) Any woman officer of the Regular Navy who may be retired for any reason while serving as an assistant to the Chief of Naval Personnel under section 205 of this title, or who subsequent to such service may be retired for any reason while serving in a lower grade, may, if she shall have served two and one-half years or more as such assistant, be placed on the retired list, at the discretion of the President, in the rank held by her while serving as such assistant to the Chief of Naval Personnel: *Provided*, That the commissioned officer first detailed to duty in the Bureau of Naval Personnel as an assistant to the Chief of Naval Personnel, pursuant to this title, shall without limitation as to the time she shall serve in such capacity, upon retirement be retired with the rank held while so serving, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay she would have received if serving on active duty with such rank.

Retired pay.

(e) Each woman officer of the Regular Navy who is placed on the retired list in her permanent grade pursuant to subsection (b) or (c) of this section shall receive retired pay at the rate of 2½ per centum of the active-duty pay to which entitled at the time of retirement, multiplied by the number of years for which entitled to credit in the computation of her active-duty pay.

Physical disability.

(f) Each woman officer of the Regular Navy retired because of physical disability incurred in line of duty shall, if placed on the retired list in a grade or rank higher than her permanent grade, receive retired pay equal to 75 per centum of the active-duty pay to which she would be entitled if serving, at the time of retirement, on active duty in the grade or rank in which placed upon the retired list.

Retirement for other than physical disability.

(g) Each woman officer of the Regular Navy retired for other than physical disability incurred in the line of duty shall, if placed on the retired list in a grade or rank higher than her permanent grade, receive retired pay equal to 2½ per centum of the active-duty pay to which she would be entitled if serving, at the time of retirement, on active duty in the grade or rank in which placed upon the retired list, multiplied by the number of years for which entitled to credit in the computation of her active duty pay, not to exceed a total of 75 per centum of said active-duty pay.

(h) In any instance in which retired pay is computed pursuant to subsections (e) and (g) of this section, a fractional year of six months

or more shall be considered a full year in computing the number of years by which the rate of 2½ per centum is multiplied.

Lieutenant commanders.

(i) Women officers of the grade of lieutenant commander in the Regular Navy whose names, on June 30 of the fiscal year in which they complete twenty years' active commissioned service in the Regular Navy and the Naval Reserve, are not then on a promotion list for promotion to the next higher grade shall be placed on the retired list on that date.

Lieutenants and lieutenants (jg).

(j) Women officers of the grades of lieutenant and lieutenant (junior grade) in the Regular Navy whose names on June 30 of the fiscal year in which they complete thirteen and seven years' active commissioned service, respectively, in the Regular Navy and the Naval Reserve are not then on a promotion list for promotion to the next higher grade shall be honorably discharged from the Navy on that date with a lump-sum payment computed on the basis of two months active-duty pay at the time of their discharge for each year of commissioned service, but not to exceed a total of two years' pay: *Provided*, That for the purpose of this subsection a fractional year of six months or more shall be considered a full year in computing the number of years' commissioned service upon which to base such lump-sum payment.

Retired pay.

(k) The retired pay of a woman officer of the Regular Navy who is commissioned in the Regular Navy pursuant to the Act of April 18, 1946 (60 Stat. 92), as now or hereafter amended, shall not be less than 50 per centum of her active-duty pay at the time of retirement.

34 U. S. C. §§ 272a, 151, 691, 153, 15, 16, 228a; Supp. I, §§ 2, 15.

SEC. 208. All provisions of law now existing or hereafter enacted relating to male personnel of the Navy, except those provisions relating to the same subject matter specifically provided for in this title, shall, where applicable, be construed to include women: *Provided*, That so much of subsection 5 (a) of the Act of April 18, 1946 (60 Stat. 92), as amended, which reads "but no such person shall be appointed to a grade or rank higher than the highest grade or rank in which he served on active duty" shall not apply to any woman who may be appointed pursuant to that Act if she would have attained a higher grade or rank had she remained on active duty until the date of this Act.

34 U. S. C. § 15 (a).

Clothing and equipment.

SEC. 209. The Secretary of the Navy may prescribe the quantity and kind of clothing and equipment which shall be furnished annually to enlisted women of the Regular Navy, including that required upon their first reporting for duty, and the amount of a cash allowance to be paid to such enlisted women in any case in which such clothing and equipment is not so furnished to them.

Military duty, etc.

SEC. 210. The Secretary of the Navy may prescribe the manner in which women shall be trained and qualified for military duty in the Regular Navy, the military authority which they may exercise, and the kind of military duty to which they may be assigned: *Provided*, That they shall not be assigned to duty in aircraft while such aircraft are engaged in combat missions nor shall they be assigned to duty on vessels of the Navy except hospital ships and naval transports.

Pay, leave, and allowances.

SEC. 211. All provisions of law relating to pay, leave, money allowances for subsistence and rental of quarters, mileage and other travel allowances, or other allowances, benefits, or emoluments, of male personnel of the Regular Navy are hereby made applicable to women personnel of the Regular Navy: *Provided*, That the husbands of women officers and enlisted personnel of the Regular Navy shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such officers and enlisted personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

Dependents.

34 U. S. C. §§ 857-857g.

SEC. 212. Title V of the Naval Reserve Act of 1938 (56 Stat. 730),

as amended, is hereby further amended by striking out the present caption and sections 501 to 508, inclusive, thereof, and substituting therefor the following:

"TITLE V

"WOMEN IN THE NAVAL RESERVE

Enlistment or appointment.

"SEC. 501. Women may be enlisted or appointed in the Naval Reserve under the provisions of this Act, as now or hereafter amended, in such appropriate ratings or grades as may be prescribed by the Secretary of the Navy in the same manner and, except as otherwise provided in this title, under the same circumstances and conditions as men are enlisted or appointed in the Naval Reserve.

Military duty, etc.

"SEC. 502. The Secretary of the Navy may prescribe the manner in which women enlisted or appointed in the Naval Reserve shall be trained and qualified for military duty, the military authority they may exercise, and the kind of military duty to which they may be assigned: *Provided*, That they shall not be assigned to duty in aircraft while such aircraft are engaged in combat missions nor shall they be assigned to duty on vessels of the Navy except hospital ships and naval transports.

Pay, leave, and allowances.

"SEC. 503. The provisions of this Act, as now or hereafter amended, which relate to pay, leave, money allowances for subsistence and rental of quarters, mileage and other travel allowances, or other allowances, benefits, or emoluments, for male personnel of the Naval Reserve, shall also apply to women personnel of the Naval Reserve: *Provided*, That the husbands of women personnel of the Naval Reserve shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

Dependents.

Clothing and equipment.

"SEC. 504. The Secretary of the Navy may prescribe the quantity and kind of clothing and equipment to be furnished annually to enlisted women of the Naval Reserve, including that required upon their first reporting for active duty, and he may prescribe the amount of cash allowance to be paid to such enlisted women in any case in which such clothing and equipment is not so furnished to them.

Transfer to Naval Reserve.
34 U. S. C. §§ 857-857g.

"SEC. 505. All members of the Women's Reserve enlisted or appointed under the Act of July 30, 1942 (56 Stat. 730), as amended, are hereby transferred to the appropriate components of the Naval Reserve in the same temporary and permanent ratings or grades, with the same effective dates and dates of precedence, which they held in the Women's Reserve on the effective date of the Women's Armed Services Integration Act of 1948, and such transfer of enlisted personnel shall be for a period to be determined by the Secretary of the Navy but not longer than twelve months after the effective date of the Act last cited in this section."

Ante, p. 356.

Marine Corps.
Enlistment or appointment.

SEC. 213. (a) Women may be enlisted or appointed in the Regular Marine Corps under the provisions of this title, and the provisions of this title (except as may be necessary to adapt said provisions to the Marine Corps) are hereby made applicable to women enlisted or appointed in the Regular Marine Corps in the same manner as such provisions apply to women enlisted or appointed in the Regular Navy.

Authorized number.

(b) The number of enlisted women on the active list of the Regular Marine Corps at any one time shall not exceed 2 per centum of the enlisted strength now or hereafter authorized for the active list of the Regular Marine Corps: *Provided*, That for a period of two years immediately following the date of this Act, the actual number of enlisted women in the Regular Marine Corps shall at no time exceed one thousand.

Limitation on number for two years.

Commissioned and warrant officers.

(c) The number of commissioned and warrant women officers on the active list of the Regular Marine Corps at any one time shall not exceed 10 per centum of the authorized number of enlisted women of the Regular Marine Corps: *Provided*, That for a period of two years immediately following the date of this Act, the actual number of women officers in the Regular Marine Corps shall at no time exceed one hundred commissioned women officers and ten warrant women officers, and such number of commissioned women officers shall be appointed in increments of not to exceed 40 per centum, 20 per centum, 20 per centum, and 20 per centum at approximately equally spaced intervals of time during the said period of two years.

Limitation on number for two years.

Detail to office of Commandant of Marine Corps.

Rank, pay, etc.

(d) From the women officers serving in the grade of major or above in the Marine Corps, one officer may be detailed to duty in the office of the Commandant of the Marine Corps to assist the Commandant in the administration of women's affairs. She shall have the rank of colonel while so serving, and shall be entitled to the pay and allowances as are now or may be hereafter prescribed by law for a colonel of the Regular Marine Corps, and her regular status as a commissioned officer in the Marine Corps shall not be disturbed by reason of such detail. The provisions of section 207 of this title relative to the retirement of women officers detailed as assistant to the Chief of Naval Personnel shall apply in the same manner and under the same relative conditions to women officers of the Marine Corps detailed to duty in the office of the Commandant of the Marine Corps as provided in this subsection.

Ante, p. 366.

Termination of commission or warrant.

SEC. 214. (a) The Secretary of the Navy, under the circumstances and in accordance with regulations prescribed by the President, may terminate the commission or warrant of any woman officer in the Regular Navy or Marine Corps.

Termination of enlistment.

(b) The Secretary of the Navy, under such regulations as he may prescribe, may terminate the enlistment of any enlisted woman in the Regular Navy or Marine Corps, and each such person whose enlistment is so terminated shall be discharged from the service.

61 Stat. 829.
34 U. S. C., Supp. I, § 3a note.
61 Stat. 798, 815.

SEC. 215. The provisions of title III of the Officer Personnel Act of 1947 shall not be applicable to women officers of the Regular Navy and Naval Reserve and those provisions of titles I and II of the said Act which are not inconsistent with the provisions of this Act shall be operative with regard to women officers of the Regular Navy from the effective date of this Act.

Temporary appointments.

SEC. 216. Women officers of the Naval Reserve who on the date of approval of this Act are serving under temporary appointments in grades above commissioned warrant officer may continue to serve under such temporary appointments until such appointments are terminated by the President, or until such officers are appointed in the Regular Navy, but no such temporary appointment may continue in effect later than six months after June 30 of the fiscal year following that in which the present war shall end or the first day of the twelfth month following the effective date of this Act, whichever may be earlier: *Provided*, That, notwithstanding any other provisions of law, women officers of the Naval Reserve who at the time of appointment in the Regular Navy are serving under temporary appointments which by their terms are for a period of limited duration, may, on appointment in the Regular Navy, be given temporary appointments pursuant to the provisions of the Act of July 24, 1941 (55 Stat. 603), as amended, which shall be under the same conditions, in the same grade, and with the same precedence as those temporary appointments held by such officers in the Naval Reserve at the time of their appointment in the Regular Navy.

Appointment in Regular Navy.

34 U. S. C. §§ 350–350j; Supp. I, § 350g.

Nonapplicability.

SEC. 217. The provisions of this title shall not be construed to apply to women officers of the Navy Nurse Corps.

TITLE III

AIR FORCE

Enlistments and appointments.

SEC. 301. All laws or parts of laws which now or hereafter authorize enlistments, and appointments of commissioned and warrant officers in the Regular Air Force shall, subject to the provisions of this title, be construed to include authority to enlist and appoint women in the Regular Air Force.

Determination of authorized strength.

SEC. 302. The authorized commissioned, warrant, and enlisted strengths of female persons in the Regular Air Force shall, from time to time, be determined by the Secretary of the Air Force, within the authorized commissioned, warrant, and enlisted strengths of the Regular Air Force, but shall not exceed 2 per centum of such authorized Regular Air Force strengths, respectively: *Provided*, That for a period of two years immediately following the date of this Act, the actual number of women in the Regular Air Force shall at no time exceed three hundred commissioned officers, forty warrant officers and four thousand enlisted women, and such number of commissioned female officers shall be appointed in increments of not to exceed 40 per centum, 20 per centum, 20 per centum, and 20 per centum at approximately equally spaced intervals of time during the said period of two years.

Limitation on number for two years.

Appointment by President.

SEC. 303. (a) Commissioned female officers of the Regular Air Force shall be appointed by the President, by and with the advice and consent of the Senate, from female citizens of the United States who have attained the age of twenty-one years and who possess such qualifications as may be prescribed by the Secretary of the Air Force.

Original appointments.

(b) Except as modified or otherwise provided in this title or by other express provisions of law, original appointments of female officers of the Regular Air Force shall be made in the manner now or hereafter prescribed by law for male persons in the Regular Air Force except as may be necessary to adapt said provisions to such female officers.

Grades.

(c) Female officers shall be permanently commissioned in the Regular Air Force in grades from second lieutenant to lieutenant colonel, inclusive. The authorized number in permanent grade of lieutenant colonel shall be such as the Secretary of the Air Force shall from time to time prescribe but shall not exceed 10 per centum of the total authorized female commissioned strength.

61 Stat. 894.
10 U. S. C., Supp. I, § 559c.
Ante, p. 358.
Lieutenant colonels.

(d) The provisions of section 509 of the Officer Personnel Act of 1947 shall not be applicable to promotion of female officers to the grade of lieutenant colonel. Female officers shall be appointed in the permanent grade of lieutenant colonel only when a vacancy exists in the number of lieutenant colonels authorized by the Secretary of the Air Force for female officers and only when selected and recommended for that grade by a selection board under regulations prescribed by the Secretary of the Air Force.

Promotion list.
Post, p. 373.

(e) As soon as practicable after completion of the appointments provided for in section 308 of this title, the name of each such female commissioned officer shall be entered on the Air Force promotion list in such position among officers of her grade as may be determined by a board of general officers appointed for this purpose by the Secretary of the Air Force and under such regulations as he may prescribe: *Provided*, That all such female officers shall be placed on the Air Force promotion list without change among themselves in their relative positions then held on the interim promotion list established under the provisions of section 309 of this title.

Post, p. 374.

(f) Under regulations prescribed by the Secretary of the Air Force, any selection board convened to consider and recommend female offi-

cers of the Regular Air Force for promotion to any grade may contain female officers senior in permanent grade and temporary rank to any female officer being considered by such selection board for promotion.

Colonels.

(g) At any given time there may be one, but not more than one, female Air Force officer on duty serving in the temporary grade of colonel: *Provided*, That any female officer retired in the grade of colonel and recalled to active duty in such grade shall not be considered within this limitation. Appointment of a female Air Force officer on active duty to the temporary grade of colonel, if not sooner terminated, shall terminate on that date which is four years after the date of appointment to such temporary grade.

Retirement of officers.

(h) Female officers of the Regular Air Force shall be eliminated from the active list and retired or separated, as the case may be, under the provisions of law now or hereafter applicable to male officers generally of the Air Force promotion list, and they shall receive retired pay or severance pay, whichever is applicable, computed as provided under such law: *Provided*, That any female officer in the permanent grade of lieutenant colonel may, in the discretion of the Secretary of the Air Force, be retained on the active list until that date which is thirty days after the date upon which thirty "years' service" is completed: *Provided further*, That any female officer in the permanent grade of lieutenant colonel, who is serving in the temporary grade of colonel, may, in the discretion of the Secretary of the Air Force, be retained on the active list while serving in such temporary grade: *Provided further*, That any female Regular Air Force officer who shall have served two and one-half years on active duty in the temporary grade of colonel may, upon retirement, at the discretion of the President, be retired in such higher temporary grade and with retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which she would receive if serving on active duty in such grade, and if thereafter recalled to active duty shall be recalled in such grade: *Provided further*, That female officers in the permanent grade of major shall not be eliminated from the active list by reason of not having been selected for promotion to the permanent grade of lieutenant colonel: *Provided further*, That on and after June 30, 1953, each female officer in the permanent grade of major who is not retired or separated at an earlier date under other provisions of law shall be eliminated from the active list on that date which is thirty days after the date upon which she completes twenty-five "years' service" unless she is appointed in the permanent grade of lieutenant colonel in the Regular Air Force before that date: *And provided further*, That in its application to female officers of the Regular Air Force the term "years' service" as used in section 514 of the Officer Personnel Act of 1947, and as used in this paragraph, shall be defined as the period of service credited to a female officer on appointment into the Regular Air Force, increased by the period of her active commissioned service in the Regular Air Force subsequent to such appointment.

"Years' service."

61 Stat. 902.
10 U. S. C., Supp. I, §§ 941a, 971b.
Ante, p. 359.

Warrant officers.

SEC. 304. Under such regulations as the Secretary of the Air Force may prescribe, female citizens of the United States may be appointed warrant officers in the Regular Air Force in each of the several warrant officer grades under the provisions of law now or hereafter applicable to the appointment of male persons in such warrant officer grades in the Regular Air Force.

Enlistments and reenlistments.

SEC. 305. Original enlistments and reenlistments in the Regular Air Force from among female persons who possess such qualifications as the Secretary of the Air Force may prescribe may be accepted under applicable provisions of law which govern original enlistments and reenlistments in the Regular Air Force of male persons except as may be necessary to adapt said provisions to such female persons: *Provided*, That no woman shall be enlisted in the Regular Air Force who

Age requirement.

has not attained the age of eighteen: *And provided further*, That no woman under the age of twenty-one years shall be enlisted in the Regular Air Force without the written consent of her parents or guardians, if any.

Consent of parents or guardians.

SEC. 306. Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers, warrant officers, and enlisted men of the Regular Air Force; to former male commissioned officers, warrant officers, and enlisted men of the Regular Air Force; and to their dependents and beneficiaries, shall in like cases be applicable, respectively, to female commissioned officers, warrant officers, and enlisted women of the Regular Air Force, to former female commissioned officers, warrant officers, and enlisted women of the Regular Air Force, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to such female persons: *Provided*, That the husbands of such female persons shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such female persons shall not be considered dependent unless their father is dead or they are in fact dependent on their mother for their chief support.

Applicability of laws.

Dependents.

SEC. 307. (a) The Secretary of the Air Force shall prescribe the military authority which female persons of the Air Force may exercise, and the kind of military duty to which they may be assigned: *Provided*, That they shall not be assigned to duty in aircraft while such aircraft are engaged in combat missions.

Military duty, etc.

(b) The Secretary of the Air Force, under the circumstances and in accordance with regulations prescribed by the President, may terminate the commission, warrant, or enlistment of any female person in the Regular Air Force.

Termination of commission, etc.

SEC. 308. (a) At any time not later than two years following the date of enactment of this title, the President is authorized to appoint female officers in the Regular Air Force, by and with the advice and consent of the Senate, in the grades of second lieutenant, first lieutenant, captain, and major, subject to the conditions and limitations hereinafter set forth. Persons appointed under the provisions of this section shall (1) be female citizens of the United States, at least twenty-one years of age, of good moral character, physically qualified for active military service, and have such other qualifications as may be prescribed by the Secretary of the Air Force; and (2) have served honorably in the active Federal service as commissioned officers in the armed forces of the United States, at some time between July 1, 1943, and the date of enactment of this Act.

Appointment of officers.

(b) Each woman appointed as a commissioned officer in the Regular Air Force under the provisions of this section shall be credited, at the time of appointment, with service equivalent to the total period of active Federal service performed by her after attaining the age of twenty-one years as a commissioned officer in the armed forces of the United States from July 1, 1943, to the date of such appointment, or a period of service equal to the number of days, months, and years by which her age at the time of such appointment exceeds twenty-five years, whichever period is the greater: *Provided*, That in computing the total period of active Federal commissioned service of any such person who was honorably discharged or relieved from active service subsequent to May 12, 1945, there shall also be credited the period from the date of her discharge or relief from active service to the date of her appointment in the Regular Air Force under the provisions of this section.

Service credit.

(c) For the purpose of determining the grade in which each such person shall be originally appointed under the provisions of this section, a computation shall be made of the amount of service with

which each such person would have been credited as of the date of enactment of this section under the provisions of subsection (b) of this section had she been appointed in the Regular Air Force under the provisions of this section on that date. The amount of service so computed for each such person is hereinafter referred to as the amount of such person's "enactment service". Persons with less than three years "enactment service" shall be appointed in the grade of second lieutenant; persons with three or more years "enactment service", but less than seven years "enactment service", shall be appointed in the grade of first lieutenant; persons with seven or more years "enactment service", but less than fourteen years "enactment service", shall be appointed in the grade of captain; and persons with fourteen or more years "enactment service", but less than twenty-one years "enactment service", shall be appointed in the grade of major.

"Enactment service."

Grades.

Restriction on appointment.

(d) No woman with twenty-one or more years' "enactment service" shall be appointed as a commissioned officer in the Regular Air Force under the provisions of this section.

(e) For the purpose of determining eligibility for promotion, each person appointed as a commissioned officer of the Regular Air Force under the provisions of this section shall be credited, as of the time of such appointment, with continuous commissioned service on the active list of the Regular Air Force equal to the period of service credited to her under subsection (b) of this section.

Interim promotion list.

Ante, p. 373.

SEC. 309 (a) Upon appointment of female officers in the Regular Air Force under the provisions of section 308 of this title, the names of all female commissioned officers of the Regular Air Force shall be carried on an interim Air Force promotion list for female officers and shall on each such officer's appointment be placed thereon next below the officer of her grade on such list having the same or next greater amount of service credit for promotion purposes.

Vacancies.

(b) The Secretary of the Air Force following enactment of this Act shall reserve such portion of the vacancies existing on the Air Force promotion list as he may deem necessary in the grades of captain, major, and lieutenant colonel for promotion thereto of qualified female officers. There shall be no permanent grade promotion appointments of female officers of the Regular Air Force to the grades of captain, major, and lieutenant colonel until that date which is fifteen months after the date of enactment of this title; such promotions shall be made on such date or at the earliest practicable time thereafter: *Provided*, That selection of such female officers for promotion shall be governed by regulations prescribed by the Secretary of the Air Force, which regulations, except where inconsistent with this section, shall be in general similar to the provisions prescribed for promotion of officers on the Air Force promotion list set out in section 518 of the Officer Personnel Act of 1947: *Provided further*, That in prescribing regulations for promotion of female officers to the grade of lieutenant colonel, the provisions of section 518 (b) thereof shall not be followed: *And provided further*, That the promotion of female officers hereunder shall be made upon the interim promotion list described in this section.

Selection for promotion.

61 Stat. 910.
10 U. S. C., Supp. I, § 559i.

Officers' and Enlisted Section of Air Force Reserve.

SEC. 310. (a) Effective on the date of enactment of this title, the appointment and enlistment of women in the Officers' and Enlisted Section of the Air Force Reserve shall be authorized.

Applicability of laws.

(b) Except as otherwise specifically provided, all laws now applicable to male commissioned officers and former commissioned officers of the Officers' Reserve Corps, to enlisted men and former enlisted men of the Enlisted Reserve Corps, and to their dependents and beneficiaries, shall be applicable, respectively, to female commissioned officers and former commissioned officers, to enlisted women and former enlisted women, of the Air Force Reserve, and to their depend-

ents and beneficiaries, except as may be necessary to adapt said provisions to such female persons: *Provided*, That the husbands of such female persons shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such female persons shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support. Dependents.

(c) Appointments of women to commissioned grade in the Air Force Reserve may be made by the President alone in grades from lieutenant colonel to second lieutenant, inclusive, from female citizens of the United States who have attained the age of twenty-one years and who possess such other qualifications as may be prescribed by the Secretary of the Air Force: *Provided*, That any person who has served satisfactorily in the temporary grade of colonel in the Women's Army Corps established by Act of July 1, 1943 (57 Stat. 371), or in the temporary grade of colonel in the Regular Air Force, may, if otherwise qualified, be appointed in the grade of colonel in the Air Force Reserve. Appointments in Air Force Reserve. 50 U. S. C. app. §§ 1551-1555; Supp. I, §§ 1551-1555 notes.

(d) Enlistments of women in the Air Force Reserve may be accepted under the provisions of law now applicable to enlistments of male persons in the Enlisted Reserve Corps, under such regulations, in such grades or ratings, and for such periods of time as may be prescribed by the Secretary of the Air Force. Enlistments in Air Force Reserve.

(e) The President may form any or all such female persons of the Air Force Reserve into such organizations and units as he may prescribe.

Approved June 12, 1948.

[CHAPTER 450]

AN ACT

To authorize the Secretary of the Army and the Secretary of the Air Force to proceed with construction at military installations, and for other purposes.

June 12, 1948
[S. 1676]
[Public Law 626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army and the Secretary of the Air Force are hereby authorized to establish or develop military installations and facilities by the construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities; or by the completion of such construction, installation, or equipment specifically approved by the Secretary of the Army or the Secretary of the Air Force and heretofore undertaken as follows: Construction at military installations.

CONTINENTAL UNITED STATES

Alamogordo Army Airfield, New Mexico: Family quarters, rocket-firing facilities, and utilities; $1,622,720.

Andrews Field, Maryland: Family quarters and utilities; $3,143,630.

Army and Navy General Hospital, Hot Springs, Arkansas: Family quarters, barracks, and utilities; $852,100.

Army and Navy Medical Procurement Office, Engineering and Development Division, Fort Totten, New York: Medical equipment laboratory; $390,000.

Anniston Ordnance Depot, Alabama: Waste disposal facilities; $60,000.

Fort Belvoir, Virginia: Family quarters and utilities; $792,380.

Fort Benning, Georgia: Family quarters and utilities; $1,466,050.

Bergstrom Field, Texas: Family quarters and utilities; $1,501,970.

Fort Bliss, Texas: Family quarters and utilities; $1,113,000.

Fort Bragg, North Carolina: Family quarters and utilities; $1,778,400.

California Institute of Technology, California: Completion of supersonic wind tunnel; $410,700.

Chanute Field, Illinois: Family quarters and utilities, $1,310,800.

Craig Field, Alabama: Crash station; $26,370.

Camp Detrick, Maryland: Family quarters, munitions-loading building, crop research, and utilities; $862,830.

Edgewood Arsenal, Maryland (including Technical Command, Army Chemical Center, and Chemical Corps School): Family quarters, chemical laboratory facilities, and utilities; $959,950.

Fitzsimons General Hospital, Denver, Colorado: Family quarters and utilities; $449,050.

Forest Glen, Maryland: Complete plans and specifications for construction of an Army Institute of Pathology Building including all necessary auxiliary facilities; $600,000.

Hamilton Field, California: Family quarters, and utilities; $61,800.

Fort Hamilton, New York Port of Embarkation, New York: Family quarters and utilities; $575,230.

Camp Hood, Texas: Family quarters and utilities; $4,455,950.

Fort Sam Houston, Texas (including Brooke Army Medical Center): Family quarters and utilities; $1,288,900.

Huntsville Arsenal, Alabama: Reservation fencing; $20,600.

Fort Jay, New York: Family quarters and utilities; $382,500.

Kearney Army Airfield, Nebraska: Family quarters and utilities; $1,511,840.

Keesler Field, Mississippi: Family quarters and utilities; $1,356,700.

Kelly Field, Texas: Helicopter engine testing facilities; $152,000.

Fort Knox, Kentucky: Family quarters and utilities; $2,833,380.

Fort Leavenworth, Kansas: Printing plant, library addition, electrical supply and distribution facilities; $1,161,500.

Camp Lee, Virginia: Family quarters, bachelor quarters, barracks, and utilities; $2,902,870.

Letterman General Hospital, San Francisco, California: Complete plans and specifications for construction of a new one-thousand-five-hundred-bed general hospital, including all necessary auxiliary facilities; $940,000.

Fort Lewis, Washington: Family quarters and utilities; $2,647,500.

Lexington Signal Depot, Kentucky: Garage and equipment storage facilities; $25,000.

Lowry Field, Colorado: Family quarters and utilities, $1,310,800.

MacDill Field, Florida: Family quarters, control tower, crash station, and utilities, $1,030,380.

Madigan General Hospital, Fort Lewis, Washington: Family quarters and utilities; $369,600.

Malta Test Station, New York: Hydraulic test laboratory; $205,000.

Marietta Army Airfield, Georgia: Control tower; $54,500.

Fort McPherson, Georgia: Family quarters and utilities; $360,900.

Fort George G. Meade, Maryland: Family quarters and utilities; $995,800.

Mountain Home Army Airfield, Idaho: Family quarters and utilities; $940,880.

Muroc Army Airfield, California: Rocket static test facilities, control tower, all-altitude speed course; $2,746,500.

Fort Myer, Virginia: Replace field commissary refrigerator facilities; $108,000.

Oakland Army Base, San Francisco Port of Embarkation, California: Family quarters, barracks, and utilities; $907,580.

Oliver General Hospital, Augusta, Georgia: Family quarters and utilities, $231,000.

Percy Jones General Hospital, Battle Creek, Michigan: Family quarters and utilities; $231,000.

Picatinny Arsenal, New Jersey: Research and development facilities for high explosives, completed bombs, rockets and rocket powders; laundry; $1,978,800, of which $1,228,800 is authorized to be expended during the fiscal year 1948.

Presidio of San Francisco, California: Family quarters and utilities; $360,900.

Randolph Field, Texas: Family quarters, control tower, and utilities; $1,465,300.

Rapid City Army Airfield, South Dakota: Development of facilities for VVHB; $5,000,000.

Fort Riley, Kansas: Family quarters and utilities; $720,800.

Roswell Army Airfield, New Mexico: Training facilities; $95,790.

Sacramento Signal Depot, California: Irrigation and sprinkling; $47,970.

San Antonio Army Airfield, Military Training Center, Texas: Family quarters and utilities; $1,310,800.

Scott Field, Illinois: Family quarters and utilities; $1,316,500.

Selfridge Field, Michigan: Family quarters, crash-truck station, and utilities; $800,840.

Fort Sheridan, Illinois: Family quarters and utilities; $360,900.

Fort Sill, Oklahoma: Family quarters and utilities; $573,500.

Camp Stoneman, San Francisco Port of Embarkation, California: Family quarters and utilities; $878,570.

Tinker Field, Oklahoma (including Oklahoma City Air Depot): Jet engine test facilities; $362,000.

Two Rock Ranch Station, California: Family quarters, water pipe line, and utilities; $149,800.

United States Military Academy, West Point, New York: Family quarters and utilities; complete plans and specifications for a new academic building; $3,249,750.

Valley Forge General Hospital, Phoenixville, Pennsylvania: Family quarters and utilities; $231,000.

Vint Hill Farms Station, Virginia: Family quarters and utilities; $782,300.

Watertown Arsenal, Massachusetts: Magnesium shop building; $87,000.

White Sands Proving Ground, New Mexico: Family quarters, laboratory, storage and testing facilities for rocket development, administration facilities, central fire station, hospital expansion, and utilities; $3,887,430.

Williams Field, Arizona: Single engine gunnery range; $51,500.

Wingate Ordnance Depot, New Mexico: Additional well; $20,000.

Carswell Air Force Base, Texas: Family quarters, ammunition storage, training facilities, and utilities; $2,394,770.

Wright Field, Ohio: Rotor wing testing facilities, armament laboratory test facilities, and scavenging building for wind tunnels; $1,887,000.

Yuma Test Branch of the Engineer Board, Arizona: Family quarters, bachelor quarters, infirmary, post exchange, and utilities; $389,620.

Various Air Force stations: Removal of flight hazards, and construction of night lighting systems, low approach instrument landing systems, high frequency direction finding systems, radio range stations, sprinkler systems and fire prevention facilities; $5,085,500.

OUTSIDE CONTINENTAL UNITED STATES

Whittier, Alaska: Development of port facilities; $5,332,277.

Army Airfield at Mile 26, near Fairbanks, Alaska: Family quarters, barracks, and utilities; $2,021,118.

Ladd Field, Alaska: Family quarters, bachelor quarters, barracks, operational facilities, hospital, community facilities, and utilities; $20,694,850, of which $11,694,850 is authorized to be expended during the fiscal year 1948.

Fort Richardson-Elmendorf Field, Alaska: Family quarters, bachelor quarters, barracks, storage facilities, communication facilities, school, motor pool facilities, and utilities; $10,190,375.

Adak Army Base and Airfield, Aleutian Islands: Family quarters, barracks, communication facilities, and utilities; $4,334,600.

Army Airfield, Fort Yukon, Alaska: Establishment of fighter field with necessary operational facilities, bachelor quarters, barracks, mess hall, and utilities; $4,160,950.

Army Airfield, Nenana, Alaska: Operational facilities, barracks, and utilities; $505,000.

Adak, ACS Station, Aleutian Islands: Family quarters, operational buildings, garages, and utilities; $950,050.

Anchorage ACS Station, Alaska: Family quarters and utilities; $514,280.

Big Delta ACS Station, Alaska: Family quarters and utilities; $57,410.

Ketchikan ACS Station, Alaska: Family quarters, operational buildings, and utilities; $114,160.

Cathedral Bluff ACS Station, Alaska: Family quarters and utilities; $56,160.

Fort Randall ACS Station (Cold Bay), Alaska: Family quarters and utilities; $57,410.

Juneau ACS Station, Alaska: Family quarters and utilities; $56,160.

Northway ACS Station, Alaska: Family quarters and utilities; $56,160.

Naknek ACS Station, Alaska: Family quarters, operational buildings, garage, and utilities; $79,760.

Skagway ACS Station, Alaska: Family quarters, operational buildings, and utilities; $107,750.

Lena Point ACS Station, Alaska: Operational buildings, quarters, and utilities; $46,000.

ACS Station between Haines and Juneau, Alaska (location to be determined): Operational buildings, quarters, and utilities; $46,000.

Bethel ACS Station, Alaska: Operational buildings; $30,000.

Kodiak ACS Station, Alaska: Operational buildings; $14,420.

Nome ACS Station, Alaska: Family quarters, operational building, and utilities; $77,944.

Sitka ACS Station, Alaska: Operational building, and garage; $8,600.

New Tripler General Hospital, Territory of Hawaii: Family quarters, bachelor quarters, and utilities; $3,472,960.

Hickam Field, Territory of Hawaii: Family quarters (conversions) and barracks (reconstruction); $2,242,200.

Fort Armstrong, Territory of Hawaii: Telephone-exchange building; $55,000.

Helemano, Territory of Hawaii: Family quarters and utilities; $473,415.

Waipio, Territory of Hawaii: Family quarters and utilities; $207,760.

Fort DeRussey, Territory of Hawaii: Family quarters and utilities; $528,220.

Army Ground Force Bases, Marianas: Housing, storage, and utilities; $3,803,940.

Air Force bases, Marianas: Barracks, storage, and utilities; $5,376,708.

Clark-Stotsenberg Area, Philippine Islands (Army Security Agency): Barracks and utilities; $669,300.

Albrook Field, Canal Zone: Sewerage; $276,000.

Fort Brooke, Puerto Rico: Family quarters, water storage, and utilities; $324,100.

Fort Buchanan, Puerto Rico: Bachelor quarters, water storage, and utilities; $466,500.

Borinquen Field, Puerto Rico: Water storage and distribution facilities; $165,000.

Henry Barracks, Puerto Rico: Barracks and utilities; $561,200.

Keflavik Airport, Iceland: Development of Keflavik Airport; $10,352,100.

Harmon Field, Newfoundland: Family quarters, operational facilities, laundry and dry-cleaning facilities, warehouses, and utilities; $12,087,100.

Frobisher Bay (Upper Frobisher), Canada: Family quarters and utilities; $396,905.

Fort Chimo, Canada: Family quarters and utilities; $214,570.

Kindley Field—Fort Bell, Bermuda: Family quarters (including conversions), water evaporation building, and utilities; $2,359,938.

Alaska: Classified installation for the Air Force; $5,000,000.

Newfoundland: Two classified installations for the Air Force; $3,500,000.

Acquisition of land.

SEC. 2. To accomplish the above-authorized construction the Secretary of the Army and the Secretary of the Air Force are authorized to acquire lands and rights pertaining thereto, or other interest therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, without regard to section 3648, Revised Statutes, as amended.

31 U. S. C. § 529.

Appropriation authorized.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary toward meeting the purposes of this Act, but not to exceed $92,846,000 for public works in the continental United States during the fiscal year 1948, which includes $5,000,000 for emergency projects within the United States as may be authorized by the Secretary of the Army or the Secretary of the Air Force, and $122,200,000 for public works outside continental United States during fiscal year 1948, which includes $20,000,000 for emergency projects outside the United States as may be authorized by the Secretary of the Army or the Secretary of the Air Force. With respect to projects within and without continental United States, the approximate partial cost for each project enumerated and authorized in section 1 of this Act may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, be varied upward or downward 10 per centum, but the total cost of the work on the projects in continental United States authorized by this Act shall not exceed $85,886,000 and the total cost of the work outside continental United States authorized by this Act shall not exceed $122,044,350. Any such appropriation shall be available under the direction of the Secretary of the Army or the Secretary of the Air Force for expenses incident to construction, including administration, overhead, planning, and surveys, and shall be available until expended: *Provided*, That any work undertaken under this authorization may be prosecuted by direct appropriations, or by both direct appropriations and continuing contracts subject to the availability of subsequent appropriations: *Provided further*, That no money from current or future appropriations for the Army or the

Limitation on 1948 funds.

Variation of partial cost.

Restriction on use of funds.

Air Force shall be expended for the construction of family quarters for personnel of the Army or the Air Force of greater net floor area in square feet per unit than the following:

For enlisted men, one thousand and eighty.

For warrant officers, flight officers, and commissioned officers of and below the rank of captain, one thousand two hundred and fifty.

For majors and lieutenant colonels, one thousand four hundred.

For colonels, one thousand six hundred and seventy.

For general officers, two thousand one hundred.

"Net floor area."

For the purposes of this Act, net floor area is defined as the space inside the exterior walls, excluding basement (or service space in lieu of basement), attic, garage, and porches: *Provided*, That these areas may be increased not to exceed 10 per centum at activities outside the continental United States, and not to exceed 10 per centum for quarters of commanding officers of stations, bases, or installations based on the normal rank of such officers: *Provided further*, That quarters for civilians shall be limited to conform to the allowances for officers or men of comparable status according to responsibility, rating, and pay as determined by the Secretary of the Army or the Secretary of the Air Force to be appropriate: *Provided further*, That no family quarters for personnel of the Army or the Air Force shall be constructed with the funds authorized for appropriation herein in excess of a net floor area of one thousand and eighty square feet per unit: *Provided further*, That in any case in which the construction at any station of family quarters having a net floor area in excess of one thousand and eighty square feet is prohibited by the provisions of the foregoing proviso, an equal number of family quarters having a net floor area not in excess of one thousand and eighty square feet may be constructed at such station and any funds saved as a result of the construction of such smaller family quarters or as a result of the succeeding proviso may be utilized to construct family quarters having a net floor area not in excess of one thousand and eighty square feet at any Army or Air Force station scheduled for retention in the permanent Military Establishment: *Provided further*, That family quarters constructed with the funds authorized for appropriation herein shall be of the multiple type (generally eight families to a unit) or apartment type (generally six families to a unit) except where tropical or desert climates render the use of multiple type dwellings deleterious to health and welfare and except where one, two or three two-family units are necessary to provide the exact number of family quarters authorized herein for construction at a station.

Civilian quarters.

Family quarters.

Repeals.

SEC. 4. The following laws and parts of laws are hereby repealed: That part of the Act of March 2, 1905 (33 Stat. 836; 10 U. S. C. 1331) reading as follows: "No military post within the United States shall be established without the express authority of Congress"; that part of the Act of May 12, 1917 (40 Stat. 74; 10 U. S. C. 1333) reading as follows: "*Provided further*, That hereafter no expenditure exceeding $5,000 shall be made upon any building or military post or grounds about the same without the approval of the Secretary of War, upon detailed estimates submitted to him"; that part of the Act of February 27, 1893 (27 Stat. 484; 10 U. S. C. 1336) reading as follows: "The erection, construction, and repair of all buildings and other public structures in the Quartermaster Corps shall, as far as may be practicable, be made by contract, after due legal advertisement"; and that part of the Act of May 12, 1917 (40 Stat. 58; 24 U. S. C. 21) reading as follows: "*Provided*, That no building or structure of a permanent nature, the cost of which shall hereafter exceed $30,000, shall be erected for use as an Army hospital unless by special authority

of Congress". Revised Statutes, 1136, as amended by section 1 of the Act of February 27, 1877 (19 Stat. 242; 10 U. S. C. 1339), is hereby further amended by deleting the figure "$20,000" and inserting the figure "$100,000". The following parts of Acts are hereby repealed, and shall not be applicable to contracts or expenditures under the appropriations "Engineer Service, Army", contained in the Military Appropriation Acts 1946 and 1947: That part of section 1 of the Act of June 25, 1910 (36 Stat. 721), which reads as follows: "*Provided*, That hereafter no money appropriated for military posts shall be expended for the construction of quarters for officers of the Army, or for barracks and quarters for the artillery the total cost of which, including heating and plumbing apparatus, wiring and fixtures, shall exceed, in the case of quarters of a general officer, the sum of fifteen thousand dollars, of a colonel or an officer above the rank of captain, twelve thousand dollars, and of an officer of and below the rank of captain, nine thousand dollars", as modified by section 1 of the Act of February 25, 1927 (44 Stat. 1235), which reads as follows: "*And provided further*, That hereafter no part of this appropriation or any appropriation hereafter made shall be expended for the construction of quarters for officers of the Army in the United States or its possessions, the total cost of which, including heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of an officer above the rank of captain, $14,500, and of an officer of and below the rank of captain, $12,500."

Acts repealed in part.

59 Stat. 395; 60 Stat. 552.
10 U. S. C. § 1337.

Approved June 12, 1948.

[CHAPTER 451]

AN ACT

June 12, 1948
[H. R. 2359]
[Public Law 627]

To authorize the payment of a lump sum, in the amount of $85,000, to the village of Highland Falls, New York, as a contribution toward the cost of construction of a water-filtration plant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the village of Highland Falls (sometimes referred to as "Highlands"), in the county of Orange and State of New York, the sum of $85,000 as a contribution to the cost of construction of a water-filtration plant: *Provided*, That said village, as a condition of the payment of said sum, shall undertake to construct a water-filtration plant capable of furnishing potable filtered water to the inhabitants of said village, and to such other users as may now or hereafter be served by the village water system, at a rate of one million five hundred thousand gallons per day, and the acceptance by the village of the sum herein authorized to be appropriated shall constitute a binding agreement on the part of the village to construct a water-filtration plant which shall meet the requirements prescribed in this proviso: *And provided further*, That said village, upon receipt of payment of said sum, shall give a complete release to the United States for any damage to the village, through increased turbidity of Highlands Brook (otherwise known as Buttermilk Falls Brook), resulting from construction activities heretofore or hereafter undertaken by the Department of the Army in connection with the construction of a moving target range and golf course on the military reservation at West Point.

Highland Falls, N. Y. Water-filtration plant.

Release of U. S. from damages.

Approved June 12, 1948.

[CHAPTER 452]

AN ACT

June 12, 1948
[H. R. 4721]
[Public Law 628]

To remove the statutory limit of appropriation expenditures for repairs or changes to a vessel of the Navy.

Repair of naval vessels.
Repeals.
5 U. S. C. § 468.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of the Naval Appropriation Act of March 2, 1907 (34 Stat. 1176), which appears in lines 43 to 51 of page 1195 of volume 34 of the Statutes at Large under the heading "Construction and Repair of Vessels" under the title "Bureau of Construction and Repair"; the proviso of the Naval Appropriation Act of March 3, 1909 (35 Stat. 753), which appears in lines 21 to 30 of page 769 of volume 35 of the Statutes at Large under the heading "Construction and Repair of Vessels" under the title "Bureau of Construction and Repair"; the paragraph of the Naval Appropriation Act of August 29, 1916 (39 Stat. 556), which appears in lines 45 to 49 of page 605 of volume 39 of the Statutes at Large under the heading "Construction and Repair of Vessels" under the title "Bureau of Construction and Repair"; and the Act of July 18, 1935 (49 Stat. 482), are hereby repealed.

34 U. S. C. § 486; 5 U. S. C. § 468 note.

Restriction on use of funds.

SEC. 2. No funds appropriated for the repair or alteration of any naval vessel shall be utilized to make any repairs or alterations to a vessel which result in a change of the category or type of such vessel, unless such funds have been specifically made available for such purpose.

Approved June 12, 1948.

[CHAPTER 453]

AN ACT

June 12, 1948
[H. R. 4954]
[Public Law 629]

To authorize the construction, operation, and maintenance, under Federal reclamation laws, of the Kennewick division of the Yakima project, Washington.

Kennewick division of Yakima project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of irrigating lands; of generating, transmitting, and marketing hydroelectric energy; for the preservation and propagation of fish and wildlife; and looking to the completion of the Yakima project, there is hereby authorized to be constructed, operated, and maintained, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) the Kennewick division of the Yakima project, composed of the following principal units, to wit:

43 U. S. C. § 372 *et seq.*

Prosser-Chandler power canal.
Chandler hydroelectric power and hydraulic pumping plant.
Main canal.
Kiona wasteway.
Amon siphon and hydraulic pumping plant.
Amon wasteway.
Lateral system.
Improvements for fish and wildlife.

Nonreimbursable costs.

SEC. 2. Construction costs allocated to the conservation and propagation of fish and wildlife by the Secretary of the Interior in accordance with the provisions of the Act of August 14, 1946 (Public Law 732, Seventy-ninth Congress), and operation and maintenance costs attributable to operations for the preservation and propagation of fish and wildlife shall be nonreimbursable.

60 Stat. 1080.
16 U. S. C. §§ 661–666c.

Sale of electric power and energy.

SEC. 3. The Secretary of the Interior is authorized to enter into contracts for the sale of electric power and energy not required for project uses, hereinafter termed commercial power and energy, at

such rates as in his judgment will produce power revenues which, together with power revenues from all other sales of power and energy, will be at least sufficient to cover (1) an appropriate share of the annual operation and maintenance cost, including reasonable provision for replacements; (2) the return, within not exceeding sixty-six years from the date upon which each feature becomes revenue producing, of an appropriate share of the construction investment properly allocable by the Secretary to commercial power and energy together with interest on the unpaid balance at a rate of not less than 2½ per centum per annum; (3) the return, without interest, within a period not exceeding sixty-six years, and, with respect to each irrigation block, within a period conforming so far as practicable to the period within which water users are required to repay their share of the irrigation costs of that share of the investment found by the Secretary to be properly allocable to irrigation but assigned for return from net power revenues.

Repayment contracts.

SEC. 4. The Secretary of the Interior is authorized to enter into contracts for repayment of those construction costs of the development assigned to be repaid by the project water users, which, in the discretion of the Secretary, may require, among other things, that those charges be distributed between the presently irrigated lands and the new lands and among farm units in a manner that takes into account the productivity of the land and in the case of new lands the estimated cost of preparing the land for irrigation, all in the manner and to the extent that the Secretary shall find to be proper: *Provided*, That these charges shall be such as will provide for the payment of (1) an appropriate share of the annual operation and maintenance cost, including reasonable provisions for replacements, and (2) repayment within a period not exceeding sixty-six years without interest of an appropriate share of that part of the construction cost which can properly be allocated to irrigation and probably be repaid by the water users.

Power and energy revenues.

SEC. 5. The power and energy revenues to be applied toward the fulfillment of the obligation to return that share of the investment found by the Secretary to be properly allocable to irrigation but assigned for return from net power and energy revenues may include one-fifth of the revenues derived from the interest component of power rates in addition to any and all sums otherwise assigned for such purposes from power revenues.

Extra capacity in main canal.

SEC. 6. The Secretary of the Interior is hereby authorized to construct extra capacity in the main canal for the future irrigation of approximately seven thousand acres of land, in addition to the presently proposed development, and to recognize the cost of providing such extra capacity as a deferred obligation to be paid at such time as the additional area may be brought into the project.

Appropriation authorized.

SEC. 7. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this Act.

Approved June 12, 1948.

[CHAPTER 454]

AN ACT

To amend paragraph 1772 of the Tariff Act of 1930, as amended.

June 12, 1948
[H. R. 5553]
[Public Law 630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1772 of the Tariff Act of 1930, as amended, is amended by striking out "July 1, 1948," and inserting in lieu thereof "July 1, 1949,".

61 Stat. 716.
19 U. S. C., Supp. I, § 1201, par. 1772.

Approved June 12, 1948.

[CHAPTER 455]

June 12, 1948
[H. R. 5587]
[Public Law 631]

AN ACT

To add certain lands to the Theodore Roosevelt National Memorial Park, in the State of North Dakota, and for other purposes.

Theodore Roosevelt National Memorial Park.
Ante, p. 352; *post*, p. 1102.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands are hereby made a part of the Theodore Roosevelt National Memorial Park, subject to all laws and regulations applicable thereto:

Beginning at the southwest corner of section 17, township 147 north, range 100 west; thence north along the west boundaries of sections 17, 8, 5, township 147 north, range 100 west, and section 32 to the southwest corner of section 29, township 148 north, range 100 west; thence east to the southwest corner of the southeast quarter of section 29; thence north to the northwest corner of the southwest quarter of the northeast quarter of section 29; thence east to the northeast corner of the southeast quarter of the northeast quarter of section 29; thence north along west boundary of sections 28 and 21 to the west quarter corner of section 21; thence east to the east quarter corner of section 21; thence north along west boundary of section 22 to the northwest corner of section 22; thence east along the north boundaries of sections 22, 23, 24, township 148 north, range 100 west and sections 19 and 20 to the north quarter corner of section 20, township 148 north, range 99 west; thence south to the northwest corner of the southeast quarter of section 20; thence east to the east quarter corner of section 20; thence south to the southeast corner of section 20; thence along the north boundaries of sections 28, 27, and 26, township 148 north, range 99 west, to the northeast corner of section 26; thence south along east boundaries of sections 26 and 35 to the east quarter corner of section 35, township 148 north, range 99 west; thence west to the north bank of Little Missouri River; thence following the north bank of the Little Missouri River in a generally westerly direction to where the north bank of the river crosses the north boundary of section 4, township 147 north, range 99 west; thence west to the northwest corner of section 4; thence south to the southeast corner of section 5; thence west along the south boundaries of sections 5 and 6, township 147 north, range 99 west, and section 1, township 147 north, range 100 west to the northeast corner of section 11; thence south along east boundaries of sections 11 and 14 to the southeast corner of section 14; thence west along the south boundaries of sections 14, 15, 16, and 17 to the point of beginning, all west of the fifth principal meridian.

Acquisition of non-Federal land.

SEC. 2. That for the purposes of acquiring non-Federal lands within the boundaries of said park as established by this Act, the Secretary of the Interior is hereby authorized, in his discretion, to exchange federally owned lands within sections 1, 12, and 13, township 148 north, range 100 west, and sections 6, 7, and 18, township 148 north, range 99 west.

Right-of-way for stockmen.

Reserving, however, to the stockmen of the surrounding area a perpetual right-of-way through the park for the trailing of livestock, to and from the railroad, along and adjacent to the Little Missouri River, being the same trail or route which has been used by the stockmen for that purpose since the beginning of the livestock industry in the area.

Administrative jurisdiction.

Administrative jurisdiction over any of such lands that the Secretary of the Interior finds are not required for exchange purposes as herein provided may be conveyed to other Federal agencies by the Secretary of the Interior without exchange of funds, or if such lands are not required by other Federal agencies they may be conveyed to the State of North Dakota without reimbursement to the United States.

Approved June 12, 1948.

[CHAPTER 456]

AN ACT

To amend an Act of Congress approved February 9, 1881, which granted a right-of-way for railroad purposes through certain lands of the United States in Richmond County, New York.

June 12, 1948
[H. R. 6056]
[Public Law 632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February 9, 1881, entitled "An act to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, New York", being chapter 41 of the Public Acts of the Forty-sixth Congress of the United States passed at the third session thereof be, and it hereby is, altered or amended to read:

Richmond County, N. Y.
Railroad right-of-way.

21 Stat. 324.

"That a right-of-way by tunnel through the lands of the United States, now occupied by the Coast Guard in the Department of the Treasury and by the Post Office Department, in the vicinity of the municipal ferry terminal at Saint George, in the Borough and County of Richmond, in the City and State of New York, is hereby granted to The Staten Island Rapid Transit Railway Company, its successors and assigns, for the purpose of widening, to facilitate the reconstruction of said municipal ferry terminal, the existing tunnel constructed pursuant to the grant contained in the Act hereby amended, and for the purpose of continuing the operation of its railroad through the same, in, through, and beneath the surface of all that plot, piece, or parcel of land, bounded and described as follows: Beginning at a point where the prolongation southerly of the easterly side of Richmond Terrace intercepts the south line of South Street, said point having coordinates south five thousand eight hundred fifteen and six hundred forty-four one-thousandths, west eight thousand eight hundred eighty-six and eight hundred fifty one-thousandths in the City of New York coordinate system established by the United States Coast and Geodetic Survey for the Borough of Richmond, and running thence in an easterly direction along said south side of South Street by a curve to the right with a radius of three hundred five and sixty-five one-hundredths feet, a distance of twenty-one and three one-hundredths feet, to a point; thence continuing along said south line of South Street north eighty degrees twelve minutes twenty-six and five-tenths seconds east, thirty-six and forty-nine one-hundredths feet to a point; thence south fourteen degrees two minutes eighteen seconds west, twenty-seven and seventy-three one-hundredths feet to a point; thence south thirty-three degrees thirty-seven minutes forty-five seconds west, twenty-five and twenty-six one-hundredths feet to a point; thence south ten degrees fourteen minutes twenty-seven seconds west, four hundred forty-four and sixty-two one-hundredths feet to a point in the dividing line between the lands of the United States of America and lands of The Staten Island Rapid Transit Railway Company; thence along said dividing line north eighty degrees forty-five minutes twenty-two seconds west, forty-nine and one one-hundredths feet to a point; thence north ten degrees fourteen minutes twenty-seven seconds east, four hundred fifty-six and sixty-four one-hundredths feet to a point; thence north twenty-three degrees fifty-three minutes twenty-four seconds west, fourteen and fifty-three one-hundredths feet to a point in the aforesaid south line of South Street; thence in an easterly direction along said south line of South Street by a curve to the right with a radius of three hundred five and sixty-five one-hundredths feet, a distance of sixteen and ninety one-hundredths feet, to the point or place of beginning; together with the right to construct and maintain said tunnel for the purposes aforesaid in, upon, across, and beneath the surface of lands of the United States lying in the bed of South

Street immediately adjacent to and abutting upon the lands above described.

Reconstruction of existing tunnel.

"SEC. 2. That the reconstruction of the existing tunnel shall be carried out in accordance with plans and specifications which shall have been, prior to the commencement of such reconstruction, submitted to and approved by the Secretary of the Treasury with respect to reconstruction through the lands now occupied by the Coast Guard and submitted to and approved by the Federal Works Administrator with respect to reconstruction through the lands now occupied by the Post Office Department.

Reversion to U. S.

"SEC. 3. That whenever said right-of-way shall cease to be used for the purpose of a tunnel through which to operate a railroad, it shall revert to the United States.

Rights reserved.

"SEC. 4. That the right to repeal, alter, or amend this Act is reserved to Congress."

Approved June 12, 1948.

[CHAPTER 457]

June 12, 1948
[H. R. 6078]
[Public Law 633]

AN ACT

To amend section 303 (e) of the Interstate Commerce Act, as amended.

Interstate Commerce Act, amendment.
54 Stat. 932.
49 U. S. C. § 903 (e).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 303 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(e) (1) Notwithstanding any provision of this part the Commission may, by order, from time to time, upon application, or upon its own initiative without application, exempt from the requirements of this part the transportation of passengers between points in the United States by way of a foreign port or ports, upon a finding that application of such requirements thereto is not necessary to carry out the national transportation policy declared in this Act.

Exclusion of certain noncompetitive transportation.

"(2) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control".

54 Stat. 929.
49 U. S. C. ch. 12.
24 Stat. 379; 49 Stat. 543.
49 U. S. C. chs. 1, 8.
Ante, pp. 163, 295; *post*, p. 602.

47 Stat. 1425.
46 U. S. C. §§ 843-848.

Approved June 12, 1948.

[CHAPTER 458]

AN ACT

To withdraw certain land as available land within the meaning of the Hawaiian Homes Commission Act of 1920 (42 Stat. 108), as amended, and to restore it to its previous status under the control of the Territory of Hawaii.

June 12, 1948
[H. R. 6091]
[Public Law 634]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of Hawaiian Homes Commission land of Waiakea-Kai or Keaukaha, South Hilo, Hawaii, Territory of Hawaii, more fully described as follows, is withdrawn as "available land" within the meaning of the Hawaiian Homes Commission Act of 1920 (42 Stat. 108), as amended, and is hereby restored to its previous status under the control of the Territory of Hawaii:

Hawaii.
Withdrawal of certain "available land."

48 U. S. C. § 691 *et seq.*
Ante, pp. 295, 303; *post*, p. 390.

Portion of Hawaiian home land of Keaukaha, tract 2, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, as returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 85 of the Hawaiian Homes Commission, dated July 18, 1944, and more particularly described as follows:

Beginning at a spike at the northwest corner of this tract of land and on the southeast corner of the intersection of Nene and Akepa Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being five thousand two hundred and eight and twenty-one one-hundredths feet north and twenty-four thousand eight hundred and eighteen and six one-hundredths feet east, and running by azimuths measured clockwise from true south:

1. Two hundred and ninety degrees eleven minutes five hundred and sixty-one and eighty-two one-hundredths feet along the south side of Nene Street;

2. Thence along same on a curve to the left with a radius of one thousand four hundred and sixty-five and four-tenths feet, the chord azimuth and distance being two hundred and sixty-eight degrees thirty-seven minutes one thousand and seventy-seven and thirty one-hundredths feet;

3. Two hundred and forty-seven degrees three minutes five hundred and ninety-six and sixty-two one-hundredths feet along same;

4. Three hundred and sixty degrees no minutes one thousand two hundred and thirty-seven and eighty-five one-hundredths feet;

5. Ninety degrees no minutes two thousand one hundred and fifty-three and sixty-nine one-hundredths feet;

6. One hundred and eighty degrees no minutes one thousand one hundred and seventy-three and four one-hundredths feet along the east side of the proposed extension of Akepa Street to the point of beginning, and containing an area of fifty acres, more or less.

SEC. 2. Notwithstanding the foregoing provisions of this Act, if, at any time, in the opinion of the Commissioner of Public Lands, use of the above-described lands has been discontinued by the Department of Commerce, upon the making of such a determination by the Commissioner of Public Lands such lands shall become available lands within the meaning of section 203 of title II of the Hawaiian Homes Commission Act, 1920, as amended.

42 Stat. 109.
48 U. S. C. § 697.
Ante, pp. 295, 303.

Approved June 12, 1948.

[CHAPTER 459]

JOINT RESOLUTION

To extend the time for the release, free of estate and gift tax, of powers of appointment, and for other purposes.

June 12, 1948
[H. J. Res. 395]
[Public Law 635]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of

Revenue Act of 1942, amendments.

56 Stat. 944; 61 Stat. 178.
26 U. S. C. §§ 811, 812, 826, 861 notes; Supp. I, §§ 811, 812, 861 notes.
Ante, pp. 116, 117-121, 123, 124; *post*, p. 1214.
56 Stat. 952.
26 U. S. C., Supp. I, § 1000 note.

the Revenue Act of 1942 (relating to the release of certain powers of appointment) is hereby amended by striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949"; and section 452 (c) of the Revenue Act of 1942 is hereby amended to read as follows:

"(c) RELEASE BEFORE JULY 1, 1949.—

"(1) A release of a power to appoint before July 1, 1949, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1949 and to that part of the calendar year 1949 prior to July 1, 1949."

56 Stat. 942, 952.
26 U. S. C. §§ 811, 812, 826, 861, 1000 and notes; Supp. I, §§ 811, 812, 861, 1000.
Ante, pp. 116, 117-121, 123, 124; *post*, p. 1214.

SEC. 2. For the purposes of sections 403 and 452 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

EXTENSION OF TIME FOR ASSESSMENT OF DEFERRED EXCESS PROFITS TAX

56 Stat. 917.
26 U. S. C. §§ 710-736 note.

SEC. 3. (a) Section 710 (a) (5) of the Internal Revenue Code is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of law or rule of law, to the extent that any amount of tax remaining unpaid pursuant to this paragraph is in excess of the reduction in tax finally determined under section 722, such excess may be assessed at any time before the expiration of one year after such final determination."

54 Stat. 986.
26 U. S. C. §§ 710-736 note.

56 Stat. 917.
26 U. S. C. §§ 710-736 note.

(b) The amendment made by this section shall be effective as if made by section 222 (b) of the Revenue Act of 1942.

Approved June 12, 1948.

[CHAPTER 462]

JOINT RESOLUTION

June 14, 1948
[S. J. Res. 227]
[Public Law 636]

Providing for appropriate observance of the two-hundredth anniversary of the founding of Washington and Lee University.

Washington and Lee University, Va.
Two-hundredth anniversary of founding.

Whereas during the year 1949 there will be celebrated the two-hundredth anniversary of the founding of the Washington and Lee University as Augusta Academy; and

Whereas George Washington made this institution the beneficiary of the gift which the Commonwealth of Virginia tendered him for his services in the Revolution; and

Whereas Robert E. Lee, declining easier and more lucrative positions, gave the last years of his life to the service of education in that college; and

Whereas the contributions of these two eminent citizens, joined with those of a long roll of others devoted to the public good, have forged an institution which has served the Nation for two centuries in maintaining and promoting the ideals of constitutional American liberty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government and people of the United States unite with Washington and Lee University and with the Commission on the Washington and Lee University Bicentennial authorized by the General Assembly of the Commonwealth of Virginia in the appropriate observance of this anniversary.

Establishment of Commission.

SEC. 2. There is hereby established a commission to be known as the United States Washington and Lee University Bicentennial Commission (hereinafter referred to as the Commission) to be composed of fifteen commissioners, as follows: The President of the United States and four persons to be appointed by him, the President of the Senate and four Members of the Senate to be appointed by said President of the Senate, and the Speaker of the House of Representatives and four Members of the House to be appointed by said Speaker.

SEC. 3. The Commission, on behalf of the United States, shall cooperate with representatives of Washington and Lee University and the Commonwealth of Virginia in appropriate observance of this anniversary and extend appropriate courtesies to the delegates of foreign universities and other foreign learned bodies or individuals attending the celebration as guests of Washington and Lee University.

SEC. 4. The members of the Commission shall serve without compensation and shall select a chairman from among their number, but the President of the United States shall be designated as the honorary chairman of the Commission.

SEC. 5. Any vacancies occurring in the membership of the Commission shall be filled in the same manner in which original appointments to such Commission are made.

Approved June 14, 1948.

[CHAPTER 463]

AN ACT

June 14, 1948
[H. R. 669]
[Public Law 637]

To provide a method of paying certain unsettled claims for damages sustained as a result of the explosions at Port Chicago, California, on July 17, 1944, in the amounts found to be due by the Secretary of the Navy.

Port Chicago, Calif. Settlement of claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting the settlement of those claims against the United States resulting from the explosions which occurred at the naval ammunition depot at Port Chicago, California, on July 17, 1944, which have not been settled by the Secretary of the Navy, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement of all such claims, the respective sums found to be due in the report of the Secretary of the Navy to Congress dated September 13, 1945, and entitled "Summary of Reports of the Secretary of the Navy to Congress of the United States pursuant to Public Law 423, Seventy-eighth Congress, second session, of claims resulting from the explosion which occurred at the naval ammunition depot at Port Chicago, California"; and claims not filed within the limitation established by said Public Law 423 but which are filed within six months after the date of the approval of this Act are authorized to be investigated and reported to the Congress with recommendations by the Secretary of the Navy in accordance with the provisions of said Public Law 423: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $5,000.

58 Stat. 731.

Approved June 14, 1948.

[CHAPTER 464]

AN ACT

June 14, 1948
[H. R. 3680]
[Public Law 638]

To amend sections 207, 213, 215, 216, 220, 222, and 225, of title 2 of the Hawaiian Homes Commission Act, 1920, as amended.

Hawaiian Homes Commission Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 (a) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

42 Stat. 110.
48 U. S. C. § 701 (a).

"SEC. 207. LEASES TO HAWAIIANS, LICENSES.—

"(a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) Not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not more than one acre of any class of land to be used as a residence lot: *Provided, however*, That, in the case of any existing lease of a farm lot in the Kalanianaole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: *Provided further*, That a lease granted to any lessee may include two detached farm lots located on the same island and within a reasonable distance of each other, one of which, to be designated by the Commission, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural or pastoral lot, as the case may be, as provided in this section."

Kalanianaole Settlement on Molokai.

Farm lots.

58 Stat. 264.
48 U. S. C. § 701 (c).

SEC. 2. Section 207 (c) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

Licenses.

"(c) (1) The Commission is authorized to grant licenses for terms of not to exceed twenty-one years in each case, to public-utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like. The Commission is also authorized to grant licenses for lots within a district in which lands are leased under the provisions of this section, to—

"(A) churches, hospitals, and public schools;

"(B) theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by lessees of the Commission or by organizations formed and controlled by said lessees).

"(2) The Commission is also authorized, with the approval of the Governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges: *Provided*, That any such license may be extended from time to time by the Commission, with the approval of the Governor, for additional terms of three years: *Provided further*, That any such license shall not restrict the areas required by the Commission in carrying on its duties, nor interfere in any way with the Commission's operation or maintenance activities."

42 Stat. 112.
48 U. S. C. § 707.

SEC. 3. Section 213 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"SEC. 213. HAWAIIAN HOME-LOAN FUND; HAWAIIAN HOME-DEVELOPMENT FUND; HAWAIIAN HOME-OPERATING FUND; HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—(a) There are hereby established in the treasury of the Territory two revolving funds to be known as the Hawaiian home-loan fund and the Hawaiian home-operating fund, and two special funds to be known as the Hawaiian home-development fund and the Hawaiian home-administration account.

"(b) HAWAIIAN HOME-LOAN FUND.—Thirty per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provisions of law, or from water licenses, shall be deposited into the Hawaiian home-loan fund until the aggregate amount of the fund (including in said amount the principal of all outstanding loans and advances, and all transfers which have been made from this fund to other funds for which this fund has not been or need not be reimbursed) shall equal $2,000,000. In addition to these moneys, there shall be covered into the loan fund the installments of principal paid by lessees upon loans made to them as provided in paragraph 2 of section 215, or as payments representing reimbursements on account of advances made pursuant to section 209 (1), but not including interest on such loans or advances. The moneys in said fund shall be available only for loans to lessees as provided for in this Act, and for the payments provided for in section 209 (1), and shall not be expended for any other purpose whatsoever, except as provided in paragraphs (c) and (d) of this section.

Post, p. 392.

50 Stat. 504.
48 U. S. C. § 703 (1).

"(c) HAWAIIAN HOME-DEVELOPMENT FUND.—Twenty-five per centum of the amount of moneys covered into the Hawaiian home-loan fund annually shall be transferred into the Hawaiian home-development fund until the aggregate amount of such annual transfers shall equal $400,000. The moneys in said development fund shall be available, with the prior written approval of the Governor, for the construction of sanitary sewerage facilities, for the construction of roads through and over Hawaiian home lands, and for other nonrevenue producing improvements.

"(d) HAWAIIAN HOME-OPERATING FUND.—All moneys received by the Commission from any other source, except moneys received for the Hawaiian home-administration account, shall be deposited in a revolving fund to be known as the Hawaiian home-operating fund. The moneys in said fund shall be available (1) for construction and reconstruction of revenue-producing improvements, including acquisition therefor of real property and interests therein, such as water rights or other interests; (2) for payment into the treasury of the Territory of such amounts as are necessary to meet the following charges for Territorial bonds issued for such revenue-producing improvements, to wit, the interest on such bonds, and the principal of such serial bonds maturing the following year; (3) for operation and maintenance of such improvements, heretofore or hereafter constructed from said fund or other funds; and (4) for the purchase of water or other utilities, goods, commodities, supplies, or equipment and for services, to be resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands. The moneys in said fund may be supplemented by other funds available for, or appropriated by the legislature for, the same purposes. In addition to such moneys, said fund, with the approval of the Governor, may be supplemented by transfers made on a loan basis from the home-loan fund. The amounts of all such transfers shall be repaid into the home-loan fund in not exceeding ten annual installments, and the aggregate amount of such transfers outstanding at any one time shall not exceed $500,000. No projects or activities shall be undertaken hereunder except as authorized by sections 220 and 221 or the other provisions of this Act.

Supplemental funds.

Post, p. 393.
42 Stat. 114.
48 U. S. C. § 715.

"(e) MATCH MONEYS.—The Commission is authorized and empowered to use moneys in the development and operating funds, with the prior written approval of the Governor, to match Federal, Territorial, or county funds available for the same purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure and do and perform such other acts and things, as may be necessary or

required, as a condition to securing match funds for such projects or works.

"(f) HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—The entire receipts derived from any leasing of the available lands defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:

42 Stat. 110.
48 U. S. C. § 698.

Budget estimates.

"(1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the Territorial director of the Bureau of the Budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by Territorial law of Territorial departments and establishments.

"(2) The Commission's budget, if it meets with the approval of the Governor, shall be included in the Governor's budget report and shall be transmitted to the legislature for its approval.

"(3) Upon approval by the legislature of the Commission's budget estimate of expenditures for the ensuing biennium, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided, or, if no action on the budget is taken by the legislature prior to adjournment, the amount submitted to the legislature, but not in excess of $200,000, shall be available for such expenditures; any amount of money in said account in excess of the amount approved by the legislature for the biennium or so made available shall be transferred to the general fund of the treasury of the Territory, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature or so made available.

"(4) The money in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices."

SEC. 4. Section 215 (1) of the Hawaiian Homes Commission Act, 1920, as last amended by the Act of November 26, 1941 (55 Stat. L. 785), is hereby further amended by deleting from the first sentence the figures "$3,000" and inserting in lieu thereof "$5,000", and by deleting from the first sentence the figures "$1,000" and inserting in lieu thereof "$3,000", so as to cause the portion of the first sentence following the colon and preceding the proviso to read as follows: "The amount of loans at any one time to any lessee, or successor or successors in interest, of a tract of agricultural or pastoral land shall not exceed $5,000 and to any lessee or successor or successors in interest, of a residence lot shall not exceed $3,000:".

48 U. S. C. § 709 (1).

42 Stat. 112.
48 U. S. C. § 709 (2).

SEC. 5. Section 215 (2) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

Repayment of loans.

"(2) The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case. The term of the loan shall not exceed thirty years: *Provided*, That payments in any sum in addition to the required installments, or payment of the entire amount of the loan, may be made at any time within the term of the loan. All unpaid balances of principal shall bear interest at the rate of 3 per centum per annum, payable periodically or upon demand by the Commission, as the Commission may determine. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and

Postponement of payment.

sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 per centum per annum on the unpaid principal."

SEC. 6. Section 216 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

42 Stat. 113.
48 U. S. C. § 710.

"SEC. 216. INSURANCE BY BORROWERS; ACCELERATION OF LOANS; LIEN AND ENFORCEMENT THEREOF.—The Commission may require the borrower to insure, in such amount as the Commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the Commission may directly take out such insurance and add the cost thereof to the amount of principal payable under the loan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest in the tract as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition the Commission may declare all principal and interest of the loan immediately due and payable notwithstanding any provision in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in his tract, growing crops, either on the tract or in any collective contract or program, dwellings, or other permanent improvements thereon, and his livestock, to the amount of all principal and interest due and unpaid and of all taxes and insurance upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. Such lien shall have priority over any other obligation for which the tract, said growing crops, dwellings, other improvements, or livestock may be security.

Violations.

Ante, p. 392.
42 Stat. 112.
48 U. S. C. § 709 (4) (5) (6).

Immediate payment if violation found.

First lien on property, etc.

"The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract, or his successor's interest therein, as the case may be, together with the said growing crops, dwellings, and other permanent improvements thereon, and the livestock, to be forfeited, the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the Commission, and the Commission may take possession of the tract and the improvements and growing crops thereon: *Provided*, That the Commission shall pay to the borrower any difference which may be due him after the appraisal provided for in paragraph (1) of section 209 of this title has been made."

Enforcement of lien.

Revestment of lands in Commission.

Payment of difference.

50 Stat. 504.
48 U. S. C. § 703 (1).

SEC. 7. Section 220 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

42 Stat. 114.
48 U. S. C. § 714.

"SEC. 220. DEVELOPMENT PROJECTS; APPROPRIATIONS BY TERRITORIAL LEGISLATURE; BONDS ISSUED BY LEGISLATURE.—The Commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders, including the authority to derive revenue from the sale, to others than homesteaders, of water and other products of such projects or activities, or from the enjoyment thereof by others than homesteaders, where such sale of products or enjoyment of projects or activities by others does not interfere with the proper performance of the duties of the Commission: *Provided, however*, That roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained

Maintenance of roads.

Appropriation authorized.

are located. The Legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, the Hawaiian home-operating fund, and the Hawaiian home-administration account, and to provide the Commission with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sums so appropriated for the payment of which, if issued for revenue-producing improvements, the Commission shall provide, as set forth in section 213 (d)."

Issuance of bonds.

Ante, p. 391.

SEC. 8. Section 222 of the Hawaiian Homes Commission Act, 1920, as last amended by the Act of November 26, 1941 (55 Stat. L. 787), is hereby further amended by amending the second sentence thereof to read as follows: "All expenditures of the Commission, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund, and all moneys necessary for loans made by the Commission, in accordance with the provisions of this chapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Commission."

48 U. S. C. § 694.

Presentation of vouchers.

55 Stat. 787.
48 U. S. C. § 707a.

SEC. 9. Section 225 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"SEC. 225. INVESTMENT OF LOAN FUNDS; DISPOSITION.—The Commission shall have the power and authority to invest and reinvest any of the moneys in the loan fund, not otherwise immediately needed for the purposes of the fund, in such bonds and securities as authorized by Territorial law for the investment of Territorial sinking fund moneys. Any interest or other earnings arising out of such investments shall be credited to and deposited in the Hawaiian home-operating fund and shall be considered a deposit therein from the other sources mentioned in section 213 (d)."

Ante, p. 391.

Effective date.

SEC. 10. This Act shall take effect on and after the date of its approval.

Approved June 14, 1948.

[CHAPTER 465]

June 14, 1948
[H. R. 5728]
[Public Law 639]

AN ACT

Making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1949, and for other purposes.

Labor-Federal Security Appropriation Act, 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1949, namely:

TITLE I—DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

Post, p. 449.

Salaries and expenses: For expenses necessary for the Office of the Secretary of Labor (hereafter in this title referred to as the Secretary), including personal services in the District of Columbia; health service program as authorized by law (5 U. S. C. 150); teletype news service; and payment in advance when authorized by the Secretary for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public; $975,000.

60 Stat. 903.

Salaries and expenses, Office of the Solicitor: For expenses necessary for the Office of the Solicitor for the Department of Labor, including personal services in the District of Columbia, $1,015,000. *Post*, p. 450.

Salaries and expenses, Bureau of Labor Standards: For expenses necessary for the promotion of industrial safety, employment stabilization, and amicable industrial relations for labor and industry, and for the performance of the functions vested in the Secretary by title I of the Labor-Management Relations Act, 1947 (Public Law 101, approved June 23, 1947), including personal services in the District of Columbia; purchase of reports and of material for informational exhibits; and expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Bureau of Labor Standards when called by the Bureau with the written approval of the Secretary; $320,000. 61 Stat. 136. 29 U. S. C., Supp. I, §§ 151–167.

Penalty mail costs: For deposit in the Treasury for penalty mail for the Department of Labor (39 U. S. C. 321d), $115,000. 58 Stat. 394.

Salaries and expenses, Bureau of Veterans' Reemployment Rights: For expenses necessary to render assistance in connection with the exercise of reemployment rights of veterans under section 8 of the Selective Training and Service Act of 1940, as amended (50 U. S. C., App. 308), the Service Extension Act of 1941, as amended, the Army Reserve and Retired Personnel Service Law of 1940, as amended, and under the Act of June 23, 1943, as amended (50 U. S. C., App. 1472), of persons who have performed service in the Merchant Marine, including personal services in the District of Columbia, $207,500. *Post*, p. 1049. 54 Stat. 890. 55 Stat. 626. 50 U. S. C. app. §§ 351–362. 54 Stat. 858. 50 U. S. C. app. §§ 401–405. 57 Stat. 162. 50 U. S. C., Supp. I, app. § 1472 note.

BUREAU OF APPRENTICESHIP

Salaries and expenses: For expenses necessary to enable the Secretary to conduct a program of encouraging apprentice training, as authorized by the Act of August 16, 1937 (29 U. S. C. 50), including personal services in the District of Columbia, $2,444,000. 50 Stat. 664.

BUREAU OF LABOR STATISTICS

Salaries and expenses: For expenses necessary for the work of the Bureau of Labor Statistics, including reimbursement to State, Federal, and local agencies and their employees for services rendered; personal services in the District of Columbia; and not to exceed $15,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $4,073,000. 60 Stat. 810.

WOMEN'S BUREAU

Salaries and expenses: For expenses necessary for the work of the Women's Bureau, as authorized by the Act of June 5, 1920 (29 U. S. C. 11–16), including personal services in the District of Columbia and purchase of reports and material for informational exhibits; $274,200. 41 Stat. 987.

WAGE AND HOUR DIVISION

Salaries and expenses: For expenses necessary for performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936 (41 U. S. C. 38), and for the functions under the Fair Labor Standards Act transferred by Reorganization Plan Numbered 2 of 1946, including personal services in the District of Columbia; reimbursement to State, Federal, and local agencies and their employees for inspection services rendered; and expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Wage 52 Stat. 1060. 29 U. S. C. §§ 201–219; Supp. I, § 216. 49 Stat. 2038. 60 Stat. 1095. 5 U. S. C. § 133y–16 note. Attendance at meetings.

and Hour Division when called by the Division with the written approval of the Secretary; $5,000,000.

DEPARTMENT OF LABOR—GENERAL PROVISIONS

Travel expenses.

SEC. 102. Appropriations under this title available for salaries and expenses shall be available for travel expenses and, when specifically authorized by the Secretary, for expenses of attendance at meetings concerned with the function or activity for which any such appropriation is made.

SEC. 103. Appropriations under this title available for salaries and expenses shall be available for stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

60 Stat. 810.

SEC. 104. Appropriations under this title available for salaries and expenses shall be available for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

60 Stat. 843.
Post, p. 1006.

SEC. 105. Appropriations under this title available for salaries and expenses shall be available for printing and binding.

Transfer of funds.

SEC. 106. The Secretary, if he finds it necessary for the practical and efficient operation of the Department, shall have the authority to transfer funds from any appropriation herein made available for salaries and expenses to any other such appropriation, but no appropriation shall be either increased or decreased more than 5 per centum by such transfers: *Provided*, That any such transfers shall not be used for the purpose of creating new functions within the Department.

Restriction.

Citation of title.

SEC. 107. This title may be cited as the "Department of Labor Appropriation Act, 1949".

Federal Security Agency Appropriation Act, 1949.
Post, p. 443.

TITLE II—FEDERAL SECURITY AGENCY

AMERICAN PRINTING HOUSE FOR THE BLIND

41 Stat. 272.

Education of the blind: For carrying out the Act of August 4, 1919, as amended (20 U. S. C. 101), $115,000.

BUREAU OF EMPLOYEES' COMPENSATION

60 Stat. 810.

41 U. S. C. § 5.

Salaries and expenses: For necessary administrative expenses, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed $41,000 for the Employees' Compensation Board of Appeals; $1,400,000: *Provided*, That section 3709, Revised Statutes, as amended, shall not apply to any purchase or service outside continental United States when the aggregate amount involved does not exceed $500.

Medical services, etc.

39 Stat. 742.

Employees' compensation fund: For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority of the Act of September 7, 1916, as amended (5 U. S. C. 796), shall apply

in providing such services, treatment, and expenses in such cases; $10,800,000.

COLUMBIA INSTITUTION FOR THE DEAF

Salaries and expenses: For the partial support of Columbia Institution for the Deaf, including personal services and miscellaneous expenses, and repairs and improvements, $282,400.

FOOD AND DRUG ADMINISTRATION

Salaries and expenses: For necessary expenses for carrying out the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301–392); the Tea Importation Act, as amended (21 U. S. C. 41–50); the Import Milk Act (21 U. S. C. 141–149); the Federal Caustic Poison Act (15 U. S. C. 401–411); and the Filled Milk Act, as amended (21 U. S. C. 61–64); including personal services in the District of Columbia; purchase of not to exceed forty-five passenger motor vehicles (of which thirty-five shall be for replacement only); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); reporting and illustrating the results of investigations; and not to exceed $2,000 for payment in advance for special tests and analyses by contract without regard to section 3709 of the Revised Statutes; $4,475,000: *Provided*, That not to exceed $120,864 of this amount shall be available for transfer to the appropriation "Salaries, Office of the General Counsel".

52 Stat. 1040.
21 U. S. C., Supp. I, §§ 331, 352, 357.
Post, p. 582.
29 Stat. 604.
44 Stat. 1101, 1406.
42 Stat. 1486.

60 Stat. 810.

41 U. S. C. § 5.

Transfer of funds.
Post, p. 448.

Salaries and expenses, certification and inspection services: For expenses necessary for the certification or inspection of certain products in accordance with sections 406, 504, 506, 507, 604, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 346, 354, 356, 357, 364, 372a, and 376), the aggregate of the advance deposits during the fiscal year 1949 to cover payment of fees by applicants for certification or inspection of such products, to remain available until expended; and in addition thereto, the aggregate of advance deposits made prior to July 1, 1948, and remaining to the credit of depositors for certification or inspection of such products during the fiscal year 1949, which shall also remain available until expended. The total amount herein appropriated shall be available for personal services in the District of Columbia; purchase of not to exceed twelve passenger motor vehicles (of which three shall be for replacement only); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and the refund of advance deposits for which no service has been rendered: *Provided*, That in the fiscal year 1949 not to exceed $20,500 of such total amount shall be available for transfer to the appropriation "Salaries, Office of the General Counsel".

52 Stat. 1049, 1052, 1055, 1058, 1059; 55 Stat. 851; 59 Stat. 463.
21 U. S. C., Supp. I, § 357.
Advance deposits.

60 Stat. 810.

Transfer of funds.
Post, p. 448.

FREEDMEN'S HOSPITAL

Salaries and expenses: For expenses necessary for operation and maintenance, including repairs; purchase of one ten-passenger motor vehicle (carry-all type) at a cost not to exceed $3,000; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Salaries and expenses, Howard University" for salaries of technical and professional personnel detailed to the hospital; payments to the appropriation of Howard University for instruction of nurses and actual cost of heat, light, and power furnished by such university; $2,194,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this Act.

Transfer of funds.
Post, p. 398.

Salary restriction.

HOWARD UNIVERSITY

Ante, p. 397.

Salaries and expenses: For the partial support of Howard University, including personal services and miscellaneous expenses and repairs to buildings and grounds, $2,150,000.

Plans and specifications: For all expenses necessary for the preparation of a master development plan for Howard University to guide the future design and construction of buildings and improvements, including roads, walks, utilities, recreation facilities, and landscape development, to be immediately available and to remain available until expended, $50,000, which amount shall be transferred to the Public Buildings Administration, Federal Works Agency, for the performance of the work.

Transfer of funds.

Construction of buildings: For alterations to and installations in the existing power plant and science hall on the grounds of Howard University, including engineering and architectural services, printing, and travel, to remain available until expended, $507,240, which amount, except such part as may be necessary for the incidental expenses of the university, may be transferred to the Public Buildings Administration, Federal Works Agency, for the purposes of this appropriation; and in addition the authority contained in the Federal Security Agency Appropriation Act, 1948, to enter into contracts for construction of a dental school building and an auditorium-fine arts building on the grounds of Howard University is hereby increased from $2,087,675 to $2,953,425: *Provided*, That any contracts for construction of the dental school building and the auditorium-fine arts building shall be in accordance with the terms of said Act and shall provide for completion at a total cost to the Federal Government not in excess of $2,242,520 for the dental school building and $2,732,985 for the auditorium-fine arts building: *Provided further*, That the limitations on contract authority and total cost may be exceeded or shall be reduced by an amount equal to the percentage increase or decrease, if any, in construction costs generally dating from January 1, 1948, as determined by the Federal Works Administrator.

Transfer of funds.

61 Stat. 266.

Limitations on contract authority.

OFFICE OF EDUCATION

60 Stat. 775.
20 U. S. C. § 15j.

Further development of vocational education: For carrying out section 3 of the Vocational Educational Act of 1946 (Public Law 586), $19,842,760: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed $19,842,759.97 for the fiscal year 1949, as authorized.

43 Stat. 18.

Promotion of vocational education in Hawaii: For carrying out section 4 of the Act of March 10, 1924 (20 U. S. C. 29), $30,000.

46 Stat. 1489.

Promotion of vocational education in Puerto Rico: For carrying out section 1 of the Act of March 3, 1931 (20 U. S. C. 30), $105,000.

49 Stat. 439.
7 U. S. C. § 329.

Further endowment of colleges of agriculture and the mechanic arts: For carrying out section 22 of the Act of June 29, 1935 (7 U. S. C. 343d), $2,480,000.

60 Stat. 810.

Salaries and expenses: For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; fostering coordination of public and school library service; coordination of library service on the national level with other forms of adult education; developing library participation in Federal projects; fostering Nation-wide coordination of research materials among libraries, interstate library coordination and the development of library service throughout the country; personal services in the District of Columbia; contract stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase, distribution, and exchange of educational documents,

motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; $1,900,000, of which not less than $487,400 shall be available for the Division of Vocational Education as authorized: *Provided*, That all receipts from non-Federal agencies representing reimbursement for expenses of travel of employees of the Office of Education performing advisory functions to said agencies shall be deposited in the Treasury of the United States to the credit of this appropriation.

Receipts from non-Federal agencies.

OFFICE OF VOCATIONAL REHABILITATION

Payments to States (including Alaska, Hawaii, and Puerto Rico): For payments to States (including Alaska, Hawaii, and Puerto Rico) in accordance with the Vocational Rehabilitation Act, as amended (29 U. S. C. ch. 4), including payments, in accordance with regulations of the Administrator, for one-half of necessary expenditures for the acquisition of vending stands or other equipment in accordance with section 3 (a) (3) (C) of said Act for the use of blind persons, such stands or other equipment to be controlled by the State agency, $18,000,000, of which not to exceed $200,000 shall be available to the Federal Security Administrator for providing rehabilitation services to disabled residents of the District of Columbia, as authorized by section 6 of said Act, which latter amount shall be available for administrative expenses in connection with providing such services in the District of Columbia, printing and binding, including the purchase of reprints, and travel: *Provided*, That not to exceed 15 per centum of the appropriation shall be used for administrative purposes: *And provided further*, That section 3709 of the Revised Statutes, as amended, shall not apply to any purchase made or service rendered when the aggregate amount involved does not exceed $400.

Ante, p. 216.

41 Stat. 735.
29 U. S. C. §§ 31–41.

57 Stat. 376.
29 U. S. C. § 33 (a) (3) (C).

41 Stat. 737.
29 U. S. C. § 36.

41 U. S. C. § 5.

Payments to States (including Alaska, Hawaii, and Puerto Rico), fiscal year 1950: For making, after May 31, 1949, payments to States in accordance with the Vocational Rehabilitation Act, as amended (including the objects specified in the preceding paragraph), for the first quarter of the fiscal year 1950, such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for the fiscal year 1950: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the fiscal year 1949.

41 Stat. 735.
29 U. S. C. §§ 31–41.

Salaries and expenses: For expenses necessary in carrying out the provisions of the Vocational Rehabilitation Act, as amended, and of the Act approved June 20, 1936 (20 U. S. C., ch. 6A), including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); exchange of books; and not to exceed $3,000 for production, purchase, and distribution of educational films; $648,850.

41 Stat. 735.
29 U. S. C. §§ 31–41.
49 Stat. 1559.
20 U. S. C. §§ 107–107f.
60 Stat. 810.

PUBLIC HEALTH SERVICE

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U. S. C. ch. 6A) (hereinafter referred to as the Act), and other Acts, including (with the exception of the appropriation "Pay, and so forth, commissioned officers, Public Health Service") personal services in the District of Columbia; purchase of reports, documents, and other material for publication; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); preparation and display of posters and exhibits by contract or

Post, pp. 444, 445.

58 Stat. 682.
42 U. S. C. §§ 201–291m; Supp. I, § 201 *et seq.*
Ante, p. 38; *post*, pp. 464, 531, 536, 598, 1017, 1103.

60 Stat. 810.

otherwise; packing, unpacking, crating, uncrating, drayage, and transportation of personal effects of commissioned officers and transportation of their dependents on change of station; increased allowances to Reserve officers for foreign service; furnishing, repairing, and cleaning of wearing apparel prescribed by the Surgeon General for use by employees in the performance of their official duties; and transporting in Government-owned automotive equipment, to and from school, children of personnel who have quarters for themselves and their families at isolated stations; as follows:

58 Stat. 693, 704. 42 U. S. C. §§ 246 (a), 266; Supp. I, § 266 note.

Venereal diseases: To carry out the purposes of sections 314 (a) and 363 of the Act with respect to venereal diseases, including the operation and maintenance of centers for the diagnosis, treatment, support, and clothing of persons afflicted with venereal diseases; transportation and subsistence of such persons and their attendants to and from the place of treatment or allowance in lieu thereof; diagnosis and treatment (including emergency treatment for other illnesses) of such persons through contracts with physicians and hospitals and other appropriate institutions without regard to section 3709 of the Revised Statutes, as amended; fees for case finding and referral to such centers of voluntary patients; reasonable expenses of preparing remains or burial of deceased patients; recreational supplies and equipment; leasing of facilities and repair and alteration of leased facilities; the purchase of not to exceed eight passenger motor vehicles for replacement only, and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for the foregoing purposes, in such amounts and upon such terms and conditions as the Surgeon General may determine; $17,230,000.

41 U. S. C. § 5.

58 Stat. 693. 42 U. S. C. § 246 (b).

Tuberculosis: To carry out the purposes of section 314 (b) of the Act, including the purchase of not to exceed five passenger motor vehicles, $9,291,000.

Post, p. 444.

58 Stat. 694, 693, 691. 42 U. S. C. §§ 246 (c), 243, 241. *Post*, pp. 467, 468, 601, 1017.

Assistance to States, general: To carry out the purposes of section 314 (c) of the Act; to provide consultative services to States pursuant to section 311 of the Act; and to make field investigations and demonstrations pursuant to section 301 of the Act, including the purchase of not to exceed twenty-four passenger motor vehicles of which seventeen shall be for replacement only, $13,865,000, none of which shall be used for carrying out the purposes of the National Mental Health Act, approved July 3, 1946.

60 Stat. 421. 42 U. S. C. § 201 note. *Ante*, pp. 38–47.

58 Stat. 691, 693, 703, 712; 60 Stat. 1049. 42 U. S. C. §§ 241, 243, 264, 201 note. *Post*, pp. 467, 468, 601, 1017.

Communicable diseases: To carry out those provisions of sections 301, 311, 361, and 704 of the Act relating to the prevention and suppression of communicable diseases, the interstate transmission and spread thereof, and the enforcement of any applicable quarantine laws, including the purchase of not to exceed fifty passenger motor vehicles for replacement only; and purchase (not to exceed two) and hire, maintenance, and operation of aircraft; $7,490,000.

60 Stat. 1042. 42 U. S. C. §§ 291d-291h. *Post*, pp. 536, 1103.

Grants for hospital construction: For liquidation of contractual obligations authorized by the Congress to be incurred during the fiscal year 1948 or any subsequent fiscal year for construction grants under part C, title VI, of the Act, as amended, $40,000,000, to remain available until expended. Allotments under such part C to the several States for the fiscal year 1949 shall be made on the basis of $75,000,000, a part of the sum authorized to be appropriated for the fiscal year 1949. Whenever the Surgeon General shall have approved an application for a construction project in accordance with section 625 of the Act, subject to the amount of the allotments available to the States for such purposes, the Federal share of the cost of such project, as provided by the Act, shall constitute a contractual obligation of the Federal Government.

60 Stat. 1045. 42 U. S. C. § 291h.

Administrative expenses, assistance for hospital construction: For administrative expenses incident to carrying out title VI of the Act, as amended, including the purchase of not to exceed four passenger motor vehicles, $1,300,000.

60 Stat. 1041.
42 U. S. C. §§ 291-291m.
Post, pp. 531, 536, 602, 1103.

Hospitals and medical care: For carrying out the purposes of sections 321, 322, 324, 326, 331, 332, 502, and 710 of the Act, including minor repairs to and maintenance of buildings; purchase of not to exceed thirteen passenger motor vehicles, including three ambulances, for replacement only; transportation to their homes in the continental United States of recovered indigent leper patients; court costs and other expenses incident to proceedings for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane; expenses of preparing and transporting remains, or reasonable burial expenses, for any patient dying in a hospital; purchase and exchange of farm products and livestock; and reimbursement to employees, subject to regulations of the Federal Security Administrator, for the cost of repair or replacement of personal belongings damaged or destroyed by patients while such employees were engaged in the performance of their official duties; $21,443,000.

58 Stat. 695-698, 710, 714.
42 U. S. C. §§ 248, 249 and note, 251, 253, 255, 256, 220; Supp. I, § 249 note; 33 U. S. C. § 763c.
Post, pp. 1017, 1018.

Foreign quarantine service: For the medical inspection of aliens, the maintenance and ordinary expenses of United States quarantine stations and supplementary activities abroad, and the care and treatment of quarantine detainees in private or other public hospitals when facilities of the Public Health Service are not available, including the purchase of not to exceed ten passenger motor vehicles for replacement only, $3,000,000.

Employee health service programs: For carrying out the functions of the Public Health Service under the Act of August 8, 1946 (5 U. S. C. 150), $392,500, of which not to exceed $15,966 may be used for a health service program for Public Health Service employees at the seat of government: *Provided*, That when the Public Health Service, at the request of any department or agency of the Government, establishes or operates a health service program for such department or agency such amount as may be necessary may be consolidated with this appropriation by transfer from the applicable appropriation or appropriations of such department or agency.

60 Stat. 903.

National Institute of Health, operating expenses: For the activities of the National Institute of Health, not otherwise provided for, including research fellowships and grants for research projects pursuant to section 301 of the Act (including the purchase and distribution of penicillin and other antibiotic compounds for use in research projects for which grants are made); the regulation and preparation of biologic products; the purchase of not to exceed ten passenger motor vehicles for replacement only; and maintenance of buildings; $13,670,000: *Provided*, That such parts of the amount appropriated under this head as the Surgeon General shall determine from time to time to be available for research fellowships and grants shall, if obligated during fiscal year 1949, remain available for expenditure for four fiscal years thereafter.

Post, p. 1032.

58 Stat. 691.
42 U. S. C. § 241.
Post, pp. 467, 468, 601, 1017.

Research fellowships and grants.

National Cancer Institute: To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer, including grants for drawing plans, erection of buildings and acquisition of land therefor; to cooperate with State health agencies, and other public and private nonprofit institutions, in the prevention, control, and eradication of cancer by providing consultative services, demonstrations, and grants-in-aid; and to otherwise carry out the provisions of title IV of the Act, including the purchase of not to exceed five passenger motor vehicles, $14,000,000; and, in addition to the amount appropriated herein, the Surgeon General is authorized,

58 Stat. 707.
42 U. S. C. §§ 281-286.
Post, pp. 464, 598.

upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor for research and training projects relating to cancer, and such grants (not to exceed a total of $8,000,000) shall, if approved during the fiscal year 1949, constitute a contractual obligation of the Federal Government: *Provided*, That such parts of the amount appropriated under this head as the Surgeon General shall determine from time to time to be available for research grants and training grants shall, if obligated during fiscal year 1949, remain available for expenditure for four fiscal years thereafter.

Research and training grants.

Construction of research facilities: For construction of a combined hospital and research building, together with a power plant and distribution facilities, garage, storage facilities, and roads and walks, for the National Institute of Mental Health and for general medical research, including research in cancer and cardiovascular diseases, and for the alteration and repair of existing research facilities and the construction of temporary structures for radioactive research, including acquisition of site or sites and preparation of plans, specifications, and drawings, $5,000,000, to remain available until expended: *Provided*, That the appropriation of $2,650,000 under this head in the Federal Security Agency Appropriation Act, 1948, and the appropriation of $850,000 to the Public Buildings Administration under the head "National Institute of Mental Health" in the Independent Offices Appropriation Act, 1948, shall be consolidated with this appropriation, to be disbursed and accounted for as one fund which shall be available for all of the foregoing purposes; and in addition, contracts may be entered into in the amount of $25,630,000 toward completion of construction and alterations herein authorized (excluding the cost of the acquisition of sites and preparation of plans, specifications, and drawings) at a cost not to exceed $40,000,000: *Provided further*, That the limitations on contract authority and total cost may be exceeded or shall be reduced by an amount equal to the percentage increase or decrease, if any, in construction costs generally dating from January 1, 1948, as determined by the Federal Works Administrator: *Provided further*, That said fund (except such part as may be necessary for the incidental expenses of the Public Health Service) shall be transferred to the Public Buildings Administration.

61 Stat. 270.

61 Stat. 595.

Limitations.

Transfer of funds.

Post, pp. 444, 445.

Commissioned officers, pay, and so forth: For pay, uniforms and subsistence allowances, increased allowances for foreign service and commutation of quarters for not to exceed one thousand four hundred and fifty-six regular active commissioned officers; for retired pay of regular and reserve commissioned officers; and for six months' death gratuity pay and burial payments for regular commissioned officers; $1,866,300, and the Surgeon General is authorized to transfer to this appropriation from appropriations herein made available to the Public Health Service such additional amounts as may be necessary for pay and allowances of the officers herein authorized.

Training for nurses: For expenses necessary for completion of the liquidation of the program for training student nurses enrolled prior to October 16, 1945, under the provisions of the Act of June 15, 1943, as amended (50 U. S. C., App. 1451, and following), $350,000, to remain available until December 31, 1949.

57 Stat. 153.

Salaries and expenses: For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including the supervision of sanitary engineering, nursing, and dental operations of the Public Health Service; maintenance and operation of the water and sanitary investigations station at Cincinnati, Ohio; surveys and investigations concerned with problems of pollution of the waters of

Station at Cincinnati, Ohio.

lakes and rivers of the United States; collecting and compiling mortality, morbidity, and vital statistics, including procurement, by contract without regard to section 3709 of the Revised Statutes, as amended, of transcripts of State, municipal, and other records, and studies and investigations related thereto; preparing information, articles, and publications related to public health; conducting studies and demonstrations in public health methods; and purchase of not to exceed two passenger motor vehicles; $4,047,700. 41 U. S. C. § 5.

Office of International Health Relations: For expenses necessary in connection with international health work and the Public Health Service mission to Liberia, including not to exceed $1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General, $285,000. Mission to Liberia.

SAINT ELIZABETHS HOSPITAL

Salaries and expenses: For expenses necessary for the maintenance and operation of the hospital, including clothing for patients; purchase of not to exceed four passenger motor vehicles for replacement only; cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness; maintenance and operation of necessary facilities for feeding employees and others (at not less than cost as determined by the Federal Security Administrator), the proceeds therefrom to reimburse the appropriation for the institution; ascertaining the residence of patients whose care by the hospital is no longer authorized, and returning such patients to the place of residence; not exceeding $1,500 for the removal of patients to their friends; and not exceeding $1,500 for the actual and necessary expenses incurred in pursuing, identifying, and returning patients who escape from the hospital or from the custody of any employee, including rewards for the capture of any such patients; $1,573,000. Return of patients.

Construction and equipment, storeroom, and so forth: For completion of construction and equipment for building for storeroom and so forth, Saint Elizabeths Hospital, including the objects specified under the appropriation for this purpose in the Federal Security Agency Appropriation Act, 1942, and necessary land shoring and retaining, contracts may be entered into in the amount of $935,000, the total cost not to exceed $2,685,000, which amount, except such part as may be necessary for the incidental expenses of Saint Elizabeths Hospital, shall be transferred to the Public Buildings Administration, Federal Works Agency: *Provided*, That the limitations on contract authority and total cost may be exceeded or shall be reduced by an amount equal to the percentage increase or decrease, if any, in construction costs generally dating from January 1, 1948, as determined by the Federal Works Administrator. 55 Stat. 493. Limitations.

Construction and equipment, building for the housing, care, and treatment of mentally sick patients: For completion of a building for the housing, care, and treatment of mentally sick patients, Saint Elizabeths Hospital, including the objects specified under the appropriation for this purpose in the Federal Security Agency Appropriation Act, 1946, contracts may be entered into in the amount of $2,015,000, the total cost not to exceed $3,915,000 which amount, except such part as may be necessary for the incidental expenses of Saint Elizabeths Hospital, shall be transferred to the Public Buildings Administration, Federal Works Agency: *Provided*, That the limitations on contract authority and total cost may be exceeded or shall be reduced by an amount equal to the percentage increase or decrease, if any, in construction costs generally dating from January 1, 1948, as determined by the Federal Works Administrator. 59 Stat. 372. Limitations.

Major repairs and preservation of buildings and grounds: For miscellaneous construction, alterations, repairs, and equipment, on the grounds of the hospital, including extension of roads and sidewalks, fire exits, roof replacement, and installation of elevators and preparation of plans and specifications, advertising, and supervision of construction, $163,000, to remain available until expended: *Provided*, That any part of this amount may be transferred, upon the request of the Federal Security Administrator, to the Public Buildings Administration, Federal Works Agency.

FEDERAL SECURITY AGENCY—GENERAL PROVISIONS

Travel expenses.

SEC. 202. Appropriations under this title available for salaries and expenses shall be available for travel expenses and, when specifically authorized by the Federal Security Administrator, for expenses of attendance at meetings concerned with the function or activity for which any such appropriation is made.

SEC. 203. Appropriations under this title available for salaries and expenses shall be available for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

60 Stat. 843.
Post, p. 1008.

SEC. 204. Appropriations under this title available for salaries and expenses shall be available for exchange of books and for payment in advance when authorized by the Federal Security Administrator for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public.

SEC. 205. Appropriations under this title available for salaries and expenses shall be available for health service programs as authorized by law (5 U. S. C. 150) (except for the health service program for employees of the Public Health Service at the seat of government as specifically provided for elsewhere in this title), and such amounts as may be necessary may be transferred to the appropriations of the organizational units operating such programs.

60 Stat. 903.

Printing and binding.

SEC. 206. Appropriations under this title available for salaries and expenses shall be available for printing and binding, including the purchase of reprints.

Citation of title.

SEC. 207. This title may be cited as the "Federal Security Agency Appropriation Act, 1949".

TITLE III—NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board Appropriation Act, 1949.

Salaries and expenses: For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (Public Law 101, approved June 23, 1947), and other laws, including personal services in the District of Columbia; expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Chairman or the General Counsel; purchase of not to exceed two passenger motor vehicles; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); deposits in the Treasury for penalty mail (39 U. S. C. 321d); and payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); $9,400,000: *Provided*, That in making apportionments pursuant to section 3679 of the Revised Statutes, as amended, the entire sum herein appropriated may, if found necessary by the Bureau of the Budget for effective administration, be apportioned for obligation prior to February 1, 1949: *Provided further*, That no part of the funds appropriated in this title shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units

61 Stat. 136.
29 U. S. C., Supp. I, §§ 141–197.
Post, p. 1286.

60 Stat. 810.

58 Stat. 394.
Post, p. 1049.
60 Stat. 843.
Post, p. 1008.

31 U. S. C. § 665.

Agricultural laborers.

composed of agricultural laborers as referred to in section 2 (3) of the Act of July 5, 1935 (49 Stat. 450), and as amended by the Labor-Management Relations Act, 1947 (Public Law 101, approved June 23, 1947), and as defined in section 3 (f) of the Act of June 25, 1938 (52 Stat. 1060).

29 U. S. C., Supp. I, § 152 (3).
61 Stat. 137.
29 U. S. C., Supp. I, § 152.
29 U. S. C. § 203 (f).

This title may be cited as the "National Labor Relations Board Appropriation Act, 1949".

Citation of title.

TITLE IV—NATIONAL MEDIATION BOARD

National Mediation Board Appropriation Act, 1949.

Salaries and expenses: For three members of the Board, and for other expenditures of the National Mediation Board, including stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $332,100, of which amount not to exceed $255,000 may be expended for personal services in the District of Columbia.

60 Stat. 810.

Penalty mail costs: For deposit in the Treasury for penalty mail of the National Mediation Board and the National Railroad Adjustment Board (39 U. S. C. 321d), $750.

58 Stat. 394.
Post, p. 1049.

Arbitration and emergency boards: For necessary expenses of arbitration boards established under section 7 of the Railway Labor Act (45 U. S. C. 157) and emergency boards appointed by the President pursuant to section 10 of said Act (45 U. S. C. 160); necessary transportation expenses of board members to and from their homes or regular places of business, and $6 per diem in lieu of subsistence on such days as they are actually engaged in performance of the duties of said boards; printing and binding; stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $100,000.

44 Stat. 582, 586.
60 Stat. 810.

Printing and binding: For all printing and binding for the National Mediation Board, $7,500.

NATIONAL RAILROAD ADJUSTMENT BOARD

Salaries and expenses: For necessary expenses of the National Railroad Adjustment Board, including stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $374,200, of which $70,000 shall be available only for compensation, not in excess of $50 per day, and expenses of referees; and not more than $178,000 for other personal services.

60 Stat. 810.

Printing and binding: For all printing and binding for the National Railroad Adjustment Board, $48,000.

This title may be cited as the "National Mediation Board Appropriation Act, 1949".

Citation of title.

TITLE V—RAILROAD RETIREMENT BOARD

Railroad Retirement Board Appropriation Act, 1949.
Post, pp. 409, 411.

Salaries: For personal services in the District of Columbia and elsewhere, $3,500,000.

Miscellaneous expenses (other than salaries): For necessary expenditures, including not to exceed $1,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Board; repairs and alterations; contract stenographic reporting services; and for payment in advance when authorized by the Board for library membership in organizations which issue publications to members only or to members at a price lower than to the general public; not to exceed $2,000 for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and purchase of one passenger motor vehicle for replacement only; $844,000.

60 Stat. 843.
Post, p. 1008.

Printing and binding: For printing and binding, $54,000.

58 Stat. 394.
Post, p. 1049.

Penalty mail costs: For deposit in the Treasury for penalty mail (39 U. S. C. 321d), $107,000, of which $75,000 shall be derived from the railroad unemployment insurance administration fund.

49 Stat. 967; 50 Stat. 307.
45 U. S. C. §§ 228a-228s.
Post, p. 576.
50 Stat. 316.
45 U. S. C. § 228o (a).

Railroad retirement account: For an amount sufficient as an annual premium for the payments required under the Railroad Retirement Acts of August 29, 1935, and June 24, 1937, and authorized to be appropriated to the railroad retirement account established under section 15 (a) of the latter Act, $637,986,000, of which $73,416,000 shall be immediately available: *Provided*, That such total amount shall be available until expended for making payments required under said retirement Acts, and the amount not required for current payments shall be invested by the Secretary of the Treasury in accordance with the provisions of said Railroad Retirement Act of June 24, 1937: *Provided further*, That for the purposes of the provisions of section 4 of the Act of June 24, 1937 (50 Stat. 307, ch. 382), as amended, the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941, shall be deemed to be terminated on the date of the approval of this Act.

50 Stat. 311.
45 U. S. C. § 228d note.
54 Stat. 2643; 55 Stat. 1647.

The foregoing appropriations for salaries and miscellaneous expenses of the Board shall be available for a health-service program as authorized by law (5 U. S. C. 150).

60 Stat. 903.

Citation of title.

This title may be cited as the "Railroad Retirement Board Appropriation Act, 1949".

TITLE VI—FEDERAL MEDIATION AND CONCILIATION SERVICE

Salaries and expenses: For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (Public Law 101, approved June 23, 1947), including expenses of the Labor-Management Panel as provided in section 205 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of $35 per diem; expenses of attendance at meetings concerned with labor and industrial relations; the purchase of one passenger automobile; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); deposits in the Treasury for penalty mail (39 U. S. C. 321d); and payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); $2,940,000.

61 Stat. 136.
29 U. S. C., Supp. I, §§ 141-197.
Post, p. 1286.
61 Stat. 154.
29 U. S. C., Supp. I, § 175.

60 Stat. 810.
58 Stat. 394.
Post, p. 1049.
60 Stat. 843.
Post, p. 1008.

Boards of inquiry: To enable the Federal Mediation and Conciliation Service to pay necessary expenses of boards of inquiry appointed by the President pursuant to section 206 of the Labor-Management Relations Act, 1947 (Public Law 101, approved June 23, 1947), including printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and rent in the District of Columbia, $150,000.

61 Stat., 155.
29 U. S. C., Supp. I, § 176.
60 Stat. 810.

Citation of title.

This title may be cited as the "Federal Mediation and Conciliation Service Appropriation Act, 1949".

TITLE VII—REDUCTIONS IN APPROPRIATIONS

SEC. 701. Amounts available to the departments and agencies from appropriations for the fiscal year 1948 are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

DEPARTMENT OF LABOR

61 Stat. 261-263.

Salaries and expenses, Commissioners of Conciliation, $1;
Salaries and expenses, United States Conciliation Service, $10,000;
Traveling expenses, Department of Labor, $300,000;
Salaries and expenses, Veterans' Reemployment Function, Office of the Secretary, $52,000;
Miscellaneous expenses (other than salaries), Wage and Hour Division, $11,000.

FEDERAL SECURITY AGENCY

61 Stat. 265, 268-270.

Salaries and expenses, Freedmen's Hospital, $60,000;
Venereal diseases, Public Health Service, $75,000;
Tuberculosis, Public Health Service, $100,000;
Assistance to States, general, Public Health Service, $550,000;
Hospital and construction activities, Public Health Service, $15,000;
Hospitals and medical care, Public Health Service, $150,000;
Foreign quarantine service, Public Health Service, $10,000;
Employee health service programs, Public Health Service, $90,000;
Commissioned officers, pay and so forth, Public Health Service, $75,000;
Training for nurses, Public Health Service, $500,000;
Civilian war benefits, Federal Security Agency, $10,000.

61 Stat. 616.

NATIONAL MEDIATION BOARD

61 Stat. 277.

Salaries and expenses, National Mediation Board, $9,000.

TITLE VIII—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 801. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Short title.

SEC. 802. This Act may be cited as the "Labor-Federal Security Appropriation Act, 1949".

Approved June 14, 1948.

[CHAPTER 466]

June 14, 1948
[H. R. 5770]
[Public Law 640]

AN ACT

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1949, and for other purposes.

Treasury and Post Office Departments Appropriation Act, 1949.

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

Treasury Department Appropriation Act, 1949.
Post, pp. 560, 1047.

TITLE I—TREASURY DEPARTMENT

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1949, namely:

Office of the Secretary

Messengers, limitation.

Salaries: For personal services in the District of Columbia, $380,000: *Provided*, That no part of the money appropriated shall be used to pay the salaries of more than fifteen messengers assigned to duty in the Office of the Secretary.

60 Stat. 843.
Post, p. 1008.

Personal or property damage claims: For payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $30,000.

58 Stat. 394.
Post, p. 1049.

Penalty mail costs: For deposit in the Treasury for penalty mail of the Treasury Department (39 U. S. C. 321d), $5,900,000.

58 Stat. 80.
50 U. S. C. app. § 1191 (a) (4) (D).
58 Stat. 89.
50 U. S. C. app. § 1191 (i) (3).

Refunds under Renegotiation Act: To enable the Secretary of the Treasury to make refunds required by section 403 (a) (4) (D) (relating to the recomputation of the amortization deduction) and by the last sentence of section 403 (i) (3) (relating to excess inventories) of the Renegotiation Act; and to refund any amount finally adjudged or determined to have been erroneously collected by the United States pursuant to a unilateral determination of excessive profits, with interest thereon (at a rate not to exceed 4 per centum per annum) as may be determined by the War Contracts Price Adjustment Board, such interest to be computed to the date of certification of the amount to the Treasury Department for payment; $2,000,000: *Provided*, That to the extent refunds are made from this appropriation of excessive profits collected under the Renegotiation Act and retained by the Reconstruction Finance Corporation or any of its subsidiaries, the Reconstruction Finance Corporation or the appropriate subsidiary shall reimburse this appropriation: *Provided further*, That the War Contracts Price Adjustment Board or its duly authorized representatives shall certify the amount of any refunds to be made in pursuance hereof to the Secretary of the Treasury who shall make payment upon such certificate in lieu of any voucher which might otherwise be required.

56 Stat. 245.
50 U. S. C. app. § 1191; Supp. I, § 1191.
Ante, p. 260.

Certification of amount of refunds.

Division of Tax Research

Salaries: For personal services in the District of Columbia, $125,000.

Office of General Counsel

Salaries: For personal services in the District of Columbia, $250,000.

Salaries and expenses, Office of Contract Settlement: For necessary expenses, including contract stenographic reporting services, to carry out the provisions of the Contract Settlement Act of 1944, $75,000.

58 Stat. 649.
41 U. S. C. §§ 101-125; Supp. I, § 102 *et seq.*; 18 U. S. C. § 590a.
Post, p. 868.

Division of Personnel

Salaries: For personal services in the District of Columbia, $120,000.

Health service programs, Treasury Department: For health service

programs, as authorized by law (5 U. S. C. 150), for employees of the Department in the District of Columbia, $70,000: *Provided*, That other appropriations in this Act shall be available for health service programs in the field. 60 Stat. 903.

OFFICE OF CHIEF CLERK

Salaries: For personal services in the District of Columbia, $300,000.

MISCELLANEOUS EXPENSES, TREASURY DEPARTMENT

Miscellaneous expenses: For necessary expenses of the Office of the Secretary and the bureaus and offices of the Treasury Department, not otherwise provided for, including operating expenses of the Treasury, Treasury Annex, Auditors', and Liberty Loan Buildings, and including not to exceed $25,000 for printing and binding and purchase of materials for the use of the bookbinder located in the Treasury Department; $240,000. Operating expenses, buildings.

OFFICE OF SUPERINTENDENT OF TREASURY BUILDINGS

Salaries: For personal services in the District of Columbia, including the operating force of the Treasury Building, the Treasury Annex, the Liberty Loan Building, the Auditors' Building, and the west and south annexes thereof, $645,000.

FISCAL SERVICE

BUREAU OF ACCOUNTS

Salaries and expenses: For necessary expenses in the District of Columbia, including contract stenographic reporting services and not to exceed $50,000 for printing and binding, $1,475,000: *Provided*, That from the amount appropriated herein, the Federal Reserve banks and their branches may be reimbursed for printing and binding and other necessary expenses incident to the deposit of withheld taxes in Government depositories pursuant to the Current Tax Payment Act of 1943. 57 Stat. 138. 26 U. S. C. § 1631.

Salaries and expenses: For necessary expenses of the Division of Disbursement, including personal services in the District of Columbia, and printing and binding, $10,000,000: *Provided*, That with the approval of the Bureau of the Budget there may be transferred to this appropriation from Railroad Retirement Board, "Conservation and use of agricultural land resources, Department of Agriculture," and from available corporate funds of Government-owned or -controlled corporations, such sums as may be necessary to cover the expense incurred in performing the function of disbursement therefor. Transfer of funds. *Ante*, p. 405. *Post*, p. 525.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes (31 U. S. C. 545), for the collection, safekeeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, transportation of gold coin and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933, actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649, Revised Statutes (31 U. S. C. 548), also including examinations of cash accounts at mints, $375,000.

Recoinage of silver coins: For expenses necessary to continue the recoinage of worn and uncurrent subsidiary silver coins of the United States now in the Treasury or hereafter received, and to reimburse the

Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, $150,000.

Relief of the indigent, Alaska: For the payment to the United States district judges in Alaska (not to exceed 10 per centum of the receipts from licenses collected outside of incorporated towns in Alaska), to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, $18,000.

Refund of moneys erroneously received and covered: For meeting any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 18 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, and any other collections erroneously received and covered which are not properly chargeable to any other appropriation, $700,000.

48 Stat. 1231.
31 U. S. C. § 725q.

Payment of certified claims: For the payment of claims (not to exceed $500 in any case) which may be certified during the fiscal year 1949 by the Comptroller General of the United States to be lawfully due, within the limits of, and chargeable against the balances of the respective appropriations heretofore made which, after remaining unexpended, have been carried to the surplus fund pursuant to section 5 of the Act of June 20, 1874 (31 U. S. C. 713), $800,000.

18 Stat. 110.

Payment of unclaimed moneys: For meeting any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 17 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown", $100,000.

48 Stat. 1230.
31 U. S. C. § 725p.

BUREAU OF THE PUBLIC DEBT

Administering the public debt: For necessary expenses connected with any public-debt operations authorized by the Second Liberty Bond Act, as amended (31 U. S. C. 760–762), and with the administration of any public debt or currency issues of the United States with which the Secretary of the Treasury is charged, including not to exceed $4,250,000 for promoting the sale of savings bonds, $52,000,000, to be expended as the Secretary of the Treasury may direct, and the Secretary is authorized to accept services without compensation: *Provided*, That from the amount appropriated herein, the Federal Reserve banks and their branches may be reimbursed for expenditures made by them as fiscal agents of the United States on account of public-debt transactions for the account of the Secretary of the Treasury, and advances to the Postmaster General may be made in accordance with the provisions of section 22 (e) of the Second Liberty Bond Act, as amended (31 U. S. C. 757c (e)), which section shall be construed as applying to this appropriation: *Provided further*, That the indefinite appropriation provided by section 10 of the Second Liberty Bond Act, as amended, shall not be available for obligation during the fiscal year 1949.

40 Stat. 288.
31 U. S. C. § 774 (2).

Reimbursement of Federal Reserve banks.

55 Stat. 8.

40 Stat. 292.
31 U. S. C. § 760.

Distinctive paper for United States currency: For distinctive paper for United States currency, including transportation of paper, traveling, mill, and other necessary expenses, and salaries of employees and allowance, in lieu of expenses, of officer or officers detailed from the Treasury Department, not exceeding $50 per month each when actually on duty, $1,300,000: *Provided*, That in order to foster competition in the manufacture of distinctive paper for United States securities, the Secretary of the Treasury is authorized, in his discretion, to split the award for such paper for the fiscal year 1949 between the two bidders whose prices per pound are the lowest received after advertisement.

Division of award.

OFFICE OF THE TREASURER OF THE UNITED STATES

Salaries and expenses: For necessary expenses of the Office of the Treasurer, including not to exceed $100,000 for printing and binding, $4,980,000: *Provided*, That with the approval of the Bureau of the Budget, there may be transferred to this appropriation, from Railroad Retirement Board, "Conservation and use of agricultural land resources, Department of Agriculture," and from available corporate funds of Government owned or controlled corporations, such sums as may be necessary to cover the expenses incurred in the clearing of checks, servicing of bonds, handling of collections, and rendering of accounts therefor.

Transfer of funds.
Ante, p. 405.
Post, p. 525.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: For necessary expenses in connection with the assessment and collection of internal-revenue taxes and the administration of the internal-revenue laws, including the administration of such provisions of other laws as are authorized by or pursuant to law to be administered by or under the direction of the Commissioner of Internal Revenue, including one stamp agent (to be reimbursed by the stamp manufacturers) and the employment of experts; the securing of evidence of violations of the Acts, the cost of chemical analyses made by others than employees of the United States and expenses incident to such chemists testifying when necessary; necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and contract stenographic reporting services; for the acquisition of property under the provisions of title III of the Liquor Law Repeal and Enforcement Act, approved August 27, 1935 (49 Stat. 872–881), and the operation, maintenance, and repair of property acquired under such title III; purchase, for replacement (not to exceed three hundred and thirty-four) and hire of passenger motor vehicles, as follows: for personal services, $174,000,000, of which not to exceed $16,530,000 may be expended for personal services at the seat of Government; and for objects of expenditure other than personal services, $19,584,000, including printing and binding (not to exceed $2,576,500), stationery (not to exceed $1,500,000), ammunition, and not to exceed $500,000 for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation; in all for salaries and expenses, $193,584,000: *Provided*, That not to exceed $150,000 of the amount appropriated under this head for the fiscal year 1949 shall be available for expenses by contract or otherwise, of such management and operational studies as are necessary in the Bureau of Internal Revenue.

40 U. S. C. §§ 304f-304m.
Printing and binding.
Detection and prosecution of violators.

Additional income tax on railroads in Alaska: For the payment to the Treasurer of Alaska of an amount equal to the tax of 1 per centum collected on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which tax is in addition to the normal income tax collected from such corporations on net income, the amount of such additional tax to be applicable to general Territorial purposes, $4,500.

BUREAU OF NARCOTICS

Salaries and expenses: For expenses, including the securing of information and evidence, necessary to enforce sections 2550–2565; 2567–2571; 2590–2603; 3220–3228; 3230–3238 of the Internal Revenue Code; the Narcotic Drugs Import and Export Act, as amended (21

53 Stat. 269–283, 382–387.
26 U. S. C. § 2550 *et seq.*; Supp. I, § 3228 note.

35 Stat. 614.
46 Stat. 585.
56 Stat. 1045.
21 U. S. C. §§ 188–188n; Supp. I, § 188j note.
60 Stat. 810.
53 Stat. 1291.

U. S. C. 171–184); the Act of June 14, 1930 (5 U. S. C. 282–282c and 21 U. S. C. 197–198) and the Opium Poppy Control Act of 1942 (21 U. S. C. Supp. V, 188–188n), including the employment of attorneys; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); the costs of chemical analyses made by others than employees of the United States; cost incurred by officers and employees of the Bureau of Narcotics in the seizure, forfeiture, storage, and disposition of property under the Act of August 9, 1939 (49 U. S. C. 781–788), and the internal-revenue laws; hire of motor vehicles; purchase of arms and ammunition; in all, $1,450,000, including personal services in the District of Columbia and printing and binding; not exceeding $10,000 for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, and not exceeding $10,000 for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice.

Dissemination of information, etc.

Apprehension of narcotic law violators.

BUREAU OF ENGRAVING AND PRINTING

For the work of engraving and printing, exclusive of repay work, United States currency and internal-revenue stamps, including opium orders and special-tax stamps required under the Act of December 17, 1914 (26 U. S. C. 1040, 1383), checks, drafts, and miscellaneous work, as follows:

38 Stat. 785.
26 U. S. C. §§ 2550, 3220 notes.
Post, pp. 413, 1047.

Salaries and expenses: For the Director, two Assistant Directors, and other personal services in the District of Columbia, including wages of rotary press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; and other necessary expenses, including engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency and Federal Reserve bank currency; purchase of card and continuous form checks; equipment of, repairs to, and maintenance of buildings and grounds and minor alterations to buildings; periodicals, examples of engraving and printing, including foreign securities and stamps, and books of reference, not to exceed $500; traveling expenses not to exceed $15,000; printing and binding; transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed $15,000; $12,500,000, to be expended under the direction of the Secretary of the Treasury.

Materials.

Scientific investigations.

Crediting of proceeds from work.

During the fiscal year 1949 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriations for such Bureau for such fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (31 U. S. C. 176), shall be credited when received to the appropriations for such Bureau for the fiscal year 1949.

24 Stat. 227.

SECRET SERVICE DIVISION

Salaries and expenses, Secret Service: For expenses necessary in detecting, arresting, and delivering into the custody of the United States marshal or other officer having jurisdiction, dealers and pretended dealers in counterfeit money, persons engaged in counterfeiting, forging, and altering United States notes, bonds, national bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments (including endorsements thereon and assignments thereof), as well as the coins of the United States and of foreign governments, and persons committing other crimes against the laws

of the United States relating to the Treasury Department and the several branches of the public service under its control, and for the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, including personal services in the District of Columbia; purchase (not to exceed sixteen for replacement only) and hire of passenger motor vehicles; printing and binding; and purchase of arms and ammunition; $1,715,000: *Provided*, That of the amount herein appropriated not to exceed $15,000 may be expended, with the approval of the Chief of the Secret Service, for the purpose of securing information concerning violations of the laws relating to the Treasury Department and for services or information looking toward the apprehension of criminals.

Protection of the President, etc.

Information concerning law violations.

Salaries and expenses, White House Police: For salaries and expenses, including uniforms and equipment, purchase and repair of revolvers, and the purchase and issue of ammunition and miscellaneous supplies, to be purchased in such manner as the President may determine, $370,000.

Salaries and expenses, guard force, Treasury buildings: For expenses of the guard force for Treasury Department buildings in the District of Columbia, including the Bureau of Engraving and Printing, and elsewhere, including purchase, repair, and cleaning of uniforms, purchase of two passenger motor vehicles for replacement only, and the purchase of arms and ammunition and miscellaneous equipment, $645,000: *Provided*, That not to exceed $168,925 of the appropriation "Salaries and expenses, Bureau of Engraving and Printing", may be transferred to this appropriation to cover service rendered such Bureau in connection with the protection of currency, bonds, stamps, and other papers of value the cost of producing which is not covered and embraced in the direct appropriations for such Bureau: *Provided further*, That the Secretary of the Treasury may detail two agents of the Secret Service to supervise such force.

Transfer of funds.

Ante, p. 412.

Supervisors.

Reimbursement to District of Columbia, benefit payments to White House Police and Secret Service forces: For reimbursement to the District of Columbia on a monthly basis for benefit payments made from the revenues of the District of Columbia to members of the White House Police force and such members of the United States Secret Service Division as are entitled thereto under the Act of October 14, 1940 (54 Stat. 1118), to the extent that such benefit payments are in excess of the salary deductions of such members credited to said revenues of the District of Columbia during the fiscal year 1949, pursuant to section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended, $84,600.

Reimbursement to D. C. for certain benefit payments.

D. C. Code § 4-508.

D. C. Code § 4-503.

BUREAU OF THE MINT

Salaries and expenses: For necessary expenses at the mints at Philadelphia, Pennsylvania, San Francisco, California, and Denver, Colorado; the assay offices at New York, New York, and Seattle, Washington; the bullion depositories at Fort Knox, Kentucky, and West Point, New York; the Office of the Director of the Mint; and for carrying out the provisions of the Gold Reserve Act of 1934 and the Silver Purchase Act of 1934, including personal services in the District of Columbia, printing and binding, new machinery and repairs, arms and ammunition, purchase and maintenance of uniforms and accessories for guards, protective devices, and their maintenance, training of employees in use of firearms and protective devices, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed $1,000 for the expenses of the annual assay commission, and not exceeding $1,000 for the acqui-

48 Stat. 337, 1178.
31 U. S. C. §§ 440, 448.

Annual assay commission.

sition, at the dollar face amount or otherwise, of specimen and rare coins, including United States and foreign gold coins and pieces of gold used as, or in lieu of, money, and ores, for addition to the Government's collection of such coins, pieces, and ores; $4,500,000.

Transportation of bullion and coin: For transportation of bullion and coin, between mints, assay offices, and bullion depositories, $5,000, including compensation of temporary employees and other necessary expenses.

BUREAU OF FEDERAL SUPPLY

Salaries and expenses: For necessary expenses, including personal services in the District of Columbia and in the field service, office supplies and materials, stationery, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Bureau of Federal Supply of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia and in the field, $1,275,000: *Provided*, That the Secretary of the Treasury is authorized and directed to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government such amounts as may be approved by the Bureau of the Budget, not to exceed the sum of (a) the amount of the annual compensation of employees who may be transferred or detailed to the Bureau of Federal Supply, respectively, from any such department or establishment, where the transfer or detail of such employee is incident to a transfer of a function or functions to that Bureau and (b) such amount as the Bureau of the Budget may determine to be necessary for expenses other than personal services incident to the proper carrying out of functions so transferred: *Provided further*, That when there has been or shall be transferred from any agency of the Government to the Bureau of Federal Supply any function of warehousing, and the agency from which such function is being transferred is authorized at the time of such transfer to perform functions of procurement, warehousing, or distribution of property, equipment, stores, or supplies for non-Federal agencies the Bureau of Federal Supply is authorized to continue the performance of such functions for such non-Federal agencies where such functions are to be discontinued by the agency from which the warehousing function has been transferred, and the receipts, including surcharge, for all issues to and all advances by all non-Federal agencies shall be credited to the general supply fund: *Provided further*, That payments to the general supply fund for materials, and supplies (including fuel), and services, and overhead expenses for all issues shall be made on the books of the Treasury Department by transfer and counterwarrants prepared by the Bureau of Federal Supply of the Treasury Department and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Bureau of Federal Supply at issue prices to be fixed by the Director of Federal Supply: *Provided further*, That payments covering transactions between the Bureau of Federal Supply and field offices of other Government agencies whose detailed appropriation or fund accounts are maintained elsewhere than within the District of Columbia, may be made on the basis of itemized vouchers or invoices prepared by the Bureau of Federal Supply and sent through the appropriate field offices to the disbursing officers for the agencies involved, who are hereby authorized to make payment based (1) upon certification of the Bureau of Federal Supply, which shall include the specific statement that the vouchers are issued pursuant to and in conformity with purchase orders or requisitions duly executed by the agency billed, and (2) upon approval and certification of such vouchers by the

Transfer of funds.

Continuance of warehousing functions for non-Federal agencies.

Payments for supplies, services, etc.

Transactions with field offices of other Government agencies.

agency billed, which action shall be based upon acceptance of the Bureau of Federal Supply certification as made, subject to later adjustment if necessary, the responsibility of the certifying officer to be limited to the availability of the funds to be charged: *Provided further*, That the general supply fund may be used to purchase from or through the Public Printer standard forms and blank-book work for field warehouse stocking and issue, but issues thereof shall be made only to Government agencies and shall be chargeable to applicable appropriation authorizations or limitations of such agencies for printing and binding, and reports of such issues shall be made as the Public Printer may require: *Provided further*, That advances received pursuant to law (31 U. S. C. 686) from departments and establishments of the United States Government and the government of the District of Columbia during the fiscal year 1949 shall be credited to the general supply fund: *Provided further*, That per diem employees engaged in work in connection with operations of the fuel yards may be paid rates of pay approved by the Secretary of the Treasury not exceeding current rates for similar services in the District of Columbia: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *Provided further*, That the reconditioning and repair of surplus property and equipment for disposition or reissue to Government service, may be made at cost by the Bureau of Federal Supply, payment therefor to be effected by charging the proper appropriation and crediting the general supply fund.

Standard forms and blank-book work.

Crediting of advances. 47 Stat. 417.

Per diem employees at fuel yards.

"Fuel."

Reconditioning of surplus property.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia and areas adjacent thereto may be made at cost by the Bureau of Federal Supply, payment therefor to be effected by charging the proper appropriation and crediting the general supply fund.

Typewriting machines, repairs.

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1949 for the purchase, within the continental limits of the United States, of any typewriting machines (except bookkeeping and billing machines and typewriting machines for veterans under public laws administered by the Veterans' Administration).

Restriction on use of funds.

Each agency in the executive branch of the Government (which shall include all departments, independent establishments, and wholly owned Government corporations) is authorized and directed (1) to report within thirty days after the enactment of this Act, or by July 1, 1948, whichever is the later, to the Director of the Bureau of Federal Supply the total number of typewriting machines in the possession or custody of such agency and the number thereof surplus to its requirements, and (2) to surrender and ship such surplus typewriting machines as the Director of the Bureau of Federal Supply may direct. Costs of packing and shipping hereunder shall be charged to the general supply fund. Each agency shall furnish the Director of the Bureau of Federal Supply such information regarding typewriting machines as he may from time to time request. The Bureau of Federal Supply is authorized and directed to receive and hold all typewriting machines surrendered to it hereunder and to distribute same to any of such agencies as the Director of the Bureau of Federal Supply may determine. Notwithstanding the foregoing paragraphs, in the event the Director of the Bureau of Federal Supply is unable to furnish any such agency with suitable typewriters out of stock on hand, he may purchase typewriters for the account of such agency: *Provided*, That the price paid during any quarter of the fiscal year for such typewriters shall not exceed ninety per centum of the lowest net cash price, plus applicable Federal excise taxes, accorded the most favored customer (other than the Government of the United States, or any agency thereof, and purchasers of typewriters for educational instruction

Report of number of typewriters by agencies.

Purchase price.

purposes only) of the manufacturer of such machines during the six-month period immediately preceding such quarter.

Survey, etc., of surplus typewriters.

The Director of the Bureau of Federal Supply is authorized and directed at such times as he may determine to be necessary to survey and determine the number and kinds of typewriters which are at any time surplus to the requirements of any agency. Upon such determination the Director of the Bureau of Federal Supply is authorized to direct, upon such notice and in such manner as he may prescribe, the head of any agency to surrender to the Bureau of Federal Supply any and all typewriting machines, surplus to its requirements, and such determination and direction by the Director of the Bureau of Federal Supply shall be final and conclusive upon all agencies, officers, and employees of the executive branch of the Government of the United States.

The Director of the Bureau of Federal Supply is authorized to charge each agency to which typewriting machines are supplied hereunder amounts equal to the fair value thereof, as determined by him, and such amounts shall be credited to the general supply fund.

General supply fund, Bureau of Federal Supply: To increase the general supply fund established by the Act approved February 27, 1929, as amended (41 U. S. C. 7c), $1,500,000.

45 Stat. 1342.

Printing and binding: For printing and binding for the Bureau of Federal Supply, including printed forms and miscellaneous items for general use of the Treasury Department, the cost of transportation to field offices of printed and bound material and the cost of necessary packing boxes and packing materials, $170,000, together with not to exceed $30,000 to be transferred from the general supply fund, Treasury Department.

Net renegotiation rebates: For necessary expenses, including personal services in the District of Columbia, in connection with the processing and determination of net renegotiation rebates under section 403 (a) (4) (D) of the Renegotiation Act, $125,000.

58 Stat. 80.
50 U. S. C. app. § 1191 (a) (4) (D).

Payment of salaries and expenses, restriction.

No part of any appropriation or authorization in this Act shall be used to pay any part of the salary or expenses of any person whose salary or expenses are prohibited from being paid from any appropriation or authorization in any other Act.

Citation of title.

This title may be cited as the "Treasury Department Appropriation Act, 1949".

Post Office Department Appropriation Act, 1949.
Post, p. 564.

TITLE II—POST OFFICE DEPARTMENT

The following sums are appropriated in conformity with 5 United States Code 361, 380; 39 United States Code 786, for the Post Office Department for the fiscal year ending June 30, 1949, namely:

POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA

OFFICE OF THE POSTMASTER GENERAL

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, including a health service program as authorized by law (5 U. S. C. 150), $395,000.

60 Stat. 903.

SALARIES IN BUREAUS AND OFFICES

For personal services in the District of Columbia in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Office of Budget and Administrative Planning, $65,000.

Post, p. 564.

Office of the First Assistant Postmaster General, $1,162,500.

Office of the Second Assistant Postmaster General, $968,000.

Office of the Third Assistant Postmaster General, $1,350,000.
Office of the Fourth Assistant Postmaster General, $823,000.
Office of the Solicitor for the Post Office Department, $250,000. *Post*, p. 564.
Office of the Chief Inspector, $405,000.
Office of the Purchasing Agent, $85,000.
Bureau of Accounts, $505,000.

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

For necessary, contingent and miscellaneous expenses not otherwise provided for; purchase and exchange of lawbooks and books of reference; newspapers; and travel expenses of the purchasing agent and of the solicitor and personnel connected with his office, not exceeding $2,100; $172,150.

For printing and binding for the Post Office Department and Postal Service, $2,114,000.

Field service appropriations, restriction on use.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia: *Provided*, That necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may be paid from the appropriations for the service in connection with which the travel is performed: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be available for expenses in connection with the examination of estimates for appropriations in the field including per diem allowances in lieu of actual expenses of subsistence: *And provided further*, That the appropriations for the Post Office Department and the Postal Service shall be available for expenditures in connection with accident prevention, but no appropriation made for the field service shall be expended on account of the Post Office Department in the District of Columbia.

Travel expenses.

Examination of estimates.

Accident prevention.

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL

Travel and miscellaneous expenses: For travel and miscellaneous expenses in the Postal Service, offices of the Postmaster General and Assistant Postmasters General, $3,000.

Damage claims: For the payment of claims for damages to persons or property occurring in the fiscal year 1949, or in prior fiscal years, pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), and in accordance with the provisions of the Deficiency Appropriation Act, approved June 16, 1921 (5 U. S. C. 392), as amended by the Act approved June 22, 1934 (31 U. S. C. 224c), $175,000.

Post, p. 564.

60 Stat. 843.
Post, p. 1008.

42 Stat. 63.
48 Stat. 1207.

Adjusted losses and contingencies: To pay to postmasters, navy mail clerks, and assistant navy mail clerks, coast guard mail clerks, assistant coast guard mail clerks, army mail clerks, and assistant army mail clerks, or credit them with the amount ascertained to have been lost or destroyed during the fiscal year 1949, or prior fiscal years, through unavoidable casualty resulting from no fault or negligence on their part, as authorized by the Act approved March 17, 1882, as amended by the Act approved December 7, 1945 (39 U. S. C. 49), $75,000.

22 Stat. 29; 59 Stat. 603.
39 U. S. C., Supp. I, §49 note.

OFFICE OF THE CHIEF INSPECTOR

Salaries of inspectors: For salaries of fifteen inspectors in charge of divisions and eight hundred inspectors, $4,350,000.

Travel and miscellaneous expenses: For necessary travel and miscellaneous expenses incurred in the operation of the post office

Chemical, etc., investigations.

inspection service, not to exceed $27,600 for chemical and other investigations, and not to exceed $500 for books of reference, $958,000.

P. O. inspection service.

Clerks: For compensation of not exceeding three hundred and eighty-nine clerks in the post office inspection service, $1,178,000.

Rewards: For payment of rewards for the detection, arrest, and conviction of post office burglars, robbers, highway mail robbers, and persons mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite, or explode, fiscal year 1949 and prior years, $55,000: *Provided*, That rewards may be paid in the discretion of the Postmaster General, when an offender of the classes mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 28673, dated July 28, 1945: *Provided further*, That of the amount herein appropriated not to exceed $20,000 may be expended in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

Death of offender.

Limitation.

Securing of information.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Compensation to postmasters: For compensation to postmasters, including compensation as postmaster to persons who, pending the designation of an acting postmaster, assume and perform the duties of postmaster in the event of a vacancy in the office of postmaster of the third or fourth class, and to persons who perform the duties for postmasters of the fourth class absent on sick or annual leave or leave without pay, and for allowances for rent, light, fuel, and equipment to postmasters of the fourth class, $87,900,000.

Compensation to assistant postmasters: For compensation to assistant postmasters at first- and second-class post offices, $12,600,000.

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, mail handlers, and substitutes, and the maintenance of health service program as authorized by law (5 U. S. C. 150), $530,000,000.

60 Stat. 903.

Contract station service: For contract station service, $3,500,000.

Separating mails: For separating mails at fourth-class post offices, $180,000.

Unusual conditions: For unusual conditions at post offices, $25,000.

Clerks, third-class post offices: For compensation to clerks at third-class post offices, $25,500,000.

Miscellaneous items, first- and second-class post offices: For expenses necessary for the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations, $3,850,000.

Village delivery service: For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, $300,000.

Detroit River service: For Detroit River postal service, $12,750.

Carfare and bicycle allowance: For carfare and bicycle allowance, including special delivery carfare, cost of transporting carriers by privately owned automobiles to and from their routes, at rates not exceeding regular streetcar or bus fare, and purchase, maintenance, and exchange of bicycles, $2,900,000.

City delivery carriers: For pay of letter carriers, city delivery service, and United States official mail and messenger service, $326,000,000.

Special delivery service: For compensation and fees to special delivery messengers, $16,000,000.

Rural delivery service: For pay for rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, tolls and ferriage, and necessary expenses of the rural delivery service, $135,719,000, of which not less than $200,000 shall be available for extensions and new service. *Post*, p. 564.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star route service: For inland transportation by star routes, including temporary service to newly established offices, $25,501,000.

Powerboat service: For inland transportation by steamboat or other powerboat routes, including ship, steamboat, and way letters, $2,133,000.

Railroad transportation and mail messenger service: For inland transportation by railroad routes and for mail messenger service, $165,881,000: *Provided*, That separate accounts be kept of the amount expended for mail messenger service.

Railway mail service, salaries: For fifteen general superintendents, fifteen assistant general superintendents, two assistant general superintendents at large, one hundred and twenty district superintendents, one hundred and twenty assistant district superintendents, and other employees in the railway mail service, $109,188,000.

Railway mail service, travel allowance: For travel allowance to railway postal clerks and substitute railway postal clerks, $5,237,000.

Railway mail service, travel expenses: For travel expenses of departmental officials and supervisory employees of the railway mail service, and railway postal clerks, $66,000.

Railway mail service, miscellaneous expenses: For necessary expenses of the railway mail service not provided for in other appropriations, $490,000.

Electric car service: For electric car service, $220,000.

Foreign mail transportation: For transportation of foreign mails, except by aircraft, $23,762,800: *Provided*, That not to exceed $12,500 is hereby made available for expenses of delegates designated from the Post Office Department by the Postmaster General to the Sixth Congress of the Postal Union of the Americas and Spain, The Executive and Liaison Commission and the Transit Commission of the Universal Postal Union, and the conference on revision of the 1929 "Prisoners of War" Convention, to be expended in the discretion of the Postmaster General and accounted for on his certificate, which certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended, which amount shall be available until December 31, 1949. Attendance at certain conferences.

Balances due foreign countries: For balances due foreign countries, fiscal year 1949 and prior years, $3,000,000: *Provided*, That there shall be established immediately, by transfer of $5,000,000 from the appropriation for "Balances due foreign countries" for the fiscal year 1948, a revolving fund which shall be available without fiscal year limitation for advances to air carriers for the transportation of air mail from foreign countries to the United States as authorized by section 2 of the Act of July 27, 1940 (49 U. S. C. 485b), and payments hereafter received from foreign countries on account of air carriers for the transportation of air mail from foreign countries to the United States shall be credited to such fund. *Post*, p. 564. Transfer of funds. 61 Stat. 231. 54 Stat. 863.

Indemnities, international mail: For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, fiscal year 1949 and prior years, $17,500. *Post*, p. 564.

Post, p. 564.

Foreign air mail service: For transportation of foreign mails by aircraft, as authorized by law, $23,042,000.

Post, p. 564.

Domestic air mail service: For expenses necessary for the inland transportation of mail by aircraft, as authorized by law, including not to exceed $176,000 for supervisory officials and clerks at field headquarters, $32,000,000.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Post, p. 564.

U. S. Stamped Envelope Agency.

Stamps and stamped paper: For manufacture and distribution of stamps and stamped paper, and not to exceed $30,000 for compensation to employees and other necessary expenses of the United States Stamped Envelope Agency, $9,335,000.

Post, p. 564.

Indemnities, domestic mail: For payment of indemnity for the injury or loss of domestic registered, insured, and collect-on-delivery mail, and for failure to remit collect-on-delivery charges, fiscal year 1949 and prior years, $3,775,000.

Post, p. 564.

Unpaid money orders: For payment of domestic money orders after one year from the last day of the month of issue of such orders, $900,000.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Post, p. 564.

Miscellaneous supplies and equipment: For the purchase, manufacture, repair, and installation of necessary miscellaneous equipment and supplies for the Postal Service not provided for in other appropriations; for the purchase of atlases and geographical and technical works not to exceed $1,500; and not exceeding $191,400 for personal services, including salaries of fourteen traveling mechanicians; for rental of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices; and for travel expenses; $7,658,000, of which $400,000 shall be available exclusively for the purchase of modern mechanical postal devices, and of which $50,000 shall be available exclusively for mechanizing devices for separation of mails, and $50,000 shall be available exclusively for the necessary research, and for the design, manufacture, and installation of pilot mail-sorting equipment, as recommended on page 73 of House Report Numbered 1656, Eightieth Congress, second session, and for the necessary supervision of the installation and operation of such equipment: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps at the cost of printing and 10 per centum thereof added.

Labor-saving devices.

Sale of maps.

Post, p. 564.

Equipment shops: For the purchase, manufacture, and repair of mail bags and other equipment for the postal service not provided for in other appropriations; necessary expenses for the operation, maintenance, and protection of the mail equipment shops building, grounds, and equipment, and a health service program as authorized by law (5 U. S. C. 150); $12,853,625, of which not to exceed $1,255,000 may be expended for personal services in the District of Columbia and not exceeding $15,000 for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for services in Alaska, Puerto Rico, Hawaii, or other island possessions.

60 Stat. 903.

Distinctive equipment.

Rent, fuel, and utility services: For rent, light, power, fuel, and water, for first-, second-, and third-class post offices, and the cost of advertising for lease proposals for such offices, $14,750,000.

Pneumatic tube service: For rental of not exceeding twenty-eight miles of pneumatic tubes, hire of labor, communication service, electric power, and other expenses for transmission of mail in the city of New York including the Borough of Brooklyn; and for rental of not exceeding two miles of pneumatic tubes, not including labor and

power in operating the same, for the transmission of mail in the city of Boston, Massachusetts; $740,000: *Provided*, That the Acts of April 21, 1902, May 27, 1908, and June 19, 1922 (39 U. S. C. 423), relating to contracts for the transmission of mail by pneumatic tubes or other similar devices shall not be applicable to the city of New York, and the provisions not inconsistent herewith of the Acts of April 21, 1902, and May 27, 1908 (39 U. S. C. 423), shall be applicable to the city of Boston.

32 Stat. 114; 35 Stat. 412; 42 Stat. 661.
Post, p. 1163.
Post, p. 1163.

Vehicle service: For the hire, purchase, maintenance, repair, and operation of vehicles for use in the collection, transportation, delivery, and supervision of the mail, including the repair of vehicles owned by, or under the control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the Postal Service; the rental of garage facilities; lease of quarters not exceeding a term of ten years for the housing of Government-owned motor vehicles, and including compensation to necessary employees in the motor vehicle service, $42,457,000, of which $4,400,000 shall be available exclusively for the purchase of trucks: *Provided*, That the Postmaster General may purchase and maintain from this appropriation such tractors and trailer trucks as may be required in the operation of the vehicle service: *Provided further*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in connection with the administrative work of the Post Office Department in the District of Columbia.

Housing of vehicles.
Tractors and trailer trucks.
Maintenance, restriction.

Transportation of equipment and supplies: For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, $1,000,000.

Operating force, public buildings: For compensation to employees in the custodial service, $44,600,000.

Operating supplies, public buildings: For necessary miscellaneous articles, services and supplies, including transportation thereof, required for the operation of completed and occupied public buildings and grounds operated by the Post Office Department, $7,320,000, which shall not be available for personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of $250 at any one building: *Provided*, That the Postmaster General is authorized to contract for telephone service in public buildings under his administration by means of telephone switchboards or equivalent telephone switching equipment jointly serving in each case two or more governmental activities, where he determines that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the bureaus and offices receiving the same.

Personal services, limitation.
Telephone service.

Equipment, public buildings: For the procurement, including transportation, of furniture, carpets, safes, safe and vault protective devices, and repairs of same, for use in public buildings which are now, or may hereafter be, operated by the Post Office Department, $950,000: *Provided*, That excepting expenditures for labor for or incidental to the moving of equipment from or into public buildings, the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of $100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan of furniture.

Post, p. 565.
Personal services, limitation.
Use of present furniture.

Deficiency appropriation.

Deficiency in postal revenues: If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this Act, a sum equal to such deficiency in the revenues of such Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1949, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Reports to Congressional committees.

During the fiscal year 1949, the Postmaster General shall make quarterly reports to the Senate and House Committees on Appropriations, showing for each quarter the amount paid from each appropriation for overtime, the number of employees receiving such overtime, and the number of hours of overtime worked by such employees, together with a statement as to the necessity for such overtime work.

Transfer of funds, restriction.

Not to exceed 5 per centum of any appropriation for the Field Service, Post Office Department, may be transferred, with the approval of the Director of the Bureau of the Budget, to any other appropriation or appropriations under the said Service, but no appropriation shall be increased more than 10 per centum by such transfers.

Citation of title.

This title may be cited as the "Post Office Department Appropriation Act, 1949".

TITLE III—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 301. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Short title.

SEC. 302. This Act may be cited as the "Treasury and Post Office Departments Appropriation Act, 1949".

Approved June 14, 1948.

[CHAPTER 467]

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1949, and for other purposes.

June 14, 1948
[H. R. 6500]
[Public Law 641]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1949, namely:

Legislative Branch Appropriation Act, 1949.
Post, p. 1027.

SENATE

SALARIES, MILEAGE, AND EXPENSES OF SENATORS

For compensation of Senators, $1,200,000.

For mileage of the President of the Senate and of Senators, $51,000.

For expense allowance of Senators, $240,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others, as authorized by law, including increased and additional compensation provided by the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946", as follows:

59 Stat. 295; 60 Stat. 216.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1267.

OFFICE OF THE VICE PRESIDENT

For compensation of the Vice President of the United States, $20,000.

For clerical assistance to the Vice President, at rates of compensation to be fixed by him, $32,385.

CHAPLAIN

Chaplain of the Senate, $2,520.

OFFICE OF THE SECRETARY

For office of the Secretary, $311,515: *Provided*, That the basic lump sum for additional clerical assistance and readjustment of salaries in the disbursing office is increased by $3,300.

Disbursing office.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees, $1,335,785.

Public Law 4, approved February 19, 1947, is hereby amended by inserting in the paragraph relating to the clerical staff of the Appropriations Committee after the words "one assistant chief clerk", the words "and two assistant clerks".

61 Stat. 5.
2 U. S. C., Supp. I, § 72a note.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $26,380.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $26,380.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, $4,482,555.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Post, p. 1027.

For office of Sergeant at Arms and Doorkeeper, $843,655, including fifteen additional privates, Capitol Police force, as authorized by Public Law 299, Eightieth Congress: *Provided*, That hereafter the pay of pages shall be at the basic rate of $1,800 per annum and shall continue until the end of the month during which the Congress adjourns sine die, or recesses, or the fourteenth day after such adjournment or recess, whichever is the later date: *Provided further*, That the basic annual rates of compensation for the following positions shall be: Two assistant superintendents of press gallery at $2,400 each, and messenger for service to press correspondents $1,920 in lieu of assistant superintendent of press gallery $2,400 and two messengers for service to press correspondents at $1,920 each; and two assistant superintendents of radio press gallery at $2,400 each in lieu of assistant superintendent of radio press gallery $2,400.

61 Stat. 695.
Pay of pages.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the secretary for the majority and the secretary for the minority, $43,620.

CONTINGENT EXPENSES OF THE SENATE

Legislative reorganization: For salaries and expenses, legislative reorganization, including the objects specified in Public Law 663, Seventy-ninth Congress, $100,000.

60 Stat. 911.

Senate policy committees: For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $41,000 for each such committee; in all, $82,000.

Joint Committee on the Economic Report: For salaries and expenses of the Joint Committee on the Economic Report, $70,000.

Joint Committee on Atomic Energy: For salaries and expenses of the Joint Committee on Atomic Energy, including the objects specified in Public Law 20, Eightieth Congress, $150,000.

61 Stat. 16.

Joint Committee on Printing: For salaries for the Joint Committee on Printing, $19,710, and for expenses of compiling, preparing, and indexing the Congressional Directory, $1,600; in all, $21,310.

Joint Committee on Labor-Management Relations: For salaries and expenses of the Joint Committee on Labor-Management Relations created by section 401 of the Labor-Management Relations Act, 1947 (Public Law 101, Eightieth Congress), $50,000.

61 Stat. 160.
29 U. S. C., Supp. I, § 191.

Vice President's automobile: For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, $5,000.

Automobile for the President pro tempore: For purchase, exchange, driving, maintenance, and operation of an automobile for the President pro tempore of the Senate, $7,500.

Automobiles for majority and minority leaders: For purchase, exchange, driving, maintenance, and operation of two automobiles, one for the majority leader of the Senate, and one for the minority leader of the Senate, $10,000.

Reporting Senate proceedings: For reporting the debates and proceedings of the Senate, payable in equal monthly installments, $99,315.

Furniture: For services in cleaning, repairing, and varnishing furniture, $2,760.

Furniture: For materials for furniture and repairs of same, exclusive of labor, and for the purchase of furniture, $12,000.

Inquiries and investigations: For expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134 (a) of Public Law 601, Seventy-ninth Congress, including compensation for stenographic assistance of committees at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, but not exceeding the rate of 25 cents per hundred words for the original transcript of reported matter; and including $50,000 for the Committee on Appropriations for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Public Law 20, Eightieth Congress, $650,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses, except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

60 Stat. 831.

61 Stat. 15.

44 Stat. 688. 5 U. S. C. § 821.

Folding documents: For folding speeches and pamphlets at a basic rate not exceeding $1 per thousand, $25,000.

Materials for folding: For materials for folding, $1,500.

Fuel, and so forth: For fuel, oil, cotton waste, and advertising, exclusive of labor, $2,000.

Senate restaurants: For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended under the supervision of the Committee on Rules and Administration, United States Senate, $42,500.

Motor vehicles: For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $9,560.

Miscellaneous items: For miscellaneous items, exclusive of labor, $626,765.

Packing boxes: For packing boxes, $3,000.

Postage stamps: For office of Secretary, $350; office of Sergeant at Arms, $150; in all, $500.

Air-mail and special-delivery stamps: For air-mail and special-delivery stamps for Senators and the President of the Senate as authorized by law, $10,250.

Stationery: For stationery for Senators and for the President of the Senate, including $10,000 for stationery for committees and offices of the Senate, $58,500: *Provided*, That commencing with the fiscal year 1949 the allowance for stationery for each Senator and for the President of the Senate shall be $500 per annum.

Ante, p. 213; *post*, p. 1027.

Office space for Senators.

The Sergeant at Arms is authorized and directed to secure suitable office space in post office or other Federal buildings in the State of each Senator for the use of such Senator and in the city to be designated by him: *Provided*, That in the event suitable space is not available in such buildings and a Senator leases or rents office space elsewhere, the Sergeant at Arms is authorized to approve for payment from the contingent fund of the Senate, vouchers covering bona fide statements of rentals due in an amount not exceeding $900 per annum for each Senator.

Payment of rent.

Insurance against loss of funds.

Commencing with the fiscal year 1949 the Secretary of the Senate is authorized and directed to protect the funds of his office by purchasing insurance in an amount necessary to protect said funds against loss. Premiums on such insurance shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the Committee on Rules and Administration.

Salaries or wages paid out of the foregoing items under "Contingent expenses of the Senate" shall be computed at basic rates as authorized by law, plus increased and additional compensation as provided by

59 Stat. 295; 60 Stat. 216.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1267.

the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946".

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE, AND EXPENSES OF MEMBERS

For compensation of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, $5,482,500.

For mileage and expense allowance of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, as authorized by law, $1,266,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, including increased and additional compensation provided by the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946", as follows:

59 Stat. 295; 60 Stat. 216.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1267.

OFFICE OF THE SPEAKER

For Office of the Speaker, $38,000.

THE SPEAKER'S TABLE

For the Speaker's table, including $2,000 for preparing Digest of the Rules, $25,120.

CHAPLAIN

For the Chaplain, $3,750.

OFFICE OF THE CLERK

For the Office of the Clerk, $413,715, including ten additional telephone operators at the basic salary rate of $1,800 per annum, each.

COMMITTEE EMPLOYEES

For committee employees, including a sum of not to exceed $185,000 for the Committee on Appropriations, $1,500,000.

OFFICE OF THE SERGEANT AT ARMS

For Office of the Sergeant at Arms, $275,325.

OFFICE OF THE DOORKEEPER

Pay of pages.

For Office of the Doorkeeper, $465,560: *Provided*, That hereafter the pay of pages shall be at the basic rate of $1,800 per annum and shall continue until the end of the month during which the Congress adjourns sine die, or recesses, or the fourteenth day after such adjournment or recess, whichever is the later date.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, $35,890.

For three special employees, $7,040.

For office of the majority floor leader, including $2,000 for official expenses of the majority leader, $32,825.

For office of the minority floor leader, $24,260.

For two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, $5,105.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, $5,820.

For two clerks, one for the majority whip and one for the minority whip, to be appointed by said whips, respectively, $8,580.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, $5,120.

OFFICE OF THE POSTMASTER

For Office of the Postmaster, $135,480.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, $100,865.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, $84,725.

APPROPRIATIONS COMMITTEE

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, to be expended in accordance with section 202 (b) of the Legislative Reorganization Act, 1946, $150,000.

60 Stat. 834.
2 U. S. C. § 72a (b).

CLERK HIRE, MEMBERS AND DELEGATES

For clerk hire necessarily employed by each Member and Delegate, and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, $5,915,000, as authorized by law, including increased and additional compensation provided by the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946".

59 Stat. 295; 60 Stat. 216.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*

CONTINGENT EXPENSES OF THE HOUSE

Post, p. 1267.

Furniture: For furniture and materials for repairs of the same, including labor, tools, and machinery for furniture repair shops, and for the purchase of packing boxes, $115,000.

Miscellaneous items: For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of $27,500 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the sum of $1,200 for the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the sum of $500 for the exchange, operation, maintenance, and repair of the folding room motor truck; the sum of $2,200 for the purchase, exchange, maintenance, operation, and repair of the post-office motor vehicles for carrying the mails; the sum of $600 for hire of automobile for the Sergeant at Arms, and materials for folding; in all, $165,000: *Provided*, That no part of this appropriation shall be used to pay the salaries of three additional laborers authorized in section 2 of the House Resolution Numbered 385, adopted December 17, 1943, and such positions are hereby abolished.

54 Stat. 1056.

Restriction.

Reporting hearings: For stenographic reports of hearings of committees other than special and select committees, $65,000.

Special and select committees: For salaries and expenses of special and select committees authorized by the House, $600,000.

Joint Committee on Internal Revenue Taxation: For the payment of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation, $155,000.

Office of the Coordinator of Information: For salaries and other expenses of the Office of the Coordinator of Information, $65,000.

Telegraph and telephone: For telegraph and telephone service, exclusive of personal services, $450,000.

Stationery (revolving fund): For a stationery allowance of $500 for each Representative, Delegate, and the Resident Commissioner from Puerto Rico, for the first session of the Eighty-first Congress, and for stationery for the use of the committees, departments, and officers of the House (not to exceed $8,000), $227,000, to remain available until expended.

Attending physician's office: For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of $1,500 to be paid to the attending physician in equal monthly installments as authorized by the Act approved June 27, 1940 (54 Stat. 629), and including an allowance of not to exceed $30 per month each to four assistants as provided by the House resolutions adopted July 1, 1930, January 20, 1932, and November 18, 1940, $6,985.

Postage stamps: Postmaster, $200; Clerk, $400; Sergeant at Arms, $250; Doorkeeper, $100; and to enable the Clerk of the House to procure and furnish each Representative, Delegate, and the Resident Commissioner from Puerto Rico, United States air-mail and special-delivery postage stamps as authorized by law, $32,850; in all, $33,800.

Folding documents: For folding speeches and pamphlets, at a rate not exceeding $1 per thousand or for the employment of personnel at a rate not to exceed $5.20 per day per person, $65,000.

45 Stat. 1008; 61 Stat. 640, 641.
1 U. S. C., Supp. I, § 213.

Revision of laws: For preparation and editing of the laws as authorized by the Act approved May 29, 1928 (1 U. S. C. 59), $10,000, to be expended under the direction of the Committee on the Judiciary.

Speaker's automobile: For exchange, driving, maintenance, repair, and operation of an automobile for the Speaker, $5,200.

Salaries or wages paid out of the foregoing items under "Contingent expenses of the House" shall be computed at basic rates as authorized by law, plus increased and additional compensation as provided by the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946".

59 Stat. 295; 60 Stat. 216.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1267.

Defraying of designated expenses, restriction.

No part of the appropriation contained in this title for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office, and except the widow or minor children, or both, of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death is a Representative, a Delegate from a Territory, or a Resident Commissioner from Puerto Rico.

CAPITOL POLICE

General expenses: For purchasing and supplying uniforms, purchase, exchange, maintenance, and repair of motor-propelled passenger-carrying vehicles, continent expenses, including $25 per month

for extra services performed by a member of such force for the Capitol Police Board, $17,900.

Capitol Buildings and Grounds, etc. Additional protection.

Capitol Police Board: To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $8,600. Such sum shall only be expended for payment for salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and is authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail.

Status of detailed personnel.

Reimbursement for salaries, etc.

Details from Metropolitan Police, D. C.

55 Stat. 456.

54 Stat. 629.

The foregoing amounts under "Capitol Police" shall be disbursed by the Clerk of the House.

Disbursement.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of maintenance of the Office of the Legislative Counsel, as authorized by law, including increased and additional compensation as provided by the "Federal Employees Pay Act of 1945", as amended by the "Federal Employees Pay Act of 1946", $180,000, of which $100,000 shall be disbursed by the Secretary of the Senate and $80,000 by the Clerk of the House of Representatives.

59 Stat. 295; 60 Stat. 216.

5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*

Post, p. 1267.

EDUCATION OF SENATE AND HOUSE PAGES

For reimbursement to the District of Columbia for education of congressional pages and pages of the Supreme Court, pursuant to the provisions of section 243 of the Act approved August 2, 1946 (Public Law 601), $29,300, which amount shall be credited to the appropriation for "General supervision and instruction, public schools, District of Columbia, 1949", and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 U. S. C. § 88a.

Post, p. 539.

STATEMENT OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives of the statements for the second session of the Eightieth Congress, showing appropriations made, indefinite appropriations, and contracts author-

ized, together with a chronological history of the regular appropriation bills as required by law, $4,000, to be paid to the persons designated by the chairmen of such committees to do the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol (whose compensation shall be at the rate of $7,000 per annum), Chief Architectural and Engineering Assistant, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect, and, in case of the absence or disability of the Assistant Architect, the Chief Architectural and Engineering Assistant shall so act; $105,000.

Travel expenses.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $1,500.

CAPITOL BUILDINGS AND GROUNDS

Post, p. 1028.

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special clothing for workmen; waterproof wearing apparel; personal and other services; cleaning and repairing works of art; purchase or exchange, maintenance and driving of motor-propelled passenger-carrying office vehicle; not exceeding $300 for the purchase of technical and necessary reference books, periodicals, and city directory; not to exceed $150 for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol; $543,990, of which $52,900 shall be immediately available.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, $177,500.

41 U. S. C. § 5.

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, $24,700.

Subway transportation, Capitol and Senate Office Buildings: For repairs, rebuilding, and maintenance of the subway system connecting the Senate Office Building with the Senate wing of the Capitol and for personal and other services, including maintenance of the cars, track, and electrical equipment connected therewith, $2,000.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel and for personal and other services, including four female attendants in charge of ladies' retiring rooms at $1,500 each and one at $1,560, for the care and operation of the Senate Office Building; to be expended under the control and supervision of the Architect of the Capitol; in all, $558,620, together with

the unobligated balance on June 30, 1948, of the appropriation carried under this head in the Legislative Branch Appropriation Act, 1948. 61 Stat. 370.

House Office Buildings: For maintenance, including equipment, waterproof wearing apparel, miscellaneous items, and for all necessary services, $675,000, and so long as the position is held by the present incumbent the superintendent of the House Office Buildings shall be paid $500 per annum in addition to compensation otherwise payable under law. Compensation of superintendent.

Capitol Power Plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and folding and storage rooms of the Senate, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and for light and power therefor whenever available; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the plant, $1,300,000.

The appropriations under the control of the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments. 36 Stat. 531.

The Government Printing Office and the Washington City Post Office shall reimburse the Capitol Power Plant for heat, light, and power whenever any such service is furnished during the fiscal year 1949, and the amounts so reimbursed shall be covered into the Treasury. Reimbursement for heat, etc.

LIBRARY BUILDINGS AND GROUNDS

MECHANICAL AND STRUCTURAL MAINTENANCE

Salaries: For chief engineer and all personal services at rates of pay provided by law, $180,000.

Salaries, Sunday opening: For extra services of employees and additional employees under the Architect of the Capitol to provide for the opening of the Library Buildings on Sundays, at rates to be fixed by the Architect, $14,700.

General repairs, and so forth: For necessary expenditures for the Library Buildings and Grounds under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, waterproof wearing apparel, material, and appurtenances, and personal and other services in connection with the mechanical and structural maintenance of such buildings and grounds, $50,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, and the purchase of office and library equipment, apparatus, and labor-saving devices, $20,000, to be expended under the direction of the Architect of the Capitol. Furniture.

BOTANIC GARDEN

Salaries: For personal services (including not exceeding $3,000 for miscellaneous temporary labor without regard to the Classification Act of 1923, as amended), $135,000; all under the direction of the Joint Committee on the Library. 42 Stat. 1488. 5 U. S. C. §§ 661-674.

Maintenance, operation, repairs, and improvements: For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden, and the nurseries, buildings, grounds, and equipment pertaining thereto, including procuring fertilizers,

soils, tools, trees, shrubs, plants, and seeds; materials and miscellaneous supplies, including rubber boots and aprons, when required for use by employees in connection with their work; not to exceed $25 for emergency medical supplies; disposition of waste; traveling expenses of the Director and his assistants, not to exceed $250; streetcar fares, not exceeding $25; office equipment and contingent expenses; the prevention and eradication of insect and other pests and plant diseases by purchase of materials, and procurement of personal services by contract without regard to the provisions of any other Act; repair, maintenance, operation, purchase, and exchange of motortrucks; maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed $100; repairs and improvements to Director's residence; and all other necessary expenses; all under the direction of the Joint Committee on the Library, $20,000.

Distribution of nursery stock.

No part of the appropriations contained in this Act for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

LIBRARY OF CONGRESS

Salaries, Library proper: For the Librarian, the Librarian Emeritus, Chief Assistant Librarian, and other personal services, including investigations of Library employees with regard to loyalty, and including special and temporary services and extra special services of regular employees (not exceeding $5,000) at rates to be fixed by the Librarian, $2,474,571, of which so much as may be necessary may be transferred to other agencies of the Government for the purpose of investigating the loyalty of Library employees, and for health service program as authorized by law (5 U. S. C. 150).

60 Stat. 903.

COPYRIGHT OFFICE

Salaries: For the Register of Copyrights, assistant register; and other personal services, $675,000.

LEGISLATIVE REFERENCE SERVICE

Salaries and expenses: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, and for printing and binding the digests of public general bills, miscellaneous printing, supplies and materials, and including not to exceed $20,000 for employees engaged on piecework and work by the day or hour at rates to be fixed by the Librarian, $475,000: *Provided*, That not more than $25,000 of this sum shall be used for preparation and reproduction of copies of the Digest of General Public Bills.

Digests of public general bills.

DISTRIBUTION OF PRINTED CARDS

Salaries and expenses: For the distribution of printed cards and other publications of the Library, including personal services, freight charges (not exceeding $500), expressage, postage, traveling expenses connected with such distribution, expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, and including not to exceed $30,000 for employees engaged in piece work and work by the day or hour and for extra special services of regular employees at rates to be fixed by the Librarian; in all, $400,400.

INDEX TO STATE LEGISLATION

Salaries and expenses: To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the Act entitled "An Act providing for the preparation of a biennial index to State legislation", approved February 10, 1927 (2 U. S. C. 164, 165), including personal and other services within and without the District of Columbia, including not to exceed $2,500 for special and temporary services at rates to be fixed by the Librarian, travel, necessary material and apparatus, and for printing and binding the indexes and digests of State legislation for official distribution only, and other printing and binding incident to the work of compilation, stationery, and incidentals, $25,000, to continue available during the fiscal year 1950. 44 Stat. 1066.

UNION CATALOGUES

Salaries and expenses: To continue the development and maintenance of the Union Catalogues, including personal services within and without the District of Columbia (and not to exceed $700 for special and temporary services, including extra special services of regular employees, at rates to be fixed by the Librarian), travel, necessary material and apparatus, stationery, photostat supplies, and incidentals, $64,000.

INCREASE OF THE LIBRARY OF CONGRESS

General increase of Library: For purchase of books, miscellaneous periodicals and newspapers, photo-copying supplies and photo-copying labor, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses not to exceed $25,000, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library by purchase, gift, bequest, or exchange, $300,000, to continue available during the fiscal year 1950.

Increase of the law library: For the purchase of books and for legal periodicals for the law library, including payment for legal society publications and for freight, commissions, traveling expenses not to exceed $2,500, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of lawbooks, and all other material for the increase of the law library, $95,000, to continue available during the fiscal year 1950.

Books for the Supreme Court: For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshal of the Supreme Court, under the direction of the Chief Justice, $24,000.

BOOKS FOR ADULT BLIND

To enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U. S. C. 135a), as amended, $974,000, including not exceeding $50,000 for personal services, not exceeding $200,000 for books in raised characters, and the balance remaining for sound-reproduction records and for the purchase, maintenance, 46 Stat. 1487.

and replacement of the Government-owned reproducers for sound-reproduction records for the blind and not exceeding $1,000 for necessary traveling expenses connected with such service and for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian.

PRINTING AND BINDING

General printing and binding: For miscellaneous printing and binding for the Library of Congress, including the Copyright Office, and the binding, rebinding, and repairing of Library books, $381,500.

Printing the Catalogue of Title Entries of the Copyright Office: For the publication of the Catalogue of Title Entries of the Copyright Office and the decisions of the United States courts involving copyrights, $39,500.

Printing catalogue cards: For the printing of catalogue cards and of miscellaneous publications relating to the distribution of catalogue cards, and for duplication of catalogue cards by methods other than printing, $374,000.

CONTINGENT EXPENSES OF THE LIBRARY

For miscellaneous and contingent expenses, stationery, office supplies, stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), including not exceeding $500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, $40,000.

60 Stat. 843.
Post, p. 1008.

Photoduplicating.

For personal services, paper, chemicals, and miscellaneous supplies necessary for the operation of the photoduplicating machines of the Library and the making of photoduplicate prints, and for the purchase of photoduplications, $20,700.

LIBRARY BUILDINGS

Salaries: For the superintendent and other personal services, in accordance with the Classification Act of 1923, as amended, including special and temporary services and special services of regular employees in connection with the custody, care, and maintenance of the Library Buildings in the discretion of the Librarian (not exceeding $750) at rates to be fixed by the Librarian, $495,000.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Incidental expenses.

For mail, delivery, including maintenance, operation, and repair of passenger motor vehicles, telephone services, rubber boots, rubber coats, and other special clothing for employees, uniforms for guards, and elevator conductors, medical supplies, equipment, and contingent expenses for the emergency room, stationery, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Buildings, $30,000.

LIBRARY OF CONGRESS TRUST FUND BOARD

For any expense of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $500.

Citizenship requirements, exemptions.

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of section 202 of the Independent Offices Appropriation Act, 1949, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointment a person in any of the three categories

Ante, p. 193.

specified in such section 202 who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

GOVERNMENT PRINTING OFFICE

WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting leave to employees with pay, such pay to be at the rate for their regular positions at the time the leave is granted; rental of buildings and equipment; fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of passenger motor vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service, furniture, typewriters, and carpets; traveling expenses, including not to exceed $3,000 for attendance at meetings or conventions when authorized by the Joint Committee on Printing; stationery, postage, and advertising; directories, technical books, newspapers, magazines, and books of reference (not exceeding $1,000); adding and numbering machines, time stamps, and other machines of similar character; purchase of uniforms for guards; rubber boots, coats, and gloves; machinery (not exceeding $300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding $1,000); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at $4,951, one cataloger at $4,537, two catalogers at $3,544 each, and one cataloger at $3,047); and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, $14,500,000; to which sum shall be charged the printing and binding authorized to be done for Congress, including supplemental and deficiency estimates of appropriations; the printing, binding, and distribution of the Federal Register in accordance with the Act approved July 26, 1935 (44 U. S. C. 301–310) (not exceeding $450,000); the printing and binding of an edition of the Code of Federal Regulations and supplements thereto, as authorized by the Act of July 26, 1935, as

Salaries, etc.

Holidays with pay.

Machinery.

60 Stat. 843.
Post, p. 1008.
Congressional Record indexes.

Federal Register.

49 Stat. 500.

Code of Federal Regulations.

49 Stat. 503.
44 U. S. C., Supp. I, § 311 note.

amended (44 U. S. C. 311) (not exceeding $650,000); the printing and binding for use of the Government Printing Office; the printing and binding (not exceeding $5,000) for official use of the Architect of the Capitol upon requisition of the Secretary of the Senate; in all to an amount not exceeding $7,000,000: *Provided*, That not less than $7,500,000 of such working capital shall be returned to the Treasury as an unexpended balance not later than six months after the close of the fiscal year 1949: *Provided further*, That notwithstanding the provisions of section 73 of the Act of January 12, 1895 (44 U. S. C. 241), no part of the foregoing sum of $7,000,000 shall be used for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Year-book of Agriculture).

Unexpended balance.

Year-book of Agriculture.
28 Stat. 612.

Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Payment for work ordered by departments, etc.

During the fiscal year 1949 any executive department or independent establishment of the Government ordering printing and binding or blank paper and supplies from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned. All sums paid to the Public Printer for work that he is authorized by law to do; all sums received from sales of wastepaper, other waste material, and condemned property; and for losses or damage to Government property; shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office and be subject to requisition by the Public Printer.

Adjustments.

Credit of payments to working capital.

Employees detailed for service in executive branch.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in the executive branch of the public service of the United States unless such detail be authorized by law.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

42 Stat. 1488.
5 U. S. C. §§ 661-674.

Salaries: For the Superintendent of Documents, assistant superintendent and other personal services in accordance with the Classification Act of 1923, as amended, and compensation of employees who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U. S. C. 40), $1,407,000.

43 Stat. 658.

General expenses: For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference; directories, books, miscellaneous office and desk supplies, paper, twine, glue, envelopes, postage, carfare, soap, towels, disinfectant, and ice; drayage, express, freight, telephone, and telegraph service; traveling expenses (not to exceed $200); repairs to buildings, elevators, and machinery; rental of equipment; preserving sanitary condition of building; light, heat, and power; stationery and office printing,

including blanks, price lists, bibliographies, catalogs, and indexes; for supplying books to depository libraries; in all, $700,000: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

Books for depository libraries.

GENERAL PROVISIONS

SEC. 102. Purchases may be made from the foregoing appropriations under the "Government Printing Office", as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments.

28 Stat. 601.
44 U. S. C. § 1 *et seq.*
36 Stat. 531.

SEC. 103. In order to keep the expenditures for printing and binding for the fiscal year 1949 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Annual, etc., reports.

Original copies.

SEC. 104. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

Private vehicles.

SEC. 105. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions relating to positions and salaries thereof carried in House Resolutions 281 and 336 (Eighteth Congress) shall be the permanent law with respect thereto.

Rate of compensation and designation of positions.
46 Stat. 32.
2 U. S. C. § 60a; Supp. I, § 60a notes.

SEC. 106. No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds.

Capitol Police.
Standards required.

Detail for duty on Capitol Grounds.

SEC. 107. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

Affidavit.

Penalty.

strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Short title.

SEC. 108. This Act may be cited as the "Legislative Branch Appropriation Act, 1949".

Approved June 14, 1948.

[CHAPTER 468]

JOINT RESOLUTION

June 14, 1948
[H. J. Res. 296]
[Public Law 642]

To maintain the status quo in respect of certain employment taxes and social-security benefits pending action by Congress on extended social-security coverage.

Employment taxes and social-security benefits.
53 Stat. 1386, 1396.
26 U. S. C. §§ 1426 (d), 1607 (i).

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1426 (d) and section 1607 (i) of the Internal Revenue Code are amended by inserting before the period at the end of each the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

49 Stat. 647.
42 U. S. C. § 1301 (a) (6).

SEC. 2. (a) Section 1101 (a) (6) of the Social Security Act is amended by inserting before the period at the end thereof the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

49 Stat. 620.
42 U. S. C. §§ 301-1336; Supp. I, § 303 *et seq.*
Ante, p. 195.

(b) The amendment made by subsection (a) shall have the same effect as if included in the Social Security Act on August 14, 1935, the date of its enactment, but shall not have the effect of voiding any (1) wage credits reported to the Bureau of Internal Revenue with respect to services performed prior to the enactment of this Act or (2) wage credits with respect to services performed prior to the close of the first calendar quarter which begins after the date of the enactment of this Act in the case of individuals who have attained age sixty-five or who have died, prior to the close of such quarter, and with respect to whom prior to the date of enactment of this Act wage credits were established which would not have been established had the amendment made by subsection (a) been in effect on and after August 14, 1935.

49 Stat. 622.
42 U. S. C. §§ 401-410; Supp. I, § 410 note.
Ante, p. 195.

(c) (1) The Federal Security Administrator is directed to estimate and report to the Congress at the earliest practicable date (A) the total amount paid as benefits under title II of the Social Security Act which would not have been paid had the amendment made by subsection (a) been in effect on and after August 14, 1935, and (B) the total amount of such payments which the Administrator estimates will hereafter be paid by virtue of the provisions of subsection (b).

Appropriation authorized.

(2) There is hereby authorized to be appropriated to the Federal Old-Age and Survivors Insurance Trust Fund a sum equal to the

aggregate of the amounts reported to the Congress under paragraph (1).

SEC. 3. (a) Section 3 (a) of the Social Security Act, as amended, is amended to read as follows: 49 Stat. 621. 42 U. S. C. § 303 (a); Supp. I, § 303 note.

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing October 1, 1948, (1) an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $50— Old-age assistance.

"(A) three-fourths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $20 multiplied by the total number of such individuals who received old-age assistance for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose."

(b) Section 403 (a) of such Act, as amended, is amended to read as follows: 49 Stat. 628. 42 U. S. C. § 603 (a).

"SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing October 1, 1948, (1) an amount, which shall be used exclusively as aid to dependent children equal to the sum of the following proportions of the total amounts expended during such quarter as aid to dependent children under such plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds $27, or if there is more than one dependent child in the same home, as exceeds $27 with respect to one such dependent child and $18 with respect to each of the other dependent children— Aid to dependent children.

"(A) three-fourths of such expenditures, not counting so much of any expenditures with respect to any month as exceeds the product of $12 multiplied by the total number of dependent children with respect to whom aid to dependent children is paid for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to dependent children, or both, and for no other purpose."

(c) Section 1003 (a) of such Act, as amended, is amended to read as follows: 49 Stat. 646. 42 U. S. C. § 1203 (a).

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing October 1, 1948, (1) an amount, which shall be used exclusively as aid to the blind, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind under the State plan with respect to each needy individual who is blind and Aid to blind.

is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $50—

"(A) three-fourths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $20 multiplied by the total number of such individuals who received aid to the blind for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose."

Effective date.

(d) The amendments made by this section shall become effective on October 1, 1948.

JOSEPH W. MARTIN, Jr.
Speaker of the House of Representatives.

A H VANDENBERG
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 14, 1948.

Certificate of House of Representatives.

The House of Representatives having proceeded to reconsider the joint resolution (H. J. Res. 296) entitled "Joint Resolution to maintain the status quo in respect of certain employment taxes and social-security benefits pending action by Congress on extended social-security coverage", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said joint resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

JOHN ANDREWS
Clerk.

Certificate of origin.

I certify that this Joint Resolution originated in the House of Representatives.

JOHN ANDREWS
Clerk.

IN THE SENATE OF THE UNITED STATES,
June 14 (legislative day, June 1), 1948.

Certificate of Senate.

The Senate having proceeded to reconsider the joint resolution (H. J. Res. 296) entitled "Joint resolution to maintain the status quo in respect of certain employment taxes and social-security benefits pending action by Congress on extended social-security coverage", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

CARL A. LOEFFLER
Secretary.

[CHAPTER 469]

JOINT RESOLUTION

Providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor.

June 14, 1948
[S. J. Res. 98]
[Public Law 643]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the United States in the World Health Organization (hereinafter referred to as the Organization), the constitution of which was adopted in New York on July 22, 1946, by the International Health Conference for the establishment of an International Health Organization, and deposited in the archives of the United Nations.

World Health Organization.
Acceptance of membership for U. S.

SEC. 2. The President shall designate from time to time to attend a specified session or specified sessions of the World Health Assembly of the Organization not to exceed three delegates of the United States and such number of alternates as he may determine consistent with the rules of procedure of the World Health Assembly. One of the delegates shall be designated as the chief delegate. Whenever the United States becomes entitled to designate a person to serve on the Executive Board of the Organization, under article 24 of the constitution of the Organization, the President shall designate a representative of the United States, by and with the advice and consent of the Senate, and may designate not to exceed one alternate to attend sessions of the Executive Board. Such representative must be a graduate of a recognized medical school and have spent not less than three years in active practice as a physician or surgeon. Such representative shall be entitled to receive compensation at a rate not to exceed $12,000 per annum and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum for such period or periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is thus designated shall be entitled to receive such compensation: *Provided*, That no person shall serve as such representative, delegate, or alternate until such person has been investigated as to loyalty and security by the Federal Bureau of Investigation.

Designation of representatives, etc.

Loyalty and security investigations.

SEC. 3. There is hereby authorized to be appropriated annually to the Department of State—

Appropriation authorized.
Post, p. 1047.

(a) such sums, not to exceed $1,920,000 per annum, as may be necessary for the payment by the United States of its share of the expenses of the Organization, including those incurred by the Interim Commission, as apportioned by the Health Assembly in accordance with Article 56 of the Constitution of the Organization; and

(b) such additional sums, not to exceed $83,000 for the fiscal year beginning July 1, 1947, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative and alternate provided for in section 2 hereof, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost of living allowances to persons temporarily stationed abroad; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111), and section 3709 of the Revised Statutes, as amended; and

42 Stat. 1488.
5 U. S. C. §§ 661-674.
60 Stat. 810.
5 U. S. C. § 55a.

40 Stat. 1270.
41 U. S. C. § 5.

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 6 of the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress, and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b) (2).

60 Stat. 714.
22 U. S. C. § 287r.

Withdrawal from Organization.

SEC. 4. In adopting this joint resolution the Congress does so with the understanding that, in the absence of any provision in the World Health Organization Constitution for withdrawal from the Organization, the United States reserves its right to withdraw from the Organization on a one-year notice: *Provided, however*, That the financial obligations of the United States to the Organization shall be met in full for the Organization's current fiscal year.

Financial obligations of U. S.

SEC. 5. In adopting this joint resolution, the Congress does so with the understanding that nothing in the Constitution of the World Health Organization in any manner commits the United States to enact any specific legislative program regarding any matters referred to in said Constitution.

Approved June 14, 1948.

[CHAPTER 470]

June 15, 1948
[S. 1987]
[Public Law 644]

AN ACT

To authorize the Secretary of the Interior to construct the Preston Bench project, Idaho, in accordance with the Federal reclamation laws.

Preston Bench project, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior through the Bureau of Reclamation is hereby authorized to construct, maintain, and operate, pursuant to the Federal reclamation laws, the Preston Bench project, Idaho, substantially in accordance with the report of the regional director of the Bureau of Reclamation, region IV, dated September 15, 1947, as concurred in by the Commissioner of Reclamation and the Secretary of the Interior: *Provided*, That the total cost of the project shall be reimbursable under the Federal reclamation laws within repayment periods fixed by the Secretary of the Interior at not to exceed seventy-four years.

Appropriation authorized.
Post, p. 1040.

SEC. 2. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this Act.

Approved June 15, 1948.

[CHAPTER 471]

June 15, 1948
[S. 2137]
[Public Law 645]

AN ACT

To provide for the protection of potato and tomato production from the golden nematode, and for other purposes.

Golden Nematode Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, to protect potato and tomato production in the United States from the destructive pest known as the golden nematode which subsists on the roots of potatoes and tomatoes, causes marked reduction in yield, persists in the soil for many years in an inactive state in the absence of preferred hosts, and becomes active and destructive when potatoes or tomatoes are again planted, it is the policy of the Government of the United States, independently or in cooperation with State and local governmental agencies, and other public and private organizations, associations, and individuals, to eradicate, suppress, control, and prevent the spread of, this pest.

SEC. 2. The Secretary of Agriculture either independently or in cooperation with public or private agencies is authorized to carry out operations or measures to eradicate, suppress, control, or prevent the spread of, the golden nematode. Cooperation with other agencies.

SEC. 3. The activities contemplated by this Act include cooperation with States and other agencies in making inspections, applying suppressive measures, enforcing quarantines, enforcing restrictions on the planting of potatoes and tomatoes, destroying potatoes and tomatoes growing in soil found infested or exposed to infestation with the golden nematode, and compensating growers in areas infected, or exposed to infestation, with the golden nematode for not planting potatoes or tomatoes or for losses resulting from destruction for the purposes of this Act of potatoes or tomatoes. Inspection, etc., of potatoes and tomatoes.

SEC. 4. In the discretion of the Secretary of Agriculture no part of any sums appropriated to carry out the purposes of this Act shall be expended with respect to any area infested with the golden nematode or exposed to such infestation until the appropriate cooperating agency or agencies have presented evidence satisfactory to the Secretary of Agriculture that they will provide funds, materials, means, and State and local authority necessary for the cooperating agency or agencies to carry out effectively that part of the cooperative program the Secretary of Agriculture may require from the cooperating agency or agencies. Assistance of cooperating agencies.

SEC. 5. The Secretary of Agriculture shall not undertake any program involving mandatory restrictions on the planting of potatoes or tomatoes, or mandatory destruction of potatoes or tomatoes unless the State concerned shall have enacted legislation authorizing such restrictions or destruction. Restrictions on planting; destruction.

SEC. 6. The amount of compensation to be paid by the Federal Government and any cooperating agency, and the method of computation thereof, shall be determined by the Secretary of Agriculture or the agent or agents designated by him, in cooperation with the responsible officials of the agency concerned and in a manner to assure that necessary records are preserved to show full compliance with the provisions of this Act and regulations promulgated in accordance therewith. No payment shall be made to any grower except after compliance in good faith with regulations concerning the golden nematode promulgated by the Secretary of Agriculture and the responsible official of the cooperating agency. The determination by the Secretary of Agriculture, or his authorized agent, of the amount of compensation to be provided by the Federal Government for any grower shall be final. Payments by Federal Government.

SEC. 7. To carry out the purposes of this Act the Secretary of Agriculture is authorized to incur all necessary expenses, including the employment of persons in the District of Columbia and elsewhere, printing and binding, and the purchase of passenger-carrying vehicles. Expenses.
Post, p. 1037.

SEC. 8. The provisions of this Act are intended to supplement, and shall not be construed as limiting or repealing existing legislation.

SEC. 9. This Act may be cited as the "Golden Nematode Act". Short title.

Approved June 15, 1948.

[CHAPTER 472]

AN ACT

Making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes.

June 16, 1948
[H. R. 6355]
[Public Law 646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise

The Supplemental Federal Security Agency Appropriation Act, 1949.
Ante, p. 396; *post*, p. 1032.

appropriated, for the Federal Security Agency for the fiscal year ending June 30, 1949, namely:

TITLE I—FEDERAL SECURITY AGENCY

PUBLIC HEALTH SERVICE

Assistance to States, general: For an additional amount for "Assistance to States, general", including the objects and authorities applicable to funds appropriated under this head in the Federal Security Agency Appropriation Act, 1949, and the purchase of fifty additional passenger motor vehicles, $1,000,000.

Ante, p. 400.

Mental health activities: For expenses necessary for carrying out the provisions of sections 301, 302, 311, 312, 314 (c), and 321 of the Public Health Service Act, as amended, with respect to mental diseases; sections 322, 324, 326, 504, and 710 of such Act with respect to treatment at the Public Health Service hospitals, Fort Worth, Texas, and Lexington, Kentucky, of persons suffering from psychiatric disorders; and sections 303, 341, 343, and 344 of such Act, and Executive Order 9079, dated February 26, 1942, including the objects specified in the preamble paragraph under the heading "Public Health Service" in the Federal Security Agency Appropriation Act, 1949; minor repairs to and maintenance of buildings; purchase of not to exceed three passenger motor vehicles, of which two shall be for replacement only; court costs and other expenses incident to proceedings taken for commitment of mentally incompetent persons to hospitals; expenses of preparing and transporting remains, or reasonable burial expenses, for any patient dying in a hospital; firearms and ammunition; reimbursement to the working-capital fund for articles or services furnished by the industrial activities; expenses incurred in pursuing, identifying, and returning escaped prisoners, including rewards for their capture; transportation and subsistence allowance, within continental United States, of any narcotic addict voluntarily admitted and discharged as cured; reimbursement to employees, subject to regulations of the Federal Security Administrator, for the cost of repair or replacement of personal belongings damaged or destroyed by patients while such employees were engaged in the performance of their official duties; tobacco for patients; $9,028,000, of which $2,400,000 shall be for the operation (exclusive of research and training) of the Public Health Service hospitals, Fort Worth, Texas, and Lexington, Kentucky; and, in addition to the amount appropriated herein, the Surgeon General is authorized, upon the recommendations of the National Advisory Mental Health Council, to make research and training grants for periods beyond the fiscal year 1949, and such grants (not exceeding a total of $2,300,000 for such periods) shall, if approved during the fiscal year 1949, constitute a contractual obligation of the Federal Government: *Provided*, That the Surgeon General is authorized to transfer to the appropriation "Commissioned officers, pay, and so forth", such amounts as may be necessary for pay and allowances of regular corps officers assigned to the program.

58 Stat. 691–714; 60 Stat. 423, 1049. 42 U. S. C. §§ 241–244, 246 (c), 248, 249 and note, 251, 253, 222, 242a, 257, 259, 260; Supp. I, § 249 note; 33 U. S. C. § 763c. *Post*, pp. 467, 468, 601, 1017, 1018. 24 U. S. C. note prec. § 191. *Ante*, p. 399.

Research and training grants.

Transfer of funds. *Ante*, p. 402.

Disease and sanitation investigations and control, Territory of Alaska: To enable the Surgeon General to conduct, in the Service, and to cooperate with and assist the Territory of Alaska in the conduct of, activities necessary in the investigation, prevention, treatment, and control of diseases, and the establishment and maintenance of health and sanitation services pursuant to and for the purposes specified in sections 301, 311, 314 (without regard to the provisions of subsections (d), (e), (g), and (i) and the limitations set forth in subsection (c) of such section), 361, 363, and 704 of the Public Health Service Act, as amended, including the hire, operation, and maintenance of aircraft

58 Stat. 691, 693, 703, 704, 711. 42 U. S. C. §§ 241, 243, 246, 264, 266, 201 note; Supp. I, § 266 note. *Post*, pp. 467, 468, 601, 1017.

and the objects specified in the paragraph immediately following the captain "Public Health Service" in the Federal Security Agency Appropriation Act, 1949, $1,115,000, which amount shall be in addition to amounts appropriated elsewhere for the same purposes and shall be available for transfer to the appropriation "Commissioned officers, pay, and so forth," in such amounts as the Surgeon General may determine.

Ante, p. 399.

Ante, p. 402.

BUREAU OF EMPLOYMENT SECURITY (SOCIAL SECURITY ADMINISTRATION)

Grants to States for unemployment compensation and employment service administration: For grants to the several States (including Alaska and Hawaii) in accordance with the provisions of the Act of June 6, 1933, as amended (29 U. S. C. 49–49l), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, and for grants to the States as authorized in title III of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. III), including, upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, $130,000,000, of which not to exceed $675,000 shall be available to the Federal Security Administrator for necessary expenses in connection with the operation of employment office facilities and services in the District of Columbia and for use in carrying into effect section 602 of the Servicemen's Readjustment Act of 1944 in Puerto Rico: *Provided*, That no State shall be required to make any appropriation as provided in section 5 (a) of said Act of June 6, 1933, prior to July 1, 1950: *Provided further*, That, notwithstanding any provision to the contrary in section 5 (a) or section 6 of the Act of June 6, 1933, or in section 302 (a) of the Social Security Act, as amended, the Federal Security Administrator shall from time to time certify to the Secretary of the Treasury for payment to each State found to be in compliance with the requirements of the Act of June 6, 1933, and with the provisions of section 303 of the Social Security Act, as amended, such amounts as he determines to be necessary for the proper and efficient administration of its unemployment compensation law and of its public employment offices: *Provided further*, That such amounts as may be agreed upon by the Federal Security Agency and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

48 Stat. 113.
29 U. S. C., Supp. I, § 49 note.
58 Stat. 294.
38 U. S. C. § 695b.
49 Stat. 626.
42 U. S. C. §§ 501–503.

58 Stat. 294.
38 U. S. C. § 695b.

48 Stat. 114, 115.
29 U. S. C. §§ 49d (a), 49e.

49 Stat. 626.
42 U. S. C. § 502 (a).

49 Stat. 626.
42 U. S. C. § 503.

Postage.

In carrying out the provisions of said Act of June 6, 1933, the provisions of section 303 (a) (1) of the Social Security Act, as amended, relating to the establishment and maintenance of personnel standards on a merit basis, shall apply.

49 Stat. 626.
42 U. S. C. § 503 (a) (1).

Reconversion unemployment benefits for seamen: For payments to seamen as authorized by title XIII of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. XIII), $750,000.

Post, p. 1032.

60 Stat. 982.
42 U. S. C. §§ 1331–1336.

Salaries and expenses: For expenses necessary for the general administration of the employment service and unemployment compensation programs, including personal services in the District of Columbia, $5,754,000, of which $2,265,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

Post, pp. 449, 1032.

58 Stat. 293.
38 U. S. C. §§ 695–695f; Supp. I, § 695.

Grants to States, fiscal year 1950: For making, after May 31, 1949, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the fiscal year 1950, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for the fiscal year 1950.

49 Stat. 626.
42 U. S. C. §§ 501–503.
48 Stat. 113.
29 U. S. C. §§ 49–49l; Supp. I, § 49 note.

Transfer of U. S. Employment Service.

58 Stat. 293.
38 U. S. C. §§ 695–695f; Supp. I, § 695.

Effective July 1, 1948, the United States Employment Service, including its functions under title IV of the Servicemen's Readjustment Act of 1944, is transferred to the Federal Security Agency, and on and after such date the functions of the Secretary of Labor with respect to the United States Employment Service are transferred to the Federal Security Administrator and shall be performed by him or, under his direction and control, by such officers and employees of the Federal Security Agency as he may designate. There are transferred to the Federal Security Agency, for use in connection with the functions transferred by the provisions of this paragraph, the personnel, property, and records of the Department of Labor related to the United States Employment Service, and the balances of such prior appropriations, allocations, and other funds available to the United States Employment Service as the Director of the Bureau of the Budget may determine. The provisions of section 9 of the Reorganization Act of 1945 (Public Law 263, Seventy-ninth Congress) shall apply to the transfer effected by this paragraph in like manner as if such transfer were a reorganization of the agencies and functions concerned under the provisions of that Act.

59 Stat. 617.
5 U. S. C. § 133y–7.

SOCIAL SECURITY ADMINISTRATION

Grants to States for public assistance: For grants to States for old-age assistance, aid to dependent children, and aid to the blind as authorized in titles I, IV, and X of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. I, IV, and X), $797,000,000, of which such amount as may be necessary shall be available for grants for any period in the fiscal year 1948 subsequent to March 31, 1948.

49 Stat. 620, 627, 645.
42 U. S. C. §§ 301–306, 601–606, 1201–1206; Supp. I, § 303 note.
Ante, p. 439.

Salaries and expenses, Bureau of Public Assistance: For expenses necessary for the Bureau of Public Assistance, including personal services in the District of Columbia and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $1,350,000.

60 Stat. 810.

Salaries and expenses, Bureau of Old-Age and Survivors Insurance: For necessary expenses, including personal services in the District of Columbia and elsewhere; purchase of one passenger motor vehicle for replacement only; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not more than $36,122,000 may be expended from the Federal old-age and survivors insurance trust fund, together with $277,000 from the general fund of the Treasury (for carrying out title II of the Act of August 10, 1946 (42 U. S. C. 410)), the two amounts to be accounted for as one fund: *Provided*, That of the amount herein made available for expenditure, advances in not to exceed the amounts indicated shall be made to appropriations of the Federal Security Agency as follows: $297,500 to "Salaries, Office of the General Counsel" for legal services; and $300,000 to "Salaries, Office of the Administrator", $160,000 to "Salaries and expenses, Division of Service Operations", and $67,000 to "Salaries and expenses, Office of the Commissioner", for expenses properly allocable to activities relating to the old-age and survivors insurance program: *Provided further*, That of the amount herein made available for expenditure, not more than $95,000 may be expended without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), for alterations, repairs, and improvements to the Candler Building in Baltimore, Maryland, and to the Sterling Annex of the Elks Building in Wilkes-Barre, Pennsylvania, of which amount not more than $15,000 may be spent for alterations, repairs, and equipment for an employee cafeteria in the Candler Building, which amount, except such part as may be necessary for incidental expenses of the Bureau of Old-Age and Survivors Insurance, may be transferred to the Public Buildings Administration, Federal Works Agency, for

60 Stat. 810.

60 Stat. 979.
42 U. S. C., Supp. I, § 410 note.
Advance of funds.

Post, pp. 448, 447.

47 Stat. 412.
Repair, etc., of certain buildings.

such purposes: *Provided further*, That any sums received by the Administrator as payment for services performed for any department or agency of the Government by persons whose salaries are paid from the amount made available under this paragraph shall be deposited to the credit of this appropriation for the fiscal year in which such sums are received, and shall be available for the same purposes.

Reimbursement to Federal old-age and survivors insurance trust fund: For reimbursement to the Federal old-age and survivors insurance trust fund for benefits paid during the fiscal year 1947 to the survivors of veterans of World War II eligible for benefits as provided under section 210 of the Social Security Act, as amended (42 U. S. C. 410), $2,974,000.

49 Stat. 625.
42 U. S. C., Supp. I, § 410 note.

Salaries and expenses, Children's Bureau: For necessary expenses in carrying out the Act of April 9, 1912, as amended (29 U. S. C. 18a), and title V of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), and the emergency maternity and infant care program, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution; $1,455,000: *Provided*, That no part of any appropriation contained in this title shall be used to promulgate or carry out any instruction, order, or regulation relating to the care of obstetrical cases which discriminate between persons licensed under State law to practice obstetrics: *Provided further*, That the foregoing proviso shall not be so construed as to prevent any patient from having the services of any practitioner of her own choice, paid for out of this fund, so long as State laws are complied with: *Provided further*, That any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved.

37 Stat. 79.
49 Stat. 629.
42 U. S. C. §§ 701–705, 711–715, 721, 731; Supp. I, §§ 703a, 704a note; 29 U. S. C. § 45b.
60 Stat. 810.

Care of obstetrical cases.

Salaries and expenses, Conference on Children and Youth: For expenses necessary in preparation for a 1950 Conference on Children and Youth, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of reports and material for reports; and expenses of cooperating officials and consultants in attending meetings; $75,000.

60 Stat. 810.

Grants to States for maternal and child welfare: For grants to States for maternal and child-health services, services for crippled children, and child-welfare services as authorized in title V, parts 1, 2, and 3, of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), $22,000,000: *Provided*, That any allotment to a State pursuant to section 502 (b) or 512 (b) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of sections 504 and 514 of such Act an amount expended or estimated to be expended by the State.

49 Stat. 629.
42 U. S. C. §§ 701–705, 711–715, 721, 731; Supp. I, §§ 703a, 704a note; 29 U. S. C. § 45b.
49 Stat. 629, 631.
42 U. S. C. §§ 702 (b), 712 (b).

Salaries and expenses, Office of the Commissioner: For expenses necessary for the Office of the Commissioner for Social Security, including personal services in the District of Columbia and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $235,000.

Ante, p. 446; *post*, p. 449.

60 Stat. 810.

Grants to States, fiscal year 1950: For making, after May 31, 1949, payments to States under titles I, IV, V, and X, respectively, of the Social Security Act, as amended, for the first quarter of the fiscal year 1950, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the appropriation therefor for the fiscal year 1950.

49 Stat. 620, 627, 629, 645.
42 U. S. C. §§ 301–306, 601–606, 701–705, 711–715, 721, 731, 1201–1206.
Ante, p. 439.

In the administration of titles I, IV, V, and X, respectively, of the Social Security Act, as amended, payments to a State under any

of such titles for any quarter in the period beginning April 1, 1948, and ending June 30, 1949, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

OFFICE OF THE ADMINISTRATOR

Ante, p. 446; *post*, p. 449.

Salaries, Office of the Administrator: Salaries, Office of the Administrator, including personal services in the District of Columbia and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $1,694,000.

60 Stat. 810.

Ante, p. 446; *post*, p. 449.

Salaries and expenses, Division of Service Operations: For expenses necessary for the Office of the Administrator, including personal services in the District of Columbia for the Division of Service Operations and examination of estimates for appropriations in the field; $818,700: *Provided*, That the Administrator may reimburse, in advance of obligations incurred, this appropriation from appropriations of constituent organizations of the Federal Security Agency in such sums as may be necessary to finance the purchase of materials and equipment required in performance of work for such constituent organizations.

Ante, pp. 397, 446.

Salaries, Office of the General Counsel: Salaries, Office of the General Counsel, including personal services in the District of Columbia, $304,000.

Civilian war benefits: For payment of benefits, to enable the Federal Security Administrator to continue the civilian war benefits program as provided for under this head in title II of the Labor-Federal Security Appropriation Act, 1947, $85,000.

60 Stat. 696.

Terminal leave: On request of the Federal Security Administrator, the Secretary of the Treasury is authorized to transfer such amounts as may be necessary, but not to exceed a total of $300,000, from unexpended balances of appropriations for the Federal Security Agency, fiscal year 1948, to an appropriation account to be established for the payment of annual leave of employees separated from the service as a result of transfers or consolidation of functions, or reductions of appropriations provided herein, to remain available until December 31, 1948.

GENERAL PROVISIONS

Travel expenses.

SEC. 102. Appropriations under this title available for salaries and expenses shall be available for travel expenses and, when specifically authorized by the Federal Security Administrator, for expenses of attendance at meetings concerned with the function or activity for which any such appropriation is made.

60 Stat. 843.
Post, p. 1008.

SEC. 103. Appropriations under this title available for salaries and expenses shall be available for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

Exchange of books, etc.

SEC. 104. Appropriations under this title available for salaries and expenses shall be available for exchange of books and for payment in advance when authorized by the Federal Security Administrator for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public.

60 Stat. 903.

SEC. 105. Appropriations under this title available for salaries and expenses shall be available for health service programs as authorized by law (5 U. S. C. 150), and such amounts as may be necessary may be transferred to the appropriations of the organizational units operating such programs.

SEC. 106. Appropriations under this title available for salaries and expenses shall be available for printing and binding, including the purchase of reprints. Printing and binding.

SEC. 107. The Federal Security Administrator, if he finds it necessary for the more practical and efficient operation of the Agency, shall have the authority to transfer funds between the appropriations "Salaries, Office of the Administrator", "Salaries and expenses, Division of Service Operations", "Salaries and expenses, Office of the Commissioner", and "Salaries and expenses, Bureau of Employment Security", but no appropriation shall be either increased or decreased more than 5 per centum by such transfers: *Provided*, That no such transfers shall be used for the purpose of creating new functions or for the purpose of effectuating the transfer of functions between appropriations. Transfer of funds. *Ante*, pp. 448, 447, 445.

SEC. 108. None of the funds appropriated by this title to the Bureau of Employment Security or to the Social Security Administration for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees. Withholding of moneys from State agencies.

SEC. 109. No part of any appropriation contained in this title shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this title shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law. Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government. Affidavit. Penalty.

TITLE II—REDUCTIONS IN APPROPRIATIONS

SEC. 201. Amounts made available in the Department of Labor Appropriation Act, 1949, are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

Office of the Secretary, salaries and expenses, $22,000; *Ante*, p. 304.

Ante, p. 395.

Salaries and expenses, Office of the Solicitor, $28,550.

Short title.

SEC. 202. This Act may be cited as "The Supplemental Federal Security Agency Appropriation Act, 1949".

JOSEPH W. MARTIN JR
Speaker of the House of Representatives.

A H VANDENBERG
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 16, 1948.

Certificate of House of Representatives.

The House of Representatives having proceeded to reconsider the bill (H. R. 6355) entitled "An Act making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

JOHN ANDREWS
Clerk.

Certificate of origin.

I certify that this Act originated in the House of Representatives.

JOHN ANDREWS
Clerk.

IN THE SENATE OF THE UNITED STATES,
June 16 (legislative day, June 15), 1948.

Certificate of Senate.

The Senate having proceeded to reconsider the bill (H. R. 6355) entitled "An Act making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

CARL A. LOEFFLER
Secretary.

[CHAPTER 473]

AN ACT

June 16, 1948
[H. R. 6407]
[Public Law 647]

To encourage the development of an international air-transportation system adapted to the needs of the foreign commerce of the United States, of the postal service, and of the national defense, and for other purposes.

International Aviation Facilities Act.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "International Aviation Facilities Act".

DEFINITIONS

SEC. 2. For the purposes of this Act:

"Air Coordinating Committee."
49 U. S. C. § 421 note.

(1) The term "Air Coordinating Committee" means the committee established by Executive Order Numbered 9781, dated September 19, 1946, or such successor agency or agencies as may exercise the same or

equivalent powers whether created by Executive order or legislative enactment.

(2) The term "airport property" means any property, real or personal, or any interest therein, used or useful, directly or indirectly, in connection with the administration, operation, or maintenance of an airport, including but not limited to (1) land; (2) runways, strips, taxiways, and parking aprons; (3) buildings, structures, improvements, and facilities, whether or not used in connection with the landing and take-off of aircraft; and (4) equipment (including parts and components thereof), furniture, vehicles, and supplies. "Airport property."

(3) The term "airway property" means any property, real or personal, or any interest therein, used or useful, directly or indirectly, in connection with the administration, operation, or maintenance of any ground installation, facility, or equipment (including parts and components thereof) necessary or desirable for the orderly and safe operation of air traffic, including but not limited to air navigation, air-traffic control, airway communications, and meteorological facilities. "Airway property."

(4) The term "foreign territory" means any area of land or water over which no nation or a nation other than the United States exercises the incidents of sovereignty (including territory of undetermined sovereignty and the high seas), any area of land or water temporarily under military occupation by the United States, and any area of land or water occupied or administered by the United States or any other nation under any international agreement. "Foreign territory."

ESTABLISHMENT AND OPERATION, IN FOREIGN TERRITORY, OF FACILITIES RELATED TO AVIATION

SEC. 3. After consultation with the Air Coordinating Committee and subject to concurrence of the Secretary of State, and with due regard for the objectives of the International Civil Aviation Organization, the Administrator of Civil Aeronautics (hereinafter referred to as the "Administrator") and the Chief of the Weather Bureau of the Department of Commerce, within their respective fields, are authorized, by contract or otherwise, to acquire, establish, and construct airport property and airway property in foreign territory: *Provided, however*, That, except in the case of airport property transferred under section 8, no airport (as defined in section 1 of the Civil Aeronautics Act of 1938, as amended) may be acquired, established, or constructed under authority of this section unless funds for such purpose have been specifically appropriated by the Congress.

Post, p. 452.

52 Stat. 977.
49 U. S. C. § 401.
Post, p. 493.

TRAINING OF FOREIGN NATIONALS IN AERONAUTICAL AND RELATED SUBJECTS

SEC. 4. Subject to the concurrence of the Secretary of State, the Administrator and the Chief of the Weather Bureau, within their respective fields, are authorized within or outside the United States to train foreign nationals directly, or in conjunction with any other United States Government agency, or through any United States public or private agency (including any State or municipal educational institution), or through any international organization, in aeronautical and related subjects essential to the orderly and safe operation of civil aircraft.

ACCEPTANCE OF FUNDS FOR FACILITIES SUPPLIED OR SERVICES PERFORMED FOR A FOREIGN GOVERNMENT OR AN INTERNATIONAL ORGANIZATION

SEC. 5. The Administrator and the Chief of the Weather Bureau, respectively, are authorized to accept, on behalf of the United States,

funds from any foreign government or from any international organization as payment for any facilities supplied or services performed for such government or international organization by the Administrator or the Chief of the Weather Bureau, either directly or indirectly, under authority of this Act or the Civil Aeronautics Act of 1938, as amended, including the operation of airport property and airway property in such countries, the training of foreign nationals, the rendering of technical assistance and advice to such countries, and the performance of other similar services. Funds so received may be credited (A) to appropriations current at the time the expenditures are to be or have been paid, (B) to appropriations current at the time such amounts are received, or (C) in part as provided under clause (A) and in part as provided under clause (B).

52 Stat. 973.
49 U. S. C. § 401 *et seq.*
Post, pp. 470, 493, 1093, 1216.

TRANSFER OF AIRPORT PROPERTY OR AIRWAY PROPERTY TO A FOREIGN GOVERNMENT OR AN INTERNATIONAL ORGANIZATION

SEC. 6. With the unanimous approval of the Air Coordinating Committee, the Administrator or the Chief of the Weather Bureau, as the case may be, upon request of the foreign government involved or of any international organization, may transfer any airport property or airway property operated and maintained by him within foreign territory, pursuant to the provisions of this Act, to the foreign government involved or to any international organization. The Administrator or the Chief of the Weather Bureau, as the case may be, is authorized to make such transfer upon such terms and conditions as he deems proper, including provision for receiving, on behalf of the United States, such payment or other consideration for the property so transferred as may be agreed upon through negotiations with the foreign government or international organization involved.

FACILITIES, SERVICE, AND PROPERTY IN THE CANAL ZONE AND IN THE REPUBLIC OF PANAMA

SEC. 7. (a) Subject to the approval of the Secretary of Defense, the Administrator is authorized to provide air navigation, communications, and air traffic control facilities and services in the Canal Zone and the Republic of Panama and to do all things necessary in connection with the operation and maintenance thereof.

(b) In exercising and performing his powers and duties under this section, the Administrator shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

Transfer of property.

(c) Any department of the National Military Establishment is authorized in its discretion to transfer without charge therefor to the Administrator any airport property or airway property or other real or personal property which (1) is located in the Canal Zone or the Republic of Panama, and (2) is determined by the Administrator to be, or likely to become, useful in carrying out the purposes of this Act.

(d) The authority conferred by this section may be exercised without regard to sections 3 and 8 (a) of this Act.

TRANSFER OF CERTAIN PROPERTY FROM THE NATIONAL MILITARY ESTABLISHMENT TO THE ADMINISTRATOR OR THE WEATHER BUREAU

SEC. 8. (a) When considered consistent with the needs of national defense, and subject to such conditions, if any, as may be agreed upon in specific cases between the parties, any department of the National Military Establishment is authorized to transfer at its discretion to the Administrator, without charge therefor, airport property and

airway property, exclusive of meteorological facilities, installed by or in the possession of such department in territory (including Alaska) outside the continental limits of the United States, which such department has found to be no longer required exclusively for military purposes and which in the opinion of the Administrator are, or are likely to become, necessary for carrying out the purposes of this Act. Transfer of property in foreign territory shall be made hereunder only after consultation with the Air Coordinating Committee.

Transfer of meteorological facilities.

(b) When considered consistent with the needs of national defense, and subject to such conditions, if any, as may be agreed upon in specific cases between the parties, any department of the National Military Establishment is authorized to transfer at its discretion to the Chief of the Weather Bureau without charge therefor, meteorological facilities installed by or in the possession of such department in territory (including Alaska) outside the continental limits of the United States, which such department has found to be no longer required exclusively for military purposes, and which, in the opinion of the Chief of the Weather Bureau are, or are likely to become, necessary for carrying out the purposes of this Act. Transfer of property in foreign territory shall be made hereunder only after consultation with the Air Coordinating Committee.

(c) All property transferred to the Department of Commerce under the provisions of Executive Order 9709, dated March 29, 1946, and Executive Order 9797, dated November 6, 1946, and which is in the possession of the Department of Commerce on the date of the enactment of this Act shall be considered as property transferred pursuant to this section.

3 CFR, 1946 Supp., pp. 115, 175.

AUTHORITY TO RETAKE PROPERTY TRANSFERRED UNDER SECTION 7 OR 8

SEC. 9. When necessary to meet military requirements, as determined by the Secretary of the department which made the transfer, such department is authorized immediately to retake any property transferred under section 7 or section 8, together with any improvements or additions made thereto: *Provided*, That the Secretary of such department, upon the recommendation of the Administrator or the Chief of the Weather Bureau, as the case may be, is authorized in any case to waive any right or privilege conferred or reserved by this section. In the event property is retaken which incorporates improvements or additions not made at Government expense, reasonable compensation shall be paid to the person or persons who made such improvements or additions, or to their successors in interest. The Secretary of the department which made the transfer, or his duly authorized representative, shall determine, for purposes of this section, what is reasonable compensation for such improvements or additions.

Waiver of rights.

POWERS OF ADMINISTRATOR AND CHIEF OF WEATHER BUREAU WITH RESPECT TO CERTAIN AIRPORT PROPERTY AND AIRWAY PROPERTY

SEC. 10. (a) With regard to airport property and airway property in territory (including Alaska) outside the continental limits of the United States which he has acquired pursuant to this Act or any other provision of law, the Administrator is empowered and directed to do and perform, by contract or otherwise, all acts and things necessary or incident to their consolidation, operation, protection, maintenance, improvement, and administration, including but not limited to the power (1) to adapt, from time to time, such properties to the needs of civil aeronautics by construction, installation, reengineering, relocation, or otherwise; (2) to make and amend such reasonable rules and regulations as he may deem necessary to the proper exercise of the

powers granted by this section; (3) to lease under such conditions as he may deem proper and for such periods as may be desirable (not to exceed twenty years) space or property for purposes essential or appropriate to their consolidation, operation, protection, and administration under this Act; (4) to contract for, or to provide directly for, the sale of fuel, oil, equipment, food and supplies, hotel accommodations, and other facilities and services necessary or desirable for the operation and administration of such properties; (5) to make just and reasonable charges for aeronautical services (including but not limited to landing fees and fees for the use of communication services); and (6) to acquire, by purchase or otherwise, real or personal property, or interests therein, which he may consider necessary for the purposes of this section. Any person who knowingly and willfully violates any rule or regulation issued by the Administrator under clause (2) of this section, if such violation is committed in any area under the civil jurisdiction of the United States, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 or to imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalty.

(b) With regard to meteorological facilities in territory (including Alaska) outside the continental limits of the United States which he has acquired pursuant to this Act or any other provision of law, the Chief of the Weather Bureau is vested with all powers to consolidate, operate, protect, maintain, improve, and administer granted the Administrator by subsection (a) with respect to facilities the latter has acquired.

Crediting of funds.

(c) All funds received under this section, as a result of direct sale or charge by the Administrator or the Chief of the Weather Bureau and which, in the judgment of the Administrator or the Chief of the Weather Bureau, as the case may be, are equivalent to the cost, including handling charges, of the fuel, oil, equipment, food, supplies, services, shelter, or other assistance or services sold or furnished shall be credited to the appropriation from which the cost thereof was paid, and the balance, if any, shall be credited to miscellaneous receipts.

(d) The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not apply to any of the leases or contracts made by the Administrator or the Chief of the Weather Bureau pursuant to the provisions of this Act.

UTILIZATION OF FACILITIES AND SERVICES OF OTHER GOVERNMENT AGENCIES

SEC. 11. The Administrator and the Chief of the Weather Bureau are authorized and directed, in carrying out the provisions of this Act, insofar as they find it practicable, to arrange for the use of appropriate facilities or services of other United States Government agencies, and to reimburse any such agency for such service out of funds appropriated to the Civil Aeronautics Administration or the Weather Bureau, as the case may be, to the end that personnel and facilities of existing United States Government agencies shall be utilized to the fullest possible advantage and not be unnecessarily duplicated. Any agency of the United States Government receiving any such request is hereby authorized to furnish such facilities or to perform such services.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved June 16, 1948.

[CHAPTER 474]

JOINT RESOLUTION

To authorize the issuance of a stamp commemorative of William Allen White, whose literary genius made such a great contribution in the field of American literature.

June 16, 1948
[H. J. Res. 411]
[Public Law 648]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue, during 1948, a special 3-cent postage stamp, of such design as he shall prescribe, in commemoration of William Allen White, whose literary genius made such a great contribution in the field of American literature.

William Allen White.
Commemorative stamp.

Approved June 16, 1948.

[CHAPTER 475]

AN ACT

To provide for the construction of shore protective works at the town of Nome, Alaska.

June 16, 1948
[S. 1025]
[Public Law 649]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following work of improvement is hereby adopted and authorized, to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, the cost thereof to be paid from appropriations hereafter made for improvement of rivers and harbors:

Nome, Alaska.
Shore protective works.
62 Stat., Pt. 2.

Nome Harbor, Alaska, in accordance with the plan presented in the report of the Chief of Engineers, dated March 8, 1948, and subject to the conditions set forth in said report.

Approved June 16, 1948.

[CHAPTER 476]

AN ACT

To authorize the revision of the boundaries of the Caribou National Forest in the State of Idaho.

June 16, 1948
[S. 1037]
[Public Law 650]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundaries of the Caribou National Forest are hereby extended to include the following described lands and, subject to any valid existing claim or entry, all lands of the United States within the areas hereafter described are hereby added to and made part of the Caribou National Forest, State of Idaho, to be hereafter administered under the laws and regulations relating to the national forests, and the provisions of the Act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

Caribou National Forest, Idaho.

16 U. S. C. §§ 485, 486.

BOISE MERIDIAN

Township 10 south, range 35 east, section 34, south half south half; section 35, south half south half; section 36, south half south half;

Township 10 south, range 36 east, section 31, lot 2, southeast quarter southwest quarter, and south half southeast quarter; section 32, south half south half;

Township 11 south, range 35 east, section 1, lot 4; section 2, lots 2, 4, 5, 6, 7, 8, 9; section 3, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, southeast quarter northwest quarter, south half northeast quarter, east half southwest quarter, and southeast quarter; section 9, lot 1, southeast quarter northeast quarter, and east half southeast quarter; section 10; section 15; section 19, south half northeast quarter, and north half southeast quarter; section 20, lots 2, 3, southeast quarter northwest quarter,

south half northeast quarter, northeast quarter southwest quarter, and southeast quarter; section 21; section 22; section 23, west half; section 27; section 28, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 29, east half; section 32, northeast quarter, and north half southeast quarter; section 33, north half, and north half south half; section 34, north half, southwest quarter, and north half southeast quarter;

Township 11 south, range 36 east, section 5, lots 1, 2, 3, 4, 5, 6, 7, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter, and west half southeast quarter; section 8, lots 1, 2, 3, 4, west half northeast quarter, east half northwest quarter, west half southeast quarter, and east half southwest quarter; section 17, east half, and east half northwest quarter; section 20, east half; section 21, west half; section 28, west half; section 29, east half; section 32, east half; and section 33;

Township 12 south, range 35 east, section 1, southwest quarter; section 2, south half; section 3, lots 1, 2, 3, 4, south half northeast quarter, south half northwest quarter, and south half; section 11, lots 1, 2, 3, 4, north half northeast quarter, east half northwest quarter, and east half southwest quarter; section 12, north half northwest quarter; section 14, north half northwest quarter; section 15, northeast quarter, north half southeast quarter, and southwest quarter southeast quarter; section 21, east half northeast quarter, and east half southeast quarter; section 22, north half northwest quarter, southwest quarter northwest quarter, and west half southwest quarter; section 28, east half northwest quarter, east half southwest quarter, east half northeast quarter, and northwest quarter southeast quarter; section 33, east half northwest quarter, and east half southwest quarter;

Township 12 south, range 36 east, section 3, lots 1, 2, 3, 4, 5, 6, 7, southwest quarter northeast quarter, west half southeast quarter, south half northwest quarter, and southwest quarter; section 4, lots 1, 2, 3, 4, south half northeast quarter, and southeast quarter; section 9; section 10, lots 1, 2, 3, 4, west half northeast quarter, west half southeast quarter, and west half; section 15; section 16, east half; section 21, lots 1 and 2, northeast quarter, north half southeast quarter; section 22; section 25; section 26, northeast quarter; section 28, east half; section 33, northeast quarter; section 34, southwest quarter; and section 36;

Township 12 south, range 37 east, section 23; section 24; section 25, east half northeast quarter, and northwest quarter northwest quarter; section 26; section 30, lots 1, 2, 3, 4, 5, 6, 7, 8, east half northwest quarter, northeast quarter, and southeast quarter; section 32, lots 1, 2, 3, 4, 5, north half southeast quarter, and northeast quarter southwest quarter; section 33, lots 1, 2, 3, 4, north half southwest quarter, and north half southeast quarter; section 34, lots 1, 2, 3, 4, north half southwest quarter, and north half southeast quarter;

Township 12 south, range 38 east, section 30, lots 1, 2, 3, 4, east half northwest quarter, and east half southwest quarter; and section 31, lots 1, 2, 3, 4, east half northwest quarter, and east half southwest quarter;

Township 13 south, range 35 east, section 4, lot 3, southeast quarter northwest quarter, east half southwest quarter, and west half southeast quarter; section 9, east half northwest quarter, west half northeast quarter, east half southwest quarter, and southeast quarter; section 13, southwest quarter southwest quarter; section 14, south half northeast quarter, southeast quarter northwest quarter, and south half; section 15, south half; section 16, east half northwest quarter, east half southwest quarter, and east half; and section 24, southeast quarter; and section 25, northeast quarter;

Township 13 south, range 36 east, section 1, lots 1, 2, south half northeast quarter, and southeast quarter; section 3, lots 3, 4, 7, south half northwest quarter, southwest quarter, and southwest quarter southeast quarter; section 10, lots 1, 2, 3, 4, and west half northeast quarter; section 12, east half; section 13, north half northeast quarter; section 15, lots 1, 2, 3, 4, east half northwest quarter, and west half northeast quarter; section 21, southeast quarter; section 22, lots 1, 2, and west half northeast quarter; section 28, northeast quarter, and west half southeast quarter; section 29, south half; section 30, lots 3, 4, east half southwest quarter, and southeast quarter; section 32, north half northeast quarter, and southeast quarter northeast quarter; and section 33, northwest quarter, and west half northeast quarter;

Township 13 south, range 37 east, section 7, lots 5, 6, 7, 8, east half southwest quarter, and southeast quarter; section 18, lots 1, 2, east half northwest quarter, and east half; section 19, east half northeast quarter; section 20, southwest quarter southwest quarter; section 29, west half northwest quarter, and west half southwest quarter; section 32, north half, north half southwest quarter, and north half southeast quarter; section 33, south half southwest quarter;

Township 13 south, range 38 east, section 6, lots 1, 2, 3, 4, 5, 6, 7, southeast quarter northwest quarter, south half northeast quarter, east half southwest quarter, and southeast quarter; section 7, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 18, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 19, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 30, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; and section 32;

Township 14 south, range 36 east, section 11, west half northeast quarter, and west half southeast quarter; section 12, north half; section 14, west half, west half northeast quarter, and west half southeast quarter; section 26, west half southwest quarter, and southwest quarter northwest quarter; section 35, east half;

Township 14 south, range 37 east, section 4, lots 3, 4; section 9, east half; section 10, west half; section 14, west half northwest quarter, and west half southwest quarter; section 15; section 16, northeast quarter, north half southeast quarter, and southeast quarter southeast quarter; section 20, west half, west half northeast quarter, southeast quarter northeast quarter, and southeast quarter; section 21, south half, and east half northeast quarter; section 22, northwest quarter, and north half northeast quarter; section 26, south half, south half northwest quarter, and south half northeast quarter; section 34; and section 35.

Township 14 south, range 38 east, section 5; section 8; section 17; section 20; section 28, south half; section 29; section 32; and section 33;

Township 15 south, range 36 east, section 2, lots 1, 2, south half northeast quarter, and southeast quarter; section 11, east half; section 14, east half; section 23, east half; section 24, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 25, lots 1, 2, 3, 4, east half northwest quarter, east half southwest quarter, and east half; section 26, east half; section 35, east half; and section 36;

Township 15 south, range 37 east, section 3, lots 1, 2, 3, 4, south half northeast quarter, south half northwest quarter, and south half; section 9; section 10; section 14; section 15; section 16; section 21; section 22; section 23; section 25, west half, west half northeast quarter, and west half southeast quarter; section 26; section 27; and section 35;

Township 15 south, range 38 east, section 4, lots 1, 2, 3, 4, south half northeast quarter, south half northwest quarter, and south half; section 5, lots 1, 2, 3, 4, south half northeast quarter, south half northwest

quarter, and south half; section 8; section 9; section 16; section 17; section 18, east half southeast quarter; section 19, east half northeast quarter, east half southeast quarter, and southwest quarter southeast quarter; section 20, north half, north half southwest quarter, and north half southeast quarter; and section 21, north half;

Township 16 south, range 36 east, section 2, lots 1, 2, and southeast quarter; section 12; section 13; section 24, east half; and section 25, east half;

Township 16 south, range 37 east, section 2; section 11; section 14; section 15, south half northeast quarter, southeast quarter northwest quarter, southeast quarter, and east half southwest quarter; section 22, east half, east half northwest quarter, and east half southwest quarter; section 23; section 26, lots 1, 2, 3, 4, north half, north half southwest quarter, and north half southeast quarter; and section 27, lots 1, 2, 3, northeast quarter, east half northwest quarter, northeast quarter southwest quarter, north half southeast quarter.

Approved June 16, 1948.

[CHAPTER 477]

June 16, 1948
[S. 1249]
[Public Law 651]

AN ACT

Authorizing additional research and investigation into problems and methods relating to the eradication of cattle grubs, and for other purposes.

Eradication of cattle grubs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect, promote, and conserve livestock and livestock products and to minimize losses, the Secretary of Agriculture, either independently or in cooperation with States or subdivisions thereof, farmers' associations, and other organizations and individuals, it is authorized to increase and intensify research and investigations into problems and methods relating to the eradication of cattle grubs and to undertake measures to eradicate these parasites.

"State."

SEC. 2. As used in this Act, the term "State" includes the District of Columbia and the Territories and possessions of the United States.

Appropriation authorized.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this Act shall be expended in accordance with procedures prescribed by the Secretary.

Approved June 16, 1948.

[CHAPTER 478]

June 16, 1948
[S. 1302]
[Public Law 652]

AN ACT

To aid the associations, groups, organizations, and institutions encouraging participation of the youth of the country in athletic and sports programs by making surplus athletic equipment available to such associations, groups, organizations, and institutions, and for other purposes.

Surplus athletic equipment.
58 Stat. 765.
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*
Ante, p. 350; *post*, p. 1103.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), notwithstanding the provisions of the Surplus Property Act of 1944, as amended, the War Assets Administrator is authorized to dispose of, without charge except for disassembling, transportation and delivery, to States, their political subdivisions and instrumentalities; to public and governmental institutions; to nonprofit or tax-supported educational institutions and organizations; to charitable and eleemosynary institutions and organizations; to nonprofit associations, groups, institutions, and organizations designated to promote, support, sponsor, or encourage the participation of the youth of the country in athletics, sports, and games any surplus personal property which is suitable for use in athletics, sports, or games by the youth of the country.

(b) To aid in making surplus athletic equipment available to the youth of the country through associations, groups, organizations, and institutions sponsoring or promoting the participation of youth in athletics, sports, and games, any Government agency having a surplus of personal property which would be suitable for the purposes of this Act may declare such surplus to the War Assets Administrator who shall have authority to dispose of same in accordance with the provisions of this Act. Availability to organizations, etc.

(c) Any surplus property suitable for use by the youth of the country in athletics, sports, and games, or any property owned by any agency of the Government hereafter declared surplus which may be so used, shall not be disposed of in any manner other than as provided in this Act unless the Administrator has given sufficient notice of such property available for disposal as herein provided and no request for such property has been received.

SEC. 2. (a) Any property so transferred shall be without restriction and without charge to the transferee except for disassembling, transporting, and delivering such property. The United States shall incur no obligation or liability in connection with the disassembling, transporting, or delivery of any property disposed of pursuant to this Act. Transfer of property.

(b) The War Assets Administrator is hereby authorized to prescribe, amend, and rescind such rules and regulations as he may deem necessary to carry out the provisions of this Act. Rules and regulations.

(c) The War Assets Administrator is hereby authorized to determine the qualifications of the transferees under the provisions of this Act and his decision shall be final. Finality of decision.

(d) The War Assets Administrator is hereby authorized to effect transfers under the provisions of this Act without regard to priority as between the transferees under this Act or any other law, any law to the contrary notwithstanding. Priority.

Approved June 16, 1948.

[CHAPTER 479]

AN ACT

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

June 16, 1948
[S. 1675]
[Public Law 653]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to establish or develop naval installations and facilities by the construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities; or by the completion of such construction, installation, or equipment specifically approved by the Secretary of the Navy and heretofore undertaken as follows: Navy Department. Construction of public works. *Post*, p. 1042.

CONTINENTAL UNITED STATES

Naval air station, Alameda, California: Test cells for turbine engines; $230,000.

Naval Academy, Annapolis, Maryland: Facilities for flight indoctrination, including the acquisition of land (two thousand four hundred acres); $12,000,000.

National Naval Medical Center, Bethesda, Maryland: Chapel; $205,000.

Marine training and replacement command, Camp Joseph H. Pendleton, Oceanside, California: Acquisition of land, five hundred and seventy-five acres; $46,500.

David Taylor Model Basin, Carderock, Maryland: Wind tunnels and associated facilities; $1,410,000.

Naval amphibious base, Little Creek, Virginia: Acquisition of land, four thousand acres, on Bloodsworth Island, Dorchester County Maryland; $120,000.

Naval supplementary radio station, Dupont, South Carolina: Radio operating building; $74,000.

Naval ordnance test station, Inyokern, California: Acquisition of land, sixty thousand acres; aerodynamics field laboratory (aerodynamics range), ground range, external ballistics, and electronics experimental installation; housing facilities for two hundred and thirty families; $3,670,500.

Naval air station, Key West (Boca Chica), Florida: Acquisition of land, approximately one thousand acres; $60,000.

Naval ammunition depot, Lake Denmark, New Jersey: Liquid fuel rocket test laboratory; $306,000.

Naval Reserve Armory, Lawrence, Massachusetts: Acquisition of land, five and seven-tenths acres; $100.

Naval Reserve Armory, Lowell, Massachusetts: Acquisition of land, four acres; $800.

Naval air station, Mojave, California: Acquisition of land, twenty-eight acres; $500.

Naval magazine, Montauk, Long Island, New York: Acquisition of land, forty-four acres; $53,300.

Naval auxiliary air station, Oceana, Virginia: Acquisition of avigation easements over approximately four hundred acres of land; $46,000.

Naval air station, Patuxent River, Maryland: Facilities for bombing target; $309,000.

Naval air missile test center, Point Mugu, California: Sea test range, and test and evaluation facilities, including supporting facilities, services, and accessory construction; $30,000,000.

Naval Construction Battalion Center, Port Hueneme, California: Acquisition of land and improvements, sixty-two and forty-five one-hundredths acres; $150,000.

Naval electronics laboratory, Point Loma, San Diego, California: Laboratory supply and utility buildings, including services and accessories; $1,590,000.

Norfolk naval shipyard, Portsmouth, Virginia: Acquisition of land, four and eight hundred and fifty-seven one-thousandths acres; $4,370.

Naval radio station, Skaggs Island, Sonoma, California: Addition to radio operating building; $315,000.

Naval supply annex, Stockton, California: Acquisition of land (small island), three and eighty-eight one-hundredths acres; $1,800.

Aeronautical turbine laboratory, Trenton, New Jersey: Laboratory buildings and facilities, including collateral equipment and accessory construction; $22,750,000.

Naval ordnance laboratory, White Oak, Maryland: Completion of supersonic wind tunnels and aerodynamics range; explosives research facility; $2,275,000.

Naval unit, White Sands Proving Ground, Las Cruces, New Mexico: Additional housing facilities; instrumentation of the one hundred mile range and camp facilities; facilities for pilotless aircraft test range; $6,194,730.

Radio transmitting station (location to be determined): Radio transmission facilities, including collateral equipment and accessory construction; $7,000,000.

Naval research laboratory (location to be determined): Underwater sound reference laboratory; $1,120,000.

For correction of deficiencies in existing or approved facilities, for emergency projects authorized by the Secretary of the Navy, and repairs incident to casualties thereto within the continental United States, for the fiscal years 1948 and 1949; $3,000,000.

OUTSIDE CONTINENTAL UNITED STATES

Naval operating base, Adak, Alaska: Ship-repair facilities; cold-storage building, ice-cream plant and milk facilities; two storehouses; dispensary; utility distribution systems, including water, sewer, electric power, heating plant, roads, walks, and drainage; $11,296,000.

Naval supplementary radio activity, Adak, Alaska: Operations building and associated facilities; $2,500,000.

Naval radio station, Adak, Alaska: Consolidated communication facilities, including buildings and accessories; $2,395,000.

Naval operating base, Argentia, Newfoundland: Facilities for fixed operation of mobile ground approach unit; water-treatment plant; $109,200.

Naval radio station, Argentia, Newfoundland: Consolidated communication facilities, including buildings and accessories; $2,385,000.

Naval radio station, Greenland: Consolidated communication facilities, including buildings and accessories; $1,020,000.

Naval operating base, Guam: Dredging and filling at Apra Harbor; utility distribution systems, including electric transmission, steam-generating plant, island water supply system, water storage and distribution, sewage and drainage systems, and extension of roads; barracks, messhall, and galley; $21,000,000.

Naval medical center, Guam: Development of hospital facilities, including buildings and accessories; $25,000,000.

Naval air station, Guam: Facilities for fixed operation of mobile ground control approach unit; $16,500.

Naval ammunition depot, Guam: High explosive storage facilities and accessories; $10,000,000.

Naval radio station, Guam: Permanent communication facilities, including buildings and accessories; $5,750,000.

Naval supply center, Guam: Permanent facilities, including storage buildings, fuel pipe lines, and accessories; $14,675,000.

Fleet Marine Force Base, Guam: Development of facilities, including buildings, service depot facilities, and accessories; $5,823,000.

Submarine base, Guam: Marginal bulkhead, including base site preparation and accessory construction; $1,670,000.

Naval ammunition depot, Oahu, Hawaii: Acquisition of land, five hundred and twenty acres at Waikele and Kipapa Gulches; acquisition of land at West Loch for barricaded sidings, one hundred and fifty-nine and fourteen one-hundredths acres; $270,000.

Naval air station, Kodiak, Alaska: Facilities for fixed operation of mobile ground control approach unit; $16,500.

Naval radio station, Kodiak, Alaska: Consolidated communication facilities, including buildings and accessories; $2,225,000.

Naval shipyard, Pearl Harbor, Hawaii: Fire protection for drydock numbered 2; modernization of water-front lighting; $143,700.

Naval base, Pearl Harbor, Hawaii: Water pumping station at Waiawa Gulch; $3,575,000.

Naval station, Roosevelt Roads, Puerto Rico: Acquisition of land, Culebra Island; $110,000.

Naval operating base, Saipan: Air intercept training facilities; facilities for fixed operation of mobile ground approach unit; $165,000.

Naval radio station, Summit, Canal Zone: Increase transmitter power output; $612,000.

Supplementary naval radio activity, Wahiawa, Hawaii: Permanent facilities for supplemental radio activity and accessories; $3,000,000.

For correction of deficiencies in existing or approved facilities, for emergency projects authorized by the Secretary of the Navy, and repairs incident to casualties thereto outside the continental United States, for the fiscal years 1948 and 1949; $3,000,000.

Acquisition of lands.

SEC. 2. To accomplish the above authorized construction the Secretary of the Navy is authorized to acquire lands and rights pertaining thereto, or other interests therein, including the temporary use thereof, by donation, purchase, or otherwise.

Family quarters.

SEC. 3. Family quarters for personnel of the Navy constructed on or subsequent to the effective date of this Act whether heretofore, herein, or hereafter authorized shall not be of greater net floor area per unit than the following:

For flag officers, two thousand one hundred square feet.

For captains, one thousand six hundred and seventy square feet.

For commanders and lieutenant commanders, one thousand four hundred square feet.

For warrant officers, commissioned warrant officers, and commissioned officers through the rank of lieutenant, one thousand two hundred and fifty square feet.

For enlisted personnel and noncommissioned officers, one thousand and eighty square feet.

"Net floor area."

For the purposes of this Act, net floor area is defined as all floor space inside the exterior walls, excluding basement (or service space in lieu of basement), attic, garage, and porches: *Provided*, That no family quarters for personnel of the Navy shall be constructed with the funds authorized for appropriation herein in excess of a net floor area of one thousand and eighty square feet per unit: *Provided further*, That in any case in which the construction at any station of family quarters having a net floor area in excess of one thousand and eighty square feet is prohibited by the provisions of the foregoing proviso, an equal number of family quarters having a net floor area not in excess of one thousand and eighty square feet may be constructed at such station and any funds saved as a result of the construction of such smaller family quarters or as a result of the succeeding proviso may be utilized to construct family quarters having a net floor area not in excess of one thousand and eighty square feet at any Navy station scheduled for retention in the permanent Military Establishment: *Provided further*, That family quarters constructed with the funds authorized for appropriation herein shall be of the multiple type (generally eight families to a unit) or apartment type (generally six families to a unit) except where Tropical or desert climates render the use of multiple type dwellings deleterious to health and welfare and except where one, two or three two-family units are necessary to provide the exact number of family quarters authorized herein for construction at a station.

Limitation on floor area.

Type of quarters.

The above area allowances shall supersede the limitations contained in the Act of July 8, 1946 (Public Law 492, Seventy-ninth Congress), and may be increased by not to exceed 10 per centum for all quarters outside continental United States and by not to exceed 10 per centum for quarters of commanding officers of stations or installations over and above that to which his rank would entitle him. Quarters for civilians shall be limited to conform to the allowances for officers or men of comparable status according to responsibility, rating, and pay, as determined by the Secretary of the Navy to be appropriate.

60 Stat. 490.

Civilian quarters.

Appropriation authorized.

Post, p. 1042.

SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary for the purposes

of this Act, but not to exceed $69,800,000, for public works in continental United States during the fiscal year 1948, and $59,971,160 for public works outside continental United States during the fiscal year 1948. With respect to projects within and without continental United States, the approximate cost for each project enumerated in section 1 of this Act may, in the discretion of the Secretary of the Navy, be varied upward or downward 10 per centum, but the total cost of projects in continental United States authorized by this Act shall not exceed $92,932,600, and the total cost of projects outside continental United States authorized by this Act shall not exceed $116,756,900. Any such appropriation shall be available under the direction of the Secretary of the Navy for expenses incident to construction including administration, overhead, planning, and surveys, and shall be available until expended.

Variation of project costs.

Approved June 16, 1948.

[CHAPTER 480]

AN ACT

June 16, 1948
[S. 2201]
[Public Law 654]

Supplementing the Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Maryland, by and through its State Roads Commission or the successors of said commission, is hereby authorized to construct, maintain, and operate, subject to the provisions of subsection (b) of section 502 of the General Bridge Act of 1946, (1) a bridge across or a tunnel under the Chesapeake Bay, in the State of Maryland, from a point in Anne Arundel County at or near Sandy Point to a point approximately opposite on Kent Island, or a combined bridge and tunnel at such location, and approaches thereto, and (2) a bridge across or a tunnel under the Patapsco River in the city of Baltimore from a point at or near the mouth of North West Branch to a point approximately opposite at or near Fairfield, and approaches thereto.

Maryland.
Construction, etc., of bridges.

60 Stat. 847.
33 U. S. C. § 525 (b).

SEC. 2. The State of Maryland, by and through its State Roads Commission or the successors of said commission, is hereby authorized to fix and charge tolls in accordance with the laws of the State of Maryland for the use of each of the structures and facilities the construction of which is hereby authorized and to use such tolls in accordance with the laws of the State of Maryland for the purposes hereinafter provided.

Toll charges.

SEC. 3. The State of Maryland, by and through its State Roads Commission or the successors of said commission, may unite or group either or both of the bridges heretofore constructed in accordance with the provisions of the Act approved April 7, 1938 (52 Stat. 205), across the Susquehanna River and the Potomac River with either or both of the structures and facilities the construction of which is hereby authorized into one or more projects for financing purposes. The rates of tolls charged for the use of each of the structures or facilities so included in any such project shall be so adjusted in accordance with the provisions of said Act of April 7, 1938, as to provide in the aggregate a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating all of the structures or facilities included in the project, and their approaches, under economical management, and to provide a sinking fund sufficient to amortize the aggregate cost of the structures or facilities hereby authorized included in the project, and their approaches, including

Grouping of projects for financing purposes.

Application of tolls to operation, sinking fund, etc.

the principal and interest on revenue bonds issued for financing such costs, and such portion of the aggregate cost not yet amortized of the said bridges across the Susquehanna River and the Potomac River included in the project, and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges but within a period not exceeding forty years from the date of completion of the last completed structure or facility included in the project. Within the afore-mentioned period of forty years, tolls may be charged and continued to be charged for the use of any of the structures or facilities included in any such project and adjusted at such rates as may be necessary to provide a fund sufficient to pay any revenue bonds, with interest thereon and any lawful premium for the retirement thereof before maturity, heretofore or hereafter issued for the financing of such project or any of the structures or facilities included therein, or for the refunding from time to time of said bonds, or any of them, or of any such refunding bonds. Nothing in this Act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinabove named structures or facilities for the purpose of financing any structure or facility not authorized by this Act and by said Act of April 7, 1938.

Adjustment of tolls to pay bonds, etc.

Maintenance as free bridge.

SEC. 4. After a sinking fund sufficient to amortize the cost of the structures or facilities in any such project and sufficient to pay the principal and interest and any lawful retirement premium on revenue bonds issued as aforesaid with respect to such project shall have been so provided the structures or facilities included in such project shall be maintained and operated free of tolls.

Rights reserved.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved June 16, 1948.

[CHAPTER 481]

June 16, 1948
[S. 2215]
[Public Law 655]

AN ACT

To amend the Public Health Service Act to support research and training in diseases of the heart and circulation, and to aid the States in the development of community programs for the control of these diseases, and for other purposes.

National Heart Act.
Post, p. 1032.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Heart Act".

PURPOSE

SEC. 2. The purpose of this Act is to improve the health of the people of the United States through the conduct of researches, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of diseases of the heart and circulation; assist and foster such researches and other activities by public and private agencies, and promote the coordination of all such researches and activities and the useful application of their results; provide training in matters relating to heart diseases, including refresher courses for physicians; and develop, and assist States and other agencies in the use of, the most effective methods of prevention, diagnosis, and treatment of heart diseases.

RESEARCH AND TRAINING

58 Stat. 707.
42 U. S. C. §§ 281-286.
Post, p. 598.

SEC. 3. (a) The heading of title IV of the Public Health Service Act (42 U. S. C., ch. 6A) is amended to read "TITLE IV—NATIONAL CANCER AND HEART INSTITUTES".

(b) Title IV of such Act is further amended by inserting "PART A—NATIONAL CANCER INSTITUTE" between the heading of such title IV

and the heading of section 401, and by adding immediately after section 406 the following new part:

58 Stat. 708.
42 U. S. C. § 286.

"PART B—NATIONAL HEART INSTITUTE

"ESTABLISHMENT OF INSTITUTE

"SEC. 411. There is hereby established in the Public Health Service a National Heart Institute (hereafter in this part referred to as the 'Institute').

"HEART DISEASE RESEARCH AND TRAINING

"SEC. 412. In carrying out the purposes of section 301 with respect to heart diseases the Surgeon General, through the Institute and in cooperation with the National Advisory Heart Council (hereinafter in this part referred to as the 'Council'), shall—

58 Stat. 691.
42 U. S. C. § 241.
Post, pp. 467, 468, 601, 1017.

Fostering of researches, etc.

"(a) conduct, assist, and foster researches, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of heart diseases;

Coordination of programs.

"(b) promote the coordination of research and control programs conducted by the Institute, and similar programs conducted by other agencies, organizations, and individuals;

"(c) make available research facilities of the Service to appropriate public authorities, and to health officials and scientists engaged in special studies related to the purposes of this part;

Grants-in-aid.

"(d) make grants-in-aid to universities, hospitals, laboratories, and other public or private agencies and institutions, and to individuals for such research projects relating to heart diseases as are recommended by the Council, including grants to such agencies and institutions for the construction, acquisition, leasing, equipment, and maintenance of such hospital, clinic, laboratory, and related facilities, and for the care of such patients therein, as are necessary for such research;

Information center.

"(e) establish an information center on research, prevention, diagnosis, and treatment of heart diseases, and collect and make available, through publications and other appropriate means, information as to, and the practical application of, research and other activities carried on pursuant to this part;

Assistance of heart experts.

"(f) secure from time to time, and for such periods as he deems advisable, the assistance and advice of persons from the United States or abroad who are experts in the field of heart diseases;

Research fellowships.

"(g) in accordance with regulations and from funds appropriated or donated for the purpose (1) establish and maintain research fellowships in the Institute and elsewhere with such stipends and allowances (including travel and subsistence expenses) as he may deem necessary to train research workers and procure the assistance of the most brilliant and promising research fellows from the United States and abroad, and, in addition, provide for such fellowships through grants, upon recommendation of the Council, to public and other nonprofit institutions; and (2) provide training and instruction and establish and maintain traineeships, in the Institute and elsewhere in matters relating to the diagnosis, prevention, and treatment of heart diseases with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the Council, and, in addition, provide for such training, instruction, and traineeships through grants, upon recommendation of the Council, to public and other nonprofit institutions.

Traineeships.

"ADMINISTRATION

58 Stat. 691.
42 U. S. C. § 241.
Post, pp. 467, 468, 601, 1017.

"SEC. 413. (a) In carrying out the provisions of section 412 all appropriate provisions of section 301 shall be applicable to the authority of the Surgeon General, and grants-in-aid for heart disease research and training projects shall be made only after review and recommendation of the Council made pursuant to section 414.

Acceptance of conditional gifts.
58 Stat. 709.
42 U. S. C. § 219.

"(b) The Surgeon General shall recommend to the Administrator acceptance of conditional gifts, pursuant to section 501, for study, investigation, or research into the cause, prevention, or methods of diagnosis or treatment of heart diseases, or for the acquisition of grounds or for the erection, equipment, or maintenance of premises, buildings, or equipment of the Institute. Donations of $50,000 or over for carrying out the purposes of this part may be acknowledged by the establishment within the Institute of suitable memorials to the donors.

"FUNCTIONS OF THE COUNCIL

"SEC. 414. The Council is authorized to—

Review of research projects.

"(a) review research projects or programs submitted to or initiated by it relating to the study of the cause, prevention, or methods of diagnosis or treatment of heart diseases, and certify approval to the Surgeon General, for prosecution under section 412, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of heart diseases;

Review of applications for grants-in-aid.

"(b) review applications from any university, hospital, laboratory, or other institution or agency, whether public or private, or from individuals, for grants-in-aid for research projects relating to heart diseases, and certify to the Surgeon General its approval of grants-in-aid in the cases of such projects which show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of heart disease;

"(c) review applications from any public or other nonprofit institution for grants-in-aid for training, instruction, and traineeships in matters relating to the diagnosis, prevention, and treatment of heart diseases, and certify to the Surgeon General its approval of such applications for grants-in-aid as it determines will best carry out the purposes of this Act;

Collection and dissemination of information.

"(d) collect information as to studies which are being carried on in the United States or any other country as to the cause, prevention, or methods of diagnosis or treatment of heart diseases, by correspondence or by personal investigation of such studies, and with the approval of the Suregon General make available such information through appropriate publications for the benefit of health and welfare agencies and organizations (public or private), physicians, or any other scientists, and for the information of the general public;

Recommendations.
58 Stat. 709.
42 U. S. C. § 219.

"(e) recommend to the Surgeon General for acceptance conditional gifts pursuant to section 501 for carrying out the purposes of this part; and

"(f) advise, consult with, and make recommendations to the Surgeon General with respect to carrying out the provisions of this part.

"OTHER AUTHORITY WITH RESPECT TO HEART DISEASES

"SEC. 415. This part shall not be construed as superseding or limiting (a) the functions or authority of the Surgeon General or the Service, or of any other officer or agency of the United States, relating to the

study of the causes, prevention, or methods of diagnosis or treatment of heart diseases; or (b) the expenditure of money therefor."

NATIONAL ADVISORY HEART COUNCIL

SEC. 4. (a) Section 217 of such Act is amended by adding at the end thereof the following new subsection:

58 Stat. 691.
42 U. S. C. § 218.
Post, p. 600.

"(f) The National Advisory Heart Council shall consist of the Surgeon General or his representative, the chief medical officer of the Veterans' Administration or his representative, the Surgeon General of the Army or his representative, the Surgeon General of the Navy or his representative, who shall be ex officio members, and twelve members appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The twelve appointed members shall be leaders in the fields of fundamental sciences, medical sciences, education, or public affairs, and six of such twelve shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of heart diseases. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Surgeon General at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed since the end of his preceding term. Every two years the Council shall elect one member to act as Chairman for the succeeding two-year period."

Members.

Term of office.

(b) Subsection (b) of section 217 of such Act is amended to read as follows:

58 Stat. 691.
42 U. S. C. § 218 (b).
Post, p. 600.

"(b) The National Advisory Health Council shall advise, consult with, and make recommendations to the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council and, where appropriate, any member or members of the National Advisory Cancer Council, the National Advisory Mental Health Council, or the National Advisory Heart Council, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine."

National Advisory Health Council.

(c) The heading of section 217 of such Act is amended to read as follows: "NATIONAL ADVISORY HEALTH, CANCER, HEART, AND MENTAL HEALTH COUNCILS".

Post, p. 600.

(d) Subsection (e) of section 208 of such Act is amended to read as follows:

58 Stat. 686.
42 U. S. C. § 210 (e).
Ante, p. 40; *post*, p. 601.

"(e) Members of the National Advisory Health Council, members of the National Advisory Mental Health Council, members of the National Advisory Cancer Council, and members of the National Advisory Heart Council other than ex officio members, while attending conferences or meetings of their respective Councils or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $50 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence."

Compensation of members.

(e) Paragraph (d) of section 301 of such Act is amended to read as follows:

58 Stat. 691.
42 U. S. C. § 241 (d).
Post, pp. 601, 1017.

"(d) Make grants-in-aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the Natonal Advisory Health

Grants-in-aid to institutions and individuals.

Council, or, with respect to cancer, recommended by the National Advisory Cancer Council, or, with respect to mental health, recommended by the National Advisory Mental Health Council, or, with respect to heart diseases, recommended by the National Advisory Heart Council;".

58 Stat. 692.
42 U. S. C. § 241 (g).
Post, p. 601.
Additional means of research, etc.

(f) Paragraph (g) of such section 301 is amended to read as follows:

"(g) Adopt, upon recommendation of the National Advisory Health Council, or, with respect to cancer, upon recommendation of the National Advisory Cancer Council, or, with respect to mental health, upon recommendation of the National Advisory Mental Health Council, or, with respect to heart diseases, upon recommendation of the National Advisory Heart Council, such additional means as he deems necessary or appropriate to carry out the purposes of this section."

CONTROL GRANTS

58 Stat. 694.
42 U. S. C. § 246 (e)-(j).

SEC. 5. (a) Section 314 of such Act is amended by redesignating subsections (e) to (j), inclusive, as subsections (f), (g), (h), (i), (j), and (k), respectively, and by inserting after subsection (d) the following new subsection:

Organized community programs.
Ante, p. 465.

"(e) To enable the Surgeon General to carry out the purposes of part B of title IV and to assist, through grants, States, counties, health districts, and other political subdivisions of the State, and public and nonprofit agencies, institutions, and other organizations, in establishing and maintaining organized community programs of heart disease control, including grants for demonstrations and the training of personnel, there is hereby authorized to be appropriated for each fiscal year such sums as may be necessary for such purposes. For each fiscal year, the Surgeon General, with the approval of the Administrator, shall determine the total sum from the appropriation under this subsection which shall be available for allotment among the several States, and shall, in accordance with regulations, from time to time make allotments from such sum to the several States on the basis of (1) the population and (2) the financial need of the respective States. Upon making such allotments the Surgeon General shall notify the Secretary of the Treasury of the amounts thereof."

Determination of State allotments.

58 Stat. 694.
42 U. S. C. § 246 (e).

(b) The subsection of such section 314 herein redesignated as subsection (f) is amended by striking out the period at the end of the first sentence of such subsection and inserting in lieu thereof the following: ": *Provided*, That in the case of amounts to be paid from allotments to any State under subsection (e), the Surgeon General may determine and certify to the Secretary of the Treasury amounts to be paid to a county, health district, other political subdivision of the State or to any public or nonprofit agency, institution, or other organization in the State, if he finds that payment to such subdivision or other organization has been recommended by the State health authority of the State, and (1) that the State health authority has not, prior to August 1 of the fiscal year for which the allotment is made, presented and had approved a plan in accordance with subsection (g), or (2) that the State health authority is not authorized by law to make payments to such other organization."

Certification of amounts for local groups.

58 Stat. 694.
42 U. S. C. § 246 (f).

(c) The subsection of such section 314 herein redesignated as subsection (g) is amended to read as follows:

Method of expenditure.

"(g) The moneys so paid to any State, or to any political subdivision or other organization, shall be expended solely in carrying out the purposes specified in subsection (a), or subsection (b), or subsection (c), or subsection (e), as the case may be, and in accordance with plans, approved by the Surgeon General, which have been presented by the health authority of such State, or, under the circum-

stances specified in subsection (f) (1), by the political subdivision, or the agency, institution or other organization to whom the payment is made, and, to the extent that any such plan contains provisions relating to mental health, by the mental health authority of such State."

(d) The subsection of such section 314 herein redesignated as subsection (h) is amended to read as follows:

58 Stat. 694.
42 U. S. C. § 246 (g).
Ante, p. 468.
Local contributions.

"(h) Money so paid from allotments under subsections (a), (b), (c), and (e), shall be paid upon the condition that there shall be spent in such State for the same general purpose from funds of such State and its political subdivisions (or in the case of payments to a political subdivision or to an agency, institution or other organization under circumstances specified in subsection (f) (1), from funds of such political subdivision or organization), an amount determined in accordance with regulations."

(e) The subsection of such section 314 herein redesignated as subsection (i) is amended to read as follows:

58 Stat. 695.
42 U. S. C. § 246 (h).
Ante, p. 468.
Failure to comply with requirements.

"(i) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the health authority or, where appropriate, the mental health authority of the State (or, in the case of payments to any political subdivision or any agency, institution, or other organization under the circumstances specified in subsection (f) (1), such subdivision or organization) finds that, with respect to money paid to the State, subdivision, or organization out of appropriations under subsection (a), or subsection (b), or subsection (c), or subsection (e), as the case may be, there is a failure to comply substantially with either—

"(1) the provisions of this section;
"(2) the plan submitted under subsection (g); or
"(3) the regulations;

the Surgeon General shall notify such State health authority or mental health authority, political subdivision, or organization that further payments will not be made to the State subdivision, or organization from appropriations under such subsection (or in his discretion that further payments will not be made to the State, subdivision, or organization from such appropriations for activities in which there is such failure), until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Surgeon General shall make no further certification for payment to such State, subdivision, or organization from appropriations under such subsection, or shall limit payment to activities in which there is no such failure."

GENERAL PROVISIONS

SEC. 6. (a) Section 2 of the Public Health Service Act, as amended, is amended by striking out the word "and" at the end of paragraph (l), by striking out the period at the end of paragraph (m) and inserting in lieu thereof "; and", and by inserting after paragraph (m) the following new paragraph:

60 Stat. 421.
42 U. S. C. § 201 (l), (m).
Post, p. 601.

"(n) The term 'heart diseases' means diseases of the heart and circulation."

"Heart diseases."

(b) The term "National Institute of Health", wherever appearing in the Public Health Service Act, is hereby changed to "National Institutes of Health".

"National Institute of Health."

(c) The word "title", wherever appearing in sections 403, 404, and 406 of the Public Health Service Act, is hereby changed to "part".

58 Stat. 707, 708.
42 U. S. C. §§ 283, 284, 286.

Approved June 16, 1948.

[CHAPTER 482]

June 16, 1948
[S. 2455]
[Public Law 656]

AN ACT

To amend the Civil Aeronautics Act of 1938, as amended, by limiting the liability of certain persons not in possession of aircraft.

Civil Aeronautics Act, amendment.
49 U. S. C., Supp. I, § 421 *et seq.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Civil Aeronautics Act of 1938, as amended (52 Stat. 973; U. S. C., title 49, sec. 401 and the following), is further amended by inserting, immediately following section 503 thereof, the following new section:

Liability of owner, etc.

"SEC. 504. No person having a security interest in, or security title to, any civil aircraft under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, and no lessor of any such aircraft under a bona fide lease of thirty days or more, shall be liable by reason of such interest or title, or by reason of his interest as lessor or owner of the aircraft so leased, for any injury to or death of persons, or damage to or loss of property, on the surface of the earth (whether on land or water) caused by such aircraft, or by the ascent, descent, or flight of such aircraft or by the dropping or falling of an object therefrom, unless such aircraft is in the actual possession or control of such person at the time of such injury, death, damage, or loss."

Approved June 16, 1948.

[CHAPTER 483]

June 16, 1948
[S. 2456]
[Public Law 657]

AN ACT

To provide safety in aviation and to direct a study of the causes and characteristics of thunderstorms and other atmospheric disturbances.

Study of thunderstorms, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of the Weather Bureau is authorized and directed to study fully and thoroughly the internal structure of thunderstorms, hurricanes, cyclones, and other severe atmospheric disturbances, particularly the degree of turbulence within such storms and the development, maintenance, and magnitude of updrafts and downdrafts with a view to establishing methods by which the characteristics of particular thunderstorms may be forecast and methods by which the characteristics of such storms may be determined on visual observation from outside of the immediate thunderstorm area. Such study shall be concluded at the earliest practicable date and a final report submitted to Congress. The Chief of the Weather Bureau shall make interim reports to Congress at least annually during the course of the study.

Reports to Congress.

Expenditures.

SEC. 2. The Chief of the Weather Bureau is empowered to make such expenditures at the seat of government and elsewhere as may be necessary to carry out the purposes of this Act and as from time to time may be appropriated for by Congress, including expenditures for the development and purchase of special meteorological instruments and other equipment (including motor vehicles and aircraft), without regard to the provisions of section 3709 of the Revised Statutes. There is hereby authorized to be appropriated such sums as are necessary for the purpose of carrying out the provisions of this Act.

41 U. S. C. § 5.

Cooperation of other agencies.

SEC. 3. Any executive department or independent establishment is hereby authorized to cooperate with the Chief of the Weather Bureau in carrying out the purposes of this Act, and for such purposes may lend or transfer to the Chief of the Weather Bureau any officer or employee of such department or establishment and any property, equipment, lands, or buildings under its control.

Approved June 16, 1948.

[CHAPTER 484]

AN ACT

June 16, 1948
[S. 2553]
[Public Law 658]

To authorize the Secretary of the Navy to convey to the Mystic River Bridge Authority, an instrumentality of the Commonwealth of Massachusetts, an easement for the construction and operation of bridge approaches over and across lands comprising a part of the United States Naval Hospital, Chelsea, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to convey to the Mystic River Bridge Authority, an instrumentality of the Commonwealth of Massachusetts, without cost to said authority, and subject to such terms and conditions as the Secretary of the Navy may deem proper, a perpetual easement for the construction, maintenance, repairs, and operation of approaches to a high level toll bridge crossing Mystic River over and across certain lands comprising a part of the United States Naval Hospital, Chelsea, Massachusetts, metes and bounds description of which is on file in the Navy Department.

Mystic River. Bridge, Chelsea, Mass.

Approved June 16, 1948.

[CHAPTER 485]

AN ACT

June 16, 1948
[S. 2593]
[Public Law 659]

To authorize the Secretary of the Navy to convey to the Commonwealth of Virginia a right-of-way for public-highway purposes in certain lands at Pungo, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to convey to the Commonwealth of Virginia, without cost to the said Commonwealth, and upon such terms and conditions as he may deem proper, a perpetual easement for public-highway purposes in, over, and across a strip of land contiguous to the former naval auxiliary air station, Pungo, Virginia, being approximately one thousand five hundred and ninety-five feet long and containing one and fifty-eight one-hundredths acres, more or less, metes and bounds description of which is on file in the Navy Department.

Pungo, Va. Easement.

Approved June 16, 1948.

[CHAPTER 486]

AN ACT

June 16, 1948
[H. R. 5134]
[Public Law 660]

To amend Public Law Numbered 432, Seventy-sixth Congress, to include an allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for vocational-rehabilitation purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Public Law Numbered 432, Seventy-sixth Congress, approved March 14, 1940 (54 Stat. 49), as amended, is hereby amended to read as follows:

Veterans' Administration. 38 U. S. C. § 76. *Ante*, p. 160.

"That the Administrator of Veterans' Affairs is hereby authorized, under regulations to be prescribed by the President, to pay the actual necessary expenses of travel, including lodging and subsistence, or in lieu thereof an allowance based upon the mileage traveled, of any person to or from a Veterans' Administration facility or other place in connection with vocational rehabilitation or for the purpose of examination, treatment, or care: *Provided*, That payment of mileage in connection with vocational rehabilitation or upon termination of examination, treatment, or care may be made prior to completion of such travel: *And provided further*, That when any such person requires an

Travel expenses.

Expenses of attendant.

attendant other than an employee of the Veterans' Administration for the performance of such travel, such attendant may be allowed expenses of travel upon a similar basis."

Approved June 16, 1948.

[CHAPTER 487]

AN ACT

June 16, 1948
[H. R. 6730]
[Public Law 661]

To extend for one year certain provisions of section 100 of the Servicemen's Readjustment Act of 1944, as amended, relating to the authority of the Administrator of Veterans' Affairs to enter into leases for periods not exceeding five years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 100 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693), is hereby amended by deleting "June 30, 1948" and inserting in lieu thereof the following: "June 30, 1949".

60 Stat. 299; 61 Stat. 133.
38 U. S. C., Supp. I, § 693.

Approved June 16, 1948.

[CHAPTER 491]

AN ACT

June 17, 1948
[S. 110]
[Public Law 662]

To amend the Interstate Commerce Act with respect to certain agreements between carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended by adding after section 5 thereof a new section as follows:

Interstate Commerce Act, amendment.
24 Stat. 380.
49 U. S. C. § 5.

"SEC. 5a. (1) For purposes of this section—

"Carrier."

"(A) The term 'carrier' means any common carrier subject to part I, II, or III, or any freight forwarder subject to part IV, of this Act; and

"Antitrust laws."

"(B) The term 'antitrust laws' has the meaning assigned to such term in section 1 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914.

38 Stat. 730.
15 U. S. C. § 12.
Application for approval of agreement.

"(2) Any carrier party to an agreement between or among two or more carriers relating to rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation or establishment thereof, may, under such rules and regulations as the Commission may prescribe, apply to the Commission for approval of the agreement, and the Commission shall by order approve any such agreement (if approval thereof is not prohibited by paragraph (4), (5), or (6)) if it finds that, by reason of furtherance of the national transportation policy declared in this Act, the relief provided in paragraph (9) should apply with respect to the making and carrying out of such agreement; otherwise the application shall be denied. The approval of the Commission shall be granted only upon such terms and conditions as the Commission may prescribe as necessary to enable it to grant its approval in accordance with the standard above set forth in this paragraph.

Post, p. 473.

Maintenance of records, etc.

"(3) Each conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section shall maintain such accounts, records, files, and memoranda and shall submit to the Commission such reports, as may be prescribed by the Commission,

and all such accounts, records, files, and memoranda shall be subject to inspection by the Commission or its duly authorized representatives.

Carriers of different classes.

"(4) The Commission shall not approve under this section any agreement between or among carriers of different classes unless it finds that such agreement is of the character described in paragraph (2) of this section and is limited to matters relating to transportation under joint rates or over through routes; and for purposes of this paragraph carriers by railroad, express companies, and sleeping-car companies are carriers of one class; pipe-line companies are carriers of one class; carriers by motor vehicle are carriers of one class; carriers by water are carriers of one class; and freight forwarders are carriers of one class.

Pooling, division, etc.

24 Stat. 380.
49 U. S. C. § 5.

"(5) The Commission shall not approve under this section any agreement which it finds is an agreement with respect to a pooling, division, or other matter or transaction, to which section 5 of this Act is applicable.

Joint consideration of matters.

"(6) The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

Investigation of prior agreements.

"(7) The Commission is authorized, upon complaint or upon its own initiative without complaint, to investigate and determine whether any agreement previously approved by it under this section, or terms and conditions upon which such approval was granted, is not or are not in conformity with the standard set forth in paragraph (2), or whether any such terms and conditions are not necessary for purposes of conformity with such standard, and, after such investigation, the Commission shall by order terminate or modify its approval of such agreement if it finds such action necessary to insure conformity with such standard, and shall modify the terms and conditions upon which such approval was granted to the extent it finds necessary to insure conformity with such standard or to the extent to which it finds such terms and conditions not necessary to insure such conformity. The effective date of any order terminating or modifying approval, or modifying terms and conditions, shall be postponed for such period as the Commission determines to be reasonably necessary to avoid undue hardship.

Hearing.

"(8) No order shall be entered under this section except after interested parties have been afforded reasonable opportunity for hearing.

Relief from operation of antitrust laws.

"(9) Parties to any agreement approved by the Commission under this section and other persons are, if the approval of such agreement is not prohibited by paragraph (4), (5), or (6), hereby relieved from the operation of the antitrust laws with respect to the making of such agreement, and with respect to the carrying out of such agreement in conformity with its provisions and in conformity with the terms and conditions prescribed by the Commission.

Applicability.

"(10) Any action of the Commission under this section in approving an agreement, or in denying an application for such approval, or in terminating or modifying its approval of an agreement, or in prescribing the terms and conditions upon which its approval is to be granted, or in modifying such terms and conditions, shall be construed as having effect solely with reference to the applicability of the relief provisions of paragraph (9)."

JOSEPH W. MARTIN JR
Speaker of the House of Representatives.

H. C. LODGE, JR.
Acting President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES,
June 16 (legislative day, June 15), 1948.

Certificate of Senate.

The Senate having proceeded to reconsider the bill (S. 110) entitled "An Act to amend the Interstate Commerce Act with respect to certain agreements between carriers", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest: CARL A. LOEFFLER
Secretary.

Certificate of origin.

I certify that this Act originated in the Senate.

CARL A. LOEFFLER
Secretary.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 17, 1948.

Certificate of House of Representatives.

The House of Representatives having proceeded to reconsider the bill (S. 110) entitled "An Act to amend the Interstate Commerce Act with respect to certain agreements between carriers", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest: JOHN ANDREWS
Clerk.

[CHAPTER 492]

AN ACT

June 17, 1948
[S. 153]
[Public Law 663]

Authorizing the Secretary of the Army to have prepared a replica of the Dade Monument for presentation to the State of Florida.

Dade Monument. Replica.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon payment by the State of Florida to the Department of the Army of such sum as may be necessary to defray all expenses necessarily incident thereto, the Secretary of the Army is authorized and directed to cause to be prepared an exact replica of the Dade Monument, located on the grounds of the United States military reservation at West Point, New York, and to present such replica to the State of Florida for erection in the Dade State Memorial Park.

Approved June 17, 1948.

[CHAPTER 493]

AN ACT

June 17, 1948
[S. 1520]
[Public Law 664]

To amend section 3 of the Act of August 24, 1912 (37 Stat. 554), as amended, so as to provide reimbursement to the Post Office Department by the Navy Department for shortages in postal accounts occurring while commissioned officers of the Navy and Marine Corps are designated custodians of postal effects.

Navy and Coast Guard mail clerks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of August 24, 1912 (37 Stat. 554), as amended (39 U. S. C., Supp. V, 135), is hereby further amended to read as follows:

39 U. S. C. § 135.

Bonds.

"Every Navy mail clerk and assistant Navy mail clerk and every Coast Guard mail clerk and assistant Coast Guard mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties

as such clerk: *Provided*, That the Secretary of the Navy may waive the giving of bond in the cases of Navy mail clerks and assistant Navy mail clerks. Navy mail clerks and assistant Navy mail clerks whose bonds are so waived shall not be entitled to the extra compensation otherwise authorized to be paid them by law. The Post Office Department shall be reimbursed annually by the Navy Department in an amount equal to funds embezzled by unbonded Navy mail clerks, assistant Navy mail clerks, and commissioned officers of the Navy and Marine Corps, and funds expended in payment of claims arising from errors, losses, or defalcations by unbonded Navy mail clerks, assistant Navy mail clerks, and commissioned officers of the Navy and Marine Corps: *Provided further*, That 'commissioned officers of the Navy and Marine Corps' as used in the foregoing provision shall be construed to mean only those commissioned officers of the Navy and Marine Corps who have been designated custodians of postal effects by the commanding officer."

Waiver of requirement.

Reimbursements.

"Commissioned officers."

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

Approved June 17, 1948.

[CHAPTER 494]

AN ACT

Providing for the suspension of annual assessment work on mining claims held by location in the United States.

June 17, 1948
[S. 2479]
[Public Law 665]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, until the hour of 12 o'clock meridian on the 1st day of July, 1948: *Provided*, That every claimant of any such mining claim in order to obtain the benefits of this Act shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian of July 1, 1948, a notice of his desire to hold said mining claim under this Act.

Mining claims.
Suspension of annual assessment work.
30 U. S. C. § 28.

Approved June 17, 1948.

[CHAPTER 495]

AN ACT

To provide for the conveyance to Pinellas County, State of Florida, of certain public lands herein described.

June 17, 1948
[S. 2496]
[Public Law 666]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in and to the following described public lands in the State of Florida, to wit: Lots 1, 2, 3, and 4 of section 5; lots 1 and 2 of section 6; lots 1, 2, and 3 of section 7; lots 1, 2, 3, and 4 of section 8; lots 1 and 2 of section 9; lot 1 of section 17; and lots 1, 2, 3, 4, and 5 of section 18 in township 33 south, range 16 east, together with accretion thereto, shall be conveyed to Pinellas County, State of Florida, when it shall be determined that it is no longer necessary for the purpose for which it was reserved by Presidential orders of March 23, 1849, and November 17, 1882, or is not needed for the purposes as set forth in Executive Order Numbered 9151, April 28, 1942, and that the Secretary of the Interior is hereby

Pinellas County, Fla.
Conveyance.

3 CFR, Cum. Supp., p. 1151.

authorized and directed to sell the said land, and to execute the proper conveyances to Pinellas County, State of Florida, with a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same under regulations prescribed by the Secretary of the Interior. The consideration for such conveyance shall be—

(a) with respect to that portion of said lands which was originally purchased by said county from the Treasury Department in 1938 and thereafter was reconveyed by it to the War Department in 1941, the sum received by said county from the War Department in consideration for such reconveyance; and

(b) with respect to the remainder of said lands, 50 per centum of the reasonable appraised value thereof, as determined by the Secretary of the Interior.

Use of land.

SEC. 2. The property acquired pursuant to section 1 shall be retained by the said Pinellas County and be used by it for such purposes as it shall deem to be in the public interest or be leased by it from time to time, in whole or in part or parts, to such persons and for such purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always to be subject to regulation by said county whether leased or not leased but never to be otherwise disposed of or conveyed by it: *Provided*, That nothing herein shall prevent the said county from conveying said property back to the Federal Government or to the State of Florida or any agency thereof.

Approved June 17, 1948.

[CHAPTER 496]

AN ACT

June 17, 1948
[H. R. 3628]
[Public Law 667]

To revise the method of issuing patents for public lands.

Patents for public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all patents for public lands shall be issued and signed by the Secretary of the Interior in the name of the United States: *Provided*, That the Secretary may delegate his authority under this Act to officers or employees of the Department of the Interior, but notice of any such delegation shall be given by publication in the Federal Register.

Repeals.

SEC. 2. The following are hereby repealed:

(a) Section 450, Revised Statutes (43 U. S. C., sec. 8).

(b) Section 451, Revised Statutes (43 U. S. C., sec. 9).

(c) Section 458, Revised Statutes (43 U. S. C., sec. 15).

(d) That part of the Act of June 19, 1878 (20 Stat. 178, 183), which reads as follows: "And the duties prescribed by section of the Revised Statutes numbered four hundred and fifty shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose."

Approved June 17, 1948.

[CHAPTER 497]

AN ACT

June 17, 1948
[H. R. 4032]
[Public Law 668]

To amend certain provisions of law relating to the naval service so as to authorize the delegation to the Secretary of the Navy of certain discretionary powers vested in the President of the United States.

Navy.
Delegation of certain powers to Secretary of Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Acts or parts of Acts are hereby amended by striking out the word "President", wherever it appears, and substituting in lieu thereof the words "Secretary of the Navy":

(a) Section 1443, Revised Statutes (34 U. S. C. 381);
(b) Section 1453, Revised Statutes (34 U. S. C. 417);
(c) Section 1454, Revised Statutes (34 U. S. C. 418);
(d) The last sentence of the second proviso of the second paragraph under the heading "Pay of the Navy" of the Act of May 13, 1908, as it appears on page 128, volume 35, of the Statutes at Large (34 U. S. C. 383).

SEC. 2. Section 2 of the Act of March 4, 1925 (43 Stat. 1270; 34 U. S. C. 1017), is hereby amended by changing the final period to a colon and adding the following: "*Provided further*, That all authority hereby vested in the President shall hereafter be exercised by the Secretary of the Navy with respect to commissioned officers, warrant officers, and enlisted personnel of the Navy and Marine Corps."

Approved June 17, 1948.

[CHAPTER 500]

AN ACT

To provide for the carrying of mail on star routes, and for other purposes.

June 19, 1948
[S. 263]
[Public Law 669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3951 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 39, sec. 434), is amended by adding at the end thereof the following:

Star mail routes.

"The Postmaster General may, in his discretion and in the interest of the postal service, notwithstanding the provisions of section 3949 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 39, sec. 429), by mutual agreement with the holder of any star-route contract, renew such contract at the rate prevailing at the end of the contract term, for additional terms of four years with such bond as may be required by the Postmaster General. Any such contract may be terminated at the end of any four-year term at the option of the Postmaster General or the contractor or terminated at any time by operation of any existing law.

Renewal of contract.

Termination.

"The Postmaster General may, in his discretion and under such regulations as he may prescribe, with the consent of the contractor, and without regard to the provisions of sections 3958 and 3961 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 39, secs. 438 and 441), readjust the compensation of a star-route contractor for increased or decreased costs occasioned by changed conditions occurring during the contract term which could not reasonably have been anticipated at the time of making his original proposal or executing his bond for a renewed contract as provided herein."

Readjustment of compensation.

39 U. S. C. §§ 438, 441.

Approved June 19, 1948.

[CHAPTER 501]

AN ACT

To further amend the thirteenth paragraph of section 127a of the National Defense Act, as amended.

June 19, 1948
[S. 295]
[Public Law 670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirteenth paragraph of section 127a of the National Defense Act, as amended (10 U. S. C., Supp. V, 535), is further amended to read as follows:

National Defense Act, amendment.
41 Stat. 786.
10 U. S. C. § 535.

"The Secretary of the Army is hereby authorized to detail personnel of the Army of the United States, without regard to component, as students at such technical, professional, and other civilian educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places as shall be best suited to enable

Detail of personnel as students, etc.

such personnel to acquire knowledge or experience in the specialties in which it is deemed necessary that such personnel shall perfect themselves, and any officer or warrant officer who receives such instruction shall, immediately upon termination thereof, be ordered to active duty for a period at least equal to the duration of his period of instruction but not greater than four years, except that where the duration of such training is ninety days or less, such subsequent active duty may be at the discretion of the Secretary of the Army and only with the consent of the individual concerned: *Provided*, That no member of the National Guard or the Organized Reserve Corps shall be detailed as a student, observer, or investigator pursuant to the provisions of this Act nor be ordered to active duty as herein provided except with his own consent, and, in the case of a member of the National Guard of the United States, with the approval of the Governor or other appropriate authority of the State, Territory, or the District of Columbia, whichever is concerned: *Provided further*, That the Secretary of the Army may require that an enlisted man, prior to his detail pursuant to the provisions of this paragraph, shall be discharged and reenlisted in his component for a period of not less than three years; and the total length of detail of an enlisted man pursuant to the provisions of this paragraph shall not exceed 50 per centum of his enlistment period: *And provided further*, That at no time shall more than 8 per centum of the authorized commissioned officer strength, 8 per centum of the authorized warrant officer strength, or 2 per centum of the authorized enlisted strength of the Regular Army, or more than 8 per centum of the actual commissioned officer strength, 8 per centum of the actual warrant officer strength, or 2 per centum of the actual enlisted strength of all reserve components of the Army (including in the computation of the actual strength of each such class of reserve personnel persons in active or inactive duty status), be detailed as students pursuant to the provisions of this paragraph."

Consent of individual.

Discharge and reenlistment.

Limitation on details.

Expenditures.

SEC. 2. All expenditures incident to the detail of personnel as students at such technical, professional, and other civilian educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as provided herein, shall be paid from any appropriated Department of the Army funds.

Applicability.

SEC. 3. The provisions of the foregoing section shall be equally applicable to the Department of the Air Force: *Provided*, That all reference therein to the Secretary of the Army, the Department of the Army, the Regular Army, the National Guard of the United States, and the Army of the United States shall, insofar as they apply to the Department of the Air Force, be construed for the purpose of this section as referring to the Secretary of the Air Force, the Department of the Air Force, the United States Air Force, the Air National Guard, and the Air Force of the United States, respectively.

Approved June 19, 1948.

[CHAPTER 502]

June 19, 1948
[S. 554]
[Public Law 671]

AN ACT

To provide for the collection and publication of statistical information by the Bureau of the Census.

Censuses of manufacturers, trades, etc.
Post, p. 1038.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Director of the Bureau of the Census, hereinafter referred to as the Director and the Bureau, respectively, is authorized and directed to

take, compile, and publish the censuses of manufacturers, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with a designated regulatory body), in the year 1949 and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof: *Provided*, That the census of manufacturers shall not be taken in 1949. The censuses herein provided for shall include the United States and its Territories and such possessions as may be determined by the Director with the approval of the Secretary of Commerce.

Surveys.

(b) That the Director is further authorized to make such surveys as are deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this and other Acts.

SEC. 2. That the following sections of the Act of June 18, 1929 (46 Stat. 21), shall apply to the censuses and surveys authorized by this Act: Section 3, as amended by section 404 of Reorganization Plan Numbered II (53 Stat. 1436), and sections 5, 7, 8, 9, 10, 11, 12, and 15, except that the Director may also authorize the expenditure of necessary sums for travel expenses for attendance at training courses held by the Bureau: *Provided*, That in connection with any survey conducted by the Director pursuant to section 1 (b) of this Act, the provisions of sections 9 and 10 of the Act of June 18, 1929 (46 Stat. 21), with respect to the answering of questions and furnishing of information, shall apply only to such inquiries as are within the scope of the schedules and of the type and character heretofore used in connection with the taking of complete censuses under the Act of June 18, 1929 (46 Stat. 21), or in connection with any censuses hereafter taken pursuant to section 1 (a) of this Act and the Act of June 18, 1929: *Provided further*, (a) That sections 9 and 10 of the Act of June 18, 1929 (46 Stat. 21), shall apply to surveys conducted pursuant to section 1 (b) of this Act only after publication of a determination with reasons therefor certified by the Director with the approval of the Secretary of Commerce that the information called for is needed to aid or permit the efficient performance of essential governmental functions or services; or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources; (b) that in the case of any new survey said sections 9 and 10 shall apply only after public notice, given by the Director at least thirty days in advance of requesting a return, that such survey is under consideration; (c) that the provisions of said sections 9 and 10 shall not apply to any survey more frequent than annual conducted pursuant to section 1 (b) of this Act; and (d) that the provisions for imprisonment provided by said sections 9 and 10 shall not apply in connection with any survey conducted pursuant to section 1 (b) of this Act.

13 U. S. C. §§ 203, 205, 207–212, 215; Supp. I, § 111; 5 U. S. C. § 133t note.

Furnishing of information.

13 U. S. C. §§ 209, 210.

Determination of need for information.

13 U. S. C. §§ 209, 210.

SEC. 3. That inquiries, and the number, form, and subdivisions thereof for the censuses and surveys provided for in this Act, shall be determined by the Director, with the approval of the Secretary of Commerce. To the extent that the provisions of this Act conflict with the provisions of any other Act, pertaining to the Bureau of the Census, the provisions of this Act shall control: *Provided*, That nothing herein shall be deemed to revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

Determination of inquiries, number, etc.

Approved June 19, 1948.

[CHAPTER 503]

AN ACT

June 19, 1948
[S. 612]
[Public Law 672]

To amend section 35 of chapter III of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", as amended, and to repeal section 36 of said chapter III of said Act, as amended, so as to permit certain additional investments.

Life insurance, D. C.
48 Stat. 1153, 1152.
D. C. Code §§ 35-536, 35-535.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 36 of chapter III of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", as amended, is hereby repealed, and that section 35 of said chapter III of said Act, as amended, is amended to read as follows:

"SEC. 35. INVESTMENTS OF FUNDS OF DOMESTIC COMPANIES.—A domestic company shall invest its funds only in—

Government bonds.

"(1) Bonds, notes, or other evidences of indebtedness of the United States, any State, Territory or possession of the United States, the District of Columbia, the Dominion of Canada, any province of the Dominion of Canada, or of any administration, agency, authority, or instrumentality of any of the political units enumerated.

"(2) Bonds, notes, or other evidences of indebtedness guaranteed or insured as to principal and interest by the United States, any State, Territory or possession of the United States, the District of Columbia, the Dominion of Canada, any Province of the Dominion of Canada, or by an administration, agency, authority, or instrumentality of any of the political units enumerated.

Municipal, etc., bonds.

"(3) Bonds, notes, or other evidences of indebtedness issued, guaranteed, or insured as to principal and interest by a city, county, drainage district, road district, school district, tax district, town, township, village or other civil administration, agency, authority, instrumentality or subdivision of a State, Territory or possession of the United States, or the District of Columbia, or of the Dominion of Canada, or any province thereof, provided such obligations are authorized by law and are (a) direct and general obligations of the issuing, guaranteeing, or insuring governmental unit, administration, agency, authority, district, subdivision, or instrumentality; or (b) payable from designated revenues pledged to the payment of the principal and interest thereof.

Bonds of specified agencies, etc.

"(4) Legally authorized bonds, debentures, notes, collateral trust certificates, and other such evidences of indebtedness, and share certificates, which have been or may be issued by (a) the Federal home-loan bank; (b) the Home Owners' Loan Corporation; (c) any Federal savings and loan association; (d) the Reconstruction Finance Corporation; (e) the Federal Farm Loan Board; (f) any Federal land bank; (g) the Federal Intermediate Credit Bank; (h) any housing authority organized under the public housing laws of the District of Columbia or any State of the United States, or in notes, bonds, or loans secured by mortgage or deed of trust insured under the provisions of the National Housing Act, as amended, or guaranteed or insured pursuant to the provisions of title III of an Act of Congress of the United States of June 22, 1944, cited as the 'Servicemen's Readjustment Act of 1944', as heretofore or hereafter amended, or by any entity, corporation, or agency which has been or which may be created by or authorized by any Act which has been enacted, or which may hereafter be enacted by the Congress of the United States, or any amendment thereto, which has for its purpose the relief of, refinancing of, or assistance to owners of mortgaged or encumbered homes, farms, or other real estate.

58 Stat. 291.
38 U. S. C. §§ 694-694j.
Post, p. 1275.

Bonds, etc., secured by first lien on real estate.

"(5) (a) Bonds, notes, or loans secured by first lien on real estate in the United States or Dominion of Canada worth at least 40 per centum more than the amount loaned thereon: *Provided*, That this

limitation shall not apply to any of the classes of securities mentioned in subsection (4) of this section, if guaranteed or insured in whole or in part as therein provided; but nothing in this section shall be deemed to prohibit a company from renewing or extending a loan for the original amount where there has been a shrinkage in the value of such real estate nor to prohibit a company from accepting, as part payment for real estate sold by it, a lien thereon for more than the percentage herein specified of the purchase price of such real estate. For the purpose of this section real estate shall not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, water, or timber rights, rights-of-way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

Unencumbered real estate.

"(b) Bonds, notes, or loans secured by first lien on leasehold estates in improved real property located in the United States or Dominion of Canada, where such real property is unencumbered except by rentals to accrue therefrom to the owner of the fee, and where there is no condition or right of reentry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed, so long as the lessee is not in default, provided the value of such leasehold, with improvements thereon shall be at least 50 per centum more than the amount loaned thereon: *Provided*, That this limitation shall not apply to any of the classes of securities mentioned in subsection (4) of this section, if guaranteed or insured in whole or in part as therein provided. Such loan shall be completely amortized during the unexpired portion of the lease or leasehold estate securing its payment.

Leasehold estates.

"(c) Loans or advances by a company for the purpose of making repairs, alterations, additions, or improvements to homes or other buildings on improved real estate upon which real estate or upon a leasehold estate in said real estate such company then holds a first lien to secure a loan previously made: *Provided*, That no such loan or advance shall be made in a sum in excess of $2,000: *And provided further*, That the amount of such loan or advance when added to the balance due on the original indebtedness shall not exceed the amount originally secured by the first lien.

Loans for repairs, improvements, etc.

Limitation.

"(d) Ground rents in the District of Columbia or any State of the United States: *Provided*, That in the case of unexpired redeemable ground rents the premiums paid, if any, shall be amortized over the period between the date of acquisition and earliest redemption date, or charged off at any time prior to redemption date; and in the case of expired redeemable ground rents the premiums paid, if any, shall be charged off at the time of acquisition. Redeemable ground rents purchased at a discount shall be carried at an amount not greater than the cost of acquisition.

Ground rents.

"(6) Notes, bonds, or equipment trust certificates secured by any transportation equipment leased or sold to a common carrier, domiciled within the United States or the Dominion of Canada, with gross revenues exceeding one million dollars in the fiscal year immediately preceeding purchase, which notes, bonds, or equipment trust certificates provide a right to receive determined rental, purchase or other fixed obligatory payments adequate to retire the obligations within twenty years from date of issue and also provide (a) for the vesting of title to such equipment, free from encumbrance in a corporate trustee or (b) for the creation of a first lien on such equipment, provided at the date of purchase such notes, bonds, or trust certificates are not in default as to principal or interest.

Transportation equipment.

"(7) Bonds and other evidences of indebtedness of any solvent corporation created under the laws of the United States or any State

Bonds of solvent corporations.

Restriction.

thereof, or the District of Columbia, or the Dominion of Canada or any province thereof: *Provided*, That (1) no company shall invest an amount in excess of 2 per centum of its admitted assets in any one issue of such obligations of any one corporation; (2) the net earnings of the issuing corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by such insurance company shall have averaged yearly, and during the last year of said five-year period shall have been not less than one and one-half times its annual fixed charges at the time of the investment, or, if a new issue, as shown by the pro forma statement of the corporation; and (3) there shall have been no defaults in interest thereon, or on any such obligations of such corporation which are of equal or higher priority with those purchased, during the period of five years next preceding the date of acquisition, or, if outstanding for less than five years, at any time since said obligations were issued. The term 'net earnings available for fixed charges', as used herein, shall mean the net income after deducting all operating and maintenance expenses and taxes other than Federal, State, and District of Columbia income taxes, but nonrecurring items of income and expense may be eliminated. The term 'fixed charges' as used herein shall include interest on all of the fixed interest-bearing debt of the corporation outstanding and maturing in more than one year, as of the date of acquisition, and in case of investment in contingent interest obligations, said term shall also include maximum annual contingent interest as of said date. The earnings of all predecessor, merged, consolidated, or purchased companies may be included through the use of consolidated or pro forma statements provided the fixed charges of all such companies are also included.

"Net earnings available for fixed charges."

"Fixed charges."

Bills of exchange.

"(8) Bank certificates of deposit and bankers' acceptances, and other bills of exchange of the kind and maturities made eligible by law for purchase in the open market by Federal Reserve banks.

Preferred stock.

"(9) Preferred stock of any solvent corporation (other than its own) created under the laws of the United States, or of any State thereof, or the District of Columbia, or the Dominion of Canada, or any Province thereof, where such corporation has not failed in any one of the three fiscal years next preceding such investment, to have earned a sum applicable to dividends on such preferred stock equal at least to three times the amount of dividends due in that year, or where in case of issuance of new preferred stock such earnings applicable to dividends are equal to at least three times the amount of pro forma annual dividend requirements after giving effect to such new financing, and where the bonds and other evidences of indebtedness, if any, of such corporation are eligible as investments under the provisions of subsection (7) of this section, and where the total investment in any one issue of such preferred stock of any one corporation does not exceed 1 per centum of the investing company's admitted assets.

Common stocks.

"(10) Common stocks of any solvent corporation (other than its own) created under the laws of the United States, or of any State thereof, or the District of Columbia, or the Dominion of Canada, or any Province thereof, which shall have paid common dividends in cash for not less than five years next preceding the purchase of such stocks, and where the bonds and other evidences of indebtedness, if any, and the preferred stock, if any, of such corporation are eligible as investments under the provisions of subsections (7) and (9), respectively, of this section, and where the total investment in the common stock of any one corporation does not exceed 1 per centum of the investing company's admitted assets."

Loans.

"(11) Loans upon the pledge of any of the securities aforesaid.

"(12) A life-insurance company may also purchase for its own benefit any policy of life insurance or other obligation of the company and claims of the holders thereof, and may lend to the holders of its life-insurance policies sums not exceeding in any case the reserve value of the policy at the time the loan is made, and for the payment of any such loan the policy and all amounts payable thereunder shall be pledged. Purchase of policies.

"(13) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kind of securities in such foreign country that such company is allowed by law to invest in the United States. Company in business in a foreign country.

"(14) A life-insurance company may also acquire, hold, and convey real estate for the purposes and in the manner following: Real estate holdings.

"(a) the building in which it has its principal office and the land on which it stands;

"(b) such as shall be requisite for its convenient accommodation in the transaction of its business;

"(c) such as shall have been acquired for the accommodation of its business;

"(d) such as shall have been conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings;

"(e) such as it shall have purchased at trustee sale or sales on judgments, decrees, or mortgages obtained or made for such debts; and

"(f) such as it may purchase or hold for the production of income. It may improve or otherwise develop in any manner such real estate and the improvements thereon, and may own, maintain, manage, collect, and receive income from, and sell or convey the same. No company shall, in any period of twelve consecutive months, invest in or agree to pay for real estate, including improvements thereon, under the authority of this item (f) an aggregate amount in excess of 2 per centum of its admitted assets as shown in its most recent annual statement; nor shall the total value of real estate and improvements thereon acquired or held by a company for the production of income under the provisions of this item (f) at any time exceed 5 per centum of its said admitted assets. No investment shall be made by any company pursuant to this item (f) if such company then owns real estate having a total value in excess of 10 per centum of its said admitted assets or if such investment will cause such company's aggregate investments in real estate owned by it to exceed 10 per centum of its said admitted assets: *Provided*, That for the purpose of applying said 10 per centum limitation real estate shall include all real estate then owned by the company and such real estate as it may have owned and sold on contract, to the extent of the balance unpaid on such contract of sale; or if the balance unpaid on account of real estate owned and sold by a company is secured by mortgage or other instrument, there shall be included as real estate the amount, if any, by which the balance unpaid exceeds 75 per centum of the value of such real estate. A company may, subject to the limitations and conditions of this item (f), elect to consider property acquired as specified in items (c), (d), and (e) as real estate for the production of income as defined in this item (f). Such election shall be duly authorized and recorded by the board of directors or by a committee thereof charged with the duty of supervising loans or investments. Limitation.

All such real estate specified in items (c), (d), and (e) of this subsection (14), which shall not be necessary for its accommodation in the convenient transaction of its business, and which it has not elected to Sale of property.

hold for the production of income, shall be sold by the company and disposed of within five years after it shall have acquired the title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, unless the company file with the Superintendent an application for extension of time, supported by such evidence as may be required by the Superintendent, establishing to his satisfaction that an extension would be to the advantage of the company and that the interests of the company would be affected adversely by a forced sale thereof, in which event the time for the sale may be extended to such time as the Superintendent shall direct.

Approval of loans or investments.

"No loan or investment, except loans on the security of life-insurance policies, shall be made by any such company, unless the same shall have been authorized or be approved by the board of directors or by a committee thereof charged with the duty of supervising loans or investments.

Restriction on joint underwriting, etc.

"No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property; but the disposition of its assets shall at all times be within the control of the company.

Acceptance of securities, etc.

"Nothing in this Act shall prohibit a company from accepting in good faith, to protect its interests, securities or property, other than herein referred to, in payment of or to secure debts due or to become due the company."

Approved June 19, 1948.

[CHAPTER 504]

AN ACT

June 19, 1948
[S. 692]
[Public Law 673]

To authorize a mileage allowance of 7 cents per mile for United States marshals and their deputies for travel on official business.

U. S. marshals. Mileage allowance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That United States marshals and their deputies shall, under regulations prescribed by the Attorney General and whenever such mode of transportation is authorized or approved as more advantageous to the Government, be paid in lieu of actual expenses of transportation not to exceed 7 cents per mile for use of privately owned automobiles or airplanes when used on official business or when used in necessary travel on official trips.

Reimbursement for tolls, etc.

In addition to the mileage allowance prescribed in this Act, there shall be allowed to United States marshals and their deputies reimbursement for the actual cost of ferry fares and bridge, road, and tunnel tolls.

Approved June 19, 1948.

[CHAPTER 505]

AN ACT

June 19, 1948
[S. 1082]
[Public Law 674]

To credit certain service performed by employees of the postal service who are transferred from one position to another within the service for purposes of determining eligibility for promotion.

Postal service. Credit for certain service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any employee of the postal service who is in a position for which salary grades are provided in the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, and who transfers or is transferred from such position to any other position in the postal service for

59 Stat. 435.
39 U. S. C. §§ 851-876; Supp. I, § 853 *et seq.*
Post, pp. 490, 1108, 1165, 1260.

which salary grades are provided by such Act, shall, for purposes of establishing eligibility for promotion in the position to which he transfers or is transferred, (1) in the case of an employee in a position for which automatic promotions are provided, be credited with all satisfactory service since his last automatic promotion and (2) in the case of an employee in a position for which automatic promotions are not provided, be credited with all satisfactory service, not exceeding one year of such service, performed in such position.

Eligibility for promotion.

SEC. 2. Any such employee shall be eligible for promotion within the salary grades of his new position after completing an amount of service in such position, which when added to the prior service for which credit is provided by the first section of this Act, gives such employee sufficient service for promotion in his new position.

"Employee."

SEC. 3. As used in this Act, the term "employee" includes postmasters, officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the postal service for whom salary grades are provided in the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945.

59 Stat. 435.
39 U. S. C. §§ 851-876; Supp. I, § 853 *et seq.*
Post, pp. 490, 1108, 1165, 1260.

Transfer from one position to another.

SEC. 4. This Act shall be applicable in determining eligibility for promotion of any employee who has been transferred from one position of the postal service to another prior to the date of enactment of this Act and who has not received a promotion in his new position since such transfer, except that no employee shall be promoted because of such application prior to the first day of the first quarter which begins after the date of enactment of this Act.

Dual capacity.

SEC. 5. The rate of compensation of any employee in the postal service whose services are utilized in a dual capacity shall not be reduced as a result of employment in such capacity: *Provided*, That this section shall not apply to the rural delivery service.

Nonapplicability.

SEC. 6. The provisions of sections 1, 2, 3, and 4 of this Act shall not apply to employees who transfer or are transferred to the position of post-office inspector or to the position of railway postal clerk.

Approved June 19, 1948.

[CHAPTER 506]

AN ACT

To amend the Act entitled "An Act to provide for the training of officers for the naval service, and for other purposes", approved August 13, 1946, as amended.

June 19, 1948
[S. 1214]
[Public Law 675]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the training of officers for the naval service, and for other purposes", approved August 13, 1946 (60 Stat. 1057), as amended, is hereby further amended as follows:

Navy.
Officer training.

(a) In clause (b) of section 2 after the word "Navy" insert the following: ", or his designated representative".

34 U. S. C. § 1020a (b).

(b) Amend the first sentence of the first proviso of section 4 to read as follows: "*Provided*, That such benefits and retainer pay shall commence to accrue on the day each midshipman or apprentice seaman commences his first term of college work under the provisions of this Act and that such benefits and retainer pay may be received by midshipmen appointed pursuant to paragraph (a) of section 3 for a period not exceeding four academic years."

34 U. S. C., Supp. I, § 1020c.
Benefits and retainer pay.
34 U. S. C., Supp. I, § 1020b (a).

(c) Amend section 8 to read as follows:

34 U. S. C., Supp. I, § 1020g.
Selection of officers for retention.

"SEC. 8. The Secretary of the Navy shall during the second quarter of each calendar year cause to be examined (a) the records of all ensigns of the line of the Navy and second lieutenants of the Marine

Corps commissioned pursuant to paragraph 2 of subsection (a) of section 6 who apply prior to April 1 of that calendar year or prior to the first anniversary of the acceptance of their commissions, whichever is earlier, for retention in the Regular service as permanent officers and who in the then current calendar year will reach the first anniversary of the date of acceptance of their appointment as ensigns in the Navy or second lieutenants in the Marine Corps, selecting from among such officers the number he may determine necessary for retention, and (b) the records of all other officers appointed pursuant to this Act who apply prior to April 1 of the third calendar year following that in which they accepted their commissions or prior to the third anniversary of the acceptance of their commissions, whichever is earlier, for retention in the Regular service as permanent officers and who in the then current calendar year will reach the third anniversary of the date of acceptance of their appointment as ensigns in the Navy or second lieutenants in the Marine Corps, selecting from among such officers the number that he may determine necessary for retention."

60 Stat. 1060.
34 U. S. C., Supp. I, § 1020b.

(d) Amend section 9 to read as follows:

Termination of commission.
34 U. S. C., Supp. I, § 1020e (a).

"SEC. 9. (a) The commission of each officer commissioned pursuant to paragraph 2 of subsection (a) of section 6 who, prior to April 1 of the calendar year following that in which he accepted his commission or prior to the first anniversary of the acceptance of his commission, whichever is earlier, shall not have applied for retention in the Regular service, shall be terminated not later than the first anniversary of his acceptance of his commission, and the commission of each such officer who applies for retention as a permanent officer within the time limits prescribed by this subsection, but who is not selected for retention under clause (a) of section 8 shall be terminated not later than June 30 of the appropriate calendar year or the first anniversary of his acceptance of his commission, whichever is the later date. Upon termination of commission, each such officer who thereupon accepts appointment to commissioned rank in the Naval or Marine Corps Reserve may apply for and receive retainer pay at the rate of $100 for each calendar month or part thereof during which, while an officer of the Naval or Marine Corps Reserve, he pursues full-time instruction in an accredited college or university but not to exceed a total of $2,000, such instruction to commence not later than a date to be determined by the Secretary of the Navy; in addition, each such officer shall be entitled to the benefits provided for him by section 10 of this Act.

Ante, p. 485.

Appointment to commissioned rank in Reserve.

34 U. S. C., Supp. I, § 1020i.

"(b) The commission of each officer commissioned pursuant to paragraph 1 of subsection (a) of section 6 and pursuant to subsection (b) of section 6 who, prior to April 1 of the third calendar year following that in which he accepted his commission or prior to the third anniversary of the acceptance of his commission, whichever is earlier, shall not have applied for retention in the Regular service, shall be terminated not later than the third anniversary of his acceptance of his commission, and the commission of each such officer who applies for retention as a permanent officer within the time limits prescribed by this subsection, but who is not selected for retention under clause (b) of section 8 shall be terminated not later than June 30 of the appropriate calendar year or the third anniversary of his acceptance of his commission, whichever is the later date. Upon termination of commission, each such officer may be commissioned in the Naval or Marine Corps Reserve in the grade of lieutenant (junior grade) or first lieutenant, as the case may be (if in a staff corps, with the grade of lieutenant (junior grade)), and to rank from a date three years after the date of rank stated in his original commission in the Regular Navy or Regular Marine Corps."

34 U. S. C. § 1020e; Supp. I, § 1020e.

Supra.

Reserve commission in grade of lieutenant (jg), etc.

Approved June 19, 1948.

[CHAPTER 507]

AN ACT

To amend sections 1301 and 1303 of the Code of Law for the District of Columbia, relating to liability for causing death by wrongful act.

June 19, 1948
[S. 1265]
[Public Law 676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1301 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, is amended to read as follows:

D. C. Code, amendments.

31 Stat. 1394.
D. C. Code § 16-1201.
Death by wrongful act, etc.

"SEC. 1301. LIABILITY.—Whenever by an injury done or happening within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default, of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony; and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the spouse and next of kin of such deceased person; and shall also include the reasonable expenses of last illness and burial: *Provided*, That if there be a surviving spouse the jury shall allocate the portion of its verdict payable to the spouse and next of kin, respectively, according to the finding of damage to said spouse and next of kin: *Provided further*, That if in a particular case the verdict is deemed excessive the trial justice or the United States Court of Appeals for the District of Columbia, on appeal of the cause, may order a reduction of the verdict: *And provided further*, That no action shall be maintained under this chapter in any case when the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

Surviving spouse and next of kin.

Recovery of damages during life of party.

SEC. 2. Section 1303 of such Act is amended to read as follows:

31 Stat. 1395.
D. C. Code § 16-1203.

"SEC. 1303. DISTRIBUTION OF DAMAGES.—The damages recovered in such action, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family and be distributed to the spouse and next of kin according to the allocation made by the verdict or judgment, or in the absence of such allocation, according to the provisions of the statute of distribution in force in said District of Columbia."

Approved June 19, 1948.

[CHAPTER 508]

AN ACT

To amend sections 235 and 327 of the Code of Laws for the District of Columbia.

June 19, 1948
[S. 1442]
[Public Law 677]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 235 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is hereby amended to read as follows:

31 Stat. 1227.
D. C. Code § 12-101.

"SEC. 235. On the death of any person in whose favor or against whom a right of action may have accrued for any cause prior to his death, said right of action shall survive in favor of or against the legal representative of the deceased: *Provided, however*, That in tort

Survival of right of action.

Tort actions.

actions, the said right of action shall be limited to damages for physical injury except for pain and suffering resulting therefrom."

31 Stat. 1241. D. C. Code § 20-501.

SEC. 2. Section 327 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is hereby amended to read as follows:

Suits by and against executors and administrators.

"SEC. 327. Executors and administrators shall have full power and authority to commence and prosecute any personal action at law or in equity which the testator or intestate might have commenced and prosecuted: *Provided, however*, That in tort actions, the said right of action shall be limited to damages for personal injury except for pain and suffering resulting therefrom; and they shall also be liable to be sued in the District Court of the United States for the District of Columbia in any action at law or in equity, except as aforesaid, which might have been maintained against the deceased; and they shall be entitled to or answerable for costs in the same manner as the deceased would have been, and shall be allowed for the same in their accounts, unless it shall appear that there were not probable grounds for instituting or defending the suits in which judgments or decrees shall have been given against them."

Tort actions.

Approved June 19, 1948.

[CHAPTER 509]

AN ACT

June 19, 1948
[S. 1470]
[Public Law 678]

To amend the Act entitled "An Act to make provision for the care and treatment of members of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and Citizens' Military Training Camps who are injured or contract diseases while engaged in military training, and for other purposes", approved June 15, 1936, as amended, and for other purposes.

National Guard, etc.
Care of sick or injured.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to make provision for the care and treatment of members of the National Guard, Organized Reserve, Reserve Officers' Training Corps, and Citizens' Military Training Camps who are injured or contract disease while engaged in military training, and for other purposes", approved June 15, 1936 (49 Stat. 1507), as amended (Act July 15, 1939, 53 Stat. 1042; sec. 5, Act October 14, 1940, 54 Stat. 1137; 32 U. S. C. 164d; 10 U. S. C. 455e), is amended by adding at the end thereof the following new section:

"In time of peace."

"SEC. 2. As used in this Act, the term 'in time of peace' shall include that period after September 2, 1945 (the date of formal surrender by Japan), which is prior to the first day on which the United States is, by action of the Congress, or the President, or both, no longer engaged in any war in which the United States is engaged on the date of enactment of this section.

Applicability to Air Force.

"SEC. 3. The foregoing amendment shall be applicable to the Department of the Air Force to the same extent as if enacted prior to the passage of the National Security Act of 1947."

61 Stat. 495. 5 U. S. C., Supp. I, § 171 note.

Approved June 19, 1948.

[CHAPTER 510]

AN ACT

June 19, 1948
[S. 1747]
[Public Law 679]

To authorize credit in certain accounts of United States property and disbursing officers under the War Department, and for other purposes.

Property and disbursing officers.
39 Stat. 166.
10 U. S. C. § 2 *et seq.*
Ante, p. 87.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments made prior to July 1, 1942, out of moneys appropriated under the provisions of the National Defense Act, for the support of the National Guard

of the several States, Territories, and the District of Columbia which now stand disallowed or would hereafter be disallowed, but for this Act, by reason of lack of adequate or correct supporting vouchers and documents, are hereby ratified and validated as to the United States property and disbursing officers making the same, in such amounts only as are found and determined by the Comptroller General of the United States to be without substantial evidence of fraud or criminality or of timely knowledge of such fraud or criminality on the part of the United States property and disbursing officer involved and to have been actually expended in good faith or under bona fide contract (1) for services which in fact have been rendered or (2) for facilities which in fact have been furnished to the United States and its agencies including the National Guard; all items so found shall be passed to credit in the accounts of the property and disbursing officers involved, and any settlement based thereon shall not be reopened as against any such officer in the absence of new evidence of fraud or criminality: *Provided*, That nothing herein shall be construed to prohibit recovery from any payee of public moneys illegally or erroneously paid to such payee or to preclude the recovery from any such property and disbursing officer or his surety of any balance found due the Government under a settlement made as herein provided.

Approved June 19, 1948.

[CHAPTER 511]

AN ACT

June 19, 1948
[S. 1783]
[Public Law 680]

To provide for retention in the service of certain disabled Army and Air Force personnel, and for other purposes.

Disabled officers, Army and Air Force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the President is authorized and directed to retain in service disabled officers, warrant officers, and flight officers of the Army and the Air Force of the United States until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service.

Approved June 19, 1948.

[CHAPTER 512]

AN ACT

June 19, 1948
[S. 1790]
[Public Law 681]

To amend the Act of Congress entitled "An Act to credit certain service performed by members of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service prior to reaching eighteen years of age for the purpose of computing longevity pay, or for other pay purposes", approved March 6, 1946.

Army, Air Force, etc.
Service credit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to credit certain service performed by members of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service prior to reaching eighteen years of age for the purpose of computing longevity pay, or for other pay purposes", approved March 6, 1946 (Public Law 309, Seventy-ninth Congress), is amended by inserting immediately following "Army," the words "Air Force,".

60 Stat. 32.
37 U. S. C. § 103b and note.

(b) Section 2 of such Act is amended to read as follows: "The provisions of this Act shall be effective from June 1, 1942."

Effective date.

Approved June 19, 1948.

[CHAPTER 513]

AN ACT

June 19, 1948
[S. 1791]
[Public Law 682]

To transfer certain lands at Camp Phillips, Kansas, to the Department of the Army.

Camp Phillips, Kans.
Transfer of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all land owned by the United States in section 7, township 15 south, range 3 west of the sixth principal base and meridian, containing approximately six hundred and forty acres, together with the buildings, improvements, and facilities located thereon, which comprised the hospital area at Camp Phillips, Kansas, and now under the control and jurisdiction of the Veterans' Administration, is hereby transferred, without reimbursement of funds, to the jurisdiction of the Department of the Army.

Approved June 19, 1948.

[CHAPTER 514]

AN ACT

June 19, 1948
[S. 1795]
[Public Law 683]

To repeal section 1 of the Act of April 20, 1874, prescribing regulations governing inquiries to be made in connection with disbursements made by disbursing officers of the Army (18 Stat. 33; 10 U. S. C. 174).

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of April 20, 1874 (18 Stat. 33; 10 U. S. C. 174), is hereby repealed.

Approved June 19, 1948.

[CHAPTER 515]

AN ACT

June 19, 1948
[S. 1861]
[Public Law 684]

To amend the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, so as to provide promotions for temporary employees of the custodial service.

Postal service.
Salary of employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (l) of section 14 of the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, as amended, is amended to read as follows:

59 Stat. 450.
39 U. S. C. § 864 (l).

Temporary employees, custodial service.

"(l) Temporary employees in the custodial service paid on an annual basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the quarter following the completion of one year's satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position; and temporary employees in the custodial service paid on an hourly basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the quarter following the completion of twelve months' satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position: *Provided*, That no temporary employee shall be paid at a rate higher than that provided herein for the highest automatic grade of the position in which he is employed: *Provided further*, That when a temporary employee is appointed to a regular position in the custodial service, the employee shall be assigned to a salary grade corresponding to his salary as a temporary employee at the time of such appointment. Any fractional part of a year's

Limitation on salary.

Appointment to regular position.

Fractional year.

temporary service accumulated since the last compensation increase as a temporary shall be included with the regular service of a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position."

Credit of temporary service.

SEC. 2. Any period of continuous satisfactory service as a temporary employee in the custodial service performed by any such temporary employee prior to the effective date of this Act shall be creditable for a promotion to the rates of pay of grade 2 of the position in which such temporary employee is employed.

Effective date.

SEC. 3. This Act shall become effective at the beginning of the quarter following the date of enactment.

Approved June 19, 1948.

[CHAPTER 516]

AN ACT

To restore certain lands to the town site of Wadsworth, Nevada.

June 19, 1948
[S. 1871]
[Public Law 685]

Wadsworth, Nev.
Restoration of certain land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those portions of the town site of Wadsworth, Washoe County, Nevada, which were added to the Pyramid Lake Indian Reservation by order of the Acting Secretary of the Interior, dated January 12, 1939, are hereby restored to and made a part of such town site. All proceeds from the disposition of lots within the lands restored to the town site of Wadsworth by this Act, which may be sold at a price of not less than $25 per lot, provided such sale be approved by the Pyramid Lake Paiute Tribal Council, shall be deposited in the Treasury of the United States to the credit of the Pyramid Lake Paiute Tribe of Indians of the Pyramid Lake Indian Reservation, Nevada.

Approved June 19, 1948.

[CHAPTER 517]

AN ACT

To convey certain land to the city of Pierre, South Dakota.

June 19, 1948
[S. 1925]
[Public Law 686]

Pierre, S. Dak.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the city of Pierre, South Dakota, all of the rights, title, and interest of the United States in and to the land described as all of blocks 1, 2, 3, and 4, Yaple's addition to the town, now city of Pierre, and lots 5 to 12 of block 23 and all of block 34, Ash's second addition to the town, now city of Pierre, South Dakota.

Approved June 19, 1948.

[CHAPTER 518]

AN ACT

To increase the maximum travel allowance for railway postal clerks and substitute railway postal clerks.

June 19, 1948
[S. 2152]
[Public Law 687]

Railway postal clerks.
Travel allowance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (m) and (r) of section 16 of the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, as amended, are amended by striking out "$4 per day" and inserting in lieu thereof "$6 per day".

59 Stat. 454, 455.
39 U. S. C. § 866 (m), (r).

Approved June 19, 1948.

[CHAPTER 519]

June 19, 1948
[S. 2251]
[Public Law 688]

AN ACT

To authorize the Army and Navy Union, United States of America, Department of Illinois, to construct a recreational park on the grounds of the United States naval hospital, United States naval training center, Great Lakes, Illinois.

Great Lakes, Ill., naval hospital. Construction of recreational park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to permit the Army and Navy Union, United States of America, Department of Illinois, to construct a recreational park on the grounds of the United States naval hospital, United States naval training center, Great Lakes, Illinois, for the convenience and pleasure of the patients of that hospital.

Approval of site.

SEC. 2. The site of the recreational park and its construction shall be subject to the approval of the Secretary of the Navy. The construction of the recreational park and all work performed in connection therewith shall be without cost to the United States.

Unconditional gift to U. S.

SEC. 3. Upon completion of the recreational park the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the Army and Navy Union, United States of America, Department of Illinois.

Approved June 19, 1948.

[CHAPTER 520]

June 19, 1948
[S. 2288]
[Public Law 689]

AN ACT

To amend the Lanham Act so as to permit the sale of certain permanent war housing thereunder to veterans at a purchase price not in excess of the cost of construction.

Defense housing. Sale to veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That whenever the Administrator disposes of any permanent house or structure containing not more than four family dwelling units under authority of this Act by offering such house or structure for sale on an individual basis, he shall, when the purchaser is a veteran buying for his own occupancy, sell any such house or structure (1) at a purchase price not in excess of the apportioned cost of such house or structure and of the land and appurtenances allocated thereto, together with the apportioned share of the cost of all utilities and other facilities provided for and common to the project of which such house or structure is a part, or (2) at a purchase price not in excess of such considered full market value of such house or structure and the land, appurtenances, utilities and facilities allocated thereto, whichever purchase price is the less."

56 Stat. 12.
42 U. S. C. § 1524; Supp. I, § 1524 note.
Post, p. 1064.

Approved June 19, 1948.

[CHAPTER 521]

June 19, 1948
[S. 2400]
[Public Law 690]

AN ACT

To authorize the President, in his discretion, to permit the stoppage of work on certain combatant vessels.

Combatant vessels. Stoppage of work.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of title III of the Second Supplemental Surplus Appropriation Rescission Act, 1946, under the heading "Increase and replacement of naval vessels" (60 Stat. 227), in the discretion of the President shall not

apply to the following vessels: Kentucky (BB66), Hawaii (CB3), Wagner (DE539), Vandiver (DE540), Castle (DD720), Woodrow R. Thompson (DD721), Lansdale (DD766), Seymour D. Owens (DD767), Hoel (DD768), Abner Read (DD769), Seaman (DD791), Unicorn (SS436), and Walrus (SS437).

Approved June 19, 1948.

[CHAPTER 522]

AN ACT

To amend the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940, as amended.

June 19, 1948
[S. 2406]
[Public Law 691]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940 (54 Stat. 739), as amended, is amended to read as follows:

Motor-vehicle liens, D. C.

D. C. Code, Supp. VI, § 40-712.

"SEC. 12. The fee for recording liens or assignments of liens upon a certificate shall be the sum of $1 for each lien or assignment of lien on each motor vehicle or trailer contained in the instrument, which fee shall include the charge for recording the release of such lien."

Fee for recording liens.

SEC. 2. Notwithstanding the provisions of section 12 of the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940, as amended by the first section of this Act, there shall be a fee of 50 cents for recording the release of a lien which is recorded under the provisions of such Act of July 2, 1940, as amended, prior to the date of enactment of this Act and no assignment of which is recorded under the provisions of such Act of July 2, 1940, as amended, after the date of enactment of this Act.

Fee for recording release of liens.

Approved June 19, 1948.

[CHAPTER 523]

AN ACT

To amend the Civil Aeronautics Act of 1938, as amended, to make further provision for the recording of title to, interests in, and encumbrances upon certain aircraft, and for other purposes.

June 19, 1948
[S. 2454]
[Public Law 692]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973; U. S. C., title 49, sec. 401), is amended by changing the number of paragraph (31) to (32), and by inserting, immediately following paragraph (30), the following new paragraph (31):

Civil Aeronautics Act of 1938, amendment.

"(31) 'Spare parts' means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto."

"Spare parts."

SEC. 2. Paragraph (17) of section 1 of such Act is amended to read as follows:

52 Stat. 978. 49 U. S. C. § 401 (17).

"(17) 'Conditional sale' means (a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all

"Conditional sale."

of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given."

52 Stat. 1006.

SEC. 3. Section 503 of such Act (U. S. C., title 49, sec. 523) is amended to read as follows:

Establishment of recording system.

"SEC. 503. (a) The Administrator shall establish and maintain a system for the recording of each and all of the following:

"(1) Any conveyance which affects the title to, or any interest in, any civil aircraft of the United States;

"(2) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower, and also any assignment or amendment thereof or supplement thereto;

"(3) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of this Act for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof; and also any assignment or amendment thereof or supplement thereto.

52 Stat. 1010.
49 U. S. C. § 554 (b).

Recording of release, etc.

"(b) The Administrator shall also record under the system provided for in subsection (a) of this section any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under said system.

Validity of conveyance.
Supra.

"(c) No conveyance the recording of which is provided for by section 503 (a) (1) made on or after August 22, 1938, and no instrument the recording of which is provided for by section 503 (a) (2) or section 503 (a) (3) made on or after the effective date of this section, shall be valid in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts against any person other than the person by whom the conveyance or other instrument is made or given, his heir or devisee, or any person having actual notice thereof, until such conveyance or other instrument is filed for recordation in the office of the Administrator. For the purposes of this subsection (c), such conveyance or other instrument shall take effect from the time and date of its filing for recordation, and not from the time and date of its execution.

Effective date of conveyance.

"(d) Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of this section shall from the time of its filing for recordation be valid as to all persons without further or other recordation, except that an instrument recorded pursuant to section 503 (a) (3) shall be effective only with respect to those of such items which may from time to time be

Supra.

situated at the designated location or locations and only while so situated: *Provided*, That an instrument recorded under section 503 (a) (2) shall not be affected as to the engine or engines specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to section 503 (a) (3).

"(e) No conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgement of deeds. Acknowledgment before notary public.

"(f) The Administrator shall keep a record of the time and date of the filing of conveyances and other instruments with him and of the time and date of recordation thereof. He shall record conveyances and other instruments filed with him in the order of their reception, in files to be kept for that purpose, and indexed according to— Index of conveyances.

"(1) the identifying description of the aircraft or aircraft engine, or in the case of an instrument referred to in section 503 (a) (3), the location or locations specified therein; and

"(2) the names of the parties to the conveyance or other instrument.

"(g) The Administrator is authorized to provide by regulation for the endorsement upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, the recording of discharges and satisfactions of recorded instruments, and other transactions affecting title to or interest in aircraft, aircraft engines, propellers, appliances, or parts, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of the United States, aircraft engines, propellers, appliances, or parts. Regulations.

"(h) The person applying for the issuance or renewal of an airworthiness certificate for an aircraft with respect to which there has been no recordation of ownership as provided in this section shall present with his application such information with respect to the ownership of the aircraft as the Administrator shall deem necessary to show the persons who are holders of property interests in such aircraft and the nature and extent of such interests." Unrecorded ownership.

Approved June 19, 1948.

[CHAPTER 524]

AN ACT

June 19, 1948
[S. 2592]
[Public Law 693]

To authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to return certain lands situated in Puerto Rico, in accordance with the terms of the conveyances to the United States Government, and final judgments in certain condemnation proceedings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are individually authorized, in accordance with the express provisions of the conveyances to the United States Government or the final judgments in condemnation proceedings filed at the request of the Secretary of the Army in the Federal District Court for Puerto Rico, to convey all or any part of the land in Puerto Rico, which was acquired for national defense purposes, when such land or part thereof is no longer required for such purposes. The improvements constructed by the Departments of the Army, Navy, or Air Force, upon Puerto Rico. Return of land acquired for national-defense purposes. Disposal of improvements.

such property will be disposed of by the Secretaries of the Army, Navy, or Air Force prior to the time such property is conveyed, in accordance with the best interests of the United States Government: *Provided*, That no such property shall be conveyed or otherwise disposed of without the prior joint approval thereof of the Secretaries of the Army, Navy, Air Force, and Treasury.

Approval of Secretaries.

Approved June 19, 1948.

[CHAPTER 525]

AN ACT

June 19, 1948
[S. 2643]
[Public Law 694]

To amend the Act entitled "An Act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens", approved June 30, 1939.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens", approved June 30, 1939, is amended by inserting after the word "institution" a comma and the following: "and any agency of the United States or the District of Columbia,".

Hospitals, D. C.
Lien for moneys due.

53 Stat. 990.
D. C. Code § 38-301.

D. C. Code § 38-303.

SEC. 2. Section 3 of such Act is amended by inserting after the word "institution" a comma and the following: "and any agency of the United States or the District of Columbia,".

D. C. Code § 38-304.

SEC. 3. Section 4 of such Act is amended by inserting after the word "body" a comma and the following: "and of any agency of the United States or the District of Columbia,".

D. C. Code § 38-305.

SEC. 4. Section 5 of such Act is amended by inserting after the word "institution" the words "or agency".

Approved June 19, 1948.

[CHAPTER 526]

AN ACT

For the extension of admiralty jurisdiction

June 19, 1948
[H. R. 238]
[Public Law 695]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the admiralty and maritime jurisdiction of the United States shall extend to and include all cases of damage or injury, to person or property, caused by a vessel on navigable water, notwithstanding that such damage or injury be done or consummated on land.

Admiralty jurisdiction.
Extension.

In any such case suit may be brought in rem or in personam according to the principles of law and the rules of practice obtaining in cases where the injury or damage has been done and consummated on navigable water: *Provided*, That as to any suit against the United States for damage or injury done or consummated on land by a vessel on navigable waters, the Public Vessels Act or Suits in Admiralty Act, as appropriate, shall constitute the exclusive remedy for all causes of action arising after the date of the passage of this Act and for all causes of action where suit has not been hitherto filed under the Federal Tort Claims Act: *Provided further*, That no suit shall be filed against the United States until there shall have expired a period of six months after the claim has been presented in writing to the Federal agency owning or operating the vessel causing the injury or damage.

43 Stat. 1112; 41 Stat. 525.
46 U. S. C. §§ 781–790, 741–752.

60 Stat. 842.
28 U. S. C. §§ 921, 922, 931–934, 941–945.
Post, p. 1008.

Approved June 19, 1948.

[CHAPTER 527]

AN ACT

June 19, 1948
[H. R. 2273]
[Public Law 696]

To amend the Act of May 29, 1944, providing for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act approved May 29, 1944, to provide for the recognition of the services of civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal is amended to read as follows:

Panama Canal.
Recognition of civilian services.
58 Stat. 259.
48 U. S. C. § 1373d.

"SEC. 5. No person who has been or shall hereafter be awarded an annuity under the provisions of this Act shall be denied an annuity to which he may otherwise be entitled under the provisions of any law providing for a contributory system of retirement for civilian officials and employees of the United States or the District of Columbia Government: *Provided*, That in computing the annuity under such contributory system of retirement of any person receiving an annuity under this Act, no special additional benefit shall be granted for service performed during the construction of the Panama Canal."

Annuities.

SEC. 2. This Act shall be effective from and after May 29, 1944.

Effective date.

Approved June 19, 1948.

[CHAPTER 528]

AN ACT

June 19, 1948
[H. R. 2721]
[Public Law 697]

To amend the Act of March 10, 1934, entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", as amended by the Act approved August 14, 1946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 10, 1934 (48 Stat. 401), as amended by the Act approved August 14, 1946 (Public Law 732, Seventy-ninth Congress), is hereby amended to include the following new section:

Conservation of wildlife.

60 Stat. 1080.
16 U. S. C. §§ 661-666c.

"SEC. 5A. In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is hereby directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year."

Approved June 19, 1948.

[CHAPTER 529]

AN ACT

June 19, 1948
[H. R. 3402]
[Public Law 698]

To extend the authorized maturity date of certain bridge revenue bonds to be issued in connection with the refunding of the acquisition cost of the bridge across the Missouri River at Rulo, Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 (e) of the Act, as it relates to the bridge across the Missouri River at Rulo, Nebraska, entitled "An Act to authorize

Missouri River bridge at Rulo, Nebr.
Revenue bonds.

the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States", approved March 4, 1933, is amended by striking out "twenty years" and inserting in lieu thereof "thirty years"; and the second sentence of section 5 (e) of said Act is amended by striking out the language "or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management".

47 Stat. 1555.

Approved June 19, 1948.

[CHAPTER 530]

AN ACT

June 19, 1948
[H. R. 3433]
[Public Law 699]

To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes.

Fire Department, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, as amended (D. C. Code, 1940 edition, section 4–404), is amended to read as follows:

34 Stat. 314.

Composition.

"SEC. 3. That the Fire Department of the District of Columbia shall be composed of and operated upon a two-platoon system and the personnel thereof shall consist of one chief engineer; such number of deputy chief engineers (all of whom shall have had at least five years' experience in some regularly organized municipal fire department) and battalion chief engineers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; and such number of assistant superintendents of machinery, pilots, marine engineers, assistant marine engineers, marine firemen, privates of class six, privates of class five, privates of class four, privates of class three, privates of class two, privates of class one, hostlers, and laborers as said Commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the chief engineer of the Fire Department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by said District who at the time shall not be engaged in a more emergent veterinary service for said District: *Provided further*, That the police surgeons of said District are required to attend, without charge, the members of the Fire Department of said District, and examine all applicants for appointment to, promotion in, and retirement, from said Fire Department."

Veterinary surgeons.

Police surgeons.

Establishment of workweek.

SEC. 2. (a) The Commissioners of the District of Columbia are authorized and directed to (1) establish a workweek of not more than seventy hours for officers and members of the Fire Department of the District of Columbia on night-platoon duty and of not more than fifty hours for such officers and members on day-platoon duty, and (2) require that the hours of work in each such workweek be performed within a period of five of any seven consecutive days. The two days off duty in each seven-day period to which each officer and member of

Off-duty period.

the Fire Department is entitled under this subsection shall be in addition to his annual leave and sick leave allowed by law.

(b) Notwithstanding the provisions of subsection (a), whenever the Commissioners declare that an emergency exists of such a character as to necessitate the continuous service of all officers and members of the Fire Department, it shall be the duty of the chief engineer of the Fire Department to suspend and discontinue the granting of such two days off in seven during the continuation of such emergency. Declaration of emergency.

SEC. 3. This Act shall take effect one hundred and eighty days after funds have been appropriated and made available for the additional personnel necessary to carry out the purposes of this Act. Effective date.

Approved June 19, 1948.

[CHAPTER 531]

AN ACT

June 19, 1948
[H. R. 3883]
[Public Law 700]

To authorize and direct the Secretary of the Army to transfer to the Territory of Alaska the title to the Army vessel Hygiene.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to transfer to the Territory of Alaska the title of the United States to a certain Army vessel, known as the Hygiene, listed in the records of the Department of the Army as Army vessel FS–35, and which the Department of the Army has heretofore made available on a temporary basis for use by the Alaska Territorial Health Service. The transfer of said vessel shall be without charge to the Territory of Alaska. Army vessel Hygiene.

Approved June 19, 1948.

[CHAPTER 532]

AN ACT

June 19, 1948
[H. R. 3915]
[Public Law 701]

To increase the size of the Arkansas-Mississippi Bridge Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 7 of the Act entitled "An Act creating the Arkansas-Mississippi Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, and for other purposes", approved May 17, 1939 (53 Stat. 747), as amended, is hereby amended to provide that "Federal Works Administrator" shall be substituted for "Secretary of Agriculture" wherever the latter term appears in said paragraph and that the membership of the Commission created by section 7 of said Act shall be increased to eighteen by the appointment of twelve additional members, six of said additional members to be residents and citizens of the State of Mississippi, and the other six to be residents and citizens of the State of Arkansas. Arkansas-Mississippi Bridge Commission. Increase in membership. 53 Stat. 750.

SEC. 2. The times for commencing and completing the construction of such bridge are hereby further extended one and three years, respectively, from the date of the enactment of this Act. Time extension.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved. Rights reserved.

Approved June 19, 1948.

[CHAPTER 533]

AN ACT

June 19, 1948
[H. R. 4244]
[Public Law 702]

To authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of the nature of their service-connected disabilities.

Disabled veterans. Specially adapted housing.
48 Stat. 8.
38 U. S. C. § 701; Supp. I, § 701 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, title I, Public Law Numbered 2, Seventy-third Congress, approved March 20, 1933, as amended, is hereby amended by adding at the end thereof a new subsection known as subsection (g) and to read as follows:

"(g) Any person who served in the active military or naval service of the United States who is entitled to compensation under the provisions of Veterans Regulation Numbered 1 (a), as amended, for permanent and total service-connected disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body shall be entitled to assistance in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the person's disability, and necessary land therefor, subject to the provisions and limitations of Veterans Regulation Numbered 1 (a), as amended, part IX."

38 U. S. C. note foll. § 739; Supp I, note foll. § 733.

38 U. S. C. note foll. § 739; Supp. I, note foll. § 733.

SEC. 2. Veterans Regulation Numbered 1 (a), as amended, is hereby amended by adding at the end thereof a new part to be known as part IX and to read as follows:

"PART IX

Eligibility for housing with special fixtures.

"1. The Administrator of Veterans' Affairs is authorized, under such regulations as he may prescribe, to assist any person (hereinafter referred to as 'veteran') who served in the active military or naval service of the United States, who is entitled to compensation under the provisions of this regulation for permanent and total service-connected disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor: *Provided*, That the regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (a) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (b) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (c) that the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

Limitations.

"2. The assistance authorized by paragraph 1 shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran, but shall not exceed $10,000 in any one case—

"(a) where the veteran elects to construct a housing unit on land to be acquired by him, the Administrator shall pay not to exceed 50 per centum of the total cost to the veteran of (1) the housing unit and (2) the necessary land upon which it is to be situated;

"(b) where the veteran elects to construct a housing unit on land acquired by him prior to application for assistance under this part, the Administrator shall pay not to exceed the smaller of the following sums: (1) 50 per centum of the total cost to the veteran of the housing unit and the land necessary for such housing unit, or (2) 50 per centum of the cost to the veteran of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;

"(c) where the veteran elects to remodel a dwelling, which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this part, the Administrator shall pay not to exceed the total of (1) 50 per centum of the cost to the veteran of such remodeling, plus (2) the smaller of the following sums: (A) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and

"(d) where the veteran has acquired a suitable housing unit, the Administrator shall pay not to exceed the smaller of the following sums: (1) 50 per centum of the cost to the veteran of such housing unit and the necessary land upon which it is situated, or (2) the full amount of the unpaid balance, if any, of the cost to the veteran of such housing unit and the necessary land upon which it is situated.

"3. The Administrator of Veterans' Affairs is authorized to furnish to veterans eligible for assistance under this part, without cost to the veterans, model plans and specifications of suitable housing units.

Model plans and specifications.

"4. Any person who accepts the benefits of this part shall not by reason thereof be denied the benefits of title III of the Servicemen's Readjustment Act of 1944, as amended.

58 Stat. 291. 38 U. S. C. §§ 694–694j; Supp. I, §§ 694, 694h notes. *Post*, p. 1275.

"5. The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, acquired under the provisions of this part."

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

Appropriation authorized.

Approved June 19, 1948.

[CHAPTER 534]

AN ACT

To authorize the conveyance by the Secretary of the Interior to the Richmond, Fredericksburg and Potomac Railroad Company, of certain lands lying in the bed of Roaches Run, Arlington County, Virginia, and for other purposes.

June 19, 1948
[H. R. 4455]
[Public Law 703]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to grant and convey to the Richmond, Fredericksburg and Potomac Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Virginia, its successors or assigns, all of its right, title, and interest to a tract of land comprising five and thirty-three hundredths acres, located in Roaches Run, Arlington County, Virginia, more particularly described as follows:

Richmond, Fredericksburg and Potomac Railroad Co. Conveyance.

Beginning at the point where the 1863 high-tide line intersects the southeasterly line of the Richmond, Fredericksburg and Potomac Railroad industrial right-of-way, said point being also on the easterly line of the property formerly belonging to Mary E. Cullinane, now Richmond, Fredericksburg and Potomac Railroad; thence, along said line of said industrial right-of-way by a curve to the right with a radius of eighteen hundred and sixty feet, an arc distance of fifty and fifty-three one-hundredths feet (the chord of which bears north forty-five degrees fifty-nine minutes twenty-seven seconds east fifty and fifty-two one-hundredths feet); thence, following along the line of property belonging to the Richmond, Fredericksburg and Potomac Railroad, the following courses and distances: South seventy-six degrees thirty-eight minutes thirty seconds east one hundred and thirty-five and ninety-seven one-hundredths feet; south sixty-eight degrees thirty-

two minutes ten seconds east eighty-eight and twenty-five one-hundredths feet; south thirty-five degrees ten minutes ten seconds east three hundred and four and twenty-five one-hundredths feet; south thirty-six degrees twenty-five minutes no seconds east one hundred and two and ten one-hundredths feet; south fifty-one degrees forty-six minutes forty seconds east one hundred and one feet; south twenty-one degrees eight minutes forty seconds east fifty-one and forty-eight one-hundredths feet to the westerly main line right-of-way line of the railroad; thence, by a curve to the left with a radius of five thousand eight hundred and four and sixty-five one-hundredths feet, an arc distance of three hundred and fifty-two and ninety-five one-hundredths feet (the chord of which bears south twenty-one degrees fifty-seven minutes fifty-seven seconds west three hundred and fifty-two and ninety one-hundredths feet); thence north forty-nine degrees twenty-one minutes fifty-one seconds west twenty-six and sixty-six one-hundredths feet; thence, by a curve to the left with a radius of five thousand eight hundred and twenty-nine and sixty-five one-hundredths feet, an arc distance of one hundred and thirty-three and twenty-nine one-hundredths feet (the chord of which bears south nineteen degrees thirty-nine minutes thirty-seven seconds west one hundred and thirty-three and twenty-eight one-hundredths feet); thence, leaving said main-line right-of-way of the railroad and running along the 1863 high-tide line the following courses and distances: North twenty-one degrees thirty-three minutes fifty seconds west seventy and fifty-nine one-hundredths feet; north twenty-three degrees thirty-five minutes forty seconds west three hundred and forty-one and fifty-six one-hundredths feet; north twenty-four degrees forty-three minutes no seconds west three hundred and eight and fifty-seven one-hundredths feet; and north twenty-one degrees fourteen minutes thirty seconds west two hundred and sixty-four and forty-one one-hundredths feet, to the point of beginning; containing five and thirty-three one-hundredths acres.

Condition.

Said conveyance shall be made upon the condition that the Richmond, Fredericksburg and Potomac Railroad Company shall make payment for said land at its appraised price as fixed by the Secretary of the Interior within six months after the approval of this Act: *Provided*, That there shall be reserved to the United States the right to the continuance of adequate drainage from the Pentagon Building through said land, either by open ditch or by a culvert constructed without cost to the Federal Government; the net unobstructed cross-sectional area of such culvert shall not be less than forty-eight square feet, together with suitable appurtenances such as access manholes and gates, and the grades of which shall be approved by the Public Buildings Administration of the Federal Works Agency; and shall be constructed and maintained in a manner satisfactory to the Public Buildings Administration.

Drainage rights of U. S.

Approved June 19, 1948.

[CHAPTER 535]

June 19, 1948
[H. R. 4688]
[Public Law 704]

AN ACT

To enlarge the Gettysburg National Cemetery.

Gettysburg National Cemetery. Additional land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by purchase, condemnation, or otherwise, the following-described land in the Borough of Gettysburg, Adams County, Pennsylvania:

Beginning at a point at the corner of South Washington Street (also known as Taneytown Road) and the United States Government National Cemetery; thence along said street north one and one-half degrees west three hundred and fifty-six feet to a point; thence north fifty-seven degrees east three hundred and twenty-one feet to a point at the corner of lands of Paul H. Ketterman; thence north fifty-seven degrees west one hundred and seventy-nine and three-tenths feet to a point at corner of lands of Paul H. Ketterman on Steinwehr Avenue; thence along Steinwehr Avenue north thirty-three degrees east one hundred and seventy-nine and two-tenths feet to a point at corner of lands of Thomas J. Winebrenner and Son; thence south thirty-five degrees east two hundred and thirty-six and six-tenths feet to a point at corner of lands of Emma Noel Estate; thence north fifty-nine degrees east one hundred and thirty-seven feet to a point at corner of lands of Emma Noel Estate and lands of Harry Koch; thence south thirty degrees east one hundred and twenty-nine and five-tenths feet to a point; thence north fifty-seven degrees east two hundred feet to a point on Baltimore Street; thence south thirty degrees east along Baltimore Street fifty feet to a point at corner of lands of Margaret E. Kissinger; thence south fifty-seven degrees west three hundred and twelve feet to a point; thence south thirty degrees east one hundred and twenty and five-tenths feet to a point along the north side of United States Government National Cemetery; thence along same south fifty-seven degrees west six hundred and sixteen feet to a point, the place of beginning, containing five acres and four perches, more or less.

Burial of veterans of World Wars I and II.

SEC. 2. The land acquired pursuant to the first section of this Act shall constitute a part of the Gettysburg National Cemetery and shall be reserved for the burial of World War I and World War II veterans and such other persons as may be entitled to interment in national cemeteries.

Appropriation authorized.

SEC. 3. There is authorized to be appropriated not to exceed the sum of $10,000 to carry out the purposes of this Act.

Approved June 19, 1948.

[CHAPTER 536]

AN ACT

To transfer Pelican Rock in Crescent City Harbor, Del Norte County, California, to that county.

June 19, 1948
[H. R. 4874]
[Public Law 705]

Pelican Rock Island, Calif. Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in and to the island known as Pelican Rock, containing an estimated area of about one acre, and situated in the Pacific Ocean in the northern portion of section 33, township 16 north, range 1 west, Humboldt meridian, California, approximately a quarter of a mile north of Whaler Island, shown to be located in latitude forty-one degrees forty-four minutes forty seconds north and longitude one hundred and twenty-four degrees eleven minutes ten seconds west, on United States Coast and Geodetic Survey chart entitled Saint George Reef and Crescent City, California, is hereby conveyed to the county of Del Norte, State of California, for the purpose of a public wharf or for such other purposes as it may be of use in the construction, maintenance, and operation of Crescent City Harbor.

Approved June 19, 1948.

[CHAPTER 537]

AN ACT

June 19, 1948
[H. R. 5065]
[Public Law 706]

To amend section 1700 (a) (1) of the Internal Revenue Code so as to exempt hospitalized servicemen and veterans from the admissions tax when admitted free.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1700 (a) (1) of the Internal Revenue Code (relating to the tax on amounts paid for admission) is amended by adding at the end thereof a new sentence as follows: "Subject to such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, no tax shall be imposed in the case of admission free of charge of a hospitalized member of the military, naval, or air forces of the United States or of a person hospitalized as a veteran by the Federal Government in a Federal, State, municipal, private, or other hospital or institution, except when such member or veteran is on leave or furlough."

53 Stat. 189.
26 U. S. C., Supp. I, § 1700 (a) (1).

Effective date.

SEC. 2. The amendment made by this Act shall be effective on and after the first day of the first month which commences more than twenty days after the enactment of this Act.

Approved June 19, 1948.

[CHAPTER 538]

AN ACT

June 19, 1948
[H. R. 5112]
[Public Law 707]

To amend the Civil Service Retirement Act of May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 5 of section 3A of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following:

60 Stat. 850.
5 U. S. C. § 693–1.

Member of Congress in armed forces.

"Any Member of Congress, who during any war or time of national emergency as proclaimed by the President or declared by the Congress, left or leaves his office to enter the armed forces of the United States shall, for the purpose of this paragraph, be deemed to have continued as a Member of Congress for such period of military service."

Approved June 19, 1948.

[CHAPTER 539]

AN ACT

June 19, 1948
[H. R. 5174]
[Public Law 708]

To authorize Commodity Credit Corporation to make adjustment payments to certain producers of raw cane sugar in Puerto Rico and Hawaii.

Puerto Rico and Hawaii.
Raw cane sugar producers.

Whereas Commodity Credit Corporation entered into contracts with producers of 1945–1946 crop Puerto Rican raw cane sugar and 1946 crop Hawaiian raw cane sugar, and subsequently entered into a contract for the purchase of the 1946 and 1947 crops of Cuban raw cane sugar which required payments for 1946 crop Cuban raw cane sugar in excess of those made to the producers of Puerto Rican and Hawaiian sugar of the same crop, after making allowance for the duty and freight advantages of such producers; and

Whereas in connection with its contracts with Puerto Rican and Hawaiian producers for control of the succeeding crop of raw cane sugar from each of such areas, Commodity Credit Corporation made adjustment payments to producers in amounts designed to equalize the prices paid for Puerto Rican and Hawaiian raw cane sugar of the 1946 and 1947 crop years with those paid for Cuban raw cane sugar of the same crop years, but such adjustment payments were denied to the Honolulu Plantation Company, the Plazuela Sugar Company, Godreau, Godreau and Compania (Central Caribe), and

Wirshing and Cia, S. en C. (Central Boca Chica), since each of such companies were not engaged in the production of raw cane sugar in the crop year 1947 and were unable to contract with respect to sugar of the 1947 crop year: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is authorized and directed to make adjustment payments to the Plazuela Sugar Company, to Godreau, Godreau and Compania (Central Caribe) to Wirshing and Cia, S. en C. (Central Boca Chica) on each company's production of 1945–1946 crop Puerto Rican raw cane sugar, and to the Honolulu Plantation Company on its production of 1946 crop Hawaiian raw cane sugar, each of such payments to be made at the same rate and subject to the same conditions as adjustment payments made to other Puerto Rican and Hawaiian producers of raw cane sugar of such crops, irrespective of the failure of such producers (1) to produce raw cane sugar in any succeeding crop year, or (2) to enter into contracts with Commodity Credit Corporation with respect to such raw cane sugar. Commodity Credit Corporation may require such evidence as it may deem necessary in support of applications for payment made pursuant to the authorization herein contained.

Adjustment payments to certain companies.

Requirement of evidence.

Approved June 19, 1948.

[CHAPTER 540]

AN ACT

To prevent retroactive checkage of retired pay in the cases of certain enlisted men and warrant officers appointed or advanced to commissioned rank or grade under the Act of July 24, 1941 (55 Stat. 603), as amended, and for other purposes.

June 19, 1948
[H. R. 5344]
[Public Law 709]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no enlisted man or warrant officer appointed or advanced to temporary commissioned rank or grade under the provisions of the Act of July 24, 1941 (55 Stat. 603), as amended by the Act of February 21, 1946 (Public Law 305, Seventy-ninth Congress, 60 Stat. 26), whose retired pay was computed as authorized in section 8 of the Act of July 24, 1941 (55 Stat. 604), as amended by section 5 of the Act of August 10, 1946 (Public Law 720, Seventy-ninth Congress, 60 Stat. 995), or section 10 of the said 1941 Act (55 Stat. 605), as amended by section 8 of the Act of February 21, 1946 (60 Stat. 28), shall be subject to any retroactive checkage for retired pay received for or on account of services as a commissioned officer for any period prior to November 1, 1946, in contravention of section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended (5 U. S. C. 59a): *Provided*, That no disallowances in the accounts of disbursing officers shall be made for any such payments made prior to November 1, 1946, in contravention of section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended.

Retroactive checkage for retired pay.

34 U. S. C. §§ 350–350j; Supp. I, § 350g.

34 U. S. C., Supp. I, § 350g.

34 U. S. C. § 350i and note.

Payments prior to Nov. 1, 1946.

5 U. S. C. § 59a.

SEC. 2. Enlisted men and warrant officers appointed or advanced to commissioned rank or grade under the said Act of July 24, 1941, as amended, whose retired pay, computed as authorized by that Act as amended, was withheld or checked in whole or in part for any period prior to November 1, 1946, as being in contravention of section 212 of the Act of June 30, 1932, as amended, shall be entitled to receive such retired pay as so computed through October 31, 1946, the provisions of said section 212 of the Act of June 30, 1932, as amended, notwithstanding.

Retired pay.

55 Stat. 603.
34 U. S. C. §§ 350–350j; Supp. I, § 350g.

47 Stat. 406.
5 U. S. C. § 59a.

SEC. 3. Enlisted men and warrant officers heretofore or hereafter advanced to commissioned rank or grade on the retired list under

Restoration to former retired status.

55 Stat. 603.
34 U. S. C. §§ 350-350j; Supp. I, § 350g.

the said Act of July 24, 1941, as amended, shall, if application therefor is made to the Secretary of the Navy within three months from the date of approval of this Act or within three months after the date of advancement to commissioned rank or grade on the retired list, whichever is the later, and subject to the approval of the Secretary of the Navy, be restored to their former retired enlisted or warrant officer status, as the case may be, and shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes.

Applicability to Coast Guard.

SEC. 4. The provisions of this Act, except as may be necessary to adapt the same thereto, shall apply to personnel of the Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Navy in relationship to the Navy: *Provided*, That the authority given to the Secretary of the Navy is hereby extended to the Secretary of the Treasury to be exercised with respect to the Coast Guard.

Approved June 19, 1948.

[CHAPTER 541]

June 19, 1948
[H. R. 5758]
[Public Law 710]

AN ACT

To amend further the Armed Forces Leave Act of 1946, as amended, to permit certain payments to be made to surviving brothers and sisters, and nieces and nephews, of deceased members and former members of the armed forces.

Armed Forces Leave Act of 1946, amendment.
60 Stat. 963, 965.
37 U. S. C. §§ 32, 35; Supp. I, § 35.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2 and 6 of the Armed Forces Leave Act of 1946, as amended, are hereby amended as follows:

"Brother" and "sister."

(a) Section 2. At the end thereof add a new paragraph as follows:

"(h) The terms 'brother' and 'sister' include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.".

Payment in event of death.

(b) Section 6. In paragraph (2) of subsection (a) delete "to such holder's surviving spouse and children, if any, in equal shares; and if such holder leaves no surviving spouse or child or children, then in equal shares to such holder's surviving parents, if any", and insert in lieu thereof the following:

"(i) to such holder's surviving spouse and children, if any, in equal shares;

"(ii) if such holder leaves no surviving spouse or child or children, then in equal shares to such holder's surviving parents, if any;

"(iii) if such holder leaves no surviving spouse, child, or parent, then in equal shares to such holder's surviving brothers and sisters, if any; and

"(iv) if such holder leaves no surviving spouse, child, parent, brother, or sister, then in equal shares to the surviving child or children, if any, of such holder's deceased brothers and sisters".

(c) Section 6. In subsection (b) delete "To such member's or former member's surviving spouse and children, if any, in equal shares; and if such member or former member leaves no surviving spouse or child or children, then in equal shares to his surviving parents, if any", and insert in lieu thereof the following:

"(i) to such member's or former member's surviving spouse and children, if any, in equal shares;

"(ii) if such member or former member leaves no surviving spouse or child or children, then in equal shares to such member's or former member's surviving parents, if any;

"(iii) if such member or former member leaves no surviving spouse, child, or parent, then in equal shares to such member's

or former member's surviving brothers and sisters, if any; and

"(iv) if such member or former member leaves no surviving spouse, child, parent, brother, or sister, then in equal shares to the surviving child or children, if any, of such member's or former member's deceased brothers and sisters".

Payment upon request.

SEC. 2. A sum equal to the amount of any bond or check heretofore covered into the general fund of the Treasury, for lack of survivors pursuant to section 6, paragraph (2) of subsection (a), of the Armed Forces Leave Act, shall be payable, upon request, to any survivor entitled thereto under the provisions of said section 6, paragraph (2) of subsection (a), as amended by this Act: *Provided*, That in any case where payment under the provisions of section 6, paragraph 2, of subsection (a) has been refused to a person not a survivor, as defined by the Armed Forces Leave Act of 1946 as heretofore in force, and the bond has not been retired or the proceeds of the check been paid into the general fund, payment shall be made upon application by those persons now entitled to payment under the provisions of section 6, paragraph 2, of subsection (a) as amended by this Act.

Prior refusal of payment.

Effective date.

SEC. 3. The provisions of this Act shall be effective from August 9, 1946.

Approved June 19, 1948.

[CHAPTER 542]

AN ACT

June 19, 1948
[H. R. 5808]
[Public Law 711]

To continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children of the District of Columbia.

Day nurseries and nursery schools, D. C. Continuation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize and direct the Board of Public Welfare of the District of Columbia to establish and operate in the public schools and other suitable locations a system of nurseries and nursery schools for day care of school-age and under-school-age children, and for other purposes", approved July 16, 1946, as amended, is amended by striking out "and until June 30, 1948, and no longer," and inserting "and until June 30, 1949".

60 Stat. 540.

60 Stat. 541.

SEC. 2. Section 4 of such Act of July 16, 1946, as amended, is amended to read as follows:

Appropriation authorized.
Post, p. 1035.

"SEC. 4. There are authorized to be appropriated for the fiscal year ending June 30, 1949, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act."

Approved June 19, 1948.

[CHAPTER 543]

AN ACT

June 19, 1948
[H. R. 5883]
[Public Law 712]

Making appropriations for the Department of Agriculture (exclusive of the Farm Credit Administration) for the fiscal year ending June 30, 1949, and for other purposes.

Department of Agriculture Appropriation Act, 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture (exclusive of the Farm Credit Administration) for the fiscal year ending June 30, 1949, hereinafter referred to as the current fiscal year, namely:

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For personal services in the office of the Secretary of Agriculture, hereafter in this Act referred to as the Secretary, in the District of Columbia, and elsewhere, and other necessary expenses, including the purchase of one passenger motor vehicle for replacement only; travel expenses, including examination of estimates for appropriations in the field; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, hereafter in this Act referred to as the Department, $2,033,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such services and expenses, which several amounts or portions thereof as may be determined by the Secretary not exceeding a total of $87,560, shall be transferred to and made a part of this appropriation: *Provided, however*, That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further*, That, of appropriations herein made which are available for the purchase of lands, not to exceed $1 may be expended for each option to purchase any particular tract or tracts of land: *Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same: *Provided further*, That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Adjustments in amounts.

Option to purchase land.

Employee predicting future price of cotton.

Purchase of twine.

RESEARCH AND MARKETING ACT OF 1946

To enable the Secretary to carry into effect the provisions of the Act of August 14, 1946, as amended (Public Law 733, 79th Congress; Public Law 297, 80th Congress), including in addition to the objects for which funds are available for such Act of August 14, 1946, and under title I of the Bankhead-Jones Act, as amended, personal services in the District of Columbia; printing and binding; over-all administration, planning, and coordination of research under section 10 pursuant to the provisions of section 10 (c); and necessary expenses for carrying out the provisions of title III of the Act, as follows:

For payments to States, Territories, and Puerto Rico for agricultural experiment stations pursuant to section 9 of the Bankhead-Jones

60 Stat. 1082; 61 Stat. 694.
7 U. S. C. §§ 427, 427h–427j, 1621–1629; Supp. I, § 427j.
49 Stat. 436.
7 U. S. C. §§ 427–427j; Supp. I, § 427j.
60 Stat. 1085, 1086, 1091.
7 U. S. C. §§ 427i, 1628, 1629.

Act approved June 29, 1935, as amended by the Act of August 14, 1946, $3,250,000, of which such amount as shall be allottable to Alaska shall be transferred to and made a part of the appropriation "Research on agricultural problems of Alaska", without matching requirement; 60 Stat. 1083. 7 U. S. C. § 427h.

For research on utilization and associated problems pursuant to section 10 (a) of said Act, $3,900,000; 60 Stat. 1085. 7 U. S. C. § 427i (a).

For cooperative research other than research on utilization of agricultural commodities and the products thereof, pursuant to section 10 (b) of said Act, $1,950,000; 60 Stat. 1086. 7 U. S. C. § 427i (b).

For the improvement and development, independently or through cooperation among Federal and State agencies, and others, of a sound and efficient system for the distribution and marketing of agricultural products pursuant to the "Agricultural Marketing Act of 1946" (title II of the Act of August 14, 1946), $4,750,000; 60 Stat. 1087. 7 U. S. C. §§ 1621-1627.

In all, $13,850,000: *Provided*, That for necessary printing and binding there may be transferred to, and made a part of, the item "Printing and binding, Department of Agriculture," such sums as are necessary: *Provided further*, That the Secretary may make available to any bureau, office, or agency of the Department such amounts from this appropriation as may be necessary to carry out the functions for which it is made (but amounts made available to the Office of the Secretary, Office of the Solicitor, and Office of Information shall not exceed those which the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine), and any such amounts shall be in addition to amounts transferred or otherwise made available to other appropriation items of the Department: *Provided further*, That no part of this appropriation shall be available for work relating to fish or shellfish or any product thereof, except for the support of equitable transportation rates before Federal agencies concerned with such rates and for development of foreign markets.

Transfer of funds. *Post*, p. 510.

Availability of funds.

Work relating to fish, etc.

OFFICE OF THE SOLICITOR

For necessary expenses, including personal services in the District of Columbia and payment of fees or dues for the use of law libraries by attorneys in the field service, $2,074,500, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of $148,000 shall be transferred to and made a part of this appropriation; and there may be expended for personal services in the District of Columbia not to exceed $1,416,533: *Provided, however*, That if the total amounts of such appropriations or authorizations for the current fiscal year shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations.

Adjustments in amounts.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and

reports, the preparation, distribution, and display of agricultural motion and sound pictures, and exhibits, and the coordination of informational work in the Department, $580,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the Budget for the current fiscal year for such expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of $13,975 shall be transferred to and made a part of this appropriation, of which total appropriation amounts not exceeding those specified may be used for the purposes enumerated as follows: For personal services in the District of Columbia, $538,000; for preparation and display of exhibits, $105,925; and the preparation, distribution, and display of motion and sound pictures, $55,600: *Provided, however*, That if the total amounts of the appropriations or authorizations for the current fiscal year from which transfers to this appropriation are herein authorized shall at any time exceed or fall below the amounts estimated, respectively, therefor in the Budget for such year, the amounts transferred or to be transferred therefrom to this appropriation and the amount which may be expended for personal services in the District of Columbia shall be increased or decreased in such amounts as the Director of the Bureau of the Budget, after a hearing thereon with representatives of the Department, shall determine are appropriate to the requirements as changed by such reductions or increases in such appropriations or authorizations: *Provided further*, That when and to the extent that in the judgment of the Secretary agricultural exhibits and motion and sound pictures relating to the authorized programs of the various agencies of the Department can be more advantageously prepared, displayed, or distributed by the Office of Information, as the central agency of the Department therefor, additional funds not exceeding $300,000 for these purposes may be transferred to and made a part of this appropriation, from the funds applicable, and shall be available for the objects specified herein, including personal services in the District of Columbia: *Provided further*, That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of $10,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Department of Agriculture Organic Act of 1944 (5 U. S. C. 574), said Act being elsewhere herein referred to as the Organic Act of 1944, as amended by section 15 of the Act of August 2, 1946 (5. U. S. C. 55a): *Provided further*, That no part of this appropriation shall be used for the establishment or maintenance of regional or State field offices or for the compensation of employees in such offices except that not to exceed $10,000 may be used to maintain the San Francisco radio office.

Adjustments in amounts.

Transfer of additional funds if Office acts as central agency.

Temporary employment.

58 Stat. 742.

60 Stat. 810.

Regional or State field offices.

PRINTING AND BINDING

Ante, p. 509; *post*, p. 521.

For printing and binding for the Department, including all of its bureaus, offices, institutions, and services, except as otherwise provided, $1,800,000, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212–220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), also including not to exceed $250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done

Annual Report of the Secretary.
28 Stat. 601; 38 Stat. 1110; 49 Stat. 1550; 34 Stat. 825, 826.
44 U. S. C., Supp. I, § 212 note.

Farmers' bulletins.

at the field printing plants of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (44 U. S. C. 111, 220); and including not to exceed $207,000 for printing and binding not less than two hundred thirty thousand eight hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture), as authorized by section 73 of the Act of January 12, 1895 (44 U. S. C. 241): *Provided*, That the Secretary may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938 (7 U. S. C. 1281–1407), from funds appropriated to carry into effect the purposes of the National School Lunch Act approved June 4, 1946 (Public Law 396), such sums as may be necessary for printing and binding in connection with the activities under said Act, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under section 32: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed $145,000.

40 Stat. 1270.

Yearbook of Agriculture.

28 Stat. 612.

Transfer of funds.

Post, p. 525.

52 Stat. 31.
7 U. S. C., Supp. I, § 1334 *et seq.*
Post, p. 1250.
60 Stat. 230.
42 U. S. C. §§ 1751–1760; Supp. I, § 1752 note.
49 Stat. 774.
7 U. S. C., Supp. I, § 612c note.
Post, p. 1257.

LIBRARY, DEPARTMENT OF AGRICULTURE

For necessary expenses, including exchange of reference books, lawbooks, technical and scientific books, periodicals, and expenses incurred in completing imperfect series; not to exceed $1,200 for newspapers; dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $600,000, of which not to exceed $484,924 may be expended for personal services in the District of Columbia.

BUREAU OF AGRICULTURAL ECONOMICS

For necessary expenses, including not to exceed $2,243,400 for personal services in the District of Columbia, including the salary of Chief of Bureau at $10,000 per annum, and not to exceed $1,000 for the purchase of books of reference, periodicals, and newspapers, as follows:

Economic investigations: For conducting investigations and for acquiring and diffusing useful information among the people of the United States, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, $1,988,500: *Provided*, That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics under the heading "Economic investigations" shall be used for State and county land-use planning, for conducting cultural surveys, or for the maintenance of regional offices.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on

49 Stat. 653.
Peanut statistics.
49 Stat. 1898; 52 Stat. 348.
Cotton and apple reports.

farms, production, distribution, and consumption of turpentine and rosin pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951–957), $2,375,400: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton, or for estimates of apple production for other than the commercial crop.

OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses: For necessary expenses for the Office of Foreign Agricultural Relations and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including personal services in the District of Columbia and not to exceed $500 for newspapers, $503,000.

EXTENSION SERVICE

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

Cooperative agricultural extension work.

For payments to the States, Hawaii, Alaska, and Puerto Rico, for cooperative agricultural extension work as follows:

45 Stat. 711.
49 Stat. 438.
59 Stat. 231.
53 Stat. 589.
45 Stat. 1256.
49 Stat. 1554.
50 Stat. 881.

Capper-Ketcham, Bankhead-Jones, and related Acts: Capper-Ketcham Act, the Act approved May 22, 1928 (7 U. S. C. 343a, 343b), $1,480,000; Bankhead-Jones Act, section 21, title II, of the Act approved June 29, 1935 (7 U. S. C. 343c), $12,000,000; Bankhead-Jones Act, section 23, title II, of the Act approved June 29, 1935, as amended by the Act of June 6, 1945 (7 U. S. C. 343d–1), $11,500,000; additional extension work, the Act approved April 24, 1939, as amended (7 U. S. C. 343c–1), $555,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Smith-Lever Act to the Territory of Alaska, $13,950, and section 3 of the Act approved June 20, 1936 (7 U. S. C. 343e), extending the benefits of the Capper-Ketcham Act to the Territory of Alaska, $10,000, in all, for Alaska, $23,950; Puerto Rico, the Act approved August 28, 1937 (7 U. S. C. 343f–343g), extending the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico, $408,000; in all, Capper-Ketcham, Bankhead-Jones, and related Acts, $25,966,950.

SALARIES AND EXPENSES

38 Stat. 372.

Administration and coordination of extension work: For expenses necessary to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341–348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, $827,200, of which not to exceed $663,100 may be expended for personal services in the District of Columbia.

AGRICULTURAL RESEARCH ADMINISTRATION

OFFICE OF ADMINISTRATOR

Salaries and expenses: For necessary expenses of the Office of Administrator, including the salary of the Administrator at $10,000 per annum, and personal services in the District of Columbia, and for the maintenance, operation, and furnishing of facilities and services at the Agricultural Research Center, $406,300: *Provided*, That the appro-

Reimbursement.

priation current at the time services are rendered may be reimbursed (by advance credits or reimbursements based on estimated or actual charges) from applicable appropriations, to cover the charges, including handling and other related services, for equipment rentals (including depreciation, maintenance, and repairs); for services, supplies, equipment and materials furnished, stores of which may be maintained at the Center, and for building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation: *Provided further*, That the several appropriations of the Agricultural Research Administration shall be available for the construction, alteration, and repair of buildings and improvements: *Provided, however*, That unless otherwise provided, the cost of constructing any one building (excepting headhouses connecting greenhouses) shall not exceed $5,000, the total amount for construction of buildings costing more than $2,500 each shall be within the limits of the estimates submitted and approved therefor, and the cost of altering any one building during the fiscal year shall not exceed $2,500 or 2 per centum of the cost of the building as certified by the Research Administrator, whichever is greater.

Buildings and improvements.

Limitation.

SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary to carry into effect the Act approved June 29, 1935 (7 U. S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programing, coordination, and printing the results of such research, to be conducted by such agencies of the Department as the Secretary may designate or establish, and to which he may make allotments from this fund, including personal services in the District of Columbia; $1,230,000, of which amount $835,200 shall be available for the maintenance and operation of research laboratories and facilities in the major agricultural regions provided for by section 4 of said Act, including not to exceed $23,000 for construction of a poultry house at the regional poultry laboratory, East Lansing, Michigan.

49 Stat. 436, 437.
7 U. S. C. § 427d.

49 Stat. 437.
7 U. S. C. § 427c.

RESEARCH ON STRATEGIC AND CRITICAL AGRICULTURAL MATERIALS

For expenses necessary to enable the Secretary to carry out his responsibilities under section 7 (b) of the Strategic and Critical Materials Stock Piling Act of July 23, 1946 (Public Law 520, Seventy-ninth Congress), in connection with natural rubber, including personal services in the District of Columbia, $349,000.

60 Stat. 600.
50 U. S. C. § 98f (b).

RESEARCH ON AGRICULTURAL PROBLEMS OF ALASKA

For expenses necessary to enable the Secretary to continue the program for research into the basic agricultural needs and problems of the Territory of Alaska in accordance with the authority contained in the Act of July 30, 1947 (Public Law 266), and for the same objects and purposes provided therein, $185,940, together with contract authority in an amount not to exceed $300,000 to construct buildings and facilities and to acquire and install such equipment as may be necessary, on land donated or otherwise acquired.

Post, p. 514.

61 Stat. 529.

OFFICE OF EXPERIMENT STATIONS

PAYMENTS TO STATES, HAWAII, AND PUERTO RICO

For payments to the States, Hawaii, and Puerto Rico to be paid quarterly in advance, to carry into effect the provisions of the following Acts relating to agricultural experiment stations:

24 Stat. 440
34 Stat. 63.
43 Stat. 970.
49 Stat. 436.
7 U. S. C., Supp. I, § 427j.
Transfer of funds.
Ante, p. 513.
45 Stat. 571.
46 Stat. 1520.

Hatch, Adams, Purnell, Bankhead-Jones, and related Acts: Hatch Act, the Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377–379), $720,000; Adams Act, the Act approved March 16, 1906 (7 U. S. C. 369), $720,000; Purnell Act, the Act approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373–376, 380, 382), $2,880,000; Bankhead-Jones Act, title I of the Act approved June 29, 1935 (7 U. S. C. 427–427g), $2,861,268, of which amount not to exceed $316 shall be transferred to and made a part of the appropriation "Research on agricultural problems of Alaska", without matching requirement; Hawaii, the Act approved May 16, 1928 (7 U. S. C. 386–386b), extending the benefits of certain Acts of Congress to the Territory of Hawaii, $90,000; Puerto Rico, the Act approved March 4, 1931, as amended (7 U. S. C. 386d–386f), extending the benefits of certain Acts of Congress to Puerto Rico, $90,000; in all, payments to States, Hawaii, and Puerto Rico, $7,361,268.

SALARIES AND EXPENSES

Administration of grants and coordination of research with States: For necessary expenses, including not to exceed $183,000 for personal services in the District of Columbia, to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, March 4, 1931, and June 20, 1936, and Acts amendatory thereto (7 U. S. C. 361–363, 365–369, 370–383, 386, 386d–386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, $197,000; and the Secretary shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in said Acts with research of the Department in similar lines, and make report thereon to Congress.

24 Stat. 440; 34 Stat. 63; 43 Stat. 970; 45 Stat. 571; 46 Stat. 1520; 49 Stat. 1553.

Federal experiment station, Puerto Rico: For expenses necessary to establish and maintain an agricultural experiment station in Puerto Rico, including the preparation, illustration, and distribution of reports and bulletins, $124,700.

BUREAU OF ANIMAL INDUSTRY

SALARIES AND EXPENSES

For expenses necessary, including not to exceed $1,218,000 for personal services in the District of Columbia, for carrying out the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts, and for investigations concerned with the livestock and meat industries and the domestic raising of fur-bearing animals, as follows:

23 Stat. 31.
7 U. S. C. §§ 391–394; Supp. I, § 391 note.

Animal husbandry: For investigations and experiments in animal husbandry and animal and poultry feeding and breeding, and for carrying out the purposes of section 101 (b) of the Organic Act of 1944 (7 U. S. C. 429) authorizing cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries, $1,405,500.

58 Stat. 734.

Diseases of animals: For scientific investigations of diseases of animals, and for investigations of tuberculin, serums, antitoxins, and analogous products, $1,055,000.

Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, $6,250,000: *Provided*, That no part of the money hereby appropriated shall be used in compensating owners of cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any purebred animal.

Compensation of cattle owners, restrictions.

Limitation on amount of payment.

Inspection and quarantine: For inspection and quarantine work, including the control and eradication of hog cholera and related swine diseases, southern cattle ticks, scabies in sheep and cattle, and dourine in horses, the supervision of the transportation of livestock, the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals in accordance with the Act of August 30, 1890 (21 U. S. C. 102), and the Act of July 24, 1946 (Public Law 522), and the inspection work relative to the existence of contagious diseases, $1,225,000: *Provided*, That service shall be maintained at all stockyards having such service during the current fiscal year.

26 Stat. 416.

60 Stat. 633.
21 U. S. C. § 133.
Service at stockyards.

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat and meat-food products, $11,500,000: *Provided*, That the unobligated balance remaining in the "Meat inspection fund" established by the Department of Agriculture Appropriation Act, 1948, shall be carried to the general fund of the Treasury.

Meat inspection fund.

61 Stat. 531.

Virus Serum Toxin Act: For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151–158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, $365,000.

37 Stat. 832.

Marketing agreements, hog cholera virus and serum: The sum of $43,000 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933 (7 U. S. C. 612), is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60, inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851–855), including personal services in the District of Columbia.

48 Stat. 38.

49 Stat. 781.

ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

For expenses necessary, including personal services in the District of Columbia, in the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar dis-

Payment of claims.

eases in poultry, including the payment of claims growing out of past and future purchases and destruction of animals (including poultry) affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations; and for foot-and-mouth disease and rinderpest programs undertaken pursuant to the provisions of the Act of February 28, 1947 (Public Law 8, Eightieth Congress), and the Act of May 29, 1884, as amended (7 U. S. C., 391; 21 U. S. C., 111–122), including expenses in accordance with section 2 of said Public Law 8, the Secretary may transfer from other appropriations or funds available to the bureaus, corporations, or agencies of the Department such sums as he may deem necessary, to be available only in an emergency which threatens the livestock or poultry industry of the country, and any unexpended balances of funds transferred under this head in the fiscal year 1948 shall be merged with such transferred amounts: *Provided*, That, except for payments made pursuant to said Public Law 8, the payment for such animals hereafter purchased may be made on appraisement based on the meat, egg-production, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any such animal shall exceed three times its meat, egg-production, or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any such animals shall not exceed one-half of any such appraisements: *Provided further*, That poultry may be appraised in groups when the basis for appraisal is the same for each bird.

61 Stat. 7.
21 U. S. C., Supp. I, §§ 114b–114d.
7 U. S. C., Supp. I, § 391 note.
23 Stat. 31.
Ante, p. 198.

Basis of appraisement.

Group appraisal for poultry.

BUREAU OF DAIRY INDUSTRY

Salaries and expenses: For necessary expenses, including not to exceed $515,300 for personal services in the District of Columbia, in carrying out the provisions of the Act of May 29, 1924 (7 U. S. C. 401–404), including investigations, experiments, and demonstrations in dairy industry, for carrying out the applicable provisions of the Act of May 9, 1902 (26 U. S. C. 2325, 2326 (c)), relating to process or renovated butter, as amended by the Act of June 24, 1946 (Public Law 427), and the Act of May 23, 1908 (21 U. S. C. 94 (a)), insofar as it relates to the exportation of process or renovated butter, $1,050,000.

43 Stat. 243.
32 Stat. 196.
60 Stat. 300.
35 Stat. 254.

BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

SALARIES AND EXPENSES

Plant and soil investigations.

For expenses necessary for investigations, experiments, and demonstrations in connection with the production and improvement of farm crops and other plants and plant industries; soils and soil-plant relationships, and the application of engineering principles to agriculture; plant diseases, including nematodes, and methods for their prevention and control; plant and plant-disease collections and surveys; the distribution of weeds and means for their control; methods of handling, processing, transportation, and storage of agricultural products; and plants in foreign countries and our possessions for introduction into the United States, including explorations and surveys, and propagation and testing in this country; for the operation and maintenance of airplanes; and for personal services in the city of Washington, as follows:

Airplanes.

Field crops: For investigations on the production, improvement, and diseases of alfalfa, barley, clover, corn, cotton, flax, grasses, oats,

rice, rubber crops, sorghums, soybeans, sugar beets, sugarcane, tobacco, wheat, and other fields crops, $2,672,300.

Fruit, vegetable, and specialty crops: For investigations on the production, improvement, and diseases of fruit, vegetable, nut, ornamental, drug, condiment, oil, insecticide, and related crops and plants, $2,578,100.

Forest diseases: For investigations of diseases of forest and shade trees and forest products, and methods for their control, $380,480.

Soils, fertilizers, and irrigation: For investigations of soil management methods to increase and maintain productivity, including fertilization, liming, crop rotations, tillage practices, and other means of improving soils; fertilizers, fertilizer ingredients, and their improvement for agricultural use; soil management and crop production on dry and irrigated lands, and the quality of irrigation water and its use by crops; and for the classification of soils in a national system and indication of their extent and distribution on maps, and determination of their potential productivity under adapted cropping and improved soil management; $1,524,000: *Provided*, That the irrigation experiment station at Bard, California, may be sold upon such terms as the Secretary deems advantageous, and the proceeds of such sale are to be available for the establishment and equipment of an irrigation station at or near Brawley, California, or the Secretary may if he deems it desirable exchange in lieu of sale the Bard Station for a suitable site or facilities at or near Brawley, and in connection with the establishment of the new station the Secretary may accept donations: *Provided further*, That the Secretary shall have contractual authority in an amount not to exceed $100,000 to construct and/or acquire buildings, facilities, and equipment for the station at Brawley.

Experiment station, Bard, Calif.

Contractual authority.

Agricultural engineering: For investigations involving the application of engineering principles to agriculture, including farm power and equipment, rural water supply and sanitation, and rural electrification; farm buildings and their appurtenances and buildings for processing and storing farm products, and the preparation and distribution of building plans and specifications; cotton ginning, and other engineering problems relating to the production, processing, transportation, and storage of agricultural products; $685,690.

National Arboretum: For the maintenance and development of the National Arboretum established under the provisions of the Act approved March 4, 1927 (20 U. S. C. 191–194), including travel expenses of the advisory council and the purchase of one passenger motor vehicle in the District of Columbia, $413,900, of which not to exceed $20,000 shall be available for the construction of entrance facilities, including a guardhouse and rest rooms, and not to exceed $10,000 may be expended for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574) as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

44 Stat. 1422.

58 Stat. 742.
60 Stat. 810.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

SALARIES AND EXPENSES

For expenses necessary for investigations, experiments, demonstrations, and surveys for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, and the best ways of utilizing beneficial insects, for carrying into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151–167), the Honey Bee Act (7 U. S. C. 281–283), the Insect Pest

37 Stat. 315.
7 U.S.C., Supp. I, §154.
42 Stat. 833.

33 Stat. 1269; 56 Stat. 40.
58 Stat. 735.

Act (7 U. S. C. 141–144), the Mexican Border Act (7 U. S. C. 149) and the Organic Act of 1944 (7 U. S. C. 147a), authorizing the eradication, control, and prevention of spread of injurious insects and plant pests; including the operation and maintenance of airplanes and the purchase of not to exceed five, and not to exceed $718,350 for personal services in the District of Columbia, as follows:

Insect investigations: For the investigation of insects affecting fruits, grapes, nuts, trees, shrubs, forests and forest products, truck and garden crops, cereal, forage and range crops, cotton, tobacco, sugar plants, ornamental and other plants and agricultural products, household possessions, and man and animals; for bee culture and apiary management; for classifying, identifying, and collecting information to determine the distribution and abundance of insects; for investigations in connection with introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods; for developing methods, equipment, and apparatus to aid in enforcing plant quarantines and in the eradication and control of insect pests and plant diseases; and for investigations of insecticides and fungicides, including methods of their manufacture and use and the effects of their application, $3,019,800.

Post, p. 1037.

Insect and plant-disease control: For carrying out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of Japanese beetle, sweetpotato weevil, Mexican fruitflies, phony peach and peach mosaic, cereal rusts, and pink bollworm and Thurberia weevil, including the enforcement of quarantine regulations and cooperation with States to enforce plant quarantines as authorized by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151–167), and including the establishment of such cotton-free areas as may be necessary to stamp out any infestation of the pink bollworm as authorized by the Act of February 8, 1930 (46 Stat. 67), and for the enforcement of domestic plant quarantines through inspection in transit, including the interception and disposition of materials found to have been transported interstate in violation of Federal plant quarantine laws or regulations, and operations under the Terminal Inspection Act (7 U. S. C. 166), $2,586,200: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees, farm animals, farm crops, or other property injured or destroyed: *Provided further*, That, in the discretion of the Secretary, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose, or for barberry eradication until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of this purpose.

37 Stat. 315.
7 U. S. C., Supp. I, § 154.
Establishment of cotton-free areas.

Inspection in transit.

38 Stat. 1113.
Restriction.

State, etc., cooperation.

Foreign plant quarantines: For operations against the introduction of insect pests or plant diseases into the United States, including the enforcement of foreign-plant quarantines and regulations promulgated under sections 5 and 7 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151–167), the Insect Pest Act of 1905 (7 U. S. C. 141–144), and the Mexican Border Act of 1942 (7 U. S. C. 149), for enforcement of domestic-plant quarantines as they pertain to Territories of the United States and enforcement of regulations governing the movement of plants into and from the District of Columbia promulgated under section 15 of the Plant Quarantine Act of August 20, 1912, as amended, and for inspection and certification of plants and plant products to meet the sanitary requirements of foreign countries, as authorized in section 102 of the Organic Act of 1944 (7 U. S. C. 147a), $2,212,000.

37 Stat. 316, 317.
7 U. S. C. §§ 159, 160.
33 Stat. 1269.
56 Stat. 40.

41 Stat. 726.
7 U. S. C. § 167.

58 Stat. 735.

CONTROL OF EMERGENCY OUTBREAKS OF INSECTS AND PLANT DISEASES

For expenses necessary to carry out the provisions of the joint resolution approved May 9, 1938 (7 U. S. C. 148–148e), including the operation and maintenance of airplanes and the purchase of not to exceed three, and surveys and control operations in Canada in cooperation with the Canadian Government or local Canadian authorities, and the employment of Canadian citizens, $1,750,000.

52 Stat. 344.

Cooperation with Canada.

BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

SALARIES AND EXPENSES

For expenses necessary for investigations, experiments, and demonstrations hereinafter authorized, including not to exceed $237,746 for personal services in the District of Columbia, as follows:

Agricultural chemical and naval stores investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; and for the technological investigation of the utilization of fruits and vegetables and for frozen-pack investigations; for the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; and the weighing, storing, handling, transportation, and utilization of naval stores; $634,050.

12 Stat. 387.

Regional research laboratories: For continuing the researches established under the provisions of section 202 (a) to 202 (e), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1292), including research on food products of farm commodities, $5,000,000, including not to exceed $50,000 for the construction of a hazardous operations building at the Eastern Regional Research Laboratory located at Wyndmoor, Pennsylvania.

52 Stat. 37.

Hazardous operations building.

BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

Salaries and expenses: For necessary expenses, including not to exceed $311,765 for personal services in the District of Columbia, for conducting investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, $813,000.

CONTROL OF FOREST PESTS

For expenses necessary for carrying out operations, measures, or surveys necessary to eradicate, suppress, control, or to prevent or retard the spread of insects or diseases which endanger forest trees on any lands in the United States, and for such quarantine measures relating thereto as may be necessary pursuant to the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151–167),

37 Stat. 315.
7 U. S. C., Supp. I, § 154.

including personal services in the District of Columbia and the purchase (not to exceed two) and operation and maintenance of airplanes, as follows:

Gypsy and brown-tail moths: Gypsy and brown-tail moths, pursuant to section 102 of the Act of September 21, 1944 (7 U. S. C. 147a), $603,600.

58 Stat. 735.

Forest Pest Control Act: Forest Pest Control Act (Public Law 110, approved June 25, 1947), $135,000.

61 Stat. 177.
16 U. S. C., Supp. I, §§ 594-1—594-5.

White pine blister rust: White pine blister rust, pursuant to the Act of April 26, 1940 (16 U. S. C. 594a), $3,750,000, of which amount $582,000 shall be available to the Department of the Interior for the control of white pine blister rust on or endangering Federal lands under the jurisdiction of that Department or lands of Indian tribes which are under the jurisdiction of or retained under restrictions of the United States; $1,974,650 of said amount to the Forest Service for the control of white pine blister rust on or endangering lands under its jurisdiction; and $1,193,350 of said amount to the Bureau of Entomology and Plant Quarantine for leadership and general coordination of the entire program, method development, and for operations conducted under its direction for such control, including, but not confined to, the control of white pine blister rust on or endangering State and privately owned lands.

54 Stat. 168.

Availability of funds for designated agencies.

Dutch elm disease: Dutch elm disease, pursuant to section 102 of the Act of September 21, 1944 (7 U. S. C. 147a), $51,800: *Provided*, That in the discretion of the Secretary, no expenditures from this appropriation shall be made for applying methods of control of the Dutch elm disease in any State where measures for the removal and destruction of trees on non-Federal lands suffering from the Dutch elm disease are not in force, provided such removal and destruction are deemed essential or appropriate for the carrying on of the control program, nor until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or by organizations concerned: *Provided, however*, That expenditures incurred for removal of trees infected with Dutch elm disease from non-Federal lands shall not be considered a part of such appropriations, subscriptions, or contributions: *Provided further*, That no part of this appropriation shall be expended for the removal and destruction of trees infected with the Dutch elm disease except where such trees are located on property owned or controlled by the Government of the United States, or on property included within local experimental control areas.

58 Stat. 735.

Local requirements.

Removal and destruction of trees.

FOREST SERVICE

SALARIES AND EXPENSES

For expenses necessary, including not to exceed $1,097,582 for personal services in the District of Columbia, not to exceed $10,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); to experiment and make investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as

58 Stat. 742.

60 Stat. 810.

Experiments and investigations.

Cost of buildings.

improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed $10,000, with the exception that any building erected, purchased, or acquired, the cost of which was $10,000 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service: *Provided*, That not to exceed $50,000 of the appropriation for "National forest protection and management", and not to exceed $50,000 of the appropriation for "Forest fire cooperation" may be transferred to the appropriation "Printing and binding, Department of Agriculture", for forest fire prevention posters and related printed material, as follows:

Protection, etc., of national forests.

Care of fish and game.

Transfer of funds.
Infra; post, p. 522.

Ante, p. 510.

General administrative expenses: For general administration, including the salary of the Chief Forester at $10,000 per annum, and for expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), $650,000.

36 Stat. 963.

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the operation and maintenance of aircraft and the purchase of not to exceed four; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration, except that where, in the opinion of the Secretary, direct purchases will be more economical than construction, improvements may be purchased; the construction (not to exceed $10,000 for any one structure), equipment, and maintenance of sanitary and recreational facilities; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506–509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests; and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, $25,204,175, of which not to exceed $25,000 shall be available for the purchase of one nursery site.

Supra.

Direct purchases.

Homestead lands.

34 Stat. 233; 37 Stat. 237, 842.

Fighting forest fires: For fighting and preventing forest fires on or threatening lands under Forest Service administration, including lands under contract for purchase or in process of condemnation for Forest Service purposes, $100,000, which amount shall also be available for meeting obligations of the preceding fiscal year.

Forest research: For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f–581i), including the construction and maintenance of improvements, as follows:

45 Stat. 699–702.

Forest and range management investigations: Fire, silvicultural, watershed, and other forest investigations and experiments under said section 2, as amended, and investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, $2,787,500.

16 U. S. C. § 581a.

16 U. S. C. § 581f.

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, $1,125,000.

16 U. S. C. § 581g.

Forest resources investigations: A comprehensive forest survey under section 9, and investigations in forest economics under section 10, $822,000.

16 U. S. C. § 581h, 581i.

FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act approved June 7, 1924, as amended (16 U. S. C. 564–570), $9,000,000, of which not to exceed $76,125 shall be available for personal services in the District of Columbia.

43 Stat. 653.
16 U. S. C., Supp. I, § 565.

FARM AND OTHER PRIVATE FORESTRY COOPERATION

To enable the Secretary through the Forest Service to advise timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to federally owned lands leased to States and to private forest lands, so as to attain sustained-yield management, the conservation of the timber resources, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, and to carry into effect, through such agencies of the Department as he may designate, the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b), (not to exceed $660,034) and the provisions of sections 4 (not to exceed $83,700) and 5 (not to exceed $65,766) of the Act approved June 7, 1924 (16 U. S. C. 567–568), and Acts supplementary thereto; in all, not to exceed $809,500, of which not to exceed $54,636 may be expended for personal services in the District of Columbia; and not to exceed $30,000 for the construction, alteration, or purchase of necessary buildings, and other improvements.

50 Stat. 188.

43 Stat. 654.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

Under Weeks Act: For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513–519, 521), $500,000, to be available only for payment toward the purchase price of any lands acquired, including the cost of surveys in connection with such acquisition.

36 Stat. 961.

Under special Acts: For the acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance

with the provisions of the following Acts authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts: Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (Public Law 337), as amended, $40,000; Cache National Forest, Utah, Act of May 11, 1938 (Public Law 505), as amended, $10,000; San Bernardino and Cleveland National Forests, Riverside County, California, Act of June 15, 1938 (Public Law 634), as amended, $22,000; Nevada and Toiyabe National Forests, Nevada, Act of June 25, 1938 (Public Law 748), as amended, $10,000; Angeles National Forest, California, Act of June 11, 1940 (Public Law 591), $20,000; Cleveland National Forest, San Diego County, California, Act of June 11, 1940 (Public Law 589), $5,000; Sequoia National Forest, California, Act of June 17, 1940 (Public Law 637), $35,000; in all $142,000.

49 Stat. 866.
52 Stat. 347.
52 Stat. 699.
52 Stat. 1205.
54 Stat. 299.
54 Stat. 297.
54 Stat. 402.

FOREST ROADS AND TRAILS

For expenses necessary for carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a), and for the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, (1) $9,750,000 for forest development roads and trails, and (2) $5,300,000 for forest highways, which sums are authorized to be appropriated by the Act of December 20, 1944 (Public Law 521), in all, $15,050,000 (including not to exceed $100,000 for personal services in the District of Columbia), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings necessary for the storage and repair of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased, altered, or constructed under this authorization shall not exceed $10,000, with the exception that any building erected, purchased, or acquired, the cost of which was $10,000 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such buildings certified by the Secretary.

Post, p. 1037.
42 Stat. 218.
Experimental areas.
58 Stat. 838.
23 U. S. C. §§ 60–63.
Buildings for storage of equipment.

FLOOD CONTROL

Flood control: For expenses necessary, in accordance with the Flood Control Act, approved June 22, 1936 (Public Law 738, Seventy-fourth Congress), as amended and supplemented, to make preliminary examinations and surveys, and to perform works of improvements, $6,000,000, of which $1,800,000 shall be available for preliminary examinations and surveys, and including not to exceed $135,000 for personal services in the District of Columbia, to be immediately available and to remain available until expended, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood-control purposes: *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the county board of supervisors of the county in which such lands are situated: *Provided further*, That hereafter funds appropriated for the Yazoo and Little Tallahatchie watersheds shall be available for necessary work projects in all areas up to that over which the Department of the Army has jurisdiction and responsibility or to carry out emergency measures authorized by section 7 of the Act of June 28, 1938 (52 Stat. 1225), as amended.

49 Stat. 1570.
33 U. S. C. §§ 701a–701h.
Yazoo and Little Tallahatchie watersheds.
33 U. S. C. § 701b–1.

SOIL CONSERVATION SERVICE

49 Stat. 163.

For expenses necessary to carry out the provisions of the Act approved April 27, 1935 (16 U. S. C. 590a–590f), which provides for a national program of erosion control and soil and water conservation, including not to exceed $856,750 for personal services in the District of Columbia, furnishing of subsistence to employees, operation and maintenance of aircraft, and the purchase and erection or alteration of permanent buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed $2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for eight buildings to be constructed at a cost not to exceed $15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That in the State of Missouri where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for the saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such soil conservation district shall have the prior approval of such central State agency before they shall become effective as to such district, as follows:

Cost of buildings.

Construction on land not owned by Government.

Central State agency, Mo.

Everglades region, Fla.

Soil conservation research: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and water conservation (including the construction and hydrologic phases of farm irrigation and land drainage, and water regulation to conserve the soil and reduce fire hazards in the Everglades region of Florida, except that expenditures for all work in the Everglades region shall be limited to a sum not in excess of funds made available for such work by the State of Florida, or political subdivisions thereof); and for construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, $1,548,000.

Soil conservation operations: For carrying out preventive measures to conserve soil and water, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of conservation nurseries, the making of conservation plans and surveys, and the dissemination of information, $43,500,000: *Provided*, That no part of this appropriation may be expended for soil and water conservation operations in demonstration projects.

Demonstration projects.

LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

50 Stat. 525.
50 Stat. 532.
7 U. S. C. § 1011 note.

For expenses necessary to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010–1012), and the provisions of the Act approved August 11, 1945 (Public Law 179, Seventy-ninth Congress), including not to exceed $29,100 for personal services in the District of Columbia, $1,125,000.

PRODUCTION AND MARKETING ADMINISTRATION

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For expenses necessary to enable the Secretary to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g–590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1407) (except the provisions of sections 201, 202, 303, 381, and 383 and the provisions of titles IV and V), including personal services in the District of Columbia; not to exceed $6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; $150,000,000, to remain available until December 31, 1949, for compliance with programs under said provisions of the Agricultural Adjustment Act of 1938, as amended, and the Act of February 29, 1936, as amended, pursuant to the provisions of the 1948 programs carried out during the period July 1, 1947, to December 31, 1948, inclusive: *Provided*, That not to exceed $24,500,000 of the total sum provided under this head shall be available during the current fiscal year, for salaries and other administrative expenses for carrying out such programs, including the tobacco and peanut-marketing quota programs, the cost of aerial photographs, however, not to be charged to such limitation; but not more than $7,000,000 shall be transferred to the appropriation account, "Administrative expenses, section 392, Agricultural Adjustment Act of 1938": *Provided further*, That payments to claimants hereunder may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of the Act of March 4, 1909, as amended (18 U. S. C. 80): *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the Agricultural Adjustment Agency pursuant to the Executive Order Numbered 9069, of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State or county information employees, but this shall not preclude the answering of inquiries or supplying of information to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1949 programs (amounting to $262,500,000, including administration, and formulated on the basis of a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs as determined by the Secretary: *Provided further*, That the proportion allocated to any State shall not be reduced more than 15 per centum from the 1946 distribution and that no participant shall receive more than $750) of soil-building practices and soil- and water-conservation practices, under the Act of February 29, 1936, as amended, and programs under the Agricultural Adjustment Act of 1938, as amended; but the payments or grants under such program shall be conditioned upon the utilization of land with respect to which such payments or grants are to be made, in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State committee appointed pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended for the respective

Soil conservation.
Ante, pp. 409, 411, 511.
49 Stat. 1148.
16 U. S. C., Supp. I, § 590q.
Post, p. 1250.
52 Stat. 31.
7 U. S. C., Supp. I, § 1334 *et seq.*
Post, p. 1250.
52 Stat. 36, 45, 66, 67, 70, 72.
7 U. S. C. §§ 1291, 1292, 1303, 1381, 1383, 1401–1407, 1501–1518; Supp. I, § 1381 *et seq.*
Post, pp. 859, 1255.

Administrative expenses.

52 Stat. 69.
7 U. S. C. § 1392.
Payments to claimants.

35 Stat. 1095.
Post, p. 863.

50 U. S. C. app. § 601 note.

Programs of soil-building practices, etc.

Allocations to States.

49 Stat. 1148; 52 Stat. 31.
16 U. S. C. §§ 590g–590q; Supp. I, § 590q; 7 U. S. C. §§ 1281–1518; Supp. I, § 1334 *et seq.*
Post, pp. 859, 1250.

49 Stat. 1150.
16 U. S. C. § 590h (b).

Transfer of funds.

Purchase of seeds, etc.

Payment to farmers inducted into armed forces.

49 Stat. 1148.
16 U. S. C. §§ 590g–590q; Supp. I, § 590q.
Post, p. 1250.

59 Stat. 154.

52 Stat. 68.
Post, p. 1257.

Salary or travel expenses, restriction.

53 Stat. 1147.
18 U. S. C. §§ 61–61w.
Post, p. 867.
41 Stat. 68.
Post, p. 865.

States: *Provided further*, That the Secretary may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of said Office in auditing payments under this item: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That the Secretary is authorized and directed to make payments to farmers who complied with the terms and conditions of the agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, if the Secretary determines that, because of induction into the armed forces of the United States, such farmers failed to file, or were prevented from filing, applications for payment under any such program during the period the applicable appropriation for such program was available for obligation, such payments to be made out of the unobligated balance of the appropriation, "Conservation and use of agricultural land resources", in the Department of Agriculture Appropriation Act, 1946: *Provided further*, That an application for payment on the prescribed form is filed by any such farmer (or the person entitled to payment in case of death, disappearance, or incompetency of the farmer under regulations issued pursuant to section 385 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C., 1940 edition, 1385)) within one year from the date of his discharge from the armed forces, or by December 31, 1948, whichever is later: *And provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of section 6 of the Act of July 11, 1919 (18 U. S. C. 201), to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

SUGAR ACT

61 Stat. 922.
7 U. S. C., Supp. I, §§ 1100–1160.
50 Stat. 903.

To enable the Secretary to carry into effect the provisions of the Sugar Act of 1948, approved August 8, 1947 (Public Law 388), including such amount as is required to complete payments under the Sugar Act of 1937, as amended (7 U. S. C. 1100–1183), $72,000,000, to remain available until June 30, 1950: *Provided*, That expenditures (including transfers) from this appropriation for other than payments to sugar producers shall not exceed $1,385,545.

EXPORTATION AND DOMESTIC CONSUMPTION OF AGRICULTURAL COMMODITIES

49 Stat. 774.
7 U. S. C., Supp. I, § 612c note.
Post, p. 1257.

Not to exceed $500,000 of the appropriation made available by section 32 of the Act of August 24, 1935 (7 U. S. C. 612 (c)), shall be used to pay any subsidy, benefit, or indemnity to manufacturers of or dealers in insulation products.

NATIONAL SCHOOL LUNCH ACT

To enable the Secretary to carry out the provisions of the National School Lunch Act of June 4, 1946 (Public Law 396), there is hereby made available $75,000,000 of the funds appropriated for the fiscal year 1949 by section 32 of the Act approved August 24, 1935 (7 U. S. C. 612 (c)), such amount to be without regard to the 25 per centum limitation contained in said section 32, and to be exclusive of funds expended in accordance with the last sentence of section 9 of the National School Lunch Act: *Provided*, That no part of such funds shall be used for nonfood assistance under section 5 of said Act.

60 Stat. 230.
42 U. S. C. §§ 1751-1760; Supp. I, § 1752 note.

49 Stat. 774.
7 U. S. C., Supp. I, § 612c note.
Post, p. 1257.
60 Stat. 233, 231.
42 U. S. C. §§ 1758, 1754.

MARKETING SERVICES

For expenses necessary, including not to exceed $2,187,827 for personal services in the District of Columbia, in conducting investigations, experiments, and demonstrations, as follows:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products (including broilers), fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, $1,689,750.

Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered, $712,000.

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, for making analyses of cotton fiber as provided by the Act of April 7, 1941 (7 U. S. C. 473d), for carrying out the provisions of section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291), and for coordinating nutrition services made available by Federal, State, and other agencies, including not to exceed $10,000 for employment pursuant to the second sentence of section 706 (a), of the Organic Act of 1944 (5 U. S. C. 541b), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed $20,000 for transportation and other necessary expenses including not to exceed $10 per diem of persons serving without compensation while away from their homes or regular places of business; printing and binding; and not to exceed $150 for newspapers, $1,084,500: *Provided*, That the Secretary may make available to any bureau, office, or agency of the Department such amounts from this appropriation as may be necessary to carry out the functions for which this appropriation is made, and any such amounts shall be in addition to amounts transferred or otherwise made available to appropriation items in this Act.

55 Stat. 131.

52 Stat. 36.

58 Stat. 742.
60 Stat. 810.

Additional amounts.

Tobacco Acts: To carry into effect the provisions of the Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, approved August 23, 1935 (7 U. S. C. 511–511q), the Act to provide for the collection and publication of statistics of tobacco by the Department, approved January 14, 1929 (7 U. S. C. 501–508), as amended, and the Act to prohibit the exportation of tobacco seed and plants, approved June 5, 1940 (7 U. S. C. 516), $1,552,000.

49 Stat. 731.

45 Stat. 1079.

54 Stat. 231.

Cotton Statistics, Classing, Standards and Futures Acts: To carry into effect the provisions of the Act authorizing the Secretary to collect and publish statistics of the grade and staple length of cotton, approved March 3, 1927, as amended by the Act of April 13, 1937 (7 U. S. C. 471–476), and to perform the duties imposed upon him by chapter 14 of the Internal Revenue Code relating to cotton futures (26 U. S. C. 1920–1935), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, as amended (7 U. S. C. 51–65), $1,399,000.

44 Stat. 1372; 50 Stat. 62.

53 Stat. 210.

42 Stat. 1517.

Marketing regulatory acts: For expenses necessary to carry into effect the provisions of the Perishable Agricultural Commodities Act, as amended (7 U. S. C. 499a–499r), the Act to prevent the destruction or dumping of farm produce (7 U. S. C. 491–497), the Act to provide standards for baskets and containers for fruits and vegetables, as amended (15 U. S. C. 251–256), the Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables (15 U. S. C. 257–257i), the Act to provide export standards for apples and pears (7 U. S. C. 581–589), the United States Grain Standards Act (7 U. S. C. 71–87), the United States Warehouse Act (7 U. S. C. 241–273), the Federal Seed Act (7 U. S. C. 1551–1610), the Packers and Stockyards Act, as amended (7 U. S. C. 181–229), the Naval Stores Act (7 U. S. C. 91–99), and the Federal Insecticide, Fungicide, and Rodenticide Act of June 25, 1947 (Public Law 104), $3,178,350.

46 Stat. 531.

44 Stat. 1355.

39 Stat. 673.

45 Stat. 685.

48 Stat. 123.

39 Stat. 482.

39 Stat. 486; 53 Stat. 1275.

42 Stat. 159, 1435.

61 Stat. 163.

7 U. S. C., Supp. I, §§ 135–135k.

COMMODITY EXCHANGE AUTHORITY

Commodity Exchange Act: To enable the Secretary to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), including not to exceed $153,000 for personal services in the District of Columbia, $530,000.

49 Stat. 1491.

7 U. S. C., Supp. I, § 12–1.

FARMERS' HOME ADMINISTRATION

For expenses necessary, including personal services in the District of Columbia, to carry into effect the provisions of titles I, II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1000–1029), as amended, the Farmers' Home Administration Act of 1946 (Public Law 731), approved August 14, 1946, and Public Law 563, approved July 30, 1946, as follows:

50 Stat. 522, 524, 527.

7 U. S. C., Supp. I, § 1001 *et seq.*

Post, p. 534.

Loans: Title I and section 43 (including payments in lieu of taxes and taxes under section 50), $15,000,000; title II, $75,000,000.

60 Stat. 1062, 711.

7 U. S. C. §§ 1001–1031; Supp. I, § 1001 *et seq.*; 40 U. S. C. §§ 436–439.

50 Stat. 522, 530, 524.

7 U. S. C. §§ 1001–1005d, 1017, 1007–1009; Supp. I, §§ 1001, 1017 notes.

Post, p. 534.

Salaries and expenses: For the making and servicing of new loans, insuring mortgages, the servicing and collecting of loans made under prior authority, and the liquidation of assets transferred to Farmers' Home Administration pursuant to the Farmers' Home Administration Act of 1946, $22,000,000, together with a transfer to this appropriation item of not to exceed $120,000 of the fees and administrative expense charges made available by subsections (d) and (e) of section 12 of the Bankhead-Jones Farm Tenant Act, as amended.

60 Stat. 1062.

7 U. S. C. §§ 1001–1031; Supp. I, § 1001 *et seq.*

60 Stat. 1076.

7 U. S. C. § 1005b (d), (e).

Post, p. 534.

WATER FACILITIES, ARID AND SEMIARID AREAS

To carry into effect the provisions of the Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, approved August 28, 1937, as amended (16 U. S. C. 590r–590x, 590z–5), $1,750,000, of which not to exceed $11,000 may be expended for personal services in the District of Columbia.

50 Stat. 869.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901–915, as amended by the Act of July 30, 1947 (Public Law 266)), as follows:

49 Stat. 1363. 7 U. S. C., Supp. I, § 903. 61 Stat. 546. *Post*, p. 1038.

Salaries and expenses: For administrative expenses, including personal services in the District of Columbia; not to exceed $500 for newspapers; and not to exceed $500 for financial and credit reports; $5,450,000.

Loans: For loans in accordance with sections 3, 4, and 5 of said Act, and for carrying out the provisions of section 7 thereof, $400,000,000, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3 (a) of said Act.

49 Stat. 1364, 1365. 7 U. S. C. §§ 903–905, 907; Supp. I, § 903.

GENERAL PROVISIONS—DEPARTMENT OF AGRICULTURE

Limitations respecting loans and advances.

SEC. 2. No funds appropriated or made available under this title shall be used to pay the compensation or expenses of any officer or employee of the Department or any bureau, office, agency, or service of the Department, or any corporation, institution, or association supervised thereby, who makes or approves, or directs or authorizes the approval of, any loan or advance by the Regional Agricultural Credit Corporation of Washington, District of Columbia, unless such loan or advance (1) is for the purpose of protecting the security for or assisting in the collection of a loan or advance theretofore made by the Corporation, or (2) is for use in and confined to a specific area or region in which the Secretary of Agriculture shall have found that such loans for specified agricultural purposes and for limited time periods are necessary because of economic emergencies or production disasters. All loans and advances made pursuant to this section will carry the full personal liability of the borrower, shall be secured by crops or livestock and such additional collateral as is deemed necessary to afford reasonable assurance of repayment, and will be accompanied by a certificate of refusal of the loan or advance by a local bank or the production credit association serving the area: *Provided, however*, That the Secretary of Agriculture may authorize the Regional Agricultural Credit Corporation to reenter an area or region where an economic emergency or production disaster has occurred, in conformity with the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (title 12, U. S. C. 1148).

Liability of borrower, etc.

Regional Agricultural Credit Corp.

47 Stat. 713. 12 U. S. C., Supp. I, § 1148.

Passenger motor vehicles.

SEC. 3. Within the unit limit of cost fixed by law the lump-sum appropriations made for the Department under this title shall be available for the purchase of passenger motor vehicles, and for the hire of such vehicles, necessary in the conduct of the work of the Department outside the District of Columbia, but the number of such vehicles purchased or otherwise acquired for all the activities of the Department for which appropriations are made under such title shall not exceed the total number indicated for purchase by the Department under the statements of proposed expenditures for purchase and hire of passenger motor vehicles in the Budget.

Employment of aliens.

SEC. 4. Provisions of law prohibiting or restricting the employment of aliens shall not apply to (1) the temporary employment of translators when competent citizen translators are not available; (2) employment in cases of emergency of persons in the field service of the Department for periods of not more than sixty days; and (3) employment under the appropriation for the Office of Foreign Agricultural Relations.

Ante, p. 512.

60 Stat. 903.

SEC. 5. Appropriations made in this title shall be available for health service programs as authorized by law (5 U. S. C. 150).

Post, p. 531.

60 Stat. 843.
Post, p. 1008.

SEC. 6. Appropriations and other funds available to the Department during the current fiscal year (except those appropriated or authorized in title II of this Act for such fiscal year) shall be available for the payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 7. No part of any appropriation contained in this title shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this title shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

Affidavit.

Administration of oaths.

Penalty.

Emergency work.

Lump-sum leave payments.

58 Stat. 845.

SEC. 8. Limitations on amounts to be expended for personal services under appropriations in this Act shall not apply to lump-sum leave payments pursuant to the Act of December 21, 1944 (5 U. S. C. 61b–e).

Short title.

SEC. 9. This Act may be cited as the "Department of Agriculture Appropriation Act, 1949".

TITLE II—GOVERNMENT CORPORATIONS

SEC. 201. The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Federal Crop Insurance Corporation for the current fiscal year, namely: Federal Crop Insurance Corp.

ADMINISTRATION OF FEDERAL CROP INSURANCE ACT

Operating expenses: For operating and administrative expenses, $3,725,000, including not to exceed $700 for newspapers, together with the unobligated balance of the appropriation for this purpose for fiscal year 1948 which shall be available to complete the orderly liquidation of the 1947 and prior crop year programs.

SEC. 202. The following corporations are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary to carry out the programs set forth in the budget for the current fiscal year for each such corporation, except as hereinafter provided: 59 Stat. 598. 31 U. S. C., Supp. I, § 849.

ADMINISTRATIVE EXPENSES, COMMODITY CREDIT CORPORATION

Commodity Credit Corporation: Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed $7,575,000 shall be available for administrative expenses of the Corporation, including not to exceed $400 for periodicals, maps, and newspapers: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof. Administrative expenses. Nonadministrative expenses.

SEC. 203. The authorities, restrictions, and prohibitions specified under the head "General provisions" in the Government Corporations Appropriations Act, 1949, shall be applicable to title II of this Act. *Post*, p. 1194.

Approved June 19, 1948.

[CHAPTER 544]

AN ACT

To extend the provisions of title VI of the Public Health Service Act to the Virgin Islands.

June 19, 1948
[H. R. 5889]
[Public Law 713]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (a) of section 631 of the Public Health Service Act, as amended, is amended by inserting after "Puerto Rico" the following: "and the Virgin Islands". Public Health Service Act, amendment. 60 Stat. 1046. 42 U. S. C. § 291i (a), (d).

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

"(d) the term 'State' includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia;".

Approved June 19, 1948.

[CHAPTER 545]

AN ACT

June 19, 1948
[H. R. 5891]
[Public Law 714]

To repeal an Act approved August 24, 1894, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company", and all Acts amendatory thereof and supplemental thereto.

Choctaw, Oklahoma and Gulf Railroad Co.

Whereas Choctaw, Oklahoma and Gulf Railroad Company, a corporation created under and by virtue of the Act approved August 24, 1894, having become insolvent, and title to all of its railways and other properties, and ownership of all of its shares of capital stock, having passed to and become vested in Chicago, Rock Island and Pacific Railroad Company, a corporation of the State of Delaware, and all of its indebtedness discharged, by virtue of and pursuant to consummation order and final decree entered by the District Court of the United States for the Northern District of Illinois, Eastern Division, on December 30, 1947: Therefore

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved August 24, 1894, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company" (28 Stat. L. 502), and all Acts amendatory thereof and supplementary thereto, be, and the same are hereby, repealed; and all the rights, powers, immunities, privileges, and franchises, which have been heretofore granted to or conferred upon Choctaw, Oklahoma and Gulf Railroad Company by any Act or Acts of Congress shall be, and the same are, terminated.

Approved June 19, 1948.

[CHAPTER 546]

AN ACT

June 19, 1948
[H. R. 5957]
[Public Law 715]

To provide for the establishment of the Fort Vancouver National Monument, in the State of Washington, to include the site of the old Hudson's Bay Company stockade, and for other purposes.

Ft. Vancouver National Monument, Wash.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of establishing a Federal area of national historical importance for the benefit of the people of the United States, to be known as the "Fort Vancouver National Monument", the Administrator of the War Assets Administration and the Secretary of the Army are authorized to transfer to the Secretary of the Interior, without exchange of funds, administrative jurisdiction over such federally owned lands and other property, real or personal, under their jurisdiction, including the site of the old Hudson's Bay Company stockade in the State of Washington, as they shall find to be surplus to the needs of their respective agencies, such properties to be selected, with their approval, by the Secretary of the Interior for inclusion within the national monument.

Total area.

SEC. 2. The total area of the national monument as established or as enlarged by transfers pursuant to this Act shall not exceed ninety acres. Establishment of the monument shall be effective, upon publication in the Federal Register of notice of such establishment, following the transfer to the Secretary of the Interior of administrative jurisdiction over such lands as the Secretary of the Interior shall deem to be sufficient for purposes of establishing the national monument. Additional lands may be added to the monument in accordance with the procedure prescribed in section 1 hereof, governing surplus

Additional lands.

properties, or by donation, subject to the maximum acreage limitation prescribed by this Act, upon publication of notice thereof in the Federal Register.

SEC. 3. The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Administration, etc.

16 U. S. C. §§ 1-4, 22, 43.

Approved June 19, 1948.

[CHAPTER 547]

AN ACT

To amend section 202 of title II of the Army-Navy Medical Services Corps Act of 1947, as amended, to remove the present restriction on appointments to the Navy Medical Service Corps.

June 19, 1948
[H. R. 5983]
[Public Law 716]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of title II of the Army-Navy Medical Services Corps Act of 1947, as amended, is hereby further amended to read as follows:

61 Stat. 737.
34 U. S. C., Supp. I, § 30c note.

"SEC. 202. During the period that appointments to the Regular Navy may be made pursuant to section 5 of the Act of April 18, 1946 (60 Stat. 92), appointments to the Medical Service Corps may be made in accordance with the provisions of the said Act, in addition to appointments authorized by section 203 of this title."

34 U. S. C. § 15; Supp. I, § 15.

61 Stat. 737.
34 U. S. C., Supp. I, § 30d.

Approved June 19, 1948.

[CHAPTER 548]

AN ACT

To provide for the acquisition of lands for grazing and related purposes.

June 19, 1948
[H. R. 6073]
[Public Law 717]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 8 of the Act of June 28, 1934 (48 Stat. 1269, 1272), as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U. S. C., sec. 315g), is hereby amended to read as follows: "That where such action will promote the purposes of a district or facilitate the administration of the public lands, the Secretary is authorized to accept on behalf of the United States any lands within or without the exterior boundaries of a grazing district as a gift."

Acquisition of grazing land.

SEC. 2. The last sentence of section 9 of the Act of June 28, 1934 (48 Stat. 1269, 1273), is hereby amended by substituting for the words "the district" the following: "lands within or without the exterior boundaries of a grazing district".

43 U. S. C. § 315h.

Approved June 19, 1948.

[CHAPTER 549]

AN ACT

To permit the landing of halibut by Canadian fishing vessels to Alaskan ports, and for other purposes.

June 19, 1948
[H. R. 6110]
[Public Law 718]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 4311 of the Revised Statutes (46 U. S. C. 251), Canadian fishing vessels engaged in the North Pacific halibut fishery only shall be permitted to land their catches of halibut and sable fish (black cod) in ports of entry in Alaska, upon compliance with applicable customs laws, during any period prior to January

Canadian fishing vessels.
Landing of halibut at Alaskan ports.

1, 1950, in which the Secretary of State finds and so notifies the Secretary of the Treasury that United States fishing vessels engaged in the North Pacific halibut fishery only are granted comparable privileges in ports of British Columbia.

Approved June 19, 1948.

[CHAPTER 550]

AN ACT

June 19, 1948
[H. R. 6113]
[Public Law 719]

To transfer certain land in Langlade County, Wisconsin, to the United States Forest Service.

Langlade County, Wis.
Transfer of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the written consent of the majority of directors, Wisconsin Rural Rehabilitation Corporation, the Secretary of Agriculture is hereby directed to convey, grant, transfer, and quitclaim forthwith to the United States, for subsequent administration as a part of the Nicolet National Forest and subject to the rules and regulations applicable to national-forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended, all right, title, claim, interest, equity, and estate in and to the following-described lands administered by the Secretary as trustee, under an agreement of transfer dated May 16, 1937, with the Wisconsin Rural Rehabilitation Corporation, and situated in the county of Langlade, State of Wisconsin, together with the improvements thereon and the rights and the appurtenances thereunto belonging or appertaining: Township 33 north, range 9 east, fourth principal meridian, section 16, northwest quarter, north half northeast quarter, southwest quarter northeast quarter, and north half south half; section 17, northeast quarter; section 22, east half northwest quarter.

16 U. S. C. §§ 552, 563, 513–519, 521, 480, 500.

Use of land.

SEC. 2. The Chief of the Forest Service is hereby directed to utilize, insofar as practicable, the property transferred pursuant to this Act as an experimental and demonstration forest. Such use is found to be in the general interest of rural rehabilitation.

Nonliability.

SEC. 3. Any such transfer shall not be deemed to impose any liability upon the Secretary of Agriculture with respect to his obligation under such agreement to transfer of May 16, 1937.

Approved June 19, 1948.

[CHAPTER 551]

AN ACT

June 19, 1948
[H. R. 6114]
[Public Law 720]

To amend title I of the Bankhead-Jones Farm Tenant Act, as amended, so as to increase the interest rate on title I loans, to provide for the redemption of nondelinquent insured mortgages, to authorize advances for the preservation and protection of the insured loan security, and for other purposes.

Bankhead-Jones Farm Tenant Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sections of title I of the Bankhead-Jones Farm Tenant Act, as amended, are hereby amended as follows:

50 Stat. 523.
7 U. S. C. § 1003 (b) (2).

SEC. 1. Amend subsection (b) (2) of section 3 to read:

"(2) provide for the payment of interest on the unpaid balance of the loan at the rate of 4 per centum per annum;".

60 Stat. 1076.
7 U. S. C. § 1005b (c) (4).

SEC. 2. Amend subsection (c) (4) of section 12 to read:

"(4) the mortgage instruments shall comply with section 3 (b), except that the base rate of interest shall be 3 per centum per annum;".

60 Stat. 1076.
7 U. S. C. § 1005b (e) (1).
Collection of charges.

SEC. 3. Amend subsection (e) (1) of section 12 to read:

"The Secretary shall collect from the mortgagor for mortgage insurance an annual charge at the rate of 1 per centum of the outstanding principal obligation of the mortgage; the initial charge

shall be collected simultaneously with the insurance of the mortgage and shall cover the period from the date of loan closing to the date of the first installment payable on the loan; the next and each succeeding charge shall be computed on the outstanding principal obligation remaining unpaid after the due date of each installment payable on the loan, and shall be payable on or before the next succeeding due date of an installment of principal and interest. If the principal obligation of the mortgage is paid in full in less than five years after the time when the mortgage was entered into, the Secretary may require payment by the mortgagor of the entire annual charge computed for the year then current, and an additional charge equal to the annual charge for such year. The Secretary may modify existing contracts so as to require future payments thereunder in accordance with the provisions of this section."

60 Stat. 1077.
7 U. S. C. § 1005b (f).

SEC. 4. Amend subsection (f) of section 12 by striking out subsections (2) and (3), and inserting in lieu thereof the following new subsections (2), (3), and (4).

Failure of mortgagor to pay amount due.

"(2) If the mortgagor has failed to pay to the Secretary the full amount of any installment on or before the due date thereof, the Secretary shall pay promptly the unpaid amount of such installment of principal and interest to the mortgagee, less the amount of any previous prepayments except payments from proceeds from the voluntary or involuntary sale of any part of the mortgaged property or from royalties from leases under which the value of the security is depreciated.

Failure of mortgagor to pay special taxes, etc.

"(3) If the mortgagor fails to pay any amounts due for taxes, special assessments, water rates, and other amounts which may become liens prior to the mortgage, and any amounts due for property insurance premiums, such amounts may be paid by the Secretary, either before or after assignment of the insured mortgage to the Secretary, for the account of the mortgagor as provided in paragraph (4) below.

Advances.

"(4) Payments by the Secretary under paragraphs (2) and (3) shall be advanced out of the fund for the account of the mortgagor. Such advances shall be repaid to the fund out of the first available collections received from the mortgagor. Such advances shall bear interest at the rate fixed in the insured mortgage payable out of any subsequent collections, and, until repaid, the advance and interest thereon shall be added to subsequent installments."

60 Stat. 1076.
7 U. S. C. § 1005b.

SEC. 5. Amend section 12 by adding at the end thereof the following new subsection (j).

Assignment of mortgage, etc.

"(j) The Secretary is authorized to enter into agreements from time to time with the holder of a mortgage heretofore or hereafter insured under this title that any holder thereof, at the holder's option, shall be entitled, upon assignment of such mortgage to the Secretary within one year after the expiration of a period fixed by such agreement, to have the mortgage purchased by the Secretary even though the mortgage is not then in default, provided the initial fixed period shall be not less than five years from the date of the insured mortgage. Such assignment shall be accomplished in the same manner and the value of such mortgage shall be determined on the same basis as provided by section 13 for mortgages in default. The Secretary may purchase any such mortgage with moneys in the fund and may sell it at its value likewise determined in accordance with section 13 at the time he sells it, and reinsure it, if necessary, or he may retain it for the account of the fund until the indebtedness is discharged through refinancing by the mortgagor, by foreclosure, or otherwise. The value of all such mortgages retained for the fund as herein provided shall not be included in computing the aggregate amount of mortgage obligations that may be insured in any one fiscal year, as provided in section 12 (b). If there should not be sufficient cash in the fund to enable the Secretary to make payments to purchase

60 Stat. 1077.
7 U. S. C. § 1005c.

60 Stat. 1076.
7 U. S. C. § 1005b (b).

mortgages as provided in this subsection, in order to obtain funds to make such payments notes may be issued and purchased in the same manner as provided in section 13."

60 Stat. 1078. 7 U. S. C. § 1005d.

SEC. 6. Amend subsection (a) of section 14 by adding at the end thereof the following sentence: "Expenses and fees incident to foreclosure may be advanced out of the fund for the account of the mortgagor."

50 Stat. 531. 7 U. S. C. §§ 1025, 1024.

SEC. 7. Amend subsection (b) of section 14 to read:

"(b) Amounts realized under section 51 on account of property which was subject to an insured mortgage shall be deposited in the fund. Amounts payable by the Secretary under section 50 with respect to such property, and any necessary costs and expenditures for the operation, preservation, and protection of such property, shall be paid out of the fund."

Approved June 19, 1948.

[CHAPTER 552]

AN ACT

June 19, 1948
[H. R. 6229]
[Public Law 721]

To authorize the extension of leases of certain land in the Territory of Hawaii.

Hawaii. Extension of lease of certain land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where a lessee of water-front lands in the Territory of Hawaii under lease on April 1, 1946, has spent substantial sums in repairing or replacing improvements on such lands damaged or destroyed by the tidal wave of that date, then notwithstanding any provision of the Organic Act of Hawaii (31 Stat. 141), as amended, or of the laws of the Territory of Hawaii, the Commissioner of Public Lands of the Territory of Hawaii, at the request of the lessee, in his discretion may extend the term of the lease at the original rental: *Provided*, That no lease is extended beyond March 31, 1967.

48 U. S. C. § 493 note.

Expiration date.

Approved June 19, 1948.

[CHAPTER 553]

AN ACT

June 19, 1948
[H. R. 6234]
[Public Law 722]

To authorize the establishment of internships in the Department of Medicine and Surgery of the Veterans' Administration.

Veterans' Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b), section 14, of the Act of January 3, 1946 (59 Stat. 679; 38 U. S. C. 15m (b)), is hereby amended to read as follows:

Internships, etc.

"(b) The Administrator shall have authority to establish residencies and internships; to appoint qualified persons to such positions without regard to civil-service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training."

Approved June 19, 1948.

[CHAPTER 554]

AN ACT

June 19, 1948
[H. R. 6339]
[Public Law 723]

To amend the provisions of title VI of the Public Health Service Act relating to standards of maintenance and operation for hospitals receiving aid under that title.

Public Health Service Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d)

of section 623 of the Public Health Service Act, as amended, is amended to read:

60 Stat. 1044.
42 U. S. C. § 291f (d).

"(d) If any State, prior to July 1, 1948, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required prior to that date (or, at the option of the State, required within such time after enactment of the legislation as the Surgeon General finds reasonable) in the case of hospitals which shall have received Federal aid under this title, such State shall not be entitled to any further allotments under section 624 until such time as such State has enacted such legislation. Upon enactment of such legislation after July 1, 1948, the prohibition in this subsection against further allotments to such State under this part shall no longer be effective and such State shall, subject to the other requirements of this part, be entitled to allotments under section 624 for the fiscal year in which such legislation is enacted and for the preceding fiscal year."

Allotments to States for construction.

60 Stat. 1045.
42 U. S. C. § 291g.
Post, p. 1103.

Approved June 19, 1948.

[CHAPTER 555]

AN ACT

June 19, 1948
[H. R. 6430]
[Public Law 724]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1949, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1949, out of (1) the general fund of the District of Columbia, hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and $11,000,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1948), (2) highway funds, established by law (D. C. Code, title 47, ch. 19), and (3) the water fund, established by law (D. C. Code, title 43, ch. 15) and $1,000,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1948), sums as follows:

District of Columbia Appropriation Act, 1949.

D. C. Code, Supp. VI, 47 ch. 19.
D. C. Code, Supp. VI, 43 ch. 15.

From the general fund: All sums appropriated under the following heads: General administration, fiscal service, compensation and retirement fund expenses, regulatory agencies, public schools, Public Library, Recreation Department, Metropolitan Police, Fire Department, policemen's and firemen's relief, Veterans' Services, courts, Health Department, Department of Corrections, public welfare, public works (excluding those items designated as payable from the highway and water funds), National Guard, National Capital Parks, National Capital Park and Planning Commission, and National Zoological Park;

From the highway fund: All sums appropriated under public works designated as payable from the highway fund; and

Post, p. 554.

From the water fund: All sums appropriated under public works and Washington aqueduct, designated as payable from the water fund; namely:

GENERAL ADMINISTRATION

For expenses necessary for the offices named under this general head:

Executive office, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional

42 Stat. 1488. 5 U. S. C. §§ 661–674.

service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners of the District of Columbia, hereafter in this Act referred to as the Commissioners; six members of the Apprenticeship Council at $120 per annum each; $250 to aid in support of the National Conference of Commissioners on Uniform State Laws; general advertising in newspapers and legal periodicals in the District of Columbia but not elsewhere, unless the need for advertising outside the District of Columbia shall have been specifically approved by the Commissioners, including notices of public hearings, publication of orders and regulations, tax and school notices, and notices of changes in regulations; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and $20,000 for expenses in case of emergency, such as riot, pestilence, public insanitary conditions, flood, fire, or storm, and for expenses of investigations; $224,100: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of $1,500 of this appropriation for such purposes as they may deem necessary.

National Conference of Commissioners on Uniform State Laws.

60 Stat. 810.

Office of the corporation counsel, including extra compensation for the corporation counsel as general counsel of the Public Utilities Commission; $4,500 for the settlement of claims not in excess of $250 each, approved by the Commissioners in accordance with the Act approved February 11, 1929 (45 Stat. 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500); and judicial expenses, including witness fees and expert services, in District of Columbia cases before the courts of the United States and of the District of Columbia; $238,600.

D. C. Code §§ 1–902 to 1–905.

Board of Tax Appeals, $19,500.

FISCAL SERVICE

For expenses necessary for the offices named under this general head:

Assessor's office, including advertising notice of taxes in arrears July 1, 1948, to be reimbursed by a charge of 75 cents for each lot or piece of property advertised, $594,000: *Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for two weeks in the regular issue of one newspaper published in the District of Columbia.

Collector's office, including refunding, wholly or in part, erroneous payments of taxes, special assessments, school tuition charges, payment for lost library books, rents, fines, fees, or collections of any character, which have been erroneously covered into the Treasury to the credit of the general fund, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat. 967), $316,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

D. C. Code § 5–430.

Auditor's office, $418,400.

Purchasing Division, $91,900.

COMPENSATION AND RETIREMENT FUND EXPENSES

For compensation and retirement fund expenses, as follows:

District government employees' compensation: For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, authorizing compensation for employees of the government of the District of Columbia suffering injuries while in the performance of their duties, $80,000.

41 Stat. 104. D. C. Code § 1–311.

Workmen's compensation, administrative expenses: For transfer to the Bureau of Employees' Compensation for administration of the law providing compensation for disability or death resulting from

injury to employees in certain employments in the District of Columbia, $110,000.

District government employees' retirement: For financing of the liability of the government of the District of Columbia, created by the Act approved May 22, 1920, as amended (5 U. S. C. 707a), $2,032,000, which amount shall be placed to the credit of the "Civil service retirement and disability fund". Retirement Act, contribution. 41 Stat. 614.

REGULATORY AGENCIES

For expenses necessary for agencies named under this general head:

Alcoholic Beverage Control Board, including $1,000 for the purchase of samples, $89,400.

Board of Parole, $59,400.

Coroner's office, including juror fees, and repairs to the morgue, $48,300.

Department of Insurance, $78,300.

Department of Weights, Measures, and Markets, including maintenance and repairs to markets, $2,500 for purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure, $145,200: *Provided*, That the Disbursing Officer of the District of Columbia is authorized to advance to the Director of the Department of Weights, Measures, and Markets, upon requisition previously approved by the Auditor of the District of Columbia, sums of money, not exceeding $200 at any one time, to be used exclusively in connection with investigations and detection of short weights and measures. Advances.

License bureau, $46,100.

Minimum Wage and Industrial Safety Board, $61,600.

Office of Administrator of Rent Control, $100,000.

Office of Recorder of Deeds, $200,000.

Poundmaster's office, including uniforms for dog catchers, $33,600.

Public Utilities Commission, $129,000: *Provided*, That no appropriation in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission: *Provided further*, That the foregoing provision shall not be construed to prevent the Public Utilities Commission from holding a hearing upon any application that may be made for the installation of meters in taxicabs. Meters in taxicabs.

Zoning Commission, $30,800.

PUBLIC SCHOOLS

OPERATING EXPENSES

General administration: For expenses necessary for the general administration of the public-school system of the District of Columbia, $582,000.

General supervision and instruction: For expenses necessary for supervision, instruction, and education in the teachers colleges and in the day, evening, and summer public schools of the District of Columbia, and the education of foreigners of all ages in the Americanization schools; including textbooks; and subsistence supplies for pupils attending the schools for crippled children; $13,764,500, of which $200,000 shall be immediately available. *Ante*, p. 429.

Vocational education, George-Barden program: For expenses necessary for the development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended, including allowances for privately owned automobiles used for the performance of official duties within the District of Columbia (not to exceed $100 per annum for each automobile), $195,900.

49 Stat. 1488.
20 U. S. C. §§ 15h-15q.

Operation of buildings and grounds and maintenance of equipment: For expenses necessary for the operation of school buildings and grounds and the purchase and repair of equipment, purchase, operation, and maintenance of passenger-carrying motor vehicles, including insurance of District-owned or borrowed passenger motor vehicles, $2,632,000.

Repairs and maintenance of buildings and grounds: For expenses necessary for the repair, maintenance, and improvement of school buildings, mechanical equipment, and school grounds, $1,059,000: *Provided*, That this appropriation shall be available for making repairs to other municipal buildings, subject to reimbursement from other applicable appropriations for the cost of such work, and a report of all such expenditures shall be submitted to Congress in the annual Budget.

Repairs to other municipal buildings.

Report to Congress.

Deaf and dumb, and blind persons.

Auxiliary educational services: For the maintenance and instruction of deaf and dumb persons of the District of Columbia admitted to the Columbia Institution for the Deaf, and for the maintenance and instruction of colored deaf mutes of teachable age, and blind children, of the District of Columbia, in Maryland or some other State, by contract entered into by the Commissioners, for the transportation of children attending schools or classes established by the Board of Education for physically handicapped children, and for carrying out the provisions of the Act of December 16, 1944 (58 Stat. 811), $96,600.

Teachers' retirement appropriated fund: To carry out the Act of January 15, 1920, as amended by the Act of June 11, 1926 (44 Stat. 727), and the Act of August 7, 1946, as amended by the Act of August 4, 1947 (Public Law 351), $1,707,000: *Provided*, That the Treasury Department shall prepare the estimates of the annual appropriations required to be made to the teachers' retirement fund, and shall make actuarial valuations of such fund at intervals of five years, or oftener if deemed necessary by the Secretary of the Treasury, and the Commissioners are authorized to expend from money to the credit of the teachers' retirement fund not exceeding $5,000 per annum for this purpose, including personal services, without regard to the civil-service and classification laws.

41 Stat. 387.
D. C. Code §§ 31-701 to 31-720.
60 Stat. 875; 61 Stat. 750.
D. C. Code, Supp. VI, §§ 31-721 to 31-739.
Estimates; actuarial valuations.

CAPITAL OUTLAY

For furnishing and equipping the following school buildings: Armstrong Senior High School, Beers Elementary School, Birney Elementary School, Dunbar Senior High School, Francis Junior High School, Miller Junior High School, Montgomery Elementary School, Phelps Vocational High School, Sousa Junior High School, Taft Junior High School, Walker-Jones Elementary School, and Western Senior High School, $420,000, to remain available until expended.

For construction, as follows:

Construction of school buildings.

For completing construction of the Miller Junior High School, including recreation facilities and treatment of grounds, to be located in the vicinity of Forty-ninth Street and Washington Place Northeast, $817,573;

For continuing construction of a new twenty-four-room elementary-school building, including auditorium, lunchroom, physical education and recreation facilities, and treatment of grounds, in the vicinity

of Third and L Streets Northwest, to replace the present Walker and Jones Schools, $260,500, and the contract authorization for said building specified in the District of Columbia Appropriation Act, 1948, is hereby increased to $730,000; 61 Stat. 429.

For completing construction of an eight-room addition to the Kimball Elementary School, including an assembly hall-gymnasium, recreation facilities, necessary remodeling of the present building, and treatment of grounds, $75,000;

For completing construction of a new twenty-four-room elementary-school building, including an assembly hall-gymnasium, recreation facilities, and treatment of grounds, in the vicinity of East Capitol Street and Benning Road Southeast (Nalle), $164,000, and the contract authorization for said building specified in the District of Columbia Appropriation Act, 1948, is hereby increased to $755,000; 61 Stat. 429.

For continuing construction of a new junior high-school building (Sousa), including recreation facilities and treatment of grounds, to be located in the vicinity of Thirty-fourth Street and Minnesota Avenue Southeast, $670,000;

For completing construction of a sixteen-room elementary-school building (Montgomery), including auditorium, lunchroom, physical education and recreation facilities, and treatment of grounds, in the vicinity of New Jersey Avenue and P Street Northwest, to replace the present Morse and Twining Elementary Schools, $439,280;

For completing construction of an eight-room addition to the Beers Elementary School including an assembly hall-gymnasium, recreation facilities, necessary remodeling of the present building, and treatment of grounds, $337,800;

For continuing construction of a twenty-four-room elementary-school building, including auditorium, lunchroom, physical education and recreation facilities, and treatment of grounds, in the vicinity of Nichols Avenue and Sumner Road Southeast, to replace the present Birney permanent and temporary buildings, $510,000, and the contract authorization for said building specified in the District of Columbia Appropriation Act, 1948, is hereby increased to $790,000; 61 Stat. 430.

For completing construction of an addition to the Taft Junior High School, including ten classrooms, two gymnasiums, recreation facilities, an inclined floor in the auditorium, necessary improvements and alterations of the present building, and treatment of grounds, $297,030;

For completing construction of an eight-room addition to the Young Elementary School, including necessary remodeling of the present building, and treatment of grounds, $155,000;

For completing construction of a new elementary-school building, including an assembly hall-gymnasium, recreation facilities, and treatment of grounds, in the vicinity of Eleventh and G Streets Southeast, to replace the present Cranch and Tyler Schools, $209,500;

For beginning construction of a twenty-four-room elementary-school building, including auditorium, lunchroom, physical education and recreation facilities, and treatment of grounds, in the vicinity of Good Hope and Naylor Roads Southeast, to replace the present Stanton permanent and temporary buildings, $300,000, and the Commissioners are authorized to enter into a contract or contracts for such building at a total cost not to exceed $825,000: *Provided*, That not to exceed $17,190 of the amount herein appropriated may be transferred to the credit of the appropriation account "Office of Municipal Architect, construction services", and be available for the preparation of plans and specifications for said building, and the amount appropriated in the District of Columbia Appropriation Act, 1946, for plans and specifications for a new sixteen-room extensible elementary-school building Transfer of funds. 59 Stat. 277.

to replace the present Stanton permanent and temporary buildings shall be available for plans and specifications for the building specified herein;

For beginning construction of a twenty-four-room elementary-school building, including auditorium, lunchroom, physical education and recreation facilities, and treatment of grounds in the vicinity of Oxon Run Southeast, $200,000, and the Commissioners are authorized to enter into a contract or contracts for such building at a total cost not to exceed $825,000: *Provided*, That not to exceed $24,750 of the amount herein appropriated may be transferred to the credit of the appropriation account "Office of Municipal Architect, construction services", and be available for the preparation of plans and specifications for said building;

Transfer of funds.

For the completion of the assembly-hall gymnasium and playroom at the Patterson Elementary School, $60,000;

In all, for construction, including preparation of plans and specifications, $4,495,683, to be immediately available as one fund and to remain available until expended, to be disbursed and accounted for as "Capital outlay, construction, public schools, District of Columbia", and transfers may be made between limits of costs available in the fiscal year 1948 and provided herein but the cost limitation for any one project shall not be increased by more than 10 per centum by such transfers.

Purchase of sites.

For the purchase of a site as follows:

In the vicinity of Oxon Run Southeast, to provide for a new extensible twenty-four-room elementary school, and for school-playground purposes, $50,000, to remain available until expended and to be disbursed and accounted for as "Capital outlay, school building and playground sites, District of Columbia".

The appropriations for the purchase of a site at the Shaw Junior High School, to replace the present playground space needed for building alterations, and to provide additional playground space, in the District of Columbia Appropriation Act, 1945, and in the District of Columbia Appropriation Act, 1947, shall cease to be available for the purchase of land at such location but are hereby made available for the purchase of a site in the vicinity of Sixth and O Streets, Northwest, for the construction of a new junior high school building to replace the present Shaw Junior High School.

58 Stat. 515.
60 Stat. 507.

SURVEY OF PUBLIC SCHOOLS

For a complete survey of the public-school system of the District of Columbia with respect to the adequacy of the present plant and personnel, as well as educational methods and practices, to serve the District, said survey to be conducted under the supervision of a person qualified by training and experience in the field of public-school education to be appointed by the chairmen of the subcommittees on District of Columbia appropriations of the respective appropriation committees of the Senate and the House of Representatives at a salary of $1,000 per month and $300 per month for expenses, $100,000: *Provided*, That the person so appointed to supervise the said survey is authorized to employ necessary assistants at rates of pay to be approved by the chairmen of the said subcommittees, and the said director may request and be entitled to obtain such clerical assistance as he may deem necessary from agencies of the District of Columbia: *Provided further*, That the said director shall make a full report to the aforesaid chairmen prior to March 1, 1949, setting forth the results of the survey and his recommendations.

Appointment of supervisor.

Employment of assistants.

Report to Congressional committees.

Double salaries.
39 Stat. 120.
5 U. S. C. §§ 58, 59.

Section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply from July 1 to September 15, 1948, to teachers of the public schools of the District

of Columbia when employed by any of the executive departments or independent establishments of the United States Government.

No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the free instruction of pupils who dwell outside the District of Columbia. Free instruction of pupils outside D. C.

PUBLIC LIBRARY

For expenses necessary for the operation of the Public Library, including extra services on Sundays and holidays; newspapers, books, periodicals, and other printed material, including payment in advance for subscription thereto; music records, sound recordings, and educational films; alterations, repairs; fitting up buildings; care of grounds; and rent of suitable quarters for branch libraries in Anacostia, Chevy Chase, and Woodridge, without reference to section 6 of the District of Columbia Appropriation Act, 1945; $1,201,000: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the Public Library, upon requisition previously approved by the Auditor of the District of Columbia, not exceeding $50 at the first of each month, for the purchase of certain books, pamphlets, periodicals, or newspapers, or other printed material. 58 Stat. 532.

The unexpended balances of the amounts made available by the District of Columbia Appropriation Act, 1940, for the preparation of plans and specifications for the new central building of the Public Library of the District of Columbia shall remain available for the same purposes and under the same conditions and limitations until June 30, 1949. 53 Stat. 1011.

RECREATION DEPARTMENT

Operating expenses: For expenses necessary for operation and maintenance of recreation facilities in and for the District of Columbia, $1,072,000.

Capital outlay: For improvement of various recreation units, including erection of recreation structures, preparation of architectural and landscape architectural plans, and reimbursement to the United States of funds advanced in compliance with section 501 of the Act of October 3, 1944 (58 Stat. 791), $281,000.

The disbursing officer of the District of Columbia is authorized to advance to the superintendent of recreation, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as the Commissioners may require of said superintendent, sums of money to be used for the expense of conducting activities of the Recreation Board under the trust fund created by the Act of April 29, 1942, the total of such advancements not to exceed $2,000 at any one time. 50 U. S. C. app. § 1671. Advances. 56 Stat. 261. D. C. Code, Supp. VI, §§ 8-201 to 8-219.

METROPOLITAN POLICE

For expenses necessary for the Metropolitan Police, including pay and allowances; one inspector who shall be property clerk; the present acting sergeant in charge of police automobiles with the rank and pay of sergeant; the present acting sergeant in charge of the police radio station with the rank and pay of lieutenant; the present sergeant in charge of purchasing and accounts with the rank and pay of lieutenant; corporals at $3,669 per annum each; technicians with basic salary increase of $325 per annum each; not to exceed four detectives in the salary grade of captain; probational detectives with basic salary increase of $163 per annum each; allowances for privately owned automobiles used by inspectors in the performance of official duties at $480 per annum for each automobile; meals for prisoners; rewards for fugitives; medals of award; photographs; rental and maintenance Technicians.

of teletype system; travel expenses incurred in prevention and detection of crime; expenses of attendance, without loss of pay or time, at specialized police training classes and pistol matches, including tuition and entrance fees; expenses of the police training school, including travel expenses of visiting lecturers or experts in criminology; police equipment and repairs to same; insignia of office, uniforms, and other official equipment, including cleaning, alteration, and repair of articles transferred from one individual to another, or damaged in the performance of duty; purchase of passenger motor vehicles; expenses of harbor patrol; and the maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise; $6,232,000, of which amount $16,000 shall be exclusively available for expenditure by the Superintendent of Police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Prevention and detection of crime.

For expenses necessary to enable the Commissioners of the District of Columbia to receive and entertain visiting dignitaries, pursuant to the provisions of the Act of July 11, 1947 (Public Law 180), $10,000.

61 Stat. 314.

Maintenance of public order, etc., from Jan. 15 to Jan. 26, 1949.

Ante, p. 286.

For all expenses necessary to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1949, in connection with inaugural ceremonies, including personal services without regard to the civil-service and classification laws; travel expenses of enforcement personnel from other jurisdictions; hire of means of transportation; meals for policemen; cost of removing and relocating streetcar loading platforms; and construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; $37,100.

Advances.

The disbursing officer of the District of Columbia is authorized to advance to the Superintendent of Police upon the approval of the Commissioners, sums of money to be used in the prevention and detection of crime, the total of such advancements not to exceed $5,000 at any one time.

FIRE DEPARTMENT

For expenses necessary for the Fire Department, including pay and allowances; uniforms and other official equipment, including cleaning, alteration, and repair of articles transferred from one individual to another, or damaged in the performance of duty; purchase of passenger motor vehicles; repairs and improvements to buildings and grounds; $3,653,000: *Provided*, That the Commissioners, in their discretion, may authorize the construction, in whole or in part, of fire-fighting apparatus in the Fire Department repair shop.

Capital outlay, Fire Department: For an additional amount for the acquisition of sites for fire-engine houses in the vicinity of Forty-ninth and East Capitol Streets Southeast and in the vicinity of Twenty-fourth and Irving Streets Southeast, and for the purchase of fire-alarm systems, $15,000, to remain available until expended.

POLICEMEN'S AND FIREMEN'S RELIEF

For policemen's and firemen's relief and other allowances as authorized by law, $2,500,000.

VETERANS' SERVICES

For expenses necessary to provide services to veterans and war workers, including personal services without regard to classification or civil-service laws, $121,400.

COURTS

District of Columbia courts: For expenses of the following District of Columbia courts, including witness fees and compensation of jurors; lodging and meals for jurors, bailiffs, and deputy United States marshals while in attendance upon jurors, when ordered by the courts; and meals for prisoners:

Juvenile court, $257,600, of which $556 shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d), and of which $15,000 shall be available for payment to the United States Public Health Service for furnishing psychiatric service, including the detail of necessary medical and other personnel: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, not to exceed $50 at any one time, to be expended for travel expenses to secure the return of absconding probationers.

58 Stat. 394.
Post, p. 1049.

Return of absconding probationers.

Municipal court, including pay of retired judges and $800 for deposit in the Treasury for penalty mail (39 U. S. C. 321d), $484,600: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

58 Stat. 394.
Post, p. 1049.
Deposits for jury trials.

D. C. Code § 11-722.

Municipal court of appeals, $75,200 of which $300 shall be available for deposit in the Treasury for penalty mail (39 U. S. C. 321d).

58 Stat. 394.
Post, p. 1049.

United States courts: For reimbursement to the United States for services rendered to the District of Columbia by the Judiciary and the Department of Justice as specified under the head "United States courts for the District of Columbia" in the Judiciary Appropriation Act, 1949, and in the Department of Justice Appropriation Act, 1949, $934,000.

Reimbursements.

Ante, pp. 329, 321.

Probation system: For expenses necessary for the probation system, including $150 for deposit in the Treasury for penalty mail (39 U. S. C. 321d), $51,600.

58 Stat. 394.
Post, p. 1049.

Office of Register of Wills: For expenses necessary for the Office of Register of Wills, including $700 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); and contract statistical services, $143,000.

58 Stat. 394.
Post, p. 1049.

Commission on Mental Health: For expenses necessary for the Commission on Mental Health, including an executive secretary at $4,150 per annum and physician-members at $5,153 per annum, $39,700, of which $1,000 shall be available for the payment of fees to attorneys appointed in accordance with the Act of June 8, 1938 (52 Stat. 625), not exceeding $25 in any one case.

D. C. Code § 21-308.

HEALTH DEPARTMENT

Operating expenses, Health Department (excluding hospitals): For expenses necessary for the general administration, medical services, laboratories, and inspection services of the Health Department, including the enforcement of the Acts relating to the preven-

tion of the spread of contagious and infectious diseases in the District of Columbia; the maintenance of tuberculosis and venereal-disease clinics and dispensaries; the conduct of hygiene and sanitation work in school; the maintenance of a dental-health service; the maintenance of a maternal and child-health service; housekeeping assistance in cases of authentic indigent sick at salary rates to be fixed by the Commissioners; the maintenance of a service for the care of handicapped and crippled children; the maintenance of a cancer-control project; the maintenance of a public health engineering service; the maintenance of a nursing service; the maintenance of a psychiatric service; the maintenance of an emergency ambulance service; the operation and maintenance of laboratories; out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians at rates to be fixed by the Commissioners, and the enforcement of the Acts relating to the drainage of lots and abatement of nuisances in the District of Columbia, the Act relating to the adulteration of foods, drugs, and candy, the Act relating to the manufacture and sale of mattresses, the Act relating to the manufacture, sale, and transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, the Act relating to the licensing of undertakers, the Uniform Narcotic Drug Act, and the Act relating to the sale of milk, cream, and ice cream; such expenses to include one physician at $6,145 per annum to be appointed without regard to civil-service laws; contract investigational service; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); uniforms; rent; purchase of passenger motor vehicles; manufacture of serum in indigent cases; and allowances for privately owned automobiles used for the performance of official duties (not to exceed $264 per annum for each automobile for employees other than dairy-farm inspectors and 4 cents per mile but not more than $480 per annum for each automobile for dairy-farm inspectors); $2,042,000: *Provided*, That the Commissioners may, without creating any obligation for the payment of money on account thereof, accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the medical services herein provided for: *Provided further*, That not to exceed $200 may be expended for special services in detecting adulteration of drugs and foods, including candy and milk.

52 Stat. 785. D. C. Code §§ 33-401 to 33-425.

60 Stat. 810.

Automobile allowances.

Volunteer services.

Special services.

Operating expenses, Glenn Dale Tuberculosis Sanatorium: For expenses necessary for the Tuberculosis Sanatorium at Glenn Dale, Maryland, including compensation of consulting physicians at rates to be fixed by the Commissioners; classroom supplies; and repairs and improvements to buildings and grounds; $1,908,000, of which not to exceed $5,000 shall be for the compensation of convalescent patients to be employed in essential work of the sanatorium and as an aid to their rehabilitation at rates and under conditions to be determined by the Commissioners; but nothing in this paragraph shall be construed as conferring employee status on patients whose services are so utilized.

Capital outlay, Glenn Dale Tuberculosis Sanatorium: For the construction of an apartment house for medical officers, $65,000.

Operating expenses, Gallinger Municipal Hospital: For expenses necessary for Gallinger Municipal Hospital and the Tuberculosis Hospital at Fourteenth and Upshur Streets Northwest including one superintendent at $9,975 per annum plus $1,500 per annum for a residence; one deputy superintendent at $7,581 per annum; not to exceed six full-time chief medical officers at $7,581 per annum each and two associate medical officers at $5,905 per annum each, to be appointed without reference to civil-service requirements; musical instruments

and music; expenses of commencement exercises, entertainments, and the training school for nurses; expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; and repairs and improvements to buildings and grounds; $3,605,500.

Capital outlay, Gallinger Municipal Hospital: For an additional amount for the construction of an incinerator, $15,000.

The unexpended balance of the appropriation of $620,000 contained in the District of Columbia Appropriation Act, 1946, for the construction of a new pediatrics building is made available for a combination pediatrics and crippled children's building, including $60,000 for additional construction services, and the Commissioners are authorized to enter into a contract or contracts for the construction of such combination pediatrics and crippled children's building at a total cost of not to exceed $2,050,000. 59 Stat. 282.

Not to exceed $5,340 of the unexpended balance of the appropriation of $190,000 contained in the District of Columbia Appropriation Act, 1946, for the construction of a laboratory building is made available as an additional amount for the preparation of plans and specifications for a laboratory building, and the Commissioners are authorized to enter into a contract or contracts for the construction of such laboratory building at a total cost of not to exceed $478,000. 59 Stat. 282.

Medical charities: For care and treatment of indigent patients under contracts to be made by the Health Officer of the District of Columbia and approved by the Commissioners with institutions, as follows: Central Dispensary and Emergency Hospital; Children's Hospital; Columbia Hospital and Lying-in Asylum; Eastern Dispensary and Casualty Hospital; Episcopal Eye, Ear, and Throat Hospital; Garfield Memorial Hospital; George Washington University Hospital; Georgetown University Hospital; Providence Hospital; and Washington Home for Incurables; in all, $735,000: *Provided*, That the in-patient rate shall not exceed $9 per diem and the out-patient rate shall not exceed $2 per visit. Patient rates.

Columbia Hospital and Lying-in Asylum: For general repairs, including labor and material to be expended under the direction of the Architect of the Capitol, $5,000.

Freedmen's Hospital: For reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital, as specified under the head, "Freedmen's Hospital", in the Federal Security Agency Appropriation Act, 1949, $400,000: *Provided*, That the in-patient rate shall not exceed $9 per diem and the out-patient rate shall not exceed $2 per visit. *Ante*, p. 397. Patient rates.

DEPARTMENT OF CORRECTIONS

Operating expenses: For expenses necessary for the Department of Corrections, including subsistence of interns; compensation of consulting physicians, dentists, and other specialists at rates to be fixed by the Commissioners; attendance of guards at pistol and rifle matches; uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; rental of motion-picture films; repairs and improvements to buildings and grounds; purchase of motorbusses; support, maintenance, and transportation of prisoners transferred from the District of Columbia; interment or transporting the remains of deceased prisoners to their relatives or friends in the United States; electrocutions; identifying, pursuing, recapturing (including rewards therefor), and returning to institutions, escaped inmates and parole and conditional-release

violators; and returning released prisoners to their residences, or to such other place within the United States as may be authorized by the Director, and the furnishing of suitable clothing and, in the discretion of the Director, an amount of money not to exceed $30, regardless of length of sentence, $2,606,000: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the Director, Department of Corrections, upon requisitions previously approved by the Auditor of the District of Columbia and upon such security as the Commissioners may require of said Director, sums of money not exceeding $500 at one time, to be used only for expenses in returning escaped prisoners, conditional releasees, and parolees: *Provided further*, That not to exceed $23,000 of the amount appropriated for "Operating expenses, adult correctional services", District of Columbia Appropriation Act, 1947, and the unexpended balance of the amount of $116,600 appropriated for "Capital outlay, structural improvements at the jail", District of Columbia Appropriation Act, 1947, are continued available until June 30, 1949.

Advances.

60 Stat. 514.

60 Stat. 514.

PUBLIC WELFARE

For expenses necessary for the general administration of public welfare in the District of Columbia, including contract investigational services; $96,900.

Agency services: For expenses necessary for certification of persons eligible for any public benefits which are or may become available as may be approved by the Commissioners, relief and rehabilitation for purposes of employment of indigent residents of the District of Columbia, to be expended under rules and regulations prescribed by the Commissioners; vocational rehabilitation of disabled residents of the District of Columbia in accordance with the provisions of the Act of July 6, 1943 (Public Law 113); aid to dependent children in accordance with the provisions of the Act of June 14, 1944 (Public Law 340); assistance against old-age want, as authorized by law, aid for needy blind persons, as authorized by law; services for children in their own homes; distribution of surplus commodities and relief milk to public and charitable institutions; $135,200 for necessary expenses, including personal services without regard to the Classification Act of 1923, as amended, for the carrying out, under regulations to be prescribed by the Commissioners of a "penny milk" program for the school children of the District, including the purchase and distribution of milk under agreement with the United States Department of Agriculture, and for the carrying out of a food-conservation program in the District of Columbia, including "Victory" gardens and the canning of the products thereof; maintenance pending transportation, and transportation, of indigent nonresident persons; transportation of other indigent persons, including veterans and their families; deportation of nonresident insane persons, as provided by law, including persons held in the psychopathic ward of the Gallinger Municipal Hospital; burial of indigent residents of the District of Columbia; for placing and visiting children; board and care of all children committed to the guardianship of the Board of Public Welfare by the courts of the District, including white girls committed to the National Training School for Girls and all children accepted by said Board for care as authorized by law; temporary care of children pending investigation or while being transferred from place to place, with authority to pay for the care of children in institutions under sectarian control; for continuous maintenance of foster homes for temporary or emergency board and care of nondelinquent children; care and maintenance of women and children under contracts to be made by the Board of Public Welfare and approved by the Commis-

57 Stat. 374.
29 U. S. C. §§ 31–41.
58 Stat. 277.
D. C. Code, Supp. VI, §§ 32–751 to 32–765.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

"Penny milk" program.

"Victory" gardens.

sioners with the Florence Crittenton Home, Saint Ann's Infant Asylum and Maternity Hospital, the House of Mercy, and other institutions caring for unmarried mothers; and for burial of children dying while beneficiaries under this appropriation; including repair and upkeep of building; $3,485,200: *Provided*, That collections from the milk programs shall be paid to the collector of taxes, District of Columbia, for deposit in the Treasury of the United States to the credit of the District, and that reimbursement for canning of "Victory" garden products shall be in kind and for the benefit of public-welfare institutions of the District of Columbia: *Provided further*, That no part of this appropriation shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside of the District of Columbia and the States of Virginia and Maryland, and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said Board, and said Board shall have power to discharge from guardianship any child committed to its care: *Provided further*, That employees using privately owned automobiles for the deportation of nonresident insane, the transportation of indigent persons, or the placing of children may be reimbursed as authorized by section 3 of the Act of August 2, 1946 (60 Stat. 806), but not to exceed $900 for any one individual.

Collections from milk programs.

Visits to wards outside D. C., Va., and Md.

Use of privately owned automobiles.

5 U. S. C. § 73a.

Operating expenses, protective institutions: For expenses necessary for the operation of the Industrial Home School, the Industrial Home School for Colored Children, the National Training School for Girls, the Municipal Lodging House, the Home for the Aged and Infirm, the District Training School; Temporary Home for Former Soldiers, Sailors, and Marines; maintenance, under jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the house of detention for the reception and detention of children under eighteen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise; including subsistence of interns; compensation of consulting physicians and veterinarians at rates to be fixed by the Commissioners; repairs and improvements to buildings and grounds; securing suitable homes for paroled or discharged children; and care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the Attorney General at a rate of not to exceed $3 per day for each boy so committed; purchase of passenger motor vehicles; $2,244,400: *Provided*, That no part of this appropriation shall be used for the maintenance of white girls in the National Training School for Girls: *Provided further*, That the salary of the superintendent of the National Training School for Girls shall be at the rate of $4,526 per annum.

Restriction on use of funds.

Salary of superintendent.

Capital outlay, protective institutions: For an additional amount for the construction of a receiving home and classification center in parcel 141/68, including equipment, and treatment of grounds, $36,600; beginning the construction of a residence for employees and a residence for the medical staff at the District Training School, $180,000, including $10,950 for construction services; and the Commissioners are authorized to enter into a contract or contracts for the construction of such residences at a total cost of not to exceed $365,000; and a preliminary study for the construction of a children's center, $5,000; in all, $221,600.

Saint Elizabeths Hospital: For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, $6,682,000: *Provided*, That hereafter the funds of the District of

Residence requirement.

Columbia shall not be available for the care of any person admitted hereafter to Saint Elizabeths Hospital who has not lived in the District of Columbia for more than one year immediately prior to application for voluntary admission or the filing of the petition provided for in the Act approved June 8, 1938, as amended: *Provided further*, That nothing herein shall be construed to limit or otherwise modify any authority of Saint Elizabeths Hospital or its Superintendent pursuant to law to admit, receive, detain, or care for any individual.

52 Stat. 625. D. C. Code § 21-310.

Advances.

The disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the Auditor of the District and upon such security as the Commissioners may require of said Director, sums of money to be used for placing and visiting children; returning parolees and wards of the Board of Public Welfare; and deportation of nonresident insane persons and nonresident indigent persons; the total of such advancements not to exceed $2,000 at any one time.

PUBLIC WORKS

Operating expenses, office of chief clerk: For expenses for the office of chief clerk, including maintenance and repair of wharves; and $1,000 for affiliation with the National Safety Council, Incorporated; $57,000.

Office of Municipal Architect: For expenses necessary for the Office of Municipal Architect, $89,800.

Basis of apportionment.

All apportionments of appropriations for the use of the Office of Municipal Architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than $2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per centum of a total of the appropriations in excess of $2,000,000, and appropriations specifically made in this Act for the preparation of plans and specifications shall be deducted from any allowances authorized under this paragraph: *Provided*, That reimbursements may be made to this fund from appropriations contained in this Act for services rendered other activities of the District government, without reference to fiscal-year limitations on such appropriations.

Reimbursements.

Operating expenses, Office of Superintendent of District Buildings: For expenses necessary for care of the District buildings, including rental of postage meter equipment, uniforms and caps for guards and elevator operators, $908,000.

Surveyor's office: For expenses necessary for the surveyor's office, $130,100.

Fire escapes.

D. C. Code §§ 5-301 to 5-312.

D. C. Code §§ 5-601 to 5-615, 5-501 to 5-505; Supp. VI, § 5-603 *et seq.*

Department of Inspections: For expenses necessary for the Department of Inspections, including the enforcement of the Act requiring the erection of fire escapes on certain buildings (48 Stat. 843) and the removal of dangerous or unsafe and insanitary buildings (34 Stat. 157; 49 Stat. 105); such expenses to include two members of the plumbing board at $150 per annum each; two members of the board of examiners, steam engineers, at $300 per annum each (the inspector of boilers to serve without additional compensation); $6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed in surveys of such dangerous and unsafe buildings; three members of board of special appeal; one member of motion-picture operators examining board at $300 per annum; and two members of electrical examining board at $300 per annum each; $662,600.

Operating expenses, Electrical Division: For expenses necessary for the operation and maintenance of the District's communication

systems, including rental, purchase, installation, and maintenance of telephone, telegraph, and radio services; and street lighting, including the installation and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost and maintenance of airport and airway lights necessary for operation of the air mail to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181), and other laws applicable thereto; $1,230,200: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed.

D. C. Code §§ 7-701 to 7-705.

Rates for electric street lighting.

Capital outlay, Electrical Division: For expenses necessary for placing underground, relocating, and extending the telephone, police-patrol, and fire-alarm cable and circuit distribution systems; installing and extending radio systems; and purchase of lampposts, street designations, and fixtures of al kinds; $275,700.

Central garage: For expenses, including the purchase of passenger motor vehicles, work cars, field wagons, ambulances, and busses and three chauffeurs for the Executive Office at $2,394 per annum each, $106,900.

All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 5 (c) of the Act of August 2, 1946 (5 U. S. C. 78c), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration or interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act: *Provided*, That "official purposes" shall not apply to the Commissioners of the District of Columbia and in cases of officers and employees, the character of whose duties make such transportation necessary, and then only as to such latter cases when the same is approved by the Commissioners. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Use of motor vehicles.

60 Stat. 810.
5 U. S. C. § 78 (c).

Nonapplicability of "official purposes."

Operating expenses, Street and Bridge Divisions (payable from highway fund): For operating expenses of the Street and Bridge Divisions, including operation, minor construction, maintenance, and repair of bridges; repairs to streets, avenues, roads, sidewalks, and alleys; reconditioning existing gravel streets and roads; and cleaning snow and ice from streets, sidewalks, cross walks, and gutters, in the discretion of the Commissioners; such expenses to include purchase of passenger motor vehicles, surveying instruments, implements, and equipment used in this work: $1,904,000, of which amount $70,000 shall be exclusively for snow removal purposes: *Provided*, That the Commissioners are hereby authorized to purchase and install a municipal asphalt plant including all auxiliary plant equipment to be paid for from this appropriation at a cost not to exceed $150,000.

Snow removal.

Municipal asphalt plant.

Capital outlay, Street and Bridge Divisions (payable from highway fund): For expenses necessary for the grading, surfacing, paving, repaving, widening, altering, and otherwise improving streets, avenues, roads, and alleys, including curbing and gutters, directional and pedestrian islands at various intersections to permit of proper traffic-light control and channelization of traffic, drainage structures, culverts, suitable connections to storm-water sewer sys-

tem, retaining walls, replacement and relocation of sewers, water mains, fire hydrants, traffic lights, street lights, fire-alarm boxes, police-patrol boxes, and curb-line trees, when necessary, Federal-aid highway projects under section 1 (b) of the Federal Aid Highway Act of 1938, and highway structure projects financed wholly from the highway fund upon the approval of plans for such structures by the Commissioners; for carrying out the provisions of existing laws which authorize the Commissioners to open, extend, straighten, or widen streets, avenues, roads, or highways, in accordance with the plan of the permanent system of highways for the District of Columbia, and alleys and minor streets, and for the establishment of building lines in the District of Columbia, including the procurement of chains of title; and for assessment and permit work, paving of roadways under the permit system, and construction of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, $5,250,000, to remain available until June 30, 1950: *Provided*, That appropriations contained in this Act for highways, sewers, city refuse, and the Water Division shall be available for snow removal when ordered by the Commissioners in writing: *Provided further*, That in connection with the purchase and installation of a municipal asphalt plant on District owned property the Commissioners are authorized to make expenditures from this appropriation in an amount not exceeding $150,000 for the preparation of the site, including the construction of sea walls, dock facilities, and a railroad siding: *Provided further*, That in connection with the highway planning survey, involving surveys, plans, engineering, and economic investigations of projects for future construction in the District of Columbia, as provided for under section 10 of the Federal Aid Highway Act of 1938, and in connection with the construction of Federal-aid highway projects under section 1 (b) of said Act, and highway structure projects financed wholly from the highway fund, this appropriation shall be available for the employment of engineering or other professional services by contract or otherwise, and without regard to section 3709 of the Revised Statutes and the civil-service and classification laws, and section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and for engineering and incidental expenses: *Provided further*, That this appropriation shall be available for the construction and repair of pavements of street railways in accordance with the provisions of the Merger Act (47 Stat. 752), and the proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to make such payment, from the said street-railway company in the manner provided by section 5 of the Act of June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected: *Provided further*, That assessments in accordance with existing law shall be made for paving and repaving roadways, alleys, and sidewalks where such roadways, alleys, and sidewalks are paved or repaved with funds herein appropriated: *Provided further*, That in connection with projects to be undertaken as Federal-aid projects under the provisions of the Federal Aid Highway Act of December 20, 1944, the Commissioners are authorized to enter into contract or contracts for those projects in such amounts as shall be approved by the Public Roads Administration, Federal Works Agency: *Provided further*, That this appropriation may be used for payment to contractors and for other expenses in connec-

52 Stat. 633.
23 U. S. C. § 41b.

Snow removal.

Municipal asphalt plant.

52 Stat. 636; 53 Stat. 1066.

52 Stat. 633.
23 U. S. C. § 41b.

41 U. S. C. § 5.

60 Stat. 810.

Street-railway pavements.

D. C. Code § 7-604.

20 Stat. 106.
D. C. Code § 7-604.

Assessments for paving and repaving.

Contracts.

58 Stat. 838.
23 U. S. C. §§ 60-63.

Grade-crossing elimination.

tion with the expense of design, construction, and inspection of grade-crossing elimination and other construction projects authorized under section 8 of the Act of June 16, 1936 (49 Stat. 1521), and section 1 (b) of the Federal Aid Highway Act of 1938, pending reimbursement to the District of Columbia by the Public Roads Administration, Federal Works Agency, reimbursement to be credited to fund from which payment was made: *Provided further*, That the Commissioners are authorized to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act: *Provided further*, That no appropriation in this Act shall be available for repairing, resurfacing, or paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving materials as well as in price: *Provided further*, That in addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

23 U. S. C. § 24a.
52 Stat. 633.
23 U. S. C. § 41b.
Widths of sidewalks and roadways.
Open competition for street-improvement contracts.
Liability for repairs.

Department of Vehicles and Traffic (payable from highway fund): For expenses necessary for the Department of Vehicles and Traffic, including purchase, installation, modification, operation, and maintenance of electric traffic lights, signals, controls, markers, and directional signs; purchase of motor-vehicle identification number plates; installation, operation, and maintenance of parking meters on the streets of the District of Columbia, $20,000 for traffic safety education without reference to any other law; $200 for membership in the American Association of Motor Vehicle Administrators; and for all expenses necessary in carrying out the provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 90), including personal services (except a director) and uniforms for motor vehicle inspectors; $844,700: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this Act for street improvements when plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic: *Provided further*, That the street-railway company shall after construction maintain, mark, and light the same at its expense: *Provided further*, That fees from parking meters shall be deposited to the credit of the highway fund, except that the Commissioners are authorized and empowered to pay the purchase price and the cost of installation of new meters or devices from fees collected from such new meters or devices, which fees are hereby appropriated for such purpose for the fiscal year 1949, and thereafter such new meters or devices shall become the property of the Government of the District of Columbia and all fees collected from such new meters or devices shall be deposited to the credit of the highway fund: *Provided further*, That the Commissioners are authorized and directed to designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged on public business: *Provided further*, That the incumbent on July 1, 1944, of the authorized position of Registrar of Titles and Tags, whose duties shall be as prescribed in the District of Columbia Appropria-

Parking meters.
Traffic safety education.
D. C. Code, Supp. VI, §§ 40-801 to 40-809.
Post, p. 565.
Streetcar loading platforms.
Fees from parking meters.
Parking spaces for Members of Congress.
Registrar of Titles and Tags.

58 Stat. 527.
D. C. Code, Supp. VI, § 40-603a.
42 Stat. 1488.
5 U. S. C. §§ 661-674.
61 Stat. 443.

tion Act, 1945, shall hereafter be continued for compensation purposes in grade 9 of the clerical, administrative, and fiscal service under the Classification Act of 1923, as amended: *Provided further*, That the unexpended balance of the $15,000 contained in the District of Columbia Appropriation Act, 1948, for expense necessary for the preparation of studies, preliminary plans and surveys, estimates, and investigation for a system of centralized control of the traffic-signal system, including temporary services as authorized by section 15 of Act of August 2, 1946 (Public Law 600), shall continue available until June 30, 1949.

60 Stat. 810.
5 U. S. C. § 55a.

Division of Trees and Parking (payable from highway fund): For necessary expenses for the Division of Trees and Parking, $215,000.

Ante, p. 537.

Reimbursement of other appropriations (payable from highway fund): There are hereby authorized to be paid from the highway fund to other appropriations for the District of Columbia the following sums: $9,775 to "General administration" (Office of Corporation Counsel); $46,088 to "Fiscal service" (Collector's Office, $28,843; Auditor's Office, $12,720; Purchasing Division, $4,525); $4,000 to "Salaries and expenses, Office of Chief Clerk"; $8,797 to "Operating expenses, Office of Superintendent of District Buildings"; $2,028 to "Operating expenses, Electrical Division"; $971,312 to "Metropolitan Police"; and $25,000 to "National Capital Parks"; in all, $1,067,000.

Refunding erroneous collections (payable from highway fund): To enable the Commissioners to refund collections erroneously covered into the Treasury during the present and past three fiscal years to the credit of the highway fund, $1,500: *Provided*, That this appropriation shall not be available for refunds authorized by section 10 of the Act of April 23, 1924.

43 Stat. 108.
D. C. Code § 47-1910.

Operating expenses, Division of Sanitation: For expenses necessary for collection and disposal of refuse and street cleaning, including repair and maintenance of plants, buildings, and grounds; and fencing of public and private property designated by the Commissioners as public dumps; $3,265,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments having a central heating system, or from any building or connected group of buildings operated as a rooming, boarding, or lodging house having a total of more than twenty-five rooms.

Capital outlay, Division of Sanitation: Not exceeding $875,000 of funds previously appropriated for construction of proposed incinerator numbered three is made available for continuing construction of refuse transfer station and a garage and shops building, of which amount $36,586 may be transferred to the credit of the appropriation account "Office of Municipal Architect, construction services", for the preparation of plans and specifications, and the Commissioners are authorized to enter into contract or contracts for the construction of a garage and shops building at a total cost of not to exceed $1,375,000.

Transfer of funds.

Operating expenses, Sewer Division: For expenses necessary for operating the District's system of sewage disposal; cleaning and repairing sewers and basins; operation and maintenance of the sewage pumping service and sewage treatment plant, including repairs to equipment, machinery, and structures; maintenance of public convenience stations; control and prevention of the spread of mosquitoes in the District of Columbia; and for contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin in accordance with Act of July 11, 1940 (54 Stat. 748), $5,400; $1,152,000.

Interstate Commission on Potomac River Basin.
33 U. S. C. § 567b.

Capital outlay, Sewer Division: For construction of sewers and receiving basins; for assessment and permit work; for purchase or condemnation of rights-of-way for construction, maintenance, and repair of public sewers, $1,000; for purchase and installation of a sewage pump at the Sewage Treatment Plant, $120,000; and for the preparation of surveys, plans and specifications in connection with the construction of storm-water and relief sewers, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $25,000; in all, $2,561,000, and not to exceed $44,825 of the appropriation for "Capital outlay, Sewer Division", contained in the District of Columbia Appropriation Act, 1947, for plans and specifications for chemical treatment, sludge drying and incineration facilities at the Sewage Treatment Plant, is continued available until June 30, 1949; and not to exceed $41,000 of the appropriation for "Capital outlay, Sewer Division: For increasing the capacity of the Sewage Treatment Plant," as contained in the District of Columbia Appropriation Act, 1948, is made available for plans and specifications for chemical treatment, sludge drying, and incineration facilities at the Sewage Treatment Plant; and the Commissioners are authorized to enter into contract or contracts for increasing the capacity of the Sewage Treatment Plant at a cost not to exceed $1,720,000.

60 Stat. 810.

60 Stat. 519.

61 Stat. 444.

Operating expenses, Water Division (payable from water fund): For expenses necessary for operation and maintenance of the District of Columbia water distribution system; installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, said meters to remain the property of the District of Columbia; replacement of old mains, service pipes, and divide valves; water waste and leakage survey; such expenses to include purchase of passenger motor vehicles; and refunding of water rents and other water charges erroneously paid in the District of Columbia, to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes; $1,967,000, to be available for such refunds of payments made within the past two years.

Capital outlay, Water Division (payable from water fund): For extension of the District of Columbia water distribution system, laying of such service mains as may be necessary under the assessment system, laying mains in advance of paving and installing fire and public hydrants; for construction of thirty-six-inch trunk line water main from the vicinity of Eleventh and M Street Northwest to the vicinity of Fourth and L Streets Northeast; twenty-four- and sixteen-inch trunk line water main from the vicinity of Massachusetts and Boulevard Avenues Southeast, to the vicinity of Southern Avenue and Bowen Road Southeast; pumping facilities at the Anacostia pumping station and rehabilitation of Bryant Street pumping station, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $1,707,000, of which not to exceed $432,000 for trunk lines, $20,000 for pumping facilities at Anacostia pumping station, and $600,000 for rehabilitation of Bryant Street pumping station shall remain available until expended, and the unobligated balances of the appropriations of $200,000 contained in the District of Columbia Appropriation Act, 1947, and $100,000 contained in the District of Columbia Appropriation Act, 1948, for Fort Stanton Park reservoir roof are continued available until June 30, 1949.

60 Stat. 810.

60 Stat. 520.

61 Stat. 445.

Water fund, investment, District of Columbia: The Secretary of the Treasury is authorized to sell United States securities now held for and on account of the water fund of the District of Columbia in such amounts as may be certified by the Commissioners as necessary and credit the proceeds of such sale to said water fund.

WASHINGTON AQUEDUCT

Operating expenses (payable from water fund): For expenses necessary for the operation, maintenance, repair, and protection of Washington water supply facilities and their accessories, and maintenance of MacArthur Boulevard; including purchase, installation, and maintenance of water meters on Federal services within the District of Columbia; purchase of two passenger motor vehicles; $1,223,000.

Meters on Federal services.

McMillan filter plant, etc.

Capital outlay (payable from water fund): For continuing repair and rehabilitation of McMillan filter plant; circulating facilities and new conduit repairs; continuing purchase and installation of meters; reimbursable fund for advance planning for future capital outlay projects; utility relocations, plant and system rearrangements, and interconnections; acquisition by gift, exchange, purchase or condemnation of supplementary land; remodeling Georgetown reservoir; and for developing increased water supply for the District of Columbia and environs in accordance with House Document 480, Seventy-ninth Congress, second session; and necessary expenses incident thereto; including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $1,490,000, to continue available until expended.

60 Stat. 810.

Superintendence and control.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of the Army over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same, and over appropriations and expenditures therefor as now provided by law.

NATIONAL GUARD

For expenses necessary for the National Guard of the District of Columbia, including compensation to the commanding general at the rate of $3,600 per annum; attendance at meetings of associations pertaining to the National Guard; expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; care and repair of armories, offices, storehouses, machinery, and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; $85,200.

NATIONAL CAPITAL PARKS

For expenses necessary for the National Capital Parks, including maintenance, care, and improvement of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses, and the tourists' camp on its present site in East Potomac Park under the jurisdiction of the National Park Service; placing and maintaining portions of the parks in condition for outdoor sports, erection of stands, furnishing and placing of chairs, and services incident thereto in connection with national, patriotic, civic, and recreational functions held in the parks, including the President's Cup Regatta, and expenses incident to the conducting of band concerts in the parks; such expenses to include pay and allowances of the United States Park Police force;

per diem employees at rates of pay approved by the Secretary of the Interior, not exceeding current rates of pay for similar employment in the District of Columbia; uniforming and equipping the United States Park Police force, including $225 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, uniforms, ammunition, and radio equipment and the rental of teletype service; and the purchase of passenger motor vehicles, bicycles, motorcycles, and self-propelled machinery; the hire of draft animals with or without drivers at local rates approved by the Secretary of the Interior; the purchase and maintenance of draft animals, harness, and wagons; $1,500,000: *Provided*, That not to exceed $10,000 of the amount herein appropriated may be expended for the erection of minor auxiliary structures.

58 Stat. 394.
Post, p. 1049.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For necessary expenses of the National Capital Park and Planning Commission except the acquisition of land (40 U. S. C. 71), including $80 for deposit in the Treasury for penalty mail (39 U. S. C. 321d); stenographic reporting service as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and expenses of attendance at meetings of organizations concerned with city planning matters, $75,500.

43 Stat. 463.
58 Stat. 394.
Post, p. 1049.
60 Stat. 810.

NATIONAL ZOOLOGICAL PARK

For expenses necessary for the National Zoological Park, including erecting and repairing buildings; care and improvement of grounds; travel, including travel for the procurement of live specimens; purchase, care, and transportation of specimens; purchase of motorcycles; revolvers and ammunition; purchase of uniforms and equipment for police, and uniforms for keepers and assistant keepers; $492,600.

GENERAL PROVISIONS

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by or under the jurisdiction only of the Auditor for the District of Columbia and the vouchers as approved shall be paid by checks issued by the Disbursing Officer without countersignature.

Vouchers.

SEC. 3. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of the District of Columbia unless such person is a citizen of the United States, or a person in the service of the United States or the District of Columbia on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States. This section shall not apply to citizens of the Commonwealth of the Philippines or nationals of those countries allied with the United States in the prosecution of the war effort.

Citizenship requirement.

Exception.

SEC. 4. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or the government of the District of Columbia, or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

Affidavit.

affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States or the government of the District of Columbia, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or the government of the District of Columbia or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Penalty.

Maximum amount.

SEC. 5. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Repairs and improvements.

SEC. 6. Work performed for repairs and improvements under appropriations contained in this Act may be by contract or otherwise, as determined by the Commissioners.

Allowances for privately owned automobiles.

SEC. 7. Appropriations in this Act shall be available, when authorized by the Commissioners, for allowances for privately owned automobiles used for the performance of official duties at not to exceed $264 per annum for each automobile, unless otherwise therein specifically provided: *Provided*, That the total expenditures for this purpose shall not exceed $42,000, excluding the automobile allowances for the deportation of nonresident insane, the transportation of indigent persons, and the placing of children by the Board of Public Welfare.

Attendance at meetings.

SEC. 8. Appropriations in this Act shall be available for the payment of dues and expenses of attendance at meetings of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed $8,500.

Investment in U. S. securities.

SEC. 9. The Commissioners are hereby authorized in their discretion to invest and reinvest at any time in United States Government securities, with the approval of the Secretary of the Treasury, any part of the general fund, highway fund, water fund, or trust funds, of the District of Columbia, not needed to meet current expenses during the fiscal year, to deposit the interest accruing from such investments to the credit of the fund from which the investment was made, and the Secretary of the Treasury is authorized to sell or exchange such securities for other Government securities, and deposit the proceeds to the credit of the appropriate fund.

Funds for personal services; printing and binding.

SEC. 10. Appropriations for necessary expenses shall be available for personal services and printing and binding and, when authorized by the Commissioners or by the purchasing officer and the auditor, acting for the Commissioners, printing and binding may be performed by the District of Columbia Division of Printing Publications without reference to fiscal-year limitations.

Stenographic reporting service.

SEC. 11. Appropriations in this Act shall be available, when authorized by the Commissioners, for stenographic reporting service as

authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a). 60 Stat. 810.

SEC. 12. Notwithstanding the provisions of the Treasury and Post Office Departments Appropriation Act, 1949, the District of Columbia is authorized to purchase typewriters for educational instruction purposes at not to exceed the lowest price paid for typewriters for such purposes by schools in the States of Maryland or Virginia. *Ante*, p. 415.

TITLE II—REDUCTIONS IN APPROPRIATIONS

SEC. 201. Amounts available from appropriations are hereby reduced in the sums hereinafter set forth, such sums to be covered into the general fund of the District of Columbia:

Public schools, expenses, District of Columbia (Act June 27, 1942), $194,470; 56 Stat. 432.

Buildings and grounds, public schools, District of Columbia (Acts July 1, 1941; December 28, 1945), $24,226.45; 55 Stat. 512; 59 Stat. 643.

Capital outlay, Public Library, District of Columbia (Acts June 28, 1944; June 30, 1945; July 9, 1946), $35,638.33; 58 Stat. 515; 59 Stat. 278; 60 Stat. 507.

Northwest Health Center, building, District of Columbia (Act July 1, 1941), $108,482.18; and the contract authorization of $250,000 for the construction of a building for a health center in northwest Washington, contained in the District of Columbia Appropriation Act, 1942, is hereby repealed; 55 Stat. 517. Repeal. 55 Stat. 517.

Capital outlay, Gallinger Municipal Hospital, District of Columbia (Acts June 30, 1945; December 28, 1945), $19,316.65; 59 Stat. 282, 643.

Public-convenience stations, site and construction, District of Columbia (Act June 27, 1942), $35,699.21. 56 Stat. 424.

SEC. 202. This Act may be cited as the "District of Columbia Appropriation Act, 1949". Short title.

Approved June 19, 1948.

[CHAPTER 556]

AN ACT

To provide for the temporary free importation of lead.

June 19, 1948
[H. R. 6489]
[Public Law 725]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the import duties imposed under paragraphs 391 and 392 of title I of the Tariff Act of 1930, as amended, on lead-bearing ores, flue dust, and mattes of all kinds, lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, and antimonial scrap lead shall not apply with respect to imports entered for consumption or withdrawn from warehouse for consumption during the period beginning with the day following the date of the enactment of this Act and ending with the close of June 30, 1949. 46 Stat. 628. 19 U. S. C. § 1001, pars. 391, 392.

Approved June 19, 1948.

[CHAPTER 557]

AN ACT

To authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California.

June 19, 1948
[H. R. 6716]
[Public Law 726]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized, subject to such terms and conditions as he may prescribe, to transfer to the State of California for the use of the University of California as a research and medical center and allied purposes a portion of the Veterans' Administration Los Angeles, Calif. Transfer of land.

center at Los Angeles, California, said parcel being described by metes and bounds as follows:

Beginning at the southeasterly corner of said lot 1, said corner being at the intersection of the northeasterly line of said lot 1 and the northwesterly line of Wilshire Boulevard (formerly Sunset Boulevard); thence south seventy-two degrees nineteen minutes thirty seconds west a distance of six hundred and sixty-two and eighty-nine one-hundredths feet along said northwesterly line of Wilshire Boulevard to an intersection with the northeasterly line of Veteran Avenue (formerly Lookout Avenue); thence north thirty-three degrees eight minutes twenty-five seconds west a distance of seven hundred and thirty-three and eighty-five one-hundredths feet along said northeasterly line of Veteran Avenue to the southwesterly corner of that portion of said lot 2 deeded to the city of Los Angeles for fire-station purposes November 15, 1945, in accordance with Public Law 37, Seventy-ninth Congress, approved April 23, 1945; thence north fifty-six degrees fifty-one mintues thirty-five seconds east a distance of one hundred and fifty feet to the southeasterly corner of said portion of said lot 2; thence north thirty-three degrees eight minutes twenty-five seconds west a distance of one hundred feet to the northeasterly corner of said portion of said lot 2; thence south fifty-six degrees fifty-one minutes thirty-five seconds west a distance of one hundred and fifty feet to the northeasterly line of said Veteran Avenue; thence north thirty-three degrees eight minutes twenty-five seconds west a distance of four hundred and fifty-four and thirty-three one-hundredths feet along said northeasterly line to an intersection with the northwesterly line of said lot 2; thence north thirty-seven degrees fifty-seven minutes fifty-four seconds west a distance of one thousand two hundred and sixty-one and forty-eight one-hundredths feet along the northeasterly line of Veteran Avenue to a point; thence north seventy-two degrees fourteen minutes twenty-one seconds east a distance of one and sixty-nine one-hundredths feet to a point, said point being the southwesterly corner of lot 3, block 10, tract 9617, on file in map book 134, pages 78 to 82, inclusive, of the records of the city of Los Angeles; thence north seventy-two degrees nineteen minutes forty-one seconds east a distance of six hundred and fifty-seven and thirty-six one-hundredths feet to the southeasterly corner of lot 11 of said block 10; thence south thirty-five degrees thirty-six minutes twenty-seven seconds east a distance of two thousand five hundred and forty-eight and fifty-four one-hundredths feet along the northeasterly line of lots 4, 3, 2, and 1 of said block 23 to the point of beginning; containing thirty-four and eight hundred and eighty one-thousandths acres, more or less.

59 Stat. 55.

Rights reserved to U. S.

The deed shall reserve to the United States all interest in and to any oil, mineral or fissionable material in said land, and shall provide for reversion to the United States if the land ceases to be used as a medical and research center.

Approved June 19, 1948.

[CHAPTER 558]

June 19, 1948
[H. R. 6758]
[Public Law 727]

AN ACT

Making supplemental appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1949, and for other purposes.

The Supplemental Treasury and Post Office Departments Appropriation Act, 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments for the fiscal year ending June 30, 1949, namely:

TITLE I—TREASURY DEPARTMENT

BUREAU OF CUSTOMS

Salaries and expenses: For collecting the revenue from customs, for enforcement, under section 102, Reorganization Plan Numbered III of 1946, of certain navigation laws, for the detection and prevention of frauds upon the customs revenue, and not to exceed $100,000 for the securing of evidence of violations of laws enforced by the Bureau of Customs; for expenses of transportation and transfer of customs receipts from points where there are no Government depositories; not to exceed $500 for subscriptions to newspapers; not to exceed $85,000 for stationery; not to exceed $12,000 for improving, repairing, maintaining, or preserving buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders acquired under authority of the Act of June 26, 1930 (19 U. S. C. 68); for printing and binding; and for the purchase of one hundred and twenty-five passenger motor vehicles for replacement only; for the cost of seizure, storage, and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws; for the purchase of arms, ammunition, and accessories; not to exceed $826,000 for personal services in the District of Columbia exclusive of ten persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930; $32,400,000, of which $300,000 shall constitute an advance fund to enable the Bureau of Customs to meet obligations incurred by it arising from services rendered to private interests, pending receipt of reimbursements therefrom, which amount shall be returned to the Treasury not later than six months after the close of the fiscal year 1949.

Post, p. 1039.

60 Stat. 1097.
5 U. S. C. § 133y–16 note.

46 Stat. 817.

46 Stat. 741.
19 U. S. C. § 1525.

Refunds and draw-backs: For the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances, as authorized by law, $18,000,000.

BUREAU OF INTERNAL REVENUE

Refunding internal-revenue collections: For refunding internal-revenue collections, as provided by law, including the payment of claims for the prior fiscal years and payment of accounts arising under "Allowance or draw-back (Internal Revenue)", "Redemption of stamps (Internal Revenue)", "Refunding legacy taxes, Act of March 30, 1928", "Repayment of taxes on distilled spirits destroyed by casualty", and "Refunds and payments of processing and related taxes", such sums as hereafter may be necessary: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of $5,000 as required by section 3 of the Act of May 29, 1928 (sec. 3776, I. R. C.), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

45 Stat. 398.

Report to Congress.

45 Stat. 996; 53 Stat. 466.
26 U. S. C. § 3776.

COAST GUARD

SALARIES AND EXPENSES

For all salaries and expenses of the Coast Guard, as follows:

Office of Commandant: For personal services at the seat of Government, $2,260,784.

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted personnel, on active duty, and six civilian instructors; not exceeding $10,000 for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions; trans-

Cash prizes.

Transportation of dependents.

portation of dependents of Coast Guard personnel on active duty and retired and Reserve officers and of retired and Reserve enlisted personnel, of grades entitled to transportation of dependents in the Regular Coast Guard, when ordered to active duty (other than training) and upon relief therefrom; carrying out the provisions of the Act of June 4, 1920 (34 U. S. C. 943); not to exceed $32,200 for cost of instruction of officers at non-Federal institutions, including books, laboratory equipment and fees, school supplies, and maintenance of students; motion-picture and other equipment for instructional purposes; rations or commutation thereof for cadets, petty officers, other enlisted personnel, members of the Coast Guard Auxiliary when assigned specific duties under the provisions of section 8, Act of February 19, 1941, as amended (14 U. S. C. 267), working parties in the field, and officers and crews of light vessels and tenders (14 U. S. C. 135); mileage and expenses allowed by law for officers, including per diem rates of allowance, and the Secretary is hereby authorized to prescribe per diem rates of allowance for Public Health Service officers detailed to the Coast Guard as authorized for Coast Guard officers; traveling expenses of other persons traveling on duty under orders from the Treasury Department, including transportation of cadets, enlisted personnel, and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof; transportation in kind and subsistence to discharged cadets; uniform clothing for enlisted men as provided by law (14 U. S. C. 13); clothing for enlisted personnel authorized by law; civilian clothing, including an overcoat when necessary, the cost of all not to exceed $30 per person to enlisted personnel given discharges for bad conduct, undesirability, unsuitability, or inaptitude; reimbursement in kind or in cash as authorized by law to persons in the Coast Guard for personal property lost, destroyed, or damaged; actual expenses of officers and cadets and quarters and subsistence of enlisted personnel on shore patrol, emergency shore detail and other detached duty, or cash in lieu thereof; hire of quarters for officers serving with troops where sufficient quarters are not possessed by the United States to accommodate them; hire of quarters for Coast Guard personnel comparable to quarters assignable on a capital ship of the Navy, as authorized by the Secretary to meet emergency conditions, including officers and men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable: *Provided*, That under this authorization no funds may be expended for the hire of quarters for occupancy by the dependents of officers or enlisted personnel; expenses of recruiting for the Coast Guard; advertising for and obtaining enlisted personnel and applicants for appointment as cadets; training of enlisted personnel, including textbooks, school supplies, and correspondence courses; transfer of household goods and effects of Coast Guard and Coast Guard Reserve personnel on active duty and when ordered to active duty and upon relief therefrom, and the transfer of household goods and effects of deceased Coast Guard and Coast Guard Reserve personnel who die while on active duty, as prescribed by law and regulations; purchase of provisions for sale to Coast Guard personnel at isolated stations, and the appropriation reimbursed; and including not to exceed $162,240 for recreation, amusement, comfort, contentment, and health of the enlisted personnel of the Coast Guard, to be expended pursuant to regulations prescribed by the Secretary; apprehension and delivery of deserters and stragglers (14 U. S. C. 147); in all, $71,295,154: *Provided*, That whenever commissioned officers of the Coast Guard, who were civilian employees of the former Bureau of Marine Inspection and Navigation, resume their status as civilian employees of the Coast Guard, or whenever civilian employees of the

41 Stat. 824.
34 U. S. C., Supp. I, § 943 note.

55 Stat. 10.

54 Stat. 248.

Per diem rates for PHS officers.

Traveling expenses.

30 Stat. 604.

Hire of quarters.

Restriction.

Recruiting.

Transfer of household goods.

Provisions for sale at isolated stations.

Apprehension of deserters.
34 Stat. 201.

Certain civilian employees.

Coast Guard, who were employed in the former Bureau of Marine Inspection and Navigation, are commissioned as officers of the Coast Guard, the appropriations "Civilian employees, Coast Guard" and "Office of Commandant" may be exceeded, with the approval of the Bureau of the Budget, by the amount of their pay as civilian employees and the appropriation "Pay and allowances" reduced in a like amount or vice versa, as the case may be.

General expenses, Coast Guard: For expenses necessary for the operation and maintenance of the Coast Guard ashore and afloat, except as specifically provided for in other appropriations, including personal services; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); printing and binding; purchase of not to exceed thirty-five passenger motor vehicles for replacement only, and maintenance, operation, and repair of aircraft; improvement of property for Coast Guard purposes, including rental, purchase, or use of additional land where necessary and the purchase of land for beacons, daymarks, and fog signals; subsistence and clothing for shipwrecked and destitute persons, including reimbursement, under rules prescribed by the Secretary, of Coast Guard personnel who furnish from their personal stock subsistence and clothing to such persons (33 U. S. C. 749); for payment of claims authorized under the Act of December 28, 1945, as amended (31 U. S. C. 222g); examination of estimates of appropriations in the field; not to exceed $2,500 for contingencies for the Superintendent, United States Coast Guard Academy, to be expended in his discretion (14 U. S. C. 15k); payment of rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering in violation of law with aids to navigation maintained by the Coast Guard (14 U. S. C. 50c); in all, $39,225,070, together with $620,000 to be transferred from the Coast Guard supply account fund: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and ten exclusive of planes and parts stored to meet future attrition.

60 Stat. 810.

37 Stat. 239.

60 Stat. 56.

Coast Guard Academy, contingencies.

53 Stat. 582.

Payment of rewards.

60 Stat. 857.

Transfer of funds.

Restriction on aircraft.

Civilian employees, Coast Guard: For compensation of civilian employees in the field, including per diem labor, but excluding personnel provided for in the appropriation "General expenses, Coast Guard", $4,218,992.

Supra.

No part of the foregoing appropriations for salaries and expenses shall be used (1) to pay any enlisted man of the Coast Guard while detailed for duty at Coast Guard headquarters if such detail increases above thirty the total number of enlisted men detailed to such duty at any time, or (2) for increased pay for making aerial flights by nonflying officers or observers at rates in excess of those prescribed by law for the Army, which shall be the legal maximum rates as to such nonflying officers or observers.

Payment of salaries.

Increased pay for aerial flights, restriction.

The Secretary of the Treasury may transfer funds between the foregoing appropriations for salaries and expenses of the Coast Guard, but no appropriation shall be either increased or decreased more than 5 per centum by such transfers.

Transfer of funds.

RETIRED PAY, COAST GUARD

For retired pay for commissioned officers, warrant officers, enlisted personnel, for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (14 U. S. C. 178a), and for certain officers and employees entitled thereto by virtue of former employment in the Lighthouse Service engaged in the field service or on vessels of the Coast Guard except persons continuously employed in district offices and shops (33 U. S. C. 763, 765), $12,000,000.

46 Stat. 164.

40 Stat. 608; 43 Stat. 1261.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For establishing and improving aids to navigation; the purchase or construction of additional and replacement vessels and their equipment; the purchase of aircraft and their equipment; the construction, rebuilding, or extension of shore facilities, including the acquisition of sites and improvements thereon when specifically approved by the Secretary; and for expenditures directly relating thereto, including personal services at the seat of government; in all, $11,138,755, to remain available until expended.

GENERAL PROVISIONS

Payment of salary, etc., restriction.

SEC. 102. No part of any appropriation or authorization in this Act shall be used to pay any part of the salary or expenses of any person whose salary or expenses are prohibited from being paid from any appropriation or authorization in any other Act.

Citation of title.

SEC. 103. This title may be cited as "The Supplemental Treasury Department Appropriation Act, 1949".

TITLE II—POST OFFICE DEPARTMENT

(Out of the postal revenues)

For additional amounts for appropriations of the Post Office Department, fiscal year 1949, as folows:

POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA

SALARIES IN BUREAUS AND OFFICES

Ante, p. 416.

Salaries, Office of the Second Assistant Postmaster General, $167,500: *Provided*, That this appropriation shall be available only for temporary personnel services in the District of Columbia, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in connection with rate hearings before the Interstate Commerce Commission;

60 Stat. 810.

Ante, p. 417.

Salaries, Office of the Solicitor, $25,000;

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL

Ante, p. 417.

Damage claims, $175,000;

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Ante, p. 419.

Rural delivery service, $4,100,000;

Ante, pp. 419, 420.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Balances due foreign countries, $12,000,000;
Indemnities, international mail, $25,000;
Foreign air mail service, $6,883,000;
Domestic air mail service, $15,401,000;

Ante, p. 420.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Stamps and stamped paper, $1,836,000;
Indemnities, domestic mail, $331,000;
Unpaid money orders, $400,000;

Ante, p. 420.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Miscellaneous supplies and equipment, $3,000,000;
Equipment shops, Washington, District of Columbia, $13,000,000;

Equipment, public buildings, $532,000.

Ante, p. 421.

This title may be cited as "The Supplemental Post Office Department Appropriation Act, 1949".

Citation of title.

TITLE III—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 301. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Short title.

SEC. 302. This Act may be cited as "The Supplemental Treasury and Post Office Departments Appropriation Act, 1949".

Approved June 19, 1948.

[CHAPTER 559]

June 19, 1948
[S. 2642]
[Public Law 728]

AN ACT

To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942, as amended, is amended by adding thereto a new paragraph to read as follows:

D. C. Motor Vehicle Parking Facility Act of 1942, amendment.
56 Stat. 91.
D. C. Code, Supp. VI, § 40-804.

"(f) The power to lease on competitive bids for terms not exceeding fifty years, any property acquired pursuant to this Act, or any other property heretofore or hereafter acquired by the District if no longer needed for the purpose for which it was acquired, and to stipulate in any such lease that the lessee shall erect at his or its expense a structure or structures on the land leased, which structure or structures and property shall be used, maintained, and operated for the purposes of this Act, including purposes incidental thereto, subject to regulation as provided in paragraph (d) of this section, except that the rates for use of space in parking facilities covered by any such lease shall be fixed and regulated by the Commissioners so as to allow to the lessee a fair return, as fixed by the Commissioners, on the cost of such structure or structures, together with an amount sufficient to amortize

Lease of property on competitive bids.

Rates in parking facilities.

within the term of any such lease the cost of such structure or structures. Every such lease shall be entered into upon such terms and conditions as the Commissioners shall impose including, but not limited to, requirements that such structure or structures shall conform with plans and specifications approved by the Commissioners, that such structure or structures shall become the property of the District upon termination or expiration of any such lease; that the lessee shall furnish security in the form of a penal bond or otherwise to guarantee fulfillment of his or its obligations, and any other requirement which, in the judgment of the Commissioners, shall be related to the accomplishment of the purposes of this Act."

Approved June 19, 1948.

[CHAPTER 560]

June 19, 1948
[H. R. 5820]
[Public Law 729]

AN ACT

To aid in the development of improved prosthetic appliances, and for other purposes.

Veterans Administration.
Prosthetic research.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated annually to the Veterans' Administration and to remain available until expended the sum of $1,000,000 to be expended, in accordance with laws now or hereafter applicable to the Veterans' Administration, for prosthetic research, including all forms of prosthetic and orthopedic appliances and sensory devices.

SEC. 2. In carrying out the research program authorized by this Act the Administrator of Veterans' Affairs is authorized to make available the results of his investigations to private or public institutions or agencies and to individuals in order that the unique investigative materials and research data in the possession of the Government may result in improved prosthetic appliances for all disabled persons.

Approved June 19, 1948.

[CHAPTER 589]

June 19, 1948
[H. R. 4663]
[Public Law 730]

AN ACT

To confer jurisdiction upon the District Court of the United States for the Middle District of Georgia to hear, determine, and render judgment on the claims of the owners of the fee-simple titles and leasehold interests in lands leased to the United States by the city of Macon, Georgia, for use as a part of the site of Camp Wheeler, Georgia.

Macon, Ga.
Jurisdiction of District Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the United States for the Middle District of Georgia to hear, determine, and render monetary judgment upon the several claims (1) of the city of Macon with respect to lands owned by the city and leased by the said city to the United States for use by the Army as a part of the site of Camp Wheeler, Georgia, for damages for the breach, if any, of its leases to the United States and (2) of the owners in fee simple and the owners of leasehold interests, except the city of Macon, in and to lands leased by them to the city of Macon, Georgia, and subleased by the city to the United States for such use. In the determination of the claims of the owners of the fee-simple titles and of leasehold interests in lands leased by them to the city of Macon and subleased by said city to the United States, the damages allowed, if any, shall be limited to the amounts to which such owners would have been entitled under the terms and provisions of their leases to the city of Macon: *Provided*, That claims of fee owners and leasehold owners, excepting the city of Macon, relating to the same property shall be joined in one action and the

amount of damages allowed, if any, shall not exceed the amount that could have been recovered had all the interests in such property been vested in one party. The claims of the city of Macon with respect to lands owned by it shall be determined under the terms and provisions of its leases of such lands to the United States. This Act shall be construed to waive the lack of privity of contract between the United States and the said fee owners or between the United States and the said leasehold owners; to waive the requirement of such leases to the city of Macon of notice by the lessors to the city in order for claims of restoration to be asserted, and to waive the immunity from suit of the United States in favor of the parties and with respect to the claims described in this Act, but not otherwise to affect any rights of the parties.

Waivers.

SEC. 2. Proceedings for the determination of these claims shall be had in the same manner as in cases against the United States of which the district courts of the United States have jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended, but the monetary limit which is applicable in such cases shall not be applicable in the determination of these claims: *Provided*, That all suits hereunder shall be instituted within one year after the enactment of this Act.

Proceedings.

28 U. S. C. § 41.
Post, p. 996.

Time limitation.

Approved June 19, 1948.

[CHAPTER 590]

AN ACT

To provide for the issuance of a special postage stamp in commemoration of the dedication of the Palomar Mountain Observatory.

June 21, 1948
[H. R. 6368]
[Public Law 731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the dedication of the Palomar Mountain Observatory, San Diego County, California, the Postmaster General is authorized and directed to issue a special postage stamp of such denomination and design and for such period beginning not later than September 1, 1948, as he may determine.

Palomar Mountain Observatory, Calif.
Commemorative stamp.

Approved June 21, 1948.

[CHAPTER 591]

AN ACT

To authorize the Secretary of the Interior to convey certain lands in the State of Montana to School District 55, Roosevelt County, Montana.

June 21, 1948
[S. 1933]
[Public Law 732]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey with the consent of the executive board of the Fort Peck Tribe by quitclaim deed to School District 55, Roosevelt County, Montana, the following-described lands located in Brockton, Roosevelt County, Montana: Lots 3 through 14 of block 16; lots 1 through 4 of block 9; and lots 13 through 16 of block 9.

School District 55, Roosevelt County, Mont.
Conveyance.

SEC. 2. The lands authorized to be conveyed by this Act shall be used by the grantee for school purposes, including the use as a site for housing furnished to Indian families during the school term. The conveyance of such lands shall contain the express condition that if the grantee shall fail or cease to use such lands for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States, in trust for the Fort Peck Tribe.

Approved June 21, 1948.

[CHAPTER 593]

AN ACT

June 22, 1948
[S. 1090]
[Public Law 733]

To safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes.

Superior National Forest, Minn.
Acquisition of lands.
16 U. S. C. §§ 577-577b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to protect and administer more effectively the publicly owned lands within certain parts of the area described in section 1 of the Act approved July 10, 1930 (46 Stat. 1020), and to accomplish certain public purposes explicit and implicit in sections 2 and 3 of said Act, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 2 of this Act, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country: *Provided, however*, That under the authority of this Act no contiguous tract of land in one ownership, not exceeding five hundred acres in the aggregate, shall be condemned if at the time of the approval of this Act it is encumbered with a structure or structures of a permanent type suitable for human occupancy and if the owner thereof files written objections before expiration of the time for answering the petition in the proceedings.

Restriction on condemning land.

Areas of authority.

SEC. 2. That the authority granted in section 1 of this Act shall be supplemental to the authority granted by existing Acts relating to the acquisition of lands for national-forest purposes and shall not be deemed as repealing any portions of those Acts except as provided hereinafter; and said supplemental authority granted by section 1 of this Act, but not the authority granted by existing Acts, shall be confined to the following described areas in Cook, Lake, and Saint Louis Counties, State of Minnesota:

Township 63 north, range 2 west, fourth principal meridian, sections 5 to 8, inclusive.

Township 63 north, range 3 west, fourth principal meridian, sections 1 to 12, inclusive.

Township 63 north, ranges 4, 5, 6, 7 and 8 west, fourth principal meridian, entire townships.

Township 63 north, range 9 west, fourth principal meridian, south half section 19 and sections 20 to 36, inclusive.

Township 63 north, range 13 west, fourth principal meridian, section 6.

Township 63 north, range 14 west, fourth principal meridian, sections 1 to 12, inclusive, and 14 to 22, inclusive.

Township 63 north, range 15 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 63 north, range 16 west, fourth principal meridian, sections 1 to 3 inclusive, 10 to 15, inclusive, and 22 to 24, inclusive.

Township 64 north, range 3 east, fourth principal meridian, south half section 7.

Township 64 north, range 2 east, fourth principal meridian, sections 1 to 12, inclusive.

Township 64 north, range 1 east, fourth principal meridian, sections 1 to 4, inclusive, south half section 7, sections 8 to 12, inclusive, 15 to 17, inclusive, and east half section 18.

Township 64 north, range 1 west, fourth principal meridian, sections 17 to 20, inclusive, and 29 to 32, inclusive.

Township 64 north, range 2 west, fourth principal meridian, sections 7 to 11, inclusive, and 13 to 36, inclusive.

Township 64 north, range 3 west, fourth principal meridian, sections 7 to 36, inclusive.

Township 64 north, range 4 west, fourth principal meridian, sections 6, 7, and 10 to 36, inclusive.

Township 64 north, ranges 5, 6, 7, and 8 west, fourth principal meridian, entire townships.

Township 64 north, range 9 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 64 north, range 10 west, fourth principal meridian, sections 1 to 18, inclusive.

Township 64 north, range 11 west, fourth principal meridian, sections 1 to 4, inclusive, and 9 to 16, inclusive.

Township 64 north, range 13 west, fourth principal meridian, sections 5 to 8, inclusive, 15 to 22, inclusive, and 28 to 32, inclusive.

Township 64 north, range 14 west, fourth principal meridian, sections 6 to 36, inclusive.

Township 64 north, range 15 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 36, inclusive.

Township 64 north, range 16 west, fourth principal meridian, sections 22 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 2 east, fourth principal meridian, entire township.

Township 65 north, range 1 east, fourth principal meridian, sections 19 to 30, inclusive, and 33 to 36, inclusive.

Township 65 north, range 1 west, fourth principal meridian, sections 19 to 30, inclusive.

Township 65 north, range 4 west, fourth principal meridian, sections 1 to 3, inclusive, 10 to 14, inclusive, and 31.

Township 65 north, range 5 west, fourth principal meridian, sections 6, 7, and 18 to 36, inclusive.

Township 65 north, ranges 6, 7, 8, 9, 10, and 11 west, fourth principal meridian, entire townships.

Township 65 north, range 12 west, fourth principal meridian, sections 1 to 17, inclusive, 20 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 13 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 12, inclusive.

Township 65 north, range 14 west, fourth principal meridian, sections 18, 19, 30, and 31.

Township 65 north, range 15 west, fourth principal meridian, sections 13, 14, 23 to 26, inclusive, 35 and 36.

Township 66 north, range 4 west, fourth principal meridian, sections 3, 9, 16, 21, 22, 26 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 5 west, fourth principal meridian, sections 2, 8, 9, 16 to 20, inclusive, 30 and 31.

Township 66 north, range 6 west, fourth principal meridian, entire township.

Township 66 north, ranges 11, 12, and 13 west, fourth principal meridian, entire townships.

Township 66 north, range 14 west, fourth principal meridian, sections 1 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 15 west, fourth principal meridian, sections 1 to 17, inclusive, and 20 to 24, inclusive.

Township 66 north, range 16 west, fourth principal meridian, sections 1 to 5, inclusive, and 9 to 12, inclusive.

Township 67 north, ranges 13, 14, and 15 west, fourth principal meridian, entire townships.

Township 67 north, range 16 west, fourth principal meridian, sections 6 to 8, inclusive, 16 to 18, inclusive, 20, 21, 28, 29, and 32 to 34, inclusive.

Township 67 north, range 17 west, fourth principal meridian, those portions of sections 1, 12, and 13 east of Crane Lake.

Township 68 north, ranges 13, 14, 15, and 16 west, fourth principal meridian, entire townships.

Township 68 north, range 17 west, fourth principal meridian, that portion of section 36 east of Crane Lake.

Approval of National Forest Reservation Commission.

SEC. 3. That lands shall be acquired by purchase or condemnation under the supplemental authority granted in section 1 of this Act only with prior approval of the National Forest Reservation Commission created by section 4 of the Act approved March 1, 1911 (36 Stat. 961), as amended, and lands so acquired shall become parts of the Superior National Forest and be subject to the provisions of said Act (36 Stat. 961), as amended, and of such other laws as apply to land acquired under the provisions of said Act (36 Stat. 961), as amended, except as hereinafter provided.

16 U. S. C. § 513.

16 U. S. C. §§ 552, 563, 513–519, 521, 480, 500, 523.

Exchange of lands.

SEC. 4. That upon finding and determination by the Secretary of Agriculture that the public purposes and objectives explicit and implicit in the Act approved July 10, 1930 (46 Stat. 1020), more effectively can be accomplished by exchanging lands of the United States situated within the boundaries described in said Act for other lands in State, county, or private ownership situated within the said boundaries which are more suitable for public ownership, management, and use, for the purposes contemplated by said Act, such lands of the United States shall be subject to exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended, or the provisions of the Act of March 3, 1925 (43 Stat. 1215).

16 U. S. C. §§ 577–577b.

16 U. S. C. §§ 485, 486.

16 U. S. C. § 516.

Annual payments.

SEC. 5. That the Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 2 of this Act at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided*, That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further*, That the first payment to the State of Minnesota under the provisions of this section shall not be due until the close of the first full fiscal year after approval of this Act: *And provided further*, That the provisions of the Act of May 23, 1908 (35 Stat. 260), and of section 13 of the Act of March 1, 1911, as amended (36 Stat. 961; 38 Stat. 441), shall not be applicable to the national-forest lands to which this section applies.

Appraised value.

16 U. S. C. § 500.

Appropriations authorized.

Restriction.

SEC. 6. That there are hereby authorized to be appropriated annually such sums as are necessary to carry out the provisions of this Act: *Provided, however*, That the total appropriations under the authority of this Act shall not exceed $500,000 for the purchase and condemnation of land.

Approved June 22, 1948.

[CHAPTER 594]

AN ACT

June 22, 1948
[H. R. 5822]
[Public Law 734]

To establish the Saratoga National Historical Park, in the State of New York, from the lands that have been acquired by the Federal Government for that purpose pursuant to the Act of June 1, 1938 (52 Stat. 608), and for other purposes.

Saratoga National Historical Park, N. Y. Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of completing the establishment of Saratoga National Historical Park,

and to provide adequately for its future development, all lands and other property which have been acquired by the Federal Government pursuant to the Saratoga National Historical Park Act of June 1, 1938 (52 Stat. 608; 16 U. S. C., secs. 159–159b), are hereby established as the Saratoga National Historical Park, and shall be administered as provided in section 3 of that Act. 16 U. S. C. § 159b.

SEC. 2. The Secretary of the Interior is authorized to accept all or any portion of the General Philip Schuyler Mansion property, real and personal, situated at Schuylerville, New York, comprising approximately fifty acres, and also donations of additional land, interests in land, buildings, structures, and other property in Saratoga County. The authority to acquire property, contained in section 2 of the Act of June 1, 1938, may be utilized by the Secretary of the Interior in carrying out the purposes of this Act. These properties, upon acquisition by the United States, shall become a part of Saratoga National Historical Park, the total area of which, however, shall not exceed five thousand five hundred acres.

Acceptance of Gen. Philip Schuyler Mansion property.

52 Stat. 609.
16 U. S. C. § 159a.

Approved June 22, 1948.

[CHAPTER 595]

AN ACT

To provide for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska.

June 22, 1948
[H. R. 6239]
[Public Law 735]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the Territory of Alaska, until the hour of 12 o'clock meridian on the 1st day of July 1949: *Provided*, That every claimant of any such mining claim in order to obtain the benefits of this Act shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian of July 1, 1949, a notice of his desire to hold said mining claim under this Act.

Alaska.
Assessment work on mining claims.
30 U. S. C. § 28.

Approved June 22, 1948.

[CHAPTER 596]

AN ACT

To authorize the transfer of certain Federal lands within the Chopawamsic Park to the Secretary of the Navy, the addition of lands surplus to the Department of the Army to this park, the acquisition of additional lands needed to round out the boundaries of this park, to change the name of said park to Prince William Forest Park, and for other purposes.

June 22, 1948
[H. R. 6246]
[Public Law 736]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to transfer to the Secretary of the Navy control and jurisdiction over those parcels of land within the Chopawamsic Park, known hereafter as the Prince William Forest Park, a part of the park system of the National Capital and its environs by Act of Congress of August 13, 1940 (54 Stat. 785), comprising approximately five thousand acres, lying south of the Joplin Road and contiguous to the Marine Base at Quantico, Virginia, with the exception of approximately four acres at the intersection of roads 626 and 620, which land contains the fire tower, upon assurance that the Secretary of the Navy will guarantee the potability and the undamaged source of water of the South Branch of Quantico Creek

Chopawamsic Park, Va.
Transfer of jurisdiction.

Condition of transfer.

to the lands lying east of route 619, now or hereafter acquired for the Chopawamsic Park: *Provided, however*, That the transfer of jurisdiction herein authorized shall not be effectuated until funds have been made available by the Congress for the acquisition of the lands referred to in section 3 of this Act.

Surplus lands of Department of Army.

SEC. 2. That all of the lands that were formerly acquired by the War Department and that are now surplus to the needs of the Department of the Army within and adjacent to the Chopawamsic Park, comprising approximately one thousand one hundred and thirty-eight and sixty-two one hundredths acres, are hereby added to and made a part of that park, and shall be subject to all the laws, rules, and regulations applicable thereto.

Acquisition of land.

SEC. 3. That the Secretary of the Interior and the Secretary of the Navy be, and they are hereby, authorized to acquire on behalf of the United States, by donation or purchase, lands adjoining or contiguous to the Chopawamsic Park, in the State of Virginia, as may be necessary for the proper rounding out of the boundaries of that park, but not exceeding one thousand five hundred acres. The title to real property acquired pursuant to this Act shall be satisfactory to the Attorney General of the United States. All property acquired by the United States pursuant to this Act shall become a part of the Chopawamsic Park upon acceptance of title thereto, and shall be subject to all laws, rules, and regulations applicable thereto.

Appropriation authorized.

SEC. 4. There is authorized to be appropriated not to exceed the sum of $10,000 to carry out the provisions of section 3 of this Act.

Approved June 22, 1948.

[CHAPTER 597]

June 22, 1948
[H. R. 6289]
[Public Law 737]

AN ACT

To provide for the voluntary admission and treatment of mental patients at Saint Elizabeths Hospital.

Saint Elizabeths Hospital, D. C.
Treatment of mental patients.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Superintendent of Saint Elizabeths Hospital may receive therein as a boarder and patient any adult person who appears to the Superintendent to be in need of mental care and treatment in a mental hospital, and who makes written application therefor and who is determined by the Superintendent to be mentally competent to make such application; and any person, under the age of twenty-one years, who appears to the Superintendent to be in need of mental care and treatment in a mental hospital, and whose parent, legal guardian, or other legal representative makes written application on behalf of such minor: *Provided*, That no such person shall be received as a boarder and patient in Saint Elizabeths Hospital under authority of this Act unless the certification provided for in subsection (b) of this section shall have been made with respect to him: *Provided further*, That no person shall be permitted to remain in such hospital as boarder and patient after the need for his treatment at a mental hospital has ceased: *And provided further*, That no person shall be permitted to remain in such hospital as a boarder and patient after the Superintendent of Saint Elizabeths Hospital or his authorized representative has been notified that the certification provided for in subsection (b) has been revoked.

Reimbursement by Board of Public Welfare.

(b) Upon request therefor by the Superintendent of Saint Elizabeths Hospital, the Board of Public Welfare, if it finds that any person with respect to whom the application described in subsection (a) has been made was a resident of and domiciled within the District of Columbia for one year next preceding the time of such application, shall certify to the Superintendent that it will reimburse Saint Eliza-

beths Hospital the cost of caring for such person as provided in section 3 of this Act; except that if the Board finds that such person, or any other person legally responsible for his care, is able to pay all or any part of the cost of such care, the Board shall not be required to make a certification unless it has, pursuant to section 3, made an agreement satisfactory to it for payment to the District of Columbia of the cost of such care or such part of such cost.

Ability of patient to pay.

SEC. 2. Any person received at Saint Elizabeths Hospital for mental care and treatment under section 1 of this Act shall not be detained there more than three days after having given written notice to the Superintendent thereof requesting his release, or, in the case of any such person who is under the age of twenty-one years, more than three days after he or his parent, legal guardian, or other legal representative gives such notice: *Provided*, That (a) if within such three-day period there shall be filed in the District Court of the United States for the District of Columbia a petition with respect to such person, as provided by the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939, or (b) if an authorized representative of the Board of Public Welfare, upon receipt of a notice signed by the Superintendent of Saint Elizabeths Hospital or his authorized representative stating that in his opinion said person is of unsound mind and should not be allowed to remain at liberty or go unrestrained, shall within such three-day period file a verified petition for a writ de lunatico inquirendo, or for an order of commitment, accompanied by the aforesaid notice, in the said District Court, alleging upon information and belief that such person is of unsound mind and should not be allowed to remain at liberty or go unrestrained, such person shall be detained by the Superintendent of Saint Elizabeths Hospital until a final judgment is entered by the Court upon any such petition and any petition filed in accordance with clause (b) of this proviso, accompanied by the aforesaid notice, shall forthwith be referred by the Court to the Commission on Mental Health, which said petition and notice shall be sufficient to initiate proceedings before said Commission. Pending the hearing upon the petition, such person need not be sent to Gallinger Hospital for observation and treatment, but shall be detained in Saint Elizabeths Hospital for observation and treatment.

Detention after notice for release.

Petition for writ de lunatico inquirendo.

53 Stat. 1293. D. C. Code §§ 21-310 to 21-325.

Post, p. 1195.

SEC. 3. The cost of board, medical care, and treatment furnished under this Act shall be a charge upon the District of Columbia and shall be paid by the District of Columbia to Saint Elizabeths Hospital. The District of Columbia is authorized to make such agreement as it deems necessary with any patient seeking board, medical care, and treatment under this Act, or any other person or persons legally responsible therefor, for payment to the District of Columbia of the cost of such board, medical care, and treatment, or for the payment of a part of such cost; and is further authorized to take appropriate steps by legal action or otherwise to enforce such agreement, or, in the absence of an agreement, to recover such cost of board, medical care, and treatment, or any part thereof, from the patient or from any person or persons legally liable therefor. The District of Columbia shall not be charged with the cost of board, medical care, and treatment furnished for any boarder and patient with respect to whom the certification required under section 1 of this Act shall have been revoked by the Board of Public Welfare, and the said Board is authorized to order revocation of any such certification: (a) When any person fails to make any payment under any agreement entered into under this Act for the cost of board, medical care, and treatment; or (b) when, after a boarder and patient has been admitted to such hospital under a certification, without any agreement having been entered into for his care and treatment, the said Board determines, upon evidence satis-

Financial agreement.

Revocation of certification.

factory to it, that such boarder and patient is able, or other persons legally liable for his care are financially able, to bear all or part of such cost; or (c) when such certification has been made erroneously: *Provided*, That revocation of such certification shall not take effect until a copy of the order of revocation shall have been served upon the Superintendent of Saint Elizabeths Hospital or his authorized representative.

Regulations.

SEC. 4. The Superintendent of Saint Elizabeths Hospital, with the approval of the Federal Security Administrator, is authorized to prescribe such regulations as he shall deem necessary to carry out the provisions of this Act relating to the hospital.

SEC. 5. The Commissioners of the District of Columbia are authorized to prescribe such regulations as they shall deem necessary to carry out the provisions of this Act relating to the Board of Public Welfare and the District of Columbia.

Effective date.

SEC. 6. This Act shall become effective sixty days after enactment.

Approved June 22, 1948.

[CHAPTER 600]

June 22, 1948
[S. 2122]
[Public Law 738]

AN ACT

To authorize the Coast Guard to operate and maintain ocean stations.

Coast Guard.
Floating ocean stations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

Air navigation facilities.

SEC. 2. The Coast Guard is authorized, subject to approval by the Administrator of Civil Aeronautics, to operate, on floating ocean stations authorized by section 1 hereof, such air navigation facilities as the Administrator may find necessary or desirable for the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating any air navigation facilities herein provided, shall request the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be utilized to the fullest possible advantage.

Approved June 22, 1948.

[CHAPTER 601]

June 22, 1948
[H. R. 4964]
[Public Law 739]

AN ACT

To preserve seniority rights of ten-point preference eligibles in the postal service transferring from the position of letter carrier to clerk or from the position of clerk to letter carrier.

Postal Service.
Veterans' preference eligibility.
58 Stat. 387.
5 U. S. C. §§ 851-869; Supp. I, § 851 *et seq.*
Ante, p. 3; *post*, pp. 575, 1233.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any letter carrier or clerk in the postal service entitled as a preference eligible to ten points under the Veterans' Preference Act of 1944, as amended, in addition to his earned rating who, on or after the date of enactment of this Act, transfers from the position of letter carrier to that of clerk or from the position of clerk to that of letter carrier, as the case may be, shall not incur loss of seniority by reason of such transfer if, within thirty days after such transfer, he presents to the Civil Service Commission evidence satisfactory to the Commission that such transfer was necessitated principally by reason of a disability which he received on active duty in the armed forces of the United States.

Transfer from one position to another.

(b) Any such letter carrier or clerk who, prior to the date of enactment of this Act, has transferred from the position of letter carrier to that of clerk or from the position of clerk to that of letter carrier, as the case may be, and has incurred loss of seniority by reason of such transfer, shall be restored the seniority to which he would have been entitled if such transfer had not occurred if he presents to the Civil Service Commission evidence satisfactory to the Commission that such transfer was necessitated principally by reason of a disability which he received on active duty in the armed forces of the United States.

(c) No regular employee shall be reduced to substitute status to accord the benefits of this Act to another employee.

Approved June 22, 1948.

[CHAPTER 602]

AN ACT

Relating to the compensation of certain railway postal clerks.

June 22, 1948
[H. R. 5272]
[Public Law 740]

Railway postal clerks.
Transfer or reassignments; salary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the paragraph headed Railway Mail Service in the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes", approved March 3, 1917, which reads "*Provided further*, That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change:" (U. S. C., 1940 edition, title 39, sec. 632), is hereby amended to read as follows: "*Provided, however*, That railway postal clerks of any grade transferred or reassigned after June 30, 1945, from one assignment or classification to another because of classification or changes in the service shall not be reduced in grade or salary by reason of such classification or change, and while serving in miscellaneous assignments they will be carried on the roster of their own organizations and retain the promotion status authorized by law for the positions from which withdrawn and be paid after this enactment by the hour for actual services performed when on other than road duty, and shall be paid for road services performed according to the time value of the trip of such road service including a proper allowance for all services required on lay-off periods, as are provided for regular employees assigned to road duty, until again restored to regular positions, the hourly rate for such pay to be determined by dividing the annual salary by 2024, the number of working hours in a year.

39 Stat. 1065.

Approved June 22, 1948.

[CHAPTER 604]

AN ACT

To amend section 19 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387), and for other purposes.

June 22, 1948
[S. 1493]
[Public Law 741]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the final period in section 19 of the Veterans' Preference Act of 1944 (58 Stat. 387), be changed to a semicolon and that the following be added thereto: "*Provided*, That any recommendation by the Civil Service Commission, submitted to any Federal agency, on the basis of the appeal of any preference eligible, employee or former employee, shall be complied with by such agency."

5 U. S. C. § 868.

Recommendation of Civil Service Commission.

Approved June 22, 1948.

[CHAPTER 605]

AN ACT

June 22, 1948
[H. R. 5071]
[Public Law 742]

To extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma.

Red River in Oklahoma.
Extension of public-land laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the public-land laws of the United States be, and the same are hereby, extended to the public lands in that part of the Red River between the medial line and the south bank of the river, in Oklahoma, between the ninety-eighth meridian and the east boundary of the territory established as Greer County by the Act of May 4, 1896 (29 Stat. 113): *Provided*, That such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry, and other disposal by the Secretary of the Interior according to law.

Settlement claims and homestead entries.

SEC. 2. The Secretary of the Interior is hereby authorized and directed to recognize equitable claims to such lands based on settlement made prior to January 1, 1934, and all homestead entries of such lands, the allowance of which was erroneous because the lands were not subject to entry, and all suspended entries and applications to make final proof, are hereby validated if otherwise regular, as of the date of the regular application.

Repeal.
30 U. S. C. §§ 230-236.

SEC. 3. Except as to existing valid rights, the Act of March 4, 1923 (42 Stat. 1448) is hereby repealed.

Approved June 22, 1948.

[CHAPTER 607]

AN ACT

June 23, 1948
[H. R. 2588]
[Public Law 743]

Requiring all mails consigned to an airport from a post office or branch, or from an airport to a post office or branch, within a radius of thirty-five miles of a city in which there has been established a Government-owned vehicle service to be delivered by Government-owned motor vehicles.

Air mail.
Use of government-owned vehicles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail consigned from an airport to a post office at which there is established a Government-owned motor-vehicle service operated by driver-mechanics in the motor-vehicle service of the Post Office Department or from such a post office to an airport, shall, if possible, be transported by such Government-owned motor vehicle: *Provided*, That such mails need not be so transported when the distance between the post office and the airport is in excess of thirty-five miles.

Helicopters.

SEC. 2. Nothing in this Act shall be construed as prohibiting the delivery of such mails by helicopter or similar aircraft.

Effective date.

SEC. 3. This Act shall become effective ninety days after enactment.

Approved June 23, 1948.

[CHAPTER 608]

AN ACT

June 23, 1948
[H. R. 6766]
[Public Law 744]

To amend the Railroad Retirement Act of 1937, as amended, and the Railroad Unemployment Insurance Act, as amended, and for other purposes.

Railroad retirement and unemployment insurance.
50 Stat. 310; 60 Stat. 728.
45 U. S. C. § 228c (a), (e).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by changing "2" to "2.40", "1½" to "1.80", and "1" to "1.20". Subsection (e) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by changing "$3" to "$3.60" and "$50" to "$60".

SEC. 2. Subsection (f) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting "(1)" before "Upon", by striking out "this subsection" wherever it occurs and inserting in lieu thereof "this paragraph", and by adding at the end thereof the following new paragraph:

60 Stat. 729.
45 U. S. C. § 228e (f).

"(2) Whenever it shall appear, with respect to the death of an employee on or after January 1, 1947, that no benefits, or no further benefits, other than benefits payable to a widow or parent upon attaining age sixty-five at a future date, will be payable under this section or, pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended, there shall be paid to such person or persons as the deceased employee may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the person or persons in the order provided in paragraph (1) of this subsection or, in the absence of such person or persons, to his estate, a lump sum in an amount equal to the sum of 4 per centum of his compensation paid after December 31, 1936, and prior to January 1, 1947, and 7 per centum of his compensation after December 31, 1946 (exclusive in both cases of compensation in excess of $300 for any month), minus the sum of all benefits paid to him, or to others by reason of his death, under this Act and, pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended: *Provided, however*, That if the employee is survived by a widow or parent who may upon attaining age sixty-five be entitled to further benefits under this section, or pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended, such lump sum shall not be paid unless such widow or parent makes and files with the Board an irrevocable election, in such form as the Board may prescribe, to have such lump sum paid in lieu of all benefits to which such widow or parent might otherwise become entitled under this section or, pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended. Such election shall be legally effective according to its terms. Nothing in this section shall operate to deprive a widow or parent making such election of any insurance benefits under section 202 of the Social Security Act, as amended, to which such widow or parent would have been entitled had this section not been enacted. The term 'benefits' as used in this paragraph includes all annuities payable under this Act, lump sums payable under paragraph (1) of this subsection, and insurance benefits and lump-sum payments under section 202 of the Social Security Act, as amended, pursuant to subsection (k) of this section."

Lump-sum payment upon death of employee.

45 U. S. C. § 228e (k).

49 Stat. 623.
42 U. S. C. § 402.

Filing of irrevocable election.

"Benefits."

SEC. 3. The provisions of section 1 hereof shall apply to all annuities under section 2 of the Railroad Retirement Act of 1937, as amended, accruing during calendar months following the month of enactment hereof other than joint and survivor annuities heretofore awarded and survivor annuities deriving from joint and survivor annuities heretofore awarded; and the provisions of section 2 hereof shall be effective as of January 1, 1947. All annuities under the Railroad Retirement Act of 1935 and all joint and survivor annuities heretofore awarded and survivor annuities deriving from joint and survivor annuities heretofore awarded, accruing during the calendar months following the month of enactment hereof, and all pensions due in months following the first calendar month after the enactment hereof, shall be increased by 20 per centum. All recertifications required by reason of the provisions of this Act shall be made by the Railroad Retirement Board without application therefor.

Annuities.

50 Stat. 309.
45 U. S. C. § 228b.

Increase in annuity.

49 Stat. 967.
45 U. S. C. §§ 215–228 note.

Recertifications.

SEC. 4. Subsection (a) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended by substituting the following for so much of said subsection as precedes the proviso:

52 Stat. 1102.
45 U. S. C. § 358 (a).

Employer's contribution.

"(a) Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after June 30, 1939:".

52 Stat. 1102.
45 U. S. C. § 358 (a).

SEC. 5. (a) Subsection (a) of section 8 of the Railroad Unemployment Insurance Act, as amended, is further amended by substituting a colon for the period at the end thereof and adding the following:

"1. With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

"2. With respect to compensation paid after December 31, 1947, the rate shall be as follows:

"If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30 of any year, as determined by the Board, is:	The rate with respect to compensation paid during the next succeeding calendar year shall be:
$450,000,000 or more	½ percent.
$400,000,000 or more but less than $450,000,000	1 percent.
$350,000,000 or more but less than $400,000,000	1½ percent.
$300,000,000 or more but less than $350,000,000	2 percent.
$250,000,000 or more but less than $300,000,000	2½ percent.
Less than $250,000,000	3 percent.

Statement of balance of account.

"As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year."

Adjustment.
52 Stat. 1102.
45 U. S. C. § 358 (a).

(b) Contributions paid under subsection (a) of section 8 of the Railroad Unemployment Insurance Act, as amended, prior to the enactment of the foregoing amendment thereof which are in excess of those required by said subsection as so amended shall be subject to adjustment or refund in accordance with the provisions of subsections (d) and (e) of said section 8.

45 U. S. C. § 358 (d), (e).
52 Stat. 1103.
45 U. S. C. § 358 (f).

SEC. 6. Subsection (f) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

Division of deposits.

"(f) The contributions required by this Act shall be collected by the Board and shall be deposited by it with the Secretary of the Treasury of the United States, such part thereof as equals 0.2 per centum of the total compensation on which such contributions are based to be deposited to the credit of the fund and the balance to be deposited to the credit of the account."

52 Stat. 1104.
45 U. S. C. § 360 (a).

SEC. 7. Subsection (a) of section 10 of the Railroad Unemployment Insurance Act, as amended, is amended by substituting the following for subdivision (i) of the second sentence of said subsection: "(i) such part of all contributions collected pursuant to section 8 of this Act as is in excess of 0.2 per centum of the total compensation on which such contributions are based, together with all interest collected pursuant to section 8 (g) of this Act;".

Composition of railroad unemployment insurance account.
45 U. S. C. § 358.
Ante, p. 577; *supra*.

52 Stat. 1105.
45 U. S. C. § 361 (a).

SEC. 8. Subsection (a) of section 11 of the Railroad Unemployment Insurance Act, as amended, is amended by substituting the following for subdivision (i) of the second sentence of said subsection: "(i) such part of all contributions collected pursuant to section 8 of this Act as equals 0.2 per centum of the total compensation on which such contributions are based;".

Composition of railroad unemployment insurance administration fund.

Approved June 23, 1948.

[CHAPTER 609]

AN ACT

June 24, 1948
[S. 1266]
[Public Law 745]

To amend section 1064 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, relating to admissibility of testimony by a party to a transaction when the other party is incapable of testifying.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1064 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, is amended to read as follows:

31 Stat. 1357.
D. C. Code § 14-302.

"SEC. 1064. TESTIMONY OF SURVIVING PARTY.—In any civil action against a person who, from any cause, is legally incapable of testifying, or against the committee, trustee, executor, administrator, heir, legatee, devisee, assignee, or other representative of a deceased person or of the person so incapable of testifying, no judgment or decree shall be rendered in favor of the plaintiff founded on the uncorroborated testimony of the plaintiff or of the agent, servant, or employee of the plaintiff as to any transaction with or action, declaration or admission of the deceased or incapable person; and in any such action, if the plaintiff or any agent, servant, or employee of the plaintiff testifies as to any transaction with or action, declaration, or admission of the deceased or incapable person, no entry, memorandum, or declaration, oral or written, by the deceased or incapable person, made while he was capable and upon his personal knowledge, shall be excluded as hearsay."

Approved June 24, 1948.

[CHAPTER 610]

AN ACT

June 24, 1948
[S. 2508]
[Public Law 746]

Relating to salaries of certain officers and employees of the United States and certain officers and employees of Puerto Rico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 49b of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 793b (1)) is amended by striking out "$7,500" and inserting in lieu thereof "$10,000 to be paid out of funds appropriated by Congress for such purpose".

Organic Act of Puerto Rico, amendment.
61 Stat. 772.
48 U. S. C., Supp. I, § 793b (1).

SEC. 2. Section 50 of the Organic Act of Puerto Rico (U. S. C., title 48, secs. 797 and 798) is amended to read as follows:

39 Stat. 967.
48 U. S. C., Supp. I, § 797.

"SEC. 50. Except as otherwise provided in this or any other Act, the salaries and office expenses of all officials of Puerto Rico, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Puerto Rico as shall from time to time be determined by the legislature of Puerto Rico and approved by the Governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. Until otherwise prescribed as provided by this section the annual salary of the Governor shall be $10,000; in addition to which he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Puerto Rico, with the furniture and effects therein, free of rental; and the annual salary of the head of each executive department shall be $6,000.

Salaries and expenses of officials.

"Notwithstanding the foregoing, the annual salary of the chief justice of the supreme court shall be $10,500, and the annual salary of each associate justice of the supreme court shall be $10,000. All of said salaries of the chief justice and associate justices shall be paid in equal monthly installments.

Premium of bond.

"Where any officer, during such time as his salary is fixed by this Act, is required to give a bond, the premium thereof shall be paid from the insular treasury."

39 Stat. 962.

SEC. 3. So much of section 34 of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 838) as reads "Except as otherwise provided in this Act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position." is amended to read as follows:

"Except as otherwise provided in this Act, no law shall extend the term of any public officer, permit any officer or employee to draw compensation for more than one office or position, or increase or diminish the salary or emoluments of any senator or representative during the term for which he is elected or appointed."

39 Stat. 960.

SEC. 4. Section 31 of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 820) is amended by striking out "That members" and inserting in lieu thereof "Until otherwise prescribed pursuant to section 50 of this Act, members".

Ante, p. 579.

39 Stat. 957.

SEC. 5. Section 20 of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 786) is amended by inserting after "$6,000" the following: "or such other sum not less than that payable to the head of any executive department as may be prescribed pursuant to section 50 of this Act".

Ante, p. 579.

39 Stat. 958.

SEC. 6. Section 22 of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 779) is amended by inserting after "$5,000" the following: "or such other sum as may be prescribed pursuant to section 50 of this Act".

Ante, p. 579.

39 Stat. 964.

SEC. 7. The third and fourth sentences of section 38 of the Organic Act of Puerto Rico (U. S. C., title 48, sec. 750) are amended to read as follows: "The public service commissioner shall devote his entire time to his duties as such commissioner. Until otherwise prescribed pursuant to section 50 of this Act—

"(a) the salary of the public service commissioner shall be $6,000 a year, and

"(b) the compensation of the associated members shall be $10 for each day's attendance at the sessions of the commission, but in no case shall they receive more than $1,000 during any one year."

Effective date.

SEC. 8. This Act shall take effect thirty days after the date of its enactment.

Approved June 24, 1948.

[CHAPTER 611]

June 24, 1948
[H. R. 2867]
[Public Law 747]

AN ACT

To permit, subject to certain conditions, mining locations under the mining laws of the United States within that portion of the Harney National Forest, designated as a game sanctuary, and for other purposes.

Harney National Forest, S. Dak.
Mining locations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the conditions herein provided, mining locations may be made under the general mining laws of the United States on lands of the United States situated within the exterior boundaries of that portion of the Harney National Forest designated as the Custer State Park Game Sanctuary, South Dakota, created pursuant to the provisions of the Act of June 5, 1920 (41 Stat. 986), as amended. A locator shall have the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber

16 U. S. C. §§ 675–678.

Post, p. 860.

required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the mining operations herein authorized shall be subject to such rules and regulations as the Secretary of Agriculture may deem necessary in furtherance of the purposes for which the said sanctuary was established: *Provided further*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Harney National Forest, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development: *Provided further*, That the Secretary of Agriculture in his discretion may prohibit the location of mining claims within six hundred and sixty feet of any Federal, State, or county road, and within such other areas where the location of mining claims would not be in the public interest: *And provided further*, That no patent shall be issued by the United States on any location filed pursuant to the authority contained in this Act.

Rules and regulations.

Timber.

Location of claims, restriction.

Issuance of patents.

Sec. 2. To facilitate administration for the purpose for which the sanctuary has been established, the western boundary of the sanctuary lying north of Custer State Park is hereby redefined as follows:

Western boundary of sanctuary.

Beginning at the east quarter corner of section 7, township 2 south, range 5 east, Black Hills meridian; thence south along said section line to its intersection with a line three hundred feet north of the Horse Thief Lake Road; thence southwesterly along a line three hundred feet northwesterly from the center line of said road and running approximately parallel thereto to the intersection of said road with United States Highway 85A; thence southerly along a line three hundred feet west of United States Highway 85A and approximately parallel thereto to the present south boundary of said sanctuary in section 3 south, range 4 east, Black Hills meridian.

Approved June 24, 1948.

[CHAPTER 612]

AN ACT

To amend Veterans Regulation Numbered 1 (a), parts I and II, as amended, to establish a presumption of service connection for chronic and tropical diseases.

June 24, 1948
[H. R. 3889]
[Public Law 748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (c) of paragraph I, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided further*, That the term 'chronic disease' as used in this paragraph shall include anemia, primary; arteriosclerosis; arthritis, bronchiectasis; calculi of the kidney, bladder, or gall bladder; cardiovascular-renal disease, including hypertension, myocarditis, Buerger's disease and Raynaud's disease; cirrhosis of the liver; coccidiomycosis; endocarditis; diabetes, mellitus; endocrinopathies; epilepsies; Hodgkin's disease; leukemia, nephritis; osteitis, deformans; osteomalacia; organic diseases of the nervous system, including tumors of the brain, cord, or peripheral nerves; encephalitis lethargica residuals; scleroderma; tuberculosis, active; tumors, malignant; ulcers, peptic (gastric or duodenal) and

Veterans.
Chronic and tropical diseases.
38 U. S. C. note foll. § 739.

"Chronic disease."

Tropical diseases. Service connection.

such other chronic diseases as the Administrator of Veterans' Affairs may add to this list: *And provided further*, That, subject to the limitations of this subparagraph, tropical diseases, such as cholera; dysentery; filariasis; leishmaniasis; leprosy; loiasis; malaria; black water fever; onchocerciasis; oroya fever; dracontiasis; pinta; plague; schistosomiasis; yaws; yellow fever and others and the resultant disorders or diseases originating because of therapy, administered in connection with such diseases, or as a preventative thereof, shall be accorded service connection when shown to exist within one year after separation from active service or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service. Nothing in this paragraph shall be construed to prevent service connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active service."

38 U. S. C. note foll. § 739.

SEC. 2. Veterans Regulation Numbered 1 (a), part II, paragraph I, as amended, is hereby amended by adding subparagraph (d) thereto, said paragraph to read as follows: "That for the purpose of paragraph I (a) hereof, any person who served in the military or naval service for six months or more and was honorably discharged therefrom and contracts a tropical disease such as cholera; dysentery; filariasis; leishmaniasis; leprosy; loiasis; malaria; black water fever; onchocerciasis; oroya fever; dracontiasis; pinta; plague; schistosomiasis; yaws; yellow fever and others and the resultant disorders or diseases originating because of therapy administered in connection with such diseases, or as a preventative thereof, unless shown by clear and unmistakable evidence to have had its inception prior or subsequent to active service, shall be deemed to have incurred such disability in active service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service. Nothing in this paragraph shall be construed to prevent service connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active service."

Approved June 24, 1948.

[CHAPTER 613]

June 24, 1948
[H. R. 4071]
[Public Law 749]

AN ACT

To amend sections 301 (k) and 304 (a) of the Federal Food, Drug, and Cosmetic Act, as amended.

Federal Food, Drug, and Cosmetic Act, amendment.

52 Stat. 1042.

Removal of label, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (k) of section 301 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 331 (k)), is amended to read as follows:

"(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated or misbranded."

52 Stat. 1044.

SEC. 2. Subsection (a) of section 304 of such Act, as amended (21 U. S. C. 334 (a)), is amended by inserting immediately after the words "when introduced into or while in interstate commerce" the following: "or while held for sale (whether or not the first sale) after shipment in interstate commerce".

Approved June 24, 1948.

[CHAPTER 614]

AN ACT

To amend the Tariff Act of 1930 to provide for the free importation of limestone to be used in the manufacture of fertilizer.

June 24, 1948
[H. R. 5275]
[Public Law 750]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1685 of the Tariff Act of 1930 is hereby amended to read as follows:

46 Stat. 678.
19 U. S. C. § 1201, par. 1685.

"PAR. 1685. Guano; basic slag (ground or unground); manures; limestone, crude, crushed, or broken, when imported to be used in the manufacture of fertilizer; and (notwithstanding any other provision of this Act) those grades of substances used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers."

Approved June 24, 1948.

[CHAPTER 615]

AN ACT

To confer jurisdiction over the Fort Des Moines Veterans' Village upon the State of Iowa.

June 24, 1948
[H. R. 6188]
[Public Law 751]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That exclusive civil and criminal jurisdiction, including the right of suffrage, over the Fort Des Moines Veterans' Village is hereby conferred upon the State of Iowa. Such jurisdiction shall terminate whenever the rights and privileges granted to the city of Des Moines by the instrument executed on December 24, 1946, by the United States (acting by the Commissioner of the Federal Public Housing Authority) and the city of Des Moines shall terminate.

Fort Des Moines Veterans' Village, Iowa.
Jurisdiction.

SEC. 2. As used in this Act, the term "Fort Des Moines Veterans' Village" means the land leased by the United States to the city of Des Moines on December 24, 1946.

SEC. 3. This Act shall take effect upon the acceptance by the Executive Council of the State of Iowa of the jurisdiction conferred by the first section.

Approved June 24, 1948.

[CHAPTER 616]

AN ACT

To authorize the course of instruction at the United States Naval Academy to be given to not exceeding four persons at a time from the Republic of the Philippines.

June 24, 1948
[H. R. 6698]
[Public Law 752]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to permit, upon designation of the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy at Annapolis, Maryland. The Filipinos receiving instruction under authority of this Act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy.

U. S. Naval Academy.
Instruction of Filipinos.

Restriction.

Approved June 24, 1948.

[CHAPTER 617]

AN ACT

June 24, 1948
[H. R. 6772]
[Public Law 753]

Making appropriations for the Department of the Navy and the naval service for the fiscal year ending June 30, 1949, and for other purposes.

Department of the Navy Appropriation Act, 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Navy and the naval service for the fiscal year ending June 30, 1949, namely:

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

MISCELLANEOUS EXPENSES

For traveling expenses of civilian employees, including travel of dependents of employees to and from navy yards or stations outside the continental limits of the United States, and other expenses as authorized by section 1 of the Act of August 2, 1946 (Public Law 604); physical examinations by civilian physicians of civilian employees in accordance with section 2 of the Act of August 2, 1946 (Public Law 604); expenses of courts and boards; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Naval Personnel); costs of suits; expenses authorized by section 38 of the Act of August 2, 1946 (Public Law 604), for Latin-American cooperation; postage, foreign and domestic and post-office box rentals; microphotographic services; and other necessary and incidental expenses; $7,500,000, of which $2,250,000 is for payment of claims as provided in the Act approved July 3, 1944 (46 U. S. C. 797), the Act of August 2, 1946 (28 U. S. C. 921), and the Act of December 28, 1945 (31 U. S. C. 222e), which are not eligible for payment under the provisions of the Act approved March 27, 1942 (15 U. S. C. 606b-2).

60 Stat. 853.
5 U. S. C. § 421c, 415c.

60 Stat. 858.
5 U. S. C. § 421f.

58 Stat. 726.
60 Stat. 843.
Post, p. 1008.
59 Stat. 662.
56 Stat. 175.
15 U. S. C., Supp. I, § 606b-2.

CONTINGENCIES OF THE NAVY

For all emergencies and extraordinary expenses, authorized by section 6 of the Act of August 2, 1946 (Public Law 604), to be expended on the approval and authority of the Secretary, and his determination shall be final and conclusive upon the accounting officers of the Government, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, $12,000,000.

60 Stat. 853.
5 U. S. C. § 419c.

RESEARCH, NAVY

For expenses, not otherwise provided for, necessary in carrying out the Act of August 1, 1946 (Public Law 588), establishing the Office of Naval Research, $42,255,000: *Provided*, That not to exceed $1,500,000 may be available for administrative expenses, exclusive of the Naval Research Laboratory, and the Special Devices Center.

60 Stat. 779.
5 U. S. C. §§ 475–475f.

OPERATION AND CONSERVATION OF NAVAL PETROLEUM RESERVES

To enable the Secretary to carry out the provisions contained in the Act approved June 4, 1920, as amended (34 U. S. C. 524), requiring him to explore, prospect, conserve, develop, use and operate the naval petroleum reserves, $9,245,500: *Provided*, That out of any sums appropriated for naval purposes by this Act, any portion thereof, not to exceed $5,000,000, shall be available to enable the Secretary

41 Stat. 813.

to protect Naval Petroleum Reserve Numbered 1, by drilling wells and performing any work incident thereto: *Provided further*, That no part of the sum made available in the foregoing provision for the protection of Naval Petroleum Reserve Numbered 1 shall be expended if satisfactory agreement or agreements can be made with owners of land within or adjoining said Reserve Numbered 1 not to drill wells for the purpose of producing oil or gas: *Provided further*, That not to exceed $2,500,000 of the appropriation under this head in the Act of July 5, 1945 (Public Law 132, 79th Congress), shall continue available during the fiscal year 1949 for the liquidation of obligations incurred thereunder during the fiscal year 1946.

Agreements with landowners.

59 Stat. 426.

Naval Petroleum Reserve Numbered 4, Alaska: For continuing exploration and prospecting in Naval Petroleum Reserve Numbered 4, as authorized in the Act approved June 4, 1920, as amended (34 U. S. C. 524), $14,600,000, to be available immediately: *Provided*, That the unexpended balance of the appropriation of $9,600,000 made available for this purpose by the Navy Department Appropriation Act, 1947, shall be consolidated with this appropriation, to be disbursed and accounted for as one fund which shall remain available until June 30, 1951.

41 Stat. 813.

ISLAND GOVERNMENTS

Expenses incident to the administration of island governments, including liberated and occupied areas and the Trust Territory of the Pacific Islands; $2,250,000.

NAVAL OBSERVATORY

For expenses necessary for the operation and maintenance of the Naval Observatory and its observation stations, including pay of employees, and all printing and binding for the Naval Observatory, $465,000.

HYDROGRAPHIC OFFICE

For expenses necessary for the maintenance and operation of the Hydrographic Office and of the branch hydrographic offices, including pay of employees; hydrographic surveys; all printing and binding for the Hydrographic Office; and purchase of nautical and aeronautical charts and publications; $3,500,000.

BUREAU OF NAVAL PERSONNEL

TRAINING AND EDUCATION, NAVY

Training and education: For maintenance and operation of naval training and educational activities; including rent and pay of employees in the field service, professors (including services of a professor of international law at the Naval War College, $3,000), instructors, and lecturers (including not to exceed $6,000 for services of lecturers at the Naval War College); annuity premiums under the Act of January 16, 1936 (34 U. S. C. 1073); postgraduate instruction of officers; individual training of officers and enlisted personnel at home and abroad; and other necessary expenses of training and educating naval personnel not otherwise provided for; $13,200,000.

49 Stat. 1092.

WELFARE OF NAVAL PERSONNEL

Welfare of naval personnel: For contributions for the support of schools as authorized by section 13 of the Act of August 2, 1946 (Public Law 604); libraries and library expenses for ships and shore stations not otherwise provided for; and welfare and recreation of the Navy (to be expended in the discretion of the Secretary); $2,400,000.

60 Stat. 854.
5 U. S. C. § 421d.

OFFICER CANDIDATE TRAINING

Officer candidate training: For expenses incident to the conduct of officer candidate training, as authorized by the Act of August 13, 1946 (Public Law 729), and of the Naval Reserve Officers' Training Corps under such regulations as the President may prescribe under the provisions of section 22 of the Act approved March 4, 1925, as amended (34 U. S. C. 821), $12,000,000.

60 Stat. 1057.
34 U. S. C. §§ 1020-1020*l*; Supp. I, § 1020b *et seq.*
Ante, p. 485.
43 Stat. 1276.

GENERAL EXPENSES, BUREAU OF NAVAL PERSONNEL

General expenses, Bureau of Naval Personnel: For necessary expenses of the Bureau of Naval Personnel not otherwise provided for, including pay of employees in the field service, rent of buildings and offices, expenses of prisoners, maintenance and operation of prisons, disciplinary barracks and retraining commands, trophies, badges, medals, and engraving of medals, $1,400,000.

NAVAL RESERVE

For all expenses not otherwise provided for, authorized by the Naval Reserve Act of 1938, as amended (34 U. S. C. 852), and the Naval Aviation Cadet Act of 1942, as amended (34 U. S. C. 850a), in connection with organizing, administering, recruiting, instructing, training, and drilling the Naval Reserve, including designing, purchasing, and engraving of medals and trophies; all printing and binding for the Naval Reserve executed at the Government Printing Office; and rental, maintenance, and operation of such shore stations as may be required in connection with Naval Reserve Activities; $125,436,000: *Provided*, That only this appropriation shall be available for such of the objects and purposes specified under the appropriations "Pay and subsistence of naval personnel" and "Transportation and recruiting of naval personnel," as are authorized by law for personnel of the Naval Reserve on active or inactive duty in connection with organizing, administering, recruiting, instructing, training, and drilling the Naval Reserve.

52 Stat. 1175.
56 Stat. 737.
Availability of funds.
Post, pp. 587, 588.

NAVAL ACADEMY

Naval Academy: For expenses necessary for maintenance and operation of the Naval Academy, including such amounts, not otherwise provided for, as may be necessary to carry out the provisions of the Act of January 16, 1936 (34 U. S. C. 1073); and expenses of the Board of Visitors to the Naval Academy; $5,020,000, of which amount $2,000 shall be available exclusively for the care of a collection of ship models: *Provided*, That no part of any appropriation in this Act shall be available for the pay or allowances of any enlisted man of the Navy or Marine Corps assigned to duty at the Naval Academy, if such assignment will increase the total number so assigned above one thousand and twenty-five.

49 Stat. 1092.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA

For all salaries and expenses as authorized by law (31 U. S. C. 725h) and section 11 of the Act approved August 2, 1946 (Public Law 604), necessary for the maintenance and operation of the Naval Home, $380,000.

48 Stat. 1229.
60 Stat. 854.
24 U. S. C. § 21a.

BUREAU OF SHIPS

MAINTENANCE, BUREAU OF SHIPS

For designing hulls, machinery, and equipment of naval vessels, except armament; experimental, developmental, and research work; maintenance, repair, renewal, and alteration of hulls, machinery, and equipment of naval vessels, nonnaval vessels operated for naval require-

ments, and yard and district craft except machinery and equipment under the cognizance of other bureaus; docking of vessels; leasing of laying-up facilities and docks; maritime salvage services and other purposes in connection therewith authorized by law; relief of vessels in distress; hire of lighters, tugs, and small craft; charter and hire of vessels for auxiliary purposes where considered necessary by the Secretary of the Navy; pay, subsistence, and incidental expenses of civilian crews temporarily employed on naval vessels; equipage, appliances, supplies, materials, and services, at home and abroad, under the cognizance of the Bureau of Ships; searchlights and fire-control equipment for antiaircraft defense at shore stations; maintenance and operation, including maintenance and equipment of buildings and grounds and appurtenances, of the experimental, developmental, and research activities under the cognizance of the Bureau of Ships; maintenance and operation of the Naval Communication Service, including telephone, telegraph, and teletype rentals and tolls for the Navy Department and the Naval Establishment; maintenance and equipment of buildings, grounds and appurtenances of the Naval Communication Service at the seat of government and elsewhere; purchase, installation, repair, and preservation of machine tools, plant appliances, and equipment (including furniture in industrial activities) in naval establishments or private plants; pay of employees in the field service; accident prevention; incidental expenses for naval vessels, naval shipyards and stations, and other activities under the cognizance of the Bureau of Ships, such as photographing, plans, stationery, drafting instruments and other materials; and technical books and publications for said Bureau: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silver, and kitchen utensils for use in the residences or quarters of officers on shore, except for messes temporarily set up on shore for bachelor officers and officers attached to seagoing or district defense vessels, to aviation units based on seagoing vessels, to the fleet air bases, to the submarine bases, or to landing forces and expeditions; $360,000,000.

Antiaircraft defense at shore stations.

Machine tools, plant appliances, etc.

Tableware, etc., in officers' quarters.

BUREAU OF ORDNANCE

ORDNANCE AND ORDNANCE STORES, NAVY

For necessary expenses of developing (and for research incidental thereto), procuring, producing, preserving, and handling ordnance supplies, material, and equipment for naval purposes; for essential equipment, facilities specifically for research and development, machine tools, replacements, and services at naval or private establishments; maintenance, operation, and other necessary expenses of naval ordnance shore activities; technical books and periodicals; maintenance, repair, and operation of motor-propelled and other freight and passenger-carrying vehicles at such activities; target practice; and for contribution to the support of schools as authorized by section 13 of the Act of August 2, 1946 (Public Law 604); $230,000,000.

Research, etc., facilities.

60 Stat. 854.
5 U. S. C. § 421d.

BUREAU OF SUPPLIES AND ACCOUNTS

PAY AND SUBSISTENCE OF NAVAL PERSONNEL

For pay, allowances, subsistence and quarters prescribed by law for naval personnel, including reserves on active duty—

Pay and allowances: Officers, active duty, no part of which shall be available for increased pay for making aerial flights, by more than eighty-five officers above the rank of captain nor by nonflying officers or observers at rates in excess of those prescribed by law for the Army,

which shall be the legal maximum rates as to such nonflying officers or observers; midshipmen; enlisted personnel, active, including cash prizes for men for excellence in gunnery, target practice, communication, and engineering competition; men of the Fleet Reserve, inactive; nurses, female, active; six months' death gratuity, officers, nurses, and enlisted personnel; cash allowances for uniforms for officers; clothing furnished annually to enlisted personnel or cash in lieu thereof; civilian clothing, including an overcoat when necessary, the cost of all not to exceed $30 per person to enlisted personnel given discharges for bad conduct, undesirability, unsuitability, or inaptitude; purchase of medals, crosses, bars, emblems, and other insignia; miscellaneous items, including interest on deposits by enlisted personnel; payments in settlement of claims under the Act of January 2, 1942 (31 U. S. C. 224d); commuted rations; money allowances for subsistence and quarters of enlisted personnel when not furnished quarters or subsistence in kind, and for enlisted personnel absent from messes on temporary duty not involving travel (during which time all other subsistence shall be stopped): *Provided*, That, except in the case of those who have specifically enlisted for such duty, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civilian employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department; total, pay and allowances, $1,111,116,000.

55 Stat. 880.

Enlisted men or civil employees as household servants.

Subsistence: For provisions for messes, subsistence in messes, and other subsistence in kind as authorized by law; $104,796,000.

Total.

In all, for pay and subsistence of naval personnel, $1,215,912,000, and the money herein specifically appropriated for "Pay and subsistence, Navy", shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

RETIRED PAY, NAVY

For pay and allowances, as authorized by law, for all retired officer and enlisted personnel and nurses of the Navy (including the reserve components thereof) not on active duty, $78,520,650.

TRANSPORTATION AND RECRUITING OF NAVAL PERSONNEL

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers, nurses, and midshipmen while traveling under orders, and the cost of a compartment or such other accommodations as may be authorized by the Secretary of the Navy for security when secret documents are transferred by officer messenger or when valuable naval property is transported as hand baggage by personnel of the Naval Establishment, transportation of enlisted personnel and applicants for enlistment at home and abroad, transportation of prisoners, and insane supernumerary patients to hospitals, all with subsistence and transfers en route or cash in lieu thereof; expenses of funeral escorts of naval personnel and apprehension and delivery of deserters and stragglers, and for railway, steamship, and airway guides and expenses incident to transportation; transportation of dependents of officers and enlisted personnel, including those of retired and Reserve officers and of retired and Reserve enlisted personnel of grades entitled to transportation of dependents in the Regular Navy when ordered to active duty (other than training)

Secret documents.

Transportation of dependents.

and upon release therefrom; for actual expenses of officers and midshipmen while on shore-patrol duty, including the hire of automobiles when necessary for the use of the shore-patrol detachment; for all necessary expenses for recruiting for the naval service, including lodging and subsistence of applicants, rent of rendezvous and expenses of maintaining the same, and advertising for and obtaining men; and personal services of field employees necessary for the purposes of this appropriation; $32,000,000.

MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including scientific investigations, commissions, interest, and exchange; ferriage and bridge tolls, including streetcar fares; rent of buildings and offices not in navy yards for naval purposes, not otherwise provided for; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; packing, unpacking, and local handling, as authorized by law, of household goods and effects of civilian and naval personnel of the Naval Establishment; ice and mechanical devices for cooling drinking water on shore (except at naval hospitals and shops at industrial navy yards); and for losses in the accounts of Navy and Marine Corps officers certified under the Act of July 11, 1919 (31 U. S. C. 105), the Act of June 10, 1921 (31 U. S. C. 104), the Act of December 23, 1944 (50 U. S. C. App. 1705, 1706), and the Act of July 26, 1947 (Public Law 248); $209,000,000.

41 Stat. 132.
42 Stat. 24.
58 Stat. 921.
61 Stat. 493.
31 U. S. C., Supp. I, § 95a note.

TRANSPORTATION OF THINGS

For transportation of things (as defined by Budget-Treasury Regulation Numbered 1) pertaining to the Navy (excluding Marine Corps), $85,000,000.

FUEL, NAVY

For fuel, water, and other utilities for submarine bases and naval vessels, including expenses of storage and handling; removal of fuel refuse from ships and maintenance and general operation of fleet fueling facilities; $65,000,000.

BUREAU OF MEDICINE AND SURGERY

MEDICAL DEPARTMENT

For equipment, supplies, maintenance, and operation of Medical Department activities ashore and afloat, and compensation of employees; tolls and ferriage; necessary instruction of personnel, including equipment; issuance of medical bulletins and information; laundry supplies and services; care of the dead as authorized by law, including transportation; purchase of technical books and periodicals; optical supplies for naval personnel under regulations prescribed by the Secretary; and other necessary expenses, including care, maintenance and treatment of patients in naval and other hospitals, as provided by regulation; $40,000,000.

BUREAU OF YARDS AND DOCKS

MAINTENANCE, BUREAU OF YARDS AND DOCKS

For the pay of employees in the field service, materials, supplies, and facilities necessary for the operation and general maintenance of activites and properties under the cognizance of the Bureau of Yards and Docks; purchase for replacement only (including one at a cost not exceeding $3,000) and hire of passenger motor vehicles; contribution

60 Stat. 854.
5 U. S. C. § 421d.
Housing projects.

42 U. S. C. §§ 1501–1505, 1521–1574; Supp. I, §§ 1501–1505, 1521 *et seq.*
Ante, pp. 356, 492; *post*, p. 1062.

Restriction.

Transfer of offices.

to the support of schools as authorized by section 13 of the Act of August 2, 1946 (Public Law 604); $145,500,000; for expenses of operation and maintenance of housing projects maintained and operated as such by the Department of the Navy and developed under the provisions of the Acts of June 28, 1940 (54 Stat. 676); September 9, 1940 (54 Stat. 872); October 14, 1940 (54 Stat. 1125); March 1, 1941 (55 Stat. 14); May 24, 1941 (55 Stat. 197); and December 17, 1941 (55 Stat. 810), including utilities, roads, walks, and accessories, and expenses found necessary in the disposition of any such property or the removal of temporary housing; $4,875,000; in all, $150,375,000: *Provided*, That none of these funds shall be used to pay for the maintenance or operation of any defense housing unit for any civilian employees of the Department of the Navy unless the rental rate charged for the civilian occupancy of any such defense housing unit shall be at such rate as may be prescribed by law or in pursuance of law for housing of similar character and size in the general geographical area where such defense housing may be located: *Provided further*, That this appropriation shall be available for any expenses incident to transferring offices of the Navy Department between buildings at the seat of government.

BUREAU OF AERONAUTICS

AVIATION, NAVY

For replacement of navigational and radio equipment for aircraft in service, aerological, photographic, and miscellaneous equipment, including repairs thereto, $25,000,000; for maintenance, repair, and operation of aircraft, aircraft factory, air stations, testing laboratories, fleet and all other aviation activities, technical books and periodicals for use in the Bureau of Aeronautics and the field, outfits for aviation messes, the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, and for contribution to the support of schools as authorized by section 13 of the Act of August 2, 1946 (Public Law 604), $450,000,000; for continuing experiments, development, and research on all types of aircraft, $110,000,000; in all, $585,000,000: *Provided*, That the unexpended balance of the appropriation for "Aviation, Navy," in the Naval Appropriation Act, 1946, shall remain available during the fiscal year 1949, in such amount as may be necessary for the liquidation of contractual obligations incurred during the fiscal year 1946 for aircraft, aircraft equipment, and continuing experimental and developmental procurement.

60 Stat. 854.
5 U. S. C. § 421d.

Liquidation of contractual obligations.
59 Stat. 212.

MARINE CORPS

PAY, MARINE CORPS

Officers on active duty.

Pay of officers: For pay and allowances prescribed by law for all officers on active duty, including increased pay for making aerial flights by nonflying officers or observers at rates not in excess of those prescribed by law for the Army, which shall be the legal maximum rates as to such nonflying officers or observers, $38,878,000;

Pay of enlisted personnel: For pay and allowances of all enlisted personnel and musicians on active duty as prescribed by law; expenses of clerks of the Marine Corps traveling under orders; additional compensation for enlisted personnel of the Marine Corps qualified as experts, sharpshooters, marksmen, aircraft machine gunners, or regularly detailed as gun captains, gun pointers; interest on deposits by enlisted personnel; pay of enlisted personnel designated as Navy mail clerks and assistant Navy mail clerks both afloat and ashore; and for gratuities to enlisted personnel discharged not under honorable conditions; $145,744,000;

For pay and allowances of personnel of the Marine Corps Reserve not otherwise provided for as prescribed by law, $15,313,000; Marine Corps Reserve.

For mileage, actual and necessary expenses, and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, $1,352,000; Mileage, etc.

In all, $201,287,000, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

RETIRED PAY, MARINE CORPS

For pay and allowances, as authorized by law, for all retired officers and enlisted personnel of the Marine Corps (including the reserve components thereof) not on active duty, $8,519,000.

PAY OF CIVIL FORCE, MARINE CORPS

Pay of civil force: For personal services at the seat of government, as follows:

Offices of the Commandant of the Marine Corps and the Director of Personnel, Marine Corps, $1,100,000.

Supply Department, United States Marine Corps, $1,078,000.

GENERAL EXPENSES, MARINE CORPS

General expenses, Marine Corps: For all necessary expenses for the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

For provisions, subsistence, board, and lodging of enlisted personnel, recruits and recruiting parties, and applicants for enlistment; cash allowance for lodging and subsistence to enlisted personnel traveling on duty; ice, ice machines and their maintenance; clothing for enlisted personnel and for civilian clothing, including an overcoat when necessary, the cost of all not to exceed $30 per person to enlisted personnel given discharges for bad conduct, undesirability, unsuitability, or inaptitude; fuel, heat, light, and power, including sales to officers; military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted personnel by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions; transportation of troops and applicants for enlistment, including cash in lieu of ferriage and transfers en route; payment for transportation of general court-martial prisoners; toilet kits for issue to recruits upon their first enlistment and other incidental expenses of the recruiting service; transportation for dependents of officers and enlisted personnel; repairs and improvements to barracks, quarters, and other public buildings at posts and stations; leasing and improvement of buildings at such places as the public exigencies require; erection of temporary buildings upon approval of the Secretary of the Navy at a total cost of not to exceed $70,000 during the year; forage and stabling of public animals and the authorized number of officers' horses; miscellaneous supplies, material, equipment, personal and other services, and other incidental expenses for the Marine Corps not otherwise provided for; purchase and repair of furniture and fixtures; purchase (for replacement only) and hire of passenger motor vehicles; veterinary services, shoeing, and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; books, newspapers, and periodicals; printing and binding; Military supplies. Transportation, etc. Barracks, quarters, etc. Forage and stabling. Miscellaneous supplies.

packing and crating of officers' allowance of baggage; care of the dead as authorized by law, including transportation; construction, operation, and maintenance of laundries; contribution to the support of schools at Marine Corps posts as authorized by section 13 of the Act of August 2, 1946 (Public Law 604); clothing, subsistence, heat, light, transportation, and miscellaneous expenses for the Marine Corps Reserve; $132,000,000.

Schools.

60 Stat. 854.
5 U. S. C. § 421d.

SHIPBUILDING

CONSTRUCTION OF SHIPS

Construction of ships: For expenses, not otherwise provided for, necessary for the construction and procurement of hulls, machinery, and equipment of vessels authorized by law and approved after July 17, 1947, in accordance therewith, including conversions and replacements, and tools and equipment for such construction in public and private plants, and group IVb personnel in the Bureau of Ships necessary for the purposes of this appropriation, $56,800,000; and in addition, $14,300,000 shall be transferred to this appropriation from the appropriation "Increase and replacement of naval vessels, construction and machinery", both amounts to be immediately available and to remain available until expended.

ORDNANCE FOR NEW CONSTRUCTION

Ordnance for new construction: For expenses, not otherwise provided for, necessary for the construction and procurement of armor, armament, and ammunition for vessels provided for in the appropriation "Construction of ships", including tools and equipment in public and private plants and group IVb personnel in the Bureau of Ordnance necessary for the purpose of this appropriation, for the production of armor, armament, and ammunition for said vessels, $9,470,000; and, in addition, $1,700,000 shall be transferred to this appropriation from the appropriation "Increase and replacement of naval vessels, armor, armament, and ammunition", both amounts to be immediately available and to remain available until expended: *Provided*, That the limitation on the availability of the appropriation "Increase and replacement of naval vessels" for construction of new vessels shall not be applicable to this appropriation nor the appropriation "Construction of ships".

INCREASE AND REPLACEMENT OF NAVAL VESSELS

Hereafter the balance remaining of appropriations under "Increase and replacement of naval vessels" shall not be available for beginning the construction of any new vessels: *Provided*, That of the balances remaining of appropriations under this head, there shall be available during the fiscal year 1949 such sums as the Secretary may from time to time determine to be necessary for the employment of personnel in the Bureau of Ships and the Bureau of Ordnance in connection with the construction of vessels which have been heretofore authorized under this head.

Employment of personnel.

NAVY DEPARTMENT

SALARIES

For compensation for personal services at the seat of government, as follows:

Office of the Secretary of the Navy: Secretary of the Navy, Under Secretary of the Navy, Assistant Secretaries of the Navy, and other personal services, $3,965,000;

Office of Naval Research, $1,207,000;

Office of Naval Records and Library, $69,000;
Office of Judge Advocate General, $305,300;
Office of Chief of Naval Operations, $1,225,000;
Board of Inspection and Survey, $38,000;
Office of Chief of Naval Communications, $550,000;
Office of Naval Intelligence, $980,000;
Bureau of Naval Personnel, $4,532,000;
Bureau of Ships, $6,208,500;
Bureau of Ordnance, $3,012,600;
Bureau of Supplies and Accounts, $4,385,000;
Bureau of Medicine and Surgery, $1,046,200;
Bureau of Yards and Docks, $2,087,500;
Bureau of Aeronautics, $3,000,000;
In all, salaries, Navy Department, $32,611,100.

CONTINGENT EXPENSES

For technical reference and lawbooks, periodicals, and photostating for Department library; purchase of photographs, maps, documents, and pictorial records of the Navy; stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase, maintenance, repair, and operation of motortrucks and other necessary expenses of the Navy Department and its various bureaus and offices; $1,100,000: *Provided*, That it shall not be lawful to expend, unless otherwise specifically provided by law, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

Use of naval service appropriations.

PRINTING AND BINDING

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, not otherwise provided for, $2,635,000.

GENERAL PROVISIONS—DEPARTMENT OF THE NAVY

SEC. 102. No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department at the seat of government, including personal services of civilians, except as expressly authorized by law.

Navy funds, restriction.

SEC. 103. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled,

Canal Zone.
Citizenship requirement for civilian personnel.

48 U. S. C. § 1307 note.
Employment of Panamanian citizens.

Employees with 15 or more years of service.
Selection of personnel.

Hours of employment; pay rates.

technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week; (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend, from time to time in whole or in part, compliance with this section in time of war or national emergency if he should deem such course to be in the public interest: *Provided further*, That the President may, if he finds it necessary because of a shortage of housing, suspend, for the fiscal year 1949, the application of those portions of this section which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

Applicability of section.

Suspension of compliance in time of war or emergency.

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 104. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Commissions on land purchase contracts.

SEC. 105. No part of any money appropriated herein or included under any contract authority herein granted shall be expended for the payment of any commission on any land purchase contract in excess of 2 per centum of the purchase price.

Transportation of personnel.

60 Stat. 903.
58 Stat. 649; 59 Stat. 315.
41 U. S. C. §§ 101-125; Supp. I, § 102 *et seq.*; 39 U. S. C. § 135 and note.
58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 351; *post*, p. 1103.
57 Stat. 247.
36 U. S. C. §§ 10, 11.

SEC. 106. The appropriations for the Naval Establishment for the fiscal year 1949 shall be available for providing transportation of naval and civilian personnel between their domiciles and places of employment as authorized by law; health service program as authorized by law (5 U. S. C. 150); carrying out the provisions of Public Law 395, approved July 1, 1944, Public Law 119, approved July 2, 1945, and Public Law 457, approved October 3, 1944; expenses authorized in Public Law 99, approved June 29, 1943; expenses including those heretofore incurred incident to the operation by the Navy of private plants taken over at the direction of the President, and the Secretary of the Navy may designate any naval appropriation to be

charged with such expenses, proper adjustments to be made on the basis of final costs between applicable appropriations; payment of rewards, as authorized by law, for information leading to the discovery of missing naval property or the recovery thereof.

Missing or captured personnel.

SEC. 107. Appropriations in this Act shall be available for the pay of missing or captured civilian or naval personnel under the provisions of Public Law 490, approved March 7, 1942, as amended, and for that which accrued during prior years and was not paid, including accruals of pay authorized by law for retired and reserve officers, nurses, enlisted personnel, and family allowances.

56 Stat. 143. 50 U. S. C. app. §§ 1001-1017; Supp. I, § 1001 *et seq.*

SEC. 108. During the fiscal year 1949 the Secretary of the Navy is authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day.

60 Stat. 810.

Compensation to noncitizens.

SEC. 109. Provisions of law prohibiting the payment of compensation to or employment of any person not a citizen of the United States shall not apply to personnel under the Naval Establishment during the fiscal year ending June 30, 1949.

Transfer of foreign vessels, etc.

SEC. 110. The appropriations for the Department of the Navy and the naval service for the fiscal year ending June 30, 1949, shall be available for expenses in connection with the transfer to the United States of foreign vessels, including pay, subsistence, transportation, and repatriation of alien crews.

Surplus property.

SEC. 111. None of the funds appropriated in this Act for the fiscal year ending June 30, 1949, other than funds for which reimbursement is made hereunder, shall be available for any expenses for care, upkeep, repair, handling, and assistance in the sale of any property, material, or equipment subsequent to the date of a declaration of surplus covering such property to a disposal agency, or, if procedures are prescribed whereby declarations of surplus are made at approximately the time of disposal or removal, subsequent to the date of notice by the owning agency to the disposal agency that property has been determined to be surplus and is subject to such procedures. With respect to all such expenses, disposal agencies shall provide reimbursement to the Navy, for credit to the appropriations from which such expenses would be normally paid and the Navy is authorized to apportion, obligate, and expend funds from the several appropriations involved in advance of the reimbursement thereto: *Provided*, That reimbursement shall not be made for pay and allowances and subsistence of naval and Marine Corps personnel within the numbers appropriated for: *Provided further*, That advance payments based on the estimated expenses of the Department of the Navy may be made by any disposal agency: *Provided further*, That in lieu of ascertaining the direct expenses and the applicable portion of the indirect expenses, the Department of the Navy and the disposal agencies may agree on any basis for determining such expenses as will equitably accomplish the purpose of this section.

Advance payments by disposal agency.

Time-measuring devices, restriction.

SEC. 112. No part of the appropriations made in this Act shall be available for contracts with any person, firm, or corporation to make or cause to be made with a stop watch or other time-measuring device a time study of any job of any employee within the Navy; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no moneys herein appropriated for the Naval Establishment or made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government naval ship-

Cash rewards, etc.

Work by private contractors, restriction.

yards or arsenals of the United States, when time and facilities permit, and when in the judgment of the Secretary, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government, except when the repair, purchase, or acquirement, by or from any private contractor, would, in the opinion of the Secretary, be advantageous to the national defense.

Short title.

SEC. 113. This Act may be cited as the "Department of the Navy Appropriation Act, 1949".

Approved June 24, 1948.

[CHAPTER 618]

JOINT RESOLUTION

June 24, 1948
[S. J. Res. 203]
[Public Law 754]

Providing for the ratification by Congress of a contract for the purchase of certain lands and mineral deposits by the United States from the Choctaw and Chickasaw Nations of Indians.

Choctaw and Chickasaw Nations of Indians.
Ratification of contract.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following contract between the United States of America and the Choctaw and Chickasaw Nations of Indians, entered into on October 8, 1947, pursuant to the provisions of the Act of June 28, 1944 (58 Stat. 483), is hereby ratified by the Congress, to wit:

"CONTRACT

"This contract of purchase, by and between the United States of America entered into in its behalf by J. A. Krug, Secretary of the Interior, and the Choctaw and Chickasaw Nations, acting by William A. Durant, Principal Chief of the Choctaw Nation, and Floyd E. Maytubby, Governor of the Chickasaw Nation, pursuant to the provisions of the Act of June 28, 1944 (58 Stat. 483), and for the purpose of carrying out the terms and provisions thereof, it is mutually agreed between the parties hereto, as follows:

Purchase price.

"1. Subject to the approval of this contract by a vote of the living enrolled eligible voters of the Choctaw and Chickasaw Nations, and its ratification by the Congress of the United States, the United States agrees to pay to the Choctaw and Chickasaw Nations, and the Choctaw and Chickasaw Nations agree to accept, the sum of $8,500,000 in full payment for all of their right, title, and interest in the lands and mineral deposits reserved from allotment in accordance with the provisions of section 58 of the Supplemental Agreement of 1902 (32 Stat. 641), and in full and final settlement of any and all claims for damages against the United States for any failure on the part of the United States, its officers, agents, or employees, to sell such properties in accordance with the terms of the Supplemental agreement, or for any other failure alleged to have occurred in connection with the sale, lease, and administration of such properties by the United States, its officers, agents, or employees.

Credit of purchase price.

"2. Upon approval of this contract as provided by section 1 hereof, and its ratification by the Congress, the amount of the purchase price, when appropriated by the Congress, shall be placed to the credit of the Choctaw and Chickasaw Nations on the books of the Treasury of the United States, and shall be distributed as hereinafter set forth.

Conveyance.

"3. When the purchase price herein agreed upon shall have been appropriated, the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation shall execute a conveyance or conveyances, satisfactory in form and substance to the Secretary of the Interior, vesting in the United States all of the right, title, and interest of the said Choctaw and Chickasaw Nations, in and to such lands and mineral deposits, and releasing all claims for damages against the

United States for the failure of the United States, its officers, agents, and employees, to sell such properties in accordance with the terms and provisions of said Supplemental Agreement of 1902, or for any other failure alleged to have occurred in connection with the sale, lease, and administration of such properties. 32 Stat. 641.

"4. The purchase price when appropriated shall be allocated three-fourths (¾) to the Choctaw Nation and one-fourth (¼) to the Chickasaw Nation, and shall be distributed per capita by the Secretary of the Interior to the enrolled members of said Nations, exclusive of persons enrolled as Freedmen, who, under the Atoka Agreement (30 Stat. 495) are not entitled to share in this distribution. The share of a deceased member shall be distributed to his heirs or devisees determined in conformity with the law applicable at the date of the death of the deceased member, or the date of the death of his heirs or devisees. Allocation of purchase price.

"Before payment is made to the heirs of any deceased member, proof of death and heirship satisfactory to the Superintendent for the Five Civilized Tribes Agency must be made, and the finding of said Superintendent upon such proof shall be final and conclusive. Such per capita payments shall be made directly to such members, or their heirs or devisees, any restrictions of law to the contrary notwithstanding, except that payments due to adults under legal disability, or to minors, may be made, under such rules and regulations as the Commissioner of Indian Affairs may prescribe, to legal guardians or curators of such adults or minors, or to natural guardians where legal guardians or curators have not been appointed. Proof of death and heirship.

"No expenditure of any kind or character shall be allowed the United States as an offset or claim for reimbursement against the proceeds from the sale of such lands and mineral deposits.

"5. All proceeds from the sale of any of the properties mentioned herein made subsequent to the date of this contract, and prior to the appropriation of the purchase price, shall be credited on the purchase price. All royalties from any coal, asphalt, oil, gas, or other minerals mined from the herein mentioned properties, until the first of the month in which the purchase price shall be appropriated, the balance of the purchase price of any sales made prior to the date of this contract, and such other moneys as may be due the Choctaw and Chickasaw Nations from said properties, shall, when paid, be placed to the credit of the Choctaw and Chickasaw Nations on the books of the Treasury of the United States. Proceeds from sale of property. Royalties.

"6. This agreement shall not be binding upon the Choctaw and Chickasaw Nations until it has been duly approved by a majority of the living enrolled eligible voters of the Choctaw and Chickasaw Nations voting at a special election called for such purpose pursuant to the Act of June 28, 1944, and shall not be binding upon the United States until ratified by the Congress of the United States. Approval and ratification. 58 Stat. 483.

"In Witness Whereof, the representatives of the parties hereto do hereunto affix their names this the 8th day of October, One Thousand Nine Hundred and Forty-Seven."

"J. A. KRUG,
"Secretary of the Interior.
"WILLIAM A. DURANT,
"Principal Chief of the Choctaw Nation.
"FLOYD E. MAYTUBBY,
"Governor of the Chickasaw Nation."

Approved June 24, 1948.

[CHAPTER 621]

AN ACT

June 24, 1948
[H. R. 6726]
[Public Law 755]

To amend the Public Health Service Act to provide for, foster, and aid in coordinating research relating to dental diseases and conditions, and for other purposes.

National Dental Research Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Dental Research Act".

PURPOSE

SEC. 2. The purpose of this Act is to improve the dental health of the people of the United States through the conduct of researches, investigations, experiments, and studies relating to the cause, diagnosis, and treatment of dental diseases and conditions; assist and foster such researches and other activities by public and private agencies; provide training in matters relating to dental diseases and conditions; and promote the coordination of all such researches and activities and the useful application of their results, with a view to the development and prompt widespread use of the most effective methods of prevention, diagnosis, and treatment of dental diseases and conditions.

RESEARCH AND TRAINING

58 Stat. 707.
Ante, p. 464.

SEC. 3. (a) The heading of title IV of the Public Health Service Act (42 U. S. C., ch. 6A), as amended, is amended to read "TITLE IV—NATIONAL CANCER, HEART, AND DENTAL INSTITUTES".

Ante, p. 466.

(b) Title IV of such Act is further amended by adding immediately after section 415 the following new part:

"PART C—NATIONAL INSTITUTE OF DENTAL RESEARCH

"ESTABLISHMENT OF INSTITUTE

"SEC. 421. There is hereby established in the Public Health Service a National Institute of Dental Research (hereafter in this part referred to as the 'Institute').

"DENTAL DISEASE RESEARCH AND TRAINING

58 Stat. 691.
42 U. S. C. § 241.
Ante, pp. 467, 468; *post*, pp. 601, 1017.

"SEC. 422. In carrying out the purposes of section 301 with respect to dental diseases and conditions the Surgeon General, through the Institute and in cooperation with the National Advisory Dental Research Council (hereafter in this part referred to as the 'Council'), shall—

Fostering of researches, etc.

"(a) conduct, assist, and foster researches, investigations, experiments, and studies relating to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions;

Coordination of researches.

"(b) promote the coordination of researches conducted by the Institute, and similar researches conducted by other agencies, organizations, and individuals;

Fellowships.

"(c) provide fellowships in the Institute from funds appropriated or donated for the purpose;

Consultations.

"(d) secure for the Institute consultation services and advice of persons from the United States or abroad who are experts in the field of dental diseases and conditions;

Cooperation with States.

"(e) cooperate with State health agencies in the prevention and control of dental diseases and conditions; and

Traineeships.

"(f) provide training and instruction and establish and maintain traineeships, in the Institute and elsewhere in matters relating

to the diagnosis, prevention, and treatment of dental diseases and conditions with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the Council, and, in addition, provide for such training, instruction, and traineeships through grants, upon recommendation of the Council, to public and other nonprofit institutions.

"ADMINISTRATION

"SEC. 423. (a) In carrying out the provisions of section 422 all appropriate provisions of section 301 shall be applicable to the authority of the Surgeon General, and grants-in-aid for dental research and training projects shall be made only after review and recommendation of the Council made pursuant to section 424.

Ante, p. 598.
58 Stat. 691.
42 U. S. C. § 241.
Ante, pp. 467, 468; *post*, pp. 601, 1017.

"(b) The Surgeon General shall recommend to the Administrator acceptance of conditional gifts, pursuant to section 501, for study, investigation, or research into the cause, prevention, or methods of diagnosis or treatment of dental diseases and conditions, or for the acquisition of grounds or for the erection, equipment, or maintenance of premises, buildings, or equipment of the Institute. Donations of $50,000 or over for carrying out the purposes of this part may be acknowledged by the establishment within the Institute of suitable memorials to the donors.

Acceptance of conditional gifts.
58 Stat. 709.
42 U. S. C. § 219.

"FUNCTIONS OF THE COUNCIL

"SEC. 424. The Council is authorized to—

"(a) review research projects or programs submitted to or initiated by it relating to the study of the cause, prevention, or methods of diagnosis and treatment of dental diseases and conditions, and certify approval to the Surgeon General, for prosecution under section 422 (a) hereof, of any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of dental diseases and conditions;

Review of research projects.

Ante, p. 598.

"(b) collect information as to studies which are being carried on in the United States or any other country as to the cause, prevention, or methods of diagnosis or treatment of dental diseases and conditions, by correspondence or by personal investigation of such studies, and with the approval of the Surgeon General make available such information through appropriate publications for the benefit of health agencies and organizations (public or private), physicians, dentists, or any other scientists, and for the information of the general public;

Collection and dissemination of information.

"(c) review applications from any university, hospital, laboratory, or other institution, whether public or private, or from individuals, for grants-in-aid for research projects relating to dental diseases and conditions, and certify to the Surgeon General its approval of grants-in-aid in the cases of such projects which show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of dental diseases and conditions;

Review of applications for research grants.

"(d) recommend to the Surgeon General for acceptance conditional gifts pursuant to section 501 for carrying out the purposes of this part;

Recommendations.
58 Stat. 709.
42 U. S. C. § 219.

"(e) make recommendations to the Surgeon General with respect to carrying out the provisions of this part; and

"(f) review applications from any public or other nonprofit institution for grants-in-aid for training, instruction, and

Review of applications for training grants.

traineeships in matters relating to the diagnosis, prevention, and treatment of dental diseases and conditions, and certify to the Surgeon General its approval of such applications for grants-in-aid as it determines will best carry out the purposes of this Act.

"OTHER AUTHORITY WITH RESPECT TO DENTAL DISEASES AND CONDITIONS

"SEC. 425. This part shall not be construed as superseding or limiting (a) the functions or authority of the Surgeon General or the Service, or of any other officer or agency of the United States, relating to the study of the causes, prevention, or methods of diagnosis or treatment of dental diseases and conditions; or (b) the expenditure of money therefor.

Appropriation authorized.

"SEC. 426. There is hereby authorized to be appropriated the sum of $750,000 for each fiscal year, beginning with the fiscal year ending June 30, 1949, for the purpose of carrying out the provisions of this part."

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

58 Stat. 691.
42 U. S. C. § 218.
Ante, p. 467.

SEC. 4. (a) Section 217 of such Act is amended by adding at the end thereof the following new subsection:

Members.

"(g) The National Advisory Dental Research Council shall consist of the Surgeon General or his representative, the chief medical officer of the Veterans' Administration or his representative, the Surgeon General of the Army or his representative, the Surgeon General of the Navy or his representative, who shall be ex officio members, and twelve members appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The twelve appointed members shall be leaders in the fields of fundamental sciences, medical sciences, education, or public affairs; six of such twelve shall be selected from leading dental, medical, or scientific authorities who are outstanding in the study, diagnosis, or treatment of dental diseases and conditions, and at least four of such six shall be dentists. Each appointed member of the Council shall hold office for a term of four years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Surgeon General at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed since the end of his preceding term. Every two years the Council shall elect one member to act as chairman for the succeeding two-year period."

Term of office.

Ante, p. 467.

(b) Subsection (b) of section 217 of such Act is amended to read as follows:

National Advisory Health Council.

"(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, or the National Advisory Dental Research Council, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine."

Ante, p. 467.

(c) The heading of section 217 of such Act is amended to read "National Advisory Health, Cancer, Mental Health, Heart, and Dental Research Councils."

(d) Subsection (e) of section 208 of such Act is amended to read as follows: *Ante*, p. 467.

"(e) Members of the National Advisory Health Council, members of the National Advisory Mental Health Council, members of the National Advisory Cancer Council, members of the National Advisory Heart Council, and members of the National Advisory Dental Research Council, other than ex officio members, while attending conferences or meetings of their respective Councils or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $50 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence."

(e) Paragraph (d) of section 301 of such Act is amended to read as follows: *Ante*, p. 467; *post*, p. 1017.

"(d) Make grants-in-aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the National Advisory Health Council, or, with respect to cancer, recommended by the National Advisory Cancer Council, or, with respect to mental health, recommended by the National Advisory Mental Health Council, or, with respect to heart diseases, recommended by the National Advisory Heart Council, or, with respect to dental diseases and conditions, recommended by the National Advisory Dental Research Council;". Grants-in-aid to institutions and individuals.

(f) Paragraph (g) of such section 301 is amended to read as follows: *Ante*, p. 468.

"(g) Adopt, upon recommendation of the National Advisory Health Council, or, with respect to cancer, upon recommendation of the National Advisory Cancer Council, or, with respect to mental health, upon recommendation of the National Advisory Mental Health Council, or, with respect to heart diseases, upon recommendation of the National Advisory Heart Council, or, with respect to dental diseases and conditions, upon recommendations of the National Advisory Dental Research Council, such additional means as he deems necessary or appropriate to carry out the purposes of this section." Additional means of research, etc.

RESEARCH FACILITIES

SEC. 5. There is hereby authorized to be appropriated a sum not to exceed $2,000,000 for the erection and equipment of suitable and adequate buildings and facilities for the use of the National Institute of Dental Research in carrying out the provisions of this Act. The Federal Works Administrator is authorized to acquire, by purchase, condemnation, donation, or otherwise, a suitable and adequate site or sites, selected on the advice of the Surgeon General of the Public Health Service, in or near the District of Columbia for such buildings and facilities, and to erect thereon, furnish, and equip such buildings and facilities. The amount authorized to be appropriated in this section shall include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work: *Provided*, That the Federal Works Agency shall prepare the plans and specifications, make all necessary contracts, and supervise construction. Appropriation authorized.

GENERAL PROVISIONS

SEC. 6. (a) Section 2 of the Public Health Service Act, as amended, is amended by striking out the word "and" at the end of paragraph (m), by striking out the period at the end of paragraph (n) and inserting in lieu thereof "; and", and by inserting after paragraph (n) the following new paragraph: 60 Stat. 421. 42 U. S. C. § 201. *Ante*, p. 469.

"Dental diseases and conditions."

"(o) The term 'dental diseases and conditions' means diseases and conditions affecting teeth and their supporting structures, and other related diseases of the mouth."

60 Stat. 1048. 42 U. S. C. § 291k (b).

(b) Section 633 (b) of such Act is amended by striking out "$25" and by inserting in lieu thereof "$50".

Approved June 24, 1948.

[CHAPTER 622]

June 24, 1948 [S. 2192] [Public Law 756]

AN ACT

To amend the Interstate Commerce Act so as to permit the issuance of free passes to time inspectors of carriers subject to part I of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (7) of section 1 of the Interstate Commerce Act, as amended, is amended by striking out "its officers, surgeons, physicians, and attorneys at law," and inserting in lieu thereof the following: "its officers, time inspectors, surgeons, physicians, and attorneys at law,".

36 Stat. 547; 41 Stat. 475. 49 U. S. C. § 1 (7).

Approved June 24, 1948.

[CHAPTER 623]

June 24, 1948 [S. 2237] [Public Law 757]

AN ACT

To increase certain benefits payable under the Longshoremen's and Harbor Workers' Compensation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 6 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

Longshoremen's and Harbor Workers' Compensation Act, amendments. 44 Stat. 1426. 33 U. S. C. § 906 (b). Disability compensation.

"(b) Compensation for disability shall not exceed $35 per week and compensation for total disability shall not be less than $12 per week: *Provided, however*, That, if the employee's average weekly wages, as computed under section 10, are less than $12 per week, he shall receive as compensation for total disability his average weekly wages."

44 Stat. 1431. 33 U. S. C. § 910. *Post*, p. 603.

SEC. 2. So much of subdivision (c) of section 8 of such Act, as amended, as precedes paragraph (1) thereof is amended to read as follows:

44 Stat. 1427. 33 U. S. C. § 908 (c) (1).

"(c) Permanent partial disability: In case of disability partial in character but permanent in quality the compensation shall be 66⅔ per centum of the average weekly wages, which shall be in addition to compensation for temporary total disability or temporary partial disability paid in accordance with subdivision (b) or subdivision (e) of this section, respectively, and shall be paid to the employee, as follows:".

Permanent partial disability.

SEC. 3. Subsections (a), (b), (c), and (e) of section 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, are amended to read as follows:

44 Stat. 1429. 33 U. S. C. § 909 (a)–(c), (e).

"(a) Reasonable funeral expenses not exceeding $400.

Funeral expenses.

"(b) If there be a surviving wife or dependent husband and no child of the deceased, to such surviving wife or dependent husband 35 per centum of the average wages of the deceased, during widowhood, or dependent widowerhood, with two years' compensation in one sum upon remarriage; and if there be a surviving child or children of the deceased, the additional amount of 15 per centum of such wages for each such child; in case of the death or remarriage of such surviving wife or dependent husband, if there be one surviving child of the deceased employee, such child shall have his compensation increased to 35 per centum of such wages, and if there be more than one surviving child of the deceased employee, to such children, in

Surviving wife or husband.

Surviving child.

Remarriage.

equal parts, 35 per centum of such wages increased by 15 per centum of such wages for each child in excess of one: *Provided*, That the total amount payable shall in no case exceed 66⅔ per centum of such wages. The deputy commissioner having jurisdiction over the claim may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a requirement the appointment of a guardian for such purposes shall not be necessary.

Total allowance.

"(c) If there be one surviving child of the deceased, but no surviving wife or dependent husband, then for the support of such child 35 per centum of the wages of the deceased; and if there be more than one surviving child of the deceased, but no widow or dependent husband, then for the support of such children, in equal parts 35 per centum of such wages increased by 15 per centum of such wages for each child in excess of one: *Provided*, That the total amount payable shall in no case exceed 66⅔ per centum of such wages.

Surviving child.

"(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than $52.50 nor less than $18, but the total weekly compensation shall not exceed the weekly wages of the deceased."

Computation of death benefits.

SEC. 4. Subdivisions (a), (b), and (c) of section 10 of the Longshoremen's and Harbor Workers' Act, as amended, are amended to read as follows:

44 Stat. 1431. 33 U. S. C. § 910 (a)-(c).

"(a) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same or another employer, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary for a six-day worker and two hundred and sixty times the average daily wage or salary for a five-day worker, which he shall have earned in such employment during the days when so employed.

Computation of average annual earnings.

"(b) If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings, if a six-day worker, shall consist of three hundred times the average daily wage or salary, and, if a five-day worker, two hundred and sixty times the average daily wage or salary, which an employee of the same class working substantially the whole of such immediately preceding year in the same or in similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

"(c) If either of the foregoing methods of arriving at the average annual earnings of the injured employee cannot reasonably and fairly be applied, such average annual earnings shall be such sum as, having regard to the previous earnings of the injured employee in the employment in which he was working at the time of the injury, and of other employees of the same or most similar class working in the same or most similar employment in the same or neighboring locality, or other employment of such employee, including the reasonable value of the services of the employee if engaged in self-employment, shall reasonably represent the annual earning capacity of the injured employee."

SEC. 5. Subdivision (m) of section 14 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, is hereby amended to read as follows:

44 Stat. 1434. 33 U. S. C. § 914 (m).

"(m) The total compensation payable under this Act for injuries shall in no event exceed the sum of $11,000: *Provided*, That this subdivision shall not apply to cases of permanent total disability or death: *And provided further*, That in cases of disability compensable under paragraph (21) of subdivision (c) of section 8 the total compensation for such disability, and for any temporary total disability or tempo-

Maximum amount.

Nonapplicability.

44 Stat. 1428. 33 U. S. C. § 908 (c) (21).

rary partial disability sustained in addition thereto, shall not exceed in the aggregate the sum of $10,000."

Applicability.

SEC. 6. The provisions of this Act shall be applicable only to injuries or deaths occurring on or after the effective date hereof.

Approved June 24, 1948.

[CHAPTER 624]

June 24, 1948
[S. 2505]
[Public Law 758]

AN ACT

To amend the Act of August 1, 1947, to clarify the position of the Secretary of the Air Force with respect to such Act, and to authorize the Secretary of Defense to establish six additional positions in the professional and scientific service, and for other purposes.

Secretaries of Air Force and Defense.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act, entitled "An Act to authorize the creation of additional positions in the professional and scientific service in the War and Navy Departments", approved August 1, 1947, is amended to read as follows:

61 Stat. 715.
5 U. S. C., Supp. I, §§ 230, 476.
Professional and scientific service.

"That the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are respectively authorized to establish and fix the compensation for, within their respective departments, not more than thirteen positions each, and the Secretary of Defense is authorized to establish and fix the compensation for not more than six positions, each such position being established to effectuate those research and development functions, relating to the national defense, military and naval medicine, and any and all other activities of the National Military Establishment which requires the services of specially qualified scientific or professional personnel: *Provided*, That the rates of compensation for positions established pursuant to the provisions of this Act shall not be less than $10,000 per annum nor more than $15,000 per annum, and shall be subject to the approval of the Civil Service Commission."

Compensation.

61 Stat. 715.
5 U. S. C., Supp. I, §§ 232, 476b.
Report to Congress.

SEC. 2. Section 3 of such Act is amended to read as follows:

"SEC. 3. The Secretary of Defense shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in the National Military Establishment during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance where the Secretary may consider full public report on these items detrimental to the national security, he is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

Approved June 24, 1948.

[CHAPTER 625]

June 24, 1948
[S. 2655]
[Public Law 759]

AN ACT

To provide for the common defense by increasing the strength of the armed forces of the United States, including the reserve components thereof, and for other purposes.

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

TITLE I

Selective Service Act of 1948.

SECTION 1. (a) This Act may be cited as the "Selective Service Act of 1948".

(b) The Congress hereby declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation.

(c) The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

(d) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, both Ground and Air, as an integral part of the first line defenses of this Nation, be at all times maintained and assured.

39 Stat. 166.
10 U. S. C. § 2 *et seq.*; Supp. I, § 6 *et seq.*
Ante, pp. 87, 477; *post*, p. 643.

To this end, it is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the Ground Forces and the Air Forces, and those in active service under this title, the National Guard of the United States, both Ground and Air, or such part thereof as may be necessary, together with such units of the Reserve components as are necessary for a balanced force, shall be ordered to active Federal service and continued therein so long as such necessity exists.

(e) The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and the fullest possible utilization of the Nation's technological, scientific, and other critical manpower resources.

AUTHORIZED PERSONNEL STRENGTHS

SEC. 2. Notwithstanding any other provision of law, the authorized active duty personnel strength of the armed forces, exclusive of personnel of the reserve components on active duty for training purposes only, officer candidates, personnel of the armed forces employed in the Selective Service System, and persons paid under the appropriations for the Naval Reserve and the Marine Corps Reserve, is hereby established as follows: (1) Of the Army of the United States, eight hundred thirty-seven thousand plus one hundred ten thousand one-year enlistees; (2) of the Navy, including the Marine Corps, the present authorized statutory strength of six hundred sixty-six thousand, eight hundred and eighty-two, plus thirty-six thousand one-year enlistees; and (3) of the Air Force of the United States, five hundred two thousand plus fifteen thousand one-year enlistees. The strength herein established for each of the armed forces shall mean the daily average number of persons on active duty therein during the fiscal year.

REGISTRATION

Age limits.

SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder.

TRAINING AND SERVICE

SEC. 4. (a) Except as otherwise provided in this title, every male citizen of the United States, and every other male person residing in

the United States, who is between the ages of nineteen and twenty-six, at the time fixed for his registration, or who attains the age of nineteen after having been required to register pursuant to section 3 of this title, shall be liable for training and service in the armed forces of the United States. Any citizen of a foreign country, who is not deferrable or exempt from training and service under the provisions of this title (other than this subsection), shall be relieved from liability for training and service under this title if, prior to his induction into the armed forces, he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President; but any person who makes such application shall thereafter be debarred from becoming a citizen of the United States. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the armed forces of the United States for training and service in the manner provided in this title such number of persons as may be required to provide and maintain the personnel strengths (other than one-year enlistee personnel strengths) of the respective armed forces authorized by section 2 of this title.

Ante, p. 605.

Aliens.

Selection and induction.

Ante, p. 605.

Fitness.

No person shall be inducted for training and service under this title unless and until he is acceptable to the armed forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined under standards prescribed by the Secretary of Defense.

Provision for shelter, etc.

No persons shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such persons, as may be determined by the Secretary of Defense to be essential to public and personal health.

Assignment.

The persons inducted into the armed forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps, as appropriate; and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

No person, without his consent, shall be inducted for training and service under this title, except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth.

Period of service.

(b) Each person inducted under the provisions of subsection (a) shall serve in the armed forces for a period of twenty-one consecutive months, unless sooner discharged in accordance with standards and procedures prescribed by the Secretary of Defense.

Enlistment in Regular Army.

(c) (1) Under the provisions of applicable laws and regulations any person between the ages of nineteen and twenty-six shall be offered an opportunity to enlist in the Regular Army for a period of service equal to that prescribed in subsection (b) of this section.

Reserve components.
Application for active service.

(2) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this Act, apply for a period of service equal to that prescribed in subsection (b) of this section and his application shall be accepted: *Provided*, That his services can be effectively utilized and that his physical and mental fitness for such service meet the standards prescribed by the head of department concerned: *And provided further*, That active service performed pursuant to this section shall not prejudice his status as such member of such reserve component.

(3) The passing requirement for the General Classification Test shall be fixed at seventy points.

(d) (1) Each person who hereafter is inducted, enlisted, or appointed (except a person enlisted under subsection (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

Transfer to reserve component.
Post, p. 608.

Relief from certain further liability.

(2) Each person who hereafter is enlisted under the provisions of subsection (g) of this section and who meets the qualifications for enlistment or appointment in a reserve component of the armed forces shall, upon discharge from such enlistment under honorable conditions, be transferred to a reserve component of the armed forces of the United States and shall serve therein for a period of six years or until sooner discharged. Each such person shall, so long as he is a member of such reserve component, be liable to be ordered to active duty, but except in time of war or national emergency declared by the Congress no such person shall be ordered to active duty, without his consent and except as hereinafter provided, for more than one month in any year. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can without undue hardship be filled by, any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program and to serve satisfactorily therein for a period of four years. Any such person who fails or refuses to perform such duty may be ordered to active duty, without his consent, for an additional period of not more than twelve consecutive months. Any such person who enlists or accepts appointment in any such organized unit and serves satisfactorily therein for a period of four years shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The Secretary of Defense is authorized to prescribe regulations governing the transfer of such persons within and between reserve components of the armed forces and determining, for the purpose of the requirements of the foregoing provisions of

Transfer of certain enlistees to reserve components.
Post, p. 608.

Call to active duty.

Appointment, etc., in organized reserves or officers' training program.

Refusal to perform duty.

Relief from certain further liability.

Transfers within and between reserve components.

this paragraph, the credit to be allowed any person so transferring for his previous service in one or more reserve components.

Pay, allowances, pensions, etc.

(e) With respect to the persons inducted for training and service under this title there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the armed forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is hereby amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143–148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143–148), as amended, is hereby made applicable to persons inducted into the armed forces pursuant to this title.

61 Stat. 453.

50 U. S. C. app. §§ 1001–1017; Supp. I, §§ 1001–1017.

Compensation from private firms, etc.

(f) Nothing contained in this or any other Act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted into the armed forces of the United States for training and service under this title, or to members of reserve components of such forces now or hereafter on any type of active duty, who, prior to their induction or order to active duty, were receiving compensation from such person, firm, or corporation.

One-year enlistments.

Ante, p. 605.

(g) Subject to the authorized one-year enlistee active duty personnel strengths established by section 2 of this title for the respective armed forces, the Secretaries of the Army, the Navy, and the Air Force are authorized and directed to accept enlistments for periods of one year in the Army of the United States, the United States Navy or the United States Marine Corps, and the Air Force of the United States, respectively, from among qualified male persons between the ages of eighteen and nineteen.

Place of service, restriction.

(h) No person who is enlisted in the Army of the United States under the provisions of subsection (g) shall be permanently assigned to duty at any place outside of the continental limits of the United States; and no person who is enlisted under the provisions of such subsection in the United States Navy, the United States Marine Corps, or the Air Force of the United States shall be assigned to duty at any naval or air force installation which is located on land outside of the continental limits of the United States.

SELECTION

Ante, p. 605.

SEC. 5. (a) The selection of persons for training and service under section 4 shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided*, That in the selection of persons for training and service under this title, and in the interpretation and execution of the provisions of this title, there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations.

Nondiscrimination.

Classification of registrants.

Basis for determination of quotas.

(b) Quotas of men to be inducted for training and service under this title shall be determined for each State, Territory, possession, and

the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

Credits.

Computations.

DEFERMENT AND EXEMPTIONS

SEC. 6. (a) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; members of the reserve components of the armed forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President, residing in the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4 (b).

Ante, pp. 605, 606.

Exemption of certain ex-servicemen.

Twelve months of active duty.

(b) (1) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

Ninety days of active duty.

(2) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title, if—

(A) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force (or the Coast Guard) in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force or the Coast Guard in any case in which enlist-

ment or commission in an organized unit of a reserve component of such armed force or the Coast Guard is not available to him; or

(B) the local board determines that enlistment or commission in a reserve component of such armed force or the Coast Guard is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served or in the Coast Guard.

Nothing in this paragraph shall be deemed to be applicable to any person to whom paragraph (1) of this subsection is applicable.

Three years of active duty.

(3) No person who after the date of enactment of this title is honorably discharged upon the completion of a period of three years or more of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

Completion of enlistment.
Ante, pp. 606, 608.

(4) No person who is honorably discharged upon the completion of an enlistment pursuant to section 4 (c) or section 4 (g) shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

Computation of active duty.

(5) For the purposes of computation of the periods of active duty referred to in paragraphs (1), (2), or (3) of this subsection, no credit shall be allowed for—

(A) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(B) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(C) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies; or

(D) periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (B) or (C).

Exemption of members of National Guard and reserve units.

(c) (1) Persons who, on the effective date of this title, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration unless on active duty.

Deferment of certain enlistees, etc., of organized units.

(2) (A) In any case in which the Governor of any State determines and issues a proclamation to the effect that the authorized strength of any organized unit of the National Guard of his State cannot be maintained by the enlistment or appointment of persons referred to in subsection 6 (b) (2) or persons who are not liable for training and service under this title, any person who prior to attaining the age of eighteen years and six months enlists or accepts appointment in any such organized unit shall be deferred from training and service under this

Ante, p. 609.

title so long as he continues to serve satisfactorily as a member of such organized unit.

(B) Except as provided in subsection (b) or clause (A) of this paragraph, no person who shall become a member of a reserve component after the effective date of this title shall thereby be exempt from registration or training and service by induction under the provisions of this title.

Deferment of certain ROTC members, etc.

(d) (1) Any person who, on the effective date of this title, is enrolled in the advanced course, senior division, Reserve Officers' Training Corps or the Air Reserve Officers' Training Corps, or is a member of the Naval Reserve Officers' Training Corps and has entered upon the junior or senior year, or is a midshipman, United States Naval Reserve, shall be deferred from induction for training and service under this title until the completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration.

Agreement to accept commission.

(2) Within such number as may be prescribed by the Secretary of Defense any person who, (A) on or after the effective date of this title, is selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or who, on or after the effective date of this title, is appointed a midshipman, United States Naval Reserve, and (B) agrees, in writing, to accept a commission if tendered and to serve, subject to call by the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, respectively, not less than two years on active duty after receipt of a commission, shall be deferred from induction for training and service under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration.

Aviation cadet applicants.

(e) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months, from induction for training and service under this title but shall not be exempt from registration.

Deferment of designated public officers.

(f) The Vice President of the United States; the governors of the several States, Territories, and possessions, and all other officials chosen by the voters of the entire State, Territory, or possession; members of the legislative bodies of the United States and of the several States, Territories, and possessions; judges of the courts of record of the United States and of the several States, Territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title in the armed forces of the United States.

Deferment of ministers of religion, etc.
Post, p. 624.

(g) Regular or duly ordained ministers of religion, as defined in this title, and students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be exempt from training and service (but not from registration) under this title.

Deferments authorized by President.
Occupational deferments.

(h) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this title in the armed forces of the United States of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service

in an office (other than an office described in subsection (f)) under the United States or any State, Territory, or possession, or the District of Columbia, or whose activity in study, research, or medical, scientific, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this title in the armed forces of the United States (1) of any or all categories of persons in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the armed forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this title in the armed forces of the United States of any or all categories of persons who have wives or children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board.

Persons with dependents.

Deficient or defective persons.

Deferment of certain high school students.

(i) (1) Any person who, while satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning, is ordered to report for induction under this title prior to his graduation from such school or institution, shall, upon the facts being presented to the local board, have his induction under this title postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. The induction of any such person shall not be postponed under this paragraph beyond the date so determined.

Deferment of certain college or university students.

(2) Any person who, while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, is ordered to report for induction under this title, shall, upon the facts being presented to the local board, have his induction under this title postponed (A) until the end of such academic year or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

Conscientious objectors.

(j) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form.

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, be deferred. Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the armed forces under this title, he shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall be deferred. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the local board on a register of conscientious objectors.

Assignment.

Appeal.

Hearing.

Recommendations.

Register of conscientious objectors.

(k) No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

(l) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the armed forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

Minority discharges.

(m) No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

Conviction of a criminal offense.

(n) In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment made under subsection (h) of this section may, within five days after such deferment is made, be submitted for review and decision to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public.

Review of certain occupational deferments.

(o) Where one or more sons or daughters of a family were killed in action or died in line of duty while serving in the armed forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title.

Sole surviving son, exemption.

ACTIVE DUTY FOR CERTAIN MEMBERS OF RESERVE COMPONENTS

SEC. 7. Notwithstanding any other provision of law or of this title, the President is hereby authorized to order into the active service of the armed forces of the United States, without their consent and for a period not to exceed twenty-one consecutive months each, members (other than those exempted or deferred from training and service under the provisions of section 6 (c)) of any or all reserve components of the armed forces of the United States who shall have had less than ninety days' continuous active service in the armed forces of the United States, exclusive of periods of active training duty. No member of the National Guard of any State, Territory, or the District of Columbia shall be ordered into the active service of the armed forces of the United States under this section unless the governor of such State or Territory, or the Commanding General of the District of Columbia National Guard in the case of a member of the District of Columbia National Guard, has consented to the ordering into active service of the armed forces of the United States of members of the National Guard of his State, Territory, or District, as the case may be, in accordance with such program or programs as may have been mutually agreed upon. Nothing in this section shall be construed to repeal or abridge any existing law which authorizes the ordering of members of reserve components of the armed forces into active service.

Ante, p. 610.

BOUNTIES; SUBSTITUTES; PURCHASES OF RELEASE

SEC. 8. No bounty shall be paid to induce any person to enlist in or be inducted into the armed forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable for training and service in such forces shall be permitted or allowed to furnish a substitute for such training and service; no substitute as such shall be received, enlisted, enrolled, or inducted into the armed forces of the United States; and no person liable for training and service in such forces under section 4 shall be permitted to escape such training and service or be discharged therefrom prior to the expiration of his period of such training and service by the payment of money or any other valuable thing whatsoever as consideration for his release from such training and service or liability therefor.

Ante, p. 605.

SEPARATION FROM SERVICE; REEMPLOYMENT RIGHTS

Certificate of service.

SEC. 9. (a) Any person inducted into the armed forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4 (b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces under this title for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains.

Ante, p. 606.

Physical examination.

Reemployment rights.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within

ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

Government or D. C. employees.

(A) if such position was in the employ of the United States Government, its Territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

Private employees.

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

State, etc., employees.

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

Restoration without loss of seniority, etc.

(c) (1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in

such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

Failure of employer to comply.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c) (1), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided*, That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further*, That only the employer shall be deemed a necessary party respondent to any such action.

Representation by U. S. district attorney.

Court fees, etc.

Reemployment procedures in Federal Government.

(e) (1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the armed forces, by any agency in the executive branch of the Government or by any Territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such Territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the armed forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

Placement by Civil Service Commission.

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the

executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided*, That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

"Agency in the executive branch of the Government."

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the armed forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2 (b) of the Act of November 26, 1940 (54 Stat. 1212), the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position such person shall be restored to such position by the agency in which such position exists.

Restoration to legislative branch.

5 U. S. C. § 631b (b).

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the armed forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces.

Restoration to judicial branch.

(f) In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any other law relating to similar reemployment benefits left the same position in order to enter the armed forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

Two or more persons in same position.

(g) (1) Any person who, subsequent to the date of enactment of this title and while it is in effect, enlists in the armed forces of the United States (other than in a reserve component) or the Coast Guard (other than in a reserve component) for not more than three years shall, if such enlistment is his first enlistment in the armed forces or the Coast Guard subsequent to the date of enactment of this title, be entitled, upon the expiration of his enlistment (including any exten-

Rights of enlistees.

sion thereof by law but not including any voluntary extension thereof) or upon his discharge under honorable conditions prior to the expiration thereof, to all the reemployment rights and other benefits provided for by this section in the case of inductees.

Rights of persons called to active duty.

(2) Any person who, subsequent to the effective date of this title and while it is in effect, enters upon active duty in the armed forces of the United States, the Coast Guard, or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of inductees, if he is relieved from active duty not later than three years after the date of entering upon active duty or as soon after the expiration of such three years as he is able to obtain orders relieving him from active duty.

Aid in replacement.

(h) The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the armed forces of the United States, the Coast Guard, or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

Right to vote, etc.

(i) Any person inducted into the armed forces for training and service under this title shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election.

Poll tax.

No person inducted into, or enlisted in, the armed forces for training and service under this title shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

Report of separation from service.

(j) The Secretaries of Army, Navy, or Air Force shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

THE SELECTIVE SERVICE SYSTEM; CONSTRUCTION; CIVILIAN EMPLOYEES

SEC. 10. (a) (1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

Headquarters.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b) (3) of this section.

Director.

(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,500 per year.

Transfer of functions.
61 Stat. 31.
50 U. S. C., Supp. I, app. §§ 321-329.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available

or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title: *Provided*, That, effective upon the termination of this title and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

Reestablishment of Office of Selective Service Records.

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

Rules, etc.

(2) to appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the State headquarters of the Selective Service System; to employ such number of civilians, and to order to active duty with their consent and to assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System;

State director.

Employment of civilians, etc.

(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and possession of the United States, and in the District of Columbia. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective governors or comparable executive officials: *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. No member of any local board shall be a member of the armed forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which

Civilian local boards and agencies.

Membership.

Intercounty local board.

Membership restrictions.

such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, under rules and regulations prescribed by the President, shall have the power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be at least one appeal board for each State. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee;

Powers of local board.

Appeal board.

Nonexemption from registration, etc.

(4) to appoint, and to fix, in accordance with the Classification Act of 1923, as amended, the compensation of, such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided*, That the compensation of employees of local boards and appeal boards may be fixed without regard to the Classification Act of 1923, as amended: *Provided further*, That any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title (except to offices or positions on local boards or appeal boards established or created pursuant to section 10 (b) (3)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof, or as such officer or employee in any department or agency of the United States;

Appointment of personnel.
42 Stat. 1488.
5 U. S. C. §§ 661–674.

42 Stat. 1488.
5 U. S. C. §§ 661–674.
Assignment not to prejudice status, etc.

Ante, p. 619.

(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

Services of other agencies.

(6) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title, with or without advertising or formal contract;

Printing, binding, etc.

28 Stat. 602.
44 U. S. C. § 14.

(7) to prescribe eligibility, rules, and regulations governing the parole for service in the armed forces, or for any other special service established pursuant to this title, of any person convicted of a violation of any of the provisions of this title; Parole.

(8) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; 40 U. S. C. 278a), shall not apply to any lease entered into under the authority of this title; Procurement of space. 61 Stat. 31. 50 U. S. C., Supp. I, §§ 321–329.

(9) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title; and, in order to accomplish the purpose of this title, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title by the Attorney General as required by section 355, Revised Statutes, as amended; Construction. 33 U. S. C. § 733.

(10) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title, such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title, the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force. Civilian personnel. 60 Stat. 219. 5 U. S. C. § 947; Supp. I, § 947 note.

(c) The President is authorized to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority. Delegation of authority.

(d) In the administration of this title, gifts of supplies, equipment, and voluntary services may be accepted. Voluntary services.

(e) The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title. Fiscal, etc., agent.

(f) The Director is authorized to make final settlement of individual claims, for amounts not exceeding $50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government. Settlement of claims.

EMERGENCY MEDICAL CARE

SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting

under orders issued under the provisions of this title, but such burial expenses shall not exceed $150 in any one case.

PENALTIES

SEC. 12. (a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court martial under laws in force prior to the enactment of this title. Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, upon request of the Attorney General, be advanced on the docket for immediate hearing.

Trial by court martial.

False certification, etc.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title, or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title or

rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed $10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

NONAPPLICABILITY OF CERTAIN LAWS

SEC. 13. (a) Nothing in section 109 or 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203), in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99), in section 19 (e) of the Contract Settlement Act of 1944 (U. S. C., title 41, sec. 119 (e)), or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto, as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections.

Post, p. 863.

58 Stat. 668.
Post, p. 868.

18 U. S. C. § 61h (a).

(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act.

5 U. S. C. §§ 1001-1011; Supp. I, § 1001.
Ante, p. 99.

(c) In computing the lump-sum payments made to Air Force reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended (U. S. C., title 10, sec. 300a), and to reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended (U. S. C., title 34, sec. 850k), no credit shall be allowed for any period of active service performed from the effective date of this title to the date on which this title shall cease to be effective. Each such lump-sum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title, or immediately following the date on which this title shall cease to be effective, or both.

49 Stat. 1524.
10 U. S. C., Supp. I, § 300a.
56 Stat. 738.
34 U. S. C., Supp. I, § 850k.

CIVIL RELIEF

SEC. 14. Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191), and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof, shall be applicable to all persons in the armed forces of the United States, including all persons inducted into the armed forces pursuant to this title, the Coast Guard, or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the armed forces while this title is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall

50 U. S. C. app. § 584; Supp. I, § 584 note.
61 Stat. 454.
54 Stat. 1178.
50 U. S. C. app. §§ 501, 510-590; Supp. I, § 515 *et seq.* notes.
54 Stat. 1183.
50 U. S. C. app. §§ 540-554.
Ante, p. 160.

be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

NOTICE OF TITLE; VOLUNTARY ENLISTMENTS

SEC. 15. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

Ante, p. 605.

(b) It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

Partial invalidity.

(c) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Ante, pp. 606, 608. Continuation of enlistments.

(d) Except as provided in section 4 (c) or section 4 (g), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the armed forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

DEFINITIONS

SEC. 16. When used in this title—

"Between the ages of eighteen and twenty-six."

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

"United States."

(b) The term "United States", when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

"Armed forces."

(c) The term "armed forces" shall be deemed to include the Army, the Navy, the Marine Corps, and the Air Force.

"District court of the United States."

(d) The term "district court of the United States" shall be deemed to include the courts of the United States for the Territories and possessions of the United States.

"Local board."

(e) The term "local board" shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

"Director."

(f) The term "Director" shall be deemed to mean the Director of the Selective Service System.

"Duly ordained minister of religion."

(g) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

"Regular minister of religion."

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a

church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

"Regular or duly ordained minister of religion." Exclusions.

(3) The term "regular or duly ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

"Organized unit."

(h) The term "organized unit", when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

"Reserve components of the armed forces."

(i) The term "reserve components of the armed forces" shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve, and shall include, in addition to the foregoing, the Coast Guard Reserve and the Public Health Service Reserve when serving with the armed forces.

TERMINATION OF TITLE

Suspension of conflicting laws.

SEC. 17. (a) Except as provided in this title, all laws and parts of laws in conflict with the provisions of this title are hereby suspended to the extent of such conflict for the period in which this title shall be in force.

Ante, pp. 605–608, 614, 618, 621, 623.

(b) All of the provisions of this title, except the provisions of section 2, the second sentence of section 4 (a), section 4 (b), sections 4 (d), 4 (e), 4 (f), 9, 10 (a) (4), 10 (b) (10), 13 (c), 14, and 17 (b), shall become inoperative and cease to apply on the second anniversary of the date of enactment of this title or on such earlier date as may be specified in a joint resolution of the two Houses of Congress for that purpose, except as to offenses committed prior to such date.

Appropriation authorized.
Post, p. 1035.

(c) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

UTILIZATION OF INDUSTRY

SEC. 18. (a) Whenever the President after consultation with and receiving advice from the National Security Resources Board determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the armed forces of the United States, or for the use of the Atomic Energy Commission, he is authorized, through the head of any Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section. Under any such program of national procurement, the President shall recognize the valid claim of American small business to participate in such contracts, in such manufactures, and in such distribution of

materials, and small business shall be granted a fair share of the orders placed, exclusively for the use of the armed forces or for other Federal agencies now or hereafter designated in this section. For the purposes of this section, a business enterprise shall be determined to be "small business" if (1) its position in the trade or industry of which it is a part is not dominant, (2) the number of its employees does not exceed 500, and (3) it is independently owned and operated.

Compliance with order.

(b) It shall be the duty of any person with whom an order is placed pursuant to the provisions of subsection (a), (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may prescribe, and (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible.

Failure to comply.

(c) In case any person with whom an order is placed pursuant to the provisions of subsection (a) refuses or fails—

(1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may have prescribed;

(2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;

(3) to produce the kind or quality of articles or materials ordered; or

(4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d);

the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government.

Fair and just compensation.

(d) Fair and just compensation shall be paid by the United States (1) for any articles or materials furnished pursuant to an order placed under subsection (a), or (2) as rental for any plant, mine, or other facility of which possession is taken under subsection (c).

Employment standards.

(e) Nothing contained in this section shall be deemed to render inapplicable to any plant, mine, or facility of which possession is taken pursuant to subsection (c) any State or Federal laws concerning the health, safety, security, or employment standards of employees.

Penalty.

(f) Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than $50,000, or by both such imprisonment and fine.

"Person."

(g) (1) As used in this section—

(A) The term "person" means any individual, firm, company, association, corporation, or other form of business organization.

"Government agency."

(B) The term "Government agency" means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

Plants, mines, or other facilities.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

(h) (1) The President is empowered, through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel products or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such requirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding $50,000.

Availability of steel to manufacturers.

Compliance.

Failure to comply.

Penalty.

(2) The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum.

Report to Congress.

SAVING PROVISION

SEC. 19. Nothing in this title shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

5 U. S. C., Supp. I, § 171 note.

EFFECTIVE DATE

SEC. 20. This title shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment. The Secretary of the Army, for the Army and the Air Force, and the Secretary of the Navy, for the Navy and Marine Corps, are hereby authorized and directed to initiate and carry forward an intensified voluntary enlistment campaign in an effort to obtain the required personnel strengths.

TITLE II

SEC. 201. The Articles of War (41 Stat. 787 to 811, as amended) are hereby amended as follows:

Article 1 is amended to read as follows:

10 U. S. C. § 1472.

"(a) The word 'officer' shall be construed to refer to a commissioned officer.

"Officer."

"(b) The word 'soldier' shall be construed as including a noncommissioned officer, a private, or any other enlisted man or woman.

"Soldier."

"(c) The word 'company' shall be construed as including a troop, battery, or corresponding unit of the ground or air forces.

"Company."

"(d) The word 'battalion' shall be construed as including a squadron or corresponding unit of the ground or air forces.

"Battalion."

"(e) The word 'cadet' shall be construed to refer to a cadet of the United States Military Academy."

"Cadet."

41 Stat. 787. 10 U. S. C. § 1473 (a); Supp. I, § 1473 note.

SEC. 202. Article 2, subparagraph (a), is amended to read as follows:

"(a) All officers, warrant officers, and soldiers belonging to the Regular Army of the United States; all volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft, or order to obey the same;"

41 Stat. 788. 10 U. S. C. § 1475.

SEC. 203. Article 4 is amended to read as follows:

"ART. 4. WHO MAY SERVE ON COURTS-MARTIAL.—All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial.

Warrant officers.

"All warrant officers in the active military service of the United States and warrant officers in the active military service of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on general and special courts martial for the trial of warrant officers and enlisted persons, and persons in this category, shall be detailed for such service when deemed proper by the appointing authority.

Enlisted persons.

"Enlisted persons in the active military service of the United States or in the active military service of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on general and special courts martial for the trial of enlisted persons when requested in writing by the accused at any time prior to the convening of the court. When so requested, no enlisted person shall, without his consent, be tried by a court the membership of which does not include enlisted persons to the number of at least one third of the total membership of the court.

Qualification, selection, etc.

"When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command and when eligible those enlisted persons of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers and enlisted persons having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of minority membership thereof. No person shall be eligible to sit as a member of a general or special court-martial when he is the accuser or a witness for the prosecution."

41 Stat. 788. 10 U. S. C. § 1476.

SEC. 204. Article 5 is amended to read as follows:

"ART. 5. GENERAL COURTS-MARTIAL.—General courts-martial may consist of any number of members not less than five."

41 Stat. 788. 10 U. S. C. § 1477.

SEC. 205. Article 6 is amended to read as follows:

"ART. 6. SPECIAL COURTS-MARTIAL.—Special courts-martial may consist of any number of members not less than three."

41 Stat. 788. 10 U. S. C. § 1479.

SEC. 206. Article 8 is amended to read as follows:

"ART. 8. GENERAL COURTS-MARTIAL.—The President of the United States, the commanding officer of a Territorial department, the Superintendent of the Military Academy, the commanding officer of an Army group, an Army, an Army corps, a division, a separate brigade, or corresponding unit of the Ground or Air Forces, or any command to which a member of the Judge Advocate General's Department is assigned as staff judge advocate, as prescribed in article 47, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and may in any case be appointed by superior authority when by the latter deemed desirable.

Post, p. 634.

"The authority appointing a general court-martial shall detail as one of the members thereof a law member who shall be an officer of the Judge Advocate General's Department or an officer who is a member of the bar of a Federal court or of the highest court of a State of the United States and certified by the Judge Advocate General to be qualified for such detail: *Provided*, That no general court-martial shall receive evidence or vote upon its findings or sentence in the absence of the law member regularly detailed. The law member, in addition to his duties as a member, shall perform the duties prescribed in article 31 hereof and such other duties as the President may by regulations prescribe."

Detail of law member.

Additional duties.

Post, p. 631.

SEC. 207. Article 9 is amended to read as follows:

41 Stat. 788.
10 U. S. C. § 1480.

"ART. 9. SPECIAL COURTS-MARTIAL.—The commanding officer of a district, garrison, fort, camp, station, or other place where troops are on duty, and the commanding officer of an Army group, an Army, an Army corps, a division, brigade, regiment, detached battalion, or corresponding unit of Ground or Air Forces, and the commanding officer of any other detached command or group of detached units placed under a single commander for this purpose may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable."

SEC. 208. Article 11 is amended to read as follows:

41 Stat. 789.
10 U. S. C. § 1482.

"ART. 11. APPOINTMENT OF TRIAL JUDGE ADVOCATES AND COUNSEL.—For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and a defense counsel, and one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided*, That the trial judge advocate and defense counsel of each general court-martial shall, if available, be members of the Judge Advocate General's Department or officers who are members of the bar of a Federal court or of the highest court of a State of the United States: *Provided further*, That in all cases in which the officer appointed as trial judge advocate shall be a member of the Judge Advocate General's Department, or an officer who is a member of the bar of a Federal court or of the highest court of a State, the officer appointed as defense counsel shall likewise be a member of the Judge Advocate General's Department or an officer who is a member of the bar of a Federal court or of the highest court of a State of the United States: *Provided further*, That when the accused is represented by counsel of his own selection and does not desire the presence of the regularly appointed defense counsel or assistant defense counsel, the latter may be excused by the president of the court: *Provided further*, That no person who has acted as member, trial judge advocate, assistant trial judge advocate or investigating officer in any case shall subsequently act in the same case as defense counsel or assistant defense counsel unless expressly requested by the accused: *Provided further*, That no person who has acted as member, defense counsel, assistant defense counsel, or investigating officer in any case shall subsequently act in the same case as a member of the prosecution: *Provided further*, That no person who has acted as member, trial judge advocate, assistant trial judge advocate, defense counsel, assistant defense counsel, or investigating officer in any case shall subsequently act as a staff judge advocate to the reviewing or confirming authority upon the same case."

Defense counsel.

Selection of counsel by accused.

Restrictions.

SEC. 209. Article 12 is amended to read as follows:

41 Stat. 789.
10 U. S. C. § 1483.

"ART. 12. GENERAL COURTS-MARTIAL.—General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Pro-*

vided, That general courts-martial shall have power to adjudge any punishment authorized by law or the custom of the service including a bad-conduct discharge."

41 Stat. 789.
10 U. S. C. § 1484.

SEC. 210. Article 13 is amended to read as follows:

"ART. 13. SPECIAL COURTS-MARTIAL.—Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interests of the service so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses herein prescribed.

Dishonorable discharge, etc.

"Special courts-martial shall not have power to adjudge dishonorable discharge or dismissal, or confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months: *Provided*, That subject to approval of the sentence by an officer exercising general court-martial jurisdiction and subject to appellate review by The Judge Advocate General and appellate agencies in his office, a special court-martial may adjudge a bad-conduct discharge in addition to other authorized punishment: *Provided further*, That a bad-conduct discharge shall not be adjudged by a special court-martial unless a complete record of the proceedings of and testimony taken by the court is taken in the case."

Bad-conduct discharge.

Restriction.

41 Stat. 789.
10 U. S. C. § 1485.

SEC. 211. Article 14 is amended to read as follows:

"ART. 14. SUMMARY COURTS-MARTIAL.—Summary courts-martial shall have power to try any person subject to military law, except an officer, a warrant officer, or a cadet, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a special court-martial: *Provided further*, That the President may, by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Noncommissioned officers.

Exceptions.

"Summary courts-martial shall not have power to adjudge confinement in excess of one month, restriction to limits for more than three months, or forfeiture or detention of more than two-thirds of one month's pay."

Restriction on powers.

41 Stat. 790.
10 U. S. C. § 1487.

SEC. 212. Article 16 is amended to read as follows:

"ART. 16. PERSONS IN THE MILITARY SERVICE—HOW TRIABLE.—Officers shall be triable only by general and special courts-martial and in no case shall a person in the military service, when it can be avoided, be tried by persons inferior to him in rank. No enlisted person may sit as a member of a court-martial for the trial of another enlisted person who is assigned to the same company or corresponding military unit.

Confinement, restriction.

"No person subject to military law shall be confined with enemy prisoners or any other foreign nationals outside of the continental limits of the United States, nor shall any defendant awaiting trial be made subject to punishment or penalties other than confinement prior to sentence on charges against him."

41 Stat. 791.
10 U. S. C. § 1493.

SEC. 213. Article 22 is amended to read as follows:

"ART. 22. PROCESS TO OBTAIN WITNESSES.—Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States having criminal jurisdiction may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions. Witnesses for the defense shall be subpenaed, upon request by the defense counsel,

through process issued by the trial judge advocate, in the same manner as witnesses for the prosecution."

SEC. 214. Article 24 is amended to read as follows: 41 Stat. 792. 10 U. S. C. § 1495.

"ART. 24. COMPULSORY SELF-INCRIMINATION PROHIBITED.—No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him or to answer any question not material to the issue or when such answer might tend to degrade him.

Use of coercion, etc.

"The use of coercion or unlawful influence in any manner whatsoever by any person to obtain any statement, admission or confession from any accused person or witness, shall be deemed to be conduct to the prejudice of good order and military discipline, and no such statement, admission, or confession shall be received in evidence by any court-martial. It shall be the duty of any person in obtaining any statement from an accused to advise him that he does not have to make any statement at all regarding the offense of which he is accused or being investigated, and that any statement by the accused may be used as evidence against him in a trial by court-martial."

SEC. 215. Article 25 is amended to read as follows: 41 Stat. 792. 10 U. S. C. § 1496.

"ART. 25. DEPOSITIONS—WHEN ADMISSIBLE.—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to, or, in foreign places, because of nonamenability to process, refuses to, appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases: *Provided further*, That a deposition may be read in evidence in any case in which the death penalty is authorized by law but is not mandatory, whenever the appointing authority shall have directed that the case be treated as not capital, and in such a case a sentence of death may not be adjudged by the court-martial: *And provided further*, That at any time after charges have been signed as provided in article 46, and before the charges have been referred for trial, any authority competent to appoint a court-martial for the trial of such charges may designate officers to represent the prosecution and the defense and may authorize such officers, upon due notice, to take the deposition of any witness, and such deposition may subsequently be received in evidence as in other cases."

Capital cases.

Designation of officers.

Post, p. 633.

SEC. 216. Article 31 is amended to read as follows: 41 Stat. 793. 10 U. S. C. § 1502.

"ART. 31. METHOD OF VOTING.—Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court. The law member of a general court-martial or the president of a special court-martial, shall rule in open court upon interlocutory questions, other than challenge, arising during the proceedings: *Provided*, That unless such ruling be made by the law member of a general court-martial, if any mem-

Interlocutory questions.

Decision by majority vote.

ber object thereto, the court shall be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: *And provided further*, That any such ruling made by the law member of a general court-martial upon any interlocutory question other than a motion for a finding of not guilty, or the question of accused's sanity, shall be final and shall constitute the ruling of the court; but the law member may in any case consult with the court, in closed session, before making a ruling, and may change any ruling made at any time during the trial. It shall be the duty of the law member of a general or the president of a special court-martial before a vote is taken to advise the court that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt, and that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in the accused's favor and he shall be acquitted; if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no such doubt; that the burden of proof to establish the guilt of the accused is upon the Government."

Finality of ruling.

41 Stat. 794.
10 U. S. C. § 1507.

SEC. 217. Article 36 is amended to read as follows:

"ART. 36. DISPOSITION OF RECORDS—SPECIAL AND SUMMARY COURTS-MARTIAL.—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to the headquarters of the officer exercising general court-martial jurisdiction over the command, there to be filed in the office of the staff judge advocate: *Provided, however*, That each record of trial by special court-martial in which the sentence, as approved by the appointing authority, includes a bad-conduct discharge, shall, if approved by the officer exercising general court-martial jurisdiction under the provisions of article 47, be forwarded by him to The Judge Advocate General for review as hereinafter in these articles provided. When no longer of use, records of summary courts-martial may be destroyed as provided by law governing destruction of Government records."

Review of record.

Post, p. 634.

Destruction of records.

41 Stat. 794.
10 U. S. C. § 1509.

SEC. 218. Article 38 is amended to read as follows:

"ART. 38. PRESIDENT MAY PRESCRIBE RULES.—The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, insofar as he shall deem practicable, apply the principles of law and rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules and regulations made in pursuance of this Article shall be laid before the Congress."

Presentation to Congress.

41 Stat. 794.
10 U. S. C. § 1510; Supp. I, § 1510 note.

SEC. 219. Article 39 is amended to read as follows:

"ART. 39. AS TO TIME.—Except for desertion or absence without leave committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before arraignment of such person: *Provided*, That for desertion in time of peace, rape or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *Provided further*, That this article shall not

Desertion in time of peace, etc.

Post, p. 640.

Exclusions from periods of limitation.

Crimes barred.

have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law: *And provided further*, That in the case of any offense the trial of which in time of war shall be certified by the Secretary of the Department of the Army to be detrimental to the prosecution of the war or inimical to the Nation's security, the period of limitations herein provided for the trial of the said offense shall be extended to the duration of the war and six months thereafter."

Extension of period of limitations.

SEC. 220. Article 43 is amended to read as follows:

41 Stat. 795. 10 U. S. C. § 1514.

"ART. 43. DEATH SENTENCE—WHEN LAWFUL; VOTE ON FINDINGS AND SENTENCE.—No person shall, by general court martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court martial present at the time the vote is taken, and for an offense in these articles expressly made punishable by death; nor sentenced to life imprisonment, nor to confinement for more than ten years, except by the concurrence of three-fourths of all the members present at the time the vote is taken. Conviction of any offense for which the death sentence is not mandatory and any sentence to confinement not in excess of ten years, whether by general or special court martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote."

SEC. 221. Article 44 is amended to read as follows:

41 Stat. 796. 10 U. S. C. § 1515.

"ART. 44. OFFICERS—REDUCTION TO RANKS.—When a sentence to dismissal may lawfully be adjudged in the case of an officer the sentence may in time of war, under such regulations as the President may prescribe, adjudge in lieu thereof reduction to the grade of private."

SEC. 222. Article 46 is amended to read as follows:

41 Stat. 796. 10 U. S. C. § 1517.

"ART. 46. CHARGES; ACTION UPON.—

"a. SIGNATURE; OATH.—Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein and that the same are true in fact, to the best of his knowledge and belief.

"b. INVESTIGATION.—No charge will be referred to a general court-martial for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. The accused shall be permitted, upon his request, to be represented at such investigation by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by counsel appointed by the officer exercising general courts martial jurisdiction over the command. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Representation of accused by counsel.

Cross-examination of witnesses.

"c. FORWARDING CHARGES; DELAYS; SERVICE OF CHARGES.—When a person is held for trial by general court-martial, the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause

to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him."

41 Stat. 796.
10 U. S. C. § 1518.

SEC. 223. Article 47 is amended to read as follows:

"ART. 47. ACTION BY CONVENING AUTHORITY.—

"a. ASSIGNMENT OF JUDGE ADVOCATES; CHANNELS OF COMMUNICATION.—All members of the Judge Advocate General's Department will be assigned as prescribed by The Judge Advocate General after appropriate consultations with commanders on whose staffs they may serve; and The Judge Advocate General or senior members of his staff will make frequent inspections in the field in supervision of the administration of military justice. Convening authorities will at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is authorized to communicate directly with the staff judge advocate of a superior or subordinate command, or with The Judge Advocate General.

"b. REFERENCE FOR TRIAL.—Before directing the trial of any charge by general court-martial the convening authority will refer it to his staff judge advocate for consideration and advice; and no charge will be referred to a general court-martial for trial unless it has been found that a thorough and impartial investigation thereof has been made as prescribed in the preceding article, that such charge is legally sufficient to allege an offense under these articles, and is sustained by evidence indicated in the report of investigation.

"c. ACTION ON RECORD OF TRIAL.—Before acting upon a record of trial by general court-martial or military commission, or a record of trial by special court-martial in which a bad-conduct discharge has been adjudged and approved by the authority appointing the court, the reviewing authority will refer it to his staff judge advocate or to The Judge Advocate General for review and advice; and no sentence shall be approved unless upon conviction established beyond reasonable doubt of an offense made punishable by these articles, and unless the record of trial has been found legally sufficient to support it.

"d. APPROVAL.—No sentence of a court-martial shall be carried into execution until the same shall have been approved by the convening authority: *Provided*, That no sentence of a special court-martial including a bad-conduct discharge shall be carried into execution until in addition to the approval of the convening authority the same shall have been approved by an officer authorized to appoint a general court-martial.

"e. WHO MAY EXERCISE.—Action by the convening authority may be taken by an officer commanding for the time being, by a successor in command, or by any officer exercising general court-martial jurisdiction.

"f. POWERS INCIDENT TO POWER TO APPROVE.—The power to approve the sentence of a court-martial shall include—

"(1) the power to approve or disapprove a finding of guilty and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense;

"(2) the power to approve or disapprove the whole or any part of the sentence; and

Post, p. 638.

"(3) the power to remand a case for rehearing under the provisions of article 52."

SEC. 224. Article 48 is amended to read as follows:

"ART. 48. CONFIRMATION.—In addition to the approval required by article 47, confirmation is required as follows before the sentence of a court-martial may be carried into execution, namely:

41 Stat. 796. 10 U. S. C. § 1519; Supp. I, § 1519 note. *Ante*, p. 634.

"a. By the President with respect to any sentence—

"(1) of death, or

"(2) involving a general officer:

Provided, That when the President has already acted as approving authority, no additional confirmation by him is necessary;

"b. By the Secretary of the Department of the Army with respect to any sentence not requiring approval or confirmation by the President, when The Judge Advocate General does not concur in the action of the Judicial Council;

"c. By the Judicial Council, with the concurrence of The Judge Advocate General, with respect to any sentence—

"(1) when the confirming action of the Judicial Council is not unanimous, or when by direction of The Judge Advocate General his participation in the confirming action is required, or

"(2) involving imprisonment for life, or

"(3) involving the dismissal of an officer other than a general officer, or

"(4) involving the dismissal or suspension of a cadet;

"d. By the Judicial Council with respect to any sentence in a case transmitted to the Judicial Council under the provisions of article 50 for confirming action."

Infra.

SEC. 225. Article 49 is amended to read as follows:

41 Stat. 797. 10 U. S. C. § 1520.

"ART. 49. POWERS INCIDENT TO POWER TO CONFIRM.—The power to confirm the sentence of a court-martial shall be held to include—

"a. The power to approve, confirm, or disapprove a finding of guilty, and to approve or confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense:

"b. The power to confirm, disapprove, vacate, commute, or reduce to legal limits the whole or any part of the sentence;

"c. The power to restore all rights, privileges, and property affected by any finding or sentence disapproved or vacated;

"d. The power to order the sentence to be carried into execution;

"e. The power to remand the case for a rehearing under the provisions of article 52."

Post, p. 638.

SEC. 226. Article 50 is amended to read as follows:

41 Stat. 797. 10 U. S. C. § 1521.

"ART. 50. APPELLATE REVIEW.—

"a. BOARD OF REVIEW; JUDICIAL COUNCIL.—The Judge Advocate General shall constitute, in his office, a Board of Review composed of not less than three officers of the Judge Advocate General's Department. He shall also constitute, in his office, a Judicial Council composed of three general officers of the Judge Advocate General's Department: *Provided*, That the Judge Advocate General may, under exigent circumstances, detail as members of the Judicial Council, for periods not in excess of sixty days, officers of the Judge Advocate General's Department of grades below that of general officer.

Detail of certain officers.

"b. ADDITIONAL BOARDS OF REVIEW AND JUDICIAL COUNCILS.—Whenever necessary, the Judge Advocate General may constitute two or more Boards of Review and Judicial Councils in his office, with equal powers and duties, composed as provided in the first paragraph of this article.

"c. BRANCH OFFICES.—Whenever the President deems such action necessary, he may direct The Judge Advocate General to establish a branch office, under an Assistant Judge Advocate General who shall be a general officer of The Judge Advocate General's Department, with any distant command, and to establish in such branch office one or more Boards of Review and Judicial Councils composed as provided

in the first paragraph of this article. Such Assistant Judge Advocate General and such Board of Review and Judicial Council shall be empowered to perform for that command under the general supervision of The Judge Advocate General, the duties which The Judge Advocate General and the Board of Review and Judicial Council in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President: *Provided*, That the power of mitigation and remission shall not be exercised by such Assistant Judge Advocate General or by agencies in his office, but any case in which such action is deemed desirable shall be forwarded to The Judge Advocate General with appropriate recommendations.

Power of mitigation and remission.

"d. ACTION BY BOARD OF REVIEW WHEN APPROVAL BY PRESIDENT OR CONFIRMING ACTION IS REQUIRED.—Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President or confirmation by any other confirming authority is submitted to the President or such other confirming authority, as the case may be, it shall be examined by the Board of Review which shall take action as follows:

Transmittal of opinions, etc.

"(1) In any case requiring action by the President, the Board of Review shall submit its opinion in writing, through the Judicial Council which shall also submit its opinion in writing, to the Judge Advocate General, who shall, except as herein otherwise provided, transmit the record and the Board's and Council's opinions, with his recommendations, directly to the Secretary of the Department of the Army for the action of the President: *Provided*, That the Judicial Council, with the concurrence of the Judge Advocate General shall have powers in respect to holdings of legal insufficiency equal to the powers vested in the Board of Review by subparagraph (3) of this paragraph.

If record held legally sufficient.

"(2) In any case requiring confirming action by the Judicial Council with or without the concurrence of the Judge Advocate General, when the Board of Review is of the opinion that the record of trial is legally sufficient to support the sentence it shall submit its opinion in writing to the Judicial Council for appropriate action.

If record held legally insufficient.

"(3) When the Board of Review is of the opinion that the record of trial in any case requiring confirming action by the President or confirming action by the Judicial Council is legally insufficient to support the findings of guilty and sentence, or the sentence, or that errors of law have been committed injuriously affecting the substantial rights of the accused, it shall submit its holding to the Judge Advocate General and when the Judge Advocate General concurs in such holding, such findings and sentence shall thereby be vacated in accord with such holding and the record shall be transmitted by the Judge Advocate General to the appropriate convening authority for a rehearing or such other action as may be proper.

Transmittal of record, etc., to Judicial Council.

"(4) In any case requiring confirming action by the President or confirming action by the Judicial Council in which the Board of Review holds the record of trial legally insufficient to support the findings of guilty and sentence, or the sentence, and the Judge Advocate General shall not concur in the holding of the Board of Review, the holding and the record of trial shall be transmitted to the Judicial Council for confirming action or for other appropriate action in a case in which confirmation of the sentence by the President is required under article 48a.

Ante, p. 635.

"e. ACTION BY BOARD OF REVIEW IN CASES INVOLVING DISHONORABLE OR BAD-CONDUCT DISCHARGES OR CONFINEMENT IN PENITENTIARY.—No authority shall order the execution of any sentence of a court-martial

involving dishonorable discharge not suspended, bad-conduct discharge not suspended, or confinement in a penitentiary unless and until the appellate review required by this article shall have been completed and unless and until any confirming action required shall have been completed. Every record of trial by general or special court-martial involving a sentence to dishonorable discharge or bad-conduct discharge, whether such discharges be suspended or not suspended, and every record of trial by general court-martial involving a sentence to confinement in a penitentiary, other than records of trial examination of which is required by paragraph d of this article, shall be examined by the Board of Review which shall take action as follows:

Examination of record of trial.

Ante, p. 636.

"(1) In any case in which the Board of Review holds the record of trial legally sufficient to support the findings of guilty and sentence, and confirming action is not by the Judge Advocate General or the Board of Review deemed necessary, the Judge Advocate General shall transmit the holding to the convening authority, and such holding shall be deemed final and conclusive.

Final action when record held legally sufficient.

"(2) In any case in which the Board of Review holds the record of trial legally sufficient to support the findings of guilty and sentence, but modification of the findings of guilty or the sentence is by the Judge Advocate General or the Board of Review deemed necessary to the ends of justice, the holding and the record of trial shall be transmitted to the Judicial Council for confirming action.

Modification of sentence, etc.

"(3) In any case in which the Board of Review holds the record of trial legally insufficient to support the findings of guilty and sentence, in whole or in part, and the Judge Advocate General concurs in such holding, the findings and sentence shall thereby be vacated in whole or in part in accord with such holding, and the record shall be transmitted by the Judge Advocate General to the convening authority for rehearing or such other action as may be appropriate.

Vacation of sentence.

"(4) In any case in which the Board of Review holds the record of trial legally insufficient to support the findings of guilty and sentence, in whole or in part, and the Judge Advocate General shall not concur in the holding of the Board of Review, the holding and the record of trial shall be transmitted to the Judicial Council for confirming action.

Transmittal to Judicial Council.

"f. APPELLATE ACTION IN OTHER CASES.—Every record of trial by general court-martial the appellate review of which is not otherwise provided for by this article shall be examined in the Office of the Judge Advocate General and if found legally insufficient to support the findings of guilty and sentence, in whole or in part, shall be transmitted to the Board of Review for appropriate action in accord with paragraph e of this article.

"g. WEIGHING EVIDENCE.—In the appellate review of records of trials by courts-martial as provided in these articles the Judge Advocate General and all appellate agencies in his office shall have authority to weigh evidence, judge the credibility of witnesses, and determine controverted questions of fact.

"h. FINALITY OF COURT-MARTIAL JUDGMENTS.—The appellate review of records of trial provided by this article, the confirming action taken pursuant to articles 48 or 49, the proceedings, findings, and sentences of courts-martial as heretofore or hereafter approved, reviewed, or confirmed as required by the Articles of War and all dismissals and discharges heretofore or hereafter carried into execution pursuant to sentences by courts-martial following approval, review, or confirmation as required by the Articles of War, shall be final and conclusive, and orders publishing the proceedings of courts-martial and all action

Ante, p. 635.

taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon application for a new trial as provided in article 53."

Post, p. 639.

41 Stat. 797.
10 U. S. C. § 1522.

SEC. 227. Article 50½ is rescinded.

41 Stat. 799.
10 U. S. C. § 1523.

SEC. 228. Article 51 is amended to read as follows:

"ART. 51. MITIGATION, REMISSION, AND SUSPENSION OF SENTENCES.—

"a. AT THE TIME ORDERED EXECUTED.—The power of the President, the Secretary of the Department of the Army, and any reviewing authority to order the execution of a sentence of a court-martial shall include the power to mitigate, remit, or suspend the whole or any part thereof, except that a death sentence may not be suspended. The Judge Advocate General shall have the power to mitigate, remit, or suspend the whole or any part of a sentence in any case requiring appellate review under article 50 and not requiring approval or confirmation by the President, but the power to mitigate or remit shall be exercised by the Judge Advocate General under the direction of the Secretary of the Department of the Army. The authority which suspends the execution of a sentence may restore the person under sentence to duty during such suspension; and the death or honorable discharge of a person under suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

Ante, p. 635.

Restoration to duty.

"b. SUBSEQUENT TO THE TIME ORDERED EXECUTED.—

"(1) Any unexecuted portion of a sentence other than a sentence of death, including all uncollected forfeitures, adjudged by court-martial may be mitigated, remitted or suspended and any order of suspension may be vacated, in whole or in part, by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States disciplinary barracks, in which the person under sentence may be, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority or by the Judge Advocate General under the direction of the Secretary of the Department of the Army: *Provided*, That no sentence approved or confirmed by the President shall be mitigated, remitted, or suspended by any authority inferior to the President: *And provided further*, That no order of suspension of a sentence to dishonorable discharge or bad conduct discharge shall be vacated unless and until confirming or appellate action on the sentence has been completed as required by articles 48 and 50.

Vacation of suspension.

Ante, p. 635.

"(2) The power to suspend a sentence shall include the power to restore the person affected to duty during such suspension.

"(3) The power to mitigate, remit or suspend the sentence or any part thereof in the case of a person confined in the United States disciplinary barracks or in a penitentiary shall be exercised by the Secretary of the Department of the Army or by the Judge Advocate General under the direction of the Secretary of the Department of the Army."

41 Stat. 799.
10 U. S. C. § 1524.

SEC. 229. Article 52 is amended to read as follows:

"ART. 52. REHEARINGS.—When any reviewing or confirming authority disapproves a sentence or when any sentence is vacated by action of the Board of Review or Judicial Council and the Judge Advocate General, the reviewing or confirming authority or the Judge Advocate General may authorize or direct a rehearing. Such rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence

be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding."

SEC. 230. Article 53 is amended to read as follows: 41 Stat. 800. 10 U. S. C. § 1525.

"ART. 53. PETITION FOR NEW TRIAL.—Under such regulations as the President may prescribe, the Judge Advocate General is authorized, upon application of an accused person, and upon good cause shown, in his discretion to grant a new trial, or to vacate a sentence, restore rights, privileges, and property affected by such sentence, and substitute for a dismissal, dishonorable discharge, or bad conduct discharge previously executed a form of discharge authorized for administrative issuance, in any court-martial case in which application is made within one year after final disposition of the case upon initial appellate review: *Provided*, That with regard to cases involving offenses committed during World War II, the application for a new trial may be made within one year after termination of the war, or after its final disposition upon initial appellate review as herein provided, whichever is the later: *Provided*, That only one such application for a new trial may be entertained with regard to any one case: *And provided further*, That all action by the Judge Advocate General pursuant to this article, and all proceedings, findings, and sentences on new trials under this article, as approved, reviewed, or confirmed under articles 47, 48, 49, and 50, and all dismissals and discharges carried into execution pursuant to sentences adjudged on new trials and approved, reviewed, or confirmed, shall be final and conclusive and orders publishing the action of the Judge Advocate General or the proceedings on new trial and all action taken pursuant to such proceedings, shall be binding upon all departments, courts, agencies, and officers of the United States."

Offenses committed during World War II.

Finality of action.

Ante, pp. 634, 635.

SEC. 231. Article 70 is amended to read as follows: 41 Stat. 802. 10 U. S. C. § 1542.

"ART. 70. CHARGES; ACTION UPON, UNNECESSARY DELAY.—When any person subject to military law is placed in arrest or confinement immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct."

SEC. 232. Article 85 is amended to read as follows: 41 Stat. 804. 10 U. S. C. § 1557.

"ART. 85. DRUNK ON DUTY.—Any person subject to military law, who is found drunk on duty, shall be punished as a court-martial may direct."

SEC. 233. Article 88 is amended to read as follows: 41 Stat. 805. 10 U. S. C. § 1560.

"ART. 88. UNLAWFULLY INFLUENCING ACTION OF COURT.—No authority appointing a general, special, or summary court-martial nor any other commanding officer, shall censure, reprimand, or admonish such court, or any member thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise, by such court or any member thereof, of its or his judicial responsibility. No person subject to military law shall attempt to coerce or unlawfully influence the action of a court-martial or any military court or commission, or any member thereof, in reaching the findings or sentence in any case, or the action of an appointing or reviewing or confirming authority with respect to his judicial acts."

SEC. 234. Article 89 is amended to read as follows: 41 Stat. 805. 10 U. S. C. § 1561.

"ART. 89. GOOD ORDER TO BE MAINTAINED AND WRONGS REDRESSED.—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or wrongfully destroys any property whatsoever or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him refuses or omits to see reparation made to the party injured, insofar as the offender's pay shall go

Failure of commanding officer to act.

41 Stat. 808.
10 U. S. C. § 1577.

toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct."

41 Stat. 805.
10 U. S. C. § 1564.

SEC. 235. Article 92 is amended to read as follows:

"ART. 92. MURDER—RAPE.—Any person subject to military law found guilty of murder shall suffer death or imprisonment for life, as a court-martial may direct; but if found guilty of murder not premeditated, he shall be punished as a court-martial may direct. Any person subject to military law who is found guilty of rape shall suffer death or such other punishment as a court-martial may direct: *Provided*, That no person shall be tried by court-martial for murder or rape committeed within the geographical limits of the States of the Union and the District of Columbia in time of peace."

Trial in time of peace.

41 Stat. 805.
10 U. S. C. § 1565.

SEC. 236. Article 93 is amended to read as follows:

"ART. 93. VARIOUS CRIMES.—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct: *Provided*, That any person subject to military law who commits larceny or embezzlement shall be guilty of larceny within the meaning of this article."

Larceny.

41 Stat. 805.
10 U. S. C. § 1566.

SEC. 237. Article 94 is amended to read as follows:

"ART. 94. FRAUDS AGAINST THE GOVERNMENT.—Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

"Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

False papers, etc.

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

False oaths, etc.

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Forgery of signatures.

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Delivery of amount less than receipted.

"Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Certifying false receipts.

"Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such

writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

Stealing, etc., military property.

"Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipment, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof: *Provided*, That any person, subject to military law, who commits larceny or embezzlement with respect to property of the United States, furnished or intended for the military service thereof, or with respect to other property within the purview of this article, steals said property within the meaning of this article; or

Unlawful purchase, etc., of U. S. property.

"Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same; or

Agreement or conspiracy.

"Who enters into any agreement or conspires to commit any of the offenses aforesaid;

Penalty.

"Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court martial may adjudge, or by any or all of said penalties. If any person, being guilty of any of the offenses aforesaid or who steals or fails properly to account for any money or other property held in trust by him for enlisted persons or as its official custodian while in the military service of the United States, receives his discharge or is dismissed or otherwise separated from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court martial in the same manner and to the same extent as if he had not been so separated therefrom."

Liability after separation from service.

SEC. 238. Article 104 is amended to read as follows:

41 Stat. 808. 10 U. S. C. § 1576; Supp. I, § 1576 note.

"ART. 104. DISCIPLINARY POWERS OF COMMANDING OFFICERS.—Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command, may, for minor offenses, impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

Disciplinary punishments authorized.

"The disciplinary punishments authorized by this article may include admonition or reprimand, or the withholding of privileges, or extra fatigue, or restriction to certain specified limits, or hard labor without confinement or any combination of such punishments for not exceeding one week from the date imposed; but shall not include forfeiture of pay or confinement under guard; except that any officer exercising general court-martial jurisdiction may, under the provisions of this article, also impose upon a warrant officer or officer of his command below the rank of brigadier general a forfeiture of not more than one-half of his pay per month for three months.

Appeal of punishment.

"A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the

Court martial.

accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty."

41 Stat. 809. 10 U. S. C. § 1580; Supp. I, § 1580 note.

SEC. 239. Article 108 is amended to read as follows:

"ART. 108. SOLDIERS—SEPARATION FROM THE SERVICE.—No enlisted person, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, and no enlisted person shall be discharged from said service before his term of service has expired, except in the manner prescribed by the Secretary of the Department of the Army, or by sentence of a general or special court-martial."

41 Stat. 809. 10 U. S. C. § 1582.

SEC. 240. Article 110 is amended to read as follows:

Ante, p. 627 *et seq.* 10 U. S. C. § 1473 *et seq.*; Supp. I, § 1473 *et seq.* notes.

"ART. 110. CERTAIN ARTICLES OF WAR TO BE READ OR EXPLAINED.—Articles 1, 2, 24, 28, 29, 54 to 97, inclusive, 104 to 109, inclusive, and 121 shall be read or carefully explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read or explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States. And a complete text of the Articles of War and of the Manual for Courts-Martial shall be made available to any soldier, upon his request, for his personal examination."

41 Stat. 811. 10 U. S. C. § 1588.

SEC. 241. Article 116 is amended to read as follows:

"ART. 116. POWERS OF ASSISTANT TRIAL JUDGE ADVOCATE AND OF ASSISTANT DEFENSE COUNSEL.—An assistant trial judge advocate of a general or special court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused."

41 Stat. 811. 10 U. S. C. § 1589.

SEC. 242. Article 117 is amended to read as follows:

"ART. 117. REMOVAL OF CIVIL SUITS.—When any civil or criminal prosecution is commenced in any court of a State of the United States against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed by law, and the cause shall thereupon be entered on the docket of such district court, which shall proceed as if the cause had been originally commenced therein and shall have full power to hear and determine said cause."

41 Stat. 811. 10 U. S. C. § 1593.

SEC. 243. Section 1 of article 121 is amended to read as follows:

"ART. 121. COMPLAINTS OF WRONGS.—Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the officer exercising general court-martial jurisdiction over the officer against whom the complaint is made. That officer shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of the Army a true statement of such complaint, with the proceedings had thereon."

Effective date.

SEC. 244. This title shall become effective on the first day of the eighth calendar month after approval of this title.

Prior offenses.

SEC. 245. All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the effective date of this title, under any law embraced in or modified, changed or repealed by this title, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this title had not been passed.

SEC. 246. Section 8 of the National Defense Act, as amended (10 U. S. C. 61), is amended to read as follows: 39 Stat. 169. 10 U. S. C., Supp. I, § 61 note.

"SEC. 8. JUDGE ADVOCATE GENERAL'S CORPS.—The Judge Advocate General's Corps shall consist of one Judge Advocate General with the rank of major general, one assistant with the rank of major general, three officers with the rank of brigadier general, and an active list commissioned officer strength to be determined by the Secretary of the Department of the Army, but such strength shall not be less than 1½ per centum of the authorized active list commissioned officer strength of the Armed Services of the National Military Establishment who are subject to the Articles of War, and in addition warrant officers and enlisted men in such numbers as the Secretary of the Department of the Army shall determine."

SEC. 247. Regular Army officers shall be permanently appointed by the President, by and with the advice and consent of the Senate, in the Judge Advocate General's Corps in the commissioned officer grades of major general, brigadier general, colonel, lieutenant colonel, major, captain, and first lieutenant. The names of commissioned officers of the Judge Advocate General's Corps below the grade of brigadier general shall be carried on the Judge Advocate's promotion list. The Judge Advocate's promotion list shall be established by entering thereon the names of the officers concerned without change in their order of precedence on the existing promotion list. The authorized numbers in each of the several grades in the Judge Advocate's promotion list shall be prescribed by the Secretary of the Department of the Army, but the numbers thus authorized shall not exceed the following percentages of the total strength authorized for that list: 8 per centum in the grade of colonel; 14 per centum in the grade of lieutenant colonel; 19 per centum in the grade of major; 23 per centum in the grade of captain; and 36 per centum in the grade of first lieutenant: *Provided*, That numbers may be authorized for any grade in lieu of authorization in higher grades: *Provided further*, That this provision shall not operate to require a reduction in permanent grade of any officer now holding permanent appointment. Appointment of Regular Army officers. Promotion list. Authorized numbers.

Officers whose names are carried on the Judge Advocate's promotion list shall be promoted to the several grades as now or hereafter prescribed for promotion of promotion-list officers generally and the authorized numbers in grades below colonel on such list shall be temporarily increased from time to time in order to give effect to the promotion system now or hereafter prescribed by law for promotion-list officers.

Within the authorized strength of the Judge Advocate General's Corps additional officers may be appointed by transfer of qualified officers from other branches of the Army, by appointment of Reserve judge advocates or qualified civilian graduates of accredited law schools. Those originally appointed in the Regular Army in the Judge Advocate General's Corps shall be credited with an amount of service for the purpose of determining grade, position on promotion list, permanent-grade seniority, and eligibility for promotion as now or hereafter prescribed by law. Additional officers.

SEC. 248. The Judge Advocate General shall, in addition to such other duties as may be prescribed by law, be the legal adviser of the Secretary of the Department of the Army and of all officers and agencies of the Department of the Army; and all members of the Judge Advocate General's Corps shall perform their duties under the direction of the Judge Advocate General. Legal adviser of Department of Army.

SEC. 249. Notwithstanding any other provisions of law, the Judge Advocate General, the Assistant Judge Advocate General and general officers of the Judge Advocate General's Corps shall be appointed by Appointment of certain officers.

the President, by and with the advice and consent of the Senate, from among officers of the Judge Advocate General's Corps who are recommended for such positions by the Secretary of the Department of the Army. Upon the appointment of an officer to be the Judge Advocate General or Assistant Judge Advocate General with the rank of major general, he shall at the same time if not then holding permanent appointment in such grade be appointed a permanent major general of the Regular Army.

Approved June 24, 1948.

[CHAPTER 626]

June 24, 1948
[S. 2706]
[Public Law 760]

AN ACT

To authorize the Federal Works Administrator to lease for commercial purposes certain space in the building located at 811 Vermont Avenue Northwest, Washington, District of Columbia, commonly known as the Lafayette Building.

Federal Works Administrator.
Lease of certain space.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is hereby authorized to lease for commercial purposes for periods not exceeding ten years and upon such terms and conditions as he may deem to be in the public interest, such space in the building located at 811 Vermont Avenue Northwest, Washington, District of Columbia, commonly known as the Lafayette Building, as was leased by the Reconstruction Finance Corporation for commercial purposes on July 30, 1947, the date title to such building was transferred from the Reconstruction Finance Corporation to the United States of America by section 306, title III, Public Law 268, Eightieth Congress. The rentals received pursuant to this Act may be deposited into a common fund account or accounts in the Treasury, and notwithstanding the provisions of the Act of June 30, 1932 (40 U. S. C. 303b), shall be available to pay the cost of maintenance, upkeep, and repair of the space so leased and for the establishment of necessary reserves therefor: *Provided*, That except for such necessary reserves, the unobligated balances of rentals so deposited into the Treasury shall be covered at the end of each fiscal year into miscellaneous receipts.

61 Stat. 584.
40 U. S. C., Supp. I, §§ 1 note, 129.
Rentals.

47 Stat. 412.

Approved June 24, 1948.

[CHAPTER 627]

June 24, 1948
[H. R. 239]
[Public Law 761]

AN ACT

To further perfect the consolidation of the Lighthouse Service with the Coast Guard.

Lighthouse Service.
Consolidation with Coast Guard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to perfect the consolidation of the Lighthouse Service with the Coast Guard by authorizing the commissioning, appointment, and enlistment in the Coast Guard, of certain officers and employees of the Lighthouse Service, and for other purposes", approved August 5, 1939, is amended by inserting before the period at the end thereof the following: "; and, after the first day of the month following enactment hereof, in computing longevity, for the purpose of pay in the Coast Guard, of any person commissioned, appointed, or enlisted under the provisions of this Act, there shall be included all service of such person in the Lighthouse Service".

53 Stat. 1217.
14 U. S. C. § 180.

Approved June 24, 1948.

[CHAPTER 628]

AN ACT

To provide pensions for certain widows of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

June 24, 1948
[H. R. 4962]
[Public Law 762]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dependent unremarried widow of a veteran of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, who is barred from the receipt of pension because her marriage to the veteran occurred subsequent to December 31, 1937, but who is otherwise entitled to such pension under the Act of May 1, 1926 (44 Stat. 382; 38 U. S. C., 364a), as reenacted by the Act of August 13, 1935 (49 Stat. 614; 38 U. S. C., 368), shall be entitled to pension in her own right under said Act, as amended, under the conditions specified therein (except date of marriage) and at the rate authorized by section 4 of the Act of August 7, 1946 (Public Law 611, Seventy-ninth Congress), as amended by the Act of July 30, 1947 (Public Law 270, Eightieth Congress), and to the additional pension provided for children under the Act of May 1, 1926, as amended, provided she married the veteran ten or more years prior to his death and lived with him continuously from the date of marriage to the date of his death except where there was a separation which was due to misconduct of or procured by the veteran without the fault of the widow: *Provided*, That if pension has been granted to a child or children of the veteran, the widow shall not be entitled to the pension authorized by this section until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow by this Act, then the difference between said amounts will be paid to the widow: *Provided further*, That no pension shall be payable under this section to a widow under sixty years of age.

Veterans of Spanish-American War.
Pensions to certain widows.

38 U. S. C., Supp. I, § 368 note.

60 Stat. 864.
38 U. S. C. § 364g–1.
61 Stat. 610.
38 U. S. C., Supp. I, §§ 370f, 276 and notes.

Pension to child.

Age limitation.

SEC. 2. Payment of pension as provided in section 1 shall be effective as of the date of the death of the veteran, if application is filed within one year after the death of such veteran, otherwise as of the date of receipt of application in the Veterans' Administration, and in no event prior to the date of the enactment of this Act. Pension under section 1 hereof shall not be paid to the widow of a veteran of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, who has remarried either once or more than once since the death of the veteran, and upon the remarriage of such widow her pension shall be terminated. The penal and forfeiture provisions of laws and regulations administered by the Veterans' Administration providing pensions for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, shall be applicable to the provisions of this Act.

Approved June 24, 1948.

Effective date of pension.

Remarriage of widow.

[CHAPTER 629]

AN ACT

To authorize the attendance of the United States Marine Corps Band at the national assembly of the Marine Corps League to be held at Milwaukee, Wisconsin, September 22 to September 25, inclusive, 1948.

June 24, 1948
[H. R. 5036]
[Public Law 763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the national assembly of the Marine

U. S. Marine Corps Band.
Attendance at national assembly of Marine Corps League.

Corps League to be held in Milwaukee, Wisconsin, from September 22 to September 25, inclusive, 1948.

Appropriation authorized.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such assembly, there is authorized to be appropriated the sum of $8,901, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $6 per day each for additional living expenses while on duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Approved June 24, 1948.

[CHAPTER 630]

June 24, 1948
[H. R. 5936]
[Public Law 764]

AN ACT

To provide for the addition of certain surplus Government lands to the Chickamauga and Chattanooga National Military Park, in the States of Georgia and Tennessee, and for other purposes.

Chickamauga and Chattanooga National Military Park. Additional land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective upon publication of notice, as hereinafter provided, there shall be added to the Chickamauga and Chattanooga National Military Park, a strip of land, comprising not more than one hundred acres, lying generally north of the present south line of Fort Oglethorpe and westward from the southeast corner thereof. The exact boundaries of the area added to the park shall be agreed upon by the Administrator, War Assets Administration, and the Director of the National Park Service.

When the boundaries of the aforesaid area have been agreed upon, the War Assets Administration shall furnish to the National Park Service a legal description of the lands to be added to the park, together with a map showing the boundaries and the acreage of the area.

Publication in Federal Register.

Upon the receipt by the National Park Service of such legal description and map of the area, public notice that such lands are to become a part of the Chickamauga and Chattanooga National Military Park, effective on the date of publication of such notice, shall be given in the Federal Register.

Approved June 24, 1948.

[CHAPTER 631]

June 24, 1948
[H. R. 6318]
[Public Law 765]

AN ACT

To amend section 3 of the Standard Time Act of March 19, 1918, as amended, relating to the placing of a certain portion of the State of Idaho in the third time zone.

Standard Time Act, amendment. Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to save daylight and to provide standard time for the United States", approved March 19, 1918, as amended (U. S. C., 1940 edition, title 15, sec. 264), which provides for placing a certain portion of the State of Idaho in the third time zone is hereby amended by striking out the period at the end thereof and inserting a colon and the following: "*Provided*, That common carriers within such portion of the State of Idaho may conduct their operations on Pacific time."

42 Stat. 1434.

Effective date.

SEC. 2. This Act shall take effect at 2 o'clock antemeridian of the second Monday following the date of its enactment.

Approved June 24, 1948.

[CHAPTER 632]

AN ACT

June 24, 1948
[H. R. 6771]
[Public Law 766]

Making appropriations for military functions administered by the National Military Establishment for the fiscal year ending June 30, 1949, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1949, for military functions administered by the National Military Establishment, and for other purposes, namely:

Military Functions Appropriation Act, 1949.

NATIONAL MILITARY ESTABLISHMENT—MILITARY FUNCTIONS

OFFICE OF THE SECRETARY OF DEFENSE

Salaries and expenses: For expenses necessary for the Office of the Secretary of Defense, the War Council, the Joint Chiefs of Staff and the Joint Staff, the Munitions Board, and the Research and Development Board, including personal services in the District of Columbia and employment of aliens; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $50 per diem; expenses of attendance at meetings of organizations concerned with the work of the National Military Establishment when specifically authorized by the head of the organizational unit concerned; printing and binding; purchase (not to exceed seven, including one at not to exceed $3,000) and hire of passenger motor vehicles; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and not to exceed $25,000 for emergency and extraordinary expenses, to be expended under the direction of the Secretary of Defense for such purposes as he deems proper, and his determination thereon shall be final and conclusive; $6,800,000: *Provided*, That notwithstanding the limitation contained in section 303 (a) of the National Security Act of 1947 (Public Law 253, approved July 26, 1947), members of advisory committees and part-time advisory personnel may be appointed by the Secretary of Defense at rates for individuals not exceeding $50 per diem: *Provided further*, That not to exceed six positions in the professional and scientific service which the Secretaries of the Departments of the Army and the Navy are authorized to establish under the Act of August 1, 1947 (Public Law 313), may be made available to the Secretary of Defense and the funds appropriated herein shall be available for the payment of the compensation fixed for those positions: *Provided further*, That the accounts of advances for the several Departments of the National Military Establishment may be utilized in expending amounts herein or hereafter appropriated under this title: *Provided further*, That, during the fiscal year 1949, such amounts as may be necessary may be transferred from any appropriations for the Departments of the Air Force, the Army, and the Navy, to this appropriation for expenses for a cataloging program, a specifications program, and a common standards program.

60 Stat. 810.

60 Stat. 843.
Post, p. 1008.

61 Stat. 507.
50 U. S. C., Supp. I, § 405 (a).

Professional and scientific service.

61 Stat. 715.
5 U. S. C., Supp. I, §§ 230–232, 476–476b.
Ante, p. 604.

Transfer of funds.

Not to exceed $30,000 of the unexpended balances of funds transferred to the Office of the Secretary of Defense from the appropriation for "Salaries and expenses" of the Office of Scientific Research and Development in the National War Agencies Appropriation Act, 1946, shall remain available during the fiscal year 1949 for the liquidation of obligations incurred prior to July 1, 1946.

Liquidation of obligations.

59 Stat. 475.

NATIONAL SECURITY COUNCIL

Salaries and expenses: For expenses necessary for the National Security Council, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of $50 per diem for individuals; printing and binding; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); acceptance and utilization of voluntary and uncompensated services; expenses of attendance at meetings concerned with work related to the activity of the Council; purchase of one passenger motor vehicle at a cost not to exceed $1,400; $200,000.

60 Stat. 810.

60 Stat. 843.
Post, p. 1008.

NATIONAL SECURITY RESOURCES BOARD

Salaries and expenses: For expenses necessary for the National Security Resources Board, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $50 per diem; expenses of attendance at meetings of organizations concerned with the work of the National Security Resources Board; printing and binding; the services of domestic and foreign organizations by contract without regard to section 3709, Revised Statutes, as amended; purchase (including one at not to exceed $3,000) and hire of passenger motor vehicles; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); a health service program as authorized by law (5 U. S. C. 150); and not to exceed $10,000 for emergency and extraordinary expenses, to be expended under the direction of the Chairman for such purposes as he deems proper, and his determination thereon shall be final and conclusive; $3,000,000: *Provided*, That notwithstanding the limitation contained in section 303 (a) of the National Security Act of 1947 (Public Law 253, approved July 26, 1947) members of advisory committees and part-time advisory personnel may be appointed by the Chairman of the Board at rates for individuals not exceeding $50 per diem.

60 Stat. 810.

41 U. S. C. § 5.

60 Stat. 843.
Post, p. 1008.
60 Stat. 903.

61 Stat. 507.
50 U. S. C., Supp. I, § 405 (a).

DEPARTMENT OF THE AIR FORCE

UNITED STATES AIR FORCE

General expenses: For expenses necessary for the maintenance and operation of aircraft, including spare parts, equipment, and accessories therefor, and the maintenance and operation of Air Force facilities, including field printing plants; experimental investigations, including medical and meteorological investigations; purchase and development of new types of aircraft, aviation engines, spare parts and equipment, and the maintenance and operation of plants for testing and experimental work; making, procuring, and processing photographs and motion pictures, aerial maps and charts; air crew, air rescue and fire-fighting equipment; purchase, manufacture, and issue of special clothing, and similar equipment; marking of airways where the purchase of land is not involved; travel of Air Force and civilian personnel in connection with the administration of Air Force appropriations; procuring, maintaining, and conducting, at aviation and other schools, instruction for Air Force personnel, including tuition, equipment, supplies, and related expenses; personal services at the seat of Government and elsewhere; special services, including the salvaging of wrecked aircraft; printing and binding; payment of claims resulting from the operation of aircraft as provided for in the Act of July 3, 1943 (31 U. S. C. 223b), and pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and expenses, not

Printing plants.

Development of new types of aircraft.

Marking of airways.

Travel expenses.

Salvage of wrecked aircraft.

Payment of claims.

57 Stat. 372.

60 Stat. 843.
Post, p. 1008.

otherwise provided for, in connection with the administration of this appropriation; $889,486,000: *Provided*, That not to exceed $298,000,000 of the appropriation "Air Corps, Army", fiscal years 1942–1946, shall remain available until June 30, 1949, for payment of obligations incurred under contracts executed thereunder prior to July 1, 1946: *Provided further*, That the net amount of this appropriation used for personal services shall not exceed $305,000,000 and such amount shall not be applied to other use: *And provided further*, That the foregoing limitations shall not apply to personnel required to perform necessary work in connection with research and development; in cases where satisfactory bids cannot be obtained from competent contractors; or to the performance of work incident to the modification or modernization of aircraft or to the removal of aircraft from storage.

Payment of obligations.

Personal services, restriction.

DEPARTMENTAL SALARIES

For compensation for personal services in the Department of the Air Force proper, as follows:

SALARIES, OFFICE OF THE SECRETARY OF THE AIR FORCE

Office of Secretary of the Air Force: Secretary of the Air Force, Under Secretary of the Air Force, Assistant Secretaries of the Air Force, and other personal services, $825,000.

Office of Chief of Staff: Office of Chief of Staff, United States Air Force, $6,500,000.

DEPARTMENT OF THE ARMY

OFFICE OF THE SECRETARY OF THE ARMY

CONTINGENCIES OF THE ARMY

For emergencies and extraordinary expenses arising in the Department of the Army of any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, including personal services; the actual and necessary expenses or per diem in lieu thereof, as may be determined and approved by the Secretary of the Army, of military and civilian personnel in and under the Department of the Army on special duty in foreign countries; and for examination of estimates of appropriations and of military activities in the field, to be expended on the approval or authority of the Secretary of the Army, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government and payments from this appropriation may, in the discretion of the Secretary of the Army, be made on his certificate that the expenditures were necessary for confidential military purposes; $32,900,000.

Special duty in foreign countries.

GENERAL STAFF CORPS

FIELD EXERCISES

For expenses required for the conduct of special field exercises, including participation therein by the National Guard and the Organized Reserves, and including pay and travel of temporary employees and officers and enlisted men of the National Guard and the Organized Reserves, not otherwise provided for, allowances for enlisted men for quarters and rations, troop movements and travel of personnel of the Regular Army, in connection with special field exercises, including special combat training for small units, movement of matériel, maintenance and operation of structures and utilities, rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, use or repair of private property, and any other

Participation by National Guard, etc.

Rental of land, etc.

31 U. S. C. § 529.

requisite supplies and services, and for settlement of claims resulting from such exercises, under the provisions of the Act of July 3, 1943 (31 U. S. C. 223b), as amended, and under section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $9,000,000.

57 Stat. 372.
60 Stat. 842.
Post, p. 1008.

NATIONAL WAR COLLEGE

For expenses, not otherwise provided for, of the National War College, including the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers; maps, police utensils; expenses of special lectures; contingencies for the Commandant of the National War College to be expended in his discretion (not exceeding $1,000); purchase, repair, and cleaning of uniforms for guards; pay of employees; $299,000.

INTER-AMERICAN RELATIONS, DEPARTMENT OF THE ARMY

For expenses necessary to enable the Secretary of the Army to adopt such measures, appropriate to the functions and activities of the Department of the Army, as he may deem advisable, to promote better relations with the other American countries, including transportation and subsistence expenses, while traveling in the Western Hemisphere, of Army officers and military students of the other American countries and Army officers of the United States, $750,000.

FINANCE DEPARTMENT

FINANCE SERVICE, ARMY

Reserve and National Guard officers.

Pay of the Army: For pay and allowances of the Army of the United States, including pay of Reserve officers and officers of the National Guard of the United States ordered to active duty under the provisions of section 37a and the fourth paragraph of section 38 of the National Defense Act, as amended; pay of civilian employees at military headquarters; allowances for quarters for enlisted men on duty where public quarters are not available; interest on soldiers' deposits; payment of life insurance premiums authorized by law; payment of exchange fees and exchange losses incurred by disbursing officers or their agents; repayment of amounts determined by the Secretary of the Army, or officers designated by him, to have been erroneously collected from military and civilian personnel in and under the Department of the Army; and losses in the accounts of Army disbursing officers in accordance with the Acts of December 13, 1944 (31 U. S. C. 95a), December 23, 1944 (50 U. S. C. 1705–1707), and July 26, 1947 (Public Law 248); $2,314,342,000, of which $5,000,000 shall be immediately available, and which shall also be available to pay mustering-out payments, as authorized by the "Mustering-Out Payment Act of 1944", as amended (38 U. S. C. 691–691g), to persons who were or may be denied such payments because they were discharged from the Army to enter the United States Military Academy or the United States Naval Academy and subsequently were discharged from either academy because of physical disability: *Provided*, That the appropriations contained in this Act shall not be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers shall be entitled to such rate of increase by performing three or more flights within each ninety-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights: *Provided further*, That, after June 30, 1948, a flying officer as defined under existing law shall include flight surgeons, and commissioned officers or warrant officers while undergoing flying training: *Provided further*, That section 212 of the Act of June 30, 1932 (5 U. S. C. 59a), shall not apply

41 Stat. 776; 49 Stat. 391.
10 U. S. C. §§ 361, 364, 369; 32 U. S. C. § 81c.
Ante, p. 87.

Repayment of amounts erroneously collected.

58 Stat. 800, 921.
50 U. S. C. app. §§ 1705–1707.
61 Stat. 493.
31 U. S. C., Supp. I, § 95a note.

58 Stat. 8.
38 U. S. C., Supp. I, § 691a.
Ante, p. 241.

Aerial flights by nonflying officers.

"Flying officer."

47 Stat. 406.

to retired military personnel on duty at the United States Soldiers' Home: *Provided further*, That during the fiscal year ending June 30, 1949, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That provisions of law prohibiting the payment of any person not a citizen of the United States shall not apply to military and civilian personnel in and under the Department of the Army: *Provided further*, That without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts: *Provided further*, That no collection or reclamation shall be made by the United States on account of any money paid to assignees, transferees, or allottees, or to others for them, under assignments, transfers, or allotments of pay and allowances made under authority of law where liability might exist with respect to such assignments, transfers, or allotments, or the use of such moneys, because of the death of the assignor, transferor, or allotter.

35 Stat. 108.
10 U. S. C., Supp. I, § 803 note.
Citizenship.

Use of receipts from sales, etc.

Reclamation of certain payments, restriction.

Appropriations available to the Department of the Army for the fiscal year 1949 shall be available for reimbursement to such appropriations of the Department of the Navy as may be designated by the Secretary of the Navy, for the pay, allowances, and other expenses as authorized by law, for such number of naval dental officers as may be authorized by the President to perform service with the Department of the Army: *Provided*, That such military and naval personnel, as may be detailed for duty with other than the Departments of the Army and Navy, respectively, on a reimbursement basis may be employed in addition to the numbers otherwise authorized and appropriated for.

Naval dental officers.

No payment shall be made from money appropriated in this Act to any officer on the retired list of the Army who, for himself or for others, is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Department of the Army, any war materials or supplies.

Retired officers engaged in selling supplies to Army.

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the Department of the Army: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of the Army;

Officers, etc., engaged with certain service publications.

Travel of the Army: For travel allowances and travel in kind, as authorized by law, for persons traveling in connection with the military activities of the Department of the Army, including mileage, transportation, reimbursement of actual expenses, or per diem allowances, to officers, contract surgeons, and others whose rank, pay and allowances are assimilated to officers; transportation of troops; transportation, or reimbursement therefor, of cadets, enlisted men, recruits, recruiting parties, applicants for enlistment between places of acceptance for enlistment and recruiting stations, rejected applicants for enlistment, general prisoners, cadets and accepted cadets from their homes to the Military Academy, discharged cadets, civilian employees, civilian witnesses before courts martial, and dependents of civilian and military personnel; travel pay to dis-

Travel allowances, etc.

charged military personnel; transportation of discharged prisoners and persons discharged from Saint Elizabeths Hospital after transfer thereto from the military service; transportation of persons discharged other than honorably; monetary allowances for liquid coffee for troops traveling when supplied with cooked or travel rations; commutation of quarters and rations to enlisted men traveling on detached duty when it is impracticable to carry rations, and to applicants for enlistment and general prisoners traveling under orders; per diem allowances or actual cost of subsistence while in a travel status, to civilian employees and civilian witnesses before courts martial; for rental of camp sites and the local procurement of communication service, fuel, light, water service, and other necessary supplies and services incident to individual or troop movements, including transportation of organizational equipment and impedimenta; and for transportation of authorized baggage of military and civilian personnel, including packing and unpacking; $145,000,000: *Provided*, That other appropriations for the Department of the Army shall be charged with such amounts as may be required for travel in connection with development, procurement, production, maintenance, or construction activities; and, with such exception, no other appropriation in this Act shall be available for any expense for or incident to travel of personnel of the Regular Army or civilian employees under the Department of the Army, except the appropriation "Contingencies of the Army" and the appropriations for Engineer Service, Army, the National Guard, the Organized Reserves, the Reserve Officers' Training Corps, and the National Board for the Promotion of Rifle Practice, and except as may be provided for in the appropriations "Special Field Exercises", "Inter-American Relations, Department of the Army", and "United States Air Force": *Provided further*, That, in addition to the authority contained in section 67, National Defense Act of June 3, 1916, as amended, a total of not to exceed $75,000 of the appropriations available to the Department of the Army chargeable with expenses of travel shall be available for expenses incident to attendance at meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Army, such attendance would be of benefit in the conduct of the work of the Department of the Army: *Provided further*, That appropriations available for travel of personnel of the Department of the Army or employees under the Department of the Army which are current at the date of relief from duty station of such personnel traveling under orders shall be charged with all expenses properly chargeable to such appropriations in connection with the travel enjoined including travel of dependents and transportation of authorized baggage and household effects of such personnel, regardless of the dates of arrival at destination of the persons so traveling;

Travel charges against other appropriations.

Ante, pp. 649, 650; *post*, pp. 658, 661, 662, 663, 665.

Attendance at meetings.

39 Stat. 199.
32 U. S. C. §§ 21, 22, 49.

Personnel traveling under orders.

Personnel outside U. S.
Moving of dependents and effects.

During the fiscal year 1949 the dependents and household effects of such military and civilian personnel (without regard to rank or grade) in and under the Department of the Army on duty at stations outside the continental limits of the United States, or in Alaska, as may be determined upon by the Secretary of the Army, may, prior or subsequent to the issuance of orders for the relief of such personnel from their stations, or subsequent to the discharge or release of such military personnel from active military service, be moved (including packing and unpacking of household effects) from such stations outside the continental limits of the United States, or in Alaska, to such locations as may be designated by such personnel, by the use of either Government or commercial means of transportation, and later from such locations to the duty stations to which such personnel may be ordered, and current appropriations of the Department of the Army

available for travel and transportation may be used for this purpose, the decision of the Secretary of the Army to be final as to the dependency of any individual sought to be affected by this provision except as to travel performed subsequent to arrival in the United States;

Expenses of courts martial: For expenses of courts martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, $100,000;

Apprehension of deserters: For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of the Army, be paid to any civil officer or citizen for such services and expenses; for expenses incident to confinement of military prisoners in nonmilitary facilities; for a donation of $10 to each civilian prisoner discharged from an Army prison and each soldier discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge; and for a donation of not to exceed $10 to each person discharged for fraudulent enlistment as authorized by law, $200,000;

Dishonorable discharge.

Discharge for fraudulent enlistment.

Finance service: For compensation of clerks and other employees of the Finance Department, $28,500,000;

Claims for damage to or loss or destruction of property, or personal injury, or death: For payment of claims under the Act approved July 3, 1943 (31 U. S. C. 223b), as amended, and under section 403 of the Federal Tort Claims Act (28 U. S. C. 921), not otherwise provided for, $3,500,000;

57 Stat. 372.

60 Stat. 843. *Post*, p. 1008.

Claims of military and civilian personnel of the Department of the Army for destruction of private property: For the payment of claims for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of the Military Personnel Claims Act of 1945, $2,000,000;

59 Stat. 225. 31 U. S. C. §§ 222c, 222d, 223b.

In all, Finance Service, Army, $2,493,642,000 to be accounted for as one fund.

RETIRED PAY, ARMY

Retired pay, Army: For pay, as authorized by law and not otherwise provided for, of military personnel, including nurses, on the retired list of the Army; $84,000,000.

QUARTERMASTER CORPS

QUARTERMASTER SERVICE, ARMY

Welfare of enlisted men: For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, including expenses for the entertainment and instruction of enlisted personnel, $8,250,000: *Provided*, That this appropriation shall be available for the instruction of officers on the same basis as enlisted men: *Provided further*, That no appropriation contained in this Act shall be available for payment to or expenditure on account of any civilian personnel employed outside continental United States to paint or otherwise reproduce war scenes except by means of photography, or to paint

Recreational facilities, etc.

Instruction of officers.

Painting, etc., of war scenes or portraits.

portraits, or for payment to or expenditure on account of any military personnel within continental United States who engage in decorative art projects or painting portraits to the exclusion of regular military duties;

Purchase of subsistence supplies.

Subsistence of the Army: For purchase of subsistence supplies for issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war, and general prisoners at posts; ice for issue to organizations of enlisted men and for cooling drinking water at such places as the Secretary of the Army may determine, and for preservation of stores; subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army; payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty; payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for subsistence of supernumeraries necessitated by emergent military circumstances; prizes to be established by the Secretary of the Army for enlisted men of the Army who graduate from the Army schools for bakers and cooks; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $500,000,000: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable: *Provided further*, That no part of this or any other appropriation contained in this Act shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of the Army shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto: *Provided further*, That none of the funds appropriated in this Act shall be used for the payment of any subsidy on agricultural or other products;

Army Transport Service.

Sales to officers, etc.

Allowances.

Prizes.

Butter substitutes.

Procurement of food or clothing not produced in U. S.

Payment of subsidies.

Regular supplies of the Army: For supplies, services, and other expenses, not otherwise provided for, incident to the design, development, procurement, manufacture, care, protection, alteration, repair, maintenance, installation, storage, and issue of Quartermaster Corps supplies, materials, and equipment (exclusive of fixed installations in buildings otherwise provided for), including petroleum and other products, market reports and personal services; for supplies and equipment for troops and general service schools; for operation of field printing plants not otherwise provided for and contract printing and binding; for purchase, subsistence, and care of animals required in connection with Army training and other activities; for straw for soldiers' bedding; for expenses incident to raising and harvesting forage on military reservations, including, when specifically author-

ized by the Secretary of the Army, the cost of irrigation; $100,000,000;

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine-planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary, including laundry work for enlisted men while patients in a hospital; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; for equipage, including animal-drawn passenger-carrying vehicles, authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment; for expenses of packing and handling and similar necessaries; for a suit of citizens' outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued each person discharged from an Army prison, each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons; $210,000,000, and in addition to this appropriation the Secretary of the Army may, prior to July 1, 1949, enter into contracts in an amount not in excess of $25,000,000;

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States Disciplinary Barracks; incidental expenses of recruiting; for activities of chaplains (excluding ritual garments and personal services); for the operation of coffee-roasting plants; for maintenance of Quartermaster branch depots, including utilities; for tests and experimental and development work and scientific research, not otherwise provided for, including that to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other departments; for supplies, services, and other expenses essential in conducting instruction of the Army in tactical or special activities and in the operation of Arm and Service Boards not otherwise provided for; for burial of the dead as authorized by Acts of May 17, 1938 (10 U. S. C. 916–916d), and July 8, 1940 (5 U. S. C. 103a), including remains of personnel of the Army of the United States who die while on active duty, including travel allowances of attendants accompanying remains, communication service, transportation of remains, and acquisition by lease or otherwise of temporary burial sites; $113,000,000;

Recruiting.

Tests, research, etc.

Burial expenses.
52 Stat. 398.
54 Stat. 743.

In all, Quartermaster Service, Army, $931,250,000, to be disbursed and accounted for as one fund.

TRANSPORTATION CORPS

TRANSPORTATION SERVICE, ARMY

For expenses necessary for the transportation of Army supplies, equipment, funds of the Army, including packing, crating, and unpacking; maintenance and operation of transportation facilities and installations, including the purchase, construction, alteration, operation, lease, repair, development, and maintenance of and research in transportation equipment, including boats, vessels, and railroad equipment; personal services in the District of Columbia; procurement of supplies and equipment; printing and binding; communication service; maps, wharfage, tolls, ferriage, drayage, and cartage; premiums and indemnification for risks insured pursuant to the Act of April 11, 1942 (46 U. S. C. 1128–1128g); conducting instruction in Army transportation activities; transportation on Government vessels of privately owned automobiles of Army personnel upon change of station; $412,000,000: *Provided*, That during the fiscal year 1949 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured: *Provided further*, That vessels under the jurisdiction of the Maritime Commission, the Department of the Army, or the Department of the Navy, may be transferred or otherwise made available without reimbursement to any of such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

56 Stat. 214.
46 U. S. C., Supp. I, §§ 1128–1128e.

Charges against other appropriations.

Transfer of vessels.

SIGNAL CORPS

SIGNAL SERVICE OF THE ARMY

Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus in the District of Columbia, and toll messages pertaining to the office of the Secretary of the Army or the Secretary of the Air Force; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus, and matériel for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational

Telegraph, etc., systems.

Vehicles.

Telephone apparatus.

Telegraph lines.

Electrical installations.

Salaries of civilian employees.

schools; supplies, general repairs, reserve supplies, and other expenses connected with the collection and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signaling and accessories thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required; for all expenses, not otherwise provided for, incident to the preparation of plans, and construction, purchase, installation, equipment, maintenance, repair, and operation of aircraft warning service systems, and their accessories, including purchase of lands and rights-of-way, acquisition of leaseholds and other interests therein, and temporary use thereof; and in addition to this appropriation the Secretary may, prior to July 1, 1949, enter into contracts in an amount not in excess of $50,000,000; $153,000,000, of which $5,000,000 is for liquidation of obligations incurred pursuant to authority granted under this head in the Military Appropriation Act, 1948: *Provided*, That the sum of $8,900,000 of the appropriation "Signal Service of the Army", 1942–1946, shall remain available until June 30, 1949, for the payment of obligations incurred under contracts executed thereunder prior to July 1, 1946.

Experimental investigation.

Aircraft warning service systems.

Liquidation of obligations.

61 Stat. 559.

MEDICAL DEPARTMENT

MEDICAL AND HOSPITAL DEPARTMENT

For the manufacture and purchase of medical and hospital supplies for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about military posts in the Canal Zone; operation of the Army Medical Library and Museum under the direct supervision of the Surgeon General; purchase of veterinary supplies and hire of veterinary surgeons; expenses of medical supply depots and maintenance of branch depots; medical care and treatment of patients when entitled thereto by law, regulation, or contract, including their care, treatment, and subsistence in private hospitals, whether on duty or on furlough or on leave of absence except when elective medical treatment has been obtained by such personnel in civilian hospitals or from civilian physicians or dentists; medical care and treatment of authorized personnel of any country whose defense the President deems vital to the defense of the United States when such care and treatment cannot be obtained from medical units of their own country; care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages, not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of patients, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of the Army; pay of internes; pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; pay of other employees of the Medical Department; payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; supply of Army and Navy Hospital

Supplies.

Care and treatment of patients.

Epidemic and contagious diseases.

Nurses, cooks, and other civilians.

Internes.

Civilian physicians.

Army and Navy Hospital, Hot Springs, Ark.

at Hot Springs, Arkansas; advertising, and other necessary miscellaneous expenses of the Medical Department; $75,126,163.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

Equipment, instruments, etc.

Engineer School.

Maps, etc.

Military and training operations.

Railroad construction.

Construction of buildings, etc.

Water systems, etc.

Engineer Service: For the design, development, procurement, manufacture, maintenance, alteration, repair, installation, storage, and issue of engineer equipment, instruments, appliances, supplies, materials, tools and machinery required in the equipment and training of troops and in military operations, including military surveys; operation and maintenance of the Engineer School, including compensation of civilian lecturers, and purchase and binding of scientific and professional books, pamphlets, papers, and periodicals; procurement, preparation, and reproduction of maps and similar data for military purposes; expenses incident to the Engineer Service in military and training operations, including military surveys, and including research and development of improved methods in such operations, rental of storehouses and grounds, and repair and alteration of buildings, including heat, light, power, water, and communication service, not otherwise provided for and expenses of railroad construction, including purchase or lease of equipment and materials, and the acquisition of lands, rights-of-way thereon, and other interests therein and temporary use thereof; $166,000,000, of which $2,000,000 is for liquidation of obligations incurred pursuant to authority granted under this head in the Military Appropriation Act, 1948: *Provided*, That not to exceed $6,422,000 of this appropriation shall be available for construction of buildings, utilities, and facilities: *Provided further*, That not to exceed $250,000 of this appropriation shall be available for the rehabilitation of the water-treatment plant pipe line from Camp Haan, California, to the water distribution system, March Field, California, and for additional maintenance and operation costs of the pumping station, Lake Matthews, California, and the water filtration plant, Camp Haan, California.

Barracks and quarters, Army: For expenses necessary for the maintenance, installation, repair, operation, protection, and rental of buildings, structures, grounds, utilities, flying fields, fortifications, and appurtenances thereto, or other facilities required for military use including the procurement of supplies, equipment, fuel, printing, binding, communication services, at the seat of government and elsewhere; manufacture, procurement, purchase, storage, issue, and transportation (including research, planning, design, development, inspection, tests, and the handling) of water, gas, electricity, fuel, tools, machinery, and equipment; construction of additions and extensions to and alterations, improvements, and rehabilitations of existing facilities; the furnishing of heat and light for buildings erected at private cost, in the operation of the Act approved May 31, 1902 (10 U. S. C. 1346), and buildings on military reservations, authorized by Department of the Army regulations to be used for a similar purpose; and expenses of packing and crating and unpacking and uncrating of equipment, material, supplies, baggage, and goods not otherwise provided for, $263,000,000: *Provided*, That the amounts to be assessed and collected from nonmilitary interests on the Fort Monroe Military Reservation, Virginia, for expenditure in the maintenance, repair, and operation of wharves, roads, sewerage systems, and other utilities at said reservation shall be fixed by the Secretary of the Army during the fiscal year ending June 30, 1949, in proportion to the service rendered to such nonmilitary interests: *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent

32 Stat. 282.

Fort Monroe Military Reservation, Va.

Construction costs, limitation.

nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds $20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed $15;

Stabling.

In all, Engineer Service, Army, $429,000,000, to be accounted for as one fund: *Provided*, That the sum of $20,000,000 of the appropriation Engineer Service, Army, fiscal years 1942–1946, shall remain available until June 30, 1949, for the payment of obligations incurred under contracts executed thereunder prior to July 1, 1946.

Payment of obligations.

Military construction, Army: For construction, installations, and equipment of temporary or permanent public works, military installations and facilities, as authorized by the Act of June 12, 1948 (Public Law 626), without regard to sections 1136 and 3734, Revised Statutes, as amended, including hire of passenger motor vehicles; payment of claims under the Act of July 3, 1943 (31 U. S. C. 223b), and pursuant to section 403 of the Federal Tort Claims Act of August 2, 1946 (28 U. S. C. 921); $76,000,000, to be immediately available and to remain available until expended, including not to exceed $205,000 for the purchase, development, or construction in connection with, land adjacent to the Percy Jones Hospital, Michigan; and in addition, the Secretary of the Army is authorized to enter into contracts for the purposes of this appropriation in an amount not to exceed $75,000,000: *Provided*, That the funds made available in this paragraph by appropriation and contract authorization shall not be subject to section 10 of this Act.

Ante, p. 375.

10 U. S. C. § 1339; 40 U. S. C. §§ 259, 267.

Ante, p. 381.

57 Stat. 372.

60 Stat. 843.

Post, p. 1008.

Percy Jones Hospital, Mich.

Post, p. 669.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material, together with the machinery, supplies, and services necessary thereto; supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting and computing machines, including their exchange, and furniture, tools, and instruments of service; instruction, training, and other incidental expenses of the ordnance service; purchase (for replacement only) and hire of passenger motor vehicles; ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; publications for libraries of the Ordnance Department, including the Ordnance Office: *Provided*, That, notwithstanding the provisions of any other law not more than $25,000,000 of the amounts received by the Department of the Army during the fiscal year 1949 as proceeds from the sale of scrap or salvage material shall be available for expenses of transportation, demilitarization, and other preparation for sale or salvage of military supplies, equipment, and matériel: *Provided further*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Appropriation Committees of the Congress; $610,000,000, of which $2,000,000 is for liquidation of obligations incurred pursuant to authority granted under this head in the Military Appropriation Act, 1948, and in addition to this appropriation the Secretary of the Army may, prior to July 1, 1949, enter into contracts in an amount not in excess of $70,000,000: *Provided*, That the sum of $10,000,000 of the appropriation "Ordnance Service and Supplies, Army", 1942–1946, shall remain available until June 30, 1949, for the payment of obligations incurred under contracts executed thereunder prior to July 1, 1946.

Vehicles.

Publications.

Sale of scrap or salvage material.

Report of receipts and disbursements.

61 Stat. 562.

Payment of obligations.

CHEMICAL CORPS

CHEMICAL SERVICE, ARMY

Chemical agents, etc.

Construction of buildings, etc.

Special gas troops.

Chemical Corps activities.

For purchase, manufacture, and test of chemical agents and toxic substances, incendiary materials and munitions, gas masks, or other offensive or defensive materials or appliances required for chemical purposes, investigations, research, design, experimentation, and operation, purchase of chemicals, special scientific and technical apparatus and instruments, including services connected therewith; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuels, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and computing machines including their exchange, office furniture, tools, and instruments; incidental expenses; civilian employees; libraries of the Chemical Corps; expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in Chemical Corps activities, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges; $26,000,000.

ARMY FIELD FORCES

TRAINING AND OPERATION, ARMY FIELD FORCES

For miscellaneous supplies, material, equipment, personal and other services, tuition and other incidental expenses essential in conducting instruction in Army Field Forces and related activities at Army Field Forces service schools and elsewhere and for operation of Army Field Forces Headquarters, subordinate commands, installations, and boards, not otherwise provided for, $4,000,000.

COMMAND AND GENERAL STAFF COLLEGE

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; expenses of special lectures; and for other necessary expenses of instruction, at the Command and General Staff College, Fort Leavenworth, Kansas; $425,000.

UNITED STATES MILITARY ACADEMY

PAY OF MILITARY ACADEMY

Army officers on detail, pay restriction.

Retired officer as librarian.

10 U. S. C. § 933.

Cadets: For pay of cadets, $2,100,000: *Provided*, That during the fiscal year ending June 30, 1949, no officer of the Army shall be entitled to receive any increase in pay or allowances because of detail or assignment to duty in any capacity at the Military Academy: *Provided further*, That the duties of librarian of the United States Military Academy may be performed by an officer of the Regular Army retired from active service under the provisions of section 1251, Revised Statutes, and detailed on active duty for that purpose.

MAINTENANCE AND OPERATION, UNITED STATES MILITARY ACADEMY

For text and reference books for instruction; increase and expense of library; office equipment and supplies; stationery, blank books, forms, printing and binding; diplomas for graduates; expense of lectures; apparatus, equipment, supplies, and materials for purpose of

instruction and athletics, and maintenance and repair thereof; musical instruments and maintenance of band; care and maintenance of organ; equipment for cadet mess; postage, telephones, and telegrams; freight and expressage; for commutation of rations for cadets in lieu of the regular established ration; for commutation of rations for civilians employed at cadet mess in the same amount as deducted from each civilian's pay for said rations; maintenance of children's school (not exceeding $12,200); contingencies for Superintendent of the Military Academy (not exceeding $5,200) and for the Commandant of Cadets (not exceeding $1,200), to be expended in their respective discretions; expenses of the members of the Board of Visitors (not exceeding $1,500); contingent fund, to be expended under the direction of the Academic Board (not exceeding $1,000); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences); shooting galleries and ranges; cooking, heating, and lighting apparatus and fixtures and operation and maintenance thereof; maintenance of water, sewer, and plumbing systems; maintenance of and repairs to cadet camp; fire-extinguishing apparatus; machinery and tools and repairs of same; policing buildings and grounds; furniture, refrigerators, and lockers for Government-owned buildings at the Academy and repair and maintenance thereof; fuel for heat, light, and power; pay of employees; and other necessary incidental expenses in the discretion of the superintendent; in all, $5,440,000: *Provided*, That not to exceed $3,750 of this amount shall be available to liquidate the indebtedness of cadets separated from the service for any reason during their first year, who at the time of their separation are in debt to the Treasurer of the United States Military Academy.

Contingent fund.

Liquidation of indebtedness of certain cadets.

NATIONAL GUARD

For expenses necessary for equipping, maintaining, operating, and training the National Guard, including expenses of camps, airfields, storage facilities and alterations and additions to present structures, transportation and erection of temporary structures, either on Government-owned or State-owned land, or on land made available by lease or loan from any political subdivision of a State or any individual, corporation, or organization for a period of not less than ten years, construction and maintenance of buildings, structures, rifle ranges, and facilities, the purchase (not to exceed one hundred) and hire of passenger motor vehicles for official use only, and the modification, repair, maintenance and operation of airplanes; transportation of things; personal services at the seat of government or elsewhere (including services of personnel of the National Guard employed as civilians, without regard to their military rank) necessary for the care, maintenance, modification and repair of materials and equipment, for Federal property and custodial accounting work, and for administrative and such other duties as may be required; medical and hospital treatment of members of the National Guard who suffer injury or contract disease in line of duty and other expenses connected therewith as authorized by the Act of June 15, 1936 (10 U. S. C. 455); pay at a rate not less than $2,400 per annum and travel of property and disbursing officers for the United States; attendance of National Guard personnel at military service schools and expenses of enlisted men of the Regular Army on duty with the National Guard, including allowances for quarters and susbsistence; drill pay of the National Guard; travel of personnel of the Regular Army detailed to or on duty with the National Guard, including mileage, transportation of dependents, and transportation, packing, crating and unpacking of household goods and effects; procurement and issue to the National Guard of the several States, Territories and the District of Columbia of military equipment and supplies, as provided by law, including motor-propelled vehicles

Training, etc.

49 Stat. 1507.

Attendance at military service schools.

and airplanes, and repair and modification of such equipment and supplies; $290,000,000, of which $15,000,000 is for liquidation of obligations incurred pursuant to authority granted under this head in the Military Appropriation Act, 1948: *Provided*, That the Secretary of the Army is hereby authorized to issue to the National Guard without charge against this appropriation except for actual expenses incident to such issue, supplies and equipment from surplus or excess supplies or equipment purchased for the Army: *Provided further*, That the number of caretakers authorized to be employed for any one unit, pool, or heavier-than-air squadron under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended, may be such as is deemed necessary by the Secretary of the Army: *Provided further*, That not to exceed $25,500 of this appropriation shall be available for the settlement of claims (not exceeding $500 in any one case) for damages to or loss of private property incident to the operation of camps of instruction, either during the stay of National Guard units in such camps or while en route thereto or therefrom.

61 Stat. 564.
Surplus supplies of Army.

Caretakers.

39 Stat. 205.
32 U. S. C. § 42; Supp. I, § 42 note.
Settlement of claims.

Pay and expenses, restriction.

No appropriation in this Act shall be available for the pay, allowances or traveling expenses of any officer, warrant officer, or enlisted man of the National Guard for periods of active duty, training, drills, instruction or other duty for which he may be entitled to receive compensation pursuant to the provisions of the Act approved March 25, 1948 (Public Law 460, Eighteith Congress), who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances or traveling expenses of any officer, warrant officer or enlisted man of the National Guard who may waive or relinquish said pension, disability allowance, or disability compensation where such disability is of such degree as not to prevent acceptance for active federal duty for the periods of active duty, field training, instruction or other duty, except drill, for which he may be entitled to receive compensation pursuant to the provisions of the Act approved March 25, 1948 (Public Law 460, Eighteith Congress): *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

Ante, p. 87.

Ante, p. 87.

Status of adjutants general.

ORGANIZED RESERVES

Officers' Reserve Corps, etc.

For pay and allowances, not otherwise provided for, of members of the Officers' Reserve Corps (including nurses) and Reserve warrant officers on duty in accordance with law; mileage, actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, and transportation of temporary change of station baggage incurred by officers and enlisted men of the Regular Army and Reserve Officers and Reserve warrant officers traveling on duty in connection with the Organized Reserves and for travel of dependents, and transportation of other effects as authorized by law of such personnel ordered to make a permanent change of station for duty in connection with the Organized Reserves; personal services; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks; transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms; establishment, maintenance, and operation of Organized Reserve headquarters, aviation facilities and camps for training of the Organized Reserves; arms, equipment, supplies, and matériel (not otherwise provided for) required to arm and equip Organized Reserve organizations; miscel-

Enlisted Reserve Corps.

laneous expenses incident to the administration of the Organized Reserves; expenses incident to the use, including upkeep costs, of supplies, equipment, and matériel furnished from stocks under the control of the Department of the Army; medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps who suffer injury or contract disease in line of duty, as provided by the Act of June 15, 1936 (10 U. S. C. 455), and such other purposes in connection therewith as are authorized by the said Act, including pay and allowances, subsistence, transportation, and burial expenses; in all, $125,000,000: *Provided*, That $25,000,000 of this appropriation is made contingent upon the enactment into law by the Eightieth Congress of S. 2655 or similar authorization for the voluntary enlistment of persons between the ages of eighteen and nineteen years.

Medical and hospital treatment.

49 Stat. 1507.

Ante, p. 604.

None of the funds appropriated elsewhere in this Act, except for printing and binding, field exercises, and for pay and allowances of officers and enlisted men of the Army of the United States, and for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, and travel of dependents or reimbursement therefor, as authorized by law, to Reserve officers on extended active duty, shall be used for expenses in connection with the Organized Reserves, but available supplies and existing facilities at military posts shall be utilized to the fullest extent practicable.

Restriction on use of funds.

No appropriation in this Act shall be available for pay, allowances, or traveling expenses of any officer, warrant officer, or enlisted man of the Organized Reserves for periods of active duty, drills, training, instruction, or other duty for which he may be entitled to receive compensation pursuant to the provisions of the Act approved March 25, 1948 (Public Law 460, Eightieth Congress), who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer, warrant officer, or enlisted man of the Organized Reserves who may waive or relinquish said pension, disability allowance, or disability compensation where such disability is of such degree as not to prevent acceptance for active federal duty for the periods of active duty, field training, instruction, or other duty, except drill, for which he may be entitled to receive compensation pursuant to the provisions of the Act approved March 25, 1948 (Public Law 460, Eightieth Congress).

Restriction on pay and expenses.

Ante, p. 87.

Ante, p. 87.

The pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the Department of the Army by that Administration under existing law.

Medical Reserve Corps.
Pay, etc., of certain officers and nurses.

RESERVE OFFICERS' TRAINING CORPS

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of the Army to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of the Army; transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; purchase of training manuals, including

Supplies, etc.

Training camps.

Travel allowance.

Students attending advanced camps.
Senior division of ROTC.
Subsistence.

41 Stat. 778.
Medical and hospital treatment.

10 U. S. C. §§ 451–455d.

41 Stat. 780.
10 U. S. C. § 1182a.

41 Stat. 776.
10 U. S. C. § 381.

Surplus supplies, etc., from Department of the Army.

Price.

Mounted units.

Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps or other places designated by the Secretary of the Army, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel, or to pay commutation in lieu of subsistence at camps at rates fixed by the Secretary of the Army; expenses incident to the use, including upkeep costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the Department of the Army; pay for students attending advanced camps at the rate authorized by law; payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920 (10 U. S. C. 387); medical and hospital treatment of members of the Reserve Officers' Training Corps, who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507); mileage, traveling expenses, or transportation, for transportation of dependents (including dependents of retired officers, warrant officers, and enlisted men of the first three grades, and enlisted men of the first three grades of the Regular Army Reserve, ordered to active duty and upon relief therefrom), and for packing, crating and unpacking, and transportation of baggage (including baggage of retired officers, warrant officers, and enlisted men of the first three grades, and enlisted men of the first three grades of the Regular Army Reserve ordered to active duty and upon relief therefrom) for officers, warrant officers, and enlisted men traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; procurement and issue as provided in section 55c of the Act approved June 4, 1920 (10 U. S. C. 1180), and in section 1225, Revised Statutes, as amended, under such regulations as may be prescribed by the Secretary of the Army, to schools and colleges, other than those provided for in section 40 of the Act above referred to, of such arms, tentage, and equipment, and of ammunition, targets, and target materials, including the transporting of the same, and the overhauling and repair of articles issued as the Secretary of the Army shall deem necessary for proper military training in said schools and colleges; $21,175,000: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or excess stocks of the Department of the Army without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the Department of the Army be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this Act shall be used for the organization or maintenance of a greater number of mounted units in the Reserve Officers' Training Corps than were in existence on January

1, 1928: *Provided further*, That none of the funds appropriated elsewhere in this Act, except for printing and binding and pay and allowances of officers and enlisted men, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Restriction on use of other funds.

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

Promotion of rifle practice: For construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship; and promotion of practice in the use of rifled arms, for arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of the Army; clerical services, including not exceeding $82,000 in the District of Columbia; procurement of materials, supplies, trophies, prizes, badges, services, and such other items as are authorized in section 113, Act of June 3, 1916, and under this head in War Department Appropriation Act of June 7, 1924; conduct of the national matches, including incidental travel of rifle teams and of individuals and of Marine Corps and other detachments required in the operation of the matches and including incidental travel of rifle teams and individuals attending regional, national, and international competitions, including not to exceed $5,000 for Olympic rifle and pistol competitions of the calendar year 1948, and for the purchase of medals and badges for use in National Rifle Association competitions, including those fired as a part of the national matches; mileage at 8 cents per mile for members of the National Board for the Promotion of Rifle Practice when authorized by the Secretary of the Army, any provision of law to the contrary notwithstanding; and maintenance of the National Board for the Promotion of Rifle Practice, including not to exceed $10,500 for incidental expenses in addition to the amount authorized by Act of May 28, 1928; to be expended under the direction of the Secretary of the Army; $175,000: *Provided*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves, who, under regulations prescribed by the Secretary of the Army, volunteer to participate without pay as competitors or range officers in the national matches to be held during the fiscal year 1949, may attend such matches without pay, notwithstanding any provision of law to the contrary, but shall be entitled to travel and subsistence allowances at the same rates as are provided for civilians who attend and participate in said matches, but this proviso shall not operate to prohibit the pay of such competitors or range officers, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1949", nor shall any provision in this Act operate to deprive a Reserve officer ordered to active duty incident to the national matches of pay for the full period of such active duty, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1949": *Provided further*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves may be ordered to duty, with their consent, for the care, maintenance, and operation of the ranges used in the conduct of the national matches, and such officers, warrant officers, and enlisted men while so engaged shall be entitled to the same pay, subsistence, and transportation as officers, warrant officers, and enlisted men of corresponding grades of the Regular Army are entitled by law, which expense shall be provided by the appropriation "Promotion of rifle practice"; and after being duly mustered may be paid for the period from the date of leaving home rendezvous to date of return thereto as determined in advance, both dates inclusive.

Supplies, etc.

39 Stat. 211; 43 Stat. 510.
32 U. S. C. §§ 183, 186, 181.
National matches.

Olympic rifle and pistol competitions.

Mileage for Board members.

Maintenance of Board.

45 Stat. 786.
32 U. S. C. § 181c.
Volunteer competitors or range officers.

Travel and subsistence allowances.

Care, etc., of ranges.

DEPARTMENTAL SALARIES AND EXPENSES

SALARIES, DEPARTMENT OF THE ARMY

For compensation for personal services in the Department of the Army proper, as follows:

Office of Secretary of the Army: Secretary of the Army, Under Secretary of the Army, Assistant Secretaries of the Army, and other personal services, $564,000;

Office of Chief of Staff, $394,000;

Adjutant General's Office, $2,088,000;

Office of the Inspector General, $33,000;

Office of the Judge Advocate General, $134,000;

Office of the Chief of Finance, $609,000;

Office of the Quartermaster General, $831,000;

Office of the Chief Signal Officer, $371,000;

Office of the Surgeon General, $393,000;

Office of Chief of Engineers, $531,000;

Office of Chief of Ordnance, $883,000;

Office of Chief, Chemical Corps, $83,000;

Office of Chief of Chaplains, $7,000;

National Guard Bureau, $104,000;

In all, salaries, Department of the Army, $7,025,000.

Employment of additional personnel.

The Secretary of the Army is authorized to employ additional personnel at the seat of government and to provide out of any appropriations available for the Department of the Army for their salaries, but the amount so used for personal services at the seat of government, other than for field-service employees and employees of other agencies paid from funds transferred thereto from appropriations contained in this Act, shall not exceed $39,000,000; and the net amount so used for field-service employees shall not exceed $628,500,000: *Provided*, That $674,525,000 of such appropriations herein authorized for personal services shall not be applied to other use: *Provided further*, That the Secretary of the Army is authorized to utilize Army employees engaged in carrying on military functions as a whole and to transfer funds for their pay from any appropriation to the appropriation normally charged therewith, whenever required in the interest of efficiency and economy: *Provided further*, That these limitations shall not apply to personnel required (1) in connection with research and development; (2) in manufacturing activities; (3) to overhaul, rebuild, modify, demilitarize and renovate matériel and ammunition; (4) to rehabilitate facilities; (5) to provide transport of personnel and supplies of the armed forces; (6) to perform necessary work in cases where satisfactory bids cannot be obtained from competent contractors or to the use of funds for (a) water transportation of personnel and supplies, or (b) laundry services; and (7) in connection with construction activities.

Restriction on use of funds.

CONTINGENT EXPENSES, DEPARTMENT OF THE ARMY

For miscellaneous expenses at the seat of government, including the purchase of two passenger automobiles at not to exceed $3,000 each, $2,300,000.

PRINTING AND BINDING, DEPARTMENT OF THE ARMY

For printing and binding, except such as may be otherwise provided for in accordance with law, $8,000,000.

GENERAL PROVISIONS—MILITARY FUNCTIONS, DEPARTMENT OF THE ARMY

SEC. 1. The foregoing appropriations for "Quartermaster Service, Army", "Signal Service of the Army", "Department of the Air Force", "Medical and Hospital Department", "Engineer Service, Army",

Ante, pp. 653, 656, 648, 657, 658.

"Ordnance Service and Supplies", and "Chemical Service, Army" shall each be available for the pay and allowances, including travel allowances, of such Reserve officers as the President may, with their consent, order to active duty for such periods, not in excess of two years, as their service may be required in the procurement or production of equipment therein appropriated for, or on duty pertaining to aviation.

Ante, pp. 659, 660.

Pay and allowances of Reserve officers on active duty.

SEC. 2. Appropriations for the Department of the Army for the fiscal year 1949 shall be available for carrying out the purposes of Executive Order 9112 of March 26, 1942; for such printing and binding, communication and other services and supplies as may be necessary to carry out the purposes of the Act; for expenses in connection with the administration by the Army of occupied areas; for expenses of conducting investigations in foreign countries incident to matters relating strictly to the Department of the Army, without regard to section 3648, Revised Statutes, including such compensation, expenses, and allowances of witnesses, cost of procuring and transcribing evidence, documents, and testimony, and other miscellaneous and incidental expenses as may be determined by the investigating officer to be necessary and in accord with local custom; for carrying into effect the provisions of the Act entitled "An Act to govern distribution of war trophies and devices", approved July 16, 1946 (5 U. S. C. 207a–i); for actual and necessary expenses or per diem in lieu thereof authorized by section 12 of the Pay Readjustment Act of 1942, as amended; for per diem allowances authorized by section 4 of the Act approved August 2, 1946 (Public Law 600); for providing primary and secondary schooling for dependents of military and civilian personnel residing on military installations in amounts not exceeding $120 per child when the Secretary of the Army finds that the schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; and for health programs authorized by law (5 U. S. C. 150).

Financing war contracts, etc.

50 U. S. C. app. § 611 note.

31 U. S. C. § 529.

60 Stat. 535.

56 Stat. 364.
37 U. S. C. § 112.

60 Stat. 808.
5 U. S. C. § 823 note.

60 Stat. 903.

SEC. 3. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience under such regulations as the Secretary of the Army may prescribe, to such personnel as are now or may be hereafter authorized by law and regulation to purchase subsistence stores or other Quartermaster supplies and to civilians employed or serving at military posts in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section: *Provided further*, That at posts isolated from a convenient market the Secretary of the Army may broaden the nature of the articles to be sold.

Post exchanges, etc.

Certification on monthly reports.

Isolated posts.

SEC. 4. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned

Canal Zone.
Citizenship requirement.

Employment of Panamanian citizens.
48 U. S. C. § 1307 note.

Limitation on number.

positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section in time of war or national emergency if he should deem such course to be in the public interest: *Provided further*, That the President may, if he finds it necessary because of a shortage of housing, suspend, for the fiscal year 1949, the application of those portions of this section which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive or supervisory positions.

Employees with 15 years of service.

Selection of personnel.

Hours of employment; pay rates.

Applicability of section.

Wartime or emergency suspension.

Suspension because of housing shortage.

Instruction, etc., of civilian employees.

SEC. 5. Appropriations for the Department of the Army for the fiscal year 1949 shall be available for all necessary expenses in connection with the instruction and training, including tuition, not otherwise provided for, of civilian employees in and under the Department of the Army.

Temporary services by contract.

SEC. 6. Whenever, during the fiscal year ending June 30, 1949, the Secretary of the Army should deem it to be advantageous to the national defense, and if in his opinion the existing facilities of the Department of the Army are inadequate, he is hereby authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), which supersedes the provisions of section 5 of the Act of April 6, 1914 (5 U. S. C. 55), at rates not in excess of $50 per day for individuals, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment.

60 Stat. 810.
38 Stat. 335.

Advances of public moneys.

SEC. 7. Section 3648, Revised Statutes (31 U. S. C. 529), shall not apply to payments made from appropriations contained in this Act in compliance with the laws of foreign countries or their ministerial regulations, to payments for rent in such countries for such periods as may be necessary to accord with local custom, or to payments made for tuition.

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 8. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to

Affidavit.

the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Penalty.

SEC. 9. No part of any money appropriated herein or included under any contract authority herein granted shall be expended for the payment of any commission on any land purchase contract in excess of 2 per centum of the purchase price.

Commissions on land purchase contracts.

SEC. 10. No part of any appropriation contained in this Act may be obligated for the construction of quarters, including heating and plumbing apparatus, wiring and fixtures, in continental United States, except in Alaska, for greater amounts per unit than follow:

Construction of quarters, limitation.

Permanent construction:

For commissioned officer, $10,000.

For commissioned warrant or warrant officer, $7,500.

For enlisted man, $6,000.

Temporary construction:

For commissioned officer, $7,500.

For commissioned warrant or warrant officer, $5,000.

For enlisted man, $3,500.

SEC. 11. The Secretary of the Army is authorized to utilize any appropriation available for the Department of the Army, under such regulations as he may prescribe, for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army custody whose status is determined by the Secretary of the Army to be similar to prisoners of war, and persons detained in Army custody pursuant to Presidential proclamation.

Maintenance of prisoners of war, etc.

SEC. 12. The appropriations contained in this Act which are available for the procurement or manufacture of munitions of war of special or technical design may be used for the development and procurement of gages, dies, jigs, and other special aids and appliances, production studies, factory plans, and other production data, including specifications and detailed drawings, in accordance with the provisions of sections 120 and 123 of the National Defense Act, as amended. Such appropriations may also be used for the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Gages, dies, jigs, etc.

39 Stat. 213, 215.
50 U. S. C. §§ 80, 78; Supp. I, § 80 note.

SEC. 13. None of the moneys appropriated by this or any other Act shall be available to the Department of the Army for audit work for the purpose of reconciling family allowance pay-roll deductions made by disbursing officers in the field with family allowance payments to dependents of military personnel under the provisions of the Servicemen's Dependents Allowance Act of 1942.

Family allowance, audit work.

56 Stat. 381.
57 U. S. C. §§ 201–221; 50 U. S. C. app. §§ 305, 315.

SEC. 14. During the fiscal year 1949, paid occupancy of the hotel on the grounds of the United States Military Academy on a rental

Allowance for rental of quarters.

56 Stat. 359. 37 U. S. C. §§ 101–120; Supp. I, § 101b *et seq.* *Ante*, p. 88.

basis by personnel of the services mentioned in the title of the Pay Readjustment Act of 1942 or by their dependents shall not deprive such personnel of money allowances for rental of quarters.

5 U. S. C. § 947; Supp. I, § 947 note.

SEC. 15. The limitation imposed by section 14 of the Act of May 24, 1946 (60 Stat. 219), with respect to Department of the Army personnel, shall not apply to the Department of the Army with respect to employment of and payment to personnel engaged on orders and work received from and financed by the Navy Department or other Federal agencies if such personnel is charged to a ceiling determination for another agency under 607 (g) (1) of the Federal Employees Pay Act of 1945, as amended, or the National Guard, and Organized Reserves of the Army or to employee personnel engaged in demilitarization of ammunition and matériel.

60 Stat. 219. 5 U. S. C. § 947 (g) (1).

SEC. 16. Provisions of this Act granting authority to the Department of the Army or the Secretary of the Army, or referring to military or civilian personnel of the Department of the Army, shall be applicable to the Department of the Air Force, the Secretary of the Air Force, and military or civilian personnel of the Department of the Air Force with respect to funds allocated or otherwise made available to or for the Department of the Air Force or personnel thereof: *Provided*, That amounts transferred to the Department of the Air Force under section 306 of the National Security Act of 1947 (Public Law 253, approved July 26, 1947), shall be available for personal services at the seat of government without regard to the availability of such funds for that purpose under applicable provisions and restrictions of this Act.

Transfer of funds.

61 Stat. 509. 5 U. S. C., Supp. I, § 626d.

SEC. 17. Funds appropriated for the agencies of the National Military Establishment for the fiscal year 1949 shall be available, contingent upon the enactment into law by the Eightieth Congress of S. 2655 or similar authorization for the voluntary enlistment of persons between the ages of eighteen and nineteen years, and subject to the approval of the Director of the Bureau of the Budget, for all expenses necessary for and incident to the recruitment and service of such persons, pending and in anticipation of a supplemental appropriation by the Congress to provide funds for such expenses.

Ante, p. 604.

Short title.

SEC. 18. This Act may be cited as the "Military Functions Appropriation Act, 1949".

Approved June 24, 1948.

[CHAPTER 633]

June 24, 1948 [H. R. 6822] [Public Law 767]

AN ACT

To continue the authorization for the appointment of two additional Assistant Secretaries of State.

5 U. S. C. § 152 note; Supp. I, § 152 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 8, 1944 (58 Stat. 798), is hereby amended by deleting the words "not to exceed two years" and inserting in lieu thereof, the words "not to exceed three years".

Approved June 24, 1948.

[CHAPTER 636]

June 25, 1948 [H. R. 6641] [Public Law 768]

AN ACT

To amend the Civil Service Retirement Act of May 29, 1930, to provide annuities for certain surviving spouses of annuitants retired prior to April 1, 1948.

Ante, p. 52.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended

by inserting after the first sentence thereof a new sentence as follows: "Any such annuitant who died during the period beginning on February 29, 1948, and ending on April 30, 1948, leaving a surviving wife or husband, shall be deemed to have made the election authorized in the foregoing proviso and to have named such wife or husband to receive an annuity as provided in such proviso, but no such annuity shall become due or payable to such wife or husband prior to April 1, 1948."

Annuity for certain surviving spouses.

Approved June 25, 1948.

[CHAPTER 637]

JOINT RESOLUTION

Permitting the free entry of certain articles imported to promote international good will, and for other purposes.

June 25, 1948
[H. J. Res. 433]
[Public Law 769]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any articles, including approximately forty-eight railroad cars and incidental equipment, certified by the Secretary of State as being donated in promotion of international good will by the people or Government of the Republic of France for sale for charitable purposes in the United States or for presentation, in the case of the railroad equipment, to noncommercial organizations in the United States may be entered, or withdrawn from warehouse, for consumption free of customs duties, fees, or charges, internal-revenue taxes, and marking or other import requirements or restrictions.

Free imports.

SEC. 2. This Act shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after the date of its enactment and prior to the close of December 31, 1948.

Effective date.

Approved June 25, 1948.

[CHAPTER 643]

AN ACT

To ratify and confirm amendments to certain contracts for the furnishing of petroleum products to the United States.

June 25, 1948
[H. R. 4659]
[Public Law 770]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That contract amendments relating to prices to be paid for petroleum products entered into by any department, agency, or establishment of the executive branch of the Government, in the calendar year 1946 following the removal of price controls on petroleum products, are hereby ratified and confirmed; and such amendments shall be treated as valid in the determination and adjustment of claims by or against the United States under such contracts.

Petroleum products. Validation of certain contract amendments.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow credit in the settlement of accounts of accountable officers of the Government of the United States covering payments made under contract amendments which are, and to the extent that such payments are, ratified and confirmed by section 1 hereof.

Credit in accounts.

SEC. 3. Amounts which have been refunded or collected by set-off, or otherwise, from contractors on account of payments made under contract amendments herein ratified and confirmed, are authorized to be repaid to said contractors upon presentation of a claim therefor to the General Accounting Office.

Repayment of amounts to certain contractors.

Approved June 25, 1948.

[CHAPTER 644]

AN ACT

June 25, 1948
[H. R. 6412]
[Public Law 771]

To codify and enact into law Title 3 of the United States Code, entitled "The President".

Title 3, U. S. Code. Codification and enactment into positive law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 3 of the United States Code, entitled "The President", is codified and enacted into positive law and may be cited as "3 U. S. C., § ——", as follows:

TITLE 3—THE PRESIDENT

Chap.		Sec.
1.	PRESIDENTIAL ELECTIONS AND VACANCIES	1
2.	OFFICE AND COMPENSATION OF PRESIDENT	101
3.	PROTECTION OF THE PRESIDENT; THE WHITE HOUSE POLICE	201

Infra.
Post, p. 678.
Post, p. 679.

CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES

Sec.
1. Time of appointing electors.
2. Failure to make choice on prescribed day.
3. Number of electors.
4. Vacancies in electoral college.
5. Determination of controversy as to appointment of electors.
6. Credentials of electors; transmission to Secretary of State and to Congress; public inspection.
7. Meeting and vote of electors.
8. Manner of voting.
9. Certificates of votes for President and Vice President.
10. Sealing and endorsing certificates.
11. Disposition of certificates.
12. Failure of certificates of electors to reach President of Senate or Secretary of State; demand on State for certificate.
13. Same; demand on district judge for certificate.
14. Forfeiture for messenger's neglect of duty.
15. Counting electoral votes in Congress.
16. Same; seats for officers and Members of two Houses in joint meeting.
17. Same; limit of debate in each House.
18. Same; parliamentary procedure at joint meeting.
19. Vacancy in offices of both President and Vice President; officers elegible to act.
20. Resignation or refusal of office.

CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES

TIME OF APPOINTING ELECTORS

§ 1. The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

FAILURE TO MAKE CHOICE ON PRESCRIBED DAY

§ 2. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

NUMBER OF ELECTORS

§ 3. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors,

the number of electors shall be according to the then existing apportionment of Senators and Representatives.

VACANCIES IN ELECTORAL COLLEGE

§ 4. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

DETERMINATION OF CONTROVERSY AS TO APPOINTMENT OF ELECTORS

§ 5. If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

CREDENTIALS OF ELECTORS; TRANSMISSION TO SECRETARY OF STATE AND TO CONGRESS; PUBLIC INSPECTION

§ 6. It shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same *Infra.* certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

MEETING AND VOTE OF ELECTORS

§ 7. The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.

MANNER OF VOTING

§ 8. The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.

CERTIFICATES OF VOTES FOR PRESIDENT AND VICE PRESIDENT

§ 9. The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

SEALING AND ENDORSING CERTIFICATES

§ 10. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein.

DISPOSITION OF CERTIFICATES

§ 11. The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

FAILURE OF CERTIFICATES OF ELECTORS TO REACH PRESIDENT OF SENATE OR SECRETARY OF STATE; DEMAND ON STATE FOR CERTIFICATE

§ 12. When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Secretary of State by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

Supra.

SAME; DEMAND ON DISTRICT JUDGE FOR CERTIFICATE

§ 13. When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held,

the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

FORFEITURE FOR MESSENGER'S NEGLECT OF DUTY

§ 14. Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of $1,000.

COUNTING ELECTORAL VOTES IN CONGRESS

§ 15. Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such obections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the

Objections.

Ante, p. 673.

Ante, p. 673.

State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

Ante, p. 673.

SAME; SEATS FOR OFFICERS AND MEMBERS OF TWO HOUSES IN JOINT MEETING

§ 16. At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

SAME; LIMIT OF DEBATE IN EACH HOUSE

§ 17. When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SAME; PARLIAMENTARY PROCEDURE AT JOINT MEETING

§ 18. While the two Houses shall be in meeting as provided in this subchapter, the President of the Senate shall have power to pre-

serve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

VACANCY IN OFFICES OF BOTH PRESIDENT AND VICE PRESIDENT; OFFICERS ELIGIBLE TO ACT

Speaker of House of Representatives.

§ 19. (a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

President pro tempore of Senate.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

Specified officers of United States.

(d) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

RESIGNATION OR REFUSAL OF OFFICE

§ 20. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

CHAPTER 2—OFFICE AND COMPENSATION OF PRESIDENT

Sec.
101. Commencement of term of office.
102. Salary.
103. Traveling expenses.
104. Salary of the Vice President.
105. Secretary to President; compensation.
106. Administrative assistants.
107. Detail of employees of executive departments to office of President.
108. Accommodations for vehicles.
109. Public property in and belonging to Executive Mansion.
110. Furniture for White House.

COMMENCEMENT OF TERM OF OFFICE

§ 101. The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the 20th day of January next succeeding the day on which the votes of the electors have been given.

SALARY

§ 102. The President shall receive in full for his services during the term for which he shall have been elected the sum of $75,000 a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion.

TRAVELING EXPENSES

§ 103. There may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding $40,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

SALARY OF THE VICE PRESIDENT

§ 104. The Vice President shall receive in full for his services during the term for which he shall have been elected the sum of $20,000 a year, to be paid monthly.

SECRETARY TO THE PRESIDENT; COMPENSATION

§ 105. The compensation for the position of Secretary to the President shall be at the rate of $10,000 per annum.

ADMINISTRATIVE ASSISTANTS

§ 106. The President is authorized to appoint not to exceed six administrative assistants and to fix the compensation of each at the

rate of not more than $10,000 per annum. Each such administrative assistant shall perform such duties as the President may prescribe.

DETAIL OF EMPLOYEES OF EXECUTIVE DEPARTMENTS TO OFFICE OF PRESIDENT

§ 107. Employees of the executive departments and independent establishments of the executive branch of the Government may be detailed from time to time to the White House Office for temporary assistance.

ACCOMMODATIONS FOR VEHICLES

§ 108. The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department.

PUBLIC PROPERTY IN AND BELONGING TO EXECUTIVE MANSION

§ 109. The steward, housekeeper, or such other employee of the Executive Mansion as the President may designate, shall under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and public property therein, and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of $10,000, and to be approved by the Director of the National Park Service. A complete inventory, in proper books, shall be made annually in the month of June, under the direction of the Director of the National Park Service, of all the public property in and belonging to the Executive Mansion, showing when purchased, its cost, condition, and final disposition. This inventory shall be submitted to the President for his approval, and shall then be kept for reference in the office of the Director of the National Park Service, which shall furnish a copy thereof to the steward, housekeeper, or other employee responsible for the property.

FURNITURE FOR WHITE HOUSE

§ 110. All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture. With a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design, the Director of the National Park Service is authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House, all such articles thus donated to become the property of the United States and to be accounted for as such. The said Director of the National Park Service is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance.

CHAPTER 3—PROTECTION OF THE PRESIDENT; THE WHITE HOUSE POLICE

Sec.

201. Protection of President and family authorized.
202. White House Police; establishment, control, and supervision; privileges, powers, and duties.

203. Personnel; appointment; vacancies.
204. Grades, salaries, and transfers of appointees.
205. Appointment in accordance with civil-service laws.
206. Privileges of civil-service appointees.
207. Participation in police and firemen's relief fund.
208. Appropriation to carry out provisions.

PROTECTION OF PRESIDENT AND FAMILY AUTHORIZED

§ 201. The protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States is authorized.

WHITE HOUSE POLICE; ESTABLISHMENT, CONTROL, AND SUPERVISION; PRIVILEGES, POWERS, AND DUTIES

§ 202. There is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the "White House Police". Such force shall be under the control and direct supervision of the Chief of the Secret Service Division. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan Police of the District of Columbia, and such additional privileges and duties as the Chief of the Secret Service Division may prescribe.

PERSONNEL, APPOINTMENT, AND VACANCIES

§ 203. (a) The White House Police force shall consist of such number of officers, with grades corresponding to similar officers of the Metropolitan Police force, of such number of privates, with grade corresponding to that of private of the highest grade in the Metropolitan Police force, as may be necessary, but not exceeding one hundred and ten in number. Members of the White House Police shall be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner.

(b) Any vacancy in the Metropolitan Police force or in the United States Park Police force caused by appointments to the White House Police force shall be filled in the manner provided by law.

GRADES, SALARIES, AND TRANSFERS OF APPOINTEES

§ 204. (a) No person shall be appointed a member of the White House Police force at a grade lower than the grade held by him as a member of the Metropolitan Police force or of the United States Park Police force at the time of his appointment.

(b) A member of the White House Police force shall receive a salary at the rate provided for the corresponding grade in the Metropolitan Police force, and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished the United States Park Police, and he shall be entitled to the same leave allowances as a member of the United States Park Police force.

(c) Any member of the White House Police force appointed thereto from the Metropolitan Police force or the United States Park Police force may be transferred to the organization of which he was a member at the time of such appointment.

APPOINTMENT IN ACCORDANCE WITH CIVIL-SERVICE LAWS

§ 205. In addition to appointment from members of the Metropolitan Police force and the United States Park Police force, as provided

in section 203 (a) of this title, members of the White House Police force may be appointed, and vacancies in such force filled, in accordance with the provisions of the civil-service laws and the regulations issued pursuant thereto. *Ante*, p. 680.

PRIVILEGES OF CIVIL-SERVICE APPOINTEES

§ 206. Members appointed pursuant to section 205 of this title shall be entitled to the same privileges as to salary, grade, uniforms, equipment, transfer, leave, relief funds, retirement, and refunds as members appointed from the Metropolitan Police force and the United States Park Police force.

PARTICIPATION IN POLICE AND FIREMEN'S RELIEF FUND

§ 207. (a) For the purposes of retirement under section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, approved September 1, 1916, as amended, service with the United States Park Police force shall be deemed service with the White House Police force. 39 Stat. 718. D. C. Code § 4-501 *et seq.*

(b) Any member of the Metropolitan Police force appointed to the White House Police force shall continue to be subject to the provisions of section 12 of such Act, and appointment of such member to the White House Police force or transfer of such member to his former organization shall not affect any right, privilege, or duty of such member under the provisions of such section of such Act.

APPROPRIATION TO CARRY OUT PROVISIONS

§ 208. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 202–204, 207, and 208 of this title. *Ante*, p. 680; *supra*.

SEC. 2. The provisions of title 3, "The President", set out in section 1 of this Act, shall be construed as a continuation of existing law and no loss of rights, interruption of jurisdiction, nor prejudice to matters pending on the effective date of this Act shall result from its enactment.

SEC. 3. The sections or parts thereof of the Revised Statutes or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal. Repeals.

Revised Statutes	U. S. Code		Revised Statutes	U. S. Code	
	Title	Section		Title	Section
Section:			Section—Continued		
131 [1]	3	1.	144	3	15, note.
132	3	2.	145	3	16.
133	3	3.	151	3	23.
134	3	4.	152	3	41.
137	3	8.	153	3	42.
138	3	9, note.	154	3	44.
139	3	10.	1829	3	49.
140	3	11, note.	1832 [2]	3	50, note.
141	3	13, note.	1833 [3]	3	51, note.
143	3	14, note.			

[1] All provisions not heretofore affected or modified by Act Jan. 19, 1886, ch. 4, sec. 3, 24 Stat. 2.
[2] Only the words, "the President's House," appearing in this section.
[3] Only the word, "Extension" following the words, "Architect of the Capitol;" and the words, "and the President's House," appearing in this section.

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1887—Feb. 3	90	1, 2, 3, 4, 5, 6, 7	24	373-375	3	5 note, 6, 7 note, 17-20.
1888—Oct. 19	1216	1, 2	25	613	3	11 note, 12 note, 13 note.
1906—June 23	3523		34	454	3	43.
1907—Feb. 26	1635	[4]	34	993	3	44.
1909—Mar. 4	297	1	35	[5] 859	3	42.
1910—June 25	384	9	36	773	3	48.
1911—Mar. 4	285	1	36	[6] 1404	3	47.
1913—June 23	3	1	38	[7] 23	3	53.
1922—June 12	218		42	[8] 636	3	46.
Sept. 14	308	1, 2, 3, 4, 5, 6, 7	42	841-843	3	61-65, 66 note, 67.
1923—Feb. 13	72		42	[9] 1227	3	46.
1924—June 7	292	1	43	[8] 521	3	46.
1925—Feb. 28	377	1, 2	43	1091	3	49.
1925—Mar. 3	468	1	43	[9] 1198, 1199	3	46.
Mar. 4	549	4	43	[10] 1301	3	44.
1926—Apr. 22	171	1	44	[11] 305	3	45.
Apr. 22	171	1	44	[8] 305	3	46.
1927—Feb. 11	104	1	44	[9] 1069	3	46.
1928—May 16	580	1	45	[8] 573	3	46.
May 29	859	1, 2, 3, 4, 5, 6	45	945-947	3	5a, 7a, 9a, 11a, 11b, 11c.
1929—Feb. 20	270	1	45	[9] 1230	3	46.
1930—Apr. 19	201	1	46	[8] 229	3	46.
May 14	277	1, 2, 3, 4	46	328, 329	3	61-63, 67.
1931—Feb. 23	281	1	46	[9] 1355	3	46.
1932—June 30	330	1	47	[8] 452	3	46.
1933—June 16	101	1	48	[8] 284	3	46.
1934—Mar. 28	102	1	48	[8] 509	3	46.
June 5	390	1, 6, 7	48	879	3	5a, 11b, 11c, 17, 41.
1935—Feb. 2	3	1	49	[8] 6	3	46.
May 28	154		49	304	3	62.
1936—Mar. 19	156	1	49	[9] 1168	3	46.
1937—June 28	396	1	50	[8] 330	3	46.
1938—May 23	259	1	52	[8] 411	3	46.
1939—Mar. 16	11	1	53	[8] 524	3	46.
Apr. 3	36	301	53	565	3	45a.
1940—Apr. 8	107	1	54	[12] 112	3	46.
Apr. 22	133		54	156	3	62.
1941—Apr. 5	40	1	55	[13] 93	3	46.
1942—June 27	450	1	56	[13] 392	3	46.
Oct. 9	582	1, 2	56	778	3	62a, 62 b.
1943—June 26	145	101	57	[13] 169	3	46.
1944—June 27	286	101	58	[13] 361	3	46.
1945—May 3	106	101	59	[13] 106	3	46.
1946—Mar. 28	113	101	60	[13] 61	3	46.
Aug. 2	744	17 (c)	60	811	3	43.
Aug. 2	753	[14] 601 (a)	60	850	3	44.
1947—June 9	102		61	132	3	62.
July 18	264	1 (a-f)	61	380, 381	3	24.
July 26	343	311	61	509	3	24.
July 30	359	101	61	[13] 585	3	46.

[4] Only the words, "the Vice President of the United States", appearing in this section.
[5] Only the words, "and after the third of March, nineteen hundred and nine, the compensation of the President of the United States shall be seventy-five thousand dollars per annum", in the eighth full paragraph appearing on this page.
[6] Only the following paragraph appearing on this page: "The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department."
[7] Only the words, "which protection is hereafter authorized," in the first paragraph appearing on this page.
[8] Only the proviso in the first paragraph under the heading, "Office Of The President", appearing on this page.
[9] Only the proviso in the first paragraph under the heading, "Office Of The President", on page 1198, said proviso commencing on page 1198, and ending on page 1199.
[10] Only the quoted words, "the Vice President of the United States,", appearing in the provisions amending Act Feb. 26, 1907, ch. 1635, sec. 4, 34 Stat. 993.
[11] Only the following words: "and on and after July 1, 1926, the compensation for such position shall be at the rate of $10,000 per annum", in the first paragraph under the heading, "office of the President", appearing on this page.
[12] Only the proviso in the first paragraph under the heading, "The White House Office", appearing on this page.
[13] Only the second proviso in the paragraph under the heading, "The White House Office", said proviso appearing on this page.
[14] Only the words, "and the Vice President of the United States", appearing in subsection (a) of section 601.

Approved June 25, 1948.

[CHAPTER 645]

AN ACT

To revise, codify, and enact into positive law, Title 18 of the United States Code, entitled "Crimes and Criminal Procedure".

June 25, 1948
[H. R. 3190]
[Public Law 772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 18 of the United States Code, entitled "Crimes and Criminal Procedure", is hereby revised, codified, and enacted into positive law, and may be cited as "Title 18, U. S. C., § ——", as follows:

Title 18, U. S. Code. Codification and enactment into positive law.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

Part		Sec.	
I.	CRIMES	1	*Infra.*
II.	CRIMINAL PROCEDURE	3001	*Post*, p. 813.
III.	PRISONS AND PRISONERS	4001	*Post*, p. 847.
IV.	CORRECTION OF YOUTHFUL OFFENDERS	5001	*Post*, p. 856.

PART I—CRIMES

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11.	Bribery and graft	201
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CHAPTER 1—GENERAL PROVISIONS

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1. Offenses classified.
2. Principals.
3. Accessory after the fact.
4. Misprision of felony.
5. United States defined.
6. Department and agency defined.
7. Special maritime and territorial jurisdiction of the United States defined.
8. Obligation or other security of the United States defined.
9. Vessel of the United States defined.
10. Interstate commerce and foreign commerce defined.
11. Foreign government defined.
12. Postal Service defined.
13. Laws of States adopted for areas within Federal jurisdiction.
14. Applicability to Canal Zone.

§ 1. OFFENSES CLASSIFIED

Notwithstanding any Act of Congress to the contrary:

(1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.

(2) Any other offense is a misdemeanor.

(3) Any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months or a fine of not more than $500, or both, is a petty offense.

§ 2. PRINCIPALS

(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

(b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such.

§ 3. ACCESSORY AFTER THE FACT

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years.

§ 4. MISPRISION OF FELONY

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than $500 or imprisoned not more than three years, or both.

§ 5. UNITED STATES DEFINED

The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

§ 6. DEPARTMENT AND AGENCY DEFINED

As used in this title:

The term "department" means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

§ 7. SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES DEFINED

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

§ 8. OBLIGATION OR OTHER SECURITY OF THE UNITED STATES DEFINED

The term "obligation or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps.

§ 9. VESSEL OF THE UNITED STATES DEFINED

The term "vessel of the United States", as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

§ 10. INTERSTATE COMMERCE AND FOREIGN COMMERCE DEFINED

The term "interstate commerce", as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term "foreign commerce", as used in this title, includes commerce with a foreign country.

§ 11. FOREIGN GOVERNMENT DEFINED

The term "foreign government", as used in this title, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

§ 12. POSTAL SERVICE DEFINED

The term "Postal Service", as used in this title, includes the "Post Office Department" and every employee thereof, whether or not he has taken the oath of office.

§ 13. LAWS OF STATES ADOPTED FOR AREAS WITHIN FEDERAL JURISDICTION

Ante, p. 685.

Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

§ 14. APPLICABILITY TO CANAL ZONE

In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title shall likewise apply to and within the Canal Zone: 6, 8, 11, 331, 371, 472, 474, 478, 479, 480, 481, 482, 483, 485, 488, 489, 490, 499, 502, 506, 594, 595, 598, 600, 601, 604, 605, 608, 611, 612, 703, 756, 791, 792, 793, 794, 795, 796, 797, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1017, 1073, 1301, 1364, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1914, 2151, 2152, 2153, 2154, 2155, 2156, 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2384, 2385, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3059, 3105, 3109.

CHAPTER 3.—ANIMALS, BIRDS AND FISH

Sec.

41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
42. Importation of injurious animals and birds; permits; specimens for museums.
43. Transportation or importation in violation of state, national, or foreign laws.
44. Marking packages or containers.
45. Capturing or killing carrier pigeons.

§ 41. HUNTING, FISHING, TRAPPING; DISTURBANCE OR INJURY ON WILDLIFE REFUGES

Whoever, except in compliance with rules and regulations promulgated by authority of law, hunts, traps, captures, willfully disturbs or kills any bird, fish, or wild animal of any kind whatever, or takes or destroys the eggs or nest of any such bird or fish, on any lands or waters which are set apart or reserved as sanctuaries, refuges or breeding grounds for such birds, fish, or animals under any law of the United States or willfully injures, molests, or destroys any property of the United States on any such lands or waters, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 42. IMPORTATION OF INJURIOUS ANIMALS AND BIRDS; PERMITS; SPECIMENS FOR MUSEUMS

(a) The importation into the United States of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of the Interior may declare to be injurious to the interests of agriculture or horticulture, is prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner.

No person shall import into the United States any foreign wild animal or bird, except under special permit from the Secretary of the Interior.

Natural-history specimens, cage birds, etc.

This section shall not restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of the Interior may designate.

The Secretary of the Treasury may issue regulations to effectuate this section.

(b) Whoever violates this section shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 43. TRANSPORTATION OR IMPORTATION IN VIOLATION OF STATE, NATIONAL, OR FOREIGN LAWS

Whoever delivers or knowingly receives for shipment, transportation, or carriage in interstate or foreign commerce, any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country, or captured, killed, taken, purchased, sold, or possessed contrary to any Act of Congress, or the law of any State, Territory, Possession, or foreign country, or subdivision thereof; or

Whoever transports, brings, or conveys from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of such foreign country or subdivision thereof; or

Whoever knowingly purchases or receives any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed in violation of this section; or

Whoever, having purchased or received any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, or carried in interstate commerce, makes any false record or account thereof; or

Whoever imports from or exports to Mexico any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of the Interior, in accordance with regulations issued by him and approved by the President—

Shall be fined not more than $500 or imprisoned not more than six months, or both; and the wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, shall be forfeited.

§ 44. MARKING PACKAGES OR CONTAINERS

Whoever ships, transports, carries, brings or conveys in interstate or foreign commerce any package containing wild animals or birds, or the dead bodies or parts thereof, without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee and with an accurate statement showing the contents by number and kind; or

Whoever ships, transports, carries, brings or conveys in interstate commerce, any package containing migratory birds included in any convention to which the United States is a party, without marking, labeling, or tagging such package as prescribed in such convention, or Act of Congress, or regulation thereunder; or

Whoever ships, transports, carries, brings or conveys in interstate commerce any package containing furs, hides, or skins of wild animals without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee—

Shall be fined not more than $500 or imprisoned not more than six months, or both; and the shipment shall be forfeited.

§ 45. Capturing or killing carrier pigeons

Whoever knowingly traps, captures, shoots, kills, possesses, or detains an Antwerp or homing pigeon, commonly called carrier pigeon, owned by the United States or bearing a band owned and issued by the United States having thereon the letters "U. S. A." or "U. S. N." and a serial number, shall be fined not more than $100 or imprisoned not more than six months, or both.

The possession or detention of any such pigeon without giving immediate notice by registered mail to the nearest military or naval authorities, shall be prima facie evidence of a violation of this section.

CHAPTER 5.—ARSON

Sec.
81. Arson within special maritime and territorial jurisdiction.

§ 81. Arson within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns, or attempts to set fire to or burn any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliances for navigation or shipping, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

If the building be a dwelling or if the life of any person be placed in jeopardy, he shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

CHAPTER 7.—ASSAULT

Sec.
111. Assaulting, resisting, or impeding certain officers or employees.
112. Assaulting public minister.
113. Assaults within maritime and territorial jurisdiction.
114. Maiming within maritime and territorial jurisdiction.

§ 111. Assaulting, resisting, or impeding certain officers or employees

Post, p. 756.

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 112. Assaulting public minister

Whoever assaults, strikes, wounds, imprisons, or offers violence to the person of an ambassador or other public minister, in violation of the law of nations, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 113. ASSAULTS WITHIN MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(a) Assault with intent to commit murder or rape, by imprisonment for not more than twenty years.

(b) Assault with intent to commit any felony, except murder or rape, by fine of not more than $3,000 or imprisonment for not more than ten years, or both.

(c) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by fine of not more than $1,000 or imprisonment for not more than five years, or both.

(d) Assault by striking, beating, or wounding, by fine of not more than $500 or imprisonment for not more than six months, or both.

(e) Simple assault, by fine of not more than $300 or imprisonment for not more than three months, or both.

§ 114. MAIMING WITHIN MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to main or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disables the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with like intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance—

Shall be fined not more than $1,000 or imprisoned not more than seven years, or both.

CHAPTER 9.—BANKRUPTCY

Sec.
151. Definitions.
152. Concealment of assets; false oaths and claims; bribery.
153. Embezzlement by trustee, receiver or officer.
154. Adverse interest and conduct of referees and other officers.
155. Fee agreements in bankruptcy proceedings.

§ 151. DEFINITIONS

As used in this chapter:

The term "bankrupt" means a debtor by or against whom a petition has been filed under Title 11.

The term "bankruptcy" includes any proceeding, arrangement, or plan pursuant to Title 11.

§ 152. CONCEALMENT OF ASSETS; FALSE OATHS AND CLAIMS; BRIBERY

Whoever knowingly and fraudulently conceals from the receiver, custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or from creditors in any bankruptcy proceeding, any property belonging to the estate of a bankrupt; or

Whoever knowingly and fraudulently makes a false oath or account in or in relation to any bankruptcy proceeding; or

Whoever knowingly and fraudulently presents under oath any false claim for proof against the estate of a bankrupt, or uses any such claim in any bankruptcy proceeding, personally, or by agent, proxy, or attorney, or as agent, proxy, or attorney; or

Whoever knowingly and fraudulently receives any material amount of property from a bankrupt after the filing of a bankruptcy proceeding, with intent to defeat the bankruptcy law; or

Whoever knowingly and fraudulently gives, offers, receives or attempts to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof, for acting or forbearing to act in any bankruptcy proceeding; or

Whoever, while an agent or officer of any person or corporation, and in contemplation of a bankruptcy proceeding by or against such person or corporation, or with intent to defeat the bankruptcy law, knowingly and fraudulently transfers or conceals any of the property of such person or corporation; or

Whoever, after the filing of a bankruptcy proceeding or in contemplation thereof, knowingly and fraudulently conceals, destroys, mutilates, falsifies, or makes a false entry in any document affecting or relating to the property or affairs of a bankrupt; or

Whoever, after the filing of a bankruptcy proceeding, knowingly and fraudulently withholds from the receiver, custodian, trustee, marshal, or other officer of the court entitled to its possession, any document affecting or relating to the property or affairs of a bankrupt.

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 153. EMBEZZLEMENT BY TRUSTEE, RECEIVER OR OFFICER

Whoever knowingly and fraudulently appropriates to his own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a bankrupt which came into his charge as trustee, receiver, custodian, marshal, or other officer of the court, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 154. ADVERSE INTEREST AND CONDUCT OF REFEREES AND OTHER OFFICERS

Whoever knowingly acts as a referee in a case in which he is directly or indirectly interested; or

Whoever, being a referee, receiver, custodian, trustee, marshal, or other officer of the court, knowingly purchases, directly or indirectly, any property of the estate of which he is such officer in a bankruptcy proceeding; or

Whoever being such officer, knowingly refuses to permit a reasonable opportunity for the inspection of the documents and accounts relating to the affairs of estates in his charge by parties in interest when directed by the court to do so—

Shall be fined not more than $500, and shall forfeit his office, which shall thereupon become vacant.

§ 155. FEE AGREEMENTS IN BANKRUPTCY PROCEEDINGS

Whoever, being a party in interest, whether as a debtor, creditor, receiver or trustee or a representative of any of them, in any receivership, bankruptcy, or reorganization proceeding, in or under the supervision of any court of the United States, enters into any agreement, express or implied, with another such party in interest, for the purpose of fixing the fees or other compensation to be paid, to any party in interest for services rendered in connection therewith, from the assets of the estate in excess of the compensation allowed by law; or

Whoever, being a judge of a court of the United States knowingly approves the payment of any fees or compensation so fixed—

Shall be fined not more than $5,000 or imprisoned not more than one year, or both.

CHAPTER 11.—BRIBERY AND GRAFT

Sec.

201. Offer to officer or other person.
202. Acceptance or solicitation by officer or other person.
203. Acceptance or demand by district attorneys or marshals or their assistants.

Sec.
204. Offer to Member of Congress.
205. Acceptance by Member of Congress.
206. Offer to judge or judicial officer.
207. Acceptance by judge.
208. Acceptance or solicitation by judicial officer.
209. Offer to witness.
210. Acceptance by witness.
211. Offer of gratuity to revenue officer.
212. Offer or threat to customs officer or employee.
213. Acceptance or demand by customs officer or employee.
214. Offer to procure appointive public office.
215. Acceptance or solicitation to obtain appointive public office.
216. Procurement of contract by officer or Member of Congress.
217. Offer of loan or gratuity to bank examiner.
218. Acceptance of loan or gratuity by bank examiner.
219. Offer for procurement of Federal Reserve bank loan and discount of commercial paper.
220. Receipt of commissions or gifts for procuring loans.
221. Receipt or charge of commission or gifts for farm loan or land bank transactions.
222. Acceptance of consideration for adjustment of farm indebtedness.
223. Home Owners' Loan Corporation transactions.

§ 201. OFFER TO OFFICER OR OTHER PERSON

Whoever promises, offers, or gives any money or thing of value, or makes or tenders any check, order, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any officer or employee or person acting for or on behalf of the United States, or any department or agency thereof, in any official function, under or by authority of any such department or agency or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of such money or value of such thing or imprisoned not more than three years, or both.

This section shall not apply to violations of section 212 of this title. *Post*, p. 693.

§ 202. ACCEPTANCE OR SOLICITATION BY OFFICER OR OTHER PERSON

Whoever, being an officer or employee of, or person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or agency thereof, or an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, asks, accepts, or receives any money, or any check, order, contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of such money or value of such thing or imprisoned not more than three years, or both; and shall forfeit his office or place and be disqualified from holding any office of honor, trust, or profit under the United States.

This section shall not apply to violations of section 213 of this title. *Post*, p. 693.

§ 203. ACCEPTANCE OR DEMAND BY DISTRICT ATTORNEYS OR MARSHALS OR THEIR ASSISTANTS

Whoever, being connected in any capacity with the office of United States Attorney or United States Marshal, directly or indirectly, demands, receives or accepts any fee or compensation for the performance of any official service, other than is provided by law, shall be fined not more than $500 or imprisoned not more than five years, or both.

§ 204. OFFER TO MEMBER OF CONGRESS

Whoever promises, offers, or gives any money or thing of value, or makes or tenders any check, order, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, either before or after he has qualified, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law may be brought before him in his capacity as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of such money or value of such thing or imprisoned not more than three years, or both.

§ 205. ACCEPTANCE BY MEMBER OF CONGRESS

Whoever, being a Member of, or Delegate to, Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, asks, accepts, receives, or agrees to receive, any money or thing of value, or any promise, check, order, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law may be brought before him in his capacity as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received or imprisoned not more than three years, or both; and shall forfeit his office or place, and be disqualified from holding any office of honor, trust, or profit under the United States.

§ 206. OFFER TO JUDGE OR JUDICIAL OFFICER

Whoever, directly or indirectly, gives or offers any money or thing of value, or any promise or agreement therefor, or any other bribe, to any judge, juror, referee, arbitrator, appraiser, assessor, auditor, master, trustee, receiver, United States Commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, because of or with intent to influence his action, vote, opinion, or decision thereon, shall be fined not more than $20,000 or imprisoned not more than fifteen years, or both; and shall be disqualified from holding any office of honor, trust, or profit under the United States.

§ 207. ACCEPTANCE BY JUDGE

Whoever, being a judge of the United States, accepts or receives any sum of money or other bribe, present or reward, or any promise, check, order, contract, obligation, gift or security for the payment of money, or for the delivery or conveyance of anything of value, because of or with intent to be influenced in any opinion, judgment or decree in any suit, controversy, matter or cause pending before him, shall be fined not more than $20,000 or imprisoned not more than fifteen years, or both;

and shall be disqualified from holding any office of honor, trust or profit under the United States.

§ 208. ACCEPTANCE OR SOLICITATION BY JUDICIAL OFFICER

Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, trustee, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, asks, receives, or agrees to receive, any money or thing of value, or any promise or agreement therefor, because of or with intent to be influenced in his vote, opinion, action, judgment, or decision, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 209. OFFER TO WITNESS

Whoever, directly or indirectly, gives or offers any money or thing of value, or any promise or agreement therefor, or any other bribe to any person being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceeding, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 210. ACCEPTANCE BY WITNESS

Whoever, being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, receives, or agrees or offers to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 211. OFFER OF GRATUITY TO REVENUE OFFICER

Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry thereof, gives or offers, to any officer of the revenue, any present of money or thing of value, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 212. OFFER OR THREAT TO CUSTOMS OFFICER OR EMPLOYEE

Whoever gives, offers, or promises any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts improperly to influence or control any such officer or employee of the United States as to the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

Evidence, satisfactory to the court, of such giving, offering, or promising to give, or attempting to influence or control, shall be prima facie evidence that the same was contrary to law.

§ 213. ACCEPTANCE OR DEMAND BY CUSTOMS OFFICER OR EMPLOYEE

Whoever, being an officer or employee of the United States, solicits, demands, exacts, or receives from any person, directly or indirectly, except in payment of the duties or exactions fixed by law, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act or the omission

thereof, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

Evidence, satisfactory to the court, of such soliciting, demanding, exacting, or receiving shall be prima facie evidence that the same was contrary to law.

§ 214. OFFER TO PROCURE APPOINTIVE PUBLIC OFFICE

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 215. ACCEPTANCE OR SOLICITATION TO OBTAIN APPOINTIVE PUBLIC OFFICE

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 216. PROCUREMENT OF CONTRACT BY OFFICER OR MEMBER OF CONGRESS

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or being an officer, employee, or agent of the United States, directly or indirectly takes, receives, or agrees to receive, any money or thing of value, for giving, procuring or aiding to procure to or for any person, any contract from the United States or from any officer, department or agency thereof; or

Whoever, directly or indirectly, offers, gives, or agrees to give any money or thing of value for procuring or aiding to procure, any such contract—

Shall be fined not more than $10,000 or imprisoned not more than two years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

The President may declare void any such contract or agreement.

§ 217. OFFER OF LOAN OR GRATUITY TO BANK EXAMINER

Whoever, being an officer, director or employee of a bank which is a member of the Federal Reserve System or the deposits of which are insured by the Federal Deposit Insurance Corporation, or of any National Agricultural Credit Corporation, or of any land bank, national farm loan association or other institution subject to examination by a farm credit examiner, makes or grants any loan or gratuity, to any examiner or assistant examiner who examines or has authority to examine such bank, corporation, or institution, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

Post, p. 695.

The provisions of this section and section 218 of this title shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System or insured banks, or National Agricultural Credit Corporations, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, by a Federal Reserve Agent, by a Federal Reserve bank or by the Federal Deposit Insurance Corporation, or appointed or elected under the laws of any state; but shall not apply to private

examiners or assistant examiners employed only by a clearing-house association or by the directors of a bank.

§ 218. ACCEPTANCE OF LOAN OR GRATUITY BY BANK EXAMINER

Whoever, being an examiner or assistant examiner of member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal Deposit Insurance Corporation, or a farm credit examiner or examiner of National Agricultural Credit Corporations, accepts a loan or gratuity from any bank, corporation, association or organization examined by him or from any person connected therewith, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and may be fined a further sum equal to the money so loaned or gratuity given, and shall be disqualified from holding office as such examiner.

§ 219. OFFER FOR PROCUREMENT OF FEDERAL RESERVE BANK LOAN AND DISCOUNT OF COMMERCIAL PAPER

Whoever stipulates for or gives or receives, or consents or agrees to give or receive, any fee, commission, bonus, or thing of value for procuring or endeavoring to procure from any Federal Reserve bank any advance, loan, or extension of credit or discount or purchase of any obligation or commitment with respect thereto, either directly from such Federal Reserve bank or indirectly through any financing institution, unless such fee, commission, bonus, or thing of value and all material facts with respect to the arrangement or understanding therefor shall be disclosed in writing in the application or request for such advance, loan, extension of credit, discount, purchase, or commitment, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 220. RECEIPT OF COMMISSIONS OR GIFTS FOR PROCURING LOANS

Whoever, being an officer, director, employee, agent, or attorney of a member bank of the Federal Reserve System, of a Federal intermediate credit bank, or of a National Agricultural Credit Corporation, except as provided by law, stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value, from any person, firm, or corporation, for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation, from any such bank or corporation, any loan or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such bank or corporation, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 221. RECEIPT OR CHARGE OF COMMISSIONS OR GIFTS FOR FARM LOAN OR LAND BANK TRANSACTIONS

Whoever, being an officer, director, attorney, or employee of a national farm loan association, a Federal land bank, or a joint-stock land bank, organized or acting under authority of any law of the United States, is a beneficiary of or receives, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank, other than the usual salary or director's fee paid to such officer, director, or employee thereof, and a reasonable fee paid by such association or bank to such officer, director, attorney, or employee for services rendered, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

Whoever causes or procures any Federal land bank, joint-stock land bank or national farm loan association, organized under any Act of Congress, to charge or receive any fee, commission, bonus, gift, or other

consideration not specifically authorized, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 222. ACCEPTANCE OF CONSIDERATION FOR ADJUSTMENT OF FARM INDEBTEDNESS

Whoever, being an officer or employee of, or person acting for the United States or any agency thereof, accepts any fee, commission, gift, or other consideration in connection with the compromise, adjustment, or cancellation of any farm indebtedness as provided by sections 1150, 1150a, and 1150b of Title 12, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 223. HOME OWNERS' LOAN CORPORATION TRANSACTIONS

Whoever, whether a person, partnership, association, or corporation, directly or indirectly solicits, contracts for, charges, or receives, or attempts to solicit, contract for, charge, or receive, from any person applying to the Home Owners' Loan Corporation for a loan, (1) any fee, charge, or other consideration, whether bond or cash, except ordinary fees authorized and required by the said Corporation for services actually rendered for examination and perfection of title, appraisal, and like necessary services, or (2) any moneys, check, note, or other form of obligation, representing payment of any difference which may exist between the market value and the par value of the bonds of the Home Owners' Loan Corporation, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

CHAPTER 13.—CIVIL RIGHTS

Sec.

241. Conspiracy against rights of citizens.
242. Deprivation of rights under color of law.
243. Exclusion of jurors on account of race or color.
244. Discrimination against person wearing uniform of armed forces.

§ 241. CONSPIRACY AGAINST RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 242. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 243. EXCLUSION OF JURORS ON ACCOUNT OF RACE OR COLOR

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000.

§ 244. DISCRIMINATION AGAINST PERSON WEARING UNIFORM OF ARMED FORCES

Whoever, being a proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, or Possession of the United States, causes any person wearing the uniform of the Army, Navy, Coast Guard, or Marine Corps of the United States to be discriminated against because of that uniform, shall be fined not more than $500.

CHAPTER 15.—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.
281. Compensation to Members of Congress, officers, and others in matters affecting the Government.
282. Practice in Court of Claims by Members of Congress.
283. Officers or employees interested in claims against the Government.
284. Disqualification of former officers and employees in matters connected with former duties.
285. Taking or using papers relating to claims.
286. Conspiracy to defraud the Government with respect to claims.
287. False, fictitious or fraudulent claims.
288. False claims for postal losses.
289. False claims for pensions.
290. Discharge papers withheld by claim agent.
291. Purchase of claims for fees by court officials.

§ 281. COMPENSATION TO MEMBERS OF CONGRESS, OFFICERS AND OTHERS IN MATTERS AFFECTING THE GOVERNMENT

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

Retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by Act of Congress.

§ 282. PRACTICE IN COURT OF CLAIMS BY MEMBERS OF CONGRESS

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, practices in the Court of Claims, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

§ 283. OFFICERS OR EMPLOYEES INTERESTED IN CLAIMS AGAINST THE GOVERNMENT

Whoever, being an officer or employee of the United States or any department or agency thereof, or of the Senate or House of Representatives, acts as an agent or attorney for prosecuting any claim against the United States, or aids or assists in the prosecution or support of

any such claim otherwise than in the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress.

§ 284. DISQUALIFICATIONS OF FORMER OFFICERS AND EMPLOYEES IN MATTERS CONNECTED WITH FORMER DUTIES

(a) Whoever, having been employed in any agency of the United States, including commissioned officers assigned to duty in such agency, within two years after the time when such employment or service has ceased, prosecutes or acts as counsel, attorney, or agent for prosecuting, any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

§ 285. TAKING OR USING PAPERS RELATING TO CLAIMS

Whoever, without authority, takes and carries away from the place where it was filed, deposited, or kept by authority of the United States, any certificate, affidavit, deposition, statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper prepared, fitted, or intended to be used or presented to procure the payment of money from or by the United States or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof has or has not already been allowed or paid; or

Whoever presents, uses, or attempts to use any such document, record, file, or paper so taken and carried away, to procure the payment of any money from or by the United States, or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 286. CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 287. FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 288. FALSE CLAIMS FOR POSTAL LOSSES

Whoever makes, alleges, or presents any claim or application for indemnity for the loss of any registered or insured letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or

Whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, makes or uses any false statement, certificate, affidavit, or deposition; or

Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and willfully conceals any material fact or circumstance in respect of any such claim or application for indemnity—

Shall be fined not more than $500 or imprisoned not more than one year, or both.

Where the amount of such claim or application for indemnity is less than $100 only a fine shall be imposed.

§ 289. FALSE CLAIMS FOR PENSIONS

Whoever knowingly and willfully makes, or presents any false, fictitious or fraudulent affidavit, declaration, certificate, voucher, endorsement, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Administrator of Veterans' Affairs, or knowingly or willfully makes or presents any paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner; or

Whoever knowingly and falsely certifies that the declarant, affiant, or witness named in such declaration, affidavit, voucher, endorsement, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof—

Shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 290. DISCHARGE PAPERS WITHHELD BY CLAIM AGENT

Whoever, being a claim agent, attorney, or other person engaged in the collection of claims for pay, pension, or other allowances for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or for any person who may have been a soldier, sailor, marine, or officer of the regular or volunteer forces of the United States, or for his dependents or beneficiaries, retains, without the consent of the owner or owners thereof, or refuses to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge papers of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be fined not more than $500 or imprisoned not more than six months, or both; and shall be debarred from prosecuting any such claim in any department or agency of the United States.

§ 291. PURCHASE OF CLAIMS FOR FEES BY COURT OFFICIALS

Whoever, being a judge, clerk, or deputy clerk of any court of the United States or a Territory or Possession thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the United States, directly or indirectly purchases at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of such court, shall be fined not more than $1,000.

CHAPTER 17.—COINS AND CURRENCY

Sec.

331. Mutilation, diminution, and falsification of coins.
332. Debasement of coins; alteration of official scales, or embezzlement of metals.
333. Mutilation of national bank obligations.
334. Issuance of Federal Reserve or national bank notes.
335. Circulation of obligations of expired corporations.
336. Issuance of circulating obligations of less than $1.

§ 331. MUTILATION, DIMINUTION AND FALSIFICATION OF COINS

Whoever fraudulently defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens, the gold or silver coins coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States; or

Whoever fraudulently possesses, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States, any such coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 332. DEBASEMENT OF COINS; ALTERATION OF OFFICIAL SCALES, OR EMBEZZLEMENT OF METALS

If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent; or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 333. MUTILATION OF NATIONAL BANK OBLIGATIONS

Whoever mutilates, cuts, defaces, disfigures, or perforates, or unites or cements together, or does any other thing to any bank bill, draft, note, or other evidence of debt issued by any national banking association, or Federal Reserve bank, or the Federal Reserve System, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued, shall be fined not more than $100 or imprisoned not more than six months, or both.

§ 334. ISSUANCE OF FEDERAL RESERVE OR NATIONAL BANK NOTES

Whoever, being a Federal Reserve Agent, or an agent or employee of such Federal Reserve Agent, or of the Board of Governors of the Federal Reserve System, issues or puts in circulation any Federal Reserve notes, without complying with or in violation of the provisions of law regulating the issuance and circulation of such Federal Reserve notes; or

Whoever, being an officer acting under the provisions of chapter 2 of Title 12, countersigns or delivers to any national banking association, or to any other company or person, any circulating notes contemplated by that chapter except in strict accordance with its provisions—

12 U. S. C., Supp. I, ch. 2.

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 335. CIRCULATION OF OBLIGATIONS OF EXPIRED CORPORATIONS

Whoever, being a director, officer, or agent of a corporation created by Act of Congress, the charter of which has expired, or trustee thereof, or an agent of such trustee, or a person having in his possession or under his control the property of such corporation for the purpose of paying or redeeming its notes and obligations, knowingly issues,

reissues, or utters as money, or in any other way knowingly puts in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation, or by any officer thereof, or purporting to have been made under authority derived therefrom, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 336. ISSUANCE OF CIRCULATING OBLIGATIONS OF LESS THAN $1

Whoever makes, issues, circulates, or pays out any note, check, memorandum, token, or other obligation for a less sum than $1, intended to circulate as money or to be received or used in lieu of lawful money of the United States, shall be fined not more than $500 or imprisoned not more than six months, or both.

CHAPTER 19.—CONSPIRACY

Sec.

371. Conspiracy to commit offense or to defraud United States.
372. Conspiracy to impede or injure officer.

§ 371. CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

§ 372. CONSPIRACY TO IMPEDE OR INJURE OFFICER

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than $5,000 or imprisoned not more than six years, or both.

CHAPTER 21.—CONTEMPTS CONSTITUTING CRIMES

Sec.

401. Power of court.
402. Criminal contempts.

§ 401. POWER OF COURT

A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

§ 402. CRIMINAL CONTEMPTS

Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district

court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Post, p. 844.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law.

CHAPTER 23.—CONTRACTS

Sec.

431. Contracts by Member of Congress; exceptions.
432. Officer or employee contracting with Member of Congress.
433. Exemptions with respect to certain contracts.
434. Interested persons acting as Government agents.
435. Contracts in excess of specific appropriation.
436. Convict labor contracts.
437. Indian contracts for goods and supplies.
438. Indian contracts for services generally.
439. Indian enrollment contracts.
440. Mail contracts.
441. Postal supply contracts.
442. Printing contracts.
443. War contracts.

§ 431. CONTRACTS BY MEMBER OF CONGRESS; EXCEPTIONS

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in whole or in part, any contract or agreement, made or entered into in behalf of the United States or any agency thereof, by any officer or person authorized to make contracts on its behalf, shall be fined not more than $3,000.

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States or any agency thereof, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department or agency under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced.

§ 432. OFFICER OR EMPLOYEE CONTRACTING WITH MEMBER OF CONGRESS

Whoever, being an officer or employee of the United States, on behalf of the United States or any agency thereof, directly or indirectly makes or enters into any contract, bargain, or agreement, with any Member of or Delegate to Congress, or any Resident Commissioner, either before or after he has qualified, shall be fined not more than $3,000.

§ 433. EXEMPTIONS WITH RESPECT TO CERTAIN CONTRACTS

Sections 431 and 432 of this title shall not extend to any contract or agreement made or entered into, or accepted by any incorporated company for the general benefit of such corporation; nor to the purchase or sale of bills of exchange or other property where the same are ready for delivery and payment therefor is made at the time of making or entering into the contract or agreement. Nor shall the provisions of such sections apply to advances, loans, discounts, purchase or repurchase agreements, extensions, or renewals thereof, or acceptances, releases or substitutions of security therefor or other contracts or agreements made or entered into under the Reconstruction Finance Corporation Act, the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Federal Farm Mortgage Corporation Act, the Farm Credit Act of 1933, or the Home Owners Loan Act of 1933, the Farmers' Home Administration Act of 1946, the Bankhead-Jones Farm Tenant Act, or to crop insurance agreements or contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers.

Ante, p. 702.

47 Stat. 5; 48 Stat. 31, 41, 344, 257, 128; 39 Stat. 360; 60 Stat. 1062; 50 Stat. 522.
15 U. S. C. §§ 601–617; Supp. I, § 601 *et seq.*; 7 U. S. C. §§ 601 note, 1000; Supp. I, § 602 *et seq.*; 12 U. S. C. §§ 347, 639, 641 notes, 1461–1468; Supp. I, §§ 963a, 1462–1464.

Any exemption permitted by this section shall be made a matter of public record.

Ante, pp. 261, 534; *post*, pp. 1101, 1209, 1239, 1247.

§ 434. INTERESTED PERSONS ACTING AS GOVERNMENT AGENTS

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 435. CONTRACTS IN EXCESS OF SPECIFIC APPROPRIATION

Whoever, being an officer or employee of the United States, knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 436. CONVICT LABOR CONTRACTS

Whoever, being an officer, employee, or agent of the United States or any department or agency thereof, contracts with any person or corporation, or permits any warden, agent, or official of any penal or correctional institution, to hire out the labor of any prisoners confined for violation of any laws of the United States, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 437. INDIAN CONTRACTS FOR GOODS AND SUPPLIES

Whoever, being an officer, employee, or agent of the United States or any department or agency thereof, has any interest, direct or indirect, in any contract made or under negotiation, with the Government or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians, or colludes with any person attempting to obtain such contract, shall be fined not more than $5,000 or imprisoned not more than six months, or both; and removed from office.

§ 438. INDIAN CONTRACTS FOR SERVICES GENERALLY

Whoever receives money contrary to sections 81 and 82 of Title 25, shall be fined not more than $1,000 or imprisoned not more than six months, or both; and also forfeit the money so received.

§ 439. INDIAN ENROLLMENT CONTRACTS

Unless the United States consents, all contracts made with any person or persons, applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, shall be void, and—

Whoever collects or receives any moneys from any such applicants for citizenship, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 440. MAIL CONTRACTS

Whoever, being a person employed in the Postal Service, becomes interested in any contract for carrying the mail, or acts as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Post Office Department, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 441. POSTAL SUPPLY CONTRACTS

No contract for furnishing supplies to the Post Office Department or the Postal Service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon.

Whoever violates this section shall be fined not more than $5,000 or imprisoned not more than one year, or both; and if the offender is a contractor for furnishing such supplies his contract may be annulled.

§ 442. PRINTING CONTRACTS

Neither the Public Printer, superintendent of printing, superintendent of binding, nor any of their assistants shall, during their continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

Whoever violates this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 443. WAR CONTRACTS

Whoever willfully secretes, mutilates, obliterates, or destroys—

(a) any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancellation or other termination, or settlement of a war contract of $25,000 or more; or

(b) any records of a war contractor or purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any government agency is $5,000 or more,

before the lapse of (1) five years after such disposition of termination inventory by such war contractor or government agency, or (2) five years after the final settlement of such war contract, or (3) five years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longer, shall, if a corporation, be fined not more than $50,000, and, if a natural person, be fined not more than $10,000 or imprisoned not more than five years, or both.

The Director of Contract Settlement, by regulation, may authorize

the destruction of such records upon such terms and conditions as he deems appropriate, including the requirement for the making and retaining of photographs or microphotographs, which shall have the same force and effect as the originals thereof.

The definitions of terms in section 103 of Title 41 shall apply to similar terms used in this section. 41 U. S. C., Supp. I, § 103.

CHAPTER 25—COUNTERFEITING AND FORGERY

Sec.

471. Obligations or securities of United States.
472. Uttering counterfeit obligations or securities.
473. Dealing in counterfeit obligations or securities.
474. Plates or stones for counterfeiting obligations or securities.
475. Imitating obligations or securities; advertisements.
476. Taking impressions of tools used for obligations or securities.
477. Possessing or selling impressions of tools used for obligations or securities.
478. Foreign obligations or securities.
479. Uttering counterfeit foreign obligations or securities.
480. Possessing counterfeit foreign obligations or securities.
481. Plates or stones for counterfeiting foreign obligations or securities.
482. Foreign bank notes.
483. Uttering counterfeit foreign bank notes.
484. Connecting parts of different notes.
485. Gold or silver coins or bars.
486. Uttering coins of gold, silver or other metal.
487. Making or possessing counterfeit dies for coins.
488. Making or possessing counterfeit dies for foreign coins.
489. Making or possessing likeness of coins; publisher's illustrations excepted.
490. Minor coins.
491. Tokens used as money or similar to coins.
492. Forfeiture of counterfeit paraphernalia.
493. Bonds and obligations of certain lending agencies.
494. Contractors' bonds, bids, and public records.
495. Contracts, deeds, and powers of attorney.
496. Customs entry certificates.
497. Letters patent.
498. Military or naval discharge certificates.
499. Military, naval, or official passes.
500. Money orders.
501. Postage stamps and postal cards.
502. Postage and revenue stamps of foreign governments.
503. Postmarking stamps.
504. Printing stamps for philatelic purposes.
505. Seals of courts; signatures of judges or court officers.
506. Seals of departments or agencies.
507. Ship's papers.
508. Transportation requests of Government.
509. Possessing and making plates or stones for Government transportation requests.

§ 471. OBLIGATIONS OR SECURITIES OF UNITED STATES

Whoever, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or other security of the United States, shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

§ 472. UTTERING COUNTERFEIT OBLIGATIONS OR SECURITIES

Whoever, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or with like intent brings into the United States or keeps in possession or conceals any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

§ 473. DEALING IN COUNTERFEIT OBLIGATIONS OR SECURITIES

Whoever buys, sells, exchanges, transfers, receives, or delivers any false, forged, counterfeited, or altered obligation or other security of the United States, with the intent that the same be passed, published,

or used as true and genuine, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 474. PLATES OR STONES FOR COUNTERFEITING OBLIGATIONS OR SECURITIES

Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, uses such plate, stone, or other thing, or any part thereof, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or

Whoever makes or executes any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or

Whoever sells any such plate, stone, or other thing, or brings into the United States any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or

Whoever has in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or

Whoever has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or

Whoever prints, photographs, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or sells any such engraving, photograph, print, or impression, except to the United States, or brings into the United States, any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; or

Whoever has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States—

Shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

§ 475. IMITATING OBLIGATIONS OR SECURITIES; ADVERTISEMENTS

Whoever designs, engraves, prints, makes or executes, or utters, issues, distributes, circulates, or uses any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any obligation or security of the United States issued under or authorized by any Act of Congress or writes, prints, or otherwise impresses upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement whatever, shall be fined not more than $500.

§ 476. TAKING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES

Whoever, without authority from the United States, takes, procures, or makes an impression, stamp, or imprint of, from or by the use of any tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any obligation or other security of the United States, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 477. POSSESSING OR SELLING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES

Whoever, with intent to defraud, possesses, keeps, safeguards, or controls, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument or thing, used, fitted or intended to be used, for any of the purposes mentioned in section 476 of this title; or *Supra.*

Whoever, with intent to defraud, sells, gives, or delivers any such imprint, stamp, or impression to any other person—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 478. FOREIGN OBLIGATIONS OR SECURITIES

Whoever, within the United States, with intent to defraud, falsely makes, alters, forges, or counterfeits any bond, certificate, obligation, or other security of any foreign government, purporting to be or in imitation of any such security issued under the authority of such foreign government, or any treasury note, bill, or promise to pay, lawfully issued by such foreign government and intended to circulate as money, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 479. UTTERING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES

Whoever, within the United States, knowingly and with intent to defraud, utters, passes, or puts off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, treasury note, bill, or promise to pay, mentioned in section 478 of this title, whether or not the same was made, altered, forged, or counterfeited within the United States, shall be fined not more than $3,000 or imprisoned not more than three years, or both. *Supra.*

§ 480. POSSESSING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES

Whoever, within the United States, knowingly and with intent to defraud, possesses or delivers any false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any foreign country, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 481. PLATES OR STONES FOR COUNTERFEITING FOREIGN OBLIGATIONS OR SECURITIES

Whoever, within the United States except by lawful authority, controls, holds, or possesses any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or uses such plate, stone, or other thing, or knowingly permits or suffers the same to be used in counterfeiting such foreign obligations, or any part thereof; or

Whoever, except by lawful authority, makes or engraves any plate, stone, or other thing in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or

Whoever, except by lawful authority, prints, photographs, or makes, executes, or sells any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or

Whoever brings into the United States any counterfeit plate, stone, or other thing, engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 482. FOREIGN BANK NOTES

Whoever, within the United States, with intent to defraud, falsely makes, alters, forges, or counterfeits any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 483. UTTERING COUNTERFEIT FOREIGN BANK NOTES

Whoever, within the United States, utters, passes, puts off, or tenders in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, mentioned in section 482 of this title, knowing the same to be so false, forged, altered, and counterfeited, whether or not the same was made, forged, altered, or counterfeited within the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 484. CONNECTING PARTS OF DIFFERENT NOTES

Whoever so places or connects together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 485. GOLD OR SILVER COINS OR BARS

Whoever falsely makes, forges, or counterfeits any coin or bars in resemblance or similitude of the gold or silver coins or bars coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin current in the United States, or are in actual use and circulation as money within the United States; or

Whoever passes, utters, publishes or sells, or attempts to pass, utter, publish, or sell, or bring into the United States, from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person, or possesses any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic or corporate, or any person—

Shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

§ 486. UTTERING COINS OF GOLD, SILVER OR OTHER METAL

Whoever, except as authorized by law, makes or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for use as current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined not more than $3,000 or imprisoned not more than five years, or both.

§ 487. MAKING OR POSSESSING COUNTERFEIT DIES FOR COINS

Whoever, without lawful authority, makes any die, hub, or mold, or any part thereof, either of steel or plaster, or any other substance, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins coined at the mints of the United States; or

Whoever, without lawful authority, possesses any such die, hub, or mold, or any part thereof, or permits the same to be used for or in aid of the counterfeiting of any such coins of the United States—

Shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

§ 488. MAKING OR POSSESSING COUNTERFEIT DIES FOR FOREIGN COINS

Whoever, within the United States, without lawful authority, makes any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign government; or

Whoever, without lawful authority, possesses any such die, hub, or mold, or any part thereof, or conceals, or knowingly suffers the same to be used for the counterfeiting of any foreign coin—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 489. MAKING OR POSSESSING LIKENESS OF COINS; PUBLISHER'S ILLUSTRATIONS EXCEPTED

Whoever, within the United States, makes or brings therein from any foreign country, or possesses with intent to sell, give away, or in any other manner uses the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country issued as money, either under the authority of the United States or under the authority of any foreign government, shall be fined not more than $100.

This section shall not forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same.

§ 490. MINOR COINS

Whoever falsely makes, forges, or counterfeits any coin in the resemblance or similitude of any of the minor coins coined at the mints of the United States; or

Whoever passes, utters, publishes, or sells, or brings into the United States, or possesses any such false, forged, or counterfeited coin, with intent to defraud any person, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 491. TOKENS USED AS MONEY OR SIMILAR TO COINS

(a) Whoever, not lawfully authorized, makes, issues, or passes any coin, card, token, or device in metal, or its compounds, which may be

intended to be used as money for any 1-cent, 2-cent, 3-cent, or 5-cent piece, authorized by law, or for coins of equal value, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Whoever manufactures, sells, offers, or advertises for sale, or exposes or keeps with intent to furnish or sell any token, slug, disk, or other device similar in size and shape to any of the lawful coins of the United States, or any token, disk, or other device issued or authorized in connection with rationing by any agency of the United States with knowledge or reason to believe that such tokens, slugs, disks, or other devices may be used unlawfully or fraudulently to procure anything of value, or the use or enjoyment of any property or service from any automatic merchandise vending machine, postage-stamp machine, turnstile, fare box, coin-box telephone, parking meter, or other receptacle, depository, or contrivance, designed to receive or to be operated by lawful coins of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"Knowledge or reason to believe."

(c) "Knowledge or reason to believe", within the meaning of paragraph (b) of this section, may be shown by proof that any law-enforcement officer has, prior to the commission of the offense with which the defendant is charged, informed the defendant that tokens, slugs, disks, or other devices of the kind manufactured, sold, offered, or advertised for sale by him or exposed or kept with intent to furnish or sell, are being used unlawfully or fraudulently to operate certain specified automatic merchandise vending machines, postage-stamp machines, turnstiles, fare boxes, coin-box telephones, parking meters, or other receptacles, depositories, or contrivances, designed to receive or to be operated by lawful coins of the United States.

§ 492. FORFEITURE OF COUNTERFEIT PARAPHERNALIA

All counterfeits of any coins or obligations or other securities of the United States or of any foreign government, or any articles, devices, and other things made, possessed, or used in violation of this chapter or of sections 331–333, 335, 336, 642 or 1720, of this title, or any material or apparatus used or fitted or intended to be used, in the making of such counterfeits, articles, devices or things, found in the possession of any person without authority from the Secretary of the Treasury or other proper officer, shall be forfeited to the United States.

Ante, pp. 700, 701; *post*, pp. 725, 783.

Whoever, having the custody or control of any such counterfeits, material, apparatus, articles, devices, or other things, fails or refuses to surrender possession thereof upon request by any authorized agent of the Treasury Department, or other proper officer, shall be fined not more than $100 or imprisoned not more than one year, or both.

Petition for remission or mitigation of forfeiture.

Whenever, except as hereinafter in this section provided, any person interested in any article, device, or other thing, or material or apparatus seized under this section files with the Secretary of the Treasury, before the disposition thereof, a petition for the remission or mitigation of such forfeiture, the Secretary of the Treasury, if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or the mitigation of such forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just.

If the seizure involves offenses other than offenses against the coinage, currency, obligations or securities of the United States or any foreign government, the petition for the remission or mitigation of forfeiture shall be referred to the Attorney General, who may remit or mitigate the forfeiture upon such terms as he deems reasonable and just.

§ 493. BONDS AND OBLIGATIONS OF CERTAIN LENDING AGENCIES

Whoever falsely makes, forges, counterfeits or alters any note, bond, debenture, coupon, obligation, instrument, or writing in imitation or purporting to be in imitation of, a note, bond, debenture, coupon, obligation, instrument or writing, issued by the Reconstruction Finance Corporation, Federal Deposit Insurance Corporation, Home Owners' Loan Corporation, Farm Credit Administration, Federal Housing Administration, Federal Farm Mortgage Corporation or any land bank, intermediate credit bank, bank for cooperatives or any lending, mortgage, insurance, credit or savings and loan corporation or association authorized or acting under the laws of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Whoever passes, utters, or publishes, or attempts to pass, utter or publish any note, bond, debenture, coupon, obligation, instrument or document knowing the same to have been falsely made, forged, counterfeited or altered, contrary to the provisions of this section, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 494. CONTRACTORS' BONDS, BIDS, AND PUBLIC RECORDS

Whoever falsely makes, alters, forges, or counterfeits any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or

Whoever utters or publishes as true or possesses with intent to utter or publish as true, any such false, forged, altered, or counterfeited writing, knowing the same to be false, forged, altered, or counterfeited; or

Whoever transmits to, or presents at any office or to any officer of the United States, any such false, forged, altered, or counterfeited writing, knowing the same to be false, forged, altered, or counterfeited—

Shall be fined not more than $1,000 or imprisoned not more than ten years, or both.

§ 495. CONTRACTS, DEEDS, AND POWERS OF ATTORNEY

Whoever falsely makes, alters, forges, or counterfeits any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States or any officers or agents thereof, any sum of money; or

Whoever utters or publishes as true any such false, forged, altered, or counterfeited writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or

Whoever transmits to, or presents at any office or officer of the United States, any such writing in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited—

Shall be fined not more than $1,000 or imprisoned not more than ten years, or both.

§ 496. CUSTOMS MATTERS

Whoever forges, counterfeits or falsely alters any writing made or required to be made in connection with the entry or withdrawal of imports or collection of customs duties, or uses any such writing knowing the same to be forged, counterfeited or falsely altered, shall be fined not more than $10,000 or imprisoned not more than three years, or both.

§ 497. LETTERS PATENT

Whoever falsely makes, forges, counterfeits, or alters any letters patent granted or purporting to have been granted by the President of the United States; or

Whoever passes, utters, or publishes, or attempts to pass, utter, or publish as genuine, any such letters patent, knowing the same to be forged, counterfeited or falsely altered—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 498. MILITARY OR NAVAL DISCHARGE CERTIFICATES

Whoever forges, counterfeits, or falsely alters any certificate of discharge from the military or naval service of the United States, or uses, unlawfully possesses or exhibits any such certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 499. MILITARY, NAVAL, OR OFFICIAL PASSES

Whoever falsely makes, forges, counterfeits, alters, or tampers with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with intent to defraud uses or possesses any such pass or permit, or personates or falsely represents himself to be or not to be a person to whom such pass or permit has been duly issued, or willfully allows any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 500. MONEY ORDERS

Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department, or by any postmaster or agent thereof; or

Whoever forges or counterfeits the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or

Whoever falsely alters in any material respect, any such money order or postal note; or

Whoever, with intent to defraud, passes, utters or publishes, any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or

Whoever issues any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer, employee, or agent thereof, any sum of money whatever; or

Whoever, with intent to defraud the United States or any person, transmits or presents to any officer or employee, or at any office of the United States, any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 501. POSTAGE STAMPS AND POSTAL CARDS

Whoever forges or counterfeits any postage stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving therefor; or

Whoever makes or prints, or knowingly uses or sells, or possesses with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or

Whoever makes, or knowingly uses or sells, or possesses with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or

Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, without the special authority and direction of said department; or

Whoever after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department, to receive it—

Shall be fined not more than $500 or imprisoned not more than five years, or both.

§ 502. POSTAGE AND REVENUE STAMPS OF FOREIGN GOVERNMENTS

Whoever forges, or counterfeits, or knowingly utters or uses any forged or counterfeit postage stamp or revenue stamp of any foreign government, shall be fined not more than $500 or imprisoned not more than five years, or both.

§ 503. POSTMARKING STAMPS

Whoever forges or counterfeits any postmarking stamp, or impression thereof with intent to make it appear that such impression is a genuine postmark, or makes or knowingly uses or sells, or possesses with intent to use or sell, any forged or counterfeited postmarking stamp, die, plate, or engraving, or such impression thereof, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 504. PRINTING STAMPS FOR PHILATELIC PURPOSES

(a) Nothing in sections 481, 492 and 502 of this title, or in any other provision of law, shall forbid or prevent the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of— *Ante*, pp. 707, 710; *supra*.

(1) foreign revenue stamps if from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps;

(2) foreign postage stamps; or

(3) such portion of the border of a stamp of the United States as may be necessary to show minor distinctive features of the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated.

(b) Notwithstanding any other provision of law, the Secretary of the Treasury, subject to the approval of the President, may, upon finding that no hindrance to the suppression of counterfeiting and no

tendency to bring into disrepute any obligation or other security of the United States will result, by regulations, permit, to the extent and under such conditions as he may deem appropriate, the printing, publishing or importation or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of canceled or uncanceled United States postage stamps.

The Secretary, subject to the approval of the President, may amend or repeal such regulations at any time. Such regulations, and any amendment or repeal thereof, shall become effective upon publication thereof in the Federal Register or upon such date as may be specified therein if later than the date of publication.

All findings of fact made hereunder shall be final and conclusive and shall not be subject to review.

§ 505. SEALS OF COURTS; SIGNATURES OF JUDGES OR COURT OFFICERS

Whoever forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 506. SEALS OF DEPARTMENTS OR AGENCIES

Whoever falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States; or

Whoever knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description; or

Whoever, with fraudulent intent, possesses any such seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 507. SHIP'S PAPERS

Whoever falsely makes, forges, counterfeits, or alters any instrument in imitation of or purporting to be, an abstract or official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or

Whoever utters, publishes, or passes, or attempts to utter, publish, or pass, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud—

Shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 508. TRANSPORTATION REQUESTS OF GOVERNMENT

Whoever falsely makes, forges, or counterfeits in whole or in part, any form or request in similitude of the form or request provided by the Government for requesting a common carrier to furnish transportation on account of the United States or any department or agency thereof, or knowingly alters any form or request provided by the Government for requesting a common carrier to furnish transportation on account of the United States or any department or agency thereof; or

Whoever knowingly passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered form or request—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 509. POSSESSING AND MAKING PLATES OR STONES FOR GOVERNMENT TRANSPORTATION REQUESTS

Whoever, except by lawful authority, controls, holds or possesses any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any form or request for Government transportation, or uses such plate, stone, or other thing, or knowingly permits or suffers the same to be used in making any such form or request or any part of such a form or request; or

Whoever makes or engraves any plate, stone, or thing, in the likeness of any plate, stone, or thing designated for the printing of the genuine issues of the form or request for Government transportation; or

Whoever prints, photographs, or in any other manner makes, executes, or sells any engraving, photograph, print, or impression in the likeness of any genuine form or request for Government transportation, or any part thereof; or

Whoever brings into the United States or any place subject to the jurisdiction thereof, any plate, stone, or other thing, or engraving, photograph, print, or other impression of the form or request for Government transportation—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

CHAPTER 27.—CUSTOMS

Sec.

541. Entry of goods falsely classified.
542. Entry of goods by means of false statements.
543. Entry of goods for less than legal duty.
544. Relanding of goods.
545. Smuggling goods into the United States.
546. Smuggling goods into foreign countries.
547. Depositing goods in buildings on boundaries.
548. Removing or repacking goods in warehouses.
549. Removing goods from customs custody; breaking seals.
550. False claim for refund of duties.
551. Concealing or destroying invoices or other papers.
552. Officers aiding importation of obscene or treasonous books and articles.

§ 541. ENTRY OF GOODS FALSELY CLASSIFIED

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 542. ENTRY OF GOODS BY MEANS OF FALSE STATEMENTS

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter,

paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of any lawful duties; or

Whoever is guilty of any willful act or omission whereby the United States shall or may be deprived of any lawful duties accruing upon merchandise embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission—

Shall be fined for each offense not more than $5,000 or imprisoned not more than two years, or both.

Nothing in this section shall be construed to relieve imported merchandise from forfeiture under other provisions of law.

"Commerce of the United States."

The term "commerce of the United States", as used in this section, shall not include commerce with the Philippine Islands, Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Guam.

§ 543. ENTRY OF GOODS FOR LESS THAN LEGAL DUTY

Whoever, being an officer of the revenue, knowingly admits to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due, shall be fined not more than $5,000 or imprisoned not more than two years, or both; and removed from office.

§ 544. RELANDING OF GOODS

If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry having been made, such merchandise shall be considered as having been imported into the United States contrary to law, and each person concerned shall be fined not more than $5,000 or imprisoned not more than two years, or both; and such merchandise shall be forfeited.

"Any place in the United States."

The term "any place in the United States", as used in this section, shall not include the Philippine Islands, Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Guam.

§ 545. SMUGGLING GOODS INTO THE UNITED STATES

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

Merchandise introduced into the United States in violation of this section shall be forfeited to the United States.

"United States."

The term "United States", as used in this section, shall not include the Philippine Islands, Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Guam.

§ 546. SMUGGLING GOODS INTO FOREIGN COUNTRIES

Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

It shall constitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge or reasonable grounds for belief that the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in this section and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose.

§ 547. DEPOSITING GOODS IN BUILDINGS ON BOUNDARIES

Whoever receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, in violation of law, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 548. REMOVING OR REPACKING GOODS IN WAREHOUSES

Whoever fraudulently conceals, removes, or repacks merchandise in any bonded warehouse or fraudulently alters, defaces or obliterates any marks or numbers placed upon packages deposited in such warehouse, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

Merchandise so concealed, removed, or repacked, or packages upon which any marks or numbers have been so altered, defaced, or obliterated, shall be forfeited to the United States.

§ 549. REMOVING GOODS FROM CUSTOMS CUSTODY; BREAKING SEALS

Whoever, without authority, affixes or attaches a customs seal, fastening, or mark, or any seal, fastening, or mark purporting to be a customs seal, fastening, or mark to any vessel, vehicle, warehouse, or package; or

Whoever, without authority, willfully removes, breaks, injures, or defaces any customs seal or other fastening or mark placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody; or

Whoever maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove therefrom any merchandise or baggage therein, or unlawfully removes any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control; or

Whoever receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed—

Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 550. FALSE CLAIM FOR REFUND OF DUTIES

Whoever knowingly and willfully files any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise, or knowingly or willfully makes or files any false affidavit, abstract, record, certificate, or other document, with a view to securing the payment to himself or others of any drawback, allowance, or refund of duties, on the exportation of merchandise, greater than that legally due thereon, shall be fined not more than $5,000 or imprisoned not more than two years, or both, and such merchandise or the value thereof shall be forfeited.

§ 551. CONCEALING OR DESTROYING INVOICES OR OTHER PAPERS

Whoever willfully conceals or destroys any invoice, book, or paper relating to any merchandise imported into the United States, after an inspection thereof has been demanded by the collector of any collection district; or

Whoever conceals or destroys at any time any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained—

Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 552. OFFICERS AIDING IMPORTATION OF OBSCENE OR TREASONOUS BOOKS AND ARTICLES

Whoever, being an officer, agent, or employee of the United States, knowingly aids or abets any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

CHAPTER 29.—ELECTIONS AND POLITICAL ACTIVITIES

Sec.

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609. Maximum contributions and expenditures.
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§ 591. DEFINITIONS

When used in sections 597, 599, 602, 609 and 610 of this title— *Post*, pp. 721, 722, 723.

The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party; "Election."

The term "candidate" means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected; "Candidate."

The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization; "Political committee."

The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable; "Contribution."

The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable; "Expenditure."

The term "person" or the term "whoever" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons; "Person"; "whoever."

The term "State" includes Territory and possession of the United States. "State."

§ 592. TROOPS AT POLLS

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

§ 593. INTERFERENCE BY ARMED FORCES

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified

voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district.

§ 594. INTIMIDATION OF VOTERS

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 595. INTERFERENCE BY ADMINISTRATIVE EMPLOYEES OF FEDERAL, STATE, OR TERRITORIAL GOVERNMENTS

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

§ 596. POLLING ARMED FORCES

Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal

or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"Poll."

The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

§ 597. EXPENDITURES TO INFLUENCE VOTING

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

§ 598. COERCION BY MEANS OF RELIEF APPROPRIATIONS

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 599. PROMISE OF APPOINTMENT BY CANDIDATE

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

§ 600. PROMISE OF EMPLOYMENT OR OTHER BENEFIT FOR POLITICAL ACTIVITY

Whoever, directly or indirectly, promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 601. DEPRIVATION OF EMPLOYMENT OR OTHER BENEFIT FOR POLITICAL ACTIVITY

Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political

party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 602. SOLICITATION OF POLITICAL CONTRIBUTIONS

Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than $5,000 or imprisoned not more than three years or both.

§ 603. PLACE OF SOLICITATION

Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose from any such person, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

§ 604. SOLICITATION FROM PERSONS ON RELIEF

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 605. DISCLOSURE OF NAMES OF PERSONS ON RELIEF

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 606. INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS

Supra.

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

§ 607. MAKING POLITICAL CONTRIBUTIONS

Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any

political object, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

§ 608. LIMITATIONS ON POLITICAL CONTRIBUTIONS AND PURCHASES

(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

(c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

(d) The term "contribution", as used in this section, shall have the same meaning prescribed by section 591 of this title.

"Contribution." *Ante*, p. 719.

§ 609. MAXIMUM CONTRIBUTIONS AND EXPENDITURES

No political committee shall receive contributions aggregating more than $3,000,000, or make expenditures aggregating more than $3,000,000, during any calendar year.

For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee.

Any violation of this section by any political committee shall be deemed also to be a violation by the chairman and the treasurer of such committee and by any other person responsible for such violation and shall be punishable by a fine of not more than $1,000 or imprisonment of not more than one year, or both; and, if the violation was willful, by a fine of not more than $10,000 or imprisonment of not more than two years, or both.

§ 610. CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS OR LABOR ORGANIZATIONS

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus

held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"Labor organization."

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

§ 611. CONTRIBUTIONS BY FIRMS OR INDIVIDUALS CONTRACTING WITH THE UNITED STATES

Whoever, entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

Whoever knowingly solicits any such contribution from any such person or firm, for any such purpose during any such period—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 612. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS

Whoever willfully publishes or distributes any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intention to seek the office of President, or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to Congress, in a primary, general, or special election, or convention of a political party, or has caused or permitted his intention to do so to be publicly declared, which does not contain the names of the persons, associations, committees, and corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CHAPTER 31.—EMBEZZLEMENT AND THEFT

Sec.
641. Public money, property or records.
642. Tools and materials for counterfeiting purposes.
643. Accounting generally for public money.
644. Banker receiving unauthorized deposit of public money.
645. Court officers generally.
646. Court officers depositing registry moneys.
647. Receiving loan from court officer.
648. Custodians, generally, misusing public funds.
649. Custodians failing to deposit moneys; persons affected.
650. Depositaries failing to safeguard deposits.
651. Disbursing officer falsely certifying full payment.
652. Disbursing officer paying lesser in lieu of lawful amount.
653. Disbursing officer misusing public funds.
654. Officer or employee of United States converting property of another.
655. Theft by bank examiner.
656. Theft, embezzlement or misapplication by bank officer or employee.
657. Lending, credit and insurance institutions.
658. Property mortgaged or pledged to farm credit agencies.
659. Interstate or foreign baggage, express or freight; State prosecutions.
660. Carrier's funds derived from commerce; State prosecutions.
661. Within special maritime and territorial jurisdiction.
662. Receiving stolen property, within special maritime and territorial jurisdiction.
663. Solicitation or use of gifts.

§ 641. PUBLIC MONEY, PROPERTY OR RECORDS

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"Value."

The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

§ 642. TOOLS AND MATERIALS FOR COUNTERFEITING PURPOSES

Whoever, without authority from the United States, secretes within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put

in circulation on behalf of the United States as one of such papers, instruments, or obligations, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 643. ACCOUNTING GENERALLY FOR PUBLIC MONEY

Whoever, being an officer, employee or agent of the United States or of any department or agency thereof, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 644. BANKER RECEIVING UNAUTHORIZED DEPOSIT OF PUBLIC MONEY

Whoever, not being an authorized depositary of public moneys, knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law is guilty of embezzlement and shall be fined not more than the amount so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 645. COURT OFFICERS GENERALLY

Whoever, being a United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such officer, retains or converts to his own use or to the use of another or after demand by the party entitled thereto, unlawfully retains any money coming into his hands by virtue of his official relation, position or employment, is guilty of embezzlement and shall, where the offense is not otherwise punishable by enactment of Congress, be fined not more than double the value of the money so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

It shall not be a defense that the accused person had any interest in such moneys or fund.

§ 646. COURT OFFICERS DEPOSITING REGISTRY MONEYS

Whoever, being a clerk or other officer of a court of the United States, fails to deposit promptly any money belonging in the registry of the court, or paid into court or received by the officers thereof, with the Treasurer or a designated depositary of the United States, in the name and to the credit of such court, or retains or converts to his own use or to the use of another any such money, is guilty of embezzlement and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

§ 647. RECEIVING LOAN FROM COURT OFFICER

Whoever knowingly receives, from a clerk or other officer of a court of the United States, as a deposit, loan, or otherwise, any money belonging in the registry of such court, is guilty of embezzlement, and shall be fined not more than the amount embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 648. CUSTODIANS, GENERALLY, MISUSING PUBLIC FUNDS

Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank or exchanges for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 649. CUSTODIANS FAILING TO DEPOSIT MONEYS; PERSONS AFFECTED

(a) Whoever, having money of the United States in his possession or under his control, fails to deposit it with the Treasurer or some public depositary of the United States, when required so to do by the Secretary of the Treasury or the head of any other proper department or agency or by the General Accounting Office, is guilty of embezzlement, and shall be fined in a sum equal to the amount of money embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) This section and sections 643, 648, 650 and 653 of this title shall apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be charged as receivers or depositaries of the same.

Ante, p. 726; *supra*; *infra*; *post*, p. 728.

§ 650. DEPOSITARIES FAILING TO SAFEGUARD DEPOSITS

If the Treasurer of the United States or any public depositary fails to keep safely all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he is guilty of embezzlement, and shall be fined in a sum equal to the amount of money so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 651. DISBURSING OFFICER FALSELY CERTIFYING FULL PAYMENT

Whoever, being an officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the General Accounting Office to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid the full amount specified therein to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, shall be fined in double the amount so withheld or imprisoned not more than two years, or both; but if the amount withheld does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 652. DISBURSING OFFICER PAYING LESSER IN LIEU OF LAWFUL AMOUNT

Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress,

pays to any clerk or other employee of the United States, or of any department or agency thereof, a sum less than that provided by law, and requires such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld or imprisoned not more than two years, or both; but if the amount embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 653. DISBURSING OFFICER MISUSING PUBLIC FUNDS

Whoever, being a disbursing officer of the United States, or any department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depositary, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 654. OFFICER OR EMPLOYEE OF UNITED STATES CONVERTING PROPERTY OF ANOTHER

Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both; but if the sum embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 655. THEFT BY BANK EXAMINER

Whoever, being a bank examiner or assistant examiner, steals, or unlawfully takes, or unlawfully conceals any money, note, draft, bond, or security or any other property of value in the possession of any bank or banking institution which is a member of the Federal Reserve System or which is insured by the Federal Deposit Insurance Corporation, or from any safe deposit box in or adjacent to the premises of such bank, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount taken or concealed does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both; and shall be disqualified from holding office as a national bank examiner or Federal Deposit Insurance Corporation examiner.

This section shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal Deposit Insurance Corporation, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, by a Federal Reserve Agent, by a Federal Reserve bank, or by the Federal Deposit Insurance Corporation, or appointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearing-house association or by the directors of a bank.

§ 656. THEFT, EMBEZZLEMENT, OR MISAPPLICATION BY BANK OFFICER OR EMPLOYEE

Whoever, being an officer, director, agent or employee of, or connected in any capacity with any Federal Reserve bank, member bank, national bank or insured bank, or a receiver of a national bank, or any agent or employee of the receiver, or a Federal Reserve Agent, or an agent or employee of a Federal Reserve Agent or of the Board of Governors of the Federal Reserve System, embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such bank or any moneys, funds, assets or securities intrusted to the custody or care of such bank, or to the custody or care of any such agent, officer, director, employee or receiver, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount embezzled, abstracted, purloined or misapplied does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

As used in this section, the term "national bank" is synonymous with "national banking association"; "member bank" means and includes any national bank, state bank, or bank and trust company which has become a member of one of the Federal Reserve banks; and "insured bank" includes any bank, banking association, trust company, savings bank, or other banking institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

"National bank."
"Member bank."
"Insured bank."

§ 657. LENDING, CREDIT AND INSURANCE INSTITUTIONS

Whoever, being an officer, agent or employee of or connected in any capacity with the Reconstruction Finance Corporation, Federal Deposit Insurance Corporation, Home Owners' Loan Corporation, Farm Credit Administration, Federal Housing Administration, Federal Farm Mortgage Corporation, Federal Crop Insurance Corporation, Farmers' Home Corporation or any land bank, intermediate credit bank, bank for cooperatives or any lending, mortgage, insurance, credit or savings and loan corporation or association authorized or acting under the laws of the United States, and whoever, being a receiver of any such institution, or agent or employee of the receiver, embezzles, abstracts, purloins or willfully misapplies any moneys, funds, credits, securities or other things of value belonging to such institution, or pledged or otherwise intrusted to its care, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount or value embezzled, abstracted, purloined or misapplied does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 658. PROPERTY MORTGAGED OR PLEDGED TO FARM CREDIT AGENCIES

Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts, to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, Federal Crop Insurance Corporation, Farmers' Home Corporation, or any production credit corporation or corporation in which a production credit corporation holds stock, any regional agricultural credit corporation, or any bank for cooperatives, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the value of such property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 659. INTERSTATE OR FOREIGN BAGGAGE, EXPRESS OR FREIGHT; STATE PROSECUTIONS

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any railroad car, wagon,

motortruck, or other vehicle, or from any station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express; or

Whoever buys or receives or has in his possession any such goods or chattels, knowing the same to have been stolen; or

Whoever embezzles, steals, or unlawfully takes, carries away, or by fraud or deception obtains with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce or breaks into, steals, takes, carries away, or conceals any of the contents of such baggage, or buys, receives, or has in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes by any fraudulent device, scheme, or game, from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce or from any passenger thereon any money, baggage, goods, or chattels, or who buys, receives, or has in his possession any such money, baggage, goods, or chattels, knowing the same to have been stolen—

Penalty.

Shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods or chattels does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

District in which offense deemed committed.

The offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels.

The carrying or transporting of any such money, freight, express, baggage, goods, or chattels in interstate or foreign commerce, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties under this section for unlawful taking, and the offense shall be deemed to have been committed in any district into which such money, freight, express, baggage, goods, or chattels shall have been removed or into which the same shall have been brought by such offender.

Waybill, etc., as evidence.

To establish the interstate or foreign commerce character of any shipment in any prosecution under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.

§ 660. CARRIER'S FUNDS DERIVED FROM COMMERCE; STATE PROSECUTIONS

Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common carrier, or whoever, being an employee of such common carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, property or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

§ 661. WITHIN SPECIAL MARITIME AND TERRRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding $100, or is taken from the person of another, by a fine of not more than $5,000, or imprisonment for not more than five years, or both; in all other cases, by a fine of not more than $1,000 or by imprisonment not more than one year, or both.

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be the value of the property stolen.

§ 662. RECEIVING STOLEN PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, buys, receives, or conceals any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than $1,000 or imprisoned not more than three years, or both; but if the amount or value of thing so taken, stolen or embezzled does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 663. SOLICITATION OR USE OF GIFTS

Whoever solicits any gift of money or other property, and represents that such gift is being solicited for the use of the United States, with the intention of embezzling, stealing, or purloining such gift, or converting the same to any other use or purpose, or whoever, having come into possession of any money or property which has been donated by the owner thereof for the use of the United States, embezzles, steals or purloins such money or property, or converts the same to any other use or purpose, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER 33.—EMBLEMS, INSIGNIA AND NAMES

Sec.

701. Official badges, identification cards, other insignia.
702. Uniform of Army, Navy, Marine Corps, Coast Guard, and Public Health Service.
703. Uniform of friendly nation.
704. Military medals or decorations.
705. Badge or medal of veterans' organizations.
706. Red Cross.
707. 4–H Club emblem fraudulently used.
708. Swiss Confederation coat of arms.
709. False advertising or misuse of names to indicate Federal agency.

§ 701. OFFICIAL BADGES, IDENTIFICATION CARDS, OTHER INSIGNIA

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any

department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 702. UNIFORM OF ARMY, NAVY, MARINE CORPS, COAST GUARD AND PUBLIC HEALTH SERVICE

Whoever, without authority, wears the uniform or a distinctive part thereof or anything similar to a distinctive part of the uniform of the Army, Navy, Marine Corps, Coast Guard, Public Health Service or any auxiliary of such, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 703. UNIFORM OF FRIENDLY NATION

Whoever, within the jurisdiction of the United States, with intent to deceive or mislead, wears any naval, military, police, or other official uniform, decoration, or regalia of any foreign state, nation, or government with which the United States is at peace, or anything so nearly resembling the same as to be calculated to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 704. MILITARY MEDALS OR DECORATIONS

Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded by the War or Navy Departments, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 705. BADGE OR MEDAL OF VETERANS' ORGANIZATIONS

Whoever knowingly manufactures, reproduces, sells or purchases for resale, either separately or on or appended to, any article of merchandise manufactured or sold, any badge, medal, emblem, or other insignia or any colorable imitation thereof, of any veterans' organization incorporated by enactment of Congress, or knowingly prints, lithographs, engraves or otherwise reproduces on any poster, circular, periodical, magazine, newspaper, or other publication, or circulates or distributes any such printed matter bearing a reproduction of such badge, medal, emblem, or other insignia or any colorable imitation thereof, except when authorized under rules and regulations prescribed by any such organization, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 706. RED CROSS

Whoever wears or displays the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross; or

Whoever, whether a corporation, association or person, other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States, uses the emblem of the Greek red cross on a white ground, or any sign or insignia made or colored in imitation thereof or the words "Red Cross" or "Geneva Cross" or any combination of these words—

Shall be fined not more than $250 or imprisoned not more than six months, or both.

This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this title.

§ 707. 4–H CLUB EMBLEM FRAUDULENTLY USED

Whoever, with intent to defraud, wears or displays the sign or emblem of the 4–H clubs, consisting of a green four-leaf clover with stem, and the letter H in white or gold on each leaflet, or any insignia in colorable imitation thereof, for the purpose of inducing the belief that he is a member of, associated with, or an agent or representative for the 4–H clubs; or

Whoever, whether an individual, partnership, corporation or association, other than the 4–H clubs and those duly authorized by them, the representatives of the United States Department of Agriculture, the land grant colleges, and persons authorized by the Secretary of Agriculture, uses, within the United States, such emblem or any sign, insignia, or symbol in colorable imitation thereof, or the words "4–H Club" or "4–H Clubs" or any combination of these or other words or characters in colorable imitation thereof—

Shall be fined not more than $250 or imprisoned not more than six months, or both.

This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this title.

§ 708. SWISS CONFEDERATION COAT OF ARMS

Whoever, whether a corporation, partnership, unincorporated company, association, or person within the United States, willfully uses as a trade mark, commercial label, or portion thereof, or as an advertisement or insignia for any business or organization or for any trade or commercial purpose, the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any simulation thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 709. FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE FEDERAL AGENCY

Whoever, except as permitted by the laws of the United States, uses the words "national", "Federal", "United States", "reserve", or "Deposit Insurance" as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that a nonmember bank, banking association, firm or partnership is a member of the Federal reserve system; or

Whoever uses the words "Federal Deposit Insurance Corporation" or a combination of any three of these four words, as the name or a part thereof under which he or it does business, or advertises or otherwise represents falsely by any device whatsoever that deposit liabilities are insured or guaranteed by the Federal Deposit Insurance Corporation, or by the United States, or any instrumentality thereof, or falsely advertises or otherwise represents the extent or manner in which such deposit liabilities are insured by the Federal Deposit Insurance Corporation; or

Whoever, not being organized under chapter 7 of Title 12, advertises or represents that it makes Federal Farm loans or advertises

12 U. S. C., Supp. I, ch. 7.

12 U. S. C., Supp. I, ch. 7.

or offers for sale as Federal Farm loan bonds any bond not issued under chapter 7 of Title 12, or uses the word "Federal" or the words "United States" or any other words implying Government ownership, obligation or supervision in advertising or offering for sale any bond, note, mortgage or other security not issued by the Government of the United States under the provisions of said chapter 7 or some other Act of Congress; or

Whoever uses the words "Federal Home Loan Bank" or any combination or variation of these words alone or with other words as a business name or part of a business name, or falsely publishes, advertises or represents by any device or symbol or other means reasonably calculated to convey the impression that he or it is a Federal Home Loan Bank or member of or subscriber for the stock of a Federal Home Loan Bank; or

Whoever uses the words "National Agricultural Credit Corporation" as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity not organized under the laws of the United States as a National Agricultural Credit Corporation; or

Whoever uses the words "Federal intermediate credit bank" as part of the business or firm name for any person, corporation, partnership, business trust, association or other business entity not organized as an intermediate credit bank under the laws of the United States; or

Whoever uses as a firm or business name the words "Federal Housing," "National Housing" or "United States Housing Authority" or any combination or variation of those words alone or with other words reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from the Federal Housing Administration, the Government of the United States or any agency thereof, which does not in fact exist, or falsely advertises by any device whatsoever that any project, business or product has been in any way indorsed, authorized or approved by the Federal Housing Administration, the Government of the United States or any agency thereof; or

Whoever uses as a firm or business name the words "Reconstruction Finance Corporation" or any combination or variation of these words—

Shall be punished as follows: a corporation, partnership, business trust, association, or other business entity, by a fine of not more than $1,000; an officer or member thereof participating or knowingly acquiescing in such violation or any individual violating this section, by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

This section shall not make unlawful the use of any name or title which was lawful on the date of enactment of this title.

A violation of this section may be enjoined at the suit of the United States Attorney, upon complaint by any duly authorized representative of any department or agency of the United States.

CHAPTER 35—ESCAPE AND RESCUE

Sec.

751. Prisoners in custody of institution or officer.
752. Instigating or assisting escape.
753. Rescue to prevent execution.
754. Rescue of body of executed offender.
755. Officer permitting escape.
756. Internee of belligerent nation.
757. Prisoners of war or enemy aliens.

§ 751. PRISONERS IN CUSTODY OF INSTITUTION OR OFFICER

Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution in which he is confined by direction of the Attorney General,

or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than $5,000 or imprisoned not more than five years, or both; or if the custody or confinement is for extradition or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 752. INSTIGATING OR ASSISTING ESCAPE

Whoever rescues or attempts to rescue or instigates, aids or assists the escape of any person arrested upon a warrant or other process issued under any law of the United States, or committed to the custody of the Attorney General or to any institution by his direction, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than $5,000 or imprisoned not more than five years, or both; or, if the custody or confinement is for extradition or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 753. RESCUE TO PREVENT EXECUTION

Whoever, by force, sets at liberty or rescues any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined not more than $25,000 or imprisoned not more than twenty-five years, or both.

§ 754. RESCUE OF BODY OF EXECUTED OFFENDER

Whoever, by force, rescues or attempts to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section 3567 of this title, or by force rescues or attempts to rescue such body from the place where it has been deposited for dissection in pursuance of said section 3567, shall be fined not more than $100 or imprisoned not more than one year, or both.

Post, p. 838.

§ 755. OFFICER PERMITTING ESCAPE

Whoever, having in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, voluntarily suffers such prisoner to escape, shall be fined not more than $2,000 or imprisoned not more than two years, or both; or if he negligently suffers such person to escape, he shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 756. INTERNEE OF BELLIGERENT NATION

Whoever, within the jurisdiction of the United States, aids or entices any person belonging to the armed forces of a belligerent nation or faction who is interned in the United States in accordance with the law of nations, to escape or attempt to escape from the jurisdiction of the United States or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 757. PRISONERS OF WAR OR ENEMY ALIENS

Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such

prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The provisions of this section shall be in addition to and not in substitution for any other provision of law.

CHAPTER 37.—ESPIONAGE AND CENSORSHIP

Sec.

791. Scope of chapter.
792. Harboring or concealing persons.
793. Gathering, transmitting or losing defense information.
794. Gathering or delivering defense information to aid foreign government.
795. Photographing and sketching defense installations.
796. Use of aircraft for photographing defense installations.
797. Publication and sale of photographs of defense installations.

§ 791. SCOPE OF CHAPTER

This chapter shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States.

§ 792. HARBORING OR CONCEALING PERSONS

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under sections 793 or 794 of this title, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Infra; post, p. 737.

§ 793. GATHERING, TRANSMITTING OR LOSING DEFENSE INFORMATION

Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any other prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army or Navy is being prepared or constructed or stored, information as to which the President has determined would be prejudicial to the national defense; or

Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will

be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter; or

Whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

Whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 794. GATHERING OR DELIVERING DEFENSE INFORMATION TO AID FOREIGN GOVERNMENT

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be imprisoned not more than twenty years.

(b) Whoever violates subsection (a) in time of war shall be punished by death or by imprisonment for not more than thirty years.

(c) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

(d) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. Conspiracy.

§ 795. PHOTOGRAPHING AND SKETCHING DEFENSE INSTALLATIONS

(a) Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any

separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary.

(b) Whoever violates this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 796. USE OF AIRCRAFT FOR PHOTOGRAPHING DEFENSE INSTALLATIONS

Whoever uses or permits the use of an aircraft or any contrivance used, or designed for navigation or flight in the air, for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of section 795 of this title, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Ante, p. 737.

§ 797. PUBLICATION AND SALE OF PHOTOGRAPHS OF DEFENSE INSTALLATIONS

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CHAPTER 39.—EXPLOSIVES AND COMBUSTIBLES

Sec.

831. Definitions.
832. Transportation of dynamite, powder and fuses.
833. Transportation of nitroglycerin.
834. Marking packages containing explosives.
835. Regulations by Interstate Commerce Commission.

§ 831. DEFINITIONS

As used in this chapter—

"Detonating fuzes." "Detonating fuzes" means fuzes used in naval or military service to detonate the high-explosive bursting charges of projectiles, mines, bombs, or torpedoes;

"Fuzes." "Fuzes" means devices used in igniting the bursting charges of projectiles;

"Primers." "Primers" means devices used in igniting the propelling powder charges of ammunition;

"Fuses." "Fuses" means the slow-burning fuses used commercially to convey fire to an explosive combustible mass slowly or without danger to the person lighting same;

"Fusees." "Fusees" means the fusees ordinarily used on steamboats and railroads as night signals.

§ 832. TRANSPORTATION OF DYNAMITE, POWDER AND FUSES

Whoever knowingly transports, carries, or conveys within the limits of the jurisdiction of the United States, any high explosive, such as and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any car or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which car or vehicle is carrying passengers for hire, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily

injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

However, under this section, it shall be lawful to transport on any such car or vehicle, smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single car or vehicle; but such explosives shall not be carried in that part of a car or vehicle which is being used for the transportation of passengers for hire. Also, it shall be lawful to transport on any such car or vehicle small-arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation. This section shall not prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment cars or vehicles.

§ 833. TRANSPORTATION OF NITROGLYCERIN

Whoever knowingly transports, carries, or conveys within the jurisdiction of the United States, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, on any car or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 834. MARKING PACKAGES CONTAINING EXPLOSIVES

Whoever knowingly delivers to any common carrier engaged in interstate or foreign commerce by land or water, or carries upon any car or vehicle operated by any common carrier engaged in interstate or foreign commerce by land any explosive, or other dangerous article, specified in section 832 of this title, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier in writing of the true character thereof, at or before the time such delivery or carriage is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Ante, p. 738.

§ 835. REGULATIONS BY INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water.

The commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions.

Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to

determine whether the material when offered is in proper condition to transport.

Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified.

Ante, pp. 738, 739.

In the execution of sections 831–835 of this title the Interstate Commerce Commission may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and may avail itself of the advice and assistance of any department, commission, or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law.

Whoever knowingly violates any such regulation shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

CHAPTER 41—EXTORTION AND THREATS

Sec.

871. Threats against President.
872. Extortion by officers or employees of the United States.
873. Blackmail.
874. Kickbacks from public works employees.
875. Interstate communications.
876. Mailing threatening communications.
877. Mailing threatening communications from foreign country.

§ 871. THREATS AGAINST PRESIDENT

Whoever knowingly and willfully deposits for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or knowingly and willfully otherwise makes any such threat against the President, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 872. EXTORTION BY OFFICERS OR EMPLOYEES OF THE UNITED STATES

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such under color or pretense of office or employment, commits or attempts an act of extortion, shall be fined not more than $5,000 or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed $100, he shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 873. BLACKMAIL

Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

§ 874. KICKBACKS FROM PUBLIC WORKS EMPLOYEES

Whoever, by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever induces any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 875. INTERSTATE COMMUNICATIONS

(a) Whoever transmits in interstate commerce any communication containing any demand or request for a ransom or reward for the release of any kidnapped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(b) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(c) Whoever transmits in interstate commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

(d) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, shall be fined not more than $500 or imprisoned not more than two years, or both.

§ 876. MAILING THREATENING COMMUNICATIONS

Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Post Office Department or knowingly causes to be delivered by the Post Office Department according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than $500 or imprisoned not more than two years, or both.

§ 877. MAILING THREATENING COMMUNICATIONS FROM FOREIGN COUNTRY

Whoever knowingly deposits in any post office or authorized depository for mail matter of any foreign country any communication addressed to any person within the United States, for the purpose of having such communication delivered by the post office establishment

of such foreign country to the Post Office Department of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post office establishment of such foreign country to the Post Office Department of the United States and by it delivered to the address to which it is directed in the United States, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits as aforesaid, any communication for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than $500 or imprisoned not more than two years, or both.

CHAPTER 43.—FALSE PERSONATION

Sec.

911. Citizen of the United States.
912. Officer or employee of the United States.
913. Impersonator making arrest or search.
914. Creditors of the United States.
915. Foreign diplomats, consuls or officers.
916. 4-H Club members or agents.
917. Red Cross members or agents.

§ 911. Citizen of the United States

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 912. Officer or employee of the United States

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 913. Impersonator making arrest or search

Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 914. Creditors of the United States

Whoever falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, wages, or other debt due

from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, wages, or other debt, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 915. FOREIGN DIPLOMATS, CONSULS OR OFFICERS

Whoever, with intent to defraud within the United States, falsely assumes or pretends to be a diplomatic, consular or other official of a foreign government duly accredited as such to the United States and acts as such, or in such pretended character, demands or obtains or attempts to obtain any money, paper, document, or other thing of value, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 916. 4–H CLUB MEMBERS OR AGENTS

Whoever, falsely and with intent to defraud, holds himself out as or represents or pretends himself to be a member of, associated with, or an agent or representative for the 4–H clubs, an organization established by the Extension Service of the United States Department of Agriculture and the land grant colleges, shall be fined not more than $300 or imprisoned not more than six months, or both.

§ 917. RED CROSS MEMBERS OR AGENTS

Whoever, within the United States, falsely or fraudulently holds himself out as or represents or pretends himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material, shall be fined not more than $500 or imprisoned not more than one year, or both.

CHAPTER 45.—FOREIGN RELATIONS

Sec.
951. Agents of foreign governments.
952. Diplomatic codes and correspondence.
953. Private correspondence with foreign governments.
954. False statements influencing foreign government.
955. Financial transactions with foreign governments.
956. Conspiracy to injure property of foreign government.
957. Possession of property in aid of foreign government.
958. Commission to serve against friendly nation.
959. Enlistment in foreign service.
960. Expedition against friendly nation.
961. Strengthening armed vessel of foreign nation.
962. Arming vessel against friendly nation.
963. Detention of armed vessel.
964. Delivering armed vessel to belligerent nation.
965. Verified statements as prerequisite to vessel's departure.
966. Departure of vessel forbidden for false statements.
967. Departure of vessel forbidden in aid of neutrality.
968. Exportation of war materials to certain countries.
969. Exportation of arms, liquors and narcotics to Pacific Islands.

§ 951. AGENTS OF FOREIGN GOVERNMENTS

Whoever, other than a diplomatic or consular officer or attaché, acts in the United States as an agent of a foreign government without prior notification to the Secretary of State, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 952. DIPLOMATIC CODES AND CORRESPONDENCE

Whoever, by virtue of his employment by the United States, obtains from another or has or has had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and without authorization or competent authority, willfully publishes or furnishes to

another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 953. PRIVATE CORRESPONDENCE WITH FOREIGN GOVERNMENTS

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

§ 954. FALSE STATEMENTS INFLUENCING FOREIGN GOVERNMENT

Whoever, in relation to any dispute or controversy between a foreign government and the United States, willfully and knowingly makes any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the United States or any department or agency thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 955. FINANCIAL TRANSACTIONS WITH FOREIGN GOVERNMENTS

Whoever, within the United States, purchases or sells the bonds, securities, or other obligations of any foreign government or political subdivision thereof or any organization or association acting for or on behalf of a foreign government or political subdivision thereof, issued after April 13, 1934, or makes any loan to such foreign government, political subdivision, organization or association, except a renewal or adjustment of existing indebtedness, while such government, political subdivision, organization or association, is in default in the payment of its obligations, or any part thereof, to the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

This section is applicable to individuals, partnerships, corporations, or associations other than public corporations created by or pursuant to special authorizations of Congress, or corporations in which the United States has or exercises a controlling interest through stock ownership or otherwise. While any foreign government is a member both of the International Monetary Fund and of the International Bank for Reconstruction and Development, this section shall not apply to the sale or purchase of bonds, securities, or other obligations of such government or any political subdivision thereof or of any organization or association acting for or on behalf of such government or political subdivision, or to making of any loan to such government, political subdivision, organization, or association.

§ 956. CONSPIRACY TO INJURE PROPERTY OF FOREIGN GOVERNMENT

(a) If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within

a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

§ 957. POSSESSION OF PROPERTY IN AID OF FOREIGN GOVERNMENT

Whoever, in aid of any foreign government, knowingly and willfully possesses or controls any property or papers used or designed or intended for use in violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than ten years, or both.

§ 958. COMMISSION TO SERVE AGAINST FRIENDLY NATION

Any citizen of the United States who, within the jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, against any prince, state, colony, district, or people, with whom the United States is at peace, shall be fined not more than $2,000 or imprisoned not more than three years, or both.

§ 959. ENLISTMENT IN FOREIGN SERVICE

(a) Whoever, within the United States, enlists or enters himself, or hires or retains another to enlist or enter himself, or to go beyond the jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a soldier or as a marine or seaman on board any vessel of war, letter of marque, or privateer, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

(b) This section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign counry. Enlistments under this subsection shall be under regulations prescribed by the Secretary of the Army.

(c) This section and sections 960 and 961 of this title shall not apply to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States and enlists or enters himself on board any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people.

Infra; post, p. 746.

§ 960. EXPEDITION AGAINST FRIENDLY NATION

Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the

United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both.

§ 961. STRENGTHENING ARMED VESSEL OF FOREIGN NATION

Whoever, within the United States, increases or augments the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States is at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 962. ARMING VESSEL AGAINST FRIENDLY NATION

Whoever, within the United States, furnishes, fits out, arms, or attempts to furnish, fit out or arm, any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or state, or of any colony, district, or people, to cruise, or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace; or

Whoever issues or delivers a commission within the United States for any vessel, to the intent that she may be so employed—

Shall be fined not more than $10,000 or imprisoned not more than three years, or both.

Every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of the informer and the other half to the use of the United States.

§ 963. DETENTION OF ARMED VESSEL

(a) During a war in which the United States is a neutral nation, the President, or any person authorized by him, may detain any armed vessel owned wholly or in part by citizens of the United States, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or upon the high seas.

(b) Whoever, in violation of this section takes, or attemps to take, or authorizes the taking of any such vessel, out of port or from the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

§ 964. DELIVERING ARMED VESSEL TO BELLIGERENT NATION

(a) During a war in which the United States is a neutral nation, it shall be unlawful to send out of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract that such vessel will be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

(b) Whoever, in violation of this section, takes or attempts to take, or authorizes the taking of any such vessel, out of port or from the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

§ 965. VERIFIED STATEMENTS AS PREREQUISITE TO VESSEL'S DEPARTURE

(a) During a war in which the United States is a neutral nation, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall, in addition to the facts required by sections 91, 92, and 94 of Title 46 to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, deliver to the collector of customs for the district wherein such vessel is then located a statement, duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas, and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

(b) Whoever, in violation of this section, takes or attempts to take, or authorizes the taking of any such vessel, out of port or from the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

The Secretary of the Treasury is authorized to promulgate regulations upon compliance with which vessels engaged in the coastwise trade or fisheries or used solely for pleasure may be relieved from complying with this section.

Regulations for non-compliance.

§ 966. DEPARTURE OF VESSEL FORBIDDEN FOR FALSE STATEMENTS

(a) Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in section 965 of this title are false, the collector of customs for the district in which the vessel is located may, subject to review by the head of the department or agency charged with the administration of laws relating to clearance of vessels, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the United States. It shall thereupon be unlawful for the vessel to depart.

Supra.

(b) Whoever, in violation of this section, takes or attempts to take,

or authorizes the taking of any such vessel, out of port or from the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

§ 967. DEPARTURE OF VESSEL FORBIDDEN IN AID OF NEUTRALITY

(a) During a war in which the United States is a neutral nation, the President, or any person authorized by him, may withhold clearance from or to any vessel, domestic or foreign, or, by service of formal notice upon the owner, master, or person in command or in charge of any domestic vessel not required to secure clearances, may forbid its departure from port or from the United States, whenever there is reasonable cause to believe that such vessel is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations. It shall thereupon be unlawful for such vessel to depart.

(b) Whoever, in violation of this section, takes or attempts to take, or authorizes the taking of any such vessel, out of port or from the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. In addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

§ 968. EXPORTATION OF WAR MATERIALS TO CERTAIN COUNTRIES

Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States, to such country until otherwise ordered by the President or by Congress.

Whoever violates this section shall be fined not more than $10,000 or imprisoned not more than two years, or both.

§ 969. EXPORTATION OF ARMS, LIQUORS AND NARCOTICS TO PACIFIC ISLANDS

(a) Whoever, being subject to the authority of the United States, gives, sells, or otherwise supplies any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific Islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than $50 or imprisoned not more than three months or both.

In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited.

If it appears to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge.

(b) All offenses against this section, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States.

CHAPTER 47.—FRAUD AND FALSE STATEMENTS

Sec.

1001. Statements or entries generally.
1002. Possession of false papers to defraud United States.
1003. Demands against the United States.
1004. Certification of checks.
1005. Bank entries, reports and transactions.
1006. Federal credit institution entries, reports and transactions.
1007. Federal Deposit Insurance Corporation transactions.
1008. Federal Savings and Loan Insurance Corporation transactions.
1009. Rumors regarding Federal Savings and Loan Insurance Corporation.
1010. Federal Housing Administration transactions.
1011. Federal land bank mortgage transactions.
1012. United States Housing Authority transactions.
1013. Farm loan bonds and credit bank debentures.
1014. Loan and credit applications generally; renewals and discounts; crop insurance.
1015. Naturalization, citizenship or alien registry.
1016. Acknowledgement of appearance or oath.
1017. Government seals wrongfully used and instruments wrongfully sealed.
1018. Official certificates or writings.
1019. Certificates by consular offices.
1020. Highway projects.
1021. Title records.
1022. Delivery of certificate, voucher, receipt for military or naval property.
1023. Insufficient delivery of money or property for military or naval service.
1024. Purchase or receipt of military, naval, or veterans' facilities property.
1025. False pretenses on high seas and other waters.
1026. Compromise, adjustment, or cancellation of farm indebtedness.

§ 1001. STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1002. POSSESSION OF FALSE PAPERS TO DEFRAUD UNITED STATES

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1003. DEMANDS AGAINST THE UNITED STATES

Whoever knowingly and fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, wages, gratuity, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than $10,000 or imprisoned not more than five years, or both; but if the sum or value so obtained or attempted to be obtained does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1004. CERTIFICATION OF CHECKS

Whoever, being an officer, director, agent, or employee of any Federal Reserve bank or member bank of the Federal Reserve System, certifies a check before the amount thereof has been regularly deposited in the bank by the drawer thereof, or resorts to any device, or receives any fictitious obligation, directly or collaterally, in order to evade

any of the provisions of law relating to certification of checks, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1005. BANK ENTRIES, REPORTS AND TRANSACTIONS

Whoever, being an officer, director, agent or employee of any Federal Reserve bank, member bank, national bank or insured bank, without authority from the directors of such bank, issues or puts in circulation any notes of such bank; or

Whoever, without such authority, makes, draws, issues, puts forth, or assigns any certificate of deposit, draft, order, bill of exchange, acceptance, note, debenture, bond, or other obligation, or mortgage, judgment or decree; or

Whoever makes any false entry in any book, report, or statement of such bank with intent to injure or defraud such bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such bank, or the Comptroller of the Currency, or the Federal Deposit Insurance Corporation, or any agent or examiner appointed to examine the affairs of such bank, or the Board of Governors of the Federal Reserve System—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"National bank." "Member bank." "Insured bank."

As used in this section, the term "national bank" is synonymous with "national banking association"; "member bank" means and includes any national bank, state bank, or bank or trust company, which has become a member of one of the Federal Reserve banks; and "insured bank" includes any state bank, banking association, trust company, savings bank, or other banking institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

§ 1006. FEDERAL CREDIT INSTITUTION ENTRIES, REPORTS AND TRANSACTIONS

Whoever, being an officer, agent or employee of or connected in any capacity with the Reconstruction Finance Corporation, Federal Deposit Insurance Corporation, Home Owners' Loan Corporation, Farm Credit Administration, Federal Housing Administration, Federal Farm Mortgage Corporation, Federal Crop Insurance Corporation, Farmers' Home Corporation, or any land bank, intermediate credit bank, bank for cooperatives or any lending, mortgage, insurance, credit or savings and loan corporation or association authorized or acting under the laws of the United States, with intent to defraud any such institution or any other company, body politic or corporate, or any individual, or to deceive any officer, auditor, examiner or agent of any such institution or of department or agency of the United States, makes any false entry in any book, report or statement of or to any such institution, or without being duly authorized, draws any order or bill of exchange, makes any acceptance, or issues, puts forth or assigns any note, debenture, bond or other obligation, or draft, bill of exchange, mortgage, judgment, or decree, or, with intent to defraud the United States or any agency thereof, or any corporation, institution, or association referred to in this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such corporation, institution, or association, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1007. FEDERAL DEPOSIT INSURANCE CORPORATION TRANSACTIONS

Whoever, for the purpose of obtaining any loan from the Federal Deposit Insurance Corporation, or any extension or renewals thereof, or the acceptance, release, or substitution of security therefor, or for

the purpose of inducing the Federal Deposit Insurance Corporation to purchase any assets, or for the purpose of obtaining the payment of any insured deposit or transferred deposit or the allowance, approval, or payment of any claim, or for the purpose of influencing in any way the action of the Federal Deposit Insurance Corporation, makes any statement, knowing it to be false, or willfully overvalues any security, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 1008. FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION TRANSACTIONS

Whoever, for the purpose of inducing the insurance of the accounts of any institution by the Federal Savings and Loan Insurance Corporation or for the purpose of obtaining any extension or renewal of such insurance by such Corporation or for the purpose of influencing in any way the action of such Corporation, makes, passes, utters, or publishes any statement, knowing the same to be false; or

Whoever, for the purpose of influencing in any way the action of such Corporation, utters, forges, or counterfeits any instrument, paper, or document, or utters, publishes, or passes as true any instrument, paper, or document, knowing it to have been uttered, forged, or counterfeited, or willfully overvalues any security, asset, or income, of any institution insured or applying for insurance by said Corporation—

Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 1009. RUMORS REGARDING FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Whoever willfully and knowingly makes, circulates, or transmits to another or others any statement or rumor, written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of the Federal Savings and Loan Insurance Corporation, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1010. FEDERAL HOUSING ADMINISTRATION TRANSACTIONS

Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that such loan or advance of credit shall be offered to or accepted by the Federal Housing Administration for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage insured by such Administration, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of such Administration, makes, passes, utters, or publishes any statement, knowing the same to be false, or alters, forges, or counterfeits any instrument, paper, or document, or utters, publishes, or passes as true any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 1011. FEDERAL LAND BANK MORTGAGE TRANSACTIONS

Whoever, being a mortgagee, knowingly makes any false statement in any paper, proposal, or letter, relating to the sale of any mortgage, to any Federal land bank; or

Whoever, being an appraiser, willfully overvalues any land securing such mortgage—

Shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 1012. UNITED STATES HOUSING AUTHORITY TRANSACTIONS

Whoever, with intent to defraud, makes any false entry in any book of the United States Housing Authority or makes any false report or statement to or for such Authority; or

Whoever receives any compensation, rebate, or reward, with intent to defraud such Authority or with intent unlawfully to defeat its purposes; or

Whoever induces or influences such Authority to purchase or acquire any property or to enter into any contract and willfully fails to disclose any interest which he has in such property or in the property to which such contract relates, or any special benefit which he expects to receive as a result of such contract—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1013. FARM LOAN BONDS AND CREDIT BANK DEBENTURES

Whoever deceives, defrauds, or imposes upon, or attempts to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any farm loan bond, or coupon, issued by any Federal land bank or banks, or by any joint-stock land bank or banks; or of any debenture, coupon, or other obligation, issued by any Federal intermediate credit bank or banks, or by any National Agricultural Credit Corporation; or by falsely pretending or representing that any farm loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond or coupon, shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1014. LOAN AND CREDIT APPLICATIONS GENERALLY; RENEWALS AND DISCOUNTS; CROP INSURANCE

Whoever knowingly makes any false statement or report, or willfully overvalues any land, property or security, for the purpose of influencing in any way the action of the Reconstruction Finance Corporation, Farm Credit Administration, Federal Crop Insurance Corporation, Farmers' Home Corporation, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or any division, officer, or employee thereof, or of any corporation organized under sections 1131–1134m of Title 12, or in which a Production Credit Corporation holds stock, or of any regional agricultural credit corporation established pursuant to law, or of the National Agricultural Credit Corporation, a Federal Home Loan Bank, the Federal Home Loan Bank Board, the Home Owners' Loan Corporation, a Federal Savings and Loan Association, a Federal land bank, a joint-stock land bank, a National farm loan association, or of a Federal Reserve bank, upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

§ 1015. NATURALIZATION, CITIZENSHIP OR ALIEN REGISTRY

(a) Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens; or

(b) Whoever knowingly, with intent to avoid any duty or liability imposed or required by law, denies that he has been naturalized or admitted to be a citizen, after having been so naturalized or admitted; or

(c) Whoever uses or attempts to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship or other documentary evidence of naturalization or of citizenship, or any duplicate or copy thereof, knowing the same to have been procured by fraud or false evidence or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained; or

(d) Whoever knowingly makes any false certificate, acknowledgment or statement concerning the appearance before him or the taking of an oath or affirmation or the signature, attestation or execution by any person with respect to any application, declaration, petition, affidavit, deposition, certificate of naturalization, certificate of citizenship or other paper or writing required or authorized by the laws relating to immigration, naturalization, citizenship, or registry of aliens—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1016. ACKNOWLEDGMENT OF APPEARANCE OR OATH

Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, knowingly makes any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter submitted to, made with, or taken on behalf of the United States or any department or agency thereof, concerning which an oath or affirmation is required by law or lawful regulation, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 1017. GOVERNMENT SEALS WRONGFULLY USED AND INSTRUMENTS WRONGFULLY SEALED

Whoever fraudulently or wrongfully affixes or impresses the seal of any department or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge of its fraudulent character, with wrongful or fraudulent intent, uses, buys, procures, sells, or transfers to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1018. OFFICIAL CERTIFICATES OR WRITINGS

Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, knowingly makes and delivers as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1019. CERTIFICATES BY CONSULAR OFFICERS

Whoever, being a consul, or vice consul, or other person employed in the consular service of the United States, knowingly certifies falsely to any invoice, or other paper, to which his certificate is authorized or required by law, shall be fined not more than $10,000 or imprisoned not more than three years, or both.

§ 1020. HIGHWAY PROJECTS

Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost

of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Agriculture; or

Whoever knowingly makes any false statement, false representation, or false report or claim for work or materials for the construction of any highway or related project approved by the Secretary of Agriculture; or

Whoever knowingly makes any false statement or false representation in any report required under Title 23, with intent to defraud the United States—

Shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1021. TITLE RECORDS

Whoever, being an officer or other person authorized by any law of the United States to record a conveyance of real property or any other instrument which by such law may be recorded, knowingly certifies falsely that such conveyance or instrument has or has not been recorded, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 1022. DELIVERY OF CERTIFICATE, VOUCHER, RECEIPT FOR MILITARY OR NAVAL PROPERTY

Whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property used or to be used in the military or naval service, makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any agency thereof, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 1023. INSUFFICIENT DELIVERY OF MONEY OR PROPERTY FOR MILITARY OR NAVAL SERVICE

Whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any agency thereof, or any corporation in which the United States has a proprietary interest, or intending to conceal such money or other property, delivers to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 1024. PURCHASE OR RECEIPT OF MILITARY, NAVAL, OR VETERAN'S FACILITIES PROPERTY

Whoever purchases, or receives in pledge from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States under a clothing allowance or otherwise, to any member of the Armed Forces of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, or to any former member of such Armed Forces at or by any hospital, home, or facility maintained by the United States, having knowledge or reason to believe that the property has been taken from the possession of or furnished by the United States under such allowance, or otherwise, shall be fined not more than $500 or imprisoned not more than two years, or both.

§ 1025. FALSE PRETENSES ON HIGH SEAS AND OTHER WATERS

Whoever, upon any waters or vessel within the special maritime and territorial jurisdiction of the United States, by any fraud, or false presense, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, as maker, endorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, or fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, endorser, or guarantor thereof to have been obtained by any false pretenses, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount, value or the face value of anything so obtained does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1026. COMPROMISE, ADJUSTMENT, OR CANCELLATION OF FARM INDEBTEDNESS

Whoever knowingly makes any false statement for the purpose of influencing in any way the action of the Secretary of Agriculture, or of any person acting under his authority, in connection with any compromise, adjustment, or cancellation of any farm indebtedness as provided by sections 1150, 1150a, and 1150b of Title 12, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CHAPTER 49.—FUGITIVES FROM JUSTICE

Sec.
1071. Concealing person from arrest.
1072. Concealing escaped prisoner.
1073. Flight to avoid prosecution or giving testimony.

§ 1071. CONCEALING PERSON FROM ARREST

Whoever harbors or conceals any person for whose arrest a warrant or process has been issued under the provisions of any law of the United States, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

§ 1072. CONCEALING ESCAPED PRISONER

Whoever willfully harbors or conceals any prisoner after his escape from the custody of the Attorney General or from a Federal penal or correctional institution, shall be imprisoned not more than three years.

§ 1073. FLIGHT TO AVOID PROSECUTION OR GIVING TESTIMONY

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

CHAPTER 51.—HOMICIDE

Sec.
1111. Murder.
1112. Manslaughter.
1113. Attempt to commit murder or manslaughter.
1114. Protection of officers and employees of the United States.
1115. Misconduct or neglect of ship officers.

§ 1111. MURDER

Murder in first degree.

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Murder in second degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto "without capital punishment", in which event he shall be sentenced to imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

§ 1112. MANSLAUGHTER

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary manslaughter.

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary manslaughter.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be imprisoned not more than ten years;

Whoever is guilty of involuntary manslaughter, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 1113. ATTEMPT TO COMMIT MURDER OR MANSLAUGHTER

Ante, p. 689.

Except as provided in section 113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 1114. PROTECTION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act

of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

Ante, p. 756.

§ 1115. MISCONDUCT OR NEGLECT OF SHIP OFFICERS

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

CHAPTER 53.—INDIANS

Sec.

1151. Indian country defined.
1152. Laws governing.
1153. Offenses committed within Indian country.
1154. Intoxicants dispensed in Indian country.
1155. Intoxicants dispensed on school site.
1156. Intoxicants possessed unlawfully.
1157. Livestock sold or removed.
1158. Counterfeiting Indian Arts and Crafts Board trade-mark.
1159. Misrepresentation in sale of products.
1160. Property damaged in committing offense.

§ 1151. INDIAN COUNTRY DEFINED

The term "Indian country", as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

§ 1152. LAWS GOVERNING

Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

§ 1153. OFFENSES COMMITTED WITHIN INDIAN COUNTRY

Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

Any Indian who commits the offense of rape upon any female Indian within the Indian country, shall be imprisoned at the discretion of the court.

As used in this section the offenses of burglary and rape shall be defined and punished in accordance with the laws of the State in which such offenses were committed.

§ 1154. INTOXICANTS DISPENSED IN INDIAN COUNTRY

(a) Whoever sells, gives away, disposes of, exchanges, or barters any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and whoever introduces or attempts to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall, for the first offense, be fined not more than $500 or imprisoned not more than one year, or both; and, for each subsequent offense, be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department, but this subsection shall not bar the prosecution of any officer, soldier, sutler or storekeeper, attaché, or employee of the Army of the United States who barters, donates, or furnishes in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian.

§ 1155. INTOXICANTS DISPENSED ON SCHOOL SITE

Whoever, on any tract of land in the former Indian country upon which is located any Indian school maintained by or under the supervision of the United States, manufactures, sells, gives away, or in any manner, or by any means furnishes to anyone, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, whether medicated or not, or who carries, or in any manner has carried, into such area any such liquors or drinks, or who shall be interested in such manufacture, sale, giving away, furnishing to anyone, or carrying into such area any of such liquors or drinks, shall be fined not more than $500 or imprisoned not more than five years, or both.

§ 1156. INTOXICANTS POSSESSED UNLAWFULLY

Whoever, except for scientific, sacramental, medicinal or mechanical purposes, possesses intoxicating liquors in the Indian country or where the introduction is prohibited by treaty or an Act of Congress, shall, for the first offense, be fined not more than $500 or imprisoned not more than one year, or both; and, for each subsequent offense, be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1157. LIVESTOCK SOLD OR REMOVED

Where restricted Indians are in possession or control of livestock purchased for or issued to them by the Government, or the increase therefrom, such stock shall not be sold, transferred, mortgaged, or otherwise disposed of, except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of the livestock belongs, and all transactions in violation of this provision shall be void.

All such livestock so purchased or issued and the increase therefrom belonging to restricted Indians and grazed in the Indian country shall be branded with the I D or reservation brand of the jurisdiction to which the owners of such stock belong, and shall not be removed from the Indian country except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of such livestock belongs, or by order of the Secretary of War, in connection with the movement of troops.

Whoever violates this section by selling or otherwise disposing of such stock, purchasing, or otherwise acquiring an interest therein, or by removing such stock from the Indian country, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 1158. COUNTERFEITING INDIAN ARTS AND CRAFTS BOARD TRADEMARK

Whoever counterfeits or colorably imitates any Government trade mark used or devised by the Indian Arts and Crafts Board in the Department of the Interior as provided in section 305a of Title 25, or, except as authorized by the Board, affixes any such Government trade mark, or knowingly, willfully, and corruptly affixes any reproduction, counterfeit, copy, or colorable imitation thereof upon any products, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of such products; or

Whoever knowingly makes any false statement for the purpose of obtaining the use of any such Government trade mark—

Shall be fined not more than $500 or imprisoned not more than six months, or both; and shall be enjoined from further carrying on the act or acts complained of.

§ 1159. MISREPRESENTATION IN SALE OF PRODUCTS

Whoever willfully offers or displays for sale any goods, with or without any Government trade mark, as Indian products or Indian products of a particular Indian tribe or group, resident within the United States or the Territory of Alaska, when such person knows such goods are not Indian products or are not Indian products of the particular Indian tribe or group, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 1160. PROPERTY DAMAGED IN COMMITTING OFFENSE

Whenever a white person, in the commission of an offense within the Indian country takes, injures or destroys the property of any friendly Indian the judgment of conviction shall include a sentence

that the defendant pay to the Indian owner a sum equal to twice the just value of the property so taken, injured, or destroyed.

If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

CHAPTER 55.—KIDNAPING

Sec.

1201. Transportation.
1202. Ransom money.

§ 1201. TRANSPORTATION

(a) Whoever knowingly transports in interstate or foreign commerce, any person who has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away and held for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall be punished (1) by death if the kidnaped person has not been liberated unharmed, and if the verdict of the jury shall so recommend, or (2) by imprisonment for any term of years or for life, if the death penalty is not imposed.

(b) The failure to release the victim within seven days after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished as provided in subsection (a).

§ 1202. RANSOM MONEY

Whoever receives, possesses, or disposes of any money or other property, or any portion thereof, which has at any time been delivered as ransom or reward in connection with a violation of section 1201 of this title, knowing the same to be money or property which has been at any time delivered as such ransom or reward, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

CHAPTER 57.—LABOR

Sec.

1231. Transportation of strikebreakers.
1232. Enticement of workman from armory or arsenal.

§ 1231. TRANSPORTATION OF STRIKEBREAKERS

Whoever willfully transports in interstate or foreign commerce any person who is employed or is to be employed for the purpose of obstructing or interfering by force or threats with (1) peaceful picketing by employees during any labor controversy affecting wages, hours, or conditions of labor, or (2) the exercise by employees of any of the rights of self-organization or collective bargaining; or

Whoever is knowingly transported in or travels interstate or foreign commerce for any of the purposes enumerated in this section—

Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

This section shall not apply to common carriers.

§ 1232. ENTICEMENT OF WORKMAN FROM ARMORY OR ARSENAL

Whoever procures or entices any artificer or workman retained or employed in any arsenal or armory to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or

Whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, retains, hires, or in anywise employs, harbors, or conceals such artificer or workman—

Shall be fined not more than $50 or imprisoned not more than three months, or both.

CHAPTER 59.—LIQUOR TRAFFIC

Sec.

1261. Enforcement, regulations, and scope.
1262. Transportation into State prohibiting sale.
1263. Marks and labels on packages.
1264. Delivery to consignee.
1265. C. O. D. shipments prohibited.

§ 1261. ENFORCEMENT, REGULATIONS, AND SCOPE

(a) The Secretary of the Treasury shall enforce the provisions of this chapter. Regulations to carry out its provisions shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

(d) This chapter shall not apply to the Canal Zone.

§ 1262. TRANSPORTATION INTO STATE PROHIBITING SALE

Whoever imports, brings, or transports any intoxicating liquor into any State, Territory, District, or Possession in which all sales, except for scientific, sacramental, medicinal, or mechanical purposes, of intoxicating liquor containing more than 4 per centum of alcohol by volume or 3.2 per centum of alcohol by weight are prohibited, otherwise than in the course of continuous interstate transportation through such State, Territory, District, or Possession or attempts so to do, or assists in so doing,

Shall (1) If such liquor is not accompanied by such permits, or licenses therefor as may be required by the laws of such State, Territory, District, or Possession or (2) if all importation, bringing, or transportation of intoxicating liquor into such State, Territory, District, or Possession is prohibited by the laws thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

In the enforcement of this section, the definition of intoxicating liquor contained in the laws of the respective States, Territories, District, or Possessions shall be applied, but only to the extent that sales of such intoxicating liquor (except for scientific, sacramental, medicinal, and mechanical purposes) are prohibited therein.

§ 1263. MARKS AND LABELS ON PACKAGES

Whoever knowingly ships into any place within the United States, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package is so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1264. DELIVERY TO CONSIGNEE

Whoever, being an officer, agent, or employee of any railroad company, express company, or other common carrier, knowingly delivers to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious

name, any spirituous, vinous, malted, or other fermented liquor or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, which has been shipped into any place within the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1265. C. O. D. SHIPMENTS PROHIBITED

Any railroad or express company, or other common carrier which, or any person who, in connection with the transportation of any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, into any State, Territory, District or Possession of the United States, which prohibits the delivery or sale therein of such liquor, collects the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or in any manner acts as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

CHAPTER 61.—LOTTERIES

Sec.
1301. Importing or transporting lottery tickets.
1302. Mailing lottery tickets or related matter.
1303. Postmaster or employee at lottery agent.
1304. Broadcasting lottery information.

§ 1301. IMPORTING OR TRANSPORTING LOTTERY TICKETS

Whoever brings into the United States for the purpose of disposing of the same, or knowingly deposits with any express company or other common carrier for carriage, or carries in interstate or foreign commerce any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or knowingly takes or receives any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

§ 1302. MAILING LOTTERY TICKETS OR RELATED MATTER

Whoever knowingly deposits in the mail, or sends or delivers by mail;

Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme;

Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes—

Shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years.

§ 1303. POSTMASTER OR EMPLOYEE AS LOTTERY AGENT

Whoever, being a postmaster or other person employed in the Postal Service, acts as agent for any lottery office, or under color of purchase or otherwise, vends lottery tickets, or knowingly sends by mail or delivers any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than $100 or imprisoned not more than one year, or both.

§ 1304. BROADCASTING LOTTERY INFORMATION

Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or whoever, operating any such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Each day's broadcasting shall constitute a separate offense.

CHAPTER 63.—MAIL FRAUD

Sec.

1341. Frauds and swindles.
1342. Fictitious name and address.

§ 1341. FRAUDS AND SWINDLES

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose or, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Post Office Department, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 1342. FICTITIOUS NAME OR ADDRESS

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Post Office Department of the United States, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall

Supra.

be fined not more than $1,000 or imprisoned not more than five years, or both.

CHAPTER 65.—MALICIOUS MISCHIEF

Sec.
1361. Govenment property or contracts.
1362. Communication lines, stations or systems.
1363. Buildings or property within special maritime and territorial jurisdiction.
1364. Interference with foreign commerce by violence.

§ 1361. GOVERNMENT PROPERTY OR CONTRACTS

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, shall be punished as follows:

If the damage to such property exceeds the sum of $100, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; if the damage to such property does not exceed the sum of $100, by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

§ 1362. COMMUNICATION LINES, STATIONS OR SYSTEMS

Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone, or cable, line, station, or system, or other means of communication, operated or controlled by the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 1363. BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures or attempts to destroy or injure any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping, shall be fined not more than $1,000 or imprisoned not more than five years, or both, and if the building be a dwelling, or the life of any person be placed in jeopardy, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

§ 1364. INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENCE

Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States, injures or destroys, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

CHAPTER 67.—MILITARY AND NAVY

Sec.
1381. Enticing desertion and harboring deserters.
1382. Entering military, naval, or Coast Guard property.
1383. Restrictions in military areas and zones.
1384. Prostitution near military and naval establishments.

§ 1381. ENTICING DESERTION AND HARBORING DESERTERS

Whoever entices or procures, or attempts or endeavors to entice or procure any person in the Armed Forces of the United States, or who

has been recruited for service therein, to desert therefrom, or aids any such person in deserting or in attempting to desert from such service; or

Whoever harbors, conceals, protects, or assists any such person who may have deserted from such service, knowing him to have deserted therefrom, or refuses to give up and deliver such person on the demand of any officer authorized to receive him—

Shall be fined not more than $2,000 or imprisoned not more than three years, or both.

§ 1382. ENTERING MILITARY, NAVAL, OR COAST GUARD PROPERTY

Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or

Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof—

Shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 1383. RESTRICTIONS IN MILITARY AREAS AND ZONES

Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 1384. PROSTITUTION NEAR MILITARY AND NAVAL ESTABLISHMENTS

Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army or the Secretary of the Navy, or both shall determine to be needful to the efficiency, health, and welfare of the Army or the Navy, or both, and shall designate and publish in general orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or permits any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or leases or rents or contracts to lease or rent any vehicle, conveyance, place, structure or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The Secretaries of the Army and Navy and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section. Cooperation of local authorities.

This section shall not be construed as conferring on the personnel of the War or Navy Department or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section.

CHAPTER 69.—NATIONALITY AND CITIZENSHIP

Sec.
1421. Accounts of court officers.
1422. Fees in naturalization proceedings.
1423. Misuse of evidence of citizenship or naturalization.
1424. Personation or misuse of papers in naturalization proceedings.
1425. Procurement of citizenship or naturalization unlawfully.
1426. Reproduction of naturalization or citizenship papers.
1427. Sale of naturalization or citizenship papers.
1428. Surrender of cancelled naturalization certificate.

§ 1421. ACCOUNTS OF COURT OFFICERS

Whoever, being a clerk or assistant clerk of a court, or other person charged by law with a duty to render true accounts of moneys received in any proceeding relating to citizenship, naturalization, or registration of aliens or to pay over any balance of such moneys due to the United States, willfully neglects to do so within thirty days after said payment shall become due and demand therefor has been made, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1422. FEES IN NATURALIZATION PROCEEDINGS

Whoever knowingly demands, charges, solicits, collects, or receives, or agrees to charge, solicit, collect, or receive any other or additional fees or moneys in proceedings relating to naturalization or citizenship or the registry of aliens beyond the fees and moneys authorized by law, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1423. MISUSE OF EVIDENCE OF CITIZENSHIP OR NATURALIZATION

Whoever knowingly uses for any purpose any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, unlawfully issued or made, or copies or duplicates thereof, showing any person to be naturalized or admitted to be a citizen, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1424. PERSONATION OR MISUSE OF PAPERS IN NATURALIZATION PROCEEDINGS

Whoever, whether as applicant, declarant, petitioner, witness or otherwise, in any naturalization or citizenship proceeding, knowingly personates another or appears falsely in the name of a deceased person or in an assumed or fictitious name; or

Whoever knowingly and unlawfully uses or attempts to use, as showing naturalization or citizenship of any person, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, or copies or duplicates thereof, issued to another person, or in a fictitious name or in the name of a deceased person—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1425. PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY

(a) Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of any person, or documentary or other evidence of naturalization or of citizenship; or

(b) Whoever, whether for himself or another person not entitled thereto, knowingly issues, procures or obtains or applies for or otherwise attempts to procure or obtain naturalization, or citizenship, or a declaration of intention to become a citizen, or a certificate of arrival or any certificate or evidence of nationalization or citizenship, documentary or otherwise, or duplicates or copies of any of the foregoing—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1426. REPRODUCTION OF NATURALIZATION OR CITIZENSHIP PAPERS

(a) Whoever falsely makes, forges, alters or counterfeits any oath, notice, affidavit, certificate of arrival, declaration of intention, certificate or documentary evidence of naturalization or citizenship or any order, record, signature, paper or proceeding or any copy thereof, required or authorized by any law relating to naturalization or citizenship or registry of aliens; or

(b) Whoever utters, sells, disposes of or uses as true or genuine, any false, forged, altered, antedated or counterfeited oath, notice, affidavit, certificate of arrival, declaration of intention to become a citizen, certificate or documentary evidence of naturalization or citizenship, or any order, record, signature or other instrument, paper or proceeding required or authorized by any law relating to naturalization or citizenship or registry of aliens, or any copy thereof, knowing the same to be false, forged, altered, antedated or counterfeited; or

(c) Whoever, with intent unlawfully to use the same, possesses any false, forged, altered, antedated or counterfeited certificate of arrival, declaration of intention to become a citizen, certificate or documentary evidence of naturalization or citizenship purporting to have been issued under any law of the United States, or copy thereof, knowing the same to be false, forged, altered, antedated or counterfeited; or

(d) Whoever, without lawful authority, engraves or possesses, sells or brings into the United States any plate in the likeness or similitude of any plate designed, for the printing of a declaration of intention, or certificate or documentary evidence of naturalization or citizenship; or

(e) Whoever, without lawful authority, brings into the United States any document printed therefrom; or

(f) Whoever, without lawful authority, possesses any blank certificate of arrival, blank declaration of intention or blank certificate of naturalization or citizenship provided by the Immigration and Naturalization Service, with intent unlawfully to use the same; or

(g) Whoever, with intent unlawfully to use the same, possesses a distinctive paper adopted by the proper officer or agency of the United States for the printing or engraving of a declaration of intention to become a citizen, or certificate of naturalization or certificate of citizenship; or

(h) Whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1427. SALE OF NATURALIZATION OR CITIZENSHIP PAPERS

Whoever unlawfully sells or disposes of a declaration of intention to become a citizen, certificate of naturalization, certificate of citizenship or copies or duplicates or other documentary evidence of naturalization or citizenship, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1428. SURRENDER OF CANCELED NATURALIZATION CERTIFICATE

Whoever, having in his possession or control a certificate of naturalization or citizenship or a copy thereof which has been canceled as provided by law, fails to surrender the same after at least sixty days' notice by the appropriate court or the Commissioner or Deputy Commissioner of Immigration, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER 71.—OBSCENITY

Sec.
1461. Mailing obscene or crime-inciting matter.
1462. Importation or transportation of obscene literature.
1463. Mailing indecent matter on wrappers or envelopes.
1464. Broadcasting obscene language.

§ 1461. MAILING OBSCENE OR CRIME-INCITING MATTER

Every obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character; and—

Every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and

Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed; and

Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and

Every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing—

Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Indecent." The term "indecent", as used in this section includes matter of a character tending to incite arson, murder, or assassination.

§ 1462. IMPORTATION OR TRANSPORTATION OF OBSCENE LITERATURE

Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly deposits with any express company or other common carrier, for carriage in interstate or foreign commerce any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of such mentioned articles, matters, or things may be obtained or made; or

Whoever knowingly takes from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1463. MAILING INDECENT MATTER ON WRAPPERS OR ENVELOPES

All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, and all postal cards upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, or obscene character are written or printed or otherwise impressed or apparent, are nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1464. BROADCASTING OBSCENE LANGUAGE

Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years, or both.

CHAPTER 73.—OBSTRUCTION OF JUSTICE

Sec.

1501. Assault on process server.
1502. Resistance to extradition agent.
1503. Influencing or injuring officer, juror or witness generally.
1504. Influencing juror by writing.
1505. Influencing or injuring witness before agencies and committees.
1506. Theft or alteration of record or process; false bail.

§ 1501. ASSAULT ON PROCESS SERVER

Whoever knowingly and willfully obstructs, resists, or opposes any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the United States, or United States commissioner; or

Whoever assaults, beats, or wounds any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process—

Shall, except as otherwise provided by law, be fined not more than $300 or imprisoned not more than one year, or both.

§ 1502. RESISTANCE TO EXTRADITION AGENT

Whoever knowingly and willfully obstructs, resists, or opposes an extradition agent of the United States in the execution of his duties, shall be fined not more than $300 or imprisoned not more than one year, or both.

§ 1503. INFLUENCING OR INJURING OFFICER, JUROR OR WITNESS GENERALLY

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or other committing magistrate, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any

matter pending therein, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1504. INFLUENCING JUROR BY WRITING

Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

§ 1505. INFLUENCING OR INJURING WITNESS BEFORE AGENCIES AND COMMITTEES

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein, or;

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1506. THEFT OR ALTERATION OF RECORD OR PROCESS; FALSE BAIL

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or

Whoever acknowledges, or procures to be acknowledged in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER 75.—PASSPORTS AND VISAS

Sec.

1541. Issuance without authority.
1542. False statement in application and use of passport.
1543. Forgery or false use of passport.
1544. Misuse of passport.
1545. Safe conduct violation.
1546. Fraud and misuse of visas and permits.

§ 1541. ISSUANCE WITHOUT AUTHORITY

Whoever, acting or claiming to act in any office or capacity under the United States, or a State or possession, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1542. FALSE STATEMENT IN APPLICATION AND USE OF PASSPORT

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1543. FORGERY OR FALSE USE OF PASSPORT

Whoever falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1544. MISUSE OF PASSPORT

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or

Whoever willfully and knowingly uses or attempts to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or

Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1545. SAFE CONDUCT VIOLATION

Whoever violates any safe conduct or passport duly obtained and issued under authority of the United States shall be fined not more than $2,000 or imprisoned not more than three years, or both.

§ 1546. FRAUD AND MISUSE OF VISAS AND PERMITS

Whoever knowingly forges, counterfeits, alters, or falsely makes any immigration visa or permit, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigration visa or permit, or has in his possession a distinctive paper which has been adopted by the Attorney General for the printing of immigration visas or permits; or

Whoever, when applying for an immigration visa or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa or permit, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

CHAPTER 77.—PEONAGE AND SLAVERY

Sec.

1581. Peonage, obstructing enforcement.
1582. Vessels for slave trade.
1583. Enticement into slavery.
1584. Sale into involuntary servitude.
1585. Seizure, detention, transportation or sale of slaves.
1586. Service on vessels in slave trade.
1587. Possession of slaves aboard vessel.
1588. Transportation of slaves from United States.

§ 1581. PEONAGE; OBSTRUCTING ENFORCEMENT

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalities prescribed in subsection (a).

§ 1582. VESSELS FOR SLAVE TRADE

Whoever, whether as master, factor, or owner, builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, in any port or place within the United States, or causes such vessel to sail from any such port or place, for the purpose of procuring any person from any foreign kingdom or country to be transported and held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than $5,000 or imprisoned not more than seven years, or both.

§ 1583. ENTICEMENT INTO SLAVERY

Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or

Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1584. SALE INTO INVOLUNTARY SERVITUDE

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1585. SEIZURE, DETENTION, TRANSPORTATION OR SALE OF SLAVES

Whoever, being a citizen or resident of the United States and a member of the crew or ship's company of any foreign vessel engaged in the slave trade, or whoever, being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and on any foreign shore seizes any person with intent to make that person a slave, or decoys, or forcibly brings, carries, receives, confines, detains or transports any person as a slave on board such vessel, or, on board such vessel, offers or attempts to sell any such person as a slave, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from such vessel any person with intent to sell, or having previously sold, such person as a slave, shall be fined not more than $5,000 or imprisoned not more than seven years, or both.

§ 1586. SERVICE ON VESSELS IN SLAVE TRADE

Whoever, being a citizen or resident of the United States, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 1587. POSSESSION OF SLAVES ABOARD VESSEL

Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering off the coast thereof, and having on board any person for the purpose of selling such person as a slave, or with intent to land such person for such purpose, shall be fined not more than $10,000 or imprisoned not more than four years, or both.

§ 1588. TRANSPORTATION OF SLAVES FROM UNITED STATES

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER 79.—PERJURY

Sec.
1621. Perjury generally.
1622. Subornation of perjury.

§ 1621. PERJURY GENERALLY

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly

provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1622. SUBORNATION OF PERJURY

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined not more than $2,000 or imprisoned not more than five years, or both.

CHAPTER 81.—PIRACY AND PRIVATEERING

Sec.

1651. Piracy under law of nations.
1652. Citizens as pirates.
1653. Aliens as pirates.
1654. Arming or serving on privateers.
1655. Assault on commander as piracy.
1656. Conversion or surrender of vessel.
1657. Corruption of seamen and confederating with pirates.
1658. Plunder of distressed vessel.
1659. Attack to plunder vessel.
1660. Receipt of pirate property.
1661. Robbery ashore.

§ 1651. PIRACY UNDER LAW OF NATIONS

Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

§ 1652. CITIZENS AS PIRATES

Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is a pirate, and shall be imprisoned for life.

§ 1653. ALIENS AS PIRATES

Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is a pirate, and shall be imprisoned for life.

§ 1654. ARMING OR SERVING ON PRIVATEERS

Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm or is concerned in furnishing, fitting out, or arming any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property; or

Whoever takes the command of or enters on board of any such vessel with such intent; or

Whoever purchases any interest in any such vessel with a view to share in the profits thereof—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 1655. ASSAULT ON COMMANDER AS PIRACY

Whoever, being a seaman, lays violent hands upon his commander, to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.

§ 1656. CONVERSION OR SURRENDER OF VESSEL

Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime

jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of $50 or over; or

Whoever yields up such vessel voluntarily to any pirate—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 1657. CORRUPTION OF SEAMEN AND CONFEDERATING WITH PIRATES

Whoever attempts to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or any goods, wares, or merchandise, or to turn pirate or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such; or

Whoever furnishes such pirate with any ammunition, stores, or provisions of any kind; or

Whoever fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or

Whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or

Whoever, being a seaman, confines the master of any vessel—

Shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 1658. PLUNDER OF DISTRESSED VESSEL

(a) Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

(b) Whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or

Whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger or distress or shipwreck—

Shall be imprisoned not less than ten years and may be imprisoned for life.

§ 1659. ATTACK TO PLUNDER VESSEL

Whoever, upon the high seas or other waters within the admiralty and maritime jurisdiction of the United States, by surprise or open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or mechandise laden on board thereof, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 1660. RECEIPT OF PIRATE PROPERTY

Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, shall be imprisoned not more than ten years.

§ 1661. ROBBERY ASHORE

Whoever, being engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, lands from such vessel and commits robbery on shore, is a pirate, and shall be imprisoned for life.

CHAPTER 83.—POSTAL SERVICE

Sec.

1691. Laws governing postal savings.
1692. Foreign mail as United States mail.
1693. Carriage of mail generally.
1694. Carriage of matter out of mail over post routes.
1695. Carriage of matter out of mail on vessels.
1696. Private express for letters and packets.
1697. Transportation of persons acting as private express.
1698. Prompt delivery of mail from vessel.
1699. Certification of delivery from vessel.
1700. Desertion of mails.
1701. Obstruction of mails generally.
1702. Obstruction of correspondence.
1703. Delay or destruction of mail or newspapers.
1704. Keys or locks stolen or reproduced.
1705. Destruction of letter boxes or mail.
1706. Injury to mail bags.
1707. Theft of property used by Postal Service.
1708. Theft or receipt of stolen mail matter generally.
1709. Theft of mail matter by postmaster or employee.
1710. Theft of newspapers.
1711. Misappropriation of postal funds.
1712. Falsification of postal returns to increase compensation.
1713. Issuance of money orders without payment.
1714. Foreign divorce information as nonmailable.
1715. Firearms as nonmailable; regulations.
1716. Injurious articles as nonmailable.
1717. Letters and writings as nonmailable; opening letters.
1718. Libelous matter on wrappers or envelopes.
1719. Franking privilege.
1720. Canceled stamps and envelopes.
1721. Sale or pledge of stamps.
1722. False evidence to secure second-class rate.
1723. Avoidance of postage by using lower class matter.
1724. Postage on mail delivered by foreign vessels.
1725. Postage unpaid on deposited mail matter.
1726. Postage collected unlawfully.
1727. Postage accounting.
1728. Weight of mail increased fraudulently.
1729. Post office conducted without authority.
1730. Uniforms of carriers.
1731. Vehicles falsely labeled as carriers.
1732. Approval of bond or sureties by postmaster.

§ 1691. LAWS GOVERNING POSTAL SAVINGS

All the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds, false returns of postal and money-order business, forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the punishments provided for such offenses are extended and made applicable to postal savings depository business and funds and related matters.

§ 1692. FOREIGN MAIL AS UNITED STATES MAIL

Every foreign mail, while being transported across the territory of the United States under authority of law, is mail of the United States, and any depredation thereon, or offense in respect thereto, shall be punishable as though it were United States mail.

§ 1693. CARRIAGE OF MAIL GENERALLY

Whoever, being concerned in carrying the mail, collects, receives, or carries any letter or packet, contrary to law, shall be fined not more than $50 or imprisoned not more than thirty days, or both.

§ 1694. CARRIAGE OF MATTER OUT OF MAIL OVER POST ROUTES

Whoever, having charge or control of any conveyance operating by land, air, or water, which regularly performs trips at stated periods on

any post route, or from one place to another between which the mail is regularly carried, carries, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such conveyance, or to the current business of the carrier, or to some article carried at the same time by the same conveyance, shall, except as otherwise provided by law, be fined not more than $50.

§ 1695. CARRIAGE OF MATTER OUT OF MAIL ON VESSELS

Whoever carries any letter or packet on board any vessel which carries the mail, otherwise than in such mail, shall, except as otherwise provided by law, be fined not more than $50 or imprisoned not more than thirty days, or both.

§ 1696. PRIVATE EXPRESS FOR LETTERS AND PACKETS

(a) Whoever establishes any private express for the conveyance of letters or packets, or in any manner causes or provides for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place to any other city, town, or place, between which the mail is regularly carried, shall be fined not more than $500 or imprisoned not more than six months, or both.

This section shall not prohibit any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter any mail matter properly stamped.

(b) Whoever transmits by private express or other unlawful means, or delivers to any agent thereof, or deposits at any appointed place, for the purpose of being so transmitted any letter or packet, shall be fined not more than $50.

(c) This chapter shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. Whenever more than twenty-five such letters or packets are conveyed or transmitted by such special messenger, the requirements of section 500 of Title 39, shall be observed as to each piece.

§ 1697. TRANSPORTATION OF PERSONS ACTING AS PRIVATE EXPRESS

Whoever, having charge or control of any conveyance operating by land, air, or water, knowingly conveys or knowingly permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them contrary to law, shall be fined not more than $150.

§ 1698. PROMPT DELIVERY OF MAIL FROM VESSEL

Whoever, having charge or control of any vessel passing between ports or places in the United States, and arriving at any such port or place where there is a post office, fails to deliver to the postmaster or at the post office, within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, shall be fined not more than $150.

For each letter or package so delivered he shall receive two cents unless the same is carried under contract.

§ 1699. CERTIFICATION OF DELIVERY FROM VESSEL

No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to

the following declaration before the collector or other proper customs officer:

Declaration.

I, A. B., master ———, of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ——— every letter and every bag, packet, or parcel of letters on board the said vessel during her last voyage, or in my possession or under my power or control.

Whoever, being the master or other person having charge or control of such vessel, breaks bulk before he has delivered such letters, shall be fined not more than $100.

§ 1700. DESERTION OF MAILS

Whoever, having taken charge of any mail, voluntarily quits or deserts the same before he has delivered it into the post office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the Postal Service authorized to receive the same, shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1701. OBSTRUCTION OF MAILS GENERALLY

Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined not more than $100 or imprisoned not more than six months, or both.

§ 1702. OBSTRUCTION OF CORRESPONDENCE

Whoever takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1703. DELAY OR DESTRUCTION OF MAIL OR NEWSPAPERS

(a) Whoever, being a postmaster or Postal Service employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or secrets, or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than $500 or imprisoned not more than five years, or both.

(b) Whoever, being a postmaster or Postal Service employee, improperly detains, delays, or destroys any newspaper, or permits any other person to detain, delay, or destroy the same, or opens, or permits any other person to open, any mail or package of newspapers not directed to the office where he is employed; or

Whoever, without authority, opens, or destroys any mail or package of newspaper not directed to him, shall be fined not more than $100 or imprisoned not more than one year, or both.

§ 1704. KEYS OR LOCKS STOLEN OR REPRODUCED

Whoever steals, purloins, embezzles, or obtains by false pretense any key suited to any lock adopted by the Post Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or

Whoever knowingly and unlawfully makes, forges, or counterfeits any such key, or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any finished or unfinished lock or the interior part thereof, or key, used or designed for use by the department, to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer—

Shall be fined not more than $500 or imprisoned not more than ten years, or both.

§ 1705. DESTRUCTION OF LETTER BOXES OR MAIL

Whoever, having charge or control of any conveyance destroys any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or breaks open the same, or willfully or maliciously injures, defaces, or destroys any mail deposited therein, shall be fined not more than $1,000 or imprisoned not more than three years.

§ 1706. INJURY TO MAIL BAGS

Whoever tears, cuts, or otherwise injures any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or draws or breaks any staple or loosens any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 1707. THEFT OF PROPERTY USED BY POSTAL SERVICE

Whoever steals, purloins, or embezzles any property used by the Post Office Department, or appropriates any such property to his own or any other than its proper use, or conveys away any such property to the hindrance or detriment of the public service, shall be fined not more than $1,000 or imprisoned not more than three years, or both; but if the value of such property does not exceed $100, he shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1708. THEFT OR RECEIPT OF STOLEN MAIL MATTER GENERALLY

Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstracts or removes from any such letter, package, bag, or mail, any article or thing contained therein, or secretes, embezzles, or destroys any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or

Whoever steals, takes, or abstracts, or by fraud or deception obtains any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or

Whoever buy, receives, or conceals, or unlawfully has in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both; but if the value or face value of any such article or thing does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1709. THEFT OF MAIL MATTER BY POSTMASTER OR EMPLOYEE

Whoever, being a postmaster or Postal Service employee, embezzles any letter, postal card, package, bag, or mail or any article or thing contained therein intrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 1710. THEFT OF NEWSPAPERS

Whoever, being a postmaster or Postal Service employee, takes or steals any newspaper or package of newspapers from any post office or from any person having custody thereof, shall be fined not more than $100 or imprisoned not more than one year, or both.

§ 1711. MISAPPROPRIATION OF POSTAL FUNDS

Whoever, being a postmaster or Postal Service employee, loans, uses, pledges, hypothecates, or converts to his own use, or deposits in any bank, or exchanges for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner, in the execution or under color of his office, employment, or service, whether or not the same shall be the money or property of the United States; or fails or refuses to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required to do so by law or the regulations of the Post Office Department, or upon demand or order of the Postmaster General, either directly or through a duly authorized officer or agent, is guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined in a sum equal to the amount or value of the money or property embezzled or imprisoned not more than ten years, or both; but if the amount or value thereof does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit any postmaster from depositing, under the direction of the Postmaster General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster General, for the purpose of remitting surplus funds from one post office to another.

§ 1712. FALSIFICATION OF POSTAL RETURNS TO INCREASE COMPENSATION

Whoever, being a postmaster or Postal Service employee, makes a false return, statement, or account to any officer of the United States, or makes a false entry in any record, book, or account, required by law or the rules or regulations of the Post Office Department to be kept in respect of the business or operations of any post office or other branch of the Postal Service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post office; or

Whoever, being a postmaster or employee in any post office or station thereof, for the purpose of increasing the emoluments or compensation of his office, induces, or attempts to induce, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post office—

Shall be fined not more than $500 or imprisoned not more than two years, or both.

§ 1713. ISSUANCE OF MONEY ORDERS WITHOUT PAYMENT

Whoever, being a postmaster or other person employed in any branch of the Postal Service, issues a money order without having previously received the money therefor, shall be fined not more than $500.

§ 1714. FOREIGN DIVORCE INFORMATION AS NONMAILABLE

Every written or printed card, circular, letter, book, pamphlet, advertisement, or notice of any kind, giving or offering to give information concerning where or how or through whom a divorce may be secured in a foreign country, and designed to solicit business in connection with the procurement thereof, is nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly deposits, for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

§ 1715. FIREARMS AS NONMAILABLE; REGULATIONS

Pistols, revolvers, and other firearms capable of being concealed on the person are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service. Such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Coast Guard, Marine Corps, or Officers' Reserve Corps; to officers of the National Guard or Militia of a State, Territory, or District; to officers of the United States or of a State, Territory, or District whose official duty is to serve warrants of arrest or commitments; to employees of the Postal Service; to officers and employees of enforcement agencies of the United States; and to watchmen engaged in guarding the property of the United States, a State, Territory, or District. Such articles also may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other, under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm declared nonmailable by this section, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

§ 1716. INJURIOUS ARTICLES AS NONMAILABLE

All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, reptiles, and all explosives, inflammable materials, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material which may kill or injure another, or injure

the mails or other property, whether or not sealed as first-class matter, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier.

The Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

The transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe.

All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, unless in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, whether or not transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, with intent to kill or injure another, or injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 1717. LETTERS AND WRITINGS AS NONMAILABLE; OPENING LETTERS

(a) Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, in violation of sections 499, 506, 793, 794, 915, 954, 956, 957, 960, 964, 1017, 1542, 1543, 1544 or 2388 of this title or which contains any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Ante, pp. 712, 714, 736, 737, 743, 744, 745, 747, 753, 771; *post*, p. 811.

(b) Whoever uses or attempts to use the mails or Postal Service of the United States for the transmission of any matter declared by this section to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than ten years or both.

(c) No person other than a duly authorized employee of the Dead Letter Office, or other person upon a search warrant authorized by law, shall open any letter not addressed to himself.

§ 1718. LIBELOUS MATTER ON WRAPPERS OR ENVELOPES

All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which is written or printed or otherwise impressed or apparent any delineation, epithet, term, or language of libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, is nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1719. FRANKING PRIVILEGE

Whoever makes use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300.

§ 1720. CANCELED STAMPS AND ENVELOPES

Whoever uses or attempts to use in payment of postage, any canceled postage stamp, whether the same has been used or not, or removes, attempts to remove, or assists in removing, the canceling or defacing marks from any postage stamp, or the superscription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same, or knowingly possesses any such postage stamp, stamped envelope, or postal card, with intent to use the same or knowingly sells or offers to sell any such postage stamp, stamped envelope, or postal card, or uses or attempts to use the same in payment of postage; or

Whoever unlawfully and willfully removes from any mail matter any stamp attached thereto in payment of postage; or

Whoever knowingly uses in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose—

Shall be fined not more than $500 or imprisoned not more than one year, or both; but if he is a person employed in the Postal Service, he shall be fined not more than $500 or imprisoned not more than three years, or both.

§ 1721. SALE OR PLEDGE OF STAMPS

Whoever, being a postmaster or Postal Service employee entrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, uses or disposes of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledges or hypothecates the same, or sells or disposes of them except for cash; or sells or disposes of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sells or disposes of stamped envelopes for a larger or less sum than is charged therefor by the Post Office Department for like quantities; or sells or disposes of postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or for the purpose of increasing the emoluments, or compensation of the postmaster or any employee of a post office or station thereof, or the allowances or facilities provided therefor, induces or attempts to induce any person to purchase at such post office or any station thereof, or from any employee of such post office, postage stamps, stamped envelopes, or postal cards; or sells or disposes of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post Office Department, shall be fined not more than $500 or imprisoned not more than one year, or both.

§ 1722. FALSE EVIDENCE TO SECURE SECOND-CLASS RATE

Whoever knowingly submits to any postmaster or to the Post Office Department or any officer of the Postal Service, any false evidence relative to any publication for the purpose of securing the admission

thereof at the second-class rate, for transportation in the mails, shall be fined not more than $500.

§ 1723. AVOIDANCE OF POSTAGE BY USING LOWER CLASS MATTER

Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster General such postage shall be remitted.

Whoever knowingly conceals or incloses any matter of a higher class in that of a lower class, and deposits the same for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than $100.

§ 1724. POSTAGE ON MAIL DELIVERED BY FOREIGN VESSELS

All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than $1,000.

Requirement by Postmaster General.

Except as otherwise provided by treaty or convention the Postmaster General may require the transportation by any steamships of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postmaster General or his representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance until the collector or other officer of the port is informed by the Postmaster General or his representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postmaster General.

§ 1725. POSTAGE UNPAID ON DEPOSITED MAIL MATTER

Whoever knowingly and willfully deposits any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined not more than $300.

§ 1726. POSTAGE COLLECTED UNLAWFULLY

Whoever, being a postmaster or other person authorized to receive the postage of mail matter, fraudulently demands or receives any rate of postage or gratuity or reward other than is provided by law for the

postage of such mail matter, shall be fined not more than $100 or imprisoned not more than six months, or both.

§ 1727. POSTAGE ACCOUNTING

Whoever, being a postmaster or other person engaged in the Postal Service, collects and fails to account for the postage due upon any article of mail matter which he may deliver, without having previously affixed and canceled the special stamp provided by law, or fails to affix such stamp, shall be fined not more than $50.

§ 1728. WEIGHT OF MAIL INCREASED FRAUDULENTLY

Whoever places any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mail, with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail may pass, shall be fined not more than $20,000 or imprisoned not more than five years, or both.

§ 1729. POST OFFICE CONDUCTED WITHOUT AUTHORITY

Whoever, without authority from the Postmaster General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post office, shall be fined not more than $500.

§ 1730. UNIFORMS OF CARRIERS

Whoever, not being connected with the letter-carrier branch of the Postal Service, wears the uniform or badge which may be prescribed by the Postmaster General to be worn by letter carriers, shall be fined not more than $100 or imprisoned not more than six months, or both.

§ 1731. VEHICLES FALSELY LABELED AS CARRIERS

It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States Mail", or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used.

Whoever violates, and every owner, receiver, lessee, or managing operator who suffers, or permits the violation of, any provision of this section, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 1732. APPROVAL OF BOND OR SURETIES BY POSTMASTER

Whoever, being a postmaster, affixes his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or knowingly, or without the exercise of due diligence, approves any bond of a bidder with insufficient sureties, or knowingly makes any false or fraudulent certificate, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and shall be dismissed from office and disqualified from holding the office of postmaster.

CHAPTER 85.—PRISON-MADE GOODS

Sec.

1761. Transportation or importation.
1762. Marking packages.

§ 1761. TRANSPORTATION OR IMPORTATION

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation,

or in any penal or reformatory institution, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State.

§ 1762. MARKING PACKAGES

(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

(b) Whoever violates this section shall be fined not more than $1,000, and any goods, wares, or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

Ante, p. 785.

CHAPTER 87.—PRISONS

Sec.

1791. Traffic in contraband articles.
1792. Mutiny, riot, dangerous instrumentalities prohibited.

§ 1791. TRAFFIC IN CONTRABAND ARTICLES

Whoever, contrary to any rule or regulation promulgated by the Attorney General, introduces or attempts to introduce into or upon the grounds of any Federal penal or correctional institution or takes or attempts to take or send therefrom any thing whatsoever, shall be imprisoned not more than ten years.

§ 1792. MUTINY, RIOT, DANGEROUS INSTRUMENTALITIES PROHIBITED

Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional institution, or without the knowledge or consent of the warden or superintendent, conveys into such institution, or from place to place therein any tool, device, or substance designed to cut, abrade, or destroy the materials, or any part thereof, of which any building of such institution is constructed, or any other substance or thing designed to injure or destroy any building, or any part thereof, of such institution; or

Whoever conveys into such institution, or from place to place therein, any firearm, weapon, explosive, or any lethal or poisonous gas, or any other substance or thing designed to kill, injure, or disable any officer, agent, employee, or inmate thereof, or conspires so to do—

Shall be imprisoned not more than ten years.

CHAPTER 89.—PROFESSIONS AND OCCUPATIONS

Sec.

1821. Transportation of dentures.

§ 1821. TRANSPORTATION OF DENTURES

Whoever transports by mail or otherwise to or within the District of Columbia, the Canal Zone or any Possession of the United States

or uses the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory any set of artificial teeth or prosthetic dental appliance or other denture, constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed to practice dentistry under the laws of the place into which such denture is sent or brought, where such laws prohibit;

(1) the taking of impressions or casts of the human mouth or teeth by a person not licensed under such laws to practice dentistry;

(2) the construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under such laws to practice dentistry; or

(3) the construction or supply of dentures from impressions or casts made by a person not licensed under such laws to practice dentistry—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CHAPTER 91.—PUBLIC LANDS

Sec.

1851. Coal depredations.
1852. Timber removed or transported.
1853. Trees cut or injured.
1854. Trees boxed for pitch or turpentine.
1855. Timber set afire.
1856. Fires left unattended and unextinguished.
1857. Fences destroyed; livestock entering.
1858. Survey marks destroyed or removed.
1959. Surveys interrupted.
1860. Bids at land sales.
1861. Deception of prospective purchasers.
1862. Trespass on Bull Run National Forest.

§ 1851. COAL DEPREDATIONS

Whoever mines or removes coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of, or reserved to the United States, with intent wrongfully to appropriate, sell, or dispose of the same, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not interfere with any right or privilege conferred by existing laws of the United States.

§ 1852. TIMBER REMOVED OR TRANSPORTED

Whoever cuts, or wantonly destroys any timber growing on the public lands of the United States; or

Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or

Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber so cut or removed from said lands, or lumber manufactured therefrom—

Shall be fined not more that $1,000 or imprisoned not more than one year, or both.

This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; nor shall it interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

§ 1853. TREES CUT OR INJURED

Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which,

in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1854. TREES BOXED FOR PITCH OR TURPENTINE

Whoever cuts, chips, chops, or boxes any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance; or

Whoever buys, trades for, or in any manner acquires any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, with knowledge that the same has been so unlawfully obtained—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1855. TIMBER SET AFIRE

Whoever, willfully and without authority, sets on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States, or under contract for purchase or for the acquisition of which condemnation proceedings have been instituted, or upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

This section shall not apply in the case of a fire set by an allottee in the reasonable exercise of his proprietary rights in the allotment.

§ 1856. FIRES LEFT UNATTENDED AND UNEXTINGUISHED

Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted, and including any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under the authority of the United States, or any Indian allotment while the title to the same is held in trust by the United States, or while the same shall remain inalienable by the allottee without the consent of the United States, leaves said fire without totally extinguishing the same, or permits or suffers said fire to burn or spread beyond his control, or leaves or suffers said fire to burn unattended, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 1857. FENCES DESTROYED; LIVESTOCK ENTERING

Whoever knowingly and unlawfully breaks, opens, or destroys any gate, fence, hedge, or wall inclosing any lands of the United States reserved or purchased for any public use; or

Whoever drives any cattle, horses, hogs, or other livestock upon

any such lands for the purposes of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or

Whoever knowingly permits his cattle, horses, hogs, or other livestock to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other livestock may or can destroy the grass or trees or other property of the United States on the said lands—

Shall be fined not more than $500 or imprisoned not more than one year, or both.

This section shall not apply to unreserved public lands.

§ 1858. SURVEY MARKS DESTROYED OR REMOVED

Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined not more than $250 or imprisoned not more than six months, or both.

§ 1859. SURVEYS INTERRUPTED

Whoever, by threats or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land claim which has been or may be confirmed by the United States, by the persons authorized to survey the same in conformity with the instructions of the Commissioner of the General Land Office, shall be fined not more than $3,000 or imprisoned not more than three years, or both.

§ 1860. BIDS AT LAND SALES

Whoever bargains, contracts, or agrees, or attempts to bargain, contract, or agree with another that such other shall not bid upon or purchase any parcel of lands of the United States offered at public sale; or

Whoever, by intimidation, combination, or unfair management, hinders, prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 1861. DECEPTION OF PROSPECTIVE PURCHASERS

Whoever, for a reward paid or promised to him in that behalf, undertakes to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who willfully and falsely represents to such intending purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, falsely represents to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be fined not more than $300 or imprisoned not more than one year, or both.

§ 1862. TRESPASS ON BULL RUN NATIONAL FOREST

Whoever knowingly trespasses upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or unlawfully enters thereon for the purpose of grazing stock, or engages in grazing stock thereon, or permits stock of any

kind to graze thereon, shall be fined not more than $500 or imprisoned not more than six months, or both.

This section shall not apply to forest rangers and other persons employed by the United States to protect the forest, or to Federal and State officers and employees of the water board of the City of Portland, State of Oregon, in the discharge of their duties.

CHAPTER 93.—PUBLIC OFFICERS AND EMPLOYEES

Sec.

1901. Collecting or disbursing officer trading in public property.
1902. Disclosure of crop information and speculation thereon.
1903. Speculation in stocks or commodities affecting crop insurance.
1904. Disclosure of information or speculation in securities affecting Reconstruction Finance Corporation.
1905. Disclosure of confidential information generally.
1906. Disclosure of information by bank examiner.
1907. Disclosure of information by farm credit examiner.
1908. Disclosure of information by National Agricultural Credit Corporation examiner.
1909. Examiner performing other services.
1910. Nepotism in appointment of receiver or trustee.
1911. Receiver mismanaging property.
1912. Unauthorized fees for inspection of vessels.
1913. Lobbying with appropriated moneys.
1914. Salary of Government officials and employees payable only by United States.
1915. Compromise of customs liabilities.

§ 1901. COLLECTING OR DISBURSING OFFICER TRADING IN PUBLIC PROPERTY

Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than $3,000 or imprisoned not more than one year, or both; and shall be removed from office, and be incapable of holding any office under the United States.

§ 1902. DISCLOSURE OF CROP INFORMATION AND SPECULATION THEREON

Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment or position, become possessed of information which might influence or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same; or, before such information is made public through regular official channels, directly or indirectly speculates in any such product by buying or selling the same in any quantity, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof.

§ 1903. SPECULATION IN STOCKS OR COMMODITIES AFFECTING CROP INSURANCE

Whoever, while acting in any official capacity in the administration of any Act of Congress relating to crop insurance or to the Federal Crop Insurance Corporation speculates in any agricultural commodity or product thereof, to which such enactments apply, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing

of any such commodity or product, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

§ 1904. DISCLOSURE OF INFORMATION OR SPECULATION IN SECURITIES AFFECTING RECONSTRUCTION FINANCE CORPORATION

Whoever, being connected in any capacity with the Reconstruction Finance Corporation, gives any unauthorized information concerning any future action or plan of the said Corporation which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly in the securities or property of any company, bank, or corporation receiving loans or other assistance from the said Corporation, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1905. DISCLOSURE OF CONFIDENTIAL INFORMATION GENERALLY

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment.

§ 1906. DISCLOSURE OF INFORMATION BY BANK EXAMINER

Whoever, being an examiner, public or private, discloses the names of borrowers or the collateral for loans of any member bank of the Federal Reserve System, or bank insured by the Federal Deposit Insurance Corporation, examined by him, to other than the proper officers of such bank, without first having obtained the express permission in writing from the Comptroller of the Currency as to a national bank, the Board of Governors of the Federal Reserve System as to a State member bank, or the Federal Deposit Insurance Corporation as to any other insured bank, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee of Congress or either House duly authorized, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 1907. DISCLOSURE OF INFORMATION BY FARM CREDIT EXAMINER

Whoever, being a farm credit examiner or any examiner, public or private, discloses the names of borrowers of any national farm loan association, Federal land bank, or joint-stock land bank, or any organization examined by him under the provisions of law relating to Federal intermediate credit banks, to other than the proper officers of such institution or organization, without first having obtained express permission in writing from the Land Bank Commissioner or from the board of directors of such institution or organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or either House thereof, or any committee of Congress or either House duly authorized, shall be fined

not more than $5,000 or imprisoned not more than one year, or both; and shall be disqualified from holding office as a farm credit examiner.

§ 1908. DISCLOSURE OF INFORMATION BY NATIONAL AGRICULTURAL CREDIT CORPORATION EXAMINER

Whoever, being an examiner appointed under the provisions of law relating to National Agricultural Credit Corporations, discloses the names of borrowers of any organization examined by him, to other than the proper officers of such organization, without first having obtained express permission in writing from the Comptroller of the Currency or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or either House thereof, or any committee of Congress or either House duly authorized, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and shall be disqualified from holding office as such examiner.

§ 1909. EXAMINER PERFORMING OTHER SERVICES

Whoever, being a national-bank examiner, Federal Deposit Insurance Corporation examiner, farm credit examiner, or an examiner of National Agricultural Credit Corporations, performs any other service, for compensation, for any bank or banking or loan association, or for any officer, director, or employee thereof, or for any person connected therewith in any capacity, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

§ 1910. NEPOTISM IN APPOINTMENT OF RECEIVER OR TRUSTEE

Whoever, being a judge of any court of the United States, appoints as receiver, or trustee, any person related to such judge by consanguinity, or affinity, within the fourth degree—

Shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1911. RECEIVER MISMANAGING PROPERTY

Whoever, being a receiver, trustee, or manager in possession of any property in any cause pending in any court of the United States, willfully fails to manage and operate such property according to the requirements of the valid laws of the State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof, shall be fined not more than $3,000 or imprisoned not more than one year, or both.

§ 1912. UNAUTHORIZED FEES FOR INSPECTION OF VESSELS

Whoever, being an officer, employee, or agent of the United States or any agency thereof, engaged in inspection of vessels, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall be fined not more than $500 or imprisoned not more than six months, or both; and shall forfeit his office.

§ 1913. LOBBYING WITH APPROPRIATED MONEYS

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations

which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

§ 1914. SALARY OF GOVERNMENT OFFICIALS AND EMPLOYEES PAYABLE ONLY BY UNITED STATES

Whoever, being a Government official or employee, receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

Shall be fined not more than $1,000 or imprisoned not more than six months, or both.

§ 1915. COMPROMISE OF CUSTOMS LIABILITIES

Whoever, being an officer of the United States, without lawful authority compromises or abates or attempts to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty or forfeiture, or in any manner relieves or attempts to relieve any person, vessel, vehicle, merchandise or baggage therefrom, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

CHAPTER 95.—RACKETEERING

Sec.

1951. Interference with commerce by threats or violence.

§ 1951. INTERFERENCE WITH COMMERCE BY THREATS OR VIOLENCE

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

(b) As used in this section—

"Robbery."

(1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"Extortion."

(2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"Commerce."

(3) The term "commerce" means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place

outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101–115, 151–166 of Title 29 or sections 151–188 of Title 45.

29 U. S. C., Supp. I, §§ 151–166.

CHAPTER 97.—RAILROADS

Sec.

1991. Entering train to commit crime.
1992. Wrecking trains.

§ 1991. ENTERING TRAIN TO COMMIT CRIME

Whoever, in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder or robbery, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Whoever, within such jurisdiction, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

§ 1992. WRECKING TRAINS

Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or

Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or

Whoever willfully attempts to do any of the aforesaid acts or things—

Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Whoever is convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

CHAPTER 99.—RAPE

Sec.

2031. Special maritime and territorial jurisdiction.
2032. Carnal knowledge of female under 16.

§ 2031. SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, commits rape shall suffer death, or imprisonment for any term of years or for life.

§ 2032. CARNAL KNOWLEDGE OF FEMALE UNDER 16

Whoever, within the special maritime and territorial jurisdiction of the United States, carnally knows any female, not his wife, who has not attained the age of sixteen years, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense, be imprisoned not more than thirty years.

CHAPTER 101.—RECORDS AND REPORTS

Sec.

2071. Concealment, removal, or mutilation generally.
2072. False crop reports.
2073. False entries and reports of moneys or securities.
2074. False weather reports.
2075. Officer failing to make returns or reports.
2076. Clerk of United States District Court.

§ 2071. CONCEALMENT, REMOVAL, OR MUTILATION GENERALLY

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than $2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States.

§ 2072. FALSE CROP REPORTS

Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or report of statistics or information relating to the products of the soil, knowingly compiles for issuance, or issues, any false statistics or information as a report of the United States or any of its agencies, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2073. FALSE ENTRIES AND REPORTS OF MONEYS OR SECURITIES

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of keeping accounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 2074. FALSE WEATHER REPORTS

Whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such

forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than $500 or imprisoned not more than ninety days, or both.

§ 2075. OFFICER FAILING TO MAKE RETURNS OR REPORTS

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than $1,000.

§ 2076. CLERK OF UNITED STATES DISTRICT COURT

Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined not more than $1,000 or imprisoned not more than one year.

CHAPTER 103.—ROBBERY AND BURGLARY

Sec.

2111. Special maritime and territorial jurisdiction.
2112. Personal property of United States.
2113. Bank robbery and incidental crimes.
2114. Mail, money, or other property of United States.
2115. Post office.
2116. Railway or steamboat post office.
2117. Railroad car entered or seal broken.

§ 2111. SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

§ 2112. PERSONAL PROPERTY OF UNITED STATES

Whoever robs another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than fifteen years.

§ 2113. BANK ROBBERY AND INCIDENTAL CRIMES

(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank; or

Whoever enters or attempts to enter any bank, or any building used in whole or in part as a bank, with intent to commit in such bank or building, or part thereof, so used, any felony affecting such bank and in violation of any statute of the United States, or any larceny—

Shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding $100 belonging to, or in the care, custody, control, management, or possession of any bank, shall be fined not more than $5,000 or imprisoned not more than ten years, or both; or

Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding $100 belonging to, or in the care, custody, control, management, or possession of any bank, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value knowing the same to have been taken from a bank in violation of subsection

(b) of this section shall be subject to the punishment provided by said subsection (b) for the taker.

(d) Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 or imprisoned not more than twenty-five years, or both.

(e) Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be imprisoned not less than ten years, or punished by death if the verdict of the jury shall so direct.

"Bank."

(f) As used in this section the term "bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, a Federal Savings and Loan Association, or other banking institution organized or operating under the laws of the United States and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

§ 2114. MAIL, MONEY OR OTHER PROPERTY OF UNITED STATES

Whoever assaults any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or robs any such person of mail matter, or of any money, or other property of the United States, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he wounds the person having custody of such mail, money, or other property of the United States, or puts his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years.

§ 2115. POST OFFICE

Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 2116. RAILWAY OR STEAMBOAT POST OFFICE

Whoever, by violence, enters a post-office car, or any part of any car, steamboat, or vessel, assigned to the use of the mail service, or willfully or maliciously assaults or interferes with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

§ 2117. RAILROAD CAR ENTERED OR SEAL BROKEN

Whoever breaks the seal or lock of any railroad car, vessel, aircraft, motortruck, wagon or other vehicle, containing interstate or foreign shipments of freight or express, or enters any such vehicle with intent in either case to commit larceny therein, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

CHAPTER 105.—SABOTAGE

Sec.

2151. Definitions.
2152. Fortifications, harbor defenses, or defensive sea areas.
2153. Destruction of war material.
2154 Production of defective war material.
2155. Destruction of national-defense materials.
2156. Production of defective national-defense material.

§ 2151. DEFINITIONS

As used in this chapter:

"War material." The words "war material" include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war.

"War premises." The words "war premises" include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"War utilities." The words "war utilities" include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"Associate nation." The words "associate nation" mean any nation at war with any nation with which the United States is at war.

"National-defense material." The words "national-defense material" include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

"National-defense premises." The words "national-defense premises" include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States.

"National-defense utilities." The words "national-defense utilities" include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water

and gas mains and pipes, structures, and buildings, whereby or in connection with which water or gas may be furnished to any national-defense premises or to the military or naval forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any national-defense premises or to the military or naval forces of the United States.

§ 2152. FORTIFICATIONS, HARBOR DEFENSES, OR DEFENSIVE SEA AREAS

Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States; or

Whoever willfully interferes with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system; or

Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by executive order—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2153. DESTRUCTION OF WAR MATERIAL

(a) Whoever, when the United States is at war, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, willfully injures or destroys, or attempts to so injure or destroy, any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.

§ 2154. PRODUCTION OF DEFECTIVE WAR MATERIAL

(a) Whoever, when the United States is at war, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, willfully makes or causes to be made in a defective manner, or attempts to make or cause to be made in a defective manner any war material, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.

§ 2155. DESTRUCTION OF NATIONAL-DEFENSE MATERIALS

Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures or destroys, or attempts to so injure or destroy, any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 2156. PRODUCTION OF DEFECTIVE NATIONAL-DEFENSE MATERIAL

Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes or attempts to make in a defective manner, any national-defense material, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

CHAPTER 107.—SEAMEN AND STOWAWAYS

Sec.
2191. Cruelty to seamen.
2192. Incitation of seamen to revolt or mutiny.
2193. Revolt or mutiny of seamen.
2194. Shanghaiing sailors.
2195. Abandonment of sailors.
2196. Drunkenness or neglect of duty by seamen.
2197. Misuse of Federal certificate, license or document.
2198. Seduction of female passenger.
2199. Stowaways on vessels or aircraft.

§ 2191. CRUELTY TO SEAMEN

Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, flogs, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any corporal or other cruel and unusual punishment, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 2192. INCITATION OF SEAMEN TO REVOLT OR MUTINY

Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect his proper duty on board thereof, or to betray his proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 2193. REVOLT OR MUTINY OF SEAMEN

Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than $2,000 or imprisoned not more than ten years, or both.

§ 2194. SHANGHAIING SAILORS

Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, procures or induces, or attempts to procure or induce, another, by force or threats or by

representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or

Whoever knowingly detains on board of any such vessel any person so procured or induced to go on board, or to enter into any agreement to go on board, by any means herein defined—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 2195. ABANDONMENT OF SAILORS

Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than $500 or imprisoned not more than six months, or both.

§ 2196. DRUNKENNESS OR NEGLECT OF DUTY BY SEAMEN

Whoever, being a master, officer, radio operator, seaman, apprentice or other person employed on any merchant vessel, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or, by willful breach of duty or by neglect of duty or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall be imprisoned not more than one year.

§ 2197. MISUSE OF FEDERAL CERTIFICATE, LICENSE OR DOCUMENT

Whoever, not being lawfully entitled thereto, uses, exhibits, or attempts to use or exhibit, or, with intent unlawfully to use the same, receives or possesses any certificate, license, or document issued to vessels, or officers or seamen by any officer or employee of the United States authorized by law to issue the same; or

Whoever, without authority, alters or attempts to alter any such certificate, license, or document by addition, interpolation, deletion, or erasure; or

Whoever forges, counterfeits, or steals, or attempts to forge, counterfeit, or steal, any such certificate, license, or document; or unlawfully possesses or knowingly uses any such altered, changed, forged, counterfeit, or stolen certificate, license, or document; or

Whoever, without authority, prints or manufactures any blank form of such certificate, license, or document, or

Whoever possesses without lawful excuse, and with intent unlawfully to use the same, any blank form of such certificate, license, or document; or

Whoever, in any manner, transfers or negotiates such transfer of, any blank form of such certificate, license, or document, or any such altered, forged, counterfeit, or stolen certificate, license, or document, or any such certificate, license, or document to which the party transferring or receiving the same is not lawfully entitled—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2198. SEDUCTION OF FEMALE PASSENGER

Whoever, being a master, officer, seaman, or other person employed on board of any American vessel, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Subsequent intermarriage of the parties may be pleaded in bar of conviction and no conviction shall be had on the testimony of the female seduced without other evidence.

§ 2199. STOWAWAYS ON VESSELS OR AIRCRAFT

Whoever, without the consent of the owner, charterer, master, or person in command of any vessel, or aircraft, with intent to obtain transportation, boards, enters or secretes himself aboard such vessel or aircraft and is thereon at the time of departure of said vessel or aircraft from a port, harbor, wharf, airport or other place within the jurisdiction of the United States; or

Whoever, with like intent, having boarded, entered or secreted himself aboard a vessel or aircraft at any place within or without the jurisdiction of the United States, remains aboard after the vessel or aircraft has left such place and is thereon at any place within the jurisidiction of the United States; or

Whoever, with intent to obtain a ride or transportation, boards or enters any aircraft owned or operated by the United States without the consent of the person in command or other duly authorized officer or agent—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"Aircraft." The word "aircraft" as used in this section includes any contrivance for navigation or flight in the air.

CHAPTER 109.—SEARCHES AND SEIZURES

Sec.

2231. Assault or resistance.
2232. Destruction or removal of property to prevent seizure.
2233. Rescue of seized property.
2234. Authority exceeded in executing warrant.
2235. Search warrant procured maliciously.
2236. Searches without warrant.

§ 2231. ASSAULT OR RESISTANCE

(a) Whoever forcibly assaults, resists, opposes, prevents, impedes, intimidates, or interferes with any person authorized to serve or execute search warrants or to make searches and seizures while engaged in the performance of his duties with regard thereto or on account of the performance of such duties, shall be fined not more than $5,000 or imprisoned not more than three years, or both; and—

(b) Whoever, in committing any act in violation of this section, uses any deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 2232. DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE

Whoever, before, during, or after seizure of any property by any person authorized to make searches and seizures, in order to prevent the seizure or securing of any goods, wares, or merchandise by such person, staves, breaks, throws overboard, destroys, or removes the same, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

§ 2233. RESCUE OF SEIZED PROPERTY

Whoever forcibly rescues, dispossesses, or attempts to rescue or dispossess any property, articles, or objects after the same shall have been

taken, detained, or seized by any officer or other person under the authority of any revenue law of the United States, or by any person authorized to make searches and seizures, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

§ 2234. AUTHORITY EXCEEDED IN EXECUTING WARRANT

Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year.

§ 2235. SEARCH WARRANT PROCURED MALICIOUSLY

Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined not more than $1,000 or imprisoned not more than one year.

§ 2236. SEARCHES WITHOUT WARRANT

Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined for a first offense not more than $1,000; and, for a subsequent offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not apply to any person—

(a) serving a warrant of arrest; or

(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or

(c) making a search at the request or invitation or with the consent of the occupant of the premises.

CHAPTER 111.—SHIPPING

Sec.

2271. Conspiracy to destroy vessel.
2272. Destruction of vessel by owner.
2273. Destruction of vessel by nonowner.
2274. Destruction or misuse of vessel by person in charge.
2275. Firing or tampering with vessel.
2276. Breaking and entering vessel.
2277. Explosives or dangerous weapons aboard vessels.
2278. Explosives on vessels carrying steerage passengers.
2279. Boarding vessels before arrival.

§ 2271. CONSPIRACY TO DESTROY VESSELS

Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or

Whoever, within the United States, builds, or fits out any vessel to be cast away or destroyed, with like intent—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 2272. DESTRUCTION OF VESSEL BY OWNER

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully

and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to injure any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.

§ 2273. DESTRUCTION OF VESSEL BY NONOWNER

Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or willfully attempts the destruction thereof, shall be imprisoned not more than ten years.

§ 2274. DESTRUCTION OR MISUSE OF VESSEL BY PERSON IN CHARGE

Whoever, being the owner, master or person in charge or command of any private vessel, foreign or domestic, or a member of the crew or other person, within the territorial waters of the United States, willfully causes or permits the destruction or injury of such vessel or knowingly permits said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or any offense in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States; or knowingly permits such vessels to be used in violation of the rights and obligations of the United States under the law of nations, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In case such vessels are so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws.

§ 2275. FIRING OR TAMPERING WITH VESSELS

Whoever sets fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States, or to the cargo of the same, or tampers with the motive power or instrumentalities of navigation of such vessel, or places bombs or explosives in or upon such vessel, or does any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom and whoever attempts to do so shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

§ 2276. BREAKING AND ENTERING VESSEL

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy rope, head fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 2277. EXPLOSIVES OR DANGEROUS WEAPONS ABOARD VESSELS

(a) Whoever brings, carries, or possesses any dangerous weapon, instrument, or device, or any dynamite, nitroglycerin, or other

explosive article or compound on board of any vessel registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 174, 55 Stat. 242, as amended, without previously obtaining the permission of the owner or the master of such vessel; or

50 U. S. C. app. §§ 1271-1275; Supp. I, § 1271 note.

Whoever brings, carries, or possesses any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been placed by the United States pursuant to the provisions of section 191 of Title 50, without previously obtaining the permission of the captain of the port in which such vessel is located, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) This section shall not apply to the personnel of the Armed Forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive.

§ 2278. EXPLOSIVES ON VESSELS CARRYING STEERAGE PASSENGERS

Whoever, being the master of a steamship or other vessel referred to in section 151 of Title 46, except as otherwise expressly provided by law, takes, carries, or has on board of any such vessel any nitroglycerin, dynamite, or any other explosive article or compound, or any vitriol or like acids, or gunpowder, except for the ship's use, or any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 2279. BOARDING VESSELS BEFORE ARRIVAL

Whoever, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, shall be fined not more than $200 or imprisoned not more than six months, or both.

The master of such vessel may take any such person into custody, and deliver him up forthwith to any law enforcement officer, to be by him taken before any committing magistrate, to be dealt with according to law.

CHAPTER 113.—STOLEN PROPERTY

Sec.
2311. Definitions.
2312. Transportation of stolen vehicles.
2313. Sale or receipt of stolen vehicles.
2314. Transportation of stolen goods, securities, monies, or articles used in counterfeiting.
2315. Sale or receipt of stolen goods, securities, or monies.
2316. Transportation of cattle.
2317. Sale or receipt of cattle.

§ 2311. DEFINITIONS

As used in this chapter:

"Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air; "Aircraft."

"Cattle" means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof; "Cattle."

"Money" means the legal tender of the United States or of any foreign country, or any counterfeit thereof; "Money."

"Motor vehicle." "Motor vehicle" includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

"Securities." "Securities" includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise; or, in general, any instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing;

"Value." "Value" means the face, par, or market value, whichever is the greatest, and the aggregate value of all goods, wares, and merchandise, securities, and money referred to in a single indictment shall constitute the value thereof.

§ 2312. TRANSPORTATION OF STOLEN VEHICLES

Whoever transports in interstate or foreign commerce a motor vehicle or aircraft, knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2313. SALE OR RECEIPT OF STOLEN VEHICLES

Whoever receives, conceals, stores, barters, sells, or disposes of any motor vehicle or aircraft, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2314. TRANSPORTATION OF STOLEN GOODS, SECURITIES, MONIES, OR ARTICLES USED IN COUNTERFEITING

Whoever knowingly transports in interstate or foreign commerce any goods, wares, or merchandise, securities, or money, of the value of $5,000 or more theretofore stolen, converted, or taken by fraud; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged, altered, or counterfeited securities, knowing the same to have been falsely made, forged, altered, or counterfeited; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce, any tool, implement, or thing used or fitted to be used in falsely making, forging, altering, or counterfeiting any security, or any part thereof—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited or spurious representation of an obligation or other security of the United States, or of an obligation, bond, certificate, security, treasury note, bill, promise to pay or bank note issued by any foreign government or by a bank or corporation of any foreign country.

§ 2315. SALE OR RECEIPT OF STOLEN GOODS, SECURITIES, OR MONIES

Whoever receives, conceals, stores, barters, sells, or disposes of any goods, wares, or merchandise, securities, or money of the value of $5,000 or more, or pledges or accepts as security for a loan any goods,

wares, or merchandise, or securities, of the value of $500 or more, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been stolen, unlawfully converted, or taken; or

Whoever receives, conceals, stores, barters, sells, or disposes of any falsely made, forged, altered, or counterfeited securities, or pledges or accepts as security for a loan any falsely made, forged, altered, or counterfeited securities, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been so falsely made, forged, altered, or counterfeited; or

Whoever receives in interstate or foreign commerce, or conceals, stores, barters, sells, or disposes of, any tool, implement, or thing used or intended to be used in falsely making, forging, altering, or counterfeiting any security, or any part thereof, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing that the same is fitted to be used, or has been used, in falsely making, forging, altering, or counterfeiting any security, or any part thereof—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of an obligation or other security of the United States or of an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note, issued by any foreign government or by a bank or corporation of any foreign country.

§ 2316. TRANSPORTATION OF CATTLE

Whoever transports in interstate or foreign commerce any cattle, knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2317. SALE OR RECEIPT OF CATTLE

Whoever receives, conceals, stores, barters, buys, sells, or disposes of any cattle, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER 115.—TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES

Sec.

2381. Treason.
2382. Misprision of treason.
2383. Rebellion or insurrection.
2384. Seditious conspiracy.
2385. Advocating overthrow of Government.
2386. Registration of certain organizations.
2387. Activities affecting armed forces generally.
2388. Activities affecting armed forces during war.
2389. Recruiting for service against United States.
2390. Enlistment to serve against United States.

§ 2381. TREASON

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined not less than $10,000; and shall be incapable of holding any office under the United States.

§ 2382. MISPRISION OF TREASON

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision

of treason and shall be fined not more than $1,000 or imprisoned not more than seven years, or both.

§ 2383. REBELLION OR INSURRECTION

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

§ 2384. SEDITIOUS CONSPIRACY

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than six years, or both.

§ 2385. ADVOCATING OVERTHROW OF GOVERNMENT

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

§ 2386. REGISTRATION OF CERTAIN ORGANIZATIONS

(A) For the purposes of this section:

"Attorney General." "Attorney General" means the Attorney General of the United States;

"Organization." "Organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

"Political activity." "Political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

"Civilian military activity." An organization is engaged in "civilian military activity" if:

(1) it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or any substitute therefor, or military or naval science; or

(2) it receives from any other organization or from any individual instruction in military or naval science; or

(3) it engages in any military or naval maneuvers or activities; or

(4) it engages, either with or without arms, in drills or parades of a military or naval character; or

(5) it engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action;

"Subject to foreign control."

An organization is "subject to foreign control" if:

(a) it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization; or

(b) its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

Organizations required to register.

(B) (1) The following organizations shall be required to register with the Attorney General:

Every organization subject to foreign control which engages in political activity;

Every organization which engages both in civilian military activity and in political activity;

Every organization subject to foreign control which engages in civilian military activity; and

Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Every such organizaton shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (B) (3) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

Organizations not required to register.

(2) This section shall not require registration or the filing of any statement with the Attorney General by:

(a) The armed forces of the United States; or

(b) The organized militia or National Guard of any State, Territory, District, or possession of the United States; or

(c) Any law-enforcement agency of the United States or of any Territory, District or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States; or

(d) Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State; or

(e) Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

Information and documents required.

(3) Every registration statement required to be filed by any organization shall contain the following information and documents:

(a) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;

(b) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;

(c) The qualifications for membership in the organization;

(d) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;

(e) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;

(f) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(g) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;

(h) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;

(i) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;

(j) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;

(k) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;

(l) In case the organization is subject to foreign control, the manner in which it is so subject;

(m) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(n) Such other information and documents pertinent to the purposes of this section as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe.

Rules and regulations.

(C) The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary

to carry out this section, including rules and regulations governing the statements required to be filed.

(D) Whoever violates any of the provisions of this section shall be fined not more than $10,000 or imprisoned not more than five years, or both. Penalties.

Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

§ 2387. ACTIVITIES AFFECTING ARMED FORCES GENERALLY

(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States—

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, the Navy, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel. "Military or naval forces of the United States."

§ 2388. ACTIVITIES AFFECTING ARMED FORCES DURING WAR

(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so—

Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States.

§ 2389. RECRUITING FOR SERVICE AGAINST UNITED STATES

Whoever recruits soldiers or sailors within the United States, or

in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or

Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States—

Shall be fined not more than $1,000 or imprisoned not more than five years, or both.

§ 2390 ENLISTMENT TO SERVE AGAINST UNITED STATES

Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined $100 or imprisoned not more than three years, or both.

CHAPTER 117.—WHITE SLAVE TRAFFIC

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2421. Transportation generally.
2422. Coercion or enticement of female.
2423. Coercion or enticement of minor female.
2424. Filing factual statement about alien female.

§ 2421. TRANSPORTATION GENERALLY

Whoever knowingly transports in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or

Whoever knowingly procures or obtains any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induct, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2422. COERCION OR ENTICEMENT OF FEMALE

Whoever knowingly persuades, induces, entices, or coerces any woman or girl to go from one place to another in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and thereby knowingly causes such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 2423. COERCION OR ENTICEMENT OF MINOR FEMALE

Whoever knowingly persuades, induces, entices, or coerces any woman or girl who has not attained her eighteenth birthday, to go

from one place to another by common carrier, in interstate commerce or within the District of Columbia or any Territory or Possession of the United States, with intent that she be induced or coerced to engage in prostitution, debauchery or other immoral practice, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

§ 2424. FILING FACTUAL STATEMENT ABOUT ALIEN FEMALE

(a) Whoever keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic, shall file with the Commissioner of Immigration and Naturalization a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procuration to come to this country within the knowledge of such person; and

Whoever fails within thirty days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procuration to come to this country—

Shall be fined not more than $2,000 or imprisoned not more than two years, or both.

Presumption of failure to file statement.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement.

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§ 3005. COUNSEL AND WITNESSES IN CAPITAL CASES

Whoever is indicted for treason or other capital crime shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

§ 3006. ASSIGNMENT OF COUNSEL—(RULE)

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§ 3012. ORDERS RESPECTING PERSONS IN CUSTODY

Prisoners or persons in custody shall be brought into court or returned on order of the Court or of the United States Attorney, for which no fee shall be charged and no writ required.

CHAPTER 203.—ARREST AND COMMITMENT

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3060. Preliminary examination—Rule.

§ 3041. POWER OF COURTS AND MAGISTRATES

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States commissioner, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or commissioner shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining to hold the prisoner for trial or to discharge him from arrest.

§ 3042. EXTRATERRITORIAL JURISDICTION

Section 3041 of this title shall apply in any country where the United States exercises extraterritorial jurisdiction for the arrest and removal

Supra.

therefrom to the United States of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any offense against the United States, and shall also apply throughout the United States for the arrest and removal therefrom to the jurisdiction of any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction, of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any offense against the United States in any country where it exercises extraterritorial jurisdiction.

Such fugitive first mentioned may, by any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction and agreeably to the usual mode of process against offenders subject to such jurisdiction, be arrested and imprisoned or admitted to bail, as the case may be, pending the issuance of a warrant for his removal, which warrant the principal officer or representative of the United States vested with judicial authority in the country where the fugitive shall be found shall seasonably issue, and the United States marshal or corresponding officer shall execute.

Such marshal or other officer, or the deputies of such marshal or officer, when engaged in executing such warrant without the jurisdiction of the court to which they are attached, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safekeeping and the execution of the warrant.

§ 3043. SECURITY OF THE PEACE AND GOOD BEHAVIOR

The justices or judges of the United States, the United States commissioners, and the judges and other magistrates of the several States, who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

§ 3044. COMPLAINT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Contents of complaint; oath, Rule 3.

§ 3045. INTERNAL REVENUE VIOLATIONS

Warrants of arrest for violations of internal revenue laws may be issued by United States commissioners upon the complaint of a United States attorney, assistant United States attorney, collector, or deputy collector of internal revenue or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the complaint of a private citizen unless first approved in writing by a United States attorney.

§ 3046. WARRANT OR SUMMONS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Issuance upon complaint, Rule 4.
Issuance upon indictment, Rule 9.
Summons on request of government; form; contents; service; return, Rules 4, 9.

§ 3047. MULTIPLE WARRANTS UNNECESSARY

When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial. It shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in general terms.

§ 3048. COMMITMENT TO ANOTHER DISTRICT; REMOVAL—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arrest in nearby or distant districts; informative statement by judge or commissioner; hearing and removal; warrant; Rule 40.

§ 3049. WARRANT FOR REMOVAL

Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he is removed.

§ 3050. BUREAU OF PRISONS EMPLOYEES' POWERS

An officer or employee of the Bureau of Prisons of the Department of Justice may make arrests without warrant for violations of any of the provisions of sections 751, 752, 1791, or 1792 of this title, if he has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of his escaping before a warrant can be obtained for his arrest. If the arrested person is a fugitive from custody, he shall be returned to custody. Officers and employees of the said Bureau of Prisons may carry firearms under such rules and regulations as the Attorney General may prescribe.

Ante, pp. 734, 735, 786.

§ 3051. EXTRADITION AGENT'S POWERS

Any appointed agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safekeeping.

§ 3052. POWERS OF FEDERAL BUREAU OF INVESTIGATION

The Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for felonies cognizable under the laws of the United States, where the person making the arrest has reasonable grounds to believe that the person arrested is guilty of such felony and there is a likelihood of his escaping before a warrant can be obtained for his arrest.

§ 3053. POWERS OF MARSHALS AND DEPUTIES

United States marshals and their deputies may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

§ 3054. OFFICER'S POWERS INVOLVING ANIMALS AND BIRDS

Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, may arrest any person violating said sections in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.

Ante, p. 687.

§ 3055. OFFICERS' POWERS TO SUPPRESS INDIAN LIQUOR TRAFFIC

The chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner

of Indian Affairs or the Secretary of the Interior may execute all warrants of arrest and other lawful precepts issued under the authority of the United States and in the execution of his duty he may command all necessary assistance.

§ 3056. SECRET SERVICE POWERS

The Secretary of the Treasury is authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody any person violating any of the provisions of sections 508 and 509 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and national farm loan associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907 and 1909 of this title.

Ante, p. 715.

Ante, pp. 695, 703, 711, 729, 733, 750, 751, 752, 791, 792.

§ 3057. BANKRUPTCY INVESTIGATIONS

(a) Any referee, receiver, or trustee having reasonable grounds for believing that any violations of the bankruptcy laws or laws relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the referee, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction.

§ 3058. INTERNED BELLIGERENT NATIONALS

Whoever, belonging to the armed land or naval forces of a beligerent nation or belligerent faction and being interned in the United States, in accordance with the law of nations, leaves or attempts to leave said jurisdiction, or leaves or attempts to leave the limits of internment without permission from the proper official of the United States in charge, or willfully overstays a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct.

§ 3059. REWARDS AND APPROPRIATIONS THEREFOR

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 as a reward or rewards for the capture of anyone who is charged with violation of criminal laws of the United States or any State or of the District of Columbia, and an equal amount as a reward or rewards for information leading to the arrest of any such person, to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States. Not more than $25,000 shall be expended for information or capture of any one person.

If any of the said persons shall be killed in resisting lawful arrest, the Attorney General may pay any part of the reward money in his discretion to the person or persons whom he shall adjudge to be entitled thereto but no reward money shall be paid to any official or employee of the Department of Justice of the United States.

§ 3060. PRELIMINARY EXAMINATION—(RULE)

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3109. Breaking doors or windows for entry or exit.
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§ 3101. EFFECT OF RULES OF COURT—(RULE)

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Rules generally applicable throughout United States, Rule 54.
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§ 3102. AUTHORITY TO ISSUE SEARCH WARRANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Federal, State or Territorial Judges, or U. S. Commissioners authorized to issue search warrants, Rule 41 (a).

§ 3103. GROUNDS FOR ISSUING SEARCH WARRANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Grounds prescribed for issuance of search warrant, Rule 41 (b).

§ 3104. ISSUANCE OF SEARCH WARRANT; CONTENTS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Issuance of search warrant on affidavit; contents to identify persons or place; command to search forthwith, Rule 41 (c).

§ 3105. PERSONS AUTHORIZED TO SERVE SEARCH WARRANT

A search warrant may in all cases be served by any of the officers mentioned in its direction or by an officer authorized by law to serve such warrant, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

§ 3106. OFFICER AUTHORIZED TO SERVE SEARCH WARRANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Officer to whom search warrant shall be directed, Rule 41 (c).

§ 3107. SERVICE OF WARRANTS AND SEIZURES BY FEDERAL BUREAU OF INVESTIGATION

The Director, Assistant Directors, agents, and inspectors of the Federal Bureau of Investigation of the Department of Justice are empowered to make seizures under warrant for violation of the laws of the United States.

§ 3108. EXECUTION, SERVICE, AND RETURN—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Method and time for execution, service and return of search warrant, Rule 41 (c), (d).

§ 3109. BREAKING DOORS OR WINDOWS FOR ENTRY OR EXIT

The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

§ 3110. PROPERTY DEFINED—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Term "property" as used in Rule 41 includes documents, books, papers and any other tangible objects, Rule 41 (g).

§ 3111. PROPERTY SEIZABLE ON SEARCH WARRANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Specified property seizable on search warrant, Rule 41 (b).

§ 3112. SEARCH WARRANTS FOR SEIZURE OF ANIMALS, BIRDS OR EGGS

Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any property used or possessed in violation of said sections and property so seized shall be held by him or by the United States marshal pending disposition thereof by the court.

Ante, p. 687.

§ 3113. LIQUOR VIOLATIONS IN INDIAN COUNTRY

If any superintendent of Indian affairs, or commanding officer of a military post, or special agent of the Office of Indian Affairs for the suppression of liquor traffic among Indians and in the Indian country and any authorized deputies under his supervision has probable cause to believe that any person is about to introduce or has introduced any spirituous liquor, beer, wine or other intoxicating liquors named in sections 1154 and 1156 of this title into the Indian country in violation of law, he may cause the places, conveyances, and packages of such person to be searched. If any such intoxicating liquor is found therein, the same, together with such conveyances and packages of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and one-half to the use of the United States. If such person be a trader, his license shall be revoked and his bond put in suit.

Ante, pp. 758, 759.

Any person in the service of the United States authorized by this section to make searches and seizures, or any Indian may take and destroy any ardent spirits or wine found in the Indian country, except such as are kept or used for scientific, sacramental, medicinal, or mechanical purposes or such as may be introduced therein by the War Department.

In all cases arising under this section and sections 1154 and 1156 of this title, Indians shall be competent witnesses.

Ante, pp. 758, 759.

§ 3114. RETURN OF SEIZED PROPERTY AND SUPPRESSION OF EVIDENCE; MOTION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Return of property and suppression of evidence upon motion, Rule 41 (e).

§ 3115. INVENTORY UPON EXECUTION AND RETURN OF SEARCH WARRANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

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§ 3116. RECORDS OF EXAMINING MAGISTRATE; RETURN TO CLERK OF COURT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Commissioners and clerks of court to keep records as prescribed by Director of the Administrative Office of the United States Courts, Rule 55.
Return or filing of records with clerk, Rule 41 (f).

CHAPTER 207.—BAIL

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3141. Power of courts and magistrates.
3142. Surrender by bail.
3143. Additional bail.
3144. Cases removed from State courts.
3145. Parties and witnesses—Rule.

§ 3141. POWER OF COURTS AND MAGISTRATES

Bail may be taken by any court, judge or magistrate authorized to arrest and commit offenders, but in capital cases bail may be taken only by a court of the United States having original or appellate jurisdiction in criminal cases or by a justice or judge thereof.

§ 3142. SURRENDER BY BAIL

Any party charged with a criminal offense and admitted to bail, may, in vacation, be arrested by his surety, and delivered to the marshal or his deputy, and brought before any judge or other officer having power to commit for such offense; and at the request of such surety, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exoneratur of such surety; and the person so committed shall be held in custody until discharged by due course of law.

§ 3143. ADDITIONAL BAIL

When proof is made to any judge of the United States, or other magistrate authorized to commit on criminal charges, that a person previously admitted to bail on any such charge is about to abscond, and that his bail is insufficient, the judge or magistrate shall require such person to give better security, or, for default thereof, cause him to be committed; and an order for his arrest may be indorsed on the former commitment, or a new warrant therefor may be issued, by such judge or magistrate, setting forth the cause thereof.

§ 3144. CASES REMOVED FROM STATE COURTS

Whenever the judgment of a State Court in any criminal proceeding is brought to the Supreme Court of the United States for review, the defendant shall not be released from custody until a final judgment upon such review, or, if the offense be bailable, until a bond, with sufficient sureties, in a reasonable sum, is given.

§ 3145. PARTIES AND WITNESSES—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

On Preliminary Examination, Rule 5 (b).
Before conviction; amount; sureties; forfeiture; exoneration, Rule 46.
Pending sentence, Rule 32 (a).
Pending appeal or certiorari, Rule 38 (b), (c), 39 (a), 46 (a, 2).
Witness, Rule 46.

CHAPTER 209.—EXTRADITION

Sec.
3181. Scope and limitation of chapter.
3182. Fugitives from State or Territory to State, District or Territory.
3183. Fugitives from State, Territory or Possession into extraterritorial jurisdiction of United States.
3184. Fugitives from foreign country to United States.

Sec.
3185. Fugitives from country under control of United States into the United States.
3186. Secretary of State to surrender fugitive.
3187. Provisional arrest and detention within extraterritorial jurisdiction.
3188. Time of commitment pending extradition.
3189. Place and character of hearing.
3190. Evidence on hearing.
3191. Witnesses for indigent fugitives.
3192. Protection of accused.
3193. Receiving agent's authority over offenders.
3194. Transportation of fugitive by receiving agent.
3195. Payment of fees and costs.

§ 3181. SCOPE AND LIMITATION OF CHAPTER

The provisions of this chapter relating to the surrender of persons who have committed crimes in foreign countries shall continue in force only during the existence of any treaty of extradition with such foreign government.

§ 3182. FUGITIVES FROM STATE OR TERRITORY TO STATE, DISTRICT OR TERRITORY

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

§ 3183. FUGITIVES FROM STATE, TERRITORY, OR POSSESSION INTO EXTRATERRITORIAL JURISDICTION OF UNITED STATES

Whenever the executive authority of any State, Territory, District, or possession of the United States or the Panama Canal Zone, demands any American citizen or national as a fugitive from justice who has fled to a country in which the United States exercises extraterritorial jurisdiction, and produces a copy of an indictment found or an affidavit made before a magistrate of the demanding jurisdiction, charging the fugitive so demanded with having committed treason, felony, or other offense, certified as authentic by the Governor or chief magistrate of such demanding jurisdiction, or other person authorized to act, the officer or representative of the United States vested with judicial authority to whom the demand has been made shall cause such fugitive to be arrested and secured, and notify the executive authorities making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear.

If no such agent shall appear within three months from the time of the arrest, the prisoner may be discharged.

The agent who receives the fugitive into his custody shall be empowered to transport him to the jurisdiction from which he has fled.

§ 3184. FUGITIVES FROM FOREIGN COUNTRY TO UNITED STATES

Whenever there is a treaty or convention for extradition between the United States and any foreign government, any justice or judge of the United States, or any commissioner authorized so to do by a court

of the United States, or any judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within his jurisdiction, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

§ 3185. FUGITIVES FROM COUNTRY UNDER CONTROL OF UNITED STATES INTO THE UNITED STATES

Whenever any foreign country or territory, or any part thereof, is occupied by or under the control of the United States, any person who, having violated the criminal laws in force therein by the commission of any of the offenses enumerated below, departs or flees from justice therein to the United States, shall, when found therein, be liable to arrest and detention by the authorities of the United States, and on the written request or requisition of the military governor or other chief executive officer in control of such foreign country or territory shall be returned and surrendered as hereinafter provided to such authorities for trial under the laws in force in the place where such offense was committed.

(1) Murder and assault with intent to commit murder;

(2) Counterfeiting or altering money, or uttering or indebtedness, bank notes, or other instruments of public bringing into circulation counterfeit or altered money;

(3) Counterfeiting certificates or coupons of public credit, and the utterance or circulation of the same;

(4) Forgery or altering and uttering what is forged or altered;

(5) Embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries;

(6) Larceny or embezzlement of an amount not less than $100 in value;

(7) Robbery;

(8) Burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein;

(9) Breaking and entering the house or building of another, whether in the day or nighttime, with the intent to commit a felony therein;

(10) Entering, or breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein;

(11) Perjury or the subornation of perjury;

(12) Rape;

(13) Arson;

(14) Piracy by the law of nations;

(15) Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of such foreign country or territory and not under the flag of the United States, or of some other government;

(16) Malicious destruction of or attempt to destroy railways, trams,

vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

Proceedings.

This chapter, so far as applicable, shall govern proceedings authorized by this section. Such proceedings shall be had before a judge of the courts of the United States only, who shall hold such person on evidence establishing probable cause that he is guilty of the offense charged.

No return or surrender shall be made of any person charged with the commission of any offense of a political nature.

If so held, such person shall be returned and surrendered to the authorities in control of such foreign country or territory on the order of the Secretary of State of the United States, and such authorities shall secure to such a person a fair and impartial trial.

§ 3186. SECRETARY OF STATE TO SURRENDER FUGITIVE

Ante, pp. 822, 823.

The Secretary of State may order the person committed under sections 3184 or 3185 of this title to be delivered to any authorized agent of such foreign government, to be tried for the offense of which charged.

Such agent may hold such person in custody, and take him to the territory of such foreign government, pursuant to such treaty.

A person so accused who escapes may be retaken in the same manner as any person accused of any offense.

§ 3187. PROVISIONAL ARREST AND DETENTION WITHIN EXTRATERRITORIAL JURISDICTION

Ante, pp. 815, 822.

The provisional arrest and detention of a fugitive, under sections 3042 and 3183 of this title, in advance of the presentation of formal proofs, may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive addressed to the authority competent to grant such surrender. Such request shall be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority making such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained.

No person shall be held in custody under telegraphic request by virtue of this section for more than ninety days.

§ 3188. TIME OF COMMITMENT PENDING EXTRADITION

Whenever any person who is committed for rendition to a foreign government to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, may order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered.

§ 3189. PLACE AND CHARACTER OF HEARING

Hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

§ 3190. EVIDENCE ON HEARING

Depositions, warrants, or other papers or copies thereof offered in evidence upon the hearing of any extradition case shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle

them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that the same, so offered, are authenticated in the manner required.

§ 3191. WITNESSES FOR INDIGENT FUGITIVES

On the hearing of any case under a claim of extradition by a foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or commissioner hearing the matter may order that such witnesses be subpenaed; and the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner as in the case of witnesses subpenaed in behalf of the United States.

§ 3192. PROTECTION OF ACCUSED

Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any offense of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safekeeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

§ 3193. RECEIVING AGENT'S AUTHORITY OVER OFFENDERS

A duly appointed agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping.

§ 3194. TRANSPORTATION OF FUGITIVE BY RECEIVING AGENT

Any agent appointed as provided in section 3182 of this title who receives the fugitive into his custody is empowered to transport him to the State or Territory from which he has fled. *Ante*, p. 822.

§ 3195. PAYMENT OF FEES AND COSTS

All costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive shall be paid by the demanding authority.

All witness fees and costs of every nature in cases of international extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, and the same shall be paid out of appropriations to defray the expenses of the judiciary or the Department of Justice as the case may be.

The Attorney General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign government requesting the extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney General for deposit in the Treasury of the United States.

CHAPTER 211.—JURISDICTION AND VENUE

Sec.

3231. District courts.
3232. District of offense—Rule.
3233. Transfer within District—Rule.
3234. Change of venue to another district—Rule.
3235. Venue in capital cases.
3236. Murder or manslaughter.
3237. Offenses begun in one district and completed in another.
3238. Offenses not committed in any district.
3239. Threatening communications.
3240. Creation of new district or division.
3241. Jurisdiction of offenses under certain sections.
3242. Indians committing certain offenses; acts on reservations.
3243. Jurisdiction of State of Kansas over offenses committed by or against Indians on Indian reservations.

§ 3231. DISTRICT COURTS

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

§ 3232. DISTRICT OF OFFENSE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proceedings to be in district and division in which offense committed, Rule 18.

§ 3233. TRANSFER WITHIN DISTRICT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arraignment, plea, trial, sentence in district of more than one division, Rule 19.

§ 3234. CHANGE OF VENUE TO ANOTHER DISTRICT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Plea or disposal of case in district other than that in which defendant was arrested, Rule 20.

§ 3235. VENUE IN CAPITAL CASES

The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

§ 3236. MURDER OR MANSLAUGHTER

In all cases of murder or manslaughter, the offense shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered or other means employed which caused the death, without regard to the place where the death occurs.

§ 3237. OFFENSES BEGUN IN ONE DISTRICT AND COMPLETED IN ANOTHER

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Any offense involving the use of the mails, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves.

§ 3238. OFFENSES NOT COMMITTED IN ANY DISTRICT

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

§ 3239. THREATENING COMMUNICATIONS

Any defendant indicted under sections 875, 876 or 877 of this title, with respect to communications originating in the United States, shall, upon motion duly made, be entitled as of right to be tried in the district in which the matter mailed or otherwise transmitted was first set in motion, in the mails or in commerce between the States.

Ante, p. 741.

§ 3240. CREATION OF NEW DISTRICT OR DIVISION

Whenever any new district or division is established, or any county or territory is transferred from one district or division to another district or division, prosecutions for offenses committed within such district, division, county, or territory prior to such transfer, shall be commenced and proceeded with the same as if such new district or division had not been created, or such county or territory had not been transferred, unless the court, upon the application of the defendant, shall order the case to be removed to the new district or division for trial. The transfer of such prosecutions shall be made in the manner provided in section 119 of Title 28.

§ 3241. JURISDICTION OF OFFENSES UNDER CERTAIN SECTIONS

The District Court for the Territory of Alaska, the United States District Court for the Canal Zone and the District Court of the Virgin Islands shall have jurisdiction of offenses under the laws of the United States, not locally inapplicable, committed within the territorial jurisdiction of such courts, and jurisdiction, concurrently with the district courts of the United States, of offenses against the laws of the United States committed upon the high seas.

§ 3242. INDIANS COMMITTING CERTAIN OFFENSES; ACTS ON RESERVATIONS

All Indians committing any of the following offenses, namely, murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny on and within any Indian reservation, including rights-of-way running through the reservation, shall be tried in the same courts, and in the same manner, as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

§ 3243. JURISDICTION OF STATE OF KANSAS OVER OFFENSES COMMITTED BY OR AGAINST INDIANS ON INDIAN RESERVATIONS

Jurisdiction is conferred on the State of Kansas over offenses committed by or against Indians on Indian reservations, including trust or restricted allotments, within the State of Kansas, to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State.

This section shall not deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations.

CHAPTER 213.—LIMITATIONS

Sec.

3281. Capital offenses.
3282. Offenses not capital.
3283. Customs and slave trade violations.
3284. Concealment of bankrupt's assets.
3285. Criminal contempt.
3286. Seduction on vessel of United States.
3287. Wartime suspension of limitations.
3288. Reindictment where defect found after period of limitations.
3289. Reindictment where defect found before period of limitations.
3290. Fugitives from justice.

§ 3281. CAPITAL OFFENSES

An indictment for any offense punishable by death may be found at any time without limitation except for offenses barred by the provisions of law existing on August 4, 1939.

§ 3282. OFFENSES NOT CAPITAL

Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed.

§ 3283. CUSTOMS AND SLAVE TRADE VIOLATIONS

No person shall be prosecuted, tried or punished for any violation of the customs laws or the slave trade laws of the United States unless the indictment is found or the information is instituted within five years next after the commission of the offense.

§ 3284. CONCEALMENT OF BANKRUPT'S ASSETS

The concealment of assets of a bankrupt or other debtor shall be deemed to be a continuing offense until the debtor shall have been finally discharged or a discharge denied, and the period of limitations shall not begin to run until such final discharge or denial of discharge.

§ 3285. CRIMINAL CONTEMPT

Ante, p. 701.

No proceeding for criminal contempt within section 402 of this title shall be instituted against any person, corporation or association unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act.

§ 3286. SEDUCTION ON VESSEL OF UNITED STATES

Ante, p. 802.

No person shall be prosecuted, tried, or punished for seduction in violation of section 2198 of this title unless indictment is found or the information is filed within one year after the vessel on which the offense was committed arrives at its port of destination.

§ 3287. WARTIME SUSPENSION OF LIMITATIONS

When the United States is at war the running of any statute of limitations applicable to any offense (1) involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not, or (2) committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States, or (3) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or Government agency, shall be suspended until three years after the termination of hostilities as proclaimed by the President or by a concurrent resolution of Congress.

41 U. S. C., Supp. I, § 103.

Definitions of terms in section 103 of Title 41 shall apply to similar terms used in this section.

§ 3288. REINDICTMENT WHERE DEFECT FOUND AFTER PERIOD OF LIMITATIONS

Whenever an indictment is dismissed for any error, defect or irregularity with respect to the grand jury, or is found otherwise defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned not later than the end of the next succeeding regular term of such court, following the term at which such indictment was found defective or insufficient, during which a grand jury shall be in session which new indictment shall not be barred by any statute of limitations.

§ 3289. REINDICTMENT WHERE DEFECT FOUND BEFORE PERIOD OF LIMITATIONS

Whenever an indictment is dismissed for any error, defect or irregularity with respect to the grand jury, or is found otherwise defective or insufficient for any cause, before the period prescribed by the applicable statute of limitations has expired, and such period will expire before the end of the next regular term of the court to which such indictment was returned, a new indictment may be returned not later than the end of the next succeeding regular term of such court following the term at which such indictment was found defective or insufficient, during which a grand jury shall be in session which new indictment shall not be barred by any statute of limitations.

§ 3290. FUGITIVES FROM JUSTICE

No statute of limitations shall extend to any person fleeing from justice.

CHAPTER 215.—GRAND JURY

Sec.

3321. Number of grand jurors; summoning additional jurors.
3322. Number; summoning—Rule.
3323. Objections and motions—Rule.
3324. Foreman and deputy; powers and duties; records—Rule.
3325. Persons present at proceedings—Rule.
3326. Secrecy of proceedings and disclosure—Rule.
3327. Indictment; finding and return—Rule.
3328. Discharging jury and excusing juror—Rule.

§ 3321. NUMBER OF GRAND JURORS; SUMMONING ADDITIONAL JURORS

Every grand jury impaneled before any district court shall consist of not less than sixteen nor more than twenty-three persons. If less than sixteen of the persons summoned attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. Whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

§ 3322. NUMBER; SUMMONING—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Summoning grand jury; number of grand jurors, Rule 6 (a).

§ 3323. OBJECTIONS AND MOTIONS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Challenging array of grand jurors or individual grand jurors; motions to dismiss, Rule 6 (b).

§ 3324. FOREMAN AND DEPUTIES; POWERS AND DUTIES; RECORDS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Appointment of grand jury foreman and deputy foreman; oaths, affirmations and indictments; records of jurors concurring, Rule 6 (c).

§ 3325. PERSONS PRESENT AT PROCEEDINGS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Persons who may be present while grand jury is in session; exclusion while jury is deliberating or voting, Rule 6 (d).

§ 3326. SECRECY OF PROCEEDINGS AND DISCLOSURE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Disclosure of proceedings to government attorneys; disclosure by direction of court or permission of defendant; secrecy of indictment, Rule 6 (e).

§ 3327. INDICTMENT; FINDING AND RETURN—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Concurrence of twelve or more jurors in indictment; return of indictment to judge in open court, Rule 6 (f).

§ 3328. DISCHARGING JURY AND EXCUSING JUROR—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Discharge of grand jury by court; limitation of service; excusing juror for cause, Rule 6 (g).

CHAPTER 217.—INDICTMENT AND INFORMATION

Sec.

3361. Form and contents—Rule.
3362. Waiver of indictment and prosecution on information—Rule.
3363. Joinder of offenses—Rule.
3364. Joinder of defendants—Rule.
3365. Amendment of information—Rule.
3366. Bill of particulars—Rule.
3367. Dismissal—Rule.

§ 3361. FORM AND CONTENTS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Contents and form; striking surplusage, Rule 7 (a), (c), (d).

§ 3362. WAIVER OF INDICTMENT AND PROSECUTION ON INFORMATION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Waiver of indictment for offenses not punishable by death, Rule 7 (b).

§ 3363. JOINDER OF OFFENSES—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Joinder of two or more offenses in same indictment, Rule 8 (a).
Trial together of indictments or informations, Rule 13.

§ 3364. JOINDER OF DEFENDANTS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Joinder of two or more defendants charged in same indictment, Rule 8 (b).
Relief from prejudicial joinder, Rule 14.

§ 3365. AMENDMENT OF INFORMATION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Amendment of information, time and conditions, Rule 7 (e).

§ 3366. BILL OF PARTICULARS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Bill of particulars for cause; motion after arraignment; time; amendment, Rule 7 (f).

§ 3367. DISMISSAL—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Dismissal filed by Attorney General or United States Attorney, Rule 48.
Dismissal on objection to array of grand jury or lack of legal qualification of individual grand juror, Rule 6 (b) (2).

CHAPTER 219.—TRIAL BY COMMISSIONERS

Sec.

3401. Petty offenses; application of probation laws; fees.
3402. Rules of procedure, practice and appeal.

§ 3401. PETTY OFFENSES; APPLICATION OF PROBATION LAWS; FEES

(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction, and within the judicial district for which such commissioner was appointed.

(b) Any person charged with a petty offense may elect, however, to be tried in the district court of the United States. The commissioner shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant after being so apprised, signs a written consent to be tried before the commissioner.

(c) The probation laws shall be applicable to persons so tried and the commissioner shall have power to grant probation.

(d) For his services in such cases the commissioner shall receive the fees, and none other, provided by law for like or similar services.

(e) This section shall not apply to the District of Columbia nor shall it repeal or limit existing jurisdiction, power or authority of commissioners appointed for Alaska or in the several national parks.

§ 3402. RULES OF PROCEDURE, PRACTICE AND APPEAL

In all cases of conviction by United States commissioners an appeal shall lie from the judgment of the commissioner to the district court of the United States for the district in which the offense was committed.

The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States.

CHAPTER 221.—ARRAIGNMENT, PLEAS AND TRIAL

Sec.

3431. Term of court; power of court unaffected by expiration—Rule.
3432. Indictment and list of jurors and witnesses for prisoner in capital cases.
3433. Arraignment—Rule.
3434. Presence of defendant—Rule.
3435. Receiver of stolen property triable before or after principal.
3436. Consolidation of indictments or informations—Rule.
3437. Severance—Rule.
3438. Pleas—Rule.
3439. Demurrers and special pleas in bar or abatement abolished; relief on motion—Rule.
3440. Defenses and objections determined on motion—Rule.
3441. Jury; number of jurors; waiver—Rule.
3442. Jurors, examination, peremptory challenges; alternates—Rule.
3443. Instructions to jury—Rule.
3444. Disability of judge—Rule.
3445. Motion for judgment of acquittal—Rule.
3446. New trial—Rule.

§ 3431. TERM OF COURT; POWER OF COURT UNAFFECTED BY EXPIRATION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Expiration of term without significance in criminal cases, Rule 45 (c).

§ 3432. INDICTMENT AND LIST OF JURORS AND WITNESSES FOR PRISONER IN CAPITAL CASES

A person charged with treason or other capital offense shall at least three entire days before commencement of trial be furnished with a copy of the indictment and a list of the veniremen, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each venireman and witness.

§ 3433. ARRAIGNMENT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Reading and furnishing copy of indictment to accused, Rule 10.

§ 3434. PRESENCE OF DEFENDANT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Right of defendant to be present generally; corporation; waiver, Rule 43.

§ 3435. RECEIVER OF STOLEN PROPERTY TRIABLE BEFORE OR AFTER PRINCIPAL

A person charged with receiving or concealing stolen property may be tried either before or after the trial of the principal offender.

§ 3436. CONSOLIDATION OF INDICTMENTS OR INFORMATIONS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Two or more indictments or informations triable together, Rule 13.

§ 3437. SEVERANCE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Relief from prejudicial joinder of defendants or offenses, Rule 14.

§ 3438. PLEAS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Plea of guilty, not guilty, or nolo contendere; acceptance by court; refusal to plead; corporation failing to appear, Rule 11.
Withdrawal of plea of guilty, Rule 32.

§ 3439. DEMURRERS AND SPECIAL PLEAS IN BAR OR ABATEMENT ABOLISHED; RELIEF ON MOTION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Motion to dismiss or for appropriate relief substituted for demurrer or dilatory plea or motion to quash, Rule 12.

§ 3440. DEFENSES AND OBJECTIONS DETERMINED ON MOTION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Defenses or objections which may or must be raised before trial; time; hearing; effect of determination; limitations by law unaffected, Rule 12 (b).

§ 3441. JURY; NUMBER OF JURORS; WAIVER—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Jury trial, waiver, twelve jurors or less by written stipulation, trial by court on general or special findings, Rule 23.

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§ 3443. INSTRUCTIONS TO JURY—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

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§ 3444. DISABILITY OF JUDGE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

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§ 3446. NEW TRIAL—(RULE)

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CHAPTER 223.—WITNESSES AND EVIDENCE

Sec.

3481. Competency of accused.
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3497. Account as evidence of embezzlement.
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3499. Contempt of court by witness—Rule.

§ 3481. COMPETENCY OF ACCUSED

In trial of all persons charged with the commission of offenses against the United States and in all proceedings in courts martial and courts of inquiry in any State, District, Possession or Territory, the person charged shall, at his own request, be a competent witness. His failure to make such request shall not create any presumption against him.

§ 3482. EVIDENCE AND WITNESSES—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Competency and privileges of witnesses and admissibility of evidence governed by principles of common law, Rule 26.

§ 3483. INDIGENT DEFENDANTS, PROCESS TO PRODUCE EVIDENCE—(RULE)

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§ 3484. SUBPOENAS—(RULE)

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Form, contents and issuance of subpoena, Rule 17 (a).
Service in United States, Rule 17 (d), (e, 1).
Service in foreign country, Rule 17 (d), (e, 2).
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Papers and documents, Rule 17 (c).
Disobedience of subpoena as contempt of court, Rule 17 (g).

§ 3485. EXPERT WITNESSES—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Selection and appointment of expert witnesses by court or parties; compensation, Rule 28.

§ 3486. TESTIMONY BEFORE CONGRESS: IMMUNITY

No testimony given by a witness before either House, or before any committee of either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege.

§ 3487. REFUSAL TO PAY AS EVIDENCE OF EMBEZZLEMENT

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the General Accounting Office, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement.

§ 3488. INTOXICATING LIQUOR IN INDIAN COUNTRY AS EVIDENCE OF UNLAWFUL INTRODUCTION

The possession by a person of intoxicating liquors in Indian country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction.

§ 3489. DISCOVERY AND INSPECTION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Inspection of documents and papers taken from defendant, Rule 16.

§ 3490. OFFICIAL RECORD OR ENTRY—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proof of official record or entry as in civil actions, Rule 27.

§ 3491. FOREIGN DOCUMENTS

Any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States shall, when duly certified as provided in section 3494 of this title, and section 695e of Title 28, be admissible in evidence in any criminal action or proceeding in any court of the United States if the court shall find, from all the testimony taken with respect to such foreign document pursuant to a commission executed under section 3492 of this title, that such document (or the original thereof in case such document is a copy) satisfies the requirements of section 695 of Title 28, unless in the event that the genuineness of such document is denied, any party to such criminal action or proceeding making such denial shall establish to the satisfaction of the court that such document is not genuine. Nothing contained herein shall be deemed to require authentication under the provisions of section 3494 of this title and section 695e of Title 28 of any such foreign documents which may otherwise be properly authenticated by law.

Post, p. 835.

§ 3492. COMMISSION TO CONSULAR OFFICERS TO AUTHENTICATE FOREIGN DOCUMENTS

(a) The testimony of any witness in a foreign country may be taken either on oral or written interrogatories, or on interrogatories partly oral and partly written, pursuant to a commission issued, as hereinafter provided, for the purpose of determining whether any foreign documents sought to be used in any criminal action or proceeding in any court of the United States are genuine, and whether the requirements of section 695 of Title 28 are satisfied with respect to any such document (or the original thereof in case such document is a copy). Application for the issuance of a commission for such purpose may be made to the court in which such action or proceeding is pending by the United States or any other party thereto, after five days' notice in writing by the applicant party, or his attorney, to the opposite party, or his attorney of record, which notice shall state the names and addresses of witnesses whose testimony is to be taken and the time when it is desired to take such testimony. In granting such application the court shall issue a commission for the purpose of taking the testimony sought by the applicant addressed to any consular officer of the United States conveniently located for the purpose. In cases of testimony taken on oral or partly oral interrogatories, the court shall make provisions in the commission for the selection as hereinafter provided of foreign counsel to represent each party (except the United States) to the criminal action or proceeding in which the foreign documents in question are to be used, unless such party has, prior to the issuance of the commission, notified the court that he does not desire the selection of foreign counsel to represent him at the time of taking

Issuance of commission.

of such testimony. In cases of testimony taken on written interrogatories, such provision shall be made only upon the request of any such party prior to the issuance of such commission. Selection of foreign counsel shall be made by the party whom such foreign counsel is to represent within ten days prior to the taking of testimony or by the court from which the commission issued, upon the request of such party made within such time.

Disqualification of consular officer on own motion.

(b) Any consular officer to whom a commission is addressed to take testimony, who is interested in the outcome of the criminal action or proceeding in which the foreign documents in question are to be used or has participated in the prosecution of such action or proceeding, whether by investigations, preparation of evidence, or otherwise, may be disqualified on his own motion or on that of the United States or any other party to such criminal action or proceeding made to the court from which the commission issued at any time prior to the execution thereof. If after notice and hearing, the court grants the motion, it shall instruct the consular officer thus disqualified to send the commission to any other consular officer of the United States named by the court, and such other officer shall execute the commission according to its terms and shall for all purposes be deemed the officer to whom the commission is addressed.

Infra; post, p. 836.

(c) The provisions of this section and sections 3493–3496 of this title applicable to consular officers shall be applicable to diplomatic officers pursuant to such regulations as may be prescribed by the President.

§ 3493. DEPOSITION TO AUTHENTICATE FOREIGN DOCUMENTS

Ante, p. 834.

The consular officer to whom any commission authorized under section 3492 of this title is addressed shall take testimony in accordance with its terms. Every person whose testimony is taken shall be cautioned and sworn to testify the whole truth and carefully examined. His testimony shall be reduced to writing or typewriting by the consular officer taking the testimony, or by some person under his personal supervision, or by the witness himself, in the presence of the consular officer and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the witness. Every foreign document, with respect to which testimony is taken, shall be annexed to such testimony and subscribed by each witness who appears for the purpose of establishing the genuineness of such document. When counsel for all the parties attend the examination of any witness whose testimony is to be taken on written interrogatories, they may consent that oral interrogatories in addition to those accompanying the commission may be put to the witness. The consular officer taking any testimony shall require an interpreter to be present when his services are needed or are requested by any party or his attorney.

Presence of interpreter.

§ 3494. CERTIFICATION OF GENUINENESS OF FOREIGN DOCUMENT

Ante, p. 834.

If the consular officer executing any commission authorized under section 3492 of this title shall be satisfied, upon all the testimony taken, that a foreign document is genuine, he shall certify such document to be genuine under the seal of his office. Such certification shall include a statement that he is not subject to disqualification under the provisions of section 3492 of this title. He shall thereupon transmit, by mail, such foreign documents, together with the record of all testimony taken and the commission which has been executed, to the clerk of the court from which such commission issued, in the manner in which his official dispatches are transmitted to the Government. The clerk receiving any executed commission shall open it and shall make any foreign documents and record of testimony, transmitted with such commission, available for inspection by the parties to the criminal

Transmission of documents to court.

action or proceeding in which such documents are to be used, and said parties shall be furnished copies of such documents free of charge.

§ 3495. FEES AND EXPENSES OF CONSULS, COUNSEL, INTERPRETERS AND WITNESSES

(a) The consular fees prescribed under section 127 of Title 22, for official services in connection with the taking of testimony under sections 3492–3494 of this title, and the fees of any witness whose testimony is taken shall be paid by the party who applied for the commission pursuant to which such testimony was taken. Every witness under section 3493 of this title shall be entitled to receive, for each day's attendance, fees prescribed under section 3496 of this title. Every foreign counsel selected pursuant to a commission issued on application of the United States, and every interpreter whose services are required by a consular officer under section 3493 of this title, shall be paid by the United States, such compensation, together with such personal and incidental expense upon verified statements filed with the consular officer, as he may allow. Compensation and expenses of foreign counsel selected pursuant to a commission issued on application of any party other than the United States shall be paid by the party whom such counsel represents and shall be allowed in the same manner.

Ante, pp. 834, 835.

Infra.

(b) Whenever any party makes affidavit, prior to the issuance of a commission for the purpose of taking testimony, that he is not possessed of sufficient means and is actually unable to pay any fees and costs incurred under this section, such fees and costs shall, upon order of the court, be paid in the same manner as fees and costs are paid which are chargeable to the United States.

(c) Any appropriation available for the payment of fees and costs in the case of witnesses subpenaed in behalf of the United States in criminal cases shall be available for any fees or costs which the United States is required to pay under this section.

§ 3496. REGULATIONS BY PRESIDENT AS TO COMMISSIONS, FEES OF WITNESSES, COUNSEL AND INTERPRETERS

The President is authorized to prescribe regulations governing the manner of executing and returning commissions by consular officers under the provisions of sections 3492–3494 of this title and schedules of fees allowable to witnesses, foreign counsel, and interpreters under section 3495 of this title.

Ante, pp. 834, 835.

§ 3497. ACCOUNT AS EVIDENCE OF EMBEZZLEMENT

Upon the trial of any indictment against any person for embezzling public money it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the General Accounting Office.

§ 3498. DEPOSITIONS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Time, manner and conditions of taking depositions; costs; notice; use; objections; written interrogatories, Rule 15.

Subpoenas on taking depositions, Rule 17 (f).

§ 3499. CONTEMPT OF COURT BY WITNESS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Disobedience of subpoena without excuse as contempt, Rule 17 (g).

CHAPTER 225.—VERDICT

Sec.

3531. Return; several defendants; conviction of less offense; poll of jury—Rule.
3532. Setting aside verdict of guilty; judgment notwithstanding verdict—Rule.

§ 3531. RETURN; SEVERAL DEFENDANTS; CONVICTION OF LESS OFFENSE; POLL OF JURY—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Verdict to be unanimous; return; several defendants; disagreement; conviction of less offense; poll of jury, Rule 31.

§ 3532. SETTING ASIDE VERDICT OF GUILTY; JUDGMENT NOTWITHSTANDING VERDICT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Setting aside verdict of guilty on motion for judgment of acquittal, entering of such judgment, or ordering new trial; absence of verdict, Rule 29 (b).

CHAPTER 227.—SENTENCE, JUDGMENT, AND EXECUTION

Sec.

3561. Judgment form and entry.—Rule.
3562. Sentence—Rule.
3563. Corruption of blood or forfeiture of estate.
3564. Pillory and whipping.
3565. Collection and payment of fines and penalties.
3566. Execution of death sentence.
3567. Death sentence may prescribe dissection.
3568. Effective date of sentence.
3569. Discharge of indigent prisoner.
3570. Presidential remission as affecting unremitted part.
3571. Clerical mistakes—Rule.
3572. Correction or reduction of sentence—Rule.
3573. Arrest or setting aside of judgment—Rule.
3574. Stay of execution; supersedeas—Rule.

§ 3561. JUDGMENT FORM AND ENTRY—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Judgment to be signed by judge and entered by clerk, Rule 32 (b).

§ 3562. SENTENCE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Imposition of sentence; commitment; bail; presentence investigation and report, Rule 32 (a, c).

§ 3563. CORRUPTION OF BLOOD OR FORFEITURE OF ESTATE

No conviction or judgment shall work corruption of blood or any forfeiture of estate.

§ 3564. PILLORY AND WHIPPING

The punishment of whipping and of standing in the pillory shall not be inflicted.

§ 3565. COLLECTION AND PAYMENT OF FINES AND PENALTIES

In all criminal cases in which judgment or sentence is rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, such judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases. Where the judgment directs imprisonment until the fine or penalty imposed is paid, the issue of execution on the judgment shall not discharge the defendant from imprisonment until the amount of the judgment is paid.

§ 3566. EXECUTION OF DEATH SENTENCE

The manner of inflicting the punishment of death shall be that prescribed by the laws of the place within which the sentence is imposed. The United States marshal charged with the execution of the sentence may use available local facilities and the services of an appropriate local official or employ some other person for such purpose, and pay the cost thereof in an amount approved by the Attorney General. If the laws of the place within which sentence is imposed

make no provision for the infliction of the penalty of death, then the court shall designate some other place in which such sentence shall be executed in the manner prescribed by the laws thereof.

§ 3567. DEATH SENTENCE MAY PRESCRIBE DISSECTION

The court before which any person is convicted of murder in the first degree, or rape, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution.

§ 3568. EFFECTIVE DATE OF SENTENCE

The sentence of imprisonment of any person convicted of an offense in a court of the United States shall commence to run from the date on which such person is received at the penitentiary, reformatory, or jail for service of said sentence.

If any such person shall be committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served, his sentence shall commence to run from the date on which he is received at such jail or other place of detention.

No sentence shall prescribe any other method of computing the term.

§ 3569. DISCHARGE OF INDIGENT PRISONER

(a) When a poor convict, sentenced for violation of any law of the United States by any court established by enactment of Congress, to be imprisoned and pay a fine, or fine and costs, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the nonpayment of such fine, or fine and costs, such convict may make application in writing to the nearest United States commissioner in the district where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter.

Oath of indigent convict.

If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding $20 in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, exceeding $20, except such as is by law exempt from being taken on civil process for debt; and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." Upon taking such oath such convict shall be discharged; and the commissioner shall file with the institution in which the convict is confined, a certificate setting forth the facts. In case the convict is found by the commissioner to possess property valued at an amount in excess of said exemption, nevertheless, if the Attorney General finds that the retention by such convict of all of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for the nonpayment of such fine, or fine and costs; or if he finds that the retention by such convict of any part of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for nonpayment of such fine or fine and costs upon payment on account of his fine and costs, of that portion of his property in excess of the amount found to be reasonably necessary for his support or that of his family.

(b) Any such indigent prisoner in a Federal institution may, in the first instance, make his application to the warden of such institution, who shall have all the powers of a United States Commissioner in such matters, and upon proper showing in support of the application shall administer the oath required by subsection (a) of this section, discharge the prisoner, and file his certificate to that effect in the records of the institution.

Failure or refusal to administer oath.

Any such indigent prisoner, to whom the warden shall fail or refuse to administer the oath may apply to the nearest Commissioner for the relief authorized by this section and the Commissioner shall proceed de novo to hear and determine the matter.

§ 3570. PRESIDENTIAL REMISSION AS AFFECTING UNREMITTED PART

Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President's remission in whole or in part of either kind shall not impair the legal validity of the other kind, or of any portion of either kind, not remitted.

§ 3571. CLERICAL MISTAKES—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Court empowered to correct clerical mistakes in judgments, orders, or record, Rule 36.

§ 3572. CORRECTION OR REDUCTION OF SENTENCE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Court empowered to correct or reduce sentence; time; Rule 35.

§ 3573. ARREST OR SETTING ASIDE OF JUDGMENT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arrest of judgment, grounds and motion, time, Rule 34.
Setting aside judgment and permitting withdrawal of plea of guilty, Rule 32 (d).

§ 3574. STAY OF EXECUTION; SUPERSEDEAS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Death or imprisonment sentence, fines stayed on appeal; conditions and power of court, Rule 38 (a).

CHAPTER 229.—FINES, PENALTIES AND FORFEITURES

Sec.

3611. Firearms possessed by convicted felons.
3612. Bribe moneys.
3613. Fines for setting grass and timber fires.
3614. Fine for seduction.
3615. Liquors and related property; definitions.
3616. Use of confiscated motor vehicles.
3617. Remission or mitigation of forfeitures under liquor laws; possession pending trial.
3618. Conveyances carrying liquor.

§ 3611. FIREARMS POSSESSED BY CONVICTED FELONS

A judgment of conviction for transporting a stolen motor vehicle in interstate or foreign commerce or for committing or attempting to commit a felony in violation of any law of the United States involving the use of threats, force, or violence or perpetrated in whole or in part by the use of firearms, may, in addition to the penalty provided by law for such offense, order the confiscation and disposal of firearms and ammunition found in the possession or under the immediate control of the defendant at the time of his arrest.

The court may direct the delivery of such firearms or ammunition to the law-enforcement agency which apprehended such person, for its use or for any other disposition in its discretion.

§ 3612. BRIBE MONEYS

Moneys received or tendered in evidence in any United States Court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall, after the final disposition of the case, proceeding or investigation, be deposited in the registry of the court to be disposed of in accordance with the order of the court, to be subject, however, to the provisions of section 852 of Title 28.

§ 3613. FINES FOR SETTING GRASS AND TIMBER FIRES

Ante, p. 788.

In all cases arising under sections 1855 and 1856 of this title the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated.

§ 3614. FINE FOR SEDUCTION

Ante, p. 802.

When a person is convicted of a violation of section 2198 of this title and fined, the court may direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any.

§ 3615. LIQUORS AND RELATED PROPERTY; DEFINITIONS

Ante, pp. 761, 762.

All liquor involved in any violation of sections 1261–1265 of this title, the containers of such liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited and such property or its proceeds disposed of in accordance with the laws relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws.

"Vessel."

"Vehicle."

As used in this section, "vessel" includes every description of watercraft used, or capable of being used, as a means of transportation in water or in water and air; "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

§ 3616. USE OF CONFISCATED MOTOR VEHICLES

The Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of section 3116 of Title 26 and sections 781–788 of Title 49 and pay the cost of acquisition, maintenance, repair, and operation thereof.

§ 3617. REMISSION OR MITIGATION OF FORFEITURES UNDER LIQUOR LAWS; POSSESSION PENDING TRIAL—(a) JURISDICTION OF COURT

Whenever, in any proceeding in court for the forfeiture, under the internal-revenue laws, of any vehicle or aircraft seized for a violation of the internal-revenue laws relating to liquors, such forfeiture is decreed, the court shall have exclusive jurisdiction to remit or mitigate the forfeiture.

(b) CONDITIONS PRECEDENT TO REMISSION OR MITIGATION

In any such proceeding the court shall not allow the claim of any claimant for remission or mitigation unless and until he proves (1) that he has an interest in such vehicle or aircraft, as owner or otherwise, which he acquired in good faith, (2) that he had at no time any knowledge or reason to believe that it was being or would be used in the violation of laws of the United States or of any State relating to liquor, and (3) if it appears that the interest asserted by the claimant arises out of or is in any way subject to any contract or agreement under which any person having a record or reputation for violating laws of the United States or of any State relating to liquor has a right with respect to such vehicle or aircraft, that, before such claimant acquired his interest, or such other person acquired his right under such contract or agreement, whichever occurred later, the claimant, his officer or agent, was informed in answer to his inquiry, at the headquarters of the sheriff, chief of police, principal Federal internal-revenue officer

engaged in the enforcement of the liquor laws, or other principal local or Federal law-enforcement officer of the locality in which such other person acquired his right under such contract or agreement, of the locality in which such other person then resided, and of each locality in which the claimant has made any other inquiry as to the character or financial standing of such other person, that such other person had no such record or reputation.

(c) CLAIMANTS FIRST ENTITLED TO DELIVERY

Upon the request of any claimant whose claim for remission or mitigation is allowed and whose interest is first in the order of priority among such claims allowed in such proceeding and is of an amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to him; and, upon the joint request of any two or more claimants whose claims are allowed and whose interests are not subject to any prior or intervening interests claimed and allowed in such proceedings, and are of a total amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to such of the joint requesting claimants as is designated in such request. Such return shall be made only upon payment of all expenses incident to the seizure and forfeiture incurred by the United States. In all other cases the court shall order disposition of such vehicle or aircraft as provided in sections 304f–304m of Title 40, and if such disposition be by public sale, payment from the proceeds thereof, after satisfaction of all such expenses, of any such claim in its order of priority among the claims allowed in such proceedings.

Payment of expenses incident to seizure, etc.

(d) DELIVERY ON BOND PENDING TRIAL

In any proceeding in court for the forfeiture under the internal-revenue laws of any vehicle or aircraft seized for a violation of the internal-revenue laws relating to liquor, the court shall order delivery thereof to any claimant who shall establish his right to the immediate possession thereof, and shall execute, with one or more sureties approved by the court, and deliver to the court, a bond to the United States for the payment of a sum equal to the appraised value of such vehicle or aircraft. Such bond shall be conditioned to return such vehicle or aircraft at the time of the trial and to pay the difference between the appraised value of such vehicle or aircraft as of the time it shall have been so released on bond and the appraised value thereof as of the time of trial; and conditioned further that, if the vehicle or aircraft be not returned at the time of trial, the bond shall stand in lieu of, and be forfeited in the same manner as, such vehicle or aircraft. Notwithstanding this subsection or any other provisions of law relating to the delivery of possession on bond of vehicles or aircraft sought to be forfeited under the internal-revenue laws, the court may, in its discretion and upon good cause shown by the United States, refuse to order such delivery of possession.

Nondelivery of possession upon good cause.

§ 3618. CONVEYANCES CARRYING LIQUOR

Any conveyance, whether used by the owner or another in introducing or attempting to introduce intoxicants into the Indian country, or into other places where the introduction is prohibited by treaty or enactment of Congress, shall be subject to seizure, libel, and forfeiture.

CHAPTER 231.—PROBATION

Sec.

3651. Suspension of sentence and probation.
3652. Probation—Rule.
3653. Report of probation officer and arrest of probationer.
3654. Appointment and removal of probation officers.
3655. Duties of probation officers.
3656. Duties of Director of Administrative Office of the United States Courts.

§ 3651. SUSPENSION OF SENTENCE AND PROBATION

Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, any court having jurisdiction to try offenses against the United States, except in the District of Columbia, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may suspend the imposition or execution of sentence and place the defendant on probation for such period and upon such terms and conditions as the court deems best.

Probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

The court may revoke or modify any condition of probation, or may change the period of probation.

The period of probation, together with any extension thereof, shall not exceed five years.

While on probation and among the conditions thereof, the defendant—

May be required to pay a fine in one or several sums; and

May be required to make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and

May be required to provide for the support of any persons, for whose support he is legally responsible.

The defendant's liability for any fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.

§ 3652. PROBATION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Probation as provided by law, Rule 32 (e).
Presentence investigation, Rule 32 (c).

§ 3653. REPORT OF PROBATION OFFICER AND ARREST OF PROBATIONER

When directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer while on probation. The court may thereupon discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable.

Arrest during probation period.

At any time within the probation period the probation officer may, without a warrant, arrest the probationer wherever found. At any time within the probation period, or within five years after the expiration of the probation period, for violation of probation occurring during the probation period, the court which granted probation may issue a warrant for the probationer's arrest. The warrant may be executed either by the probation officer or the United States marshal for either the district in which the probationer was placed upon probation or for any district in which he is found. If the probationer is arrested in a district other than that in which he was placed upon probation, the officer making the arrest may return him to the district in which the warrant was issued.

Such probationer shall forthwith be taken before the court and the court may revoke the probation and require him to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

§ 3654. APPOINTMENT AND REMOVAL OF PROBATION OFFICERS

Any court having original jurisdiction to try offenses against the United States, except in the District of Columbia, may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the direction of the court making such appointment.

All such probation officers shall serve without compensation except that in case it shall appear to the court that the needs of the service require that there should be salaried probation officers, such court may appoint such officers.

Such court may in its discretion remove a probation officer serving in such court.

The appointment of a probation officer shall be in writing and shall be entered on the records of the court, and a copy of the order of appointment shall be delivered to the officer so appointed and a copy sent to the Director of the Administrative Office of the United States Courts.

Chief probation officer.

Whenever such court shall have appointed more than one probation officer, one may be designated chief probation officer and shall direct the work of all probation officers serving in such court.

§ 3655. DUTIES OF PROBATION OFFICERS

The probation officer shall furnish to each probationer under his supervision a written statement of the conditions of probation and shall instruct him regarding the same.

He shall keep informed concerning the conduct and condition of each probationer under his supervision and shall report thereon to the court placing such person on probation.

He shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid probationers and to bring about improvements in their conduct and condition.

He shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall give receipts therefor, and shall make at least monthly returns thereof; shall make such reports to the Director of the Administrative Office of the United States Courts as he may at any time require; and shall perform such other duties as the court may direct.

Each probation officer shall perform such duties with respect to persons on parole as the Attorney General shall request.

§ 3656. DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

The Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers.

He shall collect for publication statistical and other information concerning the work of the probation officers.

He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work.

He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts.

He shall, under the supervision of the Judicial Conference of the United States, fix the salaries of probation officers and shall provide for their necessary expenses including clerical service and travel expenses.

He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts.

CHAPTER 233.—CONTEMPTS

Sec.
3691. Jury trial of criminal contempts.
3692. Jury trial for contempt in labor dispute cases.
3693. Summary disposition or jury trial; notice—Rule.

§ 3691. JURY TRIAL OF CRIMINAL CONTEMPTS

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any state in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

§ 3692. JURY TRIAL FOR CONTEMPT IN LABOR DISPUTE CASES

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders or process of the court.

§ 3693. SUMMARY DISPOSITION OR JURY TRIAL; NOTICE—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Summary punishment; certificate of judge; order; notice; jury trial; bail; disqualification of judge, Rule 42.

CHAPTER 235.—APPEAL

Sec.
3731. Appeal by United States.
3732. Taking of appeal; notice; time—Rule.
3733. Assignment of errors—Rule.
3734. Bill of exceptions abolished—Rule.
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3736. Certiorari—Rule.
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3741. Harmless error and plain error—Rule.

§ 3731. APPEAL BY UNITED STATES

Appeals to Supreme Court.

An appeal may be taken by and on behalf of the United States from the district courts direct to the Supreme Court of the United States in all criminal cases in the following instances:

From a decision or judgment setting aside, or dismissing any indictment or information, or any count thereof, where such decision or judgment is based upon the validity or construction of the statute upon which the indictment or information is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment or information, where such decision is based upon

the invalidity or construction of the statute upon which the indictment or information is founded.

From the decision or judgment sustaining a motion in bar, when the defendant has not been put in jeopardy.

Appeals to circuit court of appeals or U. S. Court of Appeals for D. C.

An appeal may be taken by and on behalf of the United States from the district courts to a circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, in all criminal cases, in the following instances:

From a decision or judgment setting aside, or dismissing any indictment or information, or any count thereof except where a direct appeal to the Supreme Court of the United States is provided by this section.

From a decision arresting a judgment of conviction except where a direct appeal to the Supreme Court of the United States is provided by this section.

The appeal in all such cases shall be taken within thirty days after the decision or judgment has been rendered and shall be diligently prosecuted.

Bail.

Pending the prosecution and determination of the appeal in the foregoing instances, the defendant shall be admitted to bail on his own recognizance.

If an appeal shall be taken, pursuant to this section, to the Supreme Court of the United States which, in the opinion of that Court, should have been taken to a circuit court of appeals, or the United States Court of Appeals for the District of Columbia, the Supreme Court of the United States shall remand the case to the circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, which shall then have jurisdiction to hear and determine the same as if the appeal had been taken to that court in the first instance.

If an appeal shall be taken pursuant to this section to any circuit court of appeals or to the United States Court of Appeals for the District of Columbia, which, in the opinion of such court, should have been taken directly to the Supreme Court of the United States, such court shall certify the case to the Supreme Court of the United States, which shall thereupon have jurisdiction to hear and determine the case to the same extent as if an appeal had been taken directly to that Court.

§ 3732. TAKING OF APPEAL; NOTICE; TIME—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Taking appeal; notice, contents, signing; time, Rule 37 (a).

§ 3733. ASSIGNMENT OF ERRORS—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Assignments of error on appeal abolished, Rule 37 (a) (1). Necessity of specific objection in order to assign error in instructions, Rule 30.

§ 3734. BILL OF EXCEPTIONS ABOLISHED—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Exceptions abolished, Rule 51.
Bill of exceptions not required, Rule 37 (a) (1).

§ 3735. BAIL ON APPEAL OR CERTIORARI—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Bail on appeal or certiorari; application, Rules 38 (c) and 46 (a) (2).

§ 3736. CERTIORARI—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Petition to Supreme Court, time, Rule 37 (b).

§ 3737. RECORD—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Preparation, form; typewritten record, Rule 39 (b).
Exceptions abolished, Rule 51.
Bill of exceptions unnecessary, Rule 37 (a) (1).

§ 3738. DOCKETING APPEAL AND RECORD—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Filing record on appeal and docketing proceeding; time, Rule 39 (c).

§ 3739. SUPERVISION—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Control and supervision in appellate court, Rule 39 (a).

§ 3740. ARGUMENT—(RULE)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

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Error or defect as affecting substantial rights, Rule 52.
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CHAPTER 237.—RULES OF CRIMINAL PROCEDURE

Sec.
3771. Procedure to and including verdict.
3772. Procedure after verdict.

§ 3771. PROCEDURE TO AND INCLUDING VERDICT

The Supreme Court of the United States shall have the power to prescribe, from time to time, rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, or finding of guilty or not guilty by the court if a jury has been waived, or plea of guilty, in criminal cases and proceedings to punish for criminal contempt of court in district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, Canal Zone, District of Columbia, and the Virgin Islands, in the Supreme Courts of Hawaii and Puerto Rico, and in proceedings before United States commissioners. Such rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session, and thereafter all laws in conflict therewith shall be of no further force and effect.

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

§ 3772. PROCEDURE AFTER VERDICT

The Supreme Court of the United States shall have the power to prescribe, from time to time, rules of practice and procedure with respect to any or all proceedings after verdict, or finding of guilt by the court if a jury has been waived, or plea of guilty, in criminal cases and proceedings to punish for criminal contempt in district courts of the United States, including the District Courts of Alaska, Hawaii, Puerto Rico, Canal Zone, District of Columbia, and Virgin Islands, in the Supreme Courts of Hawaii, and Puerto Rico, in the United States Circuit Courts of Appeals, in the United States Court of Appeals for the District of Columbia, and in the Supreme Court of the United States. This section shall not give the Supreme Court power to abridge the right of the accused to apply for withdrawal

of a plea of guilty, if such application he made within ten days after entry of such plea, and before sentence is imposed.

The right of appeal shall continue in those cases in which appeals are authorized by law, but the rules made as herein authorized may prescribe the times for and manner of taking appeals and applying for writs of certiorari and preparing records and bills of exceptions and the conditions on which supersedeas or bail may be allowed.

The Supreme Court may fix the dates when such rules shall take effect and the extent to which they shall apply to proceedings then pending, and after they become effective all laws in conflict therewith shall be of no further force.

Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

PART III—PRISONS AND PRISONERS

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CHAPTER 301.—GENERAL PROVISIONS

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§ 4001. CONTROL BY ATTORNEY GENERAL

The control and management of Federal penal and correctional institutions, except military or naval institutions, shall be vested in the Attorney General, who shall promulgate rules for the government thereof, and appoint all necessary officers and employees in accordance with the civil-service laws, the Classification Act, as amended and the applicable regulations.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

The Attorney General may establish and conduct industries, farms, and other activities and classify the inmates; and provide for their proper government, discipline, treatment, care, rehabilitation, and reformation.

§ 4002. FEDERAL PRISONERS IN STATE INSTITUTIONS; EMPLOYMENT

For the purpose of providing suitable quarters for the safekeeping, care, and subsistence of all persons held under authority of any enactment of Congress, the Director of the Bureau of Prisons may contract, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of such persons.

Such Federal prisoners shall be employed only in the manufacture of articles for, the production of supplies for, the construction of public works for, and the maintenance and care of the institutions of, the State or political subdivision in which they are imprisoned.

Rates for care and custody.

The rates to be paid for the care and custody of said persons shall take into consideration the character of the quarters furnished, sani-

tary conditions, and quality of subsistence and may be such as will permit and encourage the proper authorities to provide reasonably decent, sanitary, and healthful quarters and subsistence for such persons.

§ 4003. FEDERAL INSTITUTIONS IN STATES WITHOUT APPROPRIATE FACILITIES

If by reason of the refusal or inability of the authorities having control of any jail, workhouse, penal, correctional, or other suitable institution of any State or Territory, or political subdivision thereof, to enter into a contract for the imprisonment, subsistence, care, or proper employment of United States prisoners, or if there are no suitable or sufficient facilities available at reasonable cost, the Attorney General may select a site either within or convenient to the State, Territory, or judicial district concerned and cause to be erected thereon a house of detention, workhouse, jail, prison-industries project, or camp, or other place of confinement, which shall be used for the detention of persons held under authority of any Act of Congress, and of such other persons as in the opinion of the Attorney General are proper subjects for confinement in such institutions.

§ 4004. OATHS AND ACKNOWLEDGEMENTS

The wardens and superintendents, and associate wardens and superintendents of Federal penal or correctional institutions may administer oaths to and take acknowledgements of officers, employees, and inmates of such institutions but shall not demand or accept any fee or compensation therefor.

§ 4005. MEDICAL RELIEF; EXPENSES

(a) Upon request of the Attorney General, the Federal Security Administrator shall detail regular and reserve commissioned officers of the Public Health Service, pharmacists, acting assistant surgeons, and other employees of the Public Health Service to the Department of Justice for the purpose of supervising and furnishing medical, psychiatric, and other technical and scientific services to the Federal penal and correctional institutions.

(b) The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations of the Public Health Service in accordance with the law and regulations governing the personnel of the Public Health Service, such appropriations to be reimbursed from applicable appropriations of the Department of Justice; or the Attorney General may make allotments of funds and transfer of credit to the Public Health Service in such amounts as are available and necessary, for payment of compensation, allowances, and expenses of personnel so detailed, in accordance with the law and regulations governing the personnel of the Public Health Service.

§ 4006. SUBSISTENCE FOR PRISONERS

The Attorney General shall allow and pay only the reasonable and actual cost of the subsistence of prisoners in the custody of any marshal of the United States, and shall prescribe such regulations for the government of the marshals as will enable him to determine the actual and reasonable expenses incurred.

§ 4007. EXPENSES OF PRISONERS

The expenses attendant upon the confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law.

§ 4008. TRANSPORTATION EXPENSES

Prisoners shall be transported by agents designated by the Attorney General or his authorized representative.

The reasonable expense of transportation, necessary subsistence, and hire and transportation of guards and agents shall be paid by the Attorney General from such appropriation for the Department of Justice as he shall direct.

Upon conviction by a consular court or court martial the prisoner shall be transported from the court to the place of confinement by agents of the Department of State, War, or the Navy, as the case may be, the expense to be paid out of the Treasury of the United States in the manner provided by law.

§ 4009. APPROPRIATIONS FOR SITES AND BUILDINGS

The Attorney General may authorize the use of a sum not to exceed $100,000 in each instance, payable from any unexpended balance of the appropriation "Support of United States prisoners" for the purpose of leasing or acquiring a site, preparation of plans, and erection of necessary buildings under section 4003 of this title. *Ante*, p. 848.

If in any instance it shall be impossible or impracticable to secure a proper site and erect the necessary buildings within the above limitation the Attorney General may authorize the use of a sum not to exceed $10,000 in each instance, payable from any unexpended balance of the appropriation "Support of United States prisoners" for the purpose of securing options and making preliminary surveys or sketches.

Upon selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing same and of remodeling, constructing, and equipping the necessary buildings thereon. Submission of estimate to Congress.

CHAPTER 303.—BUREAU OF PRISONS

Sec.

4041. Bureau of Prisons; director and employees.
4042. Duties of Bureau of Prisons.

§ 4041. BUREAU OF PRISONS; DIRECTOR AND EMPLOYEES

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General at a salary of $10,000 a year. The Attorney General may appoint such additional officers and employees as he deems necessary.

§ 4042. DUTIES OF BUREAU OF PRISONS

The Bureau of Prisons, under the direction of the Attorney General, shall—

(1) have charge of the management and regulation of all Federal penal and correctional institutions;

(2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;

(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States.

This section shall not apply to military or naval penal or correctional institutions or the persons confined therein.

CHAPTER 305.—COMMITMENT AND TRANSFER

Sec.

4081. Classification and treatment of prisoners.
4082. Commitment to Attorney General; transfer.
4083. Penitentiary imprisonment; consent.
4084. Copy of commitment delivered with prisoner.
4085. Transfer for state offense; expense.
4086. Temporary safe-keeping of federal offenders by marshals.

§ 4081. CLASSIFICATION AND TREATMENT OF PRISONERS

The Federal penal and correctional institutions shall be so planned and limited in size as to facilitate the development of an integrated system which will assure the proper classification and segregation of Federal prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and such other factors as should be considered in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

§ 4082. COMMITMENT TO ATTORNEY GENERAL; TRANSFER

Persons convicted of an offense against the United States shall be committed, for such terms of imprisonment as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences shall be served.

The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the Federal Government or otherwise, or whether within or without the judicial district in which the person was convicted.

The Attorney General may order any inmate transferred from one institution to another.

National Training School for Boys.

The authority conferred upon the Attorney General by this section shall extend to all persons committed to the National Training School for Boys.

§ 4083. PENITENTIARY IMPRISONMENT; CONSENT

Persons convicted of offenses against the United States or by courts-martial and sentenced to terms of imprisonment of more than one year may be confined in any United States penitentiary.

A sentence for an offense punishable by imprisonment for one year or less shall not be served in a penitentiary without the consent of the defendant.

§ 4084. COPY OF COMMITMENT DELIVERED WITH PRISONER

Whenever a prisoner is committed to a warden, sheriff or jailer by virtue of a writ, or warrant, a copy thereof shall be delivered to such officer as his authority to hold the prisoner, and the original shall be returned to the proper court or officer, with the officer's return endorsed thereon.

§ 4085. TRANSFER FOR STATE OFFENSE; EXPENSE

(a) Whenever any federal prisoner has been indicted, informed against, or convicted of a felony in a court of record of any State or the District of Columbia, the Attorney General shall, if he finds it in the public interest to do so, upon the request of the Governor or the executive authority thereof, and upon the presentation of a certified copy of such indictment, information or judgment of conviction, cause such person, prior to his release, to be transferred to a penal or correctional institution within such State or District.

If more than one such request is presented in respect to any prisoner, the Attorney General shall determine which request should receive preference.

The expense of personnel and transportation incurred shall be chargeable to the appropriation for the "Support of United States prisoners."

(b) This section shall not limit the authority of the Attorney General to transfer prisoners pursuant to other provisions of law.

§ 4086. TEMPORARY SAFE-KEEPING OF FEDERAL OFFENDERS BY MARSHALS

United States marshals shall provide for the safe-keeping of any person arrested, or held under authority of any enactment of Congress pending commitment to an institution.

CHAPTER 307.—EMPLOYMENT

Sec.

4121. Federal Prison Industries; board of directors.
4122. Administration of Federal Prison Industries.
4123. New industries.
4124. Purchase of prison-made products by Federal departments.
4125. Public works; prison camps.
4126. Prison Industries fund; use and settlement of accounts.
4127. Prison Industries report to Congress.
4128. Enforcement by Attorney General.

§ 4121. FEDERAL PRISON INDUSTRIES; BOARD OF DIRECTORS

"Federal Prison Industries", a government corporation of the District of Columbia, shall be administered by a board of five directors, appointed by the President to serve at the will of the President without compensation.

The directors shall be representatives of (1) industry, (2) labor, (3) agriculture, (4) retailers and consumers, and (5) the Attorney General, respectively.

§ 4122. ADMINISTRATION OF FEDERAL PRISON INDUSTRIES

Federal Prison Industries shall determine in what manner and to what extent industrial operations shall be carried on in Federal penal and correctional institutions for the production of commodities for consumption in such institutions or for sale to the departments or agencies of the United States, but not for sale to the public in competition with private enterprise.

Its board of directors shall provide employment for all physically fit inmates in the United States penal and correctional institutions, diversify, so far as practicable, prison industrial operations and so operate the prison shops that no single private industry shall be forced to bear an undue burden of competition from the products of the prison workshops, and to reduce to a minimum competition with private industry or free labor.

§ 4123. NEW INDUSTRIES

Any industry established under this chapter shall be so operated as not to curtail the production of any existing arsenal, navy yard, or other Government workshop.

Such forms of employment shall be provided as will give the inmates of all Federal penal and correctional institutions a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release.

Location of industries.

The industries may be either within the precincts of any penal or correctional institution or in any convenient locality where an existing property may be obtained by lease, purchase, or otherwise.

§ 4124. PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS

The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

Arbitration of disputes.

Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the Director of the Bureau of Federal

Supply, Department of the Treasury, and the Director of the Bureau of the Budget, or their representatives. Their decision shall be final and binding upon all parties.

§ 4125. PUBLIC WORKS; PRISON CAMPS

(a) The Attorney General may make available to the heads of the several departments the services of United States prisoners under terms, conditions, and rates mutually agreed upon, for constructing or repairing roads, clearing, maintaining and reforesting public lands, building levees, and constructing or repairing any other public ways or works financed wholly or in major part by funds appropriated by Congress.

(b) The Attorney General may establish, equip, and maintain camps upon sites selected by him elsewhere than upon Indian reservations, and designate such camps as places for confinement of persons convicted of an offense against the laws of the United States.

(c) The expenses of transferring and maintaining prisoners at such camps and of operating such camps shall be paid from the appropriation "Support of United States prisoners", which may, in the discretion of the Attorney General, be reimbursed for such expenses.

(d) As part of the expense of operating such camps the Attorney General is authorized to provide for the payment to the inmates or their dependents such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe.

(e) All other laws of the United States relating to the imprisonment, transfer, control, discipline, escape, release of, or in any way affecting prisoners, shall apply to prisoners transferred to such camps.

§ 4126. PRISON INDUSTRIES FUND; USE AND SETTLEMENT OF ACCOUNTS

All moneys under the control of Federal Prison Industries, or received from the sale of the products or by-products of such Industries, or for the services of federal prisoners, shall be deposited or covered into the Treasury of the United States to the credit of the Prison Industries Fund and withdrawn therefrom only pursuant to accountable warrants or certificates of settlement issued by the General Accounting Office.

All valid claims and obligations payable out of said fund shall be assumed by the corporation.

The corporation, in accordance with the laws generally applicable to the expenditures of the several departments and establishments of the government, is authorized to employ the fund, and any earnings that may accrue to the corporation, as operating capital in performing the duties imposed by this chapter; in the repair, alteration, erection and maintenance of industrial buildings and equipment; in paying, under rules and regulations promulgated by the Attorney General, compensation to inmates employed in any industry, or performing outstanding services in institutional operations, and compensation to inmates or their dependents for injuries suffered in any industry. In no event shall compensation be paid in a greater amount than that provided in the Federal Employees' Compensation Act.

Accounts of all receipts and disbursements of the corporation shall be rendered to the General Accounting Office for settlement and adjustment, as required by the Comptroller General.

Such accounting shall include all fiscal transactions of the corporation, whether involving appropriated moneys, capital, or receipts from other sources.

§ 4127. PRISON INDUSTRIES REPORT TO CONGRESS

The board of directors of Federal Prison Industries shall make annual reports to Congress on the conduct of the business of the corporation and on the condition of its funds.

§ 4128. ENFORCEMENT BY ATTORNEY GENERAL

In the event of any failure of Federal Prison Industries to act, the Attorney General shall not be limited in carrying out the duties conferred upon him by law.

CHAPTER 309.—GOOD TIME ALLOWANCES

Sec.

4161. Computation generally.
4162. Industrial good time.
4163. Discharge.
4164. Released prisoner as parolee.
4165. Forfeiture for offense.
4166. Restoration of forfeited commutation.

§ 4161. COMPUTATION GENERALLY

Each prisoner convicted of an offense against the United States and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence beginning with the day on which the sentence commences to run, to be credited as earned and computed monthly as follows:

Five days for each month, if the sentence is not less than six months and not more than one year.

Six days for each month, if the sentence is more than one year and less than three years.

Seven days for each month, if the sentence is not less than three years and less than five years.

Eight days for each month, if the sentence is not less than five years and less than ten years.

Ten days for each month, if the sentence is ten years or more.

When two or more consecutive sentences are to be served, the aggregate of the several sentences shall be the basis upon which the deduction shall be computed.

§ 4162. INDUSTRIAL GOOD TIME

A prisoner may, in the discretion of the Attorney General, be allowed a deduction from his sentence of not to exceed three days for each month of actual employment in an industry or camp for the first year or any part thereof, and not to exceed five days for each month of any succeeding year or part thereof.

In the discretion of the Attorney General such allowance may also be made to a prisoner performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations.

Such allowance shall be in addition to commutation of time for good conduct, and under the same terms and conditions and without regard to length of sentence.

§ 4163. DISCHARGE

A prisoner shall be released at the expiration of his term of sentence less the time deducted for good conduct. A certificate of such deduction shall be entered on the commitment by the warden or keeper.

§ 4164. RELEASED PRISONER AS PAROLEE

A prisoner having served the term or terms for which he shall have been sentenced after June 29, 1932, less good time deductions, shall upon release be treated as if released on parole, and shall be subject to all provisions of law relating to the parole of United States prisoners until the expiration of the maximum term or terms for which he was sentenced.

This section shall not prevent delivery of a prisoner to the authorities of any State otherwise entitled to his custody.

§ 4165. FORFEITURE FOR OFFENSE

If during the term of imprisonment a prisoner commits any offense or violates the rules of the institution, all or any part of his earned good time may be forfeited.

§ 4166. RESTORATION OF FORFEITED COMMUTATION

The Attorney General may restore any forfeited or lost good time or such portion thereof as he deems proper upon recommendation of the Director of the Bureau of Prisons.

CHAPTER 311.—PAROLE

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4201. Board of Parole; members; salaries.
4202. Prisoners eligible.
4203. Application and release; terms and conditions.
4204. Aliens.
4205. Retaking parole violator under warrant; time to serve undiminished.
4206. Officer executing warrant to retake parole violator.
4207. Revocation upon retaking parolee.

§ 4201. BOARD OF PAROLE; MEMBERS; SALARIES

A Board of Parole, consisting of five members, shall be appointed by the Attorney General, at a salary of $7,500 each per annum.

§ 4202. PRISONERS ELIGIBLE

A Federal prisoner, other than a juvenile delinquent, wherever confined and serving a definite term or terms of over one year, whose record shows that he has observed the rules of the institution in which he is confined, may be released on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence.

§ 4203. APPLICATION AND RELEASE; TERMS AND CONDITIONS

(a) If it appears to the Board of Parole from a report by the proper institutional officers or upon application by a prisoner eligible for release on parole, that there is a reasonable probability that such prisoner will live and remain at liberty without violating the laws, and if in the opinion of the Board such release is not incompatible with the welfare of society, the Board may in its discretion authorize the release of such prisoner on parole.

Such parolee shall be allowed in the discretion of the Board, to return to his home, or to go elsewhere, upon such terms and conditions, including personal reports from such paroled person, as the Board shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced.

Each order of parole shall fix the limits of the parolee's residence which may be changed in the discretion of the Board.

(b) The parole of any prisoner sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

§ 4204. ALIENS

When an alien prisoner subject to deportation becomes eligible for parole, the Board of Parole may authorize his release on condition that he be deported and remain outside the United States.

Such prisoner, when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation.

§ 4205. RETAKING PAROLE VIOLATOR UNDER WARRANT; TIME TO SERVE UNDIMINISHED

A warrant for the retaking of any United States prisoner who has violated his parole, may be issued only by the Board of Parole or a

member thereof and within the maximum term or terms for which he was sentenced. The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney General under said warrant, and the time the prisoner was on parole shall not diminish the time he was sentenced to serve.

§ 4206. OFFICER EXECUTING WARRANT TO RETAKE PAROLE VIOLATOR

Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General.

§ 4207. REVOCATION UPON RETAKING PAROLEE

A prisoner retaken upon a warrant issued by the Board of Parole, shall be given an opportunity to appear before the Board, a member thereof, or an examiner designated by the Board.

The Board may then, or at any time in its discretion, revoke the order of parole and terminate such parole or modify the terms and conditions thereof.

If such order of parole shall be revoked and the parole so terminated, the said prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced.

CHAPTER 313.—MENTAL DEFECTIVES

Sec.

4241. Examination and transfer to hospital.
4242. Retransfer upon recovery.
4243. Delivery to state authorities.

§ 4241. EXAMINATION AND TRANSFER TO HOSPITAL

A board of examiners for each Federal penal and correctional institution shall consist of (1) a medical officer appointed by the warden or superintendent of the institution; (2) a medical officer appointed by the Attorney General; and (3) a competent expert in mental diseases appointed by the Surgeon General of the United States Public Health Service.

Such board shall examine any inmate of the institution alleged to be insane or of unsound mind or otherwise defective and report their findings and the facts on which they are based to the Attorney General.

The Attorney General, upon receiving such report, may direct the warden or superintendent or other official having custody of the prisoner to cause such prisoner to be removed to the United States hospital for defective delinquents or to any other institution authorized by law to receive insane persons charged with or convicted of offenses against the United States, there to be kept until, in the judgment of the superintendent of said hospital, the prisoner shall be restored to sanity or health or until the maximum sentence, without deduction for good time or commutation of sentence, shall have been served.

§ 4242. RETRANSFER UPON RECOVERY

An inmate of the United States hospital for defective delinquents whose sanity or health is restored prior to the expiration of his sentence may be retransferred to any penal or correctional institution designated by the Attorney General, there to remain pursuant to the original sentence, computing the time of his detention or confinement in said hospital as part of the term of his imprisonment.

§ 4243. DELIVERY TO STATE AUTHORITIES ON EXPIRATION OF SENTENCE

The superintendent of the United States hospital for defective delinquents shall notify the proper authorities of the State, Territory, District, or Possession where any insane prisoner has his legal residence, or, if this cannot be ascertained, the proper authorities of the State,

Territory, District, or Possession from which he was committed, of the date of expiration of sentence of any prisoner who, in the judgment of such superintendent, is still insane or a menace to the public. Such superintendent shall cause such prisoner to be delivered into the custody of the proper authorities of such State, Territory, District or Possession.

CHAPTER 315.—DISCHARGE AND RELEASE PAYMENTS

Sec.
4281. Discharge from prison.
4282. Arrested but unconvicted persons.
4283. Probation.

§ 4281. DISCHARGE FROM PRISON

Transportation upon discharge.

A person convicted under the laws of the United States shall, upon discharge from imprisonment, or release on parole, be furnished with transportation to the place of conviction or bona fide residence within the United States at the time of his commitment or to such place within the United States as may be authorized by the Attorney General.

Clothing and money.

He shall also be furnished with such suitable clothing as may be authorized by the Attorney General, and, in the discretion of the Attorney General, an amount of money not to exceed $30.

§ 4282. ARRESTED BUT UNCONVICTED PERSONS

On the release from custody of a person arrested on a charge of violating any law of the United States or of the Territory of Alaska, but not indicted nor informed against, or indicted or informed against but not convicted, and not admitted to bail, or a person held as a material witness and unable to make bail, the court in its discretion may direct the United States marshal for the district wherein he is released, pursuant to regulations promulgated by the Attorney General, to furnish the person so released with transportation and subsistence to the place of his arrest, or, at his election, to the place of his bona fide residence if such cost is not greater than to the place of arrest.

§ 4283. PROBATION

A court of the United States when placing a defendant on probation, may direct the United States marshal to furnish the defendant with transportation to the place to which the defendant is required to proceed under the terms of his probation and, in addition, may also direct the marshal to furnish the defendant with an amount of money, not to exceed $30, for subsistence expense to his destination. In such event, such expenses shall be paid by the marshal.

CHAPTER 317.—INSTITUTIONS FOR WOMEN

Sec.
4321. Board of Advisers.

§ 4321. BOARD OF ADVISERS

Four citizens of the United States of prominence and distinction, appointed by the President to serve without compensation, for terms of four years, together with the Attorney General of the United States, the Director of the Bureau of Prisons and the warden of the Federal Reformatory for Women, shall constitute a Board of Advisers of said Federal Reformatory for Women, which shall recommend ways and means for the discipline and training of the inmates, to fit them for suitable employment upon their parole or discharge.

Any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed.

PART IV—CORRECTION OF YOUTHFUL OFFENDERS

Chapter Sec.
401. General provisions 5001
403. Juvenile delinquency 5031

CHAPTER 401.—GENERAL PROVISIONS

Sec.
5001. Surrender to state authorities; expenses.

§ 5001. SURRENDER TO STATE AUTHORITIES; EXPENSES

Whenever any person under twenty-one years of age has been arrested, charged with the commission of an offense punishable in any court of the United States or of the District of Columbia, and, after investigation by the Department of Justice, it appears that such person has committed an offense or is a delinquent under the laws of any State or of the District of Columbia which can and will assume jurisdiction over such juvenile and will take him into custody and deal with him according to the laws of such State or of the District of Columbia, and that it will be to the best interest of the United States and of the juvenile offender, the United States attorney of the district in which such person has been arrested may forego his prosecution and surrender him as herein provided.

The United States marshal of such district upon written order of the United States attorney shall convey such person to such State or the District of Columbia, or, if already therein, to any other part thereof and deliver him into the custody of the proper authority thereof.

Before any person is conveyed from one State to another or from or to the District of Columbia under this section, he shall signify his willingness to be so returned, or there shall be presented to the United States attorney a demand from the executive authority of such State or the District of Columbia, to which the prisoner is to be returned, supported by indictment or affidavit as perscribed by section 3182 of this title. *Ante*, p. 822.

The expense incident to the transportation of any such person, as herein authorized, shall be paid from the appropriation "Salaries, Fees, and Expenses, United States Marshals."

CHAPTER 403.—JUVENILE DELINQUENCY

Sec.
5031. Definitions.
5032. Proceeding against juvenile delinquent.
5033. Jurisdiction; written consent; jury trial precluded.
5034. Probation; commitment to custody of Attorney General; support.
5035. Arrest, detention and bail.
5036. Contracts for support; payment.
5037. Parole.

§ 5031. DEFINITIONS

For the purposes of this chapter a "juvenile" is a person who has not attained his eighteenth birthday, and "juvenile delinquency" is the violation of a law of the United States committed by a juvenile and not punishable by death or life imprisonment. "Juvenile." "Juvenile delinquency."

§ 5032. PROCEEDING AGAINST JUVENILE DELINQUENT

A juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment, and not surrendered to the authorities of a state, shall be proceeded against as a juvenile delinquent if he consents to such procedure, unless the Attorney General, in his discretion, has expressly directed otherwise.

In such event the juvenile shall be proceeded against by information and no criminal prosecution shall be instituted for the alleged violation.

§ 5033. JURISDICTION; WRITTEN CONSENT; JURY TRIAL PRECLUDED

District Courts of the United States shall have jurisdiction of proceedings against juvenile delinquents. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The proceeding shall be without a jury. The consent

required to be given by the juvenile shall be given by him in writing before a Judge of the District Court of the United States having cognizance of the alleged violation, who shall fully apprise the juvenile of his rights and of the consequences of such consent. Such consent shall be deemed a waiver of a trial by jury.

§ 5034. PROBATION; COMMITMENT TO CUSTODY OF ATTORNEY GENERAL; SUPPORT

If the court finds a juvenile to be a delinquent, it may place him on probation for a period not exceeding his minority, or commit him to the custody of the Attorney General for a like period.

Such commitment shall not exceed the term which might have been imposed had he been tried and convicted of the alleged violation.

Designation of agency or foster home.

The Attorney General may designate any public or private agency or foster home for the custody, care, subsistence, education, and training of the juvenile during the period for which he was committed.

The cost of such custody and care may be paid from the appropriation for "Support of United States prisoners" or such other appropriation as the Attorney General may designate.

§ 5035. ARREST, DETENTION AND BAIL

Whenever a juvenile is arrested for an alleged violation of any law of the United States, the arresting officer shall immediately notify the Attorney General.

If the juvenile is not forthwith taken before a committing magistrate, he may be detained in such juvenile home or other suitable place of detention as the Attorney General may designate for such purposes, but shall not be detained in a jail or similar place of detention, unless, in the opinion of the arresting officer, such detention is necessary to secure the custody of the juvenile, or to insure his safety or that of others.

Period of detention.

In no case shall such detention be for a longer period than is necessary to produce the juvenile before a committing magistrate.

The committing magistrate may release the juvenile on bail, upon his own recognizance or that of some responsible person, or in default of bail may commit him to the custody of the United States marshal, who shall lodge him in such juvenile home or other suitable place of detention as the Attorney General may designate for that purpose.

The juvenile shall not be committed to a jail or other similar institution, unless in the opinion of the marshal it appears that such commitment is necessary to secure the custody of the juvenile or to insure his safety or that of others.

Segregation of juveniles from adults.

A juvenile detained in a jail or similar institution shall be held in custody in a room or other place apart from adults if facilities for such segregation are available.

§ 5036. CONTRACTS FOR SUPPORT; PAYMENT

The Director of the Bureau of Prisons may contract with public or private agencies or foster homes for the custody, care, subsistence, education, and training of juvenile delinquents and may defray the cost of such custody, care, subsistence, education, and training from the appropriation for "Support of United States prisoners" or such other appropriation as the Attorney General may designate.

§ 5037. PAROLE

A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the Board of Parole deems proper if it shall appear to the satisfaction of such Board that there is reasonable probability that the juvenile will remain at liberty without violating the law.

SEC. 2. Section 4611 of the Revised Statutes, as amended (46 U. S. C., section 712), is further amended to read as follows:

Cruelty to seamen. Surrender of officer. *Ante*, p. 800.

"SEC. 4611. Whenever any officer of a vessel of the United States, other than the master thereof, violates section 2191 of Title 18, the master shall, if he has actual knowledge of the offense or if complaint be made within three days after reaching port, surrender such officer to the proper authorities. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 3. The fourteenth paragraph of section 17 of the Act of August 1, 1914 (chapter 222, 38 Stat. 601; 25 U. S. C., section 86), is amended to read as follows:

Five Civilized Tribes. Nonencumbrance of certain land.

"Land allotted to any applicant for enrollment as a citizen in the Five Civilized Tribes whether an Indian or freedman, shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under the laws of the United States: *Provided further*, That the interest accruing from tribal funds and deposited in banks in the State of Oklahoma may be used as authorized by the Act of March third, nineteen hundred and eleven, under the direction of the Secretary of the Interior, to defray the expense of per capita payments authorized by Congress."

Use of interest.

36 Stat. 1058.

SEC. 4. Subsection (f) of section 514 of the Act of February 16, 1938, chapter 30 (52 Stat. 77; 7 U. S. C., section 1514 (f)), is amended to read as follows:

Crop insurance agreements.

"(f) The provisions of section 3741 of the Revised Statutes, as amended (41 U. S. C., section 22), shall not apply to any crop insurance agreements made under this title."

SEC. 5. Section 510 of the Act approved July 1, 1944 (chapter 373, 58 Stat. 711; 42 U. S. C., section 228), is amended to read as follows:

"WEARING OF UNIFORMS

Public Health Service.

"SEC. 510. Except as may be authorized by regulations of the President, the insignia and uniform of commissioned officers of the Service, or any distinctive part of such insignia or uniform, or any insignia or uniform any part of which is similar to a distinctive part thereof, shall not be worn, after the promulgation of such regulations, by any person other than a commissioned officer of the Service."

1 U. S. C., Supp. I, § 1.

SEC. 6. Section 1 of Title 1 of the United States Code is amended to read as follows:

Rules of construction for Acts of Congress.

"In determining the meaning of any Act of Congress, unless the context indicates otherwise—

"words importing the singular include and apply to several persons, parties, or things;

"words importing the plural include the singular;

"words importing the masculine gender include the feminine as well;

"words use in the present tense include the future as well as the present;

"the words 'insane' and 'insane person' and 'lunatic' shall include every idiot, lunatic, insane person, and person non compos mentis;

"the words 'person' and 'whoever' include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;

" 'officer' includes any person authorized by law to perform the duties of the office;

"'signature' or 'subscription' includes a mark when the person making the same intended it as such;

"'oath' includes affirmation, and 'sworn' includes affirmed;

"'writing' includes printing and typewriting and reproductions of visual symbols by photographing, multigraphing, mimeographing, manifolding, or otherwise."

SEC. 7. Section 14 of the Act approved June 18, 1929, chapter 28 (46 Stat. 25; 39 U. S. C., sec. 337), is amended to read as follows:

Census Office. Transmission of mail matter.

"SEC. 14. That all mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed 'Official business, Census Office', shall be transmitted free of postage, and by registered mail if necessary, and so marked."

SEC. 8. Section 2 of the Act approved January 24, 1905, chapter 137 (33 Stat. 614; 16 U. S. C., sec. 685, part), is amended to read as follows:

Wichita Forest Reserve.

"SEC. 2. That when such areas have been designated as provided for in section one of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of the Interior."

SEC. 9. Section 2 of the Act approved June 29, 1906, chapter 3593 (34 Stat. 607; 16 U. S. C., sec. 685, part), is amended to read as follows:

Grand Canyon Forest Reserve.

"SEC. 2. That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture."

SEC. 10. The paragraph immediately preceding "Part A" of the Act approved August 11, 1916, ch. 313, 39 Stat. 446, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", said paragraph appearing as the first full paragraph on page 476 of said volume 39 of the United States Statutes at Large, and being section 683 of Title 16 of the United States Code, is amended to read as follows:

Areas for protection of game animals, birds, or fish.

"That the President of the United States is hereby authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled 'An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams', and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof."

16 U. S. C. §§ 513–519, 521.

SEC. 11. Section 2 of the Act approved June 5, 1920, chapter 247 (41 Stat. 986; 16 U. S. C., sec. 676, part), is amended to read as follows:

Custer State Park Game Sanctuary. 41 Stat. 986. 16 U. S. C. § 675.

"SEC. 2. That when such areas have been designated as provided for in section 1 of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture."

SEC. 12. The Act approved February 28, 1925, chapter 376 (43 Stat. 1091; 16 U. S. C., sec. 682), as amended, is amended to read as follows:

Game refuge in Ozark National Forest.

"That the President of the United States is hereby authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof."

SEC. 13. Section 6 of the Act approved July 3, 1926, chapter 744 (44 Stat. 821; 16 U. S. C., sec. 688), is amended to read as follows:

Sequoia National Game Refuge.

"SEC. 6. That all parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of this Act, are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture: *Provided*, That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established."

SEC. 14. Section 3 of the Act approved July 3, 1926, chapter 776 (44 Stat. 889; 16 U. S. C., sec. 689b), is amended to read as follows:

Tahquitz National Game Preserve.
44 Stat. 889.
16 U. S. C. § 689a.

"SEC. 3. On lands within the game preserve established in section 2 of this Act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided."

SEC. 15. Section 2 of the Act approved June 28, 1930, chapter 709 (46 Stat. 828; 16 U. S. C., sec. 692a), is amended to read as follows:

Ocala National Forest game sanctuaries.
46 Stat. 827.
16 U. S. C. § 692.

SEC. 2. That when such game sanctuaries or refuges have been established as provided in section 1 hereof, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges shall be unlawful except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe."

SEC. 16. Section 2 of the Act approved March 10, 1934, chapter 54 (48 Stat. 400, 401; 16 U. S. C., sec. 694a), is amended to read as follows:

Fish and game sanctuaries in national forests.
48 Stat. 400.
16 U. S. C. § 694.

"SEC. 2. That when such fish and game sanctuaries or refuges have been established as provided in section 1 of this Act, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided."

SEC. 17. The first sentence of section 8 (now codified in sections 156a and 171 of Title 46 U. S. C.) of the Act approved August 2, 1882, Chapter 374 (22 Stat. 189), is amended to read as follows:

Transportation of animals by certain vessels.

"Horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron and of which the compartments are divided off by watertight bulkheads extending to the upper deck."

Ante, p. 683.

SEC. 18. If any part of Title 18, Crimes and Criminal Procedure, as set out in section 1 of this Act, shall be held invalid the remainder shall not be affected thereby.

SEC. 19. No inference of a legislative construction is to be drawn by reason of the chapter in Title 18, Crimes and Criminal Procedure, as set out in section 1 of this Act, in which any particular section is placed, nor by reason of the catchlines used in such title.

Effective date.

SEC. 20. This Act shall take effect September 1, 1948.

Repeals.

SEC. 21. The sections or parts thereof of the Revised Statutes or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

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Mar. 2	189	1 (part)	28	[5] 957	18	763, 764
Do	189	1 (part)	28	[6] 957	18	765
1896—May 28	252	18	29	183, 184	28	590
Do	252	[7] 19	29	184	18	594
June 10	400	1	29	380	18	761, 762, 766
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1898—May 17	340		30	417	18	749
July 1	541	29	30	554	11	52
July 7	578		30	718	18	81
					38	126
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1900—June 6	793		31	656	18	651, 652
1901—Mar. 1	670	1 (part)	31	[8] 844	18	198a
Mar. 2	[9] 814		31	956	18	594
Mar. 3	853	1 (part)	31	[10] 1185	18	791, 792, 793
Do	873		31	1450	18	696–698
1902—Apr. 21	563	1 (part)	32	[11] 113	18	321
June 14	1088	3	32	386	22	219
June 21	1140	1–3	32	397, 398	18	710, 711, 712, 712a
June 28	1301	1 (part)	32	[12] 475	18	668
1903—Feb. 9	529	1, 2	32	806, 807	18	592, 666
1905—Jan. 5	23	4	33	600	36	4
Feb. 6	454	1, 2	33	698	18	244, 664, 665
Mar. 3	1405		33	[13] 864	18	117
Do	1406	1 (part)	33	[14] 911	18	198a
1906—Apr. 27	1997		34	149	18	712, 712a
June 28	3565	1, 2	34	536, 537	18	145, note
1907—Mar. 1	2285		34	[15] 1017	25	248
Mar. 2	2564		34	1246	18	682
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[1] Only the part amending R. S. § 2146.
[2] Only the part amending R. S. § 2139.
[3] Second sentence, only, of the seventh paragraph appearing on this page.
[4] Only the provisions amending R. S. § 3167.
[5] First and third provisos appearing on this page.
[6] Fourth proviso commencing on this page and ending on p. 958.
[7] Second sentence of proviso, only.
[8] Second proviso, commencing on this page and ending on p. 845.
[9] Only the provisions amending second sentence of proviso in Act, May 28, 1896, ch. 252, § 19, 29 Stat. 184.
[10] First, second, and third provisos, only, appearing on this page.
[11] Only the sixth full paragraph appearing on this page.
[12] First proviso, only, appearing on this page.
[13] Only the second full paragraph appearing on this page.
[14] First proviso in the fifth paragraph appearing on this page.
[15] All following the semicolon in the fourth full paragraph appearing on this page.

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1910—June 23	372	1	36	604	36	4
June 25	386	15	36	818	39	765
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Do	395	1–5, [16] 6, 7, 8	36	825–827	18	397, 401, 402, (2) (3), 403, 404
Do	431	6	36	857	18	104, 107
1911—Mar. 1	187		36	963	18	523
Mar. 3	231	10, 40–42, 65, 144, 270, 282–285, 288	36	1088, 1100, 1104, 1136, 1163, 1165, 1166	28	14, 101–103, 124, 249, 392, 419–422, 426
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Mar. 4	241	2	36	1339	18	334
Do	270		36	1355	18	189
1912—Feb. 15	38		37	64, 65	18	285
Aug. 24	388	1 (part)	37	[18] 519	25	250
Do	389	[19] 2	37	553	39	808
1913—Jan. 23	9		37	650	18	714
Feb. 13	50	1, 2, 3	37	670	18	409–411
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Do	6	22	38	272, 273	12	593, 594, 595
1914—Oct. 15	323	9, 21–25	38	733, 738–740	18	412
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1916—May 18	125	1 (part)	39	[21] 124	25	245, 252
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June 3	134	[22] 125	39	217	10	1393
July 17	245	31	39	382–384	12	981–986
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July 28	261	1	39	[24] 418	18	321
1917—Feb. 23	115		39	936	18	114
Mar. 2	146	[25] 17	39	982 (983)	25	242
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Mar. 3	163	1 (part)	39	[27] 1106	5	66
Mar. 4	180 (part)		39	[28] 1182	18	136
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[16] Second and third paragraphs, only, of said section 6.
[17] First sentence, only.
[18] Second proviso in first full paragraph appearing on this page.
[19] First paragraph, only.
[20] As added by Act, June 16, 1933, ch. 89, § 8 (part), 48 Stat. 177, 178.
[21] Only the second sentence of second full paragraph appearing on this page.
[22] Second paragraph, only.
[23] As added by act, Mar. 4, 1923, ch. 252, § 2 (part), 42 Stat. 1459–1461.
[24] Only the following words in the ninth full paragraph appearing on this page: "and that section ten of the said Act be amended by inserting after the first word of said section, 'that,' the words 'sections one hundred and ninety-eight of the' ".
[25] Twelfth paragraph, only.
[26] The proviso, only, in the first full paragraph appearing on this page.
[27] The proviso, only, in the fifth paragraph appearing on this page.
[28] The fourth full paragraph appearing on this page.
[29] All provisions appearing on this page which amend section forty-four (44) of Act, Mar. 4, 1909, ch. 321, 35 Stat. 1088 (1097).

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May 25	86	1 (part)	40	[30] 563	25	244
July 8	138		40	821	22	246
July 10	144	1–3, 5–8	40	896, 897	18	794–801
Sept. 26	177	[31] 5	40	970, 971	12	593, 594, 595
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July 11	6	6	41	68	18	201
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Oct. 29	89	1–5	41	324, 325	18	408
1920—May 25	196		41	620, 621	18	340
May 29	212		41	630	18	186
June 5	268		41	1060, 1061	18	396
1921—Mar. 3	136		41	[36] 1360	50	33
Mar. 4	161	1 (part)	41	[37] 1414	18	768
Do	172		41	1444, 1445	18	382–386
Nov. 17	124	1, 2	42	220	18	582
Nov. 23	136	1321	42	315	18	585, 586
1922—Jan. 31	44	1, 2	42	361	22	409, 410
June 19	227	[38] 4 (part)	42	661	23	46
1923—Jan. 3	21		42	[39] 1085	18	768
Feb. 24	110		42	1286	10	1425
Mar. 3	218		42	1437	18	350
Mar. 4	252	209 (e, h)	42	1468, 1469	12	1245, 1248
Do	252	216	42	1471–1473	12	1311–1318
1924—Feb. 11	17	1–3, 5–9	43	6, 7	18	769–776
Apr. 15	108		43	98	18	145
May 26	190	22	43	165	8	220
May 28	204		43	[40] 222	18	768
May 31	[41] 221		43	248	18	767
June 2	234	1010	43	341, 342	18	585, 586
June 7	287	1–9	43	473–475	18	811–819
Dec. 5	4	1 (part)	43	[42] 688	18	767
1925—Jan. 7	32	1–10	43	724–726	18	831–840
Do	33		43	726	18	570
Jan. 28	102		43	793, 794	18	409–411
Feb. 11	204	[43] 8			18	562a
Feb. 25	318		43	977	18	317
Feb. 27	364		43	[44] 1031	18	768
Feb. 28	368	310–313	43	1073	2	249–251
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Mar. 4	521	1–4	43	1259–1261	18	724–727
1926—Feb. 26	27	1110	44	114, 115	18	585, 586
Do	27	[45] 1115	44	117	18	216
May 24	377	1–5	44	628, 629	12	584–588
May 27	406	11	44	665, 666	11	52
July 3	755		44	831	18	683
Do	780	1, 2	44	891	18	103a, 103b
Do	795		44	901	18	746
Dec. 11	2	1–3	44	917, 918	18	146–148
Do	3	1–3	44	918	18	149–151
1927—Feb. 8	75	1, 2	44	1059, 1060	18	361
Feb. 25	191	[46] 12	44	1231	12	591
Do	191	15	44	1232	12	593
Dec. 22	5	1 (part)	45	[47] 22	18	838
Dec. 27	6		45	51	18	582
1928—Feb. 15	57		45	[48] 83	18	699a
Apr. 21	392		45	437	10	1425

[30] Fourth proviso, only, appearing on this page.
[31] Only the part amending and reenacting those provisions of section 22 of Act, Dec. 23, ch. 6, 38 Stat. 272, which, in said section 5 of this Act, of Sept. 26, 1918, were designated as section 22 (a) (b) (c).
[32] Final sentence of the quoted provisions amending R. S. § 5208, and all quoted provisions amending R. S. § 5209.
[33] Fourth proviso, only, appearing on this page.
[34] Final paragraph.
[35] All of the final paragraph of Chapter IV of this Act, except the proviso contained in the second sentence thereof.
[36] The second proviso, only, appearing on this page.
[37] The proviso, only, appearing on this page.
[38] Par. 6.
[39] The proviso, only, on this page.
[40] The proviso, only, contained in the second full paragraph appearing on this page.
[41] First sentence, only, of first paragraph.
[42] Only the first proviso appearing on this page, reading as follows: "*Provided*, That said bridge shall be open to use by the public under such rules and regulations as prescribed by the Attorney General."
[43] Par. 6, proviso, only; as added by Act, June 22, 1927, ch. 50, § 2 (part), 44 Stat. 1023.
[44] Second proviso only, appearing on this page, and reading as follows: "*Provided*, That livestock may be exchanged or traded when authorized by the Attorney General, $184,500."
[45] Only the part reenacting R. S. § 3167, as amended.
[46] Final sentence of the quoted provisons amending R. S. § 5208, and also the following words in the first paragraph of said section 12 of this act: "by striking out the words 'or who shall certify a check before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the bank,' and in lieu thereof inserting the following: 'or who shall certify a check before the amount thereof shall have been regularly deposited in the bank by the drawer thereof,'."
[47] The proviso, only, in the fifth full paragraph appearing on this page.
[48] Proviso, only, in the sixth paragraph appearing on this page.

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Feb. 8	163		45	1156	18	521
Feb. 26	336	1–5	45	1318	18	851–855
1930—May 12	237		46	265, 266	18	831
May 13	254	1–11	46	270–272	18	871–880
Do	255	1–4	46	272	18	716, 717, 719, 720, 723a, 723b, 723c
Do	256	1, 2	46	273	18	751, 752
May 14	274	1–11	46	325–327	18	699, 753, 753a–753j, 816, 836
May 27	339	1–12	46	388–390	18	901–912
Do	340	1–[40] 5, 6–8	46	391, 392	18	744a–[50] 744e, 746f–746h
June 6	406	1, 2	46	503, 504	18	726–728
June 17	497	305 (b), 335	46	689, 701	19	1305 (b), 1335
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Dec. 16	15		46	1029, 1030	18	541
1931—Feb. 25	297		46	1417	28	421
Mar. 2	371		46	1469	18	716
1932—Jan. 22	8	16	47	11, 12	15	616
Mar. 23	90	11, 12	47	72, 73	29	111, 112
Apr. 22	126		47	132, 133	18	5
June 6	209	1108	47	288	18	585, 586
June 11	243		47	301	18	662a
June 13	245		47	302	25	242
June 23	271		47	326	18	408a
June 28	284		47	336, 337	18	548
June 29	306	1, 2	47	342	18	76a, 76b
Do	309		47	380, 381	28	417a
Do	310	1–4	47	381	18	710a, 716a, 716b
July 8	464	1, 2	47	649, 650	18	338a, 338b
July 22	522	21	47	738, 739	12	1441
1933—Jan. 21	16		47	773, 774	18	409–411
Feb. 24	119	1–3	47	904	18	688
May 18	31		48	58	18	556
June 10	57		48	122, 123	22	135
June 13	64	8	48	134, 135	12	1467
June 15	85		48	152	18	468
June 16	97		48	256, 257	18	725
Do	98	64, 78	48	267–269, 272	12	987, 1138d
1934—Jan. 31	7	13	48	347	12	1138d
Mar. 5	43		48	396	25	244a
Mar. 8	49		48	399	18	688
Mar. 22	73	1–4	48	454–456	18	662b–662c
Apr. 13	112	1, 2	48	574	31	804a
Apr. 27	168	12	48	647	12	1467(e)
Apr. 30	170	1–3	48	648, 649	18	554a, 556a, 556b
May 7	220	1, 2	48	667	18	321, 321a
May 10	278	1–4	48	772	18	587
May 18	299	1, 2	48	780, 781	18	253, 254
Do	300		48	781	18	408d
Do	301		48	781, 782	18	408a–408c
Do	302		48	782	18	408e
Do	303	1	48	782, 783	18	252
Do	304	1–4	48	783	12	588a–588d
May 22	333	1–7	48	794, 795	18	413–418a, 419
June 6	408		48	910, 911	18	575
June 13	482	1	48	948	40	276b
June 18	569	1–6	48	979, 980	18	420a, 420b, 420c, 420d, 420e, 420e–1
Do	587		48	996, 997	18	80, 82–86
Do	595		48	1008	5	300a
June 19	650		48	1063	18	340
Do	652	316	48	1088, 1089	47	316
Do	652	326	48	1091	47	[51] 326
Do	653	3	48	1107, 1108	12	596, 597, 598, 599
June 22	716		48	1207	18	309
June 23	736	1–6	48	1211, 1212	18	744i–744n
June 27	846		48	1245	25	254
Do	847	512	48	1265	12	1731 (a)–1731 (c)
1935—May 24	142		49	289	18	641
May 28	150	20, 21	49	298	12	1467
June 3	164	21	49	319	12	981
June 15	259	2	49	378	28	504a
Do	261	201, 202	49	380, 381	18	392, 393, 393a, 394
June 20	284		49	394	18	468
June 28	326		49	427	18	338a
July 24	412	1–4	49	494, 495	18	396b–396e
Aug. 3	432		49	513, 514	18	753h
Aug. 5	438	2	49	518	19	1702
Do	438	304 (a), 309	49	527, 528	19	1591, 1601a

[40] First and second sentences, only, of said section 5.
[50] First and second sentences, only, of said section 744a.
[51] Last sentence, only, of this section.

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Do	693		49	867	18	317
Do	694		49	867	18	320
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1936—Jan. 24	29		49	1099	18	408c–1
Feb. 8	40		49	1105	18	253
June 20	635	1, 2	49	1557	22	248
Do	640	2–5, 7, 8	49	1562, 1563, 1564	28	695a–695d, 695f, 695g
June 24	746		49	1899, 1900	18	407a
June 25	815	1–8, 10–12	49	1928–1930	18	388–390
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Do	816	6	49	1936	46	710a
June 26	830	3	49	1940	18	253
1937—June 19	367		50	304	18	542
July 22	517	52	50	531, 532	7	1026
Aug. 24	746		50	748, 749	28	421
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Aug. 25	777		50	810	28	531, 572a
Sept. 1	896	23–26	50	899	42	1423–1426
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Apr. 4	69		52	197, 198	18	80, 82–86
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June 16	486	1–7, 9	52	764–766	18	921–927, 929
June 22	575	[55] 1	52	855–857	11	52
Do	[56] 594		52	943	28	634
June 25	679	26	52	1089	19	1598
June 29	813		52	1242, 1243	18	407a
1939—May 6	115	1 (part)	53	[57] 663	18	647
May 15	133	1, 2	53	742–744	18	338a, 338b, 408d
Do	134		53	744, 745	18	361
May 22	141		53	752	18	76a
June 5	184	1, 2	53	809	18	76c, 76d
June 13	197		53	814, 815	18	645
June 19	209		53	840	18	393
Aug. 2	410	1–8, 10, 11	53	1147–1149	18	61–61g, 61j, 61k
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Aug. 5	429		53	1203	18	354
Do	434		53	1205	18	467a
Aug. 7	557		53	1256, 1257	18	317
Aug. 10	638	1, 2	53	1341	18	338c, 338d
1940—Jan. 13	1		54	13	18	241a
Mar. 25	71		54	[60] 63	18	647
Mar. 28	72	1, 2, 8 (b), 4–9	54	79, 80	18	36, 98, 345, 381
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Mar. 28	73		54	80	18	97
Apr. 17	101		54	110	28	421
Apr. 30	164		54	171	18	86
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June 6	241		54	234	18	468
June 8	276		54	249	25	217a
Do	286		54	255, 256	18	412a
June 11	323		54	304	18	451
Do	326	1–3	54	306	18	469–471
June 13	359		54	391	18	253
June 25	426		54	571, 572	18	76e
June 28	439	1–5	54	670, 671	18	9–13

[53] The part amending sec. 12 B (s–u), (w, x) of Act, Dec. 23, 1913, ch. 6, as added by Act, June 16, 1933, ch. 89, § 8 (part), 48 Stat. 168 (177, 178).

[54] The part amending sec. 12 B (v) of Act of Dec. 23, 1913, ch. 6, as added by Act, June 16, 1933, ch. 89, § 8 (part), 48 Stat. 168 (178), being specifically the provisions which, in said Act of Aug. 23, 1935, ch. 614, § 101, 49 Stat. 684 (701), were re-designated as sec. 12 B (v) (1).

[55] First paragraph, only.

[56] All provisions amending Act, July 1, 1898, ch. 541, § 29, 30 Stat. 554.

[57] All provisions amending R. S. § 859.

[58] First proviso, only, appearing on this page.

[59] As added by Act, July 19, 1940, ch. 640, § 4 (part), 54 Stat. 770.

[60] As added by Act, July 19, 1940, ch. 640, § 4 (part), 54 Stat. 771.

[60] First proviso, only, appearing on this page.

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[51] First proviso, only, appearing on this page.
[52] First proviso, only, appearing on this page.
[53] As added by Act, Apr. 1, 1944, ch. 150 (part), 58 Stat. 146.
[54] Second proviso, only, appearing on this page.
[55] First, second, third, and sixth paragraphs, only, of this section of title 41 of the United States Code, 1940 edition.
[56] Only the provisions amending section 52 of Act, July 22, 1937, ch. 517, title IV, 50 Stat. 531, 532.

Approved June 25, 1948, 12:23 p. m., E. D. T.

[CHAPTER 646]

AN ACT

To revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary".

June 25, 1948
[H. R. 3214]
[Public Law 773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code, entitled "Judicial Code and Judiciary" is hereby revised, codified, and enacted into law, and may be cited as "Title 28, United States Code, section —", as follows:

Title 28, U. S. Code. Codification and enactment into law.

TITLE 28, JUDICIARY AND JUDICIAL PROCEDURE

Part		Sec.	
I.	Organization of courts	1	*Infra.*
II.	United States attorneys and marshals	501	*Post*, p. 909.
III.	Court officers and employees	601	*Post*, p. 913.
IV.	Jurisdiction and venue	1251	*Post*, p. 927.
V.	Procedure	1651	*Post*, p. 943.
VI.	Particular proceedings	2201	*Post*, p. 964.

PART I.—ORGANIZATION OF COURTS

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CHAPTER 1—SUPREME COURT

Sec.
1. Number of justices; quorum.
2. Terms of court.
3. Vacancy in office of Chief Justice; disability.
4. Precedence of associate justices.
5. Salaries of justices.
6. Records of former court of appeals.

§ 1. Number of justices; quorum

The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

§ 2. Terms of court

The Supreme Court shall hold at the seat of government a term of court commencing on the first Monday in October of each year and may hold such adjourned or special terms as may be necessary.

§ 3. Vacancy in office of Chief Justice; disability

Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

§ 4. Precedence of associate justices

Associate justices shall have precedence according to the seniority of their commissions. Justices whose commissions bear the same date shall have precedence according to seniority in age.

§ 5. Salaries of justices

The Chief Justice shall receive a salary of $25,500 a year, and each associate justice shall receive a salary of $25,000 a year.

§ 6. Records of former court of appeals

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the Supreme Court.

CHAPTER 3—COURTS OF APPEALS

Sec.

41. Number and composition of circuits.
42. Allotment of Supreme Court justices to circuits.
43. Creation and composition of courts.
44. Appointment, tenure, residence and salary of circuit judges.
45. Chief judges; precedence of judges.
46. Assignment of judges; divisions; hearings; quorum.
47. Disqualification of trial judge to hear appeal.
48. Terms of Court.

§ 41. Number and composition of circuits

The eleven judicial circuits of the United States are constituted as follows:

Circuits	Composition
District of Columbia	District of Columbia.
First	Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.
Second	Connecticut, New York, Vermont.
Third	Delaware, New Jersey, Pennsylvania, Virgin Islands.
Fourth	Maryland, North Carolina, South Carolina, Virginia, West Virginia.
Fifth	Alabama, Canal Zone, Florida, Georgia, Louisiana, Mississippi, Texas.
Sixth	Kentucky, Michigan, Ohio, Tennessee.
Seventh	Illinois, Indiana, Wisconsin.
Eighth	Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
Ninth	Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Hawaii.
Tenth	Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.

§ 42. Allotment of Supreme Court justices to circuits

The Chief Justice of the United States and the associate justices of the Supreme Court shall from time to time be allotted as circuit justices among the circuits by order of the Supreme Court. The Chief Justice may make such allotments in vacation.

A justice may be assigned to more than one circuit, and two or more justices may be assigned to the same circuit.

§ 43. Creation and composition of courts

(a) There shall be in each circuit a court of appeals, which shall be a court of record, known as the United States Court of Appeals for the circuit.

(b) Each court of appeals shall consist of the circuit judges of the circuit in active service. The circuit justice and justices or judges

designated or assigned shall also be competent to sit as judges of the court.

§ 44. Appointment, tenure, residence and salary of circuit judges

(a) The President shall appoint, by and with the advice and consent of the Senate, circuit judges for the several circuits as follows:

Circuits	Number of Judges
District of Columbia	Six
First	Three
Second	Six
Third	Six
Fourth	Three
Fifth	Six
Sixth	Six
Seventh	Five
Eighth	Seven
Ninth	Seven
Tenth	Four

(b) Circuit judges shall hold office during good behavior.

(c) Except in the District of Columbia, each circuit judge shall be a resident of the circuit for which appointed at the time of his appointment and thereafter while in active service.

(d) Each circuit judge shall receive a salary of $17,500 a year.

§ 45. Chief judges; precedence of judges

(a) The circuit judge senior in commission shall be the chief judge of the circuit.

(b) The chief judge shall have precedence and preside at any session of the court which he attends. Other circuit judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The circuit justice, however, shall have precedence over all the circuit judges and shall preside at any session which he attends.

(c) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as circuit judge, he may so certify to the Chief Justice of the United States, and thereafter the circuit judge in active service next in precedence and willing to serve shall be designated by the Chief Justice as the chief judge of the circuit.

(d) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the circuit judge in active service, present in the circuit and able and qualified to act, who is next in precedence.

§ 46. Assignment of judges; divisions; hearings; quorum

(a) Circuit judges shall sit on the court and its divisions in such order and at such times as the court directs.

(b) In each circuit the court may authorize the hearing and determination of cases and controversies by separate divisions, each consisting of three judges. Such divisions shall sit at the times and places and hear the cases and controversies assigned as the court directs.

(c) Cases and controversies shall be heard and determined by a court or division of not more than three judges, unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in active service. A court in banc shall consist of all active circuit judges of the circuit.

(d) A majority of the number of judges authorized to constitute

a court or division thereof, as provided in paragraph (c), shall constitute a quorum.

§ 47. Disqualification of trial judge to hear appeal

No judge shall hear or determine an appeal from the decision of a case or issue tried by him.

§ 48. Terms of court

Terms or sessions of courts of appeals shall be held annually at the places listed below, and at such other places within the respective circuits as may be designated by rule of court. Each court of appeals may hold special terms at any place within its circuit.

Circuits	Places
District of Columbia	Washington.
First	Boston.
Second	New York.
Third	Philadelphia.
Fourth	Richmond, Asheville.
Fifth	New Orleans, Atlanta, Fort Worth, Jacksonville, Montgomery.
Sixth	Cincinnati.
Seventh	Chicago.
Eighth	St. Louis, Kansas City, Omaha, St. Paul.
Ninth	San Francisco, Los Angeles, Portland, Seattle.
Tenth	Denver, Wichita, Oklahoma City.

CHAPTER 5—DISTRICT COURTS

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81. Alabama.
82. Arizona.
83. Arkansas.
84. California.
85. Colorado.
86. Connecticut.
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131. Wyoming.
132. Creation and composition of district courts.
133. Appointment and number of district judges.
134. Tenure and residence of district judges.
135. Salaries of district judges.
136. Chief judges; precedence of district judges.
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138. Times for holding regular terms.
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140. Adjournment.
141. Special terms; places; notice.
142. Accommodations at places for holding court.
143. Vacant judgeship as affecting proceedings.
144. Bias or prejudice of judge.

§ 81. Alabama

Alabama is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Alabama.

Northern District

(a) The Northern District comprises seven divisions.

(1) The Northwestern Division comprises the counties of Colbert, Franklin, and Lauderdale.

Court for the Northwestern Division shall be held at Florence.

(2) The Northeastern Division comprises the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan.

Court for the Northeastern Division shall be held at Huntsville.

(3) The Southern Division comprises the counties of Blount, Jefferson, and Shelby.

Court for the Southern Division shall be held at Birmingham.

(4) The Eastern Division comprises the counties of Calhoun, Clay, Cleburne, and Talladega.

Court for the Eastern Division shall be held at Anniston.

(5) The Western Division comprises the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa.

Court for the Western Division shall be held at Tuscaloosa.

(6) The Middle Division comprises the counties of Cherokee, De Kalb, Etowah, Marshall, and Saint Clair.

Court for the Middle Division shall be held at Gadsden.

(7) The Jasper Division comprises the counties of Fayette, Lamar, Marion, Walker, and Winston.

Court for the Jasper Division shall be held at Jasper.

Middle District

(b) The Middle District comprises three divisions.

(1) The Northern Division comprises the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike.

Court for the Northern Division shall be held at Montgomery.

(2) The Southern Division comprises the counties of Coffee, Dale, Geneva, Henry, and Houston.
Court for the Southern Division shall be held at Dothan.
(3) The Eastern Division comprises the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa.
Court for the Eastern Division shall be held at Opelika.

Southern District

(c) The Southern District comprises two divisions.
(1) The Northern Division comprises the counties of Dallas, Hale, Marengo, Perry, and Wilcox.
Court for the Northern Division shall be held at Selma.
(2) The Southern Division comprises the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington.
Court for the Southern Division shall be held at Mobile.

§ 82. Arizona

Arizona constitutes one judicial district.
Court shall be held at Globe, Phoenix, Prescott, and Tucson.

§ 83. Arkansas

Arkansas is divided into two judicial districts to be known as the Eastern and Western Districts of Arkansas.

Eastern District

(a) The Eastern District comprises four divisions.
(1) The Eastern Division comprises the counties of Cross, Desha, Lee, Monroe, Phillips, Saint Francis, and Woodruff.
Court for the Eastern Division shall be held at Helena.
(2) The Western Division comprises the counties of Arkansas, Chicot, Cleveland, Conway, Dallas, Drew, Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.
Court for the Western Division shall be held at Little Rock.
(3) The Northern Division comprises the counties of Cleburne, Fulton, Independence, Izard, Jackson, Sharp, and Stone.
Court for the Northern Division shall be held at Batesville.
(4) The Jonesboro Division comprises the counties of Clay, Craighead, Crittenden, Greene, Lawrence, Mississippi, Poinsett, and Randolph.
Court for the Jonesboro Division shall be held at Jonesboro.

Western District

(b) The Western District comprises six divisions.
(1) The Texarkana Division comprises the counties of Hempstead, Howard, Lafayette, Little River, Miller, Nevada, and Sevier.
Court for the Texarkana Division shall be held at Texarkana.
(2) The El Dorado Division comprises the counties of Ashley, Bradley, Calhoun, Columbia, Ouachita, and Union.
Court for the El Dorado Division shall be held at El Dorado.
(3) The Fort Smith Division comprises the counties of Crawford, Franklin, Johnson, Logan, Polk, Scott, and Sebastian.
Court for the Fort Smith Division shall be held at Fort Smith.

(4) The Harrison Division comprises the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy.
Court for the Harrison Division shall be held at Harrison.
(5) The Fayetteville Division comprises the counties of Benton, Madison, and Washington.
Court for the Fayetteville Division shall be held at Fayetteville.
(6) The Hot Springs Division comprises the counties of Clark, Garland, Hot Springs, Montgomery, and Pike.
Court for the Hot Springs Division shall be held at Hot Springs.

§ 84. California

California is divided into two judicial districts to be known as the Northern and Southern Districts of California.

Northern District

(a) The Northern District comprises two divisions.
(1) The Northern Division comprises the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, and all of Yosemite National Park, Yolo, and Yuba.
Court for the Northern Division shall be held at Sacramento and Eureka.
(2) The Southern Division comprises the counties of Alameda, Contra Costa, Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz.
Court for the Southern Division shall be held at San Francisco.

Southern District

(b) The Southern District comprises three divisions.
(1) The Northern Division comprises the counties of Fresno, Inyo, Kern, Kings, Madera except Yosemite National Park, Mariposa except Yosemite National Park, Merced, and Tulare.
Court for the Northern Division shall be held at Fresno.
(2) The Central Division comprises the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.
Court for the Central Division shall be held at Los Angeles.
(3) The Southern Division comprises the counties of Imperial and San Diego.
Court for the Southern Division shall be held at San Diego.

§ 85. Colorado

Colorado constitutes one judicial district.
Court shall be held at Denver, Durango, Grand Junction, Montrose, Pueblo, and Sterling.

§ 86. Connecticut

Connecticut constitutes one judicial district.
Court shall be held at Hartford and New Haven.

§ 87. Delaware

Delaware constitutes one judicial district.
Court shall be held at Wilmington.

§ 88. District of Columbia

The District of Columbia constitutes one judicial district.
Court shall be held at Washington.

§ 89. Florida

Florida is divided into two judicial districts to be known as the Northern and Southern Districts of Florida.

Northern District

(a) The Northern District comprises the counties of Alachua, Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington.

Court for the Northern District shall be held at Gainesville, Marianna, Panama City, Pensacola, and Tallahassee.

Southern District

(b) The Southern District comprises the counties of Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Union, and Volusia.

Court for the Southern District shall be held at Fernandina, Fort Pierce, Jacksonville, Key West, Miami, Ocala, Orlando, and Tampa.

§ 90. Georgia

Georgia is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Georgia.

Northern District

(a) The Northern District comprises four divisions.

(1) The Gainesville Division comprises the counties of Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White.

Court for the Gainesville Division shall be held at Gainesville.

(2) The Atlanta Division comprises the counties of Cherokee, Clayton, Cobb, De Kalb, Douglas, Fannin, Fulton, Gilmer, Gwinnett, Henry, Newton, Pickens, and Rockdale.

Court for the Atlanta Division shall be held at Atlanta.

(3) The Rome Division comprises the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield.

Court for the Rome Division shall be held at Rome.

(4) The Newnan Division comprises the counties of Carroll, Coweta, Fayette, Haralson, Heard, Meriwether, Pike, Spalding, and Troup.

Court for the Newnan Division shall be held at Newnan.

Middle District

(b) The Middle District comprises seven divisions.

(1) The Athens Division comprises the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton.

Court for the Athens Division shall be held at Athens.

(2) The Macon Division comprises the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson.

Court for the Macon Division shall be held at Macon.

(3) The Columbus Division comprises the counties of Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor.

Court for the Columbus Division shall be held at Columbus.

(4) The Americus Division comprises the counties of Ben Hill, Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox.

Court for the Americus Division shall be held at Americus.

(5) The Albany Division comprises the counties of Baker, Calhoun, Dougherty, Early, Miller, Mitchell, Turner, and Worth.

Court for the Albany Division shall be held at Albany.

(6) The Valdosta Division comprises the counties of Berrien, Clinch, Cook, Echols, Irwin, Lanier, Lowndes, and Tift.

Court for the Valdosta Division shall be held at Valdosta.

(7) The Thomasville Division comprises the counties of Brooks, Colquitt, Decatur, Grady, Seminole, and Thomas.

Court for the Thomasville Division shall be held at Thomasville.

Southern District

(c) The Southern District comprises five divisions.

(1) The Augusta Division comprises the counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes.

Court for the Augusta Division shall be held at Augusta.

(2) The Dublin Division comprises the counties of Dodge, Emanuel, Johnson, Laurens, Montgomery, Telfair, Toombs, Treutlen, and Wheeler.

Court for the Dublin Division shall be held at Dublin.

(3) The Savannah Division comprises the counties of Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Jenkins, Liberty, Screven, and Tattnall.

Court for the Savannah Division shall be held at Savannah.

(4) The Waycross Division comprises the counties of Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce, and Ware.

Court for the Waycross Division shall be held at Waycross.

(5) The Brunswick Division comprises the counties of Appling, Camden, Glynn, Jeff Davis, Long, McIntosh, and Wayne.

Court for the Brunswick Division shall be held at Brunswick.

§ 91. Hawaii

Hawaii constitutes one judicial district which includes the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island.

Court shall be held at Honolulu.

§ 92. Idaho

Idaho, exclusive of Yellowstone National Park, constitutes one judicial district comprising four divisions.

(1) The Northern Division comprises the counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone.

Court for the Northern Division shall be held at Coeur d'Alene.

(2) The Central Division comprises the counties of Clearwater, Idaho, Latah, Lewis, and Nez Perce.

Court for the Central Division shall be held at Moscow.

(3) The Southern Division comprises the counties of Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington.

Court for the Southern Division shall be held at Boise.

(4) The Eastern Division comprises the counties of Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton.

Court for the Eastern Division shall be held at Pocatello.

§ 93. Illinois

Illinois is divided into three judicial districts to be known as the Northern, Southern, and Eastern Districts of Illinois.

Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will.

Court for the Eastern Division shall be held at Chicago.

(2) The Western Division comprises the counties of Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago.

Court for the Western Division shall be held at Freeport.

Southern District

(b) The Southern District comprises two divisions.

(1) The Northern Division comprises the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, and Woodford.

Court for the Northern Division shall be held at Peoria.

(2) The Southern Division comprises the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, De Witt, Greene, Hancock, Jersey, Logan, McLean, Macaupin, Macon, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott.

Court for the Southern Division shall be held at Quincy and Springfield.

Eastern District

(c) The Eastern District of Illinois comprises the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson.

Court for the Eastern District shall be held at Benton, Cairo, Danville, and East Saint Louis.

§ 94. Indiana

Indiana is divided into two judicial districts to be known as the Northern and Southern Districts of Indiana.

Northern District

(a) The Northern District comprises three divisions.

(1) The Fort Wayne Division comprises the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley.

Court for the Fort Wayne Division shall be held at Fort Wayne.

(2) The South Bend Division comprises the counties of Cass, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash.

Court for the South Bend Division shall be held at South Bend.

(3) The Hammond Division comprises the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White.

Court for the Hammond Division shall be held at Hammond.

Southern District

(b) The Southern District comprises four divisions.

(1) The Indianapolis Division comprises the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne.

Court for the Indianapolis Division shall be held at Indianapolis.

(2) The Terre Haute Division comprises the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo.

Court for the Terre Haute Division shall be held at Terre Haute.

(3) The Evansville Division comprises the counties of Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.

Court for the Evansville Division shall be held at Evansville.

(4) The New Albany Division comprises the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

Court for the New Albany Division shall be held at New Albany.

§ 95. Iowa

Iowa is divided into two judicial districts to be known as the Northern and Southern Districts of Iowa.

Northern District

(a) The Northern District comprises four divisions.

(1) The Cedar Rapids Division comprises the counties of Benton, Cedar, Grundy, Hardin, Iowa, Jones, Linn, and Tama.

Court for the Cedar Rapids Division shall be held at Cedar Rapids.

(2) The Eastern Division comprises the counties of Allamakee, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Howard, Jackson, Mitchell, and Winneshiek.

Court for the Eastern Division shall be held at Dubuque and Waterloo.

(3) The Western Division comprises the counties of Buena Vista, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona, O'Brien, Osceola, Plymouth, Sac, Sioux, and Woodbury.

Court for the Western Division shall be held at Sioux City.

(4) The Central Division comprises the counties of Butler, Calhoun, Carroll, Cerro Gordo, Emmet, Franklin, Hamilton, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster, Winnebago, Worth, and Wright.

Court for the Central Division shall be held at Fort Dodge and Mason City.

Southern District

(b) The Southern District comprises six divisions.

(1) The Central Division comprises the counties of Boone, Dallas, Greene, Guthrie, Jasper, Madison, Marion, Marshall, Polk, Poweshiek, Story, and Warren.

Court for the Central Division shall be held at Des Moines.

(2) The Eastern Division comprises the counties of Des Moines, Henry, Lee, Louisa, and Van Buren.

Court for the Eastern Division shall be held at Keokuk.

(3) The Western Division comprises the counties of Audubon, Cass, Harrison, Mills, Montgomery, Pottawattamie, and Shelby.

Court for the Western Division shall be held at Council Bluffs.

(4) The Southern Division comprises the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne.

Court for the Southern Division shall be held at Creston.

(5) The Davenport Division comprises the counties of Clinton, Johnson, Muscatine, Scott, and Washington.

Court for the Davenport Division shall be held at Davenport.

(6) The Ottumwa Division comprises the counties of Appanoose, Davis, Jefferson, Keokuk, Mahaska, Monroe, and Wapello.

Court for the Ottumwa Division shall be held at Ottumwa.

§ 96. Kansas

Kansas constitutes one judicial district comprising three divisions.

(1) The First Division comprises the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte.

Court for the First Division shall be held at Kansas City, Leavenworth, Salina, and Topeka.

(2) The Second Division comprises the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, McPherson, Meade, Morton, Ness, Pawnee, Pratt, Reno, Rice, Rush, Scott, Sedgwick, Seward, Stafford, Stanton, Stevens, Sumner, and Wichita.

Court for the Second Division shall be held at Hutchinson and Wichita.

(3) The Third Division comprises the counties of Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson.

Court for the Third Division shall be held at Fort Scott.

§ 97. Kentucky

Kentucky is divided into two judicial districts to be known as the Eastern and Western Districts of Kentucky.

Eastern District

(a) The Eastern District comprises the counties of Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carroll, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Henry, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, Wayne, Whitley, Wolfe, and Woodford.

Court for the Eastern District shall be held at Catlettsburg, Covington, Frankfort, Jackson, Lexington, London, Pikeville, and Richmond.

Western District

(b) The Western District comprises the counties of Adair, Allen, Ballard, Barren, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Russell, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, and Webster.

Court for the Western District shall be held at Bowling Green, Louisville, Owensboro, and Paducah.

§ 98. Louisiana

Louisiana is divided into two judicial districts to be known as the Eastern and Western Districts of Louisiana.

Eastern District

(a) The Eastern District comprises two divisions.

(1) The New Orleans Division comprises the parishes of Assumption, Iberi, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, and Washington.

Court for the New Orleans Division shall be held at New Orleans.

(2) The Baton Rouge Division comprises the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, and West Feliciana.

Court for the Baton Rouge Division shall be held at Baton Rouge.

Western District

(b) The Western District comprises five divisions.

(1) The Opelousas Division comprises the parishes of Evangeline, Lafayette, Saint Landry, Saint Martin, and Vermilion.

Court for the Opelousas Division shall be held at Opelousas.

(2) The Alexandria Division comprises the parishes of Avoyelles, Catahoula, Grant, LaSalle, Rapides, and Winn.

Court for the Alexandria Division shall be held at Alexandria.

(3) The Shreveport Division comprises the parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster.

Court for the Shreveport Division shall be held at Shreveport.

(4) The Monroe Division comprises the parishes of Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

Court for the Monroe Division shall be held at Monroe.

(5) The Lake Charles Division comprises the parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon.

Court for the Lake Charles Division shall be held at Lake Charles.

§ 99. Maine

Maine constitutes one judicial district comprising two divisions.

(1) The Northern Division comprises the counties of Aroostook, Hancock, Penobscot, Piscataquis, Somerset, Waldo, and Washington.

Court for the Northern Division shall be held at Bangor.

(2) The Southern Division comprises the counties of Androscoggin, Cumberland, Franklin, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, and York.

Court for the Southern Division shall be held at Portland.

§ 100. Maryland

Maryland constitutes one judicial district.

Court shall be held at Baltimore, Cumberland, and Denton.

§ 101. Massachusetts

Massachusetts constitutes one judicial district.

Court shall be held at Boston, New Bedford, Springfield, and Worcester.

§ 102. Michigan

Michigan is divided into two judicial districts to be known as the Eastern and Western Districts of Michigan.

Eastern District

(a) The Eastern District comprises two divisions.

(1) The Southern Division comprises the counties of Branch, Calhoun, Clinton, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Washtenaw, and Wayne.

Court for the Southern Division shall be held at Detroit.

(2) The Northern Division comprises the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Shiawassee, and Tuscola.

Court for the Northern Division shall be held at Bay City and Port Huron.

Western District

(b) The Western District comprises two divisions.

(1) The Southern Division comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, and Wexford.

Court for the Southern Division shall be held at Grand Rapids.

(2) The Northern Division comprises the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

Court for the Northern Division shall be held at Marquette and Sault Sainte Marie.

§ 103. Minnesota

Minnesota constitutes one judicial district comprising six divisions.

(1) The First Division comprises the counties of Dodge, Fillmore, Houston, Mower, Olmsted, Steele, Wabasha, and Winona.

Court for the First Division shall be held at Winona.

(2) The Second Division comprises the counties of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lac qui Parle, Le Sueur, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Sibley, Waseca, Watonwan, and Yellow Medicine.

Court for the Second Division shall be held at Mankato.

(3) The Third Division comprises the counties of Chisago, Dakota, Goodhue, Ramsey, Rice, Scott, and Washington.

Court for the Third Division shall be held at Saint Paul.

(4) The Fourth Division comprises the counties of Anoka, Carver, Chippewa, Hennepin, Isanti, Kandiyohi, McLeod, Meeker, Renville, Sherburne, Swift, and Wright.

Court for the Fourth Division shall be held at Minneapolis.

(5) The Fifth Division comprises the counties of Aitkin, Benton, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and Saint Louis.

Court for the Fifth Division shall be held at Duluth.

(6) The Sixth Division comprises the counties of Becker, Beltrami, Big Stone, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

Court for the Sixth Division shall be held at Fergus Falls.

§ 104. Mississippi

Mississippi is divided into two judicial districts to be known as the Northern and Southern Districts of Mississippi.

Northern District

(a) The Northern District comprises three divisions.

(1) Eastern Division comprises the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston.

Court for the Eastern Division shall be held at Aberdeen.

(2) The Western Division comprises the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalobusha.

Court for the Western Division shall be held at Oxford.

(3) The Delta Division comprises the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica.

Court for the Delta Division shall be held at Clarksdale.

Southern District

(b) The Southern District comprises five divisions.

(1) The Jackson Division comprises the counties of Amite, Copiah, Franklin, Hinds, Holmes, Leake, Lincoln, Madison, Pike, Rankin, Scott, Simpson, Smith, Wilkinson, and Yazoo.

Court for the Jackson Division shall be held at Jackson.

(2) The Eastern Division comprises the counties of Clarke, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne.

Court for the Eastern Division shall be held at Meridian.

(3) The Western Division comprises the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington.

Court for the Western Division shall be held at Vicksburg.

(4) The Southern Division comprises the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone.

Court for the Southern Division shall be held at Biloxi.

(5) The Hattiesburg Division comprises the counties of Covington, Forrest, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, and Walthall.

Court for the Hattiesburg Division shall be held at Hattiesburg.

§ 105. Missouri

Missouri is divided into two judicial districts to be known as the Eastern and Western Districts of Missouri.

Eastern District

(a) The Eastern District comprises three divisions.

(1) The Eastern Division comprises the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Montgomery, Phelps, Saint Charles, Saint Francois, Saint Genevieve, Saint Louis, Warren, and Washington, and the city of Saint Louis.

Court for the Eastern Division shall be held at Saint Louis.

(2) The Northern Division comprises the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby.

Court for the Northern Division shall be held at Hannibal.

(3) The Southeastern Division comprises the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne.

Court for the Southeastern Division shall be held at Cape Girardeau.

Western District

(b) The Western District comprises five divisions.

(1) The Western Division comprises the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, Saint Clair, Saline, and Sullivan.

Court for the Western Division shall be held at Chillicothe and Kansas City.

(2) The Southwestern Division comprises the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon.

Court for the Southwestern Division shall be held at Joplin.

(3) The Saint Joseph Division comprises the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Harrison, Holt, Nodaway, Platte, and Worth.

Court for the Saint Joseph Division shall be held at Saint Joseph.

(4) The Central Division comprises the counties of Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis.

Court for the Central Division shall be held at Jefferson City.

(5) The Southern Division comprises the counties of Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright.

Court for the Southern Division shall be held at Springfield.

§ 106. Montana

Montana, exclusive of Yellowstone National Park, constitutes one judicial district.

Court shall be held at Billings, Butte, Glasgow, Great Falls, Havre, Helena, Kalispell, Lewistown, Livingston, Miles City, and Missoula.

§ 107. Nebraska

Nebraska constitutes one judicial district comprising eight divisions.

(1) The Chadron Division comprises the counties of Box Butte, Cherry, Dawes, Sheridan, and Sioux.

Court for the Chadron Division shall be held at Chadron.

(2) The Grand Island Division comprises the counties of Blaine, Buffalo, Custer, Garfield, Grant, Greeley, Hall, Hooker, Howard, Loup, Merrick, Sherman, Thomas, and Valley.

Court for the Grand Island Division shall be held at Grand Island.

(3) The Hastings Division comprises the counties of Adams, Clay, Franklin, Harlan, Kearney, Nuckolls, Phelps, and Webster.

Court for the Hastings Division shall be held at Hastings.

(4) The Lincoln Division comprises the counties of Butler, Cass, Fillmore, Gage, Hamilton, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, and York.

Court for the Lincoln Division shall be held at Lincoln.

(5) The McCook Division comprises the counties of Chase, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Perkins, and Redwillow.

Court for the McCook Division shall be held at McCook.

(6) The Norfolk Division comprises the counties of Antelope, Boyd, Brown, Holt, Keya Paha, Knox, Madison, Pierce, Rock, Stanton, and Wayne.

Court for the Norfolk Division shall be held at Norfolk.

(7) The North Platte Division comprises the counties of Arthur, Banner, Cheyenne, Dawson, Deuel, Garden, Keith, Kimball, Lincoln, Logan, McPherson, Morrill, and Scotts Bluff.

Court for the North Platte Division shall be held at North Platte.

(8) The Omaha Division comprises the counties of Boone, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Nance, Platte, Sarpy, Thurston, Washington, and Wheeler.

Court for the Omaha Division shall be held at Omaha.

§ 108. Nevada

Nevada constitutes one judicial district.

Court shall be held at Carson City, Elko, Las Vegas and Reno

§ 109. New Hampshire

New Hampshire constitutes one judicial district.

Court shall be held at Concord and Littleton.

§ 110. New Jersey

New Jersey constitutes one judicial district.

Court shall be held at Camden, Newark and Trenton.

§ 111. New Mexico

New Mexico constitutes one judicial district.

Court shall be held at Albuquerque, Las Cruces, Las Vegas, Roswell, Santa Fe, and Silver City.

§ 112. New York

New York is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of New York.

Northern District

(a) The Northern District comprises the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington.

Court for the Northern District shall be held at Albany, Auburn, Binghamton, Malone, Syracuse, and Utica.

Southern District

(b) The Southern District comprises the counties of Bronx, Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester and concurrently with the Eastern District, the waters within the Eastern District.

Court for the Southern District shall be held at New York.

Eastern District

(c) The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk and concurrently with the Southern District, the waters within the counties of Bronx and New York.

Court for the Eastern District shall be held at Brooklyn.

Western District

(d) The Western District comprises the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates.

Court for the Western District shall be held at Buffalo, Canandaigua, Elmira, Jamestown, and Rochester.

§ 113. North Carolina

North Carolina is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of North Carolina.

Eastern District

(a) The Eastern District comprises the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

Court for the Eastern District shall be held at Elizabeth City, Fayetteville, New Bern, Raleigh, Washington, Wilmington, and Wilson.

Middle District

(b) The Middle District comprises the counties of Alamance, Alleghany, Ashe, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsythe, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, Watauga, Wilkes, and Yadkin.

Court for the Middle District shall be held at Durham, Greensboro, Rockingham, Salisbury, Wilkesboro, and Winston-Salem.

Western District

(c) The Western District comprises the counties of Alexander, Anson, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, and Yancey.

Court for the Western District shall be held at Asheville, Bryson City, Charlotte, Shelby, and Statesville.

§ 114. North Dakota

North Dakota constitutes one judicial district comprising four divisions.

(1) The Southwestern Division comprises the counties of Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux, Slope, and Stark.

Court for the Southwestern Division shall be held at Bismarck.

(2) The Southeastern Division comprises the counties of Barnes, Cass, Dickey, Eddy, Foster, Griggs, La Moure, Ransom, Richland, Sargent, Sheridan, Steele, Stutsman, and Wells.

Court for the Southeastern Division shall be held at Fargo.

(3) The Northeastern Division comprises the counties of Benson, Bottineau, Cavalier, Grand Forks, McHenry, Nelson, Pembina, Pierce, Ramsey, Rolette, Towner, Traill, and Walsh.

Court for the Northeastern Division shall be held at Grand Forks.

(4) The Northwestern Division comprises the counties of Burke, Divide, McKenzie, Mountrail, Renville, Ward, and Williams.

Court for the Northwestern Division shall be held at Minot.

§ 115. Ohio

Ohio is divided into two judicial districts to be known as the Northern and Southern Districts of Ohio.

Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

Court for the Eastern Division shall be held at Cleveland and Youngstown.

(2) The Western Division comprises the counties of Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Woods, and Wyandot.

Court for the Western Division shall be held at Lima and Toledo.

Southern District

(b) The Southern District comprises two divisions.

(1) The Western Division comprises the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren.

Court for the Western Division shall be held at Cincinnati and Dayton.

(2) The Eastern Division comprises the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington.

Court for the Eastern Division shall be held at Columbus and Steubenville.

§ 116. Oklahoma

Oklahoma is divided into three judicial districts to be known as the Northern, Eastern, and Western Districts of Oklahoma.

Northern District

(a) The Northern District comprises the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington.

Court for the Northern District shall be held at Bartlesville, Miami, Pawhuska, Tulsa, and Vinita.

Eastern District

(b) The Eastern District comprises the counties of Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Garvin, Grady, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Love, McClain, McCurtain, McIntosh, Marshall, Murray, Muskogee, Okfuskee, Okmulgee, Pittsburg, Pontotoc, Pushmataha, Seminole, Sequoyah, Stephens, and Wagoner.

Court for the Eastern District shall be held at Ada, Ardmore, Chickasha, Durant, Hugo, Muskogee, Okmulgee, Pauls Valley, Poteau, and S. McAlester.

Western District

(c) The Western District comprises the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward.

Court for the Western District shall be held at Enid, Guthrie, Lawton, Mangum, Oklahoma City, Ponca City, Shawnee, and Woodward.

§ 117. **Oregon**

Oregon constitutes one judicial district.

Court shall be held at Medford, Klamath Falls, Pendleton, and Portland.

§ 118. **Pennsylvania**

Pennsylvania is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Pennsylvania.

Eastern District

(a) The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

Court for the Eastern District shall be held at Easton and Philadelphia.

Middle District

(b) The Middle District comprises the counties of Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Court for the Middle District shall be held at Harrisburg, Lewisburg, Scranton, Wilkes-Barre, and Williamsport.

Western District

(c) The Western District comprises the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Court for the Western District shall be held at Erie and Pittsburgh.

§ 119. Puerto Rico

Puerto Rico constitutes one judicial district.
Court shall be held at Mayaguez, Ponce, and San Juan.

§ 120. Rhode Island

Rhode Island constitutes one judicial district.
Court shall be held at Providence.

§ 121. South Carolina

South Carolina is divided into two judicial districts to be known as the Eastern and Western Districts of South Carolina.

Eastern District

(a) The Eastern District comprises five divisions.
(1) The Charleston Division comprises the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Georgetown, and Jasper.
Court for the Charleston Division shall be held at Charleston.
(2) The Columbia Division comprises the counties of Kershaw, Lee, Lexington, Richland, and Sumter.
Court for the Columbia Division shall be held at Columbia.
(3) The Florence Division comprises the counties of Chesterfield, Darlington, Dillon, Florence, Horry, Marion, Marlboro, and Williamsburg.
Court for the Florence Division shall be held at Florence.
(4) The Aiken Division comprises the counties of Aiken, Allendale, Barnwell, and Hampton.
Court for the Aiken Division shall be held at Aiken.
(5) The Orangeburg Division comprises the counties of Bamberg, Calhoun, and Orangeburg.
Court for the Orangeburg Division shall be held at Orangeburg.

Western District

(b) The Western District comprises five divisions.
(1) The Greenville Division comprises the counties of Greenville and Laurens.
Court for the Greenville Division shall be held at Greenville.
(2) The Rock Hill Division comprises the counties of Chester, Fairfield, Lancaster, and York.
Court for the Rock Hill Division shall be held at Rock Hill.
(3) The Greenwood Division comprises the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda.
Court for the Greenwood Division shall be held at Greenwood.
(4) The Anderson Division comprises the counties of Anderson, Oconee, and Pickens.
Court for the Anderson Division shall be held at Anderson.
(5) The Spartanburg Division comprises the counties of Cherokee, Spartanburg, and Union.
Court for the Spartanburg Division shall be held at Spartanburg.

§ 122. South Dakota

South Dakota constitutes one judicial district comprising four divisions.

(1) The Northern Division comprises the counties of Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Edmonds, Grant, Hamlin, McPherson, Marshall, Roberts, Spink, and Walworth.
Court for the Northern Division shall be held at Aberdeen.

(2) The Southern Division comprises the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln,

McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton.

Court for the Southern Division shall be held at Sioux Falls.

(3) The Central Division comprises the counties of Armstrong, Buffalo, Dewey, Faulk, Haakon, Hand, Hughes, Hyde, Jackson, Jerauld, Jones, Lyman, Potter, Stanley, Sully, and Ziebach.

Court for the Central Division shall be held at Pierre.

(4) The Western Division comprises the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington.

Court for the Western Division shall be held at Deadwood.

§ 123. Tennessee

Tennessee is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Tennessee.

Eastern District

(a) The Eastern District comprises four divisions.

(1) The Northern Division comprises the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

Court for the Northern Division shall be held at Knoxville.

(2) The Northeastern Division comprises the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington.

Court for the Northeastern Division shall be held at Greenville.

(3) The Southern Division comprises the counties of Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie.

Court for the Southern Division shall be held at Chattanooga.

(4) The Winchester Division comprises the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

Court for the Winchester Division shall be held at Winchester.

Middle District

(b) The Middle District comprises three divisions.

(1) The Nashville Division comprises the counties of Cannon, Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

Court for the Nashville Division shall be held at Nashville.

(2) The Northeastern Division comprises the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White.

Court for the Northeastern Division shall be held at Cookeville.

(3) The Columbia Division comprises the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, and Wayne.

Court for the Columbia Division shall be held at Columbia.

Western District

(c) The Western District comprises two divisions.

(1) The Eastern Division comprises the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley.

The Eastern Division also includes the waters of Tennessee River

to low-water mark on the eastern shore wherever such river forms the boundary between the western and middle districts from the north line of Alabama north to the point in Henry County, Tennessee, where the south boundary of Kentucky strikes the east bank of the river.

Court for the Eastern Division shall be held at Jackson.

(2) The Western Division comprises the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton.

Court for the Western Division shall be held at Memphis.

The district judge for the Eastern District in office on November 27, 1940, shall hold court in the Northern and Northeastern Divisions. The other judge of that district shall hold the terms of court in the Southern and Winchester Divisions. Each may appoint and remove all officers and employees of the court whose official headquarters are located in the divisions within which he holds court and whose appointments are vested by law in a district judge or chief judge of a district.

§ 124. Texas

Texas is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of Texas.

Northern District

(a) The Northern District comprises seven divisions.

(1) The Dallas Division comprises the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall.

Court for the Dallas Division shall be held at Dallas.

(2) The Fort Worth Division comprises the counties of Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Court for the Fort Worth Division shall be held at Fort Worth.

(3) The Abilene Division comprises the counties of Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackleford, Stephens, Stonewall, Taylor, and Throckmorton.

Court for the Abilene Division shall be held at Abilene.

(4) The San Angelo Division comprises the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green.

Court for the San Angelo Division shall be held at San Angelo.

(5) The Amarillo Division comprises the counties of Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Court for the Amarillo Division shall be held at Amarillo.

(6) The Wichita Falls Division comprises the counties of Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

Court for the Wichita Falls Division shall be held at Wichita Falls.

(7) The Lubbock Division comprises the counties of Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum.

Court for the Lubbock Division shall be held at Lubbock.

Southern District

(b) The Southern District comprises six divisions.

(1) The Galveston Division comprises the counties of Austin, Brazoria, Chambers, Fort Bend, Galveston, Matagorda, and Wharton.

Court for the Galveston Division shall be held at Galveston.

(2) The Houston Division comprises the counties of Brazos, Colorado, Fayette, Grimes, Harris, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, and Waller.

Court for the Houston Division shall be held at Houston.

(3) The Laredo Division comprises the counties of Jim Hogg, La Salle, McMullen, Webb, and Zapata.

Court for the Laredo Division shall be held at Laredo.

(4) The Brownsville Division comprises the counties of Cameron, Hidalgo, Starr, and Willacy.

Court for the Brownsville Division shall be held at Brownsville.

(5) The Victoria Division comprises the counties of Calhoun, DeWitt, Goliad, Jackson, Lavaca, Refugio, and Victoria.

Court for the Victoria Division shall be held at Victoria.

(6) The Corpus Christi Division comprises the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleburg, Live Oak, Nueces, and San Patricio.

Court for the Corpus Christi Division shall be held at Corpus Christi.

Eastern District

(c) The Eastern District comprises six divisions.

(1) The Tyler Division comprises the counties of Anderson, Angelina, Cherokee, Gregg, Henderson, Houston, Nacogdoches, Panola, Rains, Rusk, Smith, Van Zandt, and Wood.

Court for the Tyler Division shall be held at Tyler.

(2) The Beaumont Division comprises the counties of Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine, Shelby, and Tyler.

Court for the Beaumont Division shall be held at Beaumont.

(3) The Sherman Division comprises the counties of Collin, Cook, Denton, and Grayson.

Court for the Sherman Division shall be held at Sherman.

(4) The Paris Division comprises the counties of Delta, Fannin, Lamar, and Red River.

Court for the Paris Division shall be held at Paris.

(5) The Jefferson Division comprises the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur.

Court for the Jefferson Division shall be held at Jefferson.

(6) The Texarkana Division comprises the counties of Bowie, Franklin, and Titus.

Court for the Texarkana Division shall be held at Texarkana.

Western District

(d) The Western District comprises six divisions.

(1) The Austin Division comprises the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson.

Court for the Austin Division shall be held at Austin.

(2) The Waco Division comprises the counties of Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell.

Court for the Waco Division shall be held at Waco.

(3) The El Paso Division comprises the counties of Brewster, Culberson, El Paso, Hudspeth, and Presidio.

Court for the El Paso Division shall be held at El Paso.

(4) The San Antonio Division comprises the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, and Wilson.

Court for the San Antonio Division shall be held at San Antonio.

(5) The Del Rio Division comprises the counties of Kinney, Maverick, Terrell, Uvalde, Val Verde, and Zavalla.

Court for the Del Rio Division shall be held at Del Rio.

(6) The Pecos Division comprises the counties of Andrews, Crane, Ector, Jeff Davis, Loving, Martin, Midland, Pecos, Reeves, Upton, Ward, and Winkler.

Court for the Pecos Division shall be held at Pecos.

§ 125. Utah

Utah constitutes one judicial district comprising two divisions.

(1) The Northern Division comprises the counties of Box Elder, Cache, Davis, Morgan, Rich, and Weber.

Court for the Northern Division shall be held at Ogden.

(2) The Central Division comprises the counties of Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Wayne.

Court for the Central Division shall be held at Salt Lake City.

§ 126. Vermont

Vermont constitutes one judicial district.

Court shall be held at Brattleboro, Burlington, Rutland, and Windsor.

§ 127. Virginia

Virginia is divided into two judicial districts, to be known as the Eastern and Western districts of Virginia.

Eastern District

(a) The Eastern District comprises the counties of Accomac, Amelia, Arlington, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Court for the Eastern District shall be held at Alexandria, Newport News, Norfolk, and Richmond.

Western District

(b) The Western District comprises the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

Court for the Western District shall be held at Abingdon, Big

Stone Gap, Charlottesville, Danville, Harrisonburg, Lynchburg, and Roanoke.

§ 128. Washington

Washington is divided into two judicial districts to be known as the Eastern and Western Districts of Washington.

Eastern District

(a) The Eastern District comprises two divisions.

(1) The Northern Division comprises the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman.

Court for the Northern Division shall be held at Spokane.

(2) The Southern Division comprises the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla, and Yakima.

Court for the Southern Division shall be held at Yakima and Walla Walla.

Western District

(b) The Western District comprises two divisions.

(1) The Northern Division comprises the counties of Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom.

Court for the Northern Division shall be held at Bellingham and Seattle.

(2) The Southern Division comprises the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

Court for the Southern Division shall be held at Tacoma.

§ 129. West Virginia

West Virginia is divided into two judicial districts to be known as the Northern and Southern Districts of West Virginia.

Northern District

(a) The Northern District comprises the counties of Barbour, Berkeley, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt, and Wood.

Court for the Northern District shall be held at Clarksburg, Elkins, Fairmont, Martinsburg, Parkersburg, and Wheeling.

Southern District

(b) The Southern District comprises the counties of Boone, Braxton, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, and Wyoming.

Court for the Southern District shall be held at Beckley, Bluefield, Charleston, Huntington, and Lewisburg.

§ 130. Wisconsin

Wisconsin is divided into two judicial districts to be known as the Eastern and Western districts of Wisconsin.

Eastern District

(a) The Eastern District comprises the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.

Court for the Eastern District shall be held at Green Bay, Milwaukee, and Oshkosh.

Western District

(b) The Western District comprises the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood.

Court for the Western District shall be held at Eau Claire, La Crosse, Madison, Superior, and Wausau.

§ 131. Wyoming

Wyoming and those portions of Yellowstone National Park situated in Montana and Idaho constitute one judicial district.

Court shall be held at Casper, Cheyenne, Evanston, Lander, and Sheridan.

§ 132. Creation and composition of district courts

(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.

(b) Each district court shall consist of the district judge or judges for the district in active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.

(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

§ 133. Appointment and number of district judges

The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

Districts	Judges	Districts	Judges
Alabama:		Colorado	1
Northern	2	Connecticut	2
Middle	1	Delaware	1
Southern	1	District of Columbia	12
Arizona	2	Florida:	
Arkansas:		Northern	1
Eastern	1	Southern	3
Western	1	Georgia:	
Eastern and Western	1	Northern	1
California:		Middle	1
Northern	5	Southern	1
Southern	8	Hawaii	2

Districts	Judges
Idaho	1
Illinois:	
Northern	6
Southern	2
Eastern	2
Indiana:	
Northern	1
Southern	1
Iowa:	
Northern	1
Southern	1
Kansas	1
Kentucky:	
Eastern	1
Western	1
Eastern and Western	1
Louisiana:	
Eastern	2
Western	2
Maine	1
Maryland	2
Massachusetts	4
Michigan:	
Eastern	5
Western	1
Minnesota	4
Mississippi:	
Northern	1
Southern	1
Missouri:	
Eastern	2
Western	2
Eastern and Western	1
Montana	2
Nebraska	2
Nevada	1
New Hampshire	1
New Jersey	5
New Mexico	1
New York:	
Northern	2
Southern	12
Eastern	6
Western	2
North Carolina:	
Eastern	1
Western	1
Middle	1
North Dakota	1
Ohio:	
Northern	3
Southern	3
Oklahoma:	
Northern	1
Eastern	1
Western	1
Northern, Eastern, and Western	1
Oregon	2
Pennsylvania:	
Eastern	5
Middle	2
Western	3
Puerto Rico	1
Rhode Island	1
South Carolina:	
Eastern	1
Western	1
Eastern and Western	1
South Dakota	1
Tennessee:	
Eastern	2
Middle	1
Western	1
Texas:	
Northern	3
Southern	2
Eastern	1
Western	2
Utah	1
Vermont	1
Virginia:	
Eastern	2
Western	2
Washington:	
Eastern	1
Western	2
Eastern and Western	1
West Virginia:	
Northern	1
Southern	1
Wisconsin:	
Eastern	1
Western	1
Wyoming	1

Only citizens of the Territory of Hawaii who have resided therein for at least three years next preceding shall be eligible for appointment as district judges for the district of Hawaii.

§ 134. Tenure and residence of district judges

(a) The district judges, except in Hawaii and Puerto Rico, shall hold office during good behavior. The district judges in Hawaii and Puerto Rico shall hold office for terms of six and eight years, respectively, and until their successors are appointed and qualified.

(b) Each district judge, except in the District of Columbia, shall reside in the district or one of the districts for which he is appointed.

§ 135. Salaries of district judges

Each judge of a district court of the United States shall receive a salary of $15,000 a year.

The chief judge of the District Court for the District of Columbia shall receive a salary of $15,500 a year.

§ 136. Chief judges; precedence of district judges

(a) In each district having more than one judge the district judge senior in commission shall be the chief judge of the district court.

(b) The chief judge shall have precedence and preside at any session which he attends.

Other district judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

(c) A judge whose commission extends over more than one district shall be junior to all district judges except in the district in which he resided at the time he entered upon the duties of his office.

(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as district judge, he may so certify to the Chief Justice of the United States, and thereafter the district judge in active service next in precedence and willing to serve shall be designated by the Chief Justice as the chief judge of the district court.

(e) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the district judge in active service, present in the district and able and qualified to act, who is next in precedence.

§ 137. Division of business among district judges

The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders.

§ 138. Times for holding regular terms

The times for holding regular terms of court at the places fixed by this chapter shall be determined by rule of the district court.

§ 139. Term continued until terminated

A term of a district court continues for all purposes until terminated by order of final adjournment or by commencement of the next general or special term at the same place.

§ 140. Adjournment

(a) Any district court may by order made anywhere within its district, adjourn, or with the consent of the judicial council of the circuit, pretermit any term of court for insufficient business or other good cause.

(b) If the judge of a district court is unable to attend and unable to make an order of adjournment, the clerk may adjourn the court to the next regular term or to any earlier day which he may determine.

§ 141. Special terms; places; notice

Special terms of district court may be held at such places in the district as the nature of the business may require, and upon such

notice as the court orders, pursuant to rules approved by the judicial council of the circuit.

Any business may be transacted at a special term which might be transacted at a regular term.

§ 142. Accommodations at places for holding court

Court shall be held only at places where Federal quarters and accommodations are available, or suitable quarters and accommodations are furnished without cost to the United States.

§ 143. Vacant judgeship as affecting proceedings

When the office of a district judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

§ 144. Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit as to any judge. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

CHAPTER 7—COURT OF CLAIMS

Sec.

171. Appointment and number of judges.
172. Precedence of judges.
173. Tenure and salaries of judges.
174. Terms.
175. Quorum.

§ 171. Appointment and number of judges

The President shall appoint, by and with the advice and consent of the Senate, a chief judge and four associate judges who shall constitute a court of record known as the United States Court of Claims.

§ 172. Precedence of judges

The chief judge of the Court of Claims shall have precedence and preside at any session of the court which he attends.

The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

§ 173. Tenure and salaries of judges

The chief judge and associate judges of the Court of Claims shall hold office during good behavior. Each shall receive a salary of $17,500 a year.

§ 174. Terms

The Court of Claims shall hold at the seat of government an annual term at a time to be fixed by rule of court.

§ 175. Quorum

Three judges of the Court of Claims constitute a quorum. The concurrence of three judges is necessary to any decision.

CHAPTER 9—COURT OF CUSTOMS AND PATENT APPEALS

Sec.
211. Appointment and number of judges.
212. Precedence of judges.
213. Tenure and salaries of judges.
214. Sessions.
215. Quorum.
216. Opinions.

§ 211. Appointment and number of judges

The President shall appoint, by and with the advice and consent of the Senate, a chief judge and four associate judges who shall constitute a court of record known as the United States Court of Customs and Patent Appeals.

§ 212. Precedence of judges.

The chief judge of the Court of Customs and Patent Appeals shall have precedence and preside at any session of the court which he attends.

The associate judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

§ 213. Tenure and salaries of judges

Judges of the Court of Customs and Patent Appeals shall hold office during good behavior. Each shall receive a salary of $17,500 a year.

§ 214. Sessions

The Court of Customs and Patent Appeals may hold court at such times and places as it may fix by rule.

§ 215. Quorum

Three judges of the Court of Customs and Patent Appeals constitute a quorum. The concurrence of three judges is necessary to any decision.

§ 216. Opinions

The Court of Customs and Patent Appeals, on each appeal from a Patent Office decision, shall file a written opinion as part of the record and send a certified copy to the Commissioner of Patents who shall record it in the Patent Office.

CHAPTER 11—CUSTOMS COURT

Sec.
251. Appointment and number of judges; offices.
252. Tenure and salaries of judges.
253. Duties of chief judge; precedence of judges.
254. Divisions; powers and assignments.
255. Publication of decisions.

§ 251. Appointment and number of judges; offices

The President shall appoint, by and with the advice and consent of the Senate, nine judges who shall constitute a court of record known as the United States Customs Court. Not more than five of such judges shall be appointed from the same political party.

The President shall designate from time to time one of the judges to act as chief judge.

The offices of the court shall be located at the port of New York.

§ 252. Tenure and salaries of judges

Judge of the Customs Court shall hold office during good behavior. Each shall receive a salary of $15,000 a year.

§ 253. Duties of chief judge; precedence of judges

The chief judge of the Customs Court shall control the fiscal affairs and clerical force of the court; assign or reassign, before trial and under rules of the court, any case for hearing, determination, or both; and promulgate dockets.

The chief judge shall have precedence and preside at any session of the court which he attends. If he is temporarily unable to perform his duties as such, they shall be performed by the judge in active service, who is present, able and qualified to act, and next in precedence.

Judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

§ 254. Divisions; powers and assignments

The chief judge of the Customs Court shall divide the judges of such court into three divisions of three judges each, to hear and determine applications for the review of reappraisements of merchandise, protests against decisions of collectors, petitions for remission of additional duties and such other matters within the jurisdiction of the court as the chief judge may assign to them.

The chief judge may sit in any division. He may when necessary assign other judges to any division.

The chief judge may designate a judge or a division and necessary clerical assistants to proceed to any port within the jurisdiction of the United States to hear and determine cases assigned for hearing at such port.

A majority of the judges of any division may hear and determine all cases and questions pending therein.

§ 255. Publication of decisions

All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury and the collector for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions.

CHAPTER 13—ASSIGNMENT OF JUDGES TO OTHER COURTS

Sec.

291. Circuit judges.
292. District judges.
293. Circuit or district judges to Court of Customs and Patent Appeals.
294. Assignment of retired justices or judges to active duty.
295. Conditions upon designation and assignment.
296. Powers upon designation and assignment.

§ 291. Circuit judges

(a) The Chief Justice of the United States may designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

(b) The Chief Justice of the United States may designate and assign temporarily a judge of the Court of Customs and Patent Appeals to serve as a judge of the Court of Appeals or the District Court for the District of Columbia when requested by the chief judge of the court in need of such assistance.

(c) The chief judge of a circuit or the circuit justice may, in the public interest, designate and assign temporarily any circuit judge within the circuit, including a judge designated and assigned to temporary duty therein, to hold a district court in any district within the circuit.

§ 292. District judges

(a) The chief judge of a circuit may designate and assign one or more district judges within the circuit to sit upon the court of appeals or a division thereof whenever the business of that court so requires. Such designations or assignments shall be in conformity with the rules or orders of the court of appeals of the circuit.

(b) The chief judge of a circuit may, in the public interest, designate and assign temporarily any district judge of the circuit to hold a district court in any district within the circuit.

(c) The Chief Justice of the United States may designate and assign temporarily a district judge of one circuit for service in another circuit, either in a district court or court of appeals, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

§ 293. Circuit or district judges to court of customs and patent appeals

The Chief Justice of the United States may, upon presentation to him by the chief judge of the Court of Customs and Patent Appeals of a certificate of necessity, designate and assign temporarily any circuit or district judge to perform such duties as judge of the Court of Customs and Patent Appeals as he is willing to undertake.

§ 294. Assignment of retired justices or judges to active duty

(a) Any retired Chief Justice of the United States or associate justice of the Supreme Court may be designated and assigned by the Chief Justice of the United States to perform such judicial duties in any circuit, including those of a circuit justice, as he is willing to undertake.

(b) Any retired circuit or district judge may be designated and assigned to perform such judicial duties in any circuit as he is willing to undertake. Designation and assignment of such judge for service within his circuit shall be made by the chief judge or judicial council of the circuit. Designation and assignment for service elsewhere shall be made by the Chief Justice of the United States.

(c) Any retired judge of any other court of the United States may be called upon by the chief judge of such court to perform such judicial duties in such court as he is willing to undertake.

(d) No retired justice or judge shall perform judicial duties except when designated and assigned.

§ 295. Conditions upon designation and assignment

No designation and assignment shall be made without the consent of the chief judge or judicial council of the circuit from which a judge is to be designated and assigned.

All designations and assignments of justices and judges shall be filed with the clerks and entered on the minutes of the courts from and to which made.

The Chief Justice of the United States, a circuit justice or a chief judge of a circuit may make new designations and assignments in accordance with the provisions of this chapter, and may revoke those previously made by him.

§ 296. Powers upon designation and assignment

A justice or judge shall discharge, during the period of his designation and assignment, all judicial duties for which he is designated and assigned. He may be required to perform any duty which might be required of a judge of the court or district or circuit to which he is designated and assigned.

Such justice or judge shall have all the powers of a judge of the court, circuit or district to which he is designated and assigned, except

the power to appoint any person to a statutory position or to designate permanently a depository of funds or a newspaper for publication of legal notices.

A justice or judge who has sat by designation and assignment in another district or circuit may, notwithstanding his absence from such district or circuit or the expiration of the period of his designation and assignment, decide or join in the decision and final disposition of all matters submitted to him during such period and in the consideration and disposition of applications for rehearing or further proceedings in such matters.

CHAPTER 15—CONFERENCES AND COUNCILS OF JUDGES

Sec.

331. Judicial Conference of the United States.
332. Judicial councils.
333. Judicial conferences of circuits.

§ 331. Judicial Conference of the United States

The Chief Justice of the United States shall summon annually the chief judges of the judicial circuits to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States.

If the chief judge of any circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit. Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the conference and advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

Survey of condition of business in U. S. courts.

The conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary, and shall submit suggestions to the various courts, in the interest of uniformity and expedition of business.

Report of Attorney General.

The Attorney General shall, upon request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to cases to which the United States is a party.

Report to Congress.

The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

§ 332. Judicial councils

The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council of the circuit judges for the circuit, in active service, at which he shall preside. Each circuit judge, unless excused by the chief judge, shall attend all sessions of the council.

The council shall be known as the Judicial Council of the circuit.

The chief judge shall submit to the council the quarterly reports of the Director of the Administrative Office of the United States Courts. The council shall take such action thereon as may be necessary.

Each judicial council shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit. The district judges shall promptly carry into effect all orders of the judicial council.

§ 333. Judicial conferences of circuits

The chief judge of each circuit shall summon annually the circuit and district judges of the circuit, in active service and residing within the continental United States, to a conference at a time and place that he designates, for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He shall preside at such conference, which shall be known as the Judicial Conference of the circuit.

Every judge summoned shall attend, and unless excused by the chief judge, shall remain throughout the conference.

The court of appeals for each circuit shall provide by its rules for representation and active participation at such conference by members of the bar of such circuit.

CHAPTER 17—RESIGNATION AND RETIREMENT OF JUDGES

Sec.

371. Resignation or retirement for age; substitute judge on failure to retire.
372. Retirement for disability.
373. Judges in Territories and Possessions.
374. Residence of retired judges.

§ 371. Resignation or retirement for age; substitute judge on failure to retire

Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.

Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office.

Appointment of successor to retiring judge.

The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

Appointment of additional judge.

Whenever any circuit or district judge eligible to resign or retire under this section does neither, and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. If such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled.

Any circuit or district judge who retires or whose disability causes the appointment of an additional judge, shall, for purposes of precedence, be treated as junior to the other judges of the circuit or district.

§ 372. Retirement for disability

Any justice or judge of the United States appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President may appoint a successor.

Certification of disability.

Any justice or judge of the United States desiring to retire under this section shall certify to the President his disability in writing.

Whenever an associate justice of the Supreme Court, a chief judge of a circuit or the chief judge of the Court of Claims, Court of Customs

and Patent Appeals or Customs Court, desires to retire, he shall furnish to the President a certificate of disability signed by the Chief Justice of the United States.

A circuit or district judge, desiring to retire, shall furnish to the President a certificate of disability signed by the chief judge of his circuit.

A judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court desiring to retire, shall furnish to the President a certificate of disability signed by the chief judge of his court.

Compensation.

Each justice or judge retiring under this section after serving ten years shall, during the remainder of his lifetime, receive the salary of the office. A justice or judge retiring under this section who has served less than ten years shall, during the remainder of his lifetime, receive one-half the salary of the office.

§ 373. Judges in Territories and Possessions

Any judge of the United States District Courts for the districts of Hawaii or Puerto Rico, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone or the District Court of the Virgin Islands and any justice of the Supreme Court of the Territory of Hawaii who resigns, retires, or fails of reappointment or is removed by the President of the United States upon the sole ground of mental or physical disability, after attaining the age of seventy years and after serving as judge of one or more of such courts, at least sixteen years, continuously or otherwise, shall continue to receive the salary which he received when he relinquished office.

If such service aggregated less than sixteen years but not less than ten years he shall receive that proportion of such salary which the total aggregate number of years of his service bears to sixteen.

Service in any of such courts shall be included in the computation of aggregate years of service.

§ 374. Residence of retired judges

Retired judges of the United States are not subject to restrictions as to residence.

CHAPTER 19—DISTRIBUTION OF REPORTS AND DIGESTS

Sec.

411. Supreme Court reports and digests; printing, binding, and distribution.
412. Supreme Court reports; cost and sale.
413. Reports, digests, and other publications; purchase and distribution.
414. Transmittal of books to successors.
415. Court of Claims decisions.

§ 411. Supreme Court reports and digests; printing, binding, and distribution

Decisions of Supreme Court.

(a) The decisions of the Supreme Court shall be printed, bound, and issued as soon as practicable after rendition. Distribution under this section shall not be made to any place where the court is held in a building not owned by the United States unless the volumes are committed to the custody of a United States officer there.

The Attorney General shall distribute one copy of each volume to: The President; Secretary of State; Secretary of the Treasury; Secretary of War; Secretary of the Navy; Secretary of the Interior; Postmaster General; Attorney General; Secretary of Agriculture; Secretary of Commerce; Secretary of Labor; Solicitor General; the Assistant to the Attorney General; each Assistant Attorney General; each United States attorney; each Assistant Secretary of each executive department; each Assistant Postmaster General; Secretary of

the Senate for use of Senate; Clerk of the House of Representatives for use of House; Senate Office of the Legislative Counsel; House Office of the Legislative Counsel; Governors of the Territories; Legal Adviser for Department of State; Treasurer of United States; General Counsel for Treasury Department; Comptroller General of the United States; Assistant Comptroller General; General Counsel of General Accounting Office; each chief of divisions in the General Accounting Office; Comptroller of the Currency; Director of the Budget; Assistant Director of the Budget; Commissioner of Internal Revenue; Director of the Mint; General Counsel of Bureau of the Budget; Judge Advocate General of the Army; Chief of Finance, War Department; Judge Advocate General of the Navy; Paymaster General of the Navy; Commissioner of Indian Affairs; Commissioner of the General Land Office; Administrator of Veterans' Affairs; Commissioner of Patents; Commissioner of Education; Chief of the Bureau of Marine Inspection and Navigation; Commissioner of Immigration and Naturalization; Director of the Geological Survey; Director of the Census; Chief Forester, National Park Service, Department of the Interior; Purchasing Agent of Post Office Department; Federal Trade Commission; Naval Academy; Military Academy; the heads of such other executive offices as may be provided by law of equal grade with any of such offices.

The Director of the Administrative Office of the United States Courts shall distribute one copy of each volume to the Clerk and one copy to the Marshal of the Supreme Court of the United States and one copy to each justice or judge of the United States and of the courts of the Territories and Possessions, and to each place where a court of appeals or district court is regularly held.

(b) Additional copies of such decisions, in the number specified, shall be distributed by the Attorney General to: Interstate Commerce Commission—sixteen copies; Library of Congress for the use of the law library and for international exchange—not to exceed one hundred and fifty copies each of the bound and advance editions; Law Library of the Department of the Interior—two copies; Law Library of the Department of Justice—five copies; Law Library of the Judge Advocate General of the Army—two copies; Secretary of the Senate for the use of committees of the Senate—thirty copies; Clerk of the House of Representatives for the use of committees of the House—thirty-five copies; Secretary of War for military headquarters which exercise general courtmartial jurisdiction—such number as the Secretary may specify, but not to exceed twenty-five copies in time of peace.

Additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the Director of the Administrative Office of the United States Courts to the Supreme Court for use of the justices, retired justices, officers and employees, and library of the Supreme Court.

Reports and digests.

(c) The Attorney General shall distribute one set of reports and one set of digests thereof to the executive officers entitled to receive such reports who have not received them and to each United States attorney who has not received them. The Director of the Administrative Office of the United States Courts shall distribute one set of reports and one set of digests thereof to each judge of the United States and of the courts of the Territories and Possessions who has not received them and to each of the places where courts of appeals or district courts are held to which reports have not been distributed

Reports and digests printed prior to June 12, 1926, shall not be furnished to the Secretary of War for military headquarters.

The Public Printer or other printer designated by the Supreme

Court, upon request, shall furnish to the Attorney General or to the Director of the Administrative Office of the United States Courts, as the case may be, reports required to be distributed under this section.

§ 412. Supreme Court reports; cost and sale

The cost of furnishing reports of the decisions of the Supreme Court in bound volumes and pamphlets shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be. The Public Printer or other printer designated by the Supreme Court, shall print such additional bound and pamphlet copies of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents at cost, plus 10 per centum, without limit as to the use, number of copies to any one applicant, or resale at a reasonable profit.

§ 413. Reports, digests, and other publications; purchase and distribution

The Attorney General may procure and distribute a complete set of the Federal Reporter or other publication containing the decisions of the courts of appeals, former circuit courts, and district courts, digests and continuations thereof to the Department of Justice, the Solicitor General, the General Counsel for the Department of the Treasury, the Solicitor of the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission.

He may also procure and distribute three complete sets to the Secretary of the Senate for use of the Senate and to the Clerk of the House of Representatives for use of the House.

The Director of the Administrative Office of the United States Courts may procure and distribute a complete set of such publications to each judge of the United States and to the Court of Claims, Court of Customs and Patent Appeals, Customs Court, Tax Court, and each place where a court of appeals or district court is regularly held.

Whenever any such court, office, or officer has a partial set of any such reports or digests already purchased or owned by the United States, the Attorney General or the Director, as the case may be, shall distribute only sufficient volumes to make a complete set thereof.

Distribution under this section shall not be made to any place where court is held in a building not owned by the United States, unless the volumes are committed to the custody of a United States officer there.

§ 414. Transmittal of books to successors

All government publications and law books furnished to justices and judges of the United States and of the Territorial Courts, United States attorneys, clerks of courts, and other officers of the United States shall be transmitted to their successors in office. All permanent or bound books and publications furnished under this chapter except those books furnished to the Library of Congress for international exchange shall remain the property of the United States and shall be marked plainly, "The Property of the United States".

§ 415. Court of Claims decisions

At the end of every term of the Court of Claims the clerk thereof shall distribute one copy of each decision of such court to: (1) The heads of departments, (2) General Counsel for Treasury Department, (3) Comptroller General of the United States, (4) Commissioner of the General Land Office, (5) Commissioner of Indian Affairs, (6) Chiefs of bureaus, and (7) Officers charged with adjustment of claims against the United States.

CHAPTER 21—GENERAL PROVISIONS APPLICABLE TO COURTS AND JUDGES

Sec.
451. Definitions.
452. Courts always open; powers unrestricted by terms.
453. Oath of justices and judges.
454. Practice of law by justices and judges.
455. Interest of justice or judge.
456. Traveling expenses of justices and judges.
457. Records; obsolete papers.
458. Relative of justice or judge ineligible to appointment.
459. Administration of oaths and acknowledgments.
460. Application to Alaska, Canal Zone and Virgin Islands.

§ 451. Definitions

As used in this title:

The term "court of the United States" includes the Supreme Court of the United States, courts of appeals, district courts constituted by chapter 5 of this title, including the district courts of the United States for the districts of Hawaii and Puerto Rico, the Court of Claims, the Court of Customs and Patent Appeals, the Customs Court and any court created by Act of Congress the judges of which are entitled to hold office during good behavior. "Court of the United States."

Ante, p. 872.

The terms "district court" and "district court of the United States" mean the courts constituted by chapter 5 of this title. "District court"; "district court of the United States."

The term "judge of the United States" includes judges of the courts of appeals, district courts, Court of Claims, Court of Customs and Patent Appeals, Customs Court and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior. "Judge of the United States."

The term "justice of the United States" includes the Chief Justice of the United States and the associate justices of the Supreme Court. "Justice of the United States."

The term "district" and "judicial district" mean the districts enumerated in Chapter 5 of this title. "District"; "judicial district."

The term "department" means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government. "Department."

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense. "Agency."

§ 452. Courts always open; powers unrestricted by terms

All courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders.

The continued existence or expiration of a term of court in no way affects the power of the court to do any act or take any proceeding.

§ 453. Oaths of justices and judges

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, ———— ————, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ———— according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."

§ 454. Practice of law by justices and judges

Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.

§ 455. Interest of justice or judge

Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

§ 456. Traveling expenses of justices and judges

Each justice or judge of the United States and each retired justice or judge recalled or designated and assigned to active duty, shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding $10 per day, while attending court or transacting official business at a place other than his official station.

The official station of the Chief Justice of the United States, the justices of the Supreme Court and the judges of the Court of Claims, the Court of Customs and Patent Appeals, the United States Court of Appeals for the District of Columbia, and the United States District Court for the District of Columbia, shall be the District of Columbia.

The official station of the judges of the Customs Court shall be New York City.

The official station of each circuit and district judge, including each district judge in the Territories and Possessions, shall be that place nearest his residence at which a district court is regularly held.

Each circuit judge and each district judge whose official station is not fixed expressly herein shall upon his appointment and from time to time thereafter, as his residence may change, notify the Director of the Administrative Office of the United States Courts in writing of his residence and official station.

§ 457. Records; obsolete papers

The records of district courts and of courts of appeals shall be kept at one or more of the places where court is held. Such places shall be designated by the respective courts except when otherwise directed by the judicial council of the circuit.

Papers of any court established by Act of Congress which have become obsolete and are no longer necessary or useful, may be disposed of with the approval of the court concerned in the manner provided by sections 366–380 of Title 44 and in accordance with the rules of the Judicial Conference of the United States.

§ 458. Relative of justice or judge ineligible to appointment

No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to any justice or judge of such court.

§ 459. Administration of oaths and acknowledgments

Each justice or judge of the United States may administer oaths and affirmations and take acknowledgments.

§ 460. Application to Alaska, Canal Zone and Virgin Islands

Sections 452–459 of this chapter shall also apply to the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands and the judges thereof.

PART II—UNITED STATES ATTORNEYS AND MARSHALS

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CHAPTER 31—UNITED STATES ATTORNEYS

Sec.
501. Appointment of United States attorneys.
502. Appointment of assistant United States attorneys.
503. Appointment of attorneys.
504. Tenure and oath of office; removal.
505. Residence.
506. Vacancies.
507. Duties; supervision by Attorney General.
508. Salaries.
509. Expenses.
510. Clerical assistants and messengers.

§ 501. Appointment of United States attorneys

The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

Only citizens of the Territory of Hawaii who have resided therein for at least three years next preceding shall be eligible for appointment as United States attorney for the district of Hawaii.

§ 502. Appointment of assistant United States attorneys

The Attorney General may appoint one or more assistant United States attorneys in any district when the public interest so requires.

§ 503. Appointment of attorneys

The Attorney General may appoint attorneys to assist United States attorneys when the public interest so requires.

§ 504. Tenure and oath of office; removal

(a) The United States attorney for each judicial district shall be appointed for a term of four years, except in the district of Hawaii, where the term shall be six years. Upon the expiration of his term a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

(b) Each United States attorney shall be subject to removal by the President. Each assistant United States attorney and each attorney appointed under section 503 of this title shall be subject to removal by the Attorney General. *Supra.*

(c) Each of such officials, before taking office, shall take an oath to execute faithfully his duties.

§ 505. Residence

Each United States attorney and assistant United States attorney must reside in the district for which he is appointed, except that such officers of the District of Columbia and the Southern District of New York may reside within twenty miles of the District.

The Attorney General may determine the official stations of United States attorneys and assistant United States attorneys within the districts for which they are appointed.

§ 506. Vacancies

The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

§ 507. Duties; supervision by Attorney General

(a) It shall be the duty of each United States attorney, within his district, to:

(1) Prosecute for all offenses against the United States;

(2) Prosecute or defend, for the government, all civil actions, suits or proceedings in which the United States is concerned;

(3) Appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury;

(4) Institute and prosecute proceedings for the collection of fines, penalties and forfeitures incurred for violation of any revenue law unless satisfied upon investigation that justice does not require such proceedings;

(5) Make such reports as the Attorney General shall direct.

(b) The Attorney General shall have supervision over all litigation to which the United States or any agency thereof is a party and shall direct all United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title, in the discharge of their respective duties.

Ante, p. 909.

§ 508. Salaries

The Attorney General shall fix the salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title.

Ante, p. 909.

§ 509. Expenses

Necessary office expenses of United States attorneys shall be allowed when authorized by the Attorney General.

Necessary travel and subsistence expenses of United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title, while absent from their official stations on official business shall be allowed in accordance with regulations promulgated by the Attorney General.

§ 510. Clerical assistants and messengers

Clerical assistants and messengers for United States attorneys may be employed upon approval of and at salaries fixed by the Attorney General.

CHAPTER 33—UNITED STATES MARSHALS

Sec.

541. Appointment, residence and tenure of marshals.
542. Appointment and tenure of deputies and assistants.
543. Oath of office.
544. Bond.
545. Vacancies.
546. Death of marshal.
547. Powers and duties generally; supervision by Attorney General.
548. Administration of oaths.
549. Power as sheriff.
550. Disbursement of salaries and expenses.
551. Collection of fees; accounting.
552. Salaries of marshals, deputies and assistants.
553. Expenses of marshals.
554. Delivery of prisoners to successor.
555. Delivery of unserved process to successor.
556. Practice of law restricted.

§ 541. Appointment, residence and tenure of marshals

(a) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district.

(b) The Attorney General shall designate places within the district for the official station and offices of each marshal. Each marshal shall reside within the district for which he was appointed except that the marshal for the District of Columbia and the Southern District of New York may reside within twenty miles thereof.

(c) Each marshal shall be appointed for a term of four years, except in the district of Hawaii where the term shall be six years. Upon the expiration of his term a marshal shall continue to perform the duties of his office until his successor is appointed and qualifies, unless sooner removed by the President.

(d) Only citizens of the Territory of Hawaii who have resided therein at least three years next preceding shall be eligible for appointment as United States marshal for the district of Hawaii. U. S. marshal, Hawaii.

§ 542. Appointment and tenure of deputies and assistants

The Attorney General may authorize any United States marshal to appoint deputies and clerical assistants. Deputy marshals shall be subject to removal by the marshal pursuant to civil-service regulations.

§ 543. Oath of office

Each United States marshal and deputy marshal before assuming the duties of his office shall take the following oath or affirmation: "I, ——— ———, do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the ——— under the authority of the United States, make true returns, take only lawful fees, and in all things well and truly, and without malice or partiality, perform the duties of the office of ——— during my continuance in office. So help me God."

§ 544. Bond

(a) Each United States marshal, including any marshal appointed to serve during a vacancy, before entering on the duties of his office, shall give a bond in the sum of $20,000 for the faithful performance of duty by himself and his deputies during his continuance in office and by his deputies after his death until his successor is appointed and qualifies.

The bond shall be approved by a judge of the district court of the district for which such marshal is appointed, and filed and recorded in the office of the clerk.

(b) The Attorney General may require the United States marshal for the Southern District of New York to give bond in a sum not exceeding $75,000, and any other United States marshal to give bond in a sum not exceeding $40,000.

(c) Any person injured by a breach of a United States marshal's bond may sue thereon, in his own name, to recover his damages.

Such action shall be commenced within six years after the right accrues, but a person under legal disability may sue within three years after the removal of his disability.

After judgment the marshal's bond shall remain as security until the whole penalty has been recovered.

§ 545. Vacancies

The district court for a district in which the office of United States marshal is vacant may appoint a United States marshal to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

§ 546. Death of marshal

Upon the death of any United States marshal his deputy or deputies shall perform the duties of the deceased marshal in his name until his successor is appointed and qualifies.

The default or misfeasance of any deputy shall be a breach of the

deceased marshal's bond, and his executor or administrator shall have like remedies against such deputy for such default or misfeasance as the marshal would have had if he had continued in office.

§ 547. Powers and duties generally; supervision by Attorney General

(a) The United States marshal of each district shall be the marshal of the district court and of the court of appeals when sitting in his district, and of the Customs Court holding sessions in his district elsewhere than in the Southern and Eastern Districts of New York, and may, in the discretion of the respective courts, be required to attend any session of court.

(b) He shall execute all lawful writs, process and orders issued under authority of the United States, and command all necessary assistance to execute his duties.

(c) The Attorney General shall supervise and direct marshals in the performance of public duties and accounting for public moneys. Each marshal shall report his official proceedings, receipts and disbursements and the condition of his office as the Attorney General directs.

§ 548. Administration of oaths

Each United States marshal and his chief deputy may administer oaths to persons presenting claims and accounts for payment, but shall not receive a fee therefor.

§ 549. Power as sheriff

A United States marshal and his deputies, in executing the laws of the United States within a state, may exercise the same powers which a sheriff of such state may exercise in executing the laws thereof.

§ 550. Disbursement of salaries and expenses

(a) United States marshals, under regulations prescribed by the Attorney General, shall pay the salaries, office expenses and travel and subsistence allowances of United States attorneys, their assistants, clerks and messengers, and of the marshals, their deputies and clerical assistants.

(b) Under regulations prescribed by the Director of the Administrative Office of the United States Courts, the marshals shall pay the salaries, office expenses, and travel and subsistence allowances of circuit and district judges, judges of the Customs Court, clerks of court and their deputies, court reporters, and other personnel of courts within their districts.

(c) On all disbursements made by United States marshals for official salaries or expenses, the certificate of the payee shall be sufficient without verification on oath.

§ 551. Collection of fees; accounting

Each United States marshal shall collect, as far as possible, his lawful fees and account for the same as public moneys.

The marshal's accounts of fees and costs paid to any witness or juror upon certificate of attendance issued as provided by sections 1825 and 1871 of this title shall not be reexamined to charge him for an erroneous payment of such fees or costs.

Post, pp. 951, 953.

§ 552. Salaries of marshals, deputies and assistants

The Attorney General shall fix the salaries of United States marshals and their deputies and clerical assistants.

§ 553. Expenses of marshals

Under regulations promulgated by the Attorney General, each United States marshal shall be allowed:

(1) His actual and necessary office expenses;

(2) The necessary travel expense incurred in serving process and orders of court within his district;
(3) His expense of travel and subsistence and that of his deputies away from their respective official stations on official business;
(4) The expense of transporting prisoners, including the cost of necessary guards and the travel and subsistence expense of prisoners and guards;
(5) Other necessary expenditures in line of duty, approved by the Attorney General.

§ 554. Delivery of prisoners to successor

Each United States marshal shall deliver to his successor all prisoners in his custody.

§ 555. Delivery of unserved process to successor

All unserved process remaining in the hands of a United States marshal or his deputies shall be delivered to his successor. When a deputy marshal resigns or is removed he shall deliver to the marshal all process in his hands.

§ 556. Practice of law restricted

A United States marshal or deputy marshal shall not practice law in any court of the United States.

PART III—COURT OFFICERS AND EMPLOYEES

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CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

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602. Employees.
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§ 601. Creation; Director and Assistant Director

The Administrative Office of the United States Courts shall be maintained at the seat of government. It shall be supervised by a Director and an Assistant Director appointed and subject to removal by the Supreme Court.

§ 602. Employees

The Director, subject to the civil service laws, may appoint necessary employees of the Administrative Office.

§ 603. Salaries

The Director shall receive a salary of $10,000 a year. The Assistant Director shall receive a salary of $7,500 a year.

The Director shall fix the compensation of Administrative Office employees according to sections 661–673 and 674 of Title 5.

§ 604. Duties of Director generally

(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

(1) Supervise all administrative matters relating to the offices of clerks and other clerical and administrative personnel of the courts;

(2) Examine the state of the dockets of the courts; secure information as to the courts' need of assistance; prepare and transmit quarterly to the chief judges of the circuits, statistical data and reports as to the business of the courts;

(3) Submit to the annual meeting of the Judicial Conference of the United States, at least two weeks prior thereto, a report of the activities of the Administrative Office and the state of the business of the courts, together with the statistical data submitted to the chief judges of the circuits under paragraph (a) (2) of this section, and the Director's recommendations, which report, data and recommendations shall be public documents.

(4) Submit to Congress and the Attorney General copies of the report, data and recommendations required by paragraph (a) (3) of this section;

(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law;

(6) Determine and pay necessary office expenses of courts, judges, and those court officials whose expenses are by law allowable, and the lawful fees of United States Commissioners;

(7) Regulate and pay necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, while absent from their official stations on official business;

(8) Disburse, directly or through the several United States marshals, moneys appropriated for the maintenance and operation of the courts;

(9) Purchase, exchange, transfer, distribute, and assign the custody of law books, equipment and supplies needed for the maintenance and operation of the courts and the Administrative Office and the offices of United States Commissioners;

(10) Audit vouchers and accounts of the courts and their clerical and administrative personnel;

(11) Provide accommodations for the courts and their clerical and administrative personnel;

(12) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States.

Requests for data as to court dockets.

(b) The clerical and administrative personnel of the courts shall comply with all requests by the Director for information or statistical data as to the state of court dockets.

Inspection of dockets outside continental U. S.

(c) Inspection of court dockets outside the continental United States may be made through United States officials residing within the jurisdiction where the inspection is made.

§ 605. Budget estimates

The Director, under the supervision of the Judicial Conference of the United States, shall submit to the Bureau of the Budget annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the courts and the Administrative Office, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law.

Approval of estimates.

Such estimates shall be approved, before presentation to the Bureau of the Budget, by the Judicial Conference of the United States, except that estimates with respect to the Court of Customs and Patent Appeals, the Customs Court, and the Court of Claims shall be approved by such courts, respectively.

All such estimates shall be included in the budget without revision, but subject to the recommendations of the Bureau of the Budget, as provided by section 11 of Title 31 for the estimates of the Supreme Court.

§ 606. Duties of Assistant Director

The Assistant Director shall perform the duties assigned to him by the Director, and shall act as Director during the absence or incapacity of the Director or when the Director's office is vacant.

§ 607. Practice of law prohibited

An officer or employee of the Aministrative Office shall not engage directly or indirectly in the practice of law in any court of the United States.

§ 608. Seal

The Director shall use a seal approved by the Supreme Court. Judicial notice shall be taken of such seal.

§ 609. Courts' appointive power unaffected

The authority of the courts to appoint their own administrative or clerical personnel shall not be limited by any provisions of this chapter.

§ 610. Courts defined

As used in this chapter the word "courts" includes the courts of appeals and district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court.

CHAPTER 43—UNITED STATES COMMISSIONERS

Sec.

631. Appointment and tenure.
632. Park commissioners; jurisdiction and powers; procedure.
633. Fees.
634. Salaries of park commissioners; disposition of fees.
635. Park commissioners; residence.
636. Accounts.
637. Oaths, acknowledgments, affidavits and depositions.
638. Seals.
639. Dockets and forms; United States Code.

§ 631. Appointment and tenure

(a) Each district court shall appoint United States commissioners in such number as it deems advisable.

One United States commissioner may be appointed for each of the following named national parks: Big Bend, Crater Lake, Glacier, Great Smoky Mountains, Hawaii, Isle Royale, Lassen, Mesa Verde, Mammoth Cave, Mount Rainier, Olympic, Rocky Mountain, Sequoia, Shenandoah, Yellowstone and Yosemite and may also be known as a

national park commissioner. If such park extends into two or more districts, the appointment shall be made by joint action of the district courts of such districts. The national park commissioner for the Sequoia National Park shall also be the national park commissioner for Kings Canyon National Park.

Record and notice of appointment.

Each appointment shall be entered of record in the district court, and notice of such appointment shall be given at once by the clerk of such court to the Director of the Administrative Office of the United States Courts.

(b) A person holding any civil or military office or employment under the United States or who is employed by any justice or judge of the United States, shall not at the same time hold the office of United States commissioner. This subsection shall not apply to a referee in bankruptcy nor shall it apply to a clerk or deputy clerk of a court of the United States whose appointment as commissioner is approved by the Director of the Administrative Office of the United States Courts.

(c) Each United States commissioner shall hold office for four years, unless sooner removed by the district court.

§ 632. Park commissioners; jurisdiction and powers; procedure

Each national park commissioner shall have all the jurisdiction and powers of a United States Commissioner and of a commissioner specially designated to try petty offenses within such national park pursuant to section 3401 of Title 18. He is also authorized to try and determine complaints in proceedings for penalties and forfeitures prescribed by law for violations of statutes or regulations respecting such park.

Ante, p. 830.

The practice and procedure for the trial of cases before national park commissioners and for taking and hearing of appeals to the district courts shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of Title 18.

Ante, p. 831.

§ 633. Fees

(a) United States commissioners in each judicial district, except national park commissioners, shall receive the following fees only for all services rendered:

(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, $5 per day.

(2) For taking and certifying depositions, 10 cents for each folio and for each copy thereof furnished on request, 10 cents per folio.

(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of $7 for each of the first 25 cases, $6 for each of the next 25 cases, $5 for each of the next 50 cases and $2 for each additional case, of the following kinds:—

Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section 3615 (e) of Title 26;

Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of Title 46;

Preliminary proceedings to hold an accused person to answer in district court disposed of by discharge or binding over, for all services rendered after presentation of the accused.

Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

(4) For each accused person presented before him for pur-

poses of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, $2.50.

(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, $2.50 for each person accused.

(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, $4.

(7) For each proceeding for the discharge of an indigent prisoner, $4.

(8) For each defendant tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, $10.

The additional compensation provided by section 934 of Title 5 shall apply to the fees prescribed herein.

(b) A United States commissioner shall not receive more than $7,500 for any one calendar year for his services, exclusive of additions under section 934 of Title 5.

§ 634. Salaries of Park Commissioners; disposition of fees

Each national park commissioner shall receive an annual salary to be fixed by the district court with the approval of the Judicial Conference of the United States, and shall account for all fees, fines, and costs collected by him as public moneys.

§ 635. Park commissioners; residence

Each national park commissioner shall reside within the exterior boundaries of the national park for which appointed or at some place reasonably adjacent thereto designated by the Secretary of the Interior with the approval of the court or courts by which he was appointed.

§ 636. Accounts

The accounts of each United States commissioner shall be rendered quarterly, in duplicate, under regulations prescribed by the Director of the Administrative Office of the United States Courts, and transmitted to the clerk of the United States district court for the district in which the commissioner resides. The clerk shall file the duplicate in his office and transmit the original to the Director. The court shall not be required to approve such accounts.

Fees of a commissioner, for which the United States is liable, shall be paid only upon rendition of accounts within one year after performance of services, and approval of such accounts by the Director. Such payment shall be subject to settlement in the General Accounting Office and any adjustments necessitated thereby.

§ 637. Oaths, acknowledgments, affidavits and depositions

United States commissioners may administer oaths and take bail, acknowledgments, affidavits and depositions.

§ 638. Seals

The Director of the Administrative Office of the United States Courts shall furnish each United States commissioner appointed after July 10, 1946, with an official impression seal in form prescribed by the Director. Each commissioner shall affix his seal to every jurat or certificate of his official acts without additional fee.

§ 639. Dockets and forms; United States Code

The Director of the Administrative Office of the United States Courts shall furnish to United States commissioners adequate docket books and forms prescribed by the Director. The Director shall also furnish each commissioner with a copy of the United States Code, upon approval of the chief judge of the district court of his district.

All property furnished to a commissioner shall remain the property of the United States and upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

CHAPTER 45—SUPREME COURT

Sec.
671. Clerk.
672. Marshal.
673. Reporter.
674. Librarian.
675. Law clerks and secretaries.
676. Printing and binding.

§ 671. Clerk

(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks. The clerk shall be subject to removal by the Court. Deputy clerks shall be subject to removal by the clerk with the approval of the Court or the Chief Justice of the United States.

Bond.

(b) The clerk shall give bond to the United States in an amount fixed by the Court, and with sureties approved by the Court conditioned on the faithful and seasonable discharge of his duties. Such bond shall be filed in the Department of Justice. A renewed or augmented bond may be required at any time by the Court.

Assistants and messengers.

(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States. Compensation of the clerk, his deputies, assistants, and messengers, and the necessary expenses of his office shall be disbursed by the clerk from the fees collected by him, upon allowance and approval by the Chief Justice of the United States.

Payment of fees, etc., into Treasury.

(d) The clerk shall pay into the Treasury all fees, costs and other emoluments of his office over and above his lawful disbursements. He shall make annual returns thereof to the Court under regulations prescribed by it.

§ 672. Marshal

(a) The Supreme Court may appoint a marshal, who shall be subject to removal by the Court, and may fix his compensation.

(b) The marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and other employees to attend the Court, and necessary custodial employees.

Duties of marshal.

(c) The marshal shall:

(1) Attend the Court at its sessions;

(2) Serve and execute all process and orders issued by the Court or a member thereof;

(3) Take charge of all property of the United States used by the Court or its members;

(4) Disburse funds appropriated for work upon the Supreme Court building and grounds under the jurisdiction of the Architect of the Capitol upon certified vouchers submitted by the Architect;

(5) Disburse funds appropriated for the purchase of books, pamphlets, periodicals and other publications, and for their repair, binding, and rebinding, upon vouchers certified by the librarian of the Court;

(6) Pay the salaries of the Chief Justice, associate justices and all officers and employees of the Court except the clerk, his deputies and employees, and disburse other funds appropriated for disbursement under the direction of the Chief Justice.

§ 673. Reporter

(a) The Supreme Court may appoint and fix the compensation of a reporter of its decisions who shall be subject to removal by the Court.

(b) The reporter may appoint and fix the compensation of necessary professional and clerical assistants and other employees, with the approval of the Court or the Chief Justice of the United States.

(c) The reporter shall, under the direction of the Court or the Chief Justice, prepare the decisions of the Court for publication in bound volumes and advance copies in pamphlet installments.

The reporter shall determine the quality and size of the paper, type, format, proofs and binding subject to the approval of the Court or the Chief Justice.

§ 674. Librarian

(a) The Supreme Court may appoint a librarian, whose salary it shall fix, and who shall be subject to removal by the Court.

(b) The librarian shall, with the approval of the Chief Justice, appoint necessary assistants and fix their compensation and make rules governing the use of the library.

(c) He shall select and acquire by purchase, gift, bequest, or exchange, such books, pamphlets, periodicals, microfilm and other processed copy as may be required by the Court for its official use and for the reasonable needs of its bar.

(d) The librarian shall certify to the marshal for payment vouchers covering expenditures for the purchase of such books and other material, and for binding, rebinding and repairing the same. He shall furnish bond in such amount as the Court shall prescribe.

§ 675. Law clerks and secretaries

The Chief Justice of the United States, and the associate justices of the Supreme Court may appoint law clerks and secretaries whose salaries shall be fixed by the Court.

§ 676. Printing and binding

(a) The printing and binding for the Supreme Court, including the printing and binding of individual copies, advance pamphlet installments, and bound volumes, of its decisions, whether requisitioned or ordered by the Court or any of its officers or by any other office or agency, and whether paid for by, or charged to the appropriation for, the Court or any other office or agency, shall be done by the printer or printers the Court or the Chief Justice of the United States may select, unless it shall otherwise order.

(b) Whenever advance pamphlet installments and bound volumes of the Court's decisions are printed by a private printer, an adequate number of copies for distribution in accordance with the requirements of section 411 and for sale to the public shall be provided and made available for these purposes in such manner and at such prices as may be determined from time to time by the Supreme Court or the Chief Justice of the United States, in lieu of compliance by the Public Printer and the Superintendent of Documents with the requirements of sections 411 and 412 with respect to such copies. Pending distribution or sale, such copies shall be the property of the United States and shall be held in the custody of the marshal or such other person, organization, or agency, as the Supreme Court or the Chief Justice of the United States may designate.

Ante, p. 904.

Ante, pp. 904, 906.

CHAPTER 47—COURTS OF APPEALS

Sec.

711. Clerks and employees.
712. Law clerks and secretaries.
713. Criers, bailiffs and messengers.

§ 711. Clerks and employees

(a) Each court of appeals may appoint a clerk who shall be subject to removal by the court.

(b) The clerk, with the approval of the court, may appoint necessary deputies, clerical assistants and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies, clerical assistants and employees shall be subject to removal by the clerk with the approval of the court.

(c) The clerk shall pay into the Treasury all fees, costs and other moneys collected by him and make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

§ 712. Law clerks and secretaries

Circuit judges may appoint necessary law clerks and secretaries.

§ 713. Criers, bailiffs and messengers

Librarian and library assistants.

(a) Each court of appeals may appoint a librarian and necessary library assistants who shall be subject to removal by the court.

Crier and messengers.

(a) Each court of appeals, except the Court of Appeals for the District of Columbia, may appoint a crier and such messengers as may be necessary, all of whom shall be subject to removal by the court. The crier shall also perform the duties of bailiff and messenger.

Marshal and messengers.

(b) The Court of Appeals for the District of Columbia may appoint a marshal, who shall attend the court at its sessions, be custodian of its courthouse, have supervision over its custodial employees, take charge of all property of the United States used by the court or its employees, and perform such other duties as the court directs. Such court may also appoint necessary messengers. The marshal and messengers shall be subject to removal by the court.

Bailiffs.

(c) The United States marshal of the district in which a court of appeals is sitting or in which a circuit judge is present in chambers, may, with the approval of the court or judge, employ necessary bailiffs. Such bailiffs shall attend the court, preserve order, and perform such other necessary duties as the court, judge or marshal may direct. They shall receive the same compensation as bailiffs employed for the district courts.

CHAPTER 49—DISTRICT COURTS

Sec.

751. Clerks.
752. Law clerks and secretaries.
753. Reporters.
754. Receivers of property in different districts.
755. Criers and bailiffs.
756. Power to appoint.

§ 751. Clerks

(a) Each district court may appoint a clerk who shall be subject to removal by the court.

Deputies, clerical assistants, and employees.

(b) The clerk may appoint, with the approval of the court, necessary deputies, clerical assistants and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies, clerical assistants and employees shall be subject to removal by the clerk with the approval of the court.

Residence of clerk.

(c) The clerk of each district court shall reside in the district for which he is appointed, except that the clerk of the district court for the District of Columbia and the Southern District of New York may reside within twenty miles thereof. The district court may designate places within the district for the offices of the clerk and his deputies, and their official stations.

(d) A clerk of a district court or his deputy or assistant shall not receive any compensation or emoluments through any office or position to which he is appointed by the court, other than that received as such clerk, deputy or assistant, whether from the United States or from private litigants.

This subsection shall not apply to clerks or deputy clerks appointed as United States commissioners pursuant to section 631 of this title. *Ante*, p. 915.

(e) The clerk of each district court shall pay into the Treasury all fees, costs and other moneys collected by him, except naturalization fees listed in section 742 of Title 8 and uncollected fees not required by Act of Congress to be prepaid. 8 U. S. C., Supp. I, § 742.

He shall make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

§ 752. Law clerks and secretaries

Each district judge may appoint a secretary and upon certification of necessity by the chief judge of his circuit, a law clerk. The chief judge of a district court having five or more district judges may also appoint an assistant secretary.

§ 753. Reporters

(a) Each district court of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands shall appoint one or more court reporters.

The number of reporters shall be determined by the Judicial Conference of the United States.

The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.

Each such court, with the approval of the Director of the Administrative Office of the United States Courts, may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be performed promptly by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference.

If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

(b) One of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges, and shall record verbatim by shorthand or by mechanical means: (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court or as may be requested by any party to the proceeding. Duties of reporters.

The reporter shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years. Preservation of original notes or records.

Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript Transcription of original records.

his official certificate, and deliver the same to the party or judge making the request. He shall also transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases and such other parts of the record of proceedings as may be required by rule or order of court.

The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

The transcript in any case certified by the reporter shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records taken by the reporter.

Availability for inspection.

The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.

Supervision.

(c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.

Records and reports.

(d) The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such records shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include records showing:

(1) the quantity of transcripts prepared;
(2) the fees charged and the fees collected for transcripts;
(3) any expenses incurred by the reporters in connection with transcripts;
(4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and
(5) such other information as the Judicial Conference may require.

Salary.

(e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference of the United States at not less than $3,000 nor more than $6,000 per annum. All supplies shall be furnished by the reporter at his own expense.

Fees.

(f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous but presents a substantial question. The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

§ 754. Receivers of property in different districts

A receiver appointed in any civil action or proceeding involving property, real, personal or mixed, situated in different districts shall, upon giving bond as required by the court, be vested with complete jurisdiction and control of all such property with the right to take possession thereof.

He shall have capacity to sue in any district without ancillary appointment, and may be sued with respect thereto as provided in section 959 of this title.

Post, p. 926.

Such receiver shall, within ten days after the entry of his order of appointment, file copies of the complaint and such order of appointment in the district court for each district in which property is located. The failure to file such copies in any district shall divest the receiver of jurisdiction and control over all such property in that district.

§ 755. Criers and bailiffs

Each district judge may appoint a crier for the court in which he presides who shall perform also the duties of bailiff and messenger.

Each United States marshal may employ, with the approval of the judge, not exceeding four bailiffs as the district judge may determine, to attend the court, maintain order, wait upon the grand and petit juries, and perform such other necessary duties as the judge or marshal may direct.

Each bailiff shall be allowed for his services $6 a day to be paid only for actual attendance on days when the court is in session or the judge or jury is present.

If the position of crier or bailiff is to be filled by the appointment of a person who has not previously served as either crier or bailiff, preference in the appointment shall be given to a person who has served in the military or naval forces of the United States in time of war and who has been honorably discharged therefrom, if in the opinion of the appointing officer such person is as well qualified as any other available person to perform to the satisfaction of the appointing officer all the duties of the position.

§ 756. Power to appoint

Whenever a majority of the district judges of any district court cannot agree upon the appointment of any officer of such court, the chief judge shall make such appointment.

CHAPTER 51—COURT OF CLAIMS

Sec.
791. Clerk.
792. Commissioners.
793. Reporter-commissioners; stenographers.
794. Stenographers and clerical employees.
795. Bailiff and messenger.

§ 791. Clerk

(a) The Court of Claims may appoint a clerk and an assistant clerk, each of whom shall be subject to removal by the court. The court shall report any such removal and the cause thereof to Congress as soon as possible.

(b) The clerk shall pay into the Treasury all fees, costs and other moneys collected by him. He shall make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

Transmission of annual statement to Congress.

(c) On the first day of every regular session of Congress, the clerk shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, showing the dates and amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered, and a statement of the costs taxed in each case.

§ 792. Commissioners

(a) The Court of Claims may appoint seven commissioners who shall be subject to removal by the court.

(b) Each commissioner shall receive a salary of $7,500 a year, and all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding $7 per day, while taking

testimony or transacting other official business at a place other than Washington.

(c) Commissioners shall, in accordance with the rules and orders of the court, fix times for hearings, administer oaths, examine witnesses, receive evidence and report findings of fact and recommendations for conclusions of law in cases assigned to them.

Each commissioner shall devote all of his time to the duties of his office.

§ 793. Reporter-commissioners; stenographers

The Court of Claims may issue commissions and appoint reporter-commissioners to take testimony to be used in the investigation of claims before it.

When testimony is taken for the plaintiff he shall pay the fees of the reporter-commissioner before whom it was taken, and the cost of the commission and notice. When it is taken at the instance of the United States such fees shall be paid out of the contingent fund provided for the court or from other appropriation made by Congress for that purpose.

Reporter-commissioners of the Court of Claims who are not stenographers may employ necessary stenographers to take down and write out testimony of witnesses.

§ 794. Stenographers and clerical employees

The Court of Claims shall appoint stenographers and other clerical employees in such numbers as may be necessary each of whom shall be subject to removal by the court.

§ 795. Bailiff and messenger

The Court of Claims may appoint a bailiff and a messenger who shall be subject to removal by the court.

The bailiff shall attend the court, preserve order, and perform such other necessary duties as the court directs.

CHAPTER 53—COURT OF CUSTOMS AND PATENT APPEALS

Sec.

831. Clerk and employees.
832. Marshal.
833. Reporter.
834. Bailiffs and messengers.

§ 831. Clerk and employees

The Court of Customs and Patent Appeals may appoint a clerk and such assistant clerks, stenographic law clerks, clerical assistants and other employees as may be necessary, all of whom shall be subject to removal by the court.

The clerk shall pay into the Treasury all fees, costs and other moneys collected by him. He shall maintain an office at the seat of government.

§ 832. Marshal

The Court of Customs and Patent Appeals may appoint a marshal who shall serve within the District of Columbia and shall be subject to removal by the court.

He shall attend the court at its sessions, and shall serve and execute all process and orders issuing from it. He shall purchase books and supplies, supervise the library and perform such other duties as the court may direct. Under regulations prescribed by the Director of the Administration Office of the United States Courts, he shall pay the salaries of judges, officers, and employees of the court and disburse funds appropriated for the expenses of the court.

United States marshals for other districts where sessions of the court are held shall serve as marshals of the court.

§ 833. Reporter

(a) The Court of Customs and Patent Appeals may appoint a reporter who shall be subject to removal by the court.

(b) The reporter shall prepare and transmit:

(1) To the Secretary of the Treasury, weekly, for publication, copies of all opinions relating to customs rendered by the court;

(2) To the Commissioner of Patents, weekly, for publication, copies of all opinions relating to patent and trade-mark appeals rendered by the court.

(c) The reporter also shall compile and publish, at least once a year, in such manner as the court directs, all opinions rendered by the court during the year, together with necessary digests and indexes as the court directs.

§ 834. Bailiffs and messengers

The Court of Customs and Patent Appeals may appoint necessary bailiffs and messengers who shall be subject to removal by the court.

Each bailiff shall attend the court, preserve order, and perform such other necessary duties as the court directs.

CHAPTER 55—CUSTOMS COURT

Sec.
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872. Marshal.

§ 871. Clerk, deputies, assistants and other employees

The chief judge of the Customs Court in accordance with the civil service laws may appoint a clerk, deputies, assistants and such other employees as may be necessary for the effective dispatch of the business of the court.

§ 872. Marshal; appointment and tenure

The chief judge of the Customs Court in accordance with the civil service laws may appoint a marshal, deputies and assistants.

The marshal and his deputies and assistants shall attend court at its sessions, serve and execute all process and orders issued by it and exercise the powers and perform the duties concerning all matters within such court's jurisdiction assigned to them by the court.

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§ 951. Oath of office of clerks and deputies

Each clerk of court and his deputies shall take the following oath or affirmation before entering upon their duties: "I, ———, having been appointed ———, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees,

judgments and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God."

§ 952. Bonds of clerks and deputies

(a) The clerks of all courts other than the Supreme Court shall each give bond to the United States in an amount fixed by the Director of the Administrative Office of the United States Courts, and with sureties approved by the court appointing him, conditioned on the faithful and seasonable discharge of the duties of his office. Such bond shall be filed in the Administrative Office.

(b) A renewed or augmented bond may be required at any time by the Director.

(c) A copy of each bond so furnished shall be kept on file in the office of the clerk furnishing it.

(d) In like manner and with like effect, such courts may require deputy clerks and assistants to give bond to the United States for the faithful and seasonable discharge of their duties, without affecting the liability of the clerk for the acts of his deputies or assistants.

§ 953. Administration of oaths and acknowledgments

Each clerk of court and his deputies may administer oaths and affirmations and take acknowledgments.

§ 954. Death of clerk; duties of and remedies against deputies

Upon the death of any clerk of court, his deputy or deputies shall execute the duties of the deceased clerk in his name until his successor is appointed and qualifies.

The default or misfeasance of any deputy shall be a breach of the deceased clerk's bond and his executor or administrator shall have like remedies against such deputy for such default or misfeasance as the clerk would have had if the clerk had continued in office.

The compensation of a deceased clerk of the Supreme Court may be paid to his personal representatives until his successor is appointed and qualifies.

§ 955. Practice of law restricted

The clerk of each court and his deputies and assistants shall not practice law in any court of the United States.

§ 956. Powers and duties of clerks and deputies

The clerk of each court and his deputies and assistants shall exercise the powers and perform the duties assigned to them by the court.

§ 957. Clerks ineligible for certain offices

(a) A clerk of a district court or any of his deputies shall not be appointed a commissioner, master, referee or receiver in any case, unless there are special reasons requiring such appointment which are recited in the order of appointment.

(b) The clerk or assistant clerks of the Court of Customs and Patent Appeals shall not be appointed a commissioner, master or referee in any case.

§ 958. Persons ineligible as receivers

A person holding any civil or military office or employment under the United States or employed by any justice or judge of the United States shall not at the same time be appointed a receiver in any case in any court of the United States.

§ 959. Trustees and receivers suable; management; State laws

(a) Trustees, receivers or managers of any property, including debtors in possession, may be sued, without leave of the court appointing them, with respect to any of their acts or transactions in carrying

on business connected with such property. Such actions shall be subject to the general equity power of such court so far as the same may be necessary to the ends of justice, but this shall not deprive a litigant of his right to trial by jury.

(b) A trustee, receiver or manager appointed in any cause pending in any court of the United States, including a debtor in possession, shall manage and operate the property in his possession as such trustee, receiver or manager according to the requirements of the valid laws of the State in which such property is situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof.

§ 960. Tax liability

Any officers and agents conducting any business under authority of a United States court shall be subject to all Federal, State and local taxes applicable to such business to the same extent as if it were conducted by an individual or corporation.

§ 961. Office expenses of clerks

Each clerk of court shall be allowed his necessary office expenses when authorized by the Director of the Administrative Office of the United States Courts.

§ 962. Traveling expenses

Officers and employees of the courts of the United States and of the Administrative Office of the United States Courts necessarily absent from their official stations on official business shall be allowed travel and subsistence expenses pursuant to regulations promulgated by the Director of the Administrative Office of the United States Courts.

§ 963. Courts defined

As used in this chapter, unless the context indicates otherwise, the words "court" and "courts" include the Supreme Court of the United States and the courts enumerated in section 610 of this title. *Ante*, p. 915.

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CHAPTER 81—SUPREME COURT

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§ 1251. Original jurisdiction

(a) The Supreme Court shall have original and exclusive jurisdiction of:

(1) All controversies between two or more States;

(2) All actions or proceedings against ambassadors or other public ministers of foreign states or their domestics or domestic servants, not inconsistent with the law of nations.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings brought by ambassadors or other public ministers of foreign states or to which consuls or vice consuls of foreign states are parties;

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens.

§ 1252. Direct appeals from decisions invalidating Acts of Congress

Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands and any court of record of Alaska, Hawaii and Puerto Rico, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

§ 1253. Direct appeals from decisions of three-judge courts

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

§ 1254. Courts of appeals; certiorari; appeal; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented;

(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

§ 1255. Court of Claims; certiorari; certified questions

Cases in the Court of Claims may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted on petition of the United States or the claimant;

(2) By certification of any question of law by the Court of Claims in any case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions on such question.

§ 1256. Court of Customs and Patent Appeals; certiorari

Cases in the Court of Customs and Patent Appeals may be reviewed by the Supreme Court by writ of certiorari.

§ 1257. State courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

CHAPTER 83—COURTS OF APPEALS

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§ 1291. Final decisions of district courts

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court.

§ 1292. Interlocutory decisions

The courts of appeals shall have jurisdiction of appeals from:

(1) Interlocutory orders of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2) Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3) Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed;

(4) Judgments in civil actions for patent infringement which are final except for accounting.

§ 1293. Final decisions of Puerto Rico and Hawaii Supreme Courts

The courts of appeals for the First and Ninth Circuits shall have jurisdiction of appeals from all final decisions of the supreme courts of Puerto Rico and Hawaii, respectively in all cases involving the Constitution, laws or treaties of the United States or any authority exercised thereunder, in all habeas corpus proceedings, and in all other civil cases where the value in controversy exceeds $5,000, exclusive of interest and costs.

§ 1294. Circuits in which decisions reviewable

Appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

(1) From a district court of the United States to the court of appeals for the circuit embracing the district;

(2) From the District Court for the Territory of Alaska or any division thereof, to the Court of Appeals for the Ninth Circuit;

(3) From the United States District Court for the District of the Canal Zone, to the Court of Appeals for the Fifth Circuit;

(4) From the District Court of the Virgin Islands, to the Court of Appeals for the Third Circuit;

(5) From the Supreme Court of Hawaii, to the Court of Appeals for the Ninth Circuit;

(6) From the Supreme Court of Puerto Rico, to the Court of Appeals for the First Circuit.

CHAPTER 85—DISTRICT COURTS; JURISDICTION

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1357. Injuries under Federal laws.
1358. Eminent domain.
1359. Parties collusively joined or made.

§ 1331. Federal question; amount in controversy

The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $3,000, exclusive of interest and costs, and arises under the Constitution, laws or treaties of the United States.

§ 1332. Diversity of citizenship; amount in controversy

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $3,000 exclusive of interest and costs, and is between:

(1) Citizens of different States;

(2) Citizens of a State, and foreign states or citizens or subjects thereof;

(3) Citizens of different States and in which foreign states or citizens or subjects thereof are additional parties.

"States." (b) The word "States", as used in this section, includes the Territories and the District of Columbia.

§ 1333. Admiralty, maritime and prize cases

The district courts shall have original jurisdiction, exclusive of the courts of the States, of:

(1) Any civil case of admiralty or maritime jurisdiction, saving to the libellant or petitioner in every case any other remedy to which he is otherwise entitled.

(2) Any prize brought into the United States and all proceedings for the condemnation of property taken as prize.

§ 1334. Bankruptcy matters and proceedings

The district courts shall have original jurisdiction, exclusive of the courts of the States, of all matters and proceedings in bankruptcy.

§ 1335. Interpleader

(a) The district courts shall have original jurisdiction of any civil action of interpleader or in the nature of interpleader filed by any person, firm, or corporation, association, or society having in his or its custody or possession money or property of the value of $500 or more, or having issued a note, bond, certificate, policy of insurance, or other instrument of value or amount of $500 or more, or providing for the delivery or payment or the loan of money or property of such amount or value, or being under any obligation written or unwritten to the amount of $500 or more, if

(1) Two or more adverse claimants, of diverse citizenship as defined in section 1332 of this title, are claiming or may claim to be entitled to such money or property, or to any one or more of the benefits arising by virtue of any note, bond, certificate, policy or other instrument, or arising by virtue of any such obligation; and if (2) the plaintiff has deposited such money or property or has paid the amount of or the loan or other value of such instrument or the amount due under such obligation into the registry of the court, there to abide the judgment of the court, or has given bond payable to the clerk of the court in such amount and with such surety as the court or judge may deem proper, conditioned upon the compliance by the plaintiff with the future order or judgment of the court with respect to the subject matter of the controversy. *Ante*, p. 930.

(b) Such an action may be entertained although the titles or claims of the conflicting claimants do not have a common origin, or are not identical, but are adverse to and independent of one another.

§ 1336. Interstate Commerce Commission's orders

Except as otherwise provided by Act of Congress, the district courts shall have jurisdiction of any civil action to enforce, enjoin, set aside, annul or suspend, in whole or in part, any order of the Interstate Commerce Commission.

§ 1337. Commerce and anti-trust regulations

The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies.

§ 1338. Patents, copyrights, trade-marks, and unfair competition

(a) The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, copyrights and trade-marks. Such jurisdiction shall be exclusive of the courts of the states in patent and copyright cases.

(b) The district courts shall have original jurisdiction of any civil action asserting a claim of unfair competition when joined with a substantial and related claim under the copyright, patent or trade-mark laws.

§ 1339. Postal matters

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to the postal service.

§ 1340. Internal revenue; customs duties

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress providing for internal revenue, or revenue from imports or tonnage except matters within the jurisdiction of the Customs Court.

§ 1341. Taxes by States

The district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State.

§ 1342. Rate orders of State agencies

The district courts shall not enjoin, suspend or restrain the operation of, or compliance with, any order affecting rates chargeable by a public utility and made by a State administrative agency or a rate-making body of a State political subdivision, where:

(1) Jurisdiction is based solely on diversity of citizenship or repugnance of the order to the Federal Constitution; and,

(2) The order does not interfere with interstate commerce; and,

(3) The order has been made after reasonable notice and hearing; and,

(4) A plain, speedy and efficient remedy may be had in the courts of such State.

§ 1343. Civil rights

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of Title 8;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 47 of Title 8 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

§ 1344. Election disputes

The district courts shall have original jurisdiction of any civil action to recover possession of any office, except that of elector of President or Vice President, United States Senator, Representative in or delegate to Congress, or member of a state legislature, authorized by law to be commenced, wherein it appears that the sole question touching the title to office arises out of denial of the right to vote, to any citizen offering to vote, on account of race, color or previous condition of servitude.

The jurisdiction under this section shall extend only so far as to determine the rights of the parties to office by reason of the denial of the right, guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States.

§ 1345. United States as plaintiff

Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

§ 1346. United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the Court of Claims, of:

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws; even if the claim exceeds $10,000 if the collector of internal revenue by whom such tax, penalty or sum was collected is dead or is not in office as collector of internal revenue when such action is commenced;

(2) Any other civil action or claim against the United States, not exceeding $10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

(b) Subject to the provisions of chapter 173 of this title, the district courts, together with the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section. Set-offs, counterclaims, etc.

(d) The district courts shall not have jurisdiction under this section of:

(1) Any civil action or claim for a pension;

(2) Any civil action to recover fees, salary, or compensation for official services of officers of the United States.

§ 1347. Partition action where United States is joint tenant

The district courts shall have original jurisdiction of any civil action commenced by any tenant in common or joint tenant for the partition of lands where the United States is one of the tenants in common or joint tenants.

§ 1348. Banking association as party

The district courts shall have original jurisdiction of any civil action commenced by the United States, or by direction of any officer thereof, against any national banking association, any civil action to wind up the affairs of any such association, and any action by a banking association established in the district for which the court is held, under chapter 2 of Title 12, to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by such chapter. 12 U. S. C., Supp. I, ch. 2.

All national banking associations shall, for the purposes of all other actions by or against them, be deemed citizens of the States in which they are respectively located.

§ 1349. Corporation organized under federal law as party

The district courts shall not have jurisdiction of any civil action by or against any corporation upon the ground that it was incorporated by or under an Act of Congress, unless the United States is the owner of more than one-half of its capital stock.

§ 1350. Alien's action for tort

The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.

§ 1351. Consuls and vice consuls as defendants

The district courts shall have original jurisdiction, exclusive of the courts of the States, of any civil action against consuls or vice consuls of foreign states.

§ 1352. Bonds executed under federal law

The district courts shall have original jurisdiction, concurrent with State courts, of any action on a bond executed under any law of the United States.

§ 1353. Indian allotments

The district courts shall have original jurisdiction of any civil action involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any Act of Congress or treaty.

The judgment in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands held on or before December 21, 1911, by either of the Five Civilized Tribes, the Osage Nation of Indians, nor to any of the lands within the Quapaw Indian Agency.

§ 1354. Land grants from different states

The district courts shall have original jurisdiction of actions between citizens of the same state claiming lands under grants from different states.

§ 1355. Fine, penalty or forfeiture

The district courts shall have original jurisdiction, exclusive of the courts of the States, of any action or proceeding for the recovery or enforcement of any fine, penalty, or forfeiture, pecuniary or otherwise, incurred under any Act of Congress.

§ 1356. Seizures not within admiralty and maritime jurisdiction

The district courts shall have original jurisdiction, exclusive of the courts of the States, of any seizure under any law of the United States on land or upon waters not within admiralty and maritime jurisdiction.

§ 1357. Injuries under Federal laws

The district courts shall have original jurisdiction of any civil action commenced by any person to recover damages for any injury to his person or property on account of any act done by him, under any Act of Congress, for the protection or collection of any of the revenues, or to enforce the right of citizens of the United States to vote in any State.

§ 1358. Eminent domain

The district courts shall have original jurisdiction of all proceedings to condemn real estate for the use of the United States or its departments or agencies.

§ 1359. Parties collusively joined or made

A district court shall not have jurisdiction of a civil action in which any party, by assignment or otherwise, has been improperly or collusively made or joined to invoke the jurisdiction of such court.

CHAPTER 87—DISTRICT COURTS; VENUE

Sec.

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1406. Cure or waiver of defects.

§ 1391. Venue generally

(a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in the judicial district where all plaintiffs or all defendants reside.

(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, except as otherwise provided by law.

(c) A corporation may be sued in any judicial district in which it is incorporated or licensed to do business or is doing business, and such judicial district shall be regarded as the residence of such corporation for venue purposes.

(d) An alien may be sued in any district.

§ 1392. Defendants or property in different districts in same State

(a) Any civil action, not of a local nature, against defendants residing in different districts in the same State, may be brought in any of such districts.

(b) Any civil action, of a local nature, involving property located in different districts in the same State, may be brought in any of such districts.

§ 1393. Divisions; single defendant; defendants in different divisions

(a) Except as otherwise provided, any civil action, not of a local nature, against a single defendant in a district containing more than one division must be brought in the division where he resides.

(b) Any such action, against defendants residing in different divisions of the same district or different districts in the same State, may be brought in any of such divisions.

§ 1394. Banking association's action against Comptroller of Currency

Any civil action by a national banking association to enjoin the

Comptroller of the Currency, under the provisions of any Act of Congress relating to such associations, may be prosecuted in the judicial district where such association is located.

§ 1395. Fine, penalty or forfeiture

(a) A civil proceeding for the recovery of a pecuniary fine, penalty or forfeiture may be prosecuted in the district where it accrues or the defendant is found.

(b) A civil proceeding for the forfeiture of property may be prosecuted in any district where such property is found.

(c) A civil proceeding for the forfeiture of property seized outside any judicial district may be prosecuted in any district into which the property is brought.

(d) A proceeding in admiralty for the enforcement of fines, penalties and forfeitures against a vessel may be brought in any district in which the vessel is arrested.

(e) Any proceeding for the forfeiture of a vessel or cargo entering a port of entry closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection, or of any vessel or vehicle conveying persons or property to or from such State or section or belonging in whole or in part to a resident thereof, may be prosecuted in any district into which the property is taken and in which the proceeding is instituted.

§ 1396. Internal revenue taxes

Any civil action for the collection of internal revenue taxes may be brought in the district where the liability for such tax accrues, in the district of the taxpayer's residence, or in the district where the return was filed.

§ 1397. Interpleader

Any civil action of interpleader or in the nature of interpleader under section 1335 of this title may be brought in the judicial district in which one or more of the claimants reside.

Ante, p. 931.

§ 1398. Interstate Commerce Commission's orders

Except as otherwise provided by law, any civil action to enforce, suspend or set aside in whole or in part an order of the Interstate Commerce Commission shall be brought only in the judicial district wherein is the residence or principal office of any of the parties bringing such action.

§ 1399. Partition action involving United States

Any civil action by any tenant in common or joint tenant for the partition of lands, where the United States is one of the tenants in common or joint tenants, may be brought only in the judicial district where such lands are located or, if located in different districts in the same State, in any of such districts.

§ 1400. Patents and copyrights

(a) Civil actions, suits, or proceedings arising under any Act of Congress relating to copyrights may be instituted in the district in which the defendant or his agent resides or may be found.

(b) Any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.

§ 1401. Stockholder's derivative action

Any civil action by a stockholder on behalf of his corporation may be prosecuted in any judicial district where the corporation might have sued the same defendants.

§ 1402. United States as defendant

(a) Any civil action against the United States under subsection (a) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides. *Ante*, p. 933.

(b) Any civil action on a tort claim against the United States under subsection (b) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred. *Ante*, p. 933.

§ 1403. Eminent domain

Proceedings to condemn real estate for the use of the United States or its departments or agencies shall be brought in the district court of the district where the land is located or, if located in different districts in the same State, in any of such districts.

§ 1404. Change of venue

(a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

(b) Upon motion, consent or stipulation of all parties, any action, suit or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district. Transfer of proceedings in rem brought by or on behalf of the United States may be transferred under this section without the consent of the United States where all other parties request transfer.

(c) A district court may order any civil action to be tried at any place within the division in which it is pending.

§ 1405. Creation or alteration of district or division

Actions or proceedings pending at the time of the creation of a new district or division or transfer of a county or territory from one division or district to another may be tried in the district or division as it existed at the institution of the action or proceeding, or in the district or division so created or to which the county or territory is so transferred as the parties shall agree or the court direct.

§ 1406. Cure or waiver of defects

(a) The district court of a district in which is filed a case laying venue in the wrong division or district shall transfer such case to any district or division in which it could have been brought.

(b) Nothing in this chapter shall impair the jurisdiction of a district court of any matter involving a party who does not interpose timely and sufficient objection to the venue.

CHAPTER 89—DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS

Sec.

1441. Actions removable generally.
1442. Federal officers sued or prosecuted.
1443. Civil rights cases.
1444. Foreclosure action against United States.
1445. Carriers; non-removable actions.
1446. Procedure for removal.
1447. Procedure after removal generally.
1448. Process after removal.
1449. State court record supplied.
1450. Attachment or sequestration; securities.

§ 1441. Actions removable generally

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United

States for the district and division embracing the place where such action is pending.

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

(c) Whenever a separate and independent claim or cause of action, which would be removable if sued upon alone, is joined with one or more otherwise non-removable claims or causes of action, the entire case may be removed and the district court may determine all issues therein, or, in its discretion, may remand all matters not otherwise within its original jurisdiction.

§ 1442. Federal officers sued or prosecuted

(a) A civil action or criminal prosecution commenced in a State court against any of the following persons may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

(2) A property holder whose title is derived from any such officer, where such action or prosecution affects the validity of any law of the United States.

(3) Any officer of the courts of the United States, for any Act under color of office or in the performance of his duties;

(4) Any officer of either House of Congress, for any act in the discharge of his official duty under an order of such House.

Personal action commenced by alien.

(b) A personal action commenced in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States and is a nonresident of such State, wherein jurisdiction is obtained by the State court by personal service of process, may be removed by the defendant to the district court of the United States for the district and division in which the defendant was served with process.

§ 1443. Civil rights cases

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

§ 1444. Foreclosure action against United States

Post, p. 972.

Any action brought under section 2410 of this title against the United States in any State may be removed by the United States to the district court of the United States for the district and divisions in which the action is pending.

§ 1445. Carriers; non-removable actions

(a) A civil action in any State court against a railroad or its receivers or trustees, arising under sections 51–60 of Title 45, may not be removed to any district court of the United States. *Post*, p. 989.

(b) A civil action in any State court against a common carrier or its receivers or trustees to recover damages for delay, loss, or injury of shipments, arising under section 20 of Title 49, may not be removed to any district court of the United States unless the matter in controversy exceeds $3,000, exclusive of interest and costs. *Ante*, p. 295.

§ 1446. Procedure for removal

(a) A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a verified petition containing a short and plain statement of the facts which entitle him or them to removal together with a copy of all process, pleadings and orders served upon him or them in such action.

Time for filing petition.

(b) The petition for removal of a civil action or proceeding may be filed within twenty days after commencement of the action or service of process, whichever is later.

(c) The petition for removal of a criminal prosecution may be filed at any time before trial.

Bond.

(d) Each petition for removal of a civil action or proceeding, except a petition in behalf of the United States, shall be accompanied by a bond with good and sufficient surety conditioned that the defendant or defendants will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

(e) Upon the filing of such petition and bond the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the petition with the clerk of such State court, which shall effect the removal and the State court shall proceed no further therein unless the case is remanded.

(f) If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such State court.

§ 1447. Procedure after removal generally

(a) In any case removed from a State court, the district court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the State court or otherwise.

(b) It may require the petitioner to file with its clerk copies of all records and proceedings in such State court or may cause the same to be brought before it by writ of certiorari issued to such State court.

(c) It may order the pleadings recast and the parties realigned according to their real interest.

(d) If any party fails to comply with its lawful orders, the district court may enter such further orders and judgments as justice requires.

(e) If at any time before final judgment it appears that the case was removed improvidently and without jurisdiction, the district court shall remand the case. A certified copy of the order of remand shall be mailed by its clerk to the clerk of the State court. The State court may thereupon proceed with such case.

§ 1448. Process after removal

In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process or in which the service has not been perfected prior to removal, or in which process served proves to be defective, such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.

This section shall not deprive any defendant upon whom process is served after removal of his right to move to remand the case.

§ 1449. State court record supplied

Where a party is entitled to copies of the records and proceedings in any suit or prosecution in a State court, to be used in any district court of the United States, any attachment or sequestration of the demand, and the payment or tender of the legal fees, fails to deliver certified copies, the district court may, on affidavit reciting such facts, direct such record to be supplied by affidavit or otherwise. Thereupon such proceeding, trial, and judgment may be had in such district court, and all such process awarded, as if certified copies had been filed in the district court.

§ 1450. Attachment or sequestration; securities

Whenever any action is removed from a State court to a district court of the United States, any attachment or sequestration of the goods or estate of the defendant in such action in the State court shall hold the goods or estate to answer the final judgment or decree in the same manner as they would have been held to answer final judgment or decree had it been rendered by the State court.

All bonds, undertakings, or security given by either party in such action prior to its removal shall remain valid and effectual notwithstanding such removal.

All injunctions, orders, and other proceedings had in such action prior to its removal shall remain in full force and effect until dissolved or modified by the district court.

CHAPTER 91—COURT OF CLAIMS

Sec.

1491. Claims against United States generally.
1492. Congressional reference cases.
1493. Departmental reference cases.
1494. Accounts of officers, agents or contractors.
1495. Damages for unjust conviction and imprisonment; claim against United States.
1496. Disbursing officers' claims.
1497. Oyster growers' damages from dredging operations.
1498. Patent cases.
1499. Penalties imposed against contractors under eight hour law.
1500. Pendency of claims in other courts.
1501. Pensions.
1502. Treaty cases.
1503. Set-offs.
1504. Tort claims.

§ 1491. Claims against United States generally

The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

(1) Founded upon the Constitution; or

(2) Founded upon any Act of Congress; or

(3) Founded upon any regulation of an executive department; or

(4) Founded upon any express or implied contract with the United States; or

(5) For liquidated or unliquidated damages in cases not sounding in tort.

§ 1492. Congressional reference cases

The Court of Claims shall have jurisdiction to report to either House of Congress on any bill referred to the court by such House, except a bill for a pension, and to render judgment if the claim against the United States represented by the referred bill is one over which the court has jurisdiction under other Acts of Congress.

§ 1493. Departmental reference cases

The Court of Claims shall have jurisdiction to report to the head of any executive department on any claim or matter involving controverted questions of law or fact and referred by him to such court, and to render judgment if the claim or matter referred is one over which the court has jurisdiction under other Acts of Congress.

§ 1494. Accounts of officers, agents or contractors

The Court of Claims shall have jurisdiction to determine the amount, if any, due the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, where:

(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

(2) three years have elapsed from the date of such application without settlement; and

(3) no suit upon the same has been brought by the United States.

§ 1495. Damages for unjust conviction and imprisonment; claim against United States

The Court of Claims shall have jurisdiction to render judgment upon any claim for damages by any person unjustly convicted of an offense against the United States and imprisoned.

§ 1496. Disbursing officers' claims

The Court of Claims shall have jurisdiction to render judgment upon any claim by a disbursing officer of the United States or by his administrator or executor for relief from responsibility for loss, in line of duty, of Government funds, vouchers, records or other papers in his charge.

§ 1497. Oyster growers, damages from dredging operations

The Court of Claims shall have jurisdiction to render judgment upon any claim for damages to oyster growers on private or leased lands or bottoms arising from dredging operations or use of other machinery and equipment in making river and harbor improvements authorized by Act of Congress.

§ 1498. Patent cases

The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States for the recovery of the reasonable and entire compensation for the use or manufacture of an invention covered by a patent of the United States which has been used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same.

The court shall not award compensation under this section if the claim is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to July 1, 1918.

This section shall not confer a right of action on any patentee who, when he makes such a claim, is in the employment or service of the

United States, or any assignee of such patentee, and shall not apply to any device discovered or invented by an employee during the time of such employment or service.

§ 1499. Penalties imposed against contractors under eight hour law

The Court of Claims shall have jurisdiction to render judgment upon any claim for a penalty withheld from a contractor or subcontractor under section 324 of Title 40.

Post, p. 989.

§ 1500. Pendency of claims in other courts

The Court of Claims shall not have jurisdiction of any claim for or in respect to which the plaintiff or his assignee has pending in any other court any suit or process against the United States or any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, directly or indirectly under the authority of the United States.

§ 1501. Pensions

The Court of Claims shall not have jurisdiction of any claim for a pension.

§ 1502. Treaty cases

Except as otherwise provided by Act of Congress, the Court of Claims shall not have jurisdiction of any claim against the United States growing out of or dependent upon any treaty entered into with foreign nations or with Indian tribes.

§ 1503. Set-offs

The Court of Claims shall have jurisdiction to render judgment upon any set-off or demand by the United States against any plaintiff in such court.

§ 1504. Tort claims

The Court of Claims shall have jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under section 1346 (b) of this title if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims.

Ante, p. 933.

CHAPTER 93—COURT OF CUSTOMS AND PATENT APPEALS

Sec.

1541. Customs Court decisions.
1542. Patent Office decisions.
1543. Tariff Commission decisions.

§ 1541. Customs Court decisions

The Court of Customs and Patent Appeals shall have jurisdiction to review by appeal final decisions of the Customs Court in all cases as to the construction of the law and the facts respecting the classification of merchandise, the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of the Customs Court and as to the laws and regulations governing the collection of the customs revenues.

§ 1542. Patent Office decisions

The Court of Customs and Patent Appeals shall have jurisdiction of appeals from decisions of:

(1) the Board of Appeals and the Board of Interference Examiners of the Patent Office as to patent applications and interferences, at the instance of an applicant for a patent or any party

to a patent interference, and such appeal by an applicant shall waive his right to proceed under section 63 of Title 35; and

(2) the Commissioner of Patents as to trade-mark applications, interferences and cancellations, at the instance of a party applying for or opposing the registration of a trade-mark, or seeking its cancellation, or any party to a trade-mark interference.

§ 1543. Tariff Commission decisions

The Court of Customs and Patent Appeals shall have jurisdiction to review, by appeal on questions of law only, the findings of the United States Tariff Commission as to unfair practices in import trade, made under section 1337 of Title 19.

CHAPTER 95—CUSTOMS COURT

Sec.
1581. Powers generally.
1582. Review of reappraisement; remission of duties.
1583. Review of decisions on protests.

§ 1581. Powers generally

The Customs Court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence.

§ 1582. Review of reappraisement; remission of duties

The Customs Court shall have exclusive jurisdiction of appeals for reappraisement and applications for review of reappraisement of imported merchandise and petitions for remission of additional duties filed under the customs laws.

§ 1583. Review of decisions on protests

The Customs Court shall have exclusive jurisdiction to review on protest the decisions of any collector of customs, including all orders and findings entering into the same, as to the rate and amount of duties chargeable and as to all exactions of whatever character within the jurisdiction of the Secretary of the Treasury; decisions excluding any merchandise from entry or delivery, under any provision of the customs laws; and the liquidation or reliquidation of any entry, or the refusal to pay any claim for drawback or to reliquidate an entry for a clerical error as provided by the customs laws.

PART V—PROCEDURE

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CHAPTER 111—GENERAL PROVISIONS

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1652. State laws as rules of decision.
1653. Amendment of pleadings to show jurisdiction.
1654. Appearance personally or by counsel.
1655. Lien enforcement; absent defendants.
1656. Creation of new district or division or transfer of territory; lien enforcement.

§ 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

§ 1652. State laws as rules of decision

The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply.

§ 1653. Amendment of pleadings to show jurisdiction

Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.

§ 1654. Appearance personally or by counsel

In all courts of the United States the parties may plead and conduct their own cases personally or by counsel.

§ 1655. Lien enforcement; absent defendants

In an action in a district court to enforce any lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to, real or personal property within the district, where any defendant can not be served within the State, or does not voluntarily appear, the court may order the absent defendant to appear or plead by a day certain.

Such order shall be served on the absent defendant personally if practicable, wherever found, and also upon the person or persons in possession or charge of such property, if any. Where personal service is not practicable, the order shall be published as the court may direct, not less than once a week for six consecutive weeks.

If an absent defendant does not appear or plead within the time allowed, the court may proceed as if the absent defendant had been served with process within the State, but any adjudication shall, as regards the absent defendant without appearance, affect only the property which is the subject of the action. When a part of the property is within another district, but within the same state, such action may be brought in either district.

Any defendant not so personally notified may, at any time within one year after final judgment, enter his appearance, and thereupon the court shall set aside the judgment and permit such defendant to plead on payment of such costs as the court deems just.

§ 1656. Creation of new district or division or transfer of territory; lien enforcement

The creation of a new district or division or the transfer of any territory to another district or division shall not affect or divest any lien theretofore acquired in a district court upon property within such district, division or territory.

To enforce such lien, the clerk of the court in which the same is acquired, upon the request and at the cost of the party desiring the same, shall make a certified copy of the record thereof, which, when filed in the proper court of the district or division in which such property is situated after such creation or transfer shall be evidence in all courts and places equally with the original thereof; and, thereafter like proceedings shall be had thereon, and with the same effect, as though the case or proceeding had been originally instituted in such court.

CHAPTER 113—PROCESS

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1691. Seal and teste of process.
1692. Process and orders affecting property in different districts.
1693. Place of arrest in civil action.
1694. Patent infringement action.
1695. Stockholder's derivative action.

§ 1691. Seal and teste of process

All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.

§ 1692. Process and orders affecting property in different districts

In proceedings in a district court where a receiver is appointed for property, real, personal, or mixed, situated in different districts, process may issue and be executed in any such district as if the property lay wholly within one district, but orders affecting the property shall be entered of record in each of such districts.

§ 1693. Place of arrest in civil action

Except as otherwise provided by Act of Congress, no person shall be arrested in one district for trial in another in any civil action in a district court.

§ 1694. Patent infringement action

In a patent infringement action commenced in a district where the defendant is not a resident but has a regular and established place of business, service of process, summons or subpoena upon such defendant may be made upon his agent or agents conducting such business.

§ 1695. Stockholder's derivative action

Process in a stockholder's action in behalf of his corporation may be served upon such corporation in any district where it is organized or licensed to do business or is doing business.

CHAPTER 115—EVIDENCE; DOCUMENTARY

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1731. Handwriting.
1732. Record made in regular course of business.
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1734. Court record lost or destroyed generally.
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1738. State and Territorial statutes and judicial proceedings; full faith and credit.
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1740. Copies of consular papers.
1741. Foreign documents generally; copies.
1742. Land titles; foreign records.
1743. Demand on postmaster.
1744. Copies of patent office documents generally.
1745. Printed copies of patent specifications and drawings.
1746. Copies of foreign patent specifications and drawings.

§ 1731. Handwriting

The admitted or proved handwriting of any person shall be admissible, for purposes of comparison, to determine genuineness of other handwriting attributed to such person.

§ 1732. Record made in regular course of business

In any court of the United States and in any court established by Act of Congress, any writing or record, whether in the form of an

entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, shall be admissible as evidence of such act, transaction, occurrence, or event, if made in regular course of any business, and if it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter.

All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but such circumstances shall not affect its admissibility.

"Business." The term "business," as used in this section, includes business, profession, occupation, and calling of every kind.

§ 1733. Government records and papers; copies

(a) Books or records of account or minutes of proceedings of any department or agency of the United States shall be admissible to prove the act, transaction or occurrence as a memorandum of which the same were made or kept.

(b) Properly authenticated copies or transcripts of any books, records, papers or documents of any department or agency of the United States shall be admitted in evidence equally with the originals thereof.

§ 1734. Court record lost or destroyed, generally

(a) A lost or destroyed record of any proceeding in any court of the United States may be supplied on application of any interested party not at fault, by substituting a copy certified by the clerk of any court in which an authentic copy is lodged.

(b) Where a certified copy is not available, any interested person not at fault may file in such court a verified application for an order establishing the lost or destroyed record.

Every other interested person shall be served personally with a copy of the application and with notice of hearing on a day stated, not less than sixty days after service. Service may be made on any nonresident of the district anywhere within the jurisdiction of the United States or in any foreign country.

Proof of service in foreign country. Proof of service in a foreign country shall be certified by a minister or consul of the United States in such country, under his official seal.

If, after the hearing, the court is satisfied that the statements contained in the application are true, it shall enter an order reciting the substance and effect of the lost or destroyed record. Such order, subject to intervening rights of third persons, shall have the same effect as the original record.

§ 1735. Court record lost or destroyed where United States interested

(a) When the record of any case or matter in any court of the United States to which the United States is a party, is lost or destroyed, a certified copy of any official paper of a United States attorney, United States marshal or clerk or other certifying or recording officer of any such court, made pursuant to law, on file in any department or agency of the United States and relating to such case or matter, shall, on being filed in the court to which it relates, have the same effect as an original paper filed in such court. If the copy so filed discloses the date and amount of a judgment or decree and the names of the parties thereto, the court may enforce the judgment or decree as though the original record had not been lost or destroyed.

(b) Whenever the United States is interested in any lost or destroyed records or files of a court of the United States, the clerk

of such court and the United States attorney for the district shall take the steps necessary to restore such records or files, under the direction of the judges of such court.

§ 1736. Congressional Journals

Extracts from the Journals of the Senate and the House of Representatives, and from the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or the Clerk of the House of Representatives shall be received in evidence with the same effect as the originals would have.

§ 1737. Copy of officer's bond

Any person to whose custody the bond of any officer of the United States has been committed shall, on proper request and payment of the fee allowed by any Act of Congress, furnish certified copies thereof, which shall be prima facie evidence in any court of the execution, filing and contents of the bond.

§ 1738. State and Territorial statutes and judicial proceedings; full faith and credit

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

§ 1739. State and Territorial nonjudicial records; full faith and credit

All nonjudicial records or books kept in any public office of any State, Territory, or Possession of the United States, or copies thereof, shall be proved or admitted in any court or office in any other State, Territory, or Possession by the attestation of the custodian of such records or books, and the seal of his office annexed, if there be a seal, together with a certificate of a judge of a court of record of the county, parish, or district in which such office may be kept, or of the Governor, or secretary of state, the chancellor or keeper of the great seal, of the State, Territory, or Possession that the said attestation is in due form and by the proper officers.

If the certificate is given by a judge, it shall be further authenticated by the clerk or prothonotary of the court, who shall certify, under his hand and the seal of his office, that such judge is duly commissioned and qualified; or, if given by such Governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or Possession in which it is made.

Such records or books, or copies thereof, so authenticated, shall have the same full faith and credit in every court and office within the United States and its Territories and Possessions as they have by law or usage in the courts or offices of the State, Territory, or Possession from which they are taken.

§ 1740. Copies of consular papers

Copies of all official documents and papers in the office of any consul or vice consul of the United States, and of all official entries in the

books or records of any such office, authenticated by the consul or vice consul, shall be admissible equally with the originals.

§ 1741. Foreign documents, generally; copies

A copy of any foreign document of record or on file in a public office of a foreign country or political subdivision thereof, certified by the lawful custodian thereof, shall be admissable in evidence when authenticated by a certificate of a consular officer of the United States resident in such foreign country, under the seal of his office, that the copy has been certified by the lawful custodian.

§ 1742. Land titles; foreign records

A keeper or person having custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of a department or agency of the United States, may authenticate and certify copies thereof under his hand and seal.

When such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed up by him and returned to the General Counsel for the Department of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose.

A certified copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or recorded may be read in evidence, equally with the original, in any court, where the title to land claimed by or under the United States may come into question.

§ 1743. Demand on postmaster

The certificate of the Postmaster General or the General Accounting Office of the mailing to a postmaster of a statement of his account and that payment of the balance stated has not been received shall be sufficient evidence of a demand notwithstanding any allowances or credits subsequently made. A copy of such statement shall be attached to the certificate.

§ 1744. Copies of Patent Office documents, generally

Copies of letters patent or of any records, books, papers, or drawings belonging to the Patent Office and relating to registered trademarks, labels, or prints, authenticated under the seal of the Patent Office and certified by the Commissioner of Patents, shall be admissible in evidence with the same effect as the originals.

Any person making application and paying the required fee may obtain such certified copies.

§ 1745. Printed copies of patent specifications and drawings

Copies of specifications and drawings which the Commissioner of Patents prints for gratuitous distribution and deposits in the capitols of the States and Territories and in the offices of clerks of the district courts, when certified by him and authenticated by the seal of his office, shall be received in all courts as evidence of all matters therein contained.

§ 1746. Copies of foreign patent specifications and drawings

Copies of the specifications and drawings of foreign letters patent, certified in the manner provided in section 1744 of this title, shall be prima facie evidence of the fact of the granting of such letters patent and of the date and contents thereof.

Supra.

CHAPTER 117—EVIDENCE; DEPOSITIONS

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1781. Foreign witnesses.
1782. Testimony for use in foreign country.
1783. Subpoena of witness in foreign country.
1784. Contempt.
1785. Privilege against incrimination.

§ 1781. Foreign witnesses

Whenever a court of the United States issues letters rogatory or a commission to take a deposition in a foreign country, the foreign court or officer executing the same may make return thereof to the nearest United States minister or consul, who shall endorse thereon the place and date of his receipt and any change in the condition of the deposition, and transmit it to the clerk of the issuing court in the manner in which his official dispatches are transmitted to the United States Government.

§ 1782. Testimony for use in foreign country

The deposition of any witness residing within the United States to be used in any civil action pending in any court in a foreign country with which the United States is at peace may be taken before a person authorized to administer oaths designated by the district court of any district where the witness resides or may be found.

The practice and procedure in taking such depositions shall conform generally to the practice and procedure for taking depositions to be used in courts of the United States.

§ 1783. Subpoena of witness in foreign country

(a) A court of the United States may subpoena, for appearance before it, a citizen or resident of the United States who:

(1) Has been personally notified in a foreign country to appear before a court thereof to testify pursuant to letters rogatory issued by such court of the United States, and who has failed to appear or has failed to answer any question which he would be required to answer were he being examined before such court of the United States; or

(2) is beyond the jurisdiction of the United States and whose testimony in a criminal proceeding is desired by the Attorney General.

(b) The subpoena shall designate the time and place for appearance before such court of the United States, and shall issue to any United States consul in such foreign country. The consul shall make personal service of the subpoena and any order to show cause, rule, judgment or decree on the request of the court of the United States or its marshal, and shall make return thereof to such court after tendering to the witness his necessary travel and attendance expenses, which shall be determined by such court and sent with the subpoena.

§ 1784. Contempt

(a) A court of the United States which has issued a subpoena served personally in a foreign country may order the witness who has failed to appear as directed therein to show cause before it at a designated time why he should not be punished for contempt.

(b) If security is given for any damage which the witness might suffer should the charge be dismissed, the court may direct, as a part of such order, that any property of the witness within the United States be levied upon or seized, in the manner provided by law or court rules governing levy or seizure under execution, and held to satisfy any judgment that may be rendered against the witness. The security required by this subsection shall not be required of the United States.

(c) The marshal making such levy or seizure shall forward to any United States consul within the country where the witness may be a copy of such order and a request that the consul make personal service of the order on the witness. The marshal shall also cause the order to be published once each week for six consecutive weeks in some newspaper of general circulation in the district where the court which issued the order sits.

(d) On the return day of such order or any later day to which the hearing may be continued, proof shall be taken. If the charge of recusancy against the witness is sustained, the court may adjudge him guilty of contempt and, notwithstanding any limitation upon the power of the court generally to punish for contempt, may fine him not more than $100,000 and direct that the fine and costs of the proceeding be satisfied unless paid by a sale of the property levied upon or seized, such sale to be conducted upon the notice required and in the manner provided for sales upon execution. Any such judgment rendered upon service by publication only may be opened for answer within one year.

§ 1785. Privilege against incrimination

A witness shall not be required on examination under letters rogatory to disclose or produce any evidence tending to incriminate him under the laws of any State or Territory of the United States or any foreign state.

CHAPTER 119—EVIDENCE; WITNESSES

Sec.
1821. Per diem and mileage generally; subsistence.
1822. Competency of interested persons; share of penalties payable.
1823. United States officers and employees.
1824. Mileage fees under summons as both witness and juror.
1825. Payment of fees.

§ 1821. Per diem and mileage generally; subsistence

A witness attending in any court of the United States or before a United States commissioner or person taking his deposition pursuant to any order of a court of the United States, shall receive $2 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 5 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $3 per day for expenses of subsistence.

§ 1822. Competency of interested persons; share of penalties payable

Any person interested in a share of any fine, penalty or forfeiture incurred under any Act of Congress, may be examined as a witness in any proceeding for the recovery of such fine, penalty or forefeiture by any party thereto. Such examination shall not deprive the witness of his share.

§ 1823. United States officers and employees

(a) Any officer or employee of the United States or any agency thereof, summoned as a witness on behalf of the United States, shall be paid his necessary expenses incident to travel by common carrier, and if travel is made by privately owned automobile mileage at a rate not to exceed 5 cents per mile, together with a per diem allowance not to exceed $6 in lieu of subsistence under regulations prescribed by the Attorney General. Such expenses for oppearing as a witness in any case involving the activity in connection with which such person is employed, shall be payable from the appropriation otherwise

available for travel expenses of such officer or employee upon proper certification by a certifying officer of the department or agency concerned.

(b) Employees of the United States or an agency thereof in active service called as witnesses on behalf of the District of Columbia in any judicial proceeding in which the government of the District of Columbia is a party, and employees of such government called as witness on behalf of the United States or the District of Columbia in any judicial proceeding in which the United States or the government of the District of Columbia is a party, shall not be paid witness fees, but the period of such service shall be without loss of salary or compensation and shall not be deducted from any authorized leave of absence with pay.

(c) No officer of any court of the United States located in any State, Territory or the District of Columbia shall be entitled to witness fees for attendance before any court or commissioner where he is officiating.

§ 1824. Mileage fees under summons as both witness and juror

No constructive or double mileage fees shall be allowed by reason of any person being summoned both as a witness and a juror.

§ 1825. Payment of fees

In any case wherein the United States or an officer or agency thereof, is a party, the United States marshal for the district shall pay all fees of witnesses on the certificate of the United States Attorney or Assistant United States Attorney, and in the proceedings before a United States Commissioner, on the certificate of such commissioner.

Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof.

CHAPTER 121—JURIES; TRIAL BY JURY

Sec.
1861. Qualifications.
1862. Exemptions.
1863. Exclusion or excuse from service.
1864. Manner of drawing; jury commissioners and their compensation.
1865. Apportionment within district; additional jury commissioners.
1866. Special petit juries; talesmen from bystanders.
1867. Summoning jurors.
1868. Disqualification of marshal or deputy.
1869. Frequency of service.
1870. Challenges.
1871. Fees.
1872. Issues of fact in Supreme Court.
1873. Admiralty and maritime cases.
1874. Actions on bonds and specialties.

§ 1861. Qualifications

Any citizen of the United States who has attained the age of 21 years and resides within the judicial district, is competent to serve as a grand or petit juror unless:

(1) He has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

(2) He is unable to read, write, speak and understand the English language.

(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service.

(4) He is incompetent to serve as a grand or petit juror by the law of the State in which the district court is held.

§ 1862. Exemptions

The following persons shall be exempt from jury service:

(1) Members in active service in the armed forces of the United States.

(2) Members of the Fire or Police departments of any State, District, Territory, Possession or subdivision thereof.

(3) Public officers in the executive, legislative or judicial branches of the government of the United States, or any State, District, Territory, or Possession or subdivision thereof who are actively engaged in the performance of official duties.

§ 1863. Exclusion or excuse from service

(a) A district judge for good cause may excuse or exclude from jury service any person called as a juror.

(b) Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of the district judge based on a finding that such jury service would entail undue hardship, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice.

(c) No citizen shall be excluded from service as grand or petit juror in any court of the United States on account of race or color.

§ 1864. Manner of drawing; jury commissioners and their compensation

The names of grand and petit jurors shall be publicly drawn from a box containing the names of not less than three hundred qualified persons at the time of each drawing.

The jury box shall from time to time be refilled by the clerk of court, or his deputy, and a jury commissioner, appointed by the court.

Such jury commissioner shall be a citizen of good standing, residing in the district and a well known member of the principal political party in the district, opposing that to which the clerk, or his deputy then acting, may belong. He shall receive $5 per day for each day necessarily employed in the performance of his duties.

The jury commissioner and the clerk, or his deputy, shall alternately place one name in the jury box without reference to party affiliations, until the box shall contain at least 300 names or such larger number as the court determines.

This section shall not apply to the District of Columbia.

§ 1865. Apportionment within district; additional jury commissioners

(a) Grand and petit jurors shall from time to time be selected from such parts of the district as the court directs so as to be most favorable to an impartial trial, and not to incur unnecessary expense or unduly burden the citizens of any part of the district with jury service. To this end the court may direct the maintenance of separate jury boxes for some or all of the places for holding court in the district and may appoint a jury commissioner for each such place.

(b) Grand or petit jurors summoned for service at one place for holding court in a district may, if the public convenience so requires and the jurors will not be unduly burdened thereby, be directed to serve at another place in the same district.

§ 1866. Special petit juries; talesmen from bystanders

Whenever sufficient petit jurors are not available, the court may order a special jury to be drawn or may require the United States marshal to summon a sufficient number of talesmen from the bystanders.

§ 1867. Summoning jurors

When the court orders a grand or petit jury to be drawn the clerk shall issue summons for the required number of jurors and deliver them to the marshal for service.

Each person drawn for jury service may be served personally or by registered mail addressed to such person at his usual residence or business address.

Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered summons, where service is made by mail.

§ 1868. Disqualification of marshal or deputy

Whenever the United States marshal or his deputy is, in the opinion of the court, disqualified to summon grand or petit jurors, the court may appoint some disinterested person who shall take oath to perform such duty truly and impartially.

§ 1869. Frequency of service

In any district court, a petit juror may be challenged on the ground that he has been summoned and attended such court as a petit juror at any term held within one year prior to the challenge.

§ 1870. Challenges

In civil cases, each party shall be entitled to three peremptory challenges. Several defendants or several plaintiffs shall be considered as a single party for the purposes of making challenges. If there is more than one defendant the court may allow the defendants additional peremptory challenges and permit them to be exercised separately or jointly.

All challenges for cause or favor, whether to the array or panel or to individual jurors, shall be determined by the court.

§ 1871. Fees

Grand and petit jurors in district courts or before United States commissioners shall receive the following fees, except as otherwise expressly provided by law:

For actual attendance and for the time necessarily spent in going to and from the place of service, $4 per day;

For the distance necessarily traveled to and from a juror's residence by the shortest practicable route, 5 cents per mile.

Such fees shall be paid by the United States marshal on the cirtificate of attendance of the clerk of court.

§ 1872. Issues of fact in Supreme Court

In all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury.

§ 1873. Admiralty and maritime cases

In any case of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons or upward, enrolled and licensed for the coasting trade, and employed in the business of commerce and navigation between places in different states upon the lakes and navigable waters connecting said lakes, the trial of all issues of fact shall be by jury if either party demands it.

§ 1874. Actions on bonds and specialties

In all actions to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, wherein the forfeiture, breach, or nonperformance appears by default or confession of the defendant, the court shall render judgment for the plaintiff for such

amount as is due. If the sum is uncertain, it shall, upon request of either party, be assessed by a jury.

CHAPTER 123—FEES AND COSTS

Sec.
1911. Supreme Court.
1912. Damages and costs on affirmance.
1913. Courts of appeals.
1914. District courts; filing and miscellaneous fees; rules of court.
1915. Proceedings in forma pauperis.
1916. Seamen's suits.
1917. District courts; fee on filing notice of or petition for appeal.
1918. District courts; fines, forfeitures and criminal proceedings.
1919. District courts; dismissal for lack of jurisdiction.
1920. Taxation of costs.
1921. United States marshal's fees.
1922. Witness fees before United States commissioners.
1923. Docket fees and costs of briefs.
1924. Verification of bill of costs.
1925. Admiralty and maritime cases.
1926. Court of Customs and Patent Appeals.
1927. Counsel's liability for excessive costs.
1928. Patent infringement action; disclaimer not filed.
1929. Extraordinary expenses not expressly authorized.

§ 1911. Supreme Court

The Supreme Court may fix the fees to be charged by its clerk.

The fees of the clerk, cost of serving process, and other necessary disbursements incidental to any case before the court, may be taxed against the litigants as the court directs.

§ 1912. Damages and costs on affirmance

Where a judgment is affirmed by the Supreme Court or a court of appeals, the court in its discretion may adjudge to the prevailing party just damages for his delay, and single or double costs.

§ 1913. Courts of appeals

The fees and costs to be charged and collected in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. Such fees and costs shall be reasonable and uniform in all the circuits.

§ 1914. District court; filing and miscellaneous fees; rules of court

(a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of $15, except that on application for a writ of habeas corpus the filing fee shall be $5.

(b) The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.

(c) Each district court by rule or standing order may require advance payment of fees.

(d) This section shall not apply to the District of Columbia.

§ 1915. Proceedings in forma pauperis

(a) Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a citizen who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that he is entitled to redress.

An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b) In any civil or criminal case the court may, upon the filing of a like affidavit, direct that the expense of furnishing a stenographic transcript and printing the record on appeal, if required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(c) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.

(e) Judgment may be rendered for costs at the conclusion of the suit or action as in other cases and if the United States has paid the cost of a stenographic transcript for the prevailing party, the same shall be taxed in favor of the United States.

§ 1916. Seamen's suits

In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor.

§ 1917. District courts; fee on filing notice of or petition for appeal

Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or of a writ of certiorari $5 shall be paid to the clerk of the district court, by the appellant or petitioner.

§ 1918. District courts; fines, forfeitures and criminal proceedings

(a) Costs shall be included in any judgment, order, or decree rendered against any person for the violation of an Act of Congress in which a civil fine or forfeiture of property is provided for.

(b) Whenever any conviction for any offense not capital is obtained in a district court, the court may order that the defendant pay the costs of prosecution.

§ 1919. District courts; dismissal for lack of jurisdiction

Whenever any action or suit is dismissed in any district court for want of jurisdiction, such court may order the payment of just costs.

§ 1920. Taxation of costs

A judge or clerk of any court of the United States may tax as costs the following:

(1) Fees of the clerk and marshal;

(2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;

(3) Fees and disbursements for printing and witnesses;

(4) Fees for exemplification and copies of papers necessarily obtained for use in the case;

(5) Docket fees under section 1923 of this title. *Post*, p. 956.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

§ 1921. United States marshal's fees

Only the following fees of United States marshals shall be collected and taxed as costs, except as otherwise provided.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ, and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set off, or otherwise according to law and receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the States, respectively, in which the service is rendered;

In all cases in which the vessel or other property is sold by a public auctioneer or by some party other than the marshal or his deputy, the fee herein authorized to be paid to the marshal shall be reduced by the amount paid to said auctioneer or other party;

For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, 2½ per centum on any sum under $500, and 1¼ per centum on the excess of any sum over $500;

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow;

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, such amount as the court, on petition setting forth the facts under oath, may allow;

For serving a subpoena or summons on a witness or appraiser, 50 cents.

For service of an attachment in rem or libel in admiralty, $2.00.

For service of any warrant, attachment, summons, capias or other writ in a civil action or proceeding, $2.00 for each person served.

For every proclamation in admiralty, 30 cents.

For copies of writs or papers furnished at the request of any party, 10 cents a folio of 100 words or major fraction thereof.

For all services in a criminal case except for the summoning of witnesses, a sum to be fixed by the court not exceeding $25 where conviction is for a misdemeanor and not exceeding $100 where conviction is for a felony.

Travel expenses.

For necessary travel in serving any process in civil or criminal cases, 6 cents a mile to be computed from the place where the service is returned to the place of service or where more than one person is served, to the place of service which is most remote, adding thereto any additional travel necessary to serve the others. When two or more writs of any kind required to be served in behalf of the same party on the same person may be served at the same time, compensation for travel on only one such writ shall be taxable. The clerk shall insert in each subpoena, the names of as many witnesses in each case as convenience of service will permit.

§ 1922. Witness fees before United States commissioners

The fees of more than four witnesses shall not be taxed against the United States, in the examination of any criminal case before a United States commissioner, unless their materiality and importance are first approved and certified to by the United States attorney for the district in which the examination is had.

§ 1923. Docket fees and costs of briefs

(a) Attorney's and proctor's docket fees in courts of the United States may be taxed as costs as follows:

$20 on trial or final hearing in civil, criminal or admiralty cases, except that in cases of admiralty and maritime jurisdiction where the libellant recovers less than $50 the proctor's docket fee shall be $10;

$20 in admiralty appeals involving not over $1,000;

$50 in admiralty appeals involving not over $5,000;

$100 in admiralty appeals involving more than $5,000;

$5 on discontinuance of a civil action;
$5 on motion for judgment and other proceedings on recognizances;
$2.50 for each deposition admitted in evidence.

(b) The docket fees of United States attorneys shall be paid to the clerk of court and by him paid into the Treasury.

(c) In admiralty appeals the court may allow as costs for printing the briefs of the successful party not more than:
$25 where the amount involved is not over $1,000;
$50 where the amount involved is not over $5,000;
$75 where the amount involved is over $5,000.

§ 1924. Verification of bill of costs

Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

§ 1925. Admiralty and maritime cases

Except as otherwise provided by Act of Congress, the allowance and taxation of costs in admiralty and maritime cases shall be prescribed by rules promulgated by the Supreme Court.

§ 1926. Court of Customs and Patent Appeals

Fees and costs in the Court of Customs and Patent Appeals shall be fixed by a table of fees adopted by such court and approved by the Supreme Court. The fees and costs so fixed shall not, with respect to any item, exceed the fees and costs charged in the Supreme Court, and shall be accounted for and paid over to the Treasury.

§ 1927. Counsel's liability for excessive costs

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case as to increase costs unreasonably and vexatiously may be required by the court to satisfy personally such excess costs.

§ 1928. Patent infringement action; disclaimer not filed

Whenever a judgment is rendered for the plaintiff in any patent infringement action involving a part of a patent and it appears that the patentee, in his specifications, claimed to be, but was not, the original and first inventor or discoverer of any material or substantial part of the thing patented, no costs shall be included in such judgment, unless the proper disclaimer has been filed in the Patent Office prior to the commencement of the action.

§ 1929. Extraordinary expenses not expressly authorized

Where the ministerial officers of the United States incur extraordinary expense in executing Acts of Congress, the payment of which is not specifically provided for, the Attorney General may allow the payment thereof.

CHAPTER 125—JUDGMENTS

Sec.
1961. Interest.
1962. Lien.
1963. Registration in other districts.

§ 1961. Interest

Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the

marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at the rate allowed by State law.

§ 1962. Lien

Every judgment rendered by a district court within a State shall be a lien on the property located in such State in the same manner, to the same extent and under the same conditions as a judgment of a court of general jurisdiction in such State, and shall cease to be a lien in the same manner and time. Whenever the law of any State requires a judgment of a State court to be registered, recorded, docketed or indexed, or any other act to be done, in a particular manner, or in a certain office or county or parish before such lien attaches, such requirements shall apply only if the law of such State authorizes the judgment of a court of the United States to be registered, recorded, docketed, indexed or otherwise conformed to rules and requirements relating to judgments of the courts of the State.

§ 1963. Registration in other districts

A judgment in an action for the recovery of money or property entered in any district court which has become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner.

A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner in any district in which the judgment is a lien.

CHAPTER 127—EXECUTIONS AND JUDICIAL SALES

Sec.
2001. Sale of realty generally.
2002. Notice of sale of realty.
2003. Marshal's incapacity after levy on or sale of realty.
2004. Sale of personalty generally.
2005. Appraisal of goods taken on execution.
2006. Execution against revenue officer.
2007. Imprisonment for debt.

§ 2001. Sale of realty generally

(a) Any realty or interest therein sold under any order or decree of any court of the United States shall be sold as a whole or in separate parcels at public sale at the courthouse of the county, parish, or city in which the greater part of the property is located, or upon the premises or some parcel thereof located therein, as the court directs. Such sale shall be upon such terms and conditions as the court directs.

Property in the possession of a receiver or receivers appointed by one or more district courts shall be sold at public sale in the district wherein any such receiver was first appointed, at the courthouse of the county, parish, or city situated therein in which the greater part of the property in such district is located, or on the premises or some parcel thereof located in such county, parish, or city, as such court directs, unless the court orders the sale of the property or one or more parcels thereof in one or more ancillay districts.

(b) After a hearing, of which notice to all interested parties shall be given by publication or otherwise as the court directs, the court may order the sale of such realty or interest or any part thereof at private sale for cash or other consideration and upon such terms and conditions as the court approves, if it finds that the best interests of

the estate will be conserved thereby. Before confirmation of any private sale, the court shall appoint three disinterested persons to appraise such property or different groups of three appraisers each to appraise properties of different classes or situated in different localities. No private sale shall be confirmed at a price less than two-thirds of the appraised value. Before confirmation of any private sale, the terms thereof shall be published in such newspaper or newspapers of general circulation as the court directs at least ten days before confirmation. The private sale shall not be confirmed if a bona fide offer is made, under conditions prescribed by the court, which guarantees at least a 10 per centum increase over the price offered in the private sale.

(c) This section shall not apply to sales and proceedings under Title 11 or by receivers or conservators of banks appointed by the Comptroller of the Currency.

§ 2002. Notice of sale of realty

A public sale of realty or interest therein under any order, judgment or decree of any court of the United States shall not be made without notice published once a week for at least four weeks prior to the sale in at least one newspaper regularly issued and of general circulation in the county, state, or judicial district of the United States wherein the realty is situated.

If such realty is situated in more than one county, state, district or circuit, such notice shall be published in one or more of the counties, states, or districts wherein it is situated, as the court directs. The notice shall be substantially in such form and contain such description of the property by reference or otherwise as the court approves. The court may direct that the publication be made in other newspapers.

This section shall not apply to sales and proceedings under Title II or by receivers or conservators of banks appointed by the Comptroller of the Currency.

§ 2003. Marshal's incapacity after levy on or sale of realty

Whenever a United States marshal dies, is removed from office, or the term of his commission expires, after levying on reality or any interest therein under a writ of execution issued by a court of the United States, and before sale or other final disposition thereof, like process shall issue to the succeeding marshal and the same proceedings shall be had as if such contingency had not occurred.

Whenever any such contingency arises after a marshal has sold any realty or interest therein and before a deed is executed, the court may, on application by the purchaser, or the plaintiff in whose action the sale was made, setting forth the facts of the case and the reason why the title was not perfected by such marshal, order the succeeding marshal to perfect the title and execute a deed to the purchaser, upon payment of the purchase money and unpaid costs.

§ 2004. Sale of personalty generally

Any personalty sold under any order or decree of any court of the United States shall be sold in accordance with section 2001 of this title, unless the court orders otherwise. *Ante*, p. 958.

This section shall not apply to sales and proceedings under Title 11 or by receivers or conservators of banks appointed by the Comptroller of the Currency.

§ 2005. Appraisal of goods taken on execution

Whenever State law requires that goods taken on execution be appraised before sale, goods taken under execution issued from a court of the United States shall be appraised in like manner.

The United States marshal shall summon the appraisers in the same manner as the sheriff is required to summon appraisers under State law.

If the appraisers fail to attend and perform their required duties, the marshal may sell the goods without an appraisal. Appraisers attending and performing their duties, shall receive the fees allowed for appraisals under State law.

§ 2006. Execution against revenue officer

Execution shall not issue against a collector or other revenue officer on a final judgment in any proceeding against him for any of his acts, or for the recovery of any money exacted by or paid to him and subsequently paid into the Treasury, in performing his official duties, if the court certifies that:

(1) probable cause existed; or

(2) the officer acted under the directions of the Secretary of the Treasury or other proper Government officer.

When such certificate has been issued, the amount of the judgment shall be paid out of the proper appropriation by the Treasury.

§ 2007. Imprisonment for debt

(a) A person shall not be imprisoned for debt on a writ of execution or other process issued from a court of the United States in any State wherein imprisonment for debt has been abolished. All modifications, conditions, and restrictions upon such imprisonment provided by State law shall apply to any writ of execution or process issued from a court of the United States in accordance with the procedure applicable in such State.

(b) Any person arrested or imprisoned in any State on a writ of execution or other process issued from any court of the United States in a civil action shall have the same jail privileges and be governed by the same regulations as persons confined in like cases on process issued from the courts of such State. The same requirements governing discharge as are applicable in such State shall apply. Any proceedings for discharge shall be conducted before a United States commissioner for the judicial district wherein the defendant is held.

CHAPTER 129—MONEYS PAID INTO COURT

Sec.

2041. Deposit.

2042. Withdrawal.

§ 2041. Deposit

All moneys paid into any court of the United States, or received by the officers thereof, in any case pending or adjudicated in such court, shall be forthwith deposited with the Treasurer of the United States or a designated depositary, in the name and to the credit of such court.

This section shall not prevent the delivery of any such money to the rightful owners upon security, according to agreement of parties, under the direction of the court.

§ 2042. Withdrawal

No money deposited shall be withdrawn except by order of court.

In every case in which the right to withdraw money deposited in court has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, such court shall cause such money to be deposited in the Treasury in the name and to the credit of the United States. Any claimant entitled to any such money may, on petition to the court and upon notice to the United States attorney and full proof of the right thereto, obtain an order directing payment to him.

CHAPTER 131. RULES OF COURTS

Sec.
2071. Rule-making power generally.
2072. Rules of civil procedure for district courts.
2073. Admiralty rules for district courts.

§ 2071. Rule-making power generally

Each court established pursuant to Act of Congress may from time to time prescribe rules for the conduct of its business. Such rules shall be consistent with Acts of Congress and rules prescribed by the Supreme Court.

§ 2072. Rules of civil procedure for district courts

The Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts of the United States in civil actions.

Such rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution.

Such rules shall not take effect until they have been reported to Congress by the Attorney General at the beginning of a regular session and until after the close of such session.

All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

§ 2073. Admiralty rules for district courts

The Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions and the practice and procedure in admiralty and maritime cases in the district courts of the United States and all courts exercising admiralty jurisdiction in the Territories and Possessions of the United States.

Such rules shall not abridge or modify any substantive right.

Such rules shall not take effect until they have been reported to Congress by the Attorney General at the beginning of a regular session and until after the close of such session.

All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title anything therein to the contrary nothwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

CHAPTER 133—REVIEW—MISCELLANEOUS PROVISIONS

Sec.
2101. Supreme Court; time for appeal or certiorari; docketing; stay.
2102. Priority of criminal case on appeal from state court.
2103. Appeal from state court improvidently taken regarded as writ of certiorari.
2104. Appeals from state courts.
2105. Scope of review; abatement.
2106. Determination.
2107. Time for appeal to court of appeals.
2108. Proof of amount in controversy.
2109. Quorum of Supreme Court justices absent.
2110. Time for appeal to court of claims in tort claims cases.

§ 2101. Supreme Court; time for appeal or certiorari; docketing; stay

(a) A direct appeal to the Supreme Court from any decision under sections 1252, 1253 and 2282 of this title, holding unconstitutional in

Ante, p. 928; *post*, p. 968.

whole or in part, any Act of Congress, shall be taken within thirty days after the entry of the interlocutory or final order, judgment or decree. The record shall be made up and the case docketed within sixty days from the time such appeal is taken under rules prescribed by the Supreme Court.

(b) Any other direct appeal to the Supreme Court which is authorized by law, from a decision of a district court in any civil action, suit or proceeding, shall be taken within thirty days from the judgment, order or decree, appealed from, if interlocutory, and within sixty days if final.

(c) Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree unless, upon application for writ of certiorari, for good cause, the Supreme Court or a justice thereof allows an additional time not exceeding sixty days.

(d) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

(e) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

§ 2102. Priority of criminal case on appeal from State court

Criminal cases on review from State courts shall have priority, on the docket of the Supreme Court, over all cases except cases to which the United States is a party and such other cases as the court may decide to be of public importance.

§ 2103. Appeal from State court improvidently taken regarded as writ of certiorari

If an appeal to the Supreme Court is improvidently taken from the decision of the highest court of a State in a case where the proper mode of a review is by petition for certiorari, this alone shall not be ground for dismissal; but the papers whereon the appeal was taken shall be regarded and acted on as a petition for writ of certiorari and as if duly presented to the Supreme Court at the time the appeal was taken. Where in such a case there appears to be no reasonable ground for granting a petition for writ of certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay, and single or double costs.

§ 2104. Appeals from State courts

An appeal to the Supreme Court from a State court shall be taken in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree appealed from had been rendered in a court of the United States.

§ 2105. Scope of review; abatement

There shall be no reversal in the Supreme Court or a court of appeals for error in ruling upon matters in abatement which do not involve jurisdiction.

§ 2106. Determination

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

§ 2107. Time for appeal to court of appeals

Except as otherwise provided in this section, no appeal shall bring any judgment, order or decree in an action, suit or proceeding of a civil nature before a court of appeals for review unless notice of appeal is filed, within thirty days after the entry of such judgment, order or decree.

In any such action, suit or proceeding in which the United States or an officer or agency thereof is a party, the time as to all parties shall be sixty days from such entry.

In any action, suit or proceeding in admiralty, the notice of appeal may be filed within ninety days after the entry of the order, judgment or decree appealed from.

Extension of time.

The district court, in any such action, suit or proceeding, may extend the time for appeal not exceeding thirty days from the expiration of the original time herein prescribed, upon a showing of excusible neglect based on failure of a party to learn of the entry of the judgment, order or decree.

This section shall not apply to bankruptcy matters or other proceedings under Title 11.

§ 2108. Proof of amount in controversy

Where the power of any court of appeals to review a case depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the case or by other competent evidence.

§ 2109. Quorum of Supreme Court justices absent

If a case brought to the Supreme Court by direct appeal from a district court cannot be heard and determined because of the absence of a quorum of qualified justices, the Chief Justice of the United States may order it remitted to the court of appeals for the circuit including the district in which the case arose, to be heard and determined by that court either sitting in banc or specially constituted and composed of the three circuit judges senior in commission who are able to sit, as such order may direct. The decision of such court shall be final and conclusive. In the event of the disqualification or disability of one or more of such circuit judges, such court shall be filled as provided in chapter 15 of this title.

Ante, p. 902.

In any other case brought to the Supreme Court for review, which cannot be heard and determined because of the absence of a quorum of qualified justices, if a majority of the qualified justices shall be of opinion that the case cannot be heard and determined at the next ensuing term, the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.

§ 2110. Time for appeal to Court of Claims in tort claims cases

Appeals to the Court of Claims in tort claims cases, as provided in section 1504 of this title, shall be taken within three months after the entry of the final judgment of the district court.

Ante, p. 942.

PART VI—PARTICULAR PROCEEDINGS

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CHAPTER 151—DECLARATORY JUDGMENTS

Sec.
2201. Creation of remedy.
2202. Further relief.

§ 2201. Creation of remedy

In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment ar decree and shall be reviewable as such.

§ 2202. Further relief

Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.

CHAPTER 153—HABEAS CORPUS

Sec.
2241. Power to grant writ.
2242. Application.
2243. Issuance of writ; return; hearing; decision.
2244. Finality of determination.
2245. Certificate of trial judge admissible in evidence.
2246. Evidence; depositions; affidavits.
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2248. Return or answer; conclusiveness.
2249. Certified copies of indictment, plea and judgment; duty of respondent.
2250. Indigent petitioner entitled to documents without cost.
2251. Stay of State court proceedings.
2252. Notice.
2253. Appeal.
2254. State custody; remedies in State Courts.
2255. Federal custody; remedies on motion attacking sentence.

§ 2241. Power to grant writ

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

(b) The Supreme Court any justice thereof and any circuit judge may decline to entertain an application for a writ of habeas corpus

and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless—

(1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or

(2) He is in custody for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judge of the United States; or

(3) He is in custody in violation of the Constitution or laws or treaties of the United States; or

(4) He, being a citizen of a foreign state and domiciled therein is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; or

(5) It is necessary to bring him into court to testify or for trial.

§ 2242. Application

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known.

It may be amended or supplemented as provided in the rules of procedure applicable to civil actions.

If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

§ 2243. Issuance of writ; return; hearing; decision

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.

When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.

The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

The return and all suggestions made against it may be amended, by leave of court, before or after being filed.

The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

§ 2244. Finality of determination

No circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a

person pursuant to a judgment of a court of the United States, or of any State, if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus and the petition presents no new ground not theretofore presented and determined, and the judge or court is satisfied that the ends of justice will not be served by such inquiry.

§ 2245. Certificate of trial judge admissible in evidence

On the hearing of an application for a writ of habeas corpus to inquire into the legality of the detention of a person pursuant to a judgment the certificate of the judge who presided at the trial resulting in the judgment, setting forth the facts occurring at the trial, shall be admissible in evidence. Copies of the certificate shall be filed with the court in which the application is pending and in the court in which the trial took place.

§ 2246. Evidence; depositions; affidavits

On application for a writ of habeas corpus, evidence may be taken orally or by deposition, or, in the discretion of the judge, by affidavit. If affidavits are admitted any party shall have the right to propound written interrogatories to the affiants, or to file answering affidavits.

§ 2247. Documentary evidence

On application for a writ of habeas corpus documentary evidence, transcripts of proceedings upon arraignment, plea and sentence and a transcript of the oral testimony introduced on any previous similar application by or in behalf of the same petitioner, shall be admissible in evidence.

§ 2248. Return or answer; conclusiveness

The allegations of a return to the writ of habeas corpus or of an answer to an order to show cause in a habeas corpus proceeding, if not traversed, shall be accepted as true except to the extent that the judge finds from the evidence that they are not true.

§ 2249. Certified copies of indictment, plea and judgment; duty of respondent

On application for a writ of habeas corpus to inquire into the detention of any person pursuant to a judgment of a court of the United States, the respondent shall promptly file with the court certified copies of the indictment, plea of petitioner and the judgment, or such of them as may be material to the questions raised, if the petitioner fails to attach them to his petition, and same shall be attached to the return to the writ, or to the answer to the order to show cause.

§ 2250. Indigent petitioner entitled to documents without cost

If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma pauperis, the clerk of any court of the United States shall furnish to to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.

§ 2251. Stay of State court proceedings

A justice or judge of the United States before whom a habeas corpus proceeding is pending, may, before final judgment or after final judgment of discharge, or pending appeal, stay any proceeding against the person detained in any State court or by or under the authority of any State for any matter involved in the habeas corpus proceeding.

After the granting of such a stay, any such proceeding in any State court or by or under the authority of any State shall be void. If no stay

is granted, any such proceeding shall be as valid as if no habeas corpus proceedings or appeal were pending.

§ 2252. Notice

Prior to the hearing of a habeas corpus proceeding in behalf of a person in custody of State officers or by virtue of State laws notice shall be served on the attorney general or other appropriate officer of such State as the justice or judge at the time of issuing the writ shall direct.

§ 2253. Appeal

In a habeas corpus proceeding before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

There shall be no right of appeal from such order in a proceeding to test the validity of a warrant of removal issued pursuant to section 3041 of Title 18 or the detention pending removal proceedings. *Ante*, p. 815.

An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause.

§ 2254. State custody; remedies in State courts

An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.

An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

§ 2255. Federal custody; remedies on motion attacking sentence

A prisoner in custody under sentence of a court of the United States claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

A motion for such relief may be made at any time.

Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

An appeal may be taken to the court of appeals from the order

entered on the motion as from a final judgment on application for a writ of habeas corpus.

An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

CHAPTER 155—INJUNCTIONS; THREE-JUDGE COURTS

Sec.
2281. Injunction against enforcement of State statute; three-judge court required.
2282. Injunction against enforcement of Federal statute; three-judge court required.
2283. Stay of State court proceedings.
2284. Three-judge district court; composition; procedure.

§ 2281. Injunction against enforcement of State statute; three-judge court required

An interlocutory or permanent injunction restraining the enforcement, operation or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute or of an order made by an administrative board or commission acting under State statutes, shall not be granted by any district court or judge thereof upon the ground of the unconstitutionality of such statute unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.

Infra.

§ 2282. Injunction against enforcement of Federal statute; three-judge court required

An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.

§ 2283. Stay of State court proceedings

A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

§ 2284. Three-judge district court; composition; procedure

In any action or proceeding required by Act of Congress to be heard and determined by a district court of three judges the composition and procedure of the court, except as otherwise provided by law, shall be as follows:

(1) The district judge to whom the application for injunction or other relief is presented shall constitute one member of such court. On the filing of the application, he shall immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. Such judges shall serve as members of the court to hear and determine the action or proceeding.

(2) If the action involves the enforcement, operation or execution of State statutes or State administrative orders, at least five days notice of the hearing shall be given to the governor and attorney general of the State.

If the action involves the enforcement, operation or execution of

an Act of Congress or an order of any department or agency of the United States, at least five days' notice of the hearing shall be given to the Attorney General of the United States, to the United States attorney for the district, and to such other persons as may be defendants.

Such notice shall be given by registered mail by the clerk, and shall be complete on the mailing thereof.

(3) In any such case in which an application for an interlocutory injunction is made, the district judge to whom the application is made may, at any time, grant a temporary restraining order to prevent irreparable damage. The order, unless previously revoked by the district judge, shall remain in force only until the hearing and determination by the full court. It shall contain a specific finding, based upon evidence submitted to such judge and identified by reference thereto, that specified irreparable damage will result if the order is not granted.

(4) In any such case the application shall be given precedence and assigned for a hearing at the earliest practicable day. Two judges must concur in granting the application.

(5) Any one of the three judges of the court may perform all functions, conduct all proceedings except the trial, and enter all orders required or permitted by the rules of civil procedure. A single judge shall not appoint a master or order a reference, or hear and determine any application for an interlocutory injunction or motion to vacate the same, or dismiss the action, or enter a summary or final judgment. The action of a single judge shall be reviewable by the full court at any time before final hearing.

A district court of three judges shall, before final hearing, stay any action pending therein to enjoin, suspend or restrain the enforcement or execution of a State statute or order thereunder, whenever it appears that a State court of competent jurisdiction has stayed proceedings under such statute or order pending the determination in such State court of an action to enforce the same. If the action in the State court is not prosecuted diligently and in good faith, the district court of three judges may vacate its stay after hearing upon ten days notice served upon the attorney general of the State.

CHAPTER 157—INTERSTATE COMMERCE COMMISSION ORDERS; ENFORCEMENT AND REVIEW

Sec.

2321. Procedure generally; process.
2322. United States as party.
2323. Duties of Attorney General; intervenors.
2324. Stay of Commission's order.
2325. Injunction; three-judge court required.

§ 2321. Procedure generally; process

The procedure in the district courts in actions to enforce, suspend, enjoin, annul or set aside in whole or in part any order of the Interstate Commerce Commission other than for the payment of money or the collection of fines, penalties and forfeitures, shall be as provided in this chapter.

The orders, writs, and process of the district courts may, in the cases specified in this section and in the cases and proceedings under sections 20, 43, and 49 of Title 49, run, be served, and be returnable anywhere in the United States. *Ante*, p. 295.

§ 2322. United States as party

All actions specified in section 2321 of this title shall be brought by or against the United States. *Supra.*

§ 2323. Duties of Attorney General; intervenors

The Attorney General shall represent the Government in the actions specified in section 2321 of this title and in actions under sections 20, 43, and 49 of Title 49, in the district courts, and in the Supreme Court of the United States upon appeal from the district courts.

Ante, pp. 969, 295.

The Interstate Commerce Commission and any party or parties in interest to the proceeding before the Commission, in which an order or requirement is made, may appear as parties of their own motion and as of right, and be represented by their counsel, in any action involving the validity of such order or requirement or any part thereof, and the interest of such party.

Communities, associations, corporations, firms, and individuals interested in the controversy or question before the Commission, or in any action commenced under the aforesaid sections may intervene in said action at any time after commencement thereof.

The Attorney General shall not dispose of or discontinue said action or proceeding over the objection of such party or intervenor, who may prosecute, defend, or continue said action or proceeding unaffected by the action or nonaction of the Attorney General therein.

§ 2324. Stay of Commission's order

The pendency of an action to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall not of itself stay or suspend the operation of the order, but the court may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the action.

§ 2325. Injunction; three-judge court required

An interlocutory or permanent injunction restraining the enforcement, operation or execution, in whole or in part, of any order of the Interstate Commerce Commission shall not be granted unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.

Ante, p. 968.

CHAPTER 159—INTERPLEADER

Sec.

2361. Process and procedure.

§ 2361. Process and procedure

In any interpleader action, a district court may issue its process for all claimants and enter its order restraining them from instituting any proceeding in any State or United States court affecting the property, instrument or obligation involved in the interpleader action until further order of the court. Such process and order shall be returnable at such time as the court or judge thereof directs, and shall be addressed to and served by the United States marshals for the respective districts where the claimants reside or may be found.

Such district court shall hear and determine the case, and may discharge the plaintiff from further liability, make the injunction permanent, and make all appropriate orders to enforce its judgment.

CHAPTER 161—UNITED STATES AS PARTY GENERALLY

Sec.

2401. Time for commencing action against United States.
2402. Jury trial denied in actions against United States.
2403. Intervention by United States; constitutional question.
2404. Death of defendant in damage action.
2405. Garnishment.
2406. Credits in actions by United States; prior disallowance.
2407. Delinquents for public money; judgment at return term; continuance.
2408. Security not required of United States.
2409. Partition actions involving United States.
2410. Actions affecting property on which United States has lien.

Sec.
2411. Interest on judgments against United States.
2412. Costs.
2413. Executions in favor of United States.
2414. Payment of judgments against the United States.

§ 2401. Time for commencing action against United States

(a) Every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless action is begun thereon within one year after such claim accrues, or unless, if it is a claim not exceeding $1,000, it is presented in writing to the appropriate Federal agency within one year after such claim accrues. If a claim not exceeding $1,000 has been presented in writing to the appropriate Federal agency within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the agency or the date of mailing notice by the agency of final disposition of the claim.

§ 2402. Jury trial denied in actions against United States

Any action against the United States under section 1346 of this title shall be tried by the court without a jury. *Ante*, p. 933.

§ 2403. Intervention by United States; constitutional question

In any action, suit or proceeding in a court of the United States to which the United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

§ 2404. Death of defendant in damage action

A civil action for damages commenced by or on behalf of the United States or in which it is interested shall not abate on the death of a defendant but shall survive and be enforceable against his estate as well as against surviving defendants.

§ 2405. Garnishment

In any action or suit commenced by the United States against a corporation for the recovery of money upon a bill, note, or other security, the debtors of the corporation may be summoned as garnishees. Any person so summoned shall appear in open court and depose in writing to the amount of his indebtedness to the corporation at the time of the service of the summons and at the time of making the deposition, and judgment may be entered in favor of the United States for the sum admitted by the garnishee to be due the corporation as if it had been due the United States. A judgment shall not be entered against any garnishee until after judgment has been rendered against the corporation, nor until the sum in which the garnishee is indebted is actually due.

When any garnishee deposes in open court that he is not and was not at the time of the service of the summons indebted to the corporation, an issue may be tendered by the United States upon such

deposition. If, upon the trial of that issue, a verdict is rendered against the garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs.

Any garnishee who fails to appear at the term to which he is summoned shall be subject to attachment for contempt.

§ 2406. Credits in actions by United States; prior disallowance

In an action by the United States against an individual, evidence supporting the defendant's claim for a credit shall not be admitted unless he first proves that such claim has been disallowed, in whole or in part, by the General Accounting Office, or that he has, at the time of the trial, obtained possession of vouchers not previously procurable and has been prevented from presenting such claim to the General Accounting Office by absence from the United States or unavoidable accident.

§ 2407. Delinquents for public money; judgment at return term; continuance

In an action by the United States against any person accountable for public money who fails to pay into the Treasury the sum reported due the United States, upon the adjustment of his account the court shall grant judgment upon motion unless a continuance is granted as specified in this section.

A continuance may be granted if the defendant, in open court and in the presence of the United States attorney, states under oath that he is equitably entitled to credits which have been disallowed by the General Accounting Office prior to the commencement of the action, specifying each particular claim so rejected, and stating that he cannot safely come to trial.

A continuance may also be granted if such an action is commenced on a bond or other sealed instrument and the court requires the original instrument to be produced.

§ 2408. Security not required of United States

Security for damages or costs shall not be required of the United States, any department or agency thereof or any party acting under the direction of any such department or agency on the issuance of process or the institution or prosecution of any proceeding.

Costs taxable, under other Acts of Congress, against the United States or any such department, agency or party shall be paid out of the contingent fund of the department or agency which directed the proceedings to be instituted.

§ 2409. Partition actions involving United States

Any civil action by any tenant in common or joint tenant owning an undivided interest in lands, where the United States is one of such tenants in common or joint tenants, against the United States alone or against the United States and any other of such owners, shall proceed, and be determined, in the same manner as would a similar action between private persons.

Whenever in such action the court orders a sale of the property or any part thereof the Attorney General may bid for the same in behalf of the United States. If the United States is the purchaser, the amount of the purchase money shall be paid from the Treasury upon a warrant drawn by the Secretary of the Treasury on the requisition of the Attorney General.

§ 2410. Actions affecting property on which United States has lien

Ante, p. 998.

(a) Under the conditions prescribed in this section and section 1444 of this title for the protection of the United States, the United States may be named a party in any civil action or suit in any district court,

including the District Court for the Territory of Alaska, or in any State court having jurisdiction of the subject matter, to quiet title to or for the foreclosure of a mortgage or other lien upon real or personal property on which the United States has or claims a mortgage or other lien.

(b) The complaint shall set forth with particularity the nature of the interest or lien of the United States. The United States may appear and answer, plead or demur within sixty days after service, or such further time as the court may allow.

(c) A judicial sale in such action or suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the local law of the place where the property is situated. A sale to satisfy a lien inferior to one of the United States, shall be made subject to and without disturbing the lien of the United States, unless the United States consents that the property may be sold free of its lien and the proceeds divided as the parties may be entitled. Where a sale of real estate is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien and where property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of its claim with expenses of sale, as may be directed by the head of the department or agency of the United States which has charge of the administration of the laws in respect of which the claim of the United States arises.

(d) Whenever any person has a lien upon any real or personal property, duly recorded in the jurisdiction in which the property is located, and a junior lien, other than a tax lien, in favor of the United States attaches to such property, such person may make a written request to the officer charged with the administration of the laws in respect of which the lien of the United States arises, to have the same extinguished. If after appropriate investigation, it appears to such officer that the proceeds from the sale of the property would be insufficient to wholly or partly satisfy the lien of the United States, or that the claim of the United States has been satisfied or by lapse of time or otherwise has become unenforceable, such officer shall so report to the Comptroller General who may issue a certificate releasing the property from such lien.

§ 2411. Interest on judgments against United States

On all final judgments rendered against the United States in actions instituted under section 1346 of this title, interest shall be computed at the rate of 4 per centum per annum from the date of the judgment up to, but not exceeding, thirty days after the date of approval of any appropriation Act providing for payment of the judgment.

Ante, p. 933.

§ 2412. Costs

(a) The United States shall be liable for fees and costs only when such liability is expressly provided for by Act of Congress.

(b) In an action under subsection (a) of section 1346 or section 1491 of this title, if the United States puts in issue plaintiff's right to recover, the district court or Court of Claims may allow costs to the prevailing party from the time of joining such issue. Such costs shall include only those actually incurred for witnesses and fees paid to the clerk.

Ante, pp. 933, 940.

(c) In an action under subsection (b) of section 1346 of this title, costs shall be allowed in all courts to the successful claimant, but such costs shall not include attorneys' fees.

Ante, p. 933.

§ 2413. Executions in favor of United States

A writ of execution on a judgment obtained for the use of the United States in any court thereof shall be issued from and made returnable to the court which rendered the judgment, but may be executed in any other State, in any Territory, or in the District of Columbia.

§ 2414. Payment of judgments against the United States

Payment of final judgments rendered by a district court against the United States shall be made on settlements by the General Accounting Office.

Whenever the Attorney General determines that no appeal shall be taken from a judgment against the United States or that no further review will be sought from a decision affirming the same, he shall so certify and the judgment shall be deemed final.

CHAPTER 163—FINES, PENALTIES AND FORFEITURES

Sec.

2461. Mode of recovery.
2462. Time for commencing proceedings.
2463. Property taken under revenue law not repleviable.
2464. Security; special bond.
2465. Return of property to claimant; certificate of reasonable cause; liability for wrongful seizure.

§ 2461. Mode of recovery

(a) Whenever a civil fine, penalty or pecuniary forfeiture is prescribed for the violation of an Act of Congress without specifying the mode of recovery or enforcement thereof, it may be recovered in a civil action.

(b) Unless otherwise provided by Act of Congress, whenever a forfeiture of property is prescribed as a penalty for violation of an Act of Congress and the seizure takes place on the high seas or on navigable waters within the admiralty and maritime jurisdiction of the United States, such forfeiture may be enforced by libel in admiralty but in cases of seizures on land the forfeiture may be enforced by a proceeding by libel which shall conform as near as may be to proceedings in admiralty.

§ 2462. Time for commencing proceedings

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found within the United States in order that proper service may be made thereon.

§ 2463. Property taken under revenue law not repleviable

All property taken or detained under any revenue law of the United States shall not be repleviable, but shall be deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof.

§ 2464. Security; special bond

(a) Except in cases of seizures for forfeiture under any law of the United States, whenever a warrant of arrest or other process in rem is issued in any admiralty case, the United States marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the respondent or claimant of the property a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the district court where the case is pending, or, in his absence,

by the collector of the port, conditioned to answer the decree of the court in such case. Such bond or stipulation shall be returned to the court, and judgment or decree thereon, against both the principal and sureties, may be secured at the time of rendering the decree in the original case. The owner of any vessel may deliver to the marshal a bond or stipulation, with sufficient surety, to be approved by the judge of the district court, conditioned to answer the decree of such court in all or any cases that are brought thereafter in such court against the vessel. Thereupon the execution of all such process against such vessel shall be stayed so long as the amount secured by such bond or stipulation is at least double the aggregate amount claimed by libellants in such suits which are begun and pending against such vessel. Similar judgments or decrees and remedies may be had on such bond or stipulation as if a special bond or stipulation had been filed in each of such suits.

(b) The court may make necessary orders to carry this section into effect, particularly in giving proper notice of any such suit. Such bond or stipulation shall be indorsed by the clerk with a minute of the suits wherein process is so stayed. Further security may be required by the court at any time.

(c) If a special bond or stipulation in the particular case is given under this section, the liability as to said case on the general bond or stipulation shall cease. The parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property to be not more than the amount claimed in the libel, with interest, plus an allowance for libellant's costs. In the event of the inability or refusal of the parties to so stipulate, the court shall fix the amount, but if not so fixed then a bond shall be required in the amount prescribed in this section.

§ 2465. Return of property to claimant; certificate of reasonable cause; liability for wrongful seizure

Upon the entry of judgment for the claimant in any proceeding to condemn or forfeit property seized under any Act of Congress, such property shall be returned forthwith to the claimant or his agent; but if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution.

CHAPTER 165—COURT OF CLAIMS PROCEDURE

Sec.

2501. Time for filing suit.
2502. Aliens' privilege to sue.
2503. Proceedings before commissioners generally.
2504. Plaintiff's testimony.
2505. Place of taking evidence.
2506. Interest of witness.
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2510. Departmental reference cases.
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2512. Disbursing officers; relief.
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2515. New trial, stay of judgment.
2516. Interest on claims and judgments.
2517. Payment of judgments.
2518. Certification of judgments for appropriation.
2519. Conclusiveness of judgment.
2520. Fees; cost of printing record.

§ 2501. Time for filing suit

Every claim of which the Court of Claims has jurisdiction shall be barred unless the petition thereon is filed, or the claim is referred by the Senate or House of Representatives, or by the head of an executive department within six years after such claim first accrues.

Ante, p. 941.

Every claim under section 1497 of this title shall be barred unless the petition thereon is filed within two years after the termination of the river and harbor improvements operations on which the claim is based.

A petition on the claim of a person under legal disability or beyond the seas at the time the claim accrues may be filed within three years after the disability ceases.

A suit for the fees of an officer of the United States shall not be filed until his account for such fees has been finally acted upon, unless the General Accounting Office fails to act within six months after receiving the account.

§ 2502. Aliens' privilege to sue

Citizens or subjects of any foreign government which accords to citizens of the United States the right to prosecute claims against their government in its courts may sue the United States in the Court of Claims if the subject matter of the suit is otherwise within such court's jurisdiction.

§ 2503. Proceedings before commissioners generally

Parties to any suit in the Court of Claims may appear before a commissioner in person or by attorney, produce evidence and examine witnesses. Commissioners, including reporter-commissioners taking testimony, may administer oaths or affirmations to witnesses. Subpoenas requiring the attendance of witnesses before commissioners may be issued by the court and compliance therewith shall be compelled under appropriate rules and orders of the court. Subpoenas for witnesses or for the production of testimony may issue out of the court by the clerk and shall be served by the United States marshal to whom they are directed.

The rules of the court shall provide for a finding and report of facts by a commissioner, and when directed by the court his recommendations for conclusions of law, to be filed in court with the testimony upon which the same is based, and for opportunity to file exceptions thereto, and a hearing thereon within such reasonable time as the court's rules or order may prescribe. This section shall not prevent the court from passing upon all questions and findings regardless of whether exceptions were taken before a commissioner.

§ 2504. Plaintiff's testimony

The Court of Claims may, at the instance of the Attorney General, order any plaintiff to appear, upon reasonable notice, before any commissioner of the court and be examined on oath as to all matters pertaining to his claim. Such examination shall be reduced to writing by the commissioner, and shall be returned to and filed in the court, and may, at the discretion of the attorneys for the United States, be read and used as evidence on the trial. If any plaintiff, after such order is made and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all material matters within his knowledge, the court may order that the case shall not be tried until he fully complies with such order.

§ 2505. Place of taking evidence

Any judge of the Court of Claims may sit at any place within the United States to take evidence and report findings.

If convenient, testimony shall be taken in the county where the witness resides.

§ 2506. Interest of witness

A witness in a suit in the Court of Claims shall not be exempt or disqualified because he is a party to or interested in such suit.

§ 2507. Calls on departments for information

The Court of Claims may call upon any department or agency of the United States for any information or papers it deems necessary, and may use all recorded and printed reports made by the committees of the Senate or House of Representatives.

The head of any department or agency may refuse to comply when, in his opinion, compliance will be injurious to the public interest.

§ 2508. Counterclaim or set-off; registration of judgment

Upon the trial of any suit in the Court of Claims in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the United States against any plaintiff making claim against the United States in said court, the court shall hear and determine such claim or demand both for and against the United States and plaintiff.

If upon the whole case it finds that the plaintiff is indebted to the United States it shall render judgment to that effect, and such judgment shall be final and reviewable.

The transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records, and be a judgment of such district court and enforceable as such.

§ 2509. Congressional reference cases

Whenever any bill, except for a pension, is referred to the Court of Claims by either House of Congress, such court shall proceed with the same in accordance with its rules and report to such House, the facts in the case, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy.

The court shall also report conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

§ 2510. Departmental reference cases

A claim or matter referred to the Court of Claims by the head of an executive department shall be proceeded with as are other cases pending in such court, under its rules.

The court shall report its findings of fact and conclusions of law to the head of the department who referred the claim or matter.

The Secretary of the Treasury may, upon the certificate of the Comptroller General of the United States, direct any claim or matter, of which, by reason of the subject matter or character, the Court of Claims might take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to such court for trial and adjudication.

§ 2511. Accounts of officers, agents or contractors

Notice of suit under section 1494 of this title shall be given to the Attorney General and to the head of the department requested to settle the account in question. *Ante*, p. 941.

The judgment of the Court of Claims in such suit, or of the Supreme Court upon review, shall be conclusive upon the parties, and payment of the amount found due shall discharge the obligation.

A right of action shall accrue to the United States upon the judgment, but such right and any right of action on the original indebtedness shall be barred unless an action thereon is brought within three years after judgment.

§ 2512. Disbursing officers; relief

Whenever the Court of Claims finds that any loss by a disbursing officer of the United States was without his fault or negligence, it shall render a judgment setting forth the amount thereof, and the General Accounting Office shall allow the officer such amount as a credit in the settlement of his accounts.

§ 2513. Unjust conviction and imprisonment

Ante, p. 941.

(a) Any person suing under section 1495 of this title must allege and prove that:

(1) His conviction has been reversed or set aside on the ground that he is not guilty of the offense of which he was convicted, or on new trial or rehearing he was found not guilty of such offense, as appears from the record or certificate of the court setting aside or reversing such conviction, or that he has been pardoned upon the stated ground of innocence and unjust conviction and

(2) He did not commit any of the acts charged or his acts, deeds, or omissions in connection with such charge constituted no offense against the United States, or any State, Territory or the District of Columbia, and he did not by misconduct or neglect cause or bring about his own prosecution.

(b) Proof of the requisite facts shall be by a certificate of the court or pardon wherein such facts are alleged to appear, and other evidence thereof shall not be received.

(c) No pardon or certified copy of a pardon shall be filed with the Court of Claims unless it contains recitals that the pardon was granted after applicant had exhausted all recourse to the courts and that the time for any court to exercise its jurisdiction had expired.

(d) The Court may permit the plaintiff to prosecute such action in forma pauperis.

(e) The amount of damages awarded shall not exceed the sum of $5,000.

§ 2514. Forfeiture of fraudulent claims

A claim against the United States shall be forfeited to the United States by any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance thereof.

In such cases the Court of Claims shall specifically find such fraud or attempt and render judgment of forfeiture.

§ 2515. New trial; stay of judgment

(a) The Court of Claims may grant a plaintiff a new trial on any ground established by rules of common law or equity applicable as between private parties.

(b) Such court, at any time while any suit is pending before it, or after proceedings for review have been instituted, or within two years after the final disposition of the suit, may grant the United States a new trial and stay the payment of any judgment upon satisfactory evidence, cumulative or otherwise, that any fraud, wrong, or injustice has been done the United States.

§ 2516. Interest on claims and judgments

(a) Interest on a claim against the United States shall be allowed in a judgment of the Court of Claims only under a contract or Act of Congress expressly providing for payment thereof.

(b) Interest on judgments against the United States affirmed by the Supreme Court after review on petition of the United States shall be paid at the rate of four per cent per annum from the date of the filing of the transcript of the judgment in the Treasury Department to the date of the mandate of affirmance. Such interest shall not be allowed after the term of the Supreme Court at which the judgment was affirmed.

§ 2517. Payment of judgments

(a) Every final judgment rendered by the Court of Claims against the United States shall be paid out of any general appropriation therefor, on presentation to the General Accounting Office of a certification of the judgment by the clerk and chief judge of the court.

(b) Payment of any such judgment and of interest thereon shall be a full discharge to the United States of all claims and demands arising out of the matters involved in the case or controversy.

§ 2518. Certification of judgments for appropriation

The Secretary of the Treasury shall certify to Congress for appropriation only such judgments of the Court of Claims as are not to be reviewed or are entered upon mandate of the Supreme Court.

§ 2519. Conclusiveness of judgment

A final judgment of the Court of Claims against any plaintiff shall forever bar any further claim, suit, or demand against the United States arising out of the matters involved in the case or controversy.

§ 2520. Fees; cost of printing record

(a) The Court of Claims shall by rules impose a fee not exceeding $10, for the filing of any petition and the hearing of any case before the court, a judge, or a commissioner.

(b) The clerk shall collect a fee of 10 cents a folio for preparing and certifying a transcript of the record for the purpose of a writ of certiorari sought by the plaintiff, and for furnishing certified copies of judgments or other documents. Not less than $5 shall be charged for each certified copy of findings of fact and opinion of the court to be filed in the Supreme Court.

(c) The clerk shall also collect for each certified copy of the court's findings of fact and opinion a fee of 25 cents for five pages or less, 35 cents for those over five and not more than ten pages, 45 cents for those over ten and not more than twenty pages, and 50 cents for those of more than twenty pages.

(d) The cost of printing the record in every pending case in the court shall be taxed against the losing party, collected by the clerk of the court, except when the judgment is against the United States, and paid into the Treasury.

CHAPTER 167—COURT OF CUSTOMS AND PATENT APPEALS PROCEDURE

Sec.

2601. Customs Court decisions.
2602. Precedence of classification cases.

§ 2601. Customs Court decisions

Any party to a proceeding before the Customs Court who is dissatisfied with the decision of such court as to the construction of the law and the facts respecting the classification of imported merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of such court, may, not later than sixty days after the entry of the decision, apply to the Court of Customs and Patent Appeals for a review of all questions of law and fact.

In cases arising in the Territories and Possessions ninety days shall be allowed for making such application.

The application shall be made by filing in the office of the clerk of the Court of Customs and Patent Appeals a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the Court of Customs and Patent Appeals shall immediately order the Customs Court to transmit the record and evidence taken, together with a certified statement of the facts involved in the case and the decision thereon; and all the evidence taken by and before the Customs Court shall be competent evidence before the Court of Customs and Patent Appeals. The decision of the Court of Customs and Patent Appeals shall be final unless set aside or modified by the Supreme Court, and the case shall be remanded to the Customs Court for further proceedings to be taken in pursuance of such decision.

§ 2602. Precedence of classification cases

Every proceeding in the Court of Customs and Patent Appeals, relating to classification of merchandise or rate of duty assessed thereon, and arising under section 1516 (b) of Title 19, shall be given precedence over other cases on the docket of such court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

Post, p. 1002.

CHAPTER 169—CUSTOMS COURT PROCEDURE

Sec.

2631. Appeal for reappraisement; assignment to single judge; hearing.
2632. Notice.
2633. Evidence of value, upon reappraisement; burden of proof.
2634. Witnesses; inspection of documents.
2635. Decision of single judge in reappraisement appeal.
2636. Review of single judge's decision; disqualification of judges; remand; presumption.
2637. Review of decisions of divisions.
2638. Precedence of classification cases.
2639. Analysis of imported merchandise.
2640. Rehearing or retrial.
2641. Frivolous protest or appeal.
2642. Disqualification of judge.

§ 2631. Appeal for reappraisement; assignment to single judge; hearing

Every written appeal to the Customs Court for a reappraisement of merchandise shall be assigned to one of the judges of such court who shall after affording the parties an opportunity to be heard on the merits, determine the value of such merchandise.

His determination shall be made from the evidence in the record and that adduced at the hearing, notwithstanding that the merchandise and samples thereof are not available for examination and without regard to any invalidity of the original appraisement.

§ 2632. Notice

Reasonable notice of the time and place of hearing before a judge or division of the Customs Court shall be given to all parties to any proceeding, under rules prescribed by such court.

§ 2633. Evidence of value, upon reappraisement; burden of proof

In finding the value of merchandise, in reappraisement proceedings before a single judge of the Customs Court, affidavits and depositions of persons whose attendance cannot reasonably be had, price lists and

catalogues, reports or depositions of consuls, customs agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be admitted in evidence. Copies of official documents, when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents.

The value found by the appraiser shall be presumed to be the value of the merchandise. The burden shall rest upon the party who challenges its correctness to prove otherwise.

§ 2634. Witnesses; inspection of documents

(a) In any proceeding in the Customs Court, under rules prescribed by such court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party and to inspect all samples and all papers admitted or offered as evidence, except as provided in subsection (b) of this section.

(b) In reappraisement or classification proceedings instituted under section 1516 of Title 19, an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the Customs Court or any judge or division thereof deems unnecessary or improper to be disclosed to him.

Post, p. 1002.

§ 2635. Decision of single judge in reappraisement appeal

The judge assigned to hear an appeal for reappraisement of merchandise shall render his decision in writing, together with a statement of the reasons therefor and of the facts on which his decision is based.

§ 2636. Review of single judge's decision; disqualification of judges; remand; presumption

(a) The decision of a single judge in a reappraisement proceeding shall be final and conclusive upon all parties unless within 30 days from the date it is filed with the collector of customs an application for its review is filed with or mailed to the Customs Court by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forwarded forthwith to such court.

(b) The chief judge of the Customs Court shall assign every application for review of the decision of a single judge of such court in a reappraisement proceeding to a division of three judges who shall consider the case upon the samples of the merchandise, if any, and the record made before the single judge. The division shall, after hearing argument on the part of any of the interested parties requesting to be heard, affirm, reverse, or modify the decision of the single judge or remand the case to such judge for further proceedings, and shall render its decision in writing, together with a statement of the reasons therefor and of the facts on which the decision is based, and shall forward it to the collector of customs.

(c) A judge of the Customs Court shall not sit to hear or decide any case on review in which he has previously participated.

(d) If upon the hearing of a protest, the court declares an appraisement of merchandise made after the effective date of the Customs Administrative Act of 1938 to have been invalid or void, it shall remand the matter to a single judge who shall determine the proper dutiable value of such merchandise in the manner provided by this chapter. In such proceeding no presumption of correctness shall attach to the invoice or entered values.

52 Stat. 1077.
19 U. S. C. § 1001 *et seq.*; Supp. I, § 1001 *et seq.*

§ 2637. Review of decisions of divisions

The decision of a division of the Customs Court, in any matter within its jurisdiction shall be the decision of such court, and shall be final and conclusive upon all parties, unless a party to such proceeding takes an appeal to the Court of Customs and Patent Appeals within the time and manner provided in section 2601 of this title, but if the decision relates to a reappraisement of merchandise, such appeal to the Court of Customs and Patent Appeals shall be upon questions of law only.

Ante, p. 979.

§ 2638. Precedence of classification cases

Every proceeding in the Customs Court, relating to classification of merchandise or rate of duty assessed thereon, and arising under section 1516 (b) of Title 19, shall be given precedence over other cases on the docket of such court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

Post, p. 1002.

§ 2639. Analysis of imported merchandise

A division or a single judge may order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States.

§ 2640. Rehearing or retrial

A division which has decided a case or a single judge who has decided an appeal for a reappraisement may, upon motion of either party made within thirty days next after such decision, grant a rehearing or retrial.

§ 2641. Frivolous protest or appeal

The Customs Court shall, upon motion of counsel for the Government and may, upon its own motion, decide whether any appeal for reappraisement or protest filed under this chapter, under sections 1501, 1514, 1515 or 1516 of Title 19 or under section 1583 of this title is frivolous. If the court decides that such appeal or protest is frivolous, it shall assess a penalty of not less than $5 nor more than $250 against the person filing such appeal or protest.

Ante, p. 943; *post*, pp. 990, 1002.

All frivolous appeals for reappraisement or protests filed by the same person and raising the same issue shall be consolidated in one proceeding for the purpose of imposing such penalty.

CHAPTER 171—TORT CLAIMS PROCEDURE

Sec.

2671. Definitions.
2672. Administrative adjustment of claims of $1,000 or less.
2673. Reports to Congress.
2674. Liability of United States.
2675. Disposition by federal agency as prerequisite; evidence.
2676. Judgment as bar.
2677. Compromise.
2678. Attorney fees; penalty.
2679. Exclusiveness of remedy.
2680. Exceptions.

§ 2671. Definitions

Ante, pp. 933, 971.

As used in this chapter and sections 1346 (b) and 2401 (b) of this title, the term—

"Federal agency."

"Federal agency" includes the executive departments and independent establishment of the United States, and corporations primarily acting as, instrumentalities or agencies of the United States but does not include any contractor with the United States.

"Employee of the government."

"Employee of the government" includes officers or employees of any federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the

service of the United States, whether with or without compensation.

"Acting within the scope of his offict or employment", in the case of a member of the military or naval forces of the United States, means acting in line of duty.

§ 2672. Administrative adjustment of claims of $1,000 or less

The head of each federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of $1,000 or less against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Finality of award.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2678 of this title, shall be paid by the head of the federal agency concerned out of such agency's appropriations therefor, which appropriations are hereby authorized.

Post, p. 984.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 2673. Reports to Congress

The head of each federal agency shall report annually to Congress all claims paid by it under section 2672 of this title, stating the name of each claimant, the amount claimed, the amount awarded, and a brief description of the claim.

Supra.

§ 2674. Liability of United States

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

§ 2675. Disposition by federal agency as prerequisite; evidence

(a) An action shall not be instituted upon a claim against the United States which has been presented to a federal agency, for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the government while acting within the scope of his authority, unless such federal agency has made final disposition of the claim.

(b) The claimant, however, may, upon fifteen days written notice, withdraw such claim from consideration of the federal agency and

commence action thereon. Action under this subsection shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(c) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages.

§ 2676. Judgment as bar

Ante, p. 933. The judgment in an action under section 1346 (b) of this title shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.

§ 2677. Compromise

The Attorney General, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under section 1346 (b) of this title, after the commencement of an action thereon.

§ 2678. Attorney fees; penalty

The court rendering a judgment for the plaintiff pursuant to section 1346 (b) of this title, or the head of the federal agency or his designee making an award pursuant to section 2672 of this title, or the Attorney General making a disposition pursuant to section 2677 of this title, may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title, or 20 per centum of the amount recovered under section 1346 (b) of this title, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant.

Ante, p. 933.
Ante, p. 933.
Supra.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

§ 2679. Exclusiveness of remedy

The authority of any federal agency to sue and be sued in its own name shall not be construed to authorize suits against such federal agency on claims which are cognizable under section 1346 (b) of this title, and the remedies provided by this title in such cases shall be exclusive.

Ante, p. 933.

§ 2680. Exceptions

Ante, p. 933. The provisions of this chapter and section 1346 (b) of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by sections 741–752, 781–790 of Title 46, relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1–31 of Title 50, Appendix. 50 U. S. C., Supp. I, app. § 4 *et seq.*

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Chief judges.

SEC. 2. (a) The Chief Justices of the United States Court of Appeals for the District of Columbia, the District Court of the United States for the District of Columbia and the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be the chief judges of their respective courts.

Ante, p. 869.

(b) The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however*, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.

Continuance in office of judges, etc.

Salary of Assistant Director of Administrative Office of U. S. Courts.

(c) The sum of $7,500 specified in this Act as the salary which the Assistant Director of the Administrative Office of the United States Courts shall receive, and the sum of $7,500 specified in this Act as the salary which each commissioner whom the Court of Claims may appoint shall receive, shall each respectively be that basic compensation on which shall be computed and paid the additional basic compensation mentioned in section 521 of the Act of June 30, 1945 (ch. 212, 59 Stat. 301), as amended by the Act of May 24, 1946 (ch. 270, sec. 6, 60 Stat. 217).

5 U. S. C. §§ 934, 935.

(d) Anything in this Act to the contrary notwithstanding, the provisions of section 14 of the Act of July 1, 1944 (ch. 358, 58 Stat. 663), are not hereby repealed.

41 U. S. C. § 114.

Attorneys under authority of Department of Justice.

SEC. 3. Section 366 of the Revised Statutes (5 U. S. C., section 315), as amended, is amended to read as follows:

"SEC. 366. Every attorney specially retained under authority of

the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney and shall take the oath required by law. Foreign counsel employed in special cases shall not be required to take such oath.".

SEC. 4. Section 5261 of the Revised Statutes (45 U. S. C., section 87) is amended to read as follows:

Suits by railroad companies.

45 U. S. C. § 86.

"SEC. 5261. Any railroad company from whom payments for freight and transportation have been withheld under the provisions of section 5260 may bring suit in the Court of Claims to recover the price of such freight and transportation.".

SEC. 5. Section 3 of the Act approved February 23, 1887 (chapter 210, 24 Stat. 409, 410; 21 U. S. C., section 193) is amended by striking out the present third sentence thereof, and by striking out the final sentence thereof and substituting in lieu of such final sentence the following:

Opium.

"Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of China.".

SEC. 6. Section 1 of the Act approved August 1, 1888 (chapter 728, 25 Stat. 357; 40 U. S. C., sec. 257) is amended to read as follows:

Procurement of real estate for public use.

"That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this Act, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.".

SEC. 7. Section 13 of the Act approved July 31, 1894 (chapter 174, 28 Stat. 210) is hereby amended by striking out the second paragraph thereof (5 U. S. C., section 321), and by amending the first paragraph thereof (31 U. S. C., section 84) to read as follows:

Transmission of accounts to GAO.

"SEC. 13. Before transmission to the General Accounting Office, the accounts of United States attorneys, assistant attorneys, and marshals, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the Department of Justice, shall be sent with their vouchers to the Attorney General and examined under his supervision. Before transmission to the General Accounting Office, the accounts of United States Commissioners, clerks of court and other officers of the courts of the United States, except the Supreme Court of the United States and consular courts, made out and approved as required by law, shall be sent with their vouchers to the Director of the Administrative Office of the United States Courts and examined under his supervision."

SEC. 8. Section 86 of the Act approved April 30, 1900 (chapter 339, 31 Stat. 158; 48 U. S. C., secs. 641, 642, 643–645), as amended, is amended to read as follows:

Removal of causes, etc., as between courts of U. S. and Hawaii.

"SEC. 86. The laws of the United States relating to removal of causes, appeals and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii."

Ante, p. 283.

SEC. 9. The first paragraph of section 4 of the Act approved June 6, 1900 (chapter 786, 31 Stat. 322; 48 U. S. C., section 101, first paragraph), as amended, is amended to read as follows:

"SEC. 4. There is hereby established a district court for the District of Alaska, with the jurisdiction of district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and four district judges shall be appointed for the district, each at an annual salary of $15,000, who shall during their terms of office reside in the divisions of the district to which they may be respectively assigned by the President. The court shall consist of four divisions, which shall also be recording divisions.". District court for Alaska.

SEC. 10. Section 7 of the Act approved June 6, 1900 (chapter 786, 31 Stat. 324; 48 U. S. C., section 106), as amended, is amended by striking out the words "Attorney General" wherever such words appear in such section, and substituting in lieu thereof the words "Director of the Administrative Office of the United States Courts"; also by striking out the seventh sentence thereof (such sentence being the third sentence after the proviso in such section) and substituting in lieu of such sentence the following: "He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval of the court or judge, and, subject to the approval of the Director of the Administrative Office of the United States Courts, fix the compensation of such deputies and the compensation for such clerical assistance." Duties of clerks.

SEC. 11. Section 8 of the Act approved June 6, 1900 (chapter 786, 31 Stat. 324; 48 U. S. C., section 109), as amended by the Act approved March 3, 1909, ch. 269, § 4, 35 Stat. 841, is amended to read as follows:

"SEC. 8. Four district attorneys shall be appointed for the district, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney General shall direct. They shall each perform the duties required to be performed by United States attorneys in other districts, and such other duties as may be required by law. The Attorney General shall fix the salaries of such district attorneys, and such attorneys shall not while in office accept retainers or engage in any other law business in the district than that pertaining to the duties of their office. The Attorney General may, upon the recommendation of the district attorney, appoint and at pleasure remove one or more assistant district attorneys and one or more clerical assistants, who shall receive such compensation as the Attorney General shall fix, to be paid as assistant United States attorneys and clerical assistants in other districts are paid. In the case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed.". Appointment of district attorneys.

SEC. 12. The first paragraph of section 9 of the Act approved June 6, 1900 (chapter 786, 31 Stat. 324; 48 U. S. C., section 110, part) is amended to read as follows:

"SEC. 9. Four United States marshals shall be appointed for the district, at salaries which shall be fixed by the Attorney General, one of whom shall be assigned to each division, and shall reside at such place in the division as the Attorney General shall direct. Each marshal shall have authority and be required to appoint, subject to the approval of the Attorney General, such deputy marshals as he may deem necessary for the efficient execution of the law and the orders of the court and of the commissioners appointed as herein provided.". Appointment of U. S. marshals.

SEC. 13. Section 10 of the Act approved June 6, 1900 (chapter 786, 31 Stat. 325; 48 U. S. C., sections 62, 63, 107, 110, 112, 113, 114) is amended to read as follows:

"SEC. 10. The governor, attorneys, judges, and the marshals provided for in this Act shall be appointed by the President, by and Governor, attorneys, judges, and marshals.

with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified, unless sooner removed by the President for cause.

Salaries.

"The governor shall receive an annual salary of $10,000, payable from the Treasury of the United States.

"The salaries of the judges, marshals, clerks, and district attorneys shall be payable from the Treasury of the United States, as like officers are paid in other districts.

Collection of fees, etc.

"Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof in detail, under oath, quarterly, or more frequently if required, to the court, the Director of the Administrative Office of the United States Courts, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk may employ, with the approval of the court, necessary clerical assistants and other employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

Traveling expenses.

"The governor shall, in addition to his salary, be paid his actual traveling and subsistence expenses when traveling in the discharge of his official duties. The judges shall be entitled to the same travel and subsistence allowances as those of United States District Judges in other districts. The marshals, clerks of court, and district attorneys shall, in addition to their salaries, be paid their actual traveling and subsistence expenses in accordance with the Subsistence Expense Act of 1926 (chapter 457, 44 Stat. 688), as amended, and government travel regulations, when traveling in the discharge of their official duties.

5 U. S. C. § 821.

"Accounts for such expenses of judges, marshals, district attorneys, and clerks shall be rendered and paid as are accounts of judges, marshals, district attorneys, and clerks for like expenses in other districts.".

Clerk of District Court of U. S. for D. C.

D. C. Code, Supp. VI, § 11-401.

SEC. 14. The catchline to section 174 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1218; D. C. Code, 1940 ed., section 11–401), as amended, is amended by striking out the words, "Oath; bond; deputy" and substituting in lieu thereof the word, "Deputy"; the first sentence of such section as amended, is hereby repealed, and the second sentence of such section as amended, is amended to read as follows:

"The clerk of the United States District Court for the District of Columbia may assign any of the deputy clerks in his office to duty in the general or special terms of the court, except in the probate term.".

U. S. Court of Appeals for D. C.

SEC. 15. Section 224 of the Act approved March 3, 1901 (chapter 854, 31 Stat. 1224, 1225; D. C. Code, 1940 ed., section 11–204), as amended by the Act approved June 30, 1902 (chapter 1329, 32 Stat. 528), is amended to read as follows:

"SEC. 224. Deputy clerk signing for clerk.—The deputy clerk for the United States Court of Appeals for the District of Columbia may sign the name of the clerk of such court to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto

when the impress of the seal is necessary to its authentication. In such case the signature shall be—

———— ————, *Clerk*,
By ———— ————, *Deputy Clerk*."

Compensation of court officers, D. C.

SEC. 16. The opening paragraph of section 1108 of the Act approved March 3, 1901 (chapter 854, 31 Stat. 1363; D. C. Code, 1940 ed., section 11–1501) is amended by striking out the word "commissioners" appearing therein and by also striking out the comma immediately following such word.

SEC. 17. Section 2 of the Act approved February 11, 1903 (chapter 544, 32 Stat. 823; 15 U. S. C., sec. 29, 49 U. S. C., sec. 45), as amended, is amended to read as follows:

Appeal from judgment of district court.

"SEC. 2. In every civil action brought in any district court of the United States under any of said Acts, wherein the United States is complainant, an appeal from the final judgment of the district court will lie only to the Supreme Court.".

SEC. 18. The second sentence of the second paragraph of section 6 of the Act approved April 22, 1908 (chapter 149, 35 Stat. 65, 66; 45 U. S. C., section 56), as added by the Act approved April 5, 1910 (chapter 143, section 1, 36 Stat. 291), is amended to read as follows:

Concurrent jurisdiction.

"The jurisdiction of the courts of the United States under this Act shall be concurrent with that of the courts of the several States.".

SEC. 19. The final sentence of section 1 of the Act approved June 19, 1912 (chapter 174, 37 Stat. 137; 40 U. S. C., section 324) is amended to read as follows:

Appeal by contractors or subcontractors.

"Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided, such contractor or subcontractor may, within six months after decision by such head of a department or the Commissioners of the District of Columbia, file a claim in the Court of Claims.".

SEC. 20. Section 41 of the Act approved March 2, 1917 (chapter 145, 39 Stat. 965; 48 U. S. C., section 863), as amended, is amended to read as follows:

U. S. District Court for Puerto Rico.

"SEC. 41. The United States District Court for the District of Puerto Rico shall, in addition to its other jurisdiction, have jurisdiction for the naturalization of aliens and Puerto Ricans, and, for this purpose, residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the United States District Court for the District of Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said United States District Court for the District of Puerto Rico, the President of the United States is authorized to

designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court without extra compensation.".

SEC. 21. Section 42 of the Act approved March 2, 1917 (ch. 145, 39 Stat. 966; 48 U. S. C., section 864) is amended to read as follows:

"SEC. 42. The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.

"All pleadings and proceedings in the District Court of the United States for Puerto Rico shall be conducted in the English language.".

SEC. 22. Section 1 of the Act approved May 28, 1926 (chapter 411, 44 Stat. 669; 19 U. S. C., section 405a), is amended to read as follows:

U. S. Customs Court.

"That the Board of General Appraisers shall hereafter be known as the United States Customs Court and the members thereof shall hereafter be known as the judges of the United States Customs Court.".

28 U. S. C. § 861b.

SEC. 23. Section 2 of the Act approved January 31, 1928 (chapter 14, 45 Stat. 54), as amended, is amended to read as follows:

Substitution of appeal for writ of error.

"SEC. 2. All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error.".

SEC. 24. The first sentence of the Act approved December 20, 1928 (chapter 41, 45 Stat. 1056; D. C. Code, 1940 ed., section 11–301, first sentence) is hereby repealed, and the second and third sentences thereof (D. C. Code, 1940 ed., section 11–301, second and third sentences) are amended to read as follows:

Chief judge of U. S. District Court for D. C.

"The chief judge of the United States District Court for the District of Columbia shall assign from time to time, and for such period or periods as he may determine, one of the judges of the said court to hear cases involving the condemnation of land in the District of Columbia, and it shall be the primary duty of the judge so assigned to preside at the hearing of such cases, and only when not engaged in such cases shall he be subject to assignment to the other business of the court. The chief judge may assign for service in condemnation cases any judge of said court in case of disability of the judge so serving or for any other reason."

Transmittal of appeal to U. S. Customs Court.

SEC. 25. Subsection (a) of section 501 of the Act approved June 17, 1930 (chapter 497, Title IV, 46 Stat. 730; 19 U. S. C., section 1501 (a)), as amended, is amended by striking out the fourth sentence thereof and inserting in lieu of such sentence the following: "Every such appeal shall be transmitted with the entry and the accompanying papers by the collector to the United States Customs Court."

SEC. 26. Section 509 of the Act approved June 17, 1930 (chapter 497, Title IV, 46 Stat. 733; 19 U. S. C., section 1509) is amended by striking out the words, "Collectors, appraisers, and judges and divisions of the United States Customs Court" at the beginning of such section, and inserting in lieu thereof the words, "Collectors and appraisers".

SEC. 27. Section 3 of the Act approved May 7, 1934 (chapter 222, 48 Stat. 668; 40 U. S. C., section 13c) is amended to read as follows:

U. S. Supreme Court Building.

"SEC. 3. All other duties and work required for the operation, domestic care, and custody of the building shall be performed under the direction of the Marshal of the Supreme Court of the United States,

who shall be superintendent of the United States Supreme Court Building.".

SEC. 28. Section 26 of the Act approved June 22, 1936 (chapter 699, section 26, 49 Stat. 1813), as amended by the Act approved August 5, 1939 (chapter 430, 53 Stat. 1203; U. S. C., 48 U. S. C., section 1405y) is amended by adding to the first paragraph thereof, the following:

Virgin Islands. Appointment of district attorney.

"In the case of a vacancy in the office of district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court".

Indians, Oklahoma. Suits involving cooperative associations.

SEC. 29. Section 5 of the Act approved June 26, 1936 (chapter 831, 49 Stat. 1968; 25 U. S. C., section 505) is amended by striking out the third, fourth, and fifth sentences thereof, and substituting in lieu of such sentences the following sentence: "Within thirty days after such service or within such extended time as the trial court may permit, the Secretary of the Interior may intervene in such action or may remove such action to the United States district court."

SEC. 30. Section 3 of the Act approved May 24, 1940 (chapter 209, 54 Stat. 220; 28 U. S. C., 1940 edition, section 5a) is amended to read as follows:

Judge of District Court of Virgin Islands.

"SEC. 3. The salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of $15,000 per year.".

SEC. 31. Section 42 of Title 7 of the Canal Zone Code (48 U. S. C., section 1353) is amended by inserting at the end thereof a new subsection to read as follows:

Canal Zone. District attorney and marshal.

"e. In case of a vacancy in the office of district attorney or marshal the district court may appoint a person to exercise the duties of the vacant office until such vacancy is filled. The order of appointment by the court shall be filed with the clerk of court."

Definitions.

SEC. 32. As used in any statute of the United States:

"Circuit court of appeals" means a "United States court of appeals";

"Senior circuit judge" means "chief judge of a judicial circuit";

"Senior district judge" means "chief judge of a United States district court";

"Chief Justice" means "chief judge" except when reference to the Chief Justice of the United States is intended;

"Justice" means "judge" except when used with respect to a justice of the Supreme Court of the United States in his capacity as such or as circuit justice;

"Presiding judge" means "chief judge."

SEC. 33. No inference of a legislative construction is to be drawn by reason of the chapter in Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, in which any any section is placed, nor by reason of the catchlines used in such title.

Ante, p. 869.

Separability of provisions.

SEC. 34. If any part of Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby.

Repeals.

SEC. 35. Sections 61 and 62 of Title 7 of the Canal Zone Code are hereby repealed.

53 Stat. 164. 26 U. S. C. § 1141 (a).

Sec. 36. Section 1141 (a) of the Internal Revenue Code is hereby amended to read as follows:

Review of decisions of Tax Court.

"The circuit courts of appeals and the United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction to review the decisions of the Tax Court, except as provided in section 1254 of title 28 of the United States Code, in the same manner and to the same extent as decisions of the district courts in civil actions tried without a jury; and the judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section

Ante, p. 928.

Ante, p. 928.

41 U. S. C. § 106 note.

Settlement of claims for war contract losses.

1254 of title 28 of the United States Code."

Sec. 37. Section 6 of the Act approved August 7, 1946 (ch. 864, 60 Stat. 903), is amended to read as follows:

"Sec. 6. Whenever any claimant under this Act is dissatisfied with the action of a department or agency of the Government in either granting or denying his claim, such claimant shall have the right within six months to file a petition with the Court of Claims or, if the claim does not exceed $10,000 in amount or suit has heretofore been brought or is brought within thirty days after the enactment of this amendatory act, with any Federal district court of competent jurisdiction, asking a determination by the court of the equities involved in such claim; and upon the filing of such a petition, the court, sitting as a court of equity, shall have jurisdiction to determine the amount, if any, to which such claimant and petitioner may be equitably entitled (not exceeding the amount which might have been allowed by the department or agency concerned under the terms of this Act) and to enter an order directing such department or agency to settle the claim in accordance wth the finding of the court; and thereafter either party may appeal from the decision if it was rendered by a district court or petition the Supreme Court for a writ of certiorari if it was rendered by the Court of Claims, as in other cases. Any case heretofore brought in a district court under this section may, at the election of the petitioner to be exercised within thirty days after the enactment of this amendatory Act, be transferred to the Court of Claims for original disposition in that court."

Effective date.

Sec. 38. The provisions of this Act shall take effect on September 1, 1948.

Repeals.

Sec. 39. The sections or parts thereof of the Revised Statutes of the District of Columbia, Revised Statutes of the United States or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

SCHEDULE OF LAWS REPEALED

Revised Statutes, D. C.	Volume	Page	D. C. Code	
			Title	Section
Section: 752	18, pt. II	90	11	11-303

Revised Statutes	U. S. Code		Revised Statutes	U. S. Code	
	Title	Section		Title	Section
Section:			Section:		
362	5	317	755	28	455
363	5	312	756	28	456
368	5	318	757	28	457
373	5	323	758	28	458
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1874—June 1	200		18	50	28	728
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1875—Feb. 16	77	1, 2	18	315, 316	28	771, 772
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1876—June 26	147	[4] 1	19	61	28	481, 490
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Do	147	4	19	62	28	481, 490
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1877—Feb. 27	69	[5] 1	19	241	28	486, 653
1879—Jan. 31	39	1, 2, 3	20	277, 278	28	684, 685, 686
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Mar. 1	125	2	20	327	28	518
1881—Mar. 3	144	7	21	507, 508	28	481, 490
1882—Apr. 25	87	1, 3	22	47	28	481, 490
July 12	290	[6] 4	22	163	28	41, note
July 20	312	3	22	172	28	481, 490
Aug. 7	433	1 (part)	22	[7] 336	5	90
1883—Mar. 3	143		22	[8] 631	28	542
1886—Aug. 5	928	7, 9	24	309, 310	28	481, 490, 680
1887—Mar. 3	359	4, 5	24	506	28	761, 762
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Do	373	7	24	555	28	126
Do	397	1	24	685	28	633
1888—Aug. 1	729	1	25	357	28	812
Do	729	2	25	357	28	813
Aug. 8	792	4	25	390	28	493
Aug. 13	866	7	25	437	28	126
1889—Feb. 22	180	21	25	682	28	481, 490
1890—June 10	407	12	26	136	28	297
July 3	656	16	26	217	28	481, 490
July 10	664	16	26	225	28	481, 490
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1893—Feb. 9	74	1, 3, 4, 6	27	434, 435	11	11–201, 11–203, 11–204, 11–205
Mar. 3	220		27	745	28	481, 490
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1894—May 7	72	3, 5, 6, 7, 8	28	73–75	16	25, 27, 28, 29, 31
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July 31	174	17	28	210	28	666
Aug. 18	301	1 (part)	28	[12] 415, 416	18, 28	575, 576, 595

[1] First sentence only.
[2] Only the provisions amending R. S. §§ 846, 1007, 1011.
[3] First proviso appearing on this page.
[4] All that follows the first semicolon in this section.
[5] Provisions amending R. S. §§ 838, 875.
[6] The proviso only.
[7] Only the following language in the proviso appearing on this page: "*Provided*, That all statutes heretofore or hereafter furnished by the United States to district judges, district attorneys, and clerks of the United States courts under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office,".
[8] Second proviso, only, appearing on this page.
[9] Only the paragraph immediately preceding the heading "Judgments United States Courts" on this page.
[10] Only the part not repealed by Act July 16, 1892, ch. 196, § 1, 27 Stat. 222, and Act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168, 1169).
[11] Only the part not repealed by Act Mar. 3, 1911, ch. 231, § 297, 36 Stat. 1168).
[12] Only the proviso commencing at the bottom of page 415 and ending on page 416, and all of the seventh full paragraph on page 416 except the first sentence of such paragraph.

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1896—May 28	252	6, 8, 10, 11, 12, 13, 14, 15, 16, 17	29	179–183	28	483, 484, 492, 493, 524, 571, 574, 577, 578, 578a, 578b, 580, 582, 583, 586, 587, 588, 589, 593
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Dec. 22	3		29	481	28	494
1897—Feb. 19	263		29	536	28	543
Do	265	1 (part)	29	[16] 577	28	591
Do	265	3	29	578	28	852
1898—Mar. 15	68	8	30	317	28	541
May 17	339	1, 2	30	416	28	766
June 24	495	1, 2	30	487	28	481, 482, 490, 491, 511
1899—Mar. 3	425	[17] 18	30	1154	33	502 (part)
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Do	441		30	1, 354	28	754
1900—Feb. 26	25		31	33	28	41, note
Apr. 17	192	1 (part)	31	[19] 133	16	29
May 12	391	9	31	176	28	481, 490
June 1	601	4	31	250	28	493
June 5	717	1	31	270	28	776, note
June 6	791	1 (part)	31	[20] 639	28	546, 576
1901—Jan. 22	105	4, 7	31	736, 737	28	481, 490
Feb. 12	355	5, 7	31	782	28	481, 490
Mar. 2	801	3, 5	31	881	28	481, 490
Do	[21] 814		31	956	28	525, 526, 844
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1902—Mar. 11	183	4, 5, 6	32	66	28	481, 490
June 21	1138		32	396	28	600
June 28	1301	1 (part)	32	[22] 475, 476	28	555, 567
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July 1	1362	[24] 64	32	656	16	151 (part)
1903—Mar. 3	1007	1	32	1141	28	580, 591
1904—Feb. 18	160	1 (part)	33	[24a] 41	31	228
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1905—Feb. 20	592	18	33	729	15	98
Mar. 2	1305	4, 6	33	824, 825	28	481, 490
Mar. 3	1427	13, 15, 19	33	995, 996	28	481, 490
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Do	1487		33	1259	28	595
1906—June 16	3335	13	34	275	28	481, 490
June 28	3573		34	546	28	528
June 29	3608		34	618	28	631
June 30	3914	1 (part)	34	[26] 754	28	568, 593
Do	3934	1, 2, 3, 4, 5, 6, 7, 8, 9	34	814–816	22	191–197, 199, 200, 202

[13] The first full sentence on this page, reading as follows: "And it shall be unlawful for any clerk of any court of the United States to include in his emolument, account, or return any fee or fees not actually earned and due at the time such account or return is required by law to be made, and no fees not actually earned shall be allowed in any such account."

[14] All of section except second sentence of proviso which is already scheduled for repeal under H. R. 2200, 79th Cong.

[15] First clause of first proviso, and all of second proviso, only.

[16] First, second, and third provisos on this page, only.

[17] Only the proviso at the end of this section.

[18] First proviso appearing on this page.

[19] Second sentence of the paragraphed provisions on this page relating to salary of the commissioner in Yellowstone National Park.

[20] The paragraph on this page reading "No mileage shall be allowed upon any writ not executed nor when the travel is without cost to the marshal or office deputy."; also the proviso beginning near the bottom of this page ending on page 640.

[21] All provisions amending first and third sentences of the proviso in section 19 of Act May 28, 1896, ch. 252, 29 Stat. 184.

[22] The proviso commencing near the bottom of page 475 and ending on page 476; also, the first proviso on page 476.

[23] Only the provisions amending sections 62, 178, 183 and 1026 of Act March 3, 1901, ch. 854, 31 Stat. 1199, 1200, 1219, 1220, 1357.

[24] Only the clause immediately preceding the proviso in the final sentence of this section, and reading as follows: ", and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory".

[24a] Only the fourth paragraph appearing on this page, such paragraph being the third paragraph under the heading, "Judgments, Court of Claims."

[25] Second proviso, only, appearing on this page.

[26] Second and third provisos, only, appearing on this page.

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1908—Mar. 10	76		35	40	28	466
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1910—Apr. 9	152		36	294	28	487
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1911—Feb. 13	47	1, 2	36	901	28	865, 866
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Do	231	[39] 187a			28	296
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Do	231	[42] 302–308			28	444–450

[27] First two paragraphs, only, following the proviso appearing on this page.
[28] All following the proviso on page 375, and including the paragraph which begins on page 375 and ends on page 376.
[29] First proviso appearing on this page.
[30] Only the eighth paragraph appearing on this page.
[31] Final paragraph of section, which follows subsection (e) thereof.
[32] Provisions amending section 12 of Act June 10, 1890, ch. 407, 26 Stat. 136.
[33] As added by Act of Jan. 20, 1944, ch. 3, § 1, 58 Stat. 5–7.
[34] As added by Act Jan. 20, 1936, ch. 13, § 1, 49 Stat. 1096, 1097.
[35] Second and third sentences.
[36] All except the following proviso which was added to subsection (c) by Act of June 11, 1940, ch. 321, § 1, 54 Stat. 302, and which is to remain in full force and effect: "*Provided further*, that the referee in bankruptcy of the western division of the eastern district may be appointed by the judge of the western district as referee in bankruptcy for the division herein created at Hot Springs.".
[37] As added by Act June 17, 1930, ch. 590, 46 Stat. 774.
[38] As added by Act Feb. 17, 1936, ch. 75, 49 Stat. 1140.
[39] As added by Act Oct. 10, 1940, ch. 843, § 1, 54 Stat. 1101.
[40] As added by Act Mar. 3, 1915, ch. 90, 38 Stat. 956.
[41] As added by Act June 14, 1934, ch. 512, 48 Stat. 955, 956.
[42] As added by Act of Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223–1225.

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May 27	136		37	118	28	170
May 29	144	1, 2	37	120	28	189
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Aug. 23	344		37	357	28	175
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1913—Jan. 7	6		37	648	48	876
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July 30	216		38	580	28	1
Aug. 1	223	1	38	653	28	505
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Mar. 2	145	43	39	966	48	865
Do	145	46	39	966	48	870
Do	145	55	39	968	48	875
Mar. 3	171	[49] 2	39	1132	48	1392
June 12	27	1 (part)	40	[50] 157	28	837
Oct. 6	97	1, 2	40	395	28	41 (3), 371

[43] First proviso appearing on this page.
[44] Second proviso, only, appearing on this page.
[45] Only the provisions repeating the final paragraph, following subsection (e) of section 25 of the Act. approved March 4, 1909, ch. 320, 35 Stat. 1082.
[46] The paragraph commencing near the bottom of page 219 and ending on page 220, all other provisions appearing on page 220, and the provisions appearing at the top of page 221, reading as follows: "case the notice required shall be served upon the defendants in the case and upon the attorney general of the State.".
[47] First, second and fourth paragraphs, only, of this section.
[48] Only the paragraph beginning near the bottom of page 1122 and ending on page 1123.
[49] Only the final sentence of this section.
[50] Second proviso, only, appearing on this page.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1918—June 13	98		40	604	28	182
Do	100	1	40	605	28	192
July 1	113	1 (part)	40	[51] 683	28	516, 592, 837
Do	114 (part)		40	[52] 705	35	68
1919—Feb. 25	29	1, 2	40	1156	28	5, 213
Do	29	3	40	1157		
Do	29	4, 5, 6	40	1157, 1158	28	241, 301, 375
Feb. 26	48		40	1181	28	391
Do	49	1, 2, 3, 4, 5, 6, 7, 8, 9	40	1182	28	6, 7, 557, 558, 560, 562–567, 571, 577, 598
Do	50	1	40	1183	28	1
Do	54		40	1184	28	182
Mar. 1	87		40	1270	28	189
July 19	24	1 (part)	41	[53] 209, 210	28	483, 484, 545, 578, 578b, 580, 581, 585, 586, 587, 591, 594,
Nov 4	93	1 (part)	41	[54] 338	28	561
1920—Jan. 21	50		41	394	28	178
Jan. 29	57		41	400	28	158
Mar. 17	101	1	41	531	28	179
Mar. 19	104	7	41	535	15	127
Apr. 16	146		41	554	28	83
June 2	218	2, 3, 4, 7, 8, 9, 10, 11, 12, 13	41	731–734	16	59, 66–77
June 4	223		41	[55] 746	22	198
1921—Feb. 11	46		41	1099	28	6, 557, 571
Feb. 27	74		41	1146	28	147
Mar. 4	149		41	1361	28	177
Do	161	[56] 1	41	1412, 1413	28	558, 560, 562, 563, 564, 565, 566, 567, 569, D. C. Code, § 11–403.
June 16	23	[57] 1	42	41	28	569
June 25	29	1, 2	42	66, 67	28	2
Nov. 23	136	1310 (c)	42	311	28	41 (20)
Do	136	1324 (b)	42	316	28	284
Do	142	1, 2	42	323, 324	28	778–780
Dec. 22	18		42	352, 353	28	778
1922—Feb. 17	54		42	366	28	344
Feb. 27	83		42	398, 399	28	194
Apr. 26	146		42	500	28	559
May 1	173		42	503	28	167

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1922—June 1	204	II (part)		42	[58] 614	28	328
Do	204	II (part)		42	[59] 615	28	582, 585, 816
Do	204	II (part)		42	[60] 616, 617	28	544, 580, 581, 595
						48	644

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1922—June 10	216	1, 2	42	634, 635	28	41 (3), 371
June 27	246		42	666	28	832
Do	247		42	667	28	142
July 1	260		42	812	28	178
Do	267	1, 2, 3, 4	42	816–818	28	332–335
Sept. 14	306	1, 2, 3, 4, 5, 6	42	837–840	28	1, 17, 18, 22, 213, 218
Sept. 19	344		42	848	28	654
Do	345		42	849	28	112
Sept. 21	369	[61] 6 (b)	42	1002	7	10 (part)

[51] Fourth, sixth and seventh provisos, only, appearing on this page.
[52] Only the provisions appearing on this page which amended the Act of June 25, 1910, ch. 423, 36 Stat. 851.
[53] Only the following under the heading "United States Courts": the second proviso in the second paragraph under such heading; the proviso in the third paragraph under such heading; all of the fourth paragraph under such heading; the proviso in the fifth paragraph under such heading, which begins on page 209 and ends on page 210; and the proviso in the eighth paragraph, being the eighth paragraph under such heading "United States Courts." or the third full paragraph on page 210.
[54] The proviso, only, in the first paragraph appearing on this page.
[55] All provisions on this page authorizing the judge of the United States court for China to appoint a United States commissioner.
[56] The two provisos in the fifth paragraph which begins on page 1412 and ends on page 1413.
[57] The two provisos in the first paragraph appearing on this page.
[58] Only the following phrase in the first full paragraph appearing on this page: ", at not exceeding $3,600 each".
[59] The three provisos in the final paragraph appearing on this page.
[60] The two provisos in the first paragraph appearing on page 616; the proviso in the second paragraph appearing on page 616, the three provisos in the fourth paragraph appearing on page 616, including the opening clause preceding the third proviso thereof; and the first proviso appearing on page 617
[61] Only the final sentence of this section

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1933—Jan. 3	21	II (part)		42	[62] 1081	28	328
Do	21	II (part)		42	[63] 1083	28	585, 816
Do	21	II (part)		42	[64] 1083	28	581
Do	21	II (part)		42	[65] 1083	28	580
Do	21	II (part)		42	[66] 1083, 1084	28	561a
						48	644
Do	21	II (part)		42	[67] 1084	28	595

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1923—Feb. 14	78		42	1246	28	181
Feb. 26	112		42	1287	28	498
Mar. 2	172	1, 2	42	1373	28	189
Mar. 4	251	[68] 2	42	1453	19	6
Do	256		42	1483	28	156
Do	261		42	1486	28	186
Do	279		42	1506	28	160
Do	289		42	1520	28	188
Do	[69] 295(part)		42	1560	16, 28	29, 579, 594
1924—Apr. 2	81	1	43	44	28	581
Apr. 3	82		43	64	28	189
Apr. 12	87	1	43	90	28	144
Apr. 30	144		43	114	28	192

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1924—May 28	204	II (part)		43	[70] 218	28	328
Do	204	II (part)		43	[71] 220	28	585, 816
Do	204	II (part)		43	[72] 220	28	581
Do	204	II (part)		43	[73] 220	28	580
Do	204	II (part)		43	[67] 221	28	595

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1924—May 29	209		43	243	28	146
Do	211	1, 2	43	244	28	189
June 2	234	1020	43	346	28	284
Do	234	1025 (c)	43	348	28	41 (20)
June 5	259		43	387	28	182
Do	260		43	388	28	196
June 7	319		43	607	28	157
Do	332		43	642	28	177
Do	359	1	43	661	28	179
Dec. 24	18		43	721	28	179
1925—Jan. 8	57		43	729	28	223
Jan. 10	68		43	731, 730	28	182
Do	69	1, 2	40	731	28	182
Jan. 13	[74] 76 (part)		43	748	19	6
Jan. 16	83	3	43	752	28	
Jan. 28	104		43	794	28	156
Jan. 30	118		43	800	28	186
Feb. 7	149		43	813	28	813
Do	150		43	813	28	225

[62] Only the following phrase in the second paragraph on this page: ", at not exceeding $3,600 each".
[63] The first two provisos appearing on this page.
[64] The proviso in the first full paragraph appearing on this page.
[65] The proviso in the second full paragraph appearing on this page.
[66] The two provisos in the paragraph beginning on page 1083 and ending on page 1084.
[67] The proviso in the fifth full paragraph appearing on this page.
[68] Third sentence, only.
[69] All but the final paragraph.
[70] Only the following phrase in the third full paragraph on this page: ", at not exceeding $3,600 each".
[71] The two provisos in the third paragraph appearing on this page.
[72] The proviso in the fourth paragraph appearing on this page.
[73] The proviso in the fifth paragraph appearing on this page.
[74] Only the provisions amending the third sentence of section 2 of Act March 4, 1923, ch. 251, 42 Stat. 1453.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1925—Feb. 11	204	[75] 1	43	857	28	548
Do	204	2, 5, 6, 8	43	857, 858	28	549, 552, 553, 555
Feb. 12	212		43	882	28	170
Feb. 13	229	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12	43	936–941	28	42, 225, 226, 227, 230, 231, 287, 288, 308, 344–350, 380, 452, 463–466, 765, 771, 780, 861 875
					31	225, 226
					48	645, 864, 865
Feb. 16	233	1, 2, 3	43	945	28	1, 182
Feb. 17	252		43	948	28	144
Feb. 21	290		43	962	28	192
Feb. 24	301	1, 2	43	964, 965	28	269, 270, 275a
Do	309		43	972	28	41 (20)

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1925—Feb. 27	364	II (part)		43	[76] 1028	28	328
Do	364	II (part)		43	[77] 1028	28	354
Do	364	II (part)		43	[78] 1029	28	582, 585, 816
Do	364	II (part)		43	[79] 1029	28	581
Do	364	II (part)		43	[80] 1030	28	561a
Do	364	II (part)		43	[81] 1030	28	596

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1925—Mar. 2	397	1, 2, 3	43	1098	28	1
Mar. 3	422		43	1106, 1107	28	166
Do	437		43	1116	28	213
Mar. 4	526	1	43	1264	28	112
Do	526	2	43	1265	28	654
Do	535	2	43	1269	28	673
1926—Feb. 20	23		44	8	28	175
Feb. 26	27	117, 1122 (c)	44	119, 121	28	41 (20), 284
Apr. 3	102		44	233	28	227
Apr. 10	112		44	237	28	180
Do	113		44	238	28	169
Apr. 16	147	1	44	296	28	144
Apr. 21	168		44	304	28	144
Apr. 26	183	1, 2, 3, 4	44	323, 324	28	600, 600a, 600b, 600c, 600d
					D. C. Code	11–1512, 11–1513, 11–1514
Do	185		44	324	28	184

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1926—Apr. 29	195	II (part)		44	[82] 344	28	354
Do	195	II (part)		44	[83] 345	28	585, 816
Do	195	II (part)		44	[84] 346	28	581
Do	195	II (part)		44	[85] 346	28	561a
Do	195	II (part)		44	[86] 347	28	596

[75] All of this section except the words: "*Prorided*, That all laws or parts of laws inconsistent or repugnant to the provisions of this Act are hereby repealed;".

[76] Only the following phrase in the second paragraph on this page: ", at not exceeding $3,600 each".

[77] Only the words "and the printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order;" in the third paragraph appearing on this page.

[78] The first two provisos appearing on this page.

[79] The proviso in the ninth paragraph appearing on this page.

[80] The proviso in the first full paragraph appearing on this page.

[81] The proviso in the sixth full paragraph appearing on this page.

[82] Only the words "and the printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order;" in the third paragraph appearing on this page.

[83] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order;" in the sixth paragraph appearing on this page.

[84] The proviso, only, in the first paragraph appearing on this page.

[85] The proviso in the fourth paragraph appearing on this page.

[86] First proviso appearing on this page.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large			U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1926—May 7	255		44	408	28	182
May 17	306		44	559	28	167
Do	310		44	561	28	188
Do	311		44	561	28	176
May 20	347	13	44	587	28	225, 348
May 28	414	1	44	670	28	150
Do	414	2 (b) (c)	44	672	28	4a, 150a, 481, 490
May 29	425	1,2	44	677, 678	28	333, 335
June 12	566		44	734	28	179
Do	568		44	736–738	28	334
June 22	645		44	758	28	179
Do	646		44	758	28	179
June 26	696	1, 2, 3	44	773	28	186, 186a
July 3	735		44	809	28	223
Do	748		44	825	28	172
Do	762	1, 2, 3, 4, 5, 6, 7, 8	44	835, 836	28	711–718
Dec. 13	6	1	44	919	28	5, 213, 241, 301, 324
					D. C. Code	11–202, 11–302
1927—Jan. 22	50	[87] 2	44	1023	28	555
Feb. 24	189, title II (part)		44	[88] 1194	28	354
Feb. 28	228		44	1261	28	272a
Mar. 1	244		44	1262	28	188
Mar. 2	276		44	1339	28	179
Mar. 3	297	1	44	1346	28	1
Do	298		44	1347	28	1
Do	300	1	44	1348	28	1
Do	332		44	1370	28	1
Do	336	1, 2	44	1372	28	1
Do	338		44	1374	28	1
Do	344		44	1380	28	1
1928—Jan. 31	14	1	45	54	28	861a
Feb. 7	29	1	45	58	28	144

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1928—Feb. 15	57	II (part)		45	[88] 79	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1928—Apr. 11	354	1	45	422	28	225 (b)
Do	358		45	424	28	331
Apr. 21	[89] 393		45	437–439	28	153, 481, 490
Do	395		45	440	28	182, 182a
Apr. 25	432		45	457	28	179
Do	434	2, 3, 6, 7, 8, 9, 10, 11	45	459–461	16	117a, 117b, 117e, 117f, 117g, 117h, 117i, 117j
Apr. 26	438	2, 3, 6, 7, 8, 9, 10, 11	45	463–465	16	204a, 204b, 204e, 204f, 204g, 204h, 204i, 204j.
May 10	516		45	495	28	179
May 26	752	1	45	747	28	189, 189a
May 29	852	615(a)	45	877	28	284
Do	852	711	45	882	28	270
Do	882		45	974	28	1
Do	904	[90] 1	45	997	22	197
					48	1392a
Do	906		45	998	28	586a, 596
1929—Jan. 17	72		45	1081	28	1

[87] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order;" in the sixth paragraph appearing on this page.

[87] Remaining part of provisions amending sec. 8, par. 6, of Act Feb. 11, 1925, ch. 204, 43 Stat. 858.

[88] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order." in the second paragraph appearing on this page.

[89] All provisions amending section 80 of the Judicial Code except those repealing Act Jan. 16, 1925, ch. 83, 43 Stat. 751.

[90] Only the provisions prescribing salaries for the judge of the District Court of the Virgin Islands, and the judge of the United States Court of China.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1929—Jan. 25	102	II (part)		45	[91] 1109	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1920—Jan. 29	113		45	1143	28	334
Jan. 31	126		45	1145	28	416
Feb. 26	334		45	1317	28	1
Do	337		45	1319	28	1
Feb. 28	358		45	1344	28	1
Do	360		45	1545	28	191
Do	363	1, 2, 3, 4	45	1346–1348	28	211, 211a, 213, 223
Do	380		45	1409	28	1
Mar. 1	413	1, 2	45	1414	28	213
Do	419		45	1422	28	375
Do	421		45	1424	28	145
Mar. 2	488	2 (a) (d)	45	1476	28	309a
Do	488	3	45	1476	28	312
Do	539		45	1518	28	182
Do	583	2, 3, 6, 7, 8, 9, 10, 11	45	1537–1539	16	198a, 198e, 198f, 198g, 198h, 198i, 198j.
1930—Jan. 20	20	1	46	56	28	192
Mar. 31	101		46	138	28	168

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1930—Apr. 1[92]	184	II (part)		46	[92] 88	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1930—Apr. 19	200	2, 3, 6, 7, 8, 9, 10, 11	46	227–229		395a, 395b, 395e, 395f, 395g, 385h 395ii, 385
May 28	346	1	46	431	28	1
May 29	355		46	485	28	752
Do	356		46	486	28	574
Do	357		46	486	28	778
June 3	394		46	495	28	140
Do	396	1, 2	46	496	28	523a, 523b
June 6	408		46	521	28	189
Do	[93] 409 (part)		46	522	28	578, 578a
June 10	437		46	538	28	213
Do	438		46	538	28	213
June 16	494		46	589	28	305

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1930—June 17	497	IV	[94] 501 (a)	46	730	19	1501 (a) (part)
Do	497	IV	[95] 501 (b)	46	730, 731	19	1501 (b)
Do	497	IV	[96] 501 (c)			19	1501 (c)
Do	497	IV	[97] 516 (b)			19	1516 (b) (part)
Do	497	IV	[98] 516 (c)	46	737	19	1516 (c) (part)
Do	497	IV	516 (d)	46	737	19	1516 (d)
Do	497	IV	517	46	737	19	1517
Do	497		[99] 518	46	737, 738	19	1518 (part)
Do	497	IV	519	46	739	19	1519
Do	497	IV	646	46	762	28	301a

[91] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order." in the final paragraph appearing on this page.
[92] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order." in the second paragraph appearing on this page.
[93] Only the following: "and effective July 1, 1930, all such fees and emoluments so paid to United States marshals shall be deposited by said marshals in accordance with the provisions of section 3621 of the Revised Statutes as amended by section 5 of the said Act of May 28, 1896.".
[94] Only the fifth, sixth, seventh, and eighth sentences of subsection (a), as so designated subsection "(a)" by Act June 25, 1938, ch. 679, § 16 (b), 52 Stat. 1084.
[95] As so designated subsection "(b)" by Act June 25, 1938, ch. 679, § 16 (b), 52 Stat. 1084.
[96] As added by Act June 25, 1938, ch. 679, § 16 (b), 52 Stat. 1084.
[97] Final sentence, only, as amended by Act June 25, 1938, ch. 679, Title IV, § 17 (a), 52 Stat. 1084.
[98] Only the final sentence of this section.
[99] All but the final sentence.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1930—June 23	573	1	46	799	28	270, 275a
June 24	595		46	806	28	174
Do	596		46	807	28	189
June 27	633		46	819	28	1
Do	634		46	820	28	184, 184a
Do	635	1	46	820	28	1
June 28	714		46	829	28	182
July 3	852		46	1006	28	1
1931—Feb. 20	244		46	1196	28	1
Do	245		46	1197	28	1

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1931—Feb. 23	280	II (part)		46	[100] 1323	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1931—Feb. 25	296		46	1417	28	1
Mar. 4	515	1, 2, 3, 4, 5, 6	46	1528, 1529	28	901–906
1932—Feb. 20	51		47	52	28	189
May 2	155	3	47	145	16	181b
May 13	179		47	153	28	188
May 20	196		47	161	28	
June 11	242		47	300	28	187
June 29	305		47	341	28	180

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1932—July 1	361	II (part)		47	[1] 490	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1933—Feb. 20	107		47	859	28	179
Feb. 28	133		47	1350	28	179

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1933—Mar. 1	144	II (part)		47	[2] 1382	28	354
Do	144	II (part)		47	[2] 1383	28	599a
Mar. 3	212	II	19	47	1519	28	283a

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1933—June 15	80		48	148	28	147
June 16	94		48	253	28	188
Do	102		48	310	28	213
Do	103		48	311	28	780a

[100] Only the words "and the printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order;" in the third paragraph appearing on this page.
[1] Only the sentence "The printing and binding for the Supreme Court shall be done by the printer it may employ unless it shall otherwise order," in the second paragraph appearing on this page.
[2] Only the words ", and to be executed by such printer as the court may designate" in the sixth paragraph appearing on this page.
[3] Second proviso, only, appearing on this page.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1934—Apr. 7	104	II (part)		48	[4] 539	28	354

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1934—May 7	222	4	48	668	40	13
May 14	283	1	48	775	28	41 (1)
May 23	339		48	790	28	216 a
June 7	426		48	926	28	22, 309a, 334, 337, 345, 347, 350, 353, 463.
June 18	585		48	993	28	124a
June 19	651	1, 2	48	1064	28	723b, 723c
Do	653	6 (a), 7	48	1109	28	661, 870
Do	656	1	48	1116	28	751
Do	662		48	1119	28	847
Do	664		48	1120	28	180
Do	673		48	1177	28	465
1935—Apr. 24	77	1, 2, 3	49	159, 160	28	847, 848, 849
May 31	160		49	313	28	225 (a)
June 15	259	1	49	377	28	503
June 19	276		49	390	28	847, 848, 849
June 25	309	1, 2, 3	49	422	16	129, 132, 132a
June 28	330	1, 2	49	429	28	179
July 24	413		49	495	28	190
Aug. 2	425	1, 2, 3	49	508	28	1, 213
Aug. 3	431	1, 2, 3	49	513	28	572, 574, 754
Do	433		49	514	28	184
Aug. 7	452	1	49	538, 539	22	197b, 198a
Aug. 19	558	1	49	659	28	1
Aug. 22	603	1, 2, 3	49	680, 681	28	150
Aug. 27	748	[5] 6	49	893	25	305e (part)
Aug. 28	793		49	945	28	1
Aug. 30	829	405	49	1027	28	400
Do	831	13	49	1049	28	250a
1936—Apr. 16	230		49	1213	28	112
May 13	385		49	1271	28	184
Do	386		49	1271	28	182
May 19	428		49	1362	28	170
June 5	515	1, 2, 3	49	1476, 1477	28	1
June 15	544		49	1491	28	1
Do	545	8 (k)	49	1499	7	10
June 16	585	1	49	1523	28	1
June 20	630	5	49	1549	28	334
Do	637	1, 2, 3	49	1558, 1559	28	186
Do	639		49	1561	28	150
Do	640	1, 6, 9	49	1561, 1563, 1564	28	695, 695c, 695h
June 22	690	808	49	1746	28	284
Do	693		49	1804	28	1
Do	694		49	1804	28	1
Do	695		49	1805	28	41, 194
Do	696		49	1806	28	
Do	707		49	1822	28	118
June 24	744		49	1898	28	179
Do	753	1	49	1903	28	213
Do	757		49	1909	22	191
Do	759		49	1910	28	179
June 25	804		49	1921		
1937—Mar. 1	21		50	24	28	375a
Apr. 14	80		50	64	28	213
June 15	351		50	260	28	193
July 5	427		50	473	28	218
Do	428		50	474	28	156a
Do	430		50	474	28	172
July 23	520		50	533	28	250b
July 30	539		50	546	28	188
Aug. 12	591		50	623	28	178a
Do	594		50	624	28	152
Do	595		50	625	28	182
Aug. 17	688		50	671	28	179
Aug. 19	703	2, 5, 6, 7, 8, 9, 10, 11	50	701–703	16	403c–2, 403c–5–403c–11
Aug. 21	726	1	50	738	28	41 (1)
Do	728	1, 2	50	739, 740	28	150
Aug. 23	737		50	744	28	194
Aug. 24	754	1, 2, 3, 4	50	751, 753	28	17, 349a, 380a, 401
Aug. 25	763	1	50	800	28	149
Do	771	1	50	805	28	1
Aug. 26	819	2	50	837	28	172
1938—Feb. 11	23		52	28	28	402
Do	25		52	28	28	375a
Mar. 18	47		52	110	28	1

[4] Only the words ", and to be executed by such printer as the court may designate" in the sixth paragraph appearing on this page.
[5] Only the second paragraph.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1938—Apr. 27	180	II	1 (part)	52	[6] 264	18	726a
Do	180	II	1 (part)	52	[7] 267	28	584a

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1938—May 24	266	1, 2, 3, 4	52	438	18	729, 730, 731, 732
May 31	290	1, 4, 6	52	584, 585	28	1, 213
Do	290	2, 5	52	584, 585	D. C. Code	11–201, 11–301 (part)
Do	301	1, 2	52	591	28	375g, 375h, 934b, 634c.
					48	
June 13	349		52	673	28	157
Do	350		52	674	28	192a
Do	351		52	674	28	184
June 16	465		52	752	28	569
June 20	526		52	779	28	225 (a)
June 25	684	1, 2	52	1164	16	395e, 395h
June 28	778	1	52	1213	16	1a
June 29	806		52	1232	28	463
Do	817		52	1245	28	194
May 8	116	1	53	684	28	170
May 11	121		53	738	28	151
May 22	140		53	752	28	288
June 19	211		53	841	48	646

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1939—June 29	248	II (part)		53	[8] 900	28	548a
Do	248	II (part)		53	[9] 902	18	726a

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1939—July 25	356	1	53	1082	28	189
Aug. 5	433	1, 2, 3, 4	53	1204, 1205	28	375b, 375c, 375d, 375e
Aug. 7	506		53	1236	28	172
1940—Jan. 20	11		54	16	28	1
Feb. 12	25	1	54	22	48	873a
Apr. 17	100		54	109	28	144
Apr. 20	117		54	143	28	41 (1)
Apr. 22	126	1	54	149	28	374

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1940—May 14	189	III (part)		54	[10] 204	28	584a
Do	189	III (part)		54	[11] 204	28	596
Do	189	IV (part)		54	[12] 209	28	374b
Do	189	IV (part)		54	[13] 210	28	5b
Do	189	IV (part)		54	[14] 210	18	726–1, 726a
						28	530

[6] Second proviso in the third full paragraph appearing on this page.
[7] The proviso in the second full paragraph appearing on this page.
[8] The proviso, only, in the third full paragraph appearing on this page.
[9] The fourth proviso, only, in the third full paragraph appearing on this page.
[10] The proviso, only, in the second paragraph appearing on this page.
[11] The first proviso, only, in the fourth paragraph appearing on this page.
[12] The third and fourth provisos, only, appearing on this page.
[13] First proviso appearing on this page.
[14] The following on this page: the first proviso in the first full paragraph; the two provisos in the second full paragraph; and the second proviso in the third full paragraph.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1940—May 24	209	1, 2 (c)	54	219	28	1, 213
June 6	242		54	234	28	902
Do	247		54	237	28	152
Do	252		54	241	28	189
June 11	321	[15] 1	54	302	28	144
June 12	335		54	344	28	186
Do	341		54	348	28	188
Aug. 13	662		54	784	48	642a
Nov. 27	920	1	54	1216	28	1, 188
1941—June 14	203	1, 2	55	251	28	524

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1941—June 28	258	II (part)		55	[16] 295	28	584a
Do	258	III (part)		55	[17] 295	28	596
Do	258	IV (part)		55	[18] 300	18	726–1
Do	258	IV (part)		55	[19] 301, 302	28	5b, 374b, 530
Do	258	IV (part)		55	[20] 302	18	726a

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1941—Oct. 13	431	1, 2	55	736	28	577, 608
Oct. 14	436		55	737	5	30N–1
Oct. 16	443		55	741	28	270, 275a
1942—Mar. 5	143		56	132	28	184
Mar. 6	150	2, 5, 6, 7, 8, 9	56	133–135	16	408j, 408m, 408n, 408o, 408p, 408q
Do	151	2, 5, 6, 7, 8, 9	56	136, 137	16	256a, 256d, 256e, 256f, 256g, 256h
Do	153	1, 2, 3	56	139	28	150
Apr. 6	210	3	56	199	28	792
Apr. 29	264	2, 5, 6, 7, 8, 9	56	259–261	16	403h–2, 403h–5, 403h–6, 403h–7, 403h–8, 403h–9.
May 9	295	2	56	272	28	225 (f)
June 5	341	[21] 2	56	317	16	404c–2 (part)
Do	341	5, 6, 7, 8, 9	56	318, 319	16	404c–5, 404c–6, 404c–7, 404c–8, 404c–9.

Date	Chapter	Title	Section	Volume	Page	Title	Section
1942—July 2	472	II (part)		56	[16] 486	28	584a
Do	472	II (part)		56	[20] 486	28	604a
Do	472	II (part)		56	[17] 486	28	596
Do	472	IV (part)		56	[22] 503	18	726–1
Do	472	IV (part)		56	[23] 504	28	5b, 374b
Do	472	IV (part)		56	[24] 504	28	530
Do	472	IV (part)		56	[25] 504	18	726a

[15] All provisions amending section 71 of the Judicial Code except the following proviso which was added to subsection (c) thereof and which is to remain in full force and effect: "*Provided further*, That the referee in bankruptcy of the western division of the eastern district may be appointed by the judge of the western district as referee in bankruptcy for the division herein created at Hot Springs.".

[16] First proviso appearing on this page.

[17] First proviso in the second full paragraph appearing on this page.

[18] The first proviso in the paragraph beginning near the bottom of this page and ending on page 301, such proviso relating to minimum and maximum salaries of probation officers.

[19] Only the following appearing or commencing on page 301: the first and third provisos in the third full paragraph; the two provisos in the paragraph beginning "Miscellaneous expenses":, the second which provisos ends on page 302.

[20] The third proviso in the first full paragraph appearing on this page.

[21] First sentence only.

[22] The first proviso in the the third full paragraph appearing on this page.

[23] The first and third provisos appearing on this page.

[24] The two provisos in the first paragraph appearing on this page.

[25] The second proviso in the second full paragraph appearing on this page.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1942—July 7	489		56	648	28	1
Dec. 2	656	1, 2, 3	56	1026, 1027	28	901, 902, 904
Dec. 14	731		56	1050	28	213
Dec. 24	817		56	1083	28	
Do	825	1, 2, 3	56	1088	28	592, 600c, 604
Do	827		56	1092	28	1
Dec. 29	835	1, 2, 3, 4, 5, 6	56	1094, 1095, 1096	28	17, 18, 19, 20, 22, 23

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1943—June 28	173	II	201 (part)	57	[26] 242	18	726–1
Do	173	II	201 (part)	57	[27] 242	28	374b
Do	173	II	201 (part)	57	[28] 243	28	530
Do	173	II	201 (part)	57	[29] 243	18	726a
Do	173	II	204	57	244	28	186
July 1	182	II	1 (part)	57	[30] 286	28	584a
Do	182	II	1 (part)	57	[31] 286	28	604a
Do	182	II	1 (part)	57	[32] 286	28	596

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1943—July 13	231		57	553	28	250a
Dec. 3	332		57	595	28	188
1944—Jan. 20	3	3	58	7	28	9 b
1944—May 11	192	1, 2, 3	58	218, 219	28	375, 375, note, 375 f, 375 f, note

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1944—June 26	277	II	201 (part)	58	[33] 357	28	374 b
Do	277	II	201 (part)	58	[34] 357	18	726 a
Do	277	II	203	58	358	28	530
June 27	286	II	212	58	387	28	530 a
June 28	294	II	1 (part)	58	[35] 410	28	584 a
Do	294	II	1 (part)	58	[36] 410	28	604 a
Do	294	II	1 (part)	58	[37] 410	28	596

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1944—Sept. 27	413	1, 2	58	743	28	543
Do	414	1, 3, 4, 5	58	743, 744	28	549, 552, 553, 555
Dec. 7	521	1	58	796	28	213
Do	522	1	58	796	28	9
Dec. 13	556		58	801	28	186
Dec. 16	604		58	815	28	180
Dec. 23	724		58	925	28	215

[26] The first proviso in the first full paragraph appearing on this page.
[27] The three provisos in the fourth full paragraph appearing on this page.
[28] The first two provisos appearing on this page.
[29] The second proviso, only, in the first full paragraph appearing on this page.
[30] First proviso appearing on this page.
[31] The third proviso in the first full paragraph appearing on this page.
[32] First proviso in the second full paragraph appearing on this page.
[33] The three provisos in the third full paragraph appearing on this page.
[34] The second proviso in the fifth full paragraph appearing on this page.
[35] The proviso in the first full paragraph appearing on this page.
[36] The third proviso in the second full paragraph appearing on this page.
[37] The first proviso in the third full paragraph appearing on this page.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1945—May 3	106	II	213	59	134	28	530a
May 21	129	II (part)		59	[39] 183	28	584a
Do	129	II (part)		59	[40] 183, 184	28	604a
Do	129	II (part)		59	[41] 184	28	596
Do	129	IV (part)		59	[42] 197	28	296a
Do	129	IV (part)		59	[43] 198	28	412a
Do	129	IV (part)		59	[44] 199	28	374b
Do	129	IV (part)		59	[45] 199	18	726a
Do	129	IV (part)		59	[46] 200	28	530

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1945—Oct. 29	435		59	550	28	150
Oct. 31	443	202	59	554	28	192
Nov. 6	447		59	555	28	183
Nov. 15	482		59	582	28	174
Dec. 28	592		59	659, 660	28	527
Do	596		59	661, 662	28	193
Do	599		59	663	28	147
1946—Apr. 16	139	1, 2, 3	60	90, 91	28	375g, 375g, note, 375h
					48	634b, 634c
Apr. 23	202	1, 2, 3, 4	60	119, 120	16	80e, 80f, 80g, 80h
June 15	413		60	260	28	1, note
June 24	463	1–6	60	30	16	372, 376–379, 382

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1946—July 5	541	II (part)		60	[46a] 460	28	604a
Do	541	IV (part)		60	[47] 477	28	296a
Do	541	IV (part)		60	[48] 478	28	412a
Do	541	IV (part)		60	[48a] 478, 479	28	374b
Do	541	IV (part)		60	[49] 479	18	726a
Do	541	IV (part)		60	[50] 480	28	530

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1946—July 10	548		60	525	28	528a
Do	549		60	526	28	599
July 31	704	1 (part) [51a]	60	716	28	5, 213, 241, 296, 301, 324
					D. C. Code	11–202, 11–203
Aug. 1	721	1–5	60	752	28	597, 597 note, 597a, 597b, 597c
Aug. 2	753	401–423	60	842	28	921, 921 note, 945
1947—May 15	55	1–4	61	91, 92	16	158a–158d
Do	57		61	92	16	403c–5

[39] The proviso, only, in the third full paragraph appearing on this page.
[40] The proviso beginning near the bottom of page 183 and ending on page 184.
[41] The first proviso in the first full paragraph appearing on this page.
[42] The first proviso in the fifth full paragraph appearing on this page.
[43] Only the following words in the seventh paragraph appearing on this page "$5 per day, not exceeding 3 days for any one term of court,".
[44] The two provisos in the first paragraph appearing on this page.
[45] Second proviso in the third full paragraph appearing on this page.
[46] All of the third full paragraph appearing on this page.
[46a] Third proviso in paragraph commencing "Fees of witnesses", said proviso ending on page 461.
[47] First proviso appearing on this page, such proviso being the first proviso in the first full paragraph appearing on this page.
[48] Only the following words in the fifth paragraph appearing on this page: "$5 per day, not exceeding three days for any one term of court."
[48a] The two provisos in the paragraph commencing near the bottom of page 478 and ending on page 479.
[49] The second proviso in the second full paragraph appearing on this page.
[50] The second full paragraph appearing on this page.
[51a] All of this section except the words: "That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:", the words "To each of the judges of the Tax Court of the United States at the rate of $15,000 per year", and the words "That all of said salaries shall be paid in monthly installments". All of the foregoing quoted words shall remain in full force and effect.

SCHEDULE OF LAWS REPEALED—Continued

Date	Statutes at Large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1947—July 9	211	II (part)		61	[51a] 290	28	604a
Do	211	IV (part)		61	[52] 303	28	296a
Do	211	IV (part)		61	[53] 304	28	412a
Do	211	IV (part)		61	[54] 304, 305	28	374b
Do	211	IV (part)		61	[55] 306	28	530

Date	Statutes at Large				U. S. Code	
	Chapter	Section	Volume	Page	Title	Section
1947—July 11	224		61	310	28	184
July 23	300	1, 2	61	409	28	374c, 374d
Aug. 1	446	1	61	722	28	931

United States Code	
Title	Section
17	101 (f)
17	102
17	103
17	110
17	111

[51a] Third proviso in the paragraph commencing "Fees of witnesses" appearing on this page.
[52] First proviso in the paragraph headed "United States Customs Court" appearing on this page.
[53] Only the following words in the sixth full paragraph appearing on this page: "$5 per day, not exceeding three days for any one term of court".
[54] The two provisos in the paragraph commencing near the bottom of page 304 and ending on page 305.
[55] All of the second paragraph appearing on this page.

Approved June 25, 1948, 12:25 p. m., E. D. T.

[CHAPTER 647]

AN ACT

June 25, 1948
[S. 2242]
[Public Law 774]

To authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Displaced Persons Act of 1948.

Displaced Persons Act of 1948.

SEC. 2. When used in this Act the term—

(a) "Commission" means the Displaced Persons Commission created pursuant to this Act;

"Commission."

(b) "Displaced person" means any displaced person or refugee as defined in Annex I of the Constitution of the International Refugee Organization and who is the concern of the International Refugee Organization.

"Displaced person."

(c) "Eligible displaced person" means a displaced person as defined in subsection (b) above, (1) who on or after September 1, 1939, and on or before December 22, 1945, entered Germany, Austria, or Italy and who on January 1, 1948, was in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone, or the French zone of either Germany or Austria; or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was detained in, or was obliged to flee from such persecution and was subsequently returned to, one of these countries as a result of enemy action, or of war circumstances, and on January 1, 1948, had not been firmly resettled therein, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the

"Eligible displaced person."

members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

Spouse and dependent children.

"Eligible displaced person."

(d) "Eligible displaced person" shall also mean a native of Czechoslovakia who has fled as a direct result of persecution or fear of persecution from that country since January 1, 1948, and (1) who is on the effective date of this Act in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

Spouse and dependent children.

"Eligible displaced orphan."

(e) "Eligible displaced orphan" means a displaced person (1) who is under the age of sixteen years, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) who is an orphan because of the death or disappearance of both parents, and (4) who, on or before the effective date of this Act, was in Italy or in the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone or the French zone of either Germany or Austria, and (5) for whom satisfactory assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be cared for properly.

Issuance of visas without regard to quotas.

SEC. 3. (a) During the two fiscal years following the passage of this Act a number of immigration visas not to exceed two hundred and two thousand may be issued without regard to quota limitations for those years to eligible displaced persons as quota immigrants, as provided in subsection (b) of this section: *Provided*, That not less than 40 per centum of the visas issued pursuant to this Act shall be available exclusively to eligible displaced persons whose place of origin or country of nationality has been de facto annexed by a foreign power: *Provided further*, That not more than two thousand visas shall be issued to eligible displaced persons as defined in subsection (d) of section 2 of this Act.

Limitation.

Supra.

Quota deduction.

(b) Upon the issuance of an immigration visa to any eligible displaced person as provided for in this Act, the consular officer shall use a quota number from the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current at the time or, if no such quota number is available for said fiscal year, in that event for the first succeeding fiscal year in which a quota number is available: *Provided*, That not more than 50 per centum of any quota shall be so used in any fiscal year: *Provided further*, That eligible displaced orphans may be issued special nonquota immigration visas, except that

43 Stat. 160.

Special nonquota visas.

the number of such special nonquota immigration visas shall not exceed three thousand.

Certain aliens in U. S.; adjustment of status.

SEC. 4. (a) Any alien who (1) entered the United States prior to April 1, 1948, and (2) is otherwise admissible under the immigration laws, and (3) is a displaced person residing in the United States as defined in this section may apply to the Attorney General for an adjustment of his immigration status. If the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien is qualified under the provisions of this section, the Attorney General shall report to the Congress all of the pertinent facts in the case. If during the session of the Congress at which a case is reported, or prior to the end of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the granting of the status of permanent residence to such alien the Attorney General is authorized, upon receipt of a fee of $18.00, which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts, to record the admission of the alien for permanent residence as of the date of the alien's last entry into the United States. If prior to the end of the session of the Congress next following the session at which a case is reported, the Congress does not pass such resolution, the Attorney General shall thereupon deport such alien in the manner provided by law: *Provided*, That the number of displaced persons who shall be granted the status of permanent residence pursuant to this section shall not exceed 15,000. Upon the grant of status of permanent residence to such alien as provided for in this section, the Secretary of State shall, if the alien was a quota immigrant at the time of entry, reduce by one the immigration quota of the country of the alien's nationality as defined in Section 12 of the Immigration Act of May 26, 1924, for the fiscal year then current or the next succeeding fiscal year in which a quota number is available, but not more than 50 per centum of any quota shall be used for this purpose in any given fiscal year: *Provided further*, That quota deductions provided for in this section shall be made within the 50 per centum limitations contained in section 3 (b) of this Act.

Report to Congress.

Deportation.

Limitation.

Quota deduction.

43 Stat. 160.
8 U. S. C. § 212.

Ante, p. 1010.

(b) When used in this section the term "Displaced Person residing in the United States" means a person who establishes that he lawfully entered the United States as a non-immigrant under section 3 or as a nonquota immigrant student under subdivision (e) of Section 4 of the Immigration Act of May 26, 1924, as amended, and that he is a person displaced from the country of his birth, or nationality, or of his last residence as a result of events subsequent to the out-break of World War II; and that he cannot return to any of such countries because of persecution or fear of persecution on account of race, religion or political opinions.

"Displaced Person residing in the United States."

Ante, p. 1010.

43 Stat. 155.
8 U. S. C. § 204 (e).

Quota nationality.

SEC. 5. Quota nationality for the purposes of this Act shall be determined in accordance with the provisions of Section 12 of the Immigration Act of 1924 (43 Stat. 160–161; 8 U. S. C. 212) and no eligible displaced person shall be issued an immigration visa if he is known or believed by the consular officer to be subject to exclusion from the United States under any provision of the immigration laws, with the exception of the contract labor clause of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875–878; 8 U. S. C. 136), and that part of the said Act which excludes from the United States persons whose ticket or passage is paid by another or by any corporation, association, society, municipality, or foreign government, either directly or indirectly; and all eligible displaced persons and eligible displaced orphans shall be exempt from paying visa fees and head taxes.

Exemption from visa fees and head taxes.

Preferences.

SEC. 6. The preferences provided within the quotas by Section 6 of the Immigration Act of 1924 (43 Stat. 155–156; 47 Stat. 656; 45 Stat. 1009; 8 U. S. C. 206), shall not be applicable in the case of any eligible displaced person receiving an immigration visa under this Act, but in lieu of such preferences the following preferences, without priority in time of issuance of visas as between such preferences, shall be granted to eligible displaced persons and their family dependents who are the spouse or the unmarried dependent child or children under twenty-one years of age, in the consideration of visa applications:

Ante, p. 241.

Agricultural pursuits.

(a) First. Eligible displaced persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits: *Provided*, That not less than 30 per centum of the visas issued pursuant to this Act shall be made available exclusively to such persons; and *Provided further*, That the wife, and unmarried dependent child or children under twenty-one years of age, of such persons may, in accordance with the regulations of the Commission, be deemed to be of that class of persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits.

Wife and dependent children.

Household, garment, etc., workers.

(b) Second. Eligible displaced persons who are household, construction, clothing, and garment workers, and other workers needed in the locality in the United States in which such persons propose to reside; or eligible displaced persons possessing special educational, scientific, technological or professional qualifications.

Professional, etc., personnel.

Blood relatives of U. S. residents.

(c) Third. Eligible displaced persons who are the blood relatives of citizens or lawfully admitted alien residents of the United States, such relationship in either case being within the third degree of consanguinity computed according to the rules of the common law.

Priority in issuance of visas.

SEC. 7. Within the preferences provided in section 6, priority in the issuance of visas shall be given first to eligible displaced persons who during World War II bore arms against the enemies of the United States and are unable or unwilling to return to the countries of which they are nationals because of persecution or fear of persecution on account of race, religion or political opinions and second, to eligible displaced persons who, on January 1, 1948, were located in displaced persons camps and centers, but in exceptional cases visas may be issued to those eligible displaced persons located outside of displaced persons camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

Displaced Persons Commission.

SEC. 8. There is hereby created a Commission to be known as the Displaced Persons Commission, consisting of three members to be appointed by the President, by and with the advice and consent of the Senate, for a term ending June 30, 1951, and one member of the Commission shall be designated by him as chairman. Each member of the Commission shall receive a salary at the rate of $10,000 per annum. There are hereby authorized to be appropriated such sums of money as may be necessary to enable the Commission to discharge its duties. Within the limits of such funds as may be appropriated to the Commission or as may be allocated to it by the President, the Commission may employ necessary personnel without regard to the Civil Service laws or the Classification Act of 1923, as amended, and make provisions for necessary supplies, facilities, and services to carry out the provisions and accomplish the purposes of this Act.

Appropriation authorized.

Post, pp. 1031, 1290.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Duties.

It shall be the duty of the Commission to formulate and issue regulations, necessary under the provisions of this Act, and in compliance therewith, for the admission into the United States of eligible displaced orphans and eligible displaced persons. The Commission shall formulate and issue regulations for the purpose of obtaining the most

general distribution and settlement of persons admitted under this Act throughout the United States and their Territories and possessions. It shall also be the duty of the Commission to report on February 1, 1949, and semiannually thereafter to the President and to the Congress on the situation regarding eligible displaced orphans, eligible displaced persons and displaced persons. Such report shall also include information respecting employment conditions and the housing situation in this country, the place and type of employment, and the residence of eligible displaced orphans and eligible displaced persons who have been admitted into the United States pursuant to the provisions of this Act. At the end of its term the Commission shall make a final report to the President and to the Congress.

Semiannual reports.

Final report.

SEC. 9. Every eligible displaced person, except an eligible displaced person who shall have derived his status because of being the spouse or an unmarried dependent child under twenty-one years of age of an eligible displaced person, who shall be admitted into the United States shall report, on the 1st day of January and on the 1st day of July of each year until he shall have made four reports to the Commission, respecting the employment, place of employment, and residence of such person and the members of such person's family and shall furnish such other information in connection with said employment and residence as the Commission shall by regulation prescribe: *Provided*, That if such person enters the United States within sixty days prior to either the 1st day of January or the 1st day of July, the first report need not be made until the next date on which a report is required to be made. Such report shall be made to the Commission during its term and thereafter to the Attorney General. Any person who willfully violates the provisions of this section shall, upon conviction thereof, be fined not to exceed $500, or be imprisoned not more than six months.

Reports by displaced person to Commission.

Penalty.

SEC. 10. No eligible displaced person shall be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such agency of the Government of the United States as the President shall designate, regarding such person's character, history, and eligibility under this Act. The burden of proof shall be upon the person who seeks to establish his eligibility under this Act. Any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible into the United States. No eligible displaced orphan or eligible displaced person shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but, except as otherwise expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States. Except as otherwise authorized in this Act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this Act.

Investigation and report prior to admission to U. S.

Misrepresentation.

Applicability of other laws.

SEC. 11. After June 30, 1948, no preference or priority shall be given to any person because of his status as a displaced person, or his status as an eligible displaced person, in the issuance of visas under the other immigration laws of the United States.

Preference or priority after June 30, 1948.

SEC. 12. The Secretary of State is hereby authorized and directed to immediately resume general consular activities in Germany and Austria to the end that the German and Austrian quotas shall be available for applicants for immigration visas pursuant to the immigration laws. From and after June 30, 1948 and until July 1, 1950, notwithstanding the provisions of section 12 of the Immigration Act of May 26, 1924, as

Resumption of general consular activities in Germany and Austria.

43 Stat. 160.
8 U. S. C. § 212.

amended, 50 per centum of the German and Austrian quotas shall be available exclusively to persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Romania or Yugoslavia and who, on the effective date of this Act reside in Germany or Austria.

Restriction on issuance of visas.

SEC. 13. No visas shall be issued under the provisions of this Act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

Penalty.

Ante, p. 1013.

SEC. 14. Any person or persons who knowingly violate or conspire to violate any provision of this Act, except section 9, shall be guilty of a felony, and upon conviction thereof shall be fined not less than $500 nor more than $10,000, or shall be imprisoned not less than two or more than ten years, or both.

Approved June 25, 1948.

[CHAPTER 648]

June 25, 1948
[S. 2401]
[Public Law 775]

AN ACT

To provide for the administration of military justice within the United States Air Force, and for other purposes.

U. S. Air Force. Administration of military justice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the United States Air Force the office of the Judge Advocate General, United States Air Force. The office of the Judge Advocate General, United States Air Force, shall be occupied by the Judge Advocate General, United States Air Force, with the rank of major general, who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified officers of the United States Air Force, for a term of four years. The Judge Advocate General, United States Air Force, shall be charged with supervising the administration of military justice in the United States Air Force and the performance of such other legal duties as may be directed by the Chief of Staff, United States Air Force.

Applicability of laws.

SEC. 2. The Articles of War and all other laws now in effect relating to the Judge Advocate General's Department, the Judge Advocate General of the Army, and the administration of military justice within the United States Army shall be applicable to the Department of the Air Force with respect to the personnel thereof, and all references in such laws to the Department of the Army (War), the Army of the United States and its components, the Secretary of the Army (War), the Judge Advocate General, Assistants Judge Advocate General, and officers of or assigned to the Judge Advocate General's Department shall be construed for the purposes of this Act, as referring to, and vesting like authority, duties, functions, and responsibilities in, the Department of the Air Force, the Air Force of the United States and its components, the Secretary of the Air Force, the Judge Advocate General, United States Air Force, and officers of the United States Air Force designated by the Chief of Staff, United States Air Force, as judge advocates, respectively: *Provided*, That until the expiration of the transfer period prescribed by section 208 (e) of the National Security Act of 1947 (Public Law 253, Eightieth Congress), the jurisdiction conferred hereby may be exercised with respect to personnel of any component of the Department of the Army who may be under the command and authority of the Chief of Staff, United States Air Force.

61 Stat. 504.
5 U. S. C., Supp. I, § 626c (e).

Retirement of Judge Advocate General.

SEC. 3. Any officer of the United States Air Force who shall have served not less than four years as the Judge Advocate General, United

States Air Force, shall, upon retirement, be advanced on the retired list to the highest active duty grade held while so serving and shall receive retired pay computed upon such higher active duty grade.

Prior offenses.

SEC. 4. Nothing contained herein shall be construed to prevent the prosecution, punishment, mitigation, or other action, by the United States acting through appropriate officers of either the Department of the Army or the Department of the Air Force as to any offense made punishable by the Articles of War committed prior to the date of this Act by any person subject to military law, and either of those departments may enforce or mitigate any penalty, forfeiture, fine, or liability, heretofore adjudged against such person.

Approved June 25, 1948.

[CHAPTER 649]

AN ACT

To amend the Organic Act of Puerto Rico.

June 25, 1948
[S. 2675]
[Public Law 776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Organic Act of Puerto Rico (39 Stat. 951) is amended by inserting the following new section:

48 U. S. C. § 731 note; Supp. I, § 737 *et seq.*

"SEC. 5b. Section 404 (c) of the Nationality Act of 1940 (U. S. C., title 8, sec. 804 (c)), shall not be applicable to persons who acquired citizenship under the provisions of sections 5 and 5a of this Act." This amendment to be retroactive to October 13, 1945.

54 Stat. 1170.

39 Stat. 953; 44 Stat. 1418.
8 U. S. C. § 602 note.

Approved June 25, 1948.

[CHAPTER 650]

AN ACT

To fix the rank of the Assistant to the Chief of Engineers in charge of river and harbor and flood-control improvements.

June 25, 1948
[S. 2770]
[Public Law 777]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officer of the Corps of Engineers assigned to duty as Assistant to the Chief of Engineers in charge of civil works, including river and harbor and flood-control improvements, shall, while assigned to such duty, have the rank, pay, and allowances of a brigadier general: *Provided*, That this position shall not be charged against the authorized strength of general officers of the Regular Army: *Provided further*, That the pay and allowances, mileage and travel allowances, of the officer holding such position shall be paid from the appropriations for the work or works upon which he is engaged.

Assistant to Chief of Engineers.
Rank, pay, and allowances.

Approved June 25, 1948.

[CHAPTER 651]

JOINT RESOLUTION

To increase the sum authorized to be appropriated for the presentation to Eire of a statue of Commodore John Barry.

June 25, 1948
[H. J. Res. 297]
[Public Law 778]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the joint resolution approved June 10, 1941, which authorized the President to present to Eire on behalf of the people of the United States a statue of Commodore John Barry, is hereby amended by striking out "$20,000" and inserting in lieu thereof "$30,000".

55 Stat. 250.

Approved June 25, 1948.

[CHAPTER 652]

AN ACT

June 25, 1948
[H. R. 945]
[Public Law 779]

Relating to the payment of fees, expenses, and costs of jurors.

U. S. Courts.
Fees of jurors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico (now 'Puerto Rico'), and the Supreme Court of the District of Columbia (now 'District Court of the United States for the District of Columbia')", approved April 26, 1926 (44 Stat. 323), as amended (U. S. C., title 28, sec. 600), is hereby amended to read as follows:

Ante, p. 1000.

"SEC. 2. Jurors in the United States courts, including the United States District Court for the District of Columbia, the United States District Court for the Territory of Hawaii, and the District Court of the United States for Puerto Rico, and excluding the United States district courts of Alaska and the Canal Zone and the District Court of the Virgin Islands, shall receive the following and no other compensation, except in cases otherwise expressly provided by law: For actual attendance at the place of trial or hearing of any court or courts, and for the time necessarily occupied in going to and returning from such place of trial or hearing, either at the beginning and end of service or at any time during the same, $5 per day during such attendance: *Provided*, That whenever a juror is required to attend court thirty or more days in hearing a single case, he may be paid, in the discretion and upon the certification of the trial judge, a per diem of up to and not exceeding $10 for each and every day in excess of thirty days he is required to hear such case.

Court attendance over 30 days.

Travel expenses.

"For the distance necessarily traveled by the shortest practicable route from their place of residence in going to and returning from the place of trial or hearing at the beginning and at the end of the term of service, 5 cents per mile: *Provided*, That for additional necessary daily transportation expenses, the cost of travel by common carrier shall be allowed not to exceed $2 per day, or if it is not practicable to travel by common carrier a rate of 5 cents per mile shall be allowed but not to exceed $2 per day, or if daily travel appears impracticable subsistence of $2 per day shall be allowed: *Provided further*, That whenever in any case the jury is ordered to be kept together and not to separate, the cost of subsistence during such period shall be paid by the marshal upon the order of the court in lieu of the foregoing allowance for subsistence.

Subsistence expenses.

Approved June 25, 1948, 4:37 p. m., E. D. T.

[CHAPTER 653]

AN ACT

June 25, 1948
[H. R. 2766]
[Public Law 780]

To amend section 2 of an Act, entitled "An Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia", approved March 4, 1925, as amended (18 U. S. C. 725).

U. S. Courts.
Probation system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of an Act, entitled "An Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia", approved March 4, 1925, as amended (18 U. S. C. 725), is hereby amended to read as follows:

43 Stat. 1260.
Ante, p. 865.

Report by probation officer.

"SEC. 2. When directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer

while on probation. The court may thereupon discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable.

Transfer of jurisdiction over probationer.

"Whenever during the period of his probation, a probationer heretofore or hereafter placed on probation, goes from the district in which he is being supervised to another district, jurisdiction over him may be transferred, in the discretion of the court, from the court for the district from which he goes to the court for the other district, with the concurrence of the latter court. Thereupon the court for the district to which jurisdiction is transferred shall have all power with respect to the probationer that was previously possessed by the court for the district from which the transfer is made, except that the period of probation shall not be changed without the consent of the sentencing court. This process under the same conditions may be repeated whenever during the period of his probation the probationer goes from the district in which he is being supervised to another district.

Arrest by probation officer.

"At any time within the probation period the probation officer may for cause arrest the probationer wherever found, without a warrant, or the court for the district in which the probationer is being supervised may issue a warrant for his arrest. Such warrant may be executed by either the probation officer or the United States marshal of either the district in which the probationer is being supervised or of any district in which the probationer shall be found. If the probationer shall be so arrested in a district other than that in which he is being supervised, he shall be returned to the district out of which such warrant shall have been issued, unless jurisdiction over him is transferred as above provided to the district in which he is found, and in that case he shall be detained pending further proceedings in such district. As speedily as possible after arrest the probationer shall be taken before the court for the district having jurisdiction over him. At any time after the probation period, but within the maximum period of probation permitted by section 1 of this Act, the court for the district in which the defendant was last being supervised, may issue a warrant and cause the defendant to be arrested and brought before the court. Thereupon the court may revoke the probation or the suspension of sentence. If there was no previous sentence, the court upon the revocation of probation may impose any sentence which might originally have been imposed. If there was a previous sentence, the court may confirm it or set it aside and impose a new sentence not longer than the previous sentence."

Arrest after probation period. 43 Stat. 1259. 18 U. S. C. § 724. *Ante*, p. 865.

Approved June 25, 1948, 4:38 p. m., E. D. T.

[CHAPTER 654]

AN ACT

June 25, 1948
[H. R. 4114]
[Public Law 781]

To amend the Public Health Service Act to permit certain expenditures, and for other purposes.

Public Health Service Act, amendments. 58 Stat. 692. *Ante*, pp. 467, 601.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 (d) of the Public Health Service Act, as amended (42 U. S. C. 241 (d)), is amended by changing the semicolon at the end thereof to a comma and adding: "and include in the grants for any such project grants of penicillin and other antibiotic compounds for use in such project;".

58 Stat. 695.

SEC. 2. (a) Paragraph (a) of section 321 of such Act (42 U. S. C. 248 (a)) is amended to read as follows:

"(a) Control, manage, and operate all institutions, hospitals, and stations of the Service, including minor repairs and maintenance, and provide for the care, treatment, and hospitalization of patients, including the furnishing of prosthetic and orthopedic

devices, and tobacco; and from time to time, with the approval of the President, select suitable sites for and establish such additional institutions, hospitals, and stations in the States and possessions of the United States as in his judgment are necessary to enable the Service to discharge its functions and duties;".

58 Stat. 696.
42 U. S. C. § 248 (c), (d).

(b) Such section is further amended by striking out the word "and" at the end of paragraph (c), by striking out the period at the end of paragraph (d) and inserting in lieu thereof "; and", and by inserting after paragraph (d) the following new paragraph:

Burial expenses.

"(e) Provide, to the extent the Surgeon General determines that other public or private funds are not available therefor, for the payment of expenses of preparing and transporting the remains of, or the payment of reasonable burial expenses for, any patient dying in a hospital or station."

58 Stat. 696.
42 U. S. C., Supp. I, § 249 note.

SEC. 3. Subsection (e) of section 322 of such Act (42 U. S. C. 249 (e)) is amended by inserting after the phrase "Persons entitled to care and treatment under subsection (a) of this section" the words "and persons whose care and treatment is authorized by subsection (c)".

58 Stat. 698.

Transportation of recovered leper patients.

SEC. 4. Section 331 of such Act (42 U. S. C. 255) is amended by adding at the end thereof the following new sentence: "Such funds shall also be available, subject to regulations, for transportation of recovered indigent leper patients to their homes within the continental United States, including subsistence allowance while traveling."

58 Stat. 701.

Transportation of cured indigent addicts.

SEC. 5. Subsection (b) of section 344 of such Act (42 U. S. C. 260 (b)) is amended by adding at the end thereof the following new sentence: "Appropriations available for the care and treatment of addicts admitted to a hospital of the Service under this section shall be available, subject to regulations, for paying the cost of transportation to any place within the continental United States, including subsistence allowance while traveling, for any indigent addict who is discharged as cured."

58 Stat. 710.

Availability of funds for court costs.

SEC. 6. Section 504 of such Act (42 U. S. C. 222) is amended by adding at the end thereof the following new sentence: "Funds available for the operation of such hospitals, institutions, and stations of the Service shall also be available for expenditure to meet court costs and other expenses of the Service incident to proceedings for the commitment, to Saint Elizabeths Hospital or to any hospital, institution, or station of the Service, of any mentally incompetent person entitled to treatment by the Service."

58 Stat. 711.

Availability of appropriations.

SEC. 7. Section 509 of such Act (42 U. S. C. 227) is amended to read as follows:

"SEC. 509. Appropriations for carrying out the purposes of this Act shall be available for expenditure for personal services and rent at the seat of Government; books of reference, periodicals, and exhibits; printing and binding; transporting in Government-owned automotive equipment, to and from school, children of personnel who have quarters for themselves and their families at stations determined by the Surgeon General to be isolated stations; expenses incurred in pursuing, identifying, and returning prisoners who escape from any hospital, institution, or station of the Service or from the custody of any officer or employee of the Service, including rewards for the capture of such prisoners; furnishing, repairing, and cleaning such wearing apparel as may be prescribed by the Surgeon General for use by employees in the performance of their official duties; reimbursing officers and employees, subject to regulations of the Administrator, for the cost of repairing or replacing their personal belongings damaged or destroyed by patients while such officers or employees are engaged in the performance of their official duties; and maintenance of buildings of the National Institute of Health."

Approved June 25, 1948.

[CHAPTER 655]

AN ACT

Making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes.

June 25, 1948
[H. R. 5524]
[Public Law 782]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1949, for civil functions administered by the Department of the Army and for other purposes, namely:

Civil Functions Appropriation Act, 1949.

CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

Cemeterial expenses: For maintaining and improving national cemeteries, including fuel for and pay of superintendents and other employees; purchase of grave sites; maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery, and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and the burial site of Pushmataha, a Choctaw Indian chief; repair to roadways but not to more than a single approach road to any national cemetery; for headstones or markers for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873, February 3, 1879, February 26, 1929, and April 18, 1940 (24 U. S. C. 279–280b), and civilians interred in post cemeteries; for maintenance of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island; for the establishment of national cemeteries on military, naval or territorial lands to be transferred or otherwise made available for this purpose at Punch Bowl Crater, Territory of Hawaii, and Bayamon Naval Gunnery Range, Puerto Rico; and for maintenance of graves used by the Army for burials in commercial cemeteries; $7,809,153, of which $1,021,000 shall be immediately available: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

Maintenance of national cemeteries.

Headstones.

17 Stat. 545; 20 Stat. 281; 45 Stat. 1307; 54 Stat. 142.
Post, p. 1215.

Confederate cemeteries.

Commercial cemeteries.

Encroachment by railroad.

Roadway repairs.

CEMETERIAL EXPENSES, NO YEAR

Cemeterial expenses (Act of May 16, 1946): For all expenses necessary, not otherwise provided for, to enable the Secretary of the Army to carry out his responsibilities in connection with the evacuation and return to their homeland of the remains of members of the armed forces and certain citizens and employees of the United States as authorized by the Act of May 16, 1946, as amended by the Act of August 5, 1947

60 Stat. 182.
50 U. S. C., Supp. I, app. §§ 1811–1819.
Ante, p. 334.

61 Stat. 779.
50 U. S. C., Supp. I, app. §§ 1811–1819.
Ante, p. 334.

(Public Law 368), including burial expenses or payment of allowances in lieu thereof; personal services at the seat of government and elsewhere; construction of buildings and facilities; acquisition of real estate or interests therein; operation, maintenance, and repair of passenger automobiles; printing and binding; settlement of claims incident to and resulting from activities pursuant to said Act in accordance with the Act approved July 3, 1943 (31 U. S. C. 223b), as amended, and section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and communication and other services and supplies at the seat of government or elsewhere; $38,369,000, to be immediately available: *Provided*, That the Secretary of the Army is authorized to furnish, without reimbursement, supplies and equipment in excess of the needs of the Department of the Army and to make available existing facilities of the Department of the Army to the fullest extent possible for the accomplishment of the objects provided for herein: *Provided further*, That expenditures from this appropriation may be made when necessary to carry out its purpose without regard to sections 355, 1136, 3648, 3709, and 3734, Revised Statutes, as amended, or civil-service and classification laws.

57 Stat. 372.
60 Stat. 843.
Ante, p. 1008.
50 U. S. C. § 175; 10 U. S. C. § 1339; 31 U. S. C. § 529; 41 U. S. C. § 5; 40 U. S. C. §§ 259, 267.
Ante, p. 381.

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

Alaska Communication System: For expenses necessary for the operation, maintenance, and improvement of the Alaska Communication System, including purchase of two passenger motor vehicles, $1,804,000, to remain available until the close of the fiscal year 1950, and in addition not to exceed 15 per centum of the fiscal year 1949 receipts of the Alaska Communication System may be merged with and used for the purposes of this appropriation: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Appropriation Committees of the Congress.

Report to Congressional Appropriation Committees.

CORPS OF ENGINEERS

RIVERS AND HARBORS AND FLOOD CONTROL

To be immediately available and to be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, and to remain available until expended: *Provided*, That the services of such additional technical and clerical personnel as the Secretary of the Army may deem necessary may be employed only in the Office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors and flood control, surveys, and preparation for and the consideration of river and harbor and flood-control estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1949 shall not exceed $1,250,000, and the Secretary of the Army shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each: *Provided further*, That the various appropriations for rivers and harbors and flood control may be used for the purchase, in the fiscal year 1949, of five hundred passenger motor vehicles (of which three hundred and fifty-six shall be for replacement only) and ten motorboats, and the purchase (not to exceed seven), maintenance, repair, and operation of aircraft: *Provided further*, That not to exceed $16,000 of the sums appropriated herein may be used to pay the expenses of Corps of Engineers representatives to three international engineering conferences to be held in Europe during the calendar year 1948.

Additional personnel.
Limitation on expenditures.
Report to Congress.
Purchase of motor vehicles, motorboats, and aircraft.
Attendance at international engineering conferences.

RIVERS AND HARBORS

Maintenance, etc.

Maintenance and improvement of existing river and harbor works: For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins, and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893, as amended (33 U. S. C. 661, 678, and 683); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed one hundred student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (10 U. S. C. 535); for examinations, surveys, and contingencies of rivers and harbors; for the execution of detailed investigations and the preparation of plans and specifications for projects heretofore or hereafter authorized; for printing and binding and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, including such printing, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress: *Provided*, That no part of this appropriation shall be expended for any preliminary examination, survey, project, or estimate not authorized by law; $166,989,100: *Provided further*, That from this appropriation the Secretary of the Army may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board of Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That not to exceed $3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the expenses of the properly accredited delegates of the United States to the meeting of the Congresses and of the Commission: *Provided further*, That from this appropriation not to exceed $1,000,000 shall be available for transfer to the Secretary of the Interior for expenditure for the purposes of and in accordance with the provisions of the Act of August 8, 1946 (60 Stat. 932), and the Act of August 14, 1946 (60 Stat. 1080).

California Débris Commission.

27 Stat. 507.

Student officers.

41 Stat. 785.
Ante, p. 477.

Printing and binding.

Unauthorized surveys, etc.

Harbor channels.

Permanent International Commission of the Congresses of Navigation.
Post, p. 1174.

Transfer of funds.

16 U. S. C. §§ 756, 757, 661-666c.

Alteration of bridges over navigable waters: For payment of the share of the United States of the cost of alteration of bridges over navigable waters in accordance with the provisions of the Act of June 21, 1940 (Public Law 647), $500,000.

54 Stat. 497.
33 U. S. C. §§ 511-523.

FLOOD CONTROL

Construction and maintenance. *Post*, p. 1041.

Flood control, general: For the construction and maintenance of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended and supplemented, including printing and binding, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, and for preliminary examinations, surveys, and contingencies in connection with the flood control, $339,491,100: *Provided*, That funds appropriated herein may be used for flood-control work on the Salmon River, Alaska, as authorized by law: *Provided further*, That funds appropriated herein may be used to execute detailed surveys, and prepare plans and specifications, necessary for the construction of flood-control projects heretofore or hereafter authorized or for flood-control projects considered for selection in accordance with the provisions of section 4 of the Flood Control Act approved June 28, 1938, and section 3 of the Flood Control Act approved August 18, 1941 (55 Stat. 638): *Provided further*, That the expenditure of funds for completing the necessary surveys shall not be construed as a commitment of the Government to the construction of any project: *Provided further*, That no part of this appropriation shall be available or used to maintain or operate the Garrison (North Dakota) Reservoir at a higher maximum normal pool elevation than one thousand eight hundred and thirty feet, or for constructing dikes or levees which would be required by a higher maximum normal pool elevation than one thousand eight hundred and thirty feet for operating such dam: *Provided further*, That the authority contained in section 6 of the Flood Control Act of 1946 approved July 24, 1946 (Public, 526), is hereby extended to include the projects known as Oahe Reservoir, South Dakota, Pine Flat Reservoir, California, Isabella Reservoir, California, and Folsom Reservoir, California.

49 Stat. 1570. 33 U. S. C. §§ 701a-701f, 701h.

Salmon River, Alaska.

Surveys, plans, etc.

52 Stat. 1216. 33 U. S. C. §§ 701j, 702a-1¾, 702a-12.

Garrison Reservoir, N. Dak.

Extension of authority. 60 Stat. 642.

Post, p. 1041.

Flood control, general (emergency fund): For the repair, restoration, and strengthening of levees and other flood control works in accordance with the Act of June 23, 1947 (Public Law 102), $3,000,000.

61 Stat. 163.

Mississippi River and tributaries.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved May 15, 1928, as amended (33 U. S. C. 702a), including printing and binding and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, $61,000,000.

45 Stat. 534.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), $500,000.

33 U. S. C. § 702g-1.

Sacramento River, Calif.

Flood control, Sacramento River, California: For prosecuting work of flood control, Sacramento River, California, in accordance with the provisions of the Act approved March 1, 1917, as amended (33 U. S. C. 703, 704; 50 Stat. 849; 55 Stat. 638–651), $1,750,000.

39 Stat. 949.

MISCELLANEOUS CIVIL WORKS

Federal water mains outside D. C.

Maintenance and operation, Certain Federal Water Mains Outside the District of Columbia: For the maintenance, operation, improvement, extension, and protection of Federal water lines located outside the District of Columbia required to serve nearby Government establishments and facilities with water from the water supply system of the District of Columbia, including interconnections with other water

systems for emergency use wherever located, to be immediately available and to be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, $12,000.

PENALTY MAIL

Penalty mail: For deposit in the Treasury for penalty mail pertaining to civil functions administered by the Department of the Army (39 U. S. C. 321d), $225,000.

58 Stat. 394.
Post, p. 1049.

UNITED STATES SOLDIERS' HOME

Trust account: For maintenance and operation of the United States Soldiers' Home, including not to exceed $300 for deposit in the Treasury for penalty mail (39 U. S. C. 321d), to be paid from the Soldiers' Home permanent fund, $2,435,000, of which $446,579 shall be immediately and continuously available until expended for the modernization of existing utilities of the United States Soldiers' Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army: *Provided further*, That any owning or disposal agency is authorized to transfer surplus property, other than real estate, to the United States Soldiers' Home without reimbursement or transfer of funds.

58 Stat. 394.
Post, p. 1049.

Restriction.

Transfer of surplus property.

THE PANAMA CANAL

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, and construction of additional facilities, including printing and binding; personal services in the District of Columbia, purchase (not to exceed twenty-four in the fiscal year 1949), and hire of passenger motor vehicles; claims for damages to vessels, cargo, crew, or passengers, as authorized by section 10 of title 2, Canal Zone Code, as amended (54 Stat. 387); claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses of attendance (not to exceed $10,000), when authorized by the Governor, at meetings of organizations concerned with activities pertaining to the Panama Canal; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; not to exceed $2,000 for travel and subsistence expenses of members of the police and fire forces of the Panama Canal incident to their special training in the United States; purchase, construction, repair, replacement, alteration, or enlargement of buildings, structures, equipment, and other improvements, as follows:

Maintenance, etc.

Damage claims.
48 U. S. C. § 1319.

60 Stat. 843.
Ante, p. 1008.

37 Stat. 560.
48 U. S. C. §§ 1301-1387; Supp. I, § 1336e *et seq.*
Ante, p. 991.

Emergencies.

Travel expenses.

Buildings and improvements.

Maintenance and operation of the Panama Canal: For salary of the

Governor, $10,000; contingencies of the Governor, including entertainment, to be expended in his discretion, not exceeding $3,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; relief payments authorized by the Act approved July 8, 1937 (50 Stat. 478); and not to exceed $6,000 for deposit in the Treasury for penalty mail for offices of the Panama Canal in the United States (39 U. S. C. 321d); in all, $13,149,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

Alien cripples.

39 Stat. 750.

Relief payments.

48 U. S. C. § 1372.

58 Stat. 394.
Post, p. 1049.

37 Stat. 560.
48 U. S. C. §§ 1301–1387; Supp. I, § 1336e *et seq.*
Ante, p. 991.

Sanitation: For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, and payments of not to exceed $50 in any one case to persons within the Government service who shall furnish blood from their veins for transfusion to the veins of patients in Panama Canal Hospitals, $3,600,000.

Blood transfusions.

Civil government: For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, $3,277,313.

Construction of additional facilities, Panama Canal: For construction of additional facilities for the improvement and enlargement of the capacity of the Panama Canal, in accordance with the Act of August 11, 1939 (53 Stat. 1409), and for carrying out the purposes of the Act of December 28, 1945 (59 Stat. 663), including reimbursements to the appropriations for "Maintenance and operation, sanitation, and civil government, Panama Canal", in such amounts as the Governor of the Panama Canal shall from time to time determine to be additional costs incurred for the objects specified in said appropriations on account of the prosecution of the work; in all, $100,000.

48 U. S. C. § 1307 note.

Total, Panama Canal, $20,126,313, to be available until expended.

Additional sums.

In addition to the foregoing sums there is hereby made available for the fiscal year 1949 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, and to remain available until expended, all moneys received by the Panama Canal during the fiscal year 1949 from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

Net profits.

There is also made available for the fiscal year 1949 for the operation,

maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, to remain available until expended, the necessary portions of such sums as shall be paid during that fiscal year as water rentals or directly by the Government of Panama for such expenses.

Waterworks, etc., Panama and Colon.

GENERAL PROVISIONS

SEC. 2. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section in time of war or national emergency if he should deem such course to be in the public interest: *Provided further*, That the President may, if he finds it necessary because of a shortage of housing, suspend, for the fiscal year 1949, the application of those portions of this section which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

Canal Zone.
Citizenship requirement.
Post, p. 1057.

Employment of Panamanian citizens.
48 U. S. C. § 1307 note.

Limitation.

Employees with 15 years' service.

Selection of personnel.

Hours of employment; pay rates.

Applicability.

Wartime or emergency suspension.

Housing shortage.

SEC. 3. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or that such person does not advocate, and is not a member of an organization that advocates, the

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

Affidavit.

Penalty.

overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 4. The Governor of the Panama Canal and the Chief of Engineers, Department of the Army, are authorized to employ services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding $100 per diem for individuals.

60 Stat. 810.

Payment of claims.

SEC. 5. Appropriations for the Department of the Army and for civil functions administered by the Department of the Army may be used for the payment of claims under the Act of July 3, 1943, and section 403 of the Federal Tort Claims Act (28 U. S. C. 921), and for health programs as authorized by law (5 U. S. C. 150).

60 Stat. 843.
Ante, p. 1008.
60 Stat. 903.

Short title.

SEC. 6. This Act may be cited as the "Civil Functions Appropriation Act, 1949".

Approved June 25, 1948.

[CHAPTER 656]

June 25, 1948
[H. R. 5886]
[Public Law 783]

AN ACT

To amend section 332 (a) of the Nationality Act of 1940.

Nationality Act of 1940, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 332 (a) of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1154; 8 U. S. C. 732), is hereby amended to read as follows:

Petition for naturalization.

"SEC. 332. (a) An applicant for naturalization shall, not less than two nor more than seven years after such declaration of intention has been made, make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting if physically able to write, and duly verified by witnesses, which petition shall contain substantially the following averments by such applicant."

Approved June 25, 1948.

[CHAPTER 657]

June 25, 1948
[H. R. 6293]
[Public Law 784]

AN ACT

To amend the Act of June 19, 1934, providing for the establishment of the National Archives, so as to provide that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 8 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934, as amended (49 Stat. 1821), is amended by inserting after the first sentence thereof the following new sentence: "All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act."

44 U. S. C. § 300h.

55 Stat. 581.
44 U. S. C. § 300ee.

Approved June 25, 1948.

[CHAPTER 658]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes.

June 25, 1948
[H. R. 6935]
[Public Law 785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiency appropriations for the fiscal year ending June 30, 1948, and for other purposes, namely:

Second Deficiency Appropriation Act, 1948.
Ante, pp. 59, 213.

LEGISLATIVE BRANCH

SENATE

For payment to Ruth D. Overton, widow of John H. Overton, late a Senator from the State of Louisiana, $12,500.

For an additional amount, fiscal year 1949, for the Office of the Sergeant at Arms and Doorkeeper, $8,020: *Provided*, That the rates of basic annual compensation for the following positions shall be: Four laborers at $1,320 each: *Provided*, That the provisions of the Federal Employees Pay Act of 1945, as amended, shall not apply to two positions of special employees under the office of the Sergeant at Arms, and the Legislative Branch Appropriation Act for 1949 is amended accordingly.

Ante, p. 424.

59 Stat. 295.
5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*
Post, p. 1267.
Ante, p. 424.

CONTINGENT EXPENSES OF THE SENATE

Stationery: For an additional allowance for stationery for the second session of the Eightieth Congress, to remain available until December 31, 1948, $200.

Ante, pp. 213, 425.

Joint Committee on Foreign Economic Cooperation: For salaries and expenses of the Joint Committee on Foreign Economic Cooperation, as authorized by Public Law 472, Eightieth Congress, including per diem and subsistence expenses, without regard to the Subsistence Act of 1926, approved June 3, 1926, as amended, $262,000.

Ante, pp. 157, 213; *post*, p. 1056.
Ante, p. 156.
44 Stat. 688.
5 U. S. C. § 821.

Joint Committee on Inaugural Ceremonies of 1949: To enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President of the United States, January 20, 1949, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, $108,000.

62 Stat., Pt. 2, p. 1430.

HOUSE OF REPRESENTATIVES

For payment to Emma E. Owens, widow of Thomas L. Owens, late a Representative from the State of Illinois, $12,500.

MILEAGE OF MEMBERS

For mileage due and unpaid to Members of the House of Representatives, Seventy-ninth and prior Congresses, $906.

CONTINGENT EXPENSES OF THE HOUSE

Reporting hearings: For an additional amount, fiscal year 1947, for "Reporting hearings", $11,000.

60 Stat. 397.

Reporting hearings: For an additional amount, fiscal year 1948, for "Reporting hearings", $15,000.

61 Stat. 366.

Stationery (revolving fund): For an additional stationery allowance of $300 for each Representative, Delegate, and the Resident Commissioner of Puerto Rico, for the second session of the Eightieth Congress, $131,400, to remain available until expended.

Stationery (revolving fund): For stationery allowance due a newly elected Member of the House of Representatives, by special election, second session, Eightieth Congress, to remain available until expended, $500.

For payment to James C. Davis, contestee, for expenses incurred in the contested election case of Lowe versus Davis as audited and recommended by the Committee on House Administration, $1,289.08, to be disbursed by the Clerk of the House.

For payment to James C. Davis, contestee, for expenses incurred in the contested election case of Mankin versus Davis as audited and recommended by the Committee on House Administration, $2,000, to be disbursed by the Clerk of the House.

For payment to Helen Douglas Mankin, contestant, for expenses incurred in the contested election case of Mankin versus Davis as audited and recommended by the Committee on House Administration, $2,000, to be disbursed by the Clerk of the House.

For payment to David J. Wilson, contestant, for expenses incurred in the contested election case of Wilson versus Granger as audited and recommended by the Committee on House Administration, $2,000, to be disbursed by the Clerk of the House.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings: For an additional amount, fiscal year 1949, for the "Capitol Buildings", including the objects specified under this head in the Legislative Branch Appropriation Act, 1949, $35,000.

Ante, p. 430.

Capitol Building: For an additional amount to enable the Architect of the Capitol to carry forward the improvements affecting the Senate Wing of the Capitol authorized by the Second Deficiency Appropriation Act of June 27, 1940 (54 Stat. 629), as amended by the Acts of June 8, 1942 (56 Stat. 342), and July 17, 1945 (59 Stat. 472), $600,000. The Architect of the Capitol is authorized to enter into contracts, including cost-plus-a-fixed-fee contracts as approved by the Special Committee on Reconstruction of Senate Roof and Skylights and Remodeling of Senate Chamber, and to make such other expenditures as may be necessary for the improvements affecting the Senate Wing of the Capitol authorized by such Acts, in such amounts as may be approved by the Senate committee appointed under section 1 of the Act of July 17, 1945, notwithstanding the provisions of section 2 of that Act: *Provided*, That the amounts so approved by such committee may be obligated in full prior to the actual appropriation thereof.

Contracts.

59 Stat. 472.

ADDITIONAL OFFICE BUILDING FOR THE UNITED STATES SENATE

Acquisition of site: To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, by purchase, condemnation, or otherwise (any condemnation proceedings to be in accordance with the provisions of the Act of March 1, 1929 (45 Stat. 1415)), as a site for an additional office building for the United States Senate, all of the land, buildings, and other structures and alleys and parts of alleys (whether private or public) contained in that part of square 725 in the District of Columbia, bounded on the west by First Street Northeast, on the north by C Street Northeast, on the south by B Street Northeast, and on the

east by the west boundaries of lots numbered 104, 105, 840, 805, and 80 and by a line running from the northwest corner of lot numbered 805 across the thirty-foot alley to a point on the southern boundary of lot numbered 840 due north of such corner and from such point to the southwest corner of lot numbered 840, and also to acquire in similar manner lot numbered 852 in said square 725, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act; and, upon acquisition of such property or any part thereof to provide for the demolition and removal as expeditiously as possible of any buildings or other structures on any such land acquired and, pending such demolition, to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to provide for the maintenance and protection of such property; $1,100,000.

Demolition and removal of buildings.

Construction and equipment of building: To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, at a total cost (exclusive of site and other expenses authorized under the preceding paragraph) not to exceed $20,600,000, and in substantial accordance with the preliminary plans prepared under the authority of the Act of July 11, 1947 (Public Law 169, Eightieth Congress), and approved by the Senate Office Building Commission, with such modification as may be necessary or advantageous, to provide for the construction and equipment of a fireproof office building for the use of the United States Senate on the site hereinbefore designated, containing committee and office rooms and such other rooms and accommodations as may be approved by the Senate Office Building Commission, including connections with the present Senate Office Building and subway transportation system by suitable tunnels and transportation system under First Street and B Street Northeast and structural and other changes in the present building and subway system necessitated thereby, and also including approaches, connections with the Capitol Power Plant and public utilities, and architectural landscape treatment of the grounds, $850,000: *Provided*, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such other expenditures as may be necessary for materials, supplies, equipment, accessories, advertising, travel, personal and other services, and any other items required for the proper completion of the project, and to obligate in full the total amount of $20,600,000 herein authorized, prior to the actual appropriation thereof, notwithstanding that an initial amount of only $850,000 thereof is herein appropriated, and notwithstanding any other partial appropriations that may hereafter be made: *Provided further*, That upon completion of the project, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of the Act of June 8, 1942 (U. S. C., title 40, sec. 174 (c) and (d)) and the Act of July 31, 1946 (60 Stat. 718), in the same manner and to the same extent as the present Senate Office Building and the grounds and sidewalks surrounding the same.

61 Stat. 307.
40 U. S. C., Supp. I, § 174a note.

Contracts.

56 Stat. 343.
40 U. S. C. §§ 174c, 174d.
40 U. S. C. §§ 193a-193m, 212a, 212b; Supp. I, § 212b.

Senate Restaurants: For repairs, improvements, furnishings and equipment for the Senate Restaurant, Capitol Building, including personal and other services, fiscal year 1949 $15,000, to be expended by the Architect of the Capitol under the supervision of the Senate Committee on Rules and Administration, without regard to section 3709 of the Revised Statutes, as amended.

41 U. S. C. § 5.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

General expenses: Surplus funds accumulated during the fiscal year 1948 through the operation of the working capital of the Government

Ante, p. 214.

61 Stat. 374.

Printing Office (Public printing and binding, Government Printing Office, 1948) are hereby made available for the additional transfer of $77,000 to the appropriation "General expenses, Office of Superintendent of Documents, 1948", including the objects and subject to the conditions set forth under this heading in the Legislative Branch Appropriation Act, 1948.

61 Stat. 376.

THE JUDICIARY

MISCELLANEOUS ITEMS OF EXPENSE

61 Stat. 305.

Printing and binding: For an additional amount, fiscal year 1948, for "Printing and binding" for advanced opinions, preliminary prints, and bound reports of the Supreme Court, $23,000.

FUNDS APPROPRIATED TO THE PRESIDENT

ARMED FORCES LEAVE PAYMENTS

60 Stat. 912.

Payments under the Armed Forces Leave Act of 1946: Not to exceed $700,000 of the amount appropriated under this head in the First Supplemental Appropriation Act, 1947, shall remain available during the fiscal year 1949 for transfer, in such amounts as the Director of the Bureau of the Budget may determine, to the Bureau of the Public Debt, Treasury Department, for administrative expenses necessary to carry out the provisions of the Armed Forces Leave Act of 1946, as amended, including personal services in the District of Columbia and elsewhere, including printing and binding.

60 Stat. 963.
37 U. S. C. §§ 32-37; Supp. I, §§ 33-38; 10 U. S. C. § 18; 34 U. S. C. § 604.
Ante, p. 506.

DEFENSE AID, LIQUIDATION LEND-LEASE PROGRAM

Administrative expenses: For the liquidation by the Treasury Department in the fiscal year 1949 of activities under an Act to promote the defense of the United States (55 Stat. 31), as amended, $250,000.

22 U. S. C. §§ 411-419.

Obligations: Not to exceed $25,000,000 of the funds appropriated or continued available by title II of the Second Deficiency Appropriation Act, 1945, for carrying out the provisions of an Act to promote the defense of the United States (55 Stat. 31), as amended, shall remain available for expenditure until June 30, 1949, for liquidation of obligations incurred under said Act prior to June 30, 1946, and for payment of claims, approved prior to June 30, 1949, under a patent interchange agreement executed pursuant to said Act.

59 Stat. 429.
22 U. S. C. §§ 411-419.

CARE, HANDLING, AND DISPOSAL OF SURPLUS PROPERTY ABROAD

Care, handling, and disposal of surplus property abroad: To enable the President, by allocation during the fiscal year 1949 to any department, agency, corporation, or independent establishment in the executive branch of the Government, to provide for expenses necessary for the care, handling, and disposal, pursuant to law, of surplus property located outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, and for the care and handling of surplus property located in the United States but disposed of to foreign governments, including personal services in the District of Columbia; employment of persons outside the continental limits of the United States without regard to civil-service and classification laws; attendance at meetings of organizations concerned with the activities for which this appropriation is made; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment of rent in foreign countries in advance; printing and binding, including printing and binding outside the continental limits of the United States

60 Stat. 810.
Payment of rent in advance.

without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); and hire of passenger motor vehicles; $18,300,000: *Provided*, That none of the funds herein appropriated shall be available for reimbursement for pay and allowances or subsistence of military or naval personnel except cost-of-living allowances for military or naval personnel assigned or detailed to the Department of State: *Provided further*, That $13,850,000 of this appropriation shall be available exclusively for the care and handling of surplus property located in the United States but disposed of to foreign governments.

40 Stat. 1270.
Limitation.

Surplus property in U. S.

DISASTER RELIEF

Disaster relief: To enable the President, through such agency or agencies as he may designate, and in such manner as he shall determine, to supplement the efforts and available resources of State and local governments or other agencies, whenever he finds that any flood, fire, hurricane, earthquake, or other catastrophe in any part of the United States is of sufficient severity and magnitude to warrant emergency assistance by the Federal Government in alleviating hardship, or suffering caused thereby, and if the governor of any State in which such catastrophe shall occur shall certify that such assistance is required, $500,000, to remain available until June 30, 1949, and to be expended without regard to such provisions regulating the expenditure of Government funds or the employment of persons in the Government service as he shall specify: *Provided*, That no expenditures shall be made with respect to any such catastrophe in any State until the governor of such State shall have entered into an agreement with such agency of the Government as the President may designate giving assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe: *Provided further*, That no part of this appropriation shall be expended for departmental personal services: *Provided further*, That no part of this appropriation shall be expended for permanent construction: *Provided further*, That within any affected area Federal agencies are authorized to participate in any such emergency assistance.

Agreement requirement.

Restriction.

Permanent construction.

DISPLACED PERSONS COMMISSION

Displaced Persons Commission: For expenses necessary to enable the Commission during the fiscal year 1949 to carry out the provisions of S. 2242, Eightieth Congress, entitled "A bill to authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes", including personal services in the District of Columbia; travel expenses without regard to the Standardized Government Travel Regulations, as amended, and the rates of per diem allowances under the Subsistence Expense Act of 1926, as amended; expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; purchase (not to exceed fifteen, including one at not to exceed $3,000) and hire of passenger motor vehicles; printing and binding, including printing and binding outside the continental limits of the United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); health service program as authorized by law (5 U. S. C. 150); employment of aliens; payment of rent in foreign countries in advance; and purchases and services abroad without regard to section 3709 of the Revised Statutes; $2,000,000: *Provided*, That allocations

Ante, p. 1009; *post*, p. 1290.

44 Stat. 688.
5 U. S. C. § 821.

40 Stat. 1270.
60 Stat. 810.
60 Stat. 843.
Ante, p. 1008.
60 Stat. 903.

41 U. S. C. § 5.

Allocations from appropriation.

may be made from this appropriation by the Commission upon approval by the Director of the Bureau of the Budget to any department, agency, corporation, or independent establishment of the Government for direct expenditure for the purposes of this appropriation, and any such expenditures may be made under the specific authority herein contained or under the authority governing the activities of the department, agency, corporation, or independent establishment to which amounts are allocated: *Provided further*, That the Commission may enter into agreements with governmental and private agencies and may make payment in advance or by reimbursement for expenses incurred by such agencies in rendering assistance to the Commission in carrying out the purposes of this Act.

Agreements with governmental and private agencies.

INDEPENDENT OFFICES

Federal Security Agency

PUBLIC HEALTH SERVICE

National Institute of Health, operating expenses: For an additional amount, fiscal year 1949, for "National Institute of Health, operating expenses", $500,000: *Provided*, That appropriations under said head for the fiscal year 1949 shall be available for carrying out the purposes of the National Heart Act, including erection of temporary structures for storage of equipment and supplies and housing of animals.

Ante, p. 401.

Ante, p. 464.

SOCIAL SECURITY ADMINISTRATION

Reconversion unemployment benefits for seamen: For an additional amount, fiscal year 1949, for "Reconversion unemployment benefits for seamen", $1,170,000.

Ante, p. 445.

Salaries and expenses, Bureau of Employment Security: For an additional amount, fiscal year 1949, for "Salaries and expenses, Bureau of Employment Security", $50,000.

Ante, p. 445.

BUREAU OF EMPLOYMENT SECURITY

Working capital fund: For establishment of a working capital fund in accordance with and for carrying out the purposes of S. 2767, Eightieth Congress, $1,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 2767, Eightieth Congress.

Post, p. 1238.

Federal Works Agency

Administrative expenses, water-pollution control: For expenses necessary, fiscal year 1949, to carry out the administrative functions of the Federal Works Agency under the provisions of S. 418, relating to pollution control activities, $75,000, including personal services in the District of Columbia; travel, printing and binding; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 418, Eightieth Congress.

Post, p. 1155.

60 Stat. 810.

PUBLIC BUILDINGS ADMINISTRATION

Buildings and facilities, Cincinnati, Ohio: For preparation of plans for buildings and facilities at Cincinnati, Ohio, for the use of the Public Health Service, as provided for by S. 418, Eightieth Congress, $200,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 418, Eightieth Congress.

Post, p. 1159.

Improvement of post-office facilities, Los Angeles, California: For the construction of an additional story and the extension and remodeling of the existing Terminal Annex Station, Los Angeles, California, as provided for by H. R. 5750, Eighteenth Congress, $1,000,000 to remain available until expended: *Provided*, That this paragraph shall be effective only upon the enactment into law of H. R. 5750, Eighteenth Congress.

Post, p. 1104.

Acquisition of property: For an additional amount for the acquisition of the site of the Baltimore parcel-post station and an extension to said site, as authorized in the Second Deficiency Appropriation Act, 1944, $79,000, to remain available until June 30, 1949.

58 Stat. 603.

Sites and planning, certain public buildings outside the District of Columbia: For the acquisition of sites for public buildings, as authorized by the Acts of March 25, 1948 (Public Laws 455 and 456), and for acquisition of site and preparation of drawings and specifications for a public building project as authorized by the Act of March 25, 1948 (Public Law 457), $675,000, to remain available until June 30, 1950.

Ante, p. 86.

Ante, p. 86.

General Accounting Office Building, District of Columbia: To carry out the provisions of the Act of May 18, 1948 (Public Law 533), for the construction of a building for the use of the General Accounting Office on square 518, in the District of Columbia, the Federal Works Administrator is hereby authorized to enter into contracts for the project in an amount not exceeding $22,850,000, and the unobligated balance on May 18, 1948, of funds heretofore appropriated for the construction of a building for the General Accounting Office shall be charged against this contract authorization.

Ante, p. 238.

Federal Courts Building, District of Columbia: For the construction of a building for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, as authorized by the Act of May 14, 1948 (Public Law 527), $1,000,000, to remain available until expended; and in addition to this appropriation the Federal Works Administrator is authorized to enter into contracts for such purpose in an amount not exceeding $14,875,000.

Ante, p. 235.

Acquisition of land and buildings, Boston, Massachusetts: For the acquisition of the parcel of land located at 17 Court Street, Boston, Massachusetts, together with all improvements thereon and appertaining thereto, including incidental expenses, $750,000, to remain available until June 30, 1949.

National industrial reserve: For expenses necessary, fiscal year 1949, to carry out the duties imposed upon the Federal Works Agency by S. 2554 or H. R. 6098, Eighteenth Congress, relating to the retention and maintenance of a national industrial reserve, including personal services in the District of Columbia; purchase of not to exceed five passenger motor vehicles; printing and binding; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $35 per diem, and maintenance, protection, repair, restoration, renovation and other services by contract or otherwise without regard to section 3709 of the Revised Statutes; $5,000,000; and in addition, the Federal Works Administrator is authorized to enter into contracts, for the purposes of this appropriation in an amount not to exceed $5,000,000: *Provided*, That appropriations or funds available to the War Assets Administration for use in connection with property or functions transferred to the Federal Works Agency under the provisions of S. 2554, or H. R. 6098, Eighteenth Congress, shall be transferred, in such amounts as may be approved by the Director of the Bureau of the Budget, to the Federal Works Agency for the purposes of this appropriation: *Provided further*, That this paragraph

Post, p. 1225.

60 Stat. 810.

41 U. S. C. § 5.

Transfer of funds.

Post, p. 1225.

shall be effective only upon the enactment into law of either S. 2554 or H. R. 6098, Eighteenth Congress.

Post, p. 1225.

BUREAU OF COMMUNITY FACILITIES

Maintenance and operation of schools: For carrying out the provisions of S. 2795 or H. R. 6527, Eighteenth Congress, relating to assistance to certain local school agencies, fiscal year 1949, $3,000,000, of which not to exceed $100,000 shall be available for administrative expenses, including travel, printing and binding, and personal services in the District of Columbia: *Provided*, That this paragraph shall be effective only upon the enactment into law of either S. 2795 or H. R. 6527, Eighteenth Congress.

Post, p. 1110.

GENERAL ACCOUNTING OFFICE

Salaries: For an additional amount, fiscal year 1949, for "Salaries", $680,000.

Ante, p. 187.

HOUSING AND HOME FINANCE AGENCY

Contingent upon the enactment of the Federal Housing Act of 1948, the Director of the Bureau of the Budget is hereby authorized to increase in the aggregate not to exceed $1,000,000 the allocation for administrative expenses of the Office of the Administrator, Federal Housing Administration, National Home Mortgage Corporation, and the Public Housing Administration for carrying out the provisions of said Act.

Post, pp. 1189, 1268, 1290.

INTERSTATE COMMERCE COMMISSION

General expenses: The appropriation under this head in the Independent Offices Appropriation Act, 1948, shall be available for the payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

61 Stat. 598.
60 Stat. 843.
Ante, p. 1008.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Salaries and expenses: The limitations under this head in the Independent Offices Appropriation Act, 1947, and in the Independent Offices Appropriation Act, 1948, on the amounts available for deposit in the Treasury for penalty mail, are increased from "$6,000" to "$10,100" and from "$6,500" to "$12,000", respectively.

60 Stat. 72.
61 Stat. 599.

The limitation under this head in the Independent Offices Appropriation Act, 1949, on the amount available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), is increased from "$10,000" to "$20,000".

Ante, p. 188.
60 Stat. 810.

Liquidation of obligations.

The unexpended balances of the funds advanced to the National Advisory Committee for Aeronautics from the appropriation for "Aviation, Navy", in the Naval Appropriation Act, 1945, for construction and equipment of a wind tunnel at Moffett Field, California, shall remain available during the fiscal year 1949 for the liquidation of obligations incurred prior to July 1, 1947.

58 Stat. 312.

Liquidation of obligations.

The unexpended balances of the appropriation for "Aircraft Engine Research Laboratory, Cleveland, Ohio", in the First Deficiency Appropriation Act, 1945, shall remain available during the fiscal year 1949 for the liquidation of obligations incurred prior to July 1, 1946.

59 Stat. 82.

NATIONAL CAPITAL SESQUICENTENNIAL COMMISSION

National Capital Sesquicentennial Commission: For expenses necessary for the National Capital Sesquicentennial Commission to prepare and carry out a program for the commemoration of the one hundred

and fiftieth anniversary of the establishment of the seat of the Federal Government in the District of Columbia, as authorized by the Act of July 18, 1947 (Public Law 203), including personal services in the District of Columbia; travel expenses of employees; travel, hotel, and other necessary expenses of the Commissioners; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $35 per diem; deposits in the Treasury for penalty mail; and rent in the District of Columbia; $15,000, to remain available during the life of the Commission: *Provided*, That the Commission may accept and utilize gifts of money or services from private individuals and organizations.

61 Stat. 396.

60 Stat. 810.

Acceptance of gifts, etc.

SELECTIVE SERVICE SYSTEM

Salaries and expenses: For expenses necessary, fiscal year 1949, to carry out the provisions of H. R. 6401 or S. 2655, Eighteth Congress, establishing the Selective Service System, including personal services in the District of Columbia; not to exceed $5,000 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation when specifically authorized by the Director; purchase (not to exceed 94) of passenger motor vehicles; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and purchase of typewriters; $25,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of either H. R. 6401 or S. 2655, Eightieth Congress.

Ante, p. 604.

60 Stat. 810.

60 Stat. 843.
Ante, p. 1008.

VETERANS' ADMINISTRATION

Soldiers' and sailors' civil relief: For an additional amount, fiscal year 1949, for "Soldiers' and sailors' civil relief", $245,000, to be available until expended.

Post, p. 1202.

Automobiles and other conveyances for disabled veterans: For an additional amount for "Automobiles and other conveyances for disabled veterans", $1,500,000, to be derived by transfer from the appropriation "Administration, medical, hospital and domiciliary services", and to be available until June 30, 1949, for the purposes specified under this head in the Act of August 8, 1946 (Public Law 663), as extended by the Emergency Appropriation Act, 1948.

Post, p. 1291.

Post, p. 1200.

60 Stat. 915.
38 U. S. C. § 252.
61 Stat. 244.

DISTRICT OF COLUMBIA

PUBLIC WELFARE

Day-care centers: For all expenses necessary for the transfer, maintenance, and operation of a system of nurseries and nursery schools for the day care of children of school or under school age, including personal services, as authorized by Public Law 123, approved June 27, 1947, as amended, fiscal year 1949, $150,000.

61 Stat. 188.
Ante, p. 507.

PUBLIC WORKS

Operating expenses, Office of Superintendent of District Buildings: For an additional amount, fiscal year 1948, for "Operating expenses, Office of Superintendent of District Buildings", $12,000.

61 Stat. 440.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (46 Stat. 500), $8,400.

JUDGMENTS

For the payment of final judgments, rendered against the District of Columbia, as set forth in House Document Numbered 653, Eightieth Congress, together with such further sums as may be necessary to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment, $132.

AUDITED CLAIMS

For the payment of claims, certified to be due by the accounting officers of the District of Columbia, under the appropriations listed below, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), being for the service of the fiscal year 1945 and prior fiscal years, as follows:

18 Stat. 110.

Salaries and expenses, Executive Office, District of Columbia, 1945, $11.10;

General supervision and instruction, public schools, District of Columbia, 1945, $13.02;

Repairs and maintenance of buildings and grounds, public schools, District of Columbia, 1945, $6.20;

Salaries and expenses, Fire Department, District of Columbia, 1945, $12.46;

General administration, Health Department, District of Columbia, 1945, $36;

Medical charities, District of Columbia, 1945 (Eastern Dispensary and Casualty Hospital), $59.50;

Operating expenses, Juvenile Correctional Service, public welfare, District of Columbia, 1945, $9.12;

Operating expenses, District Training School, District of Columbia, 1945, $1,566.19;

Capital outlay, Office of Superintendent of District Buildings, public works, District of Columbia, 1945, $14,752.80;

Operating expenses, Electrical Division, public works, District of Columbia, 1945, $50.55;

Salaries and expenses, Department of Vehicles and Traffic, highway fund, District of Columbia, 1945, $826.55;

Refund of erroneous collections, District of Columbia, 1944, $420.46;

Public schools, general supervision and instruction, salaries and expenses, District of Columbia, 1944, $224.28;

Fire Department, expenses, District of Columbia, 1944, $127.71;

Gallinger Municipal Hospital, salaries, District of Columbia, 1944, $68.24;

Gallinger Municipal Hospital, expenses, District of Columbia, 1944, $1,221.48;

Working-capital fund, Workhouse and Reformatory, District of Columbia, 1944, $71.77;

Water Department, distribution system, expenses, District of Columbia, 1944, $0.69;

Refunding water rents, District of Columbia, 1944, $30.22;

Refund of erroneous collections, District of Columbia, 1943, $176.89;

Deportation of nonresident insane, District of Columbia, 1943, $248.62;

Refund of erroneous collections, District of Columbia, 1942, $9,771.08;

Refund of erroneous collections, District of Columbia, 1941, $19.96;

In all, $29,724.89.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act, 1948. 61 Stat. 425.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH ADMINISTRATION

BUREAU OF ANIMAL INDUSTRY

Salaries and Expenses

Agriculture remount service: For carrying out, during the fiscal year 1949, the provisions of the Act of April 21, 1948 (Public Law 494), including not to exceed $7,500 for departmental personal services in the District of Columbia, $425,000. *Ante*, p. 197.

Eradication of Foot-and-Mouth and Other Contagious Diseases of Animals

Eradication of foot-and-mouth and other contagious diseases of animals: For an additional amount, fiscal year 1948, for "Eradication of foot-and-mouth and other contagious diseases of animals", $25,400,000, to enable the Secretary of Agriculture to make repayment to the Commodity Credit Corporation for amounts transferred pursuant to authority under this head in the Department of Agriculture Appropriation Act, 1948, as amended by the Supplemental Appropriation Act, 1948. Repayment to Commodity Credit Corporation. 61 Stat. 532, 617.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

SALARIES AND EXPENSES

Insect and plant disease control: For an additional amount fiscal year 1949, for "Insect and plant disease control", to carry out the Golden Nematode Act of June —, 1948 (Public Law —), including not to exceed $11,970 for personal services in the District of Columbia and the purchase of not to exceed seven passenger motor vehicles, $492,000. *Ante*, p. 518. *Ante*, p. 442.

FOREST ROADS AND TRAILS

Forest roads and trails: For an additional amount, fiscal year 1949, for "Forest roads and trails", for forest highways, $7,500,000, to be available immediately and to remain available until expended; and, in addition to this appropriation, contracts may be entered into and obligations incurred prior to July 1, 1949, for forest highway work in an amount not to exceed $7,500,000. *Ante*, p. 523. Contracts.

FOREST SERVICE

EMERGENCY RECONSTRUCTION AND REPAIR

Emergency reconstruction and repair: For the reconstruction or replacement of roads, trails, bridges, telephone lines, and other facilities and improvements in the national forests damaged or destroyed by floods in May and June 1948, $4,000,000, to remain available until December 31, 1948.

LOANS TO FARMERS, 1948 FLOOD DAMAGE

Loans to farmers, 1948 flood damage: To provide assistance to farmers whose property was destroyed or damaged by floods in 1948, $6,000,000 to remain available until June 30, 1949, which the Secretary of Agriculture is authorized to utilize through any existing agency or bureau for loans in such manner and upon such terms and conditions as he may prescribe for the purpose of aiding such farmers to continue farming operations, and for all necessary administrative expenses (not to exceed 4 per centum of the total amount of loans made) in connection with making and servicing such loans, including printing and binding, and personal services in the District of Columbia: *Provided*, That no such loan shall be made unless no other source of public or private credit is available.

Restriction.

RURAL ELECTRIFICATION ADMINISTRATION

Salaries and expenses: For an additional amount for salaries and expenses, Rural Electrification Administration, fiscal year 1949, including the objects specified under this head in the Department of Agriculture appropriation bill, 1949, $225,000, such sum to be in addition to amounts otherwise appropriated for such fiscal year.

Ante, p. 529.

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

Liquidation of war agencies transferred to Commerce: For expenses necessary for the liquidation, in the fiscal year 1949, of the Foreign Economic Administration, Civilian Production Administration, Office of Price Administration, Office of War Mobilization and Reconversion, and all other functions of the former Office of Temporary Controls, including personal services in the District of Columbia and temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $175,000.

60 Stat. 810.

Voluntary agreements: For expenses necessary for carrying out, during the fiscal year 1949, the provisions of section 2 of the Act of December 30, 1947 (Public Law 395), relating to voluntary agreements, including personal services in the District of Columbia and temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed $50 per diem for individuals, $600,000.

61 Stat. 945.
50 U. S. C., Supp. I, app. § 1912.

60 Stat. 810.

BUREAU OF THE CENSUS

Census of business: For expenses necessary to collect, compile, and publish the 1949 census of business in accordance with the Act of June —, 1948 (Public Law —), including personal services at the seat of government; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and personal services by contract or otherwise at rates to be fixed by the Director of the Census without regard to the Classification Act; $1,800,000, to be available July 1, 1948, and to remain available until December 31, 1951: *Provided*, That funds for administrative expenses may be transferred from this appropriation to the appropriation "General administration, Bureau of the Census".

Ante, p. 478.

60 Stat. 810.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Transfer of funds.

Ante, p. 322.

CIVIL AERONAUTICS ADMINISTRATION

Establishment of air-navigation facilities: In addition to the contract authorization previously granted under this head in the Department of Commerce Appropriation Act, 1949, the Civil Aeronautics

Ante, p. 334.

Administration is authorized to enter into contracts and incur obligations prior to July 1, 1949, for the purposes therein specified, in an amount not to exceed $341,499. Contracts.

Construction of public airports, Territory of Alaska: For construction of two public airports, one at Fairbanks and one at Anchorage within the Territory of Alaska, as authorized by the Act of May 28, 1948 (Public Law 562), including necessary buildings, structures, and appurtenances, and acquisition of necessary lands and interest in lands; personal services in the District of Columbia; and purchase (not to exceed two) and hire of passenger motor vehicles; $3,500,000, to remain available until expended; and in addition, the Civil Aeronautics Administration is authorized to enter into contracts for the purposes of this appropriation in an amount not to exceed $9,000,000: *Provided*, That not to exceed $300,000 may be transferred to the appropriation for "Salaries and expenses" under the Civil Aeronautics Administration, for necessary administrative costs. *Ante*, p. 277. Contracts. Transfer of funds. *Ante*, p. 323.

Air navigation development: For expenses necessary, fiscal year 1949, for planning and developing a national system of aids to air navigation and air traffic control common to military and civil air navigation, including research, experimental investigations, purchase, and development, by contract or otherwise, of new types of air navigation aids (including plans, specifications, and drawings); personal services in the District of Columbia; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $50 per diem; $100,000. 60 Stat. 810.

Hereafter the salary of the Administrator of the Civil Aeronautics Administration shall (unless increased to a higher amount by other law enacted either prior or subsequent to this Act) be at the rate of $12,000 per annum. Salary of Administrator.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Departmental salaries and expenses: For an additional amount for "Departmental salaries and expenses", fiscal year 1949, for carrying out the provisions of sections 3, 4, 18 (c) and 18 (d) of the Rubber Act of 1948 (Public Law 469, approved March 31, 1948), relating to controls over the production, distribution, and use of rubber, $164,500, of which not to exceed $5,000 may be transferred to the appropriation for "Salaries and expenses" under the Office of the Secretary. *Ante*, p. 326. *Ante*, pp. 102, 108. *Ante*, p. 321.

Departmental salaries and expenses: For an additional amount, fiscal year 1949, for "Departmental salaries and expenses", $100,000, and the amount made available under this head in the Department of Commerce Appropriation Act, 1949, for transfer to the appropriation for "Salaries and expenses" under the Office of the Secretary is increased from $190,000 to $192,000. *Ante*, p. 326. *Ante*, p. 326.

Field office service: For an additional amount for "Field office service", fiscal year 1949, $15,000. *Ante*, p. 326.

Export control: For expenses necessary for carrying out, during the fiscal year 1949, the provisions of section 3 of the Act of December 30, 1947 (Public Law 395), relating to export controls, including personal services in the District of Columbia and temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed $50 per diem for individuals, $4,000,000, of which not to exceed $1,350,000 may be transferred to the Bureau of Customs, Treasury Department, for enforcement of the export control program, and of which not to exceed $62,000 may be transferred to the appropriation for "Printing and binding" in the Department of Commerce Appropriation Act, 1949, and of which not to exceed $45,000 may be transferred to the appropriation for "Salaries and expenses" under the 61 Stat. 946. 50 U. S. C., Supp. I, app. § 1913. 60 Stat. 810. *Ante*, p. 561. *Ante*, p. 321. *Ante*, p. 321.

Restriction.

Office of the Secretary in said Act: *Provided*, That no part of this appropriation may be used to enforce any regulation prohibiting the export of one-hundred-pound bags of flour as or in gift packages of any type or quantity.

PATENT OFFICE

61 Stat. 299; *ante*, p. 326.
60 Stat. 810.

Salaries and expenses: Appropriations under this head in the Department of Commerce Appropriation Acts for the fiscal years 1948 and 1949, available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), shall be available for management and operational studies, by contract or otherwise, of the Patent Office.

WEATHER BUREAU

Ante, p. 327.

Salaries and expenses: For an additional amount, fiscal year 1949, for "Salaries and expenses", $370,000.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

Columbia Basin flood repair: To enable the Secretary of the Interior, through such bureaus of the Department of the Interior as he may designate, and in such manner as he shall determine, to reimburse applicable appropriations for costs of manpower and equipment diverted for flood work and to repair, reconstruct, rehabilitate, and replace structures, buildings, and other facilities (including equipment) under the jurisdiction of the Department damaged or destroyed by the flood in the Columbia Basin area, $2,000,000, to remain available until June 30, 1949.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

61 Stat. 461.

Contingent expenses: For an additional amount, fiscal year 1948, for contingent expenses of the Department of the Interior, $17,000, for payment of claims pursuant to section 403 of the Federal Tort Claims Act of August 2, 1946 (28 U. S. C. 921).

60 Stat. 843.
Ante, p. 1008.

BUREAU OF INDIAN AFFAIRS

Red Lake Band, Chippewa Indians, Minnesota (tribal funds): For a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians, Minnesota, $130,000, payable from the proceeds of the sale of timber and lumber of the Red Lake Reservation: *Provided*, That this amount is made available contingent upon the enactment of H. R. 5355, Eighteenth Congress, second session.

Post, p. 1218.

BUREAU OF RECLAMATION

Fort Sumner irrigation district, New Mexico: For the purpose of aiding and assisting the Fort Sumner Irrigation District in New Mexico to protect its diversion dam and the existing works of said irrigation district from flood damage, in the event the Secretary of the Interior determines that flood damage is or appears to be imminent, $60,000, to be reimbursable and to remain available until expended.

Post, p. 1126.

Construction: For an additional amount, fiscal year 1949, for "Construction", $453,000, to remain available until expended, for Preston Bench project, Idaho: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 1987, Eighteenth Congress.

Ante, p. 442.

ADVANCES TO COLORADO RIVER DAM FUND

Boulder Canyon project: For an additional amount, fiscal year 1949, for "Boulder Canyon project", $600,000, to remain available until advanced to the Colorado River dam fund. *Post*, p. 1130.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

Traveling expenses: For an additional amount, fiscal year 1942, for "Traveling expenses", $5.03. 55 Stat. 290.

Salaries and expenses, Lands Division: For an additional amount, fiscal year 1942, for "Salaries and expenses, Lands Division", $609.50. *Ante*, p. 222.

Miscellaneous salaries and expenses, field: For an additional amount, fiscal year 1945, for "Miscellaneous salaries and expenses, field", $35. *Ante*, p. 222.

Miscellaneous salaries and expenses, field: For an additional amount, fiscal year 1948, for "Miscellaneous salaries and expenses, field", $38,000. 61 Stat. 290.

Salaries and expenses of marshals, and so forth: For an additional amount, fiscal year 1946, for "Salaries and expenses of marshals, and so forth", $154.71. 59 Stat. 183.

Salaries and expenses of marshals, and so forth: For an additional amount, fiscal year 1948, for "Salaries and expenses of marshals, and so forth", $65,000. 61 Stat. 290.

Fees of witnesses: For an additional amount, fiscal year 1948, for "Fees of witnesses", $50,000. *Ante*, p. 223.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses, Immigration and Naturalization Service: For an additional amount, fiscal year 1949, for "Salaries and expenses, Immigration and Naturalization Service", $1,000,000. *Ante*, p. 319.

NATIONAL MILITARY ESTABLISHMENT

DEPARTMENT OF THE ARMY—MILITARY FUNCTIONS

CORPS OF ENGINEERS

Engineer Service, Army

Engineer Service: For an additional amount, fiscal year 1948, for "Engineer Service", including construction of buildings, utilities, and facilities, $32,700,000. *Ante*, pp. 223, 259.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

CORPS OF ENGINEERS

Flood control, general (emergency fund): For an additional amount, fiscal year 1949, for "Flood control, general (emergency fund)", $6,000,000, to remain available until expended. *Ante*, p. 1022.

Flood control, general: For an additional amount, fiscal year 1949, for "Flood control, general", including the objects specified under this head in the "Civil Functions Appropriation Act, 1949", $1,000,000, to be available until expended. *Ante*, p. 1022.

DEPARTMENT OF THE AIR FORCE

Acceptance of land.

The Secretary of the Air Force is hereby authorized in his discretion to accept in the name of the United States the tract of land

Restriction.

comprising the Valparaiso golf course at Valparaiso near Eglin Field, Florida: *Provided*, That no appropriated funds shall be used for the acquiring, maintenance, or upkeep of the golf course now on said lands or for the maintenance of any recreational activities placed thereon.

DEPARTMENT OF THE NAVY—NAVAL ESTABLISHMENT

BUREAU OF SUPPLIES AND ACCOUNTS

Pay and Subsistence of Naval Personnel

Transfer of funds.

60 Stat. 487, 491, 492.

Pay and subsistence of naval personnel: There are hereby transferred to the appropriation for "Pay and subsistence of naval personnel" in the Navy Department Appropriation Act, 1947, sums from appropriations for the Navy Department and the Naval Establishment for the fiscal year 1947, as follows:

"Transportation and recruiting of naval personnel", $25,000,000;
"Pay, Marine Corps", $17,000,000;
"General expenses, Marine Corps", $17,500,000.

BUREAU OF YARDS AND DOCKS

PUBLIC WORKS

Ante, p. 459.

53 Stat. 591.

Cost limitation on family quarters.

Contractor's fee.

Construction of authorized projects.

Ante, p. 459.

Public Works: For construction, installation, and equipment of temporary or permanent public works, including public utilities and appurtenances, and necessary lands and interests therein, as authorized by the Act of June 16, 1948 (Public Law 653), including group IV (b) personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation; engineering and architectural services as authorized by section 3 of the Act of April 25, 1939 (34 U. S. C. 556); travel, and other necessary expenses; to remain available until expended, $51,337,200; and in addition, the Secretary of the Navy is authorized to enter into contracts for the purposes of this appropriation in an amount not exceeding $50,000,000: *Provided*, That this appropriation shall not be used for construction of family quarters for personnel at a cost per family unit in excess of $14,040, except that when such units are constructed outside the continental United States the average cost per unit of all such units constructed shall not exceed $25,850: *Provided further*, That the fixed fee to be paid the contractor as a result of any construction contract entered into under this appropriation shall not exceed 4 per centum of the estimated cost of the construction contract, exclusive of the fee, as determined by the Secretary of the Navy: *Provided further*, That the Secretary of the Navy is authorized to commence, continue, or complete the construction of, or make provision for, by contract or otherwise, only the following-named public works and public utilities projects, as authorized by law, and the amounts allocated to each such project from the appropriation and contract authorization herein shall not exceed the amount specified for each project enumerated, respectively;

CONTINENTAL UNITED STATES

Naval Air Station, Alameda, California: Test cells for turbine engines, $230,000;

Marine Training and Replacement Command, Camp Joseph H. Pendleton, Oceanside, California: Acquisition of land, five hundred and seventy-five acres, $46,500;

David Taylor Model Basin, Carderock, Maryland: Wind tunnels and associated facilities, $1,410,000;

Naval Amphibious Base, Little Creek, Virginia: Acquisition of land, four thousand acres, on Bloodsworth Island, Dorchester County, Maryland, $120,000;

Naval Supplementary Radio Station, Dupont, South Carolina: Radio operating building, $74,000;

Naval Ordnance Test Station, Inyokern, California:

Acquisition of land, sixty thousand acres, $70,000,

Aerodynamics field laboratory (Aerodynamics Range), $500,000,

Ground range, external ballistics, and electronics experimental installation, $408,000,

Seventy duplex houses (one hundred and forty family units), $2,000,000;

Naval Ammunition Depot, Lake Denmark, New Jersey: Liquid fuel rocket test laboratory, $306,000;

Naval Reserve Armory, Lawrence, Massachusetts: Acquisition of land, five and seven-tenths acres, $100;

Naval Reserve Armory, Lowell, Massachusetts: Acquisition of land, four acres, $800;

Naval Air Station, Mojave, California: Acquisition of land, twenty-eight acres, $500;

Naval Magazine, Montauk, Long Island, New York: Acquisition of land, forty-four acres, $53,300;

Naval Auxiliary Air Station, Oceana, Virginia: Acquisition of avigation easements over approximately four hundred acres of land, $46,000;

Naval Air Station, Patuxent River, Maryland: Facilities for bombing target, $309,000;

Naval Air Missile Test Center, Point Mugu, California: Sea test range, and test and evaluation facilities, including supporting facilities, services, and accessory construction, $14,000,000;

Naval Construction Battalion Center, Port Hueneme, California: Acquisition of land and improvements, sixty-two and forty-five one-hundredths acres, $150,000;

Naval Electronics Laboratory, Point Loma, San Diego, California: Laboratory supply and utility buildings, including services and accessories, $1,590,000;

Norfolk Naval Shipyard, Portsmouth, Virginia: Acquisition of land, four and eight hundred and fifty-seven one-thousandths acres, $4,370;

Naval Radio Station, Skaggs Island, Sonoma, California: Addition to radio operating building, $315,000;

Naval Supply Annex, Stockton, California: Acquisition of land (small island), three and eighty-eight one-hundredths acres, $1,800;

Aeronautical Turbine Laboratory, Trenton, New Jersey: Laboratory building and facilities, including collateral equipment and accessory construction, $13,000,000;

Naval Ordnance Laboratory, White Oak, Maryland:

Completion of the supersonic wind tunnels and aerodynamics range, $1,580,000;

Explosives research facility, $695,000;

Naval Unit, White Sands, Proving Ground, Las Cruces, New Mexico:

Additional housing facilities, $2,000,000,

Instrumentation of the one-hundred-mile range and camp facilities, $2,452,830;

Radio Transmitting Station (location to be determined): Radio transmission facilities, including collateral equipment and accessory construction, $4,000,000;

Naval Research Laboratory, Orlando, Florida: Underwater sound reference laboratory, $1,120,000;

Naval Air Station, Key West (Boca Chica), Florida: Acquisition of land, approximately one thousand acres, $60,000;

Various Locations—Continental United States: For correction of deficiencies in existing facilities and repairs incident to casualties thereto, $1,500,000;

OUTSIDE CONTINENTAL UNITED STATES

Naval Operating Base, Adak, Alaska:

Ship repair facilities, $306,000,

Cold storage building, ice cream plant, and milk facilities, $340,000,

Two storehouses, $1,300,000,

Dispensary, $340,000,

Utility distribution systems, including water, sewer, electric power, heating plant, roads, walks, and drainage, $2,700,000;

Naval Supplementary Radio Activity, Adak, Alaska: Operations building and associated facilities, $1,000,000;

Naval Radio Station, Adak, Alaska: Consolidated communication facilities, including buildings and accessories, $1,400,000;

Naval Operating Base, Argentia, Newfoundland: Water treatment plant, $92,700;

Naval Radio Station, Argentia, Newfoundland: Consolidated communication facilities, including buildings and accessories, $1,000,000;

Naval Radio Station, Greenland: Consolidated communication facilities, including buildings and accessories, $999,323;

Naval Operating Base, Guam:

Dredging and filling at Apra Harbor, $4,000,000,

Utility distribution systems, including electrical transmission steam generating plant, island water supply system, water storage and distribution, sewage and drainage systems and extension of roads, $6,000,000,

Barracks, messhall and galley, $1,677,777;

Naval Medical Center, Guam: Development of hospital facilities, including buildings and accessories, $5,000,000;

Naval Ammunition Depot, Guam: High explosive storage facilities and accessories, $1,000,000;

Naval Radio Station, Guam: Permanent communication facilities, including buildings and accessories, $1,500,000;

Naval Supply Center, Guam: Permanent facilities, including storage building, fuel pipe line, and accessories, $6,000,000;

Fleet Marine Force Base, Guam: Development of facilities, including buildings, service depot facilities and accessories, $4,000,000;

Submarine Base, Guam: Marginal bulkhead, including base site preparation and accessory construction, $1,670,000;

Naval Ammunition Depot, Oahu, Hawaii:

Acquisition of land, five hundred and twenty acres at Waikele and Kipapa Gulches, $70,000;

Acquisition of land at West Loch for barricaded sidings (one hundred fifty-nine and fourteen one hundredths acres), $200,000;

Naval Radio Station, Kodiak, Alaska: Consolidated communication facilities, including buildings and accessories, $1,390,000;

Naval Shipyard, Pearl Harbor, Hawaii:

Fire protection for Dry Dock No. 2, $92,700;

Modernization of waterfront lighting, $51,000;

Naval Base, Pearl Harbor, Hawaii: Water pumping station at Wahiawa Gulch, $2,500,000;

Naval Radio Station, Sabana Seca, Puerto Rico: Radio operating facilities, including collateral equipment, accessory construction and transfer of land, $3,294,000;

Naval Station, Roosevelt Roads, Puerto Rico: Acquisition of land—Culebra Island, $110,000;

Naval Operating Base, Saipan: Air intercept training facilities, $148,500;

Naval Radio Station, Summit, Canal Zone: Increase transmitter power output, $612,000;

Supplementary Naval Radio Activity, Wahiawa, Hawaii: Permanent facilities for supplemental radio activity accessories, $3,000,000;

Various locations—outside continental United States: For the correction of deficiencies in existing facilities and repairs incident to casualties thereto, $1,500,000.

POST OFFICE DEPARTMENT

(Out of the postal revenues)

POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

Printing and binding: For an additional amount, fiscal year 1948, for "Printing and binding", $25,000. *Ante*, p. 225.

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL

Damage claims: For an additional amount, fiscal year 1948, for "Damage claims", $40,000. 61 Stat. 229.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Rural Delivery Service: For an additional amount, fiscal year 1948, for "Rural Delivery Service", $1,125,000. 61 Stat. 230.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Electric-car service: For an additional amount, fiscal year 1948, for "Electric-car service", $5,000, to be derived by transfer from the appropriation "Salaries, Office of the Chief Inspector", for said fiscal year. 61 Stat. 231. Transfer of funds.

Foreign mail transportation: For an additional amount, fiscal year 1948, for "Foreign mail transportation", $2,000,000. *Ante*, p. 226.

Balances due foreign countries: For an additional amount, fiscal year 1948, for "Balances due foreign countries", $5,000,000. 61 Stat. 231.

Indemnities, international mail: For an additional amount, fiscal year 1948, for "Indemnities, international mail", $15,000. 61 Stat. 231.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Manufacture and distribution of stamps and stamped paper: For an additional amount, fiscal year 1947, for "Manufacture and distribution of stamps and stamped paper", $54,000, to be derived by transfer 60 Stat. 583.

from the appropriation "Operating force, public buildings", for said fiscal year.

Manufacture and distribution of stamps and stamped paper: For an additional amount, fiscal year 1948, for "Manufacture and distribution of stamps and stamped paper", $758,000.

61 Stat. 231.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Post Office stationery, equipment, and supplies: For an additional amount, fiscal year 1948, for "Post Office stationery, equipment, and supplies", $194,000.

Ante, p. 226.

Vehicle service: For an additional amount, fiscal year 1948, for "Vehicle service", $2,564,000.

Ante, p. 226.

Public Buildings, Maintenance and Operation

Operating supplies, public buildings: For an additional amount, fiscal year 1947, for "Operating supplies, public buildings", $20,150, to be derived by transfer from the appropriation for "Operating force, public buildings", for said fiscal year.

60 Stat. 585.

Operating supplies, public buildings: For an additional amount, fiscal year 1948, for "Operating supplies, public buildings", $230,500, to be derived by transfer from the appropriation for "Operating force, public buildings", for said fiscal year.

Ante, p. 226.

DEPARTMENT OF STATE

FOREIGN SERVICE

Salaries and expenses, Foreign Service: For an additional amount, fiscal year 1949, for "Salaries and expenses, Foreign Service", $1,000,000.

Ante, p. 306.

Living and quarters allowances, Foreign Service: For an additional amount, fiscal year 1949, for "Living and quarters allowances, Foreign Service", $250,000.

Ante, p. 307.

INTERNATIONAL ACTIVITIES

United States contributions to international commissions, congresses, and bureaus: For an additional amount, fiscal year 1948, for "United States contributions to international commissions, congresses, and bureaus", for the Pan American Sanitary Bureau, $47,932; and certain items under this head in the Department of State Appropriation Act, 1948, are amended as follows: The amount made available for the Cape Spartel and Tangier Light, Coast of Morocco, shall be available for the increased contribution required of the United States for the fiscal year 1947; the amount made available for the International Bureau of Weights and Measures is increased from "$8,314" to "$9,278" for the increased contribution required of the United States for the fiscal year 1947; the amount made available under the International Council of Scientific Unions and Associated Unions for the International Scientific Radio Union, is increased from "$392" to "$1,777"; and the amount made available for Inter-American Coffee Board is decreased from "$8,000" to "$6,251".

61 Stat. 282.

60 Stat. 453.

United States contributions to international commissions, congresses, bureaus: For an additional amount, fiscal year 1949, for Gorgas Memorial Laboratory, $50,000: *Provided*, That this appropriation is contingent upon the enactment of S. 2341, Eighteth Congress, second session.

Ante, p. 308; *post*, p. 1058.

Post, p. 1213.

United States participation in international organizations: For an additional amount, fiscal year 1949, for "United States participation

in international organizations", for the International Civil Aviation Organization, $3,750,000. *Ante*, p. 309.

United States participation in international organizations: For an additional amount, fiscal year 1949, for "United States participation in international organizations", for the World Health Organization (Act of June 14, 1948, Public Law 643), $1,915,000. *Ante*, p. 441.

International Boundary and Water Commission, United States and Mexico: The appropriation under this head in the Department of State Appropriation Act, 1949, shall be available for the purchase and exchange of map-reproduction machines and other construction, office, and engineering equipment and parts therefor; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commission; and hire, with or without personal services, of aircraft. *Ante*, p. 310.

Salaries and expenses, American sections, international commissions: For an additional amount, fiscal year 1949, for "Salaries and expenses, American sections, international commissions", for special and technical investigations in connection with matters falling within the jurisdiction of the International Joint Commission, United States and Canada, $75,000. *Ante*, p. 311.

TREASURY DEPARTMENT

FISCAL SERVICE

BUREAU OF ACCOUNTS

Contingent expenses, public moneys: For an additional amount, fiscal year 1948, for "Contingent expenses, public moneys", $12,000, to be derived by transfer from the appropriation "Refunds under Renegotiation Act, 1948". 61 Stat. 218. 61 Stat. 623.

BUREAU OF ENGRAVING AND PRINTING

Salaries and expenses: For an additional amount, fiscal year 1949, for "Salaries and expenses", $365,000. *Ante*, p. 412.

BUREAU OF FEDERAL SUPPLY

The unexpended balances of the funds advanced to the Bureau of Federal Supply from the appropriation for "Salaries and expenses" of the Office of Scientific Research and Development in the National War Agencies Appropriation Act, 1946, for furnishing summary technical reports, shall remain available during the fiscal year 1949 for the liquidation of obligations incurred prior to July 1, 1948. Liquidation of obligations. 59 Stat. 475.

Strategic and critical materials: For necessary expenses in carrying out the provisions of the Strategic and Critical Materials Stock Piling Act of July 23, 1946, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and printing and binding; $300,000,000, to be immediately available and to remain available until expended, of which $75,000,000 is for liquidation of obligations incurred pursuant to authority granted under this head in the Supplemental Appropriation Act, 1948; and in addition to the amount herein appropriated, contracts may be entered into for the purposes of the said Act of July 23, 1946, in an amount not in excess of $300,000,000: *Provided*, That any funds received as proceeds from sale or other disposition of materials on account of the rotation of stocks under said Act shall be deposited to the credit, and be available for expenditure for the purposes, of this appropriation: *Provided further*, That during the fiscal year 1949, in accordance with subsection 6 (a) of the Act of July 23, 1946 (60 Stat. 598), surplus 60 Stat. 596. 50 U. S. C. §§ 98–98h; Supp. I, § 98 note. *Post*, p. 1101. 60 Stat. 810. Liquidation of obligations. 61 Stat. 624. 60 Stat. 596. 50 U. S. C. §§ 98–98h; Supp. I, § 98 note. *Post*, p. 1101. Transfer of surplus material. 50 U. S. C. § 98e (a).

strategic and critical materials, not to exceed in value the amount of $175,000,000, may be transferred to stock piles established in accordance with said Act.

COAST GUARD

Acquisition, construction, and improvements: For an additional amount under the title "Acquisition, construction, and improvements, Coast Guard", for replacement or rebuilding of aids to navigation and shore facilities, $300,000, to remain available until expended.

TITLE II—CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

SEC. 201. For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Document Numbered 177 and House Document Numbered 690, Eightieth Congress, $15,231,868.15, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Penalty Mail Act of 1948.

TITLE III—PENALTY MAIL

Procurement of envelopes, etc.

SEC. 301. All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within sixty days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year.

Annual statement to Postmaster General.

Annual report to Congress and Bureau of the Budget.

SEC. 302. The Postmaster General shall report to the Congress and to the Bureau of the Budget within ninety days after the close of each fiscal year the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia procured or accounted for through him during such fiscal year by each executive department and agency, by each independent establishment, and by each organization and person authorized by law to use the penalty privilege.

Weight limitation.

SEC. 303. No article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment, exceeding four pounds in weight shall be admitted to the mails under the penalty privilege, except (1) stamped paper and supplies sold or used by the postal service; and (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege.

Fourth-class matter.

SEC. 304. (a) Official matter not within the provisions of section 303 which is over four pounds in weight, if otherwise mailable, whether

sealed or unsealed, including written matter, shall, if such matter does not exceed the limit of weight or size prescribed for fourth-class matter, be accepted for mailing upon the payment of postage at fourth-class rates.

Transportation of official matter.

(b) Shipments of official matter shall be sent by the most economical means of transportation practicable, and the Postmaster General may refuse to accept any such matter for shipment by mail when in his judgment it is in the public interest that it be forwarded by other means at less expense.

Information to be supplied.

SEC. 305. All executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, are directed to supply as soon as practicable, all necessary information requested by the Post Office Department to carry out the provisions of this Act.

Restriction on use of penalty privilege.

SEC. 306. No executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. The head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Public Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16 U. S. C.: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

Agricultural bulletins, etc.

49 Stat. 859.
Nonapplicability.

39 U. S. C. § 321b; Supp. I, § 321b note.
58 Stat. 394.

SEC. 307. Section 6 of the Act of May 6, 1939 (53 Stat. 683), as amended, and Public Law 364 approved June 28, 1944, are hereby repealed.

39 U. S. C. §§ 321c–321h; Supp. I, § 321g note.

Appropriation authorized.

SEC. 308. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Citation of title.

SEC. 309. This title shall take effect July 1, 1948, and may be cited as the "Penalty Mail Act of 1948".

TITLE IV—GENERAL PROVISIONS

Incorporation of Renegotiation Act of 1948 in contracts.

SEC. 401. The Secretary of Defense is authorized and directed, whenever in his judgment the best interests of the United States so require, to direct the insertion of a clause incorporating the Renegotiation Act of 1948 in any contracts for the procurement of ships, aircraft, aircraft parts, and the construction of facilities or installations outside

Ante, p. 259.

continental United States entered into by or in behalf of the Department of the Army, the Department of the Navy or the Department of the Air Force which obligates any funds made available for obligation in the fiscal year 1949.

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 402. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Affidavit.

Provided, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Penalty.

Provided further, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Short title.

SEC. 403. This Act may be cited as the "Second Deficiency Appropriation Act, 1948."

Approved June 25, 1948.

[CHAPTER 672]

June 26, 1948
[S. 1853]
[Public Law 786]

AN ACT

To authorize the Coast Guard to establish, maintain, and operate aids to navigation.

Coast Guard.
Aids to navigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard is authorized to establish, maintain, and operate—

(a) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(b) aids to air navigation required to serve the needs of the armed forces of the United States as requested by the Secretary of the appropriate Department within the National Military Establishment; and

Loran stations.

(c) Loran stations (1) required to serve the needs of the armed forces of the United States; or (2) required to serve the needs of the maritime commerce of the United States; or (3) required to serve the needs of the air commerce of the United States as determined by the Administrator of Civil Aeronautics.

Cooperation of Administrator of Civil Aeronautics.

SEC. 2. The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation

of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this Act shall be deemed to limit the authority granted by the provisions of section 77 of the Act of January 12, 1895 (28 Stat. 621), or by section 5 (f) of the Air Commerce Act of 1926 (49 U. S. C. 175), or by title III of Civil Aeronautics Act of 1938, as amended (49 U. S. C. 451 and the following).

Consent prior to establishment of aid.

5 U. S. C. § 458.
44 Stat. 571.
52 Stat. 985.
49 U. S. C. §§ 451-458.

SEC. 3. Such aids to navigation other than Loran stations shall be established and operated only within the United States, its Territories and possessions, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located, and at other places where such aids to navigation have been established on the date of the enactment of this Act.

Post, pp. 1093, 1216.
Other aids to navigation.

Approved June 26, 1948.

[CHAPTER 673]

AN ACT

To amend section 5 of the Act entitled "An Act to amend the laws relating to navigation, and for other purposes."

June 26, 1948
[S. 2186]
[Public Law 787]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An act to amend the laws relating to navigation, and for other purposes", approved May 28, 1908, as amended (U. S. C., title 46, sec. 104), is amended (1) by striking out the words "yachts belonging to any regularly organized yacht club of the United States", and inserting in lieu thereof "yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States", and (2) by striking out the words "belonging to any regularly organized yacht club thereof", and inserting in lieu thereof "used and employed exclusively as pleasure vessels".

Navigation.
Yachts.

35 Stat. 425.

Approved June 26, 1948.

[CHAPTER 674]

AN ACT

To provide for the acceptance on behalf of the United States of a statue of General Jose Gervasio Artigas, and for other purposes.

June 26, 1948
[S. 2591]
[Public Law 788]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept on behalf of the United States the bronze statue of General Jose Gervasio Artigas, as a gift from the people of Uruguay, and erect the same on a suitable site to be selected by the Director of the National Park Service, Department of the Interior, with the approval of the Commission of Fine Arts and the National Capital Park and Planning Commission, in a public park or other federally owned property in the District of Columbia. Such statue shall not be erected until the plans and specifications for the pedestal and landscaping have been submitted to and approved by the Commission of Fine Arts. The preparation of the plans and specifications for the pedestal and landscaping and the erection of

Statue of Gen. Jose Gervasio Artigas.
Acceptance for U. S.

Submission of plans for approval.

the statue shall be under the supervision of the Director of the National Park Service.

Appropriation authorized.

SEC. 2. There is authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act, including the design and construction of a suitable pedestal for such statue, the landscaping of the adjacent area, and the necessary plans therefor.

Approved June 26, 1948.

[CHAPTER 675]

June 26, 1948
[H. J. Res. 190]
[Public Law 789]

JOINT RESOLUTION

Authorizing the printing and binding of Cannon's Procedure in the House of Representatives and providing that the same shall be subject to copyright by the author.

Cannon's Procedure in House of Representatives.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed and bound for the use of the House one thousand five hundred copies of Cannon's Procedure in the House of Representatives, by Clarence Cannon, to be printed under the supervision of the author and to be distributed to the Members by the Speaker.

SEC. 2. That, notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, Cannon's Procedure in the House of Representatives shall be subject to copyright by the author thereof.

Approved June 26, 1948.

[CHAPTER 676]

June 26, 1948
[H. R. 3218]
[Public Law 790]

AN ACT

To authorize an emergency fund for the Bureau of Reclamation to assure the continuous operation of its irrigation and power systems.

Bureau of Reclamation.
Emergency fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure continuous operation of irrigation or power systems operated and maintained by the Bureau of Reclamation, Department of the Interior, there is hereby authorized to be appropriated from the reclamation fund an emergency fund which shall be available for defraying expenses which the Commissioner of Reclamation determines are required to be incurred because of unusual or emergency conditions.

"Unusual or emergency conditions."

SEC. 2. The term "unusual or emergency conditions", as used in this Act, shall be construed to mean canal bank failures, generator failures, damage to transmission lines; or other physical failures or damage, or acts of God, or of the public enemy, fires, floods, drought, epidemics, strikes, or freight embargoes, or conditions, causing or threatening to cause interruption in water or power service.

Approved June 26, 1948.

[CHAPTER 677]

June 26, 1948
[H. R. 6039]
[Public Law 791]

AN ACT

To authorize the permanent appointment in the Regular Army of one officer in the grade of general and to authorize the permanent appointment in the Regular Air Force of one officer in the grade of general, and for other purposes.

Regular Army and Air Force.
Appointment of generals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, by and with the advice and consent of the Senate, to appoint in the Regular Army one officer in the permanent grade of general from among any officers on the active list of the Regular Army

who served in the temporary grade of general from March 29, 1945, to the present date, and who successfully commanded an Army group composed of as many as four Armies in the field against the enemy from August 1, 1944, to August 15, 1945. The President is further authorized, by and with the advice and consent of the Senate, to appoint in the Regular Air Force one officer in the permanent grade of general from among any officers on the active list of the Regular Air Force who served in the temporary grade of general from March 29, 1945, to the present date, and commanded the United States Army Strategic Air Force, European Theater of Operations, from January 1, 1944, to March 1, 1946. The President is further authorized, by and with the advice and consent of the Senate, to appoint in the Regular Navy one officer in the permanent grade of admiral from among any officers on the active list of the Regular Navy who served in the temporary grade of admiral from February 4, 1944, to the present date, and commanded a major combatant unit of the United States Fleet in the Pacific Theater of Operations during all or any part of the Second World War. Any officer appointed under the provisions of this section who hereafter may be retired, shall be entitled to have his name placed on the retired list with the highest grade or rank held by him while on the active list and shall be entitled to receive the same pay and allowances while on the retired list as authorized by law for officers on the active list serving in the grade of general.

Regular Navy. Appointment of admiral.

Retirement.

Approved June 26, 1948.

[CHAPTER 678]

AN ACT

To extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, and for other purposes.

June 26, 1948
[H. R. 6556]
[Public Law 792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Agreements Extension Act of 1948".

Trade Agreements Extension Act of 1948.

SEC. 2. The period during which the President is authorized to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1351), is hereby extended from June 12, 1948, until the close of June 30, 1949.

48 Stat. 943.
19 U. S. C., Supp. I, § 1351 note.

SEC. 3. (a) Before entering into negotiations concerning any proposed foreign trade agreement under section 350 of the Tariff Act of 1930, as amended, the President shall furnish the United States Tariff Commission (hereinafter in this Act referred to as the "Commission") with a list of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment. Upon receipt of such list the Commission shall make an investigation and report to the President the findings of the Commission with respect to each such article as to (1) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of such section 350 without causing or threatening serious injury to the domestic industry producing like or similar articles; and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or similar articles the minimum increases in duties or additional import restrictions required. Such report shall be made by the Commission to the President not later than 120 days after the receipt of such list by the Commission. No such foreign trade agreement shall be entered into until the Commission has made its report to the President or until the expiration of the 120-day period.

Furnishing of list, etc., by President.

Report to President.

Restriction.

Hearings.

(b) In the course of any investigation pursuant to this section the Commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.

(c) Section 4 of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, as amended (U. S. C., 1946 edition, title 19, sec. 1354), is hereby amended by striking out the matter following the semicolon and inserting in lieu thereof the following: "and before concluding such agreement the President shall request the Tariff Commission to make the investigation and report provided for by section 3 of the Trade Agreements Extension Act of 1948, and shall seek information and advice with respect to such agreement from the Departments of State, Agriculture, and Commerce, from the National Military Establishment, and from such other sources as he may deem appropriate."

48 Stat. 945.

Ante, p. 1053.

Furnishing of information by Commission.

SEC. 4. The Commission shall furnish facts, statistics, and other information at its command to officers and employees of the United States preparing for or participating in the negotiation of any foreign trade agreement; but neither the Commission nor any member, officer, or employee of the Commission shall participate in any manner (except to report findings, as provided in section 3 of this Act and to furnish facts, statistics, and other information as required by this section) in the making of decisions with respect to the proposed terms of any foreign trade agreement or in the negotiation of any such agreement.

Restriction on participation in decisions.

48 Stat. 943. 19 U. S. C. § 1351; Supp. I, § 1351 note.

SEC. 5. (a) Within thirty days after any trade agreement under section 350 of the Tariff Act of 1930, as amended, has been entered into which, when effective, will (1) require or make appropriate any modification of duties or other import restrictions, the imposition of additional import restrictions, or the continuance of existing customs or excise treatment, which modification, imposition, or continuance will exceed the limit to which such modification, imposition, or continuance may be extended without causing or threatening serious injury to the domestic industry producing like or similar articles as found and reported by the Tariff Commission under section 3, or (2) fail to require or make appropriate the minimum increase in duty or additional import restrictions required to avoid such injury, the President shall transmit to Congress a copy of such agreement together with a message accurately identifying the article with respect to which such limits or minimum requirements are not complied with, and stating his reasons for the action taken with respect to such article. If either the Senate or the House of Representatives, or both, are not in session at the time of such transmission, such agreement and message shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be.

Copy of agreement to Congress.

Deposit of Commission report with Congressional committees.

(b) Promptly after the President has transmitted such foreign trade agreement to Congress the Commission shall deposit with the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a copy of its report to the President with respect to such agreement.

Approved June 26, 1948.

[CHAPTER 685]

June 28, 1948
[H. R. 6801]
[Public Law 793]

AN ACT

Making appropriations for foreign aid, and for other purposes.

Foreign Aid Appropriation Act, 1949.

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

sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign aid for such periods as are specified herein ending not later than June 30, 1949, and for other purposes, namely:

TITLE I

ECONOMIC COOPERATION

For expenses necessary to carry out the provisions of the Economic Cooperation Act of 1948 (title I of Public Law 472, approved April 3, 1948) until June 30, 1949: *Provided*, That the entire amount may be apportioned for obligation or may be obligated and expended, if the President, after recommendation by the Administrator, deems such action necessary to carry out the purposes of said Act, during the period ending April 2, 1949, including expenses of attendance at meetings concerned with the purposes of this appropriation (not to exceed $60,000); purchase (not to exceed fifty including one at not to exceed $3,000) and hire of passenger motor vehicles; hire of aircraft; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); health service program as authorized by law (5 U. S. C. 150); rents in the District of Columbia; transportation of privately owned automobiles; entertainment (not to exceed $50,000); exchange of funds without regard to section 3651 of the Revised Statutes; and loss by exchange; $4,000,000,000, of which not to exceed $200,000 shall be available for expenditures of a confidential character (other than entertainment) under the direction of the Administrator or the Deputy Administrator, who shall make a certificate of the amount of each such expenditure which he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the amount therein certified; and of which such amount as may be necessary but not to exceed $20,000,000 shall be available for assistance to the Free Territory of Trieste or either of its zones under the provisions of Public Law 389, Eightieth Congress, first session, until the Free Territory of Trieste or either of its zones becomes eligible for assistance under the Economic Cooperation Act of 1948, which amount shall be charged with any advances made heretofore by the Reconstruction Finance Corporation pursuant to section 103 (b) of the Economic Cooperation Act of 1948, and the Administrator is hereby authorized to repay the Reconstruction Finance Corporation for advances pursuant to section 103 (b) from the sum available for assistance to Trieste or either of its zones under this section: *Provided further*, That not less than 5 per centum of each special local currency account established pursuant to section 115 (b) (6) of the Economic Cooperation Act of 1948 shall be allocated to the use of the United States Government for expenditure for strategic materials where available or for other local currency requirements of the United States of America: *Provided further*, That allocations of funds provided pursuant to provisions of the Economic Cooperation Act of 1948 for Austria and any country under occupation by forces of the United States shall be made to the United States Military Government of such countries for administrative and other expenses: *Provided*, That where the Economic Cooperation Administrator requests the United States military authorities to perform certain functions under the Act, the Economic Cooperation Administrator shall reimburse the military authorities for administrative expenses incurred in the performance of such functions: *Provided further*, That not to exceed $58,000,000 may be expended for administrative and other expenses including not to exceed $12,000,000 for direct administration and not to exceed $6,000,000 for technical assistance authorized under section 111 (a) (3) of the Economic Cooperation Act of 1948: *Provided further*,

Ante, p. 137.

60 Stat. 843.
Ante, p. 1008.
60 Stat. 903.

31 U. S. C. § 543.

Trieste.

61 Stat. 934.
22 U. S. C., Supp. I, § 1411 and note.
Ante, p. 137.

Ante, p. 138.
Repayment to RFC.

Allocation of local currency for U. S. use.

Ante, p. 151.

Reimbursement of military authorities.

Ante, p. 144.

Ante, p. 153.

Transportation rates of relief packages.

That pursuant to section 117 (c) of the Foreign Assistance Act of 1948, the Administrator shall fix and pay a uniform rate per pound for the ocean transportation of all relief packages of food or other general classification of commodities shipped to any participating foreign country, regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *Provided further*, That guaranties of investments in enterprises producing or distributing informational media provided for under section 111 (b) (3) of the Economic Cooperation Act of 1948, or otherwise, shall not exceed $10,000,000 in the first year: *Provided further*, That there shall be included within the local currency administrative expenditures of the United States such sums as may be necessary to meet expenditures of members and staff of the Joint Committee on Foreign Economic Cooperation in the course of performance of committee functions within respective participating countries.

Limitation on certain investment guaranties.

Ante, p. 144.

Joint Committee on Foreign Economic Cooperation.

Ante, pp. 157, 213, 1027.

INTERNATIONAL CHILDREN'S EMERGENCY FUND

Ante, p. 157.

To enable the President during the fiscal year 1949 to carry out the provisions of the International Children's Emergency Fund Assistance Act of 1948 (title II of Public Law 472, approved April 3, 1948), $35,000,000.

ASSISTANCE TO GREECE AND TURKEY

61 Stat. 103.
22 U. S. C., Supp. I, §§ 1401–1408.

Ante, p. 157.

61 Stat. 613.

Applicability of limitations.

61 Stat. 104.
22 U. S. C., Supp. I, § 1402 (a).

For an additional amount for "Assistance to Greece and Turkey", as authorized by the Act of May 22, 1947 (Public Law 75) as amended and supplemented by the Greek-Turkish Assistance Act of 1948 (title III of Public Law 472, approved April 3, 1948), $225,000,000, which, together with the amount heretofore appropriated under this head, shall remain available until June 30, 1949; and the limitation under this head in the Supplemental Appropriation Act, 1948, on the amount available for administrative expenses, is increased from $4,500,000" to "$4,900,000", and the limitation under said head on the amount available for such expenses in the District of Columbia is increased from "$300,000" to "$400,000": *Provided*, That said limitations shall apply only to the administrative expenses of the Department of State: *Provided further*, That any funds heretofore or hereafter allocated under authority contained in section 2 (a) of the Act of May 22, 1947 (Public Law 75), as amended, shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, or independent establishment to which allocated, but this proviso shall not operate to increase the limitation heretofore provided for administrative expenses.

ASSISTANCE TO CHINA

Ante, p. 158.

60 Stat. 843.
Ante, p. 1008.

60 Stat. 903.

31 U. S. C. § 543.

Ante, p. 159.

For expenses necessary to carry out the provisions of the China Aid Act of 1948 (title IV of Public Law 472, approved April 3, 1948), until April 2, 1949, including expenses of attendance at meetings concerned with the purposes of this appropriation; purchase and hire of passenger motor vehicles; purchase, maintenance, and operation of aircraft; payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); health service program as authorized by law (5 U. S. C. 150); transportation of privately owned automobiles; entertainment (not to exceed $3,000); exchange of funds without regard to section 3651 of the Revised Statutes; and loss by exchange; $400,000,000, of which not to exceed $1,200,000 shall be available for administrative expenses and of which $125,000,000 shall be available exclusively as provided in subsection 404 (b) of said Act.

NATIONAL MILITARY ESTABLISHMENT

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

GOVERNMENT AND RELIEF IN OCCUPIED AREAS

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government or occupation of certain foreign areas, including personal services in the District of Columbia and elsewhere and, subject to such authorization and limitations as the Secretary of the Army may prescribe, not to exceed $220,000 may be available for tuition, personal allowances (not to exceed $10 per day), travel expenses (not to exceed those authorized for like United States military or civilian personnel), and fees incident to instruction in the United States or elsewhere of such persons as may be required to carry out the provisions of this appropriation; travel expenses and transportation; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of $50 per day and travel expenses for individuals; translation rights, photographic work, educational exhibits, and dissemination of information, including preview and review expenses incident thereto; expenses incident to the operation of schools for American children; printing and binding; hire of passenger motor vehicles and aircraft; repair and maintenance of buildings, utilities, facilities, and appurtenances; contingencies for the United States commanders of foreign areas, to be expended in their respective discretions (not exceeding amounts authorized or approved by the Secretary of the Army); such minimum supplies for the civilian populations of such areas as may be essential to prevent starvation, disease, or unrest, prejudicial to the objectives sought to be accomplished, and such supplies, commodities, and equipment as may be essential to carry out the purposes of this appropriation; $1,300,000,000, of which not to exceed $55,000,000 shall be available for administrative expenses: *Provided*, That when military personnel of the Department of the Army are employed primarily for the purposes of this appropriation, the mileage and other travel allowances to which they may be entitled shall be paid herefrom: *Provided further*, That the general provisions of the appropriation Act for the fiscal year 1949 for the military functions of the Department of the Army shall apply to this appropriation: *Provided further*, That expenditures from this appropriation may be made outside continental United States, when necessary to carry out its purposes, without regard to sections 355, 1136, 3648, and 3734, Revised Statutes, as amended, civil-service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That expenditures from this appropriation may be made, when necessary to carry out its purposes, without regard to section 3709, Revised Statutes, as amended, and the Armed Services Procurement Act of 1947 (Public Law 413, Eightieth Congress): *Provided further*, That expenditures may be made hereunder for the purposes of economic rehabilitation in Japan, Korea, and the Ryukyus in such manner as to be consistent with the general objectives of the Economic Cooperation Act of 1948: *Provided further*, That funds appropriated hereunder and unexpended at the time of the termination of occupation by the United States, of any area for which such funds are made available, may be expended by the President for the procurement of such commodities and technical services, and commodities procured from funds herein or heretofore appropriated for government and relief in occupied areas and not delivered to such an area prior to the time of the termination of occupation, may be utilized by the President, as may be necessary to assist in the

Tuition.

60 Stat. 810.

Minimum supplies for civilian populations.

Administrative expenses.

Travel allowances.

Ante, p. 1028.

40 U. S. C. § 255; 10 U. S. C. § 1339; 31 U. S. C. § 529; 40 U. S. C. §§ 259, 267.
Ante, p. 381.

41 U. S. C. § 5.

Ante, p. 21.

Economic rehabilitation in Japan, Korea, and the Ryukyus.

Ante, p. 137.

Procurement of commodities and technical services.

Bilateral agreement.

maintenance of the political and economic stability of such areas: *Provided further*, That before any such assistance is made available, an agreement shall be entered into between the United States and the recognized government or authority with respect to such area containing such undertakings by such government or authority as the President may determine to be necessary in order to assure the efficient use of such assistance in furtherance of such purposes: *Provided further*, That such agreement shall, where applicable, include requirements and undertakings corresponding to the requirements and undertakings specified in sections 5, 6, and 7 of the Foreign Aid Act of 1947 (Public Law 389, 80th Congress): *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as prescribed by the Secretary of the Army, to pay ocean transportation charges from United States ports, including territorial ports, to ports in Japan, Korea, and the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such countries: *Provided further*, That under the rules and regulations to be prescribed, the Secretary of the Army shall fix and pay a uniform rate per pound for the ocean transportation of all relief packages of food or other general classification of commodities shipped to Japan, Korea, or the Ryukyus regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *And provided further*, That the Joint Committee on Foreign Economic Cooperation established pursuant to provisions of section 124 (a) of the Economic Cooperation Act of 1948 shall have the same duties, powers, and responsibilities with respect to programs carried out by appropriations for Government and Relief in Occupied Areas as it has with respect to programs under the Economic Cooperation Act of 1948.

61 Stat. 935-937.
22 U. S. C., Supp. I, § 1411 note.
Payment of certain transportation charges.

Transportation rates on relief packages.

Authority of Joint Committee on Foreign Economic Cooperation.
Ante, p. 156.

Ante, p. 137.

DEPARTMENT OF STATE

INTERNATIONAL ACTIVITIES

Ante, pp. 308, 1046.

United States participation in international organizations: For expenses necessary for United States participation in international organizations, including payment of the annual contributions, quotas, and assessments, and costs of permanent United States representation to such organizations, in not to exceed the respective amounts as follows:

61 Stat. 214.
22 U. S. C., Supp. I, §§ 289-289d.
Limitation on use of funds.

International Refugee Organization (Public Law 146, Eightieth Congress), $70,710,228, of which amount $70,643,728 shall be available for contribution: *Provided*, That not to exceed 60 per centum of the funds appropriated herein shall be available for contribution to the International Refugee Organization until such time as there are effected agreements providing for a caloric diet for the occupants of refugee camps in Europe that is no higher than that prevailing in the country in which such camps are located.

TITLE II—GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 201. No part of any appropriation contained in this title shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Provided, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this title shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

SEC. 202. No funds made available under the authority of this Act shall be used for the purchase in bulk of any commodities (other than commodities procured by or in the possession of the Commodity Credit Corporation pursuant to Act of July 1, 1941 (55 Stat. 498), as amended), at prices higher than the market price prevailing in the United States at the time of the purchase adjusted for differences in the cost of transportation to destination, quality, and terms of payment: *Provided*, That no funds available under this Act shall be used for the purchase of wool other than from existing stocks owned by the Commodity Credit Corporation, unless or until such stocks are exhausted.

Purchase price of commodities.

15 U. S. C. §§ 713, 713a-1, 713a-4, 713a-8; Supp. I, §§ 713, 713a-4, 713a-8.

Post, p. 1248.

Restriction on purchase of wool.

SEC. 203. No part of the funds herein appropriated shall be used to purchase farm machinery, including tractors, in the United States in an amount which will bring the total exports of such machinery and tractors during the period for which this appropriation is made, from the United States, by or for the benefit of the countries participating in the European recovery program, to more than $75,000,000.

Farm machinery.

SEC. 204. Whenever an export license for a commodity, the production or shipment of which to a nonparticipating country was contracted for in good faith prior to March 1, 1948, is denied or cannot be obtained under section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended, the Administrator shall provide for the procurement of such commodity to transfer to a participating country in accordance with the requirements of such country, at not less than the contract price of such commodity to the producer or exporter, as the case may be, including any cost incurred in converting the commodity to meet the requirements of the participating country.

Procurement of commodities denied export licenses.

50 U. S. C. app. § 701; Supp. I, § 701.

SEC. 205. Not less than 50 per centum of the United States export requirements of nitrogenous fertilizer materials or nitrogenous compounds (including anhydrous ammonia) for nonoccupied areas shall come from production of plants operated by or for the Department of the Army.

Nitrogenous fertilizer materials, etc.

In addition, the Department of the Army shall make available, for the commercial production of nitrogenous fertilizer materials for domestic use, 10 per centum of the total anhydrous ammonia produced in the United States in plants operated by or for the Department of the Army, said anhydrous ammonia to be distributed as directed by the Department of Commerce, which shall give preference, in distributing said anhydrous ammonia, to producers of

Anhydrous ammonia for commercial production.

Priority.

ammonium sulphate who were producing ammonium sulphate during the six months preceding the enactment of this Act or who shall have ceased to produce, or shall be faced with an imminent shutdown in the production of, ammonium sulphate for want of anhydrous ammonia, to the extent necessary to permit such producers to operate. The Department of the Army is hereby authorized to produce and sell, in addition to its production for occupied areas, such nitrogenous fertilizer materials or nitrogenous compounds (including anhydrous ammonia) required for United States exports to nonoccupied areas or for the production of nitrogenous fertilizer materials for domestic use and to credit the proceeds of such sales to the appropriation for Government and Relief in Occupied Areas to the extent of the cost of such production for such sales and any balance to miscellaneous receipts of the Treasury.

Production and sale of nitrogenous fertilizer materials by Department of Army.

SEC. 206. No funds made available under this Act shall be used by any governmental agency for the purpose of building additional commercial manufacturing plants in the United States.

Commercial manufacturing plants in U. S.

SEC. 207. This Act may be cited as the "Foreign Aid Appropriation Act, 1949".

Short title.

Approved June 28, 1948.

[CHAPTER 686]

JOINT RESOLUTION

June 28, 1948
[S. J. Res. 177]
[Public Law 794]

Providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the Government of the United States in, and to appoint the United States delegates and their alternates to, the Pan American Railway Congress, the constitution and bylaws of which were approved in Montevideo, Uruguay, April 1946, and deposited in the archives of the Pan American Union in Washington.

Pan American Railway Congress.
Acceptance of membership for U. S.

SEC. 2. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

Appropriation authorized.

(a) Not more than $5,000 annually for the payment by the United States of its proportionate share of the expenses of the Pan American Railway Congress and its Permanent Commission; and

Additional sums.

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities thereof, including expenses of the United States delegates, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1923, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111), and section 3709 of the Revised Statutes, as amended; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

42 Stat. 1488.
5 U. S. C. §§ 661–674.

60 Stat. 810.
5 U. S. C. § 55a.

40 Stat. 1270.
41 U. S. C. § 5.

60 Stat. 714.
22 U. S. C. § 287r.

Approved June 28, 1948.

[CHAPTER 687]

AN ACT

To provide for the establishment of the Independence National Historical Park, and for other purposes.

June 28, 1948
[H. R. 5053]
[Public Law 795]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of preserving for the benefit of the American people as a national historical park certain historical structures and properties of outstanding national significance located in Philadelphia, Pennsylvania, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior, following the consummation of agreements with the city of Philadelphia and the Carpenters' Company of Philadelphia as prescribed in section 2 of this Act, is authorized to acquire by donation or with donated funds, or to acquire by purchase, any property, real or personal, within the following-described areas, such park to be fully established as the "Independence National Historical Park" when, in the opinion of the Secretary, title to sufficient of the lands and interests in lands within such areas, shall be vested in the United States: *Provided*, That the park shall not be established until title to the First United States Bank property, the Merchants' Exchange property, the Bishop White house, the Dilworth-Todd-Moylan house, and the site of the Benjamin Franklin house, together with two-thirds of the remaining lands and interests in lands within the following-described areas, shall have been vested in the United States:

Independence National Historical Park, Pa.

Infra.

Acquisition of property.

Restriction.

(a) An area of three city blocks bounded generally by Walnut Street, Fifth Street, Chestnut Street, and Second Street, but excluding the new United States customhouse at the southeast corner of Second and Chestnut Streets, identified as "project A", as described in the report of the Philadelphia National Shrines Park Commission, dated December 29, 1947.

"Project A."

(b) A memorial thoroughfare, or mall, extending generally from the south side of Walnut Street to the north side of Manning Street, identified as part of "project B" in the report of the Commission.

"Project B."

(c) The site of the residence of Benjamin Franklin, and related grounds, comprising approximately a one-hundred-foot-wide strip, extending southward from Market Street approximately three hundred feet between Third and Fourth Streets, and encompassing a portion of Orianna Street, identified as "project C" in the report of the Commission.

"Project C."

(d) Certain land and buildings immediately adjacent to Christ Church, situated on the west side of Second Street, and north of Market Street, identified as "project E" in the report of the Commission: *Provided*, That the Secretary of the Interior first enter into an agreement with the proprietor or proprietors of said property (Christ Church), said agreement to contain the usual and customary provisions for the protection of the property, assuring its physical maintenance as a national shrine, without any limitation or control over its use for customary church purposes.

"Project E."

Agreement with proprietors of Christ Church.

SEC. 2. In furtherance of the general purposes of this Act as prescribed in section 1 hereof, the Secretary of the Interior is authorized to enter into cooperative agreements with the city of Philadelphia to assist in the preservation and interpretation of the property known as the Independence Hall National Historic Site and with the Carpenters' Company of Philadelphia to assist in the preservation and interpretation of Carpenters' Hall, in connection with the Independence National Historical Park. Such agreements shall contain, but shall not be limited to, provisions that the Secretary of the Interior,

Cooperative agreements.

through the National Park Service, shall have right of access at all reasonable times to all public portions of the property now within Independence Hall National Historic Site and to Carpenters' Hall for the purpose of conducting visitors through such buildings and grounds and interpreting them to the public, that no changes or alterations shall be made in the property within the Independence Hall National Historic Site, including its buildings and grounds, or in Carpenters' Hall, except by mutual agreement between the Secretary of the Interior and the other parties to the contracts.

Construction of offices, etc.

SEC. 3. The Secretary of the Interior, in his discretion, is authorized to construct upon a portion of the land described in section 1 of this Act, or upon other land that may be donated for such purpose, which property he is hereby authorized to accept, such offices and administration buildings as he may deem advisable, together with a suitable auditorium for the interpretation of the historical features of the national historical park. The Secretary of the Interior is also authorized to accept donations of property of national historical significance located in the city of Philadelphia which the Secretary may deem proper for administration as part of the Independence National Historical Park. Any property donated for the purposes of this section shall become a part of the park, following its establishment, upon acceptance by the United States of title to such donated property.

Acceptance of donations.

Advisory commission.

SEC. 4. The Secretary of the Interior is authorized, in his discretion, to establish a suitable advisory commission of not to exceed eleven members. The members of the advisory commission shall be appointed by the Secretary of the Interior, with three members to be recommended by the Governor of Pennsylvania, three by the mayor of Philadelphia, and one each by the Carpenters' Company of Philadelphia and the Independence Hall Association.

Functions.

The functions of the advisory commission shall be to render advice to the Secretary of the Interior, from time to time, upon matters which the Secretary of the Interior may refer to them for consideration.

SEC. 5. The administration, protection, and development of the park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C. 1–4), as amended and supplemented, and the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U. S. C. 461–467).

Appropriation authorized.

SEC. 6. For the purpose of acquiring the property described in section 1 of this Act, there is hereby authorized to be appropriated not to exceed the sum of $4,435,000. Funds appropriated pursuant to this Act shall be available for any expenses incidental to acquisition of property as prescribed by this Act, including the employment of the necessary services in the District of Columbia, and including to the extent deemed necessary by the Secretary of the Interior, the employment without regard to the civil-service laws or the Classification Act of 1923, as amended, of such experts and other officers and employees as are necessary to carry out the provisions of this Act efficiently and in the public interest.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

Approved June 28, 1948.

[CHAPTER 688]

June 28, 1948
[H. R. 5710]
[Public Law 796]

AN ACT

To amend the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended.

Defense housing, amendment.

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

entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is amended by adding at the end thereof the following new section 505:

60 Stat. 958.
42 U. S. C. §§ 1572, 1574; Supp. I, §§ 1572 (a), 1574 note.

"SEC. 505. (a) Upon the filing of a request therefor as herein provided, the Administrator shall relinquish and transfer, without monetary consideration, to any educational institution all contractual rights (including the right to revenues and other proceeds) and all property right, title, and interest of the United States in and with respect to any temporary housing located on land owned by such institution, or controlled by it and not held by the United States: *Provided*, That any net revenues or other proceeds from such housing to which the United States is entitled shall not cease, by virtue of this section 505, to accrue to the United States until the end of the month in which the rights, title, and interest with respect to such housing are relinquished and transferred hereunder, and the obligation of the transferee to pay such accrued amounts shall not be affected by this section: *And provided further*, That this shall not be deemed to require a transfer to an educational institution which has no contractual or other interest in the housing or the land on which it is located except that of a lessor. As used in this section, the term 'temporary housing' shall include any housing (including trailers and other mobile or portable housing) constructed, acquired, or made available under this title V, and includes any structures, appurtenances, and other property, real or personal, acquired for or held in connection therewith.

Transfer to educational institutions.

Restriction.

"Temporary housing."

59 Stat. 260.
42 U. S. C. §§ 1571-1574; Supp. I, §§ 1571-1574.

"(b) The filing of a request under this section must be made within one hundred and twenty days of the date of enactment of the section and shall be authorized by the board of trustees or other governing body of the institution making the request. Such request shall be accompanied by an opinion of the chief law officer or legal counsel of the institution making the request to the effect that it has legal authority to make the request, to accept the transfer of and operate any property involved, and to perform its obligations under this section. The provisions of section 313 of this Act (and the contractual obligations of the educational institution to the Federal Government with respect thereto) shall cease to apply to any temporary housing to which rights are relinquished or transferred under this section 505 if (and only if) the request therefor is supported by a resolution of the governing body of the municipality or county having jurisdiction in the area specifically approving the waiver of the requirements of said section 313. The Administrator shall act as promptly as practicable on any request which complies with the provisions of this section 505 and is fully supported as herein required.

Filing of request.

57 Stat. 388.
42 U. S. C. § 1553; Supp. I, § 1553 note.
Post, p. 1064.

"(c) In filling vacancies in any housing for which rights are relinquished or transferred under subsection (a) of this section, preference shall be given to veterans of World War II or servicemen, who are students at the educational institution, and their families: *Provided*, That the educational institution shall be deemed to comply with this subsection (c) if it makes available to veterans of World War II or servicemen and their families accommodations in any housing of the institution equal in number to the accommodations in the housing for which such rights are relinquished or transferred."

Preference to veterans or servicemen.

SEC. 2. (a) Any Federal agency (including any wholly owned Government corporation) administering utility installations connected to a utility system for housing under the jurisdiction of the Housing and Home Finance Administrator is authorized—

Utilities.

(1) to continue to provide utilities and utility services to such housing as long as it is under the jurisdiction of the Administrator;

(2) to contract with the purchasers or transferees of such

housing to continue the utility connection with such installations and furnish such utilities and services as may be available and needed in connection with such housing, for such period of time (not exceeding the period of Federal administration of such installations) and subject to such terms (including the payment of the pro rata cost to the Government or the market value of the utilities and services furnished, whichever is greater) as may be determined by the head of the agency;

(3) to dispose of such installations, when excess to the needs of the agency, and where not excess to grant an option to purchase, to the purchasers or transferees of such housing, for an amount not less than the appraised value of the installations and upon such terms and conditions as the head of the agency shall establish.

Easements for utility purposes.

(b) Any Federal agency (including any wholly owned Government corporation) having under its jurisdiction lands across which run any part of a utility system for housing under the jurisdiction of the Administrator is authorized to grant to the Administrator, or to the purchasers or transferees of such housing, easements (which may be perpetual) on such land for utility purposes.

SEC. 3. Section 4 of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is hereby amended by striking out the period at the end thereof and adding the following: ": *Provided further*, That, for the purposes of this section, housing constructed or acquired under the provisions of Public Law 781, Seventy-sixth Congress, approved September 9, 1940, or Public Law 9, 73, or 353, Seventy-seventh Congress, approved, respectively, March 1, 1941, May 24, 1941, and December 17, 1941, shall be deemed to be housing constructed or acquired under this Act."

56 Stat. 12.
42 U. S. C. § 1524; Supp. I, § 1524 note.
Ante, p. 492.

54 Stat. 872; 55 Stat. 14, 197, 810.

SEC. 4. Section 313 of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is hereby amended by striking out the following words in the second sentence: "two years after the President declares that the emergency declared by him on September 8, 1939, has ceased to exist" and inserting in lieu thereof "January 1, 1950".

57 Stat. 388.
42 U. S. C. § 1553; Supp. I, § 1553 note.

Conveyance to Howard University.

SEC. 5. The Defense Homes Corporation is authorized to convey, without reimbursement therefor, to Howard University, a corporation organized pursuant to an Act of Congress, all of its right, title, and interest in certain lands in the District of Columbia, together with the improvements constructed thereon and the personal property used in connection therewith, and commonly known as Lucy Diggs Slowe Hall, 1919 Third Street Northwest, and George Washington Carver Hall, 211 Elm Street Northwest: *Provided*, That no employee of the United States or of the District of Columbia who, on the date of approval of this Act, is a tenant of either Lucy Diggs Slowe Hall or George Washington Carver Hall shall, unless quarters were assigned to such tenant on a transient basis or on the sole basis that the tenant was enrolled at an educational institution, be evicted from such halls within four years after the approval of this Act, except where such tenant commits a nuisance or otherwise violates any obligation of tenancy.

Eviction from certain halls.

Discharge of indebtedness by Reconstruction Finance Corporation.

The Reconstruction Finance Corporation is hereby authorized and directed to discharge the indebtedness of the Defense Homes Corporation to the Reconstruction Finance Corporation in an amount equal to the Defense Homes Corporation's net investment in these properties as of the date of transfer, as determined by the President of the Defense Homes Corporation, and the Secretary of the Treasury is authorized and directed to discharge the indebtedness of the Recon-

struction Finance Corporation to the Treasury in like amount as of the same date.

SEC. 6. The right, title, and interest in any lands, together with the improvements constructed thereon, which are conveyed pursuant to the authority granted by section 5 hereof, shall revert to the United States upon a written finding made by the President prior to July 1, 1963, that the property is needed by the United States in connection with a national defense emergency.

Reversion to U. S.

Ante, p. 1064.

Approved June 28, 1948.

[CHAPTER 689]

AN ACT

To authorize the Administrator of Veterans' Affairs to convey a certain tract of land in the State of Arkansas to Washington County, Arkansas.

June 28, 1948
[S. 2849]
[Public Law 797]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed, subject to such terms and conditions as the Administrator of Veterans' Affairs may prescribe, to convey by quitclaim deed to Washington County, Arkansas, without consideration, the following-described tract of land, which is a part of the lands of the Veterans' Administration hospital, Fayetteville, Washington County, Arkansas:

Washington County, Ark.
Conveyance.

A part of the southeast quarter of northeast quarter of section 9 and a part of the southwest quarter of northwest quarter of section 10, township 16 north, range 30 west, fifth principal meridian, more particularly described as follows: Beginning at the southwest corner of southeast quarter of northeast quarter of said section 9, running thence north two hundred feet; thence east five hundred and thirty feet; thence north fifty degrees eighteen minutes east two hundred and thirty-four and eighty-three one-hundredths feet; thence east seven hundred and forty-four and seventeen one-hundredths feet to the center of said United States Highway Numbered 71; thence south two degrees two minutes west along center of said United States Highway Numbered 71 three hundred and fifty and twenty-four one-hundredths feet; thence west one thousand four hundred and forty-two and forty one-hundredths feet to the place of beginning, containing nine and eighty one-hundredths acres.

The deed shall reserve to the United States all interest in and to any oil, mineral, or fissionable material in said land, and shall provide for reversion to the United States if the land ceases to be used for hospital purposes.

Reversion to U. S.

Approved June 28, 1948.

[CHAPTER 690]

AN ACT

To authorize the Secretary of State to perform certain consular-type functions within the United States and its Territories and possessions.

June 28, 1948
[H. R. 4330]
[Public Law 798]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until such time as the President shall determine and proclaim that a German Government capable of representing its own nationals in the United States and its Territories and possessions has been established, and under such regulations as the Secretary of State may prescribe, the Department of State is authorized to perform consular functions for German nationals within the United States and its Territories and possessions, and to collect fees and make charges for services rendered:

Department of State.
Consular functions for German nationals in U. S.

Provided, That any money so received shall be deposited and covered into the Treasury as miscellaneous receipts.

Appropriation authorized.

SEC. 2. There are hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purpose of this Act.

Approved June 28, 1948.

[CHAPTER 691]

June 28, 1948
[H. R. 4367]
[Public Law 799]

AN ACT

Authorizing the Hidalgo Bridge Company, its heirs, legal representatives, and assigns, to construct, maintain, and operate a railroad toll bridge across the Rio Grande, at or near Hidalgo, Texas.

Rio Grande.
Bridge at Hidalgo, Tex.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the Hidalgo Bridge Company, its heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a railroad toll bridge and originally designed approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Hidalgo, Texas, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this Act, and subject further to the approval of the International Boundary and Water Commission, United States and Mexico, and also subject to the approval of the proper authorities in the Republic of Mexico to the construction, operation, and maintenance of such bridge: *Provided*, That the construction of the bridge herein authorized shall not be undertaken until after an agreement regarding such construction shall have been effected between the Government of the United States and the Government of the United Mexican States.

34 Stat. 84.
33 U. S. C. §§ 491–498.

Agreement between U. S. and Mexico.

Acquisition of property.

SEC. 2. There is hereby conferred upon the Hidalgo Bridge Company, its heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its originally designed approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes, upon making just compensation therefor to be ascertained and paid according to the laws of such State of Texas.

Tolls, etc.

SEC. 3. The said Hidalgo Bridge Company, its heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of the State of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

34 Stat. 84.
33 U. S. C. §§ 491–498.

Sale of rights, etc., to public agency.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act to any public agency, or to an international bridge authority or commission, is hereby granted to the Hidalgo Bridge Company, its heirs, or legal representatives; and any such public agency, international bridge authority, or international bridge commission to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such public agency, international bridge authority, or international bridge commission.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved. Rights reserved.

Approved June 28, 1948.

[CHAPTER 692]

AN ACT

June 28, 1948
[H. R. 4635]
[Public Law 800]

To amend section 11 of an Act entitled "An Act to regulate barbers in the District of Columbia, and for other purposes".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of an Act entitled "An Act to regulate barbers in the District of Columbia, and for other purposes", approved June 7, 1938 (sec. 2–1111 D. C. Code, 1940 Edition), is hereby amended to read as follows: Barber regulations, D. C., amendment. 52 Stat. 622.

"SEC. 11. All fees and charges payable under the provisions of this Act shall be paid to the secretary-treasurer of the Board. The Board is hereby authorized to collect the following fees and charges and to refund any such fee or charge or portion thereof erroneously paid or collected under this Act: Fees. Refunds.

"(a) For the examination of an applicant for a certificate as a registered barber, $20.

"(b) For the issuance of a certificate as a registered barber, $5.

"(c) For the issuance of a renewal of a certificate as a registered barber, $10.

"(d) For the restoration of an expired certificate as a registered barber, $15.

"(e) For the examination of an applicant for a certificate as a registered barber apprentice, $15.

"(f) For the issuance of a certificate as a registered barber apprentice, $5.

"(g) For the issuance of a renewal of a certificate as a registered barber apprentice, $5.

"(h) For the restoration of an expired certificate as a registered barber apprentice, $10.

"(i) For registration of a private barber school or college, $50.

"(j) For annual renewal of registration of a private barber school or college, $25.

"(k) All students in a private barber school or college shall register with the Board and shall pay a fee of $2 for a certificate of registration as a student.

"(l) Any registered barber or apprentice whose certificate has been lost or destroyed shall, upon satisfying the Board of such loss or destruction and upon payment of a fee of $2, be given a duplicate certificate."

SEC. 2. This Act shall take effect thirty days after the date of its enactment. Effective date.

Approved June 28, 1948.

[CHAPTER 693]

AN ACT

June 28, 1948
[H. R. 4690]
[Public Law 801]

To amend the Act of July 30, 1947, permitting vessels of Canadian registry to transport certain merchandise between Hyder, Alaska, and points in the continental United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to permit vessels of Canadian registry to transport certain merchandise between Hyder, Alaska, and points in the continental United States", approved July 30, 1947, is amended to read as follows: 61 Stat. 632.

41 Stat. 999.
46 U. S. C., Supp. I, § 883 note.

"That notwithstanding the provisions of section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1940 edition, title 46, sec. 883), vessels of Canadian registry shall be permitted until June 30, 1949, to transport products of, and supplies and equipment for, the Riverside Mine at Hyder, Alaska, between Hyder, Alaska, and other points in the United States, either directly or via a foreign port, or for any part of the transportation."

Approved June 28, 1948.

[CHAPTER 694]

June 28, 1948
[H. R. 4917]
[Public Law 802]

AN ACT

To provide further benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States, and who, due to service-connected disabilities, are unable to perform the duties of the positions for which examinations were taken.

Civil service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of July 31, 1946 (60 Stat. 749; 5 U. S. C., sec. 645a), is hereby amended by adding thereto the following:

Disabled veterans.

"(c) Any person within the terms of this section, who, due to a disability incurred because of military service in World War II, is unable to perform the duties of the position designated by him at the time of taking the examination for appointment thereto, may upon written request at any time have his name entered upon any list of eligibles for any position for which a like examination is required and such entry shall be made without any loss of seniority or other rights of eligibility conferred by this section: *Provided however*, That this Act shall not be construed to extend the period of eligibility which such person would have otherwise had."

Restriction.

Approved June 28, 1948.

[CHAPTER 695]

June 28, 1948
[H. R. 6448]
[Public Law 803]

AN ACT

To authorize the Administrator of Veterans' Affairs to convey certain land in Tennessee to the city of Johnson City.

Johnson City, Tenn.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is hereby authorized to convey to the city of Johnson City, a municipal corporation of the State of Tennessee, without consideration and on behalf of the United States, a tract of land located in the ninth civil district of Washington County, Tennessee, on the north side of United States Highway 11E approximately one mile west of the corporate boundary of Johnson City, Tennessee, and more particularly described as follows:

Beginning at the northwest corner of the property of the United States of America now under the jurisdiction of the Veterans' Administration, known as Veterans' Administration center, Mountain Home, Tennessee. This beginning point is also the northeast corner of property transferred from the Veterans' Administration to the Tennessee Valley Authority by Executive Order Numbered 9771, dated August 24, 1946; thence north eighty-six degrees fifty-six minutes east nine hundred and eight-tenths feet; thence south one degree thirty minutes west three hundred and seventy-two feet; thence south eighty-six degrees five minutes east five hundred and ninety-one feet; thence south four degrees fifteen minutes west one hundred and forty-three and five-tenths feet to the north side of United States Highway 11E;

3 CFR, 1946 Supp., p. 158.

thence with said highway south sixty-nine degrees forty minutes west one thousand six hundred and two feet to corner of said property transferred by Veterans' Administration to Tennessee Valley Authority by Executive Order 9771 aforesaid; thence north one degree thirty minutes east for a distance of one thousand and sixty-three and three-tenths feet to the beginning.

3 CFR, 1946 Supp., p. 158.

SEC. 2. The tract of land authorized to be transferred by the first section of this Act shall be used by the grantee for fair grounds and recreational purposes; and the deed of conveyance of such lands shall contain (1) the provision that all such property shall be used and maintained for the purposes for which it was conveyed for a period of not less than twenty years, and that in the event such property ceases to be used or maintained for such purposes during such period, or is alienated or an attempt is made to alienate such property during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and (2) such additional terms, reservations, restrictions and conditions as may be determined by the Administrator of Veterans' Affairs to be necessary to safeguard the interests of the United States. The deed shall reserve to the United States the interests in fissionable material as provided in Executive Order 9908, dated December 5, 1947: *Provided*, That Johnson City shall pay 50 per centum of appraised value of its property to be determined by the Veterans' Administration.

Use of land.

Rights reserved by U. S.
3 CFR, 1947 Supp., p. 176.

Approved June 28, 1948.

[CHAPTER 696]

AN ACT

To amend the Officer Personnel Act of 1947 (Public Law 381, Eighteenth Congress), and for other purposes.

June 28, 1948
[H. R. 6707]
[Public Law 804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws requiring retirement of Regular Army and Regular Air Force officers because of age shall not apply to officers of the Regular Army or Regular Air Force appointed in the grade of General of the Army pursuant to the Act of March 23, 1946 (60 Stat. 59). The President, may, in his discretion, upon the request of the officer concerned, restore to the active list of the Regular Army or Regular Air Force any officer of the Regular Army or Regular Air Force on the retired list who was appointed in the grade of General of the Army pursuant to the Act of March 23, 1946 (60 Stat. 59).

Officer Personnel Act of 1947, amendment.
General of the Army.

50 U. S. C. app. §§ 1691, 1692, 1711, 1721 notes.

Officers appointed in the grade of General of the Army pursuant to the Act of March 23, 1946 (60 Stat. 59), shall not be counted within the limited number of officers authorized to be serving on active duty in grades above lieutenant general as provided in section 504 of the Officer Personnel Act of 1947 (Public Law 381, Eightieth Congress) unless they be serving as Chief of Staff or in command of any territorial or tactical subdivision of the Army or the Air Force.

61 Stat. 886.
10 U. S. C., Supp. I, § 506b; 37 U. S. C., Supp. I, § 107.

SEC. 2. In addition to the number of officers authorized to serve after July 1, 1948, on the active list in the grade of General in the Army and Admiral in the Navy pursuant to sections 504 and 413 of the Officer Personnel Act of 1947, officers now on the active list of the Army in the grade of general whose dates of rank in such grade are between March 8, 1945, and April 15, 1945, inclusive, and of the Navy in the grade of admiral whose dates of rank in such grade are prior to April 4, 1945, may, at the discretion of the President, be continued in such grades until July 1, 1950, unless sooner retired and the total number of officers authorized by these sections to have the grade, rank, title, pay, and allowances of vice admiral or admiral and lieutenant general

Continuation of certain officers on active list.

61 Stat. 886, 875.
10 U. S. C., Supp. I, § 506b; 37 U. S. C., Supp. I, § 107; 34 U. S. C., Supp. I, § 211d.

Army Chief of Staff.

or general, is temporarily increased accordingly: *Provided*, That the provisions of this section in no way affect the status of the officer who may be serving as Chief of Staff in the Army on the effective date of this Act.

Approved June 28, 1948.

[CHAPTER 703]

June 29, 1948
[S. 1087]
[Public Law 805]

AN ACT

To amend section 502 (a) of the Department of Agriculture Organic Act of 1944.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 (a) of the Department of Agriculture Organic Act of 1944 (Public Law 425, Seventy-eighth Congress, 58 Stat. 739, 740), as amended by Public Law 563, Seventy-eighth Congress (58 Stat. 925), is further amended by inserting after the words "to cooperative associations" the words "and municipalities"; and by inserting after the words "said cooperative associations" a comma and the words "and municipalities to the extent that such indebtedness was incurred with respect to electric transmission and distribution lines or systems or portions thereof serving persons in rural areas,".

7 U. S. C. § 904.

Approved June 29, 1948.

[CHAPTER 704]

June 29, 1948
[S. 1322]
[Public Law 806]

AN ACT

To provide a Federal charter for the Commodity Credit Corporation.

Commodity Credit Corporation Charter Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commodity Credit Corporation Charter Act".

SEC. 2. CREATION AND PURPOSES.—For the purpose of stabilizing, supporting, and protecting farm income and prices, of assisting in the maintenance of balanced and adequate supplies of agricultural commodities, products thereof, foods, feeds, and fibers (hereinafter collectively referred to as "agricultural commodities"), and of facilitating the orderly distribution of agricultural commodities, there is hereby created a body corporate to be known as Commodity Credit Corporation (hereinafter referred to as the "Corporation"), which shall be an agency and instrumentality of the United States, within the Department of Agriculture, subject to the general direction and control of its Board of Directors.

SEC. 3. OFFICES.—The Corporation may establish offices in such place or places as it may deem necessary or desirable in the conduct of its business.

SEC. 4. GENERAL POWERS.—The Corporation—

(a) Shall have succession in its corporate name.

Seal.

(b) May adopt, alter, and use a corporate seal, which shall be judicially noticed.

Right to sue and be sued.

(c) May sue and be sued, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. The district courts of the United States, including the district courts of the District of Columbia and of any Territory or possession, shall have exclusive original jurisdiction of all suits brought by or against the Corporation: *Provided*, That the Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business. No suit by or

Intervention in court action.

Time limitation.

against the Corporation shall be allowed unless it shall have been brought within four years after the right accrued on which suit is brought. All suits against the Corporation shall be tried by the court without a jury. Notwithstanding any other provision of this Act, the Federal Tort Claims Act (Public Law 601, Seventy-ninth Congres) shall be applicable to the Corporation. Any suit by or against the United States as the real party in interest based upon any claim by or against the Corporation shall be subject to the provisions of this subsection (c) to the same extent as though such suit were by or against the Corporation.

60 Stat. 842.
28 U. S. C. §§ 921, 922, 931-934, 941-946; Supp. I, § 931.
Ante, p. 1008.

(d) May adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised.

Rules and regulations.

(e) Shall have all the rights, privileges, and immunities of the United States with respect to the right to priority of payment with respect to debts due from insolvent, deceased, or bankrupt debtors. The Corporation may assert such rights, privileges, and immunities in any suit, action, or proceeding.

Priority of payment with respect to debts.

(f) Shall be entitled to the use of the United States mails in the same manner and upon the same conditions as the executive departments of the Federal Government.

Use of U. S. mails.

(g) May enter into and carry out such contracts or agreements as are necessary in the conduct of its business. State and local regulatory laws or rules shall not be applicable with respect to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not be applicable, or to the extent that such laws or rules are inconsistent with such contracts or agreements.

Contracts or agreements.

(h) May contract for the use, in accordance with the usual customs of trade and commerce, of plants and facilities for the physical handling, storage, processing, servicing, and transportation of the agricultural commodities subject to its control. Except as provided in section 16, the Corporation shall not have power to acquire or lease any such plant or facility or to acquire or lease real property or any interest therein, except that it may rent or lease office space necessary for the conduct of its business and it may continue to lease (by renewing or extending existing leases or entering into new leases) property leased by it on the date of the enactment of this Act.

Acquisition of property.

Post, p. 1075.

(i) May borrow money subject to any provision of law applicable to the Corporation: *Provided*, That the total of all money borrowed by the Corporation, other than trust deposits and advances received on sales, shall not at any time exceed in the aggregate $4,750,000,000. The Corporation shall at all times reserve a sufficient amount of its authorized borrowing power which, together with other funds available to the Corporation, will enable it to purchase, in accordance with its contracts with lending agencies, notes, or other obligations evidencing loans made by such agencies under the Corporation's programs.

Borrowing of money.
Limitation.

(j) Shall determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid.

(k) Shall have authority to make final and conclusive settlement and adjustment of any claims by or against the Corporation or the accounts of its fiscal officers.

Settlement of claims.

(l) May make such loans and advances of its funds as are necessary in the conduct of its business.

Loans.

(m) Shall have such powers as may be necessary or appropriate for the exercise of the powers specifically vested in the Corporation, and all such incidental powers as are customary in corporations generally; but any research financed by the Corporation shall relate to

Research.

the conservation or disposal of commodities owned or controlled by the Corporation and shall be conducted in collaboration with research agencies of the Department of Agriculture.

Powers with respect to agricultural commodities.

SEC. 5. SPECIFIC POWERS.—In the fulfillment of its purposes and in carrying out its annual budget programs submitted to and approved by the Congress pursuant to the Government Corporation Control Act (31 U. S. C., 1940 edition, Supp. V, 841), the Corporation is authorized to use its general powers only to—

59 Stat. 597.
31 U. S. C. §§ 841, 846–852, 856–859, 866–869; Supp. I, § 849.
Post, p. 1283.

(a) Support the prices of agricultural commodities through loans, purchases, payments, and other operations.

(b) Make available materials and facilities required in connection with the production and marketing of agricultural commodities.

(c) Procure agricultural commodities for sale to other Government agencies, foreign governments, and domestic, foreign, or international relief or rehabilitation agencies, and to meet domestic requirements.

(d) Remove and dispose of or aid in the removal or disposition of surplus agricultural commodities.

(e) Increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic markets or by developing or aiding in the development of new and additional markets, marketing facilities, and uses for such commodities.

(f) Export or cause to be exported, or aid in the development of foreign markets for, agricultural commodities.

(g) Carry out such other operations as the Congress may specifically authorize or provide for.

In the Corporation's purchasing and selling operations with respect to agricultural commodities (except sales to other Government agencies), and in the warehousing, transporting, processing, or handling of agricultural commodities, the Corporation shall, to the maximum extent practicable consistent with the fulfillment of the Corporation's purposes and the effective and efficient conduct of its business, utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

SEC. 6. EXISTING STATUTES APPLICABLE TO THE CORPORATION.—The Federal statutes applicable to Commodity Credit Corporation, a Delaware corporation, shall be applicable to the Corporation. Commodity Credit Corporation, a Delaware corporation, shall cease to be an agency of the United States as provided in section 7 (a) of the Act of January 31, 1935, as amended (15 U. S. C., 1940 edition, Supp. V, 713 (a)).

49 Stat. 4.
15 U. S. C., Supp. I, § 713 (a).

SEC. 7. CAPITAL STOCK.—The Corporation shall have a capital stock of $100,000,000 which shall be subscribed by the United States. Such subscription shall be deemed to be fully paid by the transfer of assets to the Corporation pursuant to section 16 of this Act. The Corporation shall pay interest to the United States Treasury on the amount of its capital stock, and on the amount of the obligations of the Corporation purchased by the Secretary of the Treasury pursuant to the Act of March 8, 1938 (U. S. C., title 15, sec. 713a–4), as amended, at such rates as may be determined by the Secretary of the Treasury to be appropriate in view of the terms for which such amounts are made available to the Corporation.

Post, p. 1075.
Interest.

52 Stat. 108.
15 U. S. C., Supp. I, § 713a–4 note.

SEC. 8. FUNDS.—The Corporation is authorized to use in the conduct of its business all its funds and other assets, including capital and net earnings therefrom, and all funds and other assets which have been or may hereafter be transferred or allocated to, borrowed by, or otherwise acquired by it.

SEC. 9. DIRECTORS.—The management of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the "Board"). The Board shall consist of five members. The Secretary

of Agriculture, or his nominee, shall be a member of the Board and the remaining members shall be appointed by the President by and with the advice and consent of the Senate. The Chairman of the Board shall be selected by the Board. A majority of the directors shall constitute a quorum of the Board and action shall be taken only by a majority vote of those present. The appointed directors shall serve for a period of five years, except that the terms of the first Board shall be shortened to provide for replacement or reappointment of its members in number as nearly equal as practicable in each year. The power of removal shall be vested in the President of the United States. The Corporation may provide, by its bylaws, for the compensation to be paid the directors: *Provided*, That the compensation paid any director shall not exceed in the aggregate $10,000 per annum: *And provided further*, That employees of the Corporation or any department or agency of the Federal Government, if also directors, shall not receive additional compensation for their services on the Board. Employees of the Corporation or any department or agency of the Federal Government, if also directors, shall not comprise, in the aggregate, more than three of the members of the Board.

Quorum.

Term of directors.

Compensation of directors.

Restriction.

The Secretary of Agriculture is authorized to appoint an interim Board consisting of five members, including the Secretary, who shall serve until October 1, 1948.

Interim Board.

SEC. 10. THE EXECUTIVE STAFF.—Responsibility for the day-to-day conduct of the business of the Corporation shall be vested in a staff of executive officers, headed by a chief executive appointed by the Board and responsible to the Board. Members of the executive staff shall devote their full time to the affairs of the Corporation. The Board shall define the authority and duties of the members of the executive staff, delegate to them such of the powers vested in the Corporation as it may determine, require that such of them as it may designate be bonded and fix the penalties therefor. The Corporation may pay the premium of any bond or bonds of any officer or employee. With the exception of experts, appointments shall be made pursuant to the civil-service laws and the Classification Act of 1923, as amended (5 U. S. C., 1940 edition, 661).

42 Stat. 1488.
5 U. S. C. §§ 661-674.

SEC. 11. COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—The Corporation may, with the consent of the agency concerned, accept and utilize, on a compensated or uncompensated basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, including any bureau, office, administration, or other agency of the Department of Agriculture, and of any State, the District of Columbia, any Territory or possession, or any political subdivision thereof. The Corporation may allot to any bureau, office, administration, or other agency of the Department of Agriculture or transfer to such other agencies as it may request to assist it in the conduct of its business any of the funds available to it for administrative expenses. The personnel and facilities of the Corporation may, with the consent of the Corporation, be utilized on a reimbursable basis by any agency of the Federal Government, including any bureau, office, administration, or other agency of the Department of Agriculture, in the performance of any part or all of the functions of such agency.

Transfer of funds.

SEC. 12. UTILIZATION OF ASSOCIATIONS AND TRADE FACILITIES.—The Corporation may, in the conduct of its business, utilize on a contract or fee basis, committees or associations of producers, producer-owned and producer-controlled cooperative associations, and trade facilities.

SEC. 13. RECORDS; ANNUAL REPORT.—The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation, a copy of which shall be forwarded

by the Secretary of Agriculture to the President for transmission to the Congress.

SEC. 14. INTEREST OF MEMBERS OF THE CONGRESS.—The provisions of section 1 of the Act of February 27, 1877, as amended (41 U. S. C., 1940 edition, 22), shall apply to all contracts or agreements of the Corporation, except contracts or agreements of a kind which the Corporation may enter into with farmers participating in a program of the Corporation.

19 Stat. 249.
41 U. S. C. § 22.

SEC. 15. CRIMES AND OFFENSES.—

FALSE STATEMENTS; OVERVALUATION OF SECURITIES

Penalty.

(a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining for himself or another, money, property, or anything of value, under this Act, or under any other Act applicable to the Corporation, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment by not more than five years, or both.

EMBEZZLEMENT, AND SO FORTH; FALSE ENTRIES; FRAUDULENT ISSUE OF OBLIGATIONS OF CORPORATION

Penalty.

(b) Whoever, being connected in any capacity with the Corporation or any of its programs, (i) embezzles, abstracts, purloins, or willfully misapplies any money, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (ii) with intent to defraud the Corporation, or any other body, politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation, or draws any order, or issues, puts forth or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (iii) with intent to defraud the Corporation, participates or shares in, or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

LARCENY; CONVERSION OF PROPERTY

Penalty.

(c) Whoever shall willfully steal, conceal, remove, dispose of, or convert to his own use or to that of another any property owned or held by, or mortgaged or pledged to, the Corporation, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

CONSPIRACY TO COMMIT OFFENSE

Penalty.

(d) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, upon conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful acts.

GENERAL STATUTES APPLICABLE

(e) All the general penal statutes relating to crimes and offenses against the United States shall apply with respect to the Corporation, its property, money, contracts and agreements, employees, and operations: *Provided*, That such general penal statutes shall not apply to the extent that they relate to crimes and offenses punishable under

subsections (a), (b), (c), and (d) of this section: *Provided further*, That sections 114 and 115 of the Act of March 4, 1909, as amended (18 U. S. C., 1940 edition, 204, 205) shall not apply to contracts or agreements of a kind which the Corporation may enter into with farmers participating in a program of the Corporation.

35 Stat. 1109.
Ante, p. 863.

SEC. 16. TRANSFER OF ASSETS OF COMMODITY CREDIT CORPORATION, A DELAWARE CORPORATION.—The assets, funds, property, and records of Commodity Credit Corporation, a Delaware corporation, are hereby transferred to the Corporation. The rights, privileges, and powers, and the duties and liabilities of Commodity Credit Corporation, a Delaware corporation, in respect to any contract, agreement, loan, account, or other obligation shall become the rights, privileges, and powers, and the duties and liabilities, respectively, of the Corporation. The enforceable claims of or against Commodity Credit Corporation, a Delaware corporation, shall become the claims of or against, and may be enforced by or against, the Corporation: *Provided*, That nothing in this Act shall limit or extend any period of limitation otherwise applicable to such claims against the Corporation.

SEC. 17. DISSOLUTION OF DELAWARE CORPORATION.—The Secretary of Agriculture, representing the United States as the sole owner of the capital stock of Commodity Credit Corporation, a Delaware corporation, is hereby authorized and directed to institute or cause to be instituted such proceedings as are required for the dissolution of said Corporation under the laws of the State of Delaware. The costs of such dissolution of said Corporation shall be borne by the Corporation.

SEC. 18. EFFECTIVE DATE.—This Act shall take effect as of midnight June 30, 1948.

Approved June 29, 1948.

[CHAPTER 705]

AN ACT

To authorize the issuance of a stamp commemorative of the two-hundredth anniversary of the founding of the city of Alexandria, Virginia.

June 29, 1948
[S. 2739]
[Public Law 807]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue, during 1949, a special 5-cent air mail postage stamp, of such design as he shall prescribe, in commemoration of the two-hundredth anniversary of the founding of the city of Alexandria, Virginia.

Alexandria, Va.
Commemorative postage stamp.

Approved June 29, 1948.

[CHAPTER 706]

AN ACT

To amend the Canal Zone Code for the purpose of incorporating the Panama Railroad Company.

June 29, 1948
[S. 2747]
[Public Law 808]

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

Panama Railroad Company, incorporation.

DECLARATION OF POLICY

SECTION 1. It is the policy of this Act, incorporating the Panama Railroad Company pursuant to section 304 (b) of the Government Corporation Control Act, approved December 6, 1945, for the purpose of conducting business activities incident to the care, maintenance, sanitation, operation, improvement, government, and protection of

59 Stat. 602.
31 U. S. C. § 869 (b).

37 Stat. 560.
48 U. S. C. § 1301.
Ante, p. 991.

the Panama Canal and Canal Zone; to preserve the authority vested in the President by the Panama Canal Act of August 24, 1912; to govern and operate the Panama Canal and govern the Canal Zone, or cause them to be governed and operated, through a Governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the care, maintenance, sanitation, operation, government, and protection of the Canal and Canal Zone. Also it is the policy of this Act that the operations in the Canal Zone shall continue to be coordinated, through the President, in order that the responsibility for and authority over this important utility shall not be divided.

REINCORPORATION OF THE PANAMA RAILROAD COMPANY

SEC. 2. Chapter 12 of title 2 of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), is amended by adding at the end of said chapter a new article numbered 3, embracing new sections 245 to 256 of said title 2, and reading as follows:

"ARTICLE 3—PANAMA RAILROAD COMPANY ACT

"245. CREATION, PURPOSE, OFFICES, AND RESIDENCE OF PANAMA RAILROAD COMPANY.—For the purpose of conducting business operations incident to the care, maintenance, sanitation, operation, improvement, government, and protection of the Panama Canal and the Canal Zone, there is hereby created, as an agency and instrumentality of the United States, and as an adjunct of the Panama Canal, a body corporate to be known as the Panama Railroad Company, hereinafter referred to as the 'corporation'. The principal offices of the corporation shall be in the city of New York, New York, and in the Canal Zone, but the corporation may establish agencies or branch offices in such other place or places as it may deem necessary or appropriate in the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the corporation shall be deemed to be an inhabitant and resident both of the southern judicial district of New York and of the Canal Zone.

Receipt for transfer of net assets.

"246. INVESTMENT OF THE UNITED STATES.—(a) As of the beginning of business July 1, 1948, the corporation shall issue to the United States, and deliver to the Secretary of the Treasury, a receipt for $1 acknowledging the transfer to the corporation, under the provisions of section 251 of this title, of the net assets of the Panama Railroad Company, hereinafter referred to as the 'New York company', a corporation created by an act of the Legislature of the State of New York passed on April 7, 1849, as amended by an act of that legislature passed on April 12, 1855, and which is wholly owned by the United States, and such receipt shall be evidence of the ownership of the corporation by the United States of America. In its capacity as owner of the corporation, the United States shall be represented by the President of the United States or such officer of the United States as may be designated by him, hereinafter referred to as the 'stockholder'.

Post, p. 1079.

Increase in amount of receipt.

"(b) The amount of the receipt (referred to in paragraph (a) above) shall be increased by subsequent additional direct investments of the United States, in excess of repayments to the Treasury and extraordinary expenditures and losses applicable as offsets to such investments under the provisions of paragraph (d) of this section, due to (1) funds advanced to the corporation from the Treasury within such appropriations by the Congress as may from time to time be made to meet increased capital needs, and (2) transfers to the corporation from other Government agencies (or, conversely, decreased by transfers from the corporation to other Government agencies), pursuant to

applicable provisions of law, of business enterprises, facilities, appurtenances, and other assets, less liabilities assumed in connection with such transfers. Transfers of properties and other assets from or to other Government agencies under clause (2) above shall be at such appropriate amount or amounts as shall be agreed upon between the corporation and the agencies concerned and approved by the Director of the Bureau of the Budget, and in the determination thereof due consideration shall be given to the cost and probable earning power of the transferred assets, or usable value to the transferee if clearly less than cost, and adequate provisions made for depreciation of properties and equipment, obsolete or otherwise unusable inventories, and other reasonably determinable shrinkages in values, and, insofar as practicable, there shall be excluded from such amount any portion of the value of the transferred property which is properly allocable to national defense. The board of directors shall certify to the Secretary of the Treasury the amount of each such transfer, the amount of any accumulated repayments to the Treasury or extraordinary expenditures or losses applicable as offsets to the amount of such transfer under the provisions of paragraph (d) of this section, and the effective date of the transfer.

Transfers of properties.

Certification of amount of transfer.

"(c) In order to reimburse the Treasury, as nearly as possible, for the interest cost of the funds or other assets directly invested in the corporation, the corporation shall pay interest to the Treasury, at least annually, on the net direct investment of the Government in the corporation, as defined in paragraphs (a) and (b) of this section, and shown by the receipt described therein, at a rate or rates determined by the Secretary of the Treasury as required to reimburse the Treasury for its cost.

Payment of interest.

"(d) The corporation shall account for its surplus as follows: (1) The total net income from operations from and after 1904 (when the Government acquired control of the New York company), plus the undistributed net income prior to 1904, less (2) payments to the Treasury as dividends from and after 1904, not applied as offsets to direct capital contributions as described below, and less (3) extraordinary expenditures or losses incurred through directives based on national policy and not related to the operations of the corporation, not reimbursed through specific appropriations by the Congress, and not applied as offsets to direct capital contributions as described below. The corporation shall not be required to pay interest to the Treasury on any part of its surplus, as above defined. Repayments to the Treasury as dividends shall be applicable as offsets against directly contributed capital, past or future, in determining the base for the interest payments required under paragraph (c) of this section. Extraordinary expenditures and losses (as defined in clause 3 above), to the extent not reimbursed through specific appropriations, shall be considered as repayments to the Treasury analogous to dividends and similarly applicable as offsets against directly contributed capital.

Accounting for surplus.

"247. BOARD OF DIRECTORS.—The management of the corporation shall be vested in a board of directors consisting of not less than nine nor more than thirteen persons who shall be appointed by and hold office at the pleasure of the stockholder, or if he so elects, consisting of the stockholder and eight to twelve other persons: *Provided*, That the Governor of the Panama Canal shall be a director and president of the corporation. Before entering upon his duties, each of the directors so appointed shall take an oath faithfully to discharge the duties of his office. The directors shall receive no salary for their services on the board, but under regulations and in amounts prescribed by the board of directors, with the approval of the stockholder, may be paid by the corporation a reasonable per diem allowance in lieu of subsistence expenses in connection with attendance at meetings of the board or in

Governor of Panama Canal.

Per diem allowance to directors.

connection with the time spent on special service of the corporation, and their traveling expenses to and from meetings or when upon such special service, without regard to the Subsistence Expense Act of 1926, as amended, or the Standardized Government Travel Regulations. Nothing contained in this article or in any other Act shall be construed to prevent the appointment and service, as a director, officer, or employee of the corporation, of any officer or employee of the United States. The directors, of whom a majority shall constitute a quorum for the transaction of business, shall meet for organization purposes when and where called by the stockholder, and for subsequent meetings as provided by the bylaws.

44 Stat. 688.
5 U. S. C. § 821.

Quorum.

"248. GENERAL POWERS OF CORPORATION.—The corporation shall have and may exercise the following general powers, in addition to those elsewhere conferred in this article:

"(a) Shall have perpetual succession in its corporate name, unless dissolved by Act of Congress.

Seal.

"(b) May adopt, alter, and use a corporate seal, which shall be judicially noticed.

"(c) May adopt, amend, and repeal bylaws governing the conduct of its general business, and the performance of the powers and duties granted to or imposed upon it by law.

"(d) May sue and be sued in its corporate name.

"(e) May appoint such officers, agents, attorneys, and employees as may be necessary for the conduct of the business of the corporation, define their authority and duties, fix their compensation, delegate to them such of the powers of the corporation as may be necessary, require that such of them as it may designate be bonded, and fix the penalties and pay the premiums of such bonds. Persons employed by the corporation whose compensation is paid on any basis other than a per annum basis shall not be included in making computations pursuant to the provisions of section 607 of the Federal Employees Pay Act of 1945.

59 Stat. 304.
5 U. S. C. § 947; Supp. I, § 947 note.

"(f) May enter into contracts, leases, agreements, or other transactions.

"(g) Shall have, in the payment of debts out of bankrupt estates, the priority of the United States.

"(h) May determine the character of and necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, and may incur, allow, and pay the same, subject to pertinent provisions of law generally applicable to Government corporations.

Acquisition of property.

"(i) May purchase, lease, or otherwise acquire, and hold, own, maintain, work, develop, sell, lease, exchange, convey, mortgage, or otherwise dispose of, and deal in, lands, leaseholds, and any interest, estate, or rights in real property, and any personal or mixed property, and any franchises, concessions, rights, licenses, or privileges necessary or appropriate for any of the purposes expressed in this article.

"249. SPECIFIC POWERS OF CORPORATION.—Subject to the provisions of the Government Corporation Control Act, the corporation shall have and may exercise the following specific powers, in addition to those elsewhere conferred in this article:

59 Stat. 597.
31 U. S. C. §§ 841, 846-852, 856-859, 866-869; Supp. I, § 849.
Post, p. 1283.

Construction, etc., of facilities.

"(a) May construct, maintain, and operate a railroad across the Isthmus of Panama.

"(b) May construct or acquire vessels, and operate the same for transportation of passengers or freight and for other purposes.

"(c) May construct or acquire, establish, maintain, and operate docks, wharves, piers, harbor terminal facilities, shops, yards, marine railways, salvage and towing facilities, fuel-handling facilities, motor-transportation facilities, power systems, water systems, a telephone

system, construction facilities, living quarters and other buildings, warehouses, storehouses, hotels, a printing plant, commissaries and manufacturing, processing or service facilities in connection therewith, laundries, dairy facilities, restaurants, amusement and recreational facilities, and other business enterprises, facilities, and appurtenances necessary or appropriate for the accomplishment of the purposes of this article.

"(d) May make or furnish sales, services, equipment, supplies, and materials, as contemplated by this article, to vessels, to agencies of the Government of the United States, to employees of the Government of the United States, and to any other governments, agencies, persons, corporations, or associations eligible to make or receive such purchases, services, supplies, or materials under the laws prevailing at the time and the policies heretofore or hereafter adopted consistently with such laws. Sales, supplies, etc.

"(e) May use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government. Use of U. S. mails.

"(f) May take such actions as may be necessary or appropriate to carry out the powers in this article or hereafter specifically conferred upon it: *Provided*, That the corporation shall undertake no new types of activities not included in the annual budget program prescribed by section 102 of the Government Corporation Control Act (except those which may be transferred to it under the provisions of section 246 (b) of this title): *And provided further*, That in the event an emergency is declared to exist by the board of directors during a period when the Congress is not in session (or by the Governor of the Panama Canal, acting in his capacity as president of the corporation, with the concurrence of as many of the directors as may be consulted without loss of time unreasonable in the circumstances), recommended appropriate action within the scope of this article may be undertaken. A report on such emergency activity shall be presented promptly to the Congress, when it reconvenes, for its approval and such action as it may deem necessary or desirable with respect to reimbursement through supplemental appropriation of funds to cover costs or losses arising from such emergency. Restriction. 59 Stat. 598. 31 U. S. C. § 847. *Ante*, p. 1076. Emergency activity. Report to Congress.

"250. SUBJECTION OF CORPORATION TO LAWS APPLICABLE TO NEW YORK COMPANY.—The corporation shall, so far as consistent with the terms of this article, be deemed subject to all provisions in treaties and in Acts of the Congress of the United States, now in force, which relate or apply to the New York company; and shall have all the rights, privileges, and exemptions, and be subject to all the obligations, liabilities, and responsibilities applicable to the New York company under or by virtue of such provisions.

"251. TAKING OVER OF ASSETS AND LIABILITIES OF, AND DISSOLUTION OF, NEW YORK COMPANY; RELEASE OF UNITED STATES TREATY RIGHTS IN ASSETS.—The corporation is authorized and directed to take over the assets and assume the liabilities of the New York company as of July 1, 1948. To accomplish the transfer of such assets to, and the assumption of such liabilities by, the corporation, and to accomplish the dissolution of the New York company, the two corporations are authorized and directed to take, under the supervision of the stockholder, whatever action shall be determined to be appropriate and necessary, whether by agreement, transfer, merger, consolidation, dissolution, or otherwise. Effective upon the transfer of such assets and the assumption of such liabilities, there are hereby released and transferred to the corporation all the right, title, and interest, in and to such assets, which the United States now has or may hereafter acquire by virtue of the convention of November 18, 1903, between the United 33 Stat. 2234.

States and the Republic of Panama; and, specifically, there are hereby released to the corporation any and all reversionary rights of the United States in the lands of the corporation located in the cities of Panama and Colon, Republic of Panama.

"252. REIMBURSEMENT OF OTHER AGENCIES.—The corporation shall reimburse the Civil Service and Canal Zone Retirement and Disability Funds for Government contributions to the retirement fund applicable to the corporation's employees, and the Employees' Compensation Fund, Bureau of Employees' Compensation, Federal Security Agency, for the benefit payments made to the corporation's employees, and shall also reimburse other Government agencies for any payments of a similar nature made on its behalf.

"253. PAYMENT OF EXCESS FUNDS INTO THE TREASURY.—The board of directors shall have the power and duty to appraise, at least annually, its necessary working capital requirements, together with reasonable foreseeable requirements for authorized plant replacement and expansion, and to pay into the Treasury as dividends the amount of funds in excess thereof. Such dividends shall be treated by the Treasury as miscellaneous receipts, but shall be treated on the books of the corporation as applicable to reduction of past or future direct Government capital contributions (as provided in section 246 (d) of this title) in determining the base for interest payments required under section 246 (c).

Ante, p. 1077.

"254. EMERGENCY FUND.—The corporation may borrow from a fund to be established and maintained in the Treasury, for any authorized purposes of the corporation, but for limited periods only, sums of money not to exceed a total of $10,000,000 outstanding at any one time. The fund shall be established by the deposit by the New York company with the Treasury on or before June 30, 1948, of the sum of $10,000,000 from the invested depreciation reserve funds presently maintained by the New York company, which amount, less any amounts borrowed therefrom by the corporation from time to time, shall be maintained by the Treasury as a separate fund. Amounts borrowed from said fund shall be paid over to the corporation by the Secretary of the Treasury, and repayments thereof shall be redeposited in said fund and will be available for subsequent loans. Loans to the corporation from this fund shall not bear interest.

"255. AMENDMENT OR REPEAL.—The right to alter, amend, or repeal this article is expressly reserved.

"256. SEPARABILITY CLAUSE.—If any provision of this article, or the application of such provision to any person or circumstances, is held invalid, the remainder of this article and the application of such provision to other persons and circumstances shall not be affected thereby."

Approved June 29, 1948.

[CHAPTER 707]

June 29, 1948
[S. J. Res. 158]
[Public Law 809]

JOINT RESOLUTION

To authorize the issuance of a special series of stamps commemorative of the eighty-fifth anniversary of Lincoln's Gettysburg Address.

Lincoln's Gettysburg Address. Commemorative postage stamp.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance on November 19, 1948, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the eighty-fifth anniversary of Lincoln's Gettysburg Address.

Approved June 29, 1948.

[CHAPTER 708]

AN ACT

To provide for the elimination of Regular Army and Regular Air Force officers and for the retirement of officers, warrant officers, and enlisted men of the Regular Army and the Regular Air Force, and to provide retirement benefits for members of the Reserve components of the Army of the United States, the Air Force of the United States, United States Navy and Marine Corps, and Coast Guard.

June 29, 1948
[H. R. 2744]
[Public Law 810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Army and Air Force Vitalization and Retirement Equalization Act of 1948."

Army and Air Force Vitalization and Retirement Equalization Act of 1948.

TITLE I

ELIMINATION

SEC. 101. Notwithstanding any other provision of law, the Secretary of the Army and the Secretary of the Air Force, for their respective services, are hereby authorized, for such causes as each may deem satisfactory, to remove any commissioned officer from the active list of the Regular Army or the Regular Air Force, as the case may be, in the manner hereinafter prescribed.

Removal of officers.

SEC. 102. Immediately following the enactment of this Act, and once annually thereafter, the Secretary of the Army and the Secretary of the Air Force shall, for their respective services, each convene a selection board of five general officers, which shall review the records of all officers on the active list of the Regular Army or the Regular Air Force, as the case may be, to determine which of such officers shall be required to show cause why they should be retained on the active list. Selection of any officer to show cause for retention shall be based upon his failure to achieve such standards of performance as the cognizant Secretary shall by regulations prescribe.

Selection board; duties.

SEC. 103. Any officer selected to show cause for retention shall be accorded a fair and impartial hearing before a Board of Inquiry, consisting of not less than three general officers, convened at such place or places as the cognizant Secretary may prescribe to receive evidence and to make findings and recommendations as to the officer's fitness to be retained on the active list. If the Board of Inquiry recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title.

Hearing.

Supra.

SEC. 104. The Board of Inquiry shall forward the record of its proceedings in each case in which it recommends the removal of any officer from the active list to a board of review, consisting of not less than five general officers, convened by the cognizant Secretary at such time as he deems appropriate, to review each such case and make recommendations as to the retention of the officer concerned on the active list. If the Board of Review recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title. If the Board of Review recommends against the retention of any officer on the active list, such recommendation shall be transmitted to the cognizant Secretary for his action thereon. The action of the Secretary of the Army or the Secretary of the Air Force, as the case may be, in removing any officer

Board of review; duties.

Supra.

Application for discharge or retirement.

from the active list shall be final and conclusive: *Provided*, That at any time prior to his removal from the active list the application of any officer for honorable discharge or voluntary retirement under this Act or any other provision of law may, if the applicant is otherwise qualified therefor, be granted by the cognizant Secretary: *Provided further*, That any officer discharged on his own application under the provisions of this section shall be granted severance benefits as provided in section 106 (b).

Severance benefits.

Infra.

Notice to officer; rights.

SEC. 105. Any officer who is under consideration for removal from the active list shall be furnished written notice of the pendency of any proceedings for his removal, shall be afforded reasonable time for the preparation of his defense, shall be allowed to appear in person or by counsel at proceedings before any Board of Inquiry or any Board of Review, and shall, at all stages of the proceedings, be allowed full access to and furnished copies of records relevant to his case. No person shall sit as a member of more than one of the boards convened under sections 102, 103, or 104, of this title in the consideration of the case of the same officer.

Ante, p. 1081.

SEC. 106. Each officer removed from the active list of the Regular Army or the Regular Air Force pursuant to this title shall—

Removal by retirement; pay and grade.

(a) if on the date of removal he is eligible for voluntary retirement under any provision of law then in effect, he shall be retired in the grade and with the retired pay to which he would be entitled if he were retired upon his own application;

Honorable discharge with severance pay.

(b) if on the date of removal he is not eligible for voluntary retirement, be honorably discharged in the grade then held, with severance pay equal to one month's base and longevity pay, being received at the date of such removal, multiplied by the number of years of his active Federal commissioned service: *Provided*, That the total severance pay shall not exceed one year's base and longevity pay so computed: *Provided further*, That a fractional part of a year amounting to six months or more shall be counted as a complete year for the purpose of computing amount of severance pay only.

Fractional year.

Prior removals.

SEC. 107. (a) Immediately following the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force, for their respective services, shall transmit the records of all proceedings in the case of each person heretofore removed from the active list of the Regular Army or the Regular Air Force, as the case may be, pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), to a Board of Review convened under section 104 of this title. Each person so removed shall be notified of the reference of his case to such Board of Review, and shall be accorded opportunity to appear before the board in person or by counsel. After full and fair consideration of all the facts and circumstances of each such case as they existed at the time of removal, the board shall transmit to the Secretary of the Army or to the Secretary of the Air Force, as appropriate, a report thereon containing its findings of fact, its conclusion on the question whether such removal was justified, and its recommendation on the question whether the officer affected should be restored to the active list pursuant to the provisions of this section.

10 U. S. C. § 571 note; Supp. I, § 571 note.

Post, p. 1084.

Ante, p. 1081.

Notice.

Report to Secretary.

Restoration to active list.

(b) In each such case in which the Secretary of the Army or the Secretary of the Air Force approves a recommendation for the restoration of any person to the active list of the Regular Army or the Regular Air Force, he shall transmit the record of proceedings to the President, who is authorized and requested to appoint such person, by and with the advice and consent of the Senate, as a commissioned officer on the active list of the Regular Army or the Regular Air Force, as the case may be, in a grade determined by the following schedule: Officers with

Determination of grade.

less than three years of service for promotion purposes shall be appointed in the grade of second lieutenant; those with three or more, but less than seven years of such service, shall be appointed in the grade of first lieutenant; those with seven or more, but less than fourteen years of such service, shall be appointed in the grade of captain; those with fourteen or more, but less than twenty-one years of such service, shall be appointed in the grade of major; those with twenty-one or more, but less than twenty-eight years of such service, shall be appointed in the grade of lieutenant colonel: *Provided*, That (a) those with more than twenty-eight years of service for promotion purposes who are under sixty years of age shall be appointed to the active list in the permanent grade of lieutenant colonel and—

More than 28 years of service.
Persons under 60.

(A) shall until June 30, 1953, be eligible for selection to the permanent grade of colonel; and

(B) if not selected and promoted to the grade of colonel or retired under any other provision of law on or before June 30, 1953, shall on such date be retired in the highest grade to which he is entitled under any provision of law; or

(C) if promoted to the grade of colonel on the active list prior to such date, shall be retired under the laws applicable to the elimination and retirement of permanent colonels; and

Persons over 60.

(b) Those with more than twenty-eight years of service for promotion purposes who are sixty years of age or over shall be advanced on the retired list to the grade of colonel, and shall be entitled to receive the retired pay to which they would have been entitled if they had not been removed from the active list under the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), but had been retired while serving in the permanent grade of colonel at the completion of twenty-eight years of service for promotion purposes. Each officer restored to the active list, and appointed in a grade as prescribed in this section, shall have his name placed on the appropriate promotion list among the officers of his grade in the same seniority standing as would have existed had such officer been continued on the active list. For promotion purposes and initial grade determination each officer so restored to the active list shall, upon appointment, have credited to him all service which he would have had if he had not been removed from the active list pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606). In all other cases the action taken by the Secretary of the Army or the Secretary of the Air Force, for their respective services, shall be final and conclusive for all purposes. The cognizant Secretary shall transmit to each person affected a copy of the report made by the Board of Review in his case and written notice as to the disposition thereof.

10 U. S. C. § 571 note; Supp. I, § 571 note.
Post, p. 1084.
Promotion list.

Service credit.

10 U. S. C. § 571 note; Supp. I, § 571 note.
Post, p. 1084.

Copy of report.

(c) In determining length of active Federal commissioned service for all purposes of pay, allowances, appointment, promotion, and retirement, each person restored to the active list of the Regular Army or the Regular Air Force pursuant to the provisions of this section shall be deemed to have served as an officer on the active list of the service concerned from the date of his removal therefrom to the date of his restoration thereto, and upon restoration shall be carried as an additional number in the grade in which restored to the active list or in any grade to which he thereafter may be promoted. Each officer so restored shall be accorded all other rights, benefits, and privileges to which he would have been entitled if he had not been removed from the active list, except those based upon active service in time of war or emergency not in fact performed by him.

Determination of length of active service.

Additional number in grade.

(d) Each officer of the Regular Army heretofore removed from the active list pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), who on the date of such

10 U. S. C. § 571 note; Supp. I, § 571 note.
Post, p. 1084.

Disability retirement.

removal was (a) eligible for voluntary retirement under any provision of law then in effect, or (b) shall be determined by retiring board action to have been eligible for retirement for disability on such date, shall upon application therefor be placed upon the retired list in the grade and with the retired play and other benefits to which he would have been entitled if he had been so retired: *Provided*, That no officer restored to the active list pursuant to the provisions of this section shall be retired pursuant to the provisions of this subsection.

Restriction.

Regulations.

SEC. 108. (a) The Secretary of the Army and the Secretary of the Air Force may promulgate for their respective services such regulations as may be necessary to carry into effect the provisions of this title.

Back pay, allowances, etc.

(b) No back pay, allowances, or compensation shall accrue to any person by reason of the enactment of any provision of this title.

Repeals.

10 U. S. C. § 571 and note; Supp. I, § 571 note.

SEC. 109. Section 24b of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 773), and the joint resolution of July 29, 1941 (55 Stat. 606), are hereby repealed: *Provided*, That all rights and benefits accrued under such laws prior to the date of enactment of this title shall hereafter remain in full force and effect.

TITLE II

RETIREMENT OF OFFICERS AND WARRANT OFFICERS OF THE REGULAR ARMY AND THE REGULAR AIR FORCE

Officers' retired list.

Publication.

SEC. 201. Effective upon the enactment of this title the Secretary of the Army and the Secretary of the Air Force shall each establish for their respective services an officers' retired list, to be published annually in the official Register of the service concerned, upon which shall be placed the names of all the commissioned officers of the Regular Army or the Regular Air Force, as the case may be, heretofore or hereafter retired from active service under any provision of law, without limit to the number of officers who may be placed thereon. Any provision of law requiring commissioned officers of the Regular Army or the Regular Air Force to be placed on the limited or unlimited retired list hereafter shall be deemed to refer to the officers' retired list established pursuant to this section.

10 U. S. C., Supp. I, § 971b.

Retirement; service requirements.

SEC. 202. That portion of section 5 of the Act of July 31, 1935 (49 Stat. 507), as amended by section 3 of the Act of June 13, 1940 (54 Stat. 380; 10 U. S. C. 943a, 971b), ending with the colon following the first proviso thereof is hereby further amended to read as follows: "That any officer on the active list of the Regular Army, the Regular Air Force, or Philippine Scouts or any officer of the reserve components of the Army of the United States or of the Air Force of the United States who shall have completed not less than twenty or more than thirty years' active Federal service in the armed forces of the United States, at least ten years of which shall have been active commissioned service, may in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retired upon his own application with annual pay equal to 2½ per centum of the annual active duty base and longevity pay of the rank with which retired, multiplied by the number of years of service credited for longevity pay purposes and not to exceed a total of 75 per centum of such annual active duty base and longevity pay: *Provided*, That in computing the number of years of such service for the purpose of determining the percentage of active-duty annual pay, and for no other purpose, any fractional part of a year amounting to six months or more shall be counted as a complete year: *Provided further*, That for the purpose of determining years of service credited for longevity pay in the case of a general officer, such service shall be that which would

Fractional year.

Service credit for general officer.

be credited to such general officer if he were on the promotion list and serving in the grade of colonel."

Advancement on retired list.

SEC. 203. (a) Each commissioned officer of the Regular Army or of any reserve component of the Army of the United States, and each commissioned officer of the Regular Air Force or of any reserve component of the Air Force of the United States, heretofore or hereafter retired or granted retirement pay under any provision of law shall be advanced on the applicable officers' retired list to the highest temporary grade in which he served satisfactorily for not less than six months while serving on active duty, as determined by the cognizant Secretary, during the period September 9, 1940, to June 30, 1946, and shall receive retired pay at the rate prescribed by law, computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade: *Provided*, That retired pay of such highest grade shall be without credit for service on the retired list.

Repeal.

(b) That the second proviso under the heading "Retired Officers" of the Act approved June 12, 1906 (34 Stat. 245; 10 U. S. C. 946), is hereby repealed.

10 U. S. C. § 594.

(c) That section 5 of the Act approved August 21, 1941 (55 Stat. 653), is hereby amended to read as follows:

Retirement of warrant officers.

"SEC. 5. Warrant officers shall be entitled to retirement under the same conditions as commissioned officers: *Provided*, That hereafter warrant officers may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, whichever may be concerned, be retired after twenty years of active service: *Provided further*, That a warrant officer retired after twenty years of active service shall receive retired pay at the rate of 2½ per centum of the annual active duty base and longevity pay at the time of retirement multiplied by the number of years of service credited for longevity pay purposes and not to exceed 75 per centum of such annual, active duty base and longevity pay: *Provided further*, That a fractional year of six months or more shall be considered a full year in computing the number of years' service by which the rate of 2½ per centum is multiplied: *And provided further*, That any warrant officer heretofore or hereafter retired under any provision of law shall upon the completion of thirty years' service, to include the sum of his active service and his service on the retired list, be advanced on the retired list to the highest temporary officer, flight officer, or warrant officer grade satisfactorily held by him while serving on active duty as determined by the cognizant Secretary during the period September 9, 1940, to June 30, 1946, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade at the time of retirement: *And provided further*, That any warrant officer, heretofore or hereafter retired for disability incident to service, if entitled to advanced retired grade and increased retired pay under the provisions of this title, shall receive such advanced grade and increased pay effective upon the enactment of this title or upon his retirement, whichever is later."

Service requirement.

Retired pay.

Fractional year.

Advancement on retired list.

Disability retirement.

Army Nurse Corps, etc.

10 U. S. C. §§ 161–163, 782, 783, 850; Supp. I, §§ 161–163, 782, 783 notes.

10 U. S. C. §§ 81 note, 164 and note; Supp. I, §§ 81, 164 notes; 37 U. S. C. § 113 note; Supp. I, § 113 note.

50 U. S. C. app. §§ 1591–1598; Supp. I, § 1591 note.

10 U. S. C., Supp. I, §§ 166–166*l*.

(d) Each member of the Army Nurse Corps, established by chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, each female dietitian or physical therapist appointed pursuant to the Act of December 22, 1942 (56 Stat. 1072), each female officer appointed pursuant to the Act of June 22, 1944 (58 Stat. 324), and each member of the Army Nurse Corps or Women's Medical Specialist Corps appointed pursuant to Public Law 36, Eightieth Congress (61 Stat. 41), heretofore or hereafter retired under any provision of law shall be advanced on the retired list to a grade with relative rank equal to the highest

grade in which, or to the highest relative or commissioned rank with which, she served satisfactorily on active duty, as determined by the Secretary of the Army, during the period September 9, 1940, to June 30, 1946, whichever is higher, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which she would receive if serving on active duty in such grade or with such relative or commissioned rank.

Enlisted men with 30 years' service.

(e) Each enlisted man of the Regular Army or the Regular Air Force heretofore or hereafter retired under any provision of law, shall upon the completion of thirty years of service, to include the sum of his active service and his service on the retired list, be advanced to the highest temporary commission, warrant, or enlisted grade satisfactorily held by him while serving on active duty, as determined by the cognizant Secretary, during the period September 9, 1940, to June 30, 1946, and shall receive retirement pay at the rate prescribed by law for his length of service at the time of retirement but based upon such higher temporary rank or grade: *Provided*, That any enlisted man heretofore or hereafter retired for disability incident to service, if entitled to advanced retired grade and increased retired pay under the provisions of this title, shall receive such advanced grade and increased pay effective upon the enactment of this Act or upon his retirement, whichever is later.

Disability retirement.

Advancement of officers on retired list.

(f) Each commissioned officer of the Regular Army or of any reserve component of the Army of the United States, and each commissioned officer of the Regular Air Force or of any reserve component of the Air Force of the United States, retired or granted retirement pay under any provision of law on or after August 7, 1947, but not later than January 1, 1957, while serving on active duty in a temporary grade not higher than that of major general shall be advanced on the applicable officers' retired list to such grade, and shall receive retired or retirement pay at the rate prescribed by law, computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade: *Provided*, That computation on the basis of pay of such highest grade shall be made without benefit of longevity credit for retired list service. No officer shall be ordered to active duty or promoted to any higher temporary grade solely for the purpose of entitling him to retirement in advanced grade pursuant to this subsection.

Limitation.

Restoration to former status.

SEC. 204. Enlisted men and warrant officers of the Regular Army or Regular Air Force hereafter advanced to commissioned rank or grade on the retired list pursuant to section 203 (c) or 203 (e) of this title, shall, if application therefor is made to the Secretary of the Army or Secretary of the Air Force within three months from the date of approval of this title or within three months after the date of the advancement to commissioned rank or grade on the retired list, whichever is the later, and subject to the approval of the Secretary of the Army or Secretary of the Air Force, be restored to their former retired enlisted, or warrant officer status, as the case may be, and shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes.

Ante, p. 1085; *supra*.

Regulations.

SEC. 205. (a) The Secretary of the Army and the Secretary of the Air Force may promulgate for their respective services such regulations as may be necessary to carry into effect the provisions of this title.

(b) Nothing contained in this title shall be construed to deprive any person of any higher retired grade or rank, or any greater retired or retirement pay to which he or she may be entitled under any other provision of law. No back pay or allowances prior to the date of enactment of this title shall accrue to any person by reason of the enactment thereof.

Back pay or allowances.

TITLE III

RETIREMENT WITH PAY OF OFFICERS AND ENLISTED PERSONNEL OF THE NATIONAL GUARD AND RESERVE CORPS OF THE ARMY OF THE UNITED STATES, THE RESERVE COMPONENTS OF THE AIR FORCE OF THE UNITED STATES, THE UNITED STATES NAVAL AND MARINE CORPS RESERVE, AND THE UNITED STATES COAST GUARD RESERVE

Army of U. S. and Air Force of U. S. Retired Lists.

SEC. 301. (a) The Secretary of the Army is authorized to establish the Army of the United States Retired List and the Secretary of the Air Force is authorized to establish the Air Force of the United States Retired List, to be published annually in the official Register of the service concerned, upon which respectively shall be placed the names of all commissioned officers and former commissioned officers of the Army of the United States or the Air Force of the United States, as the case may be, other than those of the Regular Army or the Regular Air Force, heretofore or hereafter granted retirement pay under section 5 of the Act of April 3, 1939 (53 Stat. 557, as amended, 10 U. S. C. 456), section 1 of the Act of September 26, 1941 (55 Stat. 733, 10 U. S. C. 456a), and section 302 of this title, or any law hereafter enacted to provide retirement pay for commissioned officers other than those of the Regular Army or the Regular Air Force, and the names of all warrant officers and enlisted men of the Regular Army or the Regular Air Force heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades in the Army of the United States or the Air Force of the United States, or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade.

Publication.

Infra.

U. S. Naval Reserve Retired List.

(b) The Secretary of the Navy is authorized to establish a United States Naval Reserve Retired List to include the names of all officers and enlisted personnel of the Naval and Marine Corps Reserve who are granted retired pay under the provisions of this title, the provisions of Public Law 305, Seventy-ninth Congress, or any law hereafter enacted to provide retired pay for such officers and enlisted personnel.

60 Stat. 26.
34 U. S. C. §§ 419–419b, 410a–410e, 350f; Supp. I, § 410a *et seq.*; 50 U. S. C. app. § 778; Supp. I, § 778 note.
Retirement.

SEC. 302. (a) Any person who, upon attaining or having attained the age of sixty years, has performed satisfactory Federal service as defined in this section in the status of a commissioned officer, warrant officer, flight officer, or enlisted person in the Army of the United States or the Air Force of the United States, including the respective reserve components thereof, and also including the federally recognized National Guard prior to 1933, the United States Navy including the reserve components thereof, the United States Marine Corps, including the reserve components thereof, or the United States Coast Guard, including the reserve components thereof, and has completed an aggregate of twenty or more years of such satisfactory service in any or all of the aforesaid services, shall, upon application therefor, be granted retired pay: *Provided*, That for the purposes of this section the last eight years of qualifying service for retirement under this title must have been service as a member of a reserve component except that any member of a reserve component of the Air Force of the United States shall be entitled to include service as a member of a reserve component of the Army of the United States performed on or prior to July 26, 1949: *Provided further*, That for the purposes of this subsection, simultaneous service as a member of a reserve component and as a member of the Regular Army, Navy, Air Force, or Marine Corps, shall not be deemed to be service in a reserve component: *Provided further*, That no person who was a member of a reserve component on or before August 15, 1945, shall be eligible for retirement benefits under this title unless he performed active Federal service during any portion of either of the two periods beginning April 6, 1917, and

Reserve service requirements.

Limitation.

ending November 11, 1918, and beginning September 9, 1940, and ending December 31, 1946.

Computation of service credit.

(b) Subsequent to the enactment of this Act, a year of satisfactory Federal service, for the purposes of this section only, shall consist of any year in which a person is credited with a minimum of fifty points, which points shall be credited on the following basis:

(1) One point for each day of active Federal service;

(2) One point for each drill or period of equivalent instruction, such drills and periods of equivalent instruction to be restricted to those prescribed and authorized by the Secretary of the respective service for the year concerned, and to conform to the requirements prescribed by other provisions of law;

(3) Fifteen points for membership in a reserve component for each year of Federal service other than active Federal service.

(c) Each year of service as a member of a reserve component prior to the enactment of this Act shall be deemed to be a year of satisfactory Federal service for the purposes of this section, subject to the provisions of subsection (e) of section 306 of this Act.

Post, p. 1090.

(d) Application for retirement with pay made pursuant to this section shall be submitted to the Secretary of the service in which the applicant last served or is serving at the time of such submission.

Retention after 60.

(e) Any person who, upon attaining the age of sixty years, has qualified for retirement with pay pursuant to this title, may, with his consent and by order of the cognizant Secretary, be retained on duty to perform Federal service. Any person so retained shall be credited with equivalent periods of Federal service for the performance of such duties.

Rate of retired pay.

SEC. 303. Any person granted retired pay pursuant to the provisions of this title shall receive such pay at an annual rate equal to 2½ per centum of the active duty annual base and longevity pay which he would receive if serving, at the time granted such pay, on active duty in the highest grade, temporary or permanent, satisfactorily held by him during his entire period of service, multiplied by a number equal to the number of years and any fraction thereof (on the basis of three hundred and sixty days per year) which shall consist of the sum of the following:

(i) All periods of active Federal service;

(ii) One day for each point credited pursuant to subparagraphs (2) and (3) of subsection (b) of section 302 of this Act, but no more than sixty days shall be credited on this basis in any one year for the purposes of this section:

Limitation.

Provided, That no person shall be entitled to receive such retired pay at an annual rate in excess of 75 per centum of said active duty pay:

Service credit.

Provided further, That for each year of Federal service, other than active Federal service, performed as a member of a reserve component prior to the date of enactment of this Act and credited in accordance with subsection (c) of section 302 of this title, such member shall be credited with fifty days for each of such years, for the purposes of this section.

Supra.

Standards and qualifications for retention or promotion.

SEC. 304. As soon as may be practicable after the effective date of this title, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy shall, by regulations not inconsistent with this or any other Act, prescribe (a) appropriate standards and qualifications for the retention or promotion of members of reserve components of the Army of the United States, the Air Force of the United States, and the United States Navy and the Marine Corps, respectively, and (b) appropriate and equitable procedures under which the compliance by each member of each such reserve component

with such standards and qualifications shall be determined periodically. Whenever any member of any such reserve component thereafter shall fail to conform to the standards and qualifications so prescribed he shall be transferred to an inactive reserve status if qualified for such status, retired without pay if qualified for such retirement, or his appointment or enlistment shall be terminated. Such action shall effect a termination of such person's right to accrue retirement benefits under this title but shall not affect any rights which have accrued prior to the time that such action shall have been taken with respect to such person: *Provided further*, That the Secretary of the Navy with respect to personnel of the Navy and Marine Corps, including the reserve components thereof, shall determine what has constituted, prior to the date of enactment of this title, satisfactory performance of Federal service other than active Federal service.

Procedure on nonconformance with standards.

Termination of retirement benefits.

SEC. 305. The provisions of this title shall not be applicable to any officer or enlisted person of the Regular or reserve components of the Army, Navy, Air Force, or Marine Corps who, prior to or subsequent to the date of enactment of this title, is entitled to receive, or is receiving under any other provision of law, retired pay for military or naval service, including retainer pay as a transferred member of the Fleet Reserve. No period of service otherwise creditable in determining the eligibility of any person to receive, or the amount of, any annuity, pension, or old-age benefit payable under any provision of law on account of civilian employment, in the Federal Government or otherwise, shall be excluded in such determination because such period of service may be included, in whole or in part, in determining the eligibility of such person to receive, or the amount of, any retired pay payable under this title.

Inapplicability of provisions.

SEC. 306. For the purposes of this title—

(a) The term "Federal service" shall be deemed to include all active Federal service and all service in a reserve component other than active Federal service, or both, except as provided in (e) and (f) below.

"Federal service."

(b) Satisfactory Federal service or Federal service satisfactorily performed, as used in this title in referring to Federal service herein mentioned, shall be deemed to mean that the person concerned shall have conformed to such standards and qualifications as may have been required of him.

(c) Service in a reserve component, as used in this title, shall consist of service in the following organizations, and shall be deemed to be Federal service for the purposes of this title—

(1) the National Guard of the United States;

(2) the National Guard while in the service of the United States;

(3) the federally recognized National Guard prior to 1933;

(4) a federally recognized status in the National Guard prior to 1933;

(5) the Officers' Reserve Corps and the Enlisted Reserve Corps prior to the enactment of Public Law 460, Eightieth Congress, approved March 25, 1948;

Ante, p. 87.

(6) the Organized Reserve Corps;

(7) the Army of the United States without component;

(8) the Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of sixteen or more years of active naval service;

(9) the Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps

Reserve transferred thereto after completion of sixteen or more years of active naval service;

(10) the Limited Service Marine Corps Reserve;

(11) the Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy; and

(12) the National Naval Volunteers;

(13) the Air National Guard;

(14) the Air Force Reserve (Officers or Enlisted sections);

(15) the Air Force of the United States without component; and

(16) the Coast Guard Reserve.

"Active Federal service."

(d) The term "active Federal service" shall include all periods of annual training duty and all prescribed periods of attendance at such service schools as have been, or may be designated as such by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force for their respective services, or by law, or any other period of time when ordered to active duty under competent Federal orders.

(e) With respect to personnel of the Army or the Air Force, service in the inactive National Guard or Air National Guard, in a non-federally recognized status in the National Guard or Air National Guard, or in an inactive Reserve section of the Officers' Reserve Corps or an inactive officers' section of the Air Force Reserve shall not be deemed to be Federal service.

(f) Subject to the provisions of subsection (d) hereof, service on the Honorary Retired List of the Naval and Marine Corps Reserves shall not be deemed to be Federal service.

Rules and regulations.

SEC. 307. The Secretary of the Army with respect to personnel of the Army, the Secretary of the Navy with respect to the personnel of the Navy and Marine Corps, and the Secretary of the Air Force with respect to personnel of the Air Force, are authorized to prescribe such rules, regulations, and procedures as they may deem necessary to effectuate the provisions of this title.

Transfer to inactive status list.

SEC. 308. Any person who has not attained the age of sixty years but is eligible in all other respects to receive retired pay under the provisions of this title may, at his own request, and by the direction of the Secretary of the cognizant service, be transferred to such inactive status list as has been, or may be established by law or regulation for the reserve components of the Army of the United States, Navy, Air Force of the United States, or Marine Corps. After the effective date of such transfer he shall not be required to participate in any training or other program prescribed for said reserve components, and he shall not be entitled to be credited with either additional active Federal service or additional Federal service in a reserve component other than active Federal service for the purpose of this title while he is in an inactive status. Any such person may, in the discretion of the cognizant service Secretary, be recalled to active status at any time, and if so recalled, he shall be credited with active Federal service or Federal service in a reserve component other than active Federal service, or both for the performance of such duty.

Recall to active status.

Restriction.

SEC. 309. Service as a member of a reserve component shall be subject to the requirements of the military services and appropriations available therefor from time to time. No person shall be ordered to active Federal Service for the sole purpose of qualifying for retirement benefits under this title.

Back pay or allowances.

SEC. 310. No back pay or allowances for any period prior to the date of enactment thereof shall accrue to any person by reason of enactment of this title.

Applicability to Coast Guard Reserve.

SEC. 311. The provisions of this title, except as may be necessary to adapt the same thereto shall apply to personnel of the Coast Guard

Reserve in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Naval and Marine Corps Reserve in relationship to the Navy: *Provided*, That wherever authority is given to the Secretary of the Navy, similar authority shall be deemed to be given to the Secretary of the Treasury to be exercised with respect to the Coast Guard except at such time or times as the Coast Guard may be operating under the Secretary of the Navy.

Effective date.

SEC. 312. The provisions of this title shall become effective for each of the services concerned when directed by the cognizant Secretary, but not later than the first day of the seventh month following the date of enactment.

Appropriation authorized.

SEC. 313. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Approved June 29, 1948.

[CHAPTER 709]

AN ACT

To authorize the issuance of a special series of stamps in honor and commemoration of Moina Michael, originator of Flanders Field memorial poppy idea.

June 29, 1948
[H. R. 6634]
[Public Law 811]

Moina Michael. Commemorative postage stamp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare, for issuance at as early a date as practicable, a special series of 3-cent postage stamps, of such design as he shall prescribe, in honor and commemoration of Moina Michael, originator of Flanders Field memorial poppy idea.

Approved June 29, 1948.

[CHAPTER 710]

JOINT RESOLUTION

Authorizing the issuance of a special series of stamps commemorative of the fiftieth anniversary of the organization of the Rough Riders (First Volunteer United States Cavalry) of the Spanish-American War.

June 29, 1948
[H. J. Res. 305]
[Public Law 812]

Rough Riders. Commemorative postage stamp.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance, on as early a date as practicable, a special series of 3-cent postage stamps in commemoration of the fiftieth anniversary of the organization of the Rough Riders (First Volunteer United States Cavalry) of the Spanish-American War. Such stamps shall be of an appropriate design, which shall include a picture of the equestrian statue standing in the city of Prescott, Arizona, of Captain William Owen "Bucky" O'Neill, who commanded Troop A of the Rough Riders (First Volunteer United States Cavalry) who was killed in action while gallantly leading his men in the Battle of San Juan Hill, Cuba, on July 1, 1898.

Approved June 29, 1948.

[CHAPTER 711]

AN ACT

To transfer administration of the Federal Credit Union Act to the Federal Security Agency.

June 29, 1948
[S. 2225]
[Public Law 813]

Federal Credit Union Act.
Transfer of certain functions to Federal Security Agency.
48 Stat. 1216.
12 U. S. C., Supp. I, §§ 1751–1769 notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all functions, powers, and duties of the Farm Credit Administration and of the Governor thereof under the Federal Credit Union Act, as amended (U. S. C., title 12, secs. 1751–1772), together with the functions of the Secretary of Agriculture with respect thereto, which were transferred

61 Stat. 952.
5 U. S. C., Supp. I, § 133y–16 note.

to the Federal Deposit Insurance Corporation by Reorganization Plan Numbered 1 of 1947, part IV, section 401, are hereby transferred to the Federal Security Agency.

Bureau of Federal Credit Unions.

SEC. 2. There is hereby established in the Federal Security Agency a Bureau of Federal Credit Unions, which shall be under the supervision of a Director appointed by the Federal Security Administrator. The Bureau of Federal Credit Unions and the Director thereof shall be under the general direction and supervision of the Federal Security Administrator. The functions, powers, and duties of the Farm Credit Administration under the Federal Credit Union Act, as amended, shall be exercised by the Bureau of Federal Credit Unions. The functions, powers, and duties of the Governor of the Farm Credit Administration under the Federal Credit Union Act, as amended, shall be exercised by the Director of the Bureau of Federal Credit Unions.

Duties, etc.

Transfer of property, etc.

SEC. 3. There are hereby transferred to the Federal Security Agency, to be used in the administration of the functions hereby transferred, (a) all property, including office equipment, transferred to the Federal Deposit Insurance Corporation pursuant to Executive Order 9148 of April 27, 1942, and in use on the effective date of this Act; (b) all property, including office equipment, purchased by the Corporation for use exclusively in connection with the administration of the Federal Credit Union Act, as amended, the cost of which has been charged to such functions and which is in use on the effective date of this Act; (c) all records and files pertaining exclusively to the supervision of Federal Credit Unions; and (d) all personnel employed primarily in the administration of the Federal Credit Union Act, as amended, on the effective date of this Act.

12 U. S. C. § 1751 note.

48 Stat. 1216.
12 U. S. C. §§ 1751–1772; Supp. I, §§ 1751–1769 notes.

Transfer of funds.

SEC. 4. All funds allocated, specifically or otherwise, in the budget of the Federal Deposit Insurance Corporation for the administration of the Federal Credit Union Act, as amended, during the fiscal year ending June 30, 1949, which may be unexpended on the effective date of this Act, shall be transferred by the Corporation to the Federal Security Agency for use in the administration of the Federal Credit Union Act, as amended. The Corporation shall be reimbursed for the funds so transferred and shall also be reimbursed for all other funds expended by it prior to the effective date of this Act in the administration of the Federal Credit Union Act, as amended, in excess of fees from Federal credit unions received by the Corporation, by deducting such amounts from the first moneys payable to the Secretary of the Treasury on account of the retirement of the stock of the Federal Deposit Insurance Corporation owned by the United States, and the Corporation shall have a charge on such stock for such amounts.

Reimbursement of Federal Deposit Insurance Corporation.

Effective date.

SEC. 5. This Act shall become effective on the thirtieth day following the date of enactment.

Approved June 29, 1948.

[CHAPTER 712]

June 29, 1948
[S. J. Res. 202]
[Public Law 814]

JOINT RESOLUTION

To change the name of the Potholes Dam in the Columbia Basin project to O'Sullivan Dam.

O'Sullivan Dam.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam known as Potholes Dam in the Columbia Basin project shall hereafter be known as O'Sullivan Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to under the name of Potholes Dam shall be held to refer to such dam under and by the name O'Sullivan Dam.

Approved June 29, 1948.

[CHAPTER 713]

AN ACT

To provide for the training of air-traffic control-tower operators.

June 29, 1948
[S. 3]
[Public Law 815]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Civil Aeronautics Act of 1938, as amended, is amended by adding a new subsection (d) to read as follows:

Civil Aeronautics Act of 1938, amendment.
52 Stat. 985.
49 U. S. C. § 452.
Post, p. 1216.

"(d) (1) The Administrator is authorized, within the limits of available appropriations made by the Congress, to train civilian and governmental air-traffic control-tower operators or to conduct programs for such training, including studies and researches as to the most desirable qualifications for air-traffic control-tower operators. Such training or programs shall be conducted pursuant to such regulations as the Administrator may from time to time prescribe, including such fees as the Administrator may deem necessary or desirable. Such training or programs may be carried out by the Administrator either through the use of his own facilities and personnel or by contracts with educational institutions, or other persons.

Training of air-traffic control-tower operators.

"(2) The Administrator is authorized to lease or accept loans of such real property, and to purchase, lease, exchange, or accept loans of such personal property and facilities, and to repair, maintain, and operate such property and such facilities, as may be necessary or desirable for carrying out the provisions of this section.

Lease, etc., of property.

"(3) For the purpose of carrying out his functions under this section, the Administrator is authorized to exercise all powers conferred upon him by any other provisions of this Act and to appoint and fix the compensation for instructors, airmen, medical and other professional examiners, and experts in training or research without regard to the provisions of the civil-service laws or the Classification Act of 1923, as amended. The provisions of section 3709 of the Revised Statutes shall not apply to contracts with educational institutions and other persons for the use of aircraft, control towers, or other facilities or for the performance of services authorized by this section.

42 Stat. 1488.
5 U. S. C. §§ 661–674.
41 U. S. C. § 5.

"(4) Any executive department or independent establishment is hereby authorized to cooperate with the Administrator in carrying out the purposes of this section, and for such purposes may lend or transfer to the Administrator, by contract or otherwise, or if so requested by the Administrator, lend to educational institutions or other persons cooperating with the Administrator in the conduct of any such training or program, officials, experts, or employees, aircraft, control towers and other property or equipment, and lands or buildings under its control. For the purposes of this section, the Administrator shall have the power to accept and utilize voluntary and uncompensated services, equipment, facilities, and information of any State, Territory, or political subdivision, or any agency thereof.

Cooperation of government agencies.

Voluntary services.

"(5) Any executive department or independent establishment is hereby authorized to detail personnel of such executive department or independent establishment to be trained as provided herein at Government expense: *Provided*, That no such personnel shall lose their individual status or seniority rating in the executive department or independent establishment merely by reason of absence due to such training.

Detail of personnel.

"(6) There are hereby authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions of this section."

Appropriation authorized.

Approved June 29, 1948.

[CHAPTER 714]

AN ACT

June 29, 1948
[S. 239]
[Public Law 816]

To provide for a Board of Visitors to the United States Naval Academy and for a Board of Visitors to the United States Military Academy, and for other purposes.

U. S. Naval and Military Academies. Boards of Visitors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed on or before the last day of every year a Board of Visitors to the United States Naval Academy and a Board of Visitors to the United States Military Academy.

Composition.

SEC. 2. Each Board shall be constituted as follows:

(a) The chairman of the Committee on Armed Services of the Senate or his designee;

(b) Three other Members of the Senate to be appointed by the Vice President or President pro tempore of the Senate, two of whom shall be members of the Committee on Appropriations of the Senate;

(c) The chairman of the Committee on Armed Services of the House of Representatives or his designee;

(d) Four other Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, two of whom shall be members of the Committee on Appropriations of the House of Representatives; and

(e) Six persons to be appointed by the President. The first Board to be appointed pursuant to the provisions of this Act shall, with respect to the nine Presidential appointees, consist of two persons appointed to serve for a period of one year, two persons appointed to serve for a period of two years, and two persons appointed to serve for a period of three years. Two Presidential appointees shall be appointed to each subsequent Board to serve for a period of three years.

Death or resignation of board member.

SEC. 3. In case of the death or resignation of a member of a Board during the term for which such member was appointed, a successor shall be appointed for the unexpired portion of the term. Such successor shall be appointed by the official, or his successor, who appointed the member who died or resigned.

Visits to Academies.

SEC. 4. Each Board shall visit the respective Academy for which it is appointed once annually in April, and each Board or the individual members thereof may, with the approval of the Secretary of the Navy or the Secretary of the Army, as the case may be, make such other visits on matters pertaining to the duties of the Board, or for purposes of consulting with the respective Superintendents of the Academies, as the Board or its members may determine to be desirable.

Duties.

SEC. 5. (a) It shall be the duty of each Board to inquire into the state of morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy concerned which the Board may decide to consider.

Report to President.

(b) Each Board shall, within sixty days after the meeting designated as the annual visit, submit a written annual report to the President regarding its action as such Board, together with its views and recommendations pertaining to the Academy concerned. Any report based on a visit other than the annual visit shall be submitted by the originator or originators thereof to the President within sixty days after approval of said report by at least a majority of the members of the Board.

Consultation with advisers.

(c) Each Board is authorized to call into consultation upon prior approval of the Secretary of the Navy or the Secretary of the Army, as the case may be, such advisers as it may deem necessary or advisable to effectuate the duties imposed upon it by the provisions of this Act.

Compensation.

SEC. 6. (a) Each member of each Board shall receive not more than

$5 per day and be reimbursed under Government travel regulations for actual expenses of travel while performing duties as a member of either Board.

(b) Advisers called for consultation by either Board in connection with the business of the Board shall be compensated in the same manner as members of the Boards in accordance with the provisions of subsection (a) of this section. Compensation of advisers.

SEC. 7. That part of the Act of August 29, 1916, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", which relates to the Board of Visitors to the United States Naval Academy (39 Stat. 608) and reads as follows: "From and after the passage of this Act there shall be appointed every year, in the following manner, a Board of Visitors, to visit the academy, the date of the annual visit of the board aforesaid to be fixed by the Secretary of the Navy: Seven persons shall be appointed by the President and four Senators and five Members of the House of Representatives shall be designated as visitors by the Vice President or President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, in the month of January of each year. The chairman of the Committee on Naval Affairs of the Senate and chairman of the Committee on Naval Affairs of the House of Representatives shall be ex officio members of said board. Repeals. 34 U. S. C. § 1081.

"Each member of said board shall receive while engaged upon duties as a member of the board not to exceed $5 a day and actual expenses of travel by the shortest mail routes", is hereby repealed.

SEC. 8. (a) So much of the provision of the Act of August 9, 1912, entitled "An Act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", which provides as follows: "*Provided*, That the Act approved May twenty-eighth, nineteen hundred and eight, be amended and reenacted so as to read as follows: That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Military Academy annually at such time as the chairman of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the said committees may elect during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board not to exceed five dollars per day and their actual expenses of travel by the shortest mail routes" is hereby repealed. 37 Stat. 257. 10 U. S. C. §§ 1051, 1053. 35 Stat. 436.

(b) The Act of May 17, 1928, entitled "An Act to provide for the membership of the Board of Visitors to the United States Military Academy, and for other purposes" (45 Stat. 597), is hereby repealed. 10 U. S. C. §§ 1052a, 1054a.

Approved June 29, 1948.

[CHAPTER 715]

AN ACT

Relating to the arming of American vessels.

June 29, 1948
[S. 1107]
[Public Law 817]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during time of war or national emergency the President is authorized, through such Arming of American vessels.

agency or agencies of the National Military Establishment as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in the Neutrality Act of 1939. For the purposes of this Act, the term "national emergency" means any time at which the President determines that the security of the United States is threatened through the application, or imminent danger of the application, of physical force by any foreign government or agency against the United States, its citizens, their property, or commercial interests. The provisions of section 16 of the Criminal Code (relating to bonds from armed vessels on clearing) shall not apply to any such vessel.

54 Stat. 12.
22 U. S. C. § 456 (d).
"National emergency."

18 U. S. C. § 28.
Ante, p. 683.

Effective date.

SEC. 2. The provisions of this Act shall become effective on July 1, 1948.

Approved June 29, 1948.

[CHAPTER 716]

June 29, 1948
[S. 1447]
[Public Law 818]

AN ACT

To prohibit the importation of foreign wild animals and birds under conditions other than humane, and for other purposes.

Importation of birds and animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (U. S. C., title 18, sec. 391), is amended to read as follows:

35 Stat. 1137.
Ante, p. 864.

Restrictions.

"SEC. 241. (a) The importation into the United States or any Territory or district thereof, of the mongoose, the so-called 'flying foxes' or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of the Interior may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. Nothing in this subsection shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of the Interior may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this subsection and subsection (b).

Transportation permits, requirements.

"(b) The Secretary of the Treasury shall prescribe such requirements and issue such permits as he may deem necessary for the transportation of wild animals and birds under humane and healthful conditions, and it shall be unlawful for any person, including any importer, knowingly to cause or permit any wild animal or bird to be transported to the United States, or any Territory or district thereof, under inhumane or unhealthful conditions or in violation of such requirements. In any criminal prosecution for violation of this subsection and in any administrative proceeding for the suspension of the issuance of further permits—

"(1) the condition of any vessel or conveyance, or the enclosures in which wild animals or birds are confined therein, upon its arrival in the United States, or any Territory or district thereof, shall constitute relevant evidence in determining whether the provisions of this subsection have been violated; and

"(2) the presence in such vessel or conveyance at such time of a substantial ratio of dead, crippled, diseased, or starving wild animals or birds shall be deemed prima facie evidence of the violation of the provisions of this subsection."

Approved June 29, 1948.

[CHAPTER 717]

AN ACT

To provide for an air parcel-post service, and for other purposes.

June 29, 1948
[S. 2281]
[Public Law 819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rate of postage on mailable matter exceeding eight ounces in weight, but not weighing more than seventy pounds nor measuring more than one hundred inches in length and girth combined, when carried by air and including other transportation to and from air-mail routes, shall, except as otherwise herein provided, be determined on the basis of the eight postal zones established for fourth-class matter, as follows:

Air parcel-post service.

(1) For delivery within the first or second zones, 55 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 4 cents for each additional pound or fraction thereof.

Postage rates.

(2) For delivery within the third zone, 60 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 8 cents for each additional pound or fraction thereof.

(3) For delivery within the fourth zone, 65 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 14 cents for each additional pound or fraction thereof.

(4) For delivery within the fifth zone, 70 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 24 cents for each additional pound or fraction thereof.

(5) For delivery within the sixth zone, 75 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 33 cents for each additional pound or fraction thereof.

(6) For delivery within the seventh zone, 75 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 45 cents for each additional pound or fraction thereof.

(7) For delivery within the eighth zone, which, with respect to air parcel post, shall include all offices located in continental United States beyond the seventh zone, 80 cents for the first pound or fraction thereof over eight ounces, plus 65 cents for each additional pound or fraction thereof.

(8) For air parcels exchanged between offices in continental United States and offices in Territories and possessions of the United States, in either direction, and between offices within such Territories and possessions, the applicable zone rate shown in paragraphs (1) to (6) of this section shall apply to and including the seventh zone: *Provided*, That for offices falling in the eighth zone the rate of postage for air parcels weighing in excess of eight ounces shall be 80 cents for each pound or fraction thereof.

Surcharge.

(9) Mailable matter of light weight in relation to size shall be subject to such surcharge as may be determined by the Postmaster General to be warranted by reason of the extra space and care required in handling and transporting such mail matter.

(10) The Postmaster General is authorized and directed to make such rules and regulations, not inconsistent with the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious transportation by air of mail matter weighing in excess of eight ounces.

49 U. S. C. §§ 401-681; Supp. I, § 421 *et seq.*
Ante, pp. 470, 493, 494, 1093; *post*, p. 1216.

Adjustment of postage rates, zones, etc.

(11) The Postmaster General is further authorized and directed for the period of two years, notwithstanding the provisions of paragraphs (1) to (9), inclusive, of this section, to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions, or either, in order to promote the service to the public and assure the receipt of revenue from such service adequate to pay the cost thereof.

Lease of quarters at public airports.

SEC. 2. The Postmaster General is hereby authorized, in the disbursement of the appropriation for domestic air-mail service, to apply a part thereof to the purpose of leasing suitable quarters at public airports for use in the handling and distribution of air mail at a reasonable rental to be paid quarterly or monthly, for a term not exceeding twenty years.

60 Stat. 1062.
39 U. S. C. § 463.
Post, p. 1261.

SEC. 3. Section 1 of the Act of August 14, 1946 (Public Law 730, Seventy-ninth Congress, second session), entitled "An Act to fix the rate of postage on domestic air mail, and for other purposes", is hereby amended to read as follows:

Domestic air mail postage rates.

"The rate of postage on domestic air mail weighing eight ounces or less shall be 5 cents for each ounce or fraction thereof: *Provided*, That the rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided for air parcels but in no case shall be less than 3 cents an ounce or fraction thereof."

Effective date.

SEC. 4. This Act shall take effect on the first day of the third month following the month of enactment.

Approved June 29, 1948.

[CHAPTER 718]

June 29, 1948
[S. 2376]
[Public Law 820]

AN ACT

To provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold.

Agricultural commodities.
Revolving fund for purchases by Department of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law, the Secretary of the Army is authorized to issue notes from time to time for purchase by the Secretary of the Treasury, not to exceed in the aggregate outstanding at any time $150,000,000. Each such note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the note. Payment of the purchase price of such notes and repayments thereof by the Secretary of the Army shall be treated as public-debt transactions of the United States. The proceeds of these notes shall be used by the Secretary of the Army, or his duly authorized representatives, as a revolving fund for the purpose of (a) purchasing natural fibers (including cotton waste) produced in the United States, and such other materials, including starch, dyestuff, roller leather, and card clothing as may be used in processing and finishing such fibers; (b) transporting such fibers and other materials to occupied areas, making them available for processing, and having such fibers processed in such areas; (c) insuring such fibers and materials and the products obtained from such processing; and (d) selling products obtained from such processing. In the case of wool, mohair, or flax fiber, only those types and grades shall be purchased hereunder as the Secretary of Agriculture, in the light of supplies on hand in the United States, designates as available for export; and stocks held by Commodity Credit Corporation of the types and grades so designated shall be purchased before other purchases are made of such types and grades. For the purpose of this Act an occupied area shall be considered as any liberated or occupied area, which is at the time, occupied by United States forces or such an area occupied jointly with another power or powers when it is considered by the Secretary of the Army to be necessary or desirable to include such an area, in order to carry out United States objectives: *Provided*, That a treaty of peace shall not have been ratified and confirmed for such an area.

"Occupied area."

Limitation.

Conditions for purchase.

SEC. 2. Neither the Secretary, nor any duly authorized representative, shall use the fund created by this Act for the purchase of any commodity unless, on the date of purchase of such commodity, it appears in his best judgment that within fifteen months after such date—

(a) such commodity will be processed, or used in processing operations, in an occupied area; and

(b) so much of the products obtained from such processing will be sold under such terms and for such currencies as will be necessary to cover, in United States dollars, (1) all amounts expended from the fund in connection with such commodity plus (2) an appropriate portion of the interest payable to the Secretary of the Treasury on account of loans made pursuant to this Act.

Proceeds from sale.

SEC. 3. The proceeds from the sale of products of commodities purchased with moneys from the fund, to the extent of the amounts specified in section 2, shall be returned to the fund.

Report to Congress.

SEC. 4. Annually after the date of enactment of this Act the Secretary of the Army shall make a complete report to the Congress with respect to the status of the fund. At such time as there shall no longer be any occupied area within the meaning of this Act, or at such earlier time as the President or the Congress by concurrent resolution shall determine that the fund is no longer required for the purposes of this Act, the unobligated balance of the fund shall be repaid to the Secretary of the Treasury; and the Secretary of the Army, as expeditiously as possible consistent with orderly liquidation, (a) shall cause to be sold so much of the commodities purchased with moneys from the fund and products thereof which are then on hand as may be necessary to obtain the amount of any balance then remaining owing to the Secretary of the Treasury on account of loans made pursuant to this Act, and (b) shall repay such amount to the Secretary of the Treasury.

Unobligated balance.
Liquidation.

Sale of fibers and other materials.

SEC. 5. Fibers and other materials purchased for processing in any particular occupied area may, if a treaty of peace is ratified and confirmed with respect to such area prior to the processing of such commodities, be processed and sold, or sold, in such manner as the Secretary of the Army may deem to be in the best interest of the United States. If, after purchasing any such commodity with moneys from the fund, it shall appear to the Secretary of the Army that the product of such commodity cannot be sold for as much as the amounts specified in clauses (1) and (2) of section 2 of this Act the Secretary of the Army may sell such product for a lesser amount; but, insofar as may be possible, no commodities shall be sold for less than the amounts specified in clauses (1) and (2) of section 2 of this Act.

Sale for lesser amount.

Surplus commodities.

SEC. 6. So much of the commodities purchased with moneys from the fund for processing in any occupied area and so much of the products thereof as are not required to be sold, and so much of the proceeds obtained from the sale of any such commodities or products as is not required to be returned to the fund shall be used and disposed of by the Secretary of the Army, in such manner as he deems fit, for the benefit of the economy of such occupied area.

Rules and regulations.

SEC. 7. In providing for the performance of any of the functions described in section 1 the Secretary of the Army shall to the maximum extent feasible utilize private channels of trade and is hereby authorized to make all necessary rules and regulations for the efficient implementation of the provisions of this Act.

Approved June 29, 1948.

[CHAPTER 719]

June 29, 1948
[S. 2621]
[Public Law 821]

AN ACT

Authorizing the extension of the functions and duties of Federal Prison Industries, Incorporated, to military disciplinary barracks.

Federal Prison Industries, Inc.
Extension of functions, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to the extent and under such terms and conditions as may be agreed upon by the Secretary of Defense, the Attorney General, and the Board of Directors of Federal Prison Industries, Incorporated, the provisions of the Act of May 27, 1930 (ch. 340, 46 Stat. 391; 18 U. S. C. 744a–h); the Act of June 23, 1934 (ch. 736, 48 Stat. 1211; 18 U. S. C. 744i–n); and Executive Order 6917 dated December 11, 1934, shall apply to the industrial employment and training of prisoners convicted by general courts martial and confined in any institution under the jurisdiction of any department or agency comprising the National Military Establishment.

Ante, p. 866.

Ante, p. 866.

3 CFR, p. 296.

Transfer of property.

SEC. 2. Transfer by any department or agency comprising the National Military Establishment to Federal Prison Industries, Incorporated, without exchange of funds is authorized of any property or equipment suitable for use in carrying out the functions and performing the duties covered by any agreement entered into under section 1 hereof.

Additional board member.

SEC. 3. In addition to the members of the Board of Directors of Federal Prison Industries, Incorporated, authorized by section 2 of the Act of June 23, 1934 (ch. 736, 48 Stat. 1211; 18 U. S. C. 744j), the President shall appoint an additional member of the Board as a representative of the Secretary of Defense. Such additional member shall serve at the will of the President and without compensation.

Ante, p. 866.

Transfer of surplus property.

SEC. 4. For its own use in the industrial employment and training of prisoners and not for transfer or disposition, transfers of surplus property under the Surplus Property Act of 1944 may be made to Federal Prison Industries, Incorporated, without reimbursement or transfer of funds.

58 Stat. 765.
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*
Ante, p. 350; *post*, p. 1103.

Approved June 29, 1948.

[CHAPTER 720]

June 29, 1948
[S. 2676]
[Public Law 822]

AN ACT

To authorize the Secretary of the Interior to convey a certain parcel of land in Saint Louis County, Minnesota, to the University of Minnesota.

University of Minnesota.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed, without consideration, to the Regents of the University of Minnesota, a body corporate, organized and existing by virtue of the constitution and laws of the State of Minnesota, all right, title, and interest of the United States in and to those parcels of real property located in the County of Saint Louis, Minnesota, which were formerly operated as a Federal fish-cultural station, and more particularly described as follows:

All that part of sections 5 and 8 in township 50 north, range 13 west, fourth principal meridian, which is bounded as follows: Beginning at a point in the westerly shore of Lester River, three hundred feet southeasterly from the center line of the Duluth, Missabe & Iron Range Railway track measured on a line at right angles to the line of said railroad track, thence southwesterly parallel with said railroad track six hundred and fifty-six feet, thence southeasterly at right angles with the line of said railroad track to the shore of Lake Superior, thence

northeasterly along the shore line of Lake Superior to the mouth of the Lester River, thence along the westerly shore of Lester River to the place of beginning, containing six acres of land, more or less, together therewith all of lots 9 and 10 in block 7 in Lester Park first subdivision, according to the recorded plat thereof, but subject, to the right-of-way for highway purposes as conveyed by deed dated February 7, 1945, recorded on March 13, 1945, at 3:30 o'clock postmeridian, in book 765, page 47, in the offices of the register of deeds in and for Saint Louis County, Minnesota: *Provided*, That the State of Minnesota shall pay 50 per centum of the appraised value of the property as determined by the United States Department of the Interior.

Payment by State.

Approved June 29, 1948.

[CHAPTER 721]

AN ACT

To authorize the transfer of horses and equipment owned by the United States Army to the New Mexico Military Institute, a State institution, and for other purposes.

June 29, 1948
[S. 2698]
[Public Law 823]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army is hereby authorized, upon the request of the institution, to transfer without reimbursement, to the New Mexico Military Institute, Roswell, New Mexico, a tax-supported State institution, to Cornell University, Ithaca, New York, to Norwich University, Norwich, Vermont, and to Virginia Military Institute, Lexington, Virginia, all horses, except those used in the Remount breeding program, together with their records and equipment, property of the United States Army, located at and utilized by each of the said institutions for military training purposes: *Provided*, That the receiving institution in each case agrees to arrange for the proper pension and old-age care of the donated horses.

U. S. Army horses and equipment. Transfer to certain universities.

Condition.

Approved June 29, 1948.

[CHAPTER 722]

AN ACT

To extend for two years the authority to provide for the maintenance of a domestic tin-smelting industry.

June 29, 1948
[S. 2830]
[Public Law 824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the joint resolution entitled "Joint resolution to strengthen the common defense and to meet industrial needs for tin by providing for the maintenance of a domestic tin-smelting industry", approved June 28, 1947, is amended by striking out "June 30, 1949," and inserting in lieu thereof "June 30, 1951,".

61 Stat. 190.
50 U. S. C., Supp. I, § 98 note.

Approved June 29, 1948.

[CHAPTER 723]

AN ACT

To amend the Reconstruction Finance Corporation Act, as amended.

June 29, 1948
[S. 2377]
[Public Law 825]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (c) of the Reconstruction Finance Corporation Act, as amended, is hereby amended by striking out "$25,000,000" and inserting in lieu thereof "$40,000,000".

Ante, p. 264.

Approved June 29, 1948.

[CHAPTER 724]

June 29, 1948
[H. J. Res. 421]
[Public Law 826]

JOINT RESOLUTION

To authorize and direct the Commissioners of the District of Columbia to investigate and study certain matters relating to parking lots in the District of Columbia.

Parking lots, D. C. Study and investigation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioners of the District of Columbia are authorized and directed to conduct a full and complete investigation and study in order to determine (1) charges imposed for parking on parking lots in the District of Columbia, (2) services supplied by the operators of such parking lots, and (3) how such charges and services compare with charges and services of operators of parking lots in other cities.

Report to Congressional committees.

(b) The Commissioners shall make a report to the Committee on the District of Columbia of the Senate and to the Committee on the District of Columbia of the House of Representatives not later than January 2, 1949, the results of such investigation and study, together with such recommendations as they may deem advisable.

Approved June 29, 1948.

[CHAPTER 725]

June 29, 1948
[H. J. Res. 427]
[Public Law 827]

JOINT RESOLUTION

Correcting Act establishing the Theodore Roosevelt National Memorial Park, as amended.

Theodore Roosevelt National Memorial Park.
61 Stat. 52.
16 U. S. C., Supp. I, § 241.
Ante, pp. 352, 384.

Whereas a clerical or printer's error by omission of words appears in section 1 of Public Law Numbered 620 amending the Act of April 25, 1947, establishing the Theodore Roosevelt National Memorial Park: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of April 25, 1947, establishing the Theodore Roosevelt National Memorial Park as amended by Public Law Numbered 620 be further amended by striking out the period at the end of section 1 and inserting the following: ", are hereby dedicated and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Theodore Roosevelt National Memorial Park. The Secretary of the Interior is authorized, in his discretion, to construct and maintain a road or highway through the park connecting with a State or Federal highway."

Construction of road, etc.

Approved June 29, 1948.

[CHAPTER 726]

June 29, 1948
[H. J. Res. 428]
[Public Law 828]

JOINT RESOLUTION

Providing an extension of time for claiming credit or refund with respect to war losses

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if a claim for credit or refund under the internal-revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code, relating to war losses, for a taxable year beginning in 1941 or 1942, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1949. In the case of such a claim filed on or before December 31, 1949, the amount of the credit

56 Stat. 852.
26 U. S. C. § 127 (a); Supp. I, § 127 note.
53 Stat. 91.
26 U. S. C. § 322 (b) (1).

or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of the Internal Revenue Code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

53 Stat. 92; 56 Stat. 876.
26 U. S. C. § 322 (b) (2), (3).

Approved June 29, 1948.

[CHAPTER 727]

AN ACT

To amend section 13 (a) of the Surplus Property Act of 1944, as amended.

June 29, 1948
[H. R. 2239]
[Public Law 829]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 (a) of the Surplus Property Act of 1944, as amended, is hereby amended by inserting a new paragraph as follows:

Surplus Property Act of 1944, amendment.
58 Stat. 770.
50 U. S. C. app. § 1622 (a); Supp. I, § 1622.
Ante, p. 350.
Disposals to States, etc.

"(3) Surplus property certified by the Governor of the State in which the property is situated and by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, as being suitable and needed for use in training and maintaining any civilian component of the armed forces under his jurisdiction may be disposed of to States, their political subdivisions or tax-supported instrumentalities, subject to such terms and conditions as the Administrator determines to be necessary to properly protect the interests of the United States. Such disposals shall be without monetary consideration: *Provided*, That the Government shall be reimbursed for such costs incident to the disposal of the property as the Administrator may deem proper, including the expense of removal of any machinery, equipment, or personal property not transferred as a part of such disposal."

Approved June 29, 1948.

[CHAPTER 728]

AN ACT

To amend section 624 of the Public Health Service Act so as to provide a minimum allotment of $100,000 to each State for the construction of hospitals.

June 29, 1948
[H. R. 4816]
[Public Law 830]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 624 of the Public Health Service Act, as amended, is amended to read as follows: "Each State for which a State plan has been approved prior to or during a fiscal year shall be entitled for such year to an allotment of a sum bearing the same ratio to the sums authorized to be appropriated pursuant to section 621 for such year as the product of (a) the population of such State and (b) the square of its allotment percentage (as defined in section 631 (a)) bears to the sum of the corresponding products for all of the States: *Provided*, That no such allotment to any State shall be less than $100,000 but for the purpose of this proviso the term State shall not include the Virgin Islands."

Public Health Service Act, amendment.
60 Stat. 1045.
42 U. S. C. § 291g.
60 Stat. 1042.
42 U. S. C. § 291d.
60 Stat. 1046.
42 U. S. C. § 291i (a).
Ante, p. 531.
Minimum allotment.

SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1948, and for each of the three succeeding fiscal years, such sums as may be necessary to provide increased allotments for the construction of hospitals pursuant to the first sentence of section 624 of the Public Health Service Act, as amended by the first section of this Act.

Appropriation authorized.
Supra.

Approved June 29, 1948.

[CHAPTER 729]

June 29, 1948
[H. R. 5734]
[Public Law 831]

AN ACT

To authorize the Administrator of Veterans' Affairs to convey to the city of Cheyenne, Wyoming, for public-park and golf-course purposes, certain land situated within the boundaries of the Veterans' Administration center at Cheyenne, Wyoming.

Cheyenne, Wyo.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey by quitclaim deed to the city of Cheyenne, Wyoming, a parcel of land situated within the boundaries of the Veterans' Administration center at Cheyenne, Wyoming, which is described as follows:

The north half of the northwest quarter, the southeast quarter of the northwest quarter, the northeast quarter, and the southeast quarter less a strip of land one hundred and fifty feet wide along the entire west side of the said quarter section, all in section 28, township 14 north, range 66 west, of the sixth principal meridian, in Laramie County, Wyoming.

The deed shall reserve to the United States the interests in fissionable material as provided in Executive Order 9908, dated December 5, 1947, and shall provide for reversion of title to the United States should the city of Cheyenne fail to maintain a public park and golf course on the land: *Provided*, That a lease of any portion or portions of such land to a Federal agency shall not be deemed a failure to maintain a public park and golf course.

3 CFR, 1947 Supp., p. 176.

Lease to Federal agency.

Approved June 29, 1948.

[CHAPTER 730]

June 29, 1948
[H. R. 5750]
[Public Law 832]

AN ACT

To provide for the extension and improvement of post-office facilities at Los Angeles, California, and for other purposes.

Los Angeles, Calif.
Post-office facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Works Administrator is authorized and directed to enter into contracts, under plans and specifications to be approved by him and by the Postmaster General, for the construction of an additional story and the extension and remodeling of the existing Terminal Annex Station. The cost of such additional story and extension and remodeling with plans and specifications to the Terminal Annex Station shall not exceed $1,000,000.

Handling mail by air transport.

(b) In carrying out the provisions of this Act, the Administrator, with the approval of the Postmaster General, is further authorized to make due provision for the methods of handling mail matter in metropolitan areas by air transport.

Appropriation authorized.
Ante, p. 1033.

SEC. 2. There is authorized to be appropriated the sum of $1,000,000, or so much thereof as may be necessary, to carry out the provisions of this Act.

Approved June 29, 1948.

[CHAPTER 731]

June 29, 1948
[H. R. 5861]
[Public Law 833]

AN ACT

To direct the Secretary of Agriculture to convey certain land to the State of Oklahoma.

Oklahoma.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby directed to convey to the State of Oklahoma,

without consideration and on behalf of the United States, the southeast quarter and the east half of the southwest quarter of section 9 and the northeast quarter and the east half of the northwest quarter of section 16, township 3 north, range 23 east, of the Indian meridian, Le Flore County, Oklahoma, for the purpose of constructing a dam.

Approved June 29, 1948.

[CHAPTER 732]

AN ACT

To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

June 29, 1948
[H. R. 5888]
[Public Law 834]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, and for continuing the construction and reconstruction of highways in accordance with the provisions of the Federal-Aid Highway Act of 1944 approved December 20, 1944 (58 Stat. 838), there is hereby authorized to be appropriated the sum of $450,000,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951.

Federal-Aid Highway Act of 1948.

23 U. S. C. § 48; 16 U. S. C. § 503.

23 U. S. C. §§ 60–63.

Appropriation authorized.

The sum herein authorized for each fiscal year shall be available for expenditure as follows:

Availability of appropriation.

Forty-five per centum for projects on the Federal-aid highway system.

Thirty per centum for projects as set forth in paragraph (b) of section 3 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), except that for the purposes of this Act and all subsequent Acts continuing the postwar construction and reconstruction of highways in accordance with the provisions of the Federal-Aid Highway Act of 1944, (1) the term "secondary and feeder roads" and the term "principal secondary and feeder roads", wherever used in the Federal-Aid Highway Act of 1944, shall include county and township roads; and (2) in selecting county and township roads on which funds are to be expended, the State highway departments shall cooperate with township trustees and other appropriate local road officials; and

58 Stat. 838.
23 U. S. C. §§ 60–63.
"Secondary and feeder roads"; "principal secondary and feeder roads."

Twenty-five per centum for projects on the Federal-aid highway system in urban areas.

The said sums, respectively, for any fiscal year, shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944 approved December 20, 1944: *Provided*, That the authorization for the fiscal year ending 1950 shall be apportioned among the States as soon as practicable after July 1, 1948, but not later than September 1, 1948.

Apportionment.

58 Stat. 840.

Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two fiscal years after the close of the fiscal year for which such sums are authorized, and any sums apportioned to any State under section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944, shall be available for expenditure in that State for three fiscal years after the close of the fiscal year for which such sums are authorized and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year, including any funds authorized to be appropriated under this Act, shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is

Period of availability of funds.

58 Stat. 840.

covered by formal agreements with the Commissioner of Public Roads for the improvement of specific projects as provided by this Act.

Cooperation in studies, etc.

SEC. 2. The Commissioner of Public Roads is hereby directed to cooperate with the State highway departments in a study of the status of improvement of the National System of Interstate Highways, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944; to invite the cooperation and suggestions of the Secretary of Defense and the National Security Resources Board as to their indicated or potential needs for improved highways for the national defense; and to supplement, not later than April 1, 1949, the report dated February 1, 1941, entitled "Highways for the National Defense" (Seventy-seventh Congress, first session), to reflect current conditions and deficiencies.

58 Stat. 842.
23 U. S. C. § 60.

Supplemental report.

Appropriation authorized.
23 U. S. C. § 23.

SEC. 3. (a) For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of $20,000,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951, subject to the provision of section 9 of the Federal-Aid Highway Act of 1944 respecting the apportionment for forest highways in Alaska; and (2) for forest development roads and trails the sum of $17,500,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951: *Provided*, That immediately upon the passage of this Act the appropriation herein authorized for forest highways for the fiscal year ending June 30, 1950, shall be apportioned by the Federal Works Administrator for expenditure in the several States, Alaska, and Puerto Rico, according to the area and value of the land owned by the Government within the national forests therein which the Secretary of Agriculture is hereby directed to determine and certify to him from such information, sources, and departments as the Secretary of Agriculture may deem most accurate, and hereafter, on or before January 1 next preceding the commencement of each succeeding fiscal year the Federal Works Administrator shall make like apportionment of the appropriation authorized for such fiscal year: *Provided further*, That the Commissioner of Public Roads may incur obligations, approve projects, and enter into contracts under the apportionment of such authorizations, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations made pursuant to authorizations heretofore, herein, and hereafter enacted for forest highways shall be considered available to the Commissioner of Public Roads for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Federal Works Administrator and the Secretary of Agriculture: *Provided further*, That the Commissioner of Public Roads shall transfer to the Chief of the Forest Service from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

Forest highways, etc.

58 Stat. 842.

Apportionment.

Contracts.

Availability of appropriations.

Limitation.

Transfer of funds.

58 Stat. 842.

(b) The authorization in section 9 of the Federal-Aid Highway Act of 1944 for forest highways for the fiscal year ending June 30, 1948, is hereby canceled.

Advertisement for bids.

(c) Hereafter, construction work on forest-development roads and trails, pursuant to the provisions of section 23 of the Federal Highway

Act of November 9, 1921, as amended and supplemented, estimated to cost $10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $10,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

42 Stat. 218.
23 U. S. C. § 23.

SEC. 4. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951.

Park roads and trails.

16 U. S. C. §§ 8a–8c.

Appropriation authorized.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951.

Access parkways.

Appropriation authorized.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of $6,000,000 for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

Indian reservation roads and bridges.

25 U. S. C. § 318a.
Appropriation authorized.

SEC. 5. All provisions of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), not inconsistent with this Act, shall remain in full force and effect.

23 U. S. C. §§ 60–63.

SEC. 6. The first paragraph of section 21 of the Federal Highway Act, approved November 9, 1921 (23 U. S. C. 21), is hereby amended to read as follows:

42 Stat. 217.

"That so much, not to exceed 3¾ per centum, of all moneys appropriated or authorized to be appropriated for expenditure under the provisions of this Act, as the Federal Works Administrator may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted therefrom for such purposes when the apportionment is made and the amount so deducted shall be available until expended from appropriations made under the provisions of this Act: *Provided*, That should the apportionment of the amounts authorized for the third postwar fiscal year be made in accordance with section 4 of the Federal-Aid Highway Act of 1944 before the approval of this Act, a revised apportionment may be made and the increased amount authorized by this section deducted for administration, research, and investigational studies."

Research studies, etc.

Revised apportionment.

58 Stat. 840.

SEC. 7. This Act may be cited as the "Federal-Aid Highway Act of 1948".

Short title.

Approved June 29, 1948.

[CHAPTER 733]

AN ACT

June 29, 1948
[H. R. 6028]
[Public Law 835]

To authorize appropriations for the Bureau of Reclamation for payments to school districts on certain projects during their construction status.

Bureau of Reclamation.
Payment to school districts authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, giving due consideration to the temporary nature of the requirements therefor, is authorized to make such provision as he deems to be necessary and in the public interest for the education of dependents of persons employed on the actual construction of projects or features of projects, by the Bureau of Reclamation, in any cases in which he finds that by reason of such construction activity, an undue burden is, or will be cast upon the facilities of the public-school districts serving the areas in which construction is being undertaken, and to pay for the same from any funds available for the construction of said projects: *Provided*, That the Secretary of the Interior shall enter into cooperative arrangements with local school districts wherein such features are situated to contribute toward covering the cost of furnishing the educational services required for such dependents, or for the operation by those school districts of Government facilities, or for the expansion of local school facilities. Such cost incurred hereunder shall be charged to the project concerned and shall be repayable in the same manner and to the same extent as are its other costs of construction.

Cooperative arrangements.

Report to Congress.

SEC. 2. The Secretary of the Interior shall furnish to the Congress each year, on or before the 3d day of January, a report on all activities undertaken during the preceding fiscal year pursuant to the provisions of this Act, together with such recommendations with respect to problems relating to it as he shall think appropriate.

Approved June 29, 1948, 5:05 p. m., E. D. T.

[CHAPTER 734]

AN ACT

June 29, 1948
[H. R. 6089]
[Public Law 836]

To amend the Act of July 6, 1945 (Public Law 134)

Salary of certain postmasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 6, 1945 (Public Law 134), is amended by adding the following to section 8 (b): "*Provided*, That incumbent postmasters in offices having receipts of $600,000 but less than $1,500,000 shall not have their salary reduced unless the receipts of their respective offices drop below $600,000 for any one calendar year."

59 Stat. 438.
39 U. S. C. § 858 (b).
Post, p. 1260.

Approved June 29, 1948.

[CHAPTER 735]

AN ACT

June 29, 1948
[H. R. 6452]
[Public Law 837]

To amend section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended.

District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 20 (a) of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended, be amended by adding thereto an additional paragraph to read as follows:

47 Stat. 553.
D. C. Code § 47-2320 (a).

"When in the opinion of the Chief Engineer of the Fire Department of the District of Columbia, it is necessary to post firemen at, on, and about the licensed premises for the protection of the public safety, in addition to the license fee provided for above, such owners or managers shall pay a further monthly permit fee, to be determined monthly by the said Chief Engineer, based upon a reasonable estimate of the number of hours to be spent by firemen at, on, and about the licensed premises, such fee to be payable in advance on the first day of the month for which the permit is sought. The firemen so assigned shall be charged for by the hour at the wage rate of the firemen so assigned in effect on the first day of the month for which the permit is sought."

Fire details at theaters.

Monthly permit fee.

SEC. 2. That paragraph 20 (c) of section 7 of said Act be amended by striking out the period at the end of the paragraph, inserting a colon, and adding the following words: "*Provided further*, That when, in the opinion of the Major and Superintendent of Police and the Chief Engineer of the Fire Department of the District of Columbia, or either of them, it is necessary to post policemen or firemen, or both, at, on, and about the licensed premises for the protection of the public safety, in addition to the license fee provided for above, such owners or managers shall pay a further monthly permit fee, to be determined monthly by the said Major and Superintendent and Chief Engineer, or either of them, based upon a reasonable estimate of the number of hours to be spent by policemen and firemen at, on, and about the licensed premises, this fee to be payable in advance on the first day of the month for which the permit is sought. Policemen and firemen so assigned shall be charged for by the hour at the basic daily wage rate of policemen and firemen so assigned in effect the first day of the month for which the permit is sought."

47 Stat. 553. D. C. Code § 47-2320 (c).

Police and fire details at dances, etc.

Monthly permit fee.

SEC. 3. That paragraph 23 (a) of section 7 of said Act be amended by adding thereto a new paragraph to read as follows:

"When, in the opinion of the Major and Superintendent of Police and Chief Engineer of the Fire Department of the District of Columbia, or either of them, it is necessary to post policemen or firemen, or both, at, on, and about the licensed premises for the protection of the public safety, in addition to the license fee provided for above, such owners or managers shall pay a further monthly permit fee, to be determined monthly by the said Major and Superintendent and Chief Engineer, or either of them, based upon a reasonable estimate of the number of hours to be spent by policemen and firemen, or either of them, at, on, and about the licensed premises, such fee to be payable in advance on the first day of the month for which the permit is sought. Policemen and firemen so assigned shall be charged for by the hour at the basic hourly wage rate of the policemen and firemen so assigned in effect on the first day of the month for which the permit is sought."

47 Stat. 554. D. C. Code § 47-2323 (a).

Police and fire details at athletic contests.

Monthly permit fee.

Approved June 29, 1948.

[CHAPTER 736]

AN ACT

To amend subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended, to authorize renewal of level premium term insurance for a second five-year period, and for other purposes.

June 29, 1948
[H. R. 6507]
[Public Law 838]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended to read as follows:

National Service Life Insurance Act of 1940, amendment. 54 Stat. 1009. 38 U. S. C., Supp. I, § 802 (f). Plans for issuance.

"(f) Such insurance may be issued on the following plans: Five-year level premium term, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and

Conversion of level premium term insurance.

endowment at age sixty-five. Level premium term insurance may be converted as of the date when any premium becomes or has become due, or exchanged as of the date of the original policy, upon payment of the difference in reserve, at any time while such insurance is in force and within the term period to any of the foregoing permanent plans of insurance, except that conversion to an endowment plan may not be made while the insured is totally disabled. All level premium term policies, except as provided below, shall cease and terminate at the expiration of the term period: *Provided*, That at the expiration of the term period any national service life insurance policy which was issued on a five-year level premium term plan before January 1, 1948, and which has not been exchanged or converted to a permanent plan of insurance, may be renewed as level premium term insurance for an additional period of five years at the premium rate for the then attained age without medical examination, provided, the required premiums are tendered prior to the expiration of the first term period: *Provided further*, That in any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this provision, shall be automatically renewed for an additional period of five years at the premium rate for the then attained age, unless the insured has elected insurance on some other available plan. Provisions for cash, loan, paid-up, and extended values, dividends from gains and savings refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable may be provided for in the policy of insurance from time to time by regulations promulgated by the Administrator."

Termination.

Renewal as level premium term insurance.

Total disability.

Other provisions.

Approved June 29, 1948.

[CHAPTER 737]

June 29, 1948
[H. R. 6527]
[Public Law 839]

AN ACT

To provide assistance to certain local school agencies overburdened with war-incurred, or postwar national-defense-incurred, enrollments.

Contributions for operation, etc., of school facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator is authorized to make, in the same manner as heretofore authorized, during the fiscal year ending June 30, 1949, contributions for the operation and maintenance of school facilities to local school agencies requiring assistance that (a) are still overburdened with school enrollments caused by war activities and the transition from war to peacetime conditions and have received during the fiscal year ending June 30, 1948, Federal contributions administered by the Federal Works Administrator for the operation and maintenance of their school facilities, or (b) have become overburdened with defense-incurred school enrollments as the result of the reactivation or expansion of any defense establishment or the operation of any new defense establishment.

Appropriation authorized.
Ante, p. 1034.

SEC. 2. In order to carry out this Act, including administrative expenses therefor, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1949, not to exceed the sum of $6,000,000.

Approved June 29, 1948.

[CHAPTER 738]

AN ACT

To amend the Federal Airport Act.

June 29, 1948
[H. R. 6860]
[Public Law 840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Airport Act is hereby amended to read as follows:

Federal Airport Act, amendment.
60 Stat. 179.
49 U. S. C. § 1116.

"SEC. 17. (a) Reimbursement shall be made to public agencies, as provided in this section, for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency. The Administrator is authorized to render such assistance as he deems necessary to public agencies in the preparation of requests for reimbursement for the cost of rehabilitation or repair of public airports, under the control or management of such public agencies, which have been substantially damaged by any Federal agency and, upon receipt of such a request from a public agency, the Administrator is further authorized, on behalf of the United States, to consider, ascertain, and determine, in accordance with regulations he shall prescribe pursuant to this section, the actual or estimated cost of such necessary rehabilitation or repair for which such public agency is entitled to reimbursement from the United States.

Reimbursement for repair, etc., of public airports.

"(b) Such amount as may be found by the Administrator to be the actual or estimated cost of such rehabilitation or repair shall be certified by the Administrator to Congress, which certification shall include a brief statement of the character of the damage upon which the request for reimbursement is based and of the work performed or to be performed to accomplish such rehabilitation or repair. In the event that, upon completion of such rehabilitation or repair, it is determined that the actual cost thereof, as approved by the Administrator, exceeds the amount of the estimate certified to Congress by him, the Administrator shall certify to Congress the amount by which such actual cost exceeds such estimate including in such certification a brief statement of the cause of the variation between the estimated and the actual cost of such rehabilitation and repair. Certifications made hereunder by the Administrator shall be deemed contractual obligations of the United States, payable as hereinafter provided.

Certification of cost to Congress.

Actual cost exceeding estimate.

"(c) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Administrator to make payments as provided for in this section to public agencies, either upon completion of the rehabilitation or repair involved, or as such rehabilitation or repair progresses, it being the purpose of this subsection to authorize the Administrator to make payments to public agencies, out of funds appropriated pursuant to this section, as reimbursement for the cost of such public agencies of work performed in accomplishing rehabilitation or repair prior to final completion of such work and at such time or times as may be determined by the Administrator, after consultation with the public agency involved: *Provided*, That no such payment made by the Administrator shall be in an amount which, together with all previous payments made to reimburse such public agency for the cost of such rehabilitation or repair, shall exceed the estimated cost of the work then performed. If the Administrator shall determine at any time that the aggregate of such payments exceeds the actual cost of the work then performed the United States shall be entitled to recover such excess. In the event the estimate of the cost of rehabilitation or repair of an airport as certified to Congress

Appropriation authorized.

Limitation on payments.

by the Administrator exceeds the actual cost of such rehabilitation or repair, the amount of such excess shall be covered into the Treasury of the United States as miscellaneous receipts. Appropriations made pursuant to this subsection shall remain available until June 30, 1953, unless sooner expended.

Limitation on submission of claims.

"(d) No request for reimbursement of the cost of rehabilitation or repair to a public airport submitted pursuant to this section shall be considered by the Administrator unless such request has been submitted to him within six months after the occurrence of the damage upon which the request is based, except that in case of a request relating to damage caused by operations of a military nature during time of war, such request may be submitted within six months after the date of termination of such war unless the airport is under the control and management of the United States at the time of termination of such war, in which event the request may be submitted to the Administrator within six months after the transfer of such control or management of the airport to the public agency involved."

Approved June 29, 1948.

[CHAPTER 754]

June 29, 1948
[H. R. 6705]
[Public Law 841]

AN ACT

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1949, and for other purposes.

Interior Department Appropriation Act, 1949.
Ante, p. 1040.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1949, namely:

OFFICE OF THE SECRETARY

Salaries, Office of the Secretary: For the Secretary of the Interior (hereafter in this Act referred to as the Secretary), and other personal services in the District of Columbia and elsewhere, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $1,115,842: *Provided*, That no part of this appropriation shall be used for the broadcast of radio programs designed or calculated to influence the passage or defeat of any legislation pending before the Congress: *Provided further*, That not to exceed $50,000 of this appropriation may be used for the Division of Power under the Office of the Secretary: *Provided further*, That not to exceed $42,750 of this appropriation may be used for the Division of Information or for publicity and public relations activities.

60 Stat. 810.

Radio broadcasts respecting legislation.

Division of Power.

Division of Information.

Salaries, Office of Solicitor: For personal services in the District of Columbia and in the field, $250,000.

Salaries and expenses, Division of Territories and Island Possessions: For expenses necessary for the Division of Territories and Island Possessions, including personal services in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); printing and binding; and items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior"; $160,000.

60 Stat. 810.

Salaries and expenses, Oil and Gas Division: For expenses necessary for coordinating and unifying policies and administration of Federal activities relative to oil, gas, and synthetic fuels, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and petroleum products, natural gas, and synthetic fuels and the compilation of technical

reports thereon, for administering and enforcing the provisions of the Act of February 22, 1935, as amended (15 U. S. C., ch. 15A); including personal services in the District of Columbia; not to exceed $10,000 for employment of a director without regard to the civil-service and classification laws; contract stenographic reporting services; purchase of not to exceed four passenger motor vehicles for replacement only; and printing and binding, $325,000.

49 Stat. 30.
15 U. S. C. §§ 715–715m; Supp. I, ch. 15A note.

Salaries and expenses, Board on Geographic Names: For necessary expenses to carry out the provisions of the Act of July 25, 1947 (Public Law 242), establishing a central authority for standardizing geographic names, including personal services in the District of Columbia, stationery and office supplies, equipment, and printing and binding, $13,266.

61 Stat. 456.
43 U. S. C., Supp. I, §§ 364–364f.

Salaries and expenses, soil and moisture conservation: For necessary expenses of administering and carrying out directly and in cooperation with other agencies a soil and moisture conservation program on lands under the jurisdiction of the Department of the Interior in accordance with the provisions of the Act of April 27, 1935 (16 U. S. C. 590a–590f), and Reorganization Plan Numbered IV, including $108,000 for personal services in the District of Columbia; printing and binding; furniture, furnishings, office equipment and supplies; purchase of not to exceed seven passenger motor vehicles for replacement only; and maintenance, and operation of aircraft; $2,800,000: *Provided*, That this appropriation shall be available for meeting expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Department of the Interior.

49 Stat. 163.
54 Stat. 1235.
5 U. S. C. § 133t note.

Warehouse maintenance, etc.

Contingent expenses, Department of the Interior: For the contingent expenses of the office of the Secretary and the bureaus and offices of the Department (except as otherwise provided), including teletype rentals and service; streetcar fares not exceeding $300; traveling expenses, including not exceeding $10,000 for inspections and investigations by the legislative branch as well as attendance at meetings or conventions concerned with the work of the Department, and any request from appropriate authority in such branch in connection therewith shall be immediately complied with by administrative authority in the Department; purchase of one passenger motor vehicle; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the Department, its bureaus and offices; expense of translations, and not exceeding $1,000 for contract stenographic reporting services; not exceeding $700 for newspapers; and printing and binding, $215,000; and, in addition thereto, sums transferred from other appropriations to this for stationery supplies as follows: Bureau of Land Management, $9,000; Geological Survey, $19,500; National Park Service, $7,500; Bureau of Reclamation, $8,400, any unexpended portion of which shall revert and be credited to the reclamation fund; Bureau of Mines, $9,000.

Investigations by legislative branch.

Transfer of funds for stationery supplies.

Expenses, power transmission facilities: For expenses of the southwestern power transmission system, including marketing of electric power and energy; engineering and supervision of the construction under contracts executed prior to June 30, 1948; administrative expenses; personal services in the District of Columbia; hire of passenger motor vehicles; and printing and binding; $260,000: *Provided*, That $40,000 of this appropriation shall be available only for the payment to employees for accumulated or accrued annual leave due upon their separation from Government service or furlough from active duty.

Payment for accumulated or accrued annual leave.

COMMISSION OF FINE ARTS

36 Stat. 371.

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U. S. C. 104), including personal services in the District of Columbia, hire of passenger motor vehicles, printing and binding and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, $12,000.

BONNEVILLE POWER ADMINISTRATION

Construction, operation, and maintenance, Bonneville power transmission system: To enable the Bonneville Power Administrator to carry out the duties imposed upon him pursuant to law, including the construction of transmission lines, substations, and appurtenant facilities; operation and maintenance of the Bonneville transmission system; marketing of electric power and energy; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of not to exceed eight in the fiscal year 1949, for replacement only, and hire of passenger motor vehicles; and maintenance and operation of aircraft; $21,125,700, to be available until expended, of which amount not to exceed $3,231,800 shall be available in the fiscal year 1949 for operation and maintenance of the Bonneville transmission system, marketing of electric power and energy, and administrative expenses connected therewith, including $25,130 for personal services in the District of Columbia: *Provided*, That in addition to this appropriation the Administrator is authorized to contract in the fiscal year 1949 for materials, equipment and services, for power transmission facilities in an amount not in excess of $11,888,500: *Provided further*, That not exceeding 8 per centum of any construction appropriations for the Bonneville Power Administration contained in this Act shall be available for construction work by force account, or on a hired labor basis: *Provided further*, That not exceeding $12,500 of funds available for expenditure under this appropriation shall be used for salaries and expenses in connection with informational work: *Provided further*, That interest heretofore collected by Bonneville Power Administration from sales of electric energy generated at Grand Coulee Dam on the unamortized balance of investment allocated to power in Grand Coulee Dam shall be covered into the reclamation fund forthwith: *Provided further*, That, awaiting legislation, said interest shall not be allocated during the fiscal year 1949.

60 Stat. 810.

Transmission system.

Contract authority.

Availability of construction appropriations.

Informational work.

Interest from sales of electric energy.

BUREAU OF LAND MANAGEMENT

Salaries and expenses: For necessary expenses not otherwise provided for in carrying out the provisions of the public land and other laws administered by the Bureau of Land Management, including personal services in the District of Columbia; one clerk authorized by the President to sign land patents; printing and binding, advertising, preparation and production of maps and official plats of survey, and for hearings and other proceedings; $1,000,000.

Management, protection, and disposal of public lands: For the administration of the public lands and their resources under the jurisdiction of the Bureau of Land Management, including their protection, use, maintenance, improvement, development, and disposal; the employment of necessary personnel, travel expenses, hearings, investigations, examination and classification of lands; preparation of maps and reports; surveys and resurveys of public lands, including

fragmentary surveys and such other surveys and examinations as may be required; the prevention, presuppression or emergency prevention of fires on or threatening lands under the jurisdiction of the Bureau of Land Management; contract reporting services, purchase of not to exceed fifteen passenger motor vehicles for replacement only and one airplane; the payment of a salary of $6 per diem while actually employed and for payment of necessary travel expenses, exclusive of subsistence, of members of advisory committees of local stockmen, $35,500; and the construction, maintenance, and alteration of necessary buildings; $3,000,000: *Provided*, That this appropriation shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Bureau of Land Management, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to the appropriation for "Management, protection, and disposal of public lands, Bureau of Land Management," current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That this appropriation may be expended for surveys of lands other than those under the jurisdiction of the Bureau of Land Management and in such cases this appropriation shall be reimbursed from the applicable appropriation, fund, or special deposit: *Provided*, That none of the appropriations made in this Act shall be used to pay the salaries of personnel assigned to regional offices of the Bureau of Land Management in excess of the average total number of all personnel assigned to such regional offices during the fiscal year 1948.

Warehouse maintenance, etc.

Surveys of lands.

Regional offices.

Fire fighting: For fighting fires on or threatening lands under the jurisdiction of the Bureau of Land Management in the United States and Alaska, $50,000, which amount shall also be available for meeting obligations of the preceding year, pursuant to the Acts of September 20, 1922 (16 U. S. C. 594) and June 28, 1934, as amended.

42 Stat. 857; 48 Stat. 1269.

Range improvements: For construction, purchase, and maintenance of range improvements on the public lands pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934 (43 U. S. C. 315b and 315i), as amended by the Act of August 6, 1947 (Public Law 376), in addition to contributions under section 9 of the Act of June 28, 1934 (43 U. S. C. 315h), $350,000, to remain available until expended: *Provided*, That expenditures hereunder shall not exceed the amount of all moneys received as range-improvement fees under the provisions of section 3 of said Act and 25 per centum of all moneys received under the provisions of section 15 of said Act.

43 U. S. C. §§ 315-315o; Supp. I, §§ 315b, 315i, 315j.
Ante, p. 533.

48 Stat. 1270, 1273; 61 Stat. 790.
43 U. S. C., Supp. I, §§ 315b, 315i, 315j.
48 Stat. 1273.
Ante, p. 533.

48 Stat. 1270, 1275.
43 U. S. C. § 315m; Supp. I, § 315b.

Revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, Oregon: For expenses necessary in carrying out the provisions of title I of the Act of August 28, 1937 (50 Stat. 874), including fire protection and patrol, through cooperative agreements with Federal, State, and county agencies, or otherwise, and including purchase of not to exceed two passenger motor vehicles for replacement only, $500,000: *Provided*, That such expenditures shall be reimbursed from the 25 per centum referred to in section c, title II, of the Act approved August 28, 1937, of the special fund designated the "Oregon and California Land Grant Fund" and section 4 of the Act approved May 24, 1939, of the special fund designated the "Coos Bay Wagon Road Grant Fund."

Reimbursements.

50 Stat. 876.

53 Stat. 754.

Payments to States of 5 per centum of proceeds from sales of public lands: For payment to the several States of 5 per centum of the net proceeds of sales of public lands lying within their limits, for the purpose of education or of making public roads and improvements, $7,500: *Provided*, That expenditures hereunder shall not exceed the

48 Stat. 1227.
31 U. S. C. § 725c.

aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Payment to Oklahoma from royalties, oil and gas, south half of Red River: For payment of 37½ per centum of the royalties derived from the south half of Red River in Oklahoma under the provisions of the joint resolution of June 12, 1926 (44 Stat. 740), which shall be paid to the State of Oklahoma in lieu of all State and local taxes upon tribal funds accruing under said Act, to be expended by the State in the same manner as if received under section 35 of the Act approved February 25, 1920 (30 U. S. C. 191), $4,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

41 Stat. 450.
30 U. S. C., Supp. I, § 191.

48 Stat. 1227.
31 U. S. C. § 725c.

Leasing of grazing lands: For leasing State, county, or privately owned lands in accordance with the provisions of the Act of June 23, 1938 (43 U. S. C. 315m–1), $6,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with 43 U. S. C. 315m–4.

52 Stat. 1033.

52 Stat. 1033.

Payment to States: Not to exceed 33⅓ per centum of all grazing fees received from each grazing district on Indian lands ceded to the United States for disposition under the public-lands laws, to be paid to the State in which said lands are situated, in accordance with the provisions of section 11 of the act of June 28, 1934, as amended (43 U. S. C. 315j).

48 Stat. 1273.
43 U. S. C., Supp. I, § 315j.

Aircraft.

Appropriations herein made for the Bureau of Land Management for "Management, protection, and disposal of public lands, Bureau of Land Management", "Revested Oregon and California Railroad and reconveyed Coos Bay wagon road grant lands, Oregon", and "Fire fighting", shall be available for the hire, maintenance, and operation of aircraft.

BUREAU OF INDIAN AFFAIRS

Salaries and expenses, general administration: For expenses necessary for the general administration of the Bureau of Indian Affairs, including departmental personal services in the District of Columbia; rental of office equipment and the purchase of necessary supplies therefor; purchase of office furniture and equipment in addition to that which may be purchased from the appropriation for contingent expenses of the Department; printing and binding, including the purchase of reprints of scientific and technical articles published in periodicals and journals, $740,000.

Salaries and expenses, district offices: For expenses of district offices at Billings, Montana, and Portland, Oregon, only, including printing and binding, $200,000: *Provided*, That any unobligated balances of 1948 appropriations for the Bureau of Indian Affairs shall be available for payment to employees for accumulated or accrued annual leave due upon their separation from service or furlough from active duty by reason of reduction in force under the appropriation "Salaries and Expenses, District Offices".

Payment for accumulated or accrued annual leave.

Salaries and expenses, reservation administration: For necessary expenses of reservation administration, including pay of employees authorized by continuing or permanent treaty provisions, $2,400,000.

For maintaining law and order among Indians, including pay and other expenses of judges of Indian courts, Indian police, and employees engaged in the suppression of traffic in intoxicating liquors and deleterious drugs among Indians, $125,000.

Alaska native service: For expenses necessary to provide for the support, rehabilitation, education, conservation of health, development of resources, and relief of destitution of the natives of Alaska;

the repair, rental, and equipment of school, hospital, and other buildings; the purchase or erection of range cabins and other temporary structures, including hospital structures and quarters on privately owned land; the hire, repair, equipment, maintenance, and operation of vessels; and for the administration of the Alaska native service, $4,118,962: *Provided*, That any agency of the United States Government having title thereto is authorized to transfer without charge to the Alaska native service, buildings, vessels, equipment, materials, and supplies surplus to its needs and which may be certified by the Department of the Interior as necessary for the improvement, maintenance, or operation of the Alaska native service: *Provided further*, That the foregoing provision shall not be construed to deny veterans the priority accorded to them in obtaining surplus property under the Surplus Property Act of 1944, as amended.

Transfer of surplus supplies.

Priority to veterans.

58 Stat. 765.
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*

Navajo and Hopi service: For administering and carrying out a support and rehabilitation program for the Navajo and Hopi Indians, including printing and binding; transportation of Indians; grants to Indians; and for purposes otherwise applicable to other appropriations and provisions for the Bureau of Indian Affairs as follows:

Ante, pp. 350, 1103.

Construction and maintenance services: For the construction and maintenance of roads and trails, irrigation systems, buildings, utilities, and other construction, including drainage and preparation of raw lands for irrigation farming, surveys, and investigations, private architectural and engineering services, and water exploration, $907,900, to remain available until expended, of which $373,900 shall be reimbursable in accordance with law.

Agency services: For administrative, industrial, resource, agricultural, educational, health, community welfare, and employment services, including cooperation with State and other organizations engaged in similar work, and payment of travel expenses and per diem of persons whose services are donated by such organizations, $4,334,115.

In all, Navajo and Hopi service, $5,242,015.

Purchase and transportation of Indian supplies: For advertising, inspection, storage, printing and binding, and all other expenses incident to the purchase of goods and supplies for the Bureau of Indian Affairs and for payment of railroad, pipe-line, and other transportation costs of such goods and supplies, $700,000: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

Maintenance of buildings and utilities: For expenses necessary to maintain buildings in the Bureau of Indian Affairs, including the lease, purchase, construction (not to exceed $1,500 for any one building), repair and improvement of buildings; the installation, repair, and improvement of utility systems, $755,000.

Education of Indians: For the support and education of Indian pupils in boarding and day schools and for other educational purposes, including educational facilities authorized by treaty provisions; tuition, care, and other expenses of Indian pupils attending public and private schools; support and education of deaf, dumb, blind, mentally deficient, or physically handicapped; the tuition (which may be paid in advance) and other assistance of Indian pupils attending vocational or higher educational institutions under such regulations as the Secretary may prescribe; printing and binding (including illustrations); the support and equipment of an arts and crafts building at Anadarko, Oklahoma, and Indian museums at Rapid City, South Dakota, and Browning, Montana, and on the Fort Apache Reservation, Arizona; $10,100,000: *Provided*, That payment of tuition and care of Indian pupils may be made from date of admission.

Payment of tuition, etc.

Conservation of health: For expenses necessary for the conservation of health among Indians, transportation of patients and attendants to and from hospitals and sanitoria; returning to their former homes and interring the remains of deceased patients; clinical surveys and general medical research in connection with tuberculosis, trachoma, and venereal and other disease conditions among Indians, including cooperation with State and other organizations engaged in similar work and payment of travel expenses and per diem of physicians, nurses, and other persons whose services are donated by such organizations, and printing and binding, $6,714,500.

Welfare of Indians: For welfare services, including general support, relief of needy Indians, boarding home care of Indian children, institutional care of delinquent children, and payment of per diem, in lieu of subsistence, and other expenses of Indians participating in folk festivals, $472,710: *Provided*, That payment for the care of Indians may be made from the date of service.

Management, Indian forest and range resources: For the management and protection of forest, range, and wildlife resources on Indian reservations, and allotments other than the Menominee Indian Reservation, Wisconsin, including the payment of reasonable rewards for information leading to the arrest and conviction of any person or persons setting forest or range fires, or taking or destroying timber, in violation of law on Indian lands; the establishment of cooperative sustained yield forest units pursuant to the Act of March 29, 1944 (16 U. S. C. 583); and the development, repair, maintenance, and operation of domestic and stock water facilities, $900,000: *Provided*, That the United States shall be reimbursed for expenditures made from this appropriation for expenses incident to the sale of timber to the extent prescribed in regulations promulgated by the Secretary pursuant to the Act of March 1, 1933 (25 U. S. C. 413).

58 Stat. 132.

47 Stat. 1417.

Suppressing forest and range fires: For the suppression or emergency prevention of forest and range fires on or threatening Indian reservations, $12,000, which amount shall be available also for meeting obligations of the preceding fiscal year: *Provided*, That appropriations herein made for the Indian Service shall be available upon the approval of the Secretary for fire-suppression or emergency-prevention purposes: *Provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Report to Congress.

Agriculture and stock raising: For the development of agriculture and stock raising among the Indians, including agricultural experiments and demonstrations and maintenance of a supply of suitable plants or seed for issue to Indians; the expenses of Indian fairs, including premiums for exhibits; and the control and eradication of fever ticks and contagious diseases among livestock of Indians, $761,907.

Ante, p. 211.

Revolving fund for loans: The authorization for loans to individual Indians and Indian organizations otherwise ineligible to participate in loans from the fund established in accordance with the Act of June 18, 1934 (25 U. S. C. 470 and 471), and the Acts of June 26, 1936 (25 U. S. C. 506), May 1, 1936 (25 U. S. C. 473a), and July 12, 1943 (57 Stat. 459), is hereby increased from $962,500 to $1,250,000.

48 Stat. 986.

49 Stat. 1968, 1250.

25 U. S. C. § 303; Supp. I, § 303 note.

Acquisition of lands for Indian tribes: For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the Act of June 18, 1934 (25 U. S. C. 465), $150,000: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, Utah, and Wyoming outside of the boundaries of existing Indian reservations: *Provided further*, That no part of this appropriation shall be used for the acquisition

48 Stat. 985.

Restrictions.

of land or water rights within the States of Montana, Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations.

Development of Indian arts and crafts: For the development, under the direction of the Commissioner of Indian Affairs, of Indian arts and crafts, as authorized by the Act of August 27, 1935 (25 U. S. C., ch. 7A), including expenses of exhibits, not to exceed $2,500 for printing and binding, and other necessary expenses, $35,000, of which not to exceed $15,500 shall be available for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay any salary at a rate exceeding $8,180 per annum.

49 Stat. 891.
25 U. S. C. §§ 305–305e.
Ante, p. 867.

Salary limitation.

Irrigation: For the maintenance, operation, repair, and improvement of irrigation systems for Indian reservations and allotments; payment of operation and maintenance assessments on Indian lands and within non-Indian irrigation districts; payment of reclamation charges; purchase of water and water rights; including the purchase or rental of equipment, tools, and appliances; drainage and protection of irrigable lands from damage by floods or loss of water rights; and for all other necessary expenses, $421,700, of which $324,735 shall be reimbursable in accordance with existing law.

Construction, and so forth, irrigation systems: For the construction, rehabilitation, and improvement of irrigation systems on Indian reservations; the purchase or rental of equipment, tools, and appliances; the acquisition of rights-of-way; the development of domestic and stock water and water for subsistence gardens; the purchase of water rights, ditches, and lands needed for irrigation purposes; drainage and protection of irrigable lands from damage by floods or loss of water rights; preparation of raw reservation lands for irrigation farming, expenditures for which shall be repayable on a per acre basis by the lands benefited; as follows:

Arizona: Colorado River, $2,600,000; Salt River, $40,000;

Payment to the San Carlos irrigation and drainage district, in accordance with the provisions of the Act of March 7, 1947 (Public Law 10), $190,000;

61 Stat. 8.

Colorado: Southern Ute, $10,000;

Montana: Flathead, $200,000; Fort Belknap, $6,250; Fort Peck, $25,000; Tongue River, $9,750;

New Mexico: United Pueblos, $17,500;

Washington: Wapato (Satus Unit No. 3), $100,000;

Wyoming: Wind River, $15,000;

Miscellaneous small projects, $60,000;

For surveys, investigations, and administrative expenses, including not exceeding $12,500 for personal services in the District of Columbia, $137,500;

In all, $3,411,000, reimbursable in accordance with law, and to remain available until completion of the projects: *Provided*, That the foregoing amounts may be used interchangeably in the discretion of the Commissioner of Indian Affairs, but not more than 10 per centum of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 10 per centum.

Interchange of appropriations.

Construction, and so forth, buildings and utilities: For the construction, repair, or rehabilitation of Indian Service buildings and utilities, including the purchase of land and the acquisition of easements or rights-of-way; purchase of furniture, furnishings, and equipment; private architectural and engineering services; and water explorations; as follows:

Alaska: Schools, hospitals, and quarters, $622,500, and in addition the Secretary may enter into contracts for this purpose in an amount not to exceed $5,925,000;

Celilo Falls, Oregon: For the construction, repair, or rehabilitation of buildings and utilities at Celilo Falls, Oregon, for the use of the Yakima Indian Tribes, the Umatilla Indian Tribes, the Confederated Tribes of the Warm Springs Reservation, and other Columbia River Indians affiliated with the afore-mentioned tribes, $125,000;

Cherokee, North Carolina: Sewage works improvements, $79,000, and water supply, $35,000, reimbursable from Cherokee Tribal funds;

Consolidated Chippewa, Minnesota: For cooperation with public school districts, Mahnomen, Itasca, Pine, Becker, and Cass Counties (organized and unorganized) in the construction, improvement, and extension of school facilities in accordance with the Act of July 24, 1947, Public Law 231, $213,000; for cooperation with the public school board at Walker, Minnesota, for the extension of public school facilities in accordance with the Act of July 24, 1947, Public Law 223, $35,000;

61 Stat. 418.

61 Stat. 414.

Flathead, Montana: For cooperation with the State of Montana in the construction, extension, and improvement of a State tuberculosis sanitorium and quarters at Galen, Deer Lodge County, Montana, in accordance with the Act of August 4, 1947, Public Law 332, $750,000;

61 Stat. 729.

Great Lakes, Wisconsin: For cooperation with the school board of Hunter School District, Sawyer County, Wisconsin, in accordance with the Act of August 8, 1946, Public Law 667, $80,000;

60 Stat. 923.

Haskell Institute, Kansas: Dormitory, $85,000;

Hopi, Arizona: School, $50,000;

San Carlos, Arizona: School and quarters, $75,000;

Sells, Arizona: School and quarters, $65,000;

Uintah and Ouray, Utah: For cooperation with the public school district of Roosevelt, Utah, in the construction, extension, and improvement of public school facilities, $250,000;

Ante, p. 170.

Western Shoshone, Nevada: To provide for the construction, extension, and improvement of public school buildings in Owyhee, Nevada, in accordance with the Act of July 11, 1947, Public Law 182, $200,000;

61 Stat. 315.

Various locations: Major repairs and improvements, $300,000;

For surveys and plans and administrative expenses, private architect and engineering service and water explorations, including personal services in the District of Columbia and printing and binding, $190,000;

In all, $3,154,500, to remain available until completion of the projects: *Provided*, That not to exceed 10 per centum of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 10 per centum by any such transfer.

Transfer of funds.

Ante, p. 1107.

Roads: For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the Act of May 26, 1928 (25 U. S. C. 318a) and the Act of December 20, 1944 (Public Law 521), $2,500,000, to remain available until expended, of which amount not to exceed $9,250 may be expended for departmental personal services.

45 Stat. 750.

58 Stat. 838.

23 U. S. C. §§ 60–63.

Senecas, N. Y.

Fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (Act of February 19, 1831, 4 Stat. 442), $6,000.

Six Nations, N. Y.

Fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), $4,500.

7 Stat. 46.

Choctaws, Okla.

Fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty

7 Stat. 99.

of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520. 11 Stat. 614. 7 Stat. 213. 7 Stat. 212, 236. 7 Stat. 235.

Fulfilling treaties with Pawnees, Oklahoma: For permanent annuity (article 2, treaty of September 24, 1857, and article 3, agreement of November 23, 1892), $30,000. Pawnees, Okla. 11 Stat. 729; 27 Stat. 644.

Payment to Indians of Sioux Reservations: For payment of Sioux benefits to Indians of the Sioux reservations, as authorized by the Act of March 2, 1889 (25 Stat. 895), as amended, $150,000.

Payment of interest on Indian trust funds: For payment of accrued and accruing interest on moneys held in trust for the several Indian tribes, as authorized by various Acts of Congress, $1,195,000.

Proceeds from power: Not to exceed the amount of power revenues covered into the Treasury to the credit of each of the power projects, including revenues credited prior to August 7, 1946, shall be available for the purposes authorized by section 3 of the Act of August 7, 1946 (Public Law 647), including printing and binding, in connection with the respective projects from which such revenues are derived. 60 Stat. 895. 31 U. S. C. § 725s-3.

MISCELLANEOUS INDIAN TRIBAL FUNDS

Administration of Indian tribal affairs (tribal funds): For expenses of administering the affairs and property of Indian tribes, including pay and travel expenses, $365,000, payable from funds held by the United States in trust for the particular tribe benefited; not to exceed $50,000 for any one tribe. Travel expenses.

Support of Klamath Agency, Oregon (tribal funds): For general support of Indians and administration of Indian property under the jurisdiction of the Klamath Agency, payable from funds held by the United States in trust for the Klamath Tribe of Indians, Oregon, $213,405, of which not to exceed the sums herein indicated shall be available for expenses incident to the following activities: Fees and expenses of an attorney or firm of attorneys selected by the tribe and employed under contract approved by the Secretary, $4,500; education, $40,000; health, $51,375; law and order, $15,000; extension and land, $52,530; and administrative and other expenses, $50,000. Klamath Agency, Oreg.

Support of Menominee Agency and pay of tribal officers, Wisconsin (tribal funds): For general support of Indians and administration of Indian property under the jurisdiction of the Menominee Agency, Wisconsin, payable from funds held by the United States in trust for the Menominee Tribe of Indians, Wisconsin, $188,875, including $36,500 for relief of Indians in need of assistance, including cash grants; scholarships (not to exceed $1,550); and $5,500 for the compensation and expenses of an attorney or firm of attorneys employed by the tribe under a contract approved by the Secretary: *Provided*, That not to exceed $10,000 shall be available from the funds of the Menominee Indians for the payment of salaries and expenses of the chairman, secretary, and interpreters of the Menominee general council and members of the Menominee advisory council and tribal delegates when engaged on business of the tribe at rates to be determined by the Menominee general council and approved by the Commissioner of Indian Affairs: *Provided further*, That a recreational director for the Menominee Reservation may be employed with the approval of the Menominee Tribal Council. Menominee Agency, Wis. Salaries, etc., of tribal officers. Recreational director.

Osage Agency, Okla.

For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Oklahoma, including pay of the superintendent of the agency, a curator for the Osage Museum, at a salary of $1,954, which employee shall be an Osage Indian, appointed with the approval of the Osage Tribal Council, and of necessary employees, and pay of tribal officers; not to exceed $2,000 for the education of unallotted Osage Indian children in the Saint Louis Mission Boarding School, Oklahoma; payment of damages to individual allottees; repairs to buildings, rent of quarters for employees, and printing and binding, $197,000, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That of the said sum herein appropriated $16,350 is hereby made available for travel and other expenses of members of the Osage Tribal Council, business committees, or other tribal organizations, when engaged on business of the tribe, including supplies and equipment, not to exceed $10 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, when duly authorized or approved in advance by the Commissioner of Indian Affairs.

Travel, etc., expenses.

Five Civilized Tribes, Okla.

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds): For the current fiscal year money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, and for salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation, one mining trustee for the Choctaw, and Chickasaw Nations, at salaries of $3,000 each for the said governor, said chief, and said mining trustee, chief of the Creek Nation at $1,200 and one attorney each for the Choctaw, Chickasaw and Creek Tribes employed under contract approved by the President under existing law: *Provided*, That the expenses of the above-named officials shall be determined and limited by the Commissioner of Indian Affairs at not to exceed $2,500 each.

Limitation.

Creek Nation, Okla.

Expenses of attorneys, Creek Nation of Indians, Oklahoma (tribal funds): For expenses of attorneys for the Creek Nation of Indians, Oklahoma, employed to prosecute Creek tribal claims under contract approved by the Interior Department on November 12, 1947, $2,500, payable out of funds on deposit in the Treasury to the credit of said Creek tribe of Indians.

Chickasaw Nation, Okla.

Expenses of attorneys, Chickasaw Nation of Indians, Oklahoma (tribal funds): For expenses of attorneys for the Chickasaw Nation of Indians, Oklahoma, employed to prosecute Chickasaw tribal claims under contracts approved by the Interior Department, $2,000, payable out of funds on deposit in the Treasury to the credit of said Chickasaw tribe of Indians.

Expenses of tribal councils or committees thereof (tribal funds): For travel and other expenses of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes, including supplies and equipment, not to exceed $6 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, when duly authorized or approved in advance by the Commissioner of Indian Affairs, $50,000, payable from funds on deposit to the credit of the particular tribe interested: *Provided*, That no part of this appropriation, or of any other appropriation contained in this Act, shall be available for expenses of members of tribal councils, business committees, or other tribal organizations, when in the District of Columbia, for more than an eight-day period, unless the Secretary shall in writing approve a longer period.

Restriction.

Relief of needy Indians (tribal funds): For the relief of Indians in need of assistance, including cash grants; the purchase of subsistence supplies, clothing, and household goods; medical, burial, housing, transportation, and all other necessary expenses, $112,000, payable from funds on deposit to the credit of the particular tribe concerned: *Provided*, That expenditures hereunder may be made without regard to section 3709, Revised Statutes, as amended, or to the Act of May 27, 1930 (46 Stat. 391), as amended.

41 U. S. C. § 5.

18 U. S. C. §§ 744a-744h.

Compensation and expenses of attorneys (tribal funds): For compensation and expenses of attorneys employed by various tribes of Indians under contracts to be approved by the Secretary of the Interior, $82,880, payable from funds on deposit in the United States Treasury to the credit of the particular Indian tribe concerned.

Ante, p. 866.

Purchase and lease of lands (tribal funds): For the purchase of land and improvements on land; lease of lands and water rights; and necessary expenses incident thereto, $121,000, payable from funds held in trust for the particular tribe concerned, to remain available until expended: *Provided*, That title to any lands or improvements so purchased shall be taken in the name of the United States in trust for the tribe for which purchased: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights outside the boundaries of existing Indian reservations.

Restriction.

Industrial assistance (tribal funds): For advances to individual members of the tribes for the construction of homes and for the purchase of land, seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support and burial, and Indians having irrigable allotments to assist them in the development and cultivation thereof, $350,000, payable from tribal funds as follows: Menominee, Wisconsin, $167,500; Fort Mojave, Arizona, $15,000; Lummi, Washington, $2,500; Makah, Washington, $20,000; Nez Perce, Idaho, $20,000; Standing Rock, North Dakota, $50,000; Blackfeet, Montana, $75,000; and the unexpended balances of funds available under this head in the Interior Department Appropriation Act for the fiscal year 1948 are hereby continued available during the fiscal year 1949 for the purposes for which they were appropriated: *Provided*, That advances may be made to worthy Indian youth to enable them to take educational courses, including courses in nursing, home economics, forestry, agriculture, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years under such regulations as the Secretary may prescribe: *Provided further*, That all moneys reimbursed during the fiscal year 1949 shall be credited to the respective appropriations and be available for the purposes of this paragraph: *Provided further*, That funds available under this paragraph may be used for the establishment and operation of tribal enterprises when proposed by Indian tribes and approved under regulations prescribed by the Secretary: *Provided further*, That enterprises operated under the authority contained in the foregoing proviso shall be governed by the regulations established for the making of loans from the revolving loan fund authorized by the Act of June 18, 1934 (25 U. S. C. 470): *Provided further*, That the unexpended balances of prior appropriations under this head for any tribe, including reimbursements to such appropriations and the appropriations made herein, may be advanced to such tribe, if incorporated, for use under regulations established for the making of loans from the revolving loan fund authorized by the Act of June 18, 1934 (25 U. S. C. 470).

Funds continued available.

61 Stat. 470.

Educational loans.

Availability of funds.

Tribal enterprises.

Regulations.

48 Stat. 986.

Advances.

48 Stat. 986.

Pima cropping operations (tribal funds): For continuing subjugation and for cropping operations on the lands of the Pima Indians

in Arizona, there shall be available not to exceed $200,000 of the revenues derived from these operations and deposited into the Treasury of the United States to the credit of such Indians, and such revenues are hereby made available for payment of irrigation operation and maintenance charges assessed against tribal or allotted lands of said Pima Indians.

Suppressing forest and range fires (tribal funds): For the suppression or emergency prevention of forest and range fires on or threatening Indian reservations, $25,000, payable from funds held by the United States in trust for the respective tribes interested.

Support of Indian schools (tribal funds): For the support of Indian schools, and for other educational purposes, including care of Indian children of school age attending public and private schools, tuition and other assistance for Indian pupils attending public schools, and support and education of deaf, dumb or blind, physically handicapped, delinquent, or mentally deficient Indian children, there may be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (25 U. S. C. 155), not more than $712,000: *Provided*, That payment may be made from the date of admission for such tuition and care of Indian pupils.

44 Stat. 560.
Tuition, etc.

Vehicles: Applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the purchase of not to exceed two hundred passenger motor vehicles, for replacement only, and such vehicles may be used for the transportation of Indian school pupils.

Replacement of property destroyed by fire, flood, or storm: To meet possible emergencies not exceeding $35,000 of the appropriations made by this Act for education of Indians, maintenance of buildings, reservation administration, the Alaska native service, and conservation of health among Indians shall be available, upon approval of the Secretary, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Bureau of Indian Affairs above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Report to Congress.

Availability of appropriations.

Appropriations herein made for reservation administration, education of Indians, and conservation of health among Indians shall be available for the purchase of supplies, materials, and repair parts, for storage in and distribution from central warehouses, garages, and shops, and for the maintenance and operation of such warehouses, garages, and shops, and said appropriations shall be reimbursed for services rendered or supplies furnished by such warehouses, garages, or shops to any activity of the Bureau of Indian Affairs.

Travel expenses, etc.

Appropriations herein made for the Bureau of Indian Affairs shall be available for travel expenses and the purchase of ice for official use of employees.

Aircraft.

The following appropriations herein made for the Bureau of Indian Affairs shall be available for hire, maintenance, and operation of aircraft: "Management, Indian forest and range resources"; "Suppressing forest and range fires"; "Alaska native service"; "Navajo and Hopi service"; and "Suppressing forest and range fires (tribal funds)." Appropriations for "Salaries and expenses, reservation administration" shall be available for the maintenance and operation of aircraft.

BUREAU OF RECLAMATION

Administrative provisions: Sums appropriated in this Act for the Bureau of Reclamation shall be available for all expenditures

authorized by the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, known as the reclamation law, and all other Acts under which expenditures are authorized, including personal services in the District of Columbia; disseminating useful information, photographing and making photographic prints, and completing and distributing material, including recordings; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; lithographing; engraving; printing and binding; purchase of not to exceed one hundred and twenty-five for replacement only in fiscal year 1949, and hire of passenger motor vehicles; hire, maintenance and operation of aircraft; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of $100 per diem (not exceeding $100,000); for payment of claims for damage to or loss of property, personal injury, or death, arising out of the survey, construction, operation or maintenance of works by the Bureau of Reclamation; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary; payments (not to exceed the average per pupil cost in the State where construction is in progress) to school districts as reimbursement, while projects are actually under construction, for the instruction of dependents of employees of the Bureau of Reclamation and of contractors engaged on such projects: *Provided*, That a tuition charge of $25 per semester shall be charged and collected by the Bureau of Reclamaton for each such dependent attending such schools; payment of rewards, when specifically authorized by the Secretary, for information leading to the apprehension and conviction of persons found guilty of the theft, damage, or destruction of public property: *Provided*, That no part of any sum provided for in this Act for operation and maintenance of any project or division of a project by the Bureau of Reclamation shall be used for the irrigation of any lands within the boundaries of an irrigation district which has contracted with the Bureau of Reclamation and is in arrears for more than twelve months in the payment of any charges due the United States, and no part of any sum provided for in this Act for such purpose shall be used for the irrigation of any lands which have contracted with the Bureau of Reclamation and are in arrears for more than twelve months in the payment of any charges due from said lands to the United States.

32 Stat. 388.
43 U. S. C. §§ 391, 411.

Vehicles.

60 Stat. 810.

Damage claims.

Tuition.

Rewards.

Restriction.

The following sums are appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902 (43 U. S. C. 391, 411), and therein designated "the reclamation fund", to be available immediately:

"The reclamation fund."

32 Stat. 388.

GENERAL OFFICES

Salaries and expenses (other than project offices): For expenses necessary during the fiscal year 1949, including personal services in the District of Columbia, in the administration and performance by other than project offices of Bureau of Reclamation functions, $3,600,000, to be available for the purposes, among others, specified under the head "Operation and maintenance administration", Bureau of Reclamation, in the Department of the Interior Appropriation Act, 1945, and reimbursable as to expenditures for operation and maintenance administration to the same extent as is provided under said head: *Provided*, That in addition to the foregoing amount there may be transferred to this appropriation from other appropriations made to the Bureau of Reclamation not to exceed $7,800,000 for work to be performed for the benefit of specific projects: *Provided further*, That not exceeding $50,000 of funds available for expenditure under

58 Stat. 487.

Specific projects.

Informational work.

Requirements for certain positions.

this appropriation shall be used for salaries and expenses in connection with informational work: *Provided further*, That after January 31, 1949, no part of any appropriation for the Bureau of Reclamation contained in this Act shall be used for the salaries and expenses of a person in any of the following positions in the Bureau of Reclamation, or of any person who performs the duties of any such position, who is not a qualified engineer with at least five years' engineering and administrative experience: (1) Commissioner of Reclamation; (2) Assistant Commissioner of Reclamation; and (3) Regional Director of Reclamation: *Provided further*, That not exceeding $48,000,000 of appropriations available for expenditure by the Bureau of Reclamation during the fiscal year 1949 shall be used for administrative personal service and other personal services: *Provided further*, That the total number of employees in the Bureau of Reclamation holding a permanent, temporary, or other appointment in grades CAF–9 and P–3, or above, shall not exceed three thousand five hundred at any one time during the fiscal year 1949.

Administrative service.

Limitation on number of employees.

GENERAL INVESTIGATIONS

General investigations: For engineering and economic investigations of proposed Federal reclamation projects and surveys, investigations, and other activities relating to reconstruction, rehabilitation, extensions, or financial adjustments of existing projects, and studies of water conservation and development plans, such investigations, surveys, and studies to be carried on by said Bureau either independently, or in cooperation with State agencies and other Federal agencies, including the Corps of Engineers and the Federal Power Commission, $3,500,000, which may be used to execute detailed surveys, and to prepare construction plans and specifications for specific projects or parts of projects until appropriations are available for construction thereof: *Provided*, That no part of this appropriation shall be available for the preparation of any comprehensive plan or project report the construction estimates for which are not based upon current construction prices and costs: *Provided further*, That the expenditure of any sums from this appropriation for investigations of any nature requested by States, municipalities, or other interests shall be upon the basis of the State, municipality, or other interest advancing at least 50 per centum of the estimated cost of such investigations;

CONSTRUCTION

Ante, p. 1040.

Construction: For construction and continuation of construction of the following projects in not to exceed the following amounts, all to be reimbursable (except as otherwise provided by law) under the reclamation law, to remain available until expended for carrying out projects (including the construction of transmission lines) previously or herein authorized by Congress:

Santa Barbara County project, California, Cachuma Unit, $1,000,000, and in addition thereto the Commissioner of Reclamation is authorized to enter into contracts in an amount not in excess of $1,600,000;

Paonia project, Colorado, $471,000;

Boise project, Idaho, Payette division, $1,525,000; Anderson Ranch Dam, $5,100,000;

Lewiston Orchards project, Idaho, $1,136,000;

Minidoka project, Idaho: The limitation on the amount available for surveys and preconstruction work in connection with the North Side pumping division stated in the Interior Department Appropriation Act, 1947, is increased from $100,000 to $147,500;

60 Stat. 365.

Palisades project, Idaho, the Commissioner of Reclamation is authorized to enter into contracts in an amount not in excess of $2,000,000;

Sun River project, Montana, $45,000;

Tucumcari project, New Mexico, $1,293,000;

Rio Grande project, New Mexico-Texas, $57,985;

W. C. Austin project, Oklahoma, $320,000;

Deschutes project, Oregon, $580,000, of which $350,000 shall be available toward emergency reconstruction of Ochoco Dam subject to allocations under section 7 of the Reclamation Project Act of 1939, and repayment of reimbursable amounts under terms satisfactory to the water users and the Bureau of Reclamation; 53 Stat. 1192. 43 U. S. C. § 485f.

Owyhee project, Oregon, $150,000;

Ogden River project, Utah, $34,000;

Provo River project, Utah, $1,980,000;

Yakima project, Washington, Roza division, $1,298,650;

Riverton project, Wyoming, $1,780,175;

Shoshone project, Wyoming, Power division, $430,000;

Total, construction, from reclamation fund, $17,200,810.

OPERATION AND MAINTENANCE

Parker Dam power project, Arizona-California: Not to exceed $2,645,380 from power and other revenues shall be available for operation and maintenance;

Yuma project, Arizona-California: For operation and maintenance, $116,000: *Provided*, That from accumulated power revenues not to exceed $32,000 shall be available for the operation and maintenance of the commercial system, and not to exceed $78,000 shall be available to reimburse the Colorado River Dam fund, All-American Canal, for the cost of connecting the All-American Canal with the Siphon Drop power plant, and for the repairs and betterments to such power plant, to be available for expenditure for construction of said canal;

Central Valley project, California: For operation and maintenance, $230,437: *Provided*, That not to exceed $814,400 from power revenues shall be available for the operation and maintenance of the power system;

Colorado-Big Thompson project, Colorado: Not to exceed $150,000 from power revenues shall be available for the operation and maintenance of the power system;

Boise project, Idaho: For operation and maintenance, $220,000;

Minidoka project, Idaho: For operation and maintenance, reserved works, $30,000: *Provided*, That not to exceed $447,500 from the accumulated replacement reserve and current power revenues shall be available for the operation, maintenance, and rehabilitation of the commercial system;

North Platte project, Nebraska-Wyoming: Not to exceed $169,500 from the power revenues shall be available for the operation, maintenance, and rehabilitation of the commercial system; and not to exceed $6,000 from power revenues allocated to the Northport irrigation district under subsection I, section 4, of the Act of December 5, 1924 (43 U. S. C. 501), shall be available for payment on behalf of the Northport irrigation district, to the Farmers' irrigation district for carriage of water; 43 Stat. 703.

Rio Grande project, New Mexico-Texas: Not to exceed $235,000 from power revenues shall be available for the operation and maintenance of the power system;

Deschutes project, Oregon: For operation and maintenance, $101,250;

Owyhee project, Oregon: For operation and maintenance, $292,500;

Refunds to lessees.

Klamath project, Oregon-California: For operation and maintenance, $217,000: *Provided*, That revenues received from the lease of marginal lands, Tule Lake division, shall be available for refunds to the lessees in such cases where it becomes necessary to make refunds because of flooding or other reasons within the terms of such leases;

Columbia Basin project, Washington: Not to exceed $1,645,000 from power revenues shall be available for operation, maintenance, and replacements, including operation and maintenance of camp and other facilities turned over by construction contractors, and similar facilities and the furnishing of services related thereto;

Yakima project, Washington: For operation and maintenance, $337,500: *Provided*, That not to exceed $25,000 from power revenues shall be available for operation and maintenance of the power system;

Kendrick project, Wyoming: Not to exceed $206,250 from the power revenues shall be available for the operation and maintenance of the power system;

Riverton project, Wyoming: For operation and maintenance, $93,700: *Provided*, That not to exceed $57,212 from the power revenues shall be available for the operation and maintenance of the commercial system;

Shoshone project, Wyoming: For operation and maintenance, $77,200: *Provided*, That not to exceed $104,800 from the power revenues shall be available for the operation and maintenance of the commercial system.

REHABILITATION AND BETTERMENT

For rehabilitation and betterment of existing projects $1,500,000: *Provided*, That, at the discretion of the Secretary, repayment may be scheduled after the completion of repayment of existing obligations of the water users' organizations concerned.

GENERAL PROVISIONS

Limitation of expenditures: Under the provisions of this Act no greater sum shall be expended, nor shall the United States be obligated to expend during the fiscal year 1949, on any reclamation project appropriated for herein under the reclamation fund, an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1949 exceed the whole amount in the reclamation fund for the fiscal year;

Interchange of appropriations: Ten per centum of the foregoing amounts for operation and maintenance projects shall be available interchangeably for expenditures on the reclamation projects named; but not more than 10 per centum shall be added to the amount appropriated for any one of said projects, except that should existing works or the water supply for lands under cultivation be endangered by floods or other unusual conditions, an amount sufficient to make necessary emergency repairs shall become available for expenditure by further transfer of appropriation from any of said projects upon approval of the Secretary;

Total, from reclamation fund, $34,132,439.

GENERAL FUND, CONSTRUCTION

For continuation of construction of the following projects in not to exceed the following amounts to be immediately available, to remain available until expended for carrying out projects (including the construction of transmission lines) previously or herein authorized

by Congress, and to be reimbursable (except as otherwise provided by law) under the reclamation law:

Gila project, Arizona, $2,470,000;

Davis Dam project, Arizona-Nevada, $22,125,000;

Parker Dam power project, Arizona-California, $212,000;

Central Valley project, California: Joint facilities, $1,750,000; irrigation facilities, $30,876,900; irrigation distribution system, $1,000,000; power facilities, surveys, $20,000, Shasta power plant, $1,000,000, Keswick Dam, $1,700,000, Keswick power plant, $1,000,000; switch yards, Shasta, Keswick and Tracy pumping plant, $3,250,000; transmission lines, Shasta to Delta (Tracy) via Oroville and Sacramento, $500,000, Shasta Dam to Shasta substation, $250,000; substation, Contra Costa, $12,000; in all, $41,358,900, no part of which shall be available for examination and surveys in connection with power facilities in any State other than the State of California: *Provided*, That the unobligated balance on June 30, 1948, of funds heretofore appropriated for this project shall be classified under and combined with these amounts and shall be expendable only for the specific purposes set forth in this paragraph, subject to determination by the Comptroller General;

Kern River project, California, $42,500;

Colorado-Big Thompson project, Colorado, $20,225,000;

Hungry Horse project, Montana, $14,611,650;

Columbia Basin project, Washington: For continuation of construction and for other purposes authorized by the Columbia Basin Project Act of March 10, 1943 (57 Stat. 14), $45,312,000; 16 U. S. C. §§ 835–835i.

Total, general fund, construction, $146,357,050.

WATER CONSERVATION AND UTILIZATION PROJECTS

Buford-Trenton project, North Dakota: Not to exceed $126,000 of the unexpended balances of appropriations heretofore made under the heading "Water Conservation and Utilization Projects", shall be available for completion of construction of the Buford-Trenton project, North Dakota.

FORT PECK PROJECT

Fort Peck project, Montana: For construction of transmission lines, substations, and other facilities as may be required by the Bureau of Reclamation, as authorized by the Act of May 18, 1938 (16 U. S. C. 833), $990,000, to be immediately available and to remain available until expended. 52 Stat. 403.

MISSOURI RIVER BASIN

Missouri River Basin (reimbursable to the extent and as provided in the Act of December 22, 1944 (Public Law 534)): For the partial accomplishment of the works to be undertaken by the Secretary of the Interior, pursuant to section 9 of the Act of December 22, 1944 (Public Law 534) and section 18 of the Flood Control Act of 1946 (Public Law 526) (including the construction of transmission lines and the purchase of power) and for continuing investigations on the general plan of development, $54,786,650, to remain available until expended: *Provided*, That this appropriation shall be expended, either independently or through or in cooperation with existing Federal and State agencies: *Provided further*, That no part of this appropriation shall be available or used to maintain or operate Canyon Ferry Reservoir at a higher maximum normal pool elevation than three thousand seven hundred and sixty-six feet, unless and until new land in Broadwater County, Montana, equal in acreage to the irrigated land to be inundated in Canyon Ferry Reservoir above elevation of 3,766 feet is

58 Stat. 887.
16 U. S. C. §§ 460d, 825s; 33 U. S. C. §§ 701a–1, 701c and note, 701f, 701j notes, 708, 709; 43 U. S. C. § 390.
60 Stat. 653.

Canyon Ferry Reservoir.

provided with facilities for irrigation; or for or in connection with the acquisition or installation of the power facilities or transmission facilities for delivering power from the Canyon Ferry project, Montana: *Provided further*, That no part of this appropriation may be used for surveys, design, or construction of the Glendo project, Wyoming, or any feature thereof to a greater capacity or for other purposes than set forth in Senate Document Numbered 191, Seventy-eighth Congress, Second Session, without the specific authorization of Congress.

Glendo project, Wyo.

COLORADO RIVER DEVELOPMENT FUND

Colorado River development fund (expenditure account): For investigations of projects for the utilization of waters of the Colorado River system in the four States of the upper division, as authorized by section 2 of the Boulder Canyon Project Adjustment Act, approved July 19, 1940 (54 Stat. 774), $900,000 from the Colorado River development fund (holding account), the unobligated balance of said amount at the end of the fiscal year to revert to the fund: *Provided*, That the existence of this appropriation item shall not preclude the use in any part of the States of the Colorado River Basin of funds appropriated for general investigations: *Provided further*, That no part of this appropriation shall be available for the preparation of any comprehensive plan or project report the construction estimates for which are not based upon current construction prices and costs.

43 U. S. C. § 618a; Supp. I, § 618a.
Ante, pp. 235, 284.

COLORADO RIVER DAM FUND

Boulder Canyon project: For operation, maintenance, and replacements of the dam, power plant, and other facilities, of the Boulder Canyon project, $1,500,000, payable from the Colorado River dam fund, including payments to the Boulder City school district in accordance with the provisions of Public Law 528, approved May 12, 1948. Said payments for dependents of those employees of the Bureau of Reclamation directly employed in the construction, operation, and maintenance of the project shall be deemed a part of the cost of operation and maintenance of said project under section 1 (a) of the Boulder Canyon Project Adjustment Act (Act of July 19, 1940, 54 Stat. 774). Other such payments shall be deemed nonproject costs. The Secretary shall submit to the Appropriations Committees annually a justification showing all investments and expenditures made or proposed out of the Colorado River dam fund, for the joint use of the project and of other Federal activities at or near Boulder City. In the proportion that such investments and expenditures were or shall be for the use of such other Federal activities and not related to the construction, operation, or maintenance of the project they shall be deemed nonproject investments and expenditures. The obligation under the provision of section 2 of the said Act to repay to the United States Treasury advances and readvances to the Colorado River dam fund which obligation is made the basis for computation of rates under the provisions of section 1 of said Act, shall be diminished in the amount that nonproject investments or expenditures are or have been made from said fund and the rates computed pursuant to said section 1 of said Act shall reflect such diminution.

Ante, pp. 221, 235.

43 U. S. C., Supp. I, § 618 (a).
Report to Congressional committees.

ADVANCES TO COLORADO RIVER DAM FUND

Boulder Canyon project: For continuation of construction of the Hoover Dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from such

Ante, p. 1041.

reservoir; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (43 U. S. C., ch. 12A), $1,700,000, to be immediately available and to remain available until advanced to the Colorado River dam fund.

45 Stat. 1057.
43 U. S. C. §§ 617-617t; Supp. I, § 617 note.

Boulder Canyon project (All-American Canal): For continuation of construction of a diversion dam, main canal (and appurtenant structures) located entirely within the United States connecting the diversion dam with the Imperial and Coachella Valleys in California, and distribution and drainage systems; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations as authorized by the Boulder Canyon Project Act approved December 21, 1928 (43 U. S. C., ch. 12A); to be immediately available, and to remain available until advanced to the Colorado River dam fund, $4,000,000: *Provided*, That amounts heretofore or hereafter received from the Republic of Mexico for temporary water service by means of such works shall be applied against construction costs, including incidental operations, and shall be available for payment of the cost of such operations.

45 Stat. 1057.
43 U. S. C. §§ 617-617t; Supp. I, § 617 note.
Amounts received from Mexico.

COLORADO RIVER FRONT WORK AND LEVEE SYSTEM

For operating and maintaining the Colorado River front work and levee system in Arizona, Nevada, and California; constructing, improving, extending, operating, and maintaining protection and drainage works and systems along the Colorado River; controlling said river and improving, modifying, straightening, and rectifying the channel thereof; and conducting investigations and studies in connection therewith; as authorized by Public Law 469, approved June 28, 1946; $1,050,000, to remain available until expended: *Provided*, That not to exceed $25,000 of the foregoing appropriation shall be available for maintenance work on the temporary weir in the Colorado River below the heading of the diversion canal for the Palo Verde Irrigation District of California.

60 Stat. 338.

ALASKAN INVESTIGATIONS

For engineering and economic investigations, as a basis for legislation, and for reports thereon, relating to projects for the development and utilization of the water power resources of Alaska, $150,000, which shall be available for, but not restricted to, services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and rations and quarters for field parties while away from inhabited communities in which such facilities are available.

60 Stat. 810.

No part of any appropriation for the Bureau of Reclamation, contained in this or any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 665 of title 31 of the United States Code.

Restriction on certain obligations.

Not exceeding 8 per centum of the construction appropriation for any project under the Bureau of Reclamation contained in this Act shall be available for construction work by force account, or on a hired labor basis, except for projects or items the estimated construction cost of which does not exceed $200,000, and only then in cases where the Bureau of Reclamation finds the lowest bids to be excessive.

Construction work by force account, etc.

Transfer of property, etc.

The War Assets Administration or any other Federal agency having ownership or custody thereof or interest therein is hereby directed to transfer to the Davis Dam project, without exchange of funds, the following described interests and facilities, including spare parts, of the Basic Magnesium project, Henderson, Nevada:

(a) The project's interest and equity in the part of Hoover Dam power plant switchyard known as T–7A;

(b) Two 230-kilovolt transmission lines between the said Hoover Dam power plant switchyard and the Basic Magnesium project substation, including all two hundred and thirty-kilovolt switching equipment at the terminal of the lines at the Basic Magnesium project, together with appurtenant permits, rights-of-way, or other interest in realty;

(c) Three original seventy-five-thousand-kilovolt ampere, 230/13.8-kilovolt transformer banks and associated low voltage switching equipment included within the zone of differential protection for said transformers.

Upon transfer of the facilities herein described, the Secretary shall determine the amount of their fair value to the Davis Dam power system, and such amount shall be included in the determination of construction investment and other fixed charges which are required by section 9 of the Reclamation Project Act of 1939, as amended, to be considered in establishing rates for the sale of electric power.

53 Stat. 1193.
43 U. S. C. § 485h.

Transfer of aircraft engines, etc.

The Departments of Air Force, Army, and Navy, the Civil Aeronautics Administration, and the War Assets Administration are authorized during the fiscal year 1949 to transfer to the Bureau of Reclamation aircraft engines, parts, accessories, and other aircraft equipment, materials and supplies, surplus to the needs of such agencies, as may be required by said Bureau of Reclamation, such transfers to be without charge therefor.

Transfer of property.

The War Assets Administration or other Federal agencies having ownership or custody thereof or interest therein is hereby directed to transfer to the Bureau of Reclamation, without exchange of funds, the following-described lands, improvements, buildings, facilities, and interest:

(a) Government-owned real property, identified by the War Assets Administration as Plancor 587, located at Columbus, Stillwater County, Montana, consisting of approximately one and five-tenths acres of land and two garage-shop and warehouse buildings located thereon containing approximately thirty-four thousand four hundred square feet.

(b) Government-owned warehouse situated on land owned by the Northern Pacific Railway Company and leased to the Government, identified by the War Assets Administration as Plancor 133, located at Columbus, Stillwater County, Montana, containing approximately eight thousand square feet of floor space.

Transfer of lands.

The War Assets Administration or other Federal agency having ownership or custody thereof or interest therein is hereby directed to transfer to the Bureau of Reclamation without exchange of funds, the following-described lands, together with improvements, buildings, facilities, equipment, and interest:

A parcel of that section of the Grand Island Army Air Field, Grand Island, Nebraska, lying west of First Road West, formerly known as the station hospital area, and described in detail as follows:

Approximately forty acres of land generally defined as the northeast quarter southeast quarter section 34, township 12 north, range 9 west. It is the desire to acquire all land abutting against lands presently owned by the city of Grand Island and including such portions of Road One West and right-of-way between Chapel Street and the point one hundred and eighty feet south of the intersection with

Second Street South, to give continuous ownership in the east and west direction as between the United States Government (Bureau of Reclamation) and the city of Grand Island. The records show that all of this land was acquired from individual owners by the United States of America during August and September 1943, and the transfers are recorded with the registrar of deeds, Hall County, Nebraska, and the following buildings located in the hospital area numbered as follows: T–1112, T–1113, T–1114, T–1115, T–1116, T–1117, T–1118, T–1122, T–1100, T–1103, T–1104, T–1105, T–1107, T–1101, T–1102, T–1106, T–1108, T–1109, T–1110, T–1111, and T–1120, together with all roads, improvements, electric power lines, heating lines, water lines, sewer systems, Air-Temp units, steam boilers, and other appurtenances to the above-listed buildings, and all other facilities and equipment incident to said hospital area not heretofore disposed of.

Transfer of funds.

The War Assets Administration is authorized and directed to transfer to the Bureau of Reclamation unexpended balances of funds available for maintenance and protection of transferred property under the Department of the Interior Appropriation Act of 1947 (Public Law 478, Seventy-ninth Congress) to reimburse the Bureau of Reclamation for expenditures made for the maintenance and protection of the Yuma Army Air Base and such transfer shall be made hereafter for the maintenance and protection of the Yuma Army Air Base, pending its final disposition as contemplated in the Interior Appropriation Act of 1948 (Public Law 247, Eightieth Congress, first session).

60 Stat. 369.

61 Stat. 477.

Transfer of building, etc.

The Reconstruction Finance Corporation is authorized and directed to transfer to the Bureau of Reclamation, without reimbursement or transfer of funds, all of its right, title, and interest in and to a certain building and improvements under Defense Plant Corporation project, Plancor 1437, constructed on the War Relocation Center at the Heart Mountain Division of the Shoshone project, Wyoming.

GEOLOGICAL SURVEY

General expenses.

For salaries and expenses necessary for the Geological Survey, including personal services in the District of Columbia; purchase (not to exceed one hundred and sixty-six, of which one hundred and forty-six shall be for replacement only) and hire of passenger motor vehicles and the maintenance and operation of aircraft; and exchange of unserviceable passenger and freight vehicles as part payment for new freight vehicles; as follows:

Salaries and expenses: For personal services in the District of Columbia, and other expenses, $237,350;

Topographic surveys: For topographic surveys in the United States, Alaska, the Virgin Islands, and Puerto Rico, $4,350,000, of which not to exceed $540,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of standard topographic surveys, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the survey: *Provided further*, That $610,000 of this amount shall be available only for such cooperation with States or municipalities;

Cooperation with States, etc.

Amount available.

Geologic surveys: For geologic surveys in the United States and chemical and physical researches relative thereto, including the printing of geologic reports, $2,625,000, of which not to exceed $592,500 may be expended for personal services in the District of Columbia;

Mineral resources of Alaska: For investigation of the mineral

resources of Alaska, $325,000, of which not to exceed $97,500 may be expended for personal services in the District of Columbia;

Gaging streams: For gaging streams and determining the water supply of the United States, its Territories and possessions, investigating underground currents and artesian wells and methods of utilizing the water resources, $3,496,700, of which not to exceed $10,000 may be expended for acquiring lands at gaging stations, and not to exceed $300,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto, in excess of such an amount as is necessary for the Geological Survey to perform its share of general water resource investigations, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the investigation: *Provided further*, That $2,361,900 of this amount shall be available only for such cooperation with States or municipalities: *Provided further*, That no part of the funds appropriated in this paragraph shall be used for the payment, directly or indirectly, for the drilling of water wells for the purpose of supplying water for domestic use: *Provided further*, That not to exceed $10,000 of this appropriation shall be available for payment of the compensation and expenses of the person appointed by the President pursuant to the Act of April 19, 1945 (Public Law 34), to participate as the representative of the United States in the negotiation of a compact between the States of Colorado and Kansas relative to the division of the waters of the Arkansas River and its tributaries: *Provided further*, That, notwithstanding the provisions of any other law to the contrary, the President is authorized to appoint a retired officer of the Army as such representative without prejudice to his status as a retired Army officer who shall receive such compensation and expenses in addition to his retired pay;

Cooperation with States.

Amount available.

Compact between Colo. and Kans.

59 Stat. 53.

Appointment of retired Army officer.

Classification of lands: For the examination and classification of lands with respect to mineral character and water resources as required by the public land laws and for related administrative operations; for the preparation and publication of mineral-land classification and water-resources maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary; and for performance of work for the Federal Power Commission, $300,000, of which not to exceed $65,725 may be expended for personal services in the District of Columbia;

Printing and binding, and so forth: For printing and binding, including the purchase of reprints of scientific and technical articles published in periodicals and journals, $120,000; for preparation of illustrations, $32,950; and for engraving and printing geologic and topographic maps, $450,000; in all, $602,950;

Mineral leasing: For the enforcement of the provisions of the Acts of October 20, 1914 (48 U. S. C. 435), October 2, 1917 (30 U. S. C. 141), February 25, 1920 (30 U. S. C. 181), as amended, and March 4, 1921 (48 U. S. C. 444), and other Acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves, and for necessary related operations; and for every expense incident thereto, including supplies, equipment, travel, and the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, $690,000, of which not to exceed $78,600 may be expended for personal services in the District of Columbia;

38 Stat. 742; 40 Stat. 297; 41 Stat. 437, 1363.

Cooperative advance: To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies, $400,000, which amount shall be returned to the Treasury not later than six months after the

close of the fiscal year 1949 out of reimbursements received from cooperating agencies;

During the fiscal year 1949 the head of any department or independent establishment of the Government having funds available for scientific and technical investigations within the scope of the functions of the Geological Survey may, with the approval of the Secretary, transfer to the Geological Survey such sums as may be necessary therefor, which sums so transferred may be expended for the same objects and in the same manner as sums appropriated herein may be expended: *Provided*, That not to exceed 5 per centum of any of the appropriations for the Geological Survey may be transferred to any other of such appropriations, but no appropriation shall be increased more than 5 per centum thereby. Any such transfer shall be reported to Congress in the annual Budget;

Cooperative work on scientific, etc., investigations.

Transfer of funds.

Interchange of amounts.

Report to Congress.

In the event that the Director of the Geological Survey deems it advantageous to the Government, the Geological Survey is authorized to contract for the furnishing of topographic maps made from aerial photographs, or for the making of geophysical or other specialized surveys;

Contracts for maps, etc.

The Geological Survey may acquire from the Department of National Defense or from any disposal agency of the Government without reimbursement or transfer of funds, one aircraft for replacement only; including engines, parts, accessory, and flying equipment.

Transfer of aircraft.

In all, salaries and expenses, Geological Survey, $13,027,000.

BUREAU OF MINES

Salaries and expenses: For expenses necessary for the general administration of the Bureau of Mines, including $95,100 for personal services in the District of Columbia, and $65,000 for printing and binding, including the purchase of reprints of scientific and technical articles published in periodicals and journals, $164,600.

Operating mine-rescue cars and stations and investigation of mine accidents: For expenses necessary for the investigation and improvement of mine-rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other investigations pertinent to the mining industry; including the construction of temporary buildings; equipment and supplies; printing and binding of technical papers and reports; travel expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; and not to exceed $93,800 for personal services in the District of Columbia, $1,165,000, of which not to exceed $500 may be expended for the purchase and bestowal of certificates and trophies in connection with mine-rescue and first-aid work.

Control of fires in inactive coal deposits: For expenses, without regard to section 3709, Revised Statutes, as amended, necessary to enable the Bureau of Mines to investigate, control, and extinguish, on public lands and with the consent of the owner on private lands, fires in inactive coal deposits in the United States and its possessions, including emergency and temporary contracts for personal services and hire of vehicles and equipment necessary for the purposes of this appropriation, purchase of not to exceed three passenger motor vehicles; including the employment of personnel without regard to

41 U. S. C. § 5.

civil-service requirements, and not to exceed $16,000 for personal services in the District of Columbia; $250,000: *Provided*, That the Director is authorized to accept money, lands, buildings, equipment, and other contributions from public or private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the said Director is hereby authorized and directed to make suitable arrangements with owners of private property or with a State or its subdivision for payment of a sum equal to one-half the amount of expenditure to be made for control or extinguishment from funds provided under the authorization of this Act except that expenditure of Federal funds for this purpose in any privately owned operating coal mine shall be limited to investigation and supervision.

Acceptance of contributions.

Payment by private property owners.

Coal-mine inspections and investigations: For expenses necessary to enable the Bureau of Mines to perform the duties imposed upon it by the Act of May 7, 1941 (30 U. S. C. 4f); including not to exceed $150,000 for personal services in the District of Columbia; purchase in the District of Columbia and elsewhere of furniture and equipment, stationery and supplies; printing and binding of technical papers and reports; operation, maintenance, and repair of motor-propelled trucks and other motor vehicles for official use and in transporting employees between their homes and temporary locations where they may be employed and expenses of employees in attendance at meetings and conferences held for promoting safety and health in the coal-mining industry; $2,431,500.

55 Stat. 177. 30 U. S. C., Supp. I, § 4f note.

Vehicles.

Testing fuel: For expenses necessary to conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and, upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, including printing and binding of technical papers and reports; and not to exceed $106,700 for personal services in the District of Columbia; $506,600.

Recommendations to Government agencies.

Anthracite mining investigations: For expenses necessary to conduct inquiries and scientific and technologic investigations cocerning the mining, preparation, treatment, and use of anthracite coals; the employment of personnel without regard to civil-service requirements; including items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior"; printing and binding of technical papers and reports; and not to exceed $25,000 for personal services in the District of Columbia, $396,100.

Ante, p. 1113.

Lignite research laboratory: For the construction and equipment of a lignite research laboratory at Grand Forks, North Dakota, as authorized by the Act of March 25, 1948 (Public Law 454), including necessary supplemental tracts of land; not to exceed $75,000 for employment, by contract or otherwise, at such rates of compensation as the Secretary may determine, of engineers, architects, or firms or corporations thereof necessary to design and supervise construction of said laboratory; and not to exceed $7,500 for personal services in the District of Columbia; $200,000, to remain available until expended, and in addition thereto the Secretary is authorized to enter into contracts for this purpose in an amount not exceeding $550,000.

Ante, p. 85.

Synthetic liquid fuels: For expenses, without regard to section 3709, Revised Statutes, as amended, necessary to carry into effect the Act

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authorizing the construction and operation of demonstration plants to produce synthetic liquid fuels from coal, oil shales, agricultural and forestry products, and so forth, approved April 5, 1944 (30 U. S. C. 321–325), including construction and acquirement of camp and laboratory buildings and equipment, personal services in the District of Columbia (not exceeding $100,000); printing and binding; and purchase in the District of Columbia and elsewhere of items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior", $9,750,000, to remain available until expended: *Provided*, That these funds may be utilized to provide transportation between the proposed plants and related facilities and communities that provide adequate living accommodations of persons engaged in the operation and maintenance of these plants; and for transportation to and from schools of pupils who are dependents of such persons: *Provided further*, That pursuant to agreements approved by the Secretary, the transportation equipment available to the Bureau of Mines may be pooled with that of school districts and other local or Federal agencies for use in transporting persons engaged in operation and maintenance of these plants, pupils who are dependents of such persons, and other pupils, and in the interest of economy the expenses of operating such equipment may be shared.

58 Stat. 190.
Ante, p. 79.

Ante, p. 1113.

Transportation.

Pooling of equipment.

Mineral mining investigations: For scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and mineral substances, other than fuels, with a view to improving health conditions and increasing safety, efficiency, and economy in the mining, quarrying, metallurgical, and other mineral industries; including all equipment, supplies, expenses of travel, printing and binding of technical papers and reports, and not to exceed $40,000 for personal services in the District of Columbia, $403,300: *Provided*, That no part of this appropriation may be expended for an investigation in behalf of any private party.

Restriction.

Investigation and development of domestic mineral deposits, except fuels: For expenses necessary to enable the Bureau of Mines to investigate, develop, and experimentally mine, on public lands and with the consent of the owner on private lands, deposits of minerals in the United States and its possessions, including surface and subsurface investigations, laboratory tests, the construction, maintenance, and repair of necessary camp buildings, core storage facilities, mining structures and appurtenances, the lease of lands or buildings; printing and binding of technical papers and reports; and not to exceed $45,000 for personal services in the District of Columbia, $1,560,000: *Provided*, That the Director of the Bureau of Mines, for the purposes of this appropriation, is authorized to accept lands, buildings, equipment, and other contributions from public or private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

Acceptance of lands, etc.

Coal investigations: For expenses necessary to enable the Bureau of Mines to investigate known coal deposits in the United States and its possessions; including purchase of items otherwise properly chargeable to the appropriation, "Contingent expenses, Department of the Interior"; printing and binding of technical papers and reports; and not to exceed $45,000 for personal services in the District of Columbia; $300,000: *Provided*, That the Director of the Bureau of Mines is authorized to carry on such investigations in cooperation with other agencies, Federal, State, or private: *Provided further*, That the said Director is hereby authorized and directed to make suitable arrangements with owners of private property upon which exploration or development work is performed for payment by such owners of a reasonable percentage, as determined by the Secretary of the Interior, of the total value of the minerals thereafter produced from such property.

Ante, p. 1113.

Cooperation in investigations.

Payment by owners of private property.

Oil and gas investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, and for every expense incident thereto, including purchase in the District of Columbia and elsewhere of other items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior"; and printing and binding of technical papers and reports; $606,000, of which not to exceed $44,000 may be expended for personal services in the District of Columbia.

Ante, p. 1113.

Mining experiment stations: For personal services, printing and binding of technical papers and reports, and other expenses in connection with the construction, establishment, maintenance, and operation of mining experiment stations, as provided in the Act of March 3, 1915 (30 U. S. C. 8), $1,385,000, of which not to exceed $41,800 may be expended for personal services in the District of Columbia.

38 Stat. 959.

Metallurgical research and pilot plants: For expenses necessary to enable the Bureau of Mines to conduct laboratory, pilot plant, and demonstration plant tests to establish methods for more effectively utilizing the mineral resources in the United States and its possessions, including the lease of lands or buildings; research on and development of processes for production and utilization of metals and nonmetallic minerals; construction of buildings to house laboratories, pilot plants, and demonstration plants; and other items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior"; printing and binding of technical papers and reports; and not to exceed $32,500 for personal services in the District of Columbia; $1,460,000: *Provided*, That the Director of the Bureau of Mines, for the purposes of this appropriation, is authorized to accept lands, buildings, equipment, and other contributions from public or private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

Ante, p. 1113.

Acceptance of lands, etc.

Pittsburgh and Bruceton, Pa.

Buildings and grounds, Pittsburgh, Pennsylvania: For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pennsylvania, including personal services, and other expenses requisite for and incident thereto, including not to exceed $175,000 for additions and improvements, $317,300.

Economics of mineral industries: For investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies, and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; purchase of furniture and equipment; stationery and supplies; and other necessary expenses not included in the foregoing, $708,500, of which not to exceed $588,500 may be expended for personal services in the District of Columbia.

Helium utilization and research: For expenses necessary to conduct inquiries and scientific and technologic investigations concerning resources, production, repurification, storage, and utilization of helium, independently or in cooperation with other agencies, public or private; including purchase of items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior"; $91,000, of which not to exceed $9,300 may be expended for personal services in the District of Columbia.

Ante, p. 1113.

Transfer of funds.

Helium production and investigations: The sums made available for the fiscal year 1949 in the Acts making appropriations for the

Departments of the Air Force, Army, and Navy for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines on July 1, 1948, for operation and maintenance of the plants for the production of helium for military and naval purposes, including the purchase in the District of Columbia and elsewhere of items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior" (not exceeding $5,000); printing and binding of technical papers and reports; and $46,500 for personal services in the District of Columbia: *Provided*, That section 3709, Revised Statutes, as amended, shall not be construed to apply to this appropriation, or to the appropriation for development and operation of helium properties (special fund) in section 3 (c) of the Act of September 1, 1937 (50 U. S. C. 164): *Provided further*, That funds available for the production of helium and the development of helium properties may be utilized to provide transportation between helium plants and related facilities and communities that provide adequate living accommodations of persons engaged in the operation and maintenance of helium plants; and for transportation to and from schools of pupils who are dependents of such persons: *Provided further*, That pursuant to agreements approved by the Secretary, the transportation equipment available to the Bureau of Mines may be pooled with that of school districts and other local or Federal agencies for use in transporting persons engaged in operation and maintenance of helium plants, pupils who are dependents of such persons, and other pupils, and in the interest of economy the expenses of operating such equipment may be shared.

Ante, p. 1113.

41 U. S. C. § 5.

50 Stat. 886.

Transportation.

Pooling of equipment.

During the fiscal year 1949 the head of any department or independent establishment of the Government having funds available for scientific investigations within the scope of the functions of the Bureau of Mines may, with the approval of the Secretary, transfer to the Bureau such sums as may be necessary therefor, which sums so transferred may be expended for the same objects and in the same manner as sums appropriated herein may be expended.

Scientific investigations.

The Federal Security Administrator may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines.

Detail of medical officers.

The Bureau of Mines is authorized, during the fiscal year 1949, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated from funds appropriated to the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

Sale of mineral products.

The following appropriations herein made to the Bureau of Mines shall be available for the maintenance, and operation of aircraft: "Operating rescue cars and stations and investigation of accidents"; "Investigation and development of domestic mineral deposits, except fuels"; and "Metallurgical research and pilot plants".

Aircraft.

Appropriations in this Act to the Bureau of Mines shall be available for the purchase (not to exceed eighty, of which thirty shall be for replacement only) and hire of passenger motor vehicles.

The Department of the Army is authorized to transfer to the Department of the Interior, for the use of the Bureau of Mines, without compensation therefor, full jurisdiction, possession, and control of a parcel of ten acres, more or less, from that portion of Fort Douglas Military Reservation in the county of Salt Lake, State of Utah, which lies immediately north of the site of the Bureau of Mines Intermountain Experiment Station and is situated between a line beginning at a point four hundred feet north of the northwest corner

Transfer of portion of Ft. Douglas Military Reservation, Utah.

of the United States Bureau of Mines property granted by deed from the University of Utah May 21, 1938, said point being on the south curb of Fort Douglas Boulevard and running thence south three hundred and twenty feet to the east-west boundary line between the University of Utah and Fort Douglas; thence east six hundred and four and five-tenths feet to the north-south boundary between the University of Utah and Fort Douglas; thence south along said north-south boundary four hundred and eighty feet to a line on the south boundary (extended) of the United States Bureau of Mines property above mentioned; thence east two hundred and sixty-two feet; thence north nine hundred and fifty-two and six-tenths feet to the south curb of Fort Douglas Boulevard; thence westerly along said south curb of Fort Douglas Boulevard to the point of beginning, said enclosure embracing ten acres.

NATIONAL PARK SERVICE

Salaries and expenses: For expenses, including personal services in the District of Columbia, necessary for the general administration of the National Park Service, including $100,000 for printing and binding, $765,000.

Regional offices: For expenses of regional offices, $665,000.

National parks: For administration, protection, maintenance, and improvement of national parks, including necessary protection of the area of federally owned land in the custody of the National Park Service known as the Ocean Strip and Queets Corridor, adjacent to Olympic National Park, Washington, $3,750,000.

National monument, historical, and military areas: For administration, protection, maintenance, improvement, and preservation of national monuments, historical parks, memorials, historic sites, military parks, battlefields, and cemeteries, including not exceeding $308 for right-of-way easements across privately owned railroad lands necessary for supplying water to the Statue of Liberty National Monument, and the maintenance of structures on the former Cape Hatteras Light Station Reservation within the Cape Hatteras National Seashore Recreational Area project, $1,625,000.

Recreational areas: For administration, protection, maintenance, and improvement, pursuant to cooperative agreements, of areas devoted to recreational use which are under the jurisdiction of other Federal agencies, $300,000.

Emergency reconstruction and fighting forest fires: For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements and of equipment in areas under the jurisdiction of the National Park Service that are damaged or destroyed by flood, fire, storm, or other unavoidable causes, and for fighting or emergency prevention of forest fires in areas administered by the National Park Service, or fires that endanger such areas, including lands in process of condemnation for national park or monument purposes, $30,000, together with such sums as may be necessary to be transferred from the foregoing appropriations for the National Park Service, any such diversions of appropriations to be reported to Congress in the annual Budget.

Transfer of funds.

Report to Congress.

Accounting.

The total of the foregoing amounts shall be available in one fund for the National Park Service: *Provided*, That 5 per centum of the foregoing amounts shall be available interchangeably and any such diversion of funds shall be reported to Congress in the annual Budget.

Interchange of amounts; report to Congress.

Investigation and purchase of water rights: For the investigation and establishment of water rights, including the acquisition thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public

use of areas under the jurisdiction of the National Park Service, to remain available until expended, $15,000.

Travel Division: For expenses necessary in carrying out the Act of July 19, 1940 (16 U. S. C. 18), including personal services in the District of Columbia; participation by the Travel Division in international expositions and conferences dealing with travel; and printing and binding; $60,000. 54 Stat. 773.

Recreational demonstration areas: For administration, protection, operation, and maintenance of recreational demonstration areas, $10,000.

Salaries and expenses, National Capital parks: For administration, protection, maintenance, and improvement of the Arlington Memorial Bridge, George Washington Memorial Parkway, monuments and memorials in the District of Columbia and area adjacent thereto, Lee Mansion, Battleground National Cemetery, Chopawamsic Park, Chesapeake and Ohio Canal, Federal parks in the District of Columbia, and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482), including the pay and allowances in accordance with the provisions of the Act of May 27, 1924 (43 Stat. 174), as amended, of the United States park police force, purchase of revolvers and ammunition, purchase, cleaning, and repair of uniforms for police, guards, and elevator conductors, and equipment, per diem employees at rates of pay approved by the Secretary not exceeding current rates for similar services in the District of Columbia, stenographic reporting service, carfare, and newspapers (not to exceed $100), $790,000. National Capital parks. D. C. Code §§ 8-102, 8-106 notes. D. C. Code § 4-201 *et seq.*

For investigations and studies of the recreational resources and the archeological remains in the river basins of the United States (except the Missouri River Basin), including reports, recommendations, and plans, in cooperation with the United States Corps of Engineers and the Bureau of Reclamation pursuant to the provisions of cooperative agreements, and including personal services in the District of Columbia, $137,954. Studies of recreational resources, etc.

Acquisition of lands: For the acquisition of privately owned lands or interests therein within the authorized boundaries of established areas under the jurisdiction of the National Park Service, including expenses incidental thereto and personal services in the District of Columbia, $200,000, to remain available until expended, of which $150,000 shall be available only for lands within Colonial National Historical Park; Fredericksburg and Spotsylvania County Battlefields Memorial and Gettysburg National Military Parks; Manassas National Battlefield Park; Badlands, Dinosaur, George Washington Birthplace, Joshua Tree, Petrified Forest, and Scotts Bluff National Monuments; and Big Bend (parcels of land adjoining Big Bend National Park necessary to connect the park road system with State Highway 227), Glacier, Grand Canyon, Great Smoky Mountains, Kings Canyon, Lassen Volcanic, Mesa Verde, Mount Rainier, Olympic, Rocky Mountain, Sequoia, Yosemite, and Zion National Parks.

Parkways, National Park Service: The Secretary is hereby authorized to incur obligations and enter into contracts, not exceeding a total of $2,680,000, for the construction of the Blue Ridge, Natchez Trace, George Washington Memorial, and Foothills Parkways.

For the construction, reconstruction, improvement, repair, and maintenance of roads, trails, utilities, and buildings without regard to the Act of August 24, 1912, as amended (16 U. S. C. 451), including personal services in the District of Columbia, $4,762,350, to remain available until expended, including $3,110,000 for roads and trails of which $150,000 shall be available only for completing the grading and resurfacing of Heintooga Ridge Road, Great Smoky Mountains National Park; and $1,652,350 for the construction and repair of Construction of roads, etc. 37 Stat. 460.

buildings and utilities not otherwise provided for, of which not exceeding $50,000 shall be available for use in connection with the installation of two elevators at Carlsbad Caverns National Park, New Mexico.

Availability of appropriations.

Appropriations herein made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service, shall be available for the giving of educational lectures therein and vicinity; for the services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary may designate; for travel expenses of employees attending Government camps for training in forest-fire prevention and suppression and the Federal Bureau of Investigation National Police Academy, and attending Federal, State, or municipal schools for training in building fire prevention and suppression; for necessary local transportation and subsistence in kind of persons selected for employment or as cooperators, serving without other compensation while attending fire-protection training camps; and for official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary.

Telephone service in the field.

Vehicles.

Appropriations available to the National Park Service shall be available for the purchase (not to exceed forty, of which twenty-eight shall be for replacement only) and hire of passenger motor vehicles.

Transfer of surplus property.

The National Park Service is hereby authorized to acquire by transfer without exchange of funds, for three years beginning July 1, 1948, from the Departments of the Air Force, Army, and Navy, or the War Assets Administration equipment, materials, and supplies of all kinds, with an appraised value of not to exceed $3,000,000, from the surplus stores of those agencies, for use in the areas administered by the National Park Service or by any office of that Service in the United States, Alaska, and Hawaii: *Provided*, That the authorization in this paragraph shall not be construed to deny veterans the priority accorded to them in obtaining surplus property under the Surplus Property Act of 1944, as amended.

Veterans' priority.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 1103.

FISH AND WILDLIFE SERVICE

SALARIES AND EXPENSES

For expenses necessary in conducting investigations and carrying out the work of the Service, including cooperation with Federal, State, county, or other agencies or with farm bureaus, organizations, or individuals, as follows:

General administrative expenses: For general administrative purposes, including personal services in the District of Columbia, $270,000, of which sum $31,000 shall be available for printing and binding, including the purchase of reprints of scientific and technical articles published in periodicals and journals and the publication of bulletins which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of the bulletins to be delivered to or sent out under addressed franks furnished by the Senators, Representatives, and Delegates in Congress as they may direct.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, including the erection of necessary buildings and other structures; propagation and distribution of food fishes and fresh-water mussels; development, recommendation, and application of means, including the construction of devices, to assure natural propagation and maximum survival of hatchery and other fishes; purchase, collection, and

transportation of specimens and other expenses incidental to the maintenance and operation of aquaria, $1,879,525, including not to exceed $2,000 for purchase of land adjoining the San Angelo, Texas, fish cultural station and expenses incident thereto, and not to exceed $35,000 for the construction and operation, in accordance with the provisions of the Act of August 14, 1946 (60 Stat. 1080), of fish cultural facilities on lands owned by the State of South Dakota.

16 U. S. C. §§ 661-666c.

Operation and maintenance of fish screens: For operation and maintenance, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, or either, of fish screens and ladders on Federal irrigation projects, and for the conduct of investigations and surveys, the preparation of designs, and for determining the requirements for fishways and other fish protective devices at dams constructed under licenses issued by the Federal Power Commission, $36,300.

Investigations respecting food fishes: For investigations and studies into the cause of the decrease of food fishes, and other aquatic and plant resources, in connection therewith, and of means of securing a maximum sustained yield from such resources, including not to exceed $20,000 to investigate and eradicate the predatory sea lampreys of the Great Lakes as authorized by joint resolution of August 8, 1946, Public Law 672; maintenance, repair, improvement, equipment, and operation of fishery-experiment and biological stations; the construction of salmon-counting weirs, and the improvement of salmon-spawning streams in Alaska; $1,147,500.

Predatory sea lampreys, Great Lakes.

60 Stat. 930.

16 U. S. C. §§ 921-923.

Commercial fisheries: For collection and compilation of fishery statistics and related information; conducting investigations and studies of methods and means of capture, preservation, utilization, and distribution of fish and aquatic plants and products thereof, including investigation, study and research with respect to the utilization of packed sardines and the development of methods and procedures which should be employed in improving the quality and appearance of packed sardines; maintenance, repair, alteration, improvement, equipment, and operation of laboratories and vessels; and enforcing the applicable provisions of the Act authorizing associations of producers of aquatic products (15 U. S. C. 521); including contract stenographic reporting services, $510,000.

Packed sardines.

48 Stat. 1213.

Investigation, exploration, and development of Pacific fisheries: For expenses necessary to carry out the provisions of the Act of August 4, 1947 (Public Law 329), authorizing the exploration, investigation, development, and maintenance of the fishery resources and the development of the high-seas fishing industry of the Territories and island possessions of the United States in the tropical and subtropical Pacific Ocean, and intervening areas; printing and binding; temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); employment of officers and crews of vessels in accordance with policies and wage scales approved by the Secretary pursuant to the provisions of section 606 of the Federal Employees' Pay Act of 1946 (5 U. S. C. 946); and payment of subsistence allowances to officers and crews of vessels at rates approved by the Secretary; $1,000,000.

61 Stat. 726.

16 U. S. C., Supp. I, §§ 758-758d.

60 Stat. 810.

60 Stat. 218.

Fishery market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, information on the fishery industry, market supply and demand, commercial movement, location, disposition, and market prices of fishery products, $143,000.

Alaska fisheries: For protecting the seal, sea otter, and other fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; construction, improvement, repair, and alteration of buildings and roads, and subsistence of employees while on said islands; contract

stenographic reporting service; and construction of airplane base facilities at Anchorage, Alaska; $1,228,000.

58 Stat. 102.

Alaska fur-seal investigations: For investigations of Alaska fur seals pursuant to the Act of February 26, 1944 (16 U. S. C. 631i), $60,000.

46 Stat. 845; 49 Stat. 1246.
16 U. S. C., Supp. I, §§ 851–855.
61 Stat. 511.
16 U. S. C., Supp. I, §§ 776–776f.
26 U. S. C. § 124 note.

Enforcement of Black Bass, Whaling Treaty, and Sockeye Salmon Acts: For enforcement of the Act of July 2, 1930, as amended, and the Act of May 1, 1936 (16 U. S. C. 851–855, 901–915); and for carrying out the provisions of the Act of July 29, 1947 (Public Law 255), and of Executive Order No. 9802; $37,400.

45 Stat. 701.
16 U. S. C. § 581d.

Wildlife resources and management investigations: For investigations of wild game, wild fur animals, and other wildlife resources, causes of their depletion, and of means of securing a maximum sustained yield therefrom; for investigations of the relations of wild animal life to forests, under section 5 of the Act approved May 22, 1928 (16 U. S. C. 581); for investigations of damage by birds to agricultural and horticultural crops, and developing and applying methods for control of such damage; and for investigations of the wildlife resources of the Territory of Alaska, $325,450.

46 Stat. 1468.

Pocatello, Idaho, depot and laboratory.

Control of predatory animals and injurious rodents: For investigations and demonstrations in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game, and in protecting stock and other domestic animals through the supression of rabies and other diseases in predatory wild animals as authorized by law (7 U. S. C. 426), including not to exceed $3,000 for the purchase of printed bags, tags, and labels; and for repairs, additions, and installations in and about the grounds and buildings of the game-management supply depot and laboratory at Pocatello, Idaho, including purchase, transportation, and handling of supplies and materials for distribution from said depot to other projects, in accordance with the provisions of the Act approved June 24, 1936 (16 U. S. C. 667), $1,000,000.

49 Stat. 1913.

40 Stat. 755.
16 U. S. C., Supp. I, § 704 note.
54 Stat. 250.
35 Stat. 1137.
Ante, pp. 864, 1096.
31 Stat. 187.
Securing information of law violations.

Protection of migratory birds: For the enforcement of the Migratory Bird Treaty Act of July 3, 1918, as amended, to carry into effect the treaty with Great Britain and the convention between the United States and the United Mexican States (16 U. S. C. 703–711); for cooperation with local authorities in the protection of migratory birds, including necessary investigations; for the enforcement of the Act for the protection of the bald eagle (16 U. S. C. 668–668d); for the enforcement of sections 241–244 of the Act approved March 4, 1909, as amended (18 U. S. C. 391–394), and for the enforcement of section 1 of the Act approved May 25, 1900 (16 U. S. C. 701), including necessary investigations, $353,834, of which not to exceed $10,000 may be expended in the discretion of the Secretary for the purpose of securing information concerning violations of the laws for the enforcement of which this appropriation is made available.

43 Stat. 739.
48 U. S. C., Supp. I, § 210.

Enforcement of Alaska game law: For the enforcement of the Act of January 13, 1925, as amended (48 U. S. C. 192–211), $225,000, of which not to exceed $10,000 may be expended in the discretion of the Secretary for the purpose of securing information in connection with and for the prosecution of violators of the law for the enforcement of which this appropriation is made available.

Maintenance of mammal and bird reservations: For the administration, protection, and maintenance of mammal and bird reservations and the maintenance and protection of game introduced into suitable localities on public lands, under supervision of the Fish and Wildlife Service, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, repair of damage to public roads within reservation areas occasioned by authorized operations of the

Fish and Wildlife Service, and other improvements necessary for economical administration; for the purchase, capture, and transportation of game for national reservations; for the maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; not exceeding $7,500 for the repair, painting, and maintenance of dwellings and other buildings and facilities on the Chinsegut National Wildlife Refuge; and for carrying out the provisions of the Act approved August 5, 1947 (Public Law 361, Eightieth Congress), $1,312,500, and in addition thereto an amount equal to 75 per centum of the net proceeds received during the fiscal year 1948 under the provisions of section 401 of the Act of June 15, 1935 (16 U. S. C. 715S), which additional amount may be expended also for the enforcement of the Migratory Bird Treaty Act of July 3, 1918, as amended.

61 Stat. 770.

49 Stat. 383.
16 U. S. C. § 715s.

40 Stat. 755.
16 U. S. C. §§ 703-711; Supp. I, § 704 note.

River basin studies: For investigations and studies to determine the effects on fish and wildlife resources of proposed developments of river basins of the United States (except the Missouri River Basin), and for the preparation of reports thereon in accordance with the Act of March 10, 1934 (16 U. S. C. 661–666), as amended, $150,000.

48 Stat. 401.

California wildlife management areas: For the purchase or rent, and development, maintenance, and administration of wildlife management areas in the State of California, as authorized by the Act of May 18, 1948 (Public Law 534), $250,000, to remain available until expended.

Ante, p. 238.

In all, salaries and expenses, $9,928,509.

MIGRATORY BIRD CONSERVATION FUND

For carrying into effect section 4 of the Act of March 16, 1934, as amended (16 U. S. C. 718–718h), an amount equal to the sum received during the fiscal year 1949 from the proceeds from the sale of stamps, to be warranted monthly and to remain available until expended.

48 Stat. 451.
16 U. S. C. § 718d.

FEDERAL AID IN WILDLIFE RESTORATION

For carrying out the provisions of the Act of September 2, 1937, as amended (16 U. S. C. 669–669j), an amount equal to the sum credited during the fiscal year 1948 to the special fund created by said Act: *Provided*, That not exceeding 35 per centum of the amount allocated to any State shall be available for the construction of buildings: *Provided further*, That the requirement of the Interior Department Appropriation Act, 1948, that not exceeding 20 per centum of the amount allocated to any State shall be available for the construction of improvements is hereby waived with respect to unobligated balances on June 30, 1948.

50 Stat. 917.

Limitation.

61 Stat. 488.

Total, Fish and Wildlife Service, $9,928,509, and in addition thereto, funds made available under the Migratory Bird Conservation Fund and the fund for Federal Aid in Wildlife Restoration, of which amounts not to exceed $1,123,000 may be expended for departmental personal services, including such services in the District of Columbia. Funds available for the work of the Fish and Wildlife Service shall be available for the purchase of not to exceed sixty-five passenger motor vehicles for replacement only; purchase (not to exceed three), hire (in Alaska), maintenance, and operation of aircraft; the installation and operation of telephones in Government-owned residences, apartments, or quarters occupied by employees of the Fish and Wildlife Service; providing by purchase, construction, or otherwise, facilities incident to such public recreational uses of wildlife refuges as are not inconsistent with the primary purposes of such refuges; newspapers (not to exceed $100), plans and specifications for vessels, or for contract personal services for the preparation thereof without regard to section 3709, Revised Statutes, as amended

Availability of funds.

(41 U. S. C. 5); and rations for officers and crews of vessels or, in lieu thereof, commutation of rations at not to exceed $2.00 per man per day; and for the expenditure from appropriations available for the purchase of lands of not to exceed $1 for each option to purchase any tract of land. Reimbursements for the cost of supplies and materials and the transportation and handling thereof issued from central warehouses authorized to be established by the Act of June 24, 1936 (16 U. S. C. 667), may be credited to the appropriation current at the time supplies and materials are allotted, assigned, or issued, or at the time such reimbursements are received. Not to exceed 5 per centum of the foregoing amounts for expenses of the Fish and Wildlife Service shall be available interchangeably for expenditure on the objects included within the general expenses of said Service, but no more than 5 per centum shall be added to any one item or appropriation. The Departments of the Air Force, Army, and Navy, the Coast Guard, the Civil Aeronautics Administration, and the War Assets Administration are authorized to transfer to the Fish and Wildlife Service aircraft for replacement purposes only (but not necessarily of the same size or type or at the same locations), and such other equipment, materials, and supplies (with an appraised value of not to exceed $500,000), surplus to the needs of such agencies, as may be required by said Service, such transfers to be without charge therefor; and in addition the Departments of the Army and Navy, the Coast Guard, and the Maritime Commission are authorized to transfer without charge therefor vessels for replacement purposes only (but not necessarily of the same size or type or at the same locations) marine engines, parts and accessories surplus to the needs of such agencies: *Provided*, That the authorization in this paragraph shall not be construed to deny to veterans the priority accorded to them in obtaining surplus property under the Surplus Property Act of 1944, as amended.

Reimbursements.

49 Stat. 1913.

Interchange of amounts.

Transfer of surplus property.

Vessels.

Veterans' priority.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 1103.

GOVERNMENT IN THE TERRITORIES

TERRITORY OF ALASKA

For necessary expenses of the offices of the Governor and the Secretary, including salaries of the Governor and Secretary; printing and binding; purchase of one passenger motor vehicle, for replacement only, at not to exceed $1,800; maintenance, repair, and preservation of Governor's house and grounds; $64,500, to be expended under the direction of the Governor.

Legislative expenses: For salaries of members of the legislature, $36,000; mileage of members, $12,000; in all, $48,000, to be expended under the direction of the Governor of Alaska.

Public schools.

For the establishment and maintenance of public schools, Territory of Alaska, $50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

48 Stat. 1227.
31 U. S. C. § 725c.

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including compensation and travel expenses of medical supervisor, and temporary medical consultants, transportation, burial, and other expenses, $448,000: *Provided*, That authority is granted to the Secretary to pay from this appropriation to the Sanitarium Company, of Portland, Oregon, or to other contracting institution or institutions, for the care and maintenance of Alaskan insane patients during the fiscal year 1949: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence

Payments to Sanitarium Company, Portland, Oreg.

Return of inmates not residents of Alaska.

or to their friends, and the Secretary shall as soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

Construction of roads, bridges, etc.

For the construction, repair, and maintenance of roads, tramways, bridges, and trails, Territory of Alaska, $100,000, to be available until expended: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

48 Stat. 1227.
31 U. S. C. § 725c.

For the construction, repair, and maintenance of roads, tramways, buildings, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of the Act approved June 30, 1932 (48 U. S. C. 321a–321c), including surveys and plans for new road construction; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), for the preparation of plans and specifications for buildings; and printing and binding, $10,442,400, to remain available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary or, at his request, the Commissioner of Public Roads, Federal Works Agency, is hereby authorized to incur obligations and enter into contracts for additional work, materials, and equipment not exceeding a total of $13,904,000: *Provided further*, That in the operation of the facilities of the Alaska Road Commission, the Departments of the Air Force, Army, and Navy, or any other agency of the United States having title thereto is authorized to transfer, regardless of present location and without charge to the Alaska Road Commission, materials, road and bridge, and other necessary equipment, spare parts, shop facilities and machinery, supplies and buildings surplus to its needs and which is deemed essential by the Department of the Interior for the construction, improvement, and maintenance of the Alaska road system: *Provided further*, That the authorization in this paragraph for transfer of surplus property to the Alaska Road Commission shall not be construed to deny to veterans the priority accorded to them in obtaining surplus property under the Surplus Property Act of 1944, as amended.

47 Stat. 446.
48 U. S. C., Supp. I, § 321d.
60 Stat. 810.

Contract authority.

Transfer of surplus property.

Veterans' priority.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*

The Alaska Railroad: In addition to all amounts received by The Alaska Railroad during the fiscal year 1949, there is hereby appropriated $17,000,000 which amounts shall be available, and continue available until expended, for the payment of obligations incurred under the contract authorization in the Interior Department Appropriation Act, 1948 and for expenses necessary for the authorized work of The Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to The Alaska Railroad; maintenance and operation of lodges, camps, and transportation facilities for the accommodation of visitors to Mount McKinley National Park; payment of amounts due connecting lines; payment of compensation and expenses as authorized by section 42 of the Act of September 7, 1916 (5 U. S. C. 793), to be reimbursed as therein provided: *Provided*, That not to exceed $12,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1949, and no one other than the general manager of said railroad, and one assistant general manager at not to exceed $10,000 per annum,

Ante, pp. 350, 1103.

61 Stat. 490.

Mount McKinley National Park.

39 Stat. 750.

Personal services; salary limitation.

shall be paid an annual salary out of this fund of more than $8,500: *Provided further*, That not to exceed $22,500 of such fund shall be available for printing and binding: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior is hereby authorized to incur obligations and enter into contracts for additional work, materials, and equipment not exceeding a total of $12,000,000: *Provided further*, That in the operation of the facilities of The Alaska Railroad, the Department of the Army or any other agency of the United States Government having title thereto is authorized to transfer regardless of present location and without charge to The Alaska Railroad, materials, roadway and bridge maintenance, and other necessary equipment, locomotives and spare parts, shop facilities and machinery, supplies, rolling stock, buildings, and docks, surplus to its needs and which may be certified by the Department of the Interior as necessary for the improvement, maintenance, or operation of The Alaska Railroad: *Provided further*, That the authorization in this paragraph for transfer of surplus property to The Alaska Railroad shall not be construed to deny to veterans the priority accorded to them in obtaining surplus property under the Surplus Property Act of 1944, as amended.

Printing and binding.
Contract authority.

Transfer of surplus property.

Veterans' priority.

58 Stat. 765.
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*

The following appropriations herein made shall be available for the hire, maintenance, and operation of aircraft: "Salaries and expenses, Governor and Secretary, Territory of Alaska"; "Construction and maintenance of roads, bridges, and trails, Alaska"; and "Alaska Railroad appropriated fund".

Ante, pp. 350, 1103.

TERRITORY OF HAWAII

For expenses of the offices of the Governor and the Secretary, including salaries of the Governor, the Secretary $7,342, and the private secretary to the Governor, $4,996; for printing and binding; travel expenses of the Governor; and $935 for temporary clerk hire; $25,900, to be expended by the Governor.

Legislative expenses, Territory of Hawaii: For compensation and mileage of members of the Legislature of the Territory of Hawaii as provided by the Act of June 27, 1930, $47,200.

46 Stat. 824.
48 U. S. C. § 599.

GOVERNMENT OF THE VIRGIN ISLANDS

39 Stat. 1132.
49 Stat. 1813.

For salaries of the Governor and employees incident to the execution of the Acts of March 3, 1917 (48 U. S. C. 1391), and June 22, 1936 (48 U. S. C. 1405v), printing and binding; repair, preservation and care of Federal buildings and furniture, purchase of water, and other necessary miscellaneous expenses, purchase of not to exceed three passenger motor vehicles for replacement only, and not to exceed $6,000 for personal services, household equipment and furnishings, fuel, ice, and electricity necessary in the operation of Government House at Saint Thomas and Government House at Saint Croix, $213,000, to be expended by and under the direction of the Governor.

Agricultural station.

For necessary expenses of the agricultural station in the Virgin Islands, $46,300, to be expended by and under the direction of the Governor.

Municipal governments: For expenses of the government of the Virgin Islands in excess of current local revenues for the fiscal year 1949, municipality of Saint Thomas and Saint John, $194,400, and municipality of Saint Croix, $325,800; in all, $520,200, to be paid to the respective municipal treasuries in monthly installments; and the said municipal governments are hereby authorized to make purchases for their hospitals, schools, and other public institutions, through the Bureau of Federal Supply of the Treasury Department.

Purchase of vehicles.

SEC. 2. Appropriations herein made shall be available for the purchase of vehicles generally known as quarter-ton or half-ton pick-up trucks and as station wagons without such vehicles being considered as passenger motor vehicles.

Emergency employment of aliens.

SEC. 3. Notwithstanding any provision of law to the contrary, aliens may be employed during the fiscal year 1949 in the field service of the Department for periods of not more than thirty days in cases of emergency caused by fire, flood, storm, act of God, or sabotage.

Attendance at meetings.

SEC. 4. Appropriations herein made for the following bureaus and offices shall be available for expenses of attendance of officers and employees at meetings or conventions of members of societies or associations concerned with their work in not to exceed the amounts indicated: Office of the Secretary, $850; Oil and Gas Division, $100; Board on Geographic Names, $150; Bureau of Land Management, $1,000; Bureau of Indian Affairs, $1,250; Bureau of Reclamation, $6,750; Geological Survey, $4,750; Bureau of Mines, $5,000; National Park Service, $1,250; Fish and Wildlife Service, $2,375; and soil and moisture conservation operations (all bureaus), $500.

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 5. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That in cases of emergency, caused by fire, flood, storm, act of God, or sabotage, persons may be employed for periods of not more than thirty days and be paid salaries and wages without the necessity of inquiring into their membership in any organization.

Affidavit.

Penalty.

Emergency employment.

Jackson Hole National Monument.

SEC. 6. No part of any appropriation contained in this Act shall be used directly or indirectly by way of wages, salaries, per diem or otherwise, for the performance of any new administrative function or the enforcement or issuance of any rule or regulation occasioned by the establishment of the Jackson Hole National Monument as described in Executive Proclamation Numbered 2578, dated March 15, 1943.

57 Stat. 731.

Lump-sum leave payments.

SEC. 7. Limitations on amounts to be expended for personal services under appropriations in this Act shall not apply to lump-sum leave

58 Stat. 845.

payments pursuant to the Act of December 21, 1944 (5 U. S. C. 61b–d).

Dues, etc.

SEC. 8. Appropriations herein made shall be available for payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 9. Appropriations in this Act shall be available for health service programs as authorized by law (5 U. S. C. 150).

60 Stat. 903.

Employees engaged in personnel work.

SEC. 10. Not to exceed a total of $875,000 of the appropriations contained in this Act shall be available for expenditure for the compensation of employees engaged in personnel work: *Provided*, That for purposes of this section employees will be considered as engaged in personnel work if they spend half time or more on personnel administration consisting of recruitment and appointments, placement, position classification, training, and employee relations.

SEC. 11. Appropriations in this Act shall be available for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

60 Stat. 843.
Ante, p. 1008.

SEC. 12. In purchasing lawbooks, books of reference, and periodicals, and in completing broken sets, the Secretary or his duly authorized representative may exchange similar items and apply the exchange allowances in such cases in whole or in part payment therefor.

Per diem rates.

SEC. 13. Where appropriations in this Act are available for expenditure for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), such expenditures shall be at rates not exceeding $35 per diem for individuals (unless a higher rate is otherwise authorized by law or unless a higher rate, not exceeding $50, shall be approved by the Director of the Bureau of the Budget).

60 Stat. 810.

TITLE II—SURPLUS APPROPRIATION RESCISSION

Sums totaling $560,197 for construction of the Havre-Shelby transmission line, Havre substation, Rudyard substation, Shelby substation, Milk River District, Fort Peck project, Montana, contained in the "Interior Department Appropriation Act, 1947", and the "Interior Department Appropriation Act, 1948", under the heading "Bureau of Reclamation", are hereby carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act.

60 Stat. 367.
61 Stat. 476.

Short title.

This Act may be cited as the "Interior Department Appropriation Act, 1949".

Approved June 29, 1948, 4:58 p. m., E. D. T.

[CHAPTER 755]

June 30, 1948
[S. J. Res. 37]
[Public Law 842]

JOINT RESOLUTION

Requesting the President to proclaim February 1 as National Freedom Day.

National Freedom Day.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to issue a proclamation designating the 1st day of February of each year as National Freedom Day for the purpose of commemorating the signing by President Abraham Lincoln, on February 1, 1865, of the joint resolution adopted by the Senate and the House of Representatives of the United States, proposing the thirteenth amendment to the Constitution of the United States of America.

13 Stat. 567.

Approved June 30, 1948.

[CHAPTER 756]

JOINT RESOLUTION

June 30, 1948
[S. J. Res. 117]
[Public Law 843]

Providing for acceptance by the United States of America of the Constitution of the International Labor Organization Instrument of Amendment, and further authorizing an appropriation for payment of the United States share of the expenses of membership and for expenses of participation by the United States.

International Labor Organization.
48 Stat. 1182.
22 U. S. C. §§ 271, 272.

Whereas the Senate and House of Representatives by Public Resolution Numbered 43 of the Seventy-third Congress authorized the President to accept membership for the Government of the United States of America in the International Labor Organization and the President, pursuant thereto, accepted such membership on August 20, 1934; and

Whereas such membership in the International Labor Organization has proved of benefit to the people of the United States; and

Whereas the International Labor Organization provides a unique international forum in which representatives of employers and workers join together with those of governments in formulating conventions and recommendations which serve as international minimum standards for labor and social legislation and administration within member countries; and

Whereas extensive revision of the constitution has been undertaken to enable the Organization to meet changed conditions, to strengthen the application of conventions and recommendations, with careful provision to meet the constitutional rules and practices of Federal States, and to operate as a specialized agency in relationship with the United Nations; and

Whereas the Constitution of the International Labor Organization Instrument of Amendment of 1946 was adopted unanimously on October 9, 1946, with the entire delegation of the United States to the Twenty-ninth Session of the International Labor Conference supporting this Instrument of Amendment: Therefore be it

Acceptance for U. S. of amendment to constitution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept for the Government of the United States of America the Constitution of the International Labor Organization Instrument of Amendment adopted by the Twenty-ninth Session of the International Labor Conference on October 9, 1946.

Appropriation authorized.
Ante, p. 309.

SEC. 2. There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums, not to exceed $1,091,739 per annum, as may be necessary for the payment by the United States of its share of the expenses of the Organization, as apportioned by the International Labour Conference in accordance with article 13 (c) of the constitution of the Organization; and

(b) such additional sums, not to exceed $95,000 per annum, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative or representatives and alternates and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; printing and binding without regard to section 11 of the

42 Stat. 1488.
5 U. S. C. §§ 661–674.

60 Stat. 810.
5 U. S. C. § 55a.

40 Stat. 1270.
41 U. S. C. § 5.

Act of March 1, 1919 (44 U. S. C. 111), and section 3709 of the Revised Statutes, as amended; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 6 of the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress, and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b) (2).

60 Stat. 714.
22 U. S. C. § 287r.

Loyalty and security investigations.

SEC. 3. No person shall serve as representative, delegate, or alternate from the United States until such person has been investigated as to loyalty and security by the Federal Bureau of Investigation.

Approved June 30, 1948.

[CHAPTER 757]

JOINT RESOLUTION

June 30, 1948
[S. J. Res. 206]
[Public Law 844]

Consenting to an interstate boundary compact by and between the States of Michigan, Minnesota, and Wisconsin

Interstate boundary compact.
Michigan, Minnesota, and Wisconsin.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the following interstate boundary compact by and between the State of Michigan, the State of Minnesota, and the State of Wisconsin:

A COMPACT

Entered into by and between the State of Michigan, the State of Minnesota, and the State of Wisconsin, states signatory hereto.

The contracting states solemnly agree:

Boundary between Mich. and Wis.

1. That the boundary between the State of Michigan and the State of Wisconsin in the center of Lake Michigan be and it hereby is finally fixed and established as the line marked A–B–C–D–E–F–G on the map, Exhibit A, annexed hereto, which line is more particularly described as follows:

Starting at Point A, a point equi-distant from either shore on the line which is the eastward continuation of the boundary line between Wisconsin and Illinois or latitude 42°29′37″ North;

Thence to Point B, a point equi-distant from either shore on the line drawn through the Port Washington Fog Signal and Storm Signal and the White Lake Storm Signal, on a true azimuth of 354°12′00″ a distance of 61.55 statute miles;

Thence to Point C, a point equi-distant from either shore on a line drawn through the Sheboygan Coast Guard Storm Signal, Fog Signal, Radio Beacon and Little Sable Point Light, on a true azimuth of 03°01′15″, a distance of 22.18 statute miles;

Thence to Point D, a point equi-distant from either shore on a line drawn through the Twin River Point Light and Fog Signal and Big Sable Fog and Light Signal, on a true azimuth of 10°04′30″, a distance of 30.33 statute miles;

Thence to Point E, a point equi-distant from either shore on a line from Bailey's Harbor Inland Light and Point Betsie Fog Signal, Radio Beacon, and Distance Finding Station, on a true azimuth of 17°09′55″, a distance of 54.20 statute miles;

Thence to Point F, a point equi-distant from either shore on a line drawn through the Pilot Island Light and Fog Signal and Sleeping Bear Point Light, on a true azimuth of 33°29′10″, a distance of 17.24 statute miles;

Thence to Point G, the point determined by the United States Supreme Court decree of March 12, 1936 which is a point 45,600

meters from the center of Rock Island Passage on a bearing of South 60° East, on a true azimuth of 49°34′10″, a distance of 15.66 statute miles.

The latitude and longitude of the named control points is as follows:

Point A—Latitude 42°29′37″
Longitude 87°01′15″
Point B—Latitude 43°22′50″
Longitude 87°08′50″
Point C—Latitude 43°42′00″
Longitude 87°07′20″
Point D—Latitude 44°07′55″
Longitude 87°00′45″
Point E—Latitude 44°52′50″
Longitude 86°41′10″
Point F—Latitude 45°05′20″
Longitude 86°29′30″
Point G—Latitude 45°14′10″
Longitude 86°14′55″

Boundaries of Mich., Minn., and Wis.

2. That the western boundary of the State of Michigan in the waters of Lake Superior and the eastern boundary in the waters of Lake Superior of the State of Minnesota and Wisconsin be and it hereby is finally fixed and established as the line marked M–N on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point M, the point where the line through the middle of the main channel of the Montreal River enters Lake Superior.

Thence in a direct line to Point N, the point where a line drawn through the most easterly point of Pigeon Point and the most southerly point of Pine Point intersects the international boundary, on a true azimuth of 23°27′24″ and a distance of 108.86 statute miles.

The latitude and longitude of the named control points is:

Point M—Latitude 46°34′05″
Longitude 90°25′05″
Point N—Latitude 48°00′50″
Longitude 89°29′00″

Boundary between Minn. and Wis.

3. That the boundary between the State of Minnesota and the State of Wisconsin in the center of Lake Superior be and it hereby is finally fixed and established as the line marked A–B–C–D on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point A which is the midpoint on the line M–N described in paragraph 2, supra;

Thence to Point B, the midpoint in a direct line between the mouth of Cross River, Minnesota, and the Lighthouse on Outer Island in Wisconsin, on a true azimuth of 272°17′10″, a distance of 33.15 statute miles;

Thence to Point C, the midpoint in a direct line between the Lighthouse on shore at Two Harbors, Minnesota and the light on the lakeward end of the Government east pier at Port Wing, Wisconsin on a true azimuth of 235°27′40″, a distance of 49.60 statute miles;

Thence to Point D, the midpoint in a direct line at right angles to the central axis of the Superior entry between the tops of the eastern ends of the pierheads at the lakeward ends of the United States Government breakwaters at the Superior entry to Duluth Superior Harbor, on a true azimuth of 239°50′20″, a distance of 26.43 statute miles.

The latitude and longitude of the named control points is as follows:

Point A—Latitude 47°17′30″
Longitude 89°57′00″
Point B—Latitude 47°18′35″
Longitude 90°39′15″

Point C—Latitude 46°54′10″
Longitude 91°31′25″
Point D—Latitude 46°42′39.875″
Longitude 92°00′24.571″

4. All azimuths are measured clockwise from true north.

Effective date.

5. That this compact shall become operative immediately upon its ratification by any state as between it and the other state or states so ratifying. Ratification shall be made by act of the legislature of the ratifying state.

Ratification.

Joint Survey Commission.

6. That immediately upon ratification of this compact by all three states, each state will appoint two members to a Joint Survey Commission to survey and mark the boundaries defined in this compact by establishing and perpetuating monuments at the reference points on shore by means of which the control points of said boundaries are located. The expense of marking the Lake Michigan Boundary shall be borne jointly by the states of Michigan and Wisconsin; the expense of marking the boundary line described in paragraph 2 above shall be borne equally by the states of Minnesota, Michigan and Wisconsin. The expense of marking the Lake Superior boundary between Minnesota and Wisconsin shall be borne jointly by the states of Minnesota and Wisconsin.

Expenses.

STATE OF MICHIGAN

EXECUTIVE DEPARTMENT

IN WITNESS WHEREOF:

I, KIM SIGLER, Governor of the State of Michigan, by virtue of the power vested in me as such Governor, and pursuant to the provisions of Act No. 267, of the Public Acts of 1947, approved June 27, 1947, which ratifies paragraphs one, two, four, five and six of the foregoing compact, have hereunto set my hand for and on behalf of the State of Michigan and have caused to be affixed the Great Seal of the State of Michigan.

Done at the City of Lansing, in the State of Michigan, this 3rd day of February, in the year of Our Lord, one thousand, nine hundred and forty eight.

[SEAL]

(S) KIM SIGLER
(S) F. W. ALGERE,
Secretary of State.

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

IN WITNESS WHEREOF:

I, LUTHER W. YOUNGDAHL, Governor of the State of Minnesota, by virtue of the power vested in me as such Governor and pursuant to the provisions of Chapter 589, Laws of Minnesota for the year 1947, approved April 26, 1947, which ratifies the foregoing compact, have hereunto set my hand for and on behalf of the State of Minnesota, and have caused to be affixed the Great Seal of the State of Minnesota.

Done at the City of St. Paul, in the State of Minnesota, this 30th day of December, in the year of Our Lord, one thousand, nine hundred and forty seven.

[SEAL]

(S) LUTHER W. YOUNGDAHL,
Governor.
(S) MIKE HOHN,
Secretary of State.

STATE OF WISCONSIN

EXECUTIVE DEPARTMENT

IN WITNESS WHEREOF:

I, OSCAR RENNEBOHM, Acting Governor of the State of Wisconsin, by virtue of the power vested in me as such Acting Governor, and pursuant to the provisions of Chapter 222, Laws of Wisconsin for the year 1947, approved June 12, 1947, which ratifies the foregoing compact, have hereunto set my hand for and on behalf of the State of Wisconsin and have caused to be affixed the Great Seal of the State of Wisconsin.

Done at the City of Madison in the State of Wisconsin, this 22nd day of December, in the year of Our Lord, one thousand, nine hundred and forty seven.

[SEAL]

(S) OSCAR RENNEBOHM,
Acting Governor.

(S) ROBERT C. ZIMMERMAN,
(Asst.) Secretary of State.

SEC. 2. Nothing herein contained shall be construed to impair or in any manner affect any right of the United States. Rights of U. S.

Approved June 30, 1948.

[CHAPTER 758]

AN ACT

To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes.

June 30, 1948
[S. 418]
[Public Law 845]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the abatement of stream pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution, to support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment, and to provide Federal technical services to State and interstate agencies and to industries, and financial aid to State and interstate agencies and to municipalities, in the formulation and execution of their stream pollution abatement programs. To this end, the Surgeon General of the Public Health Service (under the supervision and direction of the Federal Security Administrator) and the Federal Works Administrator shall have the responsibilities and authority relating to water pollution control vested in them respectively by this Act.

Water Pollution Control Act.
Policy of Congress.

SEC. 2. (a) The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution agencies and interstate agencies, and with the municipalities and industries involved, prepare or adopt comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any

Development of programs.

Joint investigations.

such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

Cooperation with States.

(b) The Surgeon General shall encourage cooperative activities by the States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between States for the prevention and abatement of water pollution; collect and disseminate information relating to water pollution and the prevention and abatement thereof; support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment; make available to State and interstate agencies, municipalities, industries, and individuals the results of surveys, studies, investigations, research, and experiments relating to water pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such assistance to State agencies as may be authorized by law.

Interstate compacts.

(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

Approval by Congress.

Declaration of pollution as a public nuisance.

(d) (1) The pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, is hereby declared to be a public nuisance and subject to abatement as herein provided.

Notification of pollution.

(2) Whenever the Surgeon General, on the basis of reports, surveys, and studies, finds that any pollution declared to be a public nuisance by paragraph (1) of this subsection is occurring, he shall give formal notification thereof to the person or persons discharging any matter causing or contributing to such pollution and shall advise the water pollution agency or interstate agency of the State or States where such discharge or discharges originate of such notification. This notification may outline recommended remedial measures which are reasonable and equitable in that case and shall specify a reasonable time to secure abatement of the pollution. If action calculated to secure abatement of the pollution within the time specified is not commenced, this failure shall again be brought to the attention of the person or persons discharging the matter and of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate. The notification to such agency may be accompanied by a recommendation that it initiate a suit to abate the pollution in a court of proper jurisdiction.

Action upon failure to secure abatement.

(3) If, within a reasonable time after the second notification by the Surgeon General, the person or persons discharging the matter fail to initiate action to abate the pollution or the State water pollution agency or interstate agency fails to initiate a suit to secure abatement,

Hearing.

the Federal Security Administrator is authorized to call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originate, before a board of five or more persons appointed by the Administrator, who may be officers or employees of the Federal Security Agency

or of the water pollution agency or interstate agency of the State or States where such discharge or discharges originate (except that at least one of the members of the board shall be a representative of the water pollution agency of the State or States where such discharge or discharges originate and at least one shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Federal Security Agency). On the basis of the evidence presented at such hearing the board shall make its recommendations to the Federal Security Administrator concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution.

Suit by U. S. for abatement.

(4) After affording the person or persons discharging the matter causing or contributing to the pollution reasonable opportunity to comply with the recommendations of the board, the Federal Security Administrator may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State or States in which the matter causing or contributing to the pollution is discharged, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

Defendant.

(5) Before or after any suit authorized by paragraph (4) is commenced, any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought, may, with the consent of the water pollution agency (or of any officer or agency authorized to give such consent) of the State in which such matter is discharged, be joined as a defendant. The court shall have power to enforce its judgment against any such defendant.

Judicial district of case.

(6) In any suit brought pursuant to paragraph (4) in which two or more persons in different judicial districts are originally joined as defendants, the suit may be commenced in the judicial district in which any discharge caused by any of the defendants occurs.

Jurisdiction of court.

(7) The court shall receive in evidence in any such suit a transcript of the proceedings before the board and a copy of the board's recommendation; and may receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require. The jurisdiction of the Surgeon General, or any other agency which has jurisdiction pursuant to the provisions of this Act, shall not extend to any region or areas nor shall it affect the rights or jurisdiction of any public body where there are in effect provisions for sewage disposal pursuant to agreement between the United States of America and any such public body by stipulation entered in the Supreme Court of the United States. While any such stipulation or modification thereof is in force and effect, no proceedings of any kind may be maintained by virtue of this Act against such public body or any public agency, corporation, or individual within its jurisdiction. Neither this provision nor any provision of this Act shall be construed to give to the Surgeon General or any other person or agency the right to intervene in the said proceedings wherein such stipulation was entered.

Jurisdiction of Surgeon General, etc.

"Person."

(8) As used in this subsection the term "person" includes an individual, corporation, partnership, association, a State, municipality, and a political subdivision of a State.

Investigations, etc., on specific problems.

SEC. 3. The Surgeon General may, upon request of any State water-pollution agency or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view to recommending a solution of such problem.

Reports and recommendations.

SEC. 4. The Surgeon General shall prepare and publish, from time to time, reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of water pollution.

Loans for treatment works.
Post, p. 1160.

SEC. 5. The Federal Works Administrator is authorized, subject to the provisions of section 9 (c), to make loans to any State, municipality, or interstate agency for the construction of necessary treatment works to prevent the discharge by such State or municipality of untreated or inadequately treated sewage or other waste into interstate waters or into a tributary of such waters, and for the preparation (either by its engineering staff or by practicing engineers employed for that purpose) of engineering reports, plans, and specifications in connection therewith. Such loans shall be subject, however, to the following limitations: (a) No loan shall be made for any project unless such project shall have been approved by the appropriate State water pollution agency or agencies and by the Surgeon General, and unless such project is included in a comprehensive program developed pursuant to this Act; (b) no loan shall be made for any project in an amount exceeding 33⅓ per centum of the estimated reasonable cost thereof, as determined by the Federal Works Administrator, or in an amount exceeding $250,000, whichever amount is the smaller; (c) every such loan shall bear interest at the rate of 2 per centum per annum, payable semiannually; and (d) the bonds or other obligations evidencing any such loan (1) must be duly authorized and issued pursuant to State and local law, and (2) may, as to the security thereof and the payment of principal thereof and interest thereon, be subordinated (to the extent deemed feasible and desirable by the Federal Works Administrator for facilitating the financing of such projects) to other bonds or obligations of the obligor issued to finance such project or that may then be outstanding.

Limitations.

Review of reports, loan applications, etc.

SEC. 6. (a) The Surgeon General and the Federal Works Administrator, in carrying out their respective functions under this Act, shall provide for the review of all reports of examinations, research, investigations, plans, studies, and surveys, made pursuant to the provisions of this Act and all applications for loans under section 5. In determining the desirability of projects for treatment works and of approving loans in connection therewith, consideration shall be given to the public benefits to be derived by the construction thereof, the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for the loan for assuring proper and efficient operation and maintenance of the works after completion of the construction thereof.

Supra.

Water Pollution Control Advisory Board.

(b) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of the Army, a representative of the Department of the Interior, a representative of the Federal Works Agency, and a representative of the Department of Agriculture, designated by the Secretary of the Army, the Secretary of the Interior, the Federal Works Administrator, and the Secretary of Agriculture, respectively; and six persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is expert in sewage and industrial-waste disposal, one shall be a person who shall have shown an active interest in the field of wildlife conservation, and, except as the President may

determine that the purposes of this Act will be better furthered by different representation, one shall be a person representative of municipal government, one shall be a person representative of State government, and one shall be a person representative of affected industry. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Federal Security Administrator, together with an allowance for actual and necessary traveling and subsistence expenses while engaged on the business of the Board. It shall be the duty of the Board to review the policies and program of the Public Health Service as undertaken under authority of this Act and to make recommendations thereon in reports to the Surgeon General. Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

Appropriation authorized for loans.

SEC. 7. There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of $22,500,000 for the purpose of making loans under section 5 of this Act. Sums so appropriated shall remain available until expended.

Appropriation authorized for allotments to States.

SEC. 8. (a) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, the sum of $1,000,000, to be allotted equitably and paid to the States for expenditure by or under the direction of their respective State water pollution agencies, and to interstate agencies for expenditure by them, for the conduct of investigations, research, surveys, and studies related to the prevention and control of water pollution caused by industrial wastes. Sums appropriated pursuant to this subsection shall remain available until expended, shall be allotted by the Surgeon General in accordance with regulations prescribed by the Federal Security Administrator, and shall be paid prior to audit or settlement by the General Accounting Office.

Appropriation authorized for construction at Cincinnati, Ohio.
Ante, p. 1032.

(b) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed $800,000 to enable the Federal Works Administrator to erect and to furnish and to equip such buildings and facilities at Cincinnati, Ohio, as may be necessary for the use of the Public Health Service in connection with the research and study of water pollution and the training of personnel in work related to the control of water pollution. The amount authorized for this purpose shall include the cost of preparation of drawings and specifications, supervision of construction and other administrative expenses incident to the work: *Provided*, That the Federal Works Agency shall prepare the plans and specifications, make all necessary contracts and supervise construction. Sums appropriated pursuant to this authorization shall remain available until expended.

Plans and specifications.

Appropriation authorized for grants to States.

(c) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of $1,000,000 to enable the Federal Works Administrator to make grants to States, municipalities, or interstate agencies to aid in financing the cost of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of projects approved by the appropriate State water pollution agency or agencies and by the Surgeon General. Grants made under this subsection with respect to any project shall not exceed whichever of the following amounts is the smaller: (1) $20,000, or (2) 33⅓ per centum of the

estimated reasonable cost (as determined by the Federal Works Administrator) of the action preliminary to the construction of such project. Sums appropriated pursuant to this subsection shall remain available until expended.

Appropriations authorized for functions. *Ante*, p. 1032.

(d) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of $2,000,000) as may be necessary to enable it to carry out its functions under this Act.

(e) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of $500,000) as may be necessary to enable it to carry out its functions under this Act.

Appointment of officers.

SEC. 9. (a) Five officers may be appointed to grades in the Regular Corps of the Public Health Service above that of senior assistant, but not to a grade above that of director, to assist in carrying out the purposes of this Act. Officers appointed pursuant to this subsection in any fiscal year shall not be counted as part of the 10 per centum of the original appointments authorized to be made in such year under section 207 (b) of the Public Health Service Act; but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b).

Ante, p. 40.

Detail of employees.

(b) The Federal Security Administrator, with the consent of the head of any other agency of the Federal Government, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

Transfer of funds.

(c) (1) Upon written request of the Federal Works Administrator, from time to time submitted to the Federal Security Administrator, specifying (a) particular projects approved by the Surgeon General, (b) the total estimated costs of such projects, and (c) the total sum requested for loans which the Federal Works Administrator proposes to make for such projects, the Federal Security Administrator shall transfer such total sum (within the amount appropriated therefor) to the Federal Works Administrator for the making of loans for such projects pursuant to section 5 hereof. In making such loans, the Federal Works Administrator shall adhere to the order or sequence of priority for projects established by the Surgeon General and shall take such measures as, in his judgment, will assure that the engineering plans and specifications, the details of construction, and the completed treatment works conform to the project as approved by the Surgeon General; and the Federal Works Administrator shall furnish written reports to the Federal Security Administrator on the progress of the work.

Ante, p. 1158.

Priority for projects.

Sale of bonds, etc.

(2) The Federal Works Administrator is hereby authorized (a) to hold, administer, exchange, refund, or sell at public or private sale any bonds or other obligations evidencing loans made under this Act; and (b) to collect, or provide for the collection of, interest on and principal of such bonds or other obligations. All moneys received as proceeds from such sales, and all moneys so collected, shall be covered into the Treasury as miscellaneous receipts.

Regulations.

(d) The Surgeon General and the Federal Works Administrator are each authorized to prescribe such regulations as are necessary to carry out their respective functions under this Act.

"State water pollution agency."

SEC. 10. When used in this Act—

(a) The term "State water pollution agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency;

"Interstate agency."

(b) The term "interstate agency" means an agency of two or more States having powers or duties pertaining to the abatement of pollution of waters;

"Treatment works."

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial waste of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof;

"State."

(d) The term "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands;

"Interstate waters."

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across, or form a part of, State boundaries; and

"Municipality."

(f) The term "municipality" means a city, town, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

SEC. 11. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

43 Stat. 604.
33 U. S. C. §§ 431–437.

30 Stat. 1152.
33 U. S. C. §§ 407–409, 411–413.

SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Separability.

SEC. 13. This Act may be cited as the "Water Pollution Control Act".

Short title.

Approved June 30, 1948.

[CHAPTER 759]

AN ACT

To confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation.

June 30, 1948
[S. 1820]
[Public Law 846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation in that State to the same extent as its courts have jurisdiction generally over offenses committed within said State outside of any Indian reservation: *Provided, however*, That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations.

Sac and Fox Indian Reservation.
Jurisdiction over offenses.

Approved June 30, 1948.

[CHAPTER 760]

AN ACT

Validating certain conveyances of the Oregon Short Line Railroad Company and the Union Pacific Railroad Company and waiving, relinquishing, and disclaiming all title and all right of reverter and forfeiture of the United States of America to the lands described in said conveyances.

June 30, 1948
[S. 2371]
[Public Law 847]

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

Oregon Short Line Railroad Co. and Union Pacific Railroad Co.

Validation of conveyances.

conveyance made by Oregon Short Line Railroad Company, a corporation of Utah, to the Colorado Milling and Elevator Company, a corporation of Colorado, dated September 30, 1927, and recorded April 25, 1932, at 9:02 antemeridian in book 68 of deeds at page 42, records of Bannock County, Idaho, and covering the following-described land located in Bannock County, Idaho, to wit: A tract of land one hundred feet wide and one hundred and forty feet long in northeast quarter of southwest quarter of section 26, township 6 south, range 34 east, of Boise meridian, and more particularly described as follows: Beginning at the present northeasterly corner of right-of-way of Oregon Short Line Railroad Company opposite and west of block 329 of townsite of Pocatello, said corner bearing south thirty-three degrees forty-two minutes twenty seconds east three thousand four hundred and sixty-one and three-tenths feet from northwest corner of said section 26; thence south eight degrees forty-one minutes east along present easterly right-of-way boundary of said railroad company, one hundred and forty feet; thence south eighty-one degrees nineteen minutes west one hundred feet; thence north eight degrees forty-one minutes west one hundred and forty feet to point in the present northerly right-of-way boundary of said railroad company; thence north eighty-one degrees nineteen minutes east along said northerly right-of-way boundary one hundred feet to point of beginning, and containing in all thirty-two one-hundredths of an acre, more or less; and that certain conveyance made by the Union Pacific Railroad Company, a corporation of Utah, to the Colorado Milling and Elevator Company, a corporation of Colorado, dated April 28, 1941, and recorded May 29, 1941, at 2:14 postmeridian in book 84 of deeds at page 183, records of Bannock County, Idaho, and covering the following-described land located in Bannock County, Idaho, to wit: A tract of land one hundred feet wide and one hundred and forty feet long in northeast quarter of southwest quarter of section 26, township 6 south, range 34 east, of Boise meridian and more particularly described as follows: Beginning at the present northeasterly corner of right-of-way of Oregon Short Line Railroad Company opposite and west of block 329 of townsite of Pocatello, the said corner being southeasterly corner of that certain tract of land conveyed by Oregon Short Line Railroad Company to the Colorado Milling and Elevator Company by quit claim deed dated September 30, 1927, and recorded April 25, 1932, in book 68 at page 42 of deeds, records of Bannock County; thence south eight degrees forty-one minutes east along said right-of-way boundary one hundred and forty feet; thence south eighty-one degrees nineteen minutes west one hundred feet; thence north eight degrees forty-one minutes west one hundred and forty feet; thence north eighty-one degrees nineteen minutes east one hundred feet to point of beginning, and containing thirty-two one-hundredths of an acre, more or less; which said lands heretofore formed part of the right-of-way, station grounds, and yards of the Oregon Short Line Railroad Company and the Union Pacific Railroad Company granted by the United States of America to the Utah and Northern Railway Company, predecessor of the Oregon Short Line Railroad Company and the Union Pacific Railroad Company, by Act of Congress dated September 1, 1888, or by any other Act of Congress, are hereby legalized, validated, and confirmed and all title and all rights of reverter or forfeiture of the United States of America in or to the lands described in said conveyances, as provided in the Act of September 1, 1888 (25 Statutes 452), or otherwise, is hereby waived, relinquished, and disclaimed.

25 Stat. 452.

Approved June 30, 1948.

[CHAPTER 761]

AN ACT

To provide for certain administrative expenses in the Post Office Department, including retainment of pneumatic-tube systems, and for other purposes.

June 30, 1948
[S. 2510]
[Public Law 848]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Acts of April 21, 1902; May 27, 1908; and June 19, 1922 (39 U. S. C. 423), relating to contracts for transmission of mail by pneumatic tubes in New York, New York, including the borough of Brooklyn, are hereby amended to provide that the annual rental contract payment rate for the use of the twenty-six and nine hundred and sixty-nine thousandths miles of double-line pneumatic-tube facilities shall not exceed $12,000 per mile: *Provided, however*, That the rate shall be inclusive of maintenance expenses but shall be exclusive of all operating expenses.

Post Office Department.
Pneumatic tube system.
32 Stat. 114; 35 Stat. 412; 42 Stat. 661.

Approved June 30, 1948.

[CHAPTER 762]

AN ACT

To terminate the retirement system of the Office of the Comptroller of the Currency, and to transfer that retirement fund to the Civil Service Retirement and Disability Fund.

June 30, 1948
[S. 2692]
[Public Law 849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence after the first proviso of the second paragraph of section 5240 of the Revised Statutes, as amended (U. S. C., 1946 edition, title 12, sec. 481), is amended by deleting the comma after the words "whose compensation" and striking out the words "including retirement annuities to be fixed by the Comptroller of the Currency" and deleting the comma following those words.

Office of Comptroller of Currency.
Transfer of retirement fund.

SEC. 2. (a) The United States Civil Service Commission is hereby authorized and directed to ascertain the amount of the gross assets in the retirement fund of the Office of the Comptroller of the Currency, and the Comptroller of the Currency is authorized and directed to cause to be transferred all such assets to the Secretary of the Treasury to be entered on the books of the Treasury Department to the credit of the Civil Service Retirement and Disability Fund.

Transfer of assets.

(b) In the case of each officer or employee who is a member of the retirement system of the Office of the Comptroller of the Currency, the United States Civil Service Commission shall cause to be credited to his individual account in the Civil Service Retirement and Disability Fund an amount equal to such employee's accumulated contributions and interest standing to his credit on the books of the retirement system of the Office of the Comptroller of the Currency at the time of its termination: *Provided*, That in the event that such amount is in excess of the amount which would have been to his credit had he made the contributions required for allowable service under the Civil Service Retirement Act of May 22, 1920, as amended, currently during the same period of time for which he has creditable service under the rules and regulations of the retirement system of the Office of the Comptroller of the Currency, plus interest thereon, such excess amount shall be applied to any other deposits or redeposits required of such employee under sections 7, 9, and 12 of the Civil Service Retirement Act of May 29, 1930, as amended, covering periods of allowable service for which said employee did not have creditable service under the rules

Credit in individual account.

Excess amounts.

41 Stat. 614.
5 U. S. C. §§ 691–694, 697–731; Supp. I, § 691 *et seq.*

Ante, pp. 52, 53, 54.

and regulations of the retirement system of the Office of the Comptroller of the Currency, or, if he has no such additional allowable service, the excess shall be repaid to such employee in cash: *Provided further*, That no part of said sum credited to such employee's individual account shall be applied to any period of allowable service prior to August 1, 1920, or to periods of honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, for which periods no deposit shall be required, as provided by section 9 of the Act of May 29, 1930, as amended; nor shall deposits be required for any periods of time prior to June 1, 1936, for which such employee has creditable service under the rules and regulations of the retirement system of the Office of the Comptroller of the Currency, in excess of the amount of such employee's accumulated contributions plus interest standing to his credit on the books of the retirement system of the Officer of the Comptroller of the Currency at the date of its termination.

Exemptions from deposit requirements.

Ante, p. 53.

Retirement prior to this act, annuity.

SEC. 3. (a) In the case of an officer or employee who, prior to the effective date of this Act, shall have been retired on annuity under the rules and regulations of the retirement system of the Comptroller's Office, the annuity shall be paid out of the Civil Service Retirement and Disability Fund and shall be increased effective on the first day of the third month following the month in which this Act is enacted by 25 per centum or $300, whichever is the lesser: *Provided*, That each such annuitant may, prior to the effective date herein prescribed, elect to retain his or her present annuity in lieu of the increased annuity provided by this subsection and name his wife or her husband to receive upon his or her death one-half of his or her present annuity but not to exceed $600 per annum during the remainder of the life of such surviving wife or husband and upon the death of such survivor no further annuity shall be due or payable: *Provided further*, That the amount payable in the event of the death of the annuitant either to his nominated beneficiary or estate, in the form of a lump-sum payment or survivor's annuity, shall not be less than the amounts which would have been payable under the applicable rules and regulations of the retirement system of the Comptroller's Office.

Payment of certain deferred annuities.

(b) In the case of any officer or employee who was a member of the retirement system of the Comptroller's Office and who, prior to the effective date of this Act, terminated his employment with that Office and elected to receive a deferred annuity at age sixty-five, under the applicable rules and regulations of the retirement system of that Office, such annuity shall be payable out of the Civil Service Retirement and Disability Fund beginning at the age of sixty-two years. Otherwise his rights shall be determined and the annuity computed as though this Act had not been enacted.

Withdrawal of contributions.

SEC. 4. In the case of any officer or employee or former officer or employee of the Office of the Comptroller of the Currency who withdrew his accumulated contributions from the retirement fund of that Office upon leaving its employ, said officer or employee or former officer or employee of such Office shall be entitled to the same allowable service under the Civil Service Retirement Act of May 29, 1930, as amended, to which he would have been entitled if he had never been a member of the retirement system of the Comptroller's Office, subject, however, to the payment of the deposits required under said Act of May 29, 1930, as amended.

46 Stat. 468.
5 U. S. C. § 691 *et seq.*; Supp. I, § 691 *et seq.*
Ante, p. 48.

Effective date.

SEC. 5. This Act shall become effective on the first day of the first pay period which begins at least thirty days after the date of its enactment.

Approved June 30, 1948.

[CHAPTER 763]

AN ACT

June 30, 1948
[S. 2730]
[Public Law 850]

To include as allowable service under the Act of July 6, 1945, service performed in the military forces and on war transfer by employees in the field service of the Post Office Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 of the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945 (U. S. C., 1946 edition, title 39, sec. 875), is hereby amended to read as follows:

Post Office Department.

59 Stat. 461.

"SEC. 25. Allowable service under the provisions of this Act shall be only such continuous active service as has been rendered and shall not include previous periods or terms of employment, except that in the case of employees who have been separated or shall hereafter be separated from the field service of the Post Office Department for military duty, or to comply with a war transfer as defined by the Civil Service Commission, the periods or terms of such service immediately preceding entry into military service or immediately preceding such transfer, as well as the time engaged in military service and service on war transfer, shall be construed as allowable service, and pro rata credit shall be given for the time engaged in military service and service on war transfer for each year of such service."

Allowable service.

SEC. 2. Any person who prior to the enactment of this Act received any amounts the payment of which is authorized for the first time by this Act is hereby relieved of all liability to refund such amounts to the United States; and in the audit and settlement of the accounts of any postmaster, or of any other designated disbursing officer of the Post Office Department or postal service, the payment of such amounts shall be considered to have been authorized. The Postmaster General is hereby authorized and directed to repay, out of any funds hereafter appropriated pursuant to the authority of this Act, any amounts heretofore credited to the employee or refunded by him to the United States on account of such receipt by him of unauthorized payments.

Relief of liability.

Repayment of refunds.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

SEC. 4. The amendment made by the first section of this Act to section 25 of the Act of July 6, 1945, shall take effect as of July 1, 1945.

Effective date.

Supra.

Approved June 30, 1948.

[CHAPTER 764]

AN ACT

June 30, 1948
[H. R. 2096]
[Public Law 851]

To amend section 11 of the Act approved June 5, 1942 (56 Stat. 317), relating to Mammoth Cave National Park in the State of Kentucky, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 11 of the Act approved June 5, 1942 (56 Stat. 317, 319; 16 U. S. C. sec. 404c–11), is hereby amended to read as follows:

Mammoth Cave National Park, Ky.

"In order to provide for acquisition of property on behalf of the United States, in accordance with the provisions of this section, there is hereby authorized to be appropriated the sum of not to exceed $350,000. Any of the funds appropriated pursuant to the provisions hereof which are not needed to acquire property as authorized by this section may, in the discretion of the Secretary of the Interior, be used to acquire lands and interests in lands required for the development of

Appropriation authorized.

Acquisition of lands.

56 Stat. 320. 16 U. S. C. § 404c-12.

a proper and suitable entrance road to Mammoth Cave National Park, as authorized in section 12 of this Act. The funds heretofore deposited in the Treasury under special fund receipt account 146664 shall, upon the passage of this Act, be transferred to the general fund of the Treasury as miscellaneous receipts: *Provided*, That no part of this authorization shall be used for road development or construction until after all the lands within the maximum boundaries, as authorized by the Act of May 25, 1926 (44 Stat. 635), have been acquired by purchase, condemnation or otherwise."

Restriction.

16 U. S. C. §§ 404-404c.

Approved June 30, 1948.

[CHAPTER 765]

AN ACT

June 30, 1948 [H. R. 2878] [Public Law 852]

To amend the Act approved May 18, 1928 (45 Stat. 602), as amended, to revise the roll of the Indians of California provided therein.

Indians of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of May 18, 1928 (45 Stat. 602), as amended by the Act of April 29, 1930 (46 Stat. 259), be, and the same is hereby, amended as follows:

Revision of roll.

"SEC. 7. That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized and directed to revise the roll of the Indians of California, made by him in accordance with the provisions of the Act of May 18, 1928 (45 Stat. 602), as amended, by removing from said roll the names of persons who have died since May 18, 1928, and by adding the names of children, and their descendants, now living, born since May 18, 1928, to enrollees qualified under section 1 of the Act of May 18, 1928, whose names appear on said roll. The Indians of California in each community may elect a committee of three enrollees who may aid the enrolling agent in any matters relating to the revision of said roll. Any person claiming to be entitled to enrollment may, within one year after the approval of this Act, as herein amended, make an application in writing to the Secretary of the Interior for enrollment. After the expiration of such period of time, the Secretary of the Interior shall have one year to approve and promulgate such revised roll, after which the roll shall be closed and thereafter no additional names shall be added thereto: *Provided*, That the Secretary of the Interior shall prepare and distribute to the Indians of California not less than three thousand copies of an alphabetical printed list, consisting of the name of each Indian on the roll approved May 17, 1933, giving name, address, age at time of enrollment, and such other factual information, if any, as the Secretary may deem advisable as tending to identify each enrollee."

Application for enrollment.

Distribution of list.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated, out of any funds in the Treasury of the United States to the credit of the Indians of California, the sum of $25,000 to remain available until expended, to be used to defray the expenses incurred by the Secretary of the Interior in revising the roll, as provided herein.

Approved June 30, 1948.

[CHAPTER 766]

AN ACT

June 30, 1948 [H. R. 4856] [Public Law 853]

To delay the liquidation of mineral interests reserved to the United States as required by the Farmers' Home Administration Act of 1946, and for other purposes.

Liquidation of mineral interests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, no mineral interests reserved to the

United States which are required to be liquidated under the terms of the Farmers' Home Administration Act of 1946 shall be sold by the Secretary of Agriculture or transferred by him to appropriate agencies of the United States for disposition as surplus property of the United States until hereafter authorized by law. Nothing contained in this Act shall be construed to supersede or modify in any way the provisions of section 9 of the Farmers' Home Administration Act of 1946.

60 Stat. 1062.
7 U. S. C. § 1001 note; Supp. I, § 1001 *et seq.*

60 Stat. 1080.
7 U. S. C. § 1031.

Approved June 30, 1948.

[CHAPTER 767]

AN ACT

To promote the interests of the Fort Hall Indian Irrigation project, Idaho, and for other purposes.

June 30, 1948
[H. R. 5416]
[Public Law 854]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those provisions of the order of the Secretary of the Interior, dated February 6, 1948, which are based on certain recommendations contained in the Report on Conditions Found to Exist on the Fort Hall Irrigation Project and the Fort Hall Indian Reservation, Idaho, dated February 26, 1941, and which are described in the said order as made pursuant to the authority contained in the Act of June 22, 1936 (49 Stat. 1803), are hereby approved pursuant to the provisions of such Act.

Fort Hall Indian Irrigation project, Idaho.

25 U. S. C. §§ 389-389e; Supp. I, § 389 note.

SEC. 2. During such periods as water for the Fort Hall Indian irrigation project may be available in excess of the present duty of three acre-feet per acre per annum, the Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to permit the delivery of such excess water equally to the project lands in an amount not to exceed five-tenths acre-feet per acre per annum, in addition to the present duty of three acre-feet per acre per annum: *Provided, however*, That any surplus water temporarily available in addition to the three and five-tenths acre-feet per acre per annum may be furnished for use on project lands on terms, conditions, and rates to be prescribed by the Secretary of the Interior.

Delivery of excess water.

SEC. 3. The Little Indian Unit containing one thousand one hundred eighty-six and thirty-three one-hundredths acres of irrigable land in townships 2 and 3 south, ranges 36 and 37 east, Boise meridian, within the boundaries of the Fort Hall Indian Reservation, is hereby made a part of the Fort Hall Indian Irrigation project and the lands therein shall have the benefit of, and be subject to, all existing legislation applicable to said project to the same extent as other lands of like ownership and character within the project. The Indian-owned irrigable land in the unit shall be charged with its proper proportionate share of the project rehabilitation and improvement costs of $15.10 and not to exceed $7.50 per acre, respectively, as these costs are defined in the report referred to in section 1 of this Act. The non-Indian-owned irrigable land of the unit shall be entitled to receive only natural-flow water until a full project water right is acquired for said land through the execution by the owner of a contract, or contracts, providing for the repayment to the United States of like per-acre costs as are charged against the Indian-owned land in the unit. Said charges, as to Indian and non-Indian lands, shall be a first lien against the lands, under the Act of March 7, 1928 (45 Stat. 200, 210).

Little Indian Unit.

Indian-owned irrigable land.

Non-Indian-owned irrigable land.

25 U. S. C. § 387 note.

SEC. 4. The net irrigable area of the Fort Hall Indian irrigation project is hereby established as forty-seven thousand and forty-four and sixty-three one-hundredths acres of land, more or less. This area includes the forty-six thousand eight hundred and three and seventy-two one-hundredths acres of land, more or less, shown as the irrigable area of the project by the maps and plats in the report referred to in

Net irrigable area.

section 1 of this Act, and the two hundred and forty and ninety-one one-hundredths acres, more or less, included in eight additional tracts of land described as follows: (a) An irregular shaped area in the northeast corner of the east half southwest quarter southeast quarter of section 36, township 5 south, range 33 east, Boise meridian, containing one and seventy one-hundredths acres; (b) an irregular shaped area lying along the east side of the Fort Hall Main Canal in the west half of section 35, township 5 south, range 34 east, Boise meridian, containing twenty-eight and seventeen one-hundredths acres; (c) an irregular shaped area lying along the east side of the Fort Hall Main Canal in the south half of section 14, township 6 south, range 34 east, Boise meridian, containing forty acres; (d) a portion of the northwest quarter northeast quarter of section 23, township 6 south, range 34 east, Boise meridian, containing thirty-three and forty-two one-hundredths acres; (e) Fairview Park in the east half southwest quarter southwest quarter northeast quarter and west half southeast quarter southwest quarter northeast quarter of section 23, township 6 south, range 34 east, Boise meridian, containing ten acres; (f) the east half northeast quarter northwest quarter of section 23, township 6 south, range 34 east, Boise meridian, containing twenty acres; (g) an irregular shaped area lying along the east side of the Pocatello lateral in section 23, township 6 south, range 34 east, Boise meridian, containing ninety-seven and sixty-two one-hundredths acres; and (h) the southwest quarter southwest quarter southwest quarter of section 24, township 6 south, range 34 east, Boise meridian, containing ten acres. The above-described tracts of land, together with such lands in the portion of the village of Alameda lying between the Pocatello lateral and the Oregon Short Line Railroad right-of-way in section 23, township 6 south, range 34 east, Boise meridian, as (notwithstanding their inclusion in the irrigable acreage shown by the maps and plats hereinabove mentioned) have no water right at present, shall be entitled to receive, or to continue to receive, water through pumping operations or by gravity flow, provided the respective owners thereof, within five years from the date of the enactment of this Act, enter into contracts whereby they agree (1) to pay their proper proportionate share of the project construction costs of $18.12 per acre, as these costs are defined in the report referred to in section 1 of this Act, for such of their lands as do not now have a project water right, (2) to pay their proper proportionate share of the project rehabilitation and improvement costs of $15.10 and not to exceed $7.50 per acre, respectively, for such of their lands as are not now covered by contracts for the repayment of such costs, and (3) to install, maintain, and operate, at their own expense, pumping machinery to lift the water from the project canals or laterals for the irrigation of such of their lands as cannot be supplied by gravity flow. The noninclusion of the Fort Hall town site within the net irrigable area of the project as hereby established shall not prevent the obtaining of water rights therefor in accordance with the Act of March 1, 1907 (34 Stat. 1015, 1025).

Contracts.

Fort Hall town site.

Exclusion of certain lands from project.

SEC. 5. There is excluded from the Fort Hall Indian Irrigation project by the designation of the project area in section 4 of this Act the nine thousand six hundred and seventy acres of tribal, allotted, and non-Indian-owned lands located between Fort Hall and Gibson, Idaho, heretofore authorized to be included in the project by the Act of March 3, 1927 (Ch. 371, 44 Stat. 1398). The construction costs apportioned to the tribal lands so excluded are hereby canceled and the water rights are made available for project use. The water rights for the lands of the several allottees and non-Indian owners within the area so excluded shall not be impaired or affected

Cancellation of construction costs.

Water rights.

by reason of such exclusion, but water shall be delivered only at the head of the laterals serving these lands. The respective owners of such lands may make their water rights available for project use, whereupon the construction costs assessed or assessable against their lands with respect to the water rights thus made available shall be canceled by the Secretary of the Interior. Allottees of lands within the excluded area, or their heirs or devisees, may donate or sell their lands to the tribe or may exchange their lands for assignments of tribal lands within the project area. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, $8,000, or so much thereof as may be necessary, for the purchase by the Secretary of the Interior, in the name of the United States of America in trust for the Shoshone-Bannock Tribes of the Fort Hall Reservation, of one hundred and eighty acres of non-Indian-owned land, with water rights and improvements appurtenant thereto, described as the north half southeast quarter southwest quarter section 13, township 4 south, range 34 east, Boise meridian, and south half northeast quarter and north half southeast quarter section 7, township 4 south, range 35 east, Boise meridian, located within the area excluded from the Fort Hall Indian Irrigation project by section 4 of this Act.

Exchange of land by allottees.

Appropriation authorized.

Ante, p. 1167.

SEC. 6. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $3,995 to compensate the following-named landowners, or their heirs, for work accomplished or for future work necessary in filling, leveling, and otherwise preparing for irrigation the abandoned portion of the old Fort Hall Main Canal within their holdings, in not to exceed the following amounts: Frank E. DeKay, $401; Henry Jensen, $633; Theodore H. Gathe, $654; A. E. Albert, $106; Ezra D. Wilson, $127; J. M. Bistline, $378; Ambrose H. McGuire, $424; Ellen Griffith, $412; C. M. Allen, $116; Olive A. Granden, $184; William Webster, $28; Hiram Faulkner, $114; Williamette Blakeslee, $298; Frank Parker, $99; and Henrietta C. Blakeslee, $21.

Appropriation authorized.

SEC. 7. Pending the construction of a siphon to provide gravity flow water to ninety-six and six-tenths acres of irrigable lands in the southwest quarter section 27, and east half section 28, township 5 south, range 34 east, Boise meridian, Idaho, which lands have been irrigated by pumping operations over a period of years, the Secretary of the Interior may accept the conveyance by the landowners of the pumping equipment for use of the Fort Hall Indian Irrigation project and may operate such equipment as a part of said project in order to provide water for the irrigation of such lands; the acceptance of such conveyance being subject to the owners of the lands executing releases to the United States of any and all claims whatsoever due to the pumping operations carried on by such landowners.

Conveyance of pumping equipment.

SEC. 8. The Secretary of the Interior is authorized, in his discretion, to revise and reform, upon such terms and conditions as he may determine to be fair and equitable in all the circumstances affecting the interests of the United States and the contractors, existing contracts between the United States and the Idaho Irrigation District, the Progressive Irrigation District, and the Snake River Valley Irrigation District in Idaho, which contracts provide for certain payments by the districts to the United States for the benefit of works of the Fort Hall Indian Irrigation project.

Revision of existing contracts.

SEC. 9. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for refunds to Indians, or their heirs, the sum of $1,419.55, representing irrigation assessments of the Fort Hall Indian irrigation project

Appropriation authorized.

erroneously made and collected, as follows: Andrew F. Cutler, $153.80; Alice Sorrell Johns, $168.95; Nettie Stinson LaVatta, $146.62; Earl Edmund Cutler, $159.20; Charles Faulkner, $145.25; Josephine LaVatta Rumas, $155.20; May Phyllis LaVatta Brower, $29.90; Leonard I. Cutler, $135.85; Effie Diggie Houtz, $122.75; Lucy Yandell Spencer, $25; Charles Gerard Cutler, $121.53; and Hattie Sorrell Siler Tillotson, $55.50.

Appropriation authorized.

SEC. 10. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary for the relocating, rehabilitating, cleaning, and extending of irrigation systems serving the lands irrigated from Ross Fork, Bannock, and Lincoln Creeks, which lands are outside of the Fort Hall Indian irrigation project, including the construction of a storage reservoir on Bannock Creek. The costs of any work benefiting Indian lands performed pursuant to this authorization shall be apportioned on a per acre basis and collected under laws applicable to Indian irrigable lands on the Fort Hall Indian irrigation project. Operation and maintenance charges against such lands shall likewise be subject to the same laws, rules, and regulations as apply to Indian lands on the Fort Hall project. Any unpaid charges against such lands shall be subject to a first lien as provided in the Act of March 7, 1928 (45 Stat. 200, 210). No expenditure shall be made under this authorization which will benefit lands in non-Indian ownership unless the owners thereof execute contracts providing for the repayment of their proportionate per acre share of the costs of the work assessable against their lands.

Liquidation of delinquent assessments.

SEC. 11. In order to prevent the accumulation of delinquent project assessments or other charges against the non-Indian-owned lands of the Fort Hall Indian irrigation project, the Secretary of the Interior is hereby authorized and directed to cause liquidation of all delinquent assessments or charges by taking such action as may be necessary, including the foreclosure of the Government's lien covering any such delinquent charges or by initiating such other procedure as may be legally available, which action may be taken by him at any time when in his judgment the best interests of the project would be served thereby.

SEC. 12. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved June 30, 1948.

[CHAPTER 768]

AN ACT

June 30, 1948
[H. R. 5904]
[Public Law 855]

To continue the Virgin Islands Company as an agency of the United States.

Virgin Islands Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Virgin Islands Company shall continue as an agency of the United States until the close of business June 30, 1949. It is authorized to borrow from the Treasury of the United States, and the Secretary of the Treasury shall loan to it upon the request of its president, such sums as may be required to carry out its operations until such date, not exceeding in the aggregate $950,000. Each loan shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of the loan.

Loan authorized.
Post, p. 1193.

Approved June 30, 1948.

[CHAPTER 769]

AN ACT

Authorizing the Secretary of the Interior to issue patents for lands held under color of title.

June 30, 1948
[H. R. 6090]
[Public Law 856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if within five years after passage of this Act it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in Monroe County in the State of Michigan, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years prior to the approval of this Act under claim or color of title, and that improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary shall, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen", as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

Monroe County, Mich.
Land patents.

"Citizen."

Approved June 30, 1948.

[CHAPTER 770]

AN ACT

To make imported beer and other similar imported fermented liquors subject to the internal-revenue tax on fermented liquor.

June 30, 1948
[H. R. 6162]
[Public Law 857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3150 (a) of the Internal Revenue Code (imposing a tax on fermented liquors) is amended to read as follows: "There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of 1 per centum, or more, of alcohol brewed or manufactured and sold, or removed for consumption or sale, within the United States, or imported into the United States, by whatever name such liquors may be called, a tax of $7 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law".

53 Stat. 365.
26 U. S. C. § 3150 (a).

SEC. 2. That section 3150 (a) of the Internal Revenue Code is further amended by inserting between the first and second sentences thereof the following sentence: "Imported fermented malt liquors shall, during the continuance of the war-tax rate on fermented malt liquors prescribed in section 1650, be subject to tax at such rate in lieu of the rate hereinbefore prescribed".

53 Stat. 365.
26 U. S. C. § 3150 (a).

54 Stat. 522.
26 U. S. C. § 1650;
Supp. I, § 1650.

SEC. 3. The amendment made by this Act shall take effect on the first day of the first month which begins at least ten days after the date of the enactment of this Act.

Effective date.

Approved June 30, 1948.

[CHAPTER 771]

AN ACT

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

June 30, 1948
[H. R. 6419]
[Public Law 858]

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

River and Harbor Act of 1948.

TITLE I—RIVERS AND HARBORS

SEC. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.

Maine.

Beals Harbor, Maine; House Document Numbered 553, Eightieth Congress;

Cape Porpoise Harbor, Maine; House Document Numbered 555, Eightieth Congress;

Massachusetts.

Channel from Buzzards Bay to Buttermilk Bay, Massachusetts; House Document Numbered 552, Eightieth Congress;

Falmouth Harbor, Massachusetts; House Document Numbered 566, Eightieth Congress;

Provincetown Harbor, Massachusetts; House Document Numbered 600, Eightieth Congress;

Taunton River, Massachusetts; House Document Numbered 196, Eightieth Congress;

Rhode Island.

Harbor of refuge at Point Judith, Rhode Island; Senate Document Numbered 15, Eightieth Congress;

Connecticut.

Westcott Cove, Connecticut; House Document Numbered 379 Eightieth Congress;

Greenwich Harbor, Connecticut; House Document Numbered 272, Eightieth Congress;

Maryland.

Rock Hall Harbor, Maryland; House Document Numbered 273, Eightieth Congress;

Chester River, Maryland (channel from Kent Island Narrows to Wells Cove); House Document Numbered 380, Eightieth Congress;

Cambridge Harbor, Maryland; House Document Numbered 381, Eightieth Congress;

Honga River and Tar Bay, Maryland; House Document Numbered 580, Eightieth Congress;

Virginia.

Bransons Cove, Lower Machodoc River, Virginia; House Document Numbered 420, Eightieth Congress;

Deep Creek, Warwick County, Virginia; House Document Numbered 601, Eightieth Congress;

Norfolk Harbor, Southern Branch of Elizabeth River, Virginia; House Document Numbered 545, Eightieth Congress;

North Carolina.

Stumpy Point Bay, North Carolina; House Document Numbered 422, Eightieth Congress;

Inland Waterway, Beaufort to Cape Fear River, North Carolina, including waterway to Jacksonville, North Carolina; House Document Numbered 421, Eightieth Congress;

South Carolina.

Winyah Bay, South Carolina; in accordance with the report on file in the Office of the Chief of Engineers.

Florida.

Saint Andrew Bay, Florida; House Document Numbered 559, Eightieth Congress;

Mississippi.

Gulfport Harbor, Mississippi; in accordance with the report of the Chief of Engineers dated April 20, 1948;

Harrison County, Mississippi; Shore protection; House Document Numbered 682, Eightieth Congress;

Galveston Harbor, Texas; House Document Numbered 561, Eighteth Congress; Texas.

Galveston Channel, Texas; House Document Numbered 561, Eighteth Congress;

Texas City Channel, Texas; House Document Numbered 561, Eighteth Congress;

Houston Ship Channel, Texas; House Document Numbered 561, Eighteth Congress;

Port Aransas-Corpus Christie Waterway, Texas; House Document Numbered 560, Eighteth Congress;

Mississippi River at Fort Madison, Iowa; House Document Numbered 661, Eighteth Congress; Iowa.

Grand Traverse Bay, Michigan (in the vicinity of Traverse City); House Document Numbered 546, Eighteth Congress; Michigan.

Port Wing Harbor, Wisconsin; House Document Numbered 668, Eighteth Congress; Wisconsin.

Dunkirk Harbor, New York; House Document Numbered 632, Eighteth Congress; New York.

Oswego Harbor, New York; in accordance with the report of the Chief of Engineers dated May 10, 1948;

Halfmoon Bay, California; House Document Numbered 644, Eighteth Congress; California.

Noyo River and Harbor, California; House Document Numbered 586, Eighteth Congress;

Tillamook Bay and Bar, Oregon (channel to, and boat basin at, Garibaldi); House Document Numbered 650, Eighteth Congress; Oregon.

Umpqua River, Oregon (channel to, and basin in, Winchester Bay); Senate Document Numbered 154, Eighteth Congress.

Coos Bay, Oregon (Charleston Channel); House Document Numbered 646, Eighteth Congress;

Coos and Millicoma Rivers, Oregon; Senate Document Numbered 124, Eighteth Congress;

Skipanon Channel, Oregon (at Warreton); Senate Document Numbered 93, Eighteth Congress;

Smith River, Oregon; Senate Document Numbered 94, Eighteth Congress;

Grays Harbor and Chehalis River, Washington; House Document Numbered 635, Eighteth Congress. Washington.

SEC. 102. That hereafter direct allotments from appropriations for the maintenance and improvement of existing river and harbor works, or from other available appropriations, may be made by the Secretary of the Army for the collection and removal of drift in Baltimore Harbor and its tributary waters, and this work shall be carried out as a separate and distinct project. Baltimore Harbor.

SEC. 103. The proposed work of improvement of the Intracoastal Waterway from the Caloosahatchee to the Anclote River, Florida, House Document Numbered 371, Seventy-sixth Congress, as authorized in the Rivers and Harbors Act of March 2, 1945, is modified to the extent herein set forth, and the Secretary of the Army, acting through the Chief of Engineers, is authorized to utilize in the area affected such of the following routes as may be determined feasible by the Chief of Engineers, with the approval of the Secretary of the Army, namely, Route 1 generally paralleling the coast from Venice Bay to Lemon Bay as heretofore authorized in the River and Harbor Act of March 2, 1945; Route 2: Run east from the junction of Little Sarasota Bay and Casey's Inlet Channel, along the south side of Venice Bay, to a point just west of the Seaboard Railroad right-of-way; thence south to Alligator Creek; thence southwest to Lemon Bay; Route 3: Run east from the junction of Little Sarasota Bay and Casey's Inlet Channel, along the north side of Venice Bay, to the old canal right-of-way; Intracoastal Waterway, Fla.

59 Stat. 17.

thence east along the old canal right-of-way to the divide in section 3; thence south to Alligator Creek; thence southwest to Lemon Bay; Route 4: Cut an inlet from the open Gulf to Route 1 (House Document Numbered 371, Seventy-sixth Congress) in the vicinity of south end of the airport, with the necessary protecting works and jetties, thence along present Route 1 to Lemon Bay: *Provided*, That the cost to the United States shall not exceed the cost of the original route.

Neches and Angelina Rivers, Tex.

59 Stat. 18.

SEC. 104. That the existing project for the Neches and Angelina Rivers, Texas, adopted in the River and Harbor Act approved March 2, 1945, is hereby modified so as to provide that the local agency which gives assurances that upon completion of the entire project it will contribute toward the first cost of the work the sum of $5,000,000, shall be permitted to withdraw from the pool of dam B not to exceed two thousand cubic feet of water per second for its own use.

Bayou Carlin, La.

59 Stat. 18.

SEC. 105. In the prosecution of the work for the improvement of Bayou Carlin, Louisiana, in accordance with project adopted by the River and Harbor Act of March 2, 1945, the Chief of Engineers is hereby authorized to protect the piers of the railway bridge crossing Bayou Carlin at Delcambre, Louisiana.

Compilation of laws since June 25, 1938.

SEC. 106. That the laws of the United States relating to the improvement of rivers and harbors passed since June 25, 1938, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for use of the Department of the Army.

Permanent International Commission of the Congresses of Navigation.

Ante, p. 1021.

SEC. 107. That not to exceed $5,000 annually of the funds appropriated for rivers and harbors shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment in amounts approved by the Chief of Engineers of the expenses of the properly accredited delegates of the United States to the meetings of the congresses and of the Commission.

Foster Creek Dam.

60 Stat. 637.

SEC. 108. The dam site known as Foster Creek Dam on the Columbia River authorized in the River and Harbor Act of July 24, 1946, shall hereafter be known as the Chief Joseph Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to under the name of Foster Creek Dam shall be held to refer to such dam under and by the name Chief Joseph Dam.

Preliminary examinations and surveys.

SEC. 109. The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this title or some prior Act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted, no supplemental or additional report or estimate shall be made unless authorized by law: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this title until the project for the proposed work shall have been adopted by law: *Provided, further*, That reports of surveys on beach erosion and shore protection shall include an estimate of the public interests involved, and such plan of improvement as is found justified, together with the equitable distribution of costs in each case: *And provided further*, That this section shall not be construed to interfere with the performance of any duties vested in the Federal Power Commission under existing law:

Supplemental reports.

Adoption of project by law.

Reports of surveys on beach erosion, etc.

Noninterference with duties of FPC.

New York.

Maryland.

Dosoris Creek, New York;

Tolchester Beach area, Maryland;

Little Magothy River, Maryland;

Holdens Creek, Virginia;
Hacks Creek, Northumberland County, Virginia; Virginia.
Back River, York County, Virginia, and channel connecting Back River with Front Cove;
Bennetts Creek, York County, Virginia;
Powells Bay, Accomac County, Virginia, at Wisharts Point, and channel connecting said bay with the "Ballast";
Fishermans Bay, Lopez Island, Washington; Washington.
Quilcene Bay Harbor, Washington.

SEC. 110. Title I may be cited as the "River and Harbor Act of 1948". Short title.

TITLE II—FLOOD CONTROL

Flood Control Act of 1948.

SEC. 201. That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: *Provided*, That the authorization for any flood-control project herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Department of the Army of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished. State, etc., cooperation. 49 Stat. 1571; 52 Stat. 1215. 33 U. S. C. §§ 701c, 701c-1. Time limitation.

SEC. 202. The provisions of section 1 of the Act of December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full. 58 Stat. 887. Procedures.

It is hereby declared to be the policy of the Congress that the following provisions shall be observed:

No project or any modification not authorized, of a project for flood control or rivers and harbors, shall be authorized by the Congress unless a report for such project or modification has been previously submitted by the Chief of Engineers, United States Army, in conformity with existing law. Report requirement.

SEC. 203. That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations heretofore or hereafter made for flood control so as to be ready for rapid inauguration of a construction program: *Provided further*, That the projects authorized herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *And provided further*, That pen stocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this title for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission: Projects authorized. Initiation of project. Installation of pen stocks, etc.

DELAWARE RIVER BASIN

Lackawaxen River, Pa.

The plan for flood protection on the Lackawaxen River, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 113, Eightieth Congress, first session, and there is authorized to be appropriated the sum of $6,150,000 for partial accomplishment of that plan.

SUSQUEHANNA RIVER BASIN

Wilkes-Barre and Hanover Township, Pa.
49 Stat. 1574.

The project for local flood protection at Wilkes-Barre and Hanover Township, Pennsylvania, authorized by the Flood Control Act approved June 22, 1936, in accordance with House Document Numbered 308, Sixty-ninth Congress, first session, is hereby modified to provide for raising a portion of the river front section of the protective levee to provide a uniform degree of protection throughout its length at an estimated cost to the United States of $250,000 and subject to the conditions of local cooperation prescribed for that project in the Act approved June 22, 1936.

JAMES RIVER BASIN

Gathright Reservoir and Falling Springs dam, Va.
60 Stat. 645.

That preparation of plans or construction shall not be undertaken on the Gathright Reservoir and the Falling Springs reregulating dam on Jackson River, Virginia, authorized by the Flood Control Act approved July 24, 1946, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 207, Eightieth Congress, first session, until completion of review of the project to determine the desirability of its construction at the present time, and a finding of the proper local contribution on the basis of benefits to be derived for water supply, pollution abatement, and other conservation purposes.

CENTRAL AND SOUTHERN FLORIDA

Caloosahatchee River and Lake Okeechobee, Fla.
46 Stat. 925.

The project for Caloosahatchee River and Lake Okeechobee drainage areas, Florida, authorized by the River and Harbor Act of July 3, 1930, as amended, is hereby modified and expanded to include the first phase of the comprehensive plan for flood control and other purposes in central and southern Florida as recommended by the Chief of Engineers in House Document Numbered 643, Eightieth Congress, subject to the conditions of local cooperation prescribed therein, and there is hereby authorized to be appropriated the sum of $16,300,000 for partial accomplishment of said plan.

ARKANSAS RIVER BASIN

60 Stat. 647.

The second paragraph under the heading "Arkansas River Basin" in the Flood Control Act of 1946 is hereby amended to read as follows:

Canton Reservoir.

"The Chief of Engineers is authorized to provide in the Canton Reservoir on the North Canadian River one hundred and seven thousand acre-feet of irrigation and water supply storage (including approximately sixty-nine thousand acre-feet for irrigation and thirty-eight thousand acre-feet for municipal water supply for Enid, Oklahoma, to be utilized in accordance with section 8 and section 6, respectively, of the Flood Control Act of December 22, 1944 (Public, 534, Seventy-eighth Congress)), upon the condition that when siltation of the reservoir shall encroach upon the flood control allocation the irrigation and water supply storage will be reduced progressively unless provision is made to raise the height of the dam or otherwise provide compensatory storage for flood control on the basis of an equitable distribution of the costs among the water users and other beneficiaries of conservation storage, as determined at that time."

58 Stat. 891, 890.
43 U. S. C. § 390; 33 U. S. C. § 708.

The projects for flood protection at Carthage and Monett, Missouri, in the Arkansas River Basin are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 445, Eightieth Congress, at an estimated cost of $740,000. Carthage and Monett, Mo.

The projects for local flood protection on the Arkansas River authorized by the Flood Control Act approved December 22, 1944, in accordance with House Document Numbered 447, Seventy-eighth Congress, are hereby modified to provide that the United States will participate in the cost of raising the approaches to the highway bridges across the Arkansas River at Morrilton and at Van Buren-Fort Smith in an amount not to exceed $300,000. Morrilton and Van Buren-Fort Smith. 58 Stat. 895.

The Chief of Engineers is authorized to construct, as an emergency measure, bank protection and control works at Bradens Bend, Oklahoma, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of $1,000,000, as a part of the multiple-purpose plan for the Arkansas River and tributaries, Arkansas and Oklahoma, authorized by the River and Harbor Act approved July 24, 1946, and the authorization for appropriation for the Arkansas River Basin is hereby increased accordingly. Bradens Bend, Okla. 60 Stat. 647.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection at South Beloit, Illinois, on the Rock River is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 112, Eightieth Congress, at an estimated cost of $100,000. South Beloit, Ill.

The project for flood protection on the Henderson River, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 245, Eightieth Congress, at an estimated cost of $1,520,000. Henderson River, Ill.

The project for flood protection at and in the vicinity of Aitkin, Minnesota, on the Mississippi River is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 599, Eightieth Congress, at an estimated cost of $1,680,000. Aitkin, Minn.

RED RIVER OF THE NORTH

The comprehensive plan for flood control and other purposes in the Red River of the North drainage basin, North Dakota, South Dakota, and Minnesota as set forth in the report of the Chief of Engineers dated May 24, 1948, is approved and there is hereby authorized the sum of $2,000,000 for the partial accomplishment of that plan.

OHIO RIVER BASIN

The local flood-protection works at and in the vicinity of Uniontown, Pennsylvania, on Redstone Creek, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 301, Eightieth Congress, at an estimated cost of $1,015,000. Uniontown, Pa.

The project for flood protection at Rosiclare, Illinois, on the Ohio River is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 125, Eightieth Congress, at an estimated cost of $500,000. Rosiclare, Ill.

MISSOURI RIVER BASIN

The project for bank protection on the Missouri River from Kenslers Bend, Nebraska, to Sioux City, Iowa, authorized by the Act approved August 18, 1941, is hereby modified and extended upstream to include Kenslers Bend, Nebr., to Sioux City, Iowa. 55 Stat. 647.

Miners Bend and vicinity, South Dakota and Nebraska, in accordance with plans on file in the office of the Chief of Engineers at an estimated cost of $3,000,000.

GREAT LAKES BASIN

Batavia, N. Y.

The project for flood protection at Batavia and vicinity, New York, on Tonawanda Creek is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 46, Eighteth Congress, at an estimated cost of $565,000.

Dansville, N. Y.

The project for flood protection at Dansville and vicinity, New York, on Canaseraga Creek, a tributary of the Genesee River, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 206, Eighteth Congress, at an estimated cost of $165,000.

Red Run, Mich.

The project for flood protection and other purposes on Red Run, a tributary of the Clinton River, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 628, Eighteth Congress, at an estimated cost of $1,010,000.

Reno Beach-Howards Farm, Ohio.

The project for protection of the Reno Beach-Howards Farm area and adjacent areas, Lucas County, Ohio, from floods caused by frequent windstorms and from increases in the lake level of Lake Erie, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 554, Eighteth Congress, at an estimated cost of $330,000.

SANTA CLARA RIVER BASIN

The project for flood protection along the Santa Clara River and its tributaries, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 443, Eighteth Congress, at an estimated cost of $4,960,000.

GILA RIVER BASIN

Tucson, Ariz.

The project for flood protection at Tucson and vicinity, Arizona, in the Gila River Basin, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 274, Eighteth Congress, at an estimated cost of $2,390,000.

WILLAMETTE RIVER BASIN

52 Stat. 1222.

The general comprehensive plan for flood control, navigation, and other purposes approved by the Flood Control Act of June 28, 1938, is hereby modified to provide for the installation of hydroelectric

Detroit Reservoir.

power generating facilities, including the construction of a reregulating dam, at Detroit Reservoir on the North Santiam River in accordance with plans on file in the office of the Chief of Engineers.

LOWER MISSISSIPPI RIVER

45 Stat. 534.
33 U. S. C. §§ 702a-702m, 704.

The project for flood control and improvement of the Lower Mississippi River, adopted by the Act approved May 15, 1928, as amended by subsequent Acts, is hereby modified and expanded to include the following items:

Cape Girardeau.

(a) The project for improvement of the Mississippi River below Cape Girardeau with respect to the West Tennessee tributaries at an estimated cost of $7,700,000, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 627, Eighteth Congress, and the authorization for the Lower Mississippi River project is increased accordingly.

(b) The Devils Swamp project at Baton Rouge, Louisiana, at an estimated cost of $2,000,000, authorized by the River and Harbor Act approved July 24, 1946, and the authorization for the Lower Mississippi River project is increased accordingly. Baton Rouge, La. 60 Stat. 635.

(c) The project for improvement of the L'Anguille River, Arkansas, at an estimated cost of $5,100,000 is hereby approved substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 651, Eightieth Congress, and the authorization for the Lower Mississippi River project is increased by $2,000,000. L'Anguille River, Ark.

RIO GRANDE BASIN

The comprehensive plan for the Rio Grande Basin as set forth in the report of the Chief of Engineers dated April 5, 1948, and in the report of the Bureau of Reclamation dated November 21, 1947, all in substantial accord with the agreement approved by the Secretary of the Army and the Acting Secretary of the Interior on November 21, 1947, is hereby approved except insofar as the recommendations in those reports are inconsistent with the provisions of this Act and subject to the authorizations and limitations set forth herein. Approval of plan.

The approval granted above shall be subject to the following conditions and limitations: Limitations.

(a) Construction of the spillway gate structure at Chamita Dam shall be deferred so long as New Mexico shall have accrued debits as defined by the Rio Grande Compact and until New Mexico shall consistently accrue credits pursuant to the Rio Grande Compact; Chamita Dam. 46 Stat. 767.

(b) Chiflo Dam and Reservoir on Rio Grande shall be excluded from the Middle Rio Grande project authorized herein without prejudice to subsequent consideration of Chiflo Dam and Reservoir by the Congress; Chiflo Dam and Reservoir.

(c) The Bureau of Reclamation, in conjunction with other interested Federal agencies, is directed to make studies to determine feasible ways and means of reducing nonbeneficial consumption of water by native vegetation in the flood plain of the Rio Grande and its principal tributaries above Caballa Reservoir; and Studies by Bureau of Reclamation.

(d) At all times when New Mexico shall have accrued debits as defined by the Rio Grande Compact all reservoirs constructed as a part of the project shall be operated solely for flood control except as otherwise required by the Rio Grande Compact, and at all times all project works shall be operated in conformity with the Rio Grande Compact as it is administered by the Rio Grande Compact Commission. Operation of reservoirs, etc. 46 Stat. 767.

In carrying out the provisions of this Act, the Secretary of the Interior shall be governed by and have the powers conferred upon him by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, except as is otherwise provided in this Act or in the reports referred to above. This Act shall be deemed a supplement to said Federal reclamation laws. Authority of Secretary of Interior. 43 U. S. C. § 391.

Approval is granted to the Secretary of the Interior subject to the limitations of the authorizations approved from time to time for the prosecution of this plan to acquire in the name of the United States, by purchase or otherwise, any or all of the bonds and other evidences of indebtedness of the Middle Rio Grande Conservancy District outstanding when such authorizations are approved at such prices and on such terms and conditions as he shall deem necessary or proper for the protection of the investment of the United States and to retire those obligations on such terms and conditions as he shall likewise deem proper or necessary. Acquisition by U. S. of indebtedness of Middle Rio Grande Conservancy District.

The Secretary of the Interior, in entering into a contract or contracts for the repayment of the reimbursable construction costs of the Middle Repayment of reimbursable construction costs.

Rio Grande project, now estimated at approximately $18,000,000, shall vary that amount to reflect changes in the estimates of those costs occurring prior to the date of the contract or contracts and in so doing may, if need be, extend the repayment period beyond forty years to permit payment of costs in excess of the present estimate.

Acquisition of agricultural lands in New Mexico.

Subject to the limitations of authorizations approved from time to time for prosecution of this plan, approval is granted to the Secretary of the Interior to acquire, on behalf of the United States, by purchase or donation, agricultural lands owned by the State of New Mexico within the Middle Rio Grande project and to develop those lands substantially in the manner outlined in the report of the Bureau of Reclamation referred to above. Lands so acquired shall be resold or leased by the Secretary to actual settlers for agricultural purposes under rules and regulations prescribed by him which rules and regulations shall set out the prices and terms of such sales and leases, the qualifications required of purchasers and lessees, and other matters relating to the disposition and use of these lands, and shall provide a preferred right to purchase or lease any tract of such land to otherwise qualified persons of the following classes in the order here set out, purchasers in any class being preferred to lessees in that or any other class:

Sale or lease of land.

Order of preference in leases or purchases.

(1) The former owner or owners of such tracts, if his or their title thereto was divested by reason of sale for taxes to the State of New Mexico.

(2) Honorably discharged veterans of World War II who are the sons or daughters of the former owner or owners of such tract, if the title of said former owner or owners was divested by reason of sale for taxes to the State of New Mexico.

(3) The sons or daughters of the former owner or owners of such tract other than those referred to in (2) if the title of said former owner or owners was divested by reason of sale for taxes to the State of New Mexico.

(4) Honorably discharged veterans of World War II other than those referred to in (2).

(5) Persons other than those referred to in the clauses above.

Any deed executed by the Secretary in favor of any person described under (4) or (5) shall provide that any person described under (1), (2), or (3) shall have the right to purchase any land conveyed by such deed, within a period of ten years after the execution thereof, by (a) paying to the owner the amount or amounts actually paid by him as consideration for such deed and for the actual cost of improvements on such land plus interest at the rate of 6 per centum per annum on such amount or amounts, and (b) assuming any obligations of the owner to the Secretary with respect to such land. Any lease executed by the Secretary under the provisions of this section to any person described under (4) or (5) shall, by its terms, expire not later than five years after the date of its execution. The preferred rights provided for by this section to purchase or lease any land shall continue to be applicable until such land is finally disposed of by the Secretary; but the right of any lessee or purchaser to enter into possession shall be subject to any rights under any prior lease executed by the Secretary. Moneys accruing from the sale or lease of said lands shall be covered into the reclamation fund in the Treasury.

Expiration of lease.

Preferred rights.

Use of water.

In the administration of the provisions of this Act all water in the Middle Rio Grande Valley in New Mexico shall be deemed to be useful primarily for domestic, municipal, and irrigation purposes.

Nothing in this Act shall be construed as affecting or abrogating in any way the laws of the State of New Mexico in which the Middle Rio

Grande Valley lies, relating to the control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right therein.

Nothing in this Act shall be construed to abrogate or impair existing obligations of the United States or any agency thereof, including obligations to furnish water for irrigation and obligations to any Indian or tribe or band of Indians whether based on treaty, agreement, or Act of Congress. Obligations of U. S.

There is hereby authorized to be appropriated the sum of $3,500,000 to be expended by the Department of the Army for the partial accomplishment of the comprehensive plan for the Rio Grande Basin. Appropriation authorized.

SEC. 204. The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its Territorial possessions, which include the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on such drainage areas, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That after the regular or formal reports made on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to the Congress if such review is required by the national defense or by changed physical or economic conditions: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this title until the project for the proposed work shall have been adopted by law; Preliminary examinations and surveys. Supplemental reports. Adoption of project by law.

Rahway River and its tributaries, New Jersey;

Chowan River and its tributaries, Virginia and North Carolina;

Pantego Creek and Cucklers Creek, North Carolina;

Rice Creek, a tributary of Saint Johns River, Florida;

Streams flowing through the Brazoria-Galveston Soil Conservation District, the Trinity Bay Soil Conservation District, the Coastal Plains Soil Conservation District, and the Matagorda County Soil Conservation District, Texas, with a view to improvement in the interest of navigation, flood control, and related purposes, including channel and major drainage improvements; Texas.

Area at and in the vicinity of Texas City, Texas, with a view to providing for its protection against storms and erosions, including the protection of the instrumentalities and aids to commerce located there; Texas City, Tex.

Au Gres River and tributaries, Michigan;

Area at and in the vicinity of Bellevue, Ohio, and the surrounding area of Seneca, Erie, Huron, and Sandusky Counties, with a view to the control of floods caused by excess underground and surface waters; Bellevue, Ohio.

Harbors and rivers in Alaska, with a view to determining the advisability of improvements in the interest of navigation, flood control, hydroelectric power, and related water uses; Alaska.

Two Mile Creek, Oregon;

Aroostook River and tributaries, Maine;

Beaver Creek, Lincoln County, Oregon;

Skinner Creek, at and in the vicinity of Mannesville, New York;

Steinhatchee and Fenholloway Rivers, Florida;

River Rouge and tributaries, Michigan.

Allotment for small projects.

SEC. 205. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed $2,000,000 for any one fiscal year, for the construction of small flood-control projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than $100,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year: *Provided further*, That the provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply: *And provided further*, That the work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

49 Stat. 1570.
33 U. S. C. § 701a.
Limitation.

49 Stat. 1571.
33 U. S. C. § 701c.

55 Stat. 650; 60 Stat. 652.
33 U. S. C. § 701n.
Allotment for rescue work, etc.

SEC. 206. That section 5 of the Flood Control Act of August 18, 1941, as amended by section 12 of the Flood Control Act of 1946, is hereby further amended to read as follows:

"That the Secretary of the Army is hereby authorized to allot, from any appropriations heretofore or hereafter made for flood control, not to exceed $2,000,000 for any one fiscal year to be expended in rescue work or in the repair, restoration, or maintenance of any flood-control work threatened or destroyed by flood, including the strengthening, raising, extending, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control."

Appropriations authorized for improvements and surveys.

SEC. 207. That the sum of $62,000,000 is hereby authorized to be appropriated for carrying out improvements under this title by the Department of the Army, and the sum of $10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of the Army and Agriculture for carrying out any examination or survey provided for in this title and any other Acts of Congress to be prosecuted by said Departments.

Appropriation authorized for emergency fund.

SEC. 208. That the sum of $25,000,000 is hereby authorized to be appropriated as an emergency fund to be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for the repair, restoration, and strengthening of levees and other flood-control works which have been threatened or destroyed by recent floods, or which may be threatened or destroyed by later floods, including the raising, extending, or other modification of such works as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the works for flood control: *Provided*, That local interests shall provide without cost to the United States all lands, easements, and rights-of-way necessary for the work and shall maintain and operate all the works after completion in a manner satisfactory to the Chief of Engineers: *Provided further*, That pending the appropriation of said sum, the Secretary of the Army may allot from existing flood-control appropriations such sums as may be necessary for the immediate prosecution of the work authorized by this section, such appropriations to be reimbursed from said emergency fund when appropriated: *And provided further*, That funds allotted under this authority shall not be diverted from the unobligated funds from the appropriation "Flood control, general", made available in War Department Civil Functions Appropriation Acts for specific purposes.

Allotments from other appropriations.

Short title.

SEC. 209. Title II may be cited as the "Flood Control Act of 1948".

Approved June 30, 1948.

[CHAPTER 772]

AN ACT

To amend and supplement section 2 of the Act approved August 30, 1935, relating to the construction and financing of toll bridges over the Delaware River by the Delaware River Joint Toll Bridge Commission of the Commonwealth of Pennsylvania and the State of New Jersey.

June 30, 1948
[H. R. 6465]
[Public Law 859]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935, be, and the same is hereby, amended and supplemented by adding at the end thereof the following paragraph:

Delaware River Joint Toll Bridge Commission, amendment.

49 Stat. 1051.

"(e) Notwithstanding any of the foregoing provisions of this section or of any other Act of the Congress, the Delaware River Joint Toll Bridge Commission of the Commonwealth of Pennsylvania and the State of New Jersey is hereby authorized (1) to fix and charge tolls for transit over any bridge heretofore or hereafter constructed by it across the Delaware River in accordance with the provisions of the original compact or agreement between said Commonwealth of Pennsylvania and said State of New Jersey which is set forth in section 9 of said Act approved August 30, 1935, as amended with the consent of Congress by the compact or supplemental agreement which is set forth in the Act approved August 4, 1947; and (2) to unite or group any such bridges into a single project for financing purposes and to continue to fix and adjust the tolls for the use of the bridges in such project and pledge such tolls in accordance with the provisions of said original compact or agreement as so amended: *Provided, however*, That after the cost of any such bridge or of the bridges in any such project shall be amortized, such bridge or bridges shall thereafter be maintained and operated free of tolls".

Tolls.

49 Stat. 1058.

61 Stat. 752.

Operation, etc., free of tolls.

Approved June 30, 1948.

[CHAPTER 773]

AN ACT

Making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1949, and for other purposes.

June 30, 1948
[H. R. 6481]
[Public Law 860]

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

The Government Corporations Appropriation Act, 1949.

TITLE I

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1949, namely:

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U. S. C., ch. 12A), including purchase (not to exceed one, for replacement only) and hire, maintenance, repair, and operation of aircraft; the purchase (not to exceed two hundred and seventy, of which two hundred and twenty shall be for replacement only) and hire of passenger motor vehicles, $27,389,061, to remain available until expended, and to be available for the payment of obligations chargeable against prior appropriations, together with the unobligated balance of funds heretofore appropriated, of which not to exceed $21,689,000 shall be available for capital

48 Stat. 58.
16 U. S. C. §§ 831–831dd; Supp. I, § 831h–2 *et seq.*

expenditures, including construction of dams, additions and betterments to completed multiple-use facilities, investigations for future projects, chemical facilities, and facilities and equipment for general use.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

Post, p. 1290.

Salaries and expenses, Office of the Administrator, $750,000, to be available for necessary expenses of the Office of the Administrator, including the preparation, mounting, shipping, and installation of exhibits; expenses of attendance at meetings of organizations concerned with the work of the Agency when specifically authorized by the Administrator; and health service program as authorized by law (5 U. S. C. 150).

60 Stat. 903.

PUBLIC HOUSING ADMINISTRATION

Annual contributions: For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U. S. C. 1410), $4,840,000: *Provided*, That except for payments required on contracts entered into prior to April 18, 1940, no part of this appropriation shall be available for payment to any public housing agency for expenditure in connection with any low-rent housing project, unless the public housing agency shall have adopted regulations prohibiting as a tenant of any such project by rental or occupancy any person other than a citizen of the United States, but such prohibition shall not be applicable in the case of a family of any serviceman or the family of any veteran who has been discharged (other than dishonorably) from, or the family of any serviceman who died in, the armed forces of the United States within four years prior to the date of application for admission to such housing: *Provided further*, That no part of this appropriation shall be used to pay any public housing agency any contribution occasioned by payments in lieu of taxes in excess of the amount specified in the original contract between such agency and the Public Housing Administration or its predecessor agencies: *Provided further*, That all expenditures of this appropriation shall be subject to audit and final settlement by the Comptroller General of the United States under the provisions of the Budget and Accounting Act of 1921, as amended.

50 Stat. 891.

Citizenship of tenant.

Restriction on payment.

Audit and settlement.

42 Stat. 20.
31 U. S. C. § 1.

DEPARTMENT OF STATE

THE INSTITUTE OF INTER-AMERICAN AFFAIRS

For necessary expenses of the Institute of Inter-American Affairs in carrying out the provisions of Public Law 369, approved August 5, 1947, during the fiscal year 1949, $2,500,000: *Provided*, That funds made available to the Corporation by this Act and under prior appropriations and not obligated by the Corporation on or before June 30, 1949, shall not be available for obligation after that date and shall lapse pursuant to section 3690 of the Revised Statutes and the Act of June 20, 1874, as amended (31 U. S. C. 712, 713).

61 Stat. 780.
22 U. S. C., Supp. I, §§ 281–281*i*.

18 Stat. 110.

DEPARTMENT OF AGRICULTURE

FARM CREDIT ADMINISTRATION

For necessary expenses, including personal services in the District of Columbia; printing and binding; not to exceed $5,000 for attendance at meetings or conventions of members of organizations at which

matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; not to exceed $750 for periodicals and newspapers; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; not to exceed $20,000 for expenditures authorized by section 602 of the Organic Act of 1944 (12 U. S. C. 833); purchase of one passenger motor vehicle (for replacement only) for use in the District of Columbia and elsewhere; garage rental in the District of Columbia; payment of actual transportation and other necessary expenses and not to exceed $10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration, except that such expenditures shall not exceed $10,000; examination of corporations, banks, associations, and institutions operated, supervised, or regulated by the Farm Credit Administration; in all, $500,000. Collections made pursuant to section 601 of the Organic Act of 1944 (12 U. S. C. 832) are hereby made available to reimburse this appropriation for the cost of examining and supervising the corporations, banks, associations, and other organizations as provided in said section.

58 Stat. 741.

58 Stat. 740.

DEPARTMENT OF COMMERCE

Inland Waterways Corporation: For the purchase of capital stock of the Inland Waterways Corporation authorized by section 2 of the Act of June 3, 1924, as amended (49 U. S. C. 152), $2,000,000, to remain available until expended.

43 Stat. 360.

REDUCTION IN APPROPRIATIONS

Amounts available from appropriations and other funds are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury upon the approval of this Act:

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator: Veterans' housing: $7,650,000 of the unobligated balances of the funds appropriated or made available for carrying out the veterans' reuse housing program under title V of the Lanham Act (Act of October 14, 1940, as amended, 42 U. S. C. 1521, 1571), of which $4,650,000 shall be from the unobligated balances of the funds appropriated by Public Law 256, Eightieth Congress.

59 Stat. 260.
42 U. S. C. §§ 1571–1573; Supp. I, §§ 1571, 1572.
61 Stat. 514.

TITLE II

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1949 for each such corporation or agency, except as hereinafter provided:

59 Stat. 598.
31 U. S. C., Supp. I, § 849.

INDEPENDENT AGENCIES AND CORPORATIONS

Export-Import Bank of Washington: Not to exceed $800,000 (to be on an accrual basis) of the funds of the Export-Import Bank of Washington shall be available during the fiscal year 1949 for all administrative expenses of the bank, including not to exceed $300 for periodicals, $300 for newspapers, and $500 for maps; health-service program as

60 Stat. 903.

authorized by law (5 U. S. C. 150), and not to exceed $2,000 for temporary services, as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, shall be considered as nonadministrative expenses for the purposes hereof.

60 Stat. 810.
Nonadministrative expenses.

Panama Railroad Company: Not to exceed $715,000 (to be computed on an accrual basis) of the funds of the company shall be available during the fiscal year 1949 for its administrative expenses, including administrative services performed for the company by other Government agencies, which shall be determined in accordance with the company's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenses of the commissary coupon audit, commissary contraband inspection, expenditures which the company's prescribed accounting system requires to be capitalized or charged to cost of commodities acquired, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, and disposition of facilities and other property belonging to the company or in which it has an interest: *Provided*, That prior to July 31, 1948, the Board of Directors shall declare and pay into the Treasury of the United States as miscellaneous receipts a dividend of $10,000,000 if not otherwise required to be turned into the Treasury under the provisions of the proposed Federal charter: *Provided further*, That section 304 (b) of the Government Corporation Control Act, as amended (Public Law 248, approved December 6, 1945), shall not be applicable with respect to the Panama Railroad Company until after June 30, 1949.

Dividend.

59 Stat. 602.
31 U. S. C. § 869 (b).

Tennessee Valley Associated Cooperatives, Incorporated: Of the funds available to the Corporation, not to exceed $500 shall be available for administrative expenses related to liquidation and dissolution, and not to exceed $500 for the cost of audit, as required by the Government Corporation Control Act of December 6, 1945 (Public Law 248): *Provided*, That all administrative duties and responsibilities shall be assumed by such officers and employees of the Treasury Department as the Secretary of the Treasury may designate, and who shall receive no additional compensation for such duties: *Provided further*, That the Secretary of the Treasury shall take appropriate steps to secure the final dissolution and liquidation of said Corporation at the earliest practicable date: *Provided further*, That the total cost of liquidation and dissolution shall be paid out of funds available to the Corporation without additional appropriations therefor: *Provided further*, That the Board of Directors of the Corporation is authorized to transfer to the Secretary of the Treasury title to assets (other than real property) of the Corporation upon certification of the president of the Corporation that such transfer is to the interest of the Government of the United States and the Secretary of the Treasury is authorized to dispose of such assets at such times and in such manner as he may determine.

Liquidation.

59 Stat. 597.
31 U. S. C. §§ 841, 846–852, 856–859, 866–869; Supp. I, § 846 *et seq.*
Post, p. 1283.
Administrative duties, etc.

Transfer of title to assets.

Tennessee Valley Authority: Pursuant to the requirements applicable to the Tennessee Valley Authority of title II, Public Law 268, approved July 30, 1947, total payments of not less than $5,500,000 shall be made in the fiscal year 1949 from net income derived from power operations.

61 Stat. 576.

Not to exceed $3,677,000, of which not to exceed $992,061 shall be derived from funds appropriated by title I hereof (to be computed

on an accrual basis), of the funds available to the Tennessee Valley Authority, shall be available during the fiscal year 1949 for all administrative and general expenses of the Corporation, which expenses shall be inclusive of costs of all administrative offices and other activities representing management and other functions serving the programs and projects of the Corporation in general.

Administrative expenses.

Reconstruction Finance Corporation: Not to exceed $24,796,000 (to be computed on an accrual basis) of the funds of the Reconstruction Finance Corporation shall be available during the fiscal year 1949 for its administrative expenses and the administrative expenses of the Federal National Mortgage Association; not to exceed $1,500 for periodicals and newspapers; health service program as authorized by law (5 U. S. C. 150); use of the services and facilities of the Federal Reserve banks: *Provided*, That as used herein the term "administrative expenses" shall be construed to include all salaries and wages, services performed on a contract or fee basis, and travel and other expenses, including the purchases of equipment and supplies, of administrative offices: *Provided further*, That the limiting amount heretofore stated for administrative expenses shall be increased by an amount which does not exceed the aggregate cost of salaries, wages, travel, and other expenses of persons employed outside the continental United States; wages, fees, and other expenses, including cost of contract services, of persons who are exclusively engaged in construction, operation, clearance, maintenance and protection of plants, operating facilities, acquired collateral, and other property in which the Corporation has an interest; the expenses of services performed on a contract or fee basis in connection with termination of contracts or in the performance of legal services; and all expenses reimbursable from other Government agencies: *Provided further*, That the distribution of administrative expenses to the accounts of the Corporation shall be made in accordance with generally recognized accounting principles and practices: *Provided further*, That, except as otherwise provided hereinafter, none of the funds of the Reconstruction Finance Corporation and its subsidiary shall be used for the custody, maintenance, or disposal of any surplus property within the continental limits of the United States, its Territories or possessions, except such property as may be owned by and held for disposal by the Reconstruction Finance Corporation or its subsidiary; but, notwithstanding any other provision of law, the Reconstruction Finance Corporation may waive reimbursement from War Assets Administration for the administrative property transferred prior to July 1, 1946, and for expenses incurred prior thereto in the custody, maintenance, or disposal of any surplus property: *Provided further*, That no part of the funds of the Reconstruction Finance Corporation or of its subsidiary shall be used to make any purchase or for personal services or to enter into any contract for the use or benefit of any other agency of the Government unless such agency shall have authority in law and appropriations available to make reimbursement for such purchase, personal services, or contract, except that this provision shall not apply to expenditures in connection with materials, surplus to the needs of the Corporation, which have been or hereafter shall be transferred to stock piles established pursuant to the Strategic and Critical Materials Stock Piling Act (60 Stat. 599): *Provided further*, That the Secretary of the Treasury is hereby authorized and directed to cancel notes of the Reconstruction Finance Corporation in the amount of $9,313,736,531, plus the interest accrued thereon subsequent to June 30, 1947, the foregoing stated amount representing unrecovered costs to the Corporation as of June 30, 1947, in its national defense, war, and reconversion activities, and any amounts recovered by the Corporation with respect to these activities subsequent to June

60 Stat. 903.

"Administrative expenses."

Increase in limitation.

Accounting.

Surplus property.

Purchases, etc.

60 Stat. 596.
50 U. S. C. §§ 98–98h; Supp. I, § 98 note.

Cancellation of RFC notes.

30, 1947, shall, after deduction of related expenses, be deposited in the Treasury as miscellaneous receipts: *Provided further*, That, notwithstanding the provisions of section 6 (b) of the Strategic and Critical Materials Stock Piling Act (60 Stat. 599), the Secretary of the Treasury shall cancel notes of the Reconstruction Finance Corporation on account of the transfer of materials to stock piles in an amount equivalent only to the costs incurred by the Corporation subsequent to June 30, 1947, for handling, storing, processing, and transporting such materials, as determined and certified by the Corporation from its accounting records.

50 U. S. C. § 98e (b).

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board: Not to exceed a total of $1,800,000, of which $1,340,000 shall be available exclusively for necessary expenses in connection with the making of supervisory or other examinations (except examinations of Federal home loan banks) including the provision of services and facilities therefor, to be derived from the special deposit account established under the provisions under the head "Federal Home Loan Bank Administration" in the Independent Offices Appropriation Act, 1944, and from receipts of the Federal Home Loan Bank Administration, the Federal Home Loan Bank Board, or the Home Loan Bank Board for the fiscal year 1949 and prior fiscal years, shall be available during the fiscal year 1949 for administrative expenses of the Home Loan Bank Board, including health-service program as authorized by law (5 U. S. C. 150), and the Board may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, the Home Owners' Loan Corporation, and other agencies of the Government: *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U. S. C. 1421–1449).

57 Stat. 185.

60 Stat. 903.

Nonadministrative expenses.

47 Stat. 725. 12 U. S. C., Supp. I, § 1422 *et seq.* *Post*, p. 1240.

Federal Savings and Loan Insurance Corporation: Not to exceed $600,000 shall be available for administrative expenses, including health-service program as authorized by law (5 U. S. C. 150), which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of specific insured institutions, and legal fees and expenses, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Home Loan Bank Board, the Home Owners' Loan Corporation, and other agencies of the Government: *Provided*, That notwithstanding any other provisions of this Act,

60 Stat. 903.

except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U. S. C. 1724–1730).

48 Stat. 1255.
12 U. S. C., Supp. I, §§ 1725, 1729 notes.
Post, p. 1240.

Home Owners' Loan Corporation: Not to exceed $2,300,000 shall be available for administrative expenses, including health-service program as authorized by law (5 U. S. C. 150), which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses (including services performed on a force account, contract, or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Corporation or in which it has an interest, and legal fees and expenses, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461–1468): *Provided*, That all right, title, and interest of the Home Owners' Loan Corporation in the capital stock of the Federal Savings and Loan Insurance Corporation is hereby transferred to the Secretary of the Treasury and the Secretary of the Treasury is authorized and directed to cancel bonds of the Home Owners' Loan Corporation in an amount equal to the par value of the stock of the Federal Savings and Loan Insurance Corporation so transferred, plus accrued dividends thereon which, notwithstanding any other provision of law, shall be computed at a rate approximating the average interest cost incurred by the Home Owners' Loan Corporation on its total borrowings during each respective fiscal year: *Provided further*, That not to exceed $5,000 of the funds of said Corporation shall be available until June 30, 1952, for the payment of such expenses as the Chairman of the Home Loan Bank Board or his designee or designees may find necessary for winding up the affairs and effecting the dissolution of the United States Housing Corporation and the United States Housing Corporation of Pennsylvania.

60 Stat. 903.

48 Stat. 128.
12 U. S. C., Supp. I, § 1462 *et seq.*
Post, p. 1239.
Transfer of capital stock.

Liquidation of U. S. Housing Corporations.

Federal Housing Administration: In addition to the amounts available by or pursuant to law (which shall be transferred to this authorization) for the administrative expenses of the Federal Housing Administration in carrying out duties imposed by or pursuant to law, not to exceed $19,000,000 of the various funds of the Federal Housing Administration as follows: (1) The mutual mortgage insurance fund; (2) the housing insurance fund; (3) the account in the Treasury comprised of funds derived from premiums collected under authority of section 2 (f), title I of the National Housing Act, as amended (12 U. S. C. 1701); and (4) the war housing insurance fund shall be available for expenditure, in accordance with the provisions of said Act for the administrative expenses of the Federal Housing Administration, including not to exceed $1,500 for periodicals and newspapers; not to exceed $1,500 for contract actuarial services; and health-service program as authorized by law (5 U. S. C. 150): *Provided*, That necessary expenses of the Administration (including services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, protection, completion, operation, maintenance, improvement, or disposition of real or personal property of the Administration acquired under authority

Ante, p. 1034; *post*, p. 1290.

53 Stat. 805.
12 U. S. C. § 1703 (f).

60 Stat. 903.

Nonadministrative expenses.

48 Stat. 1246, 1247; 55 Stat. 55. 12 U. S. C. §§ 1701–1715c, 1736–1743; Supp. I, § 1702 *et seq.* *Ante*, p. 101; *post*, pp. 1209, 1268.

of titles I, II, and VI of said National Housing Act, shall be considered as nonadministrative for the purposes hereof: *Provided further*, That, except as herein otherwise provided, the administrative expenses and other obligations, including nonadministrative expenses, of the Administration shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (12 U. S. C. 1701).

Post, p. 1206.

Public Housing Administration: Of the amounts available by or pursuant to law for the administrative expenses of the Public Housing Administration in carrying out duties imposed by or pursuant to law including not to exceed $2,500,000 of the funds available for administrative expenses for the United States Housing Act program (all of which are hereby merged into a single administrative expense account), not to exceed $9,500,000 shall be available for such expenses subject to the provisions of section 6 (b) of the Act of September 1, 1937, as amended, 42 U. S. C. 1406 (b), including health-service program as authorized by law (5 U. S. C. 150): *Provided*, That the number of officers and employees in classification grades 11 of the clerical, administrative, and fiscal service, and 4 of the professional service, and higher grades shall not exceed 20 per centum of the total number of officers and employees paid from such funds: *Provided further*, That necessary expenses of providing representatives of the Administration at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Administration, shall be compensated by such agencies by the payment of fixed fees which in the aggregate in relation to the development costs of such projects will cover the costs of rendering such services, and expenditures by the Administration for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing representatives of the Administration at the sites of non-Federal projects or for administrative expenses of the Administration not in excess of the amount authorized by the Congress.

Merger of funds.

50 Stat. 890.

60 Stat. 903.

Nonadministrative expenses.

Liquidation of resettlement projects: Not to exceed $40,000 of the receipts derived from the operation of the projects transferred under section 4 (b) of Reorganization Plan Numbered 3 of 1947 shall be available for necessary expenses in connection with and to facilitate disposition of the suburban resettlement projects known as Greenbelt, Greendale, and Greenhills including services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

61 Stat. 955. 5 U. S. C., Supp. I, § 133y–16 note.

60 Stat. 810.

Transfer of capital stock.

Defense Homes Corporation: Within thirty days after the date of enactment hereof the Housing and Home Finance Administrator shall transfer or cause to be transferred to the Reconstruction Finance Corporation, without reimbursement or other consideration, all of the capital stock of Defense Homes Corporation, together with the stock certificates evidencing the ownership of such stock. All assets and liabilities of every kind and nature and all records of Defense Homes Corporation shall be transferred, not later than July 30, 1948, as of June 30, 1948 (the corporate records for the fiscal year 1948 to be closed by Defense Homes Corporation prior to actual transfer thereof), to the Reconstruction Finance Corporation, without reimbursement or other consideration, for the purpose of liquidation in an orderly manner. The Reconstruction Finance Corporation shall proceed to liquidate the affairs of the Defense Homes Corporation, including realization of the value of all its assets and settlement of all its legal liabilities including the existing indebtedness of Defense Homes Corporation to the Reconstruction Finance Corporation. Any net proceeds remaining after the payment of all obligations of Defense Homes Corporation, and all administrative expenses incurred in its liquidation, shall be covered into the Treasury as miscellaneous receipts.

Liquidation.

Net proceeds.

Not to exceed $3,000 of the funds available to the Housing and Home Finance Agency for expenses of travel shall be available, when specifically authorized by the Administrator or head of the constituent agency concerned, for expenses of attendance at meetings of organizations concerned with the function or activity for which the appropriation or authorization is made. Travel expenses.

DEPARTMENT OF AGRICULTURE

Federal Farm Mortgage Corporation: Not to exceed $2,000,000 (to be computed on an accrual basis) of the funds of the Corporation shall be available for administrative expenses, including employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services, and the use of the services and facilities of Federal land banks, national farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by the Act of January 31, 1934 (12 U. S. C. 1020–1020h); and said total sum shall be exclusive of interest expense, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the Corporation or in which it has an interest: *Provided*, That of the funds available to the Corporation for administrative expenses, not to exceed $244,000 shall be available for payment to the Farm Credit Administration for supervisory or other services rendered: *Provided further*, That prior to June 30, 1949, not less than $68,000,000, and all additional cash funds in excess of operating requirements for the fiscal year 1949, shall be declared as dividends and paid into the general fund of the Treasury: *Provided further*, That the aggregate amount of bonds the Corporation may issue and have outstanding at any one time shall not exceed $500,000,000. 48 Stat. 344. Dividends. Bonds.

Federal intermediate credit banks: Not to exceed $1,607,500, of which $107,500 shall be available only for liquidation of obligations incurred in the fiscal year 1948 (to be computed on an accrual basis), of the funds of the banks shall be available for administrative expenses, including the purchase of not to exceed five passenger motor vehicles for replacement only, services performed for the banks by other Government agencies (except services performed by the banks for cooperatives in connection with loans to cooperative associations rediscounted or pledged with the Federal intermediate credit banks, and services performed by any Federal Reserve bank and by the United States Treasury in connection with the financial transactions of the banks); and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the banks or in which they have an interest: *Provided*, That of the funds available to the banks for administrative expenses, not to exceed $330,000, of which $80,000 shall be available only for liquidation of obligations incurred in the fiscal year 1948, shall be available for payment to the Farm Credit Administration for supervisory or other services rendered.

Production credit corporations: Not to exceed $1,500,000 (to be computed on an accrual basis) of the funds of the corporations shall be available for administrative expenses, including the purchase of not to exceed three passenger motor vehicles (for replacement only), services performed for the corporations by other Government agencies; and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging Administrative expenses.

to the corporations or in which they have an interest: *Provided*, That of the funds available to the corporations for administrative expenses, not to exceed $232,000 shall be available for payment to the Farm Credit Administration for supervisory or other services rendered: *Provided*, That prior to June 30, 1949, the corporations shall return Government capital aggregating not less than $30,000,000 to the Treasury of the United States to be carried to the surplus fund and covered into the Treasury, and the Governor of the Farm Credit Administration is authorized and directed to cancel the capital stock of the corporations in par value amount equal thereto.

Administrative expenses.

Regional Agricultural Credit Corporation of Washington, District of Columbia: Not to exceed $146,800 (to be computed on an accrual basis) of the funds of the Corporation shall be available for administrative expenses, including supervision and examination by the Farm Credit Administration and services performed for the Corporation by other Government agencies; and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the Corporation or in which it has an interest: *Provided*, That no other funds shall be available for administrative expenses of the Corporation: *Provided further*, That of the funds available to the Corporation for administrative expenses, not to exceed $21,000 shall be available for payment to the Farm Credit Administration for supervisory or other services rendered: *Provided further*, That $12,000 additional of the funds available for administrative expenses, fiscal year 1948, shall be available for payment to the Farm Credit Administration for supervisory or other services rendered: *Provided further*, That for the fiscal year 1949, the revolving fund in the Treasury of the United States created by section 84 of the Act of June 16, 1933 (12 U. S. C. 1148a), for investment in any regional agricultural credit corporation shall be available only in the amount of $25,000,000: *Provided further*, That notwithstanding any provisions of law to the contrary, in addition to the foregoing the Corporation is authorized to utilize, from the revolving fund created by section 84 of the Farm Credit Act of 1933 (12 U. S. C. 1148a), such sums as may be necessary (a) to make loans, during a period of five years, to bona fide fur farmers in accordance with the provisions of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (12 U. S. C. 1148), all such loans to carry full personal liability of the borrowers and to be secured by such collateral as is deemed by the Corporation to be necessary to afford reasonable assurance of repayment, the aggregate principal amount of which loans shall not exceed $4,000,000 outstanding at any one time, and (b) not to exceed $25,000 for administrative expenses of the Corporation and the Farm Credit Administration in connection with such loans, which amount and the aforesaid item of $146,800 may be combined for accounting purposes.

Restriction.

61 Stat. 581.

48 Stat. 273.
12 U. S. C., Supp. I, § 1148a.

48 Stat. 273.
12 U. S. C., Supp. I, § 1148a.

47 Stat. 713.
12 U. S. C., Supp. I, § 1148.

DEPARTMENT OF COMMERCE

Administrative expenses.

Inland Waterways Corporation: Not to exceed $498,800 shall be available for administrative expenses, to be determined in the manner set forth under the title "General expenses" in the Uniform System of Accounts for Carriers by Water of the Interstate Commerce Commission (effective January 1, 1947) for water operations, and in the manner set forth under the title "Operating expense accounts—general" in the Uniform System of Accounts for Steam Railroads of the Interstate Commerce Commission (issue of 1943) for railroad

operations: *Provided*, That no funds shall be used to pay compensation of employees normally subject to the Classification Act of 1923, as amended, at rates in excess of rates fixed for similar services under the provisions of the Classification Act, as amended, nor to pay the compensation of vessel employees and such terminal and other employees as are not covered by the Classification Act, at rates in excess of rates prevailing in the river transportation industry in the area: *Provided further*, That the Corporation is authorized to pay not to exceed $1,482.90 for services actually rendered by former employees during the fiscal year 1947 and for which there is no present authority to pay, as follows: L. Brown, $120.06; W. Finch, $140.11; J. Johnson, $116.16; S. Jones, $86.31; R. Neely, $148.71; G. Sanders, $103.19; N. L. Sanders, $123.82; G. Walker, $130.78; W. Winfield, $183.37; W. Scruggs, $153.60; E. Donley, $102.68; H. Thomas, $74.11.

42 Stat. 1488. 5 U. S. C. §§ 661–674.

Payment to certain former employees.

DEPARTMENT OF THE INTERIOR

VIRGIN ISLANDS COMPANY

Section 304 (b) of the Government Corporation Control Act, as amended (Public Law 248, approved December 6, 1945), shall not be applicable with respect to the Virgin Islands Company until after June 30, 1949.

59 Stat. 602. 31 U. S. C. § 869 (b).

The Virgin Islands Company is authorized to borrow from the Treasury of the United States not to exceed $500,000, for which purpose there is hereby appropriated out of any money in the Treasury not otherwise appropriated $500,000. The Secretary of the Treasury is authorized to make such loans to the Company for repayment not later than one year after the making thereof, at rates of interest determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of any such loan to the Company.

Loans. *Ante*, p. 1170.

Not to exceed $97,880 of the funds available to the Company shall be available for administrative expenses (to be computed on an accrual basis), including salaries of officers, Washington office personnel, and the accounting, purchasing, and pay-roll departments; clerical services; traveling, automobile, office, and sundries expenses; stationery and office supplies; telephone and telegraph; postage; dues and subscriptions; repairs and maintenance of office buildings and equipment; employees' welfare; and public relations: *Provided*, That such total sum shall be inclusive of the gross amounts of the foregoing categories of expenses before apportionment of any part thereof to manufacturing or other expenses: *Provided further*, That such administrative expenses shall be exclusive of salaries of the engineering and shipping departments, storekeepers, and plant clerical personnel; interest expenses; bank service charges; audit fees; and depreciation.

Administrative expenses.

DEPARTMENT OF JUSTICE

Federal Prison Industries, Incorporated: Not to exceed $302,000, of which $35,000 shall be available only for liquidation of obligations incurred in the fiscal year 1948 (to be computed on an accrual basis), of the funds of the Corporation shall be available during the fiscal year 1949 for its administrative expenses, which shall be determined in accordance with the Corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, vocational training expenses, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost

Administrative expenses.

of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the Corporation or in which it has an interest: *Provided*, That funds of the Corporation shall be available, in amounts not to exceed $338,000 during the fiscal year 1948 and $380,000 during the fiscal year 1949, for expenses of vocational training of prisoners as authorized by the Act of May 11, 1948 (Public Law 521), such expenses to be computed and determined on the same basis and with the same exclusions (except vocational training expenses) as provided herein with respect to administrative expenses.

Vocational training of prisoners.

Ante, p. 230.

DEPARTMENT OF STATE

The Institute of Inter-American Affairs: Not to exceed $490,000 of the funds available to the Corporation shall be available during the fiscal year 1949 for its administrative expenses, including administrative services performed for the Corporation by other Government agencies.

TITLE III

GENERAL PROVISIONS

Funds for administrative expenses.

SEC. 301. Funds made available by this Act for administrative expenses shall be available, in addition to objects for which such funds are otherwise available, for personal services and rent in the District of Columbia; printing and binding; examination of budgets and estimates of appropriations in the field; travel expenses in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (except as to per diem rates outside continental United States) and the Act of February 14, 1931, as amended (5 U. S. C. 73a); for the objects specified under the head "General provisions" in title II of the Independent Offices Appropriation Act, 1949, all the provisions of which title unless otherwise specified in this Act, shall be applicable to the expenditure of such funds; and services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses herein provided shall be correspondingly reduced.

44 Stat. 688.
5 U. S. C. § 821.

46 Stat. 1103.

Ante, p. 193.

60 Stat. 810.

Use of funds for construction, etc.

SEC. 302. No part of any funds of or available to any wholly owned Government corporation shall be used for the purchase or construction, or in making loans for the purchase or construction of any office building at the seat of government primarily for occupancy by any department or agency of the United States Government or by any corporation owned by the United States Government.

Claims.

SEC. 303. Funds of the corporations and agencies covered by the provisions of this Act shall be available for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921).

60 Stat. 843.
Ante, p. 1008.

Accounting.

SEC. 304. Any funds of, or available for expenditure by, any corporation or agency included in this Act, which are not subject to audit by the General Accounting Office under the provisions of the Government Corporation Control Act (31 U. S. C. 841–869) or other law, shall be accounted for and audited in accordance with the Budget and Accounting Act, as amended, and no such fund shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant: *Provided*, That this section shall not be so construed as to modify or repeal any provision of any other law respecting warranting, accounting for, and auditing of funds.

59 Stat. 597.
31 U. S. C., Supp. I, § 846 *et seq.*
Post, p. 1283.

SEC. 305. No part of the funds of, or available for expenditure by, any corporation or agency included in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any funds available to any corporation or agency included in this Act shall be guilty of a felony, and upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing laws.

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

Affidavit.

Penalty.

SEC. 306. This Act may be cited as "The Government Corporations Appropriation Act, 1949."

Short title.

Approved June 30, 1948.

[CHAPTER 774]

AN ACT

To amend section 2 of the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939.

June 30, 1948
[H. R. 6598]
[Public Law 861]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 2 of the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939, is amended to read:

Insanity proceedings, D. C., amendment.
53 Stat. 1294.
D. C. Code § 21-311.

"SEC. 2. Upon the filing with the court of a verified petition as hereinabove provided, accompanied by the affidavits of two or more responsible residents of the District of Columbia setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his own affairs, and that such person is not fit to be at large or go unrestrained, and that if such person be permitted to remain at liberty the rights of persons and property will be jeopardized or the preservation of public peace imperiled or the commission of crime rendered probable, and that such person is a fit subject for treatment by reason of his or her mental condition, the court, or any judge thereof in vacation, may, in its or his discretion, issue an attachment for the immediate apprehension and detention, for preliminary examination, of such person in Saint Elizabeths Hospital and, unless found by the staff of Saint Elizabeths Hospital to be of sound mind, therein for a period not exceeding thirty days. Any person so apprehended and detained shall be given an examination within five days of his admission into Saint Elizabeths

Hospital by the staff of Saint Elizabeths Hospital. The Superintendent of Saint Elizabeths Hospital is hereby authorized to receive and detain such persons, at the expense of the District of Columbia."

53 Stat. 1295. D. C. Code § 21-311.

SEC. 2. The fourth paragraph of section 2 of said Act is hereby amended to read:

Discharge.

"If as a result of examination, the staff of Gallinger Municipal Hospital or Saint Elizabeths Hospital shall find that any person detained in Gallinger Municipal Hospital or Saint Elizabeths Hospital pursuant to the provisions of this section is of sound mind, he shall be discharged forthwith by said Gallinger Municipal Hospital or Saint Elizabeths Hospital, and the petition, if any, shall be dismissed."

Approved June 30, 1948.

[CHAPTER 775]

AN ACT

June 30, 1948
[H. R. 6829]
[Public Law 862]

Making supplemental appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1949, and for other purposes.

The Supplemental Independent Offices Appropriation Act, 1949.
Ante, pp. 176, 1027.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1949, namely:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF DEFENSE TRANSPORTATION

Salaries and expenses: For expenses necessary for the Office of Defense Transportation, including salary of the Director at not to exceed $12,000, and the Deputy Director at $10,000; personal services in the District of Columbia; not to exceed $54,000 for travel expenses, including expenses of attendance at meetings concerned with the work of the agency; not to exceed $6,500 for printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); $340,000, of which $60,000 shall be available exclusively for terminal-leave payments: *Provided*, That the foregoing amounts may be obligated during the period ending February 28, 1949: *Provided further*, That the payment of subsistence to witnesses shall be subject to certification by the Director of the Office of Defense Transportation or his designee, as to the necessity therefor: *Provided further*, That in operating any commercial railroad or truck line the Office of Defense Transportation shall pay whatever license or inspection fees and highway use compensation taxes such lines would have been obligated to pay had they continued in operation under the control of the owners thereof.

60 Stat. 810.

Subsistence to witnesses.

License or inspection fees; taxes.

ATOMIC ENERGY COMMISSION

For expenses necessary to carry out the purposes of the Atomic Energy Act of 1946, including personal services in the District of Columbia and employment of aliens; purchase of land and interests in land; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of passenger motor vehicles for replacement only; purchase, maintenance, and operation of aircraft; printing and binding; health-service program as authorized by law (5 U. S. C. 150); publication and dissemination of atomic information; payment

60 Stat. 755.
42 U. S. C. §§ 1801-1819; Supp. I, § 1802 note.
Post, p. 1259.
60 Stat. 810.

60 Stat. 908.

of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); purchase, repair, and cleaning of uniforms; purchase of newspapers and periodicals (not to exceed $8,000) and travel expenses (not to exceed $1,500,000); and payment of obligations incurred under prior year contract authorizations; $511,850,000, of which amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended; from which appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred; and in addition to the amount herein provided, the Commission is authorized to contract for the purposes of this appropriation during the fiscal year in an amount not exceeding $400,000,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel) whose position would be subject to the Classification Act of 1923, as amended, if such Act were applicable to such position, at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility.

60 Stat. 843.
Ante, p. 1008.

Transfers of funds.

Contract authority.

Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

HOUSING EXPEDITER

Salaries and expenses, Office of the Housing Expediter: For expenses necessary to carry out the functions of the Office of the Housing Expediter, including personal services in the District of Columbia; attendance at meetings of organizations concerned with rent control; hire of passenger motor vehicles; printing and binding; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed $5,000 for payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); and health service program as authorized by law (5 U. S. C. 150); $15,172,100: *Provided*, That the foregoing amounts may be obligated during the period ending March 31, 1949: *Provided further*, That any employee of the Office of Housing Expediter is authorized and empowered, when designated for the purpose by the Housing Expediter, to administer to or take from any person an oath, affirmation, or affidavit when such instrument is required in connection with the performance of the functions or activities of the Housing Expediter: *And provided further*, That as to cases involving the functions transferred to the Office of the Housing Expediter by Executive Order 9841, section 204 (e) of the Emergency Price Control Act of 1942, as amended, shall be considered as remaining in full force and effect during fiscal year 1949.

60 Stat. 810.

60 Stat. 843.
Ante, p. 1008.
60 Stat. 903.

Administration of oaths, etc.

50 U. S. C., Supp. I, app. § 601 note.
58 Stat. 639.
50 U. S. C., Supp. I, app. § 924 (e).

UNITED STATES MARITIME COMMISSION

Salaries and expenses: For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the United States Maritime Commission, $68,360,775, within limitations as follows:

Administrative expenses, including personal services in the District of Columbia; printing and binding; not to exceed $2,000 for newspapers and periodicals; not to exceed $18,750 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Chairman; in all, not to exceed $10,600,000: *Provided*, That during the fiscal year ending June 30, 1949,

49 Stat. 1985.
46 U. S. C. § 1101 *et seq.*; Supp. I, § 1116a *et seq.*

60 Stat. 810.

the salaries of the Commissioners of the United States Maritime Commission with the exception of the Chairman, shall be at the rate of $10,000 each per annum;

New ship construction, including reconditioning and betterment, $29,000,000; and, in addition, the Commission is authorized to enter into contracts for new ship construction in an amount not to exceed $75,000,000: *Provided*, That all authority granted to incur obligations for these purposes during 1948 and prior fiscal years not exercised prior to July 1, 1948, is hereby revoked, except that not to exceed $99,000,000 of the funds appropriated for "New ship construction, reconditioning, and betterment" in the Independent Offices Appropriation Act, 1948, shall continue to be available until September 30, 1948: *Provided further*, That the Commission may expend amounts to acquire the vessels Mariposa and Monterey and materials and equipment in conjunction therewith on hand or committed for and expend the amounts necessary to complete the vessels, if required for the development and maintenance of the commerce of the United States and for use of the United States in time of war and national emergency, from any amounts available within this limitation;

61 Stat. 603.

Acquisition of certain vessels.

Maintenance of shipyard facilities, $529,000;

Operation of warehouses, $792,000;

Operating-differential subsidies, $16,691,775: *Provided*, That to the extent that the operating-differential subsidy accrual (computed on the basis of parity) is represented on the operator's books by a contingent accounts receivable item against the Commission as a partial or complete offset to the recapture accrual, the operator (1) shall be excused from making deposits in the Special Reserve Fund and, (2) as to the amount of such earnings the deposit of which is so excused, shall be entitled to the same tax treatment as though it had been deposited in said Special Reserve Fund. To the extent that any amount paid to the operator by the Commission reduces the balance in the operator's contingent receivable account against the Commission, such amount, unless it is forthwith deposited in the fund, shall be considered as withdrawn under Section 607 (h) of the Merchant Marine Act, 1936, as amended;

52 Stat. 961.
46 U. S. C. § 1177 (h).

Reserve fleet expense, $9,663,000;

Maintenance and operation of terminals, $585,000;

Miscellaneous expenses, including payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $500,000.

60 Stat. 843.
Ante, p. 1008.

Whenever, in connection with any transaction involving the sale, purchase, or requisition of any vessel, the United States shall be or become obligated to pay any sum to the other party to the transaction and said other party shall be or is indebted to the United States on account of any transaction involving the sale, purchase, or requisition of any vessel the amount so owing to the United States shall be deducted from the amount due the other party, and hereafter no officer or employee of the Government shall pay to such other party a sum greater than the net amount owing the other party.

Transactions involving sale, etc., of vessels.

Maritime training: For training personnel for the manning of the merchant marine (including operation of training stations at Kings Point, New York; Sheepshead Bay, New York; Pass Christian, Mississippi; Saint Petersburg, Florida; and Alameda, California), including not to exceed $3,300,000 for personal services (exclusive of pay of trainees) in the District of Columbia and elsewhere; expenses of attendance at meetings concerned with the work of the Commission when specifically authorized by the Chairman; printing and binding; health service program as authorized by law (5 U. S. C. 150); not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion;

60 Stat. 903.

and not to exceed $126,896 for transfer to applicable appropriations of the Public Health Service for services rendered the Commission; $7,744,000, of which $75,000 shall be available for restoration or repair of buildings at the training station at Pass Christian, Mississippi.

Transfer of funds.

Pass Christian training station, Miss.

State marine schools: To reimburse the State of California, $50,000; the State of Maine, $50,000; the State of Massachusetts, $50,000; and the State of New York, $50,000; for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911, as amended (34 U. S. C. 1121–1123); and for the maintenance and repair of vessels loaned by the United States to the said States for use in connection with such State marine schools, $200,000; in all, $400,000.

36 Stat. 1353.

Vessel operating functions: For expenses (other than administrative expenses) necessary for carrying out, until March 1, 1949, the operating functions transferred to the United States Maritime Commission by section 202 of the Naval Appropriation Act, 1947 (60 Stat. 501), $25,483,976: *Provided*, That receipts from such functions during the fiscal year 1949 shall be deposited in the Treasury as miscellaneous receipts.

50 U. S. C. app. § 1291 note.

War Shipping Administration liquidation: The unexpended balance of the appropriation to the Secretary of the Treasury in the Second Supplemental Appropriation Act, 1948, for liquidation of obligations found by the General Accounting Office to have been properly incurred against funds of the War Shipping Administration prior to January 1, 1947, is hereby continued available from July 1, 1948, until June 30, 1949: *Provided*, That hereafter all moneys accruing to the United States Maritime Commission from operations under the War Shipping Administration revolving fund prior to September 1, 1946 (including all moneys received from agent operators), shall be covered into the Treasury as miscellaneous receipts.

61 Stat. 697.

Revolving fund, War Shipping Administration.

Notwithstanding any other provision of this Act, the Commission is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Commission, and payments received by the Commission for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Furnishing utilities, etc.

The United States Maritime Commission shall not incur any obligations during the fiscal year 1949 from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act: *Provided*, That nothing contained herein and in the Independent Offices Appropriation Act, 1948, shall be construed to affect the authority of the Commission pursuant to the provisions of section 603 (a) of the Merchant Marine Act, 1936, as amended, (1) to grant operating differential subsidies on a long-term basis and (2) to obligate the United States to make future payments in accordance with the terms of such operating-differential subsidy contracts, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That hereafter the Commission may make allowances to purchasers of vessels for cost of putting such vessels in class, such allowances to be determined on the basis of competitive bids, without regard to the provisions of the last paragraph of section 3 (d) of the Merchant Ship Sales Act of 1946.

49 Stat. 1987. 46 U. S. C. § 1116.

61 Stat. 603.

49 Stat. 2002. 46 U. S. C. § 1173 (a).

Allowances to purchasers.

60 Stat. 41. 50 U. S. C. app. § 1736 (d).

VETERANS' ADMINISTRATION

Ante, p. 1035; *post*, p. 1291.

Administration, medical, hospital, and domiciliary services: For necessary expenses of the Veterans' Administration, including maintenance and operation of medical, hospital, and domiciliary services, in carrying out the functions pursuant to all laws for which the Administration is charged with administering, including personal services in the District of Columbia; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; health service program as authorized by law (5 U. S. C. 150); purchase of three hundred and ninety passenger motor vehicles, of which two hundred and twenty-eight shall be for replacement only; utilization of Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as the Administrator may by regulation prescribe; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); maintenance and operation of farms; recreational articles and facilities at institutions maintained by the Veterans' Administration; expenses incidental to securing employment for war veterans; funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration except burial awards authorized by Veterans' Administration Regulation Numbered 9 (a), as amended; the purchase of tobacco to be furnished, subject to regulations of the Administrator, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes; aid to State or Territorial homes in conformity with the Act approved August 27, 1888, as amended (24 U. S. C. 134), for the support of veterans eligible for admission to Veterans' Administration facilities for hospital or domiciliary care; the purchase of printed reduced-fare requests for use by veterans when traveling at their own expense from or to Veterans' Administration facilities; not to exceed $5,765 for newspapers and periodicals; and not to exceed $57,905 for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material, including the purchase or rental of equipment; $936,755,000, from which allotments and transfers may be made to the Federal Security Agency (Public Health Service), the Army, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment: *Provided*, That no part of this appropriation shall be used to pay in excess of one hundred persons engaged in public relations work: *Provided further*, That no part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home, or for the purchase of any hospital or home; and not more than $8,534,800 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.

60 Stat. 903.

Transportation of school children.

60 Stat. 810.

38 U. S. C. note foll. § 739, p. 4276.

Purchase of tobacco.

Aid to State or Territorial homes.

25 Stat. 450.
Ante, p. 237.

Reduced-fare requests.

Visual educational information.

Public relations work.

Construction, etc., restrictions.

Printing and binding: For printing and binding, $3,148,000.

Tort claims: For payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921), $15,000.

60 Stat. 843.
Ante, p. 1008.

Pensions: For the payment of compensation, pensions, gratuities,

and allowances (including subsistence allowances authorized by part VII of Veterans Regulation 1a, as amended), authorized under any Act of Congress, or regulation of the President based thereon, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, and for the payment of adjusted-service credits as provided in sections 401 and 601 of the Act of May 19, 1924, as amended (38 U. S. C. 631 and 661), $1,898,000,000, to be immediately available and to remain available until expended.

57 Stat. 43.
38 U. S. C. note foll. § 739; Supp. I, note foll. § 733.
Ante, pp. 20, 209.

43 Stat. 125, 128.

Readjustment benefits: For the payment of benefits to or on behalf of veterans as authorized by titles II, III, and V, of the Servicemen's Readjustment Act of 1944, $1,979,027,000, to be immediately available and to remain available until expended: *Provided*, That no part of this appropriation for education and training under title II of the Servicemen's Readjustment Act, as amended, shall be expended for tuition, fees, or other charges, or for subsistence allowance, for any course elected or commenced by a veteran on or subsequent to July 1, 1948, and which is determined by the Administrator to be avocational or recreational in character. For the purpose of this proviso, education or training for the purpose of teaching a veteran to fly or related aviation courses in connection with his present or contemplated business or occupation shall not be considered avocational or recreational.

58 Stat. 287, 291, 295.
38 U. S. C. §§ 701, note foll. § 739, 694–694e, 696–696m; Supp. I, § 694 *et seq.*
Ante, pp. 19, 208, 500; *post*, p. 1275.
Tuition, fees, etc.

Military and naval insurance: For military and naval insurance, $5,096,000, to be immediately available and to remain available until expended.

Hospital and domiciliary facilities: For hospital and domiciliary facilities, $202,000,000, to remain available until expended for the payment of obligations heretofore or herein authorized to be incurred under this head, and, in addition, the Administrator of Veterans' Affairs is authorized to incur obligations prior to July 1, 1950, in an amount not exceeding $43,000,000, for extending, with the approval of the President, any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 1 and 2 of the Act approved March 4, 1931 (38 U. S. C. 438j–k), or in section 101 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 693a): *Provided*, That the authority contained in the Third Urgent Deficiency Appropriation Act, 1946, and in the Independent Offices Appropriation Act, 1948, to incur obligations for the purposes of this appropriation is hereby extended to July 1, 1950: *Provided further*, That not to exceed 6.7 per centum of the foregoing appropriation and contract authorizations shall be available for the employment in the District of Columbia and in the field of all necessary technical and clerical personnel for the preparation of plans and specifications for the projects as approved hereunder and in the supervision of the execution thereof, and for all travel expenses, field office equipment, and supplies in connection therewith, except that whenever the Veterans' Administration finds it necessary in the construction of any project to employ other Government agencies or persons outside the Federal service to perform such services not to exceed 10 per centum of the cost of such projects may be expended for such services: *Provided further*, That, notwithstanding any other provision of law, the Administrator of Veterans' Affairs may select a site and construct a hospital thereon in Arlington County, Virginia.

46 Stat. 1550, 1551.

58 Stat. 284.
38 U. S. C., Supp. I, § 693a note.
Ante, p. 161.
60 Stat. 265; 61 Stat. 605.

Technical and clerical personnel.

Arlington County, Va., hospital.

National service life insurance: For the payment of benefits and for transfer to the national service life insurance fund, in accordance with the National Service Life Insurance Act of 1940, as amended, $49,320,000, to be immediately available and to remain available until expended: *Provided*, That certain premiums shall be credited to this appropriation as provided by the Act.

54 Stat. 1008.
38 U. S. C. §§ 801–818; Supp. I, § 802.
Ante, pp. 59, 1109.

Ante, p. 1035.

Soldiers' and sailors' civil relief: For payment of claims as authorized by article IV of the Soldiers' and Sailors' Civil Relief Act amendments of 1942, $65,000, to be immediately and continuously available until expended: *Provided*, That any moneys received as repayment of debts incurred under said article IV shall be credited to this appropriation.

56 Stat. 773.
50 U. S. C. app. §§ 540–548; Supp. I, §§ 540–548 note.
Ante, p. 160.

Veterans' miscellaneous benefits: For the payment of burial awards authorized by Veterans' Administration Regulation Numbered 9 (a), as amended, and for supplies, equipment, and tuition authorized by part VII and payments authorized by part IX of Veterans' Administration Regulation Numbered 1 (a), as amended, $51,883,000, to remain available until expended.

38 U. S. C. note foll. § 739, p. 4276.

57 Stat. 43.
38 U. S. C. note foll. § 739; Supp. I, note foll. § 733.
Ante, pp. 20, 209, 500.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans' Affairs.

SURPLUS PROPERTY DISPOSAL

Abolition of War Assets Administration.

Effective February 28, 1949, the Office of War Assets Administrator is abolished and the War Assets Administration shall cease to exist as an agency of the Government and its affairs, functions, and responsibilities shall thereafter be disposed of and liquidated in accordance with the following:

Transfer of powers, etc., to RFC.

(1) All powers, authority, functions, and responsibilities of the War Assets Administrator and of the War Assets Administration pertaining to surplus real property, which as used herein shall mean land and interests in land together with buildings, fixtures, facilities, utilities, equipment, and other property located thereon or adapted to use in connection with such property for its highest and best use, and all right, title, and interest in notes, mortgages, and contracts of sale or lease in connection with surplus real property shall be transferred to the Reconstruction Finance Corporation, to be held and disposed of by such Corporation in accordance, except as provided herein, with the terms of the Surplus Property Act of 1944, as amended;

58 Stat. 765.
50 U. S. C. app. §§ 1611–1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 1103.
Aircraft.

(2) All aircraft and aircraft parts shall be transferred to the Department of the Air Force to be held and disposed of by such Department in accordance, except as provided herein, with the terms of the Surplus Property Act of 1944, as amended;

Personal property.

(3) All personal property (other than aircraft and aircraft parts), except such as may be necessary to the liquidation of the War Assets Administration or the exercise of the functions transferred herein, shall be transferred to the Bureau of Federal Supply, Treasury Department, to be held and disposed of by such Bureau in accordance, except as provided herein, with the terms of the Surplus Property Act of 1944, as amended;

Administrative records, etc.

(4) Except as necessary to the administration of the functions herein transferred to the Department of the Air Force, the Reconstruction Finance Corporation, and the Bureau of Federal Supply, all administrative property, records, and accounts of the War Assets Administration shall be transferred to the Treasury Department for liquidation of the affairs of the War Assets Administration;

(5) Such administrative property, records, and personnel of the War Assets Administration as determined by the Director of the Bureau of the Budget to be necessary to the administration of any of the functions herein transferred shall be transferred to the agency to which such function is transferred: *Provided*, That the right to retention in employment by the Government of the personnel so transferred shall be neither greater nor less than such right would have been had

Retention rights of employees.

the War Assets Administration continued as an independent agency of the Government;

(6) The provisions of section 9 of the Reorganization Act of 1945 (Public Law 263, Seventy-ninth Congress) shall apply to the transfers effected by this paragraph in like manner as if such transfer were a reorganization of the agencies and functions concerned under the provisions of that Act; 59 Stat. 617. 5 U. S. C. § 133y-7.

(7) Priorities and preferences provided for in the Surplus Property Act of 1944, as amended, shall not continue beyond August 31, 1948, as to the disposal of personal property but shall continue as to the disposal of real estate; Priorities and preferences. 58 Stat. 765. 50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*

(8) The agencies herein authorized to dispose of surplus personal property may, after the date of enactment hereof, transfer any of such property without charge to any other agency of the Government if such property, by such transfer, can be put to public use by the transferee agency; *Ante*, pp. 350, 1103. Surplus personal property.

(9) The agencies herein authorized to dispose of surplus property shall proceed with due diligence and use all reasonable means within the purview of this Act and the Surplus Property Act of 1944, as amended, to accomplish such purpose at the earliest practicable date and shall report to the Committees on Appropriations of the Senate and the House of Representatives at the end of each month as to progress made; Report to Congressional committees.

(10) The Secretary of the Treasury, the Secretary of the Air Force, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation may authorize the abandonment, destruction, or donation to public bodies of personal property herein transferred to their respective agencies which has no commercial value or the estimated cost of care and handling of which would exceed the estimated proceeds from its sale; Destruction, etc., of personal property.

(11) The Surplus Property Act of 1944, as amended, shall not apply to property of the Government which has not been declared surplus under the terms of such Act as of the date of enactment hereof and any such property determined to be surplus shall be disposed of in accordance with the terms of other existing law. Nonapplicability.

SALARIES AND EXPENSES, WAR ASSETS ADMINISTRATION, SPECIAL FUND

Salaries and expenses: There is hereby appropriated from the special fund account in the Treasury as provided for in the First Deficiency Appropriation Act, 1946, not to exceed $65,000,000, which may be apportioned for obligation during the period ending February 28, 1949, for necessary expenses of the War Assets Administration established by Reorganization Plan Numbered 1 of 1947; for allocation or reimbursement by the War Assets Administrator to Government agencies designated by the Administrator as disposal agencies by or pursuant to law, and for payment to Government agencies designated by the Administrator for rendering special services in connection with the disposal of surplus property, in such amounts as shall be approved by the Bureau of the Budget; and for allocation or reimbursement to owning agencies for the care and handling (including pay and allowances and subsistence of military and naval personnel) of surplus property subsequent to the filing of a declaration of surplus covering such property with a disposal agency designated by the Administrator, or, if the Administrator prescribes procedures whereby declarations of surplus are made at approximately the time of disposal or removal, subsequent to notice by the owning agency to the disposal agency that property has been determined to be surplus and is subject to such procedures, such funds to be available for personal services in the District of Columbia; fees and mileage of witnesses at rates provided 59 Stat. 641. 61 Stat. 952. 5 U. S. C., Supp. I, § 133y-16 note.

Ante, p. 993.

60 Stat. 843.
Ante, p. 1008.
60 Stat. 810.

41 U. S. C. § 5.

60 Stat. 903.

41 U. S. C. § 5.

by law for witnesses attending in the United States courts (28 U. S. C. 600c); payment of claims pursuant to section 403 of the Federal Tort Claims Act (28 U. S. C. 921); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and other special services and reports by contract without regard to section 3709 of the Revised Statutes, as amended, including real estate brokers and appraisers at rates of pay or fees not to exceed those usual for similar services; health service program as authorized by law (5 U. S. C. 150), (not to exceed $73,000); acceptance and utilization of voluntary and uncompensated services; printing and binding; expenses of attendance at meetings of organizations concerned with the work of the Administration; procurement of supplies, equipment, reports, and services in connection with the care, handling, and disposition of surplus property without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon determination by the Administrator or by any official designated by him for this purpose that such method of procurement is necessary; purchase and procurement of reports of experts or consultants or organizations thereof; advertising, including radio time; maintenance, operation, and repair of aircraft in the Territories and possessions in connection with disposal activities and, in the continental limits of the United States in connection with the disposition of aircraft and airports; acquisition of buildings, lands, leaseholds, and other interests therein, and temporary use thereof for the care, handling, and disposition of surplus property; payments to States or political subdivisions thereof of sums in lieu of taxes accruing against real property declared surplus to the Administration by Government corporations; advance of funds to Administration cashiers and collection officials upon furnishing bond, for the purpose of handling cash transactions and making change at surplus property sales: *Provided*, That any employee of the War Assets Administration is authorized, when designated for the purpose by the Administrator, to administer to or take from any person an oath, affirmation, or affidavit, when such instrument is required in connection with the performance of the functions or activities of the War Assets Administration: *Provided further*, That the Administration may procure by contract or otherwise and furnish to governmental employees and employees of Government contractors at the reasonable value thereof food, meals, subsistence, and medical supplies, emergency medical services, quarters, heat, light, household equipment, laundry service, and sanitation facilities, and erect temporary structures and make alterations in existing structures necessary for these purposes, when such employees are engaged in the disposal of surplus property, or in the preparation for such disposal, at locations where such supplies, services, equipment, or facilities are otherwise unavailable, the proceeds derived therefrom to be credited to this appropriation.

Administration of oaths, etc.

Services to employees.

GENERAL PROVISIONS

Persons engaging, etc., in strikes against or advocating overthrow of U. S. Government.

SEC. 102. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the

Affidavit.

Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Penalty.

SEC. 103. The funds appropriated herein shall be subject to the general provisions of titles I and II of the Independent Offices Appropriation Act, 1949, and shall be available for examination of appropriation estimates in the field.

Ante, pp. 177, 193.

SEC. 104. Section 207 of the Independent Offices Appropriation Act, 1949, is hereby amended to read as follows:

Ante, p. 194.

"SEC. 207. Any appropriations or funds available to the executive departments, independent establishments, and wholly owned Government corporations for the payment of salaries and compensation to persons stationed outside the continental United States or in Alaska whose rates of basic compensation are fixed by statute, shall be available for the payment of additional compensation to such persons, based on living costs substantially higher than in the District of Columbia, or conditions of environment which differ substantially from conditions of environment in the States and warrant additional compensation as a recruitment incentive, or both such factors: *Provided*, That such additional compensation, except as otherwise specifically authorized by law, shall be paid only in accordance with regulations prescribed by the President establishing rates of such additional compensation and defining the area, groups of positions, and classes of persons to which each such rate applies: *Provided further*, That no additional compensation based on living costs substantially higher than in the District of Columbia shall be paid under this section to any person who is entitled to receive a cost-of-living allowance under section 901 (2) of the Foreign Service Act of 1946 or section 204 of this Act: *Provided further*, That such additional compensation shall not exceed in any instance 25 per centum of the rate of basic compensation: *Provided further*, That this section shall be effective sixty days after the date of approval of this Act, or on such earlier date as may be specified in regulations issued by the President hereunder, and additional compensation payable under regulations and procedures in effect on the date of approval of this Act may continue to be paid until the effective date of this section."

Employment outside continental U. S.

Additional compensation.

Restriction.

60 Stat. 1026.
22 U. S. C. § 1131 (2).
Ante, p. 194.

Effective date.

SEC. 105. The last paragraph under the heading "Public Buildings Administration" in Public Law 491, Eightieth Congress, is hereby amended to read as follows:

Ante, p. 184.

"No part of the foregoing appropriations to the Federal Works Agency shall be used for the purpose of converting any existing coal heating units to oil or natural gas in any federally owned or rented buildings in or outside the District of Columbia where there is a fuel oil shortage."

Converting from coal to oil, etc.

SEC. 106. This Act may be cited as "The Supplemental Independent Offices Appropriation Act, 1949."

Short title.

Approved June 30, 1948.

[CHAPTER 783]

AN ACT

July 1, 1948
[H. R. 3566]
[Public Law 863]

To amend subsection (c) of section 19 of the Immigration Act of 1917, as amended, and for other purposes.

Immigration Act of 1917, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 19 of the Immigration Act of February 5, 1917, as amended (54 Stat. 671; 56 Stat. 1044; 8 U. S. C. 155 (c)), is further amended to read as follows:

Deportable aliens of good character.

"(c) In the case of any alien (other than one to whom subsection (d) is applicable) who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may (1) permit such alien to depart the United States to any country of his choice at his own expense, in lieu of deportation; or (2) suspend deportation of such alien if he is not ineligible for naturalization or if ineligible, such ineligibility is solely by reason of his race, if he finds (a) that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien; or (b) that such alien has resided continuously in the United States for seven years or more and is residing in the United States upon the effective date of this Act. If the deportation of any alien is suspended under the provisions of this subsection for more than six months, a complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such suspension. These reports shall be submitted on the 1st and 15th day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the suspension of such deportation, the Attorney General shall cancel deportation proceedings. If prior to the close of the session of the Congress next following the session at which a case is reported, the Congress does not pass such a concurrent resolution, the Attorney General shall thereupon deport such alien in the manner provided by law. Deportation proceedings shall not be canceled in the case of any alien who was not legally admitted for permanent residence at the time of his last entry into the United States, unless such alien pays the Commissioner of Immigration and Naturalization a fee of $18 (which fee shall be deposited in the Treasury of the United States as miscellaneous receipts). Upon the cancellation of such proceedings in any case in which fee has been paid the Commissioner shall record the alien's admission for permanent residence as of the date of his last entry into the United States and the Secretary of State shall, if the alien was a quota immigrant at the time of entry and was not charged to the appropriate quota, reduce by one the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current at the time of cancellation or the next following year in which a quota is available: *Provided*, That no quota shall be reduced by more than 50 per centum in any fiscal year."

Report to Congress.

Cancellation of deportation proceedings.

Recording alien's admission for permanent residence.

Quota deduction.

43 Stat. 160.

Approved July 1, 1948.

[CHAPTER 784]

AN ACT

July 1, 1948
[S. 2790]
[Public Law 864]

To amend the Servicemen's Readjustment Act of 1944, as amended, and for other purposes.

Federal National Mortgage Association.

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

National Housing Act, as amended, is hereby amended to read as follows:

48 Stat. 1252.
12 U. S. C. §§ 1716-1723.
Post, p. 1275.

"TITLE III—FEDERAL NATIONAL MORTGAGE ASSOCIATION

"CREATION AND POWERS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

"SEC. 301. (a) The Administrator is further authorized and empowered to provide for the establishment of a Federal National Mortgage Association (hereinafter referred to as the "Association") which shall be authorized, subject to such rules and regulations as may be prescribed by the Association—

Purchase, etc., of mortgages; conditions.
Post, p. 1275.
48 Stat. 1248; 55 Stat. 56.
12 U. S. C. §§ 1709, 1738; Supp. I, § 1738.
Ante, p. 101; *post*, pp. 1272, 1273, 1268.
58 Stat. 292, 293.
38 U. S. C. §§ 694a, 694b, 694e (a).

"(1) to purchase, service, or sell any mortgages, which are insured after April 30, 1948, under section 203 or section 603 of this Act, or guaranteed under section 501, 502, or 505 (a) of the Servicemen's Readjustment Act of 1944, as amended: *Provided, however*, That—

"(A) no mortgage shall be offered to the Association for purchase by, or if it covers property held by, Federal, State, or municipal instrumentalities;

"(B) no mortgage may be purchased for an amount exceeding the unpaid principal balance thereof, plus accrued interest, at the time of purchase;

"(C) no mortgage shall be offered to the Association for purchase if the original principal obligation of the loan exceeds or exceeded $10,000 for each family residence or dwelling unit covered by the mortgage or other lien securing the loan;

"(D) no mortgage shall be offered to the Association for purchase unless offered by the original mortgagee prior to any other sale thereof;

Post, p. 1275.

"(E) no mortgage shall be offered to the Association for purchase by any one mortgagee (1) unless such mortgage is secured by property used, or designed to be used, for residential purposes and (2) if the unpaid principal balance thereof, when added to the aggregate amount paid for all mortgages purchased by the Association from such mortgagee pursuant to authority contained herein, exceeds 25 per centum of the original principal amount of all mortgages made by such mortgagee which, except for this subparagraph (E), meet the requirements of this section.

"(F) no mortgage shall be purchased by the Association unless the mortgagee certifies that the housing with respect to which the mortgage was made meets the construction standards prescribed for insurance of mortgages on the same class of housing under the National Housing Act, as amended.

Borrowing of money.

"(2) to borrow money for any of the foregoing purposes through the issuance of notes or other such obligations as hereinafter provided.

Board of directors.

"(b) The Federal National Mortgage Association, a subsidiary of the Reconstruction Finance Corporation and established pursuant to the provisions of this title as in effect prior to June 1, 1948, shall be the Association referred to in subsection (a) of this section. The Board of Directors of the Association shall consist of not less than five persons to be appointed by the Chairman of the Board of Directors of the Reconstruction Finance Corporation, or the Acting Chairman in the case of a vacancy in the office of Chairman, from the Directors, officers, or employees of such Corporation and the officers shall be appointed by the Board of Directors from the Directors, officers, or employees of the Reconstruction Finance Corporation.

Powers of Association.

"(c) The Association created under this section shall have succession from the date of its organization unless it is dissolved by order of the Administrator as hereinafter provided, or by Act of Congress, and shall have power—

"(1) to adopt and use a corporate seal;

"(2) to make contracts;

"(3) to sue and be sued; complain and defend, in any court of law or equity, State or Federal;

"(4) to conduct its business in any State of the United States, or in the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands, and to have one or more offices in such State, or in the District of Columbia, Alaska, Hawaii, or Puerto Rico, one of which offices shall be designated at the time of organization as its principal office;

"(5) to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

Capital stock.

"(d) The Association may have a capital stock of not to exceed $20,000,000 and paid-in surplus of $1,000,000, subscribed by the Reconstruction Finance Corporation.

"(e) The Association, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, shall be deemed a citizen of the place in which its principal office is located.

Restriction on use of term.

"(f) No individual, association, partnership, or corporation, except the Association organized under this section, shall hereafter use the words 'Federal National Mortgage Association' or any combination of such words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $100 or imprisonment not exceeding thirty days, or both, for each day during which such violation is committed or repeated. The provisions of section 5243 of the Revised Statutes shall not apply to the Association created under this title.

12 U. S. C. § 583.

"OBLIGATIONS

"SEC. 302. The Association is authorized to issue and have outstanding at any time notes or other obligations in an aggregate amount not to exceed (1) forty times the amount of its capital and surplus, and in no event to exceed (2) the current unpaid principal of mortgages held by it and insured under the provisions of titles II and VI of this Act and guaranteed under section 501, 502, or 505 (a) of the Servicemen's Readjustment Act of 1944, as amended, plus the amount of its cash on hand and on deposit and the amortized value of its investments in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States.

48 Stat. 1247; 55 Stat. 55.
12 U. S. C. §§ 1707–1715c, 1736–1742; Supp. I, §§ 1737, 1738.
Ante, p. 101; *post*, pp. 1209, 1268–1275.

"INVESTMENT OF FUNDS

"SEC. 303. Moneys of the Association not invested in mortgages or in operating facilities shall be kept in cash on hand or on deposit, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States; except that the Association shall keep and maintain such reserves as it may deem necessary.

"TAXATION PROVISIONS

"SEC. 304. The Association, including its franchise, capital, reserves, surplus, mortgage loans, income, and stock shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the

Association shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"MANAGEMENT OF ACQUIRED PROPERTIES

"SEC. 305. The Association shall have power to deal with, rent, renovate, modernize, or sell for cash, with a view to assuring a maximum financial return to the Association, any property acquired by it as a result of foreclosure proceedings or otherwise.

"LIQUIDATION

"SEC. 306. The Administrator shall have power to terminate the existence of the Association and order its liquidation and the winding up of its affairs whenever the Administrator determines, in his judgment, that the need therefor no longer exists. The Association shall make a report of its activities to the Administrator in January and July of each year for the preceding six months' period, which report shall be transmitted to the Congress, together with the Administrator's recommendations thereon." Report to Congress.

SEC. 2. Nothing in the amendment made by the first section of this Act shall limit the authority of the Federal National Mortgage Association to service or sell any mortgage purchased prior to the date of the enactment of this Act, or to purchase, service, or sell any mortgage with respect to which a commitment to purchase was made prior to the date of the enactment of this Act.

SEC. 3. Section 4 (c) of the Reconstruction Finance Corporation Act, as amended, is hereby amended by striking out "$1,500,000,000" and inserting in lieu thereof "$2,000,000,000". *Ante*, p. 264.

SEC. 4. Section 4 of the Reconstruction Finance Corporation Act, as amended, is hereby amended by adding at the end thereof a new subsection reading as follows: *Ante*, p. 263.

"(h) The Corporation may subscribe for the nonassessable stock of the Federal National Mortgage Association: *Provided*, That the total face amount of stock so subscribed for and held by the Corporation shall not exceed at any one time $20,000,000." Nonassessable stock.

SEC. 5. The Servicemen's Readjustment Act of 1944, as amended, is hereby amended by inserting immediately after section 510 thereof the following new section: 58 Stat. 284; 59 Stat. 631. 38 U. S. C. §§ 693–697g; Supp. I, § 693 *et seq.* *Ante*, pp. 160, 161, 472; *post*, p. 1275.

"INCONTESTABILITY

"SEC. 511. Any evidence of guaranty or insurance issued by the Administrator shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this title and of the amount of such guaranty or insurance, except that nothing in this section shall preclude the Administrator from establishing, as against the original lender, defenses based on fraud or material misrepresentation, and except that the Administrator shall not, by reason of anything contained in this section, be barred from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance."

SEC. 6. Section 207 (c) (2) of the National Housing Act, as amended, is hereby amended as follows: 53 Stat. 807. 12 U. S. C. § 1713 (c) (2). *Post*, p. 1273.

(1) By striking out the semicolon and the word "and" at the end of paragraph numbered (2), inserting in lieu thereof a colon, and adding the following new proviso: "*And provided further*, That, notwithstanding any of the provisions of this paragraph (2), a mortgage with respect to a project of a nonprofit cooperative ownership housing Nonprofit cooperative ownership project.

corporation (whose membership consists primarily of veterans of World War II) the permanent occupancy of the dwellings of which is restricted to members of such corporation, or a project constructed by a nonprofit corporation (whose membership consists primarily of veterans of World War II) organized for the purpose of construction of homes for members of the corporation, at prices, costs, or charges comparable to the prices, costs, or charges proposed to be charged such members, may involve a principal obligation in an amount not exceeding 95 per centum of the amount which the Administrator estimates will be the value of the project when the proposed improvements are completed; and".

Approved July 1, 1948.

[CHAPTER 785]

July 1, 1948
[S. 2861]
[Public Law 865]

AN ACT

To assist by grants-in-aid the Republic of the Philippines in providing medical care and treatment for certain veterans.

Republic of the Philippines.
Grants-in-aid for medical care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assist the Republic of the Philippines in providing medical care and treatment for veterans, as defined in section 2 of this Act, who are in need of hospitalization for disabilities, determined by the Veterans' Administration under laws which it administers to be connected with the service described in such section, the President is authorized, subject to the provisions of this Act, to furnish aid in the form of grants to the Republic of the Philippines (a) for the construction and equipping of hospitals in the Philippines to be used exclusively for such medical care and treatment and (b) for expenses incident to such medical care and treatment in either the hospitals so constructed and equipped or other hospitals in the Philippines.

"Veterans."

SEC. 2. For the purposes of section 1 of this Act, the term "veterans" means persons who served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

Times and amounts of grants.

SEC. 3. Any grant for the construction and equipping of a hospital may be made prior to or following its completion: *Provided*, That the total of such grants shall not exceed $22,500,000.

SEC. 4. Grants for expenses incident to hospitalization may be made for a period not to exceed five years to reimburse the Republic of the Philippines for moneys expended for such hospitalization: *Provided*, That the total of such grants shall not exceed $3,285,000 for any fiscal year.

Rules and regulations.

SEC. 5. The President may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out the provisions of this Act; and he may delegate in whole or in part the authority conferred upon him by this Act to any officer or officers of the United States.

Appropriations authorized.

SEC. 6. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Approved July 1, 1948.

[CHAPTER 786]

JOINT RESOLUTION

To continue until March 1, 1949, the authority of the United States Maritime Commission to make provision for certain ocean transportation service to, from, and within Alaska.

July 1, 1948
[S. J. Res. 219]
[Public Law 866]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of March 7, 1947, entitled "Joint resolution to authorize the United States Maritime Commission to make provision for certain ocean transportation service to and from Alaska until July 1, 1948, and for other purpose", is amended to read as follows: "That it is the intention of the Congress to assist in providing essential water transportation service for the Territory of Alaska pending the determination of a long-range policy with respect to such transportation.

U. S. Maritime Commission.
Ocean transportation for Alaska.

61 Stat. 10.
46 U. S. C., Supp. I, § 866 note.

"SEC. 2. (a) The United States Maritime Commission is authorized to enter into contracts, charters, and other arrangements deemed by it to be appropriate, with American citizens, deemed by the Commission to be qualified, to supply ocean transportation service with American-flag vessels to, from, and within Alaska. Such contracts, charters, or arrangements may include provisions for making available to such operators Government-owned vessels made available to the Commission for such purposes and vessels under the control or jurisdiction of the Commission for operation on voyages commencing not later than March 1, 1949. Such provisions may include (1) charter hire at a nominal rate; (2) such marine insurance to be provided by the Commission, as the Commission may determine to be necessary or appropriate as to vessels made available by the Commission and other vessels operated in the Alaska service under contracts, charters, or arrangements with the Commission; (3) requirements that the operators shall operate such vessels to secure the most economical transportation adequate for the Alaska service; and (4) such other requirements, terms, and conditions as the Commission may deem appropriate.

Contract, etc., authority and provisions.

"(b) Each such contract, charter, or arrangement shall provide that, as of the end of each accounting period, the cumulative gross profit, before overhead expenses, from the operation of vessels thereunder, as approved by the Commission, shall be allocated as follows and in the following order:

Allocation of gross profit.

"(1) To provide for the operator's proportionate share of the expenses of all operators of maintaining a survey of Alaska ocean transportation services and of the costs and methods of operation of operators in said services, in accordance with a program approved by the Commission;

"(2) To allow compensation to the operator for working capital, use of facilities other than operator-owned vessels, and overhead expenses, on such bases as the Commission may determine; and such bases may be fixed in terms of a percentage or percentages, deemed by the Commission to be reasonable, of vessel operating revenues;

"(3) To allow the operator a return at the rate of 10 per centum per annum, before Federal income taxes, on the fair value of operator-owned vessels used in the Alaska service;

"(4) Any profit remaining thereafter, at the conclusion of each accounting period, shall be held in a special account. At the end of the second and each succeeding accounting period, if any, such account shall be available for paying any then cumulative deficiency (covering the period from the commencement of operations hereunder) with respect to any amounts which, if earned, would have

Special account.

theretofore been allocated pursuant to the previous paragraphs of this subsection;

"(5) At the conclusion of operations under any such contract, charter, or other arrangement, any balance in said special account shall be promptly divided and paid 75 per centum to the Commission and 25 per centum to the operator.

"(c) The Commission may incorporate in each such contract, charter, or arrangement such definitions and formulas for the determinations of vessel-operating revenue, gross profit before overhead expenses, overhead expenses, accounting periods, fair value, and depreciation, as it may deem necessary or appropriate to carry out the other provisions of this subsection and of this joint resolution. The Commission's determination of the value of operator-owned vessels, for the purposes of such contract, charter, or other arrangement, shall be for the purposes of this joint resolution only and shall not be relevant evidence in any regulatory proceeding before the Commission.

Cancellation of contract, etc.

"SEC. 3. (a) Every contract, charter, or arrangement made under this joint resolution shall expressly reserve to the Commission, after reasonable notice to the operator and affording him opportunity for hearing if the Commission determines that it is in the public interest so to do, the right to cancel the same upon reasonable notice of such cancellation but not less than ninety days. Such contract, charter, or arrangement shall also reserve to the operator the right to request the Commission to modify or cancel the same for good cause shown, and if the Commission shall determine that the operator's claim is justified, it may make such modification or shall permit such cancellation at such time thereafter as it may consider reasonable but not more than ninety days after such determination.

Termination of contract, etc.

"(b) Whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission may terminate any contract, charter, or arrangement hereunder, without cost to the United States, upon such notice to the operator as the President shall determine.

Nonlimitation.

"(c) Nothing contained in this joint resolution shall be construed to limit the right of the Commission to enter into other contracts, charters, or arrangements with new or other operators, if after such notice, investigation, or consultation as the Commission may deem necessary or appropriate in the particular case, but without the necessity of hearings, the Commission shall determine such action to be in the interest of the economy of the Territory of Alaska or of the national defense.

"Vessels."

"SEC. 4. The word 'vessels' as used in the joint resolution shall include such passenger vessels, freight vessels, combination freight and passenger vessels, tugs, barges, and other watercraft, as shall, in the discretion of the Commission, be deemed suitable for use in ocean transportation to, from, and within Alaska.

"SEC. 5. The provisions of this joint resolution, as amended, shall not, prior to July 1, 1948, affect the operation of contracts, charters, or other arrangements in accordance with their terms in effect on the date of enactment of this amendatory section, unless superseded before July 1, 1948, by contracts, charters, or arrangements entered into under this joint resolution, as amended."

Approved July 1, 1948.

[CHAPTER 787]

AN ACT

To authorize an increase in the annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory.

July 1, 1948
[S. 2341]
[Public Law 867]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratary", approved May 7, 1928 (45 Stat. 491), is amended by striking out "$50,000" and inserting in lieu thereof "not to exceed $150,000."

Gorgas Memorial Laboratory.
Ante, pp. 308, 1046.

22 U. S. C. § 278.

Approved July 1, 1948.

[CHAPTER 788]

AN ACT

To increase the rates of service-connected death compensation payable to certain widows, children, and dependent parents of persons who served in the active military or naval service, and for other purposes.

July 1, 1948
[S. 2825]
[Public Law 868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph IV of part I of Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

Compensation to certain dependents of deceased veterans.
38 U. S. C. note foll. § 739, p. 4265.

"The surviving widow, child or children, and dependent mother or father of any deceased person who died as the result of injury or disease incurred in or aggravated by active military or naval service as provided in part I, paragraph I hereof, shall be entitled to receive compensation at the monthly rates specified next below:

Ante, p. 581.

"Widow but no child, $75; widow with one child, $100 (with $15 for each additional child); no widow but one child, $58; no widow but two children, $82 (equally divided); no widow but three children, $106 (equally divided) (with $20 for each additional child; total amount to be equally divided); dependent mother or father, $60 (or both), $35 each."

SEC. 2. Subparagraph (c), paragraph I, part II, Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

38 U. S. C. note foll. § 739, p. 4265; Supp. I, note foll. § 733.

"(c) Any veteran or the dependents of any deceased veteran otherwise entitled to compensation under the provisions of part II of this regulation or the general pension law shall be entitled to receive the rate of compensation provided in part I of this regulation, if the disability or death of such veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extrahazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war."

SEC. 3. Paragraph III of part II of Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

38 U. S. C. note foll. § 739, p. 4266.

"The surviving widow, child or children, and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service as provided for in part II, paragraph I hereof, shall be entitled to receive compensation at 80 per centum of the rates specified for such dependents in paragraph IV, part I hereof, as now or hereafter amended."

Supra.

SEC. 4. The increases provided by this Act shall be effective from the first day of the second month following the passage of this Act.

Effective date.

Approved July 1, 1948.

[CHAPTER 789]

JOINT RESOLUTION

July 1, 1948
[H. J. [illegible]
[Pu[illegible]

Relating to the marital deduction, for estate-tax purposes, in the case of life insurance or annuity payments.

Int[illegible] Code, a[illegible]
Ante, pp. 117, 118.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 812 (e) (1) (G) of the Internal Revenue Code (relating to life insurance with power of appointment in surviving spouse) is hereby amended to read as follows:

"(G) Life Insurance or Annuity Payments With Power of Appointment in Surviving Spouse.—In the case of an interest in property passing from the decedent consisting of proceeds under a life insurance, endowment, or annuity contract, if under the terms of the contract such proceeds are payable in installments or are held by the insurer subject to an agreement to pay interest thereon (whether the proceeds, upon the termination of any interest payments, are payable in a lump sum or in annual or more frequent installments), and such installment or interest payments are payable annually or at more frequent intervals, commencing not later than thirteen months after the decedent's death, and all amounts payable during the life of the surviving spouse are payable only to such spouse, and such spouse has the power to appoint all amounts payable under such contract (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), with no power in any other person to appoint to any person other than the surviving spouse any part of the amounts payable under such contract—

"(i) such proceeds shall, for the purposes of subparagraph (A), be considered as passing to the surviving spouse, and

"(ii) no part of such proceeds shall, for the purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall be applicable only if, under the terms of the contract, such power in the surviving spouse to appoint, whether exercisable by will or during life, is exercisable by such spouse alone and in all events."

Applicability.

SEC. 2. The amendment made by this joint resolution shall be applicable with respect to estates of decedents dying after December 31, 1947.

Approved July 1, 1948.

[CHAPTER 790]

AN ACT

July 1, 1948
[H. R. 2352]
[Public Law 870]

To provide for sale to the Crow Tribe of interests in the estates of deceased Crow Indian allottees, and to provide for the sale of certain lands to the Board of County Commissioners of Comanche County, Oklahoma, and for other purposes.

Crow Indian Tribe. Sale of inherited lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request of the Crow General Council or a committee empowered to act for it, the Secretary of the Interior, or his duly authorized representative, may execute an order transferring interests in inherited lands to the United States in trust for the Crow Tribe, provided (a) tribal funds of the Crow Tribe are available for payment of the purchase price,

(b) a request is presented in writing by or for the heirs as provided in the Crow Act of June 8, 1940 (54 Stat. 252), and the appraised value as determined by the General Council or said committee accepted by or for the heirs as above provided. The accrued irrig[illegible] operation and maintenance charges, if any, which are a lien [illegible] land may remain as a charge against the land and the amount the[illegible] shall be considered in determining the appraised value of the interests. In transferring interests the Secretary of the Interior, or his duly authorized representative, shall give preference so far as possible to transfers to the tribe of interests in estates having the largest number of heirs.

Preference to heirs of deceased.

SEC. 2. Upon request of the General Council or said committee, the Secretary of the Interior, or his duly authorized representative, may approve the sale to any Crow Indian of any lands, title to which is taken in the name of the United States in trust for the Crow Tribe under the first section of this Act, but preference in the sale of any such lands so far as possible shall be given to individual heirs of the deceased allottee with the largest interests. Such sale shall not include any mineral interests belonging to the tribe. Upon payment of the purchase price, the Secretary, or his duly authorized representative, shall, and he is hereby authorized to, convey by appropriate order the interest of the tribe in and to such lands to the purchaser thereof in trust, and such lands shall continue to be nontaxable so long as the lands remain in restricted status. In any case in which irrigation operation and maintenance charges have accrued against the lands sold under this section and remain unpaid at the time of such sale, the obligation to pay such charges shall be assumed by the purchaser. Such charges may be deferred for ten years and the purchaser shall pay such charges in ten equal, annual installments, commencing with the eleventh year.

Deferment of irrigation charges.

Reacquisition and resale of land.

SEC. 3. Interests in lands acquired by the Crow Tribe and sold to one of its members in accordance with the provisions of sections 1 and 2 of this Act may again be acquired and sold pursuant to the same provisions.

Comanche County, Okla.
Sale of land.

SEC. 4. That the Secretary of the Interior with the consent, in writing, of the tribal council representing the Indians of the Kiowa, Comanche, and Apache Reservation, is hereby authorized and directed to sell and convey to the Board of County Commissioners of Comanche County, Oklahoma, for public purposes, to wit: A site for a county hospital for said county upon such terms and conditions as he may prescribe—ten acres from the north one-half of section 30, township 2 north, range 11 west, Indian meridian, and more definitely described as follows:

The southeast quarter of the southeast quarter of the northwest quarter of said section 30, township 2 north, range 11 west, Indian meridian: *Provided*, That out of the proceeds of such sale the sum of $1.25 per acre shall be credited to the general fund of the United States Treasury and the balance shall be deposited in the United States Treasury to the credit of the tribal fund of Indians of the said Kiowa, Comanche, and Apache Reservation.

Credit of proceeds.

Approved July 1, 1948.

[CHAPTER 791]

AN ACT

July 1, 1948
[H. R. 4272]
[Public Law 871]

To provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the armed forces dying in the service or after honorable discharge therefrom, and other persons, and for other purposes.

Deceased veterans.
Headstones or markers.

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

of the Army is authorized and directed to furnish appropriate Government headstones or markers for the unmarked graves of soldiers of the Union and Confederate Armies of the Civil War, and for the unmarked graves of all members of the armed forces of the United States dying in the service, or former members whose last service terminated honorably; and for all unmarked graves in post and national cemeteries. The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are authorized and directed to compile a list of the names of all members of the armed forces of the United States who died while serving in such forces in the overseas theaters of operations on or after September 3, 1939, and whose bodies have not been recovered or identified or have been buried at sea. Upon the compilation of such list of names and other appropriate data, the American Battle Monuments Commission and the Secretary of the Army are authorized and directed to provide for the inscribing of each such name and pertinent data with respect to the individual on the wall of a chapel or other appropriate memorial erected by the American Battle Monuments Commission or by the Department of the Army. In determining the particular chapel or other memorial on the wall of which any particular name shall be inscribed, the Commission and the Secretary shall follow the general rule of having the name inscribed upon the wall of that chapel or other memorial which is appropriate in view of the circumstances under which the deceased died in the service of his country.

Compilation of list.

Inscription of name on memorial.

Rules and regulations.

SEC. 2. The Secretary of the Army is authorized and directed to make rules and regulations concerning the type, design, weight, and size of headstones erected in all cemeteries under his control and jurisdiction, and of all headstones or markers furnished pursuant to the provisions of this Act.

Preservation of records.

SEC. 3. The Secretary of the Army shall cause to be preserved in the records of his office, the names when known, and places of burial of all persons for whom headstones or markers are authorized by section 1 of this Act. The rank, organization, date of death, and such other information as the Secretary of the Army prescribes shall be included in the record.

Repeals.

SEC. 4. The following laws are hereby repealed: Act of February 3, 1879 (ch. 44, 20 Stat. 281, U. S. C., title 24, sec. 280); Act of February 26, 1929 (ch. 324, 45 Stat. 1307, U. S. C., title 24, sec. 280a); Act of April 18, 1940 (ch. 109, 54 Stat. 142, U. S. C., title 24, sec. 280b).

Approved July 1, 1948.

[CHAPTER 792]

July 1, 1948
[H. R. 4435]
[Public Law 872]

AN ACT

To amend the Civil Aeronautics Act of 1938 by redefining certain powers of the Administrator, by authorizing delegation of certain powers by the Civil Aeronautics Board to the Administrator, and for other purposes.

Civil Aeronautics Act of 1938, amendment.
52 Stat. 985.
49 U. S. C. § 452 (a).
Ante, p. 1093.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (a) of the Civil Aeronautics Act of 1938, as amended, is amended to read as follows:

"GENERAL

Civil airways.

"SEC. 302. (a) The Administrator is authorized and directed to designate and establish such civil airways as may be required in the public interest. The Administrator is authorized, within the limits of available appropriations made by the Congress, (1) to acquire, establish, and improve air-navigation facilities wherever necessary; (2) to operate and maintain such air-navigation facilities; (3) to

arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in civil air navigation utilizing the facilities and assistance of existing agencies of the Government so far as practicable; and (4) to provide necessary facilities and personnel for the regulation and protection of air traffic. In exercising the authority granted in this subsection, the Administrator shall give full consideration to the requirements of National Defense."

SEC. 2. Section 302 of the Civil Aeronautics Act of 1938, as amended, is amended by striking out subsection (c) of such section and by inserting in lieu thereof the following subsections:

52 Stat. 985.
49 U. S. C. § 452 (c).

"ACQUISITION AND DISPOSAL OF PROPERTY

"(c) The Administrator, on behalf of the United States, is authorized, where appropriate to carry out this section, (1) to accept any conditional or unconditional gift or donation of money or other property, real or personal, or of services; (2) within the limits of available appropriations made by the Congress therefor, to acquire by purchase, condemnation, lease, or otherwise, real property or interests therein, including, in the case of air-navigation facilities (including airports) owned by the United States and operated under the direction of the Administrator, easements through or other interests in airspace immediately adjacent thereto and needed in connection therewith; and (3) for adequate compensation, by sale, lease, or otherwise, to dispose of any real or personal property or interests therein, so acquired. Any such acquisition by condemnation may be made in accordance with the provisions of the Act of August 1, 1888 (40 U. S. C. 257; 25 Stat. 357), the Act of February 26, 1931 (40 U. S. C. 258a–258e; 46 Stat. 1421), or any other applicable Act of Congress: *Provided*, That in the case of condemnations of easements through or other interests in airspace, in fixing condemnation awards, consideration may be given to the reasonable probable future use of the underlying land."

Acceptance of gifts, etc.

Ante, p. 986.

SEC. 3. Title III of the Civil Aeronautics Act of 1938, as amended, is amended by adding at the end thereof a new section as follows:

52 Stat. 985.
49 U. S. C. §§ 451 458.
Ante, p. 1093.

"POWER TO CONDUCT HEARINGS AND INVESTIGATIONS

"SEC. 309. In the conduct of any public hearings or investigations authorized by this Act or by the Federal Airport Act, the Administrator or any duly designated examiner shall have the same powers to take evidence, issue subpenas, take depositions, and compel testimony as are vested in members of the Board and its duly designated examiners by section 1004 of this Act. Actions of the Administrator or his examiners in such cases shall be governed by the procedures specified in section 1004, and be enforced in the manner provided therein."

60 Stat. 170.
49 U. S. C. §§ 1101–1119.
Ante, pp. 173, 1111.

52 Stat. 1021.
49 U. S. C. § 644.

SEC. 4. Section 601 of the Civil Aeronautics Act of 1938, as amended, is amended by adding thereto a new subsection as follows:

52 Stat. 1007.
49 U. S. C. § 551.

"Delegation of Authority

"(c) The Civil Aeronautics Board, subject to such terms, conditions, and limitations as the Board may specify, is empowered to delegate to the Administrator the power or authority to prescribe rules, regulations, and standards under this title and to perform functions authorized under section 702 of this Act. The Board may modify, suspend, revoke, or terminate such power or authority so delegated by it to the Administrator and may prescribe by rules and regulations such provisions and procedures for review of actions taken by the Administrator under authority delegated hereunder as it may deem

52 Stat. 1013.
49 U. S. C. § 582.

necessary and appropriate in the public interest. Except as specifically provided in the rules and regulations of the Board, the filing of a petition for review shall not excuse any person from complying with the action of the Administrator nor operate in any manner to stay the enforcement of such action: *Provided*, That nothing in this subsection shall be construed as amending, modifying, or repealing any provision of the Administrative Procedure Act."

60 Stat. 237.
5 U. S. C. §§ 1001–1011; Supp. I, § 1001.
Ante, p. 99.

Approved July 1, 1948.

[CHAPTER 793]

AN ACT

July 1, 1948
[H. R. 5355]
[Public Law 873]

Authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the Act of May 18, 1916 (39 Stat. L. 137), to the credit of the Red Lake Indians in Minnesota, and to make therefrom a per capita payment or distribution of $50 to each of the members of the Red Lake Band of Chippewa Indians of the State of Minnesota, living at the date of the passage of this Act, immediately payable upon the passage of this Act, under such rules and regulations as the said Secretary may prescribe: *Provided*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties: *Provided further*, That before any payment is made hereunder, the Red Lake Band of Chippewa Indians in Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this Act and accept same.

Red Lake Band of Chippewa Indians, Minn.
Per capita payment.
Ante, p. 1040.

Approved July 1, 1948.

[CHAPTER 794]

AN ACT

To amend the Trading With the Enemy Act.

July 1, 1948
[H. R. 6116]
[Public Law 874]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 33 of the Trading With the Enemy Act (40 Stat. 411), as amended, is hereby further amended to read as follows:

50 U. S. C., Supp. I, app. § 33.

"SEC. 33. No return may be made pursuant to section 9 or 32 unless notice of claim has been filed: (a) in the case of any property or interest acquired by the United States prior to December 18, 1941, by August 9, 1948; or (b) in the case of any property or interest acquired by the United States on or after December 18, 1941, by April 30, 1949, or two years from the vesting of the property or interest in respect of which the claim is made, whichever is later. No suit pursuant to section 9 may be instituted after April 30, 1949, or after the expiration of two years from the date of the seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which relief is sought, whichever is later, but in computing such two years there shall be excluded any period during which there was pending a suit or claim for return pursuant to section 9 or 32 (a) hereof."

Notice of claim for return.
40 Stat. 419; 60 Stat. 50.
50 U. S. C. app. § 9; Supp. I, §§ 9 note, 32.

Suits.

Approved July 1, 1948.

[CHAPTER 798]

AN ACT

To extend the time for commencing the construction of a toll bridge across the Rio Grande at or near Rio Grande City, Texas.

July 2, 1948
[H. R. 5252]
[Public Law 875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing the construction of a toll bridge across the Rio Grande at or near Rio Grande City, Texas, authorized to be built by Gus A. Guerra, his heirs, legal representatives and assigns, by an Act of Congress approved July 31, 1946, is hereby extended until July 31, 1949. Construction of such bridge shall be commenced on or before such date and shall be prosecuted with reasonable diligence until same is completed.

Rio Grande.
Bridge, time extension.

60 Stat. 748.

SEC. 2. The right to alter, amend, or repeal this Act is hereby reserved.

Rights reserved.

Approved July 2, 1948.

[CHAPTER 804]

AN ACT

To provide that the rates of compensation for disabilities incurred in active military or naval service other than in a period of war service shall be equal to 80 per centum of the rates payable for similar disabilities incurred during active service in time of war.

July 2, 1948
[S. 595]
[Public Law 876]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective the first day of the first month following the passage of this Act, paragraph II of part II of Veterans Regulation Numbered I (a), as amended, is amended to read as follows:

Veterans.
Disability compensation.

38 U. S. C. note foll. § 739, p. 4265.

"II. For the purposes of part II, paragraph I (a) hereof, if the disability results from injury or disease, the compensation shall be equal to 80 per centum of the compensation now or hereafter payable for the disability, had it been incurred in or aggravated by active military or naval service during a period of war service as provided in part I of this regulation."

Approved July 2, 1948.

[CHAPTER 805]

AN ACT

To provide increases of compensation for certain veterans with service-connected disabilities who have dependents.

July 2, 1948
[S. 2821]
[Public Law 877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled to compensation at wartime rates for disability incurred in or aggravated by active service as provided in part I, or paragraph I (c), part II, Veterans Regulation Numbered 1 (a), as amended, or the World War Veterans' Act, 1924, as amended, and restored with limitations by Public Law 141, Seventy-third Congress, March 28, 1934, as amended, and whose disability is rated not less than 60 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

Disabled veterans.
Additional compensation for dependents.

38 U. S. C. note foll. § 739, p. 4264.
Ante, pp. 581, 582, 1213.
43 Stat. 607; 48 Stat. 524.
38 U. S. C. §§ 421, 473a, 471a, 722, 706, 366, 367, 501a, 709, 700, 723, 511a.

(1) If and while rated totally disabled and—
  (a) has a wife but no child living, $21;
  (b) has a wife and one child living, $35;
  (c) has a wife and two children living, $45.50;
  (d) has a wife and three or more children living, $56;
  (e) has no wife but one child living, $14;
  (f) has no wife but two children living, $24.50;

(g) has no wife but three or more children living, $35;
(h) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, $17.50 for each parent so dependent.

Partial disability.

(2) If and while rated partially disabled, but not less than 60 per centum, in an amount having same ratio to the amount specified in subsection (1) hereof as the degree of his disability bears to the total disability.

Compensation at peacetime rates.

SEC. 2. That any person entitled to compensation at peacetime rates for disability incurred in or aggravated by active service as provided in paragraph II, part II, Veterans Regulation Numbered 1 (a), as amended, except paragraph I (c) thereof, and whose disability is rated not less than 60 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

Ante, p. 1219.
Ante, p. 1213.

(1) If and while rated totally disabled and—
(a) has a wife but no child living, $16.80;
(b) has a wife and one child living, $28;
(c) has a wife and two children living, $36.40;
(d) has a wife and three or more children living, $44.80;
(e) has no wife but one child living, $11.20;
(f) has no wife but two children living, $19.60;
(g) has no wife but three or more children living, $28;
(h) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, $14 for each parent so dependent.

Partial disability.

(2) If and while rated partially disabled, but not less than 60 per centum, in an amount having same ratio to the amount specified in subsection (1) hereof as the degree of his disability bears to the total disability.

Restriction.

SEC. 3. The additional compensation for a dependent or dependents provided by this Act shall not be payable to any veteran during any period he is in receipt of an increased rate of compensation or of subsistence allowance on account of a dependent or dependents under any other law administered by the Veterans' Administration: *Provided*, That he may elect to receive whichever is the greater.

48 Stat. 8.
38 U. S. C. §§ 701-721; Supp. I, § 701 note.
Ante, p. 500.
Effective date.

SEC. 4. The administrative, definitive, and penal provisions of Public Law Numbered 2, Seventy-third Congress, and Veterans Regulations thereunder, as amended, shall be for application under this Act.

SEC. 5. This Act shall take effect on the first day of the second calendar month next succeeding its enactment.

Approved July 2, 1948.

[CHAPTER 806]

July 2, 1948
[H. R. 3416]
[Public Law 878]

AN ACT

To provide for the establishment of the Pensacola National Monument.

Pensacola National Monument, Fla.
Acquisition of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to receive on behalf of the United States, the following parcels of land, together with any improvements thereon, now located in the harbor defenses of Pensacola on lands owned by the Department of the Army, in Escambia County, State of Florida, not needed by either the War or Navy Department and transferred in accordance with existing law:

(1) Old Fort San Carlos and Old Fort Barrancas (approximate area four acres).
(2) Old Fort Redoubt (approximate area four acres).
(3) Old Fort Pickens (approximate area five acres).

SEC. 2. The property acquired under the provisions of section 1 of this Act shall be held by the Secretary of the Interior pending determination by the said Secretary as to its national significance for national monument purposes. In the event that the said Secretary shall determine it to be in the national interest the area, upon the publication of a Secretarial order in the Federal Register, shall constitute the Pensacola National Monument, set apart for the preservation of historical associations connected with Pensacola and its harbor defenses.

Publication in Federal Register.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have supervision, management, and control of such national monument, and shall restore, maintain, and preserve it in a suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States.

Supervision, etc.

SEC. 3. The Secretary of the Interior is authorized to maintain either in an existing structure acquired under the provisions of section 1 of this Act or in a building constructed by him for the purpose of a museum for relics and records pertaining to Pensacola and its harbor defenses and for other articles of national and patriotic interest, and to accept on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum.

Museum.

SEC. 4. In the event that the said Secretary shall determine that the area would be more suitably administered as a State historical park, the said Secretary is hereby authorized to transfer title to the land, and jurisdiction of the area, to the State of Florida: *Provided*, That the State shall perpetually maintain the area for State historical park use. In the event that the State shall ever abolish the historical park, or attempt to alienate the lands, title shall revert to the United States.

Transfer of title, etc., to State.

Reversion to U. S.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

Approved July 2, 1948.

[CHAPTER 807]

AN ACT

July 2, 1948
[H. R. 6454]
[Public Law 879]

To amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain Federal employees who have rendered at least twenty years' service in the investigation, apprehension, or detention of persons suspected or convicted of offenses against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

Civil Service Retirement Act of 1930, amendment.
Ante, p. 48.

"(d) Any officer or employee to whom this Act applies the duties of whose position are primarily the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States (including any officer or employee engaged in such activity who has been transferred to a supervisory or administrative position) who is at least fifty years of age, and who has rendered twenty years of service or more in the performance of such duties (including the duties of a supervisory or administrative officer or employee) may, on his own application and upon the recommendation of the head of the department or agency in which he is serving, and with the approval of the Civil Service Commission, retire from the service; and the annuity of such officer or employee shall be equal to 2 per centum of his average basic salary for the five years next preceding the date of his retirement, multiplied by the number of years of service, not exceeding thirty years. The Civil Service

Annuities for certain Federal employees.

Commission shall, upon recommendation by the head of the department or agency involved, determine whether such officer or employee is entitled to retirement under this subsection. In making such determination, the Commission shall give full consideration to the degree of hazard to which such officer or employee is subjected in the performance of his duties, rather than the general duties of the class of the position held by such officer or employee."

Approved July 2, 1948.

[CHAPTER 808]

AN ACT

July 2, 1948
[S. 1260]
[Public Law 880]

To create a commission to hear and determine the claims of certain motor carriers.

Motor Carrier Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created and established a Motor Carrier Claims Commission, hereafter referred to as the Commission.

Purpose.

SEC. 2. The Commission shall hear and determine, according to law, existing claims against the United States arising out of the taking by the United States of possession or control of any of the motor-carrier transportation systems described in Executive Order Numbered 9462, dated August 11, 1944 (C. F. R., 1944 Supp., p. 70). The settlement of any claim prior to the enactment of this Act shall not prevent the Commission from hearing and determining such claim if it determines that the principles of equity as administered by the courts require that such settlement be set aside and that such claim be heard and determined.

3 CFR, 1944 Supp., p. 70.

Composition.

SEC. 3. The Commission shall consist of a Chairman and two other members, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall each receive a salary of $15,000 per year. At least two of such members shall be learned in the law. Each member shall take an oath to support the Constitution of the United States and to discharge faithfully the duties of his office. The members shall hold office until the dissolution of the Commission as hereinafter provided. Vacancies shall be filled in the same manner as the original appointments. Two members shall constitute a quorum, and the agreement of two members shall be necessary to any and all determinations for the transaction of the business of the Commission, and if there be a quorum, no vacancy shall impair or affect the business of the Commission, or its determinations.

Vacancies.

Quorum.

Employees.

SEC. 4. The Commission shall appoint a clerk and such other employees as shall be requisite to conduct the business of the Commission. All such employees shall take oath for the faithful discharge of their duties and shall be under the direction of the Commission in the performance thereof.

Meetings.

SEC. 5. The Commission shall meet at such times and places as it may prescribe, shall keep a full written record of all its hearings and proceedings which shall be open to public inspection, and shall have power to establish its rules of procedure.

Period for receiving claims.

Post, p. 1290.

SEC. 6. The Commission shall receive claims for a period of six months after the date of enactment of this Act, and not thereafter. The jurisdiction of the Commission over claims presented to it as provided in section 2 of this Act shall be exclusive; but nothing in this Act shall prevent any person who does not elect to present his claim to the Commission from pursuing any other remedy available to him. The Attorney General or his assistants shall represent the United States in all claims presented to the Commission.

Supra.

Administration of oaths, etc.

SEC. 7. Any member of the Commission or any employee of the Commission, designated in writing for the purpose by the Chairman, may administer oaths and examine witnesses. Any member of the

Commission may require by subpena (1) the attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing; or (2) the taking of depositions before any designated individual competent to administer oaths under the laws of the United States or of any State or Territory. In the case of a deposition, the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall be subscribed by the deponent. In taking oral testimony, opportunity shall be given for cross-examination, under such regulations as the Commission may prescribe. Witnesses subpenaed to testify or whose depositions are taken pursuant to this Act, and the officers or persons taking the same, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States.

Subpena of witnesses.

SEC. 8. The final determination of the Commission shall be in writing, shall be filed with its clerk, and shall include (1) its findings of the facts upon which its conclusions are based; (2) a statement (a) whether there are any just grounds for relief of the claimant and, if so, the amount thereof; (b) whether there are any allowable offsets, counterclaims, or other deductions, and, if so, the amount thereof; and (3) a statement of its reasons for its findings and conclusions.

Final determination.

SEC. 9. (a) When the final determination of the Commission has been filed with the clerk of said Commission the clerk shall give notice of the filing of such determination to the parties to the proceeding in manner and form as directed by the Commission. Such determination shall be subject to review in the same manner as is provided for cases in the Court of Claims upon application to the Supreme Court within three months from the date of the filing of such determination with the clerk.

Notice to parties.

SEC. 10. In each claim, after the proceedings have been finally concluded, the Commission shall promptly submit its report to Congress.

Report to Congress.

The report to Congress shall contain (1) the final determination of the Commission; (2) a transcript of the proceedings or judgment upon review, if any, with the instructions of the Supreme Court; and (3) a statement of how each Commissioner voted upon the final determination of the claim.

SEC. 11. (a) When the report of the Commission determining any claimant to be entitled to recover has been filed with Congress, such report shall have the effect of, and be paid in the same manner as is provided for, a final judgment of the Court of Claims.

Payment of claim.

The payment of any claim, after its determination in accordance with this Act, shall be a full discharge of the United States of all claims and demands touching any of the matters involved in the controversy.

(b) A final determination against a claimant made and reported in accordance with this Act shall forever bar any further claim or demand against the United States arising out of the matter involved in the controversy.

SEC. 12. The Commission shall determine all claims presented to it as expeditiously as possible, and shall make a report to Congress of its progress not later than the fifteenth of April of each year until its dissolution.

Annual report to Congress.

SEC. 13. The existence of the Commission shall terminate at the end of two years after the first meeting of the Commission or at such earlier time after the expiration of the six months' period of limitation set forth in section 6 hereof as the Commission shall have made its final report to Congress on all claims filed with it. Upon its dissolution the records of the Commission shall be delivered to the Archivist of the United States.

Termination of Commission.
Post, p. 1290.
Ante, p. 1222.

Approved July 2, 1948.

[CHAPTER 809]

AN ACT

July 2, 1948
[S. 1683]
[Public Law 881]

To confer jurisdiction on the State of New York with respect to offenses committed on Indian reservations within such State.

Indian reservations, N. Y.
Jurisdiction over offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of New York shall have jurisdiction over offenses committed by or against Indians on Indian reservations within the State of New York to the same extent as the courts of the State have jurisdiction over offenses committed elsewhere within the State as defined by the laws of the State: *Provided*, That nothing contained in this Act shall be construed to deprive any Indian tribe, band, or community, or members thereof, hunting and fishing rights as guaranteed them by agreement, treaty, or custom, nor require them to obtain State fish and game licenses for the exercise of such rights.

Approved July 2, 1948.

[CHAPTER 810]

AN ACT

July 2, 1948
[S. 1969]
[Public Law 882]

To amend the Philippine Rehabilitation Act of 1946 in connection with the training of Filipinos as provided for in title III.

Philippine Rehabilitation Act of 1946, amendments.
60 Stat. 135.
50 U. S. C. app. § 1782 (b).
Filipino engineer trainees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (b) of the Philippine Rehabilitation Act of 1946 (Public Law 370, Seventy-ninth Congress) is amended to read as follows:

"(b) The Commissioner of Public Roads is authorized, under such regulations as he may adopt, to provide training for not to exceed ten Filipino engineers, to be designated by the President of the Philippines from the regularly employed staff of the Philippine Public Works Department and the engineer officers of the armed forces of the Philippines subject to the provisions of section 311 (c), in the construction, maintenance, and highway traffic engineering and control necessary for the continued maintenance and for the efficient and safe operation of highway transport facilities."

60 Stat. 139.
50 U. S. C. app. § 1791 (c).

SEC. 2. Section 305 (b) of the Philippine Rehabilitation Act of 1946 is amended to read as follows:

60 Stat. 136.
50 U. S. C. app. § 1785 (b).
Survey of health situation.

"(b) To accomplish such purposes the Public Health Service shall at the earliest practicable time survey the health situation in the Philippines, and is authorized to replace, expand, or install such health services and facilities in the Philippines as are deemed essential to preservation of health, and may assist in the rehabilitation and development of a Philippine quarantine service for prevention of introduction of disease from abroad or from one island to another. The Public Health Service may set up demonstrations and establish training centers in the Philippines; may establish and maintain in the Philippines a school or schools for the purpose of providing practical instruction in public health; and may, at any time prior to July 1, 1950, provide not to exceed one year of training in public health methods and administration, through study at appropriate schools or colleges in the United States and supplementary field work and observation of public health work, to not more than ninety Filipinos, to be designated by the President of the Philippines subject to the provisions of section 311 (c), and not to exceed five months of training in such methods and administration, through field work and observation of public health work, to not more than ten additional Filipinos, to be so designated. It may replace equipment and supply reasonably necessary additional equipment, utilizing for this purpose, so far as

Instruction.

60 Stat. 139.
50 U. S. C. app. § 1791 (c).

Equipment.

possible, surplus property, and may recommend to the Commission the repair or construction under the provisions of section 304, at any time prior to July 1, 1950, of buildings deemed essential to the rehabilitation of public health and quarantine functions."

60 Stat. 136. 50 U. S. C. app. § 1784.

SEC. 3. Section 311 of the Philippine Rehabilitation Act of 1946 is amended by adding thereto a subsection numbered (f) and reading as follows:

60 Stat. 139. 50 U. S. C. app. § 1791.

"(f) Any Filipino who has commenced training or instruction prior to June 30, 1950, as provided in this Act, shall, notwithstanding any other provisions of this Act, be entitled, insofar as facilities are available, to receive the full course of training or instruction as prescribed by the head of the bureau or agency concerned, and funds appropriated under the authority of this Act shall be available for such training or instruction. The number of trainees to be trained each year, as prescribed by the several sections of this Act, refers to the number of trainees who may be designated each year by the President of the Philippines and not to the total number of trainees receiving training or instruction in any one year."

Training period.

Number of trainees.

Approved July 2, 1948.

[CHAPTER 811]

AN ACT

To promote the common defense by providing for the retention and maintenance of a national reserve of industrial productive capacity, and for other purposes.

July 2, 1948 [S. 2554] [Public Law 883]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Industrial Reserve Act of 1948".

National Industrial Reserve Act of 1948.

DECLARATION OF POLICY

SEC. 2. In enacting this Act, it is the intent of Congress to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned industrial plants and a national reserve of machine tools and industrial manufacturing equipment may be assured for immediate use to supply the needs of the armed forces in time of national emergency or in anticipation thereof; it is further the intent of the Congress that such Government-owned plants and such reserve shall not exceed in number or kind the minimum requirements for immediate use in time of national emergency, and that any such items which shall become surplus to such requirements shall be disposed of as expeditiously as possible.

DEFINITIONS

SEC. 3. (a) The term "national industrial reserve", as used herein, means that excess industrial property which has been or may hereafter be sold, leased, or otherwise disposed of by the United States, subject to a national security clause, and that excess industrial property of the United States which not having been sold, leased, or otherwise disposed of, subject to a national security clause, shall be transferred to the Federal Works Agency under section 5 hereof.

"National industrial reserve."

Post, p. 1226.

(b) The term "excess industrial property," as used herein, means any machine tool, any industrial manufacturing equipment and any industrial plant (including structures on land owned by or leased to the United States, substantially equipped with machinery, tools, and equipment) which is capable of economic operation as a separate and independent industrial unit and which is not an integral part of an installation of a private contractor, which machine tools, industrial manufacturing equipment, and industrial plants are under the control

"Excess industrial property."

of any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation and which are not required for its immediate needs and responsibilities as determined by the head thereof.

"National security clause."

(c) The term "national security clause", as used herein, means those terms, conditions, restrictions, and reservations, heretofore formulated or as may be formulated under section 4 (2) hereof for insertion in instruments of sale or lease of property, determined in accordance with section 4 (1) to be a part of the national industrial reserve, which will guarantee the availability of such property for the purposes of national defense at any time when availability thereof for such purposes is deemed necessary by the Secretary of Defense.

Infra.

Authority of Secretary of Defense.

SEC. 4. To effectuate the policy set forth in section 2 of this Act the Secretary of Defense is hereby authorized and directed to—

(1) determine which excess industrial properties should become a part of the national industrial reserve under the provisions of this Act;

(2) formulate a national security clause, as defined in section 3 (c) hereof and vary or modify the same from time to time in such manner as best to attain the objectives of this Act, having due regard to securing advantageous terms to the Government in the disposal of excess industrial property;

Supra.

(3) consent to the relinquishment or waiver of all or any part of any national security clause in specific cases when necessary to permit the disposition of particular excess industrial property when it is determined that the retention of the productive capacity of any such excess industrial property is no longer essential to the national security or that the retention of a lesser interest than that originally required will adequately fulfill the purposes of this Act: *Provided*, That nothing in this subsection (3) shall require the modification or waiver of any part of any such national security clause when such clause is deemed necessary by the Secretary of Defense to effectuate the purposes of this Act; and

(4) designate what excess industrial property shall be disposed of subject to the provisions of the national security clause.

Modifications of national security clause.

SEC. 5. (a) In the event that any agency charged with the disposal of excess industrial property, after making every practicable effort so to do, is unable to dispose of any excess industrial plant because of the national security clause it shall notify the Secretary of Defense, indicating such modifications in the national security clause, if any, which in its judgment would make possible disposal of the plant. The Secretary of Defense shall consider and agree to any and all such proposed modifications as in his judgment would be consistent with the purposes of this Act. If, however, such clause is not modified or the requirements thereof waived pursuant to section 4 (3), or if modified, such plant cannot then be disposed of under such modified clause, the Secretary of Defense shall direct that such plant be transferred to the Federal Works Agency, and such transfer shall be without reimbursement or transfer of funds.

Supra.

Transfer of plant to Federal Works Agency.

Storage of equipment, etc.

(b) Notwithstanding any other provisions of law, any agency charged with the disposal of excess machine tools and industrial manufacturing equipment shall transfer custody of such machine tools and equipment as may be designated by the Secretary of Defense pursuant to section 4 hereof to the Federal Works Agency, without reimbursement, for storage and maintenance.

Duties of Federal Works Agency.

SEC. 6. Subject to provisions of section 7 hereof, the Federal Works Agency is hereby authorized and directed to accept the transfer to it of such excess industrial property as is directed to be transferred to it under section 4 hereof and, as and when directed or authorized by

Supra.

the Secretary of Defense pursuant to section 7 hereof, to utilize, maintain, protect, repair, restore, renovate, lease, or dispose of such property. Notwithstanding section 321 of the Act of June 30, 1932 (47 Stat. 412; U. S. C., title 40, sec. 303 (b)), any lease may provide for the renovation, maintenance, protection, repair, and restoration by the lessee, of the property leased, or of the entire unit or installation when a substantial part thereof is leased, as part or all of the consideration for the lease of such property. *Infra.* 40 U. S. C. § 303b.

SEC. 7. The Secretary of Defense, with respect to property in the national industrial reserve, is authorized when he deems such action to be in the interest of national security— Property in national industrial reserve.

(1) to establish general policies for the care, maintenance, utilization, recording, and security of such property transferred to the Federal Works Agency pursuant to section 5 hereof; and

(2) to direct the transfer without reimbursement by the Federal Works Agency of any of such property to other Government agencies with the consent of such agencies; and

(3) to direct the leasing by the Federal Works Agency of any of such property to designated lessees; and

(4) to authorize the disposition by the Federal Works Agency of any of such property by sale or otherwise when in the opinion of the Secretary of Defense such property may be disposed of subject to or free of the national security clause provided for in section 5 hereof; and

(5) to authorize and regulate the lending of any such property by the Federal Works Agency to any nonprofit educational institution or training school when (a) the Secretary shall determine that the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (b) such institution or school shall by agreement make such provision as the Secretary shall deem satisfactory for the proper maintenance of such property and for its return to the Federal Works Agency without expense to the Government. Lending to nonprofit educational institutions.

SEC. 8. As and when directed or authorized by the Secretary of Defense pursuant to the provisions of section 7 hereof, the Federal Works Agency shall after the date upon which transfer is directed pursuant to section 5 hereof provide for the transportation, handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, leasing, and disposition of excess industrial property. *Ante*, p. 1226.

SEC. 9. Nothing contained in this Act shall be construed as authorizing the acquisition of any property for the national industrial reserve except from excess or surplus Government-owned property. Acquisition of property; restriction.

SEC. 10. The Secretary of Defense shall appoint a National Industrial Reserve Review Committee, which shall consist of not exceeding fifteen persons to be appointed from civilian life who are by training and experience familiar with various fields of American industry, including shipbuilding, aircraft manufacture, machine tools, and arms and armament production. The members of such Committee shall serve for such term or terms as the Secretary of Defense may specify and shall meet at such times as may be specified by the Secretary of Defense to consult with and advise the National Military Establishment. Each member of such Committee shall be entitled to compensation in the amount of $50 for each day, or part of day, he shall be in attendance at any regular called meeting of the Committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing contained in sections 41, 109, and 113 of the Criminal Code (U. S. C., title 18, secs. 93, 198, and 203); in Revised Statutes, section 190 (U. S. C., title 5, sec. 99); in section 19 (e) of the Contract Settlement Act of 1944 (Public Law 395, Seventy-eighth National Industrial Reserve Review Committee. *Ante*, p. 863. 58 Stat. 668. 41 U. S. C. § 119. *Ante*, p. 868.

Congress); or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim proceeding, or matter involving the United States, shall apply to such persons solely by reason of their appointment to and membership on such Committee.

Duties of Committee.

SEC. 11. It shall be the duty of the Committee appointed under section 10 hereof to review not less often than once each year the justification for the retention of property in the national industrial reserve established hereunder and (i) to recommend to the Secretary of Defense the disposition of any such property which in the opinion of the Committee would no longer be of sufficient strategic value to warrant its further retention for the production of war material in the event of a national emergency; (ii) to recommend to the Secretary of Defense standards of maintenance for the property held in the national industrial reserve; (iii) to review and recommend to the Secretary of Defense the disposal of that property which in the opinion of the Committee could and should be devoted to commercial use in the civilian economy; and (iv) to advise the Secretary of Defense with respect to such activities under this Act as he may request.

Report to Congress.

SEC. 12. The Secretary of Defense shall submit to the Congress on April 1 of each year a report detailing the action taken by it hereunder and containing such other pertinent information on the status of the national industrial reserve as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

10 U. S. C., Supp. I, § 1270c; 34 U. S. C., Supp. I, § 522d.

SEC. 13. Section 5 of the Act approved August 5, 1947 (ch. 493, 61 Stat. 774), is hereby repealed.

Appropriation authorized.
Ante, p. 1033.

SEC. 14. There are hereby authorized to be appropriated to the Office of the Secretary of Defense and to the Federal Works Administration, out of any moneys in the Treasury not otherwise appropriated, such sums as the Congress may, from time to time, determine to be necessary to enable the Secretary of Defense and the Federal Works Agency to carry out their respective functions under the Act.

Approved July 2, 1948.

[CHAPTER 812]

July 2, 1948
[S. 2743]
[Public Law 884]

AN ACT

Providing for the more expeditious determination of certain claims filed by Ute Indians.

Ute Indians.
Determination of certain claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States, and for other purposes, approved June 28, 1938 (52 Stat. 1209), as amended July 15, 1941 (55 Stat. 593), June 22, 1943 (57 Stat. 160), June 11, 1946 (60 Stat. 255), and August 13, 1946 (60 Stat. 1049), is hereby amended by adding to section 3 thereof the following: "The court shall, upon a determination of the material issues or upon consent of the parties, enter a separate final judgment for any value of the surface and a subsequent separate final judgment for any value of the subsurface of the land which the court may determine to be the subject matter of case numbered 45585 in the United States Court of Claims entitled, Confederated Bands of Ute Indians versus United States of America. Each of the judgments shall be subject to review in accordance with the provisions of section 3 of the Act of February 13, 1929 (ch. 229, 43 Stat. 939), as amended by the Act approved May 22, 1939 (ch. 140, 53 Stat. 752; 28 U. S. C. 288). Any value subse-

25 U. S. C. §§ 70-70v.
Separate judgments for surface and subsurface of land.

Ante, p. 1000.

quently allowed by the court for the subsurface, when added to any value previously allowed by the court for the surface, shall not exceed the court's determination of the value, if any, of the land, surface, and subsurface, valued as a whole. The parties may compromise or settle in whole or part claims for any of the surface or subsurface values involved, and any settlement or compromise shall be reduced to a separate judgment. The services rendered by the attorney or attorneys in obtaining any judgment shall constitute a separate employment and undertaking involving a single set of services and the court shall award separate compensation for the services rendered in obtaining each separate judgment. Nothing in this Act shall be construed to reduce or increase fees payable to counsel in accordance with their duly approved and executed contracts or to preclude their continued representation in any case until paid; nor, with respect to any judgment hereunder, shall this amendment impair or limit any claim, right, defense, or offset otherwise applicable."

Attorneys' fees.

Approved July 2, 1948.

[CHAPTER 813]

AN ACT

To authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all the right, title, and interest of the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes.

July 2, 1948
[H. R. 3735]
[Public Law 885]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to convey, subject to the limitations and conditions hereinafter enumerated and such others as he may prescribe, to Okaloosa County, State of Florida, for recreational purposes, all right, title, and interest of the United States in and to all or any part of that portion of Santa Rosa Island, Florida, extending one mile east from Brooks Bridge on United States Highway 98 near the town of Fort Walton, Florida, except for a strip of land six hundred feet wide (three hundred feet east and three hundred feet west from center line of road leading to radar site "Dick"), extending from Highway 98 to the mean low water level of the Gulf of Mexico, and two miles west from said bridge, and to all or any part of that portion of said Santa Rosa Island which lies east of the new channel at East Pass (consisting of two small islands), said property being under the jurisdiction of the Department of the Army. Such conveyance shall be made upon payment by said county of a sum which shall be fifty per centum of the fair value of the property conveyed, based upon the highest and best use of the property at the time it is offered for sale regardless of its former character or use, as determined by the Secretary, less such portion of the price originally paid by said county for said island, prior to its conveyance to the United States, as the Secretary shall determine to be fair and equitable. The deed of conveyance of said property by the Federal Government will contain the following limitations and restrictions:

Okaloosa County, Fla.
Conveyance.

Payment by county.

Limitations and restrictions.

a. That said property shall be used only for public recreational purposes.

b. That climb-proof, chain-link fences eight feet in height, with three strands of barbed-wire (three barbs) at the top, together with necessary gates, be constructed by and at the expense of Okaloosa County, its successors or assigns, one at the westerly limit of area conveyed, and a second surrounding the immediate area of radar site "Dick", the fence erected at the westerly limit to be maintained by Okaloosa County and the fence erected around radar site "Dick" to be maintained by the Department of the Army.

c. That the Federal Government reserves the free right of ingress and egress in, on, and over the above-described property to other Federal Government property.

d. That the Federal Government reserves an avigation easement in perpetuity, prohibiting the erection of any structure or obstacle in excess of seventy-five feet above mean low-water level within the area to be conveyed.

e. That in the event of a national emergency the United States of America, acting through the Secretary of the Army, shall have the right to take over from Okaloosa County, its successors or assigns, complete control and operation of the property herein described for such use and for such length of time as the emergency shall require, in the discretion of the Secretary of the Army; without rental or other charge as far as Okaloosa County is concerned but subject to all valid existing private rights in and to the said property or any part or parts thereof: *Provided*, That just compensation shall be given to the owners, lessees, or other persons interested for the taking of control or operation of, or rights in, improvements of said property.

f. That cost of any surveys that will be necessary in connection with the conveyance of said land shall be borne by the county of Okaloosa, its successors or assigns.

g. The public recreational purposes provided for herein shall include the erection and operation by private persons, for profit, of houses, hotels, restaurants, cafes, bathhouses, casinos, night clubs, and other enterprises and usages usual to beach resorts and resort housing developments.

Use of property.

SEC. 2. The property herein described shall be retained by the said Okaloosa County and shall be used by it only for such public recreational purposes as it shall deem to be in the public interest or be leased by it from time to time, in whole or in part or parts to such persons and only for such public recreational purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always to be subject to regulation by said county whether leased or not leased, but never to be otherwise disposed of or conveyed by it: *Provided*, That nothing herein shall prevent the said county from conveying the said property back to the Federal Government, or, subject to the limitations and restrictions hereinbefore indicated, to the State of Florida or any agency thereof; any such conveyance to be subject to all valid rights of third parties then existing or outstanding.

Reversion to U. S.

SEC. 3. In the event that the land conveyed pursuant to this Act shall be used for any purpose other than for public recreational purposes as herein defined, or shall cease to be used for such purposes, title to said land shall revert to the United States. The county of Okaloosa shall be obligated to require compliance with all of the other restrictions and limitations enumerated in this Act. And the said county shall, in all its leases of the said property, or part, or parts thereof, provide that in the event of a failure on the part of the lessee or lessees, heirs, successors, or assigns, to comply with such restrictions and limitations, all the rights, titles, and interests of such noncomplying lessee or lessees, heirs, successors, or assigns shall be forfeited, and shall revert to the county of Okaloosa to be held subject to the terms and provisions of this Act.

SEC. 4. It is herein provided that the above-described lands are subject to valid existing rights, including those arising out of a lease granted to the Island Amusement Company by Escambia County, Florida, on September 10, 1929, and subsequently modified.

Approved July 2, 1948.

[CHAPTER 814]

AN ACT

To authorize the Attorney General to adjudicate certain claims resulting from evacuation of certain persons of Japanese ancestry under military orders.

July 2, 1948
[H. R. 3999]
[Public Law 886]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General shall have jurisdiction to determine according to law any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise, for damage to or loss of real or personal property (including without limitation as to amount damage to or loss of personal property bailed to or in the custody of the Government or any agent thereof), that is a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington; or from the Territory of Alaska, or the Territory of Hawaii, under authority of Executive Order Numbered 9066, dated February 19, 1942 (3 CFR, Cum. Supp., 1092), section 67 of the Act of April 30, 1900 (48 U. S. C. 532), or Executive Order Numbered 9489, dated October 18, 1944 (3 CFR, 1944 Supp., 45). As used herein "evacuation" shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom.

Japanese evacuation claims.

31 Stat. 153.

3 CFR, 1944 Supp., p. 94.
"Evacuation."

LIMITATIONS; CLAIMS NOT TO BE CONSIDERED

SEC. 2. (a) The Attorney General shall receive claims for a period of eighteen months from the date of enactment of this Act. All claims not presented within that time shall be forever barred.

(b) The Attorney General shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;

(2) for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U. S. C. 21–24), or pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App., and Supp., 1–31, 616);

40 Stat. 411.
50 U. S. C. app. §§1–38; Supp. I, §4 *et seq.*
Ante, p. 1218; *post*, p. 1246.

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended;

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and

(5) for loss of anticipated profits or loss of anticipated earnings.

HEARINGS; EVIDENCE; RECORDS

SEC. 3. (a) The Attorney General shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making a final determination upon any claim.

(b) For the purpose of any hearing or investigation authorized under this Act, the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U. S. C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Attorney General. Subpenas may be served personally, by

38 Stat. 722.

Subpenas.

registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

Written record.

(c) A written record shall be kept of all hearings and proceedings under this Act and shall be open to public inspection.

ADJUDICATIONS; PAYMENT OF AWARDS; EFFECT OF ADJUDICATIONS

SEC. 4. (a) The Attorney General shall adjudicate all claims filed under this Act by award or order of dismissal, as the case may be, upon written findings of fact and reasons for the decision. A copy of each such adjudication shall be mailed to the claimant or his attorney.

(b) The Attorney General may make payment of any award not exceeding $2,500 in amount out of such funds as may be made available for this purpose by Congress.

Report to Congress.

(c) On the first day of each regular session of Congress the Attorney General shall transmit to Congress a full and complete statement of all adjudications rendered under this Act during the previous year, stating the name and address of each claimant, the amount claimed, the amount awarded, the amount paid, and a brief synopsis of the facts in the case and the reasons for each adjudication. All awards not paid under subsection (b) hereof shall be paid in like manner as are final judgments of the Court of Claims.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. An order of dismissal against a claimant, unless set aside by the Attorney General, shall thereafter bar any further claim against the United States or any officer, agent, servant, or employee thereof arising out of the same subject matter.

Order of dismissal as bar.

ATTORNEYS' FEES

SEC. 5. The Attorney General, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

Penalty.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both.

ADMINISTRATION

SEC. 6. For the purposes of this Act the Attorney General may—

(a) appoint a clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary;

(b) call upon any Federal department or agency for any information or records necessary;

(c) secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered;

(d) utilize such voluntary and uncompensated services as may from time to time be needed and available;

(e) assist needy claimants in the preparation and filing of claims;

(f) make such investigations as may be necessary;

(g) make expenditures for witness fees and mileage and for other administrative expenses;

(h) prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as he may deem proper in carrying out the provisions of this Act.

APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved July 2, 1948.

[CHAPTER 815]

AN ACT

Authorizing the conveyance of certain lands in Park County, Wyoming, to the State of Wyoming.

July 2, 1948
[H. R. 4462]
[Public Law 887]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the State of Wyoming for the east half of the northeast quarter, section 36, township 58 north, range 100 west, of the sixth principal meridian, in Park County, Wyoming, subject to any existing lease or leases: *Provided*, That title to said land shall be held and considered to have been vested in the State of Wyoming on July 10, 1890.

Park County, Wyo.
Issuance of patent.

Approved July 2, 1948.

[CHAPTER 816]

AN ACT

To amend the Veterans' Preference Act of 1944 to extend the benefits of such Act to certain mothers of veterans.

July 2, 1948
[H. R. 5308]
[Public Law 888]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (5) of section 2 of the Veterans' Preference Act of 1944, as amended, is amended by striking out "and were widows at the time of the death or disability of their ex-serviceman son or ex-servicewoman daughter".

Veterans' Preference Act of 1944, amendment.
Ante, p. 3.

(b) Clause (6) of section 2 of such Act, as amended, is amended by striking out "(B) The mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) said ex-serviceman son or ex-servicewoman daughter is the only child of said mother", and inserting in lieu thereof "(B) The mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) the mother has not remarried.".

Approved July 2, 1948.

[CHAPTER 817]

AN ACT

To authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to donate excess and surplus property for educational purposes.

July 2, 1948
[H. R. 5882]
[Public Law 889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force

Donation of surplus property for educational purposes.

are hereby authorized in their discretion to donate for educational purposes in the States, Territories, and possessions without cost, except for costs of packing, transportation, and delivery, such equipment, materials, books, and other supplies as may be obsolete or no longer needed by the Army, Navy, or Air Force and which any such Secretary or the United States Commissioner of Education, Federal Security Agency, may consider usable for educational purposes.

Basis of allocation.

SEC. 2. All property which the Secretary of the Army, Secretary of the Navy, or Secretary of the Air Force may so donate, except that donated in accordance with section 3 hereof, shall be allocated on the basis of needs and utilization by the United States Commissioner of Education for transfer by the owning agency directly to schools, colleges, or universities or to State Departments of Education, for distribution by the State to tax-supported schools, colleges, and universities and other nonprofit schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code; except in any State where another agency is designated by State law for such purposes such transfer shall be made to said agency for such distribution within the State.

53 Stat. 33.
26 U. S. C. § 101 (6).

Donation to military, etc., schools.

SEC. 3. The Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force may donate such of the property specified in section 1 hereof as they consider usable for educational purposes to those educational activities that are of special interest to the armed services, such as maritime academies or military, naval, air force, or coast guard preparatory schools.

Approved July 2, 1948.

[CHAPTER 818]

July 2, 1948
[H. R. 6096]
[Public Law 890]

AN ACT

To provide for making available the Government-owned alcohol plants at Muscatine, Iowa, Kansas City, Missouri, and Omaha, Nebraska, for the production of products from agricultural commodities in the furtherance of authorized programs of the Department of Agriculture, and for other purposes.

Department of Agriculture.
Transfer of certain alcohol plants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of assuring their operation for the production of products from agricultural commodities in order to provide a means of discharging the responsibility of the Department of Agriculture in connection with surplus agricultural commodities, research, and other authorized activities, and to assist in providing an adequate supply of alcohol and other products produced from agricultural commodities necessary for the national defense, (1) the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944 and without reimbursement or transfer of funds, to the Secretary of Agriculture all of its right, title, and interest in and to the alcohol plant established and constructed by Defense Plant Corporation at Muscatine, Iowa, the property, together with the equipment, records, facilities, and other property appurtenant thereto; and (2) the War Assets Administration shall transfer to the Secretary of Agriculture without regard to the provisions of the Surplus Property Act of 1944 and without reimbursement or transfer of funds the alcohol plants at Kansas City, Missouri, and Omaha, Nebraska, together with the land, equipment, facilities, and other property appurtenant thereto.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 1103.

58 Stat. 765.
50 U. S. C. app. §§ 1611-1646; Supp. I, § 1612 *et seq.*
Ante, pp. 350, 1103.

Operation of plants.

SEC. 2. In carrying out the purposes of this Act the Secretary is authorized, upon such terms and conditions as he deems reasonable, and notwithstanding the provisions of any other law—

(a) to provide for the operation of such plants by lease or other arrangement;

(b) to operate such plants, where operation by others will not, in the judgment of the Secretary, accomplish the purpose of this Act.

Such plants may be operated in the furtherance of any authorized activities of the Department of Agriculture, and any lease, or other arrangement may be upon such terms and conditions as to result in the plant being operated for such purposes.

Report to Congress.

SEC. 3. Whenever the Secretary finds that the operation of any plant or plants as provided in this Act is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition thereof.

Additional facilities, etc.

SEC. 4. For the purposes of this Act, the Secretary of Agriculture is authorized (a) to construct and provide additional facilities and equipment necessary to the operation of such plants, and to maintain, repair, and alter such plants; (b) to acquire property or rights or interest therein by purchase, lease, gift, transfer, condemnation, or otherwise; (c) to incur necessary administrative expenses, including personal services; and (d) to make such rules and regulations as may be necessary to carry out the purposes of this Act.

Obligations of plant at Muscatine, Iowa.

SEC. 5. The Secretary of Agriculture shall assume all obligations of the Reconstruction Finance Corporation covering operations of the Muscatine, Iowa, plant, equipment, facilities, and appurtenant property outstanding at the date of transfer.

Appropriation authorized.

SEC. 6. There are hereby authorized to be appropriated for the purposes of this Act such sums as the Congress may from time to time determine to be necessary. Also, the Secretary is authorized to use such sums from other appropriations or funds available to the bureaus, corporations, or agencies of the Department of Agriculture as he may deem necessary for expenses in connection with maintaining these plants in standby condition while not under lease.

Approved July 2, 1948.

[CHAPTER 819]

AN ACT

To authorize an exchange of lands and interests therein between the city of San Diego, California, and the United States, and for other purposes.

July 2, 1948
[H. R. 6933]
[Public Law 891]

San Diego, Calif. Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to convey to the city of San Diego without cost to said city, and upon such terms and conditions as may be approved by said Secretary, after receiving the written approval of the Attorney General as to the titles, leases, and other mutual conveyances connected therewith, the following lands and improvements and interests in land, metes and bounds description of said lands being on file in the Navy Department, to wit:

(1) Fee-simple title to an area containing approximately two hundred and forty-four and eight-tenths acres known as the Lindbergh Field extension of the United States Marine Corps Recruit Depot, San Diego;

(2) Fee-simple title to an area comprising approximately one hundred and sixty acres known as Rosedale Airport and being Pueblo lot 1231 of the Pueblo lands of San Diego;

(3) Fee-simple title to those structures and improvements constructed on land of the city of San Diego under naval contracts NOa–130 and NOa–1049, popularly known as the Ryan Aircraft Expansion, including but not limited to a frame stucco office building in two sections containing thirty-seven thousand square feet, a steel frame and corrugated-iron subassembly building of one hundred and

twenty-two thousand square feet, and four miscellaneous smaller buildings, together with appurtenant utilities and parking-lot improvements;

(4) A perpetual easement for street purposes over and across a strip of land two hundred feet in width traversing the United States Naval Training Station, San Diego, containing approximately one and forty-nine one-hundredths acres;

(5) A perpetual easement for street purposes over and across four parcels of land comprising a strip along the east side of the Marine Corps Recruit Depot from Bean Street to Witherby Street, containing eight and eighty-five one-hundredths acres of land; a small strip along Pacific Highway and Barnett Avenue containing ten one-hundredths acre of land and an area south of Pacific Highway giving access to Lindbergh Field, containing three and seventy-six one-hundredths acres of land; and

(6) A perpetual easement for a right-of-way through the United States naval station for the extension of the Wabash Canyon Freeway between Main Street and the San Diego and Arizona Eastern Railroad right-of-way, containing approximately three and eighty-two one-hundredths acres: *Provided*, That if the establishment of such right-of-way should require the relocation of any existing naval structures, their removal and relocation shall be accomplished at the expense of the city and in a manner to be approved by the Commandant of the Eleventh Naval District; in consideration of the conveyance by the city of San Diego to the United States free from all incumbrances, the following lands, improvements, and interest in land situated in the city of San Diego, metes and bounds descriptions of which are on file in the Navy Department, to wit:

Relocation of naval structures.

(1) A leasehold interest for fifty years with the right of renewal for fifty additional years in the area now used by the Navy for Fleet Sonar School near the westerly end of Harbor Drive containing thirty-two and thirty-eight one-hundredths acres, more or less;

(2) A leasehold interest for fifty years with the right of renewal for fifty additional years in the Navy fleet landing area at the foot of G Street having a frontage of four hundred and sixty-four and five-tenths feet on Harbor Drive;

(3) A leasehold interest for fifty years with the right of renewal for fifty additional years in a triangular shaped tract of land bounded by Harbor Drive, the United States bulkhead line of San Diego Bay, and the projection southerly of the easterly line of Kettner Boulevard, comprising approximately three and three-tenths acres: *Provided*, That any lease covering this area may contain a clause to the effect that unless the United States shall construct on said area within a period of five years an officers' club, the lease shall be forthwith canceled and be of no further force and effect, and that the possession of the leased area shall be surrendered to the city: *And provided further*, That such lease may also provide that the city may continue in actual occupation and use of the leased area until such officers' club is actually constructed thereon;

Construction of officers' club by U. S.

(4) A leasehold interest for fifty years with the right of renewal for fifty additional years in the area now occupied by the Navy Public Works Building fronting four hundred and seventy-one and seventy-six one-hundredths feet on the westerly side of Pacific Highway at the foot of B Street, containing approximately three and two-tenths acres;

(5) A leasehold interest for fifty years with the right of renewal for fifty additional years in the area now used by the Navy for recreational purposes, known as Navy Field, fronting on the northerly side of Harbor Drive at the foot of First Avenue comprising approximately twenty-eight and thirteen one-hundredths acres;

(6) A leasehold interest for fifty years with the right of renewal for fifty additional years in the small-boat landing between Broadway Pier and Navy Pier having a frontage of sixty feet;

(7) A leasehold interest for fifty years with the right of renewal for fifty additional years in two loading platform areas containing, respectively, one thousand nine hundred and fifty-eight and two thousand and four hundred square feet of tideland, together with right-of-way for an overhead-bridge crossing to provide passage, exit, and entrance to Government buildings;

(8) A leasehold interest for five years or for such lesser period as the Secretary of the Navy may elect in one-half of the upper deck of that water-front facility commonly known as the Broadway Pier, situated at the foot of Broadway, which space is now occupied by Navy offices: *Provided*, That any lease or leases to be executed by the city of San Diego to accomplish the exchange herein authorized may include a reservation clause in favor of said city reading as follows: "The term of said lease shall not actually begin until the said lands described in said lease shall be actually occupied and utilized for immediate Navy purposes such as are necessary in the maintenance of the United States Navy base within the Eleventh Naval District, and further in the event that if at any time the said premises so leased shall be abandoned by said Navy and shall cease to be used for a period of two years by any branch of the armed services of the United States for military or naval purposes, then and in that event, the said lease shall terminate, be canceled and be of no further effect, and the city shall have the immediate right to reoccupy said lands."; and

Reservation clause.

(9) Fee-simple title to the old city jail site fronting one hundred feet on the westerly side of Second Avenue between F and G Streets (including the building thereon) which is used by the Navy for shore-patrol headquarters, containing approximately ten thousand square feet.

SEC. 2. The Secretary of the Navy is also authorized to accept from the city of San Diego, without cost to the United States, the conveyance of ninety and two-tenths acres of tidelands located between the United States bulkhead line and adjacent to and north of the southerly limits of the city of San Diego, now occupied by the United States under lease NOy(R)-1400 dated October 1, 1942, and being more fully described therein.

Acceptance of tidelands.

Approved July 2, 1948.

[CHAPTER 822]

AN ACT

To provide for the payment of revenues from certain lands into the tribal funds of the Confederated Tribes of the Warm Springs Reservation of Oregon, and for other purposes.

July 3, 1948
[S. 1243]
[Public Law 892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all money received by or on account of the Forest Service or other agency of the United States after the dismissal of the proceeding in the Court of Claims entitled "The Warm Springs Tribe of Indians of Oregon versus The United States", numbered M-112, for timber (on a stumpage basis) grown on, the lease or rental of, or other rights in, the lands described in subsection (b) of this section shall be deposited into the Treasury of the United States to the credit of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560). The funds so deposited, together with any other funds credited to the Confederated Tribes of the Warm Springs Reservation of Oregon under said Act

Confederated Indian Tribes of Warm Springs Reservation, Oreg.
Disposition of certain revenues.

25 U. S. C. § 155.

shall be available for such purposes as may be designated by the governing body of said Confederated Tribes and approved by the Secretary of the Interior. The sixth paragraph under the heading "Forest Service" of the Act of May 23, 1908, and section 13 of the Act of March 1, 1911, both as amended (16 U. S. C., sec. 500), and the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U. S. C., sec. 501), shall not be applicable to the money so received.

35 Stat. 260; 36 Stat. 963.

37 Stat. 843.

(b) The lands referred to in subsection (a) of this section are described as follows:

All lands of the United States included within the Mount Hood National Forest in the State of Oregon and lying and being within an area bounded by a line beginning at a point in the middle of the channel of the Deschutes River, established as the initial point of the Handley survey of 1871; thence in a direct line northwestwardly to the seven-and-one-half-mile post of the McQuinn survey of 1887; thence continuing northwestwardly along the line of the McQuinn survey to the thirty-mile post thereof at Little Dark Butte in the Cascade Mountains; thence following the McQuinn survey southwestwardly in a direct line to the summit of Mount Jefferson; thence northeastwardly in a direct line to the western terminus of the northern boundary of the Warm Springs Indian Reservation as established by the Act of June 6, 1894 (28 Stat. 86); thence along said northern boundary to the place of beginning.

(c) The lands described in subsection (b) of this section shall continue to be administered by the departments and agencies now administering them.

SEC. 2. The benefits herein granted to the Confederated Tribes of the Warm Springs Reservation of Oregon shall be in full satisfaction of all claims of such Indians asserted in the above-mentioned proceeding in the Court of Claims. Any remaining jurisdiction of the Court of Claims with respect to such proceeding is hereby withdrawn, and no court or commission shall have jurisdiction over the subject matter of such proceeding.

Effective date.

SEC. 3. This Act shall not become effective unless the Confederated Tribes of the Warm Springs Reservation of Oregon accept its provisions, in such manner as may be designated by the Secretary of the Interior, within one year after the approval hereof.

Approved July 3, 1948.

[CHAPTER 823]

July 3, 1948
[S. 2767]
[Public Law 893]

AN ACT

To provide assistance in the recruitment and distribution of farm labor for the increased production, harvesting, and preparation for market of agricultural commodities to meet domestic needs and foreign commitment.

Recruitment of foreign agricultural workers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the fiscal year ending June 30, 1949, the Administrator of the Federal Security Agency, in carrying out his responsibilities to maintain a farm placement service under the Act of June 6, 1933 (48 Stat. 113), as amended, is authorized to recruit foreign workers within the Western Hemisphere and workers in Puerto Rico for temporary agricultural employment in the continental United States and to direct, supervise, coordinate, and provide for the transportation of such workers from such places of recruitment to and between places of employment within the continental United States and return to the places of recruitment not later than June 30, 1949. There is hereby authorized to be appropriated such sums for the administration of the program authorized by this section as the Congress may deem necessary.

29 U. S. C. §§ 49-49k; Supp. I, § 49 note; 39 U. S. C. § 338.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated for the establishment of a working capital fund for the fiscal year ending June 30, 1949, $2,500,000, such fund to be used only for the payment of expenses for transportation, lodging, and subsistence in connection with the temporary migration of foreign agricultural workers from foreign countries within the Western Hemisphere, and workers from Puerto Rico, to and between places of employment within the continental United States and return to the place of origin. Notwithstanding any other provisions of law, the employers utilizing such workers shall be required to reimburse such fund to such extent and in such manner and under such terms and conditions as the Administrator of the Federal Security Agency may by regulation or otherwise prescribe.

Approved July 3, 1948.

Appropriation authorized.
Ante, p. 1032.

[CHAPTER 824]

JOINT RESOLUTION

To authorize the issuance of a special series of stamps commemorative of Juliette Low, founder and organizer of Girl Scouting in the United States of America.

July 3, 1948
[H. J. Res. 327]
[Public Law 894]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue at the earliest practicable date, a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of Juliette Low, the founder and organizer of Girl Scouting in the United States of America.

Approved July 3, 1948.

Juliette Low. Commemorative postage stamp.

[CHAPTER 825]

AN ACT

To amend section 5, Home Owners' Loan Act of 1933, and for other purposes.

July 3, 1948
[H. R. 2798]
[Public Law 895]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (i) of section 5 of the Home Owners' Loan Act of 1933, as amended, is hereby amended by adding the following provision at the end thereof:

"Any Federal savings and loan association may convert itself into a savings and loan type of institution organized pursuant to the laws of the State, District, or Territory (hereinafter referred to in this section as the State) in which the principal office of such Federal association is located: *Provided*, (1) That the State permits the conversion of any savings and loan type of institution of such State into a Federal savings and loan association; (2) that such conversion of a Federal savings and loan association into such a State institution is determined upon the vote in favor of such conversion cast in person or by proxy at a special meeting of members called to consider such action, specified by the law of the State in which the home office of the Federal association is located, as required by such law for a State-chartered institution to convert itself into a Federal association, but in no event upon a vote of less than 51 per centum of all the votes cast at such meeting, and upon compliance with other requirements reciprocally equivalent to the requirements of such State law for the conversion of a State-chartered institution into a Federal association; (3) that notice of the meeting to vote on conversion shall be given as herein provided and no other notice thereof shall be necessary; the notice shall expressly state that such meeting is called to vote thereon, as well as the time and place thereof, and such notice shall be mailed, postage prepaid, at least twenty and not more than thirty days prior to the date of the meeting, to each member of record of the Federal association at his last address as shown on the books of the Federal association and to the General

Home Owners' Loan Act of 1933, amendment.
48 Stat. 134.
12 U. S. C. § 1464 (i).
Conversions to State savings and loan institutions.

Manager of the Federal Savings and Loan Insurance Corporation, Washington, District of Columbia; (4) that, upon the effective date of the conversion, the association has repurchased the total amount invested in its shares by the Secretary of the Treasury; and (5) that if, upon the effective date of conversion, the Home Owners' Loan Corporation will hold of record shares of the association, its approval of the conversion has been obtained; (6) that, in the event of dissolution after conversion, the members or shareholders of the association will share on a mutual basis in the assets of the association in exact proportion to their relative share or account credits; (7) that such conversion shall be effective upon the date that all the provisions of this Act shall have been fully complied with and upon the issuance of a new charter by the State wherein the association is located; it being provided that its act of converting into a State-chartered institution shall constitute an agreement to be bound by all the requirements that the Federal Savings and Loan Insurance Corporation may legally impose under section 403 of title IV of the National Housing Act, as now or hereafter amended, and the association shall upon conversion and thereafter be authorized to issue securities in any form currently approved at the time of issue by the Federal Savings and Loan Insurance Corporation for issuance by similar insured institutions in such State, District, or Territory.

48 Stat. 1257.
12 U. S. C. § 1726.

"In addition to the foregoing provision for conversion upon a vote of the members only any association chartered as a Federal savings and loan association, including any having outstanding shares held by the Secretary of the Treasury or Home Owners' Loan Corporation, may convert itself into a State institution upon an equitable basis, subject to approval, by regulations or otherwise, by the Home Loan Bank Board and by the Federal Savings and Loan Insurance Corporation: *Provided*, That if the insurance of accounts is terminated in connection with such conversion, the notice and other action shall be taken as provided by law and regulations for the termination of insurance of accounts."

Termination of insurance of accounts.

47 Stat. 737; 48 Stat. 1256.
12 U. S. C. §§ 1439, 1725 (c).

SEC. 2. Section 19 of the Federal Home Loan Bank Act, as amended, and subsection (c) of section 402 of the National Housing Act, as amended, are hereby each amended by adding at the end thereof the following new sentence: "All necessary expenses in connection with the making of supervisory or other examinations (except examinations of Federal home loan banks), including the provision of services and facilities therefor, shall be considered as nonadministrative expenses."

Nonadministrative expenses.

Approved July 3, 1948.

[CHAPTER 826]

July 3, 1948
[H. R. 4044]
[Public Law 896]

AN ACT

To amend the Trading with the Enemy Act, as amended; to create a commission to make an inquiry and report with respect to war claims; and to provide for relief for internees in certain cases.

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

SHORT TITLE

War Claims Act of 1948.

SECTION 1. This Act may be cited as the "War Claims Act of 1948".

WAR CLAIMS COMMISSION

SEC. 2. (a) There is hereby established a commission to be known as the War Claims Commission (hereinafter referred to as the "Commission") and to be composed of three persons to be appointed by the

President, by and with the advice and consent of the Senate. At least two of the members of the Commission shall be persons who have been admitted to the bar of the highest court of any State, Territory, or the District of Columbia. The members of the Commission shall receive compensation at the rate of $12,000 a year. The terms of office of the members of the Commission shall expire at the time fixed in subsection (d) for the winding up of the affairs of the Commission.

(b) The Commission may, in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers, attorneys, and employees, and may make such expenditures, as may be necessary to carry out its functions. Officers and employees of any other department or agency of the Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government, utilize the facilities and services of such department or agency in carrying out the functions of the Commission.

42 Stat. 1488. 5 U. S. C. §§ 661–674.

(c) The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. The limit of time within which claims may be filed with the Commission shall in no event be later than two years after the date of enactment of this Act.

Rules and regulations.

Time limitation for filing claims.

(d) The Commission shall wind up its affairs at the earliest practicable time after the expiration of the time for filing claims, but in no event later than three years after the expiration of such time.

JURISDICTION OF COMMISSION

SEC. 3. The Commission shall have jurisdiction to receive and adjudicate according to law claims as hereinafter provided.

EMPLOYEES OF CONTRACTORS

SEC. 4. (a) The Federal Security Administrator is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101 (a) of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, or by the legal representative of any such person who may have died, for the amount by which (1) the total sum which would have been payable to such person by his employer (not including any payments for overtime), if such person's contract of employment had been in effect and he had been paid under it for the entire period during which he was entitled to receive benefits under section 101 (b) of such Act, exceeds (2) the entire amount creditable to such person's account for such period under the provisions of such section plus any amounts paid to such person by such employer for such period or recovered by such person in any legal action against such employer based upon such person's right against such employer for such period under the contract of employment, including payments in settlement of the liability of the employer arising under or out of such contract. No claim shall be allowed to any person under the provisions of this section unless such person executes a full release to the employer and to the United States in respect to the liability of the employer arising under or out of the contract of employment, except liability for workmen's compensation

Settlement of claims by Federal Security Administrator.

56 Stat. 1028. 42 U. S. C. § 1701 (a).

56 Stat. 1029. 42 U. S. C. § 1701 (b).

Release of employer and U. S. from liability.

55 Stat. 622.
42 U. S. C. §§ 1651-1654.
56 Stat. 1028.
42 U. S. C. §§ 1701-1706, 1711-1717, 1651.

benefits under the Act of August 16, 1941, as amended (42 U. S. C. 1651 and the following), or detention or other benefits paid under the Act of December 2, 1942, as amended (42 U. S. C. 1751 and the following). Any claim allowed under the provisions of this section shall be certified by the Administrator to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

Post, p. 1247.

Cancellation of obligations to U. S.

56 Stat. 1028.
42 U. S. C. § 1701 (a).

(b) (1) The Secretary of State is hereby authorized and directed to cancel any obligation to the United States of any person specified in section 101 (a) of such Act of December 2, 1942, to pay any sum which may have been advanced to or on behalf of any such person by the Department of State for the purpose of paying the costs of food and medical services furnished to such person during his period of internment by the Imperial Japanese Government or for the purpose of paying transportation or other expenses of repatriation.

56 Stat. 1028.
42 U. S. C. § 1701 (a).

(2) The Federal Security Administrator is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101 (a) of such Act of December 2, 1942, for the repayment of any sum which may have been paid by such person to the Department of State in settlement of any obligation of the type referred to in paragraph (1) of this subsection. Any claim allowed under the provisions of this paragraph shall be certified by the Administrator to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

Post, p. 1247.

56 Stat. 1031.
42 U. S. C. § 1702 (a).

Total compensation.

39 Stat. 746.
5 U. S. C. § 764.

(c) Section 102 (a) of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, is hereby amended by striking out the proviso in such subsection and by substituting the following: "*Provided*, That the total compensation payable under this title for injury or death shall in no event exceed the limitations upon compensation as fixed in section 14 (m) of such Act as such section may from time to time be amended except that the total compensation shall not be less than that provided for in the original enactment of this Act: *Provided further*, That any amendment to such Act, the effect of which is to increase the amount of benefits payable for injury or death, shall be applied in the administration of this section as if the amendment had been in effect at the time of the particular injury or death and the compensation (except funeral and burial expenses) in any case previously determined shall be adjusted accordingly in respect to the beneficiary entitled thereto under the Act."

INTERNEES

"Civilian American citizen."

SEC. 5. (a) As used in this section, the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was (A) a person within the purview of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, and as extended; or (B) a person within the purview of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United

Exceptions.

39 Stat. 742.
5 U. S. C. §§ 751-793.

States, and for other purposes", approved December 2, 1942, as amended; or (C) a person within the purview of the Missing Persons Act of March 7, 1942 (56 Stat. 143), as amended; or (D) a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

56 Stat. 1028.
42 U. S. C. §§ 1701-1706, 1711-1717, 1651.
50 U. S. C. app. §§ 1001-1016; Supp. I, § 1001 *et seq.*

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

Detention benefits.

(c) The detention benefit allowed to any person under the provisions of subsection (b) shall be at the rate of $60 for each calendar month during which such person was at least eighteen years of age and at the rate of $25 per month for each calendar month during which such person was less than eighteen years of age.

Rate.

(d) The detention benefits allowed under subsection (b) shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

Payment to dependents.

(1) Widow or dependent husband if there is no child or children of the deceased;

(2) Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares; and

(3) Child or children of the deceased (in equal shares) if there is no widow or dependent husband.

(e) Any claim allowed under the provisions of subsection (b) shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act, and shall be payable by the Secretary of the Treasury to the person entitled thereto or to his legal or natural guardian if he has one.

Certification of claims.

Post, p. 1247.

(f) (1) Except as otherwise provided in this subsection, the provisions of titles I and II of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, are extended and shall apply with respect to the injury, disability, or death resulting from injury of a civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government, to the same extent as if such civilian American citizen were an employee within the purview of such Act of December 2, 1942, as amended.

Extension of legislative provisions.

56 Stat. 1028, 1033.
42 U. S. C. §§ 1701-1706, 1711-1717.

(2) For the purpose of determining the benefits extended and made applicable by paragraph (1)—

Determination of benefits.

(A) the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been $37.50;

(B) the provisions of such Act shall be applicable whether or not any such civilian American citizen was employed;

(C) notice of injury or death shall not be required; and limitation provisions with respect to the filing of claims for injury, disability, or death shall not begin to run until the date of enactment of this section; and

(D) the monthly compensation in cases involving partial disability shall be determined by the percentage the degree of partial disability bears to total disability and shall not be determined with respect to the extent of loss of wage earning capacity.

(3) The following provisions of such Act of December 2, 1942, as amended, shall not apply in the case of such civilian American citizens: Section 101 (b), section 104, and section 105.

56 Stat. 1029, 1031, 1032.
42 U. S. C. §§ 1701 (b), 1704, 1705.

(4) Rights or benefits which, under this subsection, are to be determined with reference to other provisions of law shall be determined with reference to such provisions of law as in force on January 3, 1948.

Disability or death benefits.

(5) The money benefit for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

Minors or incompetents.

(6) The benefit of a minor or of an incompetent person who has no natural or legal guardian may, in the discretion of the Federal Security Administrator, be paid, in whole or in such part as he may determine for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting, or having custody of such minor or incompetent.

(7) No person, except a widow or a child, shall be entitled to benefits for disability with respect to himself, and to death benefits on account of the death of another.

Payments if receiving other benefits.

(8) If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer, in the form of wages, or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this section shall be diminished by the amount of such payments in the following manner: (A) Benefits on account of injury or disability shall be reduced by the amount of payments to the injured person on account of the same injury or disability; and (B) benefits on account of death shall be reduced by the amount of payments to the dependents of the deceased civilian American citizen on account of the same death.

Effective date.

(9) This subsection shall take effect as of December 7, 1941, and the right of individuals to benefits shall be held to have begun to accrue as though this subsection had been in effect as of such date.

PRISONERS OF WAR

"Prisoner of war."

SEC. 6. (a) As used in this section, the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

Compensation for violations concerning food.

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of $1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

Post, p. 1247.

Payment to dependents.

(c) Claims pursuant to subsection (b) shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

(1) Widow or dependent husband if there is no child or children of the deceased;

(2) Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children of the deceased in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or dependent husband; and

(4) Dependent parents (in equal shares) if there is no widow, dependent husband, or child.

RELIGIOUS ORGANIZATIONS

SEC. 7. The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any religious organization functioning in the Philippine Islands and affiliated with a religious organization in the United States, or by the personnel of any such Philippine organization, for reimbursement of expenditures incurred, or for payment of the fair value of supplies used, by such organization or such personnel for the purpose of furnishing shelter, food, clothing, hospitalization, medicines and medical services, and other relief in the Philippines to members of the armed forces of the United States or to civilian American citizens (as defined in section 5) at any time subsequent to December 6, 1941, and before August 15, 1945. Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

Ante, p. 1242.

Post, p. 1247.

REPORT WITH RESPECT TO PERSONAL INJURY AND PROPERTY CLAIMS

SEC. 8. (a) The Commission shall inquire into and report to the President, for submission of such report to the Congress on or before March 31, 1949, with respect to war claims arising out of World War II, other than claims which may be received and adjudicated under the preceding sections of this Act, and shall present in such report its findings on—

Contents of report.

(1) the estimated number and amount of such claims, classified by types and categories; and

(2) the extent to which such claims have been or may be satisfied under international agreements or domestic or foreign laws.

(b) The report of the Commission shall contain recommendations with respect to—

(1) categories and types of claims, if any, which should be received and considered and the legal and equitable bases therefor;

(2) the administrative method by which such claims should be considered, and any priorities or limitations which should be applicable; and

(3) any limitations which should be applied to the allowance and payment of fees in connection with such claims.

(c) The Commission shall include in such report—

(1) such other recommendations as it deems appropriate; and

(2) such proposals for legislation as it deems appropriate for carrying out the recommendations made in such report.

(d) Such report, with accompanying evidence, shall be printed as a public document when received by the Congress.

Publication.

(e) Nothing in this section shall be deemed to imply that the Congress will enact legislation—

(1) adopting any recommendations made under this section with respect to the consideration or payment of any type of claim; or

(2) making any moneys, including moneys remaining in the war claims fund after the making of payments from such fund provided for by this Act, available for the payment of such claims.

REPORTS TO CONGRESS

SEC. 9. Not later than six months after its organization, and every six months thereafter, the Commission shall make a report to the Congress concerning its operations under this Act.

REMUNERATION FOR SERVICES IN CONNECTION WITH CLAIMS

SEC. 10. No remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim filed with the administering agency under this Act shall exceed 10 per centum (or such lesser per centum as may be fixed by the administering agency with respect to any class of claims) of the amount allowed by the administering agency on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, pays or offers to pay, or promises, to pay, or receives, on account of services rendered or to be rendered in connection with any such claim, any remuneration in excess of the maximum permitted by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both, and, if any such payment shall have been made or granted, the administering agency shall take such action as may be necessary to recover the same, and, in addition thereto any such claimant shall forfeit all rights under this Act.

Penalty.

HEARINGS WITH RESPECT TO CLAIMS

SEC. 11. The Commission shall notify all claimants of the approval or denial of their claims, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or is approved for less than the full allowable amount of such claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representatives with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this Act shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

Finality of decision.

AMENDMENT TO TRADING WITH THE ENEMY ACT

40 Stat. 411.
50 U. S. C. app. §§ 1-38; Supp. I, § 4 *et seq.*

SEC. 12. The Trading With the Enemy Act of October 6, 1917, as amended, is hereby amended by adding at the end thereof the following new section:

Ante, p. 1218.
Nonreturn of property to former owner.

"SEC. 39. No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this Act, shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation, and disposition pursuant to the provisions of this Act of any such property or interest therein shall be covered into the Treasury at the earliest practicable date. Nothing in this section shall be construed to repeal or otherwise affect the operation of the provisions of section 32 of this Act or of the Philippine Property Act of 1946."

60 Stat. 50, 418.
50 U. S. C. app. § 32; Supp. I, § 32; 22 U. S. C. §§ 1381-1386; Supp. I, § 1382 note.

WAR CLAIMS FUND

SEC. 13. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the War Claims Fund. The War Claims Fund shall consist of all sums covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended. The moneys in such fund shall be available for expenditure only as provided in this Act or as may be provided hereafter by the Congress.

Ante, p. 1246.

(b) The Federal Security Administrator is authorized and directed to estimate and certify to the Secretary of the Treasury the total amount which will be required to pay all benefits payable as a result of the enactment of section 5 (f) of this Act. The Secretary of the Treasury shall transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount so certified by the Federal Security Administrator.

Ante, p. 1243.

(c) The Federal Security Administrator is authorized and directed to estimate and certify to the Secretary of the Treasury the total amount which will be required to pay all additional benefits payable as a result of the enactment of section 4 (c) of this Act. The Secretary of the Treasury shall transfer from the war claims fund to the general fund of the Treasury a sum equal to the total amount so certified by the Federal Security Administrator.

Ante, p. 1242.

(d) The Secretary of State is authorized and directed to certify to the Secretary of the Treasury the total amount of all obligations canceled pursuant to the provisions of section 4 (b) (1) of this Act. The Secretary of the Treasury shall transfer from the war claims fund to the general fund of the Treasury an amount equal to the total amount so certified.

Ante, p. 1242.

(e) There are hereby authorized to be appropriated, out of any money in the war claims fund, such sums as may be necessary to enable the Commission to carry out its functions under this Act.

Appropriation authorized.

PAYMENTS TO CERTAIN MEMBERS OF RELIGIOUS ORDERS

SEC. 14. In any case in which any money is payable as a result of the enactment of this Act to any person who is prevented from accepting such money by the rules, regulations, or customs of the church or the religious order or organization of which he is a member, such money shall be paid, upon the request of such person, to such church or to such religious order or organization.

Approved July 3, 1948.

[CHAPTER 827]

AN ACT

July 3, 1948
[H. R. 6248]
[Public Law 897]

To authorize the Secretary of Agriculture to stabilize prices of agricultural commodities; to amend section 22 of the Agricultural Adjustment Act, reenacted by the Agricultural Marketing Agreement Act of 1937; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1948".

Agricultural Act of 1948.

TITLE I—1949 PRICE STABILIZATION

SECTION 1. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed through any instrumentality or agency within or under the direction of the Department of Agriculture, by loans, purchases, or other operations—

(a) To support prices received by producers of cotton, wheat, corn, tobacco, rice, and peanuts marketed before June 30, 1950, if producers

Price support of certain commodities.

have not disapproved marketing quotas for such commodity for the marketing year beginning in the calendar year in which the crop is harvested. The price support authorized by this subsection shall be made available as follows:

(1) To cooperators at the rate of 90 per centum of the parity price for the commodity as of the beginning of the marketing year;

(2) To noncooperators at the rate of 60 per centum of the rate specified in (1) above and only on so much of the commodity as would be subject to penalty if marketed.

52 Stat. 31. 7 U. S. C. § 1281; Supp. I, § 1334 *et seq.*

All provisions of law applicable with respect to loans under the Agricultural Adjustment Act of 1938, as amended, shall, insofar as they are consistent with the provisions of this subsection, be applicable with respect to loans or other price-support operations authorized under this subsection, except that for the purpose of computing the parity price for Maryland tobacco the base period shall be the period August 1936 to July 1941 in lieu of the period August 1919 to July 1929.

Maryland tobacco.

Price support levels.

(b) To support until January 1, 1950, a price to producers of commodities with respect to which the Secretary of Agriculture by public announcement pursuant to the provisions of the Act of July 1, 1941, as amended, requested an expansion of production of not less than 60 per centum of the parity or comparable price therefor nor more than the level at which such commodity was supported in 1948, except that Irish potatoes harvested before January 1, 1949, milk and its products, hogs, chickens, and eggs shall be supported at 90 per centum of the parity or comparable price. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this subsection if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for the commodities referred to in (a) hereof. In carrying out the provisions of this subsection the Secretary of Agriculture shall have the authority to require compliance with production goals and marketing regulations as a condition to eligibility of producers for price support.

55 Stat. 408.

61 Stat. 769. 15 U. S. C., Supp. I, § 713a-8 note.

(c) Sections 1 and 3 of the Act approved August 5, 1947 (Public Law 360, Eightieth Congress), are amended by striking out in each section the date "December 31, 1948" wherever it appears and inserting in lieu thereof the date "June 30, 1950".

Policy of Congress.

(d) It is hereby declared to be the policy of the Congress that the lending and purchase operations of the Department of Agriculture (other than those referred to in subsections (a), (b), and (c) hereof) shall be carried out until January 1, 1950, so as to bring the price and income of the producers of other agricultural commodities not covered by subsections (a), (b), and (c) to a fair parity relationship with the commodities included under subsections (a), (b), and (c), to the extent that funds for such operations are available after taking into account the operations with respect to the commodities covered by subsections (a), (b), and (c). In carrying out the provisions of this subsection the Secretary of Agriculture shall have the authority to require compliance with production goals and marketing regulations as a condition to eligibility of producers for price support.

Availability of funds.

SEC. 2. From any funds available to the Department of Agriculture or any agency operating under its direction for price support operations or for the disposal of agricultural commodities, the Secretary of Agriculture is authorized and directed to use such sums as may be necessary to carry out the provisions of section 1 of this Act.

Ante, p. 1247.

SEC. 3. Section 22 of the Agricultural Adjustment Act, as added by section 31 of the Act of August 24, 1935 (49 Stat. 773), reenacted by section 1 of the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended, is hereby amended to read as follows:

7 U. S. C. § 624.

Imports.

"SEC. 22. (a) Whenever the President has reason to believe that any article or articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, any program or operation undertaken under this title or the Soil Conservation and Domestic Allotment Act, as amended, or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, or any loan, purchase, or other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken, he shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts. Such investigation shall be made after due notice and opportunity for hearing to interested parties, and shall be conducted subject to such regulations as the President shall specify.

49 Stat. 163, 774. 16 U. S. C. §§ 590a-590q; Supp. I, § 590q; 7 U. S. C. § 612c; Supp. I, § 612c note. *Post*, pp. 1250, 1257.

Investigations by U. S. Tariff Commission.

"(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such fees not in excess of 50 per centum ad valorem or such quantitative limitations on any article or articles which may be entered, or withdrawn from warehouse, for consumption as he finds and declares shown by such investigation to be necessary in order that the entry of such article or articles will not render or tend to render ineffective, or materially interfere with, any program or operation referred to in subsection (a), of this section, or reduce substantially the amount of any product processed in the United States from any such agricultural commodity or product thereof with respect to which any such program or operation is being undertaken: *Provided*, That no proclamation under this section shall impose any limitation on the total quantity of any article or articles which may be entered, or withdrawn from warehouse, for consumption which reduces such permissible total quantity to proportionately less than 50 per centum of the total quantity of such article or articles which was entered, or withdrawn from warehouse, for consumption during a representative period as determined by the President: *And provided further*, That in designating any article or articles, the President may describe them by physical qualities, value, use, or upon such other bases as he shall determine.

Proclamation imposing import restrictions.

Limitation on import restrictions.

"(c) The fees and limitations imposed by the President by proclamation under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be therein specified, and such fees shall be treated for administrative purposes and for the purposes of section 32 of Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, as duties imposed by the Tariff Act of 1930, but such fees shall not be considered as duties for the purpose of granting any preferential concession under any international obligation of the United States.

Effective date of restrictions.

49 Stat. 774. 7 U. S. C. § 612c; Supp. I, § 612c note. *Post*, p. 1257. 46 Stat. 590. 19 U. S. C. § 1001 *et seq.*; Supp. I, § 1001 *et seq.*

"(d) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of this section, any proclamation or provision of such proclamation may be suspended or terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exist or may be modified by the President whenever he finds and proclaims that changed circumstances require such modification to carry out the purposes of this section.

Ante, pp. 34, 161, 176, 207, 242, 344, 383, 583, 866, 990, 1002, 1054.

Suspension or termination of proclamation.

Finality of decision.

"(e) Any decision of the President as to facts under this section shall be final.

"(f) No proclamation under this section shall be enforced in contravention of any treaty or other international agreement to which the United States is or hereafter becomes a party."

49 Stat. 1149; 60 Stat. 663.
16 U. S. C. § 590h(a).

SEC. 4. Section 8 (a), as amended, of the Soil Conservation and Domestic Allotment Act is amended (a) by striking out "January 1, 1949" wherever appearing therein and inserting in lieu thereof "January 1, 1951", and (b) by striking out "December 31, 1948" and inserting in lieu thereof "December 31, 1950".

7 U. S. C. § 1312 note.

Sec. 5. Notwithstanding any of the provisions of this Act, the Act of July 28, 1945 (59 Stat. 506) shall continue in effect.

Effective date.

SEC. 6. This title shall take effect on January 1, 1949, except that sections 3 and 4 shall take effect on the date of enactment of this Act.

TITLE II—AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938

DEFINITIONS OF "PARITY PRICE", "CARRY-OVER", "NORMAL SUPPLY", AND "TOTAL SUPPLY"

52 Stat. 38.
7 U. S. C. § 1301.

SEC. 201. Section 301 of the Agricultural Adjustment Act of 1938 is amended—

(a) By striking out paragraphs (1) and (2) of subsection (a) and inserting in lieu thereof the following:

"Parity price."

"(1) (A) The 'parity price' for any agricultural commodity, as of any date, shall be determined by multiplying the adjusted base price of such commodity as of such date by the parity index as of such date.

"Adjusted base price."

"(B) The 'adjusted base price' of any agricultural commodity, as of any date, shall be (i) the average of the prices received by farmers for such commodity, at such times as the Secretary may select during each year of the ten-year period ending on the 31st of December last before such date, or during each marketing season beginning in such period if the Secretary determines use of a calendar year basis to be impracticable, divided by (ii) the ratio of the general level of prices received by farmers for agricultural commodities during such period to the general level of prices received by farmers for agricultural commodities during the period January 1910 to December 1914, inclusive.

"Parity index."

"(C) The 'parity index', as of any date, shall be the ratio of (i) the general level of prices for articles and services that farmers buy, interest on farm indebtedness secured by farm real estate, and taxes on farm real estate, for the calendar month ending last before such date to (ii) the general level of such prices, rates, and taxes during the period January 1910 to December 1914, inclusive.

"(D) The prices and indices provided for herein, and the data used in computing them, shall be determined by the Secretary, whose determination shall be final.

"Transitional parity price."

"(E) Notwithstanding the provisions of subparagraph (A), the transitional parity price for any agricultural commodity, computed as provided in this subparagraph, shall be used as the parity price for such commodity until such date after January 1, 1950, as such transitional parity price may be lower than the parity price, computed as provided in subparagraph (A), for such commodity. The transitional parity price for any agricultural commodity as of any date shall be—

"(i) its parity price determined in the manner used prior to the effective date of the Agricultural Act of 1948, less

"(ii) five per centum of the parity price so determined multiplied by the number of full calendar years which, as of such date, have elapsed after January 1, 1949.

"(F) Notwithstanding the provisions of subparagraphs (A) and (E), if the parity price for any agricultural commodity, computed as provided in subparagraphs (A) and (E) appears to be seriously out of line with the parity prices of other agricultural commodities, the Secretary may, and upon the request of a substantial number of interested producers shall, hold public hearings to determine the proper relationship between the parity price of such commodity and the parity prices of other agricultural commodities. Within sixty days after commencing such hearing the Secretary shall complete such hearing, proclaim his findings as to whether the facts require a revision of the method of computing the parity price of such commodity, and put into effect any revision so found to be required.

Hearings respecting revision of method of computation.

"(2) 'Parity', as applied to income, shall be that gross income from agriculture which will provide the farm operator and his family with a standard of living equivalent to those afforded persons dependent upon other gainful occupation. 'Parity' as applied to income from any agricultural commodity for any year, shall be that gross income which bears the same relationship to parity income from agriculture for such year as the average gross income from such commodity for the preceding ten calendar years bears to the average gross income from agriculture for such ten calendar years."

"Parity."

(b) By amending paragraph (3) (A) of subsection (b) to read as follows:

52 Stat. 39. 7 U. S. C. § 1301 (b) (3) (A).

"(A) 'Carry-over', in the case of corn, rice, and peanuts for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, not including any quantity which was produced in the United States during the calendar year then current."

"Carry-over," corn, rice, and peanuts.

(c) By amending paragraph (3) (B) of subsection (b) to read as follows:

52 Stat. 39. 7 U. S. C. § 1301 (b) (3) (B).

"(B) 'Carry-over' of cotton for any marketing year shall be the quantity of cotton on hand within the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, plus the quantity on hand within the United States at the beginning of such marketing year which was produced outside the United States."

"Carry-over," cotton.

(d) By striking out paragraph (10) of subsection (b) and inserting in lieu thereof the following:

52 Stat. 41. 7 U. S. C. § 1301 (b) (10).

"(10) (A) 'Normal supply' in the case of corn, cotton, rice, wheat, and peanuts for any marketing year shall be (i) the estimated domestic consumption of the commodity for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus (ii) the estimated exports of the commodity for the marketing year for which normal supply is being determined, plus (iii) an allowance for carry-over. The allowance for carry-over shall be the following percentage of the sum of the consumption and exports used in computing normal supply: 7 per centum in the case of corn; 30 per centum in the case of cotton; 10 per centum in the case of rice; 15 per centum in the case of wheat; and 15 per centum in the case of peanuts. In determining normal supply the Secretary shall make such adjustments for current trends in consumption and for unusual conditions as he may deem necessary.

"Normal supply," corn, cotton, rice, wheat, and peanuts.

"(B) 'Normal supply' in the case of tobacco shall be a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over."

"Normal supply," tobacco.

(e) By amending paragraph (16) of subsection (b) to read as follows:

52 Stat. 42. 7 U. S. C. § 1301 (b) (16).

"(A) 'Total supply' of cotton, wheat, corn, rice, and peanuts for any

"Total supply," cotton, wheat, corn, rice, peanuts.

marketing year shall be the carry-over of the commodity for such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

"Total supply," tobacco.

"(B) 'Total supply' of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins, except that the estimated production of type-46 tobacco during the marketing year with respect to which the determination is being made shall be used in lieu of the estimated production of such type during the calendar year in which such marketing year begins in determining the total supply of cigar filler and cigar binder tobacco."

PRICE SUPPORT

SEC. 202. (a) Section 302 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

52 Stat. 43.
7 U. S. C. § 1302.

Price support operations through Commodity Credit Corporation.

"SEC. 302. (a) The Secretary, through the Commodity Credit Corporation (except as provided in subsection (c)) and other means available to him, is authorized to support prices of agricultural commodities to producers through loans, purchases, payments, and other operations. Except as otherwise provided in this section, the amounts, terms, and conditions of such price support operations, and the extent to which such operations are carried out, shall, in the case of operations carried out by Commodity Credit Corporation, be determined by the Corporation with the approval and subject to the direction of the Secretary, and, in the case of operations carried out by other means, be determined by the Secretary. In making such determinations, consideration shall be given to (1) the supply of the commodity in relation to the demand therefor, (2) the price levels at which other commodities are being supported, (3) the availability of funds, (4) the perishability of the commodity, (5) its importance to agriculture and the national economy, (6) the ability to dispose of stocks acquired through a price support operation, (7) the need for offsetting temporary losses of export markets, and (8) the ability and willingness of producers to keep supplies in line with demand. Compliance by the producer with acreage allotments, production goals, and marketing practices prescribed by the Secretary may be required as a condition of eligibility for price support. The Secretary shall in all cases give consideration to the practicability of supporting prices indirectly, as by the development of improved merchandising methods, rather than directly by purchase or loan.

Availability of support operations.

"(b) (1) Price support shall be made available to producers of any basic agricultural commodity at levels determined as hereinafter provided in this subsection. On the basis of the latest available statistics of the Department of Agriculture as of the beginning of each marketing year for each such basic agricultural commodity, the Secretary shall, with respect to such marketing year and such basic agricultural commodity—

"(i) estimate the total supply;

"(ii) determine the normal supply; and

"Supply percentage."

"(iii) determine the percentage which the estimated total supply is of the normal supply (such percentage being referred to herein as the 'supply percentage').

Support level for cooperators.

"(2) The level at which the price of such basic agricultural commodity for such marketing year shall be supported for cooperators (other than cooperators outside the commercial corn-producing area, in the case of corn) shall not exceed 90 per centum of the parity price of such commodity as of the beginning of the marketing year or be less

than the percentage of its parity price as of the beginning of such marketing year determined from the following table:

If the supply percentage is:	The level of support shall be not less than the following percentage of the parity price:
Not more than 70	90
More than 70 but not more than 72	89
More than 72 but not more than 74	88
More than 74 but not more than 76	87
More than 76 but not more than 78	86
More than 78 but not more than 80	85
More than 80 but not more than 82	84
More than 82 but not more than 84	83
More than 84 but not more than 86	82
More than 86 but not more than 88	81
More than 88 but not more than 90	80
More than 90 but not more than 92	79
More than 92 but not more than 94	78
More than 94 but not more than 96	77
More than 96 but not more than 98	76
More than 98 but not more than 102	75
More than 102 but not more than 104	74
More than 104 but not more than 106	73
More than 106 but not more than 108	72
More than 108 but not more than 110	71
More than 110 but not more than 112	70
More than 112 but not more than 114	69
More than 114 but not more than 116	68
More than 116 but not more than 118	67
More than 118 but not more than 120	66
More than 120 but not more than 122	65
More than 122 but not more than 124	64
More than 124 but not more than 126	63
More than 126 but not more than 128	62
More than 128 but not more than 130	61
More than 130	60

"(3) Notwithstanding the foregoing provisions of this section—

"(A) the minimum level of price support to cooperators for any basic agricultural commodity shall be 120 per centum of the minimum level determined from the foregoing table, if acreage allotments are in effect at the beginning of the planting season for such commodity, or if marketing quotas are in effect at the beginning of the marketing year for such commodity; but in no case shall the level of price support for any commodity be increased thereby above 90 per centum of its parity price as of the beginning of the marketing year; and

"(B) the level of price support for any basic agricultural commodity normally marketed in any marketing year with respect to which marketing quotas have been disapproved by producers shall be 50 per centum of the parity price of such commodity as of the beginning of such marketing year.

Corn.

"(4) The level at which the price of corn shall be supported for cooperators outside the commercial corn-producing area shall be 75 per centum of the level at which the price is supported for cooperators in the commercial corn-producing area with respect to corn.

Tobacco.

"(5) Notwithstanding the foregoing provisions of this section, the level of price support to cooperators for any crop of tobacco for which marketing quotas are in effect shall be 90 per centum of its parity price as of the beginning of the marketing year.

Nonbasic agricultural commodity.

"(c) The support price for any nonbasic agricultural commodity shall not exceed 90 per centum of the parity price for the commodity as of the beginning of the marketing year or season in the case of a commodity marketed on a marketing year or seasonal basis, and as of January 1 in the case of any other commodity. Any price support operation undertaken with respect to either turkeys or chickens shall

Turkeys or chickens.

be applicable to all chickens, including broilers, appropriate adjustments being made as provided in subsection (e) of this section: *Provided*, That if any price support operation is undertaken with respect to either chickens or turkeys, the same parity price support operation shall be undertaken with respect to ducks and ducklings and other poultry. The price of wool shall be supported at such level, not in excess of 90 per centum nor less than 60 per centum of its parity price as of January 1, as the Secretary may consider necessary in order to encourage an annual production of approximately 360,000,000 pounds of shorn wool. The price of any kind of Irish potatoes harvested after December 31, 1949, shall be supported at not less than 60 per centum nor more than 90 per centum of the parity price for Irish potatoes as of the beginning of its marketing season. The Commodity Credit Corporation shall not carry out any operation to support the price of any nonbasic agricultural commodity (other than Irish potatoes) which is so perishable in nature as not to be reasonably storable without excessive loss or excessive cost; but any such operation may be carried out by the Secretary through other means available to him such as those provided by section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended: *Provided*, That the foregoing provisions shall not be construed to prohibit the Commodity Credit Corporation from supporting the price of any perishable nonbasic agricultural commodity by a loan, purchase, payment, or other operation undertaken with respect to a storable commodity processed from such perishable nonbasic agricultural commodity: *Provided further*, That the Secretary, in carrying out programs with respect to perishable and nonperishable commodities under section 32 of Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, and section 6 of the National School Lunch Act, may utilize the services and facilities of the Commodity Credit Corporation (including but not limited to procurement by contract) and make advance payments to it: *And provided further*, That in any fiscal year, if at the end of the preceding fiscal year the sums appropriated under said section 32 and remaining unexpended do not exceed $300,000,000, Commodity Credit Corporation may, as provided in section 302 (a) of this Act, carry out any operation to support the price of any such perishable, nonbasic agricultural commodity to the extent that the reserve for the postwar price support of agriculture established pursuant to the First Supplemental Appropriation Rescission Act of 1946 (60 Stat. 8) and other funds appropriated for agricultural price support are sufficient to cover any losses which may be incurred in connection with such operation.

Ducks, etc.

Wool.

Irish potatoes.

Perishable nonbasic agricultural commodity.

49 Stat. 774.
7 U. S. C. § 612c; Supp. I, § 612c note.
Post, p. 1257.

60 Stat. 231.
42 U. S. C. § 1755.

Ante, p. 1252.

Price support at increased levels.

"(d) Notwithstanding the foregoing provisions of this section, price support operations at levels in excess of the maximum level of price support otherwise prescribed in this section may be undertaken whenever it is determined by the Secretary after reasonable public notice and public hearing with records of said hearing and a finding thereon by said Secretary available to the public that price support at such increased levels is necessary in order to increase or maintain the production of any agricultural commodity in the interest of national security.

Adjustments.

"(e) Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall be made in such manner that the average support price for such commodity in each marketing year will, on the basis of the anticipated incidence of such factors, be equal to the level determined as provided in this section for such marketing year.

"(f) For the purposes of this section—

"(1) A 'cooperator' with respect to any basic agricultural commodity shall be a producer on whose farm the acreage planted to the commodity does not exceed the farm acreage allotment for the commodity under this title, or, in the case of price support for corn to a producer outside the commercial corn-producing area, a producer who complies with conditions of eligibility prescribed by the Secretary. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded such allotment. "Cooperator."

"(2) A 'basic agricultural commodity' shall mean any of the commodities cotton, wheat, corn, tobacco, rice, and peanuts of a crop harvested after December 31, 1949. "Basic agricultural commodity."

"(3) A 'nonbasic agricultural commodity' shall mean any agricultural commodity other than a basic agricultural commodity. "Nonbasic agricultural commodity."

"(g) No producer shall be personally liable for any deficiency arising from the sale of the collateral securing any loan made under authority of this section unless such loan was obtained through fraudulent representations by the producer. This provision shall not, however, be construed to prevent Commodity Credit Corporation or the Secretary from requiring producers to assume liability for deficiencies in the grade, quality, or quantity of commodities stored on the farm or delivered by them, for failure properly to care for and preserve commodities, or for failure or refusal to deliver commodities in accordance with the requirements of the program. Liability for deficiencies.

"(h) The Commodity Credit Corporation shall not sell any farm commodity owned or controlled by it at less than (1) a price determined on a pricing basis for its stocks of such commodity on hand, which makes due allowance for grade, type, quality, location, and other factors and which is reasonably calculated to reimburse it for costs incurred by it with respect to such stocks; (2) a price halfway between the support price, if any, and the parity price of such commodity; or (3) a price equivalent to 90 per centum of the parity price of such commodity, whichever price is the lowest, except that the foregoing restrictions shall not apply to (A) sales for new or byproduct uses; (B) sales of peanuts for the extraction of oil; (C) sales for seed or feed if such sales will not substantially impair any price-support program; (D) sales of commodities which have substantially deteriorated in quality or of nonbasic perishable commodities where there is danger of loss or waste through spoilage; (E) sales for the purpose of establishing claims against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity; (F) sales for export; (G) sales of wool; and (H) sales for other than primary uses." Sale of farm commodities by Commodity Credit Corporation, price.

(b) Section 381 (c) of the Agricultural Adjustment Act of 1938 is repealed. 52 Stat. 67. 7 U. S. C. § 1381 (c); Supp. I, § 1381 note.

MARKETING QUOTAS

CORN

SEC. 203. (a) The first sentence of section 322 (a) of the Agricultural Adjustment Act of 1938 is amended to read as follows: Proclamation by Secretary. 52 Stat. 49. 7 U. S. C. § 1322 (a).

"Whenever in any calendar year the Secretary determines—

"(1) that the total supply of corn for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum; or

"(2) that the total supply of corn for the marketing year ending in such calendar year is not less than the normal supply for the marketing year so ending, and that the average farm price for corn for three successive months of the marketing year so ending does not exceed 66 per centum of parity

the Secretary shall, not later than November 15 of such calendar year,

proclaim such fact and marketing quotas shall be in effect in the commercial corn producing area for the crop of corn grown in such area in the next succeeding calendar year and shall remain in effect until terminated in accordance with the provisions of this title."

52 Stat. 50.
7 U. S. C. § 1322 (b), (c).

(b) Sections 322 (b) and 322 (c) of the Agricultural Adjustment Act of 1938 and the joint resolution entitled "Joint resolution relating to section 322 of the Agricultural Adjustment Act of 1938, as amended", approved July 26, 1939 (53 Stat. 1125), are hereby repealed.

7 U. S. C. § 1322a.

52 Stat. 50.
7 U. S. C. § 1322 (d).

(c) Section 322 (d) of the Agricultural Adjustment Act of 1938 is amended (1) by striking out "(c)" and inserting in lieu thereof "(a)", and (2) by striking out "September" and inserting in lieu thereof "March".

WHEAT

Proclamation by Secretary.
52 Stat. 54.
7 U. S. C. § 1335 (a).

SEC. 204. (a) Section 335 (a) of the Agricultural Adjustment Act of 1938 is amended by striking out the first two sentences thereof and inserting in lieu thereof the following:

"Whenever in any calendar year the Secretary determines—

"(1) that the total supply of wheat for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum; or

"(2) that the total supply of wheat for the marketing year ending in such calendar year is not less than the normal supply for the marketing year so ending, and that the average farm price for wheat for three successive months of the marketing year so ending does not exceed 66 per centum of parity

the Secretary shall, not later than July 1 of such calendar year, proclaim such fact and, during the marketing year beginning July 1 of the next succeeding calendar year and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat."

52 Stat. 55.
7 U. S. C. § 1336.

(b) The first sentence of section 336 of the Agricultural Adjustment Act of 1938 is amended by striking out "June 10" and inserting in lieu thereof "July 25".

COTTON

Proclamation of quotas by Secretary.
52 Stat. 58.
7 U. S. C. § 1345.

SEC. 205. The first sentence of section 345 of the Agricultural Adjustment Act of 1938 is amended to read as follows:

"Whenever during any calendar year the Secretary determines—

"(1) that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 8 per centum; or

"(2) that the total supply of cotton for the marketing year ending in such calendar year is not less than the normal supply for such marketing year, and that the average farm price for cotton for three successive months of such marketing year does not exceed 66 per centum of parity

the Secretary shall, not later than November 15 of such calendar year, proclaim such fact and marketing quotas shall be in effect with respect to cotton during the marketing year beginning in the next succeeding calendar year."

RICE

Proclamation by Secretary.
52 Stat. 62.
7 U. S. C. § 1355 (a).

SEC. 206. The first sentence of section 355 (a) of the Agricultural Adjustment Act of 1938 is amended to read as follows:

"Whenever during any calendar year the Secretary determines—

"(1) that the total supply of rice for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum; or

"(2) that the total supply of rice for the marketing year ending in such calendar year is not less than the normal supply for such marketing year, and that the average farm price for rice for three successive months of such marketing year does not exceed 66 per centum of parity

the Secretary shall, not later than December 31 of such calendar year, proclaim such fact and, during the marketing year beginning in the next succeeding calendar year and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of rice by producers."

SEC. 207. The Agricultural Adjustment Act of 1938 is amended— 52 Stat. 52. 7 U. S. C. § 1328.

(a) By inserting in section 328 after the words "outside the commercial corn-producing area" the following: "or imported";

(b) By inserting in section 333 after "for such crop" the following: "and imports"; 52 Stat. 53. 7 U. S. C. § 1333.

(c) By inserting in section 343 (a) after "August 1 of such succeeding calendar year" the following: "and imports"; 52 Stat. 56. 7 U. S. C. § 1343 (a).

(d) By striking out sections 359 (d) and 359 (e); 55 Stat. 91. 7 U. S. C. § 1359 (d), (e); Supp. I, § 1359 note.

(e) By striking out of section 385 "or loan" and inserting in lieu thereof "loan, or price support operation". 52 Stat. 68. 7 U. S. C. § 1385.

TOBACCO

SEC. 208. Section 312 (a) of the Agricultural Adjustment Act of 1938 is amended by inserting before the period at the end of the first sentence a colon and the following: "*Provided*, That the Secretary shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year, and shall proclaim a national marketing quota for Virginia sun-cured tobacco for each marketing year for which a quota is proclaimed for fire-cured tobacco, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year." 52 Stat. 46. 7 U. S. C. § 1312 (a). National marketing quota.

TITLE III—MISCELLANEOUS

SECTION 32 FUNDS

SEC. 301. Section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (U. S. C., title 7, sec. 612c), is amended by adding at the end thereof the following: "The sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this section until expended; but any excess of the amount remaining unexpended at the end of any fiscal year over $300,000,000 shall, in the same manner as though it had been appropriated for the service of such fiscal year, be subject to the provisions of section 3690 of the Revised Statutes (U. S. C., title 31, sec. 712), and section 5 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes' (U. S. C., title 31, sec. 713)." 49 Stat. 774. 7 U. S. C., Supp. I, § 612c note. 18 Stat. 110.

"PARITY"—OTHER STATUTES

SEC. 302. (a) Section 2 (1) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended to read as follows: 48 Stat. 32; 50 Stat. 246. 7 U. S. C. § 602 (1).

"(1) Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish, as the prices to farmers, parity prices as defined by section 301 (a) (1) of the Agricultural Adjustment Act of 1938."

Ante, p. 1250.

(b) Section 8c (18) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended to read as follows:

50 Stat. 247.
7 U. S. C. § 608c (18).
Milk.

"(18) The Secretary of Agriculture, prior to prescribing any term in any marketing agreement or order, or amendment thereto, relating to milk or its products, if such term is to fix minimum prices to be paid to producers or associations of producers, or prior to modifying the price fixed in any such term, shall ascertain the parity prices of such commodities. The prices which it is declared to be the policy of Congress to establish in section 2 of this title shall, for the purposes of such agreement, order, or amendment, be adjusted to reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area to which the contemplated marketing agreement, order, or amendment relates. Whenever the Secretary finds, upon the basis of the evidence adduced at the hearing required by section 8b or 8c, as the case may be, that the parity prices of such commodities are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area to which the contemplated agreement, order, or amendment relates, he shall fix such prices as he finds will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. Thereafter, as the Secretary finds necessary on account of changed circumstances, he shall, after due notice and opportunity for hearing, make adjustments in such prices."

49 Stat. 751, 753.
7 U. S. C. §§ 608b, 608c.

Adjustments.

(c) Section 8c (17) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended by striking out "and section 8e".

49 Stat. 761; 50 Stat. 246.
7 U. S. C. § 608c (17).

(d) Section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is repealed.

49 Stat. 762; 50 Stat. 246.
7 U. S. C. § 608e.

(e) Section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after the section designation the subsection designation "(a)" and by adding at the end thereof a new subsection to read as follows:

50 Stat. 249.
7 U. S. C. § 672.

"(b) Any program in effect under the Agricultural Adjustment Act, as reenacted and amended by this Act, on the effective date of section 302 of the Agricultural Act of 1948 shall continue in effect without the necessity for any amendatory action relative to such program, but any such program shall be continued in operation by the Secretary of Agriculture only to establish and maintain such orderly marketing conditions as will tend to effectuate the declared purpose set out in section 2 or 8c (18) of the Agricultural Adjustment Act, as reenacted and amended by this Act."

Ante, p. 1257.

Ante, p. 1257; *supra*.

(f) All references in other laws to—

(1) parity,

(2) parity prices,

(3) prices comparable to parity prices, or

(4) prices to be determined in the same manner as provided by the Agricultural Adjustment Act of 1938 prior to its amendment by this Act for the determination of parity prices,

with respect to prices for agricultural commodities and products

thereof, shall hereafter be deemed to refer to parity prices as determined in accordance with the provisions of section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended by this Act.

Ante, p. 1250.

EFFECTIVE DATE

SEC. 303. Titles II and III of this Act shall take effect on January 1, 1950.

Ante, pp. 1250, 1257.

Approved July 3, 1948.

[CHAPTER 828]

AN ACT

To provide for extension of the terms of office of the present members of the Atomic Energy Commission.

July 3, 1948
[H. R. 6402]
[Public Law 898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows:

Atomic Energy Act of 1946, amendment.
60 Stat. 756.
42 U. S. C. § 1802 (a) (2); Supp. I, § 1802 note.
Atomic Energy Commission.

"(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to June 30, 1950, shall expire at midnight on June 30, 1950. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (A) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (B) any member appointed to fill a vacancy, occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of $15,000 per annum; and the Chairman shall receive compensation at the rate of $17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission."

Approved July 3, 1948.

[CHAPTER 829]

AN ACT

To permit refund or credit to brewers of taxes paid on beer lost in bottling operations.

July 3, 1948
[H. R. 6808]
[Public Law 899]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (1), (2), (3), (4), and (5) of section 3154 (a) of the Internal Revenue Code are hereby redesignated (A), (B), (C), (D), and (E), and section 3154 (a) of such code is further amended by striking out "(a) ALLOWANCE.—" and inserting in lieu thereof the following:

Internal Revenue Code, amendments.
53 Stat. 368.
26 U. S. C. § 3154 (a) (1), (2), (3), (4), (5).

"(a) ALLOWANCE.—

"(1) UNSALABLE PRODUCTS—".

SEC. 2. Section 3154 (a) of such code is further amended by adding at the end thereof the following:

53 Stat. 368.
26 U. S. C. § 3154 (a).

"(2) LOSS.—The Commissioner shall make refund, or in lieu thereof, if he so elects, allow credit to a brewer in the amount of tax paid by such brewer on any beer, lager beer, ale, porter, or other

similar fermented malt liquor manufactured by such brewer which was lost in his bottling house through breakage or leakage or in the process of filling, capping, pasteurizing, or labeling, upon the filing of a claim therefor by the brewer and proof by him to the satisfaction of the Commissioner that such beer, lager beer, ale, porter, or other similar fermented malt liquor was fully tax-paid and that no refund or credit was made or allowed therefor under paragraph (1) to this subsection. Refund or credit under this paragraph for such loss during any calendar month shall not exceed an amount equal to 2½ per centum of the tax paid by him on all beer, lager beer, ale, porter, or other similar fermented malt liquor removed by him during such calendar month from his brewery to his bottling house."

53 Stat. 368. 26 U. S. C. § 3154(b).

SEC. 3. Section 3154 (b) of such code is amended to read as follows:

"(b) TIME FOR FILING CLAIM.—No claim under the provisions of subsection (a) shall be allowed unless filed within ninety days after the close of the month within which such destruction or return to the brewery for use as brewing material, or loss, occurred."

Ante, p. 1259.

SEC. 4. The amendment made by section 2 shall be applicable only with respect to beer, lager beer, ale, porter, or other similar fermented malt liquor which is lost after the first day of the month in which falls the date of the enactment of this Act.

55 Stat. 713. 26 U. S. C. § 3404(d).

SEC. 5. That section 3404 (d) of the Internal Revenue Code (relating to manufacturers' excise taxes on musical instruments) is hereby amended to read as follows:

"(d) Musical instruments, but the tax imposed by this section shall not apply to musical instruments sold for the use of any religious or nonprofit educational institution for exclusively religious or educational purposes. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may prescribe by regulations."

53 Stat. 417. 26 U. S. C. § 3443 (a) (3) (A) (i).

SEC. 6. Section 3443 (a) (3) (A) (i) of the Internal Revenue Code (relating to credits and refunds) is hereby amended to read as follows:

"(i) resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or of the District of Columbia, or, in the case of musical instruments embraced in section 3404 (d), resold for the use of any religious or nonprofit educational institution for exclusively religious or educational purposes;".

Ante, p. 1259.

SEC. 7. The amendments made by sections 1 and 2 of this Act shall be applicable with respect to sales made after the date of enactment of this Act.

Approved July 3, 1948.

[CHAPTER 830]

July 3, 1948
[H. R. 6916]
[Public Law 900]

AN ACT

To provide for permanent postal rates and to provide pay increases for Government employees.

Postal Rate Revision and Federal Employees Salary Act of 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Postal Rate Revision and Federal Employees Salary Act of 1948".

TITLE I—ADDITIONAL COMPENSATION FOR POSTMASTERS AND EMPLOYEES IN THE FIELD SERVICE OF THE POST OFFICE DEPARTMENT

SEC. 101. All postmasters, officers, and employees in the postal service whose rates of compensation are prescribed by the Act entitled "An

Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, as amended, shall receive additional compensation at the rate of $450 per annum: *Provided*, That employees paid on an hourly or part-time basis shall receive additional compensation at the rate of 25 cents per hour: *Provided further*, That postmasters at post offices of the fourth class shall receive additional compensation at the rate of a sum per annum equal to 25 per centum of their basic annual compensation.

59 Stat. 435. 39 U. S. C. §§ 851–876; Supp. I, § 853 *et seq.* *Ante*, pp. 490, 491, 1108, 1165.

SEC. 102. The provisions of this Act shall not apply to skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis.

Nonapplicability.

SEC. 103. (a) Sections 17 (e) and 22 (d) of such Act of July 6, 1945, as amended, are each amended by striking out "6 cents per mile" and inserting in lieu thereof "7 cents per mile".

59 Stat. 456, 460. 39 U. S. C. §§ 867(e), 872 (d).

(b) Section 22 (d) of such Act of July 6, 1945, as amended, is further amended by striking out "75 cents" and inserting in lieu thereof "90 cents".

Supra.

(c) The Act entitled "An Act to increase the equipment maintenance of rural carriers 1 cent per mile per day traveled by each rural carrier for a period of two years, and for other purposes" (Public Law 467, Eightieth Congress), is hereby repealed.

Repeal.

Ante, p. 101.

SEC. 104. This title shall take effect on the first day of the first pay period which begins after June 30, 1948.

Effective date.

TITLE II—POSTAL RATE REVISION

AIR MAIL

SEC. 201. The rate of postage on all domestic air mail as defined in Public Law 730, Seventy-ninth Congress, shall, except in the case of postal cards and private mailing or post cards, be 6 cents for each ounce or fraction thereof. The rate of postage on postal cards and private mailing or post cards (conforming to the conditions prescribed by the Act entitled "An Act to amend the postal laws relating to use of postal cards", approved May 19, 1898 (U. S. C., 1940 edition, title 39, sec. 281)), when sent by air mail, shall be 4 cents each.

60 Stat. 1062. 39 U. S. C. §§ 463 and note, 462a. *Ante*, p. 1098.

30 Stat. 419. 39 U. S. C. § 281.

THIRD-CLASS MAIL

SEC. 202. The rate of postage on third-class matter shall be 2 cents for the first two ounces or fraction thereof, and 1 cent for each additional ounce or fraction thereof up to and including eight ounces in weight, except that the rate of postage on books and catalogs of twenty-four pages or more, seeds, cuttings, bulbs, roots, scions, and plants not exceeding eight ounces in weight shall be 1½ cents for each two ounces or fraction thereof: *Provided*, That upon payment of a fee of $10 for each calendar year or portion thereof and under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails, separately addressed identical pieces of third-class matter in quantities of not less than twenty pounds, or of not less than two hundred pieces, subject to pound rates of postage applicable to the entire bulk mailed at one time: *Provided further*, That the rate of postage on third-class matter mailed in bulk under the foregoing provision shall be 14 cents for each pound or fraction thereof with a minimum charge per piece of 1 cent, except that in the case of books and catalogs of twenty-four pages or more, seeds, cuttings, bulbs, roots, scions, and plants the rate shall be 10 cents for each pound or fraction thereof with a minimum charge per piece of 1 cent: *And provided further*, That pieces

Bulk mail.

Exceptions.

or packages of such size or form as to prevent ready facing and tying in bundles and requiring individual distributing throughout shall be subject to a minimum charge of 3 cents each.

CONTROLLED CIRCULATION PUBLICATIONS

SEC. 203. Publications containing twenty-four pages or more issued at regular intervals of four or more times a year, 25 per centum or more of whose pages are devoted to text or reading matter and not more than 75 per centum to advertising matter, which are circulated free or mainly free, may, upon authorization by the Postmaster General and under such regulations as he may prescribe, be accepted for mailing at the postage rate of 10 cents a pound or fraction thereof, computed on the entire bulk mailed at one time, but not less than 1 cent per piece, provided the copies of such publications are presented for mailing made up according to States, cities, and routes as directed by the Postmaster General: *Provided*, That publications owned and controlled by one or several individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them shall not be accepted under this section.

Restriction.

FOURTH-CLASS (PARCEL POST) MAIL

SEC. 204. (a) On fourth-class matter (limit of weight over eight ounces to seventy pounds) the rate of postage except as herein provided for catalogs (limit of weight over eight ounces up to and including ten pounds), books, and library books, shall be by the pound as hereinafter provided, the postage in all cases to be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General.

(b) The rate of postage on matter of the fourth class shall be as follows:

(1) On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, the postage shall be 10 cents for the first pound or fraction thereof, 1 cent for each additional pound or fraction thereof up to an including ten pounds, and ¾ cent for each pound or fraction thereof exceeding ten pounds.

(2) For delivery within the first and second zones, except as provided for in paragraph (1), and except when the distance by the shortest regular mail route from the office of origin to the office of delivery is three hundred miles or more in which case the rates of postage shall be the same as for delivery within the third zone, 12 cents for the first pound or fraction thereof, 2⅒ cents for each additional pound or fraction thereof up to and including ten pounds, and 2 cents for each pound or fraction thereof exceeding ten pounds.

(3) For delivery within the third zone, 13 cents for the first pound or fraction thereof, 3 cents for each additional pound or fraction thereof up to and including ten pounds, and 2⅘ cents for each pound or fraction thereof exceeding ten pounds.

(4) For delivery within the fourth zone, 14 cents for the first pound or fraction thereof, 4½ cents for each additional pound or fraction thereof up to and including ten pounds, and 4¼ cents for each pound or fraction thereof exceeding ten pounds.

(5) For delivery within the fifth zone, 15 cents for the first pound or fraction thereof, 6 cents for each additional pound or fraction thereof up to and including ten pounds, and 5½ cents for each pound or fraction thereof exceeding ten pounds.

(6) For delivery within the sixth zone, 16 cents for the first pound or fraction thereof, 7½ cents for each additional pound or fraction thereof up to and including ten pounds, and 7¼ cents for each pound or fraction thereof exceeding ten pounds.

(7) For delivery within the seventh zone, 17 cents for the first pound or fraction thereof, 9½ cents for each additional pound or fraction thereof up to and including ten pounds, and 9¼ cents for each pound or fraction thereof exceeding ten pounds.

(8) For delivery within the eighth zone, 18 cents for the first pound or fraction thereof, 11½ cents for each additional pound or fraction thereof up to and including ten pounds, and 11¼ cents for each pound or fraction thereof exceeding ten pounds.

(9) On parcels measuring more than 84 inches but not more than one hundred inches in length and girth combined the minimum postage charge shall be the zone charge applicable to a ten-pound parcel.

Catalogs, etc.

(c) Catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds shall be subject to postage rates based on the eight parcel-post zones as follows:

(1) When mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and when mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, the postage shall be 7½ cents for the first pound or fraction thereof and 1 cent for each additional pound.

(2) For delivery within the first and second zones, except as provided for in paragraph (1), and except when the distance by the shortest regular mail route from the office of origin to the office of delivery is three hundred miles or more in which case the rates of postage shall be the same as for delivery within the third zone, 8 cents for the first pound or fraction thereof and 1½ cents for each additional pound or fraction thereof.

(3) For delivery within the third zone, 9 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof.

(4) For delivery within the fourth zone, 10 cents for the first pound or fraction thereof and 2½ cents for each additional pound or fraction thereof.

(5) For delivery within the fifth zone, 12 cents for the first pound or fraction thereof and 3 cents for each additional pound or fraction thereof.

(6) For delivery within the sixth zone, 13 cents for the first pound or fraction thereof and 4 cents for each additional pound or fraction thereof.

(7) For delivery within the seventh zone, 14 cents for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof.

(8) For delivery within the eighth zone, 15 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof.

Permanently bound books.

(d) Books, permanently bound for preservation consisting wholly of reading matter or reading matter with incidental blank spaces for student's notations and containing no advertising matter other than

incidental announcements of books and when in parcels not exceeding seventy pounds in weight, may be sent at the postage rate of 8 cents for the first pound or fraction thereof and 4 cents for each additional pound or fraction thereof.

Books containing no advertising.

(e) Books, consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when sent by public libraries, organizations, or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, as a service to county or other unit libraries or as a loan to readers or when returned by the latter libraries or readers to such public libraries, organizations, or associations shall be charged with postage at the rate of 4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof, except, that the rates now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection for books under this classification: *Provided*, That this rate shall apply only to such books as are addressed for local delivery, for delivery in the first, second, or third zone, or within the State in which mailed. Public libraries, organizations, or associations before being entitled to the foregoing rates shall furnish to the Postmaster General, under such regulations as he may prescribe, satisfactory evidence that none of their net income inures to the benefit of any private stockholder or individual.

Applicability of rate.

Special-handling stamps.

(f) To procure the most expeditious handling and transportation practicable of mail matter of the fourth class, special-handling stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than two pounds, 15 cents; matter weighing more than two but not more than ten pounds, 20 cents; matter weighing more than ten pounds, 25 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary stamps of equivalent value may be accepted in lieu of the special-handling stamps herein specified.

SPECIAL DELIVERY

SEC. 205. To procure the most expeditious handling and transportation practicable and the immediate delivery of mail matter at the office of address, special-delivery stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than two pounds, if of the first class, 15 cents; if of any other class, 25 cents. Matter weighing more than two but not more than ten pounds, if of the first class, 25 cents; if of any other class, 35 cents. Matter weighing more than ten pounds, if of the first class, 35 cents; if of any other class, 45 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-delivery stamps.

MONEY ORDERS

SEC. 206. A money order shall not be issued for more than $100, and the fees for domestic money orders shall be as follows: For orders less than $5 and 1 cent, 10 cents; for orders from $5 and 1 cent up to and including $10, 15 cents; for orders from $10 and 1 cent up to and including $50, 25 cents; for orders from $50 and 1 cent up to and including $100, 35 cents.

POSTAL NOTES

SEC. 207. (a) The Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall

prescribe, to issue and pay money orders not exceeding $10, to be known as postal notes. The fee for issuance thereof shall be 8 cents each.

(b) Postal notes shall be valid for two calendar months from the last day of the month of their issue, but thereafter may be paid by the Postmaster General or refund may be made in case of loss, upon evidence satisfactory to him, under such regulations as he may prescribe: *Provided*, That no claim for the amount of a postal note will be considered unless filed within one year from the last day of the month of issue. Postal notes shall not be negotiable or transferrable through endorsement.

Validity of notes.

Filing of claim.

REGISTERED MAIL

SEC. 208. (a) Mail matter shall be registered on the application of the party posting the same. The registry fees, which shall be in addition to the regular postage, and the limits of indemnity therefor within the maximum indemnity provided by this subsection, shall be as follows: For registry indemnity not exceeding $5, 25 cents; for registry indemnity exceeding $5 but not exceeding $25, 35 cents; for registry indemnity exceeding $25 but not exceeding $50, 40 cents; for registry indemnity exceeding $50 but not exceeding $75, 45 cents; for registry indemnity exceeding $75 but not exceeding $100, 50 cents; for registry indemnity exceeding $100 but not exceeding $200, 60 cents; for registry indemnity exceeding $200 but not exceeding $300, 70 cents; for registry indemnity exceeding $300 but not exceeding $400, 85 cents; for registry indemnity exceeding $400 but not exceeding $500, $1; for registry indemnity exceeding $500 but not exceeding $600, $1.10; for registry indemnity exceeding $600 but not exceeding $700, $1.20; for registry indemnity exceeding $700 but not exceeding $800, $1.30; for registry indemnity exceeding $800 but not exceeding $900, $1.40; for registry indemnity exceeding $900 but not exceeding $1,000, $1.50.

Fees.

(b) For registered mail having a declared value in excess of the maximum indemnity covered by the registry fee paid, there shall be charged additional fees (known as "surcharges") as follows: When the declared value exceeds the maximum indemnity covered by the registry fee paid by not more than $50, 2 cents; by more than $50 but not more than $100, 3 cents; by more than $100 but not more than $200, 4 cents; by more than $200 but not more than $400, 6 cents; by more than $400 but not more than $600, 7 cents; by more than $600 but not more than $800, 8 cents; by more than $800 but less than $1,000, 10 cents. If the excess of the declared value over the maximum indemnity covered by the registry fee paid is $1,000 or more, the additional fees for each $1,000 or part of $1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows: For local delivery or for delivery within the first zone, 11 cents; for delivery within the second zone, 12 cents; for delivery within the third zone, 14 cents; for delivery within the fourth zone, 15 cents; for delivery within the fifth or sixth zone, 16 cents; for delivery within the seventh or eighth zone, 18 cents.

Surcharges.

(c) For insured mail treated as registered mail having a declared value in excess of the maximum indemnity covered by the insurance fee paid, there shall be charged additional fees (known as "surcharges") as follows: When the declared value exceeds the maximum indemnity covered by the insurance fee paid by not more than $50, 1 cent; by more than $50 but not more than $100, 2 cents; by more than $100 but not more than $200, 3 cents; by more than $200 but not more than $400, 4 cents; by more than $400 but not more than $600, 5 cents; by more than $600 but not more than $800, 6 cents; by more than $800 but less

Registered insured mail.

than $1,000, 7 cents. If the excess of the declared value over the maximum indemnity covered by the insurance fee paid is $1,000 or more, the additional fee for each $1,000 or part of $1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows: For local delivery or for delivery within the first zone, 8 cents; for delivery within the second zone, 9 cents; for delivery within the third zone, 10 cents; for delivery within the fourth zone, 11 cents; for delivery within the fifth or sixth zone, 12 cents; for delivery within the seventh or eighth zone, 13 cents.

Accounting.

(d) All such fees shall be accounted for in such manner as the Postmaster General shall direct. Mail matter for the official business of the Post Office Department which requires registering shall be registered free of charge, and pass through the mails free of charge.

RETURN RECEIPTS FOR REGISTERED MAIL

SEC. 209. Whenever the sender of any registered mail shall so request, and upon payment of a fee of 5 cents at the time of mailing or of 10 cents subsequent to the time of mailing, a receipt shall be obtained for such registered mail, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided*,

Receipt.

That upon payment of the additional sum of 26 cents at the time of mailing of any such registered mail, a receipt shall be obtained for such registered mail, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery:

Refund.

Provided further, That no refund shall be made of fees paid for return receipts for registered mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the postal service.

FEES FOR INSURED MAIL

SEC. 210. The fees for insurance, which shall be in addition to the regular postage, and the limits of indemnity therefor within the maximum indemnity provided by this section, shall be as follows: 5 cents for indemnification not exceeding $5; 10 cents for indemnification exceeding $5 but not exceeding $10; 15 cents for indemnification exceeding $10 but not exceeding $25; 20 cents for indemnification exceeding $25 but not exceeding $50; 25 cents for indemnification exceeding $50 but not exceeding $100; 30 cents for indemnification exceeding $100 but not exceeding $200. Whenever the sender of an insured article of mail shall so request, and upon payment of a fee of 5 cents at the time of mailing or of 10 cents subsequent to the time of mailing, a receipt shall be obtained for such insured mail, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie

Receipt.

evidence of such delivery: *Provided*, That upon payment of the additional sum of 26 cents at the time of mailing of any such insured article of mail, a receipt shall be obtained for such insured mail, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the

Refund.

courts as prima facie evidence of such delivery: *Provided further*, That no refund shall be made of fees paid for return receipts for insured mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the postal service.

FEES FOR COLLECT-ON-DELIVERY MAIL

SEC. 211. The fees for collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate and for

domestic third- or fourth-class mail matter shall, in addition to the regular postage and any other required fees, be as follows: 20 cents for collections and indemnity not exceeding $2.50; 25 cents for collections and indemnity exceeding $2.50 but not exceeding $5; 35 cents for collections and indemnity exceeding $5 but not exceeding $25; 45 cents for collections and indemnity exceeding $25 but not exceeding $50; 55 cents for collections and indemnity exceeding $50 but not exceeding $100; 60 cents for collections and indemnity exceeding $100 but not exceeding $150; and 65 cents for collections and indemnity exceeding $150 but not exceeding $200. The fee for notifying the sender or his representative of inability to deliver a collect-on-delivery article shall be 5 cents.

RESTRICTION IN DELIVERY

SEC. 212. The Postmaster General, under such regulations as he may prescribe, is authorized to collect an additional fee of 20 cents for effecting the delivery by carrier or otherwise of domestic registered, insured, or collect-on-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order: *Provided*, That no refund shall be made of fees paid for this service unless request for refund is made and erroneous delivery of the article or articles was made by the postal service or nondelivery of the article or articles was due to some fault of the postal service.

Refund.

REGISTERED COLLECT-ON-DELIVERY MAIL

SEC. 213. (a) The fee for collect-on-delivery service for registered sealed domestic mail of any class bearing postage at the first-class rate shall, in addition to the regular postage and any other required fees, be 55 cents for collections and indemnity not exceeding $10; 70 cents for collections and indemnity exceeding $10 but not exceeding $50; 90 cents for collections and indemnity exceeding $50 but not exceeding $100; and $1.15 for collections and indemnity exceeding $100 but not exceeding $200. The maximum amount of charges collectible on any registered sealed domestic collect-on-delivery article shall be $200.

(b) When indemnity in excess of $200 is desired, the fee for such registered sealed domestic collect-on-delivery mail shall, in addition to the regular postage and any other required fees, be $1.20 for indemnity exceeding $200 but not exceeding $300; $1.25 for indemnity exceeding $300 but not exceeding $400; $1.30 for indemnity exceeding $400 but not exceeding $500; $1.35 for indemnity exceeding $500 but not exceeding $600; $1.40 for indemnity exceeding $600 but not exceeding $700; $1.45 for indemnity exceeding $700 but not exceeding $800; and $1.55 for indemnity exceeding $800 but not exceeding $1.000.

Indemnity in excess of $200.

SEC. 214. This title shall take effect on January 1, 1949.

Effective date.

TITLE III—FEDERAL EMPLOYEES PAY INCREASES

SEC. 301. Except as provided in section 303, each officer and employee of the Federal Government, and each officer and employee of the District of Columbia municipal government, whose rate of compensation is increased by section 2, 3, 4, 5, or 6 of the Federal Employees Pay Act of 1946 shall receive additional compensation at the rate of $330 per annum: *Provided*, That any employee paid on an hourly or part-time basis shall receive additional compensation at the rate of 20 cents per hour.

Post, p. 1268.

60 Stat. 216, 217.
5 U. S. C. §§ 672b, 673, 942a, 942b, 931, 932, 934, 935.

SEC. 302. The additional compensation provided by this Act in the case of officers and employees whose rates of compensation are fixed in accordance with the Classification Act of 1923, as amended, shall not be construed to be an "equivalent increase" in compensation within the meaning of section 7 (b) (1) of such Act, as amended.

42 Stat. 1488.
5 U. S. C. §§ 661–674.

55 Stat. 613.
5 U. S. C. § 667 (b) (1).

59 Stat. 303. 5 U. S. C. § 943 (b).

SEC. 303. (a) Section 603 (b) of the Federal Employees Pay Act of 1945, as amended, is amended by striking out "$10,000" where it first appears in such section and inserting in lieu thereof "$10,330".

60 Stat. 218. 5 U. S. C. § 943a.

(b) Section 7 (b) of the Federal Employees Pay Act of 1946 is amended by striking out "$10,000" and inserting in lieu thereof "$10,330".

(c) No officer or employee shall, by reason of any provision of this title be paid with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by the Federal Employees Pay Act of 1945, as amended, at a rate in excess of $10,330 per annum.

59 Stat. 295. 5 U. S. C. § 901 *et seq.*; Supp. I, § 902 *et seq.*

Nonapplicability.

SEC. 304. The provisions of this Act granting an increase in compensation to employees of the United States and of the District of Columbia shall not apply to any employee in or under the municipal government of the District of Columbia prior to the time that legislation providing adequate revenues to meet the obligation in the District of Columbia is enacted by the Congress and becomes effective.

Effective date.

SEC. 305. This title shall take effect on the first day of the first pay period which begins after June 30, 1948.

Approved July 3, 1948.

[CHAPTER 832]

AN ACT

August 10, 1948 [H. R. 6959] [Public Law 901]

To amend the National Housing Act, as amended, and for other purposes.

Housing Act of 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Act of 1948".

TITLE I—FHA TITLE VI AND TRANSITIONAL PERIOD AMENDMENTS

SEC. 101. The National Housing Act, as amended, is hereby amended as follows:

TITLE VI AMENDMENTS

55 Stat. 56. 12 U. S. C., Supp. I, § 1738 (a). *Ante*, p. 101.

(a) Section 603 (a) is amended—

(1) By striking out "$5,350,000,000" and inserting in lieu thereof "$5,750,000,000 except that with the approval of the President such aggregate amount may be increased to not to exceed $6,150,000,000";

Time limitation.

(2) By striking out the second proviso and inserting in lieu thereof the following: "*Provided further*, That no mortgage shall be insured under section 603 of this title after April 30, 1948, except (A) pursuant to a commitment to insure issued on or before April 30, 1948, or (B) a mortgage given to refinance an existing mortgage insured under section 603 of this title and which does not exceed the original principal amount and unexpired term of such existing mortgage, and no mortgage shall be insured under section 608 of this title after March 31, 1949, except (i) pursuant to a commitment to insure issued on or before March 31, 1949, or (ii) a mortgage given to refinance an existing mortgage insured under section 608 of this title and which does not exceed the original principal amount and unexpired term of such existing mortgage: *Provided further*, That no mortgage shall be insured under section 608 of this title unless the mortgagor certifies under oath that in selecting tenants for the property covered by the mortgage he will not discriminate against any family by reason of the fact that there are children in the family, and that he will not sell the property while the insurance is in effect unless the purchaser so certifies, such certifications to be filed with the Administrator; and violation of any such certification shall be a misdemeanor punishable by a fine of not to exceed $500:".

56 Stat. 303. 12 U. S. C. § 1743. *Post*, p. 1269.

Nondiscrimination against families.

Penalty.

(b) Section 608 (b) (3) (B) is amended by striking out the semicolon and the word "and" at the end of the first proviso and inserting in lieu thereof a colon and the following: "*And provided further*, That the principal obligation of the mortgage shall not, in any event, exceed 90 per centum of the Administrator's estimate of the replacement cost of the property or project on the basis of the costs prevailing on December 31, 1947, for properties or projects of comparable quality in the locality where such property or project is to be located; and". 56 Stat. 303. 12 U. S. C. § 1743 (b) (3) (B). Principal obligation.

(c) Section 608 (b) (3) (C) is amended— 56 Stat. 303; 60 Stat. 214. 12 U. S. C. § 1743 (b) (3) (C).

(1) By striking out "$1,500 per room" and inserting in lieu thereof "$8,100 per family unit"; and

(2) By striking out the colon and the proviso and inserting in lieu thereof a period.

(d) Section 609 is amended— 61 Stat. 193. 12 U. S. C., Supp. I, § 1744 (b) (1).

(1) By striking out all of paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"(1) The manufacturer shall establish that binding purchase contracts have been executed satisfactory to the Administrator providing for the purchase and delivery of the houses to be manufactured, which contracts shall provide for the payment of the purchase price at such time as may be agreed to by the parties thereto, but, in no event, shall the purchase price be payable on a date in excess of thirty days after the date of delivery of such houses, unless not less than 20 per centum of such purchase price is paid on or before the date of delivery and the lender has accepted and discounted or has agreed to accept and discount, pursuant to subsection (i) of this section a promissory note or notes, executed by the purchaser, representing the unpaid portion of such purchase price, in which event such unpaid portion of the purchase price may be payable on a date not in excess of one hundred and eighty days from the date of delivery of such houses;". Purchase contracts. *Post*, p. 1270.

(2) By striking out the first and second sentences of paragraph (4) of subsection (b) and inserting in lieu thereof the following: 61 Stat. 194. 12 U. S. C., Supp. I, § 1744 (b) (4). Loans for manufacture of houses.

"The loan shall involve a principal obligation in an amount not to exceed 90 per centum of the amount which the Administrator estimates will be the necessary current cost, exclusive of profit, of manufacturing the houses, which are the subject of such purchase contracts assigned to secure the loan, less any sums paid by the purchaser under said purchase contracts prior to the assignment thereof. The loan shall be secured by an assignment of the aforesaid purchase contracts and of all sums payable thereunder on or after the date of such assignment, with the right in the assignee to proceed against such security in case of default as provided in the assignment, which assignment shall be in such form and contain such terms and conditions, as may be prescribed by the Administrator; and the Administrator may require such other agreements and undertakings to further secure the loan as he may determine, including the right, in case of default or at any time necessary to protect the lender, to compel delivery to the lender of any houses then owned and in the possession of the borrower."

(3) By adding at the end of subsection (f) the following new sentence: "The provisions of section 603 (d) shall also be applicable to loans insured under this section and the reference in said section 603 (d) to a mortgage shall be construed to include a loan or loans with respect to which a contract of insurance is issued pursuant to this section." 61 Stat. 194. 12 U. S. C., Supp. I, § 1744 (f). 55 Stat. 58. 12 U. S. C. § 1738 (d).

61 Stat. 193.
12 U. S. C., Supp. I, § 1744.
Insurance of lender against loss.

(4) By adding at the end thereof the following new subsection:

"(i) (1) In addition to the insurance of the principal loan to finance the manufacture of housing, as provided in this section, and in order to provide short-term financing in the sale of houses to be delivered pursuant to the purchase contract or contracts assigned as security for such principal loan, the Administrator is authorized, under such terms and conditions and subject to such limitations as he may prescribe, to insure the lender against any losses it may sustain resulting from the acceptance and discount of a promissory note or notes executed by a purchaser of any such houses representing an unpaid portion of the purchase price of any such houses. No such promissory note or notes accepted and discounted by the lender pursuant to this subsection shall involve a principal obligation in excess of 80 per centum of the purchase price of the manufactured house or houses; have a maturity in excess of one hundred and eighty days from the date of the note or bear interest in excess of 4 per centum per annum; nor may the principal amount of such promissory notes, with respect to any individual principal loan, outstanding and unpaid at any one time, exceed in the aggregate an amount prescribed by the Administrator.

Promissory notes, terms.

"(2) The Administrator is authorized to include in any contract of insurance executed by him with respect to the insurance of a loan to finance the manufacture of houses, provisions to effectuate the insurance against any such losses under this subsection.

Default.

"(3) The failure of the purchaser to make any payment due under or provided to be paid by the terms of any note or notes executed by the purchaser and accepted and discounted by the lender under the provisions of this subsection, shall be considered as a default under this subsection, and if such default continues for a period of thirty days, the lender shall be entitled to receive the benefits of the insurance, as provided in subsection (d) of this section except that debentures issued pursuant to this subsection shall have a face value equal to the unpaid principal balance of the loan plus interest at the rate of 4 per centum per annum from the date of default to the date the application is filed for the insurance benefits.

61 Stat. 194.
12 U. S. C., Supp. I, § 1744 (d).

Debentures.

"(4) Debentures issued with respect to the insurance granted under this subsection shall be issued in accordance with the provisions of section 604 (d) except that such debentures shall be dated as of the date application is filed for the insurance benefits and shall bear interest from such date.

55 Stat. 59.
12 U. S. C. § 1739 (d).

Premium charge.

"(5) The Administrator is authorized to fix a premium charge for the insurance granted under this subsection, in addition to the premium charge authorized under subsection (h) of this section. Such premium charge shall not exceed an amount equivalent to 1 per centum of the original principal of such promissory note or notes and shall be paid at such time and in such manner as may be prescribed by the Administrator."

61 Stat. 777.
12 U. S. C., Supp. I, § 1745.

(e) Section 610 is amended by adding at the end thereof the following new paragraph:

Sale of Greenbelt towns, etc.

"The Administrator is further authorized to insure or to make commitments to insure in accordance with the provisions of this section any mortgage executed in connection with the sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935, or of any of the village properties under the jurisdiction of the Tennessee Valley Authority, and any mortgage executed in connection with the

49 Stat. 115.

first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property which is the security for a mortgage insured pursuant to the provisions of this section."

(f) Title VI is amended by adding after section 610 the following new section:

55 Stat. 55; 61 Stat. 777.
12 U. S. C. §§ 1736-1743; Supp. I, §§ 1737, 1738, 1744, 1745.
Ante, pp. 101, 1268; *post*, p. 1273.

"SEC. 611. (a) In addition to mortgages insured under other sections of this title, and in order to assist and encourage the application of cost-reduction techniques through large-scale modernized site construction of housing and the erection of houses produced by modern industrial processes, the Administrator is authorized to insure mortgages (including advances on such mortgages during construction) which are eligible for insurance as hereinafter provided.

Large-scale projects.

"(b) To be eligible for insurance under this section, a mortgage shall—

Eligibility for insurance.

"(1) have been made to and be held by a mortgagee approved by the Administrator as responsible and able to service the mortgage properly;

"(2) cover property, held by a mortgagor approved by the Administrator, upon which there is to be constructed or erected dwelling units for not less than twenty-five families consisting of a group of single-family dwellings approved by the Administrator for mortgage insurance prior to the beginning of construction: *Provided*, That during the course of construction there may be located upon the mortgaged property a plant for the fabrication or storage of such dwellings or sections or parts thereof, and the Administrator may consent to the removal or release of such plant from the lien of the mortgage upon such terms and conditions as he may approve;

Storage plant.

"(3) involve a principal obligation in an amount—

"(A) not to exceed 80 per centum of the amount which the Administrator estimates will be the value of the completed property or project, exclusive of any plant of the character described in paragraph (2) of this subsection located thereon, and

"(B) not to exceed a sum computed on the individual dwellings comprising the total project as follows: $6,000 or 80 per centum of the valuation, whichever is less, with respect to each single-family dwelling.

"With respect to the insurance of advances during construction, the Administrator is authorized to approve advances by the mortgagee to cover the cost of materials delivered upon the mortgaged property and labor performed in the fabrication or erection thereof;

"(4) provide for complete amortization by periodic payments within such term as the Administrator shall prescribe and shall bear interest (exclusive of premium charges for insurance) at not to exceed 4 per centum per annum on the amount of the principal obligation outstanding at any time: *Provided*, That the Administrator, with the approval of the Secretary of the Treasury, may prescribe by regulation a higher maximum rate of interest, not exceeding 4½ per centum per annum on the amount of the principal obligation outstanding at any time, if he finds that the mortgage market demands it. The Administrator may consent to the release of a part or parts of the mortgaged property from the lien of the mortgage upon such terms and conditions as he may prescribe and the mortgage may provide for such release.

Higher maximum interest rate.

Release of property from lien, etc.

"(c) Preference or priority of opportunity in the occupancy of the mortgaged property for veterans of World War II and their immediate families and for hardship cases as defined by the Administrator

Veterans' preference.

shall be provided under such regulations and procedures as may be prescribed by the Administrator.

56 Stat. 303. 12 U. S. C. § 1743 (c)-(f). *Ante*, p. 1269.

"(d) The provisions of subsections (c), (d), (e), and (f) of section 608 shall be applicable to mortgages insured under this section."

TITLE II AMENDMENTS

52 Stat. 10. 12 U. S. C. § 1709 (b) (2) (B).

(g) Section 203 (b) (2) (B) is amended by striking out "$5,400" and inserting in lieu thereof "$6,300".

52 Stat. 11. 12 U. S. C. § 1709 (b) (2) (C).

(h) Section 203 (b) (2) (C) is amended—

(1) By striking out "$8,600" and inserting in lieu thereof "$9,500";

(2) By striking out "$6,000" in each place where it appears and inserting in lieu thereof "$7,000";

(3) By striking out "$10,000" and inserting in lieu thereof "$11,000".

52 Stat. 11. 12 U. S. C. § 1709 (b) (3).

(i) Section 203 (b) is amended by striking out in paragraph numbered (3) the following: "of the character described in paragraph (2) (B) of this subsection" and inserting in lieu thereof the following: "on property approved for insurance prior to the beginning of construction".

52 Stat. 11. 12 U. S. C. § 1709 (b) (2) (C).

(j) Section 203 (b) is amended as follows:

(1) By striking out the period at the end of paragraph (2) (C), inserting in lieu thereof a comma and the word "or", and adding the following new paragraph:

Single-family dwelling.

"(D) not to exceed $6,000 and not to exceed 90 per centum of the appraised value, as of the date the mortgage is accepted for insurance (or 95 per centum if, in the determination of the Administrator, insurance of mortgages involving a principal obligation in such amount under this paragraph would not reasonably be expected to contribute to substantial increases in costs and prices of housing facilities for families of moderate income), of a property, urban, suburban, or rural, upon which there is located a dwelling designed principally for a single-family residence which is approved for mortgage insurance prior to the beginning of construction: *Provided*, That the Administrator may by regulation provide that the principal obligation of any mortgage eligible for insurance under this paragraph shall be fixed at a lesser amount than $6,000 where he finds that for any section of the country or at any time a lower-cost dwelling for families of lower income is feasible without sacrifice of sound standards of construction, design, and livability: *And provided further*, That with respect to mortgages insured under this paragraph the mortgagor shall be the owner and occupant of the property at the time of the insurance and shall have paid on account of the property at least 10 per centum (or 5 per centum, in the case of a 95 per centum mortgage insured pursuant to this paragraph (D)) of the appraised value in cash or its equivalent, or shall be the builder constructing the dwelling in which case the principal obligation shall not exceed 85 per centum of the appraised value of the property."

Amount less than $6,000.

Conditions.

52 Stat 11. 12 U. S. C. § 1709 (b) (3). *Supra.*

(2) By striking out the period at the end of paragraph numbered (3), and adding a comma and the following: "or not to exceed thirty years in the case of a mortgage insured under paragraph (2) (D) of this subsection."

52 Stat. 11. 12 U. S. C. § 1709 (b) (5). *Supra.*

(3) By striking out the period at the end of paragraph numbered (5), and adding a comma and the following: "or not to exceed 4 per centum per annum in the case of a mortgage insured under paragraph (2) (D) of this subsection, or not to exceed such per centum per annum, not in excess of 5 per centum, as the Administrator finds necessary to meet the mortgage market."

(k) (1) Section 203 (c) is amended (1) by striking out in the last sentence the words "section or section 210" and inserting in lieu thereof the word "title"; and (2) by striking out in said sentence the words "under this section". 52 Stat. 11. 12 U. S. C. § 1709 (c).

(2) Sections 203 (c) and 603 (c) of such Act are amended by striking out in the last sentence and in the next to the last sentence, respectively, the following: "and a mortgage on the same property is accepted for insurance at the time of such payment,". 52 Stat. 11; 55 Stat. 57. 12 U. S. C. §§ 1709 (c), 1738 (c).

(l) Section 204 (a) is amended— 52 Stat. 12; 55 Stat. 365. 12 U. S. C. § 1710 (a).

(1) By striking out, in the last sentence, the following: "prior to July 1, 1944,";

(2) By inserting between the first and second provisos in the last sentence the following: "*And provided further*, That with respect to mortgages which are accepted for insurance under section 203 (b) (2) (D) or under the second proviso of section 207 (c) (2) of this Act, there may be included in the debentures issued by the Administrator on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Administrator an amount, not in excess of two-thirds of such cost or $75 whichever is the greater:". 52 Stat. 13; 57 Stat. 570. 12 U. S. C. § 1710 (a). *Ante*, pp. 1272, 1209; *infra*.

(m) Section 207 (b) is amended by amending paragraph numbered (1) to read as follows: 52 Stat. 17. 12 U. S. C. § 1713 (b) (1).

"(1) Federal or State instrumentalities, municipal corporate instrumentalities of one or more States, or limited dividend or redevelopment or housing corporations restricted by Federal or State laws or regulations of State banking or insurance departments as to rents, charges, capital structure, rate of return, or methods of operation; or". Government instrumentalities, etc.

(n) Section 207 (c) is amended— 52 Stat. 18. 12 U. S. C. § 1713 (c). *Ante*, p. 1209.

(1) By amending the first sentence to read as follows:

"(c) To be eligible for insurance under this section a mortgage on any property or project shall involve a principal obligation in an amount— Eligibility provisions for mortgage insurance.

"(1) not to exceed $5,000,000, or, if executed by a mortgagor coming within the provisions of paragraph numbered (b) (1) of this section, not to exceed $50,000,000;

"(2) not to exceed 80 per centum of the amount which the Administrator estimates will be the value of the property or project when the proposed improvements are completed, including the land; the proposed physical improvements; utilities within the boundaries of the property or project; architects' fees; taxes and interest accruing during construction; and other miscellaneous charges incident to construction and approved by the Administrator: *Provided*, That, except with respect to a mortgage executed by a mortgagor coming within the provisions of paragraph numbered (b) (1) of this section, such mortgage shall not exceed the amount which the Administrator estimates will be the cost of the completed physical improvements on the property or project, exclusive of public utilities and streets and organization and legal expenses: *And provided further*, That, notwithstanding any of the provisions of this paragraph numbered (2), a mortgage with respect to a project to be constructed in a locality or metropolitan area where, as determined by the Administrator, there is a need for new dwellings for families of lower income at rentals comparable to the rentals proposed to be charged for the dwellings in such project (or, in the case of a mortgage with respect to a project of a nonprofit cooperative ownership housing corporation the permanent occupancy of the dwellings of which Limitation on amount of mortgage. *Supra*. Nonprofit cooperative projects, etc.

is restricted to members of such corporation, or a project constructed by a nonprofit corporation organized for the purpose of construction of homes for members of the corporation, at prices, costs, or charges comparable to the prices, costs, or charges proposed to be charged such members) may involve a principal obligation in an amount not exceeding 90 per centum of the amount which the Administrator estimates will be the value of the project when the proposed improvements are completed, except that in the case of a mortgage with respect to a project of a nonprofit cooperative ownership housing corporation whose membership consists primarily of veterans of World War II, the principal obligation may be in an amount not exceeding 95 per centum of the amount which the Administrator estimates as the replacement cost of the property or project on the basis of the costs prevailing on December 31, 1947, for properties or projects of comparable quality in the locality where such property or project is to be located; and

Cost per family unit.

"(3) not to exceed $8,100 per family unit for such part of such property or project as may be attributable to dwelling use, except that in the case of projects of the character described in the second proviso of section 207 (c) (2), if the Administrator finds that the needs of the members of any such corporation could more adequately be met by per room cost limitations, the mortgage may involve a principal obligation in an amount not to exceed $1,800 per room for such part of such project as may be attributable to dwelling use."

Ante, pp. 1209, 1273.

Amount per room.

(2) By striking out the period at the end of the second sentence, inserting in lieu thereof a comma, and adding the following: "except that with respect to mortgages insured under the provisions of the second proviso of paragraph numbered (2) of this subsection, which mortgages are hereby authorized to have a maturity of not exceeding forty years from the date of the insurance of the mortgage, such interest rate shall not exceed 4 per centum per annum."

(3) By adding the following additional sentence at the end thereof: "Such property or project may include such commercial and community facilities as the Administrator deems adequate to serve the occupants."

52 Stat. 19.
12 U. S. C. § 1713(g).

(o) Section 207 (g) of the National Housing Act, as amended, is hereby amended by striking out the number "2" appearing in clause (ii) and inserting in lieu thereof "1".

52 Stat. 19.
12 U. S. C. § 1713 (h) (1).

(p) Section 207 (h) is amended by striking out, in paragraph numbered (1), the words "paid to the mortgagor of such property", and inserting in lieu thereof the following: "retained by the Administrator and credited to the Housing Insurance Fund".

52 Stat. 14.
12 U. S. C. § 1710 (f).

(q) Section 204 (f) is amended by inserting in clause numbered (1), immediately preceding the semicolon, the following: "if the mortgage was insured under section 203 and shall be retained by the Administrator and credited to the Housing Insurance Fund if the mortgage was insured under section 207".

52 Stat. 10, 16.
12 U. S. C. §§ 1709, 1713.
Ante, pp. 1209, 1272, 1273; *supra; infra.*

52 Stat. 16.
12 U. S. C. § 1713.
Loans, etc.

(r) Section 207 of the National Housing Act, as amended, is hereby amended by adding the following new paragraph at the end thereof:

"(q) In order to assure an adequate market for mortgages on cooperative-ownership projects and rental-housing projects for families of lower income and veterans of the character described in the second proviso of paragraph numbered (2) of subsection (c) of this section, the powers of the Federal National Mortgage Association and of any other Federal corporation or other Federal agency hereafter established, to make real-estate loans, or to purchase, service, or sell any mortgages, or partial interests therein, may be utilized in connection with projects of the character described in said proviso."

Ante, pp. 1209, 1273.

TITLE I AMENDMENTS

(s) Section 2 is amended:

(1) By striking out "$165,000,000" in subsection (a) and inserting in lieu thereof "$200,000,000";

52 Stat. 9; 55 Stat. 364.
12 U. S. C. § 1703 (a), (b); Supp. I, § 1703 (a).

(2) By striking out "$3,000" in subsection (b) and inserting in lieu thereof "$4,500";

55 Stat. 364.
12 U. S. C. § 1703 (b).

(3) By striking out the first proviso in the first sentence of subsection (b) and inserting in lieu thereof the following: "*Provided*, That insurance may be granted to any such financial institution with respect to any obligation not in excess of $10,000 and having a maturity not in excess of seven years and thirty-two days representing any such loan, advance of credit, or purchase made by it if such loan, advance of credit, or purchase is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families;";

Insurance to financial institutions.

(4) By striking out the last sentence of subsection (b).

SEC. 102. In order to aid housing production, the Reconstruction Finance Corporation is authorized to make loans to and purchase the obligations of any business enterprise for the purpose of providing financial assistance for the production of prefabricated houses or prefabricated housing components, or for large-scale modernized site construction. Such loans or purchases shall be made under such terms and conditions and with such maturities as the Corporation may determine: *Provided*, That to the extent that the proceeds of such loans or purchases are used for the purchase of equipment, plant, or machinery the principal obligation shall not exceed 75 per centum of the purchase price of such equipment, plant, or machinery: *And provided further*, That the total amount of commitments for loans made and obligations purchased under this section shall not exceed $50,000,000 outstanding at any one time, and no financial assistance shall be extended under this section unless it is not otherwise available on reasonable terms.

Loans by RFC.

Limitation on amount.

Total amount of commitments.

SEC. 103. The Servicemen's Readjustment Act of 1944, as amended, is hereby amended by striking out the period at the end of section 500 (b) and inserting in lieu thereof the following: "*And provided further*, That the Administrator, with the approval of the Secretary of the Treasury, may prescribe by regulation a higher maximum rate of interest than otherwise prescribed in this section for loans guaranteed under this title, but not exceeding 4½ per centum per annum, if he finds that the loan market demands it."

58 Stat. 291.
38 U. S. C. § 694 (b); Supp. I, § 694 note.
Higher maximum interest rate.

TITLE II—SECONDARY MARKET FOR GI HOME LOANS AND FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGES

SEC. 201. Section 301 (a) (1) of the National Housing Act, as amended, is amended by striking out the words "which are insured after April 30, 1948, under section 203 or section 603 of this Act, or guaranteed under section 501, 502, or 505 (a) of the Servicemen's Readjustment Act of 1944, as amended" and inserting in lieu thereof the words "which are insured after April 30, 1948, under title II, or title VI of this Act, or guaranteed after April 30, 1948, under section 501, or section 502, or section 505 (a) of the Servicemen's Readjustment Act of 1944, as amended".

Ante, p. 1207.

Ante, pp. 101, 1272, 1268, 1273.

58 Stat. 292, 293.
38 U. S. C. §§ 694a, 694b, 694e (a).
48 Stat. 1247; 55 Stat. 55.
12 U. S. C. §§ 1707–1715b, 1736–1743; Supp. I, §§ 1737, 1738, 1744, 1745.

SEC. 202. Paragraph (E) of the proviso of section 301 (a) (1) of the National Housing Act, as amended, is amended by striking out in clause numbered (2) the figure "25" and inserting in lieu thereof the figure "50".

Ante, pp. 101, 1209, 1268–1274.
Ante, p. 1207.

TITLE III—STANDARDIZED BUILDING CODES AND MATERIALS

Research, etc.

SEC. 301. The Housing and Home Finance Administrator shall undertake and conduct technical research and studies to develop and promote the acceptance and application of improved and standardized building codes and regulations and methods for the more uniform administration thereof, and standardized dimensions and methods for the assembly of home-building materials and equipment.

Use of available facilities.

SEC. 302. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Administrator shall utilize, to the fullest extent feasible, the available facilities of other departments, independent establishments, and agencies of the Federal Government, and, notwithstanding any other law, shall appoint a Director to administer under his general supervision the provisions of this title.

Appropriation authorized.

SEC. 303. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—EQUITY INVESTMENT AIDS

SEC. 401. The National Housing Act, as amended, is hereby amended by adding the following new title:

"TITLE VII—INSURANCE FOR INVESTMENTS IN RENTAL HOUSING FOR FAMILIES OF MODERATE INCOME

"AUTHORITY TO INSURE

"SEC. 701. The purpose of this title is to supplement the existing systems of mortgage insurance for rental housing under this Act by a special system of insurance designed to encourage equity investment in rental housing at rents within the capacity of families of moderate income. To effectuate this purpose, the Administrator is authorized, upon application by the investor, to insure as hereinafter provided, and, prior to the execution of insurance contracts and upon such terms as the Administrator shall prescribe, to make commitments to insure, the minimum annual amortization charge and an annual return on the outstanding investment of such investor in any project which is eligible for insurance as hereinafter provided in an amount (herein called the 'insured annual return') equal to such rate of return, not exceeding 2¾ per centum per annum, on such outstanding investment as shall, after consultation with the Secretary of the Treasury, be fixed in the insurance contract or in the commitment to insure: *Provided*, That any insurance contract made pursuant to this title shall expire as of the first day of the operating year for which the outstanding investment amounts to not more than 10 per centum of the established investment: *And provided further*, That the aggregate amount of contingent liabilities outstanding at any one time under insurance contracts and commitments to insure made pursuant to this title shall not exceed $1,000,000,000.

Expiration of insurance contract.

Aggregate amount of liabilities.

"ELIGIBILITY

"SEC. 702. (a) To be eligible for insurance under this title, a project shall meet the following conditions:

"(1) The Administrator shall be satisfied that there is, in the locality or metropolitan area of such project, a need for new rental dwellings at rents comparable to the rents proposed to be charged for the dwellings in such project.

"(2) Such project shall be economically sound, and the dwellings in such project shall be acceptable to the Administrator as to quality, design, size, and type.

"(b) Any insurance contract executed by the Administrator under this title shall be conclusive evidence of the eligibility of the project and the investor for such insurance, and the validity of any insurance contract so executed shall be incontestable in the hands of an investor from the date of the execution of such contract, except for fraud or misrepresentation on the part of such investor.

"PREMIUMS AND FEES

"SEC. 703. (a) For insurance granted pursuant to this title the Administrator shall fix and collect a premium charge in an amount not exceeding one-half of 1 per centum of the outstanding investment for the operating year for which such premium charge is payable without taking into account the excess earnings, if any, applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment. Such premium charge shall be payable annually in advance by the investor, either in cash or in debentures issued by the Administrator under this title at par plus accrued interest: *Provided*, That, if in any operating year the gross income shall be less than the operating expenses, the premium charge payable during such operating year shall be waived, but only to the extent of the amount of the difference between such expenses and such income and subject to subsequent payment out of any excess earnings as hereinafter provided.

Waiver of premium charge.

"(b) With respect to any project offered for insurance under this title, the Administrator is authorized to charge and collect reasonable fees for examination, and for inspection during the construction of the project: *Provided*, That such fees shall not aggregate more than one-half of 1 per centum of the estimated investment.

"RENTS

"SEC. 704. The Administrator shall require that the rents for the dwellings in any project insured under this title shall be established in accordance with a rent schedule approved by the Administrator, and that the investor shall not charge or collect rents for any dwellings in the project in excess of the appropriate rents therefor as shown in the latest rent schedule approved pursuant to this section. Prior to approving the initial or any subsequent rent schedule pursuant to this section, the Administrator shall find that such schedule affords reasonable assurance that the rents to be established thereunder are (1) not lower than necessary, together with all other income to be derived from or in connection with the project, to produce reasonably stable revenues sufficient to provide for the payment of the operating expenses, the minimum annual amortization charge, and the minimum annual return; and (2) not higher than necessary to meet the need for dwellings for families of moderate income.

"EXCESS EARNINGS

"SEC. 705. For all of the purposes of any insurance contract made pursuant to this title, 50 per centum of the excess earnings, if any, for any operating year may be applied, in addition to the minimum annual return, to return on the outstanding investment but only to the extent that such application thereof does not result in an annual return of more than 5 per centum of the outstanding investment for such operating year, and the balance of any such excess earnings shall be applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment: *Provided*, That if in any preceding operating years the gross income shall have been less than the operating expenses, such excess earnings shall be applied to the extent necessary

in whole or in part, first, to the reimbursement of the amount of the difference between such expenses (exclusive of any premium charges previously waived hereunder) and such income, and, second, to the payment of any premium charges previously waived hereunder.

"FINANCIAL STATEMENTS

"SEC. 706. With respect to each project insured under this title, the Administrator shall provide that, after the close of each operating year, the investor shall submit to him for approval a financial and operating statement covering such operating year. If any such financial and operating statement shall not have been submitted or, for proper cause, shall not have been approved by the Administrator, payment of any claim submitted by the investor may, at the option of the Administrator, be withheld, in whole or in part, until such statement shall have been submitted and approved.

"PAYMENT OF CLAIMS

"SEC. 707. If in any operating year the net income of a project insured under this title is less than the aggregate of the minimum annual amortization charge and the insured annual return, the Administrator, upon submission by the investor of a claim for the payment of the amount of the difference between such net income and the aggregate of the minimum annual amortization charge and the insured annual return and after proof of the validity of such claim, shall pay to the investor, in cash from the Housing Investment Insurance Fund, the amount of such difference, as determined by the Administrator, but not exceeding, in any event, an amount equal to the aggregate of the minimum annual amortization charge and the insured annual return.

"DEBENTURES

Acquisition of project by Administrator.

"SEC. 708. (a) If the aggregate of the amounts paid to the investor pursuant to section 707 hereof with respect to a project insured under this title shall at any time equal or exceed 15 per centum of the established investment, the Administrator thereafter shall have the right, after written notice to the investor of his intentions so to do, to acquire, as of the first day of any operating year, such project in consideration of the issuance and delivery to the investor of debentures having a total face value equal to 90 per centum of the outstanding investment for such operating year. In any such case the investor shall be obligated to convey to said Administrator title to the project which meets the requirements of the rules and regulations of the Administrator in force at the time the insurance contract was executed and which is evidenced in the manner prescribed by such rules and regulations, and, in the event that the investor fails so to do, said Administrator may, at his option, terminate the insurance contract.

Conveyance of title to Administrator.

"(b) If in any operating year the aggregate of the differences between the operating expenses (exclusive of any premium charges previously waived hereunder) and the gross income for the preceding operating years, less the aggregate of any deficits in such operating expenses reimbursed from excess earnings as hereinbefore provided, shall at any time equal or exceed 5 per centum of the established investment, the investor shall thereafter have the right, after written notice to the Administrator of his intention so to do, to convey to the Administrator, as of the first day of any operating year, title to the project which meets the requirements of the rules and regulations of the Administrator in force at the time the insurance contract

was executed and which is evidenced in the manner prescribed by such rules and regulations, and to receive from the Administrator debentures having a total face value equal to 90 per centum of the outstanding investment for such operating year.

Adjustments.

"(c) Any difference, not exceeding $50, between 90 per centum of the outstanding investment for the operating year in which a project is acquired by the Administrator pursuant to this section and the total face value of the debentures to be issued and delivered to the investor pursuant to this section shall be adjusted by the payment of cash by the Administrator to the investor from the Housing Investment Insurance Fund.

Termination of insurance.

"(d) Upon the acquisition of a project by the Administrator pursuant to this section, the insurance contract shall terminate.

Terms and conditions of debentures.

"(e) Debentures issued under this title to any investor shall be executed in the name of the Housing Investment Insurance Fund as obligor, shall be signed by the Administrator, by either his written or engraved signature, and shall be negotiable. Such debentures shall be dated as of the first day of the operating year in which the project for which such debentures were issued was acquired by the Administrator, shall bear interest at a rate to be determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the insurance contract was executed, but not to exceed 2¾ per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature on the 1st day of July in such calendar year or years, not later than the fortieth following the date of the issuance thereof, as shall be determined by the Administrator and stated on the face of such debentures.

"(f) Such debentures shall be in such form and in such denominations in multiples of $50, shall be subject to such terms and conditions, and may include such provisions for redemption as shall be prescribed by the Administrator, with the approval of the Secretary of the Treasury, and may be issued in either coupon or registered form.

Tax exemption; exception.

"(g) Such debentures shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by any Territory, dependency, or possession of the United States, or by the District of Columbia, or by any State, county, municipality, or local taxing authority, shall be payable out of the Housing Investment Insurance Fund, which shall be primarily liable therefor, and shall be fully and unconditionally guaranteed, as to both the principal thereof and the interest thereon, by the United States, and such guaranty shall be expressed on the face thereof. In the event that the Housing Investment Insurance Fund fails to pay upon demand, when due, the principal of or the interest on any debentures so guaranteed, the Secretary of the Treasury shall pay to the holders the amount thereof, which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon, to the extent of the amount so paid, the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

Payment by Secretary of Treasury.

Powers of Administrator in property transactions.

"(h) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Administrator shall have power, for the protection of the Housing Investment Insurance Fund, to pay out of said Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in his discretion, in whole or in part, any project acquired pursuant to this title; and, notwithstanding any other provisions of law, the Administrator shall also have power to

pursue to final collection by way of compromise or otherwise all claims acquired by, or assigned or transferred to, him in connection with the acquisition or disposal of any project pursuant to this title: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of any project acquired pursuant to this title if the amount of such purchase or contract does not exceed $1,000.

41 U. S. C. § 5.

"TERMINATION

"SEC. 709. The investor, after written notice to the Administrator of his intention so to do, may terminate, as of the close of any operating year, any insurance contract made pursuant to this title. The Administrator shall prescribe the events and conditions under which said Administrator shall have the option to terminate any insurance contract made pursuant to this title, and the events and conditions under which said Administrator may reinstate any insurance contract terminated pursuant to this section or section 708 (a). If any insurance contract is terminated pursuant to this section, the Administrator may require the investor to pay an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges which such investor otherwise would have been required to pay if such insurance contract had not been so terminated.

Ante, p. 1278.

"INSURANCE FUND

"SEC. 710. There is hereby created a Housing Investment Insurance Fund which shall be used by the Administrator as a revolving fund for carrying out the provisions of this title and for administrative expenses in connection therewith. For this purpose, the Secretary of the Treasury shall make available to the Administrator such funds as the Administrator shall deem necessary, but not to exceed $10,000,000, which amount is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated. Premium charges, adjusted premium charges, inspection and other fees, service charges, and any other income received by the Administrator under this title, together with all earnings on the assets of such Housing Investment Insurance Fund, shall be credited to said Fund. All payments made pursuant to claims of investors with respect to projects insured under this title, cash adjustments, the principal of and interest on debentures issued under this title, expenses incurred in connection with or as a consequence of the acquisition and disposal of projects acquired under this title, and all administrative expenses in connection with this title, shall be paid from said Fund. The faith of the United States is solemnly pledged to the payment of all approved claims of investors with respect to projects insured under this title, and, in the event said Fund fails to make any such payment when due, the Secretary of the Treasury shall pay to the investor the amount thereof, which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated. Moneys in the Housing Investment Insurance Fund not needed for current operations under this title shall be deposited with the Treasurer of the United States to the credit of said Fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by, the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under this title. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

Appropriation authorized.

Post, p. 1290.

Credit of fees, etc., to Fund.

Payment of claims by Secretary of Treasury.

Purchase of debentures.

"TAXATION PROVISIONS

"SEC. 711. Nothing in this title shall be construed to exempt any real property acquired and held by the Administrator under this title from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"RULES AND REGULATIONS

"SEC. 712. The Administrator may make such rules and regulations as may be necessary or desirable to carry out the provisions of this title, including, without limiting the foregoing, rules and regulations relating to the maintenance by the investor of books, records, and accounts with respect to the project and the examination of such books, records, and accounts by representatives of the Administrator; the submission of financial and operating statements and the approval thereof; the submission of claims for payments under insurance contracts, the proof of the validity of such claims, and the payment or disallowance thereof; the increase of the established investment if the investor shall make capital improvements or additions to the project; the decrease of the established investment if the investor shall sell part of the project; and the reduction of the outstanding investment for the appropriate operating year or operating years pending the restoration of dwelling or nondwelling facilities damaged by fire or other casualty. With respect to any investor which is subject to supervision or regulation by a State banking, insurance, or other State department or agency, the Administrator may, in carrying out any of his supervisory and regulatory functions with respect to projects insured under this title, utilize, contract with, and act through, such department or agency and without regard to section 3709 of the Revised Statutes. 41 U. S. C. § 5.

"DEFINITIONS

"SEC. 713. The following terms shall have the meanings, respectively, ascribed to them below, and, unless the context clearly indicates otherwise, shall include the plural as well as the singular number:

"Investor."

"(a) 'Investor' shall mean (1) any natural person; (2) any group of not more than ten natural persons; (3) any corporation, company, association, trust, or other legal entity; or (4) any combination of two or more corporations, companies, associations, trusts, or other legal entities, having all the powers necessary to comply with the requirements of this title, which the Administrator (i) shall find to be qualified by business experience and facilities, to afford assurance of the necessary continuity of long-term investment, and to have available the necessary capital required for long-term investment in the project, and (ii) shall approve as eligible for insurance under this title.

"Project."

"(b) 'Project' shall mean a project (including all property, real and personal, contracts, rights, and choses in action acquired, owned, or held by the investor in connection therewith) of an investor designed and used primarily for the purpose of providing dwellings the occupancy of which is permitted by the investor in consideration of agreed charges: *Provided*, That nothing in this title shall be construed as prohibiting the inclusion in a project of such stores, offices, or other commercial facilities, recreational or community facilities, or other nondwelling facilities as the Administrator shall determine to be necessary or desirable appurtenances to such project.

Commercial, etc., facilities.

"Estimated investment."

"(c) 'Estimated investment' shall mean the estimated cost of the development of the project, as stated in the application submitted to the Administrator for insurance under this title.

"Established investment."

"(d) 'Established investment' shall mean the amount of the reasonable costs, as approved by the Administrator, incurred by the investor

in, and necessary for, carrying out all works and undertakings for the development of a project and shall include the premium charge for the first operating year and the cost of all necessary surveys, plans and specifications, architectural, engineering, or other special services, land acquisition, site preparation, construction, and equipment; a reasonable return on the funds of the investor paid out in the course of the development of the project, up to and including the initial occupancy date; necessary expenses in connection with the initial occupancy of the project; and the cost of such other items as the Administrator shall determine to be necessary for the development of the project, (1) less the amount by which the rents and revenues derived from the project up to and including the initial occupancy date exceeded the reasonable and proper expenses, as approved by the Administrator, incurred by the investor in, and necessary for, operating and maintaining said project up to and including the initial occupancy date, or (2) plus the amount by which such expenses exceeded such rents and revenues, as the case may be.

"Physical completion date."

"(e) 'Physical completion date' shall mean the last day of the calendar month in which the Administrator determines that the construction of the project is substantially completed and substantially all of the dwellings therein are available for occupancy.

"Initial occupancy date."

"(f) 'Initial occupancy date' shall mean the last day of the calendar month in which 90 per centum in number of the dwellings in the project on the physical completion date shall have been occupied, but shall in no event be later than the last day of the sixth calendar month next following the physical completion date.

"Operating year."

"(g) 'Operating year' shall mean the period of twelve consecutive calendar months next following the initial occupancy date and each succeeding period of twelve consecutive calendar months, and the period of the first twelve consecutive calendar months next following the initial occupancy date shall be the first operating year.

"Gross income."

"(h) 'Gross income' for any operating year shall mean the total rents and revenues and other income derived from, or in connection with, the project during such operating year.

"Operating expenses."

"(i) 'Operating expenses' for any operating year shall mean the amounts, as approved by the Administrator, necessary to meet the reasonable and proper costs of, and to provide for, operating and maintaining the project, and to establish and maintain reasonable and proper reserves for repairs, maintenance, and replacements, and other necessary reserves during such operating year, and shall include necessary expenses for real estate taxes, special assessments, premium charges made pursuant to this title, administrative expenses, the annual rental under any lease pursuant to which the real property comprising the site of the project is held by the investor, and insurance charges, together with such other expenses as the Administrator shall determine to be necessary for the proper operation and maintenance of the project, but shall not include income taxes.

"Net income."

"(j) 'Net income' for any operating year shall mean gross income remaining after the payment of the operating expenses.

"Minimum annual amortization charge."

"(k) 'Minimum annual amortization charge' shall mean an amount equal to 2 per centum of the established investment, except that, in the case of a project where the real property comprising the site thereof is held by the investor under a lease, if (notwithstanding the proviso of section 703 (a) hereof) the gross income for any operating year shall be less than the amount required to pay the operating expenses (including the annual rental under such lease), the minimum annual amortization charge for such operating year shall mean an amount equal to 2 per centum of the established investment plus the amount of the annual rental under such lease to the extent that the same is not paid from the gross income.

Ante, p. 1277.

"(l) 'Annual return' for any operating year shall mean the net income remaining after the payment of the minimum annual amortization charge. "Annual return."

"(m) 'Insured annual return' shall have the meaning ascribed to it in section 701 hereof. "Insured annual return." *Ante*, p. 1276.

"(n) 'Minimum annual return' for any operating year shall mean an amount equal to 3½ per centum of the outstanding investment for such operating year. "Minimum annual return."

"(o) 'Excess earnings' for any operating year shall mean the net income derived from a project in excess of the minimum annual amortization charge and the minimum annual return. "Excess earnings."

"(p) 'Outstanding investment' for any operating year shall mean the established investment, less an amount equal to (1) the aggregate of the minimum annual amortization charge for each preceding operating year, plus (2) the aggregate of the excess earnings, if any, during each preceding operating year applied, in addition to the minimum annual amortization charge, to amortization in accordance with the provisions of section 705 hereof." "Outstanding investment." *Ante*, p. 1277.

SEC. 402. Sections 1 and 5 of the National Housing Act, as amended, are hereby amended by striking out "titles II, III, and VI" wherever they appear in said sections and inserting in lieu thereof "titles II, III, VI, and VII". 48 Stat. 1246, 1247. 12 U. S. C. § 1706; Supp. I, § 1702.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ADMINISTRATIVE PROVISIONS

SEC. 501. (a) Effective upon the date of enactment of this Act, the Housing and Home Finance Administrator shall receive compensation at the rate of $16,500 per annum, and the members of the Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner shall each receive compensation at the rate of $15,000 per annum. Compensation of certain officials.

(b) Section 101 of the Government Corporation Control Act, as amended, is amended by inserting "Federal Housing Administration;" immediately after the semicolon which follows "United States Housing Corporation": *Provided*, That, as to the Federal Housing Administration, the audit required by section 105 of said Act shall begin with the fiscal year commencing July 1, 1948, and the exception contained in section 301 (d) of said Act shall be construed to refer to the cost of audits contracted for prior to July 1, 1948. 59 Stat. 597. 31 U. S. C. § 846. 59 Stat. 599. 31 U. S. C. § 850. 59 Stat. 601. 31 U. S. C. § 866 (d).

SEC. 502. In carrying out their respective functions, powers, and duties—

(a) The Housing and Home Finance Administrator may appoint such officers and employees as he may find necessary, which appointments shall be subject to the civil-service laws and the Classification Act of 1923, as amended. The Administrator may make such expenditures as may be necessary to carry out his functions, powers, and duties, and there are hereby authorized to be appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out such functions, powers, and duties and for administrative expenses in connection therewith. The Administrator may delegate any of his functions and powers to such officers, agents, or employees as he may designate, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties. The Administrator shall cause to be prepared for the Housing and Home Finance Agency an official seal of such device as he shall approve, and judicial notice shall be taken of said seal. The Secretary of Commerce or his designee Powers of Housing and Home Finance Administrator. 42 Stat. 1488. 5 U. S. C. §§ 661–674.

shall hereafter be included in the membership of the National Housing Council.

Powers of Public Housing Commissioner.

(b) The Public Housing Administration shall sue and be sued only with respect to its functions under the United States Housing Act of 1937, as amended, and title II of Public Law 671, Seventy-sixth Congress, approved June 28, 1940, as amended. The Public Housing Commissioner may appoint such officers and employees as he may find necessary, which appointments, notwithstanding the provisions of any other law, shall hereafter be made hereunder, and shall be subject to the civil-service laws and the Classification Act of 1923, as amended; delegate any of his functions and powers to such officers, agents, or employees of the Public Housing Administration as he may designate; and make such rules and regulations as he may find necessary to carry out his functions, powers, and duties. Funds made available for carrying out the functions, powers, and duties of the Administration (including appropriations therefor, which are hereby authorized) shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Administration. Notwithstanding any other provisions of law except provisions of law hereafter enacted expressly in limitation hereof, the Public Housing Administration, or any State or local public agency administering a low-rent housing project assisted pursuant to the United States Housing Act of 1937 or title II of Public Law 671, Seventy-sixth Congress, approved June 28, 1940, shall continue to have the right to maintain an action or proceeding to recover possession of any housing accommodations operated by it where such action is authorized by the statute or regulations under which such housing accommodations are administered, and, in determining net income for the purposes of tenant eligibility with respect to low-rent housing projects assisted pursuant to said Acts, the Public Housing Administration is authorized, where it finds such action equitable and in the public interest, to exclude amounts or portions thereof paid by the United States Government for disability or death occurring in connection with military service.

50 Stat. 888; 54 Stat. 681.
42 U. S. C. §§ 1401–1430, 1501–1505; Supp. I, §§ 1402 *et seq.*, 1501–1505 notes.
42 Stat. 1488.
5 U. S. C. §§ 661–674.

Availability of funds.

Recovery of possession.

50 Stat. 888; 54 Stat. 681.
42 U. S. C. §§ 1401–1430, 1501–1505; Supp. I, §§ 1402 *et seq.*, 1501–1505 notes.

Eligibility for low-rent housing; exclusion of certain payments.

Additional powers.

(c) The Housing and Home Finance Administrator, the Home Loan Bank Board (which term as used in this section shall also include and refer to the Federal Savings and Loan Insurance Corporation, the Home Owners' Loan Corporation, and the Chairman of the Home Loan Bank Board), the Federal Housing Commissioner, and the Public Housing Commissioner, respectively, may, in addition to and not in derogation of any powers and authorities conferred elsewhere in this Act—

(1) with the consent of the agency or organization concerned, accept and utilize equipment, facilities, or the services of employees of any State or local public agency or instrumentality, educational institution, or nonprofit agency or organization and, in connection with the utilization of such services, may make payments for transportation while away from their homes or regular places of business and per diem in lieu of subsistence en route and at place of such service, in accordance with the provisions of 5 U. S. C. 73b–2;

60 Stat. 808.

(2) utilize, contract with, and act through, without regard to section 3709 of the Revised Statutes, any Federal, State, or local public agency or instrumentality, educational institution, or nonprofit agency or organization with the consent of the agency or organization concerned, and any funds available to said officers for carrying out their respective functions, powers, and duties shall be available to reimburse any such agency or organization; and, whenever in the judgment of any such officer necessary, he may make advance, progress, or other payments with respect to such

41 U. S. C. § 5.

contracts without regard to the provisions of section 3648 of the Revised Statutes; 31 U. S. C. § 529.

(3) make expenditures for all necessary expenses, including preparation, mounting, shipping, and installation of exhibits; purchase and exchange of technical apparatus; and such other expenses as may, from time to time, be found necessary in carrying out their respective functions, powers, and duties: *Provided*, That the provisions of section 3709 of the Revised Statutes shall not apply to any purchase or contract by said officers (or their agencies), respectively, for services or supplies if the amount thereof does not exceed $300: *And provided further*, That funds made available for administrative expenses in carrying out the functions, powers, and duties imposed upon the Housing and Home Finance Administrator, the Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner, respectively, by or pursuant to law may at their option be consolidated into single administrative expense fund accounts of said officers or agencies for expenditure by them, respectively, in accordance with the provisions hereof. 41 U. S. C. § 5. Consolidation of funds.

SEC. 503. Any low-rent or veterans' housing project undertaken or constructed under a program of a State or any political subdivision thereof and with the express purpose indicated in the State legislation of converting the project to a project with Federal assistance (if and when such Federal assistance becomes available), shall be approved as a low-rent housing project under the terms of the United States Housing Act of 1937, as amended, if (a) a contract for State financial assistance for such project was entered into prior to January 1, 1949, (b) the project is or can become eligible for assistance by the Public Housing Administration in the form of loans and annual contributions under the provisions of the United States Housing Act of 1937, as amended, and (c) the State or the public housing agency operating the project in the State makes application to the Public Housing Administration for Federal assistance for the project under the terms of the United States Housing Act of 1937, as amended: *Provided*, That loans made by the Public Housing Administration for the purpose of so converting the project to a project with Federal assistance shall be deemed, for the purposes of the provisions of section 9 and other sections of the United States Housing Act of 1937, to be loans to assist the development of the project. Assistance to State, etc., low-rent projects. 50 Stat. 888. 42 U. S. C. §§ 1401-1430; Supp. I, § 1402 *et seq.* 50 Stat. 891. 42 U. S. C. § 1409.

ACT CONTROLLING

SEC. 504. Insofar as the provisions of any other law are inconsistent with the provisions of this Act, the provisions of this Act shall be controlling.

SEPARABILITY

SEC. 505. Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provisions of this Act, or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act or its applications to other persons and circumstances, but shall be confined in its operation to the provisions of this Act, or the application thereof to the persons and circumstances, directly involved in the controversy in which such judgment shall have been rendered.

Approved August 10, 1948.

[CHAPTER 833]

JOINT RESOLUTION

August 10, 1948
[S. J. Res. 239]
[Public Law 902]

To provide for an extension of time within which the Joint Committee on Labor-Management Relations shall make its final report.

61 Stat. 160.
29 U. S. C., Supp. I, § 193.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of title IV of the Labor-Management Relations Act, 1947, is amended by striking out the words "January 2, 1949" and inserting in lieu thereof the words "March 1, 1949".

Approved August 10, 1948.

[CHAPTER 834]

JOINT RESOLUTION

August 11, 1948
[S. J. Res. 212]
[Public Law 903]

To authorize the President, following appropriation of the necessary funds by the Congress, to bring into effect on the part of the United States the loan agreement of the United States of America and the United Nations signed at Lake Success, New York, March 23, 1948.

United Nations.

Whereas the Congress of the United States, in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations "to locate the seat of the United Nations Organizations within the United States"; and

59 Stat. 848.

Whereas the General Assembly on December 14, 1946, resolved "that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street"; and

61 Stat. 756.

Whereas, pursuant to authorization of the Congress in Public Law 357 of the Eightieth Congress, the "Agreement Between the United Nations and the United States of America Regarding the Headquarters of the United Nations" was brought into effect November 21, 1947, defining the rights and obligations of the United States and the United Nations with respect to the above-mentioned site; and

Whereas plans have been prepared for construction on said site of permanent headquarters of the United Nations to cost not more than $65,000,000, and the United Nations is ready to proceed with such construction as soon as financing can be provided; and

Whereas the present temporary headquarters of the United Nations are inadequate for the efficient functioning of the Organization and retention of its headquarters in the United States can be assured only by the erection of adequate permanent facilities; and

Whereas owing to the current critical dollar shortage, the other member nations are not able to provide in cash at present their respective shares of the cost of constructing the permanent headquarters; other methods of borrowing the necessary funds have been found impracticable; and the permanent establishment of the headquarters of the United Nations in this country will result directly and indirectly in substantial economic benefits to the United States from the expenditures of the Organization and its member nations; and

Whereas in view of the foregoing considerations, the United States representative at the seat of the United Nations, in response to an inquiry of the Secretary-General of the United Nations regarding the possibility of a United States Government loan, informed the Secretary-General, with the authorization of the President, by note dated October 29, 1947, that the President would recommend to the Congress the authorization of a loan from the United States to the United Nations for the construction of the headquarters in an amount not exceeding $65,000,000; and

Whereas the General Assembly of the United Nations, by resolution of November 20, 1947, authorized the Secretary-General to negotiate such a loan with the appropriate officials of the United States Government, expressly recognizing that such loan would require the approval of the Congress; and

Whereas the United States Representative to the United Nations has negotiated and signed, on behalf of the United States an agreement with the United Nations in the form set forth below, providing for an interest-free loan of not more than $65,000,000 from the United States to the United Nations to be repaid in annual installments, and said agreement is, by its terms, to become effective on notification to the United Nations that the Congress, with the approval of the President, has made available the funds necessary to be advanced in accordance with the provisions of the agreement: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, following appropriation of the necessary funds by the Congress, or the making available of funds as provided in section 4 (b) hereof to bring into effect on the part of the United States the loan agreement, set forth below, between the United States of America and the United Nations, signed at Lake Success, New York, on March 23, 1948, with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States or relieving the United Nations of any obligations, as the President may deem necessary and appropriate:

Loan agreement.

Post, p. 1289.

LOAN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED NATIONS

It is hereby agreed by the Government of the United States of America and the United Nations as follows:

(1) Subject to the terms and conditions of this Agreement, the Government of the United States will lend to the United Nations a sum not to exceed in the aggregate $65,000,000. Such sum shall be expended only as authorized by the United Nations for the construction and furnishing of the permanent headquarters of the United Nations in its headquarters district in The City of New York, as defined in the Agreement Between the United States of America and the United Nations Regarding the Headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947, including the necessary architectural and engineering work, landscaping, underground construction and other appropriate improvements to the land and approaches, and for other related purposes and expenses incident thereto.

61 Stat. 758.

(2) Such sum, or parts thereof, will be advanced by the United States through the Secretary of State, to the United Nations upon request of the Secretary-General or other duly authorized officer of the United Nations and upon the certification of the architect or engineer in charge of construction, countersigned by the Secretary-General or other duly authorized officer, that the amount requested is required to cover payments for the purposes set forth in paragraph (1) above which either (a) have been at any time made by the United Nations, or (b) are due and payable, or (c) it is estimated will become due and payable within sixty days from the date of such request. All sums not used by the United Nations for the purposes set forth in paragraph (1) will be returned to the United States through the Secretary of State when no longer required for said purposes. No amounts will be advanced hereunder after July 1, 1951, or such later

Advance of funds.

date, not after July 1, 1955, as may be agreed to by the Secretary of State.

(3) All sums advanced hereunder will be receipted for on behalf of the United Nations by the Secretary-General or other duly authorized officer of the United Nations.

Repayments without interest.

(4) The United Nations will repay, without interest, to the United States the principal amount of all sums advanced hereunder, in annual payments beginning on July 1, 1951, and on the dates and in the amounts indicated, until the entire amount advanced under this agreement has been repaid as follows:

Date	Amount	Date	Amount
July 1, 1951	$1,000,000	July 1, 1967	$2,500,000
July 1, 1952	1,000,000	July 1, 1968	2,500,000
July 1, 1953	1,500,000	July 1, 1969	2,500,000
July 1, 1954	1,500,000	July 1, 1970	2,500,000
July 1, 1955	2,000,000	July 1, 1971	2,500,000
July 1, 1956	2,000,000	July 1, 1972	2,500,000
July 1, 1957	2,000,000	July 1, 1973	2,500,000
July 1, 1958	2,000,000	July 1, 1974	2,500,000
July 1, 1959	2,000,000	July 1, 1975	2,500,000
July 1, 1960	2,500,000	July 1, 1976	1,500,000
July 1, 1961	2,500,000	July 1, 1977	1,500,000
July 1, 1962	2,500,000	July 1, 1978	1,500,000
July 1, 1963	2,500,000	July 1, 1979	1,500,000
July 1, 1964	2,500,000	July 1, 1980	1,500,000
July 1, 1965	2,500,000	July 1, 1981	1,500,000
July 1, 1966	2,500,000	July 1, 1982	1,000,000

However, in the event the United Nations does not request the entire sum of $65,000,000 available to it under this Agreement, the amount to be repaid under this paragraph will not exceed the aggregate amount advanced by the United States. All amounts payable to the United States under this paragraph will be paid, out of the ordinary budget of the United Nations, to the Secretary of State of the United States in currency of the United States which is legal tender for public debts on the date such payments are made. All sums repaid to the United States will be receipted for on behalf of the United States by the Secretary of State.

(5) The United Nations may at any time make repayments to the United States of funds advanced hereunder in excess of the annual installments as provided in paragraph (4) hereof.

Supra.

61 Stat. 764.

Disposal of land.

(6) The United Nations agrees that, in order to give full effect to Section 22 (a) of the Agreement regarding the Headquarters of the United Nations referred to in paragraph (1) above (under which the United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States), it will not, without the consent of the United States, while any of the indebtedness incurred hereunder is outstanding and unpaid, create any mortgage, lien or other encumbrance on or against any of its real property in the headquarters district as defined in said Agreement. The United Nations also agrees that the United States, as a condition to giving its consent to any such disposition or encumbrance, may require the simultaneous repayment of the balance of all installments remaining unpaid hereunder.

Mortgage against real property.

Effective date of Agreement.

(7) The effective date of this Agreement shall be the date on which the Government of the United States notifies the United Nations that the Congress of the United States, with the approval of the President, has made available the funds necessary to be advanced in accordance with the provisions of this Agreement.

In Witness Whereof, the Government of the United States of America, acting by and through the United States Representative to the United Nations, and the United Nations, acting by and through the Secretary-General, have respectively caused this Agreement to be duly signed in duplicate at Lake Success, New York, on this 23rd day of March, 1948.

For the Government of the United States of America:

WARREN R. AUSTIN,
United States Representative to the United Nations

For the United Nations:

TRYGVE LIE,
Secretary-General

Disbursement of funds; time limitation. *Ante*, p. 1287.

SEC. 2. Sums advanced to the United Nations in accordance with the provisions of paragraph (2) of the aforesaid loan agreement shall be disbursed by the United Nations for the purposes for which such sums were advanced within ninety days after their receipt from the United States. Any funds not so disbursed within that period shall be returned to the United States through the Secretary of State within thirty days thereafter.

Authority over headquarters district.

SEC. 3. So long as the headquarters district is used as the seat of the United Nations, nothing in this resolution shall be deemed to limit the control and authority of the United Nations over such district as exercised pursuant to Public Law 357, Eightieth Congress: *Provided, however*, That in the event such district is, for whatever reason, no longer used as the seat of the United Nations, the United States shall, in addition to any rights it enjoys under paragraph (6) of the aforesaid loan agreement and section 22 of the Headquarters Agreement (Public Law 357, Eightieth Congress), be entitled to recover from the land and buildings in the headquarters district, in advance of all other creditors of the United Nations, any indebtedness incurred under the loan agreement which is then outstanding and unpaid.

61 Stat. 756.

Priority rights of U. S. *Ante*, p. 1288.

61 Stat. 764.

Appropriation authorized.

SEC. 4. (a) There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, the sum of $65,000,000 to accomplish the purposes of this joint resolution. Amounts received in repayment of such loan shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

Advances by RFC.

(b) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed until such time as an appropriation shall be made pursuant to subsection (a) of this section to make advances not to exceed in the aggregate $25,000,000 to carry out the provisions of this joint resolution and of the loan agreement referred to in section 1 in such manner, and in such amounts, as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest, for advances made by it hereunder from funds made available for the purposes of this joint resolution and of the loan agreement set forth in section 1.

Ante, p. 1287.

Approved August 11, 1948.

[CHAPTER 835]

JOINT RESOLUTION

August 13, 1948
[H. J. Res. 445]
[Public Law 904]

Making appropriations for the Housing and Home Finance Agency and the Veterans' Administration.

Supplemental Appropriation Act, 1949.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums

are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes, namely:

DISPLACED PERSONS COMMISSION

The appropriation of $2,000,000 for the Displaced Persons Commission in the "Second Deficiency Appropriation Act, 1948" (Public Law 785, Eightieth Congress, second session), may be apportioned for obligation and expenditure during the first three quarters of the fiscal year 1949.

Ante, p. 1031.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

SALARIES AND EXPENSES

The amount made available under this head in the Government Corporations Appropriation Act, 1949, for administrative expenses for the Office of the Administrator, is increased from $750,000 to $1,050,000.

Ante, p. 1184.

Federal Housing Administration

Funds made available by the Government Corporations Appropriation Act, 1949, for administrative expenses of the Federal Housing Administration for the fiscal year 1949, shall be available for administrative expenses of the Federal Housing Administration in connection with the Housing Act of 1948 in such amounts as may be approved by the Director of the Bureau of the Budget (but not exceeding in the aggregate $2,100,000) and the amounts so approved by the Director of the Budget may be transferred from funds available within such limitations as may be affected hereby for the last quarter of the fiscal year 1949 and obligated during the first three quarters of such fiscal year; and the sources of funds for such administrative expenses shall include the Housing Investment Insurance Fund created by the Housing Act of 1948.

Ante, pp. 1034, 1189.

Ante, p. 1268.

Ante, p. 1280.

TREASURY DEPARTMENT

Office of the Secretary

HOUSING INVESTMENT INSURANCE FUND

To enable the Secretary of the Treasury to make available to the Federal Housing Administration for credit to the Housing Investment Insurance Fund as provided in the Housing Act of 1948, $10,000,000, to remain available until expended.

Ante, p. 1280.

Motor Carrier Claims Commission

Section 6, of Public Law 880, Eightieth Congress, second session, an Act "To create a Commission to hear and determine the claims of certain motor carriers", is hereby amended by striking out the words "six months" in said section and inserting in lieu thereof the words "nine months".

Ante, p. 1222.

Section 13 of said Act is amended by striking out the words "six months' period" and inserting in lieu thereof the words "nine months' period".

Ante, p. 1223.

VETERANS' ADMINISTRATION

AUTOMOBILES FOR DISABLED VETERANS

For an additional amount for "Automobiles and other conveyances for disabled veterans," $5,000,000.

Ante, p. 1035.

SEC. 2. The appropriations and funds herein made available shall be subject to Section 402 of the Second Deficiency Appropriation Act, 1948.

Ante, p. 1050.

SEC. 3. This Act may be cited as the "Supplemental Appropriation Act, 1949."

Short title.

Approved August 13, 1948.

[CHAPTER 836]

JOINT RESOLUTION

To aid in protecting the Nation's economy against inflationary pressures.

August 16, 1948
[S. J. Res. 157]
[Public Law 905]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect the Nation's monetary, banking, and credit structure, and interstate and foreign commerce, against increased inflationary pressures, the Board of Governors of the Federal Reserve System are authorized, notwithstanding the Act of August 8, 1947 (Public Law 386, Eightieth Congress), to exercise, up to and including June 30, 1949, consumer-credit controls in accordance with and to carry out the purposes of Executive Order Numbered 8843 (August 9, 1941) insofar as it relates to installment credit.

Consumer installment credit controls.

61 Stat. 921.
12 U. S. C., Supp. I, § 248 note.

50 U. S. C. app. § 5 note.

All the present provisions of sections 21 and 27 of the Securities Exchange Act of 1934, as amended (relating to investigations, injunctions, jurisdictions, and other matters), shall be as fully applicable with respect to the exercise by the Board of Governors of consumer installment credit controls as they are now applicable with respect to the exercise by the Securities and Exchange Commission of its functions under that Act, and the Board shall have the same powers in the exercise of such consumer installment credit controls as the Commission now has under the said sections.

48 Stat. 899, 902.
15 U. S. C. §§ 78u, 78aa.

SEC. 2. Section 19 of the Federal Reserve Act, as amended, is amended by inserting after the sixth paragraph thereof the following new paragraph:

38 Stat. 270; 48 Stat. 54.
12 U. S. C. §§ 462-462b.

"Notwithstanding any other provision of law, the Board of Governors of the Federal Reserve System, in order to prevent injurious credit expansion, may by regulation change the requirements as to reserves to be maintained pursuant to this section against demand or time deposits or both (1) by member banks in central reserve cities, or (2) by member banks in reserve cities, or (3) by member banks not in reserve or central reserve cities, or (4) by all member banks; but no such change shall have the effect of requiring any such member bank to maintain a reserve balance against its time deposits in an amount equal to more than 7½ per centum thereof, or a reserve balance against its demand deposits in an amount equal to more than 30 per centum thereof if such bank is in a central reserve city, 24 per centum thereof if in a reserve city, or 18 per centum thereof if not in a reserve or central reserve city. No change in reserve requirements made under authority of this paragraph shall continue in effect after June 30, 1949."

Federal Reserve requirements.

Approved August 16, 1948.

[CHAPTER 837]

December 31, 1948
[H. J. Res. 448]
[Public Law 906]

JOINT RESOLUTION

To extend for sixty days the time within which the Commission on Organization of the Executive Branch of the Government may make a report of its findings and recommendations, and for other purposes.

Commission on Organization of the Executive Branch of the Government, amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 7, 1947, entitled "An Act for the establishment of the Commission on Organization of the Executive Branch of the Government", is amended as follows:

61 Stat. 248.
5 U. S. C., Supp. I, § 138i (b).

(1) Section 10 (b) is amended to read as follows:

"(b) REPORT.—Not later than seventy days after the Eighty-first Congress is convened and organized, the Commission shall make a report of its findings and recommendations to the Congress."

61 Stat. 247.
5 U. S. C., Supp. I, § 138c.

(2) Section 3 is amended, as of December 31, 1948, by inserting at the end thereof a new subsection reading as follows:

"(d) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—Despite the provisions of paragraphs (1), (2), and (3) of subsection (a), a person appointed to the Commission in the status of a Member of Congress or in the status of a person in the Executive branch of the Government, who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission, and from and after his change of status shall, if he has returned to private life (except for his membership on the Commission), receive the same compensation as a person appointed to the Commission in the status of a person from private life."

Approved December 31, 1948.

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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTIETH CONGRESS
OF THE UNITED STATES OF AMERICA

1948

AND

PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

COMPILED, EDITED, INDEXED, AND PUBLISHED BY AUTHORITY OF LAW
UNDER THE DIRECTION OF THE SECRETARY OF STATE

VOLUME 62

IN THREE PARTS

PART 2

PRIVATE LAWS, CONCURRENT RESOLUTIONS,
PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1949

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For sale by the
Superintendent of Documents
U. S. Government Printing Office, Washington 25, D. C.
Price $7.75 (Buckram)

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207	*Mrs. Elizabeth Campbell, estate.* AN ACT For the relief of the estate of Mrs. Elizabeth Campbell	Mar. 15, 1948	1322
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211	*Nita H. Stanley.* AN ACT For the relief of Nita H. Stanley	Mar. 15, 1948	1323
212	*Bertha M. Rogers.* AN ACT For the relief of Bertha M. Rogers	Mar. 15, 1948	1323
213	*Jesse F. Cannon and others.* AN ACT For the relief of Jesse F. Cannon, Jackson Jones, and the estate of John Halstadt	Mar. 15, 1948	1324
214	*Mrs. Essie N. Fannin and others.* AN ACT For the relief of Mrs. Essie N. Fannin, Miss Helen Hicks, Miss Marie Hicks, Miss Frances Fannin, William O. Thompson, and Mrs. W. D. Thompson	Mar. 16, 1948	1324
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221	*Mrs. Mary E. Leaf.* AN ACT Authorizing the issuance of a patent in fee to Mrs. Mary E. Leaf	Mar. 25, 1948	1327
222	*Robert E. Doyle.* AN ACT Authorizing the issuance of a patent in fee to Robert E. Doyle	Mar. 25, 1948	1327
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PRIVATE LAWS

68706°—51—PT. II——1

PRIVATE LAWS

ENACTED DURING THE

SECOND SESSION OF THE EIGHTIETH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 6, 1948, and adjourned sine die on Friday, December 31, 1948

HARRY S. TRUMAN, President; ARTHUR H. VANDENBERG, President of the Senate *pro tempore;* JOSEPH W. MARTIN, Jr., Speaker of the House of Representatives.

[CHAPTER 4]

AN ACT

For the relief of the dependents of Carl B. Sanborn.

January 19, 1948
[H. R. 389]
[Private Law 132]

Dependents of Carl B. Sanborn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1940 edition, title 5, secs. 751–791), the late Carl B. Sanborn, who died as the result of an explosion which occurred June 16, 1942, in Eaton Canyon, near Pasadena, California, while engaged in scientific research for the United States, shall be deemed to have been a civil employee of the United States within the purview of said Act, at the time of his death, and compensation for death payable under said Act shall accrue from the date of his death and shall be payable to such of his dependents as may qualify under section 10 of said Act, under the conditions therein provided, such compensation to be computed in the manner prescribed by said Act upon the basis of the monthly pay, respectively, of such Carl B. Sanborn in his employment under the direction of the Office of Scientific Research and Development of the Office for Emergency Management, or upon the basis of monthly pay of $175 in the event that at the time of death he was serving without compensation. Any compensation for death received by any such dependent under any other workmen's compensation law shall be credited against any compensation which such dependent may receive by reason of this Act. No right to benefits shall accrue under this Act unless a written claim for compensation is filed under such Act of September 7, 1916, as amended within one year from the date of enactment of this Act.

39 Stat. 742.
5 U. S. C. §§ 751–791, 793.

39 Stat. 744.
5 U. S. C. § 760.

Approved January 19, 1948.

[CHAPTER 5]

January 19, 1948
[H. R. 769]
[Private Law 133]

AN ACT

For the relief of the estate of Ruth Horton Hunter.

Ruth Horton Hunter, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Ruth Horton Hunter, deceased, late of Lancaster County, South Carolina, the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States on account of the death, on October 27, 1944, of the said Ruth Horton Hunter from injuries sustained by her when she was struck, on said date, on Main Street, of the town of Heath Springs, Lancaster County, South Carolina, by an Army truck, driven by Private Benjamin Daniels of the Columbia, South Carolina, Army Air Base: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 6]

January 19, 1948
[H. R. 1155]
[Private Law 134]

AN ACT

For the relief of the estate of W. H. Rodgers, deceased.

W. H. Rodgers, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the executors and trustees of the estate of W. H. Rodgers, deceased, late of Trousdale County, Tennessee, the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States arising out of damages to the Lowe Farm, which was owned by the said decedent and situated one mile south of Hartsville in Trousdale County, Tennessee, as a result of special field exercises conducted on such farm by the United States Army from August 1943 to April 1944. As a result of such field exercises (1) the hay crop on forty-seven and seven-tenths acres of such farm was reduced by one hundred and forty-three and one-tenth tons (one-third of the normal output of those acres for three cuttings), and (2) the fences on the pasture fields of such farm were destroyed, necessitating the removal of one hundred and thirty-nine head of mules to a barn on such farm and the purchase of extra feed for such mules: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 7]

AN ACT

For the relief of the estate of Daphne Ward Pope, deceased.

January 19, 1948
[H. R. 1175]
[Private Law 135]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Daphne Ward Pope, deceased, the sum of $5,617.40, in full settlement of all claims of said estate against the United States Government for the personal injury and death of said Daphne Ward Pope and for the property damage suffered by the estate, caused by the negligence of a soldier driving a Government vehicle on Government business on or about February 27, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Daphne Ward Pope, estate.

Approved January 19, 1948.

[CHAPTER 8]

AN ACT

For the relief of Calvin J. Frederick.

January 19, 1948
[H. R. 1319]
[Private Law 136]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Calvin J. Frederick, postal money order clerk in the United States post office at Muskogee, Oklahoma, the sum of $30. The payment of such sum shall be in reimbursement for the payment of an equal amount by the said Calvin J. Frederick to the Post Office Department on account of the payment of a forged post-office money order numbered 545397, issued at Vinita, Oklahoma, June 15, 1946, in the amount of $30: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Calvin J. Frederick.

Approved January 19, 1948.

[CHAPTER 9]

AN ACT

For the relief of William P. Gillingham.

January 19, 1948
[H. R. 1531]
[Private Law 137]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William P. Gillingham, Big Bear Lake, California, the sum of $5,321. The payment of such sum shall be in full settlement of all claims of the said William P. Gillingham against the United States on account of the death of his wife, Elizabeth S. Gillingham, resulting from personal injuries sustained on

William P. Gillingham.

February 1, 1943, when an automobile in which she was riding collided with a United States Army truck on United States Highway Numbered 66 at Devore, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 10]

January 19, 1948
[H. R. 1645]
[Private Law 138]

AN ACT

For the relief of Mrs. Leona McMinn Winkler.

Mrs. Leona McMinn Winkler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, to Mrs. Leona McMinn Winkler, of Springfield, Missouri, in full satisfaction of her claims against the United States for reimbursement for medical and hospital expenses incurred by her, and for compensation for personal injuries sustained by her, as the result of having been struck by a missile thrown by a wheel of a United States Army truck through the windshield of the automobile in which she was riding as a passenger on United States Highway Numbered 66, near Lebanon, Missouri, on January 19, 1941: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 11]

January 19, 1948
[H. R. 1933]
[Private Law 139]

AN ACT

For the relief of Mrs. Elizabeth F. McCombie.

Mrs. Elizabeth F. McCombie.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Elizabeth F. McCombie, Sallisaw, Oklahoma, a former employee of the Farm Security Administration, is relieved of all liability to pay to the United States the sum of $736. Such sum represents certain collections which were received by the office of the Farm Security Administration at Sallisaw, Oklahoma, placed in the custody of the said Mrs. Elizabeth F. McCombie, and stolen, without fault on her part, on November 20, 1945.

Approved January 19, 1948.

[CHAPTER 12]

January 19, 1948
[H. R. 2056]
[Private Law 140]

AN ACT

For the relief of J. C. Bateman.

J. C. Bateman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay,

out of any money not otherwise appropriated, the sum of $1,145 to J. C. Bateman, of San Jose, California, in full settlement of all claims against the United States for property damage to an International pick-up truck and an Allis-Chalmers tractor and loader, sustained as the result of the crash of a United States Navy plane at the naval auxiliary air station, Alameda, California, on June 27, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 13]

AN ACT

For the relief of Charles J. Smith.

January 19, 1948
[H. R. 2348]
[Private Law 141]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to Charles J. Smith, an employee of the National Park Service, Department of the Interior, the sum of $205.42, which sum was collected from him and covered into the Treasury as a result of his certification of disbursing officer's voucher numbered 15–13491, paid September 15, 1937, in connection with the contract numbered I–1–P–9485, dated June 22, 1937, between the United States and the Olds Brothers Lumber Company, Incorporated, Winslow, Arizona: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles J. Smith.

Approved January 19, 1948.

[CHAPTER 14]

AN ACT

For the relief of Mattie A. Horner.

January 19, 1948
[H. R. 2891]
[Private Law 142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mattie A. Horner, of Richmond, Virginia, the sum of $176, in full settlement of all claims against the United States for personal injuries and medical and other expenses sustained by her as the result of a fall on December 22, 1944, at the naval air station, Fort Lauderdale, Florida: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mattie A. Horner.

Approved January 19, 1948.

[CHAPTER 15]

January 19, 1948
[H. R. 3068]
[Private Law 143]

AN ACT

For the relief of Alfred Thomas Freitas.

Alfred Thomas Freitas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $39.51, to Alfred Thomas Freitas, of Fresno, California, in full settlement of all claims against the United States, as reimbursement for the said sum for money lost through burglary at the Fresno, California, Office of the Labor Branch, Production and Marketing Administration, for which he was held accountable, on January 2, 1946: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 19, 1948.

[CHAPTER 18]

January 26, 1948
[S. 84]
[Private Law 144]

AN ACT

For the relief of Mrs. Clinton R. Sharp.

Mrs. Clinton R. Sharp.

43 Stat. 162; 54 Stat. 1140.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of law excluding persons of races ineligible to citizenship from admission to the United States (8 U. S. C. 213 (c), 703), Mrs. Clinton R. Sharp, Japanese wife of Clinton R. Sharp, a United States citizen and veteran of World War I, if otherwise admissible under the immigration laws, may be admitted to the United States for permanent residence upon application hereafter filed without presenting immigration visas or other travel documents. Upon such admission, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for the Japanese of the first year that the said quota is available.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 19]

January 26, 1948
[S. 136]
[Private Law 145]

AN ACT

For the relief of Ioannis Stephanes.

Ioannis Stephanes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and is hereby, authorized and directed to cancel deportation proceedings in the case of Ioannis Stephanes (alias John Stephens) of Mountain City, Nevada, who entered the United States in August 1925 and has remained in the United States longer than permitted by law and regulation, and that this alien shall be considered as having been admitted for permanent entry as of the date of his actual entry on payment of the visa fee of $10 and head tax of $8.

Quota deduction.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Greek quota for the first year that the said Greek quota is available.

Approved January 26, 1948.

[CHAPTER 20]

AN ACT

For the relief of Anna M. Kinat (Mrs. John P. Taylor).

January 26, 1948
[S. 166]
[Private Law 146]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby, directed to cancel the outstanding order and warrant of deportation in the case of the alien, Anna M. Kinat (Mrs. John P. Taylor), and she shall not again be subject to deportation by reason of the same facts upon which said warrant and order have issued.

Anna M. Kinat.

Approved January 26, 1948.

[CHAPTER 21]

AN ACT

For the relief of Mrs. Yoneko Nakazawa.

January 26, 1948
[S. 167]
[Private Law 147]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the immigration laws, Mrs. Yoneko Nakazawa, who was admitted to the United States on May 16, 1930, as the minor child of a treaty trader, is hereby declared to have been lawfully admitted to the United States for permanent residence.

Mrs. Yoneko Nakazawa.

SEC. 2. The Attorney General of the United States is authorized and directed to cancel all outstanding deportation proceedings in respect to the said Mrs. Yoneko Nakazawa. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for the Japanese of the first year that the said quota is available.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 22]

AN ACT

For the relief of Thomas Abadia.

January 26, 1948
[S. 185]
[Private Law 148]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Thomas Abadia, of Lava Hot Springs, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence in 1940, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Thomas Abadia upon the ground of unlawful residence in the United States.

Thomas Abadia.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 23]

AN ACT

For the relief of Santiago Naveran.

January 26, 1948
[S. 186]
[Private Law 149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any warrant of arrest, order

Santiago Naveran.

of deportation, warrant of deportation, and bond, if any, in the case of the alien Santiago Naveran, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration and naturalization laws, the said Santiago Naveran, who arrived at Tampa, Florida, on or about July 7, 1924, as a seaman on the steamship Sec. II, which he deserted on or about July 10, 1924, shall, upon the payment of the required head tax, be held and considered to have been lawfully admitted to the United States for permanent residence at such place and on such date. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota of the first year that such quota becomes available.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 24]

January 26, 1948
[S. 187]
[Private Law 150]

AN ACT

For the relief of Antonio Arguinzonis.

Antonio Arguinzonis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, Antonio Arguinzonis, of Shoshone, Idaho, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of the said Antonio Arguinzonis upon the ground of unlawful residence in the United States.

Quota deduction.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Approved January 26, 1948.

[CHAPTER 25]

January 26, 1948
[S. 189]
[Private Law 151]

AN ACT

For the relief of Simon Fermin Ibarra.

Simon Fermin Ibarra.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, Simon Fermin Ibarra, of Twin Falls, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence on March 14, 1940, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Simon Fermin Ibarra upon the ground of unlawful residence in the United States.

Quota deduction.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Approved January 26, 1948.

[CHAPTER 26]

AN ACT

For the relief of Pedro Ugalde.

January 26, 1948
[S. 190]
[Private Law 152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Pedro Ugalde, of Twin Falls, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence on May 18, 1940, the date of his actual entry into the United States, upon payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Pedro Ugalde upon the ground of unlawful residence in the United States.

Pedro Ugalde.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 27]

AN ACT

For the relief of Julian Uriarte.

January 26, 1948
[S. 191]
[Private Law 153]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, Julian Uriarte, of Boise, Idaho, shall be held and considered to have been lawfully admitted to the United States for permanent residence on July 19, 1931, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of the said Julian Uriarte upon the ground of unlawful residence in the United States.

Julian Uriarte.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 28]

AN ACT

For the relief of Juan Llona.

January 26, 1948
[S. 192]
[Private Law 154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Juan Llona, of Boise, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence on July 11, 1926, the year of his actual entry into the United States, upon payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Juan Llona upon the ground of unlawful residence in the United States.

Juan Llona.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 29]

January 26, 1948
[S. 258]
[Private Law 155]

AN ACT

For the relief of Troy Charles Davis, Junior.

Troy Charles Davis, Jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Troy Charles Davis, Junior, of Denver, Colorado, a merchant seaman entitled to medical treatment and hospitalization at Government expense, the sum of $211.32, in full satisfaction of all claims against the United States for reimbursement of medical and hospital expenses incurred by him in connection with an emergency operation which it became necessary for him to have performed in a private hospital in Denver, Colorado, because of the lack of a marine hospital in that city: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 26, 1948.

[CHAPTER 30]

January 26, 1948
[S. 298]
[Private Law 156]

AN ACT

For the relief of certain Basque aliens.

Pedro Bastida and Fidel Acordarrementeria.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States is hereby authorized and directed to cancel deportation proceedings in the cases of Pedro Bastida and Fidel Acordarrementeria, both of Battle Mountain, Nevada, legally admitted as seamen but who have remained in the United States longer than permitted by law and regulations, and that these aliens shall be considered as having been admitted for permanent entry as of the date of their actual entry on the payment of the visa fees of $10 and the head taxes of $8 per person.

Quota deduction.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the Spanish quota for the first year that the said Spanish quota is available.

Approved January 26, 1948.

[CHAPTER 31]

January 26, 1948
[S. 1039]
[Private Law 157]

AN ACT

For the relief of Ada B. Foss.

Ada B. Foss.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ada B. Foss, of Cape Porpoise, Maine, the sum of $275.99, in full satisfaction of her claim against the United States for compensation for accrued annual leave, earned by her husband, the late Justin A. Foss, as a lighthouse keeper at the Goat Island Light Station, Cape Porpoise, Maine, the said Justin A. Foss having been prevented by his death on December 26, 1942, while serving in the United States Coast Guard, from making application under the Act of August 1, 1941 (55 Stat. 616), as amended,

5 U. S. C. §§ 61a, 61a-1.

for payment for such accrued leave: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 26, 1948.

[CHAPTER 32]

AN ACT

For the relief of Damian Gandiaga.

January 26, 1948
[S. 1579]
[Private Law 158]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Damian Gandiaga, of Tuscarora, Nevada, shall be held and considered to have lawfully entered the United States for permanent residence on June 3, 1944, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Damian Gandiaga upon the ground of unlawful residence in the United States. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota of the first year that the Spanish quota is hereafter available.

Damian Gandiaga.

Quota deduction.

Approved January 26, 1948.

[CHAPTER 33]

AN ACT

For the relief of Belmont Properties Corporation.

January 27, 1948
[S. 851]
[Private Law 159]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Belmont Properties Corporation, Arlington, Virginia, the sum of $667.50. Such sum represents the amount of a fee paid by the said corporation to the Federal Housing Administration in connection with an application, made on October 20, 1941, to such Administration for mortgage insurance on an apartment-house project in Arlington, Virginia. While such application was pending the land on which such project was to be constructed was condemned by the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Belmont Properties Corp.

Approved January 27, 1948.

[CHAPTER 34]

AN ACT

For the relief of Colonel William J. Kennard.

January 27, 1948
[S. 957]
[Private Law 160]

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

Col. William J. Kennard.

of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Colonel William J. Kennard, of Washington, District of Columbia, the sum of $950, in full satisfaction of his claim against the United States for the difference between (1) the amount he was actually allowed as compensation for the value of the personal property which he lost as a result of the invasion of the Philippine Islands by the Japanese in December 1941, and (2) the amount which should have been paid to the said Colonel William J. Kennard as compensation for the value of such property: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved January 27, 1948.

[CHAPTER 37]

January 27, 1948
[S. 339]
[Private Law 161]

AN ACT

For the relief of Lucy Jefferson Weil.

Lucy Jefferson Weil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Civil Service Commission is authorized and directed to pay, out of the civil service retirement and disability fund, to Lucy Jefferson Weil, the widow of Isaac Weil, a former employee of the United States, an amount equal to the amount which would have been refunded to her under the provisions of section 12 (d) of the Civil Service Retirement Act of May 29, 1930, as amended, with respect to the employment of the said Isaac Weil during the period from August 1, 1941, to November 7, 1944, had not such employment been in contravention of the automatic separation provisions of such Act.

46 Stat. 477; 62 Stat. 55.
5 U. S. C. § 724 (d).

Approved January 27, 1948.

[CHAPTER 39]

January 29, 1948
[S. 944]
[Private Law 162]

AN ACT

For the relief of Oran Curry.

Oran Curry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Oran Curry, of Neola, Utah, the sum of $587.33, in full satisfaction of his claim against the United States as compensation for quarters in connection with services rendered the Bureau of Indian Affairs, Department of the Interior, at the Uintah-Ouray Indian Agency and Reservation in Utah, from May 1926 through March 1933, inclusive, this being the amount due him and remaining unpaid under his contract of employment, as certified by the Commissioner of Indian Affairs: *Provided*, That no part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000.

SEC. 2. No charge shall be made against the disbursing officer or the certifying officer nor shall any claim be made against Oran Curry, for the amount of the overpayment of $35 made on certificate of settlement number 0858898, dated August 21, 1944.

Approved January 29, 1948.

[CHAPTER 40]

AN ACT

For the relief of Frank J. Shaughnessy, collector of internal revenue, Syracuse, New York.

January 30, 1948
[S. 1043]
[Private Law 163]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the internal-revenue account of Frank J. Shaughnessy, collector of internal revenue, Syracuse, New York, with the amount of $468, representing certain moneys received by and in the custody of John V. Franey, deputy collector of internal revenue, Binghamton, New York, as internal-revenue collections, and which were stolen by an unknown person in a hold-up of the branch office of the collector located at Binghamton, and which were not turned over to the said Frank J. Shaughnessy, collector of internal revenue, for deposit.

Frank J. Shaughnessy.

Approved January 30, 1948.

[CHAPTER 43]

AN ACT

For the relief of Frankie Stalnaker.

February 2, 1948
[S. 1100]
[Private Law 164]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frankie Stalnaker, of Baltimore, Maryland, the sum of $1,500, in full satisfaction of her claim against the United States for reimbursement of medical and hospital expenses incurred by her, and for compensation for personal injuries sustained by her on December 7, 1944, in Baltimore, Maryland, as a result of being struck by a United States Government mail truck.

Frankie Stalnaker.

Approved February 2, 1948.

[CHAPTER 47]

AN ACT

For the relief of John T. Hollandsworth, Junior.

February 5, 1948
[S. 99]
[Private Law 165]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of John T. Hollandsworth, Junior, postmaster at Beckley, West Virginia, with the sum of $2,000, on account of a shortage of that amount in his War Savings stamp account.

John T. Hollandsworth, Jr.

Approved February 5, 1948.

[CHAPTER 49]

AN ACT

For the relief of Mr. and Mrs. Edward H. Isenhart.

February 9, 1948
[S. 664]
[Private Law 166]

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

Mr. and Mrs. Edward H. Isenhart.

the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Edward H. Isenhart, of Kemmerer, Wyoming, the sum of $662.82, in full satisfaction of their claim against the United States for the sums of $475.20, representing the six months' death gratuity, and $187.62, representing arrears of pay, which would be payable to them in the case of their foster son, Harold Emmett Isenhart (service number 553–17–98), late a seaman first class, United States Naval Reserve, except for the fact that they were not his natural parents: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved February 9, 1948.

[CHAPTER 50]

February 9, 1948
[S. 1411]
[Private Law 167]

AN ACT

For the relief of Willie Ruth Chapman.

Willie Ruth Chapman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Willie Ruth Chapman, of Ethridge, Tennessee, the sum of $5,000, in full satisfaction of her claim against the United States for compensation for personal injuries and loss of earnings sustained by her as a result of an accident which occurred on December 2, 1944, in Lawrenceburg, Tennessee, when the automobile driven by her was struck by a United States Army vehicle: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved February 9, 1948.

[CHAPTER 54]

February 18, 1948
[H. R. 422]
[Private Law 168]

AN ACT

For the relief of Francesco and Natalia Picchi.

Francesco and Natalia Picchi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 19 (a) of the Immigration Act of February 5, 1917 (39 Stat. 889–890; 54 Stat. 671–673; 56 Stat. 1044; 8 U. S. C. 155), the Attorney General is authorized and directed to permit Francesco and Natalia Picchi of Rockford, Illinois, to remain permanently in the United States.

Approved February 18, 1948.

[CHAPTER 55]

February 18, 1948
[H. R. 648]
[Private Law 169]

AN ACT

For the relief of Mrs. Elfreida Sakowsky Passant, alias Elfreida Sakowsky, alias Elfreida Pogue.

Elfreida Sakowsky Passant.

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

General be, and he is hereby, directed to cancel forthwith the outstanding warrants of arrest and deportation in the case of the alien Elfreida Sakowsky Passant, alias Elfreida Sakowsky, alias Elfreida Pogue, and is directed not to issue any further such warrants or orders in the case of such alien, insofar as such further warrants or orders are based on any act or acts which served as a basis for the warrants of arrests and deportation that are being canceled by this Act.

Approved February 18, 1948.

[CHAPTER 56]

AN ACT

For the relief of Ruston Jamsetji Patell.

February 18, 1948
[H. R. 650]
[Private Law 170]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Ruston Jamsetji Patell as of July 3, 1946, the day after Public Law Numbered 483 of the Seventy-ninth Congress (establishing an annual Indian (racial) quota) was approved. Upon enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Indian (racial) quota of the first year that the Indian (racial) quota is hereafter available.

Ruston Jamsetji Patell.

60 Stat. 416.
8 U. S. C. §§ 703, 721a, 724, 212b, 212c.

Quota deduction.

Approved February 18, 1948.

[CHAPTER 57]

AN ACT

For the relief of Riyoko Patell.

February 18, 1948
[H. R. 928]
[Private Law 171]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Riyoko Patell, who entered the United States at San Francisco, California, on July 20, 1939, and that the said Riyoko Patell shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as an immigrant for permanent residence, any provisions of the immigration laws to the contrary notwithstanding. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for persons born in Japan of the first year that the said quota is available.

Riyoko Patell.

Quota deduction.

Approved February 18, 1948.

[CHAPTER 58]

AN ACT

For the relief of Mrs. Audrey Ellen Gooch.

February 18, 1948
[H. R. 1078]
[Private Law 172]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Mrs. Audrey Ellen Gooch of Brisbane, Australia, the wife of Mr. Leslie R. Gooch, a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

Mrs. Audrey Ellen Gooch.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232–236; Supp. I, § 237.

Approved February 18, 1948.

[CHAPTER 59]

February 18, 1948
[H. R. 1408]
[Private Law 173]

AN ACT

For the relief of August W. Dietz.

August W. Dietz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,000 to August W. Dietz, of San Antonio, Texas, in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, and property damage suffered by him when his automobile was struck by a Government truck in San Antonio, Texas, on May 28, 1940: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved February 18, 1948.

[CHAPTER 60]

February 18, 1948
[H. R. 1650]
[Private Law 174]

AN ACT

For the relief of Maria Hedwig Feresz.

Maria Hedwig Feresz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the immigration and naturalization laws, the alien Maria Hedwig Feresz, of Hadley, Massachusetts, a Polish national who entered the United States in 1939 for a temporary stay, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 1, 1939. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Polish quota for the first year that the same Polish quota is available.

Quota deduction.

Approved February 18, 1948.

[CHAPTER 61]

February 18, 1948
[H. R. 1788]
[Private Law 175]

AN ACT

For the relief of the estate of John F. Hopperton, a minor, deceased.

John F. Hopperton, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to the estate of John F. Hopperton, a minor, deceased, late of Cleveland, Ohio, in full settlement of all claims against the United States for the death of the said John F. Hopperton, a minor, who was shot with a Smith and Wesson .38-caliber revolver by George H. Sagel (554727), seaman, second class, United States Coast Guard Reserve, aboard the steamer O. S. McFarland, a freighter operated by the Columbia Transportation Company, of Cleveland, Ohio, on April 27, 1943, while the steamer was moored at the dock in Port Washington, Wisconsin: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract

to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved February 18, 1948.

[CHAPTER 62]

AN ACT

For the relief of Mrs. Daisy Park Farrow.

February 18, 1948
[H. R. 2350]
[Private Law 176]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of law, excluding persons of races ineligible to citizenship from admission to the United States, Mrs. Daisy Park Farrow, nee Daisy Park, who is the wife of Richard P. Farrow, native-born American citizen, honorably discharged second lieutenant of the United States Army, may be admitted to the United States for permanent residence upon meeting the requirements of Public Law 271, approved December 28, 1945, the so-called Soldier Brides' Act.

Mrs. Daisy Park Farrow.

59 Stat. 659.
8 U. S. C. §§ 232-236; Supp. I, § 237.

Approved February 18, 1948.

[CHAPTER 63]

AN ACT

For the relief of Antone G. Pina.

February 18, 1948
[H. R. 3168]
[Private Law 177]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Antone G. Pina the sum of $150, in full settlement of all claims against the United States for personal injuries, medical expenses, and loss of earnings, sustained by Pina when he was struck by a War Department vehicle at a Civilian Conservation Corps camp in Assonet, Massachusetts, on March 25, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Antone G. Pina.

Approved February 18, 1948.

[CHAPTER 64]

AN ACT

To quiet title and possession with respect to certain land in the town of Cheverly, Prince Georges County, Maryland.

February 18, 1948
[H. R. 4115]
[Private Law 178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby releases and quitclaims to Walter N. Campbell and Zenobia Campbell, husband and wife, all the right, title, and interest, if any, of the United States of America in and to certain land in the town of Cheverly, Prince Georges County, Maryland, more particularly described in a deed which purported to convey such land to the United States of America as follows: The southerly twelve and four-tenths feet front, extended by the same width, the full length thereof of lot number 1431, and the northerly forty-six feet front, extended by the same width, the full length thereof of lot number 1432 all in block 63 of section 9 of the subdivision known as "Cheverly", according

Walter N. Campbell and Zenobia Campbell.

to the official plot and survey thereof of record among the land records of said county; such deed being executed on December 28, 1942, by the said Walter N. Campbell and Zenobia Campbell, and recorded in the land records of such county in liber numbered 694 beginning at folio 48.

Approved February 18, 1948.

[CHAPTER 69]

February 25, 1948
[S. 257]
[Private Law 179]

AN ACT

For the relief of Yoneo Sakai.

Yoneo Sakai.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to record Yoneo Sakai as having entered the United States on October 10, 1926, for permanent residence. The said Yoneo Sakai shall not be subject to deportation by reason of such entry.

SEC. 2. The Attorney General is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued, and to discontinue any deportation proceedings which may have been commenced, in the case of said Yoneo Sakai.

Approved February 25, 1948.

[CHAPTER 70]

February 25, 1948
[S. 305]
[Private Law 180]

AN ACT

For the relief of Mrs. Hilda Margaret McGrew.

Mrs. Hilda Margaret McGrew.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel forthwith the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156), in the case of Mrs. Hilda Margaret McGrew, any provisions of existing law to the contrary notwithstanding. From and after the date of enactment of this Act, Mrs. Hilda Margaret McGrew shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

39 Stat. 889.

Approved February 25, 1948.

[CHAPTER 71]

February 25, 1948
[S. 457]
[Private Law 181]

AN ACT

For the relief of Anna Kong Mei.

Anna Kong Mei.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to record Anna Kong Mei as having entered the United States on July 7, 1937, for permanent residence.

SEC. 2. The Attorney General is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued, and to discontinue any deportation proceedings which may have been commenced, in the case of the said Anna Kong Mei.

Approved February 25, 1948.

[CHAPTER 79]

AN ACT

Authorizing the issuance of a patent in fee to Jonah Williams.

February 27, 1948
[S. 310]
[Private Law 182]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon application in writing, the Secretary of the Interior is authorized and directed to issue to Jonah Williams of Sisseton, South Dakota, a patent in fee to the following-described lands allotted to him in the State of South Dakota: The west half of the southeast quarter and the southwest quarter of the northeast quarter of section 32, township 126, range 52 west of the fifth principal meridian.

Jonah Williams.

Approved February 27, 1948.

[CHAPTER 80]

AN ACT

For the relief of Milan Jandrich.

February 27, 1948
[S. 409]
[Private Law 183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to record Milan Jandrich as having entered the United States on October 5, 1945, for permanent residence.

Milan Jandrich.

Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Yugoslavian quota of the first year that the Yugoslavian quota is available.

Quota deduction.

Approved February 27, 1948.

[CHAPTER 81]

AN ACT

To authorize the promotion of James Y. Parker, Army serial number O20712, as major, Army of the United States, as of March 1, 1942, under the Act of February 16, 1942 (56 Stat. 94), and for other purposes.

February 27, 1948
[S. 1673]
[Private Law 184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to appoint James Y. Parker, Army serial number O20712, to the temporary grade of major in the Army of the United States under the Act of February 16, 1942 (56 Stat. 94), with date of rank as of March 1, 1942. The Secretary of War is authorized and directed to carry such officer upon such appointment on the records of the War Department and of the Army as having served in the grade of major from March 1, 1942, to the date of his subsequent appointment to the temporary grade of lieutenant colonel in the Army of the United States.

James Y. Parker.
Designated appointment authorized.

10 U. S. C. § 292a–1 note; Supp. I, § 292a–1.

SEC. 2. Nothing herein contained shall be construed as authorizing additional pay and allowances to the aforesaid James Y. Parker: *Provided*, That all payments of moneys heretofore made to such officer on the assumption of a previous legal appointment to the grade of major are hereby validated.

Approved February 27, 1948.

[CHAPTER 86]

AN ACT

Authorizing the issuance of a patent in fee to Charles Ghost Bear, Senior.

February 28, 1948
[S. 311]
[Private Law 185]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed

Charles Ghost Bear, Sr.

to issue to Charles Ghost Bear, Senior, of Gordon, Nebraska, a patent in fee to the following-described lands allotted to him in the State of South Dakota: The southwest quarter of section 13, township 40 north, range 34 west, sixth principal meridian.

Approved February 28, 1948.

[CHAPTER 87]

February 28, 1948
[S. 312]
[Private Law 186]

AN ACT

Authorizing the issuance of a patent in fee to Charles Kills the Enemy.

Charles Kills the Enemy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Charles Kills the Enemy, of Winner, South Dakota, a patent in fee to the following-described lands allotted to him in the State of South Dakota: The northwest quarter of section 21, township 36 north, range 29 west, sixth principal meridian.

Approved February 28, 1948.

[CHAPTER 88]

February 28, 1948
[S. 313]
[Private Law 187]

AN ACT

Authorizing the issuance of a patent in fee to Calvin W. Clincher.

Calvin W. Clincher.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Calvin W. Clincher, of Gordon, Nebraska, a patent in fee to the following-described land allotted to him in Washabaugh County, South Dakota: the northwest quarter of section 8, township 41 north, range 35, sixth principal meridian of South Dakota, containing one hundred and sixty acres.

Approved February 28, 1948.

[CHAPTER 92]

March 3, 1948
[H. R. 3726]
[Private Law 188]

AN ACT

For the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of war conditions.

Foreign Service. Relief of certain personnel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sums of money, which sums represent the value of reasonable and necessary personal property lost by the claimants as a result of war conditions:

Ralph J. Blake, $958; William T. Turner, $100; Fulton Freeman, $40; John Frederick Zahoruiko, $126.35; John Duncan Sumner, $33.26; Liang Chen Yi, $18.57; Ming Chen Tai, $6.97; Harold C. Roser, Junior, $42.83; William George McCoy, $79.50; Philip D. Sprouse, $1,517; Franklin J. C. Liu, $168.74; John B. Burleson, $764; Sham-Tai Chau, $1,551; Wing-Tai Chau, $1,926; Barbara Schurman Petro-Pavlovsky, $1,350.45; Charles B. Beylard, $369.50; Benjamin F. Middleton, $671.50; Florence Palmer, $325; Jacob D. Beam, $601.04; H. C. Furstenwalde, $6,500; Tigner Ogletree, $2,819; Edith Bland, $2,026.50; Alfred W. Klieforth, $77.50; Edward S. Parker, $2,270.05; James E. Parks, $4,494.63; Howard K. Travers, $3,880; Ivan Lavretsky, $5,500; Walter A. Foote, $3,764; Frank C. Lee,

$4,847.12; Robert C. Burton, $261.75; William C. Affeld, Junior, $2,067.55; Marjorie Callaghan, $200; Douglas Henderson, $790.50; James E. Mann, $95; Edward A. Rood, $177.07; Nelson R. Park, $1,865.33; Patrick J. Sheehan, $384.47; Edwin Schoenrich, $523.80; Carter Vincent, $623; Ann van Wynen, $29.70; Raymond Ziminski, $226.01.

Approved March 3, 1948.

[CHAPTER 93]

AN ACT

For the relief of Mary Sungduk Charr.

March 3, 1948
[S. 316]
[Private Law 189]

Mary Sungduk Charr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the immigration laws, the Attorney General is authorized and directed to permit Mary Sungduk Charr, of Venice, California, the Korean wife of a United States citizen veteran of World War II and the mother of a child who is a citizen of the United States, to remain permanently in the United States.

Approved March 3, 1948.

[CHAPTER 94]

AN ACT

To authorize and direct the Secretary of the Interior to issue to James Black Dog a patent in fee to certain land.

March 3, 1948
[S. 402]
[Private Law 190]

James Black Dog.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to James Black Dog, a Fort Peck Indian allottee, a patent in fee to the northeast quarter of section 34, township 30 north, of range 53 east, Montana principal meridian, containing one hundred and sixty acres: *Provided*, That when the land herein described is offered for sale, the Fort Peck Tribe or any Indian who is a member of said tribe shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Approved March 3, 1948.

[CHAPTER 95]

AN ACT

Authorizing the issuance of a patent in fee to Tom Eagleman.

March 3, 1948
[S. 500]
[Private Law 191]

Tom Eagleman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Tom Eagleman, of Pierre, South Dakota, a patent in fee to the southwest quarter of the southeast quarter and the south half of the southwest quarter of section 25 and lot 3 of the southeast quarter of section 26, all in township 108, range 73 west, of the fifth principal meridian, South Dakota: *Provided*, That when the land herein described is offered for sale, the Crow Creek Sioux and the Lower Brule Sioux Tribes or any Indian who is a member of said tribes shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Approved March 3, 1948.

[CHAPTER 96]

March 3, 1948
[S. 521]
[Private Law 192]

AN ACT

For the relief of Sang Hun Shim.

Sang Hun Shim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the immigration laws, Sang Hun Shim, Weston, Connecticut, shall be held and considered to have been legally admitted to the United States for permanent residence on June 18, 1926, upon payment by him of the visa fee of $10 and the head tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Sang Hun Shim upon the ground of unlawful residence in the United States.

Quota deduction.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Japanese immigration quota.

Approved March 3, 1948.

[CHAPTER 102]

March 6, 1948
[S. 970]
[Private Law 193]

AN ACT

For the relief of Mr. and Mrs. Harold T. Prosser.

Mr. and Mrs. Harold T. Prosser.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Harold T. Prosser, of Charlestown, Rhode Island, the sum of $595 in full satisfaction of their claim against the United States for compensation for damage to their land resulting from a fire started by a flare dropped by a United States Navy airplane: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 6, 1948.

[CHAPTER 106]

March 9, 1948
[S. 1267]
[Private Law 194]

AN ACT

For the relief of Eleonore M. Hannon.

Eleonore M. Hannon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eleonore M. Hannon, of Coquille, Oregon, the sum of $1,101, in full satisfaction of all claims against the United States for personal injuries to Eleonore M. Hannon as the result of the crash of a United States Navy airplane on October 15, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 9, 1948.

[CHAPTER 110]

AN ACT

For the relief of Mrs. Roberta Flake Clayton.

March 11, 1948
[S. 641]
[Private Law 195]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed, for the purpose of paying amounts owing as arrears of pay and unearned premiums on national service life insurance in the case of James William Clayton, late a machinist's mate, third class, United States Navy, to consider Mrs. Roberta Flake Clayton, of Mesa, Arizona, the adoptive mother of the said James William Clayton, a legal heir within the meaning of the Act entitled "An Act to permit settlement of accounts of deceased officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, and of deceased commissioned officers of the Public Health Service, without administration of estates", approved February 25, 1946 (Public Law 306, Seventy-ninth Congress), and the payment to the said Mrs. Roberta Flake Clayton of an amount not to exceed $2,849.74, shall be in full satisfaction of the obligation of the United States to pay the same.

Mrs. Roberta Flake Clayton.

60 Stat. 30.
34 U. S. C. § 941a.

Approved March 11, 1948.

[CHAPTER 111]

AN ACT

For the relief of Ruth Grossman.

March 11, 1948
[S. 922]
[Private Law 196]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ruth Grossman, of Miami Beach, Florida, the sum of $5,463.09. The payment of such sum shall be in full settlement of all claims of the said Ruth Grossman against the United States on account of personal injuries sustained on May 9, 1944, when a United States Army truck collided with an automobile at the intersection of Meridian Avenue and Sixteenth Street, Miami Beach, Florida, overturned and fell upon the said Ruth Grossman, a pedestrian: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Ruth Grossman.

Approved March 11, 1948.

[CHAPTER 112]

AN ACT

For the relief of Antonio Zamora; Mrs. Antonio Zamora; Antonio Zamora, Junior; Mrs. Juan Chavez; John Chavez, Junior; Roland Chavez; Selso Trujillo; Doctor M. G. Wright; and the heirs of Keith Lane.

March 11, 1948
[S. 1031]
[Private Law 197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Antonio Zamora, of Winslow, Arizona, the sum of $2,500; (2) Mrs. Antonio Zamora, of Winslow, Arizona, the sum of $1,500; (3) Antonio Zamora, Junior, of Winslow, Arizona, the sum of $500; (4) Mrs. Juan Chavez, of Winslow, Arizona, the sum of $1,000; (5) John Chavez, Junior,

Antonio Zamora and others.

of Winslow, Arizona, the sum of $250; (6) Roland Chavez, of Winslow, Arizona, the sum of $250; (7) Selso Trujillo, of Winslow, Arizona, the sum of $500; (8) Doctor M. G. Wright, of Winslow, Arizona, the sum of $516; and (9) the heirs of Keith Lane (Gray Whiskers), Navajo Indian census number 91989, the sum of $5,000. The payment of such sums shall be in full satisfaction of the respective claims of said seven first-named claimants against the United States for compensation for personal injuries sustained by them when the automobile in which they were riding was struck by an Indian Service truck about five miles east of Winslow, Arizona, on August 6, 1940, and in full satisfaction of the claim of the heirs of said Keith Lane against the United States for compensation for the death of said Keith Lane who was killed while riding as a passenger in such truck: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 11, 1948.

[CHAPTER 113]

March 11, 1948
[S. 1716]
[Private Law 198]

AN ACT

For the relief of Mrs. Iola Veach.

Mrs. Iola Veach.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,186.55 to Mrs. Iola Veach, of Louisville, Kentucky, in full settlement of all claims against the United States for personal injuries, hospital and medical expenses, and property damage sustained as the result of an accident involving a United States Army vehicle on North Third Street, Louisville, Kentucky, on April 7, 1942: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 11, 1948.

[CHAPTER 114]

March 11, 1948
[H. R. 1139]
[Private Law 199]

AN ACT

For the relief of Doctor Gisela Perl (Krausz).

Dr. Gisela Perl (Krausz).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Doctor Gisela Perl (Krausz) as of March 25, 1946, the date she was admitted temporarily to the United States. Upon the enactment of the Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Rumania of the first year that the said quota is available.

Quota deduction.

Approved March 11, 1948.

[CHAPTER 116]

AN ACT

For the relief of Thomas D. Sherrard.

March 13, 1948
[H. R. 3964]
[Private Law 200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to remove from the records of his office the debt which has been raised therein against Thomas D. Sherrard, manager, Kennewick Farm Labor Supply Center, Kennewick, Washington, in the sum of $79.20, together with interest due thereon from date of loss of the public funds for which he is accountable and which were stolen from the office of the Kennewick Farm Labor Supply Center, Kennewick, Washington, without his fault, sometime between May 26, 1943, and May 27, 1943.

Thomas D. Sherrard.

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45.20 to be paid by the Secretary of the Treasury to Thomas D. Sherrard: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, notwithstanding any contract to the contrary. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 13, 1948.

[CHAPTER 118]

AN ACT

For the relief of Adelbert E. Tuller.

March 15, 1948
[S. 535]
[Private Law 201]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Adelbert E. Tuller, lieutenant, United States Naval Reserve (inactive) of Elmwood, Connecticut, the sum of $320.55, in full satisfaction of his claim against the United States for the cost of shipping his household effects from the naval training center, Bainbridge, Maryland, to Hartford, Connecticut, in September 1944, payment of such claim having been denied by the General Accounting Office because of the fact that such household effects were shipped a few days prior to the effective date of orders requiring him to make a permanent change of station: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Adelbert E. Tuller.

Approved March 15, 1948.

[CHAPTER 119]

AN ACT

Conferring jurisdiction upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon any claim arising out of injuries sustained by G. R. Below, late of Seattle, Washington.

March 15, 1948
[S. 1721]
[Private Law 202]

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

G. R. Below.

hereby conferred upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon any claim for compensation against the United States arising out of injuries sustained by G. R. Below, late of Seattle, Washington, who was injured on May 16, 1942, while engaged in the pursuit of his occupation as a fisherman, by a bullet fired during target practice at the Naval Section Base, Port Angeles, Washington.

Time limitation.

SEC. 2. Notwithstanding the lapse of time or any statute of limitations, suit upon any such claim may be instituted at any time within one year after the enactment of this Act. Notwithstanding any other provision of law, suit on such claim may be instituted and maintained by the widow of the said G. R. Below, and in the determination of such claim the United States shall be held liable for damages to the said G. R. Below, and for any wrongful acts or omissions committed by any of its officers or employees, to the same extent as if the United States were a private person and to the same extent as if such suit had been instituted and maintained by the said G. R. Below prior to his death, except that any judgment rendered therein shall be payable to such widow. Except as otherwise provided in this section, proceedings for the determination of such claim, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

36 Stat. 1091; 62 Stat., Pt. 1, p. 996. 28 U. S. C. § 41.

Approved March 15, 1948.

[CHAPTER 122]

March 15, 1948
[H. R. 408]
[Private Law 203]

AN ACT

For the relief of Lawson Ashby; Mrs. Ora Ashby; and Lawson Ashby, the legal guardian of Betty Mae Ashby, a minor; Darrel Ashby, a minor; Kenneth Ashby, a minor; and Vernon Ashby, a minor.

Lawson Ashby and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,774.77 to Lawson Ashby, of Trinidad, California; the sum of $1,000 to Mrs. Ora Ashby, of Trinidad, California; the sum of $2,500 to the legal guardian of Betty Mae Ashby, a minor; the sum of $1,000 to the legal guardian of Darrel Ashby, a minor; the sum of $1,000 to the legal guardian of Kenneth Ashby, a minor; the sum of $300 to the legal guardian of Vernon Ashby, a minor; such payments being in full settlement of all their claims against the United States for property damage, personal injuries, losses, and expenses arising out of an accident which occurred on October 3, 1942, near McKinleyville, California, and which involved an Army truck: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 15, 1948.

[CHAPTER 123]

AN ACT

For the relief of Vera Frances Elicker.

March 15, 1948
[H. R. 621]
[Private Law 204]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Vera Frances Elicker, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

Vera Frances Elicker.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232-236; Supp. I, § 237.

Approved March 15, 1948.

[CHAPTER 124]

AN ACT

For the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb.

March 15, 1948
[H. R. 993]
[Private Law 205]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to the estate of Norman C. Cobb, the sum of $5,000 to the estate of Naomi R. Cobb, and the sum of $2,000 to the estate of Garland L. Cobb, late of Topeka, Kansas, in full settlement of all claims against the United States for the deaths of the said Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb, sustained as a result of the crash of a United States Army airplane into the house in which they resided, in Memphis, Tennessee, on April 29, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Norman C. Cobb and others, estates.

Approved March 15, 1948.

[CHAPTER 125]

AN ACT

For the relief of Anastasios Panage Ioannatos (known as Anastasios Panage Ionnetos or Tom Panage Yanatos).

March 15, 1948
[H. R. 1298]
[Private Law 206]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, Anastasios Panage Ioannatos (known as Anastasios Panage Ionnetos or Tom Panage Yanatos), of Santa Fe, New Mexico, who served honorably in the armed forces of the United States in time of war and has resided in the United States of America since January 18, 1926, shall be held and considered to have been lawfully admitted to the United States for permanent residence on January 18, 1926, the date that he entered the United States at New York, New York.

Anastasios Panage Ioannatos.

SEC. 2. The Attorney General is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued with respect to the said Anastasios Panage Ioannatos.

Quota deduction.

SEC. 3. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Greek immigration quota.

Approved March 15, 1948.

[CHAPTER 126]

March 15, 1948
[H. R. 1654]
[Private Law 207]

AN ACT

For the relief of the estate of Mrs. Elizabeth Campbell.

Mrs. Elizabeth Campbell, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Mrs. Elizabeth Campbell, Orlando, Florida, the sum of $5,000, in full satisfaction of all claims against the United States for damages on account of the death of the said Mrs. Elizabeth Campbell as a result of the crash of a United States Army airplane at Orlando, Florida, on June 5, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary nothwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 15, 1948.

[CHAPTER 127]

March 15, 1948
[H. R. 1864]
[Private Law 208]

AN ACT

For the relief of Mrs. Raiford D. Smith.

Mrs. Raiford D. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Raiford D. Smith, of Fitzgerald, Georgia, the sum of $2,658.50, in full settlement of all claims against the United States arising out of personal injury, when the car in which she was riding was struck by a Government truck being operated by a Works Progress Administration employee, near Albany, Georgia, on September 2, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 15, 1948.

[CHAPTER 128]

March 15, 1948
[H. R. 1929]
[Private Law 209]

AN ACT

For the relief of Edwin Osgood Cogan, his wife Helen Olga Cogan, and his daughter Isabel Joan Cogan.

Edwin Osgood Cogan and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Edwin Osgood Cogan, his wife Helen Olga Cogan, and his daughter Isabel Joan Cogan, as

of May 2, 1945, the date they were admitted temporarily to the United States. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the Philippine quota of the first year that the Philippine quota is available and one number from the quota for India of the first year the said Indian quota is available.

Quota deduction.

Approved March 15, 1948.

[CHAPTER 129]

AN ACT

For the relief of Stanley-Yelverton, Incorporated.

March 15, 1948
[H. R. 2373]
[Private Law 210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stanley-Yelverton, Incorporated, the sum of $1,905.93, in full settlement of their claim against the United States for property damage resulting from an accident involving a United States Navy bus operated on Highway Numbered 54 between Chapel Hill, North Carolina, and Raleigh, North Carolina, on the night of October 24, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Stanley-Yelverton, Inc.

Approved March 15, 1948.

[CHAPTER 130]

AN ACT

For the relief of Nita H. Stanley.

March 15, 1948
[H. R. 2374]
[Private Law 211]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nita H. Stanley, the sum of $569, in full settlement of her claim against the United States for personal injuries, hospital, and medical treatment resulting from an accident involving a United States Navy bus operated on Highway numbered 54, between Chapel Hill, North Carolina, and Raleigh, North Carolina, on the night of October 24, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Nita H. Stanley.

Approved March 15, 1948.

[CHAPTER 131]

AN ACT

For the relief of Bertha M. Rogers.

March 15, 1948
[H. R. 4331]
[Private Law 212]

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

Bertha M. Rogers.

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bertha M. Rogers, of Frederica, Delaware, widow of John R. Rogers, Senior, the sum of $8,285.47; such sum having been awarded to the said John R. Rogers, Senior, by an Act entitled "An Act for the relief of William J. Simpson and John R. Rogers, Senior", approved July 11, 1946 (Private Law 716, Seventy-ninth Congress), and the said John R. Rogers having died prior to receiving such award or any part thereof: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

60 Stat. 1250.

Approved March 15, 1948.

[CHAPTER 132]

March 15, 1948
[H. R. 4541]
[Private Law 213]

AN ACT

For the relief of Jesse F. Cannon, Jackson Jones, and the estate of John Halstadt.

Jesse F. Cannon.
Jackson Jones.
John Halstadt, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse F. Cannon, of Salt Lake City, Utah, the sum of $331.48; to Jackson Jones, of Dugway, Utah, the sum of $212; and to the estate of John Halstadt, of Salt Lake City, Utah, the sum of $212; in full satisfaction of their respective claims against the United States for compensation for loss of earnings sustained by them when they were required to suspend operation of the Yellow Jacket Mine, located near Tooele, Utah, as a result of the use of such mine, during the period from June 22 to July 22, 1945, by the Dugway Proving Ground, as a target site for conducting technical operations involving the use of chemical agents, incendiaries, and explosives: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 15, 1948.

[CHAPTER 134]

March 16, 1948
[H. R. 697]
[Private Law 214]

AN ACT

For the relief of Mrs. Essie N. Fannin, Miss Helen Hicks, Miss Marie Hicks, Miss Frances Fannin, William O. Thompson, and Mrs. W. D. Thompson.

Mrs. Essie N. Fannin and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Essie N. Fannin, of Moneta, Virginia, the sum of $5,430.30; Miss Helen Hicks, of Moneta, Virginia, the sum of $1,533.96; Miss Marie Hicks, of Moneta, Virginia, the sum of $2,573; Miss Frances Fannin, of Moneta, Virginia, the sum of $1,116.25; William O. Thompson, of Moneta, Vir-

ginia, the sum of $226.10; and Mrs. W. D. Thompson, of Moneta, Virginia, the sum of $211.35. The payment of such sums shall be in full settlement of all claims against the United States for personal injuries sustained, hospital and medical expenses and loss of earnings incurred by each of the above-named persons, as a result of an accident involving a vehicle operated by the Civilian Conservation Corps, War Department, on route 122, near Moneta, Virginia, on November 1, 1941: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 16, 1948.

[CHAPTER 135]

AN ACT

To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of Charles L. Baker.

March 16, 1948
[H. R. 1131]
[Private Law 215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States of America, to hear, determine, and render judgment upon the claim or claims of Charles L. Baker, of Ophir, Alaska, against the United States for loss or damage alleged to have been sustained by him as a direct result of his arrest on or about November 4, 1937, and subsequent imprisonment for approximately ninety-five days in the Territory of Alaska, if such arrest and imprisonment were occasioned by wrongful acts or omissions of any of the officers and employees of the United States while acting within the scope of such office or employment: *Provided*, That the United States shall not be liable for punitive damages.

Charles L. Baker.

Suit upon such claim may be instituted in the Court of Claims at any time within one year after the enactment of this Act, notwithstanding the lapse of time or any statute of limitation, and the proceedings in such suit shall be had in the same manner, and be subject to the same provisions for appellate review, as in the case of claims over which the Court of Claims has jurisdiction by virtue of section 145 of the Judicial Code, as amended (28 U. S. C. 250). The judgment in any such suit shall constitute a complete bar to any action by the claimant by reason of the same subject-matter against any officer or employee of the United States.

36 Stat. 1136; 62 Stat., Pt. 1, p. 996.

Approved March 16, 1948.

[CHAPTER 137]

AN ACT

For the relief of Robert Wilhelm Gerling.

March 18, 1948
[H. R. 3742]
[Private Law 216]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General of the United States shall record the lawful admission for permanent residence of Robert Wilhelm Gerling of New York City, New York, as of August 4, 1939, the date on which he was lawfully temporarily admitted to the United States.

Robert Wilhelm Gerling.

Approved March 18, 1948.

[CHAPTER 140]

March 20, 1948
[H. R. 4570]
[Private Law 217]

AN ACT

For the relief of Howard A. Yeager.

Capt. Howard A. Yeager.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard A. Yeager, captain, United States Navy, the sum of $128.96. The payment of such sum shall be in full settlement of all claims against the United States of the said Howard A. Yeager as reimbursement for travel performed pursuant to official Navy Department orders of May 1, 1945, May 8, 1945, and June 9, 1945: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved March 20, 1948.

[CHAPTER 145]

March 24, 1948
[S. 148]
[Private Law 218]

AN ACT

For the relief of Charles G. Meyers.

Charles G. Meyers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles G. Meyers, of Lyman, Washington, the sum of $4,000, in full satisfaction of his claim against the United States for compensation for personal injuries and loss of earnings sustained by him and for reimbursement of hospital, medical, and other expenses incurred by him as a result of having been hit, while engaged in the pursuit of his occupation as a fishing guide, by a bullet fired by an Army officer during target practice at Camp Lyman, Washington, on February 14, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding $1,000.

Approved March 24, 1948.

[CHAPTER 152]

March 25, 1948
[S. 400]
[Private Law 219]

AN ACT

Authorizing the issuance of a patent in fee to Mabel Townsend Pretty On Top.

Mabel Townsend Pretty On Top.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Mabel Townsend Pretty On Top, of Lodge Grass, Montana, a patent in fee to the following-described lands situated in the State of Montana: The southwest quarter of section 13, township 7 south, range 37 east, Montana principal meridian: *Provided*, That when the land herein described is offered for sale, the Crow Tribe or

any Indian who is a member of said tribe shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Approved March 25, 1948.

[CHAPTER 153]

AN ACT

Authorizing the Secretary of the Interior to issue a patent in fee to Clarence M. Scott.

March 25, 1948
[S. 401]
[Private Law 220]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, upon the filing of a written application by the Indian owner named in this Act, to issue to Clarence M. Scott, of Billings, Montana, a patent in fee to the following-described lands, including homestead lands allotted to him on the Crow Indian Reservation, Montana: The south half of section 16, and the north half of the northwest quarter and the northwest quarter of the northeast quarter of section 21, township 6 south, range 32 east, Montana principal meridian.

Clarence M. Scott.

Approved March 25, 1948.

[CHAPTER 154]

AN ACT

Authorizing the issuance of a patent in fee to Mrs. Mary E. Leaf.

March 25, 1948
[S. 773]
[Private Law 221]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Mrs. Mary E. Leaf, of McIntosh, South Dakota, a patent in fee to the following-described lands allotted to her in Corson County, State of South Dakota: The west half of section 20, township 22 north, range 21 east, of the Black Hills meridian: *Provided*, That when the land herein described is offered for sale, the Standing Rock Sioux Tribe or any Indian who is a member of said tribe shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Mrs. Mary E. Leaf.

Approved March 25, 1948.

[CHAPTER 155]

AN ACT

Authorizing the issuance of a patent in fee to Robert E. Doyle.

March 25, 1948
[S. 1407]
[Private Law 222]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized in his discretion to issue to Robert E. Doyle a patent in fee to the following-described lands situated in Big Horn County, Montana: The north half of the northwest quarter, the southeast quarter of the northwest quarter, and the southwest quarter, section 28; the north half of the northwest quarter, the southeast quarter of the northwest quarter, and the southwest quarter, section 28; the north half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter, and the east half of the east half of the west half, section 29; township 8 south, range 37 east, Montana principal meridian, containing six hundred and forty acres.

Robert E. Doyle.

Approved March 25, 1948.

[CHAPTER 156]

March 25, 1948
[S. 1517]
[Private Law 223]

AN ACT

Authorizing the issuance to James Perry Doyle of a patent in fee to certain lands in Big Horn County, Montana.

James Perry Doyle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to James Perry Doyle, a Crow Indian allottee numbered 1661, of Sheridan, Wyoming, a patent in fee to the following-described lands situated in Big Horn County, Montana: Southeast quarter of section 17, township 8 south, range 37 east; the northwest quarter and the north half of the north half of the southwest quarter, section 21, township 8 south, range 37 east; the east half of the east half of the northwest quarter, the northeast quarter and the north half of the southeast quarter of section 20, township 7 south, range 37 east, Montana principal meridian, containing six hundred and forty acres.

Approved March 25, 1948.

[CHAPTER 172]

April 3, 1948
[H. R. 986]
[Private Law 224]

AN ACT

For the relief of Leslie H. Ashlock.

Leslie H. Ashlock.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,042, to Leslie H. Ashlock, of Cecilia, Kentucky, in full settlement of all claims against the United States, for personal injuries sustained and medical and hospital expenses incurred as the result of the explosion of a small bomb at Fort Knox, Kentucky, on February 6, 1945, while the said Leslie H. Ashlock was engaged in work as an employee of Kastan and Company in connection with the baling of waste paper at the post dump at Fort Knox: *Provided*, That no part of the amount herein appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered directly or indirectly to any agent or attorney on account of any service or services claimed to have been or actually rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed $1,000.

Approved April 3, 1948.

[CHAPTER 174]

April 5, 1948
[H. R. 1215]
[Private Law 225]

AN ACT

For the relief of Kazue Oda Takahashi.

Kazue Oda Takahashi.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby, authorized and directed to record Kazue Oda Takahashi as having entered the United States for permanent residence on July 9, 1937. Upon the enactment of the Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Japan of the first year that the said quota is available.

Approved April 5, 1948.

[CHAPTER 175]

AN ACT

For the relief of Dave Hougardy.

April 6, 1948
[H. R. 2214]
[Private Law 226]

Dave Hougardy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dave Hougardy, Renton, Washington, the sum of $2,000. The payment of such sum shall be in full settlement of all claims against the United States for damages arising out of the death by drowning of Teddy Hougardy, eight-year-old son of the said Dave Hougardy, on August 5, 1938, when he fell from an unprotected foot log built by employees of the Forest Service of the Department of Agriculture in The Dalles Campground of the Snoqualmie National Forest, Washington: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 6, 1948.

[CHAPTER 176]

AN ACT

For the relief of Mrs. Susan W. Roe.

April 6, 1948
[H. R. 3118]
[Private Law 227]

Mrs. Susan W. Roe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, to Mrs. Susan W. Roe, of Flushing, Long Island, New York, in full settlement of all claims against the United States for personal injuries sustained and expenses incurred as the result of an operation at the base hospital, Mitchel Field, New York, on July 19, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 6, 1948.

[CHAPTER 178]

AN ACT

For the relief of Willian L. Cunliffe.

April 7, 1948
[H. R. 4177]
[Private Law 228]

William L. Cunliffe.

43 Stat. 160.
8 U. S. C. § 212.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration laws, and notwithstanding the provisions of section 12 of the Immigration Act of 1924, as amended, William L. Cunliffe, of Montreal, Canada, who is of English descent, father of Bruce Ferguson Cunliffe, a citizen of the United States, shall be deemed to have been born in Canada rather than in India, where his parents were residing at the time the said William L. Cunliffe was born.

Approved April 7, 1948.

[CHAPTER 182]

April 10, 1948
[H. R. 718]
[Private Law 229]

AN ACT

For the relief of Clarence J. Wilson and Margaret J. Wilson.

Clarence J. Wilson and Margaret J. Wilson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence J. Wilson and Margaret J. Wilson, of Richmond, California, the sum of $3,500. The payment of such sum shall be in full settlement of all claims of the said Clarence J. Wilson and Margaret J. Wilson against the United States on account of the death of their minor son, Robert C. Wilson, who was killed on December 18, 1944, in Richmond, California, when he was run over by a United States Army truck. At the time of such accident the said Robert C. Wilson was employed by the United States post office at Richmond in delivering mail as a member of a crew working from such truck. He fell from the truck and the left rear dual wheels passed over his chest: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 10, 1948.

[CHAPTER 184]

April 13, 1948
[H. R. 1523]
[Private Law 230]

AN ACT

For the relief of Edwin H. Griggs, or his estate.

Edwin H. Griggs, or estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edwin H. Griggs, or his estate, the sum of $1,236.55, in full settlement of all claims against the United States for personal injuries sustained by his wife, the late Marion S. Griggs, in July 1934, while boarding a United States Army truck for the purpose of transportation to Fort Devens, Massachusetts, to resume her duties as camp hostess, said injuries causing her death on January 3, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $10,000.

Approved April 13, 1948.

[CHAPTER 189]

April 15, 1948
[S. 111]
[Private Law 231]

AN ACT

For the relief of Donat and Laura Laroche.

Donat and Laura Laroche.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donat and Laura

Laroche, Lawrence, Massachusetts, the sum of $2,500. Such sum represents compensation for the death of their minor child, Clement Laroche, who was fatally injured on July 30, 1940, at Berlin, New Hampshire, when said child was struck by a National Youth Administration motor vehicle, while crossing Upper Main Street in said town of Berlin, New Hampshire: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 15, 1948.

[CHAPTER 190]

AN ACT

For the relief of Merchants Motor Freight.

April 15, 1948
[S. 1235]
[Private Law 232]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Merchants Motor Freight, Incorporated, of Saint Paul, Minnesota, the sum of $728.98, in full satisfaction of its claim against the United States (1) for reimbursement of amounts which it was required to expend for repairs to its open-top trailer as a result of damage to such trailer which occurred on June 30, 1943, when it undertook, at the insistence of a United States Navy officer acting in his official capacity, to transport certain heavy machinery for a war contractor, after it had protested that such machinery was too heavy for such trailer; (2) for reimbursement of expenses incurred in effecting the removal of such machinery from its trailer to another carrier; and (3) for compensation for the loss of use of such trailer: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Merchants Motor Freight, Inc.

Approved April 15, 1948.

[CHAPTER 193]

AN ACT

For the relief of Hilario A. Goitia.

April 17, 1948
[H. R. 358]
[Private Law 233]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the immigration and naturalization laws, the alien Hilario A. Goitia, 609 H Street, Los Banos, California, shall be held and considered to have been lawfully admitted at Galveston, Texas, on February 10, 1927, to the United States for permanent residence upon the payment by him of the visa fee of $10 and the head tax of $8. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the first available quota for Spain.

Hilario A. Goitia.

Quota deduction.

Approved April 17, 1948.

[CHAPTER 194]

April 17, 1948
[H. R. 387]
[Private Law 234]

AN ACT

For the relief of Hayato Harris Ozawa.

Hayato Harris Ozawa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 13C of the Immigration Act of May 26, 1924, the Attorney General be, and he is hereby, authorized and directed to permit Hayato Harris Ozawa, the husband of Shigeko Elizabeth Tamura Ozawa, a citizen of the United States, and the father of two children born in the United States, to remain permanently in the United States, provided he is otherwise admissible under the immigration laws.

43 Stat. 162.
8 U. S. C. § 213 (c).

Approved April 17, 1948.

[CHAPTER 195]

April 17, 1948
[H. R. 420]
[Private Law 235]

AN ACT

For the relief of Esther Ringel.

Esther Ringel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General is hereby authorized and directed to cancel the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889–890; U. S. C., title 8, secs. 155 and 156) and section 14 of the Immigration Act of 1924 (43 Stat. 162; U. S. C., title 8, sec. 214) in the case of Esther Ringel, any previous or existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Esther Ringel should be deemed to be lawfully a resident of the United States.

Approved April 17, 1948.

[CHAPTER 196]

April 17, 1948
[H. R. 421]
[Private Law 236]

AN ACT

For the relief of Betty Isabel Schunke.

Betty Isabel Schunke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended (8 U. S. C. 136 (e)), Betty Isabel Schunke, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232–236; Supp. I, § 237.

Approved April 17, 1948.

[CHAPTER 197]

April 17, 1948
[H. R. 560]
[Private Law 237]

AN ACT

To record the lawful admission to the United States for permanent residence of Wilhemina Piper Enz.

Wilhemina Piper Enz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and is hereby, authorized and directed to record the lawful admission for permanent residence of Wilhemina Piper Enz, who

entered the United States at New York, New York, on December 1, 1943, and that she shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as an immigrant for permanent residence.

Approved April 17, 1948.

[CHAPTER 198]

AN ACT

For the relief of Mrs. Keum Nyu Park.

April 17, 1948
[H. R. 899]
[Private Law 238]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby, authorized and directed to record Mrs. Keum Nyu Park as having entered the United States for permanent residence on March 9, 1938.

Approved April 17, 1948.

[CHAPTER 199]

AN ACT

For the relief of William B. Moore.

April 17, 1948
[H. R. 990]
[Private Law 239]

William B. Moore.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,534 to William B. Moore, of Lebanon Junction, Kentucky, in full settlement of all claims against the United States arising out of the death of his daughter, Patricia Ann Moore, deceased, as a result of an accident involving an Army vehicle in which she was riding, which accident occurred on August 2, 1945, about three miles east of Lebanon Junction, Kentucky: *Provided*, That no part of the amount herein appropriated in this Act in excess of 10 per centum shall be paid or delivered directly or indirectly to any agent or attorney on account of any service or services claimed to have been or actually rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed $1,000.

Approved April 17, 1948.

[CHAPTER 200]

AN ACT

For the relief of Philip Lee Sjoerdt Huizenga.

April 17, 1948
[H. R. 1859]
[Private Law 240]

Philip Lee Sjoerdt Huizenga.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Philip Lee Sjoerdt Huizenga shall be held and considered to have been lawfully admitted to the United States for permanent residence on November 5, 1945, at San Francisco, California, if he is admissible under the immigration laws other than those relating to quotas. Upon enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for China during the first year that the said China quota is available.

Quota deduction.

Approved April 17, 1948.

[CHAPTER 201]

April 17, 1948
[H. R. 1912]
[Private Law 241]

AN ACT

For the relief of John A. Dilboy.

John A. Dilboy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of John A. Dilboy as of July 2, 1925, the date he was admitted temporarily to the United States. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Turkish quota of the first year that the said Turkish quota is available.

Quota deduction.

Approved April 17, 1948.

[CHAPTER 202]

April 17, 1948
[H. R. 1927]
[Private Law 242]

AN ACT

For the relief of Margaret Katherine Hume.

Margaret Katherine Hume.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of the alien Margaret Katherine Hume, of Fortine, Montana, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration laws, the said Margaret Katherine Hume shall be held and considered to have been lawfully admitted to the United States for permanent residence on the date and at the place of her last entry therein.

Approved April 17, 1948.

[CHAPTER 203]

April 17, 1948
[H. R. 2213]
[Private Law 243]

AN ACT

For the relief of A. J. Sprouffske.

A. J. Sprouffske.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. J. Sprouffske, Roy, Washington, the sum of $2,079.50, in full settlement of all claims of the said A. J. Sprouffske against the United States for mink losses sustained as the result of several United States Army airplanes flying too low over Mr. Sprouffske's farm while participating in United States Army maneuvers, thereby causing the minks to lose their young. The damage occurred on May 25, 1939. Mr. Sprouffske's mink farm is located at the edge of a military reservation within a few hundred yards of Rainier training area, the leased part of the Fort Lewis Military Reservation, and about six or seven miles from Gray Field in the State of Washington: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 17, 1948.

[CHAPTER 204]

AN ACT

For the relief of Mrs. Daisy A. T. Jaegers.

April 17, 1948
[H. R. 2250]
[Private Law 244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any outstanding warrant of arrest, order of deportation, warrant of deportation, and bond in the case of the alien Mrs. Daisy A. T. Jaegers, New York, New York, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration and naturalization laws, the said Mrs. Daisy A. T. Jaegers shall be held and considered to have been lawfully admitted at New York, New York, on March 11, 1942, to the United States for permanent residence. Upon the enactment of this Act the Secretary of State shall instruct the proper quota control officer to deduct one number from the quota for Portugal of the first year that the said quota is available.

Mrs. Daisy A. T. Jaegers.

Quota deduction.

Approved April 17, 1948.

[CHAPTER 205]

AN ACT

For the relief of Mitsu M. Kobayashi, who is the wife of Edward T. Kobayashi, a citizen of the United States.

April 17, 1948
[H. R. 2303]
[Private Law 245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, that provision of section 19 (c) of the Immigration Act of February 5, 1917, as amended (39 Stat. 889–890; 54 Stat. 671–673; 56 Stat. 1044; 8 U. S. C. 155), which denies the benefits of its provisions to persons racially inadmissible or ineligible to naturalization in the United States, shall not be held to apply to Mitsu M. Kobayashi who last entered the United States in the year 1926.

Mitsu M. Kobayashi.

Approved April 17, 1948.

[CHAPTER 206]

AN ACT

For the relief of August Dane Tetuaearo.

April 17, 1948
[H. R. 2425]
[Private Law 246]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any outstanding warrant of arrest, order of deportation, warrant of deportation, and bond in the case of the alien August Dane Tetuaearo, of Ryde, Sacramento County, California, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration laws, the said August Dane Tetuaearo, whose wife is a citizen of the United States, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his entry therein in the year 1925.

August Dane Tetuaearo.

Approved April 17, 1948.

[CHAPTER 207]

April 17, 1948
[H. R. 2427]
[Private Law 247]

AN ACT

For the relief of Jose Cabral Lorenzo.

Jose Cabral Lorenzo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Naturalization laws the Attorney General is hereby authorized and directed to record the lawful admission for permanent residence of Jose Cabral Lorenzo, as of April 29, 1937, the date on which he was temporarily admitted to the United States, if he is found to be otherwise admissible under the provisions of the immigration laws other than the second class of section 3 of the Act of February 5, 1917 (39 Stat. 875, U. S. C., title 8, sec. 136 (a)).

Quota deduction.

Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota for the first year that the Spanish quota is available.

Approved April 17, 1948.

[CHAPTER 208]

April 17, 1948
[H. R. 2557]
[Private Law 248]

AN ACT

For the relief of Mable Gladys Viducich.

Mable Gladys Viducich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (3)), Mable Gladys Viducich, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232-236; Supp. I, § 237.

Approved April 17, 1948.

[CHAPTER 209]

April 17, 1948
[H. R. 3039]
[Private Law 249]

AN ACT

For the relief of Mrs. Marian D. McC. Plein.

Marian D. McC. Plein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), as amended, Marian D. McC. Plein, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232-236; Supp. I, § 237.

Approved April 17, 1948.

[CHAPTER 210]

April 17, 1948
[H. R. 3263]
[Private Law 250]

AN ACT

For the relief of Technical Sergeant Tsuyoshi Matsumoto.

Tech. Sgt. Tsuyoshi Matsumoto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 303 of the Nationality Act of 1940, as amended (54 Stat. 1140; 8 U. S. C. 703, 57 Stat. 600), Technical Sergeant Tsuyoshi

Matsumoto, who served honorably in the United States Army and who entered the United States temporarily as a student in 1937, may be permitted to remain permanently in the United States if he is found to be admissible under the immigration laws other than those relating to persons of races ineligible to naturalization.

Approved April 17, 1948.

[CHAPTER 211]

AN ACT

For the relief of Bruce Brothers Grain Company.

April 17, 1948
[H. R. 3387]
[Private Law 251]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $279.90, to the Bruce Brothers Grain Company, in full settlement of all claims against the Government of the United States to cover loss sustained by said company on a car of wheat, car numbered 96110, Chicago, Burlington and Quincy, shipped from Saint Joseph, Missouri, July 15, 1921, to Minneapolis, Minnesota: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Bruce Brothers Grain Co.

Approved April 17, 1948.

[CHAPTER 212]

AN ACT

For the relief of Domingo Gandarias.

April 17, 1948
[H. R. 3849]
[Private Law 252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and is hereby, authorized and directed to cancel deportation proceedings in the case of Domingo Gandarias, of eastern Nevada, legally admitted as a seaman but who has remained in the United States longer than permitted by law and regulations, and that this alien shall be considered as having been admitted for permanent entry as of the date of his actual entry on the payment of the visa fee of $10 and a head tax of $8.

Domingo Gandarias.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota for the first year that the said Spanish quota is available.

Quota deduction.

Approved April 17, 1948.

[CHAPTER 213]

AN ACT

For the relief of Olive Irene Milloglav.

April 17, 1948
[H. R. 3968]
[Private Law 253]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Olive Irene Milloglav, the

Olive Irene Milloglav.

39 Stat. 875.

wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

59 Stat. 659.
8 U. S. C. §§ 232–236; Supp. I, § 237.

Approved April 17, 1948.

[CHAPTER 214]

April 17, 1948
[H. R. 4403]
[Private Law 254]

AN ACT

For the relief of Ladislao Vaida, Elena Vaida, and Stefano Vaida.

Ladislao Vaida and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Ladislao Vaida, Elena Vaida, and Stefano Vaida, who entered the United States at New York on December 28, 1945, and that they shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted as immigrants for permanent residence as of that date.

Quota deduction.

Upon the enactment of this Act, the Secretary of State shall thereupon reduce by one number the immigration quota of Czechoslovakia, and by two numbers the immigration quota of Hungary, for the current fiscal year.

Approved April 17, 1948.

[CHAPTER 220]

April 20, 1948
[H. R. 3300]
[Private Law 255]

AN ACT

For the relief of Martin A. King.

Martin A. King.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Martin A. King, postmaster at Clarks Summit, Pennsylvania, is relieved of all liability to refund to the United States the sum of $410.53. Such sum represents a shortage in the amount of the said postmaster caused, without fault on his part, by the robbery of post-office funds on the night of July 27–28, 1934, from the post-office vault. The Comptroller General is authorized and directed to credit the account of said postmaster in the sum of $410.53. The sureties of the said postmaster are released from any liability to refund to the United States the whole or any part of such sum of $410.53.

Approved April 20, 1948.

[CHAPTER 221]

April 20, 1948
[H. R. 5387]
[Private Law 256]

AN ACT

For the relief of certain officers and employees of the Department of the Treasury who, while in the course of their respective duties, suffered losses of personal property by reason of war conditions and whose claims for such losses have been considered and approved by the Secretary of the Treasury upon the recommendations of a Treasury claim board.

Treasury Department.
Relief of certain personnel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons not to exceed the sums herein specified in full satisfaction of their respective claims against the United States for the fair value of reasonable and necessary personal property lost by such persons as a result of war conditions, which claims have been considered and

approved by the Secretary of the Treasury upon the recommendations of a Treasury claim board:

Isadore G. Alk, $231; Daniel Henry Blake, $195; Charles R. Clark, $346.38; William A. Conkright, $742.05; Earl W. Daley, $2,326.58; Dolor J. DeLagrave, $158; Mrs. Ella M. Doughty, $839.65; Joseph A. Fortier, $151.60; Roy V. Fox, $792.56; Smith B. Griffin, $82.59; William Lawrence Hebbard, $137; Paul Hermes, $753.31; Sidney J. Kennedy, $397.89; Charles Kruszewski, $379.40; Alice Libby, $170; Ronald N. Marquis, $50; T. F. McCrea, $200; Karl M. Richards, $4,995.48; Martin G. Scott, $2,246.59; Bernard Wait, $348.48; Laura S. Walker, $80; Hugo Wallenfels, $321.67; H. A. Wambold, $420; Florence I. Wilson, $76.56; Walter M. Wolff, $2,818.01: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 20, 1948.

[CHAPTER 226]

AN ACT

April 21, 1948
[H. R. 927]
[Private Law 257]

For the relief of the estate of Mary D. Briggs, deceased.

Mary D. Briggs, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the estate of Mary D. Briggs, deceased, former postmaster at Los Angeles, California, is relieved of all liability to refund to the United States the sum of $2,796.60, which sum remains due as the result of a defalcation of one Clyde T. Suttle, then a clerk in the Los Angeles post office, in the amount of about $9,000, less amounts regained from the surety on the bond and by judgment against the said Clyde T. Suttle. All charges remaining against the postmaster's account of the said Mary D. Briggs arising from the embezzlement of the said Clyde T. Suttle shall be remitted, and the Civil Service Commission is authorized and directed to release to the personal representative of the said Mary D. Briggs the amount to her credit in the civil-service retirement and disability fund which has been retained because of such shortage in her account.

Approved April 21, 1948.

[CHAPTER 227]

AN ACT

April 21, 1948
[H. R. 2633]
[Private Law 258]

For the relief of Claude T. Thomas, legal guardian of Elizabeth Ann Mervine, a minor, and the estates of Mary L. Poole, deceased, and Hazel S. Thomas, deceased.

Claude T. Thomas and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Claude T. Thomas, of Oklahoma City, Oklahoma; the sum of $250 to the legal guardian of Elizabeth Ann Mervine, a minor, of Oklahoma City, Oklahoma; the sum of $5,000 to the estate of Mary L. Poole, deceased, of Fort Madison, Iowa; and the sum of $5,000 to the estate of Hazel S. Thomas, deceased, of Oklahoma City, Oklahoma, in full settlement of all claims against the United States for personal injuries to Claude T. Thomas and Elizabeth Ann Mervine

and for the deaths of Mary L. Poole and Hazel S. Thomas, all resulting from an accident involving a United States Army vehicle, near Seiling, Oklahoma, on December 26, 1944: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 21, 1948.

[CHAPTER 228]

April 21, 1948
[H. R. 4118]
[Private Law 259]

AN ACT

To confirm title in fee simple in Thomas Loflin to certain lands in Rankin County, Mississippi.

Thomas Loflin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title in fee simple is hereby confirmed in Thomas Loflin, who made entry under Choctaw scrip certificate on November 1, 1854, at the Jackson, Mississippi, district land office, his heirs and assigns, to all rights to and interest in the following-described lands in Rankin County, Mississippi: The northeast quarter of the southeast quarter, section 35, township 3 north, range 2 east, Choctaw meridian, containing forty and one one-hundredths acres.

Approved April 21, 1948.

[CHAPTER 233]

April 27, 1948
[S. 329]
[Private Law 260]

AN ACT

For the relief of Gentaro Takahashi.

Gentaro Takahashi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to record Gentaro Takahashi as having entered the United States on July 13, 1927, for permanent residence. The said Gentaro Takahashi shall not be subject to deportation by reason of such entry.

SEC. 2. The Attorney General is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued, and to discontinue any deportation proceedings which may have been commenced, in the case of said Gentaro Takahashi.

Approved April 27, 1948.

[CHAPTER 234]

April 27, 1948
[S. 936]
[Private Law 261]

AN ACT

For the relief of Burnett A. Pyle.

Burnett A. Pyle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Burnett A. Pyle, of Bradford, Arkansas, the sum of $6,000, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him on June 29, 1945, as a result of being knocked to the ground and trampled by a team of mules which he was harnessing and which became frightened when three United States Army planes

passed overhead at a very low altitude: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 27, 1948.

[CHAPTER 240]

AN ACT

For the relief of Eva L. Dudley, Grace M. Collins, and Guy B. Slater.

April 28, 1948
[H. R. 1799]
[Private Law 262]

Eva L. Dudley and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva L. Dudley, of Saint Petersburg, Florida, the sum of $2,000, to pay to Grace M. Collins, of Lima, Ohio, the sum of $2,000, and to pay to Guy B. Slater, of Ada, Ohio, the sum of $2,000, in full settlement of all claims against the United States for property damage, personal injuries, hospital, and medical expenses sustained as a result of an automobile accident, on November 26, 1943, caused by a United States Veterans' Administration fire truck near the main gate of the Bay Pines Veterans' Administration Hospital, on United States Highway Numbered 19, Bay Pines, Florida: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved April 28, 1948.

[CHAPTER 245]

AN ACT

For the relief of Fire District Numbered 1 of the town of Colchester, Vermont.

May 3, 1948
[S. 1263]
[Private Law 263]

Fire District No. 1, Colchester, Vt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Fire District Numbered 1 of the town of Colchester, Vermont, the sum of $30,190.16, in full satisfaction of its claim against the United States for reimbursement of expenses incurred by it in repairing damage to a sewer line, such damage having resulted from improper construction by Army authorities, who installed the sewer line pursuant to an agreement between the fire district and the Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 3, 1948.

[CHAPTER 248]

AN ACT

May 3, 1948
[S. 608]
[Private Law 264]

Authorizing and directing the Secretary of the Interior to issue a patent in fee to Growing Four Times.

Growing Four Times.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Growing Four Times, of Frazier, Montana, a patent in fee to the following-described allotted lands situated in the State of Montana: The northeast quarter of the southeast quarter, and the southeast quarter of the southeast quarter, of section 5, township 26 north, range 45 east, Montana principal meridian: *Provided*, That when the land herein described is offered for sale, the Fort Peck Tribe or any Indian who is a member of said tribe shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Approved May 3, 1948.

[CHAPTER 249]

AN ACT

May 3, 1948
[S. 714]
[Private Law 265]

Authorizing the Secretary of the Interior to issue a patent in fee to Claude E. Milliken.

Claude E. Milliken.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Claude E. Milliken, of Billings, Montana, a patent in fee to the following-described lands allotted to him on the Crow Indian Reservation, Montana: Allotment numbered 144, the north half, the north half of the south half and the south half of the southwest quarter, of section 21, township 4 south, range 28 east, containing five hundred and sixty acres, and the north half of the northwest quarter of section 24, township 5 south, range 26 east, Montana principal meridian, containing eighty acres: *Provided*, That when the land herein described is offered for sale, the Crow Tribe or any Indian who is a member of said tribe shall have ninety days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Approved May 3, 1948.

[CHAPTER 250]

AN ACT

May 3, 1948
[H. R. 344]
[Private Law 266]

For the relief of Sylvester T. Starling.

Sylvester T. Starling.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sylvester T. Starling, route numbered 1, Hope Mills, North Carolina, the sum of $767.58. The payment of such sum shall be in full settlement of all claims of the said Sylvester T. Starling against the United States on account of or in connection with the amount he was required by the Army to pay for damages to a three-fourths-ton weapons carrier, United States Numbered 270825, when said weapons carrier was in collision with another Army vehicle in New Guinea on July 12, 1943: *Provided*, That

no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 3, 1948.

[CHAPTER 251]

AN ACT

For the relief of the estate of Anthony D. Chamberlain, deceased.

May 3, 1948
[H. R. 761]
[Private Law 267]

Anthony D. Chamberlain, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Anthony D. Chamberlain, deceased, of Oakdale, Louisiana, the sum of $5,000, in full settlement of all claims against the United States on account of the death of Anthony D. Chamberlain as a result of a collision on January 26, 1944, on United States Highway 165, near Kinder, Louisiana, involving the truck which he was driving and a United States Army truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 3, 1948.

[CHAPTER 252]

AN ACT

For the relief of the estate of T. L. Morris.

May 3, 1948
[H. R. 1067]
[Private Law 268]

T. L. Morris, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of T. L. Morris, deceased, late of Cherokee County, South Carolina, the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States on account of the death, on July 5, 1944, of the said T. L. Morris from injuries sustained by him when he was struck, on the said date, while plowing in a field, eight miles west of the town of Gaffney, South Carolina, by an airplane in the service of the Army of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 3, 1948.

[CHAPTER 253]

May 3, 1948
[H. R. 2728]
[Private Law 269]

AN ACT

For the relief of Darwin Slump.

Darwin Slump.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Darwin Slump, Clarinda, Iowa, the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Darwin Slump against the United States on account of personal injuries, loss of earnings, medical expenses, and future medical expenses sustained by him as a result of a collision, on December 6, 1944, on United States Highway Numbered 71, about one mile south of Clarinda, Iowa, involving an automobile driven by Ethel Guenther, Clarinda, Iowa, and a United States Army truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 3, 1948.

[CHAPTER 259]

May 4, 1948
[H. R. 762]
[Private Law 270]

AN ACT

For the relief of Dudley Tarver.

Dudley Tarver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dudley Tarver, of Oakdale, Louisiana, the sum of $3,000. The payment of such sum shall be in full settlement of all claims of the said Dudley Tarver against the United States for personal injuries, medical, hospital, nursing expenses, and loss of earnings sustained as the result of a collision on January 26, 1944, on United States Highway Numbered 165, near Kinder, Louisiana, involving the truck in which he was a passenger and a United States Army truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 4, 1948.

[CHAPTER 260]

May 4, 1948
[H. R. 1747]
[Private Law 271]

AN ACT

For the relief of Mrs. Margaret Lee Novick and others.

Mrs. Margaret Lee Novick and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret Lee Novick, of Miami, Florida, the sum of $275; to pay to the estate of Randolph Bolles, deceased, of Jacksonville, Florida, the sum of $639; to pay to Mr. and Mrs. J. C. Clark of Jacksonville,

Florida, the sum of $203; to pay to Marie F. Merwin, of Palatka, Florida, the sum of $466, in full settlement of all claims of said parties against the United States for property damages sustained by them as the result of the crash of two United States Army airplanes in Jacksonville, Florida, on July 20, 1944: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $1,000.

Approved May 4, 1948.

[CHAPTER 261]

AN ACT

For the relief of Joseph W. Beyer.

May 4, 1948
[H. R. 2399]
[Private Law 272]

Joseph W. Beyer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph W. Beyer, the sum of $5,000, in full settlement of all claims against the United States for personal injuries incurred in an accident involving a Government lumber carrier which occurred on pier 1, Brooklyn Army Base Terminal, Brooklyn, New York, on August 25, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 4, 1948.

[CHAPTER 262]

AN ACT

For the relief of Bessie B. Blacknall.

May 4, 1948
[H. R. 3115]
[Private Law 273]

Bessie B. Blacknall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bessie B. Blacknall, Henderson, North Carolina, the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Bessie B. Blacknall against the United States on account of personal injuries sustained by her as the result of the derailment on December 21, 1944, of a passenger train operated by the Alaska Railroad, Department of the Interior, on which she was traveling: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 4, 1948.

[CHAPTER 263]

May 4, 1948
[H. R. 3328]
[Private Law 274]

AN ACT

For the relief of Mr. and Mrs. Russell Coulter.

Mr. and Mrs. Russell Coulter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Mr. Russell Coulter and the sum of $1,000 to Mrs. Russell Coulter (Dorothy Coulter), such sums to be in full satisfaction of their respective claims against the United States for personal injuries sustained by them on April 15, 1944, when their car was struck by a United States mail truck, between Thirty-ninth and Fortieth Avenues on Powell Boulevard, in Portland, Oregon: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 4, 1948.

[CHAPTER 264]

May 4, 1948
[H. R. 4399]
[Private Law 275]

AN ACT

For the relief of James C. Smith, Stephen A. Bodkin, Charles A. Marlin, Andrew J. Perlik, and Albert N. James.

James C. Smith and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of James C. Smith, postmaster at Pittsburgh, Pennsylvania, Stephen A. Bodkin, former postmaster, and to relieve Charles A. Marlin, Andrew J. Perlik, and Albert N. James, post-office clerks in the Oakland Station post office, Pittsburgh, Pennsylvania, from any liability to refund or pay to the United States the sum of $2,578.97, such sum being money-order funds lost in a burglary of the Oakland Station, on March 15, 1944.

Approved May 4, 1948.

[CHAPTER 265]

May 5, 1948
[H. R. 334]
[Private Law 276]

AN ACT

For the relief of the legal guardian of James Harold Nesbitt, a minor.

Guardian of James Harold Nesbitt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to the legal guardian of James Harold Nesbitt, a minor, of Big Sandy, Texas, in full settlement of all claims against the United States for personal injuries, medical and hospital expenses sustained as the result of an accident involving an Army vehicle at the intersection of Church and Gilmore Streets, Big Sandy, Texas, on July 4, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the

provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 5, 1948.

[CHAPTER 268]

AN ACT

For the relief of the estate of Carl R. Nall.

May 10, 1948
[H. R. 4571]
[Private Law 277]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is authorized and directed to credit the account of Carl R. Nall, deceased, former postmaster at Sherman, Texas, in such amount as will equal the balance determined by the Comptroller General to be due in such account, as the result of various embezzlements from 1933 to 1945 by one George L. Kolb, former assistant postmaster in the Sherman post office. The estate of the said Carl R. Nall, deceased, and his sureties are hereby relieved of all liability to pay to the United States the whole or any part of the amount credited to the account of the said Carl R. Nall, as provided herein.

Carl R. Nall, estate.

Approved May 10, 1948.

[CHAPTER 271]

AN ACT

For the relief of Carl W. Sundstrom.

May 10, 1948
[S. 981]
[Private Law 278]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $92 to Carl W. Sundstrom, on account of money taken from his person and destroyed by prisoners on or about the second day of May 1946, during a riot at the United States Penitentiary, Alcatraz, California: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Carl W. Sundstrom.

Approved May 10, 1948.

[CHAPTER 272]

AN ACT

For the relief of Louis L. Williams, Junior.

May 10, 1948
[S. 1630]
[Private Law 279]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Louis L. Williams, Junior, of the Public Health Service, is hereby relieved of all liability, both as to principal and interest, under the claim of the United States arising out of the reimbursement to him of the sum of $560.16 from the appropriation "Preventing the Spread of Epidemic Diseases, Public Health Service, 1940", for payment made by him in December 1939 for one Ford coupe automobile purchased in Kunming, China, and for various items incident to repair, maintenance, and operation of the automobile; and the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis L. Williams, Junior, an amount equal to the aggregate of any amounts which may have been paid by Louis

Louis L. Williams, Jr.

53 Stat. 668.

L. Williams, Junior, or which may have been withheld from amounts otherwise due him, in partial satisfaction of such claim. In the settlement of the accounts of Louis L. Williams, Junior, as a disbursing officer of the United States, full credit shall be given him for such sum of $560.16.

Approved May 10, 1948.

[CHAPTER 273]

AN ACT

May 10, 1948
[H. R. 550]
[Private Law 280]

For the relief of Lizzie Reynolds, administratrix of the estate of Grace Reynolds, deceased.

Lizzie Reynolds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lizzie Reynolds, administratrix of the estate of Grace Reynolds, deceased, of Orleans, Nebraska, the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of Grace Reynolds, who was killed on December 23, 1944, when her automobile was struck by a United States Army truck near Alma, Nebraska: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 10, 1948.

[CHAPTER 274]

JOINT RESOLUTION

May 11, 1948
[H. J. Res. 242]
[Private Law 281]

To confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Illinois.

Joshua Britton.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title in fee simple is hereby confirmed in Joshua Britton who made entry under the Act of 1847 under warrant numbered 52347 on May 21, 1849, at Shawneetown, Illinois, District Land Office, his heirs and assigns, to all rights to and interest in the following-described lands in Jefferson County, Illinois:

South one-half of the southeast quarter of section 23, township 1 south, range 3 east, third principal meridian, Illinois.

Approved May 11, 1948.

[CHAPTER 278]

AN ACT

May 11, 1948
[S. 182]
[Private Law 282]

For the relief of Sergeant John H. Mott.

Sgt. John H. Mott.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant John H. Mott, of Denver, Colorado, the sum of $83, in full satisfaction of this claim against the United States for refund of a forfeiture of pay which

was imposed upon him on November 11, 1944, by the Commanding General, Second Air Force, who subsequently determined that he had erroneously punished the said John H. Mott: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 11, 1948.

[CHAPTER 279]

AN ACT

For the relief of Dan C. Rodgers.

May 11, 1948
[S. 576]
[Private Law 283]

Dan C. Rodgers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dan C. Rodgers, of Coquille, Oregon, the sum of $213.12, in full satisfaction of his claim against the United States for compensation for damage to his automobile which occurred when a United States Navy airplane crashed near his residence in Coquille, Oregon, on October 15, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 11, 1948.

[CHAPTER 280]

AN ACT

For the relief of Ensign Merton H. Peterson, United States Naval Reserve.

May 11, 1948
[S. 1806]
[Private Law 284]

Ensign Merton H. Peterson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $197.43, to Ensign Merton H. Peterson, United States Naval Reserve, Sioux Falls, South Dakota, in full settlement of all claims against the United States for hospital and medical expenses incurred by him while hospitalized in Sioux Valley Hospital, Sioux Falls, South Dakota, as a result of having been stricken with appendicitis on January 1, 1946, while on leave from the United States naval service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 11, 1948.

[CHAPTER 281]

May 11, 1948
[S. 1875]
[Private Law 285]

AN ACT

For the relief of the estate of Francis D. Shoemaker.

Francis D. Shoemaker, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. P. S. Newman and Richard J. Taggart, as executors of the estate of Francis D. Shoemaker, the sum of $54.49, which sum was awarded to Francis D. Shoemaker by the Supreme Court of the District of Columbia on December 24, 1925, as compensation for land condemned for streets in the District of Columbia and was paid into the court but was returned, under the rules of the court, to the United States Treasury when it was not claimed, the said Francis D. Shoemaker having died before collecting the sum: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 11, 1948.

[CHAPTER 282]

May 11, 1948
[H. R. 1498]
[Private Law 286]

AN ACT

For the relief of Hempstead Warehouse Corporation.

Hempstead Warehouse Corp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Hempstead Warehouse Corporation, a New York corporation, against the United States for loss or damage sustained by it as owner of land adjacent to Mitchel Field, in Nassau County, New York, growing out of the extension and enlargement of Mitchel Field and any plans preparatory thereto and any use of said land in connection with the construction, use, and operation of said airfield as extended and enlarged, including but not limited to the temporary posssession and use of the land by the United States under an order for immediate possession made by the United States District Court for the Eastern District of New York on the 30th day of June 1942. Suit upon such claim may be instituted at any time within one year after the date of enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which the Court of Claims has jurisdiction under section 145 of the Judicial Code, as amended.

62 Stat., Pt. 1, p. 996.

Approved May 11, 1948.

[CHAPTER 283]

May 11, 1948
[H. R. 3550]
[Private Law 287]

AN ACT

For the relief of Jesse L. Purdy.

Jesse L. Purdy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse L. Purdy, a

classified city carrier in the United States post office, Akron, Ohio, the sum of $41.12. Such sum represents the salary (a) which was paid to the said Jesse L. Purdy for seven days annual leave and one day sick leave taken by him during the period beginning July 16, 1945, and ending January 15, 1946, while he was on duty as a temporary rural carrier, and (b) which he was required to refund to the United States because he was not entitled to payment for such leave. The said Jesse L. Purdy took such annual and sick leave after having been erroneously advised by post office officials that he would be paid for such leave.

Approved May 11, 1948.

[CHAPTER 287]

AN ACT

For the relief of Doris D. Chrisman.

May 12, 1948
[S. 1164]
[Private Law 288]

Doris D. Chrisman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doris D. Chrisman, of Daytona Beach, Florida, the sum of $5,000, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her, and for reimbursement of hospital, medical, and other expenses incurred by her, as a result of an accident which occurred when the automobile in which she was riding collided with a United States Army vehicle, on United States Highway Numbered 1, three miles south of Oak Hill, Florida, on November 12, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 12, 1948.

[CHAPTER 288]

AN ACT

For the relief of Mississippi Central Railroad Company.

May 12, 1948
[H. R. 3089]
[Private Law 289]

Mississippi Central Railroad Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,750, to the Mississippi Central Railroad Company, of Hattiesburg, Mississippi, in full settlement of all claims against the United States as reimbursement for payment made in settlement and satisfaction of liability to which said Mississippi Central Railroad Company was subjected by the death of C. L. Hensarling, sustained as a result of an accident at Camp Shelby, Mississippi, on June 2, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 12, 1948.

[CHAPTER 291]

May 14, 1948
[S. 1142]
[Private Law 290]

AN ACT

For the relief of Anna Pechnik.

Anna Pechnik.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, Anna Pechnik, of Los Angeles, California, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last actual entry into the United States, upon payment by her of the visa fee of $10 and the head tax of $8.

SEC. 2. Notwithstanding any other provision of law, the Attorney General is authorized and directed to cancel any outstanding warrant of arrest, order of deportation, and bond issued in the case of Anna Pechnik, of Los Angeles, California. From and after the date of enactment of this Act, the said Anna Pechnik shall not again be subject to deportation by reason of the same facts upon which any such warrant and order have issued.

Quota deduction.

SEC. 3. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Poland for the year then current or the next following.

Approved May 14, 1948.

[CHAPTER 294]

May 14, 1948
[H. R. 1653]
[Private Law 291]

AN ACT

For the relief of Edward W. Bigger.

Edward W. Bigger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for the employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 edition, title 5, secs. 767 and 770), are hereby waived in favor of Edward W. Bigger, who is alleged to have sustained injury in the line of duty on or about August 15, 1940, while employed as county administrative officer for the Agricultural Adjustment Administration in Marion, Crittenden County, Arkansas, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the Bureau of Employees' Compensation of the Federal Security Agency not later than sixty days after the date of enactment of this Act.

39 Stat. 746.
5 U. S. C. §§ 765-770.

SEC. 2. The monthly compensation which the said Edward W. Bigger may be entitled to receive by reason of the enactment of this Act shall commence on the first day of the month during which this Act is enacted.

Approved May 14, 1948.

[CHAPTER 295]

May 17, 1948
[H. R. 345]
[Private Law 292]

AN ACT

For the relief of Ollie McNeill and Ester B. McNeill.

Ollie McNeill and Ester B. McNeill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ollie McNeill and Ester B. McNeill, of Fort Bragg, Cumberland County, North Carolina, the sum of $10,000. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injury

as a result of being struck by an Army glider at Fort Bragg, North Carolina, on December 1, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 17, 1948.

[CHAPTER 296]

AN ACT

For the relief of John F. Reeves.

May 17, 1948
[H. R. 1953]
[Private Law 293]

John F. Reeves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John F. Reeves, of Ventura, California, the sum of $4,000, in full settlement of all claims against the United States on account of personal injury and loss of earnings caused when an Army truck collided with the automobile in which he was riding on December 4, 1942, on Saviers Road in Ventura County: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding $1,000.

Approved May 17, 1948.

[CHAPTER 297]

AN ACT

For the relief of Joe Parry, a minor.

May 17, 1948
[H. R. 3189]
[Private Law 294]

Guardian of Joe Parry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Joe Parry, a minor, of El Paso, Texas, the sum of $10,180, in full settlement of all claims against the United States on account of the personal injuries and property damages sustained by the said Joe Parry in an accident involving an Army vehicle which occurred in El Paso, Texas, on October 6, 1944, and the medical, hospital, and incidental expenses incurred in connection with his treatment: *Provided*, That no part of the amount appropriated in this Act shall be paid to any subrogee: *And provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 17, 1948.

[CHAPTER 301]

May 18, 1948
[H. R. 4129]
[Private Law 295]

AN ACT

For the relief of Jerline Floyd Givens, and the legal guardian of William Earl Searight, a minor.

Jerline Floyd Givens.

Guardian of William Earl Searight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 to Jerline Floyd Givens, and the sum of $5,000 to the legal guardian of William Earl Searight, a minor, both of Lexington, Kentucky, in full settlement of all claims against the United States for personal injuries sustained by them as the result of an accident involving an Army vehicle, which occurred in Lexington, Kentucky, on September 21, 1941: *Provided*, That no part of the sums appropriated herein shall be paid to any subrogee: *And provided further*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 18, 1948.

[CHAPTER 304]

May 18, 1948
[H. R. 3880]
[Private Law 296]

AN ACT

For the relief of Ludwig Pohoryles.

Ludwig Pohoryles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the alien Ludwig Pohoryles, an orphan of Polish nationality who entered the United States on the steamship Gripsholm on May 5, 1947, in a transit status and who is in the care of his aunt, Mrs. Regina Schwartz, a permanent resident of the United States, shall be permitted to remain in the United States for permanent residence. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the first available quota for Poland.

Quota deduction.

Approved May 18, 1948.

[CHAPTER 306]

May 19, 1948
[H. R. 2418]
[Private Law 297]

AN ACT

For the relief of Luz Martin.

Luz Martin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Luz Martin as of June 21, 1945, at the port of Norfolk, Virginia. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for the Philippine Islands for the year then current.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 307]

AN ACT

For the relief of Dennis (Dionesio) Fernandez.

May 19, 1948
[H. R. 4130]
[Private Law 298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the immigration and naturalization laws, the alien Dennis (Dionesio) Fernandez, who entered the United States as a contract laborer on July 13, 1944, at El Paso, Texas, and who performed honorable service in the military forces of the United States during the period beginning January 28, 1946, and ending April 10, 1947, shall be held and considered to have been lawfully admitted to the United States for permanent residence. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Spain for the first year such quota number is available.

Dennis (Dionesio) Fernandez.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 308]

AN ACT

For the relief of Antonio Villani.

May 19, 1948
[H. R. 4631]
[Private Law 299]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the first category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (a)), Antonio Villani, a native-born citizen of Italy, may be admitted to the United States for permanent residence, if he is otherwise admissible under the provisions of the Immigration laws.

Antonio Villani.

39 Stat. 875.

Approved May 19, 1948.

[CHAPTER 314]

AN ACT

For the relief of Amin Bin Rejab.

May 19, 1948
[H. R. 338]
[Private Law 300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and he is hereby directed to record the lawful admission for permanent residence in the United States of Amin Bin Rejab as of September 1, 1937, at the port of Newport News, Virginia.

Amin Bin Rejab.

Approved May 19, 1948.

[CHAPTER 315]

AN ACT

For the relief of Andres Quinones and Letty Perez.

May 19, 1948
[H. R. 817]
[Private Law 301]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General is hereby authorized and directed to dismiss deportation proceedings pending against the aliens Andres Quinones and Letty Perez; and to record the lawful admission of such aliens for permanent residence in the United States as of May 15, 1945, on which date they were legally admitted at the port of San Francisco, California, as temporary visitors.

Andres Quinones and Letty Perez.

Quota deduction.

SEC. 2. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the quota of the Philippine Islands of the first year that the said quota is available.

Approved May 19, 1948.

[CHAPTER 316]

May 19, 1948
[H. R. 831]
[Private Law 302]

AN ACT

For the relief of George Chan.

George Chan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General is hereby authorized and directed to record the permanent admission to the United States of George Chan as of December 13, 1944, the date on which he was brought to this country by Army airplane. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for persons of the Chinese race of the first year that the said quota is available.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 317]

May 19, 1948
[H. R. 1022]
[Private Law 303]

AN ACT

For the relief of Peter Bednar, Francisca Bednar, Peter Walter Bednar, and William Joseph Bednar.

Peter Bednar and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General is hereby authorized and directed to dismiss the deportation proceedings now pending against Peter Bednar, and that he shall, upon the payment of the required head tax, be considered, for the purposes of the immigration and naturalization laws, to have been lawfully admitted to the United States on May 26, 1942, notwithstanding the fact that he arrived without proper immigration documentation. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Rumanian quota of the first year that the same Rumanian quota is available.

Quota deduction.

The Attorney General is further authorized to record lawful admission for permanent residence into the United States of Francisca Bednar, Peter Walter Bednar, and William Joseph Bednar as of the date of their last entry into the United States.

Approved May 19, 1948.

[CHAPTER 318]

May 19, 1948
[H. R. 1724]
[Private Law 304]

AN ACT

To legalize the admission to the United States of Sarah Jane Sanford Pansa.

Sarah Jane Sanford Pansa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby directed to record the entry into the United States of Sarah Jane Sanford Pansa at New York, New York, on November 30, 1946, as a lawful admission to the United States for permanent residence for the purposes of the immigration and naturalization laws. The Secretary of State shall thereupon reduce by one the immigration quota for Italy for the current fiscal year.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 319]

AN ACT

To amend the Act entitled "An Act for the relief of Johannes or John, Julia, Michael, William, and Anna Kostiuk".

May 19, 1948
[H. R. 1749]
[Private Law 305]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Private Law 167, Seventy-sixth Congress (ch. 530, first session), approved August 7, 1939, is hereby amended to read as follows:

Johannes or John Kostiuk and others.

53 Stat. 1508.

"That in the administration of the immigration and naturalization laws the Attorney General is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Johannes or John, Julia, Michael, William, and Anna Kostiuk. Hereafter, for the purposes of the immigration and naturalization laws, such aliens shall be deemed to have been admitted for all purposes to the United States for permanent residence on April 15, 1925."

Approved May 19, 1948.

[CHAPTER 320]

AN ACT

For the relief of Frank and Maria Durante.

May 19, 1948
[H. R. 3224]
[Private Law 306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized and directed to cancel the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., title 8, secs. 155 and 156), in the case of Frank Durante and Maria Durante, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Frank Durante and Maria Durante shall not again be subject to deportation by reason of the same fact upon which the outstanding proceedings rest.

Frank Durante and Maria Durante.

Approved May 19, 1948.

[CHAPTER 321]

AN ACT

For the relief of Cristeta La-Madrid Angeles.

May 19, 1948
[H. R. 3608]
[Private Law 307]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Cristeta La-Madrid Angeles as of September 19, 1946, the date she was admitted temporarily to the United States. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for the Philippine Islands for the fiscal year then current.

Cristeta La-Madrid Angeles.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 322]

AN ACT

For the relief of Mrs. Maria Smorczewska.

May 19, 1948
[H. R. 3787]
[Private Law 308]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Attorney Gen-

Mrs. Maria Smorczewska.

eral is hereby authorized and directed to record for permanent residence the temporary admission of Mrs. Maria Smorczewska, which occurred at the port of New York on January 9, 1947. Upon the enactment of this Act the Secretary of State shall make a quota deduction of one against the Polish quota for the current year or the first year in which that quota is available.

Quota deduction.

Approved May 19, 1948.

[CHAPTER 323]

AN ACT

May 19, 1948
[H. R. 3824]
[Private Law 309]

For the relief of Mrs. Cletus E. Todd (formerly Laura Estelle Ritter).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Mrs. Cletus E. Todd (formerly Laura Estelle Ritter), the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

Mrs. Cletus E. Todd.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232–236; Supp. I, § 237.

Approved May 19, 1948.

[CHAPTER 327]

AN ACT

May 20, 1948
[H. R. 3740]
[Private Law 310]

For the relief of Andrew Osiecimski Czapski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the alien Andrew Osiecimski Czapski, of Bloomfield, New Jersey, a national of Poland, shall be considered to have entered the United States on June 29, 1946, the date of his last entry, and to have been lawfully admitted to the United States for permanent residence. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Polish quota of the first year that such quota is available.

Andrew Osiecimski Czapski.

Quota deduction.

Approved May 20, 1948.

[CHAPTER 331]

AN ACT

May 21, 1948
[H. R. 1392]
[Private Law 311]

For the relief of Mrs. Charlotte E. Harvey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Charlotte E. Harvey, Glenwood, Minnesota, is relieved of all liability to pay to the United States any amount owing by her to the United States in excess of the sum of $5.41, on account of the shipment of her household goods and personal effects from Osakis, Minnesota, to Alexandria, Virginia, incident to her transfer, on or about September 16, 1943, from Rock Island, Illinois, to Washington, District of Columbia, while she was a civilian employee of the War Department. In the settlement of the accounts of any disbursing officer of the United States credit in the amount of $208.66 shall be given for any payment made to cover the expenses of such shipment.

Mrs. Charlotte E. Harvey.

Approved May 21, 1948.

[CHAPTER 332]

AN ACT

May 21, 1948
[H. R. 4050]
[Private Law 312]

To record the lawful admission to the United States for permanent residence of Moke Tcharoutcheff, Lucie Baptistine Tcharoutcheff, Raymonde Tcharoutcheff, and Robert Tcharoutcheff.

Moke Tcharoutcheff and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and is hereby, authorized and directed to record the lawful admission for permanent residence of Moke Tcharoutcheff, his wife, Lucie Baptistine Tcharoutcheff, and his two children, Raymonde and Robert Tcharoutcheff, who entered the United States at Savannah, Georgia, on March 13, 1947, and that they shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as immigrants for permanent residence. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the immigration quota for Russia and three numbers from the immigration quota for France, for the fiscal year then current.

Quota deduction.

Approved May 21, 1948.

[CHAPTER 342]

AN ACT

May 25, 1948
[S. 188]
[Private Law 313]

For the relief of Dionisio R. Trevino.

Dionisio R. Trevino.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of Dionisio R. Trevino, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration and naturalization laws, the said Dionisio R. Trevino, who arrived at Brooklyn, New York, on or about April 25, 1934, as a seaman on the steamship Mave Mar, which he deserted on or about April 25, 1934, shall, upon the payment of the required head tax, be held and considered to have been lawfully admitted to the United States for permanent residence at such place and on such date. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota of the first year that such quota becomes available.

Quota deduction.

Approved May 25, 1948.

[CHAPTER 343]

AN ACT

May 25, 1948
[S. 315]
[Private Law 314]

For the relief of Reginald Mitchell.

Reginald Mitchell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Reginald Mitchell, of North Hollywood, California, the sum of $106.85, in full satisfaction of his claim against the United States for compensation for property damage sustained by him, as a result of an accident which occurred when a United States Army vehicle collided with another automobile and pushed it into the rear of the automobile which he was driving, at the intersection of East Seventh Street and Maple Street, in Los Angeles, California, on November 10, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum

thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved May 25, 1948.

[CHAPTER 344]

May 25, 1948
[S. 511]
[Private Law 315]

AN ACT

For the relief of Francisco Gamboa Giocoechea.

Francisco Gamboa Giocoechea.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel the outstanding warrant and order of deportation, and bond, if any, issued pursuant to sections 13 and 14, of the Immigration Act of May 24, 1924 (U. S. C., title 8, secs. 213 and 214), in the case of Francisco Gamboa Giocoechea of Cascade, Idaho, any provision of existing law to the contrary notwithstanding. From and after the date of enactment of this Act, the said Francisco Gamboa Giocoechea shall not again be subject to deportation by reason of the same facts upon which such warrant and order have issued.

43 Stat. 161.

SEC. 2. In the administration of the immigration and naturalization laws, Francisco Gamboa Giocoechea, of Cascade, Idaho, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 6, 1927, upon the payment by him of the visa fee of $10 and the head tax of $8. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

Quota deduction.

Approved May 25, 1948.

[CHAPTER 345]

May 25, 1948
[S. 1365]
[Private Law 316]

AN ACT

For the relief of Lowe Way Yuen, and Dang Chee.

Lowe Way Yuen and Dang Chee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws Lowe Way Yuen and Dang Chee (also known as Ellen Ding), who were admitted into the United States on October 12, 1939, for a temporary stay and who are the mother and sister, respectively, of Hon W. Dang, a citizen and honorably discharged veteran of the armed forces of the United States, shall be deemed to have been lawfully admitted into the United States for permanent residence as of October 12, 1939.

Quota deduction.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the first available Chinese immigration quota.

Approved May 25, 1948.

[CHAPTER 346]

May 25, 1948
[S. 1451]
[Private Law 317]

AN ACT

For the relief of Perfecto M. Biason and Joan Biason.

Perfecto M. Biason and Joan Biason.

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

tration of the immigration and naturalization laws, Perfecto M. Biason and his daughter, Joan Biason, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of their last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the Philippine quota of the first year that openings are available in such qutoa.

Quota deduction.

SEC. 2. Notwithstanding any other provision of law, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding warrant of arrest, order of deportation, and bond, which may have been issued, in the case of Perfecto M. Biason and Joan Biason.

Approved May 25, 1948.

[CHAPTER 347]

AN ACT

For the relief of Guy Cheng.

May 25, 1948
[S. 1483]
[Private Law 318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, Guy Cheng, of Charlotte, Vermont, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required visa fee and head tax. Upon enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of China.

Guy Cheng.

Quota deduction.

Approved May 25, 1948.

[CHAPTER 355]

AN ACT

To incorporate the Roman Catholic Archbishop of Washington a corporation sole.

May 29, 1948
[H. R. 6203]
[Private Law 319]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Patrick A. O'Boyle, Roman Catholic Archbishop of Washington, and his successors in office, in accordance with the discipline and government of the Roman Catholic Church, hereby is created and declared to be a corporation sole.

Roman Catholic Archbishop of Washington, incorporation.

SEC. 2. The corporation—

A. shall have perpetual succession;

B. may contract in the same manner and to the same extent as a natural person and may sue and be sued;

C. may have and use a corporate seal and may alter and change the same at pleasure;

D. may acquire real and personal property by purchase, devise, bequest, gift, or otherwise, and hold, own, use, lease, assign, convey, or otherwise dispose of the same in like manner and to the same extent as a natural person;

E. may borrow money, issue notes or other negotiable paper, and secure the money borrowed by mortgage or by deed of trust on said real or personal property or any part thereof;

F. and may perform such other acts in the furtherance of the objects and purposes of the corporation that are not inconsistent with the Constitution of the United States or the laws in force in the District of Columbia.

Powers.

SEC. 3. The objects and purposes of the corporation shall be religious, charitable, and educational.

Vacancy.

SEC. 4. In the event that a vacancy should occur in said archbishopric and an administrator shall be elected or appointed in accordance with the discipline and government of the Roman Catholic Church, such administrator shall, until the installation of a successor archbishop, be authorized to do and perform all acts which the corporation is authorized to do and perform. The election or appointment of such administrator shall be evidenced by a certificate signed by the Chancellor of the Archdiocese of Washington, duly acknowledged and filed with the Recorder of Deeds of the District of Columbia.

SEC. 5. Nothing contained in this Act shall be construed as changing any law relating to taxation or exemption from taxation of any real or personal property.

Rights reserved.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved May 29, 1948.

[CHAPTER 361]

June 1, 1948
[S. 1637]
[Private Law 320]

AN ACT

For the relief of Leo Hamermann.

Leo Hamermann.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Naturalization laws the Attorney General is hereby authorized and directed to record the lawful admission for permanent residence of Leo Hamermann. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Quota deduction.

Approved June 1, 1948.

[CHAPTER 367]

June 1, 1948
[H. R. 2218]
[Private Law 321]

AN ACT

For the relief of Lawrence Edgar Edwards.

Lawrence Edgar Edwards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 136 (e)), the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Lawrence Edgar Edwards as of April 7, 1946, the date upon which he was admitted temporarily to the United States at Detroit, Michigan.

39 Stat. 875.

Approved June 1, 1948.

[CHAPTER 368]

June 1, 1948
[H. R. 2760]
[Private Law 322]

AN ACT

For the relief of Thomas Camarda.

Thomas Camarda.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to cancel any warrants of arrest or orders of deportation proceedings which may have been commenced in the case of Thomas Camarda, a resident of Detroit, Michigan.

Approved June 1, 1948.

[CHAPTER 369]

AN ACT

For the relief of John H. Schmitt and Mrs. Mildred Schmitt.

June 1, 1948
[H. R. 3965]
[Private Law 323]

John H. Schmitt and Mrs. Mildred Schmitt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John H. Schmitt, of Oak Park, Illinois, the sum of $8,011.05, and to pay to Mrs. Mildred Schmitt, of Oak Park, Illinois, the sum of $4,021.05, in full settlement of all claims of the said John H. Schmitt and Mrs. Mildred Schmitt against the United States for property damages, personal injuries, and loss of earnings sustained and medical and hospital expenses incurred by them as the result of the automobile in which they were riding having been struck by a United States Army vehicle on June 22, 1944, at the intersection of Roosevelt Road and United States Highway Numbered 45 in Cook County, Illinois: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 1, 1948.

[CHAPTER 370]

AN ACT

For the relief of Jacob Cohen.

June 1, 1948
[H. R. 4443]
[Private Law 324]

Jacob Cohen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the immigration and naturalization laws, the alien Jacob Cohen, San Francisco, California, a Rumanian national who entered the United States in September 1946, for a temporary stay (and whose son, Kurt Cohen, a naturalized citizen of the United States, died in France on February 6, 1945, as a result of wounds received in action while a member of the military forces of the United States) shall be held and considered to have been lawfully admitted to the United States for permanent residence, as of September 1, 1946. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Rumanian quota for the first year that such quota is available.

Quota deduction.

Approved June 1, 1948.

[CHAPTER 371]

AN ACT

For the relief of Abraham Spevak.

June 1, 1948
[H. R. 4593]
[Private Law 325]

Abraham Spevak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to Abraham Spevak, of Newburgh, New York, the sum of $500 in full settlement of all claims against the United States on account of personal injuries sustained and medical expenses incurred by him as a result of an accident which occurred on July 7, 1941, at Stony Point, New York, involving an Army vehicle: *Provided*, That no part of the amount appropriated

in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $1,000.

Approved June 1, 1948.

[CHAPTER 372]

June 1, 1948
[H. R. 4672]
[Private Law 326]

AN ACT

For the relief of John Cameron Henry.

John Cameron Henry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of John Cameron Henry, formerly a private, United States Army, for payment of the amount due him incident to his service in the Canadian Army which was paid to the United States by the Government of the Dominion of Canada October 30, 1942, for his credit but which was erroneously paid by the United States finance officer to another individual of a similar name, and to allow in full and final settlement of the claim not to exceed $416.14. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $416.14, or so much thereof as may be necessary, for the payment of the claim.

Approved June 1, 1948.

[CHAPTER 376]

June 3, 1948
[H. R. 350]
[Private Law 327]

AN ACT

For the relief of Caffey Robertson-Smith, Incorporated.

Caffey Robertson-Smith, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture be, and he is hereby, authorized and directed to pay, out of any funds available for carrying out the provisions of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, as amended, the sum of $9,448.86, to Caffey Robertson-Smith, Incorporated, of Memphis, Tennessee, in full satisfaction of its claims against the United States for payments for the exportation of certain quantities of cotton at the rates in effect at the time of the sales thereof for export, notices of such sales having been given prior to December 6, 1939, but the payments therefor having been withheld for the reason that the said Caffey Robertson-Smith, Incorporated, did not promptly file a bond supporting the agreement of compliance, dated August 1, 1939, which it entered into in connection with the cotton and cotton products export program of the Department of Agriculture for the fiscal year 1940: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

49 Stat. 774; 62 Stat., Pt. 1, p. 1257. 7 U. S. C. § 612c; Supp. I, § 612c note.

Approved June 3, 1948.

[CHAPTER 377]

AN ACT

For the relief of the Consolidated Steel Corporation of Los Angeles, California.

June 3, 1948
[H. R. 4377]
[Private Law 328]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Navy Department be, and is hereby, authorized to waive compliance by the Consolidated Steel Corporation with the requirement of article 5 (b) of Navy Department, Bureau of Ships Contract NObs–10771, that estimates of the cost of performing change orders be submitted within ten days of the receipt of such orders or within such further time as the naval inspector may allow in writing within said ten-day period: *Provided*, That no amount in excess of 10 per centum of the amount of any claim made payable by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim and same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Consolidated Steel Corp.

Approved June 3, 1948.

[CHAPTER 378]

AN ACT

For the relief of the Harbor Boat Building Company; the Wilmington Welding and Boiler Works; and B & R Machine Works, of Los Angeles, California.

June 3, 1948
[H. R. 4379]
[Private Law 329]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Navy Department be, and is hereby, authorized to waive compliance by the Harbor Boat Building Company, and the Wilmington Welding and Boiler Works and B & R Machine Works, with the requirement of article 5 (b) of Navy Department, Bureau of Ships Contracts NObs–10738 and NObs–10759, that estimates of the cost of performing change orders be submitted within ten days of the receipt of such orders or within such further time as the naval inspector may allow in writing within said ten-day period: *Provided*, That no amount in excess of 10 per centum of the amount of any claim made payable by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim and same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Harbor Boat Building Co. and others.

Approved June 3, 1948.

[CHAPTER 405]

AN ACT

For the relief of Michel Ferapontow.

June 3, 1948
[H. R. 892]
[Private Law 330]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Michel Ferapontow, upon payment of the required head tax, be considered, for the purposes of the immigration and naturalization laws, to have been lawfully admitted to the United States for permanent residence at the port of New York on or about November 29, 1945. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Russian quota of the first year that the same Russian quota is available.

Michel Ferapontow.

Quota deduction.

Approved June 3, 1948.

[CHAPTER 406]

June 3, 1948
[H. R. 926]
[Private Law 331]

AN ACT

For the relief of Dora Greenbaum (Brenner).

Dora Greenbaum (Brenner).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of the alien Dora Greenbaum (Brenner), and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purpose of the immigration and naturalization laws, the said Dora Greenbaum (Brenner) shall, upon the payment of the required head tax, be held and considered to have been lawfully admitted to the United States for permanent resident as of July 1, 1922.

Approved June 3, 1948.

[CHAPTER 407]

June 3, 1948
[H. R. 1916]
[Private Law 332]

AN ACT

For the relief of Filiberto A. Bonaventura.

Filiberto A. Bonaventura.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and he is hereby, authorized and directed to cancel the outstanding order and warrant of deportation issued pursuant to the Act approved February 18, 1931 (46 Stat. 1171; U. S. C., 1940 edition, title 8, sec. 156a), in the case of Filiberto A. Bonaventura, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Filiberto A. Bonaventura shall not again be subject to deportation by reason of the same facts upon which the present outstanding proceedings rest.

8 U. S. C. § 156a.

Approved June 3, 1948.

[CHAPTER 408]

June 3, 1948
[H. R. 2384]
[Private Law 333]

AN ACT

For the relief of Colbert H. Cannon.

Colbert H. Cannon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Colbert H. Cannon, of Oceanside, California, the sum of $8,000. Payment of such sum shall be in full settlement of all claims against the United States on account of injuries, medical and hospital expenses and loss of earnings suffered by the said Colbert H. Cannon on or about June 23, 1943, when the car he was driving was struck by a Marine Corps ambulance on Coast Highway, near Carlsbad, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 3, 1948.

[CHAPTER 409]

AN ACT

For the relief of Doctor Timothy C. H. Liang and Doctor Esther Chang Liang.

June 3, 1948
[H. R. 3358]
[Private Law 334]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General be, and he is hereby, authorized and directed to dismiss the deportation proceedings now pending against the aliens Doctor Timothy C. H. Liang of the Newton Memorial Hospital, Cassadaga, New York; and his wife Doctor Esther Chang Liang.

Dr. Timothy C. H. Liang and Dr. Esther Chang Liang.

SEC. 2. That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence in the United States of Doctor Timothy C. H. Liang as of November 18, 1944; and of Doctor Esther Chang Liang as of June 18, 1946, which are the respective dates of their lawful entries.

SEC. 3. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the quota for Chinese persons of the first year that such quota is hereafter available.

Quota deduction.

Approved June 3, 1948.

[CHAPTER 410]

AN ACT

For the relief of Mrs. Margaret K. Cahn.

June 3, 1948
[H. R. 3526]
[Private Law 335]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Mrs. Margaret K. Cahn, of Flushing, Long Island, New York, in full settlement of all claims against the United States, for personal injuries and loss of earnings sustained as the result of an accident on the sidewalk in front of the Pennsylvania Station, New York City, when she fell over a United States Army recruiting poster on November 30, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Margaret K. Cahn.

Approved June 3, 1948.

[CHAPTER 411]

AN ACT

For the relief of Mrs. Charlotte D. Wang, Harvey S. P. Wang, and Arthur Y. P. Wang.

June 3, 1948
[H. R. 3640]
[Private Law 336]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any outstanding warrant of arrest, order of deportation, warrant of deportation, and bond, in the case of the aliens Mrs. Charlotte D. Wang and her two minor sons, Harvey S. P. Wang and Arthur Y. P. Wang, all of Berkeley, California, and is directed not to issue hereafter any such warrants or

Mrs. Charlotte D. Wang and others.

orders in the case of such aliens. For the purposes of the immigration and naturalization laws, the said Mrs. Charlotte D. Wang, the said Harvey S. P. Wang, and the said Arthur Y. P. Wang, who entered the United States on August 2, 1945, for a temporary stay, shall be held and considered to have been lawfully admitted, as of such date, to the United States for permanent residence. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the quota for Chinese persons of the first year that such quota is available.

Quota deduction.

Approved June 3, 1948.

[CHAPTER 412]

June 3, 1948
[H. R. 3644]
[Private Law 337]

AN ACT

For the relief of James M. Dingwall, Junior; Aileen Reynolds; Bert Woolslayer; and Mrs. Maisie Purser Davis.

James M. Dingwall and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James M. Dingwall, $2,645; to Aileen Reynolds, $332.28; to Bert Woolslayer, $150; and to Maisie Purser Davis, $63.08; all of North Bend, Washington, said claims being in full settlement of all claims against the United States for personal injuries, property damage, or medical expenses resulting from a collision on May 27, 1943, when the car in which they were riding was struck by an Army truck at the intersection of Fourth and Bendigo Streets, North Bend, Washington: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 3, 1948.

[CHAPTER 413]

June 3, 1948
[H. R. 4484]
[Private Law 338]

AN ACT

For the relief of Theodore Loetsch.

Theodore Loetsch.

Be it enacted by the Senate and House of Representatives of the United of America in Congress assembled, That in the Administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent residence in the United States, the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (e)), shall not hereafter be held to apply to Theodore Loetsch, who is the husband of Esther S. Loetsch, an American citizen, on account of an offense alleged to have been committed abroad. If he is found otherwise admissible under the immigration laws an immigration visa may be issued to Theodore Loetsch under this Act upon application hereafter filed.

Approved June 3, 1948.

[CHAPTER 414]

AN ACT

To authorize the Secretary of the Army or his duly authorized representative to quitclaim a perpetual easement over certain lands adjacent to the Fort Myers Army Airfield, Florida.

June 3, 1948
[H. R. 5836]
[Private Law 339]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, or his duly authorized representative, be, and is hereby, authorized and empowered under such terms as he may deem advisable, to quitclaim to the Inter-County Telephone and Telegraph Company, its successors and assigns, all of the right, title, and interest of the United States of America in and to a certain perpetual right-of-way and easement acquired by the United States in four and forty-two one-hundredths acres of land, more or less, for the location, construction, operation, maintenance, and patrol of a telephone line and telephone facilities, and for the construction and maintenance of a road necessary for the patrol of the telephone line and facilities, in, over, and across lands in the vicinity of the Fort Myers Army Airfield, Florida.

Inter-County Telephone and Telegraph Co.
Easement.

Approved June 3, 1948.

[CHAPTER 429]

AN ACT

For the relief of Robert E. Lauritzen.

June 9, 1948
[S. 314]
[Private Law 340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay to Robert E. Lauritzen, of Pacific Grove, California, out of any funds available for the pay of the Army, the sum of $1,017.60, in full satisfaction of his claim against the United States for reimbursement of amounts paid as fines, and for losses of Army pay resulting from his reduction to the grade of private, pursuant to the sentence of court martial, such sentence having been set aside pursuant to the order of the Secretary of the Army dated November 21, 1947, as follows:

Robert E. Lauritzen.

1. Having received and approved the recommendations of the Army Board on Correction of Military Records in the case of Robert E. Lauritzen, Army serial number 39130813, dated November 17, 1947, and under the authority vested in me by section 207 of the Legislative Reorganization Act of 1946 (Public Law 601, Seventy-ninth Congress), the Adjutant General is directed to correct the military records of Robert E. Lauritzen, Army serial number 39130813, to show—

60 Stat. 837.
5 U. S. C. §§ 191a, 275, 456a.

a. that his conviction by special court martial on November 17, 1944, was in error and based on testimony subsequently discovered to be false;

b. that the applicant was a master sergeant from June 15, 1944, until October 20, 1945;

c. that the applicant lost no time under Article of War 107.

41 Stat. 809.
10 U. S. C. § 1579.

2. The Adjutant General is further directed to issue the applicant an honorable discharge in accordance with the record as corrected.

Honorable discharge.

Approved June 9, 1948.

[CHAPTER 430]

June 9, 1948
[S. 1771]
[Private Law 341]

AN ACT

Authorizing the Secretary of the Interior to convey certain lands in Powell Townsite, Wyoming, Shoshone reclamation project, Wyoming, to the James S. McDonald Post 5054, Veterans of Foreign Wars, Powell, Wyoming.

James S. McDonald Post 5054, Veterans of Foreign Wars, Powell, Wyo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to issue conveying that portion of the townsite of Powell, Wyoming, on the Shoshone reclamation project, particularly described as block one hundred and thirty-three of Powell Townsite, township 55 north, range 99 west, sixth principal meridian, to the James S. McDonald Post 5054, Veterans of Foreign Wars, Powell, Wyoming, in trust for use as a Veterans of Foreign Wars clubhouse and sports center; but in said patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same.

Rights reserved to U. S.

Conditions of conveyance.

SEC. 2. The conveyance herein authorized shall be made upon the express conditions that any use to which the area is put shall comply with all town ordinances and State laws; that within thirty days of the receipt of any request therefor from the Secretary of the Interior, the Commander of the James S. McDonald Post 5054, Veterans of Foreign Wars, shall submit a report on the use made of the land herein granted the James S. McDonald Post 5054 during the period named in such request; and that in the event of his failure so to report or in the event of a finding by the Secretary, which finding shall be final and conclusive, that the terms of the grant have not been complied with, the grant shall be forfeited and the title shall revert to the United States. The Secretary of the Interior is hereby authorized and empowered to determine the facts and declare the forfeiture and reversion aforesaid and restore said land to the public domain, and such order of the Secretary shall be final and conclusive.

Approved June 9, 1948.

[CHAPTER 431]

June 9, 1948
[S. 2060]
[Private Law 342]

AN ACT

For the relief of Edgar Wikner Percival.

Edgar Wikner Percival.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the administration of the immigration and naturalization laws, Edgar Wikner Percival, temporarily residing in New York, New York, who was admitted into the United States on a visitor's visa, shall, upon payment of the required visa fee and head tax, be deemed to have been lawfully admitted into the United States for permanent residence as of the date of his last actual entry into the United States.

Quota deduction.

(b) Upon enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available quota for nationals of Australia.

SEC. 2. Said Edgar Wikner Percival shall not be deprived of any right or benefit conferred by section 1 of this Act by reason of his departure from the United States before or after the date of enactment of this Act for the purpose of any temporary visit to any place outside the United States.

Approved June 9, 1948.

[CHAPTER 432]

AN ACT

For the relief of Thomas A. W. Elder.

June 9, 1948
[H. R. 3805]
[Private Law 343]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. W. Elder, of Stewart Manor, New York, formerly a civilian employee of the War Department, the sum of $6,500, in full satisfaction of his claim against the United States for compensation for personal injuries, loss of earnings, and substantial impairment of his earning power, resulting from negligence and improper professional treatment and care by an Army doctor during the time he was hospitalized for certain injuries at the Three Hundred and Fifty-Ninth Station Hospital of the United States Army, at Trinidad, British West Indies, during the period from May 1944 to December 1944, inclusive: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Thomas A. W. Elder.

Approved June 9, 1948.

[CHAPTER 440]

AN ACT

For the relief of Ern Wright.

June 10, 1948
[S. 825]
[Private Law 344]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 420 of the Federal Tort Claims Act, and subject to the provisions of section 422 of such Act and the applicable provisions of part 3 of such Act, the United States District Court for the District of Utah shall have the same jurisdiction, with respect to the claim of Ernest (Ern) Wright, of Salt Lake City, Utah, resulting from a collision between an automobile driven by Mr. Wright with another automobile driven by one Glen R. Woodward, in Salt Lake City, Utah, on November 10, 1943, that such court would have under the provisions of the Federal Tort Claims Act if such collision had occurred subsequent to January 1, 1945, and action on such claim had been timely brought: *Provided*, That such claim shall be forever barred unless action shall be brought thereon within six months after the date of approval of this Act: *Provided further*, That no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the payment of money in settlement of, or otherwise recognizing, such claim except in accordance with a valid judgment rendered by such court, shall hereafter be received or considered in either the Senate or the House of Representatives.

Ernest (Ern) Wright.
60 Stat. 845, 846, 843; 62 Stat., Pt. 1, p. 1008.
28 U. S. C. §§ 942, 944, 931–934; Supp. I, § 931.

60 Stat. 842; 62 Stat., Pt. 1, p. 1008.
28 U. S. C. §§ 921, 922, 931–934, 941–946; Supp. I, § 931.
Time limitation.

Approved June 10, 1948.

[CHAPTER 441]

AN ACT

For the relief of Mrs. Irma M. Pierce and Charles Z. Pierce.

June 10, 1948
[S. 1055]
[Private Law 345]

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

Mrs. Irma M. Pierce.

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Mrs. Irma M. Pierce, of Naples, Florida, the sum of $2,500, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her and for reimbursement of hospital, medical, and other expenses incurred by her as a result of an accident which occurred when the automobile in which she was riding was struck by a United States Army vehicle in Ellenton, Florida, on March 12, 1944; and (2) to Charles Z. Pierce, of Tampa, Florida, the sum of $400.40, in full satisfaction of his claim against the United States for compensation for property damage sustained by him and for reimbursement of hospital, medical, and other expenses incurred by him as a result of such accident: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles Z. Pierce.

Approved June 10, 1948.

[CHAPTER 442]

June 10, 1948
[S. 1206]
[Private Law 346]

AN ACT

For the relief of Jack O'Donnell Graves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jack O'Donnell Graves, formerly a captain, Signal Corps, Army of the United States (ASN O1633899), the sum of $453.76, in full satisfaction of his claim against the United States for mileage for travel performed by him by private conveyance from Fort Dix, New Jersey, to Nevada City, California, and return pursuant to Army orders dated July 16, 1946, which orders were revoked without his knowledge after his departure from Fort Dix, New Jersey: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Jack O'Donnell Graves.

Approved June 10, 1948.

[CHAPTER 443]

June 10, 1948
[S. 1588]
[Private Law 347]

AN ACT

For the relief of E. W. Strong.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. E. W. Strong, of Gasque, Alabama, the sum of $1,500, in full satisfaction of his claim against the United States for compensation for the destruction of his oyster bed in Oyster Bay, Baldwin County, Alabama, as a result of dredging operations performed by the Corps of Engineers, United States Army, in 1943.

Mr. E. W. Strong.

Approved June 10, 1948.

[CHAPTER 444]

AN ACT

For the relief of Gudrun Emma Ericsson.

June 10, 1948
[S. 1729]
[Private Law 348]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cause the immediate release of Gudrun Emma Ericsson (file Numbered A-6-619892) from detention at Ellis Island, New York, and to permit her entry into the United States for permanent residence. The said Gudrun Emma Ericsson shall not again be subject to deportation by reason of the same facts upon which her present detention is based or upon which any outstanding order of exclusion or order and warrant of deportation has been issued. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Gudrun Emma Ericsson.

Quota deduction.

Approved June 10, 1948.

[CHAPTER 445]

AN ACT

For the relief of William M. Looney.

June 10, 1948
[S. 1886]
[Private Law 349]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William M. Looney, a substitute clerk in the post office at Canton, Pennsylvania, is hereby relieved of all liability to refund to the United States the amount of the overpayment of salary received by him from the date he returned to duty after discharge from the armed services and was paid at the rate of $1.49 per hour to the date when it was determined that the rate properly payable to him was $1.19 per hour. In the audit and settlement of the accounts of any postmaster or other transmitting disbursing officer of the Post Office Department or postal service, the payment of an hourly rate of $1.49 to the said William M. Looney during the time specified shall be considered to have been authorized.

William M. Looney.

SEC. 2. Any amount heretofore credited to the said William M. Looney or refunded to the United States by him on account of the overpayment described in the first section of this Act shall be repaid to him out of any money available for the payment of salaries to substitute clerks of first- and second-class post offices.

Approved June 10, 1948.

[CHAPTER 446]

AN ACT

For the relief of Basque aliens.

June 10, 1948
[H. R. 1572]
[Private Law 350]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and is hereby, authorized and directed to cancel deportation proceedings in the cases of Bartolome Errea, Marcelino Yturbe, Francisco Lorono, Pete Elguezabal, Zenon Zubieta, Francisco Alluntiz, Manuel Zulueta, and Jose Antonio Odriozola, all of eastern Nevada, legally admitted as seamen but who have remained in the United States longer than permitted by law and regulations, and that these aliens shall be considered as having been admitted for permanent entry as of the date of their actual entry on the payment of the visa fees of $10 and head taxes of $8 per person.

Basque aliens.

Upon the enactment of this Act the Secretary of State shall instruct

Quota deduction.

the proper quota-control officer to deduct eight numbers from the Spanish quota for the first year that the said Spanish quota is available.

Approved June 10, 1948.

[CHAPTER 460]

AN ACT

June 12, 1948
[S. 1941]
[Private Law 351]

To authorize and direct the Secretary of the Interior to issue to John F. Compton, formerly John Crazy Bull, a patent in fee to certain land.

John F. Compton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to John F. Compton, formerly John Crazy Bull, Rosebud Sioux allottee, a patent in fee to the southeast quarter of section 32, township 36 north, range 26 west, sixth principal meridian, South Dakota, containing one hundred and sixty acres.

Approved June 12, 1948.

[CHAPTER 461]

AN ACT

June 12, 1948
[H. R. 5151]
[Private Law 352]

Authorizing the Secretary of the Interior to issue to James P. Love a patent to certain lands in the State of Mississippi.

James P. Love.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to James P. Love, a patent in fee to the following-described land, to wit: Lot 10, section 26, township 16 north, range 1 west, Choctaw meridian, Holmes County, Mississippi, containing seventy-two and one-half acres more or less: *Provided, however*, That the issuance of such patent shall operate only as a conveyance of all the right, title, and interest of the United States in and to the land described herein, but shall not affect any valid adverse rights of third parties should any such rights exist.

Approved June 12, 1948.

[CHAPTER 488]

AN ACT

June 16, 1948
[S. 1551]
[Private Law 353]

To authorize the Secretary of the Navy to sell to Anthony P. Miller, Incorporated, a parcel of unimproved land adjacent to the Anchorage Housing project at Middletown, Rhode Island.

Anthony P. Miller, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to sell to Anthony P. Miller, Incorporated, for not less than its fair market value and on such terms and conditions as the Secretary of the Navy may prescribe, an unimproved parcel of land adjacent to the Anchorage Housing project at Middletown, Rhode Island, containing twenty acres more or less.

Approved June 16, 1948.

[CHAPTER 489]

AN ACT

June 16, 1948
[S. 1703]
[Private Law 354]

For the relief of Lorraine Burns Mullen.

Lorraine Burns Mullen.

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

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lorraine Burns Mullen, of West Haven, Connecticut, the sum of $4,000, in full satisfaction of her claim against the United States for (1) compensation for personal injuries and loss of earnings sustained by her and reimbursement for medical expenses incurred by her as the result of an accident which occurred on October 20, 1944, when a United States Coast Guard vehicle in which she was riding and which was operated by Edward Kiselewski, then a member of the United States Coast Guard, collided with a trolley car in West Haven, Connecticut; the said Lorraine Burns Mullen having obtained a judgment for $7,000 against the said Edward Kiselewski in the Superior Court at New Haven, Connecticut, on account of such injuries; and (2) the costs and expenses incidental to the obtaining of such judgment: *Provided*, That the said Lorraine Burns Mullen furnish to the Secretary of the Treasury satisfactory evidence of the relief of the said Edward Kiselewski from liability for the payment of such judgment: *And provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 16, 1948.

[CHAPTER 490]

AN ACT

For the relief of Harriet Townsend Bottomley.

June 16, 1948
[H. R. 2389]
[Private Law 355]

Harriet Townsend Bottomley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,500 to Harriet Townsend Bottomley, in full and final settlement of all claims against the United States for damages to her home grounds and property at Old Brookville (Glen Head Post Office) Nassau County, New York, growing out of the crash of a Naval airplane on May 28, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 16, 1948.

[CHAPTER 498]

AN ACT

To amend the Act entitled "An Act for the confirmation of the title to the Saline Lands in Jackson County, State of Illinois, to D. H. Brush, and others"; approved March 2, 1861 (12 Stat. 891), as amended by the Act of November 29, 1944 (58 Stat. 1036).

June 17, 1948
[S. 1504]
[Private Law 356]

Stephen Holliday. Confirmation of title to certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the confirmation of the title to the Saline Lands in Jackson County, State of Illinois, to D. H. Brush, and others", approved

March 2, 1861 (12 Stat. 891), as amended by the Act of November 29, 1944 (58 Stat. 1036), is further amended by striking out so much thereof as reads as follows: "To Stephen Holliday, southeast quarter of the southeast quarter of section thirty-one, township eight, of range two;", and inserting in lieu thereof the following: "To Stephen Holliday, the southwest quarter of the southeast quarter and the southeast quarter of the southeast quarter of section thirty-one, township eight, of range two;".

Effective date.

SEC. 2. The amendment made by the first section of this Act shall be effective as of March 2, 1861.

Approved June 17, 1948.

[CHAPTER 499]

June 17, 1948
[H. R. 2634]
[Private Law 357]

AN ACT

For the relief of the Tampa Chapter Numbered 113, United Daughters of the Confederacy.

Tampa Chapter Numbered 113, United Daughters of the Confederacy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Tampa Chapter Numbered 113, United Daughters of the Confederacy, the sum of $1,000. The payment of such sum is to assist in repairing Confederate memorial monument in Tampa, Florida, which was damaged under date of October 27, 1946, by an accident caused by certain men of the United States Navy, and the payment of such sum shall be in full settlement of all claims of the said Tampa Chapter Numbered 113, United Daughters of the Confederacy, against the United States on account of property damages to the Confederate memorial monument in Court House Square, Lafayette and Franklin Streets, Tampa, Florida: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $1,000.

Approved June 17, 1948.

[CHAPTER 561]

June 19, 1948
[S. 424]
[Private Law 358]

AN ACT

Conferring jurisdiction upon the United States District Court for the District of Nebraska to hear, determine, and render judgment upon the claims of John J. Higgins, and others.

John J. Higgins and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the United States District Court for the District of Nebraska to hear, determine, and render judgment upon the claims of the following-named persons, all of Saunders County, Nebraska, against the United States for loss of or damage to their corn crops as a result of the flooding in April, May, and June, 1944, of the properties owned or rented by such persons as a result of an excessive flow of water in Silver Creek which followed the construction by the War Department of a drainage ditch from the Nebraska Ordnance Plant to such creek: John J. Higgins, Frank Higgins, Mrs. Agnes Kelly, Leonard G. Cameron, Doctor Daniel Dieter, Frank J. Dieter, Kenneth Rogers, Amanda Scheuneman Coderre, and Joseph Trpisovsky.

SEC. 2. In the determination of such claims, the United States shall

be held liable for damages, and for any negligent or wrongful acts or omissions of any of its officers or employees, to the same extent as if the United States were a private person in accordance with the law of the place where the acts or omissions occurred.

SEC. 3. Notwithstanding any statute of limitation or lapse of time, suit upon such claims may be instituted by the claimants within one year after the date of enactment of this Act. Proceedings for the determination of such claim and review thereof, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

36 Stat. 1091; 62 Stat., Pt. 1, p. 996. 28 U. S. C. § 41.

Approved June 19, 1948.

[CHAPTER 562]

AN ACT

For the relief of Warren H. McKenney.

June 19, 1948
[S. 873]
[Private Law 359]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Warren H. McKenney, of Chicago, Illinois, the sum of $8,660, in full satisfaction of his claims against the United States (1) for compensation for personal injuries sustained by him as a result of an automobile accident which occurred on November 22, 1945, near Antwerp, Belgium, when the automobile in which he was a passenger was struck by a United States Army vehicle, and (2) for compensation for the death of his wife, Anita R. McKenney, as a result of such accident, and (3) for reimbursement for medical and hospital expenses incurred by him as a result of such accident: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Warren H. McKenney.

Approved June 19, 1948.

[CHAPTER 563]

AN ACT

For the relief of Mrs. Christine West and Mrs. Jesse West.

June 19, 1948
[S. 1062]
[Private Law 360]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Mrs. Christine West, of Poplar, Montana, the sum of $1,000 representing compensation for her outstanding right, title, and interest in three hundred and forty acres of land and all improvements thereon, tract 215B, Roosevelt County, State of Montana, adverse to the title of the United States under deed from Christ Christofferson dated on December 2, 1936, recorded in the land records of the said county on December 12, 1936, in volume 62 on page 190, and for any and all damages to a dwelling formerly located thereon, which was destroyed by enrollees of the Civilian Conservation Corps in 1939, upon submission of evidence satisfactory to the Attorney General of a right, title, or interest adverse to the record title of the United States, and, upon delivery of a quitclaim deed conveying such right, title, or interest to the United

Mrs. Christine West.

States, together with a release to the United States of any and all claims for damages resulting from the possession or use of the land by the United States prior to the transfer of title; and

Mrs. Jesse West.

(2) to Mrs. Jesse West, of Wolf Point, Montana, in full satisfaction of her claim against the United States, the sum of $250, representing the fair value of certain buildings owned by her late deceased husband, upon proof of title, right, or interest by Christine West to the lands on which they were situated when seized and destroyed in 1939 by enrollees of the Civilian Conservation Corps: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 564]

June 19, 1948
[S. 1281]
[Private Law 361]

AN ACT

For the relief of James R. Walsh.

James R. Walsh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,500, to James R. Walsh, an individual doing business as M. J. Walsh and Sons, of Holyoke, Massachusetts, in full settlement of all claims against the United States for work performed in connection with the construction of defense housing project Mass–19023, at Springfield, Massachusetts, in January and February 1942: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 565]

June 19, 1948
[S. 1835]
[Private Law 362]

AN ACT

For the relief of Harry Daniels.

Harry Daniels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry Daniels, of 1426 Twenty-first Street Northwest, Washington, District of Columbia, the sum of $894.25, in full settlement of all claims against the United States for salary not paid while under suspension and separation from service in the National War Labor Board from November 9, 1944, to August 6, 1945, inclusive, while serving in the position of mail clerk of the communications unit of the National War Labor Board, Washington, District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection

with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 566]

AN ACT

For the relief of the owners of certain properties abutting Eastern Avenue in the District of Columbia.

June 19, 1948
[S. 2040]
[Private Law 363]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide relief for the owners of certain properties abutting Eastern Avenue in the District of Columbia, which properties were involved in condemnation case numbered 2611 in the District Court of the United States for the District of Columbia, wherein the owners of such properties were awarded damages as a result of the bringing to grade of the proposed Eastern Avenue, which damages have become inadequate because of increased construction costs during the war period, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury of the United States to the credit of the District of Columbia, upon certification by the Commissioners of the District of Columbia of the amounts payable, to the owner of each parcel of real property enumerated in section 2 of this Act, an amount equal to the actual cost of constructing a retaining wall and steps in front of such parcel, not exceeding, however, the amount set forth in section 2 after the number of such parcel. Upon completion of the construction, by private contractors, of the retaining wall and steps for each parcel, the Commissioners of the District of Columbia shall certify to the Secretary the amount payable to the owner of such parcel under the provisions of this Act.

District of Columbia.
Relief of certain property owners.

SEC. 2. The parcels of real property referred to in the first section and the maximum amount payable to the owner of each parcel are as follows:

Parcel number at condemnation	Parcel number at present time	Maximum amount to be paid to property owner
127/25	127/42	$5,105.00
127/27	127/40	5,064.00
127/23	127/38	4,932.00
127/7	127/60	3,120.00
116/21	116/46	4,083.60
116/28	116/42	2,103.86
116/27	116/40	2,067.86
116/22	116/38	2,741.01
116/23	116/47	2,443.00
116/25	116/34	2,487.00
116/26	116/32	400.00
Total		34,547.33

SEC. 3. All walls and steps, payment for which is authorized by this Act, shall be designed and constructed in accordance with applicable regulations in force in the District of Columbia, and all construction shall be performed under permit or permits issued by the appropriate officials of the Government of the District of Columbia.

Construction of walls and steps.

SEC. 4. The authority to pay the sums authorized by this Act shall expire one year after the date of enactment of this Act.

Time limitation.

Approved June 19, 1948.

[CHAPTER 567]

June 19, 1948
[H. R. 636]
[Private Law 364]

AN ACT

For the relief of W. A. Knox, W. L. M. Knox, and Frank C. Morris, operating as Knox Lumber Sales Company, of Thomson, Georgia.

W. A. Knox and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. A. Knox, W. L. M. Knox, and Frank C. Morris, operating as Knox Lumber Sales Company, of Thomson, Georgia, the sum of $10,543.85, in full satisfaction of its claim against the United States for compensation for balance due to Knox Lumber Sales Company for lumber shipped to Campagna Construction Company, Incorporated, Easthampton, Massachusetts, as directed by the War Department, pursuant to an allocation placed with Knox Lumber Sales Company through the Central Procurement Agency, Office of Chief of Engineers, War Department, the Central Procurement Agency having failed to advise the Knox Lumber Sales Company, prior to shipment, of the financial condition of the consignee: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $10,000.

Approved June 19, 1948.

[CHAPTER 568]

June 19, 1948
[H. R. 1222]
[Private Law 365]

AN ACT

For the relief of Mr. and Mrs. M. C. Lewis.

Mr. and Mrs. M. C. Lewis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $200 to Mr. and Mrs. M. C. Lewis, of Wildersville, Tennessee, in full settlement of all claims against the United States for personal injuries sustained by them as a result of a collision involving a United States Army truck on the highway just north of La Vergne, Tennessee, on August 14, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to, or received by, any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 569]

June 19, 1948
[H. R. 1726]
[Private Law 366]

AN ACT

For the relief of Elsie L. Rosenow.

Elsie L. Rosenow.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay,

out of any money in the Treasury not otherwise appropriated, to Elsie L. Rosenow, of Highland Park, Illinois, the sum of $6,383.62, in full settlement of all claims against the United States for personal injuries, medical and hospital expenses sustained as the result of a fall she suffered at the entrance to the Highland Park post office, Highland Park, Illinois, on December 12, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of any services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 570]

AN ACT

For the relief of Annie L. Taylor and William Benjamin Taylor.

June 19, 1948
[H. R. 1781]
[Private Law 367]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Annie L. Taylor, of Seaford, Virginia, the sum of $8,295, and to Captain William Benjamin Taylor, of Seaford, Virginia, the sum of $315, for loss sustained when the fishing trawler Joyce was blown up and sunk as a result of contact with a mine or obstruction on August 22, 1945, near Ocean City, Maryland. The payment of such sum of $8,295 shall be in full settlement of all claims of the said Mrs. Annie L. Taylor on account of the loss of the fishing trawler Joyce and equipment and cash on board when sunk. The payment of such sum of $315 shall be in settlement of all claims of said Captain William B. Taylor on account of personal property damage sustained by him in the loss of the fishing trawler Joyce: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Annie L. Taylor.

Capt. William Benjamin Taylor.

Approved June 19, 1948.

[CHAPTER 571]

AN ACT

For the relief of Elbert Spivey.

June 19, 1948
[H. R. 1855]
[Private Law 368]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to pay, out of any money in the Treasury not otherwise appropriated, to Elbert Spivey, the sum of $4,000, in full settlement of his claim against the United States for personal injuries, medical and hospital expenses caused by an injury received by the said Elbert Spivey on or about June 20, 1942, resulting from an automobile accident on said date, the automobile in which he was riding being hit by a War

Elbert Spivey.

Department truck and the said injuries being sustained in the resultant collision; the accident occurring on Government Street Road, a highway leading west from Mobile, Alabama, said accident occurring in Mobile County in the State of Alabama: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof, shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 572]

June 19, 1948
[H. R. 2062]
[Private Law 369]

AN ACT

For the relief of Mrs. Carrie M. Lee.

Mrs. Carrie M. Lee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Carrie M. Lee, Florence, South Carolina, the sum of $500. The payment of such sum shall be in full settlement of all claims against the United States arising out of an accident in which the automobile in which she was riding was struck by an Army truck on United States Highway Numbered 1, about two and one-half miles south of Rockingham, North Carolina, on July 21, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 573]

June 19, 1948
[H. R. 2479]
[Private Law 370]

AN ACT

For the relief of Hardy H. Bryant.

Hardy H. Bryant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hardy H. Bryant, the sum of $2,032.34, in full settlement of all claims against the United States for performance of certain service not covered by his contract with the Post Office Department to carry mail on screen wagon route 450002 at Beaumont, Texas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 574]

AN ACT

June 19, 1948
[H. R. 2684]
[Private Law 371]

For the relief of sundry fruit growers of the State of Delaware who sustained losses as the result of the fumigation of apples with methyl bromide in order to comply with the requirements of the United States Department of Agriculture relating to the Japanese beetle quarantine.

Relief of certain Delaware fruit growers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons the respective sums hereinafter indicated, in full satisfaction of their claims against the United States for compensation for losses sustained by them as the result of the fumigation of apples with methyl bromide in order to comply with the requirements of the United States Department of Agriculture relating to the Japanese beetle quarantine, such method of fumigation having been one of the methods suggested by the said Department of Agriculture: to C. L. Cannon, of Bridgeville, Delaware, the sum of $1,197.27; to W. H. Chandler, of Milton, Delaware, the sum of $16,618.63; to C. F. Fifer, of Wyoming, Delaware, the sum of $2,886.90; to W. S. Jones, of Bridgeville, Delaware, the sum of $2,436.32; to E. L. Kratz, of Greenwood, Delaware, the sum of $379.52; to Lord Brothers, of Dover, Delaware, the sum of $2,290.33; to Lord and Rickards, of Dover, Delaware, the sum of $930.08; to L. C. Newton, of Bridgeville, Delaware, the sum of $3,773.03; to O. A. Newton and Son, Bridgeville, Delaware, the sum of $1,968.07; to Frank W. Richardson, of Camden, Delaware, the sum of $4,095.75; to George B. Ruos and Son, of Bridgeville, Delaware, the sum of $3,742.66; to T. S. Smith and Sons, of Bridgeville, Delaware, the sum of $6,751.26; and to Townsend's, Incorporated, of Millsboro, Delaware, the sum of $1,161.96: *Provided*, That no part of the amount appropriated in this Act with respect to any such claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 575]

AN ACT

June 19, 1948
[H. R. 2916]
[Private Law 372]

For the relief of Walter Vandahl and Esther S. Vandahl, Allabrada Adams, Mrs. Lucile L. Rice Talbot, Mrs. Gladys Webb, and John E. Webb.

Walter Vandahl and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, to Walter Vandahl and Esther S. Vandahl, of Randolph, Kansas; to pay the sum of $1,500 to Allabrada Adams, of Manhattan, Kansas; to pay the sum of $3,000 to Lucile L. Rice Talbot, of Alma, Kansas; to pay the sum of $5,000 to Mrs. Gladys Webb, of La Mesa, California; and to pay the sum of $1,166 to John E. Webb, of San Diego, California, in full settlement of all claims against the United States for the death of Delores Vandahl, and the expenses incurred in connection with her burial; for personal injuries, property damage, and loss of earnings sustained and the medical and hospital expenses incurred by the said Allabrada Adams, Mrs. Lucile L. Rice Talbot,

and Mrs. Gladys Webb, and for the damage to the automobile of the said John E. Webb, all as a result of an accident that occurred on November 30, 1944, at the east entrance to the Fort Riley Military Reservation, Fort Riley, Kansas, involving a United States Army vehicle: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 576]

June 19, 1948
[H. R. 2922]
[Private Law 373]

AN ACT

For the relief of Charles B. Featherstone.

Charles B. Featherstone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles B. Featherstone, of Framingham, Massachusetts, the sum of $500, in full settlement of all claims against the United States for property damage and personal injuries sustained, and for medical and hospital expenses and loss of income incurred, as a result of a collision between a motor vehicle driven by him and an Army truck on United States Highway Numbered 9 in Framingham, Massachusetts, on October 7, 1941: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 577]

June 19, 1948
[H. R. 3007]
[Private Law 374]

AN ACT

For the relief of Ernest F. Lutzken.

Ernest F. Lutzken.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,238.96, to Ernest F. Lutzken, of 633 Lake Road, Webster, New York, in full settlement of all claims against the United States for false detention by United States Navy authorities on board the hospital ship United States Steamship Rescue from December 7, 1945, to December 13, 1945, and at the Mare Island Hospital from December 13, 1945, to February 18, 1946, and loss of personal property, loss of earnings, and expenses incident thereto: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 578]

AN ACT

For the relief of the estate of John Deiman.

June 19, 1948
[H. R. 3114]
[Private Law 375]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to the estate of John Deiman, late of Saint Paul, Minnesota, in full settlement of all claims against the United States for the death of the said John Deiman sustained as a result of an accident involving a United States Army jeep, near the intersection of West Seventh Street and Otto Avenue, Saint Paul, Minnesota, on July 30, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John Deiman, estate.

Approved June 19, 1948.

[CHAPTER 579]

AN ACT

For the relief of Mrs. Mae H. Fitzgerald.

June 19, 1948
[H. R. 3159]
[Private Law 376]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Mae H. Fitzgerald, of Mineral Wells, Texas, the sum of $5,000, in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, and property damages, sustained as the result of an accident involving a United States Army truck and trailer on Highway Numbered 77 near Davis, Oklahoma, on November 4, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Mae H. Fitzgerald.

Approved June 19, 1948.

[CHAPTER 580]

AN ACT

For the relief of Clarence S. Osika.

June 19, 1948
[H. R. 3260]
[Private Law 377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence S. Osika, of Coquille, Oregon, the sum of $9,879.85, in full satisfaction and final settlement of any and all claims arising out of the accident, for personal injuries sustained by him when he was struck by parts of the wreckage of a United States Navy airplane which crashed into a nearby building, in Coquille, Oregon, on October 15, 1944, and for reimbursement of

Clarence S. Osika.

medical, hospital, and other expenses incurred by him as a result of such injuries up to November 1, 1946: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 581]

June 19, 1948
[H. R. 3352]
[Private Law 378]

AN ACT

For the relief of Emeline Lartigue.

Emeline Lartigue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emeline Lartigue, of Mobile, Alabama, the sum of $405.10. The payment of such sum shall be in full settlement of all claims of the said Emeline Lartigue against the United States arising out of the damage to her automobile, which, on August 26, 1946, was struck at an intersection in the city of Mobile, Alabama, by an Army staff car operated by an enlisted man who was acting outside the scope of his employment: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 582]

June 19, 1948
[H. R. 3500]
[Private Law 379]

AN ACT

For the relief of Lester L. Elder and Mrs. Esther E. Elder.

Lester L. Elder and Mrs. Esther E. Elder.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester L. Elder and Mrs. Esther E. Elder, husband and wife, of Rocky Comfort, Missouri, the sum of $808.49, in full settlement of all claims against the United States for property damages and personal injuries sustained and medical and hospital expenses incurred by them and their two minor daughters, Donna Lee Elder and Evelyn Mae Elder, as the result of an accident involving an Army vehicle which occurred on United States Highway Numbered 40, about sixteen miles east of Wells, Nevada, on January 21, 1946: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 583]

AN ACT

For the relief of Mrs. Helen E. Scofield.

June 19, 1948
[H. R. 3641]
[Private Law 380]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, to Mrs. Helen E. Scofield, of Milford, Connecticut, in full settlement of all claims of the said Mrs. Helen E. Scofield against the United States for personal injuries, hospital and medical expenses, and loss of earnings sustained as the result of an accident involving a Coast Guard vehicle in West Haven, Connecticut, on October 20, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Helen E. Scofield.

Approved June 19, 1948.

[CHAPTER 584]

AN ACT

For the relief of Cooperative for American Remittances to Europe, Incorporated.

June 19, 1948
[H. R. 4830]
[Private Law 381]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Cooperative for American Remittances to Europe, Incorporated, the sum of $51,513.89, in full satisfaction of its claim against the United States for refund of customs duties paid between December 1946 and April 1947, inclusive, on the importation of Cuban chocolate purchased by Cooperative for American Remittances to Europe, Incorporated, and reexported by it for relief purposes to Europe: *Provided*, That no part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Cooperative for American Remittances to Europe, Inc.

Approved June 19, 1948.

[CHAPTER 585]

AN ACT

Authorizing the Secretary of the Interior to issue a patent in fee to Florence A. W. Arens.

June 19, 1948
[H. R. 5147]
[Private Law 382]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue to Florence A. W. Arens, of Billings, Montana, a patent in fee to the following-described lands allotted to her on the Crow Indian Reservation, Montana: Lots 11 and 12, section 2; lot 9, section 3; the east half of the east half of section 10; the west half of the east half of the east half of the west half, the west half of the east half of the west half, the west half of the west half, section 11, range 29 east, township 2 south, Montana

Florence A. W. Arens.

principal meridian, containing five hundred and fifty-seven and thirty-seven one-hundredths acres.

Approved June 19, 1948.

[CHAPTER 586]

June 19, 1948
[H. R. 5330]
[Private Law 383]

AN ACT

For the relief of W. W. DeLoach.

W. W. DeLoach.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. W. DeLoach, of Kosciusko, Mississippi, the sum of $114, in full settlement of all claims against the United States on account of services rendered in preparing and furnishing to the United States Army, on or about September 1, 1947, at the request of the Army provost marshal of Memphis, Tennessee, a certified copy of the transcript of testimony in the case of the State of Mississippi against George Lee Mullins, case numbered 2775, in the circuit court of Grenada County, Mississippi, the said George Lee Mullins then being an enlisted man in the United States Army who was tried and convicted in said case upon an indictment charging him with the murder of one Clinton Carpenter: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 19, 1948.

[CHAPTER 587]

June 19, 1948
[H. R. 5655]
[Private Law 384]

AN ACT

Confirming the claim of Juan Berrar to certain lands in the State of Louisiana, county of Attakapas, now parish of Saint Martin, said claim being listed as number B–690 in the report of the commissioners dated June 1811, so as to include section 2, township 11 south, range 6 east, Louisiana meridian, containing one hundred and thirty-nine and sixty-two one-hundredths acres.

Juan Berrar.
Confirmation of claim to certain land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Juan Berrar, listed as claim numbered B–690 in the report of the commissioners for the western land district of the State of Louisiana, dated June 1811, reported in volume II, page 686, American State Papers, Public Lands, Duff Green Edition, 1934, be, and it is hereby, confirmed in favor of said claimant and his heirs, assigns, and legal representatives, as including among other lands, all of section 2, township 11 south, range 6 east, Louisiana meridian, containing one hundred and thirty-nine and sixty-two one-hundredths acres: *Provided*, That this Act shall be construed to operate merely as a confirmation of said claim so as to include the above-mentioned section, and as a relinquishment of title on the part of the United States, and shall not prejudice any right, title, or interest of any person or body corporate, who, except for lack of confirmation of the claim, as to said section, would be the true and lawful owners of said lands or any portion thereof under the laws of the State of Louisiana, by virtue of either legal title or possession.

Approved June 19, 1948.

[CHAPTER 588]

AN ACT

June 19, 1948
[H. R. 6252]
[Private Law 385]

To authorize the issuance of a land patent to certain public lands, situated in the county of Kauai, Territory of Hawaii, for school purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Public Lands of the Territory of Hawaii with the consent of the Governor of said Territory of Hawaii be authorized to issue a land patent to the Roman Catholic Bishop of Honolulu, a corporation sole, covering the following described lands: Lots 117, 118, 119, 120, and 122, Kekaha House lots, Waimea, county of Kauai, Territory of Hawaii; said lands to be used for school purposes.

Roman Catholic Bishop of Honolulu.

Approved June 19, 1948.

[CHAPTER 592]

AN ACT

June 21, 1948
[H. R. 633]
[Private Law 386]

For the relief of Mrs. Myrtle Hovde.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Myrtle Hovde, Westby, Wisconsin, the sum of $420. Such sum is equal to the compensation which the said Mrs. Myrtle Hovde would have received for the year 1945 pursuant to the Act entitled "An Act to compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War", approved June 28, 1934, as amended (U. S. C., 1940 edition, Supp. V, title 38, sec. 503, and the following), if her annual income for such year had not been in excess of $1,000. After the death on July 3, 1944, of her husband, Joseph B. Hovde, a World War I veteran and an employee of the Post Office Department, the said Mrs. Myrtle Hovde made immediate application to the United States Civil Service Commission for the amount of $1,993.30 standing to the credit of the said Joseph B. Hovde in the civil-service retirement and disability fund. Due to the delay of the Commission, the said Mrs. Myrtle Hovde did not receive such amount until January 15, 1945, and the Administrator of Veterans' Affairs denied payment of compensation to the said Mrs. Myrtle Hovde for the year 1945 on the ground that such amount constituted annual income for such year in excess of $1,000. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Myrtle Hovde.

48 Stat. 1281.
38 U. S. C. §§ 503-507.

Approved June 21, 1948.

[CHAPTER 598]

AN ACT

June 22, 1948
[S. 1573]
[Private Law 387]

For the relief of Marcella Kosterman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money

Marcella Kosterman.

in the Treasury not otherwise appropriated, to Marcella Kosterman, the sum of $3,422, in full satisfaction of her claim against the United States for compensation for the death of her husband, William P. Kosterman, on February 25, 1924, as a result of illness contracted by the said William P. Kosterman in the Philippine Islands while a member of Company F, Signal Corps, United States Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 22, 1948.

[CHAPTER 599]

June 22, 1948
[H. R. 929]
[Private Law 388]

AN ACT

For the relief of Ernest L. Godfrey.

Ernest L. Godfrey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ernest L. Godfrey, one-quarter degree Klamath Indian, the sum of $2,500. Such sum shall be in full settlement of all claims against the United States arising from injury to his right arm on November 13, 1926, which was caught in the mangle of the laundry on the Hoopa Indian school grounds, California, during a period when he was a student in the school: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with this claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 22, 1948.

[CHAPTER 603]

June 22, 1948
[S. 1337]
[Private Law 389]

AN ACT

For the relief of Hou Chung Chay.

Hou Chung Chay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the immigration and naturalization laws, the alien Hou Chung Chay, of New York, New York, shall be held and considered to have been lawfully admitted on June 5, 1942, to the United States for permanent residence, upon payment of the required visa fee and head tax. Upon enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year in which such quota is available.

Quota deduction.

Approved June 22, 1948.

[CHAPTER 606]

AN ACT

For the relief of Wladyslav Plywacki.

June 22, 1948
[S. 1606]
[Private Law 390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration laws, Wladyslav Plywacki, who served with the United States Army in Europe following his liberation from a German prison camp, and who entered the United States illegally in June 1947, shall be held and considered to have been lawfully admitted to the United States for permanent residence, upon payment of the required visa fee and head tax. Upon enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Poland.

Wladyslav Plywacki.

Quota deduction.

SEC. 2. The Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel the outstanding order and warrant of deportation, warrant of arrest, and bond, if any, issued in the case of Wladyslav Plywacki. From and after the date of enactment of this Act, the said Wladyslav Plywacki shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or such warrants and order have issued.

Approved June 22, 1948.

[CHAPTER 619]

AN ACT

Conveying all right, title, and interest of the United States in and to certain lands in Wilkinson County, Mississippi, to the heirs, assigns, and successors in title of William Collins.

June 24, 1948
[S. 1274]
[Private Law 391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to fractional section 4, township 1 north, range 5 west, Washington meridian, Wilkinson County, Mississippi, consisting of approximately four hundred and ninety acres, is hereby granted, released, relinquished, and conveyed by the United States to the heirs, assigns, and successors in title of William Collins upon payment by them into the Treasury of the United States the sum of $735; such land being the same land which was conveyed under the credit system laws (credit prior receipts numbered 11656 and 11753, dated July 21, 1819, and August 30, 1819, respectively) to William Collins who, agreeing to pay to the United States the sum of $2 per acre for same, paid only the sum of $245 on entry leaving a balance due thereon of $735, now to be paid by the heirs, assigns, and successors in title of the said William Collins.

William Collins, heirs.
Conveyance.

Approved June 24, 1948.

[CHAPTER 620]

AN ACT

Conveying all right, title, and interest of the United States in and to certain lands in Warren County, Mississippi, to the heirs, assigns, and successors in title of Moses Evans.

June 24, 1948
[S. 1275]
[Private Law 392]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the southwest quarter of

Moses Evans, heirs.
Conveyance.

section 6, township 14 north, range 4 east, Washington meridian, Warren County, Mississippi, consisting of approximately one hundred and sixty-three and forty-five one-hundredths acres, is hereby granted, released, relinquished, and conveyed by the United States to the heirs, assigns, and successors in title of Moses Evans upon payment by them into the Treasury of the United States the sum of $245.18; such land being the same land which was conveyed under the credit system laws (credit prior receipt numbered 9309) on September 15, 1818, to Moses Evans who, agreeing to pay to the United States the sum of $2 per acre for same, paid only the sum of $81.72 on entry leaving a balance due thereon of $245.18, now to be paid by the heirs, assigns, and successors in title of the said Moses Evans.

Approved June 24, 1948.

[CHAPTER 634]

June 24, 1948
[H. R. 4047]
[Private Law 393]

AN ACT

For the relief of Edmund Huppler.

Edmund Huppler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is directed to cancel forthwith any warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of the alien Edmund Huppler of Imlaystown, New Jersey, and is directed not to issue any such further warrants or orders in the case of such alien insofar as any such further warrants or orders are based upon the same grounds as the warrants or orders required by this Act to be canceled. For the purposes of the immigration and naturalization laws, the said Edmund Huppler who arrived at Galveston, Texas, on July 9, 1946, as a seaman, chief mate, on the steamship Henry H. Blood, shall, upon the payment of the required head tax, be held and considered to have been lawfully admitted to the United States for permanent residence at such place and on such date. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Estonian quota of the first year that such quota becomes available.

Quota deduction.

Approved June 24, 1948.

[CHAPTER 635]

June 24, 1948
[H. R. 4516]
[Private Law 394]

AN ACT

For the relief of the Moore Dry Dock Company, of Oakland, California.

Moore Dry Dock Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Navy Department be, and is hereby, authorized to waive compliance by Moore Dry Dock Company with the requirement of article 5 (b) of Navy Department, Bureau of Ships Contract NObs 10777, that estimates of the cost of performing change orders be submitted within ten days of the receipt of such orders or within such further time as the naval inspector may allow in writing within said ten-day period: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 24, 1948.

[CHAPTER 635-A]

AN ACT

June 24, 1948
[S. 2223]
[Private Law 394-A]

To authorize the promotion of Lieutenant General Leslie Richard Groves to the permanent grade of major general, United States Army, and for other purposes.

Lt. Gen. Leslie Richard Groves.

Whereas the development of an atomic bomb by the Manhattan Engineer District, United States Army, during World War II represents not only the greatest achievement in weapon production but also one of the greatest achievements in the coordination of science, industry, and management in world history and was also a major factor in bringing that war to an earlier victorious close resulting in the saving of thousands of lives and great stores of resources; and

Whereas this accomplishment has also opened unlimited possibilities for peacetime and humanitarian application and expansion of atomic science for future use for the benefit of mankind; and

Whereas this initial achievement was successfully concluded under the leadership, supervision, and direction of Leslie Richard Groves, as Director of the Manhattan Engineer District, with superior judgment and courage and in accordance with the highest traditions of the United States Army; and

Whereas the said Leslie Richard Groves has requested that he be retired from service as an officer of the United States Army and such retirement has been authorized; and

Whereas the American people and the Congress of the United States deeply appreciate the outstanding and unique service to the Nation and to humanity thus rendered by the said Leslie Richard Groves and desire to express this appreciation by means of official recognition thereof: Therefore

Appointment to permanent grade of major general.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to appoint, without confirmation by the Senate, Leslie Richard Groves, Army serial number O-12043, lieutenant general, Army of the United States, to the permanent grade of major general in the Regular Army, such appointment to be effective as of the day prior to the effective date of his retirement from the active list of the Regular Army and such appointment shall entitle him to receive the retired pay of major general of the Regular Army.

Placement on retired list.

SEC. 2. The President is further authorized and requested, without confirmation by the Senate, to place the said Leslie Richard Groves on the retired list with the rank and grade of lieutenant general with honorary date of rank thereof as of July 16, 1945, which date commemorates the first explosion by man of an atomic bomb, at the Trinity site, Alamogordo, New Mexico. Such advancement in grade and rank on the retired list, however, shall not result in any increase in retired pay.

SEC. 3. This Act shall result in no permanent increase in the authorized number of major generals on the active list of the Regular Army.

Approved June 24, 1948.

[CHAPTER 638]

AN ACT

For the relief of Frantisek Jiri Pavlik or Georg Pavlik.

June 25, 1948
[H. R. 1409]
[Private Law 395]

Frantisek Jiri Pavlik or Georg Pavlik.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frantisek Jiri Pavlik or Georg Pavlik, who arrived at the port of Boston on September 21, 1945, as a stowaway, shall, upon the payment of the required

head tax, be considered, for the purposes of the immigration and naturalization laws, to have been lawfully admitted to the United States notwithstanding the fact that he was found to be inadmissible on the sole grounds that he arrived as a stowaway and was without proper immigration documentation. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Czechoslovakian quota of the first year that the same Czechoslovakian quota is available.

Quota deduction.

Approved June 25, 1948.

[CHAPTER 639]

June 25, 1948
[H. R. 4298]
[Private Law 396]

AN ACT

For the relief of Henry Hill.

Henry Hill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry Hill, of 5852 Calumet Avenue, Chicago, Illinois, the sum of $4,900, in full satisfaction of his claim against the United States for reimbursement as the payee of forty-nine money orders for $100 each that were stolen from him during 1944, while he was serving with the armed forces and was in a hospital at New Guinea as a result of battle fatigue, and cashed at various Army post offices on forged endorsements and signatures: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 640]

June 25, 1948
[H. R. 4566]
[Private Law 397]

AN ACT

For the relief of William Nally.

William Nally.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to pay to William Nally, New York City, the proceeds of National Service Life Insurance Policy Numbered 10,171,649 issued to Ferdinand Ley, late private, Company A, Three Hundred and Nineteenth Medical Detachment, United States Army, who was killed in action in Luxemburg, on February 21, 1945. Although the said William Nally was designated by the insured as beneficiary of such policy, his claim for payment thereunder was disallowed by the Veterans' Administration on the ground that he did not stand in loco parentis to the insured within the meaning of the National Service Life Insurance Act of 1940, as amended, because such relationship did not have its inception during the minority of the insured.

54 Stat. 1008.
38 U. S. C. §§ 801–818; Supp. I, § 802.

Approved June 25, 1948.

[CHAPTER 641]

AN ACT

For the relief of Mrs. Harry A. Light (formerly Mrs. Elsie Purvey).

June 25, 1948
[H. R. 4587]
[Private Law 398]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Mrs. Harry A. Light (formerly Mrs. Elsie Purvey), the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the Act approved December 28, 1945 (Public Law 271, Seventy-ninth Congress), if she is found otherwise admissible under the provisions of the immigration laws.

Mrs. Harry A. Light.

39 Stat. 875.

59 Stat. 659.
8 U. S. C. §§ 232-236; Supp. I, § 237.

Approved June 25, 1948.

[CHAPTER 642]

AN ACT

For the relief of Dimitri Petrou.

June 25, 1948
[H. R. 4881]
[Private Law 399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the alien Dimitri Petrou, of New York, New York, as of the 18th of July 1945, the date on which he entered the United States temporarily as a visitor.

Dimitri Petrou.

Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota of Greece for the first year such quota is available.

Quota deduction.

Approved June 25, 1948.

[CHAPTER 659]

AN ACT

For the relief of Markoto Iwamatsu, Atsushi Jun Iwamatsu, and Tomoe Iwamatsu.

June 25, 1948
[S. 1409]
[Private Law 400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 303 of the Nationality Act of 1940, as amended (54 Stat. 1140; 8 U. S. C. 703, 57 Stat. 600), Atsushi Jun Iwamatsu, who rendered outstanding services to the United States Government during the war with Japan, and his wife Tomoe Iwamatsu, both of whom entered the United States temporarily as visitors in 1939, may be permitted to remain permanently in the United States if they are found to be admissible under the immigration laws other than those relating to persons of races ineligible to naturalization.

Atsushi Jun Iwamatsu.

Tomoe Iwamatsu.

SEC. 2. That their twelve-year-old son, Markoto Iwamatsu, now presently residing in Japan, may be admitted to the United States for permanent residence if he can qualify for admission under all of the immigration laws other than those relating to persons of races ineligible to citizenship and those laws requiring an immigration visa.

Markoto Iwamatsu.

Approved June 25, 1948.

[CHAPTER 660]

June 25, 1948
[H. R. 564]
[Private Law 401]

AN ACT

For the relief of Sarah Lee Cregg.

Sarah Lee Cregg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah Lee Cregg, of Pensacola, Florida, the sum of $3,000. The payment of such sum shall be in full settlement of all claims of the said Sarah Lee Cregg against the United States on account of personal injuries received by her on November 2, 1943, at the Century Club, on West Cervantes Street, Pensacola, Florida, when a gun in the possession of a member of the Military Police was discharged by such member: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 661]

June 25, 1948
[H. R. 700]
[Private Law 402]

AN ACT

For the relief of Anthony Arancio.

Anthony Arancio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Arancio, of New York, New York, the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Anthony Arancio against the United States arising out of personal injuries sustained by him on October 1, 1944, in New York, New York, when, acting as a member of the New York City Police Department in line of duty, he struggled with and subdued a colored military policeman of the United States Army who was terrorizing bystanders: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 662]

June 25, 1948
[H. R. 912]
[Private Law 403]

AN ACT

For the relief of Hiro Higa and Kana Higa.

Hiro Higa and Kana Higa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hiro Higa and Kana Higa (husband and wife), 1935 Dillingham Boulevard, Honolulu, Territory of Hawaii, the sum of $1,458.65, in full settlement of all claims against the United States on account of

property damages caused by the collision of two United States Army aircraft which fell upon and destroyed their premises on June 8, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 663]

AN ACT

For the relief of Miss Rosella M. Kostenbader.

June 25, 1948
[H. R. 1642]
[Private Law 404]

Miss Rosella M. Kostenbader.

Be is enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miss Rosella M. Kostenbader, 235 West Homer Street, Freeport, Illinois, the sum of $37.64, in full settlement of all claims against the United States for reimbursement of the cost of travel from Freeport, Illinois, to Sweetwater, Texas, while under official orders to report for Women's Airforce Service Pilot training, which training was terminated while the claimant was en route to Sweetwater, Texas, as a result of administrative action based on recommendations by Members of the House of Representatives: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 664]

AN ACT

For the relief of the estate of Vito Abarno.

June 25, 1948
[H. R. 2009]
[Private Law 405]

Vito Abarno, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Vito Abarno, Staten Island, New York, the sum of $2,500. The payment of such sum shall be in full settlement of all claims of the said estate against the United States on account of the death of Vito Abarno, who was fatally injured on July 15, 1943, when the automobile in which he was a passenger was struck by a United States Army truck at the intersection of Tompkins Avenue and Wadsworth Avenue, Staten Island, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 665]

June 25, 1948
[H. R. 2193]
[Private Law 406]

AN ACT

For the relief of Robert E. Graham.

Robert E. Graham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 to Mr. Robert E. Graham, of Collins, Mississippi, in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, and loss of earnings sustained as a result of a collision between the automobile in which he was riding and a United States Army vehicle on United States Highway 49 in Collins, Mississippi, on November 14, 1943: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 666]

June 25, 1948
[H. R. 2431]
[Private Law 407]

AN ACT

For the relief of the estate of David Jefferson Janow, deceased.

David Jefferson Janow, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of David Jefferson Janow, deceased, late of Woodward, Oklahoma, the sum of $7,500, in full settlement of all claims against the United States on account of the death of the said David Jefferson Janow as the result of being struck by a United States Army airplane on January 25, 1944, at the Enid Army Air Field, Enid, Oklahoma: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 667]

June 25, 1948
[H. R. 2734]
[Private Law 408]

AN ACT

For the relief of Joseph M. Henry.

Joseph M. Henry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $546, in full payment of the claim of Joseph M. Henry for money belonging to him and paid by him to the patients' fund, Army Air Forces station hospital, McCook Army Air Field, McCook, Nebraska: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be

paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 668]

AN ACT

For the relief of Mrs. Mary H. Overall and Thomas I. Baker.

June 25, 1948
[H. R. 3427]
[Private Law 409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Mary H. Overall, Murfreesboro, Tennessee, the sum of $1,280, and to Thomas I. Baker, Murfreesboro, Tennessee, the sum of $1,500. The payment of such sum of $1,280 to the said Mrs. Mary H. Overall shall be in full settlement of all claims of the said Mrs. Mary H. Overall against the United States arising out of the loss of a barn and its contents as a result of fire caused by military personnel during Army maneuvers in Tennessee in 1944. The payment of such sum of $1,500 to the said Thomas I. Baker shall be in full settlement of all claims of the said Thomas I. Baker against the United States for the loss of a Fordson tractor which was in such barn at the time of the fire and damaged beyond repair: *Provided*, That no part of either of the sums appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. Mary H. Overall.

Thomas I. Baker.

Approved June 25, 1948.

[CHAPTER 669]

AN ACT

For the relief of Douglas L. Craig.

June 25, 1948
[H. R. 4452]
[Private Law 410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Douglas L. Craig, San Clemente, California, the sum of $3,200. The payment of such sum shall be in full settlement of all claims of the said Douglas L. Craig against the United States for personal injuries sustained as the result of an accident involving an Army car on the highway between Livermore and San Francisco, California, on March 4, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Douglas L. Craig.

Approved June 25, 1948.

[CHAPTER 670]

June 25, 1948
[H. R. 4518]
[Private Law 411]

AN ACT

For the relief of Gerald S. Furman.

Gerald S. Furman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $97.23, to Gerald S. Furman, of Plainfield, New Jersey, in full settlement of all claims against the United States, for expenses incurred in reporting to the Saint Louis Medical Department Procurement District, Saint Louis, Missouri, as a civilian consultant of the War Department on October 26, 1942: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 25, 1948.

[CHAPTER 671]

June 25, 1948
[H. R. 6327]
[Private Law 412]

AN ACT

To provide for the issuance of a license to practice chiropractic in the District of Columbia to Samuel O. Burdette

Samuel O. Burdette.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice chiropractic in the District of Columbia to Samuel O. Burdette in accordance with the provisions of the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, and on condition that the said Samuel O. Burdette shall be found by said Commission to be otherwise qualified to practice under the provisions of said Act.

45 Stat. 1326; 62 Stat., Pt. 1, p. 174. D. C. Code §§ 2-101 to 2-140; Supp. VI, § 2-104 *et seq.*

Approved June 25, 1948.

[CHAPTER 679]

June 26, 1948
[S. 165]
[Private Law 413]

AN ACT

For the relief of Doris E. Snyder.

Doris E. Snyder.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doris E. Snyder of Dayton, Ohio, the sum of $4,737. The payment of such sum shall be in full settlement of all claims of the said Doris E. Snyder against the United States for compensation for the loss of personal property owned by her which was destroyed and lost in the burning and sinking of the Argentine ship, steamship Rio de la Plata, on August 17, 1944, aboard which she was accompanying her husband, Captain Wesley E. Snyder, under War Department orders: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of

services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 26, 1948.

[CHAPTER 680]

AN ACT

For the relief of Archie Hamilton and Delbert Hamilton.

June 26, 1948
[S. 1715]
[Private Law 414]

Archie Hamilton and Delbert Hamilton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,672 to Archie Hamilton and the sum of $1,696.35 to Delbert Hamilton, of Owensboro, Kentucky, in full satisfaction of their claims against the United States for personal injuries, hospital and medical expenses, and property damage sustained as the result of an accident involving a United States Army vehicle near Owensboro, Kentucky, on November 8, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 26, 1948.

[CHAPTER 681]

AN ACT

For the relief of William R. Ramsey.

June 26, 1948
[H. R. 2551]
[Private Law 415]

William R. Ramsey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, to William R. Ramsey, out of any money in the Treasury not otherwise appropriated, the sum of $3,112.26, in full and final settlement of all claims for work and services actually rendered and performed for and on behalf of the War Department, the said sum being the aggregate of the following items: (a) For work and services rendered and performed as principal clerk and as full administrative assistant at the Hawaiian Quartermaster Depot, Fort Armstrong, Territory of Hawaii, for the period of February 1, 1943, to March 15, 1944, salary and overtime, the sum of $4,624.67, which sum had actually been paid to said William R. Ramsey for the work and services rendered, but which was subsequently deducted from accumulated army retirement pay and from contribution to the civil-service retirement fund; (b) $166.66 for straight salary for period March 16, 1944, to March 31, 1944, for work and services rendered as in (a) above set forth, but for which no payment has been made; (c) $999.99 in lieu of earned accrued annual leave of seventy-seven and one-half working days, earned but not granted to said William R. Ramsey upon termination of employment by the War Department.

Approved June 26, 1948.

[CHAPTER 682]

June 26, 1948
[H. R. 2732]
[Private Law 416]

AN ACT

For the relief of Dennis Stanton.

Dennis Stanton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1940 edition, title 5, and Supp. V, secs. 765–770), are hereby waived in favor of Dennis Stanton, of Clarks Green, Pennsylvania, and his claim for compensation for disability resulting from his having suffered a total loss of vision in his right eye on or about April 15, 1939, while working for the Works Progress Administration near East Benton, Pennsylvania, is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, and as extended to employees engaged in emergency relief employment, if he files such claim with the Bureau of Employees' Compensation, Federal Security Agency, not later than sixty days after the date of enactment of this Act. No benefits shall accrue under this Act for any period prior to the date of its enactment.

39 Stat. 746.
5 U. S. C. §§ 765–770.

Approved June 26, 1948.

[CHAPTER 683]

June 26, 1948
[H. R. 3937]
[Private Law 417]

AN ACT

For the relief of William C. Reese.

William C. Reese.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William C. Reese, of Birmingham, Alabama, out of any money in the Treasury not otherwise appropriated, the sum of $3,500, in full satisfaction of his claim against the United States for personal injuries sustained from the kick of a mule on October 15 or 25, 1917, while the said William C. Reese was in the performance of his duty as an employee of the Goodrich Construction Company engaged in the construction of an Army camp as a subcontractor under authority of the United States, said injury having been sustained through the negligent or reckless act of a soldier of the United States Army in charge of such mule whilst in the performance of his duties as such soldier: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 26, 1948.

[CHAPTER 684]

June 26, 1948
[H. R. 6224]
[Private Law 418]

AN ACT

For the relief of John Watkins.

John Watkins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,556.50 to John Watkins, of Twillingate, Newfoundland, who was injured on

May 19, 1947, on North Twillingate Island, Newfoundland, when a wagon on which he was riding was struck by a United States Coast Guard jeep, driven by Roland J. Loewer. The payment of such sum shall be in full settlement of all claims against the United States on account of such accident: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 26, 1948.

[CHAPTER 697]

AN ACT

Authorizing the naturalization of Elizabeth Pickering Winn.

June 28, 1948
[S. 83]
[Private Law 419]

Elizabeth Pickering Winn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, at any time within one year after the date of enactment of this Act, Elizabeth Pickering Winn may be naturalized as a citizen of the United States by taking the naturalization oath of allegiance before any court having jurisdiction of the naturalization of aliens, or by taking such oath before any diplomatic or consular office of the United States abroad.

Approved June 28, 1948.

[CHAPTER 698]

AN ACT

For the relief of Jenness C. Thomas.

June 28, 1948
[H. R. 371]
[Private Law 420]

Jenness C. Thomas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jenness C. Thomas, Halifax, Nova Scotia, the sum of $144. Such sum shall be in reimbursement for an equivalent amount which the said Jenness C. Thomas paid to the United States to balance the account of the Recruitment and Manning Organization office of the War Shipping Administration, Portland, Maine, because of the theft from such office, on July 29, or July 30, 1945, while he was in charge, and without fault on his part, of certain funds in the amount of $144. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 28, 1948.

[CHAPTER 699]

AN ACT

For the relief of Chester O. Glenn.

June 28, 1948
[H. R. 1076]
[Private Law 421]

Chester O. Glenn.

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

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chester O. Glenn, Spokane, Washington, the sum of $3,084. The payment of such sum shall be in full settlement of all claims of the said Chester O. Glenn against the United States arising out of personal injuries and property damage sustained by him, on May 14, 1934, in a collision between the automobile owned and operated by him and a Civilian Conservation Corps truck on United States Highway Numbered 10A–195, one-half mile north of Wrencose, Idaho: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 28, 1948.

[CHAPTER 700]

AN ACT

June 28, 1948
[H. R. 1220]
[Private Law 422]

For the relief of James D. Sigler and Frederick P. Vogelsand III.

James D. Sigler.

Frederick P. Vogelsand III.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to James D. Sigler, and to pay the sum of $1,000 to Frederick P. Vogelsand III, both of Baltimore County, Maryland, in full settlement of all claims against the United States for personal injuries, hospital and medical expenses, and property damage sustained as a result of an accident involving a United States Navy vehicle, in Baltimore County, Maryland, on March 4, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 28, 1948.

[CHAPTER 701]

AN ACT

June 28, 1948
[H. R. 2269]
[Private Law 423]

For the relief of Frank A. Constable.

Frank A. Constable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank A. Constable, Detroit, Michigan, the sum of $711.61. The payment of such sum shall be in full settlement of all claims of the said Frank A. Constable against the United States on account of personal injuries and property damage sustained by him on May 12, 1942, when an automobile owned and driven by him was struck by a United States Army truck at the intersection of Woodward Avenue and Eleven Mile Road, Detroit, Michigan: *Provided*, That no part of the amount appropriated in this

Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 28, 1948.

[CHAPTER 702]

AN ACT

To record the lawful admission to the United States for permanent residence of Patricia Schwartz and Beatrice Schwartz.

June 28, 1948
[H. R. 5716]
[Private Law 424]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General be, and is hereby, authorized and directed to record the lawful admission for permanent residence of Patricia Schwartz and Beatrice Schwartz, who arrived at the port of New York on May 9, 1947, and that they shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as immigrants for permanent residence, upon the payment of the visa fee and head tax. The Secretary of State is authorized to instruct the proper control officer to deduct two numbers from the appropriate quota for the first year in which such quota is available.

Patricia Schwartz and Beatrice Schwartz.

Quota deduction.

Approved June 28, 1948.

[CHAPTER 739]

AN ACT

For the relief of certain Basque aliens.

June 29, 1948
[S. 158]
[Private Law 425]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General be, and he is hereby, authorized and directed to permit Gaspar Ybarzabal, Pedro Ybarzabal, and Antonio Monasterio to reside in the United States as temporary visitors for a period of five years from the date of enactment hereof, provided they remain employed in the sheep industry. If any of the above-named aliens fails to maintain his occupation in the sheep industry at any time within five years after the date of enactment hereof, he shall be deemed to have remained in the United States for a longer time than permitted and shall be subject to deportation as provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended.

Gaspar Ybarzabal and others.

39 Stat. 889.
8 U. S. C. §§ 155, 156.

If, at the expiration of five years from the date of enactment hereof, the Attorney General shall, after due investigation, find that any of the above-named aliens has maintained an employment in the sheep industry during the entire five-year period, he is hereby authorized and directed to record such alien's lawful admission for permanent residence as of the date of his actual entry into the United States if he is otherwise found to be admissible under the provisions of the immigration laws other than those relating to quotas. The Attorney General shall communicate his findings to the Secretary of State, who shall thereupon instruct the proper quota-control officer to deduct one number for each alien so lawfully admitted for permanent residence from the quota of Spain for the first year that said quota is available.

Quota deductions.

Approved June 29, 1948.

[CHAPTER 740]

June 29, 1948
[S. 765]
[Private Law 426]

AN ACT

For the relief of Santiago Solabarrieta.

Santiago Solabarrieta.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Attorney General be, and he is hereby, authorized and directed to permit Santiago Solabarrieta, of Parma, Idaho, to reside in the United States as a temporary visitor for a period of five years from the date of enactment hereof, provided he remains employed in the sheep industry. In the event that the said Santiago Solabarrieta fails to maintain his occupation in the sheep industry at any time within five years after the date of enactment hereof, he shall be deemed to have remained in the United States for a longer time than permitted and shall be subject to deportation as provided in sections 19 and 20 of the Immigration Act of February 5, 1917.

39 Stat. 889.
8 U. S. C. §§ 155, 156.

If, at the expiration of five years from the date of enactment hereof the Attorney General shall, after due investigation, find that the said Santiago Solabarrieta has maintained an employment in the sheep industry during the entire five-year period, he is hereby authorized and directed to record the lawful admission for permanent residence of said Santiago Solabarrieta as of December 1, 1924, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and head tax of $8, if he is otherwise found to be admissible under the provisions of the immigration laws other than those relating to quotas. The Attorney General shall communicate his finding to the Secretary of State, who shall thereupon instruct the proper quota-control officer to deduct one number from the quota for Spain for the first year that said quota is available.

Quota deduction.

Approved June 29, 1948.

[CHAPTER 741]

June 29, 1948
[S. 1303]
[Private Law 427]

AN ACT

For the relief of Lydia A. Thompson.

Lydia A. Thompson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in the case of the late William M. Thompson, formerly employed by the War Department as a construction manager at Nitro, West Virginia, who died on May 10, 1918, as a result of typhoid fever contracted by him while an employee in such capacity, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim which may be filed with the Commission by Lydia A. Thompson, widow of said William M. Thompson, within one year from the date of the enactment of this Act, for compensation under the provisions of such Act of September 7, 1916, as amended, for the death of said William M. Thompson; but compensation, if any, shall commence from and after the date of the passage of this Act.

39 Stat. 746, 747.
5 U. S. C. §§ 767, 770.

39 Stat. 742.
5 U. S. C. §§ 751–791, 793.

Approved June 29, 1948.

[CHAPTER 742]

AN ACT

For the relief of Mrs. Anna V. Reyer, Alexander A. Reyer, and Vitaly A. Reyer.

June 29, 1948
[S. 1730]
[Private Law 428]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, Mrs. Anna V. Reyer, who was admitted into the United States on a visitor's visa, and her two sons, Alexander A. Reyer and Vitaly A. Reyer, who were admitted into the United States on student visas, shall be deemed to have been lawfully admitted into the United States for permanent residence as of the date of their last entries.

Mrs. Anna V. Reyer and others.

SEC. 2. Upon enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available quota for nationals of the Soviet Union and two numbers from the nonpreference category of the first available quota for nationals of China.

Quota deduction.

Approved June 29, 1948.

[CHAPTER 743]

AN ACT

For the relief of Stefan Magura and Michal Magura.

June 29, 1948
[S. 2709]
[Private Law 429]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and naturalization laws, Stefan Magura and Michal Magura, of Donora, Pennsylvania, who were admitted into the United States on temporary visas, shall be deemed to have been lawfully admitted into the United States for permanent residence as of April 29, 1948, upon payment of visa fees and head tax.

Stefan Magura and Michal Magura.

SEC. 2. Upon the enactment of this Act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the first available immigration quota for Czechoslovakia.

Quota deduction.

Approved June 29, 1948.

[CHAPTER 744]

AN ACT

For the relief of sundry residents of Alaska, veterans of World War II.

June 29, 1948
[H. R. 333]
[Private Law 430]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following, in full settlement of all claims against the United States for reimbursement of the amounts they expended for necessary travel expenses, in addition to any amounts paid to them by the United States for such purposes, in traveling from the places of their discharges, as indicated, from the Army of the United States to their homes: To Loyd C. Peterson (ASN 19,065,772) from Portland, Oregon, Army Air Base to Steel Creek, Alaska, the sum of $49.46; to Andrew J. Edwards (ASN 39,846,575) from Fort Lewis, Washington, to Fairbanks, Alaska, the sum of $59.15; to Harry E. Outwater (ASN 39,825,785) from Fort Lewis, Washington, to Deering, Alaska, the sum of $119.90; to Harry Ambrose (ASN 39,825,451) from Fort Richardson, Alaska, to Nulato, Alaska, the sum of $67.25; to Phillip Madros, of Nulato, Alaska, from Fort Richardson, Alaska, to Nulato,

Alaska.
Relief of certain veterans of World War II.

Alaska, the sum of $67.25; to Alfred Silas, of Nulato, Alaska, from For Richardson, Alaska, to Nulato, Alaska, the sum of $67.25; to Ralph D. Willoya (ASN 39,525,971) from Fort Richardson, Alaska, to Nome, Alaska, the sum of $22.80; to Albert Fleischmann (ASN 39,950,017) from Fairbanks, Alaska, to Beaver, Alaska, the sum of $28.75; to Robert L. Johnson (ASN 39,825,546) from Fort Richardson, Alaska, to Tibbs Creek, Alaska, the sum of $45.60; to Peter Wholecheese (ASN 39,825,895) from Fort Richardson, Alaska, to Galena, Alaska, the sum of $40; to Solomon A. Tommy (ASN 39,825,503) from Fort Richardson, Alaska, to Fairbanks, Alaska, the sum of $16.85; to Charles Hoffman (ASN 39,825,540) from Fort Richardson, Alaska, to Bethel, Alaska, the sum of $25.35; to Stanley R. Amarok (ASN 39,825,917) from Fort Richardson, Alaska, to Golovin, Alaska, the sum of $12.20; to Eddie Charles, Junior (ASN 39,525,928) from Fort Richardson, Alaska, to Bethel, Alaska, the sum of $25.35; to Edward A. Barr (ASN 39,825,758) from Fort Richardson, Alaska, to Deering, Alaska, the sum of $1.20; to Fred Goodhope (ASN 39,825,761) from Fort Richardson, Alaska, to Deering, Alaska, the sum of $1.20; to Raphael P. Kupanook (ASN 39,951,204) from Fort Richardson, Alaska, to Aniak, Alaska, the sum of $14.85; to Alfred B. Frank (ASN 39,950,428) from Fort Richardson, Alaska, to Minto, Alaska, the sum of $30.65; to Allen W. Hardluck (ASN 39,825,584) from Fort Richardson, Alaska, to Kokrines, Alaska, the sum of $20; to Martin Cooper (ASN 39,951,413) from Fort Richardson, Alaska, to Ninilchik, Alaska, the sum of $25.30; to William K. Sheldon (ASN 39,825,752) from Fort Richardson, Alaska, to Noorvik, Alaska, the sum of $47.70; to Clifton Jackson (ASN 39,846,202) from Fort Richardson, Alaska, to Kiana, Alaska, the sum of $38; to Jacob A. Stalker (ASN 39,825,936) from Fort Richardson, Alaska, to Noatak, Alaska, the sum of $38; to George Starbuck (ASN 39,825,741) from Fort Richardson, Alaska, to Deering, Alaska, the sum of $1.20; to Henry H. Sookiayak (ASN 39,846,319) from Fort Lewis, Washington, to Shaktoolik, Alaska, the sum of $22.05; to Walter U. Morris, of Noorvik, Alaska, from Nome, Alaska, to Noorvik, Alaska, the sum of $74.75; to Harry Snyder (ASN 39,525,930) from Fort Lewis, Washington, to Bethel, Alaska, the sum of $61.45; to Charles R. Biederman (ASN 39,846,591) from Portland, Oregon, Army Air Base to Eagle, Alaska, the sum of $76.26; to Frederick Terrel (ASN 39,825,863) from Portland, Oregon, Army Air Base to Wiseman, Alaska, the sum of $70.25; to William Huttula (ASN 19,068,951) from Portland, Oregon, Army Air Base to Fairbanks, Alaska, the sum of $61.65; to Frank A. Ahyoovik (ASN 39,825,586) from Whittier, Alaska, to Wainwright, Alaska, the sum of $59.16; to Robert W. Heavey (ASN 39,525,911) (O–1,334,857) from Camp Atterbury, Indiana, to Fairbanks, Alaska, the sum of $156.78; to Earl Scott (ASN 39,825,713) from Fort Lewis, Washington, to Shishmaref, Alaska, the sum of $250.95; to Verne Eutuk (ASN 39,825,918) from Fort Lewis, Washington, to Shishmaref, Alaska, the sum of $166.45; to Eugene Tetinek (ASN 19,068,869) from Fort Richardson, Alaska, to Fairbanks, Alaska, the sum of $16.85; to Samuel T. Wesley (ASN 39,825,937) from Fort Richardson, Alaska, to Kotzebue, Alaska, the sum of $39.20; to Lloyd Ahvakana (ASN 39,825,514) from Fort Richardson, Alaska, to Point Barrow, Alaska, the sum of $18.95; to Isaac Kisserak (ASN 39,846,573) from Fort Richardson, Alaska, to Fairbanks, Alaska, the sum of $12.35; to Tim Gologergon (ASN 39,846,306) from Fort Richardson, Alaska, to Savoonga, Alaska, the sum of $62.80; to Hoover Koonalook (ASN 39,825,517) from Fort Richardson, Alaska,

to Point Barrow, Alaska, the sum of $46; to George Luke (ASN 39,825,704) from Fort Richardson, Alaska, to White Mountain, Alaska, the sum of $12.20; to Andrew Demoski (ASN 39,950,356) from Fort Richardson, Alaska, to Tanana, Alaska, the sum of $38.50; to Walter K. Nayokpuk (ASN 39,825,743) from Baxter General Hospital, Spokane, Washington, to Shishmaref, Alaska, the sum of $156.79; to Moses J. Cruikshank (ASN 39,825,889) from Fort Richardson, Alaska, to Beaver, Alaska, the sum of $45.65; to Willie Fitka (ASN 39,825,598) from Fort Lewis, Washington, to Fortuna Ledge, Alaska, the sum of $178.30; to Tommy K. Lee (ASN 39,825,905) from Fort Richardson, Alaska, to Kobuk, Alaska, the sum of $13.70; to Francis J. Madros (ASN 39,525,892) from Fort Ord, California, to Anchorage, Alaska, the sum of $98.40; to Frederick Woods (ASN 39,825,510) from Fort Richardson, Alaska, to Rampart, Alaska, the sum of $32.75; to Frank Ford (ASN 39,950,889) from Fitzsimons General Hospital, Denver, Colorado, to Eek, Alaska, the sum of $77.15; to Johan C. Slenes (ASN 39,825,450) from Hot Springs, Arkansas, to Long Creek, Alaska, the sum of $40.25; to Delbert E. Walton (ASN 39,825,717) from Fort Richardson, Alaska, to Kivalina, Alaska, the sum of $83.25; to Charles E. Mayo, Junior (ASN 39,950,004) from Fort Richardson, Alaska, to Rampart, Alaska, the sum of $28.90; to Elmer N. Erickson (ASN 39,825,499) from Fort Lewis, Washington, to Fairbanks, Alaska, the sum of $59.15; to Chester J. Downey (ASN 39,825,744) from Camp Beale, California, to Kotzebue, Alaska, the sum of $160.10; to Henry W. Adams (ASN 39,525,828) from Fort Jackson, South Carolina, to Koyuk, Alaska, the sum of $235.40; to Robert J. Zentmire (ASN 39,950,205) from Fort Bliss, Texas, to Seward, Alaska, the sum of $57.05; to Hjalmar A. Lindquist (ASN 19,065,773) from Portland, Oregon, Army Air Base, to Steel Creek, Alaska, the sum of $101.90; to Gregg A. Tagarook (ASN 39,846,563) from Fort Richardson, Alaska, to Wainwright, Alaska, the sum of $22.45; to Leonard John (ASN 39,825,856) from Whittier, Alaska, to Stevens Village, Alaska, the sum of $30.11; to Charles M. Peterson (ASN 6,904,533) the sum of $48.82 from Bremerton, Washington, to Sitka, Alaska; to Henry Atmik (ASN 39,825,941) the sum of $29.45, from Anchorage, Alaska, to Koyuk, Alaska; and to Anthony Lewis (ASN 39,825,559) the sum of $68.60, from Anchorage, Alaska, to Bethel, Alaska: *Provided*, That no part of any of the sums appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims settled by the payment of such sums, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 745]

AN ACT

For the relief of Leon Nikolaivich Volkov.

June 29, 1948
[H. R. 703]
[Private Law 431]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized and directed to suspend the deportation of Leon Nikolaivich Volkov for a period of one year from the effective date of this Act.

Approved June 29, 1948.

[CHAPTER 746]

AN ACT

June 29, 1948
[H. R. 911]
[Private Law 432]

For the relief of Kam Fong Chun, Mr. and Mrs. Jose Dias, Joseph De Souza, Mr. and Mrs. Kenneth Ayres, and Jose Oducado.

Kam Fong Chun and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kam Fong Chun, husband of Esther P. Chun, and father of Donald K. Chun and Marilyn K. Chun, minors, the sum of $8,000; to Mr. and Mrs. Jose Dias, of Honolulu, Territory of Hawaii, parents of Charlotte Dias and Rosario Fe Dias, minors, the sum of $3,500; to Mr. Joseph De Souza, of Honolulu, Territory of Hawaii, husband of Agnes De Souza and father of Mildred De Souza, a minor, the sum of $8,000; to Mr. and Mrs. Kenneth Ayres, of Honolulu, Territory of Hawaii, parents of Kenneth Ayres, a minor, the sum of $2,410; and to Mr. Jose Oducado, husband of Margaret Oducado and father of Constance Oducado, the sum of $5,000. Such sums are in full settlement of all claims against the United States on account of the deaths of Esther P. Chun, Donald K. Chun, Marilyn K. Chun, Charlotte Dias, Rosario Fe Dias, Agnes De Souza, Mildred De Souza, Kenneth Ayres, Margaret Oducado, and Constance Oducado, who were killed as the result of an accident in which two bombers of the United States Army crashed in the Kalihi-kai district of the city and county of Honolulu, Territory of Hawaii, on June 8, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 747]

AN ACT

June 29, 1948
[H. R. 915]
[Private Law 433]

To confer jurisdiction upon the District Court of the United States for the Territory of Hawaii to hear, determine, and render judgment on the claims of the executors and trustees of the estate of L. L. McCandless, deceased, as their interests may appear, against the United States of America.

L. L. McCandless, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the United States for the Territory of Hawaii to hear, determine, and render judgment upon the claims of the executors and trustees of the estate of L. L. McCandless, deceased, as their interests may appear, against the United States of America for damages, if any, but not exceeding the sum of $46,155, for the loss of personal property, including the loss of livestock, alleged to have been caused by military personnel of the United States, and for damages, if any, but not exceeding the sum of $67,500 for the alleged illegal withdrawal of the Government lands covered by General Leases Numbers 1740 and 1741 of the Territory of Hawaii, each dated December 29, 1925, from the operation of those leases for use by the United States Army for war purposes: *Provided*, That judgment shall not be rendered against the United States with respect to any part of the alleged damages for the loss of personal property, including livestock, which arose out of the combat activities of military personnel of the United States.

SEC. 2. Proceedings for the determination of these claims shall be had in the same manner as in cases against the United States of which the district courts of the United States have jurisdiction under the provisions of section 24 of the Judicial Code, as amended: *Provided*, That suit hereunder shall be instituted within one year after the enactment of this Act: *And provided further*, That this Act shall be construed only to waive the immunity from suit of the Government of the United States and to confer jurisdiction upon said court to hear, determine, and render judgment upon the claims of the executors and trustees of the estate of L. L. McCandless, deceased, described in section 1 hereof, and not otherwise to affect any substantive rights of the parties.

36 Stat. 1091; 62 Stat., Pt. 1, p. 996. 28 U. S. C. § 41.

Approved June 29 1948.

[CHAPTER 748]

AN ACT

For the relief of the Growers Fertilizer Company, a Florida corporation.

June 29, 1948 [H. R. 1930] [Private Law 434]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Growers Fertilizer Company, a Florida corporation, the sum of $2,017.84, in full settlement of all claims against the United States for goods furnished to the clients of the Farm Security Administration of the Department of Agriculture upon the order and authority of an agent of said Farm Security Administration during the period from April 15, 1937, to March 22, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Growers Fertilizer Co.

Approved June 29, 1948.

[CHAPTER 749]

AN ACT

For the relief of George Cleve Williams.

June 29, 1948 [H. R. 2372] [Private Law 435]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Cleve Williams, the sum of $5,000, in full settlement of his claim against the United States for personal injuries, hospital, and medical expenses resulting from an accident involving a United States Marine Corps truck on highway Numbered 10, near Clarks, North Carolina, on the night of August 19, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

George Cleve Williams.

Approved June 29, 1948.

[CHAPTER 750]

AN ACT

June 29, 1948
[H. R. 2395]
[Private Law 436]

For the relief of the Cypress Creek Drainage District of the State of Arkansas.

Cypress Creek Drainage District, Ark.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cypress Creek Drainage District of the State of Arkansas, the sum of $7,500. The payment of such sum shall be in full settlement of all claims of the said Cypress Creek Drainage District against the United States on account of damage to its drainage system as the result of the activities of the War Relocation Authority: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 751]

AN ACT

June 29, 1948
[H. R. 2918]
[Private Law 437]

For the relief of the Sumner County Colored Fair Association.

Sumner County Colored Fair Association, Gallatin, Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Sumner County Colored Fair Association, Gallatin, Tennessee, the sum of $5,650. The payment of such sum shall be in full settlement of all claims of the said Sumner County Colored Fair Association against the United States for the negligence of certain members of the armed forces of the United States, which negligence caused the destruction by fire on August 27, 1943, of the grandstand and caretaker's house owned by such association: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 752]

AN ACT

June 29, 1948
[H. R. 4103]
[Private Law 438]

For the relief of Charles M. Davis.

Charles M. Davis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles M. Davis, Frannie, Wyoming, the sum of $10,000. The payment of such sum shall be in full settlement of all claims of the said Charles M. Davis against the United States for personal injuries, which have resulted in permanent disability, sustained by him on June 21, 1939, near Deaver, Wyoming,

when he was pinned against his automobile by a Bureau of Reclamation tractor operated by an enrollee in the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 753]

AN ACT

For reimbursement of the Hawaiian Dredging Company, Limited.

June 29, 1948
[H. R. 6186]
[Private Law 439]

Hawaiian Dredging Company, Ltd.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, out of funds heretofore appropriated for Public Works, Bureau of Yards and Docks, is hereby authorized to pay to the Hawaiian Dredging Company, Limited, as one of the contractors under contract NOy 3550, an amount not to exceed $14,610.21 as reimbursement for, and in full settlement of all claims against the United States on account of, the loss of its dump scow numbered 14, which scow, due to military exigencies arising out of the attack on Pearl Harbor, was abandoned and lost without negligence or fault on December 7, 1941, while in transit upon the open sea for the purposes of the contract: *Provided*, That no part of the amount authorized in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 29, 1948.

[CHAPTER 776]

AN ACT

For the relief of Charles Duncan Montieth.

June 30, 1948
[S. 2440]
[Private Law 440]

Charles Duncan Montieth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to cancel the indebtedness of Charles Duncan Montieth, of McLean, Virginia, in the amount of $165.14, arising out of the transportation of his household effects from McLean, Virginia, to Chicago, Illinois, upon transfer of his official station, while employed by the Department of the Interior, extension of authorization for such transportation not having been approved within the six-month period prescribed by regulations of the President of the United States issued under authority of the Act of October 10, 1940 (54 Stat. 1105). The Secretary of the Treasury is hereby authorized and directed to pay to Charles Duncan Montieth, out of any money in the Treasury not otherwise appropriated, any amount heretofore credited to such indebtedness or refunded or paid to the United States on account of such indebtedness. In the audit and settlement of the account of any accountable officer of the United States, the payment of the amount for such transportation expenses shall be considered to have been duly and timely authorized.

Approved June 30, 1948.

[CHAPTER 777]

June 30, 1948
[S. 2705]
[Private Law 441]

AN ACT

To reimburse the James and Phelps Construction Company.

James and Phelps Construction Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the Western District of Oklahoma to hear, determine, and render findings of fact as to the amount of loss, if any, sustained by James and Phelps Construction Company, Oklahoma City, Oklahoma, Reclamation Bureau contracts numbered 12r–15920 and 124–15994 arising out of or attributable to the alleged failure of the Government to supply materials as provided for in said contracts.

SEC. 2. The court shall cause such findings to be certified to the Secretary of the Treasury, who is hereby authorized and directed to pay, out of any money not otherwise appropriated, the amount set forth in said findings to the James and Phelps Construction Company.

Approved June 30, 1948.

[CHAPTER 778]

June 30, 1948
[H. R. 631]
[Private Law 442]

AN ACT

For the relief of the Allied Aviation Corporation.

Allied Aviation Corp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Allied Aviation Corporation, of Cockeysville, Maryland, the sum of $234,195.20, in full settlement of all claims against the United States for costs incurred and losses sustained under contract NO–S–92657 in the creation and production of experimental amphibious gliders for the Navy Department in the prosecution of the war, the said costs and losses having been occasioned primarily by reason of the corporation's reliance upon representations, commitments and assurances made in good faith by agents of and on behalf of the Government but which were not fulfilled: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the prosecution and collection of this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 30, 1948.

[CHAPTER 779]

June 30, 1948
[H. R. 1780]
[Private Law 443]

AN ACT

For the relief of the Cannon Valley Milling Company.

Cannon Valley Milling Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cannon Valley Milling Company, Cannon Falls, Minnesota, the sum of $2,543.26. Such sum represents the amount paid by such company to the United States in settlement of a claim against such company made by the Office of Price Administration on account of certain sales by such company of mill feed at prices in excess of those permitted by Revised

Maximum Price Regulation 173. Each such overcharge resulted solely from the fact that a shipment of mill feed was made by such company under a bill of lading taken in the name of such company, so that title remained in such company until the feed reached its point of destination, and, therefore, under the language of such regulation the selling price had to be computed on the basis of the sale taking place at such point. Such regulation was amended, effective January 29, 1945, to permit the use of such bill of lading without the necessity of computing the selling price on such basis. Following the promulgation of such amendment to Revised Maximum Price Regulation 173, suits against other feed mills for similar violations of such regulation were dismissed by the Office of Price Administration without payment of any settlement, thus leaving the said Cannon Valley Milling Company in the position of being the only feed mill to suffer a penalty for such violations.

Approved June 30, 1948.

[CHAPTER 780]

AN ACT

For the relief of James W. Adkins and Mary Clark Adkins

June 30, 1948
[H. R. 2489]
[Private Law 444]

James W. Adkins and Mary Clark Adkins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to James W. Adkins and Mary Clark Adkins, of Moncks Corner, South Carolina, in full settlement of all claims against the United States for the death of their son, James Jervey Adkins, sustained as the result of a bullet fired from a .22-caliber automatic pistol in the hands of a United States Navy officer from the deck of a vessel in the waters of the Cooper River, in Berkeley County, South Carolina, on March 8, 1945: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 30, 1948.

[CHAPTER 781]

AN ACT

For the relief of Thomas A. Hanley.

June 30, 1948
[H. R. 2552]
[Private Law 445]

Thomas A. Hanley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. Hanley, of Honolulu, Territory of Hawaii, the sum of $22,417.63, in full settlement of all claims against the United States on account of damages and losses sustained by him by reason of the forfeiture to the United States on January 3, 1942, of the stock of liquor, wine, and beer of the Lido Cafe, 1170 Nuuanu Avenue, Honolulu, Territory of Hawaii, which cafe was owned and operated by the said Thomas A. Hanley: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account

of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 30, 1948.

[CHAPTER 782]

June 30, 1948
[H. R. 2696]
[Private Law 446]

AN ACT

For the relief of Otto Kraus, receiver of the Neafie and Levy Ship and Engine Building Company.

Otto Kraus.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Otto Kraus, receiver of the Neafie and Levy Ship and Engine Building Company, the sum of $103,821.56, in full settlement of all claims against the United States for the difference between the actual cost of the construction of three torpedo-boat destroyers and the amount paid by the United States under the contract entered into for the building of said boats, as found by the Court of Claims on January 8, 1940, and reported in Senate Document Numbered 161, Seventy-sixth Congress, third session: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 30, 1948.

[CHAPTER 795]

July 1, 1948
[H. R. 2729]
[Private Law 447]

AN ACT

For the relief of the legal guardian of Rose Mary Ammirato, a minor.

Guardian of Rose Mary Ammirato.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $3,500 to the legal guardian of Rose Mary Ammirato, a minor, of Brooklyn, New York, in full settlement of all claims against the United States for personal injuries, medical, hospital, and other expenses sustained as a result of an accident involving a United States mail truck, at the intersection of Fourteenth Avenue and Sixty-first Street, Brooklyn, New York, on August 20, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 1, 1948.

[CHAPTER 796]

AN ACT

For the relief of Aubrey F. Houston.

July 1, 1948
[H. R. 2889]
[Private Law 448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Aubrey F. Houston, Los Angeles, California, a ranger in the employ of the National Park Service, Death Valley National Monument, Death Valley, California, the sum of $1,701.94. Such sum represents the value of certain personal property owned by the said Aubrey F. Houston and lost on November 1, 1945, when the Furnace Creek ranger residence (Furnace Creek Ranger Station, Quarters Numbered 4, Outsite, southeast corner of Furnace Creek Camp) occupied by the said Aubrey F. Houston was destroyed by fire originating from electric-light fixtures: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Aubrey F. Houston.

Approved July 1, 1948.

[CHAPTER 797]

AN ACT

For the relief of The William J. Burns International Detective Agency.

July 1, 1948
[H. R. 4441]
[Private Law 449]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to The William J. Burns International Detective Agency the sum of $1,127.70. The payment of such sum shall be in full payment of all claims of the said The William J. Burns International Detective Agency against the United States for services rendered during the months of April, May, and June, 1946, for the War Assets Administration for plant protection in connection with J. R. Geis and Company at Second and Chesapeake Avenue (Brooklyn) Baltimore, Maryland: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The William J. Burns International Detective Agency.

Approved July 1, 1948.

[CHAPTER 799]

AN ACT

For the relief of Gabel Construction Company.

July 2, 1948
[H. R. 1734]
[Private Law 450]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the United States for

Louis E. Gabel.

the Southern District of Florida to hear, determine, and render findings of fact as to the amount of loss and damages, if any, sustained by Louis E. Gabel, an individual, trading as Gabel Construction Company, of Orlando, Florida, under contract numbered NOY-9336 of the Bureau of Yards and Docks of the Department of the Navy arising out of or attributable to the alleged delay in supplying materials as provided for in said contracts: *Provided*, That the jurisdiction conferred by this section shall be confined to questions of fact.

SEC. 2. The court shall cause such findings to be certified to the Secretary of the Treasury, who is hereby authorized and directed to pay, out of any moneys not otherwise appropriated, the amount set forth in said findings to Louis E. Gabel, trading as Gabel Construction Company.

Approved July 2, 1948.

[CHAPTER 800]

July 2, 1948
[H. R. 2192]
[Private Law 451]

AN ACT

For the relief of the Massman Construction Company.

Massman Construction Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Massman Construction Company, Kansas City, Missouri, the sum of $28,623.12, representing the amount of an item for the use and rental of equipment under a contract with the United States, which sum was inadvertently and mistakenly omitted by said company from its bid for the work done under its contract with the United States, contract numbered W-1096-eng-7350, the work under the contract having been satisfactorily performed, and the United States having enjoyed the full use of such equipment in the reasonable sum of the amount claimed; the bid of the Massman Construction Company having been $250,000 less than the nearest competitive bid and approximately $86,000 less than the Government's own estimate of the cost of the work without any profit therefor; and the said company having discovered the error in its bid within thirteen days after the submission thereof and having asked the contracting officer of the United States that this amount be added to its bid or that its bid be rejected; and the contracting officer having refused and having insisted that the Massman Construction Company sign the contract and proceed therewith or forfeit its bid bond in the amount of $200,000: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 2, 1948.

[CHAPTER 801]

July 2, 1948
[H. R. 3062]
[Private Law 452]

AN ACT

For the relief of the estate of Rudolph Maximilian Goepp, Junior.

Rudolph Maximilian Goepp, Jr., estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7,

1916, as amended (U. S. C., 1940 edition, title 5, secs. 751–791), the late Rudolph Maximilian Goepp, Junior, who died as the result of an airplane crash near Stephenville, Newfoundland, on October 3, 1946, while traveling to Hoechst, Germany, at the request of the Department of Commerce, in the capacity of scientific consultant without compensation for the Office of Technical Services, Technical Industrial Intelligence Division, shall be deemed to have been a civil employee of the United States within the purview of said Act, at the time of his death, and compensation for death payable under said Act shall accrue from date of his death and shall be payable to such of his dependents as may qualify under section 10 of said Act, under the conditions therein provided, such compensation to be computed in the manner prescribed by said Act upon the basis of the monthly pay, respectively, of such Rudolph Maximilian Goepp, Junior, in his employment under the direction of the Office of Technical Service, Technical Industrial Intelligence Division, or upon the basis of monthly pay of $175 in the event that at the time of death he was serving without compensation. Any compensation for death received by any such dependents under any other workmen's compensation law shall be credited against any compensation which such dependents may receive by reason of this Act. No right to benefits shall accrue under this Act unless a written claim for compensation is filed under such Act of September 7, 1916, as amended within one year from the date of enactment of this Act.

39 Stat. 742.
5 U. S. C. §§ 751–791, 793.

39 Stat. 744.
5 U. S. C. § 760.

39 Stat. 742.
5 U. S. C. §§ 751–791, 793.

Approved July 2, 1948.

[CHAPTER 802]

AN ACT

For the relief of Captain Carroll C. Garretson.

July 2, 1948
[H. R. 3261]
[Private Law 453]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,916.10 to Captain Carroll C. Garretson, Army serial number O–391003, of the Five Hundred and Fourth Parachute Infantry, Fort Bragg, North Carolina, in full settlement of all claims against the United States for Army pay and allowances from December 10, 1945, to August 15, 1946: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Capt. Carroll C. Garretson.

Approved July 2, 1948.

[CHAPTER 803]

AN ACT

For the relief of E. Brevard Walker, trading as E. B. Walker Lumber Company.

July 2, 1948
[H. R. 4644]
[Private Law 454]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. Brevard Walker, Mobile, Alabama, trading as E. B. Walker Lumber Company (hereinafter referred to as the "shipper"), the sum of $674.70. Payment of such sum shall be in full settlement of all claims of the shipper

E. Brevard Walker.

against the United States for the loss sustained by reason of nonpayment of the balance of the price of a shipment of southern yellow pine lumber sent by the shipper on August 3, 1944, upon the telephonic order of the Birmingham, Alabama, office of the Central Procurement Agency, Office of the Chief of Engineers, Army Services Forces, to the Campagna Construction Company, Easthampton, Massachusetts, for use by such company in the execution of a contract with the United States Government. The Central Procurement Agency had stipulated that such shipment be made by sight draft with bill of lading attached because of the unsound financial condition of the Campagna Construction Company, but the telephonic order of the Birmingham office of such Agency indicated that such shipment be made an open account in accordance with wartime procurement practices, and the shipper received only a part of the price of the lumber as a result of the subsequent bankruptcy of the Campagna Construction Company: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 2, 1948.

[CHAPTER 820]

July 2, 1948
[H. R. 1490]
[Private Law 455]

AN ACT

For the relief of the United States Radiator Corporation of Detroit, Michigan.

United States Radiator Corp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the United States Radiator Corporation of Detroit, Michigan, the sum of $491,187.89, in full settlement of all claims against the United States for losses sustained in the manufacture of magnesium sand castings for Government contractors engaged in the manufacture of fighting, training, and transport airplanes for use by the Army Air Forces in the prosecution of the war, the said losses having been occasioned primarily by reason of the corporation's reliance upon representations and assurances made in good faith by agents of the Government but which were not fulfilled: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 2, 1948.

[CHAPTER 821]

July 2, 1948
[H. R. 6428]
[Private Law 456]

AN ACT

To reimburse the Luther Brothers Construction Company.

Luther Brothers Construction Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the United States for the Northern District of Texas to hear, determine, and render findings of fact as to the amount of loss, if any, sustained by Luther Brothers

Construction Company, of Forth Worth, Texas, under Reclamation Bureau contract numbered I2r–15757 arising out of or attributable to the alleged failure of the Government to supply materials as provided for in said contracts.

SEC. 2. The court shall cause such findings to be certified to the Secretary of the Treasury, who is hereby authorized and directed to pay, out of any money not otherwise appropriated, the amount set forth in said findings to the Luther Brothers Construction Company.

Approved July 2, 1948.

[CHAPTER 831]

AN ACT

Conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the joint claims of Silas Mason Company, Incorporated; Walsh Construction Company; and Atkinson-Kier Company.

July 3, 1948
[S. 2217]
[Private Law 457]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine on the merits and to render, in accordance therewith, judgment upon the joint claims of Silas Mason Company, Incorporated; Walsh Construction Company; and Atkinson-Kier Company against the United States which are embodied in the petition of the said companies filed in the Court of Claims May 1, 1939, as amended February 14, 1940, and therein docketed as number 44,659, excepting from such jurisdiction, however, the claims set out as causes of actions numbered 22, 24, 25, 26, 27, 30, and 31 in the said petition and excepting therefrom that part of the claim set out as cause of action numbered 14 in the said petition for which judgment was rendered by the Court in number 44,659 on October 1, 1945, in the amount of $1,099.80. The Court of Claims is directed to hear, determine, and render judgment upon the said claims notwithstanding any prior determination, any statute of limitation, or any abandonment of, nonconformance with, or deviation from the protest and appeal provisions and procedure of the said contract, including but without limitation to article 15 of the contract and paragraph 14 of specifications numbered 570 involved in such claims, and without regard to any provisions of the said contract or specifications purporting to confer finality upon the decisions of questions arising under the contract by any officer of the United States.

Silas Mason Co., Inc., and others.

SEC. 2. Adjudication of the said claims by the Court of Claims is directed to be made without reference to the decision by the court in the case of Silas Mason Company, Incorporated, Walsh Construction Company, Atkinson-Kier Company against the United States on October 1, 1945, numbered 44,659; but the court shall consider as the evidence in such suit any and all evidence heretofore taken by the parties in the said case of Silas Mason Company, Incorporated, Walsh Construction Company, Atkinson-Kier Company against the United States; and the court may use as a basis for its findings of fact the report of its commissioner, Ewart W. Hobbs, filed January 11, 1944, upon such evidence subject to the exceptions thereto filed by the petitioners and by the defendant United States both on May 1, 1944.

SEC. 3. Any suit upon such claims brought under the provisions of this Act shall be instituted within six months from the date of enactment of this Act. Proceedings for the determination of such claims, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Time limitation.

36 Stat. 1136; 62 Stat., Pt. 1, p. 996. 28 U. S. C. § 250.

Approved July 3, 1948.

CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTIONS

SECOND SESSION, EIGHTIETH CONGRESS

JOINT MEETING

January 7, 1948
[H. Con. Res. 130]

Communications from the President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 7, 1948, at 1:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed January 7, 1948.

STUDY AND INVESTIGATION OF PRESENT HIGH PRICES OF CONSUMER GOODS

January 30, 1948
[S. Con. Res. 38]

61 Stat., Pt. 2, p. 1025.

Resolved by the Senate (the House of Representatives concurring), That section 2 of Senate Concurrent Resolution 19, Eightieth Congress, first session, is amended by striking out "February 1" and inserting in lieu thereof "March 1".

Agreed to January 30, 1948.

REGULATION OF LIFE INSURANCE IN DISTRICT OF COLUMBIA

February 5, 1948
[H. Con. Res. 146]

Corrections in enrollment of bill (H. R. 1634).
62 Stat., Pt. 1, p. 27.

48 Stat. 1156, 1159, 1161.
D. C. Code §§ 35-701, 703 (6)-(8), 704 (3).

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 1634) to amend section 1, and provisions (6), (7), and (8) of section 3, and provision (3) of section 4 of chapter V of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", and to add sections 5a, 5b, and 5c thereto, is authorized and directed to make the following corrections in the House engrossed bill:

Page 13, line 20, strike out "5" and insert in lieu thereof the following: "5b".

Page 13, line 20, strike out "in" and insert in lieu thereof the following: "In".

Passed February 5, 1948.

FIFTIETH ANNIVERSARY OF SINKING OF U. S. BATTLESHIP MAINE

February 9, 1948
[S. Con. Res. 41]

61 Stat., Pt. 2, p. 1027.
Post, p. 1426.
Availability of funds.

Resolved by the Senate (the House of Representatives concurring), That House Concurrent Resolution 108, Eightieth Congress, agreed to July 26, 1947, is amended by adding at the end of section 3 thereof the following: "The funds made available under this concurrent resolution shall be available for paying the expenses of a delegation to attend

the ceremonies that will be held in Habana, Cuba, on Sunday, February 15, 1948, in connection with the observance of the fiftieth anniversary of the sinking of the United States Battleship Maine, to be composed of two Members of the Senate to be appointed by the President of the Senate, two Members of the House of Representatives to be appointed by the Speaker, and two representatives of the United Spanish War Veterans, consisting of the commander in chief and one other member of that organization, together with the expenses of any of the employees of the committee whose services are required in connection with this ceremony."

Agreed to February 9, 1948.

February 9, 1948
[H. Con. Res. 139]

FIFTIETH ANNIVERSARY OF LIBERATION OF CUBA

Joint meeting of two Houses of Congress.

Resolved by the House of Representatives (the Senate concurring), That in commemoration of the fiftieth anniversary of the liberation of Cuba, the two Houses of Congress shall assemble in the Hall of the House of Representatives at one o'clock in the afternoon, on Monday, April 19, 1948.

Post, p. 1429.

Arrangements.

61 Stat., Pt. 2, p. 1027.
Infra.

That the joint committee created by House Concurrent Resolution 108, Eightieth Congress, is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

Invitations.

That invitations to attend the exercises be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff to the Commander in Chief, the Chief of Staff, United States Army, the Chief of Naval Operations, the Chief of Staff, United States Air Force, the Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee shall deem proper.

Address by the President.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the fiftieth anniversary of the liberation of Cuba.

Passed February 9, 1948.

February 9, 1948
[H. Con. Res. 140]

FIFTIETH ANNIVERSARY OF LIBERATION OF CUBA

Resolved by the House of Representatives (the Senate concurring), That House Concurrent Resolution 108, Eightieth Congress, agreed to July 26, 1947, is amended by striking out the last sentence of section 2 (b) and inserting in lieu thereof the following: "The committee shall cease to exist upon the expiration of thirty days after April 19, 1948."

61 Stat., Pt. 2, p. 1027.
Ante, p. 1425.

Passed February 9, 1948.

February 13, 1948
[H. Con. Res. 148]

AMENDMENT OF REVISED STATUTES

Corrections in enrollment of bill (H. R. 3778).
62 Stat., Pt. 1, p. 20.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 3778), to amend section 30 of the Revised Statutes of the United States (U. S. C., title 2, sec. 25), the Clerk of the House is authorized and directed to make the following corrections:

Strike out in lines 4 and 5, page 1 of the engrossed bill, the words "so as to read as follows" and insert in lieu thereof "by adding at the

end thereof the following"; on page 1, line 6, strike out " "SEC. 30."; and on page 2, lines 9 and 13, strike out the quotation marks.

Passed February 13, 1948.

CONTINUATION OF AUTHORITY OF MARITIME COMMISSION

February 25, 1948
[S. Con. Res. 43]

Change in enrollment of bill (S. J. Res. 173).
62 Stat., Pt. 1, p. 38.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the joint resolution (S. J. Res. 173) to continue until July 1, 1949, the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes, be, and he is hereby, authorized and directed to strike out, in the title of said joint resolution, the word "July" and insert "March", so that as amended the title will read: "Joint resolution to continue until March 1, 1949, the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes."

Agreed to February 25, 1948.

REVENUES AND EXPENDITURES

February 27, 1948
[S. Con. Res. 42]

Resolved by the Senate (the House of Representatives concurring), That it is the judgment of the Congress, based upon presently available information, that revenues during the period of the fiscal year 1949 will approximate 47.3 billion dollars and that expenditures during such fiscal year should not exceed 37.2 billion dollars, of which latter amount not more than 26.6 billion dollars would be in consequence of appropriations hereafter made available for obligation in such fiscal year.

Agreed to February 27, 1948.

REVENUE REVISIONS, 1947–1948

March 11, 1948
[H. Con. Res. 142]

Printing of additional copies of committee hearings.
34 Stat. 1012.
44 U. S. C. § 154.

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means be, and is hereby, authorized and empowered to have printed for its use one thousand additional copies each of parts 4 and 5 of the hearings relative to revenue revisions, 1947–1948, held before said committee during the first session of the Eightieth Congress.

Passed March 11, 1948.

REDUCTION OF INDIVIDUAL INCOME TAXES

March 11, 1948
[H. Con. Res. 143]

Printing of additional copies of committee hearings.
34 Stat. 1012.
44 U. S. C. § 154.

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means be, and is hereby, authorized and empowered to have printed for its use fifteen hundred additional copies of the hearings relative to Reduction of Individual Income Taxes, held before said committee during the current session.

Passed March 11, 1948.

March 11, 1948
[H. Con. Res. 144]

INVESTIGATION OF U. S. INFORMATION SERVICE IN EUROPE

Printing of additional copies of report of special Mundt subcommittee.
34 Stat. 1012.
44 U. S. C. § 154.

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Affairs of the House of Representatives be, and is hereby, authorized and empowered to have printed not to exceed five thousand additional copies each of the report and appendix of the special Mundt subcommittee of the Committee on Foreign Affairs covering an investigation during September and October 1947 of the United States Information Service in Europe and the conditions affecting it, pursuant to provisions of H. Res. 295.

Passed March 11, 1948.

March 15, 1948
[H. Con. Res. 155]

JOINT COMMITTEE ON HOUSING

61 Stat., Pt. 2, p. 1028.

Report.
Post, p. 1430.

Termination.

Resolved by the House of Representatives (the Senate concurring), That section 3 of the concurrent resolution entitled "Concurrent resolution to establish a joint congressional committee to be known as the Joint Committee on Housing" (H. Con. Res. 104, Eightieth Congress), is hereby amended to read as follows:

"SEC. 3. The committee shall report to the Senate and the House of Representatives not later than March 15, 1948, the results of its study and investigation, together with such recommendations as to necessary legislation and such other recommendations as it may deem advisable. For administrative purposes of concluding its business the committee is authorized to continue until May 15, 1948."

Passed March 15, 1948.

March 16, 1948
[H. Con. Res. 131]

REORGANIZATION PLAN NO. 1 OF 1948

House Document No. 499, 80th Congress.

Resolved by the House of Representatives (the Senate concurring), That the Congress does not favor the Reorganization Plan Numbered 1 of January 19, 1948, transmitted to Congress by the President on the 19th day of January 1948.

Passed March 16, 1948.

March 16, 1948
[H. Con. Res. 160]

JOINT MEETING

Communications from the President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, March 17, 1948, at 12:30 post meridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed March 16, 1948.

April 12, 1948
[S. Con. Res. 18]

UNVEILING OF STATUE OF FORMER SENATOR WILLIAM E. BORAH

Printing of proceedings.

Resolved by the Senate (the House of Representatives concurring), That there be printed, with illustrations, and bound in such form and style as may be directed by the Joint Committee on Printing, five thousand nine hundred copies of the proceedings held in connection with the unveiling of the statue of former Senator William E. Borah

in Statuary Hall, Capitol Building, Washington, District of Columbia, on June 6, 1947, together with such other matter as may be relevant thereto, of which one thousand two hundred and fifty copies shall be for the use of the Senate, three thousand seven hundred and fifty copies for the use of the House of Representatives, and nine hundred copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Idaho.

Illustrations.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall procure suitable illustrations to be published with these proceedings.

Agreed to April 12, 1948.

"THE STRATEGY AND TACTICS OF WORLD COMMUNISM"

April 14, 1948
[H. Con. Res. 154]

Printing of additional copies of report and supplements as House document.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House Document, and that there be printed fifteen thousand additional copies each of the report and supplements 1 and 2 of the Subcommittee on National and International Movements of the Committee on Foreign Affairs, entitled "The Strategy and Tactics of World Communism" for the use of the Committee on Foreign Affairs.

Passed April 14, 1948.

FIFTIETH ANNIVERSARY OF LIBERATION OF CUBA

April 14, 1948
[H. Con. Res. 184]

Ante, p. 1426.

Time of assembly.

Resolved by the House of Representatives (the Senate concurring), That the first paragraph of H. Con. Res. 139, Eightieth Congress, is hereby amended to read as follows:

"That in commemoration of the fiftieth anniversary of the liberation of Cuba, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock meridian, on Monday, April 19, 1948."

Passed April 14, 1948.

JOINT COMMITTEE ON LABOR-MANAGEMENT RELATIONS

April 20, 1948
[S. Con. Res. 46]

Printing of additional copies of Senate report.

61 Stat. 136.
29 U. S. C., Supp. I, § 141.

Resolved by the Senate (the House of Representatives concurring), That there be printed ten thousand additional copies of Senate Report Numbered 986 submitted by the Joint Committee on Labor-Management Relations, pursuant to Public Law 101, Eightieth Congress, for the use of said joint committee.

Agreed to April 20, 1948.

AMENDMENT OF TARIFF ACT OF 1930

April 22, 1948
[H. Con. Res. 188]

Return of bill (H. R. 5328) requested.
62 Stat., Pt. 1, p. 207.
46 Stat. 684.
19 U. S. C. § 1201, par. 1803 (2).

Signing of enrolled bill rescinded.

Correction in reenrollment.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H. R. 5328) to amend paragraph 1803 (2) of the Tariff Act of 1930, relating to firewood and other woods; that if and when the said bill is returned by the President, the action of the presiding officers of the two Houses in signing the said bill be deemed to be rescinded; and that the Clerk of the House be, and he is hereby, authorized and directed in the

reenrollment of the said bill, to make the following correction, namely, strike out "handled bolts" and insert in lieu thereof "handle bolts".

Passed April 22, 1948.

April 28, 1948
[H. Con. Res. 182]

"HOUSING IN AMERICA"

Printing of analysis as House document.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document, and that there be printed fifteen thousand additional copies of the factual analysis on housing prepared for the Joint Committee on Housing, entitled "Housing in America", for the use of the said joint committee.

Passed April 28, 1948.

May 5, 1948
[S. Con. Res. 48]

INAUGURATION OF THE PRESIDENT-ELECT

Joint committee on arrangements.

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January 1949.

Agreed to May 5, 1948.

May 5, 1948
[H. Con. Res. 151]

THE ECONOMY OF HAWAII IN 1947

Printing of report as a document.

Resolved by the House of Representatives (the Senate concurring), That the letter of the Secretary of Labor, transmitted to the House and referred to the Committee on Public Lands on February 4, 1948, together with the report on The Economy of Hawaii in 1947, with special reference to wages, working conditions, and industrial relations, which was prepared by the Bureau of Labor Statistics pursuant to the Organic Act of the Territory of Hawaii in 1900, as amended April 8, 1904, be printed as a document, and that two thousand additional copies be printed, of which one thousand five hundred shall be for the use of the House of Representatives and five hundred copies shall be for the use of the Senate.

33 Stat. 164, 29 U.S.C. § 7.

Passed May 5, 1948.

May 10, 1948
[S. Con. Res. 52]

INVESTIGATION OF OPERATION OF WAR PROGRAM

Printing of additional copies of Senate report.

Resolved by the Senate (the House of Representatives concurring), That there be printed seven thousand additional copies of the report (report numbered 440, part 6, current session) of the special committee of the Senate authorized and directed to make a study and investigation of the operation of the war program, of which five thousand copies shall be for the use of the special committee, one thousand for the use of the Senate document room, and one thousand for the use of the House document room.

Agreed to May 10, 1948.

"NATIONAL AVIATION POLICY"

May 10, 1948
[S. Con. Res. 53]

Printing of additional copies of Senate report.

Resolved by the Senate (the House of Representatives concurring), That there be printed five thousand additional copies of Senate Report Numbered 949, current session, entitled "National Aviation Policy", for the use of the Congressional Aviation Policy Board.

Agreed to May 10, 1948.

MANUAL FOR FORMER MEMBERS OF ARMED FORCES, ETC.

May 11, 1948
[H. Con. Res. 120]

Printing of pamphlet as House document.

Resolved by the House of Representatives (the Senate concurring), That, within ninety days after adjournment of the second session of the Eightieth Congress, the pamphlet entitled "Manual Explanatory of the Privileges, Rights, and Benefits Provided for Persons Who Served in the Armed Forces of the United States During World War I, World War II, or Peacetime (After April 20, 1898), and Those Dependent Upon Them, with Special Reference to Those Benefits, Rights, and Privileges Administered by the Veterans' Administration" (House Document 772, Seventy-ninth Congress, second session) be revised and printed as a House document, and that ninety-one thousand three hundred additional copies shall be printed, of which sixty-six thousand three hundred copies shall be for the use of the House of Representatives, twenty thousand for the use of the Senate, two thousand for the use of the Committee on Veterans' Affairs of the House of Representatives, two thousand for the House document room, and one thousand for the Senate document room.

Passed May 11, 1948.

FINAL REPORT OF SELECT COMMITTEE ON FOREIGN AID

May 11, 1948
[H. Con. Res. 189]

Printing of final report.

Resolved by the House of Representatives (the Senate concurring), That there be printed six thousand five hundred copies of the Final Report of the Select Committee on Foreign Aid (House Report Numbered 1845), of which three thousand copies shall be for the use of the House of Representatives, two thousand copies shall be for the use of the Select Committee on Foreign Aid, five hundred copies for the use of the Senate document room, and one thousand copies for the use of the House document room.

Passed May 11, 1948.

PREVENTION OF COLLISIONS ON CERTAIN INLAND WATERS, ETC.

May 17, 1948
[H. Con. Res. 200]

Corrections in enrollment of bill (H. R. 3350).
62 Stat., Pt. 1, p. 249.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 3350, an Act relating to the rules for the prevention of collisions on certain inland waters of the United States and on the western rivers, and for other purposes, the Clerk of the House is authorized and directed to make the following corrections:

Strike out in lines 5 and 9, page 12, of the engrossed bill, the words "Secretary of War" and insert "Secretary of the Army".

Passed May 17, 1948.

June 8, 1948
[S. Con. Res. 51]

INVESTIGATION OF NATIONAL RESOURCES

Printing of additional copies of committee hearings.

Resolved by the Senate (the House of Representatives concurring), That one thousand additional copies of the hearings held before the Committee on Public Lands on Investigation of National Resources on May 15, 16, and 20, 1947, be printed for the use of the Committee on Interior and Insular Affairs.

Agreed to June 8, 1948.

June 8, 1948
[S. Con. Res. 57]

SHORE PROTECTIVE WORKS, NOME, ALASKA

Correction in enrollment of bill (S. 1025).
62 Stat., Pt. 1, p.455.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 1025) to provide for the construction of shore protective works at the town of Nome, Alaska, to make the following correction, namely: In line 5 of the Senate engrossed bill, strike out the words "Secretary of War" and insert "Secretary of the Army".

Agreed to June 8, 1948.

June 12, 1948
[H. Con. Res. 201]

EMPIRE PARLIAMENTARY ASSOCIATION

Acceptance of invitations to attend meeting in Bermuda.

Appointment of members of delegations.

Expenses.

Resolved by the House of Representatives (the Senate concurring), That the Senate and the House of Representatives hereby accept the invitations tendered by the Speaker of the House of Assembly of Bermuda, and Joint President of the Bermuda Branch of the Empire Parliamentary Association, to have four Members of the Senate and four Members of the House of Representatives attend a meeting of the Empire Parliamentary Association to be held in Bermuda beginning November 15, 1948. The President pro tempore of the Senate and the Speaker of the House of Representatives are authorized to appoint the Members of the Senate and the Members of the House of Representatives, respectively, to attend such meeting and are further authorized to designate the chairmen of the delegations from each of the Houses. The expenses incurred by the members of the delegations appointed for the purpose of attending such meeting, which shall not exceed $5,000 for each of the delegations, shall be reimbursed to them from the contingent fund of the House of which they are Members, upon submission of vouchers approved by the chairman of the delegation of which they are members.

Passed June 12, 1948.

June 12, 1948
[H. Con. Res. 204]

OBSOLETE CONGRESSIONAL PUBLICATIONS

Submittal of list to Joint Committee on Printing.

Statement to Senators, Representatives, etc.

Time limit for disposal of publications.

Resolved by the House of Representatives (the Senate concurring), That the Sergeant at Arms of the Senate and Doorkeeper of the House of Representatives, respectively, shall prepare a statement showing the noncurrent and obsolete congressional publications now stored in the folding rooms of the Senate and House of Representatives, respectively, and to submit an itemized list thereof, in duplicate, to the Joint Committee on Printing, which is hereby authorized and directed to dispose of the publications enumerated on such lists as follows:

First. A printed statement of such publications shall be submitted to each Senator, Representative, Delegate, Resident Commissioner, and officer of the Senate and House of Representatives, and any

Member or officer of either House having any of such publications to his credit may dispose of the same in the usual manner at any time before September 1, 1948.

List of remainder to Senators and Representatives. Additional period of 30 days.

Second. Upon the expiration of the aforesaid time the Joint Committee on Printing shall furnish to all Members of the Senate and House of Representatives, respectively, as promptly as practicable, a list of the publications herein referred to then remaining in the folding rooms, and thereupon such publications shall be subject to the order of any Senator, Representative, Delegate, or Resident Commissioner, in the order in which they are applied for, for a period of thirty days after the day when such list shall be furnished by the Joint Committee on Printing, but no application for the transfer of these publications may be honored.

Period for requests by Government departments, etc.

Third. The Joint Committee on Printing shall furnish a list of all such publications remaining in the folding rooms at the expiration of the last-named period to the various departments, independent offices, and establishments of the Government at Washington, including the Superintendent of Documents, Smithsonian Institution, Library of Congress, National Archives Establishment, Bureau of American Republics, and the Commissioners of the District of Columbia, and such publications shall be turned over to any department, independent office, or establishment making written request therefor and shall be allocated in the order in which their application is made, and all such publications which shall remain in the folding rooms for a period of ten days after such list shall have been furnished to the departments, independent offices, or establishments aforesaid shall be delivered to the Superintendent of Documents, Government Printing Office, for such disposition as he may deem to be in the best interests of the Government, and submit a report to the Joint Committee on Printing showing the tonnage so disposed of, together with the amount of money derived from such sale which shall be deposited to the credit of miscellaneous receipts in the Treasury of the United States in accordance with existing law.

Disposition of remainder by Superintendent of Documents.

Deposit of receipts.

Listed publications not returnable.

Fourth. No publication which is described in the list aforesaid shall thereafter be returned to the folding rooms from any source.

Passed June 12, 1948.

CONFERENCE OF INTER-AMERICAN BAR ASSOCIATION

June 15, 1948
[S. Con. Res. 56]

Whereas the Inter-American Bar Association will hold its sixth conference at Detroit, Michigan, during the month of May 1949; and

Whereas this is the first time that the Inter-American Bar Association has planned a conference in the United States; and

Whereas the purposes of the association, as stated in its constitution, are to establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum for exchange of views, and to encourage cordial relations among the lawyers of the Western Hemisphere; and

Whereas the high character of this international association, its deliberations, and its members can do much to encourage cordial relations among the countries of the Western Hemisphere: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States welcomes the Inter-American Bar Association to the United States, and wishes the association unparalleled success in its sixth conference; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary General of the Inter-American Bar Association.

Agreed to June 15, 1948.

June 18, 1948
[H. Con. Res. 129]

TRUST TERRITORY OF PACIFIC ISLANDS

61 Stat. 397.
22 U. S. C., Supp. I, § 287 note.

Whereas the President, on behalf of the United States, pursuant to authority contained in Public Law 204 of the first session of the Eightieth Congress, has approved an agreement between the Security Council of the United Nations and the United States of America pursuant to which the United States has become the administering authority for the trust territory of the Pacific islands, heretofore known as the Japanese Mandated Islands of the Pacific; and

Whereas it is the responsibility of the Congress of the United States to provide a permanent government for the trust territory of the Pacific islands; and

Whereas the problem of administration of the trust territory of the Pacific islands is interrelated to the administration of Guam, American Samoa, Wake Island, and other United States island possessions in the Pacific Ocean: Therefore be it

Establishment and composition of joint congressional committee.

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a joint congressional committee to be composed of three members who are members of the Committee on Interior and Insular Affairs of the Senate, three members who are members of the Committee on Foreign Relations of the Senate, to be appointed by the President pro tempore of the Senate, and three members who are members of the Committee on Public Lands of the House of Representatives, three members who are members of the Committee on Foreign Affairs of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members.

Study and investigation.

SEC. 2. The committee shall make a thorough study and investigation of the islands, groups of islands, and other areas included within the trust territory of the Pacific and all other islands, groups of islands, and other areas in the Pacific which are possessions of, or subject to the authority of, the United States, including study and investigation of—

(a) the peoples, customs, laws, economies, resources, and governments of such areas;

(b) the interrelation, and the natural or appropriate integration, of such areas;

(c) the interrelation of the security of such areas and the security of the United States;

(d) measures designed to advance the security and well-being of the peoples and economies of such areas; and

(e) such other matters relating to such areas as the committee may deem appropriate.

Report to congressional committees.

SEC. 3. The committee shall complete its study and investigation as expeditiously as possible, and shall forthwith thereafter report to the Committee on Interior and Insular Affairs of the Senate and the Committee on Foreign Relations of the Senate and the Committee on Public Lands of the House of Representatives and the Committee on Foreign Affairs of the House of Representatives the results thereof, recommending such organic and other legislation as may be necessary to provide for the civil government of such areas, and to assure to the peoples of such areas justice, peace, and tranquillity, a voice in their civic affairs and government, the development of their economies and

the protection of their civil rights, all with due regard to the established customs of such peoples.

Hearings.

SEC. 4. For the purposes of this concurrent resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Eightieth Congress, to employ such consultants, specialists, clerks, and other assistants, to travel, and authorize its assistants to travel, freely through such areas and such other places, to utilize such transportation, housing, and other facilities as the Army, Navy, Marine Corps, Coast Guard, and Air Force may make available, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman or vice chairman. Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of disbursements so made.

Employment of consultants, etc.

Witnesses.

Expenses.

Passed June 18, 1948.

COMMUNIST PARTY OF THE UNITED STATES

June 19, 1948
[H. Con. Res. 199]

Resolved by the House of Representatives (the Senate concurring), That there be printed six thousand additional copies of the report (House Report Numbered 1920) on the Communist Party of the United States as an Advocate of Overthrow of Government by Force and Violence, of which five thousand copies shall be for the use of the Committee on Un-American Activities of the House of Representatives and one thousand copies shall be for the House document room.

Printing of additional copies of House report.

Passed June 19, 1948.

UNITED STATES BOARD OF PAROLE

June 19, 1948
[H. Con. Res. 213]

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Expenditures in the Executive Departments, House of Representatives, be, and is hereby, authorized and empowered to have printed for its use two thousand five hundred copies of the hearings held before a special subcommittee of said committee during current Congress, relative to investigation as to the manner in which the United States Board of Parole is operating and as to whether there is a necessity for a change in either the procedure or basic law.

Printing of hearings of special subcommittee.
34 Stat. 1012.
44 U. S. C. § 154.

Passed June 19, 1948.

ADJOURNMENT

June 20, 1948
[H. Con. Res. 218]

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Sunday, June 20, 1948, they

stand adjourned until 12 o'clock meridian on Friday, December 31, 1948, or until 12 o'clock meridian on the third day after the respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

Reassembly.

SEC. 2. The President pro tempore of the Senate, the Speaker of the House of Representatives, the acting majority leader of the Senate, and the majority leader of the House of Representatives, all acting jointly, shall notify the Members of the Senate and the House respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Passed June 20, 1948.

June 20, 1948
[H. Con. Res. 219]

SIGNING OF ENROLLED BILLS, ETC.

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until December 31, 1948, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Passed June 20, 1948.

July 27, 1948
[H. Con. Res. 220]

JOINT MEETING

Communication from the President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, July 27, 1948, at 12:30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States may be pleased to make to them.

Passed July 27, 1948.

August 7, 1948
[H. Con. Res. 222]

ADJOURNMENT

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, August 7, 1948, they stand adjourned until 12 o'clock meridian on Friday, December 31, 1948, or until 12 o'clock meridian on the third day after the respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

Reassembly.

SEC. 2. The President pro tempore of the Senate, the Speaker of the House of Representatives, the acting majority leader of the Senate, and the majority leader of the House of Representatives, all acting jointly, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Passed August 7, 1948.

August 7, 1948
[H. Con. Res. 223]

SIGNING OF ENROLLED BILLS, ETC.

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until December 31, 1948, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Passed August 7, 1948.

ADJOURNMENT SINE DIE

December 31, 1948
[H. Con. Res. 224]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, December 31, 1948, and that when they adjourn on said day they stand adjourned sine die.

Passed December 31, 1948.

PROCLAMATIONS

PROCLAMATIONS

GRANTING PARDON TO CERTAIN PERSONS CONVICTED OF VIOLATING THE SELECTIVE TRAINING AND SERVICE ACT OF 1940 AS AMENDED

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 23, 1947
[No. 2762]

A PROCLAMATION

WHEREAS by Executive Order No. 9814 of December 23, 1946, there was established the President's Amnesty Board, the functions and duties of which were set out in paragraph 2 of the said Executive order as follows: 3 CFR, 1946 Supp., p. 188.

> "The Board, under such regulations as it may prescribe, shall examine and consider the cases of all persons convicted of violation of the Selective Training and Service Act of 1940, as amended (50 U. S. C. App. 301 ff.), or of any rule or regulation prescribed under or pursuant to that Act, or convicted of a conspiracy to violate that Act or any rule or regulation prescribed under or pursuant thereto. In any case in which it deems it desirable to do so, the Board shall make a report to the Attorney General which shall include its findings and its recommendations as to whether Executive clemency should be granted or denied, and, in any case in which it recommends that Executive clemency be granted, its recommendations with respect to the form that such clemency should take. The Attorney General shall report the findings and recommendations of the Board to the President, with such further recommendations as he may desire to make." 54 Stat. 885.

and

WHEREAS the Board, after considering all cases coming within the scope of paragraph 2 of the said Executive order, has made a report to the Attorney General, which includes the findings of the Board and its recommendation that Executive clemency be granted in certain of such cases; and

WHEREAS the Attorney General has submitted such report to me with his approval of the recommendation made by the Board with respect to Executive clemency; and

WHEREAS upon consideration of the report and recommendation of the Board and the recommendation of the Attorney General, it appears that certain persons convicted of violating the Selective Training and Service Act of 1940 as amended ought to have restored to them the political, civil, and other rights of which they were deprived by reason of such conviction and which may not be restored to them unless they are pardoned: 54 Stat. 885. 50 U. S. C. app. §§ 301-318.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by Article II of the Constitution of the United States, do hereby grant a full pardon to those persons convicted of violating the Selective Pardon granted. 1 Stat. 15.

54 Stat. 885.
50 U. S. C. app. §§ 301-318.

Training and Service Act of 1940 as amended whose names are included in the list of names attached hereto and hereby made a part of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of December in the year of our Lord nineteen hundred and forty-seven, [SEAL] and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

LIST OF NAMES

	Name	*Convicted*	*U. S. District Court*
1.	AARON, Herbert Huston	October 20, 1942	Eastern Arkansas
2.	ABERNATHY, Wilburn	September 22, 1944	Northern Alabama
3.	ABRAM, Joel, Jr.	April 14, 1943	Southern West Virginia
4.	ACKERMAN, Paul Roland	December 27, 1940	Oregon
5.	ADAMY, Edward N.	April 30, 1943	New Jersey
6.	ADDINGTON, Norman Wallace	October 9, 1945	Eastern Kentucky
7.	ADOLPH, James Willard	October 18, 1943	Colorado
8.	AGLIAM, Paustino Acosta	June 26, 1944	Northern California
9.	AGUIRRE, Joseph	November 28, 1944	Northern California
10.	AKIM, Alfred	May 29, 1942	Hawaii
11.	AKUTSU, Hitoshi Gene	October 2, 1944	Idaho
12.	AKUTSU, Jim Hajime	October 2, 1944	Idaho
13.	ALBRECHT, Irving G.	August 30, 1943	New Jersey
14.	ALEXANDER, Charles E.	July 14, 1944	Northern Illinois
15.	ALEXANDER, Daniel	October 29, 1943	Southern New York
16.	ALEXANDER, David	June 21, 1943	Oregon
17.	ALLEN, James Kenneth	June 2, 1941	Idaho
18.	ALLEN, Sam	March 11, 1943	Southern Florida
19.	ALLMAN, Orville Sylmer	November 17, 1943	Northern California
20.	ALSTON, Wiley	November 1, 1943	Eastern North Carolina
21.	ALTER, John Payne	December 4, 1940	Connecticut
22.	AMATE, Atsushi Archie	October 8, 1945	Colorado
23.	AMATO, Jose	June 6, 1946	Western Texas
24.	AMBURGY, Claud Irvine	March 6, 1944	Eastern Kentucky
25.	AMBURGY, Kash Day	March 6, 1944	Eastern Kentucky
26.	AMBURGY, Marvin Edward	September 20, 1943	Eastern Kentucky
27.	AMBURGY, Wayne Spencer	September 20, 1943	Eastern Kentucky
28.	ANDERSON, Critchlow	December 14, 1945	Northern Alabama
29.	ANDERSON, Edward	October 27, 1942	North Dakota
30.	ANDERSON, James	December 1, 1943	Eastern Missouri
31.	ANDERSON, Walter	December 11, 1944	Western Washington
32.	ANDREWS, Bennett Wilbur	April 14, 1943	Eastern Pennsylvania
33.	ANGEL, Ernest Wilson	November 4, 1942	Middle North Carolina
34.	ANIOL, Edward Theodore	May 16, 1945	Northern Illinois
35.	ANTES, Castor Gigo	August 18, 1942	Hawaii
36.	ANTONITIS, George	May 22, 1942	Eastern Pennsylvania
37.	AREGUELLO, Miguel	August 6, 1945	Southern Texas
38.	ASAI, Dix Takuro	October 31, 1944	Colorado
39.	ASAI, Fred Teruo	October 31, 1944	Colorado
40.	ASAY, John Burns	February 26, 1945	Northern Illinois
41.	ASBER, George	December 1, 1942	Eastern Pennsylvania
42.	ASHER, Silas Albert	July 1, 1946	Eastern Arkansas
43.	ASHFORD, John Lee	December 10, 1945	Eastern Pennsylvania
44.	ASHLEY, Albert Royall	June 18, 1942	Eastern Tennessee
45.	ATKINS, Jerome	July 28, 1943	Eastern New York
46.	ATWELL, Perry Brittan	November 18, 1943	Southern West Virginia
47.	AUMAN, Arthur Berton	April 1, 1942	Southern Indiana
48.	AUSTIN, Jessie	August 31, 1943	Western Texas
49.	AYOTTE, Euclid Duke Fred	March 9, 1944	Northern New York
50.	BACKER, David M.	November 8, 1943	Southern Mississippi
51.	BADGELEY, Kenneth Carl	January 28, 1944	Southern Ohio
52.	BAGGETT, Noal	May 6, 1944	Western Oklahoma
53.	BAILEY, Claude Ivan	July 30, 1946	Idaho

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
54.	BAILEY, William George	April 19, 1943	Eastern Arkansas
55.	BAITY, Wilsie Gray	May 18, 1943	Middle North Carolina
56.	BAKER, Jesse Everett	March 14, 1945	Southern New York
57.	BAKER, Paul Wilmer	April 12, 1943	Kansas
58.	BAKER, Richard Collins	December 8, 1941	Eastern Pennsylvania
59.	BAKER, William Louis	November 13, 1944	Northern Texas
60.	BALDWIN, Woodie Odell	July 21, 1943	Southern West Virginia
61.	BALL, James Woodrow	November 30, 1940	Southern Iowa
62.	BALTAZAR, Simeon R.	July 2, 1943	Southern Mississippi
63.	BALTHASAR, Joseph John	June 4, 1945	Northern California
64.	BALZHAUSER, William	August 29, 1945	Southern New York
65.	BANFIELD, Robert Thomas Jr.	June 16, 1943	Northern California
66.	BANGERT, Orlo Tony	December 15, 1943	Vermont
67.	BANKS, Clyde Samuel	June 28, 1943	Northern Ohio
68.	BARBAGALLO, Salvatore Dominic	May 16, 1945	Northern Illinois
69.	BARBER, Robert Watson	January 19, 1944	Massachusetts
70.	BARKER, Floyd Neison	July 17, 1942	Northern Illinois
71.	BARLETTA, Harry	May 21, 1942	Northern Ohio
72.	BARNETT, Don Harold	May 20, 1942	Southern New York
73.	BAUER, Willis E.	January 19, 1943	Southern Ohio
74.	BAUMAN, Chester Wanner	January 12, 1942	Northern Ohio
75.	BAXTER, Ben	May 17, 1943	Northern Illinois
76.	BAXTER, Lester Eugene	October 23, 1943	Arizona
77.	BAYLOR, Michael Lee	October 19, 1943	Northern Illinois
78.	BEARD, Donald Roy	July 26, 1946	Southern Alabama
79.	BEASLEY, James Elmer	January 27, 1944	Eastern Missouri
80.	BECKER, Leslie Clyde	March 18, 1946	Western Virginia
81.	BEE, Howard Gillis	September 20, 1944	Western Oklahoma
82.	BEGIN, J. Alcide Bertrand	July 6, 1944	Northern West Virginia
83.	BELL, Tobias Jethru	October 9. 1946	Vermont
84.	BELTON, Paul	May 15, 1944	Southern Mississippi
85.	BENEDICT, Donald LaVerne	December 18, 1944	Eastern South Carolina
86.	BENNETT, Paul Edward	December 29, 1943	New Jersey
87.	BENTLY, John Henry	November 14, 1940	Southern New York
88.	BEREKOFF, John James	November 22, 1943	Eastern Arkansas
89.	BERRY, Odell	January 25, 1944	Southern Florida
90.	BERSCHAUER, Arthur Rohland	May 25, 1945	Southern California
91.	BEST, Robert	July 13, 1944	Eastern New York
92.	BETZ, Merle Don	March 26, 1945	Kansas
93.	BEVILACQUA, Joseph G.	March 9, 1943	Eastern Pennsylvania
94.	BIBBINS, Edward M.	March 10, 1944	Colorado
95.	BIBLE, Reginald Allen	November 14, 1940	Southern New York
96.	BIGELOW, William Moody	March 13, 1944	Eastern Pennsylvania
97.	BILAN, Frank	January 11, 1943	Eastern Virginia
98.	BISHOP, Kenneth Russel	November 20, 1944	Western New York
99.	BITANO, Mariano	October 29, 1942	Middle Pennsylvania
100.	BLACKWOOD, Dr. Jeff Davis	December 19, 1945	Oregon
101.	BLANKENSHIP, Thomas	October 27, 1942	Hawaii
102.	BLANTON, John Ellis	June 30, 1942	Eastern Arkansas
103.	BLASIAK, David T.	June 26, 1942	Southern West Virginia
104.	BLEICH, Fred Charles	May 8, 1946	Florida
105.	BLEICH, Lesbur	March 3, 1944	New Jersey
106.	BOHLMAN, Richard August	June 22, 1943	Southern Florida
107.	BOHORCHAS, Alexander James	November 22, 1944	Southern Florida
108.	BOOKER, Clyde	May 22, 1945	Minnesota
109.	BOOMGAARDEN, Lloyd Weird	May 12, 1942	Northern California
110.	BOON, Joe	May 27, 1946	Western Louisiana
111.	BOONE, James Otis	June 20, 1944	Northern Iowa
112.	BOWEN, James Lamar	November 3, 1943	Eastern Arkansas
113.	BOWMAN, David Franklin	January 15, 1945	Southern Iowa
114.	BOWMAN, Ralph Calvin	February 5, 1944	Southern Florida
115.	BOZMAN, William Wilson	June 7, 1944	Southern Indiana
116.	BRACKEN, Ernest	August 14, 1942	Western Missouri
117.	BRANCH, Earl Lemnell	January 24, 1945	Maryland
118.	BRANCH, Robert Lee	February 22, 1943	Northern Illinois
119.	BRANDT, John Charles	October 18, 1943	Southern Florida
120.	BRENZOVICH, Frank, Jr.	October 30, 1942	Eastern North Carolina
121.	BREWINGTON, Ervin	December 13, 1944	Northern California
122.	BRIGGS, Carl Maynard	September 21, 1945	Northern Ohio
		June 14, 1943	Eastern North Carolina
			Arizona

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
123.	BRIGHT, Christopher Columbus, Jr.	May 28, 1942	Northern Oklahoma
124.	BRISTOL, James Ellery	October 31, 1941	New Jersey
125.	BRITT, James Eason	January 21, 1946	Eastern South Carolina
126.	BRITTINGHAM, Littleton Thomas	February 16, 1945	Eastern Pennsylvania
127.	BRODEUR, Leon Edward	July 27, 1944	Southern California
128.	BROOKE, James Charles	September 27, 1943	Eastern Pennsylvania
129.	BROOKS, Arle	December 2, 1942	Southern Mississippi
130.	BROOKS, Simon	April 21, 1943	Eastern Louisiana
131.	BROVONT, Howard E.	March 20, 1944	Western Michigan
132.	BROWN, Alfred Junior	December 8, 1943	Northern Oklahoma
133.	BROWN, David Wallace	April 6, 1944	Massachusetts
134.	BROWN, Frank	September 8, 1944	Middle Georgia
135.	BROWN, Harry Edward	September 23, 1943	Southern Florida
136.	BROWN, Irvin Walter	January 12, 1945	Western Texas
137.	BROWN, James	August 14, 1942	Southern Florida
138.	BROWN, John	March 26, 1943	Southern Florida
139.	BROWN, Leonard W.	October 30, 1943	Eastern Missouri
140.	BROWN, Robert Grady	May 20, 1943	Northern Indiana
141.	BROWN, Walter	February 22, 1945	Southern Mississippi
142.	BROWNING, Delbert Romane	June 29, 1942	Western Missouri
143.	BROZE, Zenon Richard	May 18, 1944	Northern Ohio
144.	BUBRIAK, Charles	July 19, 1943	New Jersey
145.	BUCHNOFF, Jim William	April 24, 1943	Southern California.
146.	BUCK, George D.	December 22, 1942	Northern California
147.	BUELOW, Merle Robert	March 13, 1946	Northern Ohio
148.	BUENROSTRO, Santan	December 14, 1944	Southern Texas
149.	BUMPHREY, Floyd Ossian	June 5, 1944	Southern California
150.	BUMSTEAD, Max Francis	November 6, 1944	Southern California
151.	BURCHARD, Lloyd August	October 1, 1943	Colorado
152.	BURGESS, James	October 5, 1942	Eastern Arkansas
153.	BURGH, John Stanley	February 4, 1944	Northern California
154.	BURKETT, Billie Joe	February 1, 1945	Western Texas
155.	BURNETT, Frank Hester	January 24, 1945	Northern Alabama
156.	BURTON, Clifford	December 7, 1943	Southern New York
157.	BURY, Daniel	October 22, 1942	Northern Ohio
158.	BUTCHER, George McFarland, Jr.	January 15, 1945	Connecticut
159.	BUTI, Mario	June 1, 1944	Eastern New York
160.	BUZZELLI, Joseph Anthony	March 5, 1943	Southern New York
161.	BYRD, Frank	June 9, 1943	Western Louisiana
162.	BYRD, Robert Percell	January 12, 1943	Eastern Virginia
163.	CAHOON, Ralph Henry, Jr.	March 1, 1945	Southern Texas
164.	CALHOUN, David Brannon	September 25, 1942	Connecticut
165.	CALIBUZO, Francisco Nuevo	May 18, 1944	Northern California
166.	CALLAHAN, Hedrick	November 1, 1943	Middle North Carolina
167.	CAMPBELL, Hassell Andrew McNeil	March 22, 1944	Southern Mississippi
168.	CAMPOS, Baudelio	June 6, 1946	Western Texas
169.	CANNON, Brewer Jesse	October 4, 1944	Northern Florida
170.	CANNON, James	September 20, 1945	Southern Florida
171.	CANTU, Alonzo	May 17, 1946	Southern Texas
172.	CARBRAY, John Samuel	November 30, 1943	Western Arkansas
173.	CARDELL, Charles Edwin	October 17, 1944	Southern Ohio
174.	CARE, Richard Winfield	June 21, 1944	Eastern Pennsylvania
175.	CARPENTER, Charles Everlyn	March 29, 1944	Eastern Pennsylvania
176.	CARPENTER, Fred Joseph	September 11, 1945	Northern Ohio
177.	CARR, John Waldamar	June 18, 1943	Northern Illinois
178.	CARR, Paul Calvin	October 25, 1943	Northern Illinois
179.	CARRAS, John Nick	November 26, 1945	Northern Illinois
180.	CARRASQUILLO, Justino Hernandez	November 23, 1943	Western South Carolina
181.	CARROLL, Philip Francis	July 28, 1944	Puerto Rico
182.	CARSWELL, Samson	April 10, 1945	Northern Ohio
183.	CARTER, David Earl	December 18, 1943	Southern Florida
184.	CARTER, Joseph	May 16, 1944	Eastern Wisconsin
185.	CARTER, Winslow Halbert	September 22, 1944	Eastern Pennsylvania
186.	CASSELS, James Joseph	May 9, 1945	Middle North Carolina
187.	CAST, Robert	July 16, 1942	Northern Illinois
188.	CASTLE, Carl	March 3, 1942	Southern Mississippi
189.	CASTLE, Norvin Glenn	October 19, 1942	Eastern Arkansas
190.	CASTRO, Solomon	November 18, 1943	Northern West Virginia
191.	CAUDILL, Earl Ray	March 16, 1945	Northern California
192.	CHADY, Otto Edward	March 13, 1944	New Mexico
		April 14, 1944	Eastern Michigan

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
193.	CHANDLER, Charles	June 5, 1944	Northern Indiana
194.	CHAPMAN, Russell Sage	January 4, 1943	Eastern Pennsylvania
195.	CHASE, Ernest Lorenzo	June 28, 1943	Eastern Wisconsin
196.	CHATMAN, Andrew	October 18, 1943	Middle Georgia
197.	CHAVARRIA, Anastacio, Jr.	October 16, 1945	Southern Texas
198.	CHERRY, Joseph	March 9, 1942	Eastern Pennsylvania
199.	CHISM, William Arlie Colombus	February 2, 1943	Eastern Illinois
200.	CHRISTENSON, Charles Gordon	November 4, 1942	Minnesota
201.	CHRISTIE, Joe Squash	April 8, 1941	Eastern Oklahoma
202.	CHURCH, Frederick Anthony	April 23, 1943	Vermont
203.	CLAIRE, Edwin Street	May 3, 1947	Southern Iowa
204.	CLARK, Bronson Pettibone	April 16, 1943	Northern Ohio
205.	CLARK, Duke	January 17, 1944	Western Tennessee
206.	CLARK, Everett Harry	April 12, 1943	Eastern Missouri
207.	CLARK, Floyd Walter	July 13, 1942	Southern Ohio
208.	CLARK, William	October 22, 1945	Northern New York
209.	CLARK, William W.	December 4, 1940	Connecticut
210.	CLAY, Herbert	May 25, 1944	Eastern Missouri
211.	CLAYTON, Willie James	January 4, 1943	Southern Florida
212.	CLINE, Curtis	July 19, 1941	Southern Texas
213.	COAN, Donald Wilson	November 14, 1945	Southern California
214.	COBB, Howard Theodore	December 6, 1944	Middle North Carolina
215.	COCHRAN, John Francis	April 12, 1946	Middle Georgia
216.	COFFIN, Glen Dale	June 5, 1945	Northern North Carolina
217.	COLLINS, Boyd William	December 28, 1944	Northern Indiana
218.	COLLINS, George John	April 20, 1942	Nebraska
219.	COLLINS, Henry Buddy	April 21, 1945	Eastern Missouri
220.	COLLURA, John Angelo	March 3, 1943	Southern New York
221.	COLON ZAYAS, Victor Manuel	August 13, 1943	Puerto Rico
222.	COLVIN, Thomas Jefferson	June 5, 1946	Eastern Illinois
223.	CONIDI, Charles	October 9, 1944	Southern California
224.	CONOVALOFF, Dan Jack	September 24, 1945	Southern California
225.	CONROW, Darling Thornton	September 30, 1943	Eastern Michigan
226.	CONSTANGY, Herbert W.	October 5, 1945	Northern Georgia
227.	COOK, Roy Lee Douglas	October 8, 1945	Western Texas
228.	COOLEY, Frederick Allen	December 15, 1942	Western Pennsylvania
229.	COONCE, Leslie Dean	June 13, 1944	Eastern Michigan
230.	COOPER, B. F.	May 25, 1942	Eastern Arkansas
231.	COOPER, SAMUEL	January 14, 1943	Northern Ohio
232.	COOPER, Sydney Franklin	December 14, 1944	Eastern New York
233.	COPELAND, Thomas Shell	December 14, 1942	Eastern Arkansas
234.	CORCORAN, Harvey Frankel	February 7, 1944	Eastern Pennsylvania
235.	CORDES, Edward J.	September 3, 1942	Southern New York
236.	COREY, Douglas Quaid	November 22, 1943	Southern California
237.	CORNELIUS, Kenneth Eric	December 5, 1944	Northern Illinois
238.	CORNELL, Clark M.	February 14, 1941	Idaho
239.	COSENTINA, Michael Angelo	May 14, 1946	Eastern New York
240.	COTE, Gordon Ross	July 9, 1945	Eastern Virginia
241.	COTTRELL, Arthur	September 16, 1944	Eastern Oklahoma
242.	COTTRELL, Elton Elva	October 2, 1944	Eastern Oklahoma
243.	COTTRELL, Harold	May 19, 1944	Western Oklahoma
244.	COUNSLOR, Hosie	March 13, 1944	Eastern Arkansas
245.	COUNTS, Winfield Andrew	March 22, 1945	Western Virginia
246.	COVERT, George Lyle, Jr.	May 29, 1945	Oregon
247.	COWAN, Gains Gilford	July 23, 1942	Eastern Arkansas
248.	COX, J. C.	May 15, 1944	Northern Alabama
249.	COX, Willie	June 22, 1945	Western Tennessee
250.	CRAGIE, Stanton Collins	March 11, 1943	Eastern New York
251.	CRANFILL, William Ross	July 9, 1942	Northern Texas
252.	CRAVEY, John Marvin	November 6, 1945	Southern Alabama
253.	CRIPPLE, Robert	March 8, 1943	Eastern Kentucky
254.	CROKER, James	June 19, 1944	Eastern Missouri
255.	CROMEDY, David	April 21, 1943	Southern Florida
256.	CROOKS, Robert	March 11, 1944	Northern Alabama
257.	CROWDER, Paul	October 23, 1945	Northern California
258.	CRUCIS, Amelio	May 25, 1943	Western Pennsylvania
259.	CULLEN, James A.		Eastern Missouri
260.	CUNNINGHAM, Troy Fred	May 25, 1945	Western Arkansas
261.	CUTHBERTSON, Kenneth Earl	December 6, 1943	Eastern Pennsylvania
262.	CYR, Eldon Leo	April 11, 1944	Kansas
263.	DALAWESANT, Beleno	May 5, 1942	Hawaii

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
264.	DALTON, Albert	January 11, 1943	Kentucky
265.	DANDY, Henry	February 2, 1945	Southern Florida
266.	DANIELS, C. W.	May 28, 1946	Middle Georgia
267.	DANIELS, Lorenzo James	December 13, 1944	Minnesota
268.	DARLING, Henry E.	June 2, 1943	Oregon
269.	DAVIES, John William, Jr.	October 27, 1943	Middle Pennsylvania
270.	DAVIS, Arthur Alvin, Jr.	November 13, 1945	Northern Georgia
271.	DAVIS, Clyde Alfred	October 5, 1943	Eastern Virginia
272.	DAVIS, James	May 26, 1945	Southern Florida
273.	DAVIS, Joseph Henry	June 27, 1946	Northern Illinois
274.	DAVIS, Louis Henry	February 3, 1944	Northern Ohio
275.	DAVIS, Paul Lester	December 6, 1943	Eastern Tennessee
276.	DAVIS, Walter Riddle	March 8, 1943	Western Pennsylvania
277.	DAVIS, William Russell	May 29, 1944	Northern Oklahoma
278.	DAWKINS, Maurice C.	November 16, 1944	Nebraska
279.	DEAL, Rhonda	June 12, 1944	Eastern Pennsylvania
280.	DEAN, Bernal, Jr.	November 3, 1944	Northern Indiana
281.	DEANE, Loren Ray	October 4, 1944	Western Missouri
282.	DEBALOOS, Valentine Biglun	August 18, 1942	Hawaii
283.	DEBEAUSSET, Michael	December 7, 1942	Eastern Pennsylvania
284.	DEBLANC, Edward Marshall	August 9, 1943	Eastern Louisiana
285.	DECKER, Howard E.	March 19, 1943	New Jersey
286.	DEFRANCO, Adrian	September 19, 1944	Northern Ohio
287.	DEHART, William Robert	October 2, 1944	Western New York
288.	DEJERNETT, Walter	March 2, 1945	Eastern Michigan
289.	DELUCKE, Daniel Louis	October 15, 1942	Delaware
290.	DELUKE, Anthony Paul	October 15, 1942	Delaware
291.	DEMPSEY, Lewis	October 3, 1942	Southern Georgia
292.	DENNY, William Bernard	June 28, 1945	Maryland
293.	DERBY, Glenn	July 1, 1942	Northern Ohio
294.	DESATOFF, George Jack	May 22, 1944	Southern California
295.	DETWILER, Stanley Warren	January 22, 1945	Arizona
296.	DEVOE, Frank	March 22, 1945	Southern Georgia
297.	DEWEY, Alexander Harlow	February 18, 1941	Kansas
298.	DEXTER, Charles	July 1, 1942	Northern Indiana
299.	DICKINSON, Joseph Romlus	February 27, 1943	Northern Alabama
300.	DIMUCCIO, Edward Arthur	April 5, 1943	Rhode Island
301.	DIXIE, John Thomas	October 7, 1942	Northern Ohio
302.	DIXON, C. P.	May 22, 1944	Western Kentucky
303.	DOBBINS, Arvil Wiley	November 6, 1946	Middle North Carolina
304.	DOLBEAR, Walter Bernard	July 30, 1943	Southern Texas
305.	DOMANSKI, Frank Adolph	June 4, 1943	Eastern Michigan
306.	DORSEY, Willie F.	April 1, 1941	Arizona
307.	DORTCH, Nelson	April 2, 1943	Eastern Missouri
308.	DOUDNA, Joseph Sylvester	July 27, 1944	Southern Ohio
309.	DOUGHERTY, Michael R.	May 1, 1946	Northern California
310.	DOUGLAS, Sherman Lee	December 17, 1942	Eastern Illinois
311.	DOUGLASS, Walter Robert	November 16, 1944	Northern Ohio
312.	DOWDELL, Garfield Duke	February 8, 1945	Northern Alabama
313.	DUARTE, Rafael Roberto	February 1, 1943	Arizona
314.	DUNCAN, Albert Lee	March 13, 1945	Western Kentucky
315.	DUNKEL, Ralph Edward	January 27, 1942	Southern Ohio
316.	DUNMYER, Ray Strayer	October 24, 1945	Delaware
317.	DUNN, Charles Arvin	September 11, 1944	Middle North Carolina
318.	DUNNING, Willie Albert	July 26, 1943	Middle Georgia
319.	DURAND, John	March 11, 1943	Eastern New York
320.	DURANT, Ulysses	August 26, 1943	Eastern Pennsylvania
321.	DVORAK, Leo Frank	October 31, 1942	Minnesota
322.	DYER, Andrew M.	December 14, 1943	Kansas
323.	EASTER, Andrew L.	May 25, 1945	Arkansas
324.	EBBERT, George Stanley	May 24, 1946	Northern California
325.	EBY, Isaac Shirk	January 6, 1942	Eastern Pennsylvania
326.	EDER, Erwin Julius	September 18, 1944	Eastern Missouri
327.	EDWARDS, Bruce Eugene	October 26, 1943	Northern Illinois
328.	EDWARDS, George Washington	July 26, 1944	Middle Georgia
329.	EDWARDS, William Pearson	June 19, 1942	Middle North Carolina
330.	EHRMAN, Raymond John	September 7, 1943	Northern Indiana
331.	EIKENBERRY, Donald Thane	December 8, 1942	Northern California
332.	EISLE, William John	May 22, 1944	Eastern New York
333.	EITH, Edward Anthony	October 13, 1943	Eastern Missouri
		March 18, 1942	

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
334.	ELDRIDGE, Frank Thomas	July 13, 1944	Eastern New York
335.	ELLENBERGER, Lester Elias	July 2, 1945	Southern California
336.	ELLIS, David	July 7, 1942	Northern Texas
337.	ELLIS, Robert	March 13, 1946	Eastern Pennsylvania
338.	ELSAS, Floyd Ortie	May 15, 1944	Southern California
339.	ENGLISH, Ralph Harry	July 2, 1945	Eastern Virginia
340.	ENSLEY, Barton Arthur	December 6, 1943	Western Pennsylvania
341.	ERLAND, Edwin Milton	July 12, 1945	Southern Florida
342.	ERRICHETTI, Edward Anthony	March 4, 1943	Connecticut
343.	ESTES, George Clyde	January 10, 1944	Northern Ohio
344.	ETO, Yukio	July 9, 1945	Wyoming
345.	EVERETT, Napoleon	May 17, 1946	Southern Florida
346.	EVERINGHAM, Benjamin C.	February 3, 1941 December 2, 1942	Maryland
347.	FAIN, Ira Dovert	January 22, 1943	Southern West Virginia
348.	FAIR, Albert	January 17, 1945	Southern Georgia
349.	FARMER, Creeversie	May 17, 1943	Southern Mississippi
350.	FEDORKA, Theodore	January 14, 1944	Southern New York
351.	FEDORKA, Walter	January 26, 1944	Southern New York
352.	FEHRENBACK, Conrad Darwin	November 3, 1941	Nevada
353.	FENSKE, Wallace William	April 11, 1946	Nebraska
354.	FERRIS, Rudolph Walter	January 21, 1944	Eastern Michigan
355.	FERRUGGIO, John	March 7, 1945	Southern New York
356.	FIELDS, Norris, Jr.	December 3, 1945	Southern Alabama
357.	FINK, Belfie Elmer	January 12, 1942	Eastern Oklahoma
358.	FISCHER, Robert Allen	November 3, 1943	Southern Ohio
359.	FISCINA, Michael John	June 18, 1945	Southern New York
360.	FISHER, Dale Martin	September 5, 1945	Southern Ohio
361.	FISHER, Dugald, Jr.	October 20, 1941	Hawaii
362.	FISHER, George Calvin	September 18, 1942	Western Pennsylvania
363.	FITZPATRICK, Edward Clayton	May 12, 1944	Northern California
364.	FLETCHER, Norman Collings	October 1, 1943	Connecticut
365.	FLORA, Eugene Edward	November 22, 1943	Southern Ohio
366.	FLORA, Glenn William	January 3, 1945	Southern Ohio
367.	FLORES-REY, Ernesto	July 5, 1945	Western Texas
368.	FLOOMAR, Lloyd Frederick	November 7, 1946	Arizona
369.	FOLTANEK, Frank Ferdinand	May 18, 1944	Northern Illinois
370.	FOOTE, Caleb	June 26, 1945	Northern California
371.	FORREST, General Harrison	May 15, 1944	Southern Mississippi
372.	FORRESTER, James Rubin	May 8, 1945	Southern Ohio
373.	FORRESTER, Lawrence Franklin	October 19, 1944	Middle North Carolina
374.	FORT, Ivan E.	March 31, 1941	Eastern Michigan
375.	FOSS, Frederick Vance	January 18, 1944	Maine
376.	FOSTER, Floyd Raymond	June 30, 1942	Eastern New York
377.	FOUNTAIN, Richard	November 5, 1942	Northern Alabama
378.	FOX, Floyd Elam	February 16, 1945	Eastern Pennsylvania
379.	FRAZIER, Dossie	May 28, 1946	Northern Georgia
380.	FRAZIER, James Lonnel	November 9, 1945	Northern Alabama
381.	FRAZIER, William Chester	July 14, 1943	Eastern Missouri
382.	FREEMAN, Earl Dale	December 3, 1945	Southern Iowa
383.	FREEMAN, Merle Lee	October 16, 1945	Western Texas
384.	FRIEDT, Mervin Ray	February 4, 1944	Northern Ohio
385.	FUJIHARA, Shiro	October 2, 1944	Idaho
386.	FUJII, John Jiro	July 9, 1945	Wyoming
387.	FUJII, Shigeru	May 26, 1944	Wyoming
388.	FUJIMOTO, Albert Kenji	October 7, 1946	Arizona
389.	FUJINAKA, Tatsuo George	February 21, 1945	Southern Idaho
390.	FUJIOKA, Tom Tamotsu	October 7, 1946	Arizona
391.	FUJIOKA, Yasuto	November 8, 1946	Arizona
392.	FUJITA, Hideo Frank	October 7, 1946	Arizona
393.	FUJIWARA, Hideyuki Henry	October 2, 1944	Idaho
394.	FUJIZAWA, Teruo	October 7, 1946	Arizona
395.	FULLENWIDER, Everett Verne	March 28, 1944	Northern California
396.	FURUSAKI, Joseph	October 7, 1946	Arizona
397.	GABLE, Chester Wayne	January 5, 1945	Northern Ohio
398.	GABRIO, Louis Charles	March 23, 1945	New Jersey
399.	GALT, Ralph Martin	January 14, 1943	Southern Indiana
400.	GAMBLE, Willie Kirk	December 27, 1943	Rhode Island
401.	GANIALONGO, Pelipe	February 15, 1943	Hawaii
402.	GARCIA, Adan Guerra	October 17, 1945	Southern Texas
403.	GARCIA, Alberto Saucedo	August 9, 1946	Western Texas

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
404.	GARCIA, Anastacio Herrera	August 11, 1942	Arizona
405.	GARFIELD, K. C.	May 11, 1945	Northern Mississippi
406.	GARRETT, James Robinson	May 9, 1944	Southern New York
407.	GARST, Merritt Eugene, Jr.	June 26, 1941	Eastern Pennsylvania
408.	GAST, Fred Car, Jr.	December 17, 1943	Northern Ohio
409.	GAST, Robert Theodore	April 11, 1944	Northern Ohio
410.	GATES, Alfred	July 19, 1941	Arizona
411.	GATES, Irvin Edward	November 6, 1944	Northern California
412.	GELLRICH, William Walter	September 14, 1944	Northern California
413.	GET, Lim Sing	December 11, 1943	Northern California
414.	GIANOPOULOS, James	October 10, 1945	Massachusetts
415.	GIBSON, Irving Louis	May 13, 1942	Eastern Pennsylvania
416.	GIESE, Willie Erie	February 7, 1944	District of Columbia
417.	GILMER, Cooper Hyde	May 29, 1946	Eastern Tennessee
418.	GILYARD, John Henry	August 27, 1946	Southern New York
419.	GINGERICH, George	March 26, 1942	Southern Indiana
420.	GLAAB, Stephen Joseph	November 12, 1942	Eastern New York
421.	GLASER, Alan Thomas	May 24, 1946	New Jersey
422.	GLIXON, David	December 10, 1943	Southern New York
423.	GLIXON, Neil Henry	December 9, 1943	Eastern New York
424.	GLOVER, George H.	September 20, 1945	New Jersey
425.	GODFREY, Norman	May 12, 1941	Eastern Pennsylvania
426.	GODWIN, Alphonso	October 26, 1942	Eastern North Carolina
427.	GOEHRING, Gordon Saunders	June 16, 1943	Northern Ohio
428.	GOFF, Harland Emerson	June 18, 1945	Northern Ohio
429.	GOISHI, Kazuto Jimmy	October 7, 1946	Arizona
430.	GOMEZ, Jesus	October 9, 1946	Western Texas
431.	GONZALEZ, Dionicio	February 2, 1946	Southern Texas
432.	GOODALL, Thomas J.	February 21, 1944	Middle Tennessee
433.	GOODMAN, William Louis	June 21, 1945	Northern Ohio
434.	GOODS, Jim S.	January 21, 1944	District of Columbia
435.	GOODWIN, Luther A.	June 13, 1945	New Mexico
436.	GORECKI, Raymond	April 10, 1944	Eastern Wisconsin
437.	GOTT, James Livingston	May 25, 1945	New Jersey
438.	GRADY, Martin	April 2, 1943	Middle Tennessee
439.	GRAY, Harry Rean	December 9, 1942	Western Pennsylvania
440.	GRAY, Leon	May 15, 1944	Southern Mississippi
441.	GRAYSON, Frank	May 25, 1942	Eastern Kentucky
442.	GREEN, Jim	October 9, 1942	Western Louisiana
443.	GREEN, Robert	June 13, 1942	Arizona
444.	GREEN, Thomas James	March 12, 1942	Eastern Pennsylvania
445.	GREENBERGER, Murray J.	July 6, 1942	Southern New York
446.	GREER, James Othello	May 17, 1943	Northern Texas
447.	GREEVER, Glenn Kenneth	July 2, 1945	Southern California
448.	GREGORIEFF, William William	August 28, 1944	Southern California
449.	GREGORY, Joseph	June 15, 1942	Eastern Pennsylvania
450.	GRIFFIN, Bernard Stratton	October 21, 1943	Middle Alabama
451.	GRIFFIN, Emmett J.	October 11, 1943	Eastern Pennsylvania
452.	GRISSON, Robert Allen	October 9, 1944	Eastern Missouri
453.	GRITTON, Alpha Herndon	May 18, 1943	Oregon
454.	GRIVNOW, John	December 10, 1943	Western Pennsylvania
455.	GROFF, Weidler Solomon, Jr.	September 26, 1944	Eastern Pennsylvania
456.	GUERRERO, Felipe Figuerra	October 18, 1943	Southern New York
457.	GUILLEN, Jose Cepeda	August 2, 1946	Western Texas
458.	GUTIERREZ, Jose Gutierrez	September 25, 1946	Southern California
459.	GUY, William, Sr.	February 26, 1943	New Jersey
460.	GUYDER, John Scribner	July 12, 1945	Northern New York
461.	GUZMAN, Bruno Viloria	February 17, 1943	Hawaii
462.	HALEY, Samuel Ernest	February 14, 1944	Western Missouri
463.	HALL, Early Junior	February 1, 1943	Middle North Carolina
464.	HALL, Richard Albert	February 3, 1942	Southern Ohio
465.	HALL, Samuel Raymond	May 11, 1942	Southern Texas
466.	HALL, Thomas	April 29, 1942	Southern New York
467.	HALL, Wilbur Z.	December 6, 1943	Northern West Virginia
468.	HALL, William Rogers	August 29, 1946	Southern New York
469.	HALLER, John	September 28, 1942	Northern California
470.	HAMILTON, Milton Robert	March 21, 1944	Western Pennsylvania
471.	HAMM, Frederick W.	May 12, 1943	Eastern Louisiana
472.	HAMPSON, William James	June 29, 1942	Northern Ohio
473.	HAMPTON, Roosevelt	July 1, 1943	Western Louisiana
474.	HAN, Paul Ba Wool Han	January 26, 1945	Hawaii

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
475.	HANARAN, John Joseph	August 27, 1942	Eastern New York
476.	HANAWALT, Albert Edgar	October 29, 1942	Middle Pennsylvania
477.	HANLON, James J.	June 11, 1942	Eastern Pennsylvania
478.	HANNIBAL, Richard Charles	October 19, 1943	Eastern New York
479.	HARBIN, Jakie	June 11, 1943	Eastern Tennessee
480.	HARDEN, Jessie Lee	August 29, 1945	Middle Georgia
481.	HARGRAVES, Harry H.	June 22, 1942	Western New York
482.	HARRYMAN, Isaac James	April 3, 1944	Northern Oklahoma
483.	HARRYMAN, Joel Franklin	September 13, 1943	Western Arkansas
484.	HARSNETT, Royal Joseph	July 24, 1942	Eastern New York
485.	HARTL, Frank	April 27, 1943	Nebraska
486.	HARTL, Louis	September 21, 1942	Nebraska
487.	HASHIMOTO, Masaru	March 27, 1944	Arizona
488.	HASTINGS, Countfrederick Carl	September 29, 1942	Eastern Illinois
489.	HATAKEDA, Jimmie Junichi	October 7, 1946	Arizona
490.	HATFIELD, Fred Woodrow	October 15, 1945	Eastern Arkansas
491.	HATFIELD, John Dale	March 18, 1943	Eastern Illinois
492.	HATFIELD, Thomas Harold	October 15, 1945	Eastern Arkansas
493.	HATTON, Allen	February 23, 1944	Delaware
494.	HAWES, Francis Carter	March 11, 1942 October 14, 1943	Eastern Pennsylvania Eastern Pennsylvania
495.	HAWKINS, James Ralph	March 10, 1943	Eastern New York
496.	HAWKINS, Robert James Francis	September 10, 1942	Western Washington
497.	HAYAMI, Yoshito Smith	October 2, 1944	Idaho
498.	HAYES, Clyde Morton	March 27, 1943	Western Kentucky
499.	HAYWARD, Norman	December 16, 1946	Eastern Missouri
500.	HEATWOLE, James	September 29, 1943	Eastern Pennsylvania
501.	HEDGES, Henry Cassaway	December 10, 1942	Northern West Virginia
502.	HEIDEN, George Richard	February 7, 1944	Northern Illinois
503.	HELD, Guy, Jr.	December 2, 1946	Northern California
504.	HELMS, George Irving	November 14, 1942	Hawaii
505.	HELMS, William	January 2, 1947	Western Arkansas
506.	HELMUTH, Jerry	June 1, 1943	Northern Indiana
507.	HENDERSHOT, Harvey J.	February 25, 1943	Eastern Michigan
508.	HENDERSON, Bob	November 13, 1943	Southern Florida
509.	HENDERSON, John Henry	October 8, 1946	Middle Georgia
510.	HENLEY, Robert Newton	December 5, 1946	Middle North Carolina
511.	HENRY, Rene Albert	March 13, 1944	Nebraska
512.	HENSLEY, Bea Ellis	November 12, 1942	Western North Carolina
513.	HENSLEY, Jeter E.	November 12, 1943	Western North Carolina
514.	HENSON, Abbott Carlton	May 15, 1944	Northern Alabama
515.	HERLING, Albert	February 11, 1941	Southern New York
516.	HERMAN, George	March 25, 1941	Eastern Illinois
517.	HERNANDEZ, Francisco Gonzalez	July 25, 1946	Western Texas
518.	HERSHEY, Walter Daniel	September 30, 1943	Minnesota
519.	HESSON, Harold Oakland	June 8, 1941	Southern California
520.	HEYA, James Kenji	June 30, 1944	Colorado
521.	HIBBS, Forrest Melvin	September 6, 1945	Nebraska
522.	HICKMAN, Isaac	November 8, 1944	Eastern South Carolina
523.	HICKS, Louis	July 30, 1942	Eastern New York
524.	HIGH, William Coys	July 24, 1941	Western Tennessee
525.	HIGUCHI, Mutsuo	July 9, 1945	Wyoming
526.	HILL, Charley	February 6, 1943	Middle Georgia
527.	HILL, Labor	March 2, 1943	Eastern Illinois
528.	HILL, Richard Carl	May 18, 1945	Eastern Michigan
529.	HILLBORN, Howard M.	February 1943	Southern California
530.	HINES, John	February 23, 1944	Middle Alabama
531.	HINKEY, Wendell Allen	September 24, 1942	Northern New York
532.	HINKLE, Dwight David	December 31, 1943	Northern California
533.	HINO, Bob Riyusho	October 2, 1944	Idaho
534.	HINO, Frank Shinichi	February 22, 1945	Southern Idaho
535.	HIRABAYASHI, Gordon Kiyoshi	November 30, 1944	Eastern Washington
536.	HIRABAYASHI, Henry Nobuo	October 2, 1944	Idaho
537.	HIRABAYASHI, Irvin Masanobu	November 4, 1944	Utah
538.	HIRAI, Toru	October 7, 1946	Arizona
539.	HIRAMOTO, Shizuto	October 7, 1946	Arizona
540.	HIRATA, Tomoharu Henry	May 20, 1944	Eastern Arkansas
541.	HIRAYAMA, Susumu Harold	June 26, 1944	Wyoming
542.	HIROSE, Kazuki	July 9, 1945	Wyoming
543.	HIROSE, Kazuto	July 26, 1944	Wyoming
544.	HIROSHIGE, Akira	June 26, 1944	Wyoming

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
545.	HOCKENBERRY, Robert M.	November 26, 1945	District of Columbia
546.	HODGSON, Walter Louis	February 25, 1943	Southern Ohio
547.	HOLDER, W. F.	November 27, 1946	Western Arkansas
548.	HOLDERMAN, Ralph Jay	July 6, 1943	Colorado
549.	HOLLAR, Carl	November 20, 1944	Middle North Carolina
550.	HOLMES, Louis	January 24, 1944	Eastern Illinois
551.	HOLSINGER, Robert Reinhart	February 17, 1944	Northern California
552.	HONDA, Seiichi	October 7, 1946	Arizona
553.	HOOPAI, William Kahalewai	November 9, 1942	Hawaii
554.	HOOVER, Daniel Weaver	December 4, 1941	Eastern Pennsylvania
		September 8, 1944	Eastern Pennsylvania
555.	HOOVER, John Weaver	December 12, 1944	Eastern Pennsylvania
556.	HOPISON, L. H.	November 14, 1942	Middle Georgia
557.	HORA, Sadao	October 7, 1946	Arizona
558.	HORI, Takeshi	June 26, 1944	Wyoming
559.	HORINO, George Minoru	July 9, 1945	Wyoming
560.	HOSHIZAKI, Takashi	June 26, 1944	Wyoming
561.	HOULIHAN, Daniel James	September 15, 1941	Southern New York
562.	HOUSER, Donald Max	February 5, 1944	Southern Indiana
563.	HOWARD, Sylvester	September 29, 1944	Eastern Pennsylvania
564.	HOWE, Marvin Elmer	January 11, 1944	Northern Indiana
565.	HUBER, Albert A.	August 20, 1942	New Jersey
566.	HUDSON, Henry Lavelle	November 5, 1942	Southern Ohio
567.	HUDSON, Lee Edward		Western Missouri
568.	HUGHES, Wesley Willie Lee	September 8, 1943	Middle North Carolina
569.	HULL, Floyd Eugene	August 25, 1944	Southern Ohio
570.	HUNTER, Charles Robert	July 26, 1944	Northern California
571.	HUNTER, Dwight Dale	November 15, 1941	Northern California
572.	HUTSON, Arthur T.	October 31, 1943	Eastern South Carolina
573.	IDE, Takao Grant	June 26, 1944	Wyoming
574.	IKEMIYA, Joe Yoshikazi	March 27, 1944	Arizona
575.	IKEMIYA, Masaru Jim	March 27, 1944	Arizona
576.	IKEMOTO, Harry Yoshiaki	June 26, 1944	Wyoming
577.	IMAI, Masefumi	June 26, 1944	Wyoming
578.	INABA, Hitoshi	October 31, 1944	Colorado
579.	INGRAM, William, Jr.	October 18, 1943	Middle North Carolina
580.	INO, Toru	June 26, 1944	Wyoming
581.	INOUE, Chozo	January 2, 1943	Hawaii
582.	INOUYE, George Washington	October 7, 1946	Arizona
583.	IOKA, Harry Schuichi	October 31, 1944	Colorado
584.	ISAACS, William	June 26, 1944	Western Louisiana
585.	ISHIKAWA, George	June 26, 1944	Wyoming
586.	ISHIKAWA, Kiyoshi	June 26, 1944	Wyoming
587.	ISHIKAWA, Suetsugu	June 26, 1944	Wyoming
588.	ISHIKAWA, Takeo	June 26, 1944	Wyoming
589.	ISHIKAWA, Yoshimitsu	October 31, 1944	Colorado
590.	ISHIMARU, Junichi	June 26, 1944	Wyoming
591.	ISHIMARU, Yutaka	June 26, 1944	Wyoming
592.	ISHIMOTO, George Kenichi	October 8, 1945	Colorado
593.	ISHIMOTO, Harry Kenji	October 8, 1945	Colorado
594.	ISHIMOTO, Takao	October 8, 1945	Colorado
595.	ISHIZAKI, Sam Isamu	June 26, 1944	Wyoming
596.	ISOMURA, Iwaharu	October 28, 1944	Colorado
597.	ITO, Hideo	June 30, 1944	Colorado
598.	IVES, Kenneth H.	April 3, 1941	Eastern Michigan
599.	IZUNO, Masaichi	June 30, 1944	Colorado
600.	JACKSON, John Carroll	January 6, 1944	Southern Iowa
601.	JACKSON, Marvin Law	April 20, 1943	Utah
602.	JACKSON, McKinley Cleve	July 14, 1943	Western Tennessee
603.	JACKSON, Melvin Lewis	November 10, 1943	Kansas
604.	JAMES, Jimmy Dean	November 2, 1943	Alabama
605.	JAMES, Kenneth Dale	June 20, 1945	Western Oklahoma
606.	JAMES, Milton M.	November 23, 1942	Western Louisiana
607.	JAMES, Norman Alfred	April 4, 1944	Eastern New York
608.	JAMES, William Lee	October 12, 1945	Eastern Virginia
609.	JAMNIK, Albert Benedict	July 9, 1945	Colorado
610.	JARAMILLO, Apolinar Lara	May 12, 1945	Southern California
611.	JASIN, Raymond	October 6, 1943	Northern Illinois
612.	JASIN, Robert Zavier	October 6, 1943	Northern Illinois
613.	JAWOROSKI, Alfred	December 21, 1943	Eastern Pennsylvania
614.	JAYNES, Gale Aster	February 17, 1945	Southern Indiana

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
615.	JENKINS, Willie Lee	November 13, 1945	Southern Georgia
616.	JENNINGS, Lewis Carl	August 1, 1945	Northern Alabama
617.	JENNINGS, Silas Kelsey	August 1, 1945	Northern Alabama
618.	JENSEN, Otto Anfin	March 27, 1944	Eastern New York
619.	JENSEN, SVEND Aage	November 14, 1944	Minnesota
620.	JOHNSON, Alonzie	February 2, 1945	Southern Florida
621.	JOHNSON, Alphonso	November 1, 1946	Northern Georgia
622.	JOHNSON, Clifford Martin	October 9, 1944	Western Washington
623.	JOHNSON, Evans	February 10, 1943	Southern Georgia
624.	JOHNSON, Gabriel	January 7, 1944	Southern New York.
625.	JOHNSON, Glen Lester	June 15, 1942	Northern Illinois
626.	JOHNSON, Harold Bauran	May 8, 1945	Middle Pennsylvania
627.	JOHNSON, Johnnie Lee	October 27, 1942	Middle Georgia
628.	JOHNSON, Ollie	March 8, 1945	Northern Illinois
629.	JOHNSON, Oscar	July 31, 1943	Eastern Washington
630.	JOHNSON, Paul Browning, Jr.	September 27, 1943	Western Tennessee
631.	JOHNSON, Peter Arlton, Jr.	March 6, 1942	Southern Texas
632.	JOHNSON, Prince	April 6, 1943	Middle Georgia
633.	JOHNSON, Thorger William	October 9, 1943	Western Washington
634.	JOHNSON, Willie	December 10, 1943	Northern Mississippi
635.	JOLLY, Coy Cecil	October 11, 1943	Eastern South Carolina
636.	JONES, Henry	June 7, 1943	Western Louisiana
637.	JONES, Henry Edward	September 8, 1944	Middle Georgia
638.	JONES, Johnnie	November 20, 1942	Southern West Virginia
639.	JONES, McKinley	November 30, 1944	Eastern North Carolina
640.	JONES, Neal	February 7, 1944	Eastern Pennsylvania
641.	JONES, Paul Edward	November 30, 1945	Maryland
642.	JONES, Robert Anthony	January 10, 1944	Southern California
643.	JONES, Walter Royal, Jr.	October 29, 1942	Eastern New York
644.	JONES, Willie	May 5, 1944	Southern Mississippi
645.	JONES, Willie	April 6, 1944	Middle Georgia
646.	JORDAN, Malcomb Leon	May 25, 1942	Tennessee
647.	JOSEPH, Ernest	May 12, 1943	Eastern Louisiana
648.	KADO, James Yoshio	June 26, 1944	Wyoming
649.	KAJIMURA, Hareo	September 25, 1944	Idaho
650.	KAJIMURA, Tsutomu	October 2, 1944	Idaho
651.	KAMINAKA, Joe	October 7, 1946	Arizona
652.	KAMINAKA, Tamotsu	October 7, 1946	Arizona
653.	KANAGA, Keith C.	December 2, 1940	Massachusetts
654.	KARIYA, Masashi	October 7, 1946	Arizona
655.	KARIYA, Yoneo	October 7, 1946	Arizona
656.	KARLOVICH, John	November 5, 1945	Connecticut
657.	KARN, Walter Dale	July 13, 1942	Southern Ohio
658.	KASAHARA, George Shigaki	December 29, 1944	Idaho
659.	KASHIWAGI, Joe	October 31, 1944	Colorado
660.	KASIMOFF, Mickey Peter	March 27, 1944	Southern California
661.	KASLOV, Steve	June 1, 1942	Southern New York
662.	KAST, Clarence Joseph	April 9, 1945	Western Virginia
663.	KAST, Gaylord Page	September 29, 1943	Eastern Michigan
664.	KATAYAMA, Shigeru	October 7, 1946	Arizona
665.	KATROWSKI, John	January 15, 1945	New Jersey
666.	KAUFFELD, Harold Walter	November 8, 1943	Southern California
667.	KAUWE, John Pohuwe	May 12, 1942	Hawaii
668.	KAWAHARA, Katsuyoshi	July 9, 1945	Wyoming
669.	KAWAKAMI, Frank Masao	July 9, 1945	Wyoming
670.	KAWAKI, Mosayuki	October 2, 1944	Idaho
671.	KAWAMOTO, David Tetsutaro	June 26, 1944	Wyoming
672.	KAWAMOTO, James Takao	April 1, 1946	Arizona
673.	KAWAMOTO, Kiyoshi	October 7, 1946	Arizona
674.	KAWASAKI, Jimmie	October 28, 1944	Colorado
675.	KAWASAKI, Kiyoto	June 26, 1944	Wyoming
676.	KAWASAKI, Thomas Tomeji	October 28, 1944	Colorado
677.	KAWATO, Yukio	September 29, 1944	Idaho
678.	KAYA, Larry Yoshio	October 7, 1946	Arizona
679.	KEANE, Harold Daniel	April 9, 1943	Maryland
680.	KEAWE, Daniel	August 18, 1942	Hawaii
681.	KELLEY, John Jefferson	November 16, 1942	Southern Ohio
682.	KELLEY, Neil Webster	March 21, 1944	Connecticut
683.	KELLY, Francis J.	March 14, 1947	Southern New York
684.	KELLY, Frank	March 1, 1946	Northern Indiana
685.	KELLY, Henry Douglas	November 8, 1943	Southern California

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
686.	KELLY, James Edward	June 30, 1943	Northern Illinois
687.	KELLY, James Joseph	June 1, 1942	Eastern New York
688.	KELWYMA, George	August 12, 1943	Arizona
689.	KENMOTSU, Shigeo	June 26, 1944	Wyoming
690.	KENT, Sidney	June 2, 1943	Eastern Louisiana
691.	KERLEY, Ralph	October 17, 1944	Utah
692.	KERN, Allan Lloyd	March 19, 1943	Colorado
693.	KERN, Willard Raymond	June 12, 1944	Colorado
694.	KESTNER, Ellis Edgar	April 10, 1945	Eastern Washington
695.	KILMER, Harvey Zimmerman	January 14, 1942	Eastern Pennsylvania
696.	KIMBROUGH, Richard	May 17, 1945	Southern Mississippi
697.	KIMES, Chester Leon	January 17, 1945	Eastern Pennsylvania
698.	KIMURA, Frank Yoshimatsu	October 2, 1944	Iowa
699.	KIMURA, Hideo	July 21, 1942	Hawaii
700.	KIMURA, Jim Tatsuya	June 26, 1944	Wyoming
701.	KING, William Henry	April 18, 1946	Southern Georgia
702.	KINKER, Harold William	October 30, 1944	Eastern Missouri
703.	KINOSHITA, Teruo	March 27, 1944	Arizona
704.	KIRK, Jessie James	July 6, 1944	Western Louisiana
705.	KISHI, Masakiyo Michael	October 7, 1946	Arizona
706.	KITASAKI, Kiyoshi	October 7, 1946	Arizona
707.	KITAUCHI, Masaichi	October 7, 1946	Arizona
708.	KITAYAMA, Kaoru	February 22, 1945	Idaho
709.	KITTLE, William Henry	March 23, 1945	Northern West Virginia
710.	KIYOMIZU, Shozo	September 29, 1944	Idaho
711.	KLEINE, Glen Allen	February 5, 1944	Southern Indiana
712.	KLIMA, Otto	September 21, 1942	Nebraska
713.	KNAPE, Edward James	September 28, 1945	Nebraska
714.	KNAPKA, Andrew F.	May 4, 1943	Middle Pennsylvania
715.	KNOWLES, Oscar Larson	April 25, 1944	Maine
716.	KNOWLES, Tom James	December 8, 1944	Southern Florida
717.	KODAMA, George Katsumi	February 21, 1945	Idaho
718.	KODAMA, Lui Ikuo	October 7, 1946	Arizona
719.	KOFUKSADO, Mitsugi	October 17, 1942	Hawaii
720.	KOGA, Dix K.	February 6, 1942	Northern California
721.	KOJIMA, Masao	October 7, 1946	Arizona
722.	KOOP, Edward	April 24, 1944	Southern California
723.	KOOP, Frank	May 10, 1943	Southern California
724.	KOPE, David Glenn	May 25, 1942	Western Pennsylvania
725.	KORNOFF, Pete	January 8, 1945	Southern California
726.	KOSHIYAMA, Mitsuru	June 26, 1944	Wyoming
727.	KOZIATEK, Steve Anthony	August 1, 1946	Southern New York
728.	KRAUSHAAR, Lawrence Frederick	July 26, 1944	Eastern Michigan
729.	KRIGBAUM, Claude Forrest	October 10, 1942	Oregon
730.	KRISFALUSI, Charles, Jr.	September 28, 1943	Western Pennsylvania
731.	KROUSE, Ewald Theodore	February 12, 1943	Western Wisconsin
732.	KRUSE, Clarence Willard	April 23, 1943	Montana
733.	KUBO, Tomeo	June 26, 1944	Wyoming
734.	KUBO, Yoshi	October 30, 1944	Colorado
735.	KUHNS, Henry Welty	November 12, 1941	Southern California
736.	KUJAWA, Anthony	July 20, 1944	Eastern New York
737.	KULICK, John Myron	May 7, 1945	Southern New York
738.	KUMADA, Kazuo	June 26, 1944	Wyoming
739.	KURAMOTO, Yutaka Ted	October 2, 1944	Idaho
740.	KURANAGA, Heruyuki	October 7, 1946	Arizona
741.	KURASAKI, George Noboru	June 26, 1944	Wyoming
742.	KUROMIYA, Yoshita	June 26, 1944	Wyoming
743.	KUROYE, Kenneth	October 7, 1946	Arizona
744.	KUWADA, Makoto Jim	June 26, 1944	Wyoming
745.	KUWAHARA, John Takashi	October 7, 1946	Arizona
746.	LABISTRE, Francisco Kaliskisan	May 11, 1942	Hawaii
747.	LABUS, Joseph	December 9, 1942	Southern Texas
748.	LACKEY, Cecil Howard	February 16, 1943	Western Arkansas
749.	LACKEY, Ewell Wendell	July 5, 1943	Western Arkansas
750.	LACKEY, Vernon Cay	September 14, 1944	Western Arkansas
751.	LAIER, John Gilbert	June 2, 1944	Northern California
752.	LAMBERT, Allan Clay	May 27, 1941	Western Pennsylvania
753.	LAMBERT, Elwood Albert	June 2, 1942	Middle Pennsylvania
754.	LAMBERT, George Patrick	July 12, 1944	Eastern Illinois
755.	LAMBORN, Robert Earl	October 23, 1942	Southern Ohio
756.	LAMPERT, Arthur John	December 22, 1943	Montana

LIST OF NAMES—Continued

	Name	Convicted	U. S. District Court
757.	LAMPMAN, Duncan Logan	January 16, 1943	Northern Iowa
758.	LANDIS, Luke Graybill	June 15, 1942	Eastern Pennsylvania
759.	LANE, Robert Westphal	September 3, 1942	Southern New York
760.	LARSON, Leonard Merlin	December 21, 1942	Southern California
761.	LAUSA, Philip	January 12, 1943	Hawaii
762.	LAVERY, Joseph William	July 1, 1942	Eastern Pennsylvania
763.	LAWRENCE, Fred John	March 2, 1943	Southern New York
764.	LEARNED, John Raymond	July 5, 1944	Eastern Missouri
765.	LECKWATCH, Michael	October 7, 1941	Western Pennsylvania
766.	LE COMPTE, Olin Harper	July 13, 1942	Maryland
767.	LEE, Ralph Benjamin	July 1942	Western Washington
		February 18, 1944	Western Washington
768.	LEE, Robert Earnest	November 6, 1944	Southern Ohio
769.	LEID, Aaron Weaver	June 15, 1942	Eastern Pennsylvania
770.	LEISS, Edward A.	October 8, 1943	New Jersey
771.	LEW, Arktoy	September 18, 1944	Southern New York
772.	LEWIS, Buster	September 22, 1944	Southern Florida
773.	LEWIS, Evins	November 8, 1944	Eastern South Carolina
774.	LEWIS, Herbert William Matterson	August 1, 1944	Northern Georgia
775.	LEWIS, Jesse	May 21, 1942	Eastern Missouri
776.	LEWIS, Neil Bernard	March 12, 1943	Western Kentucky
		July 5, 1944	Western Kentucky
777.	LINDQUIST, William Rudolph	October 5, 1943	Minnesota
778.	LINDSEY, Willie	November 4, 1943	Northern Mississippi
779.	LINHOSS, Richard Lee	April 28, 1944	Western Virginia
780.	LITTLE, Henry Hersey	November 10, 1941	Vermont
		May 15, 1944	Vermont
781.	LOGAN, Willie James	January 17, 1944	Southern Florida
782.	LOUDER, Garold Paul	April 28, 1943	Eastern Illinois
783.	LOVETT, Britt, Jr.	March 19, 1947	Southern New York
784.	LOVETT, Claudie	April 5, 1943	Western Tennessee
785.	LOVETT, James S.	September 28, 1943	Eastern Pennsylvania
786.	LOVETT, William J.	December 16, 1942	Eastern Pennsylvania
787.	LOWES, George J.	January 29, 1943	Eastern Michigan
788.	LUCE, Rolland H.	May 28, 1942	Northern Illinois
789.	LUEDTKE, William	December 30, 1942	Southern New York
790.	LUNKENHEIMER, Gordon Leo	July 22, 1946	Southern Florida
791.	LUNSFORD, Jack	September 28, 1945	Eastern Tennessee
792.	LYLE, Karl Leroy	March 23, 1944	Southern Mississippi
793.	MABE, Joffery William	May 4, 1944	Middle North Carolina
794.	MACK, George	December 14, 1944	Southern New York
795.	MACKNIGHT, Douglas Haig	September 3, 1943	Northern California
796.	MACLEAN, Walter B.	June 24, 1946	Western New York
797.	MAGEE, John Louis	October 14, 1944	Oregon
798.	MAGGARD, Earl Lewis	October 7, 1946	Western Missouri
799.	MAKER, Lynn Erwin	June 13, 1944	Maine
800.	MALONE, John Erwin	February 6, 1943	Middle Georgia
801.	MANGUM, Jack	March 10, 1941	Southern California
802.	MANNS, Buford	February 6, 1945	Western Tennessee
803.	MANOUKIAN, Armeniag	December 29, 1943	Colorado
804.	MAPLE, Frank G.	September 10, 1943	Southern West Virginia
805.	MARACLE, George Andrew	August 21, 1944	Western New York
806.	MARCANTONIO, Nicholas	November 27, 1942	Southern New York
807.	MARCONETT, Ralph David	July 6, 1943	Northern California
808.	MARKLEY, Benjamin Russell, Jr.	January 25, 1944	Western Missouri
809.	MARSHALL, Namon	January 6, 1944	Western Tennessee
810.	MARTIN, Arthur Alvin	December 20, 1943	Eastern Virginia
811.	MARTIN, Edward Harry	August 14, 1943	Northern California
812.	MARTIN, Harry Hoover	March 14, 1944	Eastern Pennsylvania
813.	MARTIN, Ivan Martin	March 14, 1944	Eastern Pennsylvania
814.	MARTIN, Joseph Hursh	September 17, 1945	Eastern Pennsylvania
815.	MARTIN, Russell Joseph	November 18, 1943	Eastern Michigan
816.	MARTINEZ, John Flores	June 6, 1945	Kansas
817.	MARUHASHI, Hutaka Frank	September 29, 1944	Idaho
818.	MARUYAMA, Kenichi	October 7, 1946	Arizona
819.	MARUYAMA, Shigeo	October 7, 1946	Arizona
820.	MARUYAMA, Yukio	October 7, 1946	Arizona
821.	MASON, J. T.	October 22, 1945	Southern Alabama
822.	MASUKAWA, Kitashi John	October 7, 1946	Arizona
823.	MASUKAWA, Tsutomu Tom	October 7, 1946	Arizona
824.	MATHEWS, Pete Chester	May 11, 1945	Northern Mississippi

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
825.	MATSUBA, George Kazuo	June 26, 1944	Wyoming
826.	MATSUBARA, Sadao	October 7, 1946	Arizona
827.	MATSUMOTO, Akira	June 26, 1944	Wyoming
828.	MATSUMOTO, Minoru Corky	October 7, 1946	Arizona
829.	MATSUMOTO, Teruo	July 9, 1945	Wyoming
830.	MATSUMOTO, Toshimitsu	October 7, 1946	Arizona
831.	MATSUSHITA, Kikuji	October 9, 1945	Wyoming
832.	MATSUURA, Frank Morikazu	June 26, 1944	Wyoming
833.	MATSUZAKI, Frank T.	October 2, 1944	Idaho
834.	MATTHEWS, James Richard	October 12, 1942	Southern West Virginia
835.	MAURER, Dale Calvin	January 11, 1944	Northern Ohio
836.	MAURIER, Clarence Steven	March 14, 1944	Eastern Michigan
837.	MAYEKAWA, Masao	June 26, 1944	Wyoming
838.	MAYKUT, Frank John	January 25, 1945	New Jersey
839.	MAYS, James Raymond	July 12, 1943	Eastern Missouri
840.	MCALPINE, S. L.	May 17, 1943	Southern Mississippi
841.	MCBRIDE, Joe Oliver	January 6, 1944	Western Tennessee
842.	MCCLAIN, Farris	April 5, 1944	Western Louisiana
843.	MCCLEOUD, Lorenzo Theodore	May 9, 1945	Southern New York
844.	MCCONE, Henry Edgar	November 15, 1943	Eastern Pennsylvania
845.	MCCONNELL, Ben Harrison	May 4, 1942	Eastern Oklahoma
846.	MCCONNON, James Joseph	March 2, 1944	Eastern New York
847.	MCCURDY, Lowell Edward	April 6, 1944	Northern Texas
848.	MCDANIEL, Fred	May 29, 1945	Northern Ohio
849.	MCDUFFY, Richard	March 6, 1944	Eastern Arkansas
850.	MCGEE, Eddie	March 16, 1943	Eastern Illinois
851.	MCKAY, John Cornelius	February 2, 1945	Southern Florida
852.	MCKINNEY, Matthew	February 28, 1944	Eastern New York
853.	MCKINNON, Joseph Leland	April 30, 1945	Southern Ohio
854.	MCLEOD, William Ira	March 25, 1943	Northern Illinois
855.	MCOMIE, Robert Arthur	April 3, 1945	Utah
856.	MCPHERSON, Roy Turner	December 6, 1945	Oregon
857.	MEADER, Glenn Edward	May 7, 1945	Northern Iowa
858.	MEADOWS, Maynard Moody	February 9, 1944	Eastern New York
859.	MEDILL, Derl Willard	September 22, 1943	Eastern Washington
860.	MELLON, Joe	July 14, 1943	Western Tennessee
861.	MELLOR, Joseph Victor	September 20, 1943	Eastern New York
862.	MENCHRON, Elbert	April 7, 1945	Eastern Virginia
863.	MENDRIN, John Michael	April 10, 1944	Southern California
864.	MENG, Charles Joseph	June 2, 1943	Western Pennsylvania
865.	MEREDITH, Richard Jean	May 11, 1943	Northern Indiana
866.	MERRIHEW, Noel Harding	March 1, 1943	Southern California
867.	MICHON, Mieczyslaw	August 4, 1941	Massachusetts
868.	MICKENS, Roscoe	April 2, 1945	Southern Florida
869.	MIDDLETON, Willie	March 12, 1943	Eastern Pennsylvania
870.	MILLER, Bruce Winsterd	May 4, 1944	Southern California
871.	MILLIKEN, Arthur Phillips	November 10, 1942	Maine
872.	MILLS, James Alden	November 26, 1943	Rhode Island
873.	MINATANI, James Masaichi	June 26, 1944	Wyoming
874.	MINATO, Kiyoshi	October 7, 1946	Arizona
875.	MINOURA, Halley	June 26, 1944	Wyoming
876.	MITCHELL, Barton Albert	October 29, 1945	Southern Alabama
877.	MITCHELL, David Willie	April 9, 1945	Western Virginia
878.	MITCHELL, Willie	June 3, 1946	Northern Mississippi
879.	MITSUOKA, Mitsuru	October 7, 1946	Arizona
880.	MIYAHARA, Tamio Tom	June 26, 1944	Wyoming
881.	MIYAMURA, Koyoshi	October 7, 1946	Arizona
882.	MIYASAKI, James Goro	October 7, 1946	Arizona
883.	MIYASAKI, Masanobo	October 7, 1946	Arizona
884.	MIYASAKI, Thomas Shiro	October 7, 1946	Arizona
885.	MOLINARI, Raymond Harold	January 9, 1943	Northern California
886.	MOODY, Douglas Alderman	January 13, 1942 December 8, 1943	Eastern Tennessee Eastern Tennessee
887.	MOODY, Doye	October 16, 1943	Southern Georgia
888.	MOODY, Wilma	November 26, 1945	Southern Georgia
889.	MOORE, Albert Lee	May 3, 1944	Northern Oklahoma
890.	MOORE, J. C.	March 18, 1943	Southern Mississippi
891.	MOORE, Luther Henry	November 15, 1945	Northern Alabama
892.	MOORNING, Rufus, Jr.	October 4, 1943	Eastern North Carolina
893.	MORANTE, Paul	November 12, 1942	New Jersey
894.	MOREE, Voley Eston	March 11, 1943	Southern Florida

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
895.	MORENO, Herman Peter	June 11, 1945	Southern California
896.	MORI, Hiroyoshi	October 7, 1946	Arizona
897.	MORI, Shigeo	October 7, 1946	Arizona
898.	MORI, Sutio Bill	October 7, 1946	Arizona
899.	MORIKAWA, Hiroshi	October 7, 1946	Arizona
900.	MORIN, Denne Leonard	March 29, 1946	Vermont
901.	MORINE, Robert Harold	February 17, 1943	Hawaii
902.	MORITA, Ichiro	June 26, 1944	Wyoming
903.	MORRIS, Elgin	October 9, 1944	Eastern Missouri
904.	MORRIS, Elliston P.	March 11, 1942	Eastern Pennsylvania
905.	Moss, Paul E.	June 22, 1943	Eastern Illinois
906.	MOTONAGA, Ray Yoshio	June 26, 1944	Wyoming
907.	MOUNTS, Orban Spivey	November 11, 1946	Western Virginia
908.	MUGLICH, Steve Michael	May 13, 1942	Northern Ohio
909.	MULROLLAND, Robert Gerard	November 6, 1943	Southern California
910.	MURATA, George Matsuji	October 7, 1946	Arizona
911.	MURATA, Paul Seiichi	October 7, 1946	Arizona
912.	MURPHY, James	September 17, 1945	Middle Georgia
913.	MURPHY, Thomas Joseph	November 6, 1944	Northern California
914.	MURPHY, Tony	May 7, 1943	Northern Mississippi
		June 26, 1944	Northern Mississippi
915.	MURRAY, Cornelius	December 21, 1943	Eastern Pennsylvania
916.	MUSCARIELLO, Aldo Future	June 21, 1943	Eastern Pennsylvania
917.	MUSE, Clarence	April 10, 1945	Northern Mississippi
918.	MYERS, Timothy, Jr.	March 6, 1946	Northern Ohio
919.	MYERS, Willie	May 18, 1947	Southern Mississippi
920.	MYLTON, John Edward	December 10, 1943	Western Pennsylvania
921.	NAFFZIGER, Victor John	January 29, 1943	Northern Iowa
922.	NAGAHARA, Masao	June 26, 1944	Wyoming
923.	NAGAKURA, Hiroshi Nakamura	January 18, 1943	Hawaii
924.	NAGASUGI, Hiroto	October 2, 1944	Idaho
925.	NAGATA, Kunio	October 7, 1946	Arizona
926.	NAHA, Lewis Kooyouhema	August 12, 1943	Arizona
927.	NAITO, Takashi	October 7, 1946	Arizona
928.	NAKADA, Carl Koaru	June 26, 1944	Wyoming
929.	NAKAGAWA, George	September 29, 1944	Idaho
930.	NAKAGAWA, George	April 28, 1945	Northern California
931.	NAKAGUMA, Yoshitatusu	June 30, 1944	Colorado
932.	NAKAHIRA, Satoru Joseph	November 18, 1944	Utah
933.	NAKAMURA, Jerry Masao	January 19, 1943	Hawaii
934.	NAKAMURA, Migaki	October 7, 1946	Arizona
935.	NAKAMURI, Kazumi	October 7, 1946	Arizona
936.	NAKASAKI, William Harumi	May 22, 1944	Arizona
937.	NAKASHIKI, Kaiso Fred	October 7, 1946	Arizona
938.	NAKASHIMA, Yoneo	October 7, 1946	Arizona
939.	NAKASHINA, Isao	September 29, 1944	Idaho
940.	NAKATSU, George	October 7, 1946	Arizona
941.	NAKAYAMA, Iwao James	October 7, 1946	Arizona
942.	NAKAYAMA, Masakaz	October 7, 1946	Arizona
943.	NANTZ, James Frederick	October 15, 1945	Southern Indiana
944.	NARUTO, Tochiharu Frank	January 19, 1945	Colorado
945.	NASH, Jessie	May 15, 1944	Southern Mississippi
946.	NAZAROFF, George	October 26, 1942	Southern California
947.	NEGRIA, Nick	December 10, 1943	Western Pennsylvania
948.	NELSON, Alexander Edward J.	March 25, 1943	Eastern New York
949.	NELSON, Joe Dotheus	November 4, 1943	Northern Mississippi
950.	NELSON, Paul Floyd	October 27, 1943	Middle Pennsylvania
951.	NEWTON, Charles Stanton	May 22, 1944	Southern Florida
952.	NICHOL, Fred	November 18, 1941	Montana
953.	NICHOLAS, Alvin	April 17, 1942	Western Texas
954.	NIEDO, D. Ted Perez	September 30, 1943	Western Washington
955.	NIELSON, Arild Marndorff	October 29, 1942	Eastern New York
956.	NII, Harry	October 7, 1946	Arizona
957.	NIINO, George Schigehi	October 7, 1946	Arizona
958.	NILES, Dwain Franklin	November 9, 1943	Oregon
959.	NIMURA, Takanori	October 7, 1946	Arizona
960.	NISHI, Itaro	October 7, 1946	Arizona
961.	NISHIMURA, Robert Nubuo	October 7, 1946	Arizona
962.	NOBLE, George	January 4, 1944	Western Louisiana
963.	NOBUHIRO, Ben Tsutomu	October 7, 1946	Arizona
964.	NOCKE, Carl Frederich	December 30, 1943	Eastern New York

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
965.	NOEL, Bernard Woodrow	August 3, 1942	Arizona
966.	NOGUCHI, Tsutomu Ben	October 7, 1946	Arizona
967.	NOLAND, Bennie Franklin	October 16, 1944	Western Louisiana
968.	NORIKANE, Joe Hajime	October 31, 1944	Colorado
969.	NORMAN, Luther W.	September 27, 1943	Eastern North Carolina
970.	NORMENT, Lorinza	June 25, 1943	Western Tennessee
971.	NORRIS, Edwin E. Jr.	November 18, 1943	Western Texas
972.	NOSAKA, Kanichi	March 27, 1944	Arizona
973.	NOSEK, Joseph William	August 4, 1941	Northern Illinois
974.	NOZAWA, George Goro	July 9, 1945	Wyoming
975.	NULLOROK, Edward	April 23, 1943	Alaska
976.	NUMOTO, Saburo	October 2, 1944	Idaho
977.	NUNLEY, Nelson Edward	April 9, 1943	Western Virginia
978.	O'BLENESS, Gordon Eugene	November 27, 1944	Idaho
979.	O'DELL, Carl Franklin	February 9, 1944	Eastern Missouri
980.	OGATA, Ben Tsutomi	March 27, 1944	Arizona
981.	OGATA, Hisashi	October 7, 1946	Arizona
982.	OKADA, Masao Ted	October 2, 1944	Idaho
983.	OKAWA, Ichiro	June 26, 1944	Wyoming
984.	OKAZAKI, Kiyoshi	July 6, 1942	Hawaii
985.	OKAZAKI, Satoru Fred	October 7, 1946	Arizona
986.	OKI, Tadashi	June 26, 1944	Wyoming
987.	OKI, Yoshio Tom	July 9, 1945	Wyoming
988.	OKUMA, Toru Fred	July 9, 1945	Wyoming
989.	OKUMURA, Hideo	March 27, 1944	Arizona
990.	OLAH, Arnold John	September 27, 1943	Eastern Michigan
991.	OLAH, Victor George	September 17, 1943	Eastern Michigan
992.	OLESON, Herbert Frederick	July 28, 1942	Northern California
993.	OLESZKO, John Joseph	August 21, 1942	Eastern New York
994.	OLIN, Bertel John	December 13, 1945	Oregon
995.	OLSEN, Eugene Walter	April 21, 1942	Western Michigan
996.	OLSON, Alf Manly	July 31, 1943	Western Michigan
997.	OLSON, Oscar Julius, Jr.	May 25, 1943	Western Wisconsin
998.	OLSON, Vernon Glenn	July 6, 1944	Southern Texas
999.	OMORI, John Takashi	November 15, 1943	Northern California
1000.	OMOTO, Nubuo	October 7, 1946	Arizona
1001.	OMOTO, Roy Yasuo	September 29, 1944	Idaho
1002.	ORDWAY, Hazen Lewis	October 2, 1944	Idaho
1003.	OSHINSKY, Abraham	July 7, 1943	Eastern Pennsylvania
1004.	OTSU, Ninoru	March 26, 1943	Eastern New York
1005.	OTTINGER, Ralph Leroy	March 27, 1944	Arizona
1006.	OWENS, Marvin Dennis	January 24, 1946	Northern Ohio
1007.	OYE, Hiromu	December 6, 1946	Oregon
1008.	OZAWA, Yoshikazu	October 7, 1946	Arizona
1009.	PACE, Edwin Elmer	October 7, 1946	Arizona
1010.	PANKOWSKI, Anthony Francis	May 16, 1946	Western North Carolina
1011.	PARKER, Theodore	October 25, 1944	Western Pennsylvania
1012.	PARKS, Leo	February 13, 1945	Northern Alabama
1013.	PARTIN, Henry Junior	August 14, 1942	Southern Florida
1014.	PASSMORE, Richard Erskine	January 21, 1943	Southern Florida
1015.	PATILLE, Harry B.	January 8, 1945	Eastern Kentucky
1016.	PATTERSON, Horace	December 8, 1942	Delaware
1017.	PATTON, Harry Joseph	July 14, 1944	Delaware
1018.	PAUL, Vincent John	October 23, 1942	Western Texas
1019.	PAULS, Alvin N.	April 9, 1943	Maryland
1020.	PAULSON, Carl Edmund	October 29, 1942	Eastern New York
1021.	PAXTON, Tom Hill	April 20, 1944	Southern California
1022.	PAYNE, Tom	October 8, 1942	Rhode Island
1023.	PEARCE, Sam	November 13, 1945	Western North Carolina
1024.	PENDER, Howard Bennett	November 13, 1941	Southern Mississippi
1025.	PENNINGTON, Coleman Ray	February 26, 1942	New Mexico
1026.	PENNINGTON, Donald Allen	October 5, 1942	Western Missouri
1027.	PERKINS, Abraham Lincoln	June 25, 1943	Eastern Oklahoma
1028.	PERKINS, Rufe Ernest	March 22, 1945	Eastern Pennsylvania
1029.	PERREAULT, Joseph Raymond Julien	July 2, 1945	Western Virginia
1030.	PERRY, Leonard	March 12, 1945	New Mexico
1031.	PERRY, Raymond	December 22, 1942	Maine
1032.	PETE, Emilie	June 14, 1944	Middle Georgia
1033.	PETERS, Arlander	July 20, 1944	Eastern New York
		January 8, 1943	Western Louisiana
		March 4, 1946	Western Louisiana

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1034.	PETERSON, John Lloyd	April 13, 1944	Eastern New York
1035.	PETROPULOS, George James	May 14, 1946	Northern Illinois
1036.	PFAU, Friedrich Theodore	February 21, 1944	Southern New York
1037.	PHILLIPS, Albertus	August 5, 1946	Eastern South Carolina
1038.	PHILLIPS, Ivan Lee	October 3, 1944	Eastern Washington
1039.	PHILLIPS, Leah Louie	April 10, 1944	Northern Texas
1040.	PIASER, Armondo Victor	April 11, 1944	Northern Ohio
1041.	PIERSON, Raymond	October 16, 1944	Eastern North Carolina
1042.	PIHO, Paul	January 26, 1942	Connecticut
1043.	PING, James William	January 31, 1944	Southern California
1044.	PINNEY, Philip Egbert	February 14, 1944	Minnesota
1045.	PITTMAN, Willis Allen	September 25, 1944	Eastern Illinois
1046.	PLOWMAN, Kermit	January 16, 1943	Northern California
1047.	POLLARD, George Douglas	July 28, 1944	Eastern Virginia
1048.	POLLARD, Hill Byrd	July 28, 1944	Eastern Virginia
1049.	POLLEY, James Elihu	February 22, 1943	Colorado
1050.	POLLOCK, Thomas Harvey	October 21, 1944	Southern California
1051.	PONTARELLI, George Ferdinand	June 22, 1943	Northern Illinois
1052.	PONTELLO, Antonio	May 15, 1942	Hawaii
1053.	POTTER, Douglas Blakely	March 3, 1943	Northern New York
1054.	POULIOT, Alphonse Joseph	May 22, 1944	Maine
1055.	POUNDS, Lester Emmitt	September 26, 1944	Eastern South Carolina
1056.	POWELL, Roland Peter	December 31, 1941	Southern California
1057.	POWELL, Rudolph Matt	April 19, 1942	Northern California
1058.	POWERS, James Farl	September 20, 1943	Northern Illinois
1059.	POWERS, William Nathaniel	April 29, 1946	Eastern Michigan
1060.	PRICE, Albert Russell	September 18, 1942	Eastern Illinois
1061.	PRICE, Harvey Harding	April 30, 1945	Nebraska
1062.	PRICE, Lonnie Babe	September 10, 1943	Southern Texas
1063.	PRIDE, Lucius Lonnie	December 17, 1942	Eastern Illinois
1064.	PUCKETT, Joseph Oscar	February 3, 1943	Eastern Missouri
1065.	PUGH, Carl Thomas	April 6, 1943	Northern Ohio
1066.	PURVIS, Vernon	September 17, 1943	Western Tennessee
1067.	PYSH, Walter Thomas	December 28, 1944	Northern Indiana
1068.	PYTLAK, Joseph Martin	January 5, 1944	Connecticut
1069.	QUEVEDO, Raul John	April 4, 1946	Western Texas
1070.	QUIGLEY, Robert Earl	October 13, 1942	Minnesota
1071.	RAIL, Paul Burton	January 18, 1944	Southern Iowa
1072.	RAINES, Reuben L.	January 25, 1943	Eastern Pennsylvania
1073.	RAINS, Hurbie Jessie	April 7, 1942	Eastern Arkansas
1074.	RANDALL, Wilson	February 3, 1943	Eastern Louisiana
1075.	RAPESURA, Maxario Rayray	June 30, 1943	Northern California
1076.	RAY, Andrew Grant	June 26, 1943	Southern Texas
1077.	RAY, Aron Edward	June 16, 1945	Western Texas
1078.	RAY, Edward	May 26, 1942	Eastern South Carolina
1079.	REAL, Clarence	October 12, 1942	Eastern Arkansas
1080.	REAVES, Henry Lee	January 6, 1944	Western Tennessee
1081.	REAVES, Milton Oliver	January 6, 1944	Western Tennessee
1082.	REDDING, Joseph Jasper	September 15, 1943	Eastern Pennsylvania
1083.	REDWINE, Lloyd	January 15, 1944	Eastern Missouri
1084.	REED, Herbert Edward	January 13, 1945	Northern West Virginia
1085.	REED, Lloyd Brown	May 1, 1945	Oregon
1086.	REED, Samuel	January 7, 1944	Eastern Pennsylvania
1087.	REED, Troy	April 3, 1945	Western Arkansas
1088.	REID, Albert	February 3, 1942	Eastern South Carolina
1089.	REID, Maurice Hersman	March 22, 1943	Northern California
1090.	REVERE, Paul	December 22, 1942	Southern New York
1091.	REYNOLDS, Wade	September 20, 1945	Southern Florida
1092.	RHODES, Edwin Rohrer	October 24, 1944	Western Virginia
1093.	RHODES, Roy Franklin	October 24, 1944	Western Virginia
1094.	RICE, Earl Arthur	August 12, 1941	Western New York
1095.	RICE, John Eugene	October 2, 1945	Eastern Virginia
1096.	RICE, Samuel William	July 21, 1943	Eastern Pennsylvania
1097.	RICHARDS, Frederick Howard	November 26, 1941	Eastern Pennsylvania
1098.	RICHARDS, William Lippencott	July 13, 1942	Southern Ohio
1099.	RICHARDSON, Jesse James	December 12, 1944	Western Kentucky
1100.	RICHTER, William Michael	September 25, 1944	Western New York
1101.	RICKETTS, Ernest	February 21, 1942	Northern Oklahoma
1102.	RIDEOUT, Earl Carfield	September 18, 1944	Western Pennsylvania
1103.	RIGGS, Calvin Carl	April 3, 1945	Utah
1104.	RINKO, Alexander	October 17, 1944	Northern Illinois

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1105.	RIOS, Ernesto Galvan	December 17, 1945	Southern Texas
1106.	RISSLER, Isaac Martin	January 6, 1942	Eastern Pennsylvania
		September 18, 1944	Eastern Pennsylvania
1107.	ROACH, Miles Claude		Arizona
1108.	ROBERTS, Bruce Fulton	December 16, 1943	Eastern Tennessee
1109.	ROBERTS, Eddie	October 17, 1946	Southern West Virginia
1110.	ROBERTS, Joseph James	April 24, 1946	Eastern New York
1111.	ROBERTSON, Raymond Kalama	May 22, 1942	Hawaii
1112.	ROBINSON, Dale	March 4, 1946	Eastern Arkansas
1113.	ROBINSON, James	September 28, 1942	Eastern Washington
1114.	ROBINSON, James Milton	May 31, 1943	Western Kentucky
1115.	ROBINSON, John Wesley	January 28, 1944	Northern Alabama
1116.	ROBINSON, Kendall	October 23, 1943	Southern California
1117.	ROBINSON, Richard Grant	March 27, 1945	Eastern Pennsylvania
1118.	ROBINSON, Rubin	November 18, 1946	Eastern South Carolina
1119.	ROBLES-MARQUEZ, Juan	April 9, 1946	Western Texas
1120.	ROCK, Harry	April 1, 1941	Arizona
1121.	RODELL, Harry Dean	March 16, 1943	Eastern Arkansas
1122.	RODGERS, Donald	October 23, 1942	Colorado
1123.	ROEHRICK, Edwin Fred	July 10, 1944	Southern California
1124.	ROEHRICK, Harry Vernon	October 22, 1945	Southern California
1125.	ROEHRICK, Otto Adolph	May 20, 1944	Southern California
1126.	ROGG, Edward	November 27, 1942	Southern New York
1127.	ROGUSKI, Zygmunt Stanley	October 8, 1943	Eastern Michigan
1128.	ROSENFELD, Joseph	November 19, 1943	Southern New York
1129.	ROSS, Hilbert Shirley	May 13, 1943	Southern West Virginia
1130.	ROSSBERG, Arno William	June 15, 1944	Eastern Wisconsin
1131.	ROTHE, Edwin Herman	May 3, 1943	Eastern Wisconsin
1132.	ROUSE, William Howard	February 10, 1943	Northern West Virginia
1133.	ROUSSEAU, Leo	February 26, 1943	Oregon
1134.	ROWAN, Moses	March 18, 1942	Eastern Missouri
1135.	ROWIN, William Talmadge	April 9, 1943	Northern Mississippi
1136.	ROWLEY, Oscar Wesley	March 11, 1943	Western Wisconsin
1137.	ROYER, Donald Mark	January 13, 1944	Southern New York
1138.	RUBIO-GARCIA, Roberto	February 28, 1945	Southern California
1139.	RUFF, Erwin Joseph	October 23, 1942	Northern California
1140.	RUFF, Roy Thomas	September 8, 1944	Middle Georgia
1141.	RUMLEY, Clifton Eugene	May 25, 1943	Northern West Virginia
1142.	RUSSELL, Wallace E.	November 14, 1942	Minnesota
1143.	RYDER, Paul Fleming	March 24, 1945	Southern California
1144.	RYTTING, James Robert	April 3, 1945	Utah
1145.	SAKAGUCHI, Kunichika	October 2, 1944	Idaho
1146.	SAKAGUCHI, Sumio	October 2, 1944	Idaho
1147.	SAKALOUSKI, Albert Charles	February 10, 1943	Connecticut
1148.	SAKAMOTO, Hisanari	October 7, 1946	Arizona
1149.	SAKAMOTO, Hisatoshi Harry	October 7, 1946	Arizona
1150.	SAKANIWA, Michio	October 7, 1946	Arizona
1151.	SAKATA, Tom Minoru	October 7, 1946	Arizona
1152.	SAKO, James Satoru	June 16, 1944	Wyoming
1153.	SAKO, Tamotsu Tom	July 9, 1945	Wyoming
1154.	SALMON, Carmon Green	April 7, 1944	Northern Mississippi
1155.	SALYERS, George Lester	June 11, 1942	Colorado
1156.	SAMSON, Carl Theodore	May 28, 1943	Minnesota
1157.	SANCHEZ, Santiago	July 20, 1944	Eastern New York
1158.	SANDERS, Edwin Alan	November 18, 1940	Oregon
1159.	SANDERSON, Robert Daniel	May 18, 1943	Northern Alabama
1160.	SANDLIN, Irven	April 3, 1945	Western Arkansas
1161.	SANTIAGO, Angello Relles	May 11, 1942	Hawaii
1162.	SAPPINGTON, John William	October 28, 1942	Northern Oklahoma
1163.	SATTERTHWAIT, Arnold C.	November 26, 1941	Eastern Pennsylvania
		September 8, 1943	Eastern Pennsylvania
1164.	SAUL, Samuel	August 30, 1943	Western New York
1165.	SAUNDERS, Aldice Revella	October 30, 1942	Northern California
1166.	SAUNDERS, James Earl	October 30, 1942	Northern California
1167.	SAUNDERS, Orville Francis	October 30, 1942	Northern California
1168.	SAUSEDA, Jose	March 3, 1943	Southern Texas
1169.	SCHEAR, Lloyd Benner	October 30, 1941	Middle Pennsylvania
1170.	SCHIAVINO, Albert	June 2, 1942	Rhode Island
1171.	SCHINDELAR, Joseph F.	February 26, 1945	New Jersey
1172.	SCHIRMER, John Maurice	July 9, 1945	Southern California
1173.	SCHMARDEBECK, Thomas M.	September 10, 1943	Eastern Michigan

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1174.	SCHMIDT, Stanley Eugene	June 4, 1945	Southern California
1175.	SCHWARTZ, Richard Walter	March 14, 1946	North Dakota
1176.	SCHWARTZMAN, Victor	September 8, 1942	New Jersey
1177.	SCISH, Robert	June 3, 1941	Eastern Virginia
1178.	SCOLORI, Peter Roosevelt	March 8, 1943	Northern California
1179.	SCOTT, Alex	April 26, 1943	Eastern North Carolina
1180.	SEA, Harvey Jackson	September 27, 1943	Eastern Kentucky
1181.	SEABERRY, Peter	February 3, 1943	Eastern Louisiana
1182.	SEBASTIAN, Allen Alstyne	November 1, 1943	Southern New York
1183.	SEDBERRY, Oscar Lee	April 19, 1943	Southern Florida
1184.	SEGURA, John Frank	June 2, 1942	Colorado
1185.	SEHN, John Joseph	June 24, 1942	Eastern New York
1186.	SELBY, Ivan Henry	May 31, 1941	Eastern Illinois
1187.	SELF, Glenn Richard	April 6, 1943	Western North Carolina
		October 1, 1945	Western North Carolina
1188.	SELLERS, Warren Claud	January 14, 1943	Northern Texas
1189.	SEQUIN, William	March 21, 1944	Eastern Michigan
1190.	SEXTON, Dempsy Ray	January 18, 1943	Utah
1191.	SHARP, James Louis	November 13, 1942	Western Arkansas
1192.	SHARP, Milton Clifford	May 20, 1946	Southern California
1193.	SHAUNESSY, Edward	April 13, 1942	Southern Indiana
1194.	SHELTON, Virgil	November 27, 1943	Eastern Missouri
1195.	SHEPARD, Duane D.	April 11, 1945	Southern Illinois
1196.	SHERMAN, Edgar P.	July 3, 1944	Western New York
1197.	SHERMAN, James Oddsey	August 3, 1943	Southern Florida
1198.	SHERWOOD, Paul Robert	November 16, 1943	Northern New York
1199.	SHIBATA, Takeo	June 20, 1944	Eastern Arkansas
1200.	SHICEMASA, George Takeshi	October 7, 1946	Arizona
1201.	SHIMADA, Harry Masao	January 9, 1943	Hawaii
1202.	SHIMANE, Chester Toru	June 26, 1944	Wyoming
1203.	SHIMANE, Fred Katsumi	June 26, 1944	Wyoming
1204.	SHIMANE, George Fujio	June 26, 1944	Wyoming
1205.	SHIMANE, Isamu	June 26, 1944	Wyoming
1206.	SHIMANE, June	July 9, 1945	Wyoming
1207.	SHIMIZU, Mineto	October 7, 1946	Arizona
1208.	SHIMIZU, Sunao Mike	October 7, 1946	Arizona
1209.	SHIMPO, Toshio Tom	October 7, 1946	Arizona
1210.	SHINDLEBOWER, Charles Frederick	October 23, 1944	Southern California
1211.	SHINTA, Kengi	June 26, 1941	Wyoming
1212.	SHINZU, Osamu Sam	June 20, 1944	Eastern Arkansas
1213.	SHIRK, Abraham Wenger	June 21, 1943	Eastern Pennsylvania
1214.	SHIRK, Amos Souder	January 12, 1944	Eastern Pennsylvania
1215.	SHIRK, David	September 18, 1944	Eastern Pennsylvania
1216.	SHIRK, Elam Sauder	September 18, 1944	Eastern Pennsylvania
1217.	SHIRK, John	December 16, 1942	Eastern Pennsylvania
1218.	SHIRK, Weaver Weber	January 12, 1944	Eastern Pennsylvania
1219.	SHOWALTER, Harry Edward	September 28, 1942	Northern West Virginia
1220.	SHUBIN, John Andrew	April 29, 1946	Southern California
1221.	SIDERIS, Nicholas Charles	January 19, 1944	Massachusetts
1222.	SILVA, John Jr.	June 15, 1943	Hawaii
1223.	SILVERSTEIN, Manfried	July 13, 1945	Northern Illinois
1224.	SIMALTON, Willie Lee	August 12, 1946	Northern Georgia
1225.	SIMMONS, Johnie	June 27, 1946	Southern Georgia
1226.	SIMMS, Arthur Eugene	May 15, 1944	Southern New York
1227.	SIMMS, William	March 18, 1942	Eastern Missouri
1228.	SIMON, Albert	December 18, 1942	Maryland
1229.	SIMON, Edward David	August 31, 1942	Southern California
1230.	SIMPSON, Kenneth F.	May 18, 1942	Western Pennsylvania
		January 12, 1945	Western Pennsylvania
1231.	SIMPSON, Kirkland Roland	November 22, 1943	Southern Iowa
1232.	SITEMAN, Stephen Francis	April 28, 1942	Massachusetts
1233.	SKEES, Walter Vernon	October 27, 1943	Southern New York
1234.	SLEEVA, Albert, Jr.	January 18, 1944	Middle Pennsylvania
1235.	SMILEY, Michael	July 13, 1944	Southern California
1236.	SMILNAK, Michael	March 19, 1946	Northern Ohio
1237.	SMITH, Adolph	October 5, 1941	Western New York
1238.	SMITH, Alton Dewdrop	July 23, 1943	Northern West Virginia
1239.	SMITH, Calvin C.	December 4, 1945	Eastern Pennsylvania
1240.	SMITH, Clarence	November 17, 1941	Southern Mississippi
1241.	SMITH, Clyde Leon	November 14, 1942	Eastern Illinois
1242.	SMITH, Donald Tait	December 9, 1943	Eastern New York

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1243.	SMITH, Ernest	June 7, 1946	New Jersey
1244.	SMITH, George	May 20, 1942	Southern Mississippi
1245.	SMITH, Henry Alex	September 23, 1946	Eastern South Carolina
1246.	SMITH, James Edward	May 7, 1942	Eastern North Carolina
1247.	SMITH, James Russell	January 25, 1946	Western Oklahoma
1248.	SMITH, John Paul	January 12, 1944	Eastern Pennsylvania
1249.	SMITH, John Wesley	March 18, 1941	Eastern North Carolina
1250.	SMITH, Roosevelt Snue	March 19, 1945	Middle Georgia
1251.	SMITH, Wesley Graham	December 28, 1943	Connecticut
1252.	SMITH, William	March 27, 1947	Southern Alabama
1253.	SMITH, Willie James	November 30, 1945	Southern Georgia
1254.	SOHRIAKOFF, Fred Steve	March 27, 1944	Southern California
1255.	SOLIS, Miguel Ramirez	January 27, 1945	Southern California
1256.	SPADAVECCHIA, Nicholas	February 28, 1945	Southern New York
1257.	SPAULDING, John Floyd	December 7, 1943	Northern Iowa
1258.	SPORE, William Charles	April 26, 1943	Eastern Wisconsin
1259.	STAFFIERO, Frank	March 10, 1942	Arizona
1260.	STAFFORD, Willie Jack	December 17, 1943	Middle Georgia
1261.	STAGGERS, Eugenia Ford	March 14, 1946	Middle Alabama
1262.	STALNAKER, Stanley Eugene	July 13, 1942	Eastern Missouri
1263.	STANKE, John Peter	April 18, 1944	Southern New York
1264.	STANLEY, Lew Victor	January 18, 1945	Eastern Wisconsin
1265.	STANTON, Richard Manny	July 30, 1942	Eastern Pennsylvania
1266.	STARK, Walter William	December 22, 1943	Eastern Michigan
1267.	STASKO, Melvin Edward	April 10, 1945	Western Wisconsin
1268.	STAUFFER, Aaron Brubaker	October 25, 1945	Middle Pennsylvania
1269.	STAUFFER, Titus Gehman	October 25, 1945	Middle Pennsylvania
1270.	STEELE, Charles Arthur	January 22, 1943	Northern Illinois
1271.	STEELE, Merle Everett	November 28, 1942	Eastern Illinois
1272.	STEFULA, John	May 17, 1943	Northern Illinois
1273.	STEIN, Beryl	July 16, 1943	Northern Illinois
1274.	STEINERT, Sturge	January 21, 1941	Eastern Pennsylvania
1275.	STEPHENS, Carroll Palmer	October 19, 1944	South Dakota
1276.	STEPHENS, Robert Winston	June 6, 1944	South Dakota
1277.	STERN, Lee Donald	December 7, 1942	Northern Ohio
1278.	STEVENS, Eval Stanley	April 20, 1944	Southern New York
1279.	STEVENS, Teddy Roosevelt	May 8, 1945	Western Louisiana
1280.	STEVENSON, Jerome Edward	February 27, 1945	Northern Illinois
1281.	STEVESON, Willie P.	April 3, 1944	Western Tennessee
1282.	STONE, Heber Pearse	July 3, 1942	District of Columbia
1283.	STRAIT, Cedric W.	March 25, 1946	Western New York
1284.	STRATE, Ruben Arnold	April 24, 1943	Nebraska
1285.	STREGE, Daniel Julius	November 30, 1943	Northern Illinois
1286.	STREGE, Galveston Carl	December 21, 1943	North Dakota
1287.	STRICKLEN, Tonsil	April 21, 1944	Western Arkansas
1288.	STRICKLIN, Gordon A.	February 15, 1943	Nebraska
1289.	STROBEL, Charles Quentin	March 26, 1942	Southern Indiana
1290.	STUCKY, Carl J.	September 11, 1945	Kansas
1291.	STULL, Donald Edmond	November 17, 1943	Montana
1292.	STURDIVANT, Horace	February 13, 1945	Southern Alabama
1293.	SUGIHARA, George Jiro	January 25, 1946	Utah
1294.	SUGITA, George	October 7, 1946	Arizona
1295.	SUGITA, Toyoji	July 9, 1945	Wyoming
1296.	SUKO, Shoji	October 23, 1944	Idaho
1297.	SULLIVAN, Herman	March 22, 1943	Eastern Virginia
1298.	SULLIVAN, John Edward	June 5, 1944	Western New York
1299.	SUMI, Noboru	June 26, 1944	Wyoming
1300.	SUMI, Sachio Bill	June 26, 1944	Wyoming
1301.	SUMIDA, Ken Kenroku	June 26, 1944	Wyoming
1302.	SUMIDA, Robert Masashi	June 22, 1945	Montana
1303.	SUZUKI, Attushi	June 26, 1944	Wyoming
1304.	SUZUKI, Masayo	July 9, 1945	Wyoming
1305.	SUZUKI, Shizumi	July 9, 1945	Wyoming
1306.	SWIATKOWSKI, Chester Benny	October 8, 1942	Rhode Island
1307.	SWIATKOWSKI, John William	March 6, 1942	Rhode Island
1308.	SWIERK, Walter	October 13, 1943	Southern New York
1309.	SYDLIK, Daniel	July 17, 1944	Southern California
1310.	SYLVESTER, Warren Benedict	July 29, 1943	Western Pennsylvania
1311.	SZYMANSKI, Thaddeus Alexander	January 15, 1941 August 5, 1943	Eastern Michigan Eastern Michigan
1312.	TAEGE, Everett Clarence	September 21, 1942	Nebraska

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1313.	TAGUMA, Norboru	June 30, 1944	Colorado
1314.	TAINAKA, Kenichi Ken	June 26, 1944	Wyoming
1315.	TAJII, Gengo	October 7, 1946	Arizona
1316.	TAJII, Kingo	June 11, 1945	Arizona
1317.	TAKAHASHI, George Toshiharu	June 30, 1944	Colorado
1318.	TAKHASHI, Teruo Slim	October 7, 1946	Arizona
1319.	TAKAMOTO, George Shirhio	June 30, 1944	Colorado
1320.	TAKAMOTO, Yoshio	June 30, 1944	Colorado
1321.	TAKASAKI, Noboru	October 7, 1946	Arizona
1322.	TAKASHIMA, Mamoru	February 20, 1945	Idaho
1323.	TAKEGUMA, Hideichi	June 11, 1945	Arizona
1324.	TAKEUCHI, Hideo	October 30, 1944	Colorado
1325.	TAMASHIRO, Masanobu	December 21, 1942	Hawaii
1326.	TAMASHIRO, Shunsho	October 24, 1942	Hawaii
1327.	TAMESA, Minola	June 26, 1944	Wyoming
1328.	TANABE, George Naoichi	June 26, 1944	Wyoming
1329.	TANABE, Shigeharu	October 7, 1946	Arizona
1330.	TANAHARA, Deo	October 7, 1946	Arizona
1331.	TANAKA, Leo Riniche	October 7, 1946	Arizona
1332.	TANNENBAUM, Jerome	November 23, 1942	Eastern New York
1333.	TASHIRO, Frank Kiyoshi	September 29, 1944	Idaho
1334.	TATUM, Arlo	November 10, 1942	Northern Iowa
1335.	TATUM, Elmer Lyle	May 13, 1944	Southern Iowa
1336.	TAYLOR, Alex	October 7, 1942	Western Louisiana
1337.	TAYLOR, Percy	November 3, 1941	Southern Mississippi
1338.	TAYLOR, Russell Arden	March 22, 1945	Southern California
1339.	TAYLOR, Willy T.	May 20, 1942	Southern Mississippi
1340.	TEKUNOFF, John Michael	October 13, 1943	Southern California
1341.	THOMAS, Benjamin Alvin	July 7, 1944	Western Pennsylvania
1342.	THOMAS, Clarence Alfred	November 23, 1943	Southern New York
1343.	THOMAS, Fred	December 14, 1945	Northern Alabama
1344.	THOMAS, Nathaniel	February 15, 1943	Hawaii
1345.	THOMPSON, Cecil M.	January 6, 1944	Western Tennessee
1346.	THOMPSON, Edgar Houston Darr	January 6, 1944	Western Tennessee
1347.	THOMPSON, Edwin Edgar	February 26, 1943	Southern New York
1348.	THOMPSON, James William	July 10, 1943	Eastern Illinois
1349.	THOMPSON, Marshall Neal	January 6, 1944	Western Tennessee
1350.	THOMPSON, Leon	January 24, 1941	Nevada
1351.	TIBBS, Clarence	September 19, 1941	Southern Mississippi
1352.	TILEGAN, Mike	January 2, 1945	Southern California
1353.	TILLER, Perry Lee	December 31, 1945	Northern Georgia
1354.	TILLQUIST, Edward Brooks	December 30, 1943	Western Missouri
1355.	TIMMONS, Harold Lee	October 18, 1944	Eastern Illinois
1356.	TONO, Jack Kiyoto	June 26, 1944	Wyoming
1357.	TOOTLE, James Douglas	February 25, 1944	Southern Georgia
1358.	TOWNS, John Derry	March 24, 1945	Southern Alabama
1359.	TOWNS, Samuel B.	March 24, 1945	Southern Alabama
1360.	TOWNS, Samuel C.	March 24, 1945	Southern Alabama
1361.	TOWNSEND, Earl	March 16, 1943	Nebraska
1362.	TRIMBLE, James Milton	March 15, 1946	Western Missouri
1363.	TROMBINO, Salvadore A.	October 8, 1941	Eastern Louisiana
1364.	TRUSCHEL, Fred Albert	November 25, 1942	Western Arkansas
1365.	TSUNODA, Ken	October 7, 1946	Arizona
1366.	TSUYUKI, Sumio	June 26, 1944	Wyoming
1367.	TUCKER, George	November 28, 1944	Southern New York
1368.	TURNER, Alfronzo	June 26, 1944	Southern West Virginia
1369.	TURNER, Hayes	April 19, 1946	Middle Georgia
1370.	TURNER, John Edward	March 21, 1941	Southern Alabama
1371.	TURNER, Rollie	June 17, 1942	Eastern Kentucky
1372.	TURNER, William	January 12, 1942	Southern Mississippi
1373.	TWITCHELL, William Thompson, Jr.	July 16, 1943	Southern Florida
1374.	TYMKIW, Harry J.	November 3, 1943	Eastern Michigan
1375.	UYECHI, Joe Kejo	October 7, 1946	Arizona
1376.	UYEDA, George Susumu	June 26, 1944	Wyoming
1377.	UYEDA, James Tsutomu	July 9, 1945	Wyoming
1378.	UYEDA, Riyuo	June 30, 1944	Colorado
1379.	UYEDA, Roy Masao	July 9, 1945	Wyoming
1380.	UYEMOTO, Terry Teruo	October 28, 1944	Colorado
1381.	UYEMURA, Torao	June 26, 1944	Wyoming
1382.	UYENO, Shigero	June 26, 1944	Wyoming
1383.	VAIKSNORAS, Alger Thomas	February 4, 1944	Northern Ohio

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1384.	VALENZUELA, Julio	March 4, 1946	Western Texas
1385.	VALOV, James Timothy Peter	January 14, 1946	Southern California
1386.	VAN HUIZEN, Albert	December 27, 1940	South Dakota
1387.	VAN HUIZEN, Henry	December 27, 1940	South Dakota
1388.	VAUGHN, Clinton Grey	June 3, 1946	Western North Carolina
1389.	VENABLE, Jesse Junior	July 27, 1944	Southern New York
1390.	VENHUIZEN, Robert	September 22, 1942	South Dakota
1391.	VENHUIZEN, Tonnis	September 22, 1942	South Dakota
1392.	VENHUIZEN, Warmolt Klass	March 21, 1944	Western Texas
1393.	VID, Bernard Ignatius	May 22, 1944	Western Pennsylvania
1394.	VIEL, Fabienna	May 29, 1942	Maine
1395.	VIGLIOTTI, Angelo Joseph	April 30, 1943	Eastern Pennsylvania
1396.	VILLA, Jose Gonzalez	June 18, 1946	Western Texas
1397.	VISAYA, Sibiro	May 7, 1942	Hawaii
1398.	VOLKER, Thomas Elwood	January 19, 1944 June 13, 1945	New Jersey New Jersey
1399.	VOLKOFF, Alexis	May 9, 1945	Southern New York
1400.	VOLMER, Carl Albert	January 5, 1943	South Dakota
1401.	VOLMER, Elmer Herman	January 5, 1943	South Dakota
1402.	VOLZ, Albert Richard	August 8, 1945	Northern Illinois
1403.	VON KORFT, Richard Walter	October 31, 1945	Southern Iowa
1404.	WADDIS, George	September 12, 1944	Eastern Illinois
1405.	WADLEY, Thomas Lee	April 2, 1945	Eastern Arkansas
1406.	WAGENSCHEIN, Norman Oscar	November 25, 1941	Southern Texas
1407.	WAISHMAN, John Thomas	March 21, 1944	Delaware
1408.	WALDEN, David Carroll	September 2, 1942	Southern California
1409.	WALL, Carl L.	January 7, 1947	Western Virginia
1410.	WALLACE, Jack Estle	March 8, 1944	Eastern Tennessee
1411.	WALLACE, James	November 4, 1943	Northern Mississippi
1412.	WARD, Clifton Clyde	March 8, 1945	New Mexico
1413.	WARD, Louis Frederick	May 1, 1944	Kansas
1414.	WARREN, Solomon	October 7, 1946	Middle Georgia
1415.	WASHINGTON, George	April 12, 1944	Eastern Louisiana
1416.	WASHINGTON, Lee Woodrow	May 10, 1943	Northern Mississippi
1417.	WASHINGTON, West	March 10, 1945	Southern Florida
1418.	WATANABE, Hirom	July 9, 1945	Wyoming
1419.	WATKINS, William	October 9, 1944	Eastern Missouri
1420.	WATSON, Alfred Anthony	November 18, 1943	District of Columbia
1421.	WATTLER, Walter Frank	June 28, 1943	Eastern Missouri
1422.	WATTS, Carl	May 28, 1946	Northern Florida
1423.	WATTS, Harold Thornton	March 17, 1943	Middle Pennsylvania
1424.	WAYNE, Edward	August 10, 1945	Southern Indiana
1425.	WAYNE, Thomas John	March 1, 1944	Idaho
1426.	WEBB, Calvin	October 16, 1944	Western Louisiana
1427.	WEBER, Raymond Louis	March 6, 1942	Southern Illinois
1428.	WEIGL, Frank	May 31, 1944	Northern Ohio
1429.	WEIS, Frank William	February 3, 1943	Southern Texas
1430.	WEISS, Emil Marion	June 14, 1943	Western Missouri
1431.	WELCH, James Franklin	January 28, 1946	Western New York
1432.	WELCH, Raymond Bernard	January 18, 1944	Eastern Wisconsin
1433.	WENSLEY, Buck		Arizona
1434.	WHITE, David Benjamin	February 3, 1943	Eastern Oklahoma
1435.	WHITE, Frank Arthur	November 3, 1943	Southern Ohio
1436.	WHITE, Paul Raymond	September 25, 1944	Southern California
1437.	WHITSON, Charles A.	March 2, 1943	Western Washington
1438.	WICKEY, Rudolph C.	October 2, 1945	Northern Illinois
1439.	WIDEMAN, James Henry Spencer	January 18, 1946	Northern Alabama
1440.	WIERTZEMA, George	January 16, 1945	Minnesota
1441.	WIEST, Donald Glen	February 28, 1944	Eastern Pennsylvania
1442.	WIGGINS, Wallace William	October 10, 1942	Northern California
1443.	WILBANK, Elmer B.	November 17, 1943	Eastern Missouri
1444.	WILDERMAN, Russell J.	January 29, 1942	Eastern Missouri
1445.	WILEY, Floyd Joseph	June 10, 1943	Northern Illinois
1446.	WILKES, Beverly Harth	November 15, 1944	Eastern Virginia
1447.	WILLEY, Floyd Issac	March 12, 1946	Kansas
1448.	WILLIAMS, Curtis	April 5, 1944	Western Louisiana
1449.	WILLIAMS, Harry Rodney	April 6, 1944	Eastern Arkansas
1450.	WILLIAMS, Jack Luther	October 26, 1943	Eastern North Carolina
1451.	WILLIAMS, James Earl	January 9, 1945	Southern New York
1452.	WILLIAMS, John	November 6, 1944	Southern Florida
1453.	WILLIAMS, Johnnie	April 6, 1943	Southern Florida

LIST OF NAMES—Continued

	Name	*Convicted*	*U. S. District Court*
1454.	WILLIAMS, Melvin Robert	December 18, 1944	Maryland
1455.	WILLIAMS, Nathaniel	November 15, 1943	Southern Mississippi
1456.	WILLIS, William Althee	June 29, 1943	Eastern Illinois
1457.	WILSON, David Collier	December 18, 1942	District of Columbia
1458.	WILSON, Harry Leon, Jr.	October 20, 1943	Northern California
1459.	WILSON, Howard Henry	June 3, 1941	Eastern Virginia
1460.	WILSON, James Carl	October 29, 1945	Southern California
1461.	WILSON, John Albert	November 22, 1943	Southern New York
1462.	WILSON, Lajoie Bodager	May 29, 1946	Northern Ohio
1463.	WILSON, Winslow	January 28, 1941	Minnesota
1464.	WINCHESTER, Harvey Patrick	August 21, 1944	Northern California
1465.	WINSETT, Thomas Travis	November 9, 1942	Northern Texas
1466.	WISPE, Lauren	May 12, 1942	Northern Illinois
1467.	WOLFE, Jim	April 8, 1941	Eastern Oklahoma
1468.	WOOD, Paul Hanson	August 8, 1942	Southern California
1469.	WOOD, Walter Eugene	May 24, 1943	Eastern South Carolina
1470.	WOODS, Alfred	February 11, 1943	New Jersey
1471.	WOODY, Otis	January 6, 1943	Eastern Michigan
1472.	WORTH, Vaughn Ora	November 8, 1943	Western Wisconsin
1473.	WRIGHT, Frank	November 4, 1943	Eastern North Carolina
1474.	WRIGHT, Millard Leslie	September 21, 1945	Colorado
1475.	WRIGHT, Mose, Jr.	September 23, 1943	Southern Florida
1476.	WYATT, Cecil Arden	May 31, 1945	Eastern New York
1477.	WYNES, William Paul	October 27, 1943	Eastern Michigan
1478.	YACCARINE, Vincent John	January 19, 1945	New Jersey
		March 31, 1945	New Jersey
1479.	YAMADA, Fumio Bill	October 7, 1946	Arizona
1480.	YAMADA, Samuel	October 7, 1946	Arizona
1481.	YAMAKAWA, Toyoji	October 7, 1946	Arizona
1482.	YAMAKIDO, Joe Atsumi	October 24, 1944	Eastern Arkansas
1483.	YAMAMATO, Yukio	October 7, 1946	Arizona
1484.	YAMAMOTO, Yutaka	October 7, 1946	Arizona
1485.	YAMAMURA, Masakazu	September 25, 1944	Idaho
1486.	YAMASAKI, Hedio Frank	September 29, 1944	Idaho
1487.	YAMASAKI, Junichi	October 7, 1946	Arizona
1488.	YAMAUCHI, Hiroshi	October 28, 1944	Colorado
1489.	YAMAUCHI, Sosuki	December 27, 1944	Hawaii
1490.	YAMAZUMI, George Katamori	July 18, 1944	Colorado
1491.	YANAGISAKO, Edward Hiromu	June 26, 1944	Wyoming
1492.	YANO, Ben	March 27, 1944	Arizona
1493.	YASUDA, Kentaro	October 2, 1944	Idaho
1494.	YASUDA, Minoru	October 7, 1946	Arizona
1495.	YENOKIDA, Susumu	June 30, 1944	Colorado
1496.	YENOKIDA, Tsutumo Ben	October 28, 1944	Colorado
1497.	YODER, Dan	June 9, 1943	Southern Mississippi
1498.	YOKOYAMA, Harry Shoji	October 20, 1941	Hawaii
1499.	YONEO, Domon	October 7, 1946	Arizona
1500.	YOSHIDA, George Maseo	June 26, 1944	Wyoming
1501.	YOSHIDA, Kei	July 9, 1945	Wyoming
1502.	YOSHIDA, Kenichiro Mike	November 4, 1944	Utah
1503.	YOSHIDA, Sakaye	November 4, 1944	Utah
1504.	YOSHIDA, Shingo	October 7, 1946	Arizona
1505.	YOSHIMURA, Fumio	October 7, 1946	Arizona
1506.	YOSHIMURA, John Yoshikiko	October 7, 1946	Arizona
1507.	YOSHIMURA, Niro Dick	September 30, 1944	Idaho
1508.	YOUNCE, James Fuson	May 12, 1941	Eastern Kentucky
1509.	YOUNG, Johnnie B.	October 25, 1943	Southern Mississippi
1510.	YOUNG, Lee Daniel	August 15, 1944	Southern California
1511.	YOUNG, Thomas	January 13, 1947	Eastern Pennsylvania
1512.	YOUNG, Wallace Elmore	March 13, 1944	Eastern Pennsylvania
1513.	YUMEN, Ben Tsutomi	October 7, 1946	Arizona
1514.	YUNINGER, Warren Jacob	December 19, 1946	Western Washington
1515.	ZAMBORA, Jose Santello	May 15, 1946	Montana
1516.	ZANDPERGEN, Howard K.	September 23, 1943	Western Michigan
1517.	ZBIK, Louis Walter	March 16, 1944	Eastern Michigan
1518.	ZERNIT, Sidney	March 2, 1943	Southern New York
1519.	ZILTON, Edward	November 12, 1942	Hawaii
1520.	ZIMMERMAN, Elmer T.	February 3, 1943	Middle North Carolina
1521.	ZIMMERMAN, George Martin	January 6, 1942	Eastern Pennsylvania
		September 18, 1944	Eastern Pennsylvania
1522.	ZOLNER, George Thomas	July 2, 1943	Southern Ohio
1523.	ZUSSMAN, Albert	September 14, 1942	Eastern New York

TERMINATION OF TRADE AGREEMENT PROCLAMATIONS

December 24, 1947
[No. 2763]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 (a) of the Tariff Act of 1930, as amended by the act of June 12, 1934 entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943 and 944, ch. 474) the President of the United States of America entered into the following trade agreements:

19 U. S. C. § 1351 (a).

(a) With the Belgo-Luxemburg Economic Union on February 27, 1935 (49 Stat. (pt. 2) 3681 to 3716), which trade agreement was proclaimed by the President on April 1, 1935 (49 Stat. (pt. 2) 3680 to 3717),

(b) With the Government of the French Republic on May 6, 1936 (53 Stat. (pt. 3) 2237 to 2290), which trade agreement was proclaimed by the President on May 16, 1936 (53 Stat. (pt. 3) 2236 to 2291), and

(c) With Her Majesty the Queen of the Netherlands on December 20, 1935 (50 Stat. (pt. 2) 1505 to 1557), which trade agreement was proclaimed by the President on December 28, 1935 (50 Stat. (pt. 2) 1504 to 1558) and was the subject of a supplementary proclamation by the President of April 10, 1937 (50 Stat. (pt. 2) 1559);

WHEREAS (2), pursuant to the authority conferred by said section 350 (a), the period within which such authority might be exercised having been extended by the Joint Resolution approved March 1, 1937 (50 Stat. 24, ch. 22), the President entered into the following trade agreements:

48 Stat. 943.
19 U. S. C. § 1351 (a).
19 U. S. C. § 1352.

(a) With His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, on November 17, 1938 (53 Stat. (pt. 3) 2350 to 2392), which trade agreement was proclaimed by the President on November 25, 1938 (53 Stat. (pt. 3) 2348 to 2394) and was the subject of a supplementary proclamation by the President of June 17, 1939 (53 Stat. (pt. 3) 2394 and 2395), and

19 U. S. C. § 1351 note.

(b) With His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of the United Kingdom of Great Britain and Northern Ireland, on November 17, 1938 (54 Stat. (pt. 2) 1898 to 1985), which trade agreement was proclaimed by the President on November 25, 1938 (54 Stat. (pt. 2) 1897 to 1986) and was the subject of a supplementary proclamation by the President of December 6, 1939 (54 Stat. (pt. 2) 1987);

WHEREAS (3) the Government of the United States of America has agreed severally with the Governments of Belgium (on behalf of the Belgo-Luxemburg Economic Union), Canada, the French Republic, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland that the trade agreement with each of said countries which is listed in the 1st or the 2nd recital of this proclamation, except the right of termination on six months' notice of each such trade agreement, shall be inoperative for such time as the United States of America and such other country are both contracting parties to the General Agreement on Tariffs and Trade of October 30, 1947 as defined in article XXXII thereof;

61 Stat., Pt. 5, p. A75.

WHEREAS (4), as indicated in the 7th recital of the proclamation by the President of December 16, 1947 with respect to said general agreement, the Governments of the United States of America and of

61 Stat., Pt. 2, p. 1105.

each of the countries named in the 3rd recital of this proclamation will apply the general agreement provisionally on and after January 1, 1948, and the United States of America and each of said countries will then be a contracting party to the general agreement as defined in article XXXII thereof;

61 Stat., Pt. 5, p. A75.

AND WHEREAS the final sentence of said section 350 (a) of the Tariff Act of 1930 authorizes the President to terminate in whole or in part the proclamation carrying out any trade agreement entered into under section 350 (a);

48 Stat. 944. 19 U. S. C. § 1351 (a).

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, acting under the authority conferred by the said section 350 (a) of the Tariff Act of 1930, as amended, do hereby proclaim that each of the proclamations listed in the 1st or the 2nd recitals of this proclamation shall not be in effect after December 31, 1947 except insofar as it relates to the termination on six months' notice of the trade agreement with respect to which it was issued.

Proclamation respecting noneffectivity of designated proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of December in the year of our Lord nineteen hundred and [SEAL] forty-seven and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

CARRYING OUT EXCLUSIVE TRADE AGREEMENT WITH CUBA OF OCTOBER 30, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 1, 1948
[No. 2764]

A PROCLAMATION

WHEREAS (1) section 350 (a) and (b) of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934 entitled "AN ACT To amend the Tariff Act of 1930", by the Joint Resolution approved June 7, 1943, and by section 2 of the Act of July 5, 1945, provides as follows:

48 Stat. 943; 59 Stat. 410. 19 U. S. C. § 1351 (a), (b).

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the

United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any rate of duty, however established, existing on January 1, 1945 (even though temporarily suspended by Act of Congress), or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts (including the operations of international cartels) or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part.

"(b) Nothing in this section shall be construed to prevent the application, with respect to rates of duty established under this section pursuant to agreements with countries other than Cuba, of the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or to preclude giving effect to an exclusive agreement with Cuba concluded under this section, modifying the existing preferential customs treatment of any article the growth, produce, or manufacture of Cuba: *Provided*, That the duties on such an article shall in no case be increased or decreased by more than 50 per centum of the duties, however established existing on January 1, 1945 (even though temporarily suspended by Act of Congress)." (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1940) 1351 (a), 19 U. S. C. (1940) Supp. V, 1351 (a) (2) and (b).);

WHEREAS (2) the period within which the President is authorized to enter into trade agreements under the said section 350 was extended by section 1 of the Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1940) Supp. V, 1352 (c).);

19 U. S. C. § 1352 (c).

WHEREAS (3) I, Harry S. Truman, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Republic of Cuba are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in said section 350 (a) of the Tariff Act of 1930, as amended, will be promoted by a trade agreement between the Government of the United States of America and the Government of the Republic of Cuba;

48 Stat. 943.
19 U. S. C. § 1351 (a).

WHEREAS (4) reasonable public notice of the intention to negotiate such trade agreement was given and the views presented by per-

sons interested in the negotiation thereof were received and considered;

WHEREAS (5), after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, Commerce, the Army, and the Navy, and from other sources, on October 30, 1947 I entered, through my duly empowered Plenipotentiary, into an exclusive trade agreement with the Government of the Republic of Cuba, which exclusive trade agreement, as supplemented by an exchange of notes between the Acting Secretary of State of the United States of America and the Ambassador of the Republic of Cuba, signed December 19 and 22, 1947, by two exchanges of letters between the Acting Chairman of the United States Delegation to the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment and the President of the Cuban Delegation thereto, signed October 30, 1947, by a memorandum of October 28, 1947 from the Cuban Delegation, and by two memoranda of October 30, 1947 from the Cuban Delegation, in the English and Spanish languages, is annexed to this proclamation;

61 Stat., Pt. 4, p. 3699.

61 Stat., Pt. 4, p. 3712.

61 Stat., Pt. 4, p. 3705.

61 Stat., Pt. 4, pp. 3709-3711.

WHEREAS (6) the provisions of numbered paragraph 2 of said exclusive trade agreement providing for the application to products of the Republic of Cuba of portions of schedule XX of the General Agreement on Tariffs and Trade, dated October 30, 1947, and of article 17 of the Draft Charter for an International Trade Organization recommended by the Preparatory Committee of the United Nations Conference on Trade and Employment [1] make those portions of said schedule, and all other provisions of said general agreement and of the Protocol of Provisional Application thereof which relate to the schedule or to the concessions therein, and said article 17 a part of said exclusive trade agreement insofar as they apply to products of the Republic of Cuba;

61 Stat., Pt. 4, p. 3700.

61 Stat., Pt. 5, p. A1157.

61 Stat., Pt. 6, p. A2051.

WHEREAS (7) part II of, and the general notes in, said schedule XX of the general agreement, which are thus made a part of said exclusive trade agreement, are annexed to this proclamation;

61 Stat., Pt. 5, pp. A1350, A1361.

WHEREAS (8) I determine that the rates of duty and import tax specified in the column at the right of the respective descriptions of products in the following list are maximum rates which may be applied to such products of the Republic of Cuba under subparagraph (e) of numbered paragraph 2 of said exclusive trade agreement:

Post, pp. 1485, 1502, 1508, 1522.

61 Stat., Pt. 4, p. 3702.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
717 (b)	Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish	1½¢ per lb.
806 (a)	Naranjilla (*solanum quitoense lam*) sirup, not specially provided for, containing less than one-half of 1 per centum of alcohol	42¢ per gal.
1003	Twist, twine, and cordage, bleached, dyed, or otherwise treated, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than twenty-pound	5.4¢ per lb.
1007	Hose, suitable for conducting liquids or gases, wholly or in chief value of vegetable fiber.	15.6¢ per lb. and 12% ad val.

46 Stat. 590. 19 U. S. C. § 1001 *et seq.*

[1] [Department of State publication 2927, p. 17.]

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1529 (a)	Articles (except wearing apparel) in part of hand-made lace over 2 inches wide and in part of hand-made lace not over 2 inches wide and containing no machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930, however provided for in said paragraph 1529 (a):	
	Valued at more than $50 and less than $150 per pound	72% ad val.
	Valued at $150 or more per pound	54% ad val.
1544	Rosaries, chaplets, and similar articles of religious devotion, if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones	36% ad val.

Post, p. 1508.

46 Stat. 665.
19 U. S. C. § 1001, par. 1529 (a).

GENERAL NOTES

1. The provisions of this list shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this list shall be determined, insofar as may be practicable, as if each provision of this list appeared respectively in the statutory provision noted in the column at the left of the respective description of articles.

2. Any additional or separate ordinary customs duty provided for in respect of any article described in this list, whether or not imposed under the statutory provision indicated in the column at the left of the description of the article and whether or not temporarily or conditionally inapplicable, shall continue in force until terminated in accordance with law, subject to any reduction, or consolidation with the primary duty, indicated in this list or hereafter provided for, and subject to any temporary or conditional exemption therefrom now or hereafter provided for by law.

61 Stat., Pt. 4, p. 3702.
Post, pp. 1502, 1508.

WHEREAS (9), in accordance with the provisions of subparagraph (c) of numbered paragraph 2 of said exclusive trade agreement, I determine (a) that the products provided for by the descriptions in the following list are products not described in the 8th recital of this proclamation, which would have been subject to ordinary customs duty if imported as products of the Republic of Cuba on April 10, 1947, disregarding any temporary or conditional exemptions, and which either are not described in said schedule XX of the general agreement or are described in part I thereof and the concessions thereon are identified in the 8th recital of the proclamation by the President of December 16, 1947, and are of a kind which were imported into the United States of America as products of the Republic of Cuba in any quantity during any of the calendar years 1937, 1939, 1944, and 1945, and (b) that the rates of duty and import tax specified in the column at the right of the respective descriptions of products are the rates for such products of the Republic of Cuba which conform to the provisions of said subparagraph (c):

61 Stat., Pt. 5, p. A1157.
61 Stat., Pt. 2, p. 1105.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
19	Casein or lactarene and mixtures of which casein or lactarene is the component material of chief value, not specially provided for	2.2¢ per lb.

46 Stat. 590.
19 U. S. C. § 1001 *et seq.*

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty	
24	Medicinal compounds, preparations, mixtures, and salts, all the foregoing if containing 20 per centum of alcohol or less..	16¢ per lb. and 20% ad val.	*Post*, p. 1508.
28 (a)	All colors, dyes, or stains, whether soluble or not in water, except those provided for in paragraph 28 (b), Tariff Act of 1930.....	32% ad val. but not less than 2.8¢ per lb. and 18% ad val.	
28 (a)	Acetanilide suitable for medicinal use, acetphenetidine, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, beta-naphthol suitable for medicinal use, guaiacol and its derivatives, phenolphthalein, resorcinol suitable for medicinal use, salicylic acid and its salts suitable for medicinal use, salol, and other medicinals; all the foregoing when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930.....	36% ad val. and 5.6¢ per lb.	46 Stat. 592, 676. 19 U. S. C. §§ 1001, 1201.
205 (e)	Manufactures of which plaster of Paris is the component material of chief value, not specially provided for.....	28% ad val.	
232 (b)	Slabs and paving tiles of marble, breccia, or onyx: Containing not less than four superficial inches, if more than one inch and not more than one and one-half inches in thickness, not rubbed and not polished in whole or in part.....	8¢ per superficial ft.	
233	Alabaster and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or either of them is the component material of chief value.....	40% ad val.	
328	Cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty.....	20% ad val.	
397	Articles or wares not specially provided for, if composed wholly or in chief value of gold, or if plated with gold, or colored with gold lacquer, whether partly or wholly manufactured.....	52% ad val.	*Post*, p. 1508.
409	Reeds wrought or manufactured from rattan or reeds, whether round, flat, split, oval, or in whatever form, cane wrought or manufactured from rattan, cane webbing, and split or partially manufactured rattan, not specially provided for.....	16% ad val.	*Post*, p. 1508.
409	Furniture wholly or in chief value of rattan, reed, bamboo, osier or willow, malacca, grass, seagrass, or fiber of any kind.....	48% ad val.	
409	All articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier or willow (except tennis racket frames valued at $1.75 or more each).....	36% ad val.	
411	Porch and window blinds, baskets, bags, chair seats, curtains, shades, or screens, any of the foregoing wholly or in chief value of bamboo, wood, straw, papier-mache, palm leaf, or compositions of wood, not specially provided for (except baskets and bags wholly or in chief value of straw):		
	Baskets and bags.....	20% ad val.	
	Other.....	40% ad val.	
412	Spring clothespins.....	8¢ per gross	
412	Wood moldings and carvings to be used in architectural and furniture decoration....	32% ad val.	

	Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
Post, p. 1503.	412	Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for (except brush backs, spools wholly of wood suitable for thread, laminated wallboard, and products described in item 412 (sixth) of Part I of Schedule XX of the General Agreement on Tariffs and Trade in respect of which a rate of duty of 15 per centum ad valorem, 16⅔ per centum ad valorem, or 10 per centum ad valorem is specified):	
61 Stat., Pt. 5, p. A1223.		Clothespins other than spring clothespins	20% ad val.
		Other	26⅔% ad val.
Post, pp. 1486, 1488.	506	Sugar candy and all confectionery not specially provided for, valued at less than six cents per pound	32% ad val.
Post, pp. 1486, 1488.	506	Sugar after being refined, when tinctured, colored, or in any way adulterated	32% ad val. but not less than 1/8 of the rate of duty provided for sugar of the same polariscopic test in item 501 of Part II of Schedule XX of the General Agreement on Tariffs and Trade
61 Stat., Pt. 5, p. A1352.			
	703	Pork (except bacon, hams, and shoulders), if cooked, boned, packed in airtight containers, or made into sausages of any kind.	2.6¢ per lb.
Post, p. 1523.	717 (c)	Fish, dried and unsalted (except cod, haddock, hake, pollock, and cusk)	½¢ per lb.
	724	Corn or maize, including cracked corn	10¢ per bu. of 56 lb.
	724	Corn grits, meal, and flour, and similar products	40¢ per 100 lb.
	727	Milled rice (bran removed, all or in part)	2¢ per lb.
	739	Orange, grapefruit, lemon, and shaddock or pomelo peel, candied, crystallized, or glace, or otherwise prepared or preserved	6.4¢ per lb.
	739	Citrons or citron peel, candied, crystallized, or glace, or otherwise prepared or preserved	4.8¢ per lb.
	743	Lemons	2¢ per lb.
	743	Oranges	½¢ per lb.
	747	Pineapples in bulk	0.48¢ each
Post, pp. 1486, 1488.	752	Bananas, dried, desiccated, or evaporated	14% ad val.
Post, p. 1530.	758	Coconut meat, shredded and desiccated, or similarly prepared	2.8¢ per lb.
	759	Peanuts, not shelled	3.4¢ per lb.
	759	Peanut butter	5.6¢ per lb.
Post, p. 1523.	761	Cashew nuts, shelled or unshelled	1.6¢ per lb.
Post, p. 1508.	761	Edible nuts, pickled or otherwise prepared or preserved, and not specially provided for.	28% ad val.
Post, p. 1530.	762	Oil-bearing seeds and materials: Castor beans	1/5¢ per lb.
	765	Beans, other than lima beans, green or unripe, not specially provided for	1.5¢ per lb.
Post, p. 1509.	765	Beans, dried, not specially provided for	2.4¢ per lb.
	765	Beans, not specially provided for, not in brine, but otherwise prepared or preserved in any manner	2.4¢ per lb. on the entire contents of the container
	772	Tomatoes, prepared or preserved in any manner	20% ad val.
	774	Peppers in their natural state	1.2¢ per lb.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty	
775	Vegetables (including horseradish), if cut, sliced, or otherwise reduced in size, or if reduced to flour, or if parched or roasted, or if pickled, or packed in salt, brine, oil (except cucumbers and onions, if pickled, or packed in brine), or prepared or preserved in any other way and not specially provided for	28% ad val.	*Post*, p. 1508.
775	Sauces of all kinds, not specially provided for	28% ad val.	*Post*, p. 1508.
776	All coffee substitutes and adulterants, and coffee essences	2.4¢ per lb.	
778	Ginger root, candied, or otherwise prepared or preserved	8% ad val.	*Post*, p. 1508.
781	Pepper, capsicum or red pepper or cayenne pepper, unground	4¢ per lb.	
781	Mixed spices, and spices and spice seeds not specially provided for, including all herbs or herb leaves in glass or other small packages, for culinary use (except bay leaves and marjoram leaves)	20% ad val.	*Post*, p. 1523.
802	Compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for	$2 per proof gal.	
804	Still wines produced from grapes (not including vermouth), containing more than 14 per centum of absolute alcohol by volume.	$1 per gal.	
1018	Bags or sacks made from plain-woven fabrics of single jute yarns or from twilled or other fabrics wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable	⅘¢ per lb. and 8% ad val.	*Post*, p. 1523.
1504 (a)	Braids, plaits, and laces, composed wholly or in chief value of chip, paper, grass, willow, osier, rattan, real horsehair, or cuba bark, and braids and plaits, wholly or in chief value of ramie, all the foregoing suitable for making or ornamenting hats, bonnets, or hoods: Not bleached, dyed, colored, or stained, and not containing a substantial part of rayon or other synthetic textile	6% ad val.	*Post*, p. 1508.
1506	Brooms, made of broom corn, straw, wooden fiber, or twigs	20% ad val.	*Post*, p. 1508.
1507	Bristles, sorted, bunched, or prepared	2.4¢ per lb.	*Post*, p. 1508.
1513	Dolls and doll clothing, composed in any part, however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), Tariff Act of 1930	36% ad val.	*Post*, p. 1503. 46 Stat. 665. 19 U. S. C. § 1001.
1513	Dolls, composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930, having any movable member or part	4/5¢ each and 48% ad val.	46 Stat. 595. 19 U. S. C. § 1001.
1513	Dolls, parts of dolls (including clothing), and doll heads, of whatever materials composed (except those composed wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930, and except those composed in any part however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), Tariff Act of 1930)	25% ad val.	*Post*, p. 1509. 46 Stat. 595. 19 U. S. C. § 1001. 46 Stat. 665. 19 U. S. C. § 1001.
1513	Toy games, toy containers, toy favors, and toy souvenirs, of whatever materials composed	56% ad val.	

	Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
Post, p. 1503.	1513	Toys (except toys wholly or in chief value of rubber), and parts of toys, not specially provided for (including toys in the forms of musical instruments and capable of emitting sound, but not including any other toys described in item 1513 (second) of Part I of Schedule XX of the General Agreement on Tariffs and Trade):	
61 Stat., Pt. 5, p. A1301.		If wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware	28% ad val.
		Other	56% ad val.
	1516	Wax matches	16% ad val.
Post, pp. 1486, 1488, 1503. 46 Stat. 664. 19 U. S. C. § 1001.	1527 (a) (2)	Articles and parts thereof provided for in paragraph 1527 (c) (2), Tariff Act of 1930, valued at not above $5 per dozen pieces or parts (except parts valued at less than 20 cents per dozen pieces and except ladies' handbags set with and in chief value of rhinestones, mesh bags and parts thereof, cigar and cigarette lighters and parts thereof, and cigarette cases	52% ad val.
	1530(a)	Hides and skins of cattle of the bovine species (except buffalo hides and skins), weighing more than 25 pounds each, raw or uncured or pickled, but neither dried nor dry-salted	4% ad val.
Post, p. 1503.	1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except boots, shoes, or other footwear made by the process known as welt; skating boots and shoes sewed or stitched by the process or method known as McKay, if attached to ice skates; slippers for housewear; and moccasins of the Indian handicraft type, having no line of demarcation between the soles and the uppers):	
		Sewed or stitched by the process or method known as McKay:	
		Boots and shoes	24% ad val.
		Other	16% ad val.
		Turn or turned:	
		Boots and shoes	8% ad val.
		Other	16% ad val.
		Huaraches	8% ad val.
		Other:	
		For men, youths, or boys	8% ad val.
		For other persons	16% ad val.
	1531	Bags (except women's and children's handbags), baskets, satchels, cardcases, pocketbooks (except women's and children's), jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of reptile leather, and manufactures of reptile leather or of which reptile leather is the component material of chief value (except buckles and other articles of wearing apparel), not specially provided for (not including any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets)	14% ad val.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1537 (b)	Manufactures of india rubber, or of which india rubber is the component material of chief value, not specially provided for (except rubber bands, boots, shoes, or other footwear, and except any product described in item 1537 (b) (first) of Part I of Schedule II of the General Agreement on Tariffs and Trade)	20% ad val.
1541 (a)	Musical instruments and parts thereof, not specially provided for:	
	Stringed instruments (not including pianos) and parts thereof	32% ad val.
1551	Photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits except undeveloped negative moving-picture film of American manufacture exposed abroad for silent or sound news reel:	
	Exposed but not developed	⅝¢ per lin. ft.
	Exposed and developed	1.2¢ per lin. ft.
1551	Photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made	⅜¢ per lin. ft.
1551	Photographic and motion-picture films or film negatives taken from the United States and exposed in the Republic of Cuba by an American producer of motion pictures operating temporarily in said Republic of Cuba in the course of production of a picture 60 per centum or more of which is made in the United States	⅜¢ per lin. ft.
1552	Cigar and cigarette boxes, finished or unfinished, wholly or in chief value of wood and valued at 50 cents or more each	24% ad val.
1558	All articles manufactured, in whole or in part not specially provided for, all the foregoing (except articles described in any item 1558 of Schedule XX of the General Agreement on Tariffs and Trade, and except istle or Tampico fiber and urunday extract):	
	Dog food, unfit for human consumption	8% ad val.
	Preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol (not including sauces)	10% ad val.
	Other	16% ad val.

61 Stat., Pt. 5, p. A1321.
Post, p. 1509.

61 Stat., Pt. 5, p. A1327.

GENERAL NOTES

1. The provisions of this list shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this list shall be determined, insofar as may be practicable, as if each provision of this list appeared respectively in the statutory provision noted in the column at the left of the respective description of articles.

2. Any additional or separate ordinary customs duty provided for in respect of any article described in this list, whether or not imposed under the statutory provision indicated in the column at the left of the description of the article and whether or not temporarily or conditionally inapplicable, shall continue in force until terminated in

accordance with law, subject to any reduction, or consolidation with the primary duty, indicated in this list or hereafter provided for, and subject to any temporary or conditional exemption therefrom now or hereafter provided for by law.

61 Stat., Pt. 4, p. 3712.

WHEREAS (10) said exchange of notes of December 19 and 22, 1947 provides that said exclusive trade agreement shall enter into force on January 1, 1948;

WHEREAS (11) I find that such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are hereinafter proclaimed will be required or appropriate, on and after January 1, 1948, to carry out

61 Stat., Pt. 4, p. 3699.

said exclusive trade agreement;

48 Stat. 943. 19 U. S. C. § 1351.

WHEREAS (12), pursuant to the authority conferred by said section 350, the President entered into an exclusive trade agreement with the President of the Republic of Cuba on August 24, 1934 (49 Stat. (pt. 2) 3559 to 3645) which exclusive trade agreement was proclaimed by the President on August 24, 1934 (49 Stat. (pt. 2) 3559 to 3646);

WHEREAS (13), the period within which said authority might be exercised having been extended by the Joint Resolution of March 1,

19 U. S. C. § 1352.

1937 (50 Stat. 24, ch. 22), the President pursuant to that authority entered into an exclusive supplementary trade agreement, including an accompanying protocol, with the President of the Republic of Cuba on December 18, 1939 (54 Stat. (pt. 2) 2000 to 2012), which exclusive supplementary trade agreement and protocol were proclaimed on December 19, 1939 (54 Stat. (pt. 2) 1997 to 2013 and were the subject of a supplementary proclamation by the President on December 22, 1939 (54 Stat. (pt. 2) 2014);

WHEREAS (14), the period within which said authority might be exercised having been extended by the Joint Resolution of April 12, 1940 (54 Stat. 107, ch. 96), the President pursuant to that authority entered into a further exclusive supplementary trade agreement, including an exchange of notes, with the President of the Republic of Cuba on December 23, 1941 (55 Stat. (pt. 2) 1452 to 1477), which further exclusive supplementary trade agreement and exchange of notes were proclaimed by the President on December 29, 1941 (55 Stat. (pt. 2) 1449 to 1477);

AND WHEREAS (15) numbered paragraph 1 of said exclusive trade agreement, said exchange of notes of December 19 and 22, 1947,

61 Stat., Pt. 4, pp. 3700, 3712, 3705.

and one of said exchanges of letters of October 30, 1947 provide that the Convention of Commercial Reciprocity between the United States of America and the Republic of Cuba, signed December 11, 1902 (33 Stat. (pt. 2) 2136 to 2142) and said exclusive trade agreement specified in the 12th recital of this proclamation, with its accompanying exchange of notes (49 Stat. (pt. 2) 3647 to 3649), as amended by said exclusive supplementary trade agreement specified in the 13th recital hereof, with its accompanying exchange of notes (54 Stat. (pt. 2) 2015 to 2017), and by said further exclusive supplementary trade agreement specified in the 14th recital hereof, except the right of termination on one year's notice of said convention and on six months' notice of said

49 Stat. 3559.

exclusive trade agreement of August 24, 1934, as amended, shall become inoperative on January 1, 1948;

Proclamation of modification of existing duties, etc.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, to the end that said exclu-

61 Stat., Pt. 4, p. 3699. 48 Stat. 943. 19 U. S. C. § 1351.

sive trade agreement of October 30, 1947 may be carried out and acting under the authority of said section 350 of the Tariff Act of 1930, as amended, do hereby proclaim, effective on and after January

Effective date.

1, 1948 and subject to the provisions of said protocol of provisional

Ante, p. 1467, footnote 1.

application, said article 17 of the draft charter, and exceptions and

conditions set forth in subdivisions (a), (b), (c), (d), and (e) below, such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as are specified or provided for in said exclusive trade agreement of October 30, 1947, in said provisions of the general agreement to the extent that they are made a part of said exclusive trade agreement:

61 Stat., Pt. 4, p. 3699.

(a) The rates of duty and import tax specified in the column at the right of the respective descriptions of products in part II of schedule XX of said general agreement shall be applied, subject to the applicable terms, conditions, and qualifications set forth in that schedule and said other provisions of the general agreement made a part of said exclusive trade agreement of October 30, 1947, to all products of the Republic of Cuba of the kinds provided for in the said descriptions;

61 Stat. Pt. 5, p. A1350.

61 Stat., Pt. 4, p. 3699.

(b) The rates of duty and import tax specified in the column at the right of the respective descriptions of products listed in the 8th and 9th recitals of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth therein, respectively, to the products of the Republic of Cuba of the kinds provided for in said descriptions so long as such rates are listed in said recitals;

Ante, pp. 1467, 1468.

(c) The rates of duty and import tax applicable to articles which are products of the Republic of Cuba not provided for in subdivision (a) or (b) above at the time of entry, or withdrawal from warehouse, for consumption of such articles shall be the rates then applicable to articles of the same class or kind the product of countries, other than the Republic of Cuba, that are contracting parties to said general agreement in accordance with article XXXII thereof;

61 Stat., Pt. 5, p. A75.

(d) The provisions of subdivisions (a), (b), and (c) shall not apply to a particular article by virtue of this proclamation if, when the articles is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by a statute, proclamation, or executive order then in effect; and

Post, p. 1517.

(e) Nothing in this proclamation shall be construed as authorizing the application of any rate of duty or import tax computed on the basis of any provision of numbered paragraph 2 of said exclusive trade agreement, of article I of said general agreement, or of said article 17 of the draft charter, except such rates as are proclaimed pursuant to the provisions of said section 350 of the Tariff Act of 1930, as amended;

61 Stat., Pt. 4, p. 3700.
61 Stat., Pt. 5, p. A12.
Ante, p. 1467, footnote 1.
48 Stat. 943.
19 U. S. C. § 1351.

AND I do further proclaim (a) that each of the proclamations specified in the 12th, 13th, and 14th recitals of this proclamation shall not be in effect after December 31, 1947 except insofar as it may relate to the termination on six months' notice of any of the exclusive trade agreements specified in said recitals, and (b) that said Convention of Commercial Reciprocity, except such part thereof as relates to its termination on one year's notice, and the exchanges of notes referred to in the 15th recital of this proclamation as accompanying the exclusive trade agreements specified in the 12th and 13th recitals thereof shall become inoperative on January 1, 1948.

Ante, p. 1474.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of January, in the year of our Lord nineteen hundred and forty-eight and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: NORWAY

January 6, 1948
[No. 2765]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

15 U. S. C. § 92 note.

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

33 Stat. 727.

Norway.
Extension of time for renewal of certain trade-mark registrations.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Norway registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Norway accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States, and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of January, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: LUXEMBOURG

January 21, 1948
[No. 2766]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

15 U. S. C. § 92 note.

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the

conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and protecting the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America: 33 Stat. 727

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Luxembourg registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Luxembourg accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including June 30, 1948.

Luxembourg.
Extension of time for renewal of certain trade-mark registrations.
60 Stat. 568.
15 U. S. C. §92 note.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of January, in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 27, 1948
[No. 2767]

A PROCLAMATION

WHEREAS the youth of this Nation is its most precious asset and best hope for the future; and

WHEREAS the incidence of juvenile delinquency is a reflection of the failure of our society to afford to all of its young people a full measure of protection and opportunity for health and happiness, and to inculcate in them a sense of the true values of life and citizenship; and

WHEREAS in November 1946 many important agencies, governmental and private, national and local, and individuals the country over, banded together, at the call of the Attorney General of the United States, in a National Conference on Prevention and Control of Juvenile Delinquency, to study and make recommendations for immediate action in every State and community for the solution of juvenile delinquency problems; and

WHEREAS this National Conference has now made available for use by individuals and organizations throughout the Nation, certain Action Reports, which are the best available tools for the prevention and control of juvenile delinquency, and has urged upon the States and communities immediate action with respect to the recommendations in those Reports, and, in particular, the holding of State and community conferences, developed on the general pattern of the National Conference on Prevention and Control of Juvenile Delinquency; and

WHEREAS the prevention and control of juvenile delinquency, to be effective, must be pursued primarily in the States and communities where daily contacts are maintained with the children themselves:

Call for prevention and control of juvenile delinquency.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States, in their homes and churches, in the schools and hospitals, in social welfare and health agencies, in enforcement agencies and courts, in institutions for the care of delinquent juveniles, and in their minds and hearts, to act, individually and together, for the prevention and control of juvenile delinquency, so that our children and youth may fulfill their promise and become effective citizens in our Nation. I further urge them, as the most direct means to this end, to respond promptly to the call of the National Conference on Prevention and Control of Juvenile Delinquency by carefully preparing for, and holding, wherever possible during the month of April 1948, State and community conferences, developed on the general pattern of the National Conference, and at these conferences, or otherwise, to study State and local conditions in the light of the recommendations of the National Conference; to put into immediate effect such of the recommendations as are pertinent to State and local conditions; to develop firm foundations for continuing community action; and to take such other action as may be useful in solving this vital youth problem and in developing the genuine opportunities for useful living to which our young people are entitled. I urge this to the end that in no part of the Nation shall action be omitted which is practical and useful in reaching the objectives of the National Conference in the prevention and control of juvenile delinquency in this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of January in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:
G C MARSHALL
Secretary of State

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: DENMARK

January 30, 1948
[No. 2768]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

15 U. S. C. § 92 note.

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations

prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and protecting the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America: 33 Stat. 727.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Denmark registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Denmark accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including June 30, 1948.

Denmark.
Extension of time for renewal of certain trade-mark registrations.
60 Stat. 568.
15 U. S. C. § 92 note.

33 Stat. 727.
15 U. S. C. § 92.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of January, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 30, 1948
[No. 2769]

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution Approved June 7, 1943, and by section 2 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1940) 1351 (a), 19 U. S. C. (1940) Supp. V, 1351 (a) (2) and (b)), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1940) Supp. V, 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United

19 U. S. C. § 1352 (c).

States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8863);

61 Stat., Pt. 2, p. 1103.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period within which said authority may be exercised having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

48 Stat. 943.
19 U. S. C. § 1351.
61 Stat., Pt. 4, p. 3699.

WHEREAS (4) on December 17, 1947 the Protocol of Provisional Application of the General Agreement on Tariffs and Trade was signed by the Government of the Republic of Cuba, and by an exchange of notes signed December 19 and 22, 1947 the Governments of the United States of America and the Republic of Cuba agreed to make provisionally effective on January 1, 1948 tariff concessions and on that date generally to apply the provisions of said exclusive trade agreement;

61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 4, p. 3712.

WHEREAS (5) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 21);

Ante, p. 1465.
61 Stat., Pt. 4, p. 3699.

WHEREAS (6) paragraph 3 of article I of said general agreement provides in part as follows:

61 Stat., Pt. 5, p. A13.

> "3 The margin of preference on any product in respect of which a preference is permitted under paragraph 2 of this Article but is not specifically set forth as a maximum margin of preference in the appropriate Schedule annexed to this Agreement shall not exceed
>
> "(a) in respect of duties or charges on any product described in such Schedule, the difference between the most-favoured-nation and preferential rates provided for therein; if no preferential rate is provided for, the preferential rate shall for the purposes of this paragraph be taken to be that in force on April 10, 1947, and, if no most-favoured-nation rate is provided for, the margin shall not exceed the difference between the most-favoured-nation and preferential rates existing on April 10, 1947;

"(b) in respect of duties or charges on any product not described in the appropriate Schedule, the difference between the most-favoured-nation and preferential rates existing on April 10, 1947." (T. D. 51802 (Customs));

WHEREAS (7) I, Harry S. Truman, President of the United States of America, determine that the rates of duty and import tax specified in the column at the right of the respective descriptions of products in the following list are maximum rates which may be applied on and after January 1, 1948 to such products in conformity with said paragraph 3 of article I, and that said maximum-rate limitations are required or appropriate to carry out said trade agreement specified in the 1st recital of this proclamation:

61 Stat., Pt. 5, p. A13.

Ante, p. 1479.

46 Stat. 590. 19 U. S. C. § 1001 *et seq.*

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
202 (a)	Tiles (except floor and wall tiles), however provided for in paragraph 202 (a), Tariff Act of 1930:	
	Valued at not more than 40 cents per square foot	7¢ per sq. ft., but not less than 35% nor more than 49% ad val.
	Valued at more than 40 cents per square foot	42% ad val.
211	Earthenware and crockery ware, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware; any of the foregoing which are tableware, kitchenware, or table or kitchen utensils, painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner:	
	Plates, not over 6⅝ inches in diameter and valued at 60 cents or more but less than 75 cents per dozen, or over 6⅝ but not over 8⅛ inches in diameter and valued at 70 cents or more but less than 90 cents per dozen, or over 8⅛ but not over 9⅛ inches in diameter and valued at $1.05 or more but less than $1.30 per dozen, or over 9⅛ inches in diameter and valued at $1.25 or more but less than $1.55 per dozen; cups valued at 80 cents or more but less than $1 per dozen; and saucers valued at 50 cents or more but less than 55 cents per dozen: all the foregoing which are composed of a nonvitrified absorbent body not wholly of clay	14¢ per doz. pieces and 42% ad val.
	Plates of the diameters specified above, cups, and saucers; each of the foregoing which is valued at not less than the minimum value specified above for the like article and is composed of a nonvitrified absorbent body wholly of clay and artificially colored	14¢ per doz. pieces and 42% ad val.
226	Ground and polished plano or coquille glasses (except spectacle and eyeglass lenses), wholly or partly manufactured, with the edges unground, valued at $10 or more per dozen pairs	35% ad val.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
368 (c) (6)	Parts provided for in paragraph 368 (c) (6), Tariff Act of 1930, if for any of the following articles which are valued at more than $10 each: Ships' logs, standard marine chronometers having spring-detent escapements, and depth-sounding mechanisms, devices, and instruments..	45½% ad val.
501	Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above fifty sugar degrees and not above seventy-five sugar degrees.....	0.4709375¢ per lb.
	and for each additional sugar degree shown by the polariscope test.....	0.0103125¢ per lb. additional, and fractions of a degree in proportion
601	Filler tobacco (except cigarette leaf tobacco) not specially provided for:	
	If unstemmed	21¢ per lb.
	If stemmed	30¢ per lb.
	Note: The rates of duty specified in this item and in item 603 of this list shall apply to the products described in such items only when entered in any calendar year after there has been entered in such year a total quantity (unstemmed equivalent) of 22,000,000 pounds of filler tobacco, not specially provided for, unstemmed or stemmed (other than cigarette leaf tobacco), and scrap tobacco, the product of the Republic of Cuba. For the purposes of this note, the quantity of unstemmed filler tobacco shall be the actual net weight, and the quantity (unstemmed equivalent) of stemmed filler and scrap tobacco shall be 133 per centum of the actual net weight, as determined, respectively, for the assessment of duties or taxes in the United States of America.	
603	Scrap tobacco.....	21¢ per lb.
605	Cigars, and cheroots of all kinds.....	$4.20 per lb. and 25% ad val.
718 (a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances:	
	Bonito and yellowtail:	
	Valued at not over 9 cents per pound, including the weight of the immediate container.....	30⅗% ad val.
	Valued at over 9 cents per pound, including the weight of the immediate container.....	21% ad val.
743	Grapefruit:	
	When entered during the period from August 1 to September 30, inclusive, in any year.....	1⅗¢ per lb.
	When entered during the month of October in any year.....	9/10¢ per lb.
746	Mangoes.....	4½¢ per lb.
747	Pineapples, not in crates and not in bulk..	27¢ per crate of 2.45 cu. ft.

Post, pp. 1522, 1523.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
751	Jellies, jams, marmalades, and fruit butter:	
	Guava (except jelly and marmalade); pineapple; mango; papaya; mamey colorado (*calocarpum mammosum*); sweetsop (*annona squamosa*); soursop (*annona muricata*); sapodilla (*sapota achras*); cashew apple (*anacardium occidentale*); and currant and other berry (except jellies)	16% ad val.
	Other (except quince, and except orange marmalade, guava jelly and marmalade, and currant and other berry jellies)	20% ad val.
752	Guavas, prepared or preserved, and not specially provided for	13½% ad val.
752	Mango pastes and pulps, and guava pastes and pulps	24% ad val.
765	Lima beans, green or unripe, when entered during the month of November in any year	2 1/10¢ per lb.
774	Vegetables in their natural state:	
	Cucumbers, when entered, during the period from December 1, in any year, to the last day of the following February, inclusive	2½¢ per lb.
	Squash	1 1/10¢ per lb.
775	Pimientos, packed in brine or in oil, or prepared or preserved in any manner	4½¢ per lb.
802	Ethyl alcohol for beverage purposes	$2.25 per proof gal.
806 (a)	Naranjilla (*solanum quitoense lam*) sirup, not specially provided for, containing less than one-half of 1 per centum of alcohol.	49¢ per gal.
1406	Labels, flaps, and cigar bands, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material, but not printed in whole or in part in metal leaf and not specially provided for (except labels and flaps not exceeding ten square inches cutting size in dimensions, if embossed or die-cut):	
	Printed in less than eight colors (bronze printing to be counted as two colors):	
	Labels and flaps	21¢ per lb.
	Cigar bands	31¢ per lb.
	Printed in eight or more colors (bronze printing to be counted as two colors):	
	Labels and flaps	28¢ per lb.
	Cigar bands	35¢ per lb.
1527 (c) (2)	Articles provided for in paragraph 1527 (c) (2), Tariff Act of 1930, valued above $5 per dozen pieces, and parts thereof:	
	Parts valued at less than 20 cents per dozen	1/15¢ each and 35% ad val.
	Mesh bags; parts of mesh bags if the parts are valued at 20 cents or more per dozen; and parts of cigar and cigarette lighters if the parts are valued at 20 cents or more, but not above $5, per dozen; all the foregoing	91% ad val.
1527 (c) (2)	Parts of articles provided for in paragraph 1527 (c) (2), Tariff Act of 1930, if the articles are valued above $5 per dozen pieces (except parts of cigar and cigarette lighters and parts of mesh bags): Parts valued at 20 cents or more, but not above $5, per dozen	91% ad val.

Post, p. 1502.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1529 (a)	Articles (except wearing apparel) in part of hand-made lace over 2 inches wide and in part of hand-made lace not over 2 inches wide and containing no machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930, however provided for in said paragraph 1529 (a):	
	Valued at more than $50 and less than $150 per pound	84% ad val.
	Valued at $150 or more per pound	63% ad val.
1544	Rosaries, chaplets, and similar articles of religious devotion, if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones	42% ad val.
1558	Banana flour and plantain flour	14% ad val.

Internal Revenue Code, section		Rate of import tax
2491 (a)	Fish oil (except cod oil, eulachon oil, herring oil, menhaden oil, shark oil, including oil produced from sharks known as dogfish, and fish-liver oils; and not including seal oil and whale oil) if classifiable under paragraph 34 or 1669, Tariff Act of 1930	1⅝¢ per lb.

GENERAL NOTES

1. The provisions of this list shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this list shall be determined, insofar as may be practicable, as if each provision of this list appeared respectively in the statutory provision noted in the column at the left of the respective description of articles.

2. Any additional or separate ordinary customs duty provided for in respect of any article described in this list, whether or not imposed under the statutory provision indicated in the column at the left of the description of the article and whether or not temporarily or conditionally inapplicable, shall continue in force until terminated in accordance with law, subject to any reduction, or consolidation with the primary duty, indicated in this list or hereafter provided for, and subject to any temporary or conditional exemption therefrom now or hereafter provided for by law.

3. Wherever in this list the word "entered" is used in any seasonal-rate provision, or in any provision in which the entry of a specified quantity affects the rate, it shall mean "entered, or withdrawn from warehouse, for consumption".;

WHEREAS (8) I determine that the application of such of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement (T. D. 51802 (Customs)) by said proclamation of December 16, 1947 (12 F. R. 8865 and 8866) as are identified in the following list is required or appropriate to carry out said trade agreement specified in the 1st recital of this proclamation on and after January 1, 1948:

Post, p. 1508.

53 Stat. 1.
26 U. S. C. §§ 1–5012.

61 Stat., Pt. 5, pp. A1157, A70.
61 Stat., Pt. 2, p. 1103.

Ante, p. 1479.

Item (paragraph)	*Rates of duty*
404 [first]	5% ad val.
404 [second]	7½% ad val.
506	20% ad val.
752 [second]	9% ad val.
1521	25% ad val.
(section)	*Rates of import tax*
3424	$1.50 per 1000 ft., board measure [first such rate]
	75¢ per 1000 ft., board measure [first such rate];

WHEREAS (9) said proclamation of December 16, 1947 made effective, on and after January 1, 1948, the rate of duty of 7 cents per pound specified in the first item 709 in part I of schedule XX of said general agreement with respect to not more than 50,000,000 pounds of butter entered, or withdrawn from warehouse, for consumption during the period from November 1 in any year to the following March 31, inclusive (T. D. 51802 (Customs)); 61 Stat., Pt. 2, p. 1103. 61 Stat., Pt. 5, p. A1228.

WHEREAS (10) said tariff quota provided for in said item 709 became effective on the first day of the third month of the specified five-month quota period, and I determine that it would be appropriate in order to carry out said trade agreement specified in the 1st recital of this proclamation to limit the quantity of butter dutiable at the rate of 7 cents per pound which may be entered, or withdrawn from warehouse, for consumption during the remainder of said quota period from January 1 to March 31, 1948, inclusive, to a quantity of not more than 30,000,000 pounds; *Ante*, p. 1479.

WHEREAS (11) I determine that the addition of the following items to the list set forth in the 8th recital of said proclamation of January 1, 1948 (13 F. R. 23 and 24) is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation: *Ante*, p. 1467. *Ante*, p. 1480.

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
211	Earthenware and crockery ware, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware; any of the foregoing which are tableware, kitchenware, or table or kitchen utensils, painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner: Plates, not over 6⅝ inches in diameter and valued at 60 cents or more but less than 75 cents per dozen, or over 6⅝ but not over 8⅛ inches in diameter and valued at 70 cents or more but less than 90 cents per dozen, or over 8⅛ but not over 9⅛ inches in diameter and valued at $1.05 or more but less than $1.30 per dozen, or over 9⅛ inches in diameter and valued at $1.25 or more but less than $1.55 per dozen; cups valued at 80 cents or more but less than $1 per dozen; and saucers valued at 45 cents or more but less than 55 cents per dozen: all the foregoing which are composed of a nonvitrified absorbent body not wholly of clay	12¢ per doz. pieces and 36% ad val.

46 Stat. 590. 19 U. S. C. § 1001 *et seq.*

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
211	Earthenware and crockery ware—Continued Plates of the diameters specified above, cups, and saucers; each of the foregoing which is valued at not less than the minimum value specified above for the like article and is composed of a nonvitrified absorbent body wholly of clay and artificially colored . . .	12¢ per doz. pieces and 36% ad val.
226	Ground and polished plano or coquille glasses (except spectacle and eyeglass lenses), wholly or partly manufactured, with the edges unground, valued at $10 or more per dozen pairs	30% ad val.
368 (c) (6)	Parts provided for in paragraph 368 (c) (6), Tariff Act of 1930, if for any of the following articles which are valued at more than $10 each: Ships' logs, standard marine chronometers having spring-detent escapements, and depth-sounding mechanisms, devices, and instruments	39% ad val.
1527 (c) (2)	Articles provided for in paragraph 1527 (c) (2), Tariff Act of 1930, valued above $5 per dozen pieces, and parts thereof: Parts valued at less than 20 cents per dozen	⅗¢ each and 30% ad val.
	Mesh bags; parts of mesh bags if the parts are valued at 20 cents or more per dozen; and parts of cigar and cigarette lighters if the parts are valued at 20 cents or more, but not above $5, per dozen; all the foregoing	78% ad val.
1527 (c) (2)	Parts of articles provided for in paragraph 1527 (c) (2), Tariff Act of 1930, if the articles are valued above $5 per dozen pieces (except parts of cigar and cigarette lighters and parts of mesh bags): Parts valued at 20 cents or more, but not above $5, per dozen	78% ad val.;

Post, p. 1502.

WHEREAS (12) I determine that, in view of the determination set forth in the 8th recital of this proclamation, the deletion of the first item 506 and item 752 from the list set forth in the 9th recital of said proclamation of January 1, 1948 is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation;

Ante, p. 1484.

Ante, p. 1470.

Ante, p. 1480.

WHEREAS (13) the figure and word "⅞ of" appearing between the words "than" and "the" in the rate of duty specified in the second item 506 in the 9th recital of said proclamation of January 1, 1948 (13 F. R. 24) were inadvertently included therein, and I determine that the deletion of said figure and word "⅞ of" from the rate of duty specified in said second item 506 is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation on and after January 1, 1948;

Ante, p. 1470.

Ante, p. 1480.

WHEREAS (14) item 1527 (a) (2) in said 9th recital of the proclamation of January 1, 1948 (13 F. R. 25) was inadvertently misstated in some respects, and I determine that it is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation that the number of said item 1527 (a) (2) in the 9th recital be changed to "1527 (c) (2)", that there be inserted in the description of products in said item after the word "except" the words and figure "parts of articles valued above $5 per dozen pieces and other", that a final parenthesis be placed after the last word in

Ante, p. 1472.

said description of products, and that the rate in said item be changed to "88% ad val.";

AND WHEREAS (15) I determine that it is required or appropriate to carry out said trade agreement specified in the 1st recital of this proclamation and said exclusive trade agreement specified in the 3rd recital hereof that no modifications of existing duties and other import restrictions, and no continuance of existing customs or excise treatment, proclaimed to carry out said trade agreement specified in the 1st recital shall be construed as providing for the preferential customs treatment, in respect of rates of ordinary customs duty, of products of the Republic of Cuba, which customs treatment of products of the Republic of Cuba is provided for in said proclamation of January 1, 1948, as amended;

Ante, p. 1479.
Ante, p. 1480.
Ante, p. 1465.

PART I

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, acting under the authority of said section 350 of the Tariff Act of 1930, as amended, to the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, do hereby proclaim, effective on and after January 1, 1948 and subject to the provisions of said Protocol of Provisional Application:

Modifications of existing duties, etc.
48 Stat. 943.
19 U. S. C. § 1351.
Ante, p. 1479.
Effective date.
61 Stat., Pt. 6, p. A2051.

(a) That the rates of duty and import tax specified in the column at the right of the respective descriptions of products listed in the 7th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth therein, respectively, to articles of the kinds provided for in said descriptions;

Ante, p. 1481.

(b) That the concessions provided for in part I of said schedule XX which are identified in the list set forth in the 8th recital of this proclamation shall no longer be identified in the 8th recital of said proclamation of December 16, 1947 for purposes of applying subdivision (a) of said proclamation of December 16, 1947, and the rates of duty and import tax representing such concessions identified in said 8th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and in parts I, II, and III, of said general agreement, to articles of the kinds provided for in the descriptions of products in the column at the left of said rates;

61 Stat., Pt. 5, p. A1157.
Ante, p. 1484.
61 Stat., Pt. 2, p. 1105.
61 Stat., Pt. 5, pp. A1157, A12, A18, A66.

(c) That not more than 30,000,000 pounds of butter entered, or withdrawn from warehouse, for consumption during the period from January 1 to March 31, 1948, inclusive, shall be dutiable at 7 cents per pound; and

(d) That the provisions of the foregoing subdivisions (a), (b), and (c) shall not apply to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by a statute, proclamation, or Executive order then in effect;

Post, p. 1517.

PART II

I DO further proclaim, acting under the authority of said section 350 to the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, effective on and after January 1, 1948 and subject to the provisions of said exclusive trade agreement:

48 Stat. 943.
19 U. S. C. § 1351.
Ante, p. 1480.

(a) That the rates of duty specified in the column at the right of the respective descriptions of products listed in the 11th recital of this proclamation shall be applied subject to the applicable terms, conditions, and qualifications set forth therein and in the 8th recital of said proclamation of January 1, 1948, respectively, to products of the Republic of Cuba of the kinds provided for in said descriptions

Post, p. 1502.
Ante, p. 1485.
Ante, p. 1467.

as if said products had been listed in said 8th recital of the proclamation of January 1, 1948, except that no such rate shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by a statute, proclamation, or Executive order then in effect;

Post, p. 1518.

(b) That the first item 506 and item 752 shall be deleted from the list set forth in the 9th recital of said proclamation of January 1, 1948;

Ante, p. 1470.

(c) That the figure and word "4/5 of" shall be deleted from the rate of duty specified in the second item 506 in the 9th recital of said proclamation of January 1, 1948; and

Ante, p. 1470.

(d) That the item number of item 1527 (a) (2) in said 9th recital of the proclamation of January 1, 1948 shall be changed to "1527 (c) (2)", the words and figure "parts of articles valued above $5 per dozen pieces and other" shall be inserted after the word "except" in the description of products in said item, a final parenthesis shall be placed after the last word in said description of products, and the rate in said item shall be changed to "88% ad val.";

Ante, p. 1472; *post*, p. 1503.

PART III

AND I do further proclaim, acting under the authority of said section 350 to the end that said trade agreement specified in the 1st recital of this proclamation and said exclusive trade agreement specified in the 3rd recital hereof may be carried out, that no modifications of existing duties and other import restrictions of the United States of America, and no continuance of existing customs or excise treatment of articles imported into the United States of America, proclaimed to carry out said trade agreement specified in the 1st recital shall be construed as providing for the preferential customs treatment, in respect of rates of ordinary customs duty, of products of the Republic of Cuba.

48 Stat. 943.
19 U. S. C. § 1351.

Ante, pp. 1479, 1480.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of January in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

RED CROSS MONTH, 1948

February 18, 1948
[No. 2770]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross, in accordance with the provisions of its federal charter, continues to give succor to victims of disaster, to render special services to our armed forces, and in many other ways to contribute to the health, safety, and welfare of our people; and

WHEREAS in 1947 the Red Cross expended a sum in excess of $11,000,000 on account of disasters alone, aiding the victims of the greatest number of calamities in any single year of the organization's history; and

WHEREAS in response to a growing need, recognized by numerous medical leaders, the Red Cross has now embarked upon a national blood-donor program, designed eventually to furnish whole blood and blood derivatives to the entire Nation without cost therefor; and

WHEREAS the Red Cross must stand ready to provide assistance to millions of American war veterans in their readjustment to civilian life and to furnish added comfort, entertainment, and relaxation to those in Government hospitals; and

WHEREAS this organization, which exemplifies the noblest instinct of mankind—the desire to aid one's fellow man—, is now issuing its 1948 appeal for contributions totaling $75,000,000:

Designation of March 1948 as Red Cross Month.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1948 as Red Cross Month; and I urge every citizen to respond as generously as possible to this humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of February in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

ARMY DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 28, 1948
[No. 2771]

A PROCLAMATION

WHEREAS the Army of the United States is a mighty shield of our Nation in war and the faithful servant of our people in time of peace; and

WHEREAS the tasks entrusted to the Army are vital to the establishment of a durable peace; and

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st Session, which was agreed to by the House of Representatives on March 16, 1937 (50 Stat. 1108), provides:

> "That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day":

Proclamation of Tuesday, April 6, 1948, as Army Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Tuesday, April 6, 1948, as Army Day, in order that we may accord appropriate recognition to our Army, which throughout our history has preserved our

way of life by conspicuous skill and gallantry. I also invite the Governors of the several States to issue proclamations for the celebration of this day in such manner as to render suitable honor to the Army of the United States in all its component parts—the Organized Reserves, the National Guard, and the Regular Army—and to the millions of Army veterans who have returned to civilian pursuits.

In these critical times, I urge my fellow citizens to remember that an alert and ready America is a mighty power for peace and a beacon of hope to the peoples of the world who would be free. If our soldiers who are on duty in foreign lands are to represent American democracy proudly and successfully, they must know that they have the wholehearted support of our people. I therefore commend to all Americans appropriate and sympathetic observance of Army Day as a token of special honor to the soldiers and veterans of our Army, at home and in foreign lands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of February in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

PAN AMERICAN WEEK, 1948

March 20, 1948
[No. 2772]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the people of the United States of America and the people of the other republics of the Americas, inspired by sentiments of Pan-Americanism and devoted to the policy of the Good Neighbor, are united by bonds of friendship and mutual respect, which have grown strong through inter-American cooperation in many fields of human activity; and

WHEREAS the concept of a Western Hemisphere community of nations is expressed through the principles, agencies, and procedures of the Inter-American System, the foundations of which were laid at the First International Conference of American States in the year 1890; and

WHEREAS the Ninth International Conference of American States is soon to be held at Bogotá, Colombia, to consolidate and strengthen the Inter-American System, in order that the common will of the American republics may be more perfectly realized, in consonance with the principles and purposes of the United Nations; and

WHEREAS the Governing Board of the Pan American Union has resolved that April 14, the founding date of the Union, should be officially observed each year by every member country as Pan American Day, a custom which the United States has followed:

Designation of Wednesday, April 14, 1948, as Pan American Day.

Designation of week beginning April 11, 1948, as Pan American Week.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Wednesday, April 14, 1948, as Pan American Day, and in order to broaden the scope of the observance of this anniversary, I designate the week beginning April 11, 1948, as Pan American Week. I call upon the officials of the Government to display the flag of the United States on all public

buildings during that week; and I invite the people of the several States, Territories, and possessions of the United States and the appropriate officials thereof, as well as the churches, schools, clubs, and other organizations of our country, to participate in the observance of Pan American Week with suitable commemorative displays, exhibits, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of March in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
WILLARD L. THORP
Acting Secretary of State

ENLARGING THE FORT MATANZAS NATIONAL MONUMENT, FLORIDA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 24, 1948
[No. 2773]

A PROCLAMATION

WHEREAS certain lands on Rattlesnake Island, located at the mouth of the Matanzas River in the State of Florida, have been donated to the United States for the extension of the Fort Matanzas National Monument; and

WHEREAS it appears that the public interest would be promoted by adding such lands and the remaining public lands comprising Rattlesnake Island to the Fort Matanzas National Monument in order to insure permanent protection to the Fort and its historic setting:

Addition of land to Fort Matanzas National Monument.

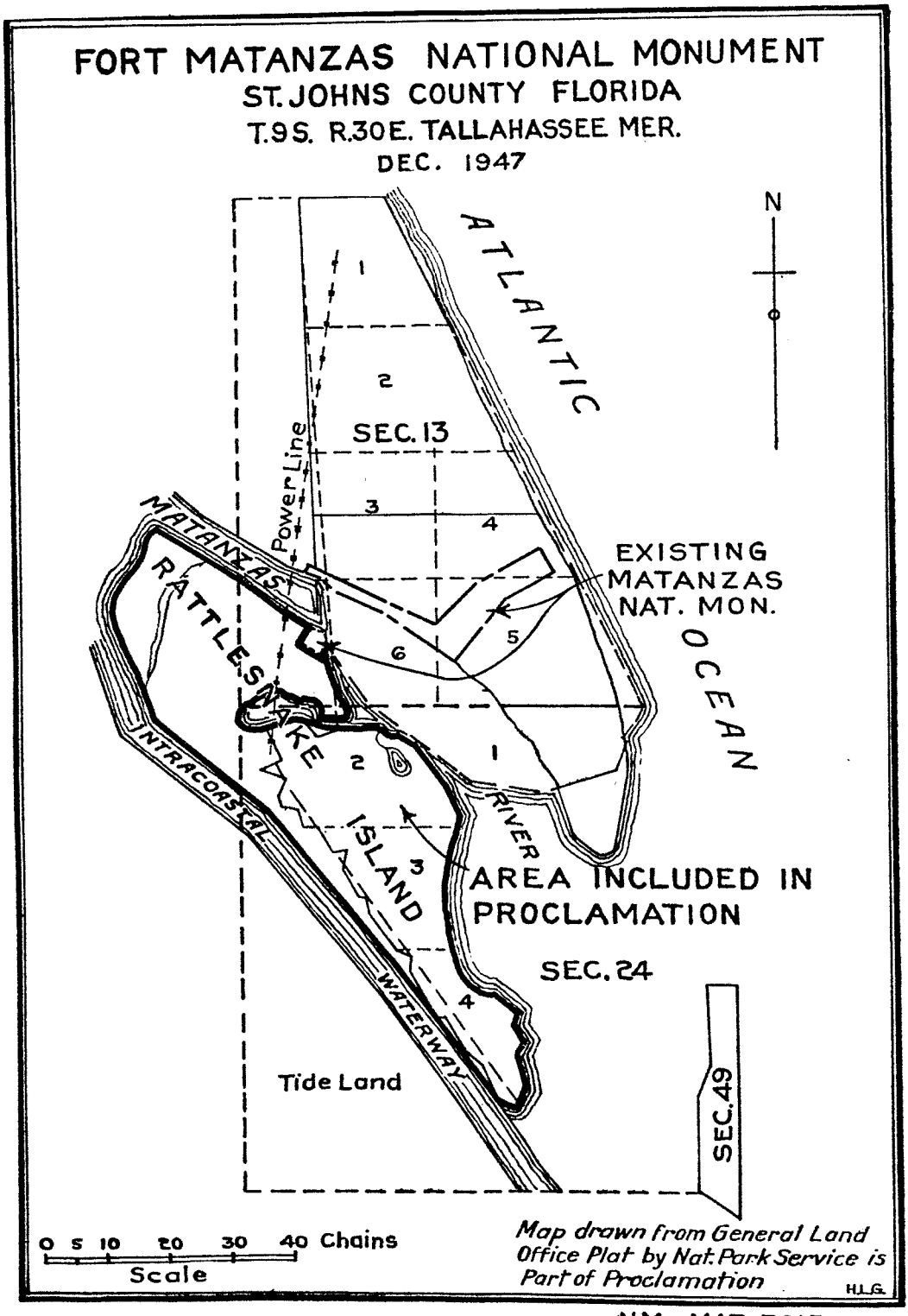
NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, the following-described lands in Florida are hereby added to and reserved as a part of the Fort Matanzas National Monument:

Tallahassee Meridian, Florida

Lots 2, 3, and 4, Sec. 24, T. 9 S., R. 30 E., containing 89.42 acres, which are unappropriated and unreserved public lands. Also all of the tidelands adjacent to Rattlesnake Island in Secs. 13, 14, 23, and 24, T. 9 S., R. 30 E., containing 120.0 acres, the same having been donated to the United States by the Trustees of the Internal Improvement Fund of the State of Florida by deed dated April 28, 1944, and recorded on March 19, 1945, in Deed Book 149, page 426, Public Records of St. Johns County, Florida, and by a deed of release dated August 26, 1947, and recorded on January 27, 1948, in Deed Book 171, page 478, Public Records of St. Johns County, Florida, which relinquished to the United States the mineral rights reserved in the aforementioned deed.

Warning to unauthorized persons.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved by this proclamation.


FORT MATANZAS NATIONAL MONUMENT
ST. JOHNS COUNTY FLORIDA
T.9S. R.30E. TALLAHASSEE MER.
DEC. 1947
N
ATLANTIC
OCEAN
SEC. 13
Power Line
MATANZAS
RATTLESNAKE
ISLAND
INTRACOASTAL
WATERWAY
RIVER
EXISTING
MATANZAS
NAT. MON.
AREA INCLUDED IN
PROCLAMATION
SEC. 24
SEC. 49
Tide Land
1
2
3
4
5
6
0 5 10 20 30 40 Chains
Scale
Map drawn from General Land
Office Plat by Nat. Park Service is
Part of Proclamation
H.L.G.

N.M.- MAT. 7013

Supervision, etc.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To Establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U. S. C. 1, 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 24th day of March in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

CANCER CONTROL MONTH, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 25, 1948
[No. 2774]

A PROCLAMATION

WHEREAS cancer is the second highest cause of death in this country, taking an annual toll of more than 180,000 lives; and

WHEREAS notable advances have been made in the diagnosis and treatment of this disease in recent years; and

WHEREAS a striking reduction in the number of cancer deaths can be achieved if people throughout the country take full advantage of our present knowledge concerning this affliction; and

WHEREAS a complete cancer-control program requires continued support of cancer research, improvement and expansion of facilities for the diagnosis and treatment of the disease, and educational measures to advance the knowledge of the professional groups concerned as well as to inform the public of the nature of the malady and of ways of guarding against it; and

WHEREAS such a program calls for the combined efforts of the public and of all agencies, both public and private, concerned with the problem; and

WHEREAS by a joint resolution approved March 28, 1938 (52 Stat. 148), the Congress authorized and requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month:

36 U. S. C. § 150.

Designation of April 1948 as Cancer Control Month.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set apart the month of April 1948 as Cancer Control Month; and I invite the Governors of the several States and the Territories and possessions of the United States to issue similar proclamations.

I also invite the medical profession, the press, the radio, the motion-picture industry, and all organizations and individuals interested in a national program for the control of cancer by education and other cooperative means to unite during the month of April in a concerted effort to impress upon the people of the Nation the vital importance to their health and to the welfare of the Nation of a program for the control of cancer and the necessity for their cooperation in such a program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of March in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

PANAMA CANAL TOLL RATES

March 26, 1948
[No. 2775]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS section 412 of title 2 of the said Code, as amended by the act of August 24, 1937, 50 Stat. 750 (48 U. S. C. 1315), provides, in part, that the tonnage on which tolls shall be based shall be determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal prescribed by the President, and fixes maximum and minimum rates of toll; and

51 Stat. 371, 393.

WHEREAS it appears that the tolls prescribed by Proclamation No. 2247 of August 25, 1937, as amended by Proclamation No. 2249 of August 31, 1937, and now in effect should be increased and should be as hereinafter prescribed:

Rates of toll prescribed.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:

51 Stat. 373.

1. On merchant vessels, army and navy transports, colliers, hospital ships, supply ships, and yachts, when carrying passengers or cargo, one dollar ($1.00) per net vessel-ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal.

2. On vessels in ballast without passengers or cargo, eighty (80) cents per net vessel-ton.

3. On other floating craft, including warships other than transports, colliers, hospital ships, and supply ships, fifty-five (55) cents per ton of displacement.

Effective date.
Post, p. 1553.
Former proclamations superseded.
51 Stat. 371, 393.

This proclamation shall become effective on October 1, 1948, and on that date shall supersede the said Proclamation No. 2247 of August 25, 1937, as amended by the said Proclamation No. 2249 of August 31, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of March in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 26, 1948
[No. 2776]

A PROCLAMATION

WHEREAS section 12 (i) of the joint resolution of Congress approved November 4, 1939, provides in part as follows (54 Stat. 11; 22 U. S. C. 452 (i)):

> "The President is hereby authorized to proclaim upon recommendation of the (National Munitions Control) Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * * "

Designation of certain articles as arms, ammunition, and implements of war.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, and in the interest of the foreign-affairs functions of the United States, hereby declare and proclaim that the articles listed below shall, on and after April 15, 1948, be considered arms, ammunition, and implements of war for the purposes of section 12 of the said joint resolution of Congress:

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns (using ammunition of caliber .22 or over); barrels, mounts, breech mechanisms and stocks therefor.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, and rocket launchers (of all calibers), military flame throwers, military smoke, gas, or pyrotechnic projectors; barrels, mounts and other components thereof.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated under (I) and (II) above; cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun); projectiles and other missiles; percussion caps, fuses, primers and other detonating devices for such ammunition.

CATEGORY IV—BOMBS, TORPEDOES AND ROCKETS

Bombs, torpedoes, grenades, rockets, mines, guided missiles, depth charges, and components thereof; apparatus and devices for the handling, control, discharge, detonation or detection thereof.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control equipment, range, position and height finders, spotting instruments, aiming devices, (gyroscopic, optic, acoustic, atmospheric or flash), bombsights, gun sights and periscopes for the arms, ammunition and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, armed or armored vehicles, armored trains, artillery and small arms repair trucks, military half tracks, tank recovery vehicles, tank destroyers; armor plate, turrets, tank engines, tank tread shoes, tank bogie wheels and idlers therefor.

CATEGORY VII—POISON GASES AND TOXICOLOGICAL AGENTS

All military toxicological and lethal agents and gases; military equipment for the dissemination and detection thereof and defense therefrom.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII; military high explosives.

CATEGORY IX—VESSELS OF WAR

Vessels of war of all kinds, including amphibious craft, landing craft, naval tenders, naval transports and naval patrol craft, armor plate and turrets therefor; submarine batteries and nets, and equipment for the laying, detection, and detonation of mines.

CATEGORY X—AIRCRAFT

Aircraft; components, parts and accessories therefor.

CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Military radar equipment, including components thereof, radar countermeasures and radar jamming equipment; (b) Military stereoscopic plotting and photo interpretation equipment; (c) Military photo theodolites, telemetering and Doeppler equipment; (d) Military super-high speed ballistic cameras; (e) Military radiosondes; (f) Military interference suppression equipment; (g) Military electronic computing devices; (h) Military miniature and sub-miniature vacuum tubes and photoemissive tubes; (i) Military armor plate; (j) Military steel helmets; (k) Military pyrotechnics; (l) Synthetic training devices for military equipment; (m) Military ultra-sonic generators; (n) All other material used in warfare which is classified from the standpoint of military security.

Former proclamation superseded. 61 Stat., Pt. 2, p. 1051.

Effective April 15, 1948, this proclamation shall supersede Proclamation 2717, dated February 14, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of March in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:

G C MARSHALL

Secretary of State

I AM AN AMERICAN DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 30, 1948
[No. 2777]

A PROCLAMATION

WHEREAS the stature of our country has been augmented by the millions who have come here from other lands to realize their dreams of liberty and opportunity; and

WHEREAS the vigor of our national life is constantly renewed by the coming of age of our native-born youth, who add their strength to the cause of preserving the heritage which has been held in trust for them; and

WHEREAS loyalty to a great ideal has brought together people of every race, creed, and culture—all blended into a unity which has been the strength of our country and has enabled it to meet every crisis; and

WHEREAS the trying problems, both foreign and domestic, which face our Nation today require unselfish devotion and united effort on the part of all our citizens:

Designation of Sunday, May 16, 1948, as I Am An American Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Congress in a joint resolution approved May 3, 1940 (54 Stat. 178), do hereby designate Sunday, May 16, 1948, as I Am An American Day, and do set aside that day as an occasion for stressing the worth and meaning of American citizenship and rendering special recognition to those who have been naturalized during the past year as well as to those of our youth who have reached their majority and are ready to assume the full responsibilities of citizenship.

36 U. S. C. § 152.

I call upon Federal, State, and local officials, as well as patriotic, civic, and educational organizations, to conduct exercises on or about May 16 expressing thankfulness for the rights and privileges of American citizenship and solemn acceptance of our obligations as citizens, at home and abroad, to the end that peace and happiness may be attained by Americans and by other peoples everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of March in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

CHILD HEALTH DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 16, 1948
[No. 2778]

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), authorized and requested the President to issue annually a proclamation setting apart May 1 as Child Health Day; and

36 U. S. C. § 143.

WHEREAS the potential strength and future greatness of this Nation depend in large measure upon its children; and

WHEREAS the protection of the health of young Americans will help to assure the continued physical welfare of our people:

Designation of May 1, 1948, as Child Health Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate May 1, 1948, as Child

Health Day; and I invite all parents, doctors, nurses, teachers, and all others who are interested in child welfare to cooperate in a nation-wide effort, beginning on that day, to improve the health of children of school age.

Recommendation for medical examination, etc., for children entering school.

I recommend as a first step that practical plans be developed to obtain thorough medical and dental examinations and treatment if necessary for every child entering school for the first time in the fall of 1948, to the end that all correctible defects found in the health of these children shall have been removed or placed under treatment by the close of the school year.

Request for special consideration by National Health Assembly.

In order to give impetus to this effort, I request the National Health Assembly, meeting by invitation of the Federal Security Administrator in Washington from May 1 to 4, to give special consideration to the health needs of children of school age.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of April in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

NATIONAL FARM SAFETY WEEK, 1948

April 16, 1948
[No. 2779]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS needless hazards on the farms of our Nation continue to cause thousands of accidents each year which could be prevented by a positive safety program; and

WHEREAS these accidents, which annually cause some 18,000 farm residents to lose their lives, constitute an unnecessary and tragic waste of human life; and

WHEREAS the reduction of accidents to a minimum cannot be achieved without the vigilance and efforts of those who are endangered:

Observance of week commencing July 25, 1948, as National Farm Safety Week.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing July 25, 1948, as National Farm Safety Week. I urgently request each member of every American farm family to accept responsibility for eliminating at least one possible source of accidents during that week. I also ask all organizations and persons interested in farm life and welfare to join in a concerted attack upon these menaces to the lives and happiness of American farmers and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of April in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

MOTHER'S DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 20, 1948
[No. 2780]

A PROCLAMATION

WHEREAS American mothers have ever nurtured the ideals which foster and enrich a true democracy; and

WHEREAS it is a cherished American custom to dedicate one day each year to expressions of affection for our own mothers and for all mothers of the Nation; and

WHEREAS the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), gave formal recognition to that custom by designating the second Sunday in May as Mother's Day and paid tribute to the contribution made by American mothers to the home and the community:

36 U. S. C. §§ 141, 142.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby request the observance of Sunday, May 9, 1948, as Mother's Day, and I direct the officials of the Government to display the flag on all Government buildings on that day. I also call upon the people of the United States to give public and private expression to the esteem in which our country holds its mothers through the display of the flag at their homes and other suitable places, through prayers at their places of worship, and through appropriate manifestations of honor, devotion, and love.

Observance of May 9, 1948, as Mother's Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of April in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

NATIONAL MARITIME DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 22, 1948
[No. 2781]

A PROCLAMATION

WHEREAS the restoration of commerce between nations, which was interrupted by the war, is of the greatest importance to the economic welfare of our country and of the world at large, as well as to the continuance of free government; and

WHEREAS the American Merchant Marine is contributing immeasurably to that objective by effecting the transportation of needed goods overseas, thus serving the ends of democracy in peace as it did in war; and

WHEREAS it is the considered policy of the United States, as expressed in the Merchant Marine Act of 1936, to develop and maintain a Merchant Marine adequate for the requirements of our trade and our national defense; and

49 Stat. 1985.
46 U. S. C. §§ 1101-1279.

WHEREAS the sailing of the *Savannah* on May 22, 1819, from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion constituted a significant milestone in the advancement of ocean transportation; and

36 U. S. C. § 145.

WHEREAS by joint resolution approved May 20, 1933 (48 Stat. 73), the Congress designated May 22 as National Maritime Day and authorized and requested the President to issue annually a proclamation calling upon the people of the United States to observe that day:

Proclamation of May 22, 1948, as National Maritime Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, May 22, 1948, as National Maritime Day; and I urge the people of the United States to observe that day by displaying the flag of the United States at their homes or other suitable places, and I direct the officials of the Government to display the flag on that day on all Government buildings. I also request that all ships sailing under the American flag dress ship on National Maritime Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of April in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

April 22, 1948
[No. 2782]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352(c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.

61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947, by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8866), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467); 61 Stat., Pt. 2, p. 1103. 61 Stat., Pts. 5 and 6. *Ante*, p. 1479.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period within which said authority may be exercised having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America; 48 Stat. 943. 19 U. S. C. § 1351. 61 Stat., Pt. 4 p. 3699.

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 25 and 26), which proclamation has been supplemented by said proclamation of January 30, 1948; *Ante*, p. 1465. *Ante*, p. 1479.

WHEREAS (5) said protocol of provisional application has been signed by the Government of the Czechoslovak Republic, and said Government has become a contracting party to said general agreement; 61 Stat., Pt. 6, p. A2051.

WHEREAS (6) I, Harry S. Truman, President of the United States of America, determine that the application of such of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after April 21, 1948, said trade agreement specified in the 1st recital of this proclamation: 61 Stat., Pt. 5, p. A1157. 61 Stat., Pt. 5, p. A70. 61 Stat., Pt. 2, p. 1103.

Item (paragraph)	*Rates of duty*
212 [second]	10¢ per doz. and 45% ad val.
217	½¢ per lb.
218 (b) [first]	32½% ad val.
218 (c)	All rates
218 (e) [first]	12½% ad val.
	50% ad val.
	37½% ad val.
218 (e) [second]	37½% ad val.
218 (f)	30% ad val.
	50% ad val.
	50¢ on each article or utensil, but not less than 30% nor more than 50% ad val., identified only as to articles or utensils valued at less than $1 each
218 (g)	25% ad val.
230 (d)	40% ad val.
339	2½¢ per lb. and 7½% ad val.
348	All rates
350	22½% ad val.
397	40% ad val.
412 [second]	40% ad val.
412 [third]	30% ad val.
412 [sixth]	17½% ad val.
	25% ad val.

Item (paragraph)	*Rates of duty*
710	3½¢ per lb., but not less than 17½% ad val. [second such rate]
780 [first]	12¢ per lb.
780 [second]	75¢ per lb.
909 [first]	22½¢ per lb., but not less than 20% nor more than 35% ad val.
909 [third]	22½¢ per lb., but not less than 20% nor more than 35% ad val.
911 (a)	22½¢ per lb., but not less than 20% nor more than 35% ad val.
911 (b) [first]	20% ad val.
915	$1.50 per doz. pairs, but not less than 30% nor more than 60% ad val.
1309 [second]	All rates
1413 [fifth]	17½% ad val.
1503 [first]	27½% ad val.
1503 [second]	17½% ad val.
1503 [third]	All rates
1503 [fourth]	37½% ad val.
1503 [fifth]	22½% ad val.
1510 [first]	¾¢ per line per gross and 12½% ad val.
1510 [third]	22½% ad val.
1513 [first]	45% ad val.
1513 [second]	50% ad val. [first such rate]
	35% ad val. [first such rate]
	50% ad val. [second such rate]
1518 [fourth]	60% ad val.
	45% ad val.
1527 (c) (1) and (2)	55% ad val. [first such rate]
	65% ad val.
1528 [third]	10% ad val.
1528 [fourth]	30% ad val.
1530 (e) [first]	20% ad val. [first such rate]
	10% ad val. [first such rate]
	20% ad val. [second such rate]
1530 (e) [second]	20% ad val.
1537 (b) [first]	$1.50 per dozen pairs, but not less than 12½% nor more than 25% ad val.
1541 (a) [first]	$2 each, but not less than 20% nor more than 30% ad val.
	25% ad val.
	28% ad val.
1541 (a) [third]	25% ad val.
1541 (b) [first]	All rates
1541 (b) [second]	30% ad val.
1544	15% ad val.
1549 (a) [first]	50¢ per gross and 15% ad val.
1549 (a) [third]	50¢ per gross and 15% ad val.
1549 (b)	20% ad val.
1718	Free;

WHEREAS (7) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the deletion of the second item 1527 (c) (2) from the list set forth in the 7th recital of said proclamation of January 30, 1948 is required or appropriate to carry out, on and after April 21, 1948, said trade agreement specified in the 1st recital of this proclamation;

Ante, p. 1483.

Ante, p. 1500.

WHEREAS (8) I determine that, in view of the determination set forth in the 6th recital of this proclamation the following amendments of the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified, are required or appropriate to carry out, on and after April 21, 1948, said exclusive trade agreement specified in the 3rd recital of this proclamation:

Ante, pp. 1467, 1468.

(a) The deletion of the second item 1527 (c) (2), added to said 8th recital by subdivision (a) of part II of said proclamation of January 30, 1948;

Ante, p. 1487.

(b) The modification of the third item 412 in said 9th recital to read as follows: *Ante*, p. 1470.

"412 Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Clothespins other than spring clothespins..... 20% ad val.";

(c) The deletion of the first item 1513 in said 9th recital; *Ante*, p. 1471.

(d) The modification of the last item 1513 in said 9th recital to read as follows: *Ante*, p. 1472.

"1513 Toys and parts of toys, not specially provided for (not including any toys described in item 1513 (second) of Part I of Schedule XX of the General Agreement on Tariffs and Trade): 61 Stat., Pt. 5, p. A1301.
"If wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware..... 28% ad val.
"Other..... 56% ad val.";

(e) The deletion of item 1527 (c) (2) in said 9th recital as changed by subdivision (d) of part II of said proclamation of January 30, 1948; and *Ante*, pp. 1472, 1488.

(f) The modification of item 1530 (e) in said 9th recital to read as follows:

"1530 (e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except boots, shoes, or other footwear made by the process or method known as welt, or sewed or stitched by the process or method known as McKay, or having molded soles laced to uppers; slippers for housewear; and moccasins of the Indian handicraft type, having no line of demarcation between the soles and the uppers):
"Turn or turned:
Boots and shoes..... 8% ad val.
Other, if for men, youths, or boys... 16% ad val.
"Huaraches..... 8% ad val.
"Other, if for men, youths, or boys..... 8% ad val.";

NOW, THEREFORE, be it known that, acting under the authority of said section 350 of the Tariff Act of 1930, as amended: Proclamation of modifications of existing duties, etc. 48 Stat. 943. 19 U. S. C. §1351.

Part I

To the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, I, Harry S. Truman, President of the United States of America, do proclaim that, effective on and after April 21, 1948: *Ante*, p. 1500. Effective date.

(a) The concessions provided for in part I of said schedule XX which are identified in the 6th recital of this proclamation shall no longer be identified in the 8th recital of said proclamation of December 16, 1947, and the rates of duty representing such concessions identified in said 6th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and parts I, II, and III, of said general agreement, and in subdivision (a), other than exception (I) thereof, of said proclamation of December 16, 1947, including in each case any amendments and rectifications which have been proclaimed by the President, to articles of the kinds provided for in the descriptions of products in the column at the left of said rates; and 61 Stat., Pt. 5, p. A1157. *Ante*, p. 1501. 61 Stat., Pt. 2, p. 1105. 61 Stat., Pt. 5, pp. A1157, A12, A18, A66. 61 Stat., Pt. 2, p. 1110.

(b) The second item 1527 (c) (2) shall be deleted from the list set forth in the 7th recital of said proclamation of January 30, 1948; and *Ante*, p. 1481.

Part II

To the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, I do further proclaim *Ante*, p. 1501.

Ante, pp. 1467, 1468.

Ante, p. 1502.

that, effective on and after April 21, 1948, the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified, shall be further amended in the manner indicated in the 8th recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of April, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

WORLD TRADE WEEK, 1948

April 24, 1948
[No. 2783]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS international trade provides each participating nation with the products of the resources and skills of other nations as well as a market for its own products; and

WHEREAS the expansion of import and export trade improves standards of living and encourages full employment of labor and productive facilities, thus promoting prosperity and fostering peace among nations; and

WHEREAS it is the established policy of this country to secure the removal of unnecessary trade restrictions and discriminations through international agreement, as exemplified by the reciprocal-trade-agreements program, and by participation in the United Nations Conference on Trade and Employment held at Havana for the establishment of an International Trade Organization; and

WHEREAS greater emphasis should be given to the importance of world trade to this Nation and to the significance of such trade in bringing about international stability and an enduring peace:

Observance of week commencing May 16, 1948, as World Trade Week.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing May 16, 1948, as World Trade Week; and I invite the appropriate officials of the several States, Territories, and possessions of the United States, as well as the municipalities and other political subdivisions of the country, to cooperate in the observance of that week.

I also urge trade associations, business establishments, clubs, educational institutions, civic groups, and other organizations, and the people of the United States generally, to observe World Trade Week with ceremonies, displays, exhibits, and other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of April in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 4, 1948
[No. 2784]

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8866), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467) and Proclamation 2782 of April 22, 1948 (13 F. R. 2211);

61 Stat., Pt. 2, p. 1103.
Ante, pp. 1479, 1500.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period within which said authority may be exercised having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

48 Stat. 943.
19 U. S. C. § 1351.
61 Stat., Pt. 4, p. 3699.

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 25 and 26), which proclamation has been supplemented by said proclamations of January 30, 1948 and April 22, 1948;

Ante, p. 1465.
Ante, pp. 1479, 1500.

China a contracting party to general agreement.

WHEREAS (5) said protocol of provisional application has been signed by the Government of the Republic of China on April 21, 1948, and said Government will be a contracting party to said general agreement on May 22, 1948;

WHEREAS (6) I, Harry S. Truman, President of the United States of America, determine that the application of such of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after May 22, 1948, said trade agreement specified in the 1st recital of this proclamation:

61 Stat., Pt. 5, pp. A1157, A70.
61 Stat., Pt. 2, p. 1103.

Ante, p. 1505.

Item (paragraph)	*Rates of duty*
8	1¢ per lb.
24 [first]	All rates
54 [third]	3¢ per lb.
54 [sixth]	3¢ per lb., but not less than 22½% ad val.
209 [third]	All rates
212 [first]	40¢ per doz., but not less than 40% nor more than 60% ad val.
212 [second]	50¢ per doz., but not less than 45% nor more than 70% ad val.
214	20% ad val. [second such rate]
233	25% ad val.
302 (c)	38¢ per lb. on the metallic tungsten contained therein
339	32½% ad val. 15% ad val.
364	25% ad val.
376 [first]	1¢ per lb.
376 [second]	¼¢ per lb.
397	32½% ad val. [first such rate]
409 [first]	10% ad val.
409 [second]	30% ad val.
409 [third]	⅝¢ per lb.
712 [second]	5¢ per lb.
713 [first]	5¢ per doz.
713 [second]	7¢ per lb.
713 [third]	17¢ per lb.
718 (a) [first]	All rates
718 (b)	12½% ad val.
719 (1), (2), (3), (4), and (5)	1¢ per lb. net wt. 15% ad val. [third such rate]
721 (e)	4¢ per lb., including weight of immediate container
730 [fifth]	3/20¢ per lb.
739	1½¢ per lb.
741	17½% ad val.
748	17½% ad val.
752 [second]	17½% ad val.
760	All rates
761 [first]	1¼¢ per lb. [second such rate] 2½¢ per lb.
761 [third]	17½% ad val.
762	1½¢ per lb. 1¢ per lb.
771 [third]	1½¢ per lb.
775 [third]	17½% ad val.
775 [fourth]	17½% ad val.
778	8% ad val.
804 [third]	62½¢ per gal.
917	30% ad val.
1021 [first]	1½¢ per sq. yd.
1101 (a) [second]	All rates

Item (paragraph)	*Rates of duty*
1101 (b)	Free, subject to the provisions of paragraph 1101 (b), Tariff Act of 1930, as amended, identified herein only as to camel hair
1114 (b) [second]	30¢ per lb. and 17½% ad val. [first such rate]
	30¢ per lb. and 17½% ad val. [second such rate]
1116 (a)	15¢ per sq. ft., but not less than 22½% ad val.
1117 (c)	40% ad val.
1504 (a)	All rates
1504 (b) (1), (2), (3), and (4)	15% ad val.
	25¢ per doz. and 15% ad val.
1506 [first]	12½% ad val.
1507	3¢ per lb.
1515	All rates
1518 [first]	10% ad val.
1519 (a) [second]	All rates
1519 (d)	17½% ad val.
1523 [first]	5% ad val.
1523 [sixth]	17½% ad val.
1529 (a) [fourth]	60% ad val. [first such rate]
	60% ad val. [second such rate]
1529 (a) [fifth]	60% ad val. [first such rate]
	60% ad val. [second such rate]
1529 (a) [fourteenth]	70% ad val.
1529 (b)	All rates
1536	14% ad val.
1538 [first]	17½% ad val.
1541 (a) [first]	20% ad val. [second such rate]
1624	Free
1674	Free
1700	Free
1703	Free
1762	Free
1763	Free
1794	Free

(section)	*Rates of import tax*
2491 (b) [second]	3¢ per lb.
2491 (d) [first]	0.62¢ per lb.
2491 (d) [second]	0.69¢ per lb.
2491 (d) [fourth]	0.59¢ per lb.;

WHEREAS (7) I determine that it is required that the concessions represented by the second item 212 and the third item 1503 in part I of schedule XX of said general agreement shall be applied as if the portions of said second item 212 relating to the subdescription starting "Other (except hotel", and said third item 1503, were stated as follows: 61 Stat., Pt. 5, pp. A1178, A1298.

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
212	Articles of the kinds provided for in the preceding item which are painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware, not specially provided for:	
	. . . . .	
	Other (except tableware, kitchenware, and table and kitchen utensils):	
	Containing 25 per centum or more of calcined bone	25% ad val.
	Not containing 25 per centum or more of calcined bone	50¢ per doz., but not less than 45% nor more than 70% ad val.

46 Stat. 590. 19 U. S. C. §§ 1001 *et seq.*

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
1503	Fabrics and articles not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliqued, or scalloped, composed wholly or in chief value of beads or spangles (other than imitation pearl beads, beads in imitation of precious or semiprecious stones, and beads in chief value of synthetic resin). *Provided*, That for the purpose only of applying the second proviso to paragraph 1503, Tariff Act of 1930, to articles provided for in this item, each rate of duty "existing" (within the meaning of section 350, Tariff Act of 1930, as amended by the Act of July 5, 1945) on January 1, 1945, shall be reduced by 50 per centum of such rate.;	30% ad val.

46 Stat. 658.
19 U. S. C. § 1001.

48 Stat. 943; 59 Stat. 410.
19 U. S. C. § 1351.

WHEREAS (8) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the deletion of item 1529 (a) from the list set forth in the 7th recital of said proclamation of January 30, 1948 is required or appropriate to carry out, on and after May 22, 1948, said trade agreement specified in the 1st recital of this proclamation;

Ante, p. 1506.

Ante, p. 1484.

Ante, p. 1505.

WHEREAS (9) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the following amendments of the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified, are required or appropriate to carry out, on and after May 22, 1948, said exclusive trade agreement specified in the 3rd recital of this proclamation:

Ante, pp. 1467, 1468.

Ante, p. 1505.

Ante, p. 1468.

(a) The modification of item 1529 (a) in said 8th recital to read as follows:

"1529 (a) Articles (except wearing apparel) in part of handmade lace over 2 inches wide and in part of handmade lace not over 2 inches wide and containing no machine-made material or article provided for in paragraph 1529 (a), Tariff Act of 1930, however provided for in said paragraph 1529 (a): Valued at $150 or more per pound..... 54% ad val.";

Ante, pp. 1469, 1470, 1471.

(b) The deletion of the following items in said 9th recital:

Item
(paragraph)
24
397
409 [first]
409 [second]
761 [second]
775 [second]
778
1504 (a)
1506
1507; and

Ante, p. 1471.

(c) The modification of the first item 775 in said 9th recital to read as follows:

"775 Vegetables (including horseradish) if pickled or packed in salt or brine (except cucumbers and onions, if pickled, or packed in brine) and not specially provided for..... 28% ad val.";

WHEREAS (10) the rates of duty in the first item 765 and the third item 1513 in the 9th recital of said proclamation of January 1, 1948 were inadvertently misstated, and I determine that it is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation that the rate in said first item 765 be changed to "1.6¢ per lb." and the rate in said third item 1513 be changed to "28% ad val."; and

Ante, pp. 1470, 1471.

Ante, p. 1505.

WHEREAS (11) the number of the schedule referred to in item 1537 (b) in said 9th recital of said proclamation of January 1, 1948 was inadvertently misstated, and I determine that it is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation that the number of said schedule be changed to "Schedule XX";

Ante, p. 1473.

Ante, p. 1505.

NOW, THEREFORE, be it known that, acting under the authority of said section 350 of the Tariff Act of 1930, as amended:

Proclamation of modifications of existing duties, etc.
48 Stat. 943.
19 U. S. C. 1351.

Part I

To the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, I, Harry S. Truman, President of the United States of America, do proclaim that:

Ante, p. 1505.

(a) Effective on and after May 22, 1948, the concessions provided for in part I of said schedule XX which are identified in the 6th recital of this proclamation shall no longer be identified in the 8th recital of said proclamation of December 16, 1947, and the rates of duty representing such concessions identified in said 6th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and parts I, II, and III, of said general agreement, and in subdivision (a), other than exception (I) thereof, of said proclamation of December 16, 1947, including in each case any amendments and rectifications which have been proclaimed by the President, to articles of the kinds provided for in the descriptions of products in the column at the left of said rates;

Effective date.
61 Stat., Pt. 5, p. A1157.
Ante, p. 1506.
61 Stat., Pt. 2, p. 1105.

61 Stat., Pt. 5, pp. A1157, A12, A18, A66.
61 Stat., Pt. 2, p. 1110.

(b) The rates of duty specified in the 7th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth therein, to the articles described in the column at the left of such rates as though said rates, descriptions, and related paragraph numbers had appeared in part I of schedule XX of said general agreement on October 30, 1947; and

Ante, p. 1507.

61 Stat., Pt. 5, p. A1157.

(c) Effective on and after May 22, 1948, the list set forth in the 7th recital of said proclamation of January 30, 1948, as amended, shall be further amended in the manner indicated in the 8th recital of this proclamation; and

Ante, p. 1481.

Ante, p. 1508.

Part II

To the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, I do further proclaim that:

Ante, p. 1505.

(a) Effective on and after May 22, 1948, the lists set forth in the 8th and 9th recitals of said proclamation of January 1, 1948, as amended and rectified, shall be further amended in the manner indicated in the 9th recital of this proclamation; and

Ante, pp. 1467, 1468.

Ante, p. 1508.

(b) The list set forth in the 9th recital of said proclamation of January 1, 1948, as amended and rectified, shall be further rectified in the manner indicated in the 10th and 11th recitals of this proclamation effective as though said rectifications had appeared in said 9th recital on January 1, 1948.

Ante, p. 1468.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of May, in the year of our Lord nineteen hundred and forty-eight and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

FRANCIS MARION NATIONAL FOREST WILDLIFE PRESERVE

May 10, 1948
[No. 2785]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

61 Stat., Pt. 1, p. 516.

WHEREAS section 1 of Public Law 257, 80th Congress, approved July 30, 1947, provides that "for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified federally owned areas within the Francis Marion National Forest as game sanctuaries and refuges"; and

WHEREAS the Secretary of Agriculture has recommended that the lands owned by the United States within the area hereinafter described be established as a game sanctuary and refuge; and

WHEREAS it appears that the establishment of such sanctuary and refuge would be in the public interest:

Francis Marion National Forest Wildlife Preserve, establishment.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 30, 1947, do proclaim that for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, all of the lands owned by the United States in the following-described area within the Francis Marion National Forest, in the State of South Carolina, are hereby established as a game sanctuary and refuge, to be known as the Francis Marion National Forest Wildlife Preserve:

Description.

Beginning at the point of confluence of Wambaw Creek and the South Santee River, in the Berkeley and Charleston County Line, latitude 33°12′47″ N., longitude 79°26′49″ W., thence southwesterly, up and with the meanders of Wambaw Creek, bordering U. S. Tract 113n, and on the Charleston-Berkeley County line, 156.0 chains to Forest Service monument 708; thence four lines with U. S. Tract 70: (1) southeasterly with Echaw Road, 75.0 chains to Forest Service monument 717, (2) southwesterly with Old Stagecoach Road, 69.0 chains to Forest Service monument 706, (3) S. 45°45′ W., 114.30 chains to a point, (4) S. 73°45′ W., 3.50 chains to Forest Service monument 684; thence with U. S. Tracts 13aa and 48, southeasterly 73.0 chains to Old Georgetown Road; thence with Old Georgetown Road, southwesterly 81.0 chains to line corners 2–3 of U. S. Tract 48; thence N. 30°00′ W., 23.3 chains to Forest Service monument 683; thence southerly, with the east lines of U. S. Tract 113o, 61.3 chains to corner 34 thereof; thence southeasterly, with the

NE lines of U. S. Tract 13z, 57.3 chains to Forest Service monument 682–1; thence with east and southeast lines of U. S. Tract 113o, passing in line corners 2 to 9 thereof, 158.5 chains to Forest Service monument 671; thence with northeast and southeast lines of U. S. Tract 49, passing in line corners 23 to 27 thereof, 119.2 chains to Forest Service monument 577; thence southwesterly, within U. S. Tract 49 and with Old Georgetown Road, 85.0 chains to line corners 39 to 40 thereof; thence N. 34°50′ W., 21.0 chains to corner 40 of U. S. Tract 49 and Forest Service monument 567; thence southwesterly with U. S. Tract 49, passing in line corners 41 to 44, inclusive, 274.1 chains to corner 45 thereof; thence with the NE and SE lines of U. S. Tract 243, passing in line corners 4 to 13, inclusive, 111.5 chains to Forest Service monument 544–1; thence with the SE and SW lines of U. S. Tract 189, passing corners 2 and 3 thereof, 24.1 chains to Forest Service monument 544; thence with lands of Stepney Cash Estate, S. 36°45′ W., 3.1 chains to corner 1 of U. S. Tract 74; thence with the SE lines of U. S. Tracts 74 and 189a, 21.7 chains to corner 2 of U. S. Tract 225; thence within said U. S. Tract 225, S. 66°20′ W., 32.5 chains to corner 18 of said Tract 225, common to corner 63 of U. S. Tract 1; thence southwesterly, with five lines of said Tract 1, passing in line corners 64 and 65 thereof, 112.0 chains to corner 66; thence within said Tract 1, S. 76°30′ W., 19.0 chains to corner 69; thence two lines with U. S. Tract 1: (1) S. 85°09′ W., 24.6 chains, (2) S. 77°50′ W., 14.0 chains to corner 70 thereof; thence within U. S. Tract 1, N. 68°45′ W., 50.0 chains to corner 73, thereof; thence two lines with U. S. Tract 1: (1) N. 45°25′ W., 14.3 chains to corner 74, (2) S. 0°40′ E., 80.0 chains to corner 75; thence continue within U. S. Tract 1, S. 85°30′ W., 38.5 chains to Forest Service monument 503; thence westerly with Willow Hall Road, also known as Forest Service Road No. 40, 249.0 chains to Cooter Creek; thence northwesterly, up and with Cooter Creek, 88.0 chains to Forest Service monument 450; thence with U. S. Tract 1, N. 32°45′ W., 37.7 chains to corner 52, common to corner 47 of U. S. Tract 11; thence with U. S. Tract 11, N. 30°15′ W., 11.5 chains to corner 48, common to corner 7 of U. S. Tract 6a; thence with U. S. Tract 6a, N. 69°25′ W., 9.4 chains to corner 1, common to corner 3 of U. S. Tract 1h; thence with U. S. Tract 1h, N. 69°25′ W., 12.3 chains to Halfway Creek Road, in the Charleston-Berkeley County Line; thence northeasterly with Halfway Creek Road, and along the Charleston-Berkeley County Line, 375.0 chains to corner 11 of U. S. Tract 11; thence two lines with U. S. Tract 11: (1) N. 45°45′ E., 42.9 chains to corner 12 thereof, (2) N. 37°00′ W., 15.8 chains to Halfway Creek Road; thence northeasterly with Halfway Creek Road, passing in line Forest Service monuments 484 and 602, 227.0 chains to junction with Thompson Branch Road; thence northeasterly with Halfway Creek Extension Road, 225.0 chains to junction with Coffee Road; thence southeasterly with Coffee Road, 20.0 chains to Honey Hill Tower Road; thence easterly, with Honey Hill Tower Road and through U. S. Tract 3, 150.0 chains to line 22–23 of U. S. Tract 3; thence S. 44°45′ E., along line 22–23 of U. S. Tract 3, 78.0 chains to corner 23 thereof, identical with Forest Service monument 653; thence two lines with U. S. Tract 3: (1) N. 45°30′ E., 16.4 chains, (2) N. 39°40′ E., 10.0 chains to corner 24 of U. S. Tract 3, identical with corner 9 of U. S. Tract 16; thence three lines with U. S. Tract 16: (1) N. 43°00′ E., 6.2 chains, (2) N. 42°30′ E., 18.8 chains, (3) N. 44°45′ W., 85.0 chains to Waterhorn Fence; thence northeasterly

with Waterhorn Fence and within lands of the United States, 460.0 chains to the South Santee River; thence southeasterly with lands of the United States and along the South Santee River, 710.0 chains to the point of beginning.

Unlawful acts.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animals, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands of the United States herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 10th day of May, in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: THE PHILIPPINES

May 11, 1948
[No. 2786]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

15 U. S. C. § 92 note.

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

33 Stat. 727.

Philippines.
Extension of time for renewal of certain trade-mark registrations.
60 Stat. 568.
15 U. S. C. § 92 note.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of the Philippines registered in the United States Patent Office which have been subject to renewal on or after December 8, 1941, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that the Philippines accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby ex-

33 Stat. 727.
15 U. S. C. § 92.

tended with respect to such registrations which expired after December 8, 1941, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of May, in the year of our Lord nineteen hundred and forty-eight and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

ENLARGING THE AZTEC RUINS NATIONAL MONUMENT—NEW MEXICO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 27, 1948
[No. 2787]

A PROCLAMATION

WHEREAS there adjoins the Aztec Ruins National Monument, in the State of New Mexico, a certain 1.255-acre tract of land upon which are located ruin mounds of unusual prehistoric and scientific value of the same period and culture as those now contained in that monument; and

WHEREAS the Southwestern Monuments Association, an organization created for the purpose of fostering the development and preservation of the group of areas known as the Southwestern National Monuments, which include the Aztec Ruins National Monument, has donated the said tract of land to the United States for addition to such monument; and

WHEREAS it appears that it would be in the public interest to reserve such tract of land as an addition to the said Aztec Ruins National Monument:

Addition of land to Aztec Ruins National Monument.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, the following-described tract of land in New Mexico is hereby added to and reserved as a part of the Aztec Ruins National Monument:

> Beginning at a point N. 00°53′ E., 521.4 feet from the southwest corner of the southeast quarter (SE¼) of the southwest quarter (SW¼) of section 4, T. 30 N., R. 11 W., New Mexico Principal Meridian, the northwest corner of the present Aztec Ruins National Monument; thence N. 00°53′ E., 278.2 feet, thence east 60.0 feet, thence S. 75°08′ E., 85.13 feet, thence S. 68°52′ E., 236.76 feet, thence S. 70°20′ W., 20.33 feet, thence S. 64°46′ W., 385.00 feet, along the present northerly boundary of Aztec Ruins National Monument to the point of beginning, containing 1.255 acres, more or less.

Warning to unauthorized persons.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision, etc.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management,

and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 27th day of May in the year of our Lord nineteen hundred and forty-eight, and of the
[SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

PRAYER FOR PEACE: MEMORIAL DAY, 1948

May 28, 1948
[No. 2788]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Memorial Day each year provides a fitting occasion upon which American citizens, who have ever been devoted to the ways of peace, may direct their attention to the human losses resulting from the ravages of war.

From the sacred memory of beloved friends and relatives who were sacrificed in the ordeal of battle, we may derive inspiration for renewed prayers and redoubled exertions in a mighty striving for peace.

Although the months and years after the end of hostilities in the world's most tragic war are steadily passing, mankind has not yet found the long-sought basis of an unbreakable, righteous peace. In all humility we wish to acknowledge our need for divine guidance.

Observance of May 30, 1948, as Memorial Day; prayer for permanent peace.
62 Stat., Pt. 1 p. 275.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to a resolution of Congress approved May 28, 1948, do hereby call upon the people of the United States to observe Sunday, May 30, 1948, as Memorial Day by praying to Almighty God, each in accordance with his religious faith, that permanent peace may prevail among men. And I designate the hour beginning at eight o'clock in the evening, Eastern Standard Time, as a period in which all the people of the United States may unite in prayer for a permanent peace.

I also request the newspapers, radio stations, and other media of information to cooperate in the observance of Memorial Day this year as a day of prayer, and particularly in the appeal for a universal prayer in the evening of that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of May in the year of our Lord nineteen hundred and forty-eight, and
[SEAL] of the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

FLAG DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 1, 1948
[No. 2789]

A PROCLAMATION

WHEREAS on June 14, 1777, the Continental Congress adopted the Stars and Stripes as our national emblem; and

WHEREAS Americans of varied heritage, creed, and race have found refuge from oppression and surcease of fear under the protecting folds of Old Glory; and

WHEREAS in our day the American flag symbolizes the realization of the ideal of freedom in a world where that ideal is insecure; and

WHEREAS it has properly become a national custom to observe the anniversary of the adoption of the flag by public and private ceremonies in commemoration of the flag's inspiring history and in recognition of its present meaning:

Observance of June 14, 1948, as Flag Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on June 14, 1948, and I call upon the people of the Nation to observe that day as Flag Day by suitable ceremonies and by the display of the flag at their homes and other appropriate places. I also urge all citizens to reflect upon the responsibilities which this banner enjoins as well as the privileges it carries, remembering that the flag represents the Nation and that our Nation and its citizens should uphold the concept of free government on all occasions in order that the blessings of liberty may flourish among men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of June in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 11, 1948
[No. 2790]

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the

expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8863), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467), Proclamation 2782 of April 22, 1948 (13 F. R. 2211) and Proclamation 2784 of May 4, 1948 (13 F. R. 2439);

61 Stat., Pt. 2, p. 1103.
Ante, pp. 1479, 1500, 1505.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period within which said authority may be exercised having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

48 Stat. 943.
19 U. S. C. § 1351.
61 Stat., Pt. 4, p. 3699.

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 21), which proclamation has been supplemented by said proclamations of January 30, 1948, April 22, 1948, and May 4, 1948;

Ante, p. 1465.
Ante, p. 1465.
Ante, pp. 1479, 1500, 1505.

WHEREAS (5) said trade agreement specified in the 1st recital of this proclamation was supplemented on March 24, 1948 by: (a) a Protocol Modifying Certain Provisions of the General Agreement on Tariffs and Trade, section V of which protocol provides that the modifications provided for therein shall become an integral part of said general agreement on April 15, 1948, and a copy of which, in the English and French languages, is annexed to this proclamation; (b) a Special Protocol Modifying Article XIV of the General Agreement on Tariffs and Trade, section V of which protocol provides that it shall enter into force on the day on which it has been signed by all the governments which are at that time contracting parties of said general agreement, and a copy of which, in the English and French languages, is annexed to this proclamation; and (c) a Special Protocol Relating to Article XXIV of the General Agreement on Tariffs and Trade, which protocol provides that in accordance with article XXX of said general

Post, p. 1992.
Post, p. 2006.
Post, p. 2013.
61 Stat., Pt. 5, p. A74.

agreement the amendment contained therein shall become effective, in respect of those contracting parties which accept it, upon acceptance by two-thirds of the contracting parties to said general agreement, and a copy of which, in the English and French languages, is annexed to this proclamation;

WHEREAS (6) said special protocol modifying article XIV had been signed by all the governments which were contracting parties to said general agreement on April 19, 1948, and the instrument of acceptance by the Government of the United States of America of the amendment contained in said special protocol relating to article XXIV was deposited with the Secretary General of the United Nations on May 27, 1948; *Post*, p. 2006. 61 Stat., Pts. 5 and 6. *Post*, p. 2013.

WHEREAS (7) said trade agreement specified in the 1st recital of this proclamation and said exclusive trade agreement specified in the 3rd recital of this proclamation were supplemented on March 24, 1948 by a Protocol of Rectifications to the General Agreement on Tariffs and Trade, numbered paragraph 3 of which protocol provides that the rectifications included therein shall be applied as if they had formed a part of said general agreement on October 30, 1947, and a copy of which, in the English and French languages, is annexed to this proclamation; *Post*, p. 1962. 61 Stat., Pts. 5 and 6.

WHEREAS (8) I determine that it is required or appropriate to carry out said trade agreement specified in the 1st recital of this proclamation that part I of schedule XX of said general agreement be rectified in the manner provided for in said protocol specified in the 7th recital of this proclamation; 61 Stat., Pt. 5, p. A1157.

WHEREAS (9) I determine that it is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation that part II of schedule XX of said general agreement be rectified in the manner provided for in said protocol specified in the 7th recital of this proclamation; 61 Stat., Pt. 5, p. A1350.

WHEREAS (10) I determine that it is required or appropriate to carry out said trade agreement specified in the 1st recital of this proclamation that (a) exception (III) of subdivision (a) of said proclamation of December 16, 1947 (including said exception as applicable by reference to said proclamations of April 22, 1948 and May 4, 1948) be changed to "(III) more favorable customs treatment is prescribed for the article by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947;", and (b) subdivision (d) of part I of said proclamation of January 30, 1948 be changed to "(d) That the provisions of the foregoing subdivisions (a) and (b) shall not apply to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947;"; and 61 Stat., Pt. 2, p. 1110. *Ante*, pp. 1500, 1505 48 Stat. 943. 19 U. S. C. § 1351. *Ante*, p. 1487.

WHEREAS (11) I determine that it is required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation that (a) subdivision (d) of said proclamation of January 1, 1948 be changed to "(d) The provisions of subdivisions (a), (b), and (c) shall not apply to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed *Ante*, p. 1475.

48 Stat. 943.
19 U. S. C. § 1351.

therefor by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947; and", and (b) the exception following the second date of January 1, 1948 in subdivision (a) of part II of said proclamation of January 30, 1948 be changed to "except that no such rate shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947;";

Ante, p. 1488.

Proclamation of modification of designated duties.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do proclaim:

Part I

48 Stat. 943.
19 U. S. C. § 1351.
Ante, p. 1515.

Acting under the authority of said section 350 of the Tariff Act of 1930, as amended, and to the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, that:

61 Stat., Pt. 5, p. A1157.

(a) The provisions of part I of schedule XX of said general agreement shall be applied, subject to the applicable terms, conditions, and qualifications set forth in part I of, and the general notes in, said schedule XX, and parts I, II, and III of said general agreement, and in subdivisions (a) and (b) of said proclamation of December 16, 1947, including any amendments and rectifications of said agreement and said proclamation which have been proclaimed by the President, as if the rectifications in said protocol specified in the 7th recital of this proclamation had appeared in said general agreement on October 30, 1937; and

61 Stat., Pt. 5, pp. A1157, A1361, A12, A18, A66.
61 Stat., Pt. 2, p. 1110.

(b) Effective on and after June 15, 1948 exception (III) of subdivision (a) of said proclamation of December 16, 1947 (including said exception as applicable by reference to said proclamations of April 22, 1948 and May 4, 1948) and subdivision (d) of part I of said proclamation of January 30, 1948 shall be amended in the manner indicated in the 10th recital of this proclamation;

Ante, pp. 1500, 1505.
Ante, p. 1487.

Part II

Acting under the authority of said section 350 of the Tariff Act of 1930, as amended, and to the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, that:

61 Stat., Pt. 5, p. A1350.

(a) The provisions of part II of schedule XX of said general agreement shall be applied subject to the applicable terms, conditions, and qualifications set forth in part II of, and the general notes in, said schedule XX and other parts of said exclusive trade agreement, and in the first subdivision (a) and in subdivision (d) of said proclamation of January 1, 1948, including any amendments and rectifications of said agreement and said proclamation which have been proclaimed by the President, as if the rectifications in said protocol specified in the 7th recital of this proclamation which apply to part II of said schedule XX had appeared therein as a part of said exclusive trade agreement on October 30, 1947; and

61 Stat., Pt. 4, p. 3699.
Ante, p. 1475.

61 Stat., Pt. 4, p. 3699.
Ante, p. 1475.
Ante, p. 1488.
Ante, p. 1517.

(b) Effective on and after June 15, 1948 subdivision (d) of said proclamation of January 1, 1948 and the exception following the second date of January 1, 1948 in subdivision (a) of part II of said proclamation of January 30, 1948 shall be amended in the manner indicated in the 11th recital of this proclamation; and

Part III

That the modifications provided for in said protocol modifying certain provisions of said general agreement specified in the 5th recital of this proclamation became effective on April 15, 1948; said special protocol modifying article XIV specified in said 5th recital became effective on April 19, 1948; and the amendment contained in said special protocol relating to article XXIV specified in said 5th recital will become effective upon acceptance by two-thirds of the contracting parties to said general agreement. *Ante*, p. 1516.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of June in the year of our Lord nineteen hundred and forty-eight and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

SUPPLEMENTING PROCLAMATION OF DECEMBER 16, 1947 CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 12, 1948
[No. 2791

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period within which said authority may be exercised having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol; 61 Stat., Pt. 5, p. A11. 61 Stat., Pt. 6, A2051. 61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8863), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467), Proclamation 61 Stat., Pt. 2, p. 1103. *Ante*, p. 1479.

2782 of April 22, 1948 (13 F. R. 2211), Proclamation 2784 of May 4, 1948, and a Proclamation of June 11, 1948;

Ante, pp. 1500, 1505, 1515.

WHEREAS (3) said protocol of provisional application has been signed by the Government of the Union of South Africa on May 14, 1948, and said Government will be a contracting party to said general agreement on June 14, 1948;

Union of South Africa a contracting party.
61 Stat., Pt. 6, p. A2051.

WHEREAS (4) I, Harry S. Truman, President of the United States of America, determine that the application of such of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after June 14, 1948, said trade agreement specified in the 1st recital of this proclamation:

61 Stat., Pt. 5, pp. A1157, A70.
61 Stat., Pt. 2, p. 1103.

Item (paragraph)	*Rates of duty*
209 [first]	⅛¢ per lb.
742	6¼¢ per cu. ft. of such bulk or the capacity of the packages, according as imported
1102 (b) [second]	All rates;

Proclamation of modifications of designated duties.
48 Stat. 943.
19 U. S. C. § 1351.

NOW, THEREFORE, be it known that, acting under the authority of said section 350 of the Tariff Act of 1930, as amended, to the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, I, Harry S. Truman, President of the United States of America, do proclaim that, effective on and after June 14, 1948, the concessions provided for in part I of said schedule XX which are identified in the 4th recital of this proclamation shall no longer be identified in the 8th recital of said proclamation of December 16, 1947, and the rates of duty representing such concessions identified in said 4th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and parts I, II, and III, of said general agreement, and in subdivision (a), other than exception (I) thereof, of said proclamation of December 16, 1947, including any amendments and rectifications of said agreement and said proclamation which have been proclaimed by the President, to articles of the kinds provided for in the descriptions of products in the column at the left of said rates.

Effective date.
61 Stat., Pt. 5, p. A1157.
61 Stat., Pt. 2, p. 1105.
61 Stat., Pt. 5, pp. A1157, A12, A18, A66.
61 Stat., Pt. 2, p. 1110.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of June, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

June 25, 1948
[No. 2792]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of

June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period for the exercise of said authority having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8866), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467), Proclamation 2782 of April 22, 1948 (13 F. R. 2211), Proclamation 2784 of May 4, 1948 (13 F. R. 2439), Proclamation 2790 of June 11, 1948 (13 F. R. 3269), and Proclamation 2791 of June 12, 1948 (13 F. R. 3272);

61 Stat., Pt. 2, p. 1103.
Ante, pp. 1479, 1500, 1505, 1515, 1519.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period for the exercise of said authority having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

48 Stat. 943.
19 U. S. C. § 1351.
61 Stat., Pt. 4, p. 3699.

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 21), which proclamation has been supplemented by said proclamations of January 30, 1948, April 22, 1948, May 4, 1948, and June 11, 1948;

Ante, p. 1465.
61 Stat., Pt. 4, p. 3699.

WHEREAS (5) said protocol of provisional application has been signed (a) by the Government of India on June 8, 1948 with the result that said Government will be a contracting party to said general agreement on July 9, 1948, (b) by the Government of the Kingdom of Norway on June 10, 1948 and said Government will be such a contracting party on July 11, 1948, and (c) by the Government of Southern Rhodesia on June 11, 1948 and said Government will be such a contracting party on July 12, 1948;

Ante, pp. 1479, 1500, 1505, 1515.
Contracting parties to general agreement.
India.
Norway.
Southern Rhodesia.

WHEREAS (6) I, Harry S. Truman, President of the United States of America, determine that the application of each of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after the date set forth following the identification of each such concession, said trade agreement specified in the 1st recital of this proclamation:

61 Stat., Pt. 5, pp. A1157, A70.
61 Stat., Pt. 2, p. 1103.

Ante, p. 1520.

Item (paragraph)	*Rates of duty*	*Date*
52	3¢ per gal. [second such rate], identified only as to whale oil	July 11, 1948
208 (a)	2¢ per lb. and 15% ad val	July 9, 1948
208 (c)	All rates	July 9, 1948
208 (d)	22½% ad val	July 9, 1948
301 [fourth]	All rates	July 11, 1948
302 (d)	15/16¢ per lb. on the metallic manganese contained therein	July 11, 1948
302 (e) [first]	1¢ per lb. on the manganese contained therein and 10% ad val	July 11, 1948
302 (e) [second]	15/16¢ per lb. on the manganese contained therein and 10% ad val	July 11, 1948
717 (c)	5/8¢ per lb	July 11, 1948
718 (a) [second]	All rates	July 11, 1948
721 (d)	15% ad val	July 11, 1948
761 [second]	1½¢ per lb	July 9, 1948
781	12½% ad val	July 9, 1948
1008	All rates	July 9, 1948
1018	All rates	July 9, 1948
1019	9/10¢ per sq. yd	July 9, 1948
1022 [first]	5¢ per sq. yd	July 9, 1948
1022 [second]	All rates	July 9, 1948
1117 (c)	15% ad val	July 9, 1948
1502 [first]	17½% ad val	July 9, 1948
1514 [second]	1¢ per lb	July 11, 1948
1535 [sixth]	35% ad val	July 11, 1948
1707	Free	July 9, 1948
(section)	*Rates of import tax*	
2491 (a) [first]	1½¢ per lb	July 11, 1948;

WHEREAS (7) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the addition of the following item to the list set forth in the 8th recital of said proclamation of January 1, 1948, as amended and rectified, is required or appropriate to carry out, on and after July 11, 1948, said exclusive trade agreement specified in the 3rd recital of this proclamation:

Ante, p. 1467.

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
718 (a)	Sardines, neither skinned nor boned but otherwise prepared or preserved in any manner, when packed in oil or in oil and other substances: Valued at over 9 but not over 13 cents per pound, including the weight of the immediate container	36% ad val.;

46 Stat. 590.
19 U. S. C. § 1001, *et seq.*

WHEREAS (8) I determine that, in view of the determination set forth in the 7th recital of this proclamation, the addition of the following item to the list set forth in the 7th recital of said proclamation of January 30, 1948, as amended and rectified, is required or appropriate to carry out, on and after July 11, 1948, said trade agreement specified in the 1st recital of this proclamation:

Ante, p. 1481.

Ante, p. 1520.

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
718 (a)	Sardines, neither skinned nor boned but otherwise prepared or preserved in any manner, when packed in oil or in oil and other substances: Valued at over 9 but not over 13 cents per pound, including the weight of the immediate container	42% ad val.;

Ante, p. 1482.

WHEREAS (9) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the following amendments of the list set forth in the 9th recital of said proclamation of January 1, 1948, as amended and rectified, are required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation:

Ante, p. 1468.
Ante, p. 1521.

(a) The modification, on and after July 11, 1948, of item 717 (c) in said 9th recital to read as follows:

Ante, p. 1470.

"717 (c) Fish, dried and unsalted: Shark fins..... ½¢ per lb.";

(b) The deletion, on and after July 9, 1948, of the following items in said 9th recital:

Ante, pp. 1470, 1471.

Item
(paragraph)
761 [first]
781 [second]
1018; and

WHEREAS (10) the amendment contained in the Special Protocol Relating to Article XXIV of the General Agreement on Tariffs and Trade, which protocol was signed on March 24, 1948 and is specified in the 5th recital of said proclamation of June 11, 1948, had on June 7, 1948 been accepted by two-thirds of the contracting parties to said general agreement, including the United States of America;

Post, p. 2013.
Ante, p. 1516.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do proclaim:

Proclamation of modifications of existing duties, etc.

Part I

Acting under the authority of said section 350 of the Tariff Act of 1930, as so amended, and to the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, that:

48 Stat. 943.
19 U. S. C. § 1351.

(a) Each of the concessions provided for in part I of said schedule XX which are identified in the 6th recital of this proclamation shall, on and after the date set forth following the identification of each such concession, no longer be identified in the 8th recital of said proclamation of December 16, 1947, and on and after said date the rate of duty representing each such concession identified in said 6th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and parts I, II, and III, of said general agreement, and in subdivision (a), other than exception (I) thereof, of said proclamation of December 16, 1947, including any amendments and rectifications of said agreement and said proclamation which have been proclaimed by the President, to articles of a kind provided for in the description of products in the column at the left of said rate; and

61 Stat., Pt. 5, p. A1157.
61 Stat., Pt. 2, p. 1105.
61 Stat., Pt. 5, pp. A1157, A12, A18, A66.
61 Stat., Pt. 2, p. 1110.

(b) The rate of duty specified in the column at the right of the description of products in the 8th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications

Ante, p. 1481.

set forth therein and in the 7th recital of said proclamation of January 30, 1948, as amended and rectified, to articles of a kind provided for in said description entered, or withdrawn from warehouse, for consumption on and after July 11, 1948, except that no such rate shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947;

48 Stat. 943.
19 U. S. C. § 1351.

Part II

Acting under the authority of said section 350 of the Tariff Act of 1930, as so amended, and to the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, that:

Ante, p. 1521.

(a) The rate of duty specified in the column at the right of the description of products in the 7th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth therein and in the 8th recital of said proclamation of January 1, 1948, as amended and rectified, to products of the Republic of Cuba of a kind provided for in said description entered, or withdrawn from warehouse, for consumption on and after July 11, 1948, except that no such rate shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed therefor by any of the following then in effect: (i) a proclamation pursuant to said section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax, or became effective subsequent to October 30, 1947; and

Ante, p. 1522.

Ante, p. 1467.

48 Stat. 943.
19 U. S. C. § 1351.

Ante, p. 1468.

(b) The list set forth in the 9th recital of said proclamation of January 1, 1948, as amended and rectified, shall be further amended in the manner, and on and after the respective dates, indicated in the 9th recital of this proclamation; and

Ante, p. 1523.

Part III

That the amendment contained in said special protocol relating to article XXIV specified in the 5th recital of said proclamation of June 11, 1948 and in the 10th recital of this proclamation became effective, in respect of the United States of America, on June 7, 1948.

Post, p. 2013.
Ante, pp. 1516, 1523.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of June in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

DETERMINING THE DRUG ISOAMIDONE TO BE AN OPIATE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 1, 1948
[No. 2793]

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows: 60 Stat. 38. 26 U. S. C. § 3228 (f).

> "(f) OPIATE.—The word 'opiate' as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary.";

53 Stat. 269. 26 U. S. C. §§ 2550–2565. 52 Stat. 1040. 21 U. S. C. §§ 301–392; Supp. I, § 331 *et seq.*

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found the drug Isoamidone (4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3) to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found the drug Isoamidone (4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3) to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately. Drug Isoamidone.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this first day of July in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: BELGIUM

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 2, 1948
[No. 2794]

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved 15 U. S. C. § 92 note.

33 Stat. 727.

February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

Belgium.
Extension of time for renewal of certain trade-mark registrations.
60 Stat. 568.
15 U. S. C. § 92 note.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Belgium registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of

33 Stat. 727.
15 U. S. C. § 92.

such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Belgium accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including December 31, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July, in the year of our Lord nineteen hundred and forty-eight and of the
[SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

DISPLAY OF THE FLAG AT FORT MCHENRY NATIONAL MONUMENT AND HISTORIC SHRINE

July 2, 1948
[No. 2795]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

56 Stat. 377.

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution To Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of

36 U. S. C. §§ 173-178.

December 22, 1942, 56 Stat. 1074, contains the following provisions:

"Sec. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

. . . . . .

"Sec. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the

Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."; and

WHEREAS Francis Scott Key, after having anxiously watched from afar the bombardment of Fort McHenry throughout the night of September 13, 1814, saw his country's flag still flying in the early morning of the following day; and

WHEREAS this stirring evidence of the failure of the prolonged attack inspired him to write the *Star-Spangled Banner*, our national anthem:

Proclamation for display of flag at Fort McHenry National Monument and Historic Shrine.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Commander in Chief of the Army and Navy, do hereby proclaim that, as a perpetual symbol of our patriotism, the flag of the United States shall hereafter be displayed at Fort McHenry National Monument and Historic Shrine at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the said joint resolution are modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July in the year of our Lord nineteen hundred and forty-eight, and of the
[SEAL] Independence of the United States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

CONVENING THE CONGRESS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 15, 1948
[No. 2796]

A PROCLAMATION

WHEREAS the public interest requires that the Congress of the United States should be convened at twelve o'clock, noon, on Monday, the twenty-sixth day of July 1948, to receive such communication as may be made by the Executive;

Convening of Congress July 26, 1948.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene at the Capitol in the City of Washington on Monday, the twenty-sixth day of July, 1948, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

DONE at the City of Washington this fifteenth day of July, in the year of our Lord nineteen hundred and forty-eight, and of
[SEAL] the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

DEATH OF GENERAL PERSHING

July 15, 1948
[No. 2797]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

To the People of the United States:

It becomes my sad duty to announce officially the death of John J. Pershing, General of the Armies of the United States, who died at Walter Reed Hospital in Washington, D. C., at 3:50 a. m. on the 15th day of July, 1948.

General Pershing devoted his entire life to his profession. He served with distinction in numerous campaigns and his glorious part in the first World War will never be forgotten. His death comes as a great sorrow to his friends and as a genuine bereavement to the people of the United States. He has already achieved an honored place in our history.

Display of national flag at half-mast.

As a mark of respect to General Pershing's memory it is hereby ordered that the national flag be displayed at half-mast upon all public buildings and at all forts and military posts and naval stations, and on all vessels of the United States, until after the funeral shall have taken place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of July, in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

SUPPLEMENTING PROCLAMATIONS OF DECEMBER 16, 1947 AND JANUARY 1, 1948, CARRYING OUT GENERAL AGREEMENT ON TARIFFS AND TRADE AND EXCLUSIVE TRADE AGREEMENT WITH CUBA, RESPECTIVELY

July 15, 1948
[No. 2798]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the Joint Resolution approved June 7, 1943, and by sections 2 and 3 of the Act of July 5, 1945 (48 Stat. 943 and 944, ch. 474, 57 Stat. 125, ch. 118, 59 Stat. 410 and 411, ch. 269; 19 U. S. C. (1946) 1351), the period for the exercise of said authority having been extended by section 1 of said Act of July 5, 1945 until the expiration of three years from June 12, 1945 (48 Stat. 944, ch. 474, 59 Stat. 410, ch. 269; 19 U. S. C. (1946) 1352 (c)), on October 30, 1947 the President entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern

Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of said general agreement and said protocol;

61 Stat., Pt. 5, p. A11.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A5.

WHEREAS (2) on December 16, 1947 by Proclamation 2761A the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out said trade agreement on and after January 1, 1948 (12 F. R. 8866), which proclamation has been supplemented by Proclamation 2769 of January 30, 1948 (13 F. R. 467), Proclamation 2782 of April 22, 1948 (13 F. R. 2211), Proclamation 2784 of May 4, 1948 (13 F. R. 2439), Proclamation 2790 of June 11, 1948 (13 F. R. 3269), Proclamation 2791 of June 12, 1948 (13 F. R. 3272), and Proclamation 2792 of June 25, 1948 (13 F. R. 3597);

61 Stat., Pt. 2, p. 1103.

WHEREAS (3), pursuant to the authority conferred by said section 350, the period for the exercise of said authority having been so extended, on October 30, 1947 the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (T. D. 51819 (Customs)), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

Ante, pp. 1479, 1500, 1505, 1515, 1519, 1520.
48 Stat. 943.
19 U. S. C. § 1351.
61 Stat., Pt. 4, p. 3699.

WHEREAS (4) on January 1, 1948 by Proclamation 2764 the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out said exclusive trade agreement on and after January 1, 1948 (13 F. R. 21), which proclamation has been supplemented by said proclamations of January 30, 1948, April 22, 1948, May 4, 1948, June 11, 1948, and June 25, 1948;

Ante, p. 1465.
61 Stat., Pt. 4, p. 3699.

WHEREAS (5) said protocol of provisional application has been signed (a) by the Governments of Burma, Ceylon, and Lebanon on June 29, 1948 with the result that said Governments will be contracting parties to said general agreement on July 30, 1948, and (b) by the Governments of the United States of Brazil, New Zealand, Pakistan, and Syria on June 30, 1948 and said Governments will be such contracting parties on July 31, 1948;

Ante, pp. 1479, 1500, 1505, 1515, 1520.
Contracting parties to general agreement.
Burma, Ceylon, and Lebanon.
61 Stat., Pt. 6, p. A2051.
61 Stat., Pt. 5, p. A11.
Brazil, New Zealand, Pakistan, and Syria.

WHEREAS (6) I, Harry S. Truman, President of the United States of America, determine that the application of each of the concessions provided for in part I of schedule XX of said general agreement which were withheld from application in accordance with article XXVII of said general agreement by said proclamation of December 16, 1947 as are identified in the following list is required or appropriate to carry out, on and after the date set forth following the identification of each such concession, said trade agreement specified in the 1st recital of this proclamation:

61 Stat., Pt. 5, pp. A1157, A70.
61 Stat., Pt. 2, p. 1103.

Item (paragraph)	*Rates of duty*	*Date*
15 [second]	50¢ per lb	July 31, 1948
15 [third]	17% ad val	July 31, 1948
35	5% ad val	July 31, 1948
41 [third]	10% ad val. and 2½¢ per lb	July 31, 1948
53	1½¢ per lb	July 31, 1948
54 [second]	3¢ per lb	July 31, 1948
208 (a)	4¢ per lb	July 31, 1948
505 [second]	25% ad val	July 31, 1948

Item (paragraph)	*Rates of duty*	*Date*
601 [second]	15¢ per lb	July 30, 1948
735	1¢ per lb	July 30, 1948
757	All rates	July 31, 1948
758 [second]	1¾¢ per lb	July 30, 1948
761 [first]	⅝¢ per lb	July 30, 1948
	1¼¢ per lb. [first such rate]	July 30, 1948
762	¼¢ per lb	July 31, 1948
763	4¢ per lb	July 31, 1948
769 [second]	1¢ per lb. on the entire contents of the container	July 30, 1948
1101 (a) [first]	All rates	July 31, 1948
1101 (b)	Free, subject to the provisions of paragraph 1101 (b), Tariff Act of 1930, as amended, identified herein only as to other than camel hair	July 9, 1948
1102 (a)	All rates	July 31, 1948
1518 [fourth]	30% ad val	July 31, 1948
1636	Free	July 31, 1948
1653	Free	July 31, 1948
1654	Free	July 31, 1948
1656	Free	July 30, 1948
1783 (b)	Free	July 30, 1948
(section)	*Rates of import tax*	
3424	$3 per 1000 ft., board measure	July 31, 1948
	$1.50 per 1000 ft., board measure [second such rate]	July 31, 1948; and

WHEREAS (7) I determine that, in view of the determination set forth in the 6th recital of this proclamation, the following amendments of the list set forth in the 9th recital of said proclamation of January 1, 1948, as amended and rectified, are required or appropriate to carry out said exclusive trade agreement specified in the 3rd recital of this proclamation:

(a) The deletion, on and after July 30, 1948, of item 758 in said 9th recital; and

Ante, p. 1470.

(b) The deletion, on and after July 31, 1948, of item 762 in said 9th recital;

Proclamation of modification of existing duties, etc.

48 Stat. 943.
19 U. S. C. § 1351.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, acting under the authority of said section 350 of the Tariff Act of 1930, as so amended, do proclaim:

Part I

To the end that said trade agreement specified in the 1st recital of this proclamation may be carried out, that each of the concessions provided for in part I of said schedule XX which are identified in the 6th recital of this proclamation shall, on and after the date set forth following the identification of each such concession, no longer be identified in the 8th recital of said proclamation of December 16, 1947, and on and after said date the rate of duty representing each such concession identified in said 6th recital of this proclamation shall be applied, subject to the applicable terms, conditions, and qualifications set forth in said schedule XX, and parts I, II, and III, of said general agreement, and in subdivision (a), other than exception (I) thereof, of said proclamation of December 16, 1947, including any amendments and rectifications of said agreement and said proclamation which have been proclaimed by the President, to articles of a kind provided for in the description of products in the column at the left of said rate; and

61 Stat., Pt. 5, p. A1157.

61 Stat., Pt. 2, p. 1105.

61 Stat., Pt. 5, pp. A1157, A12, A18, A66.

61 Stat., Pt. 2, p. 1110.

Part II

To the end that said exclusive trade agreement specified in the 3rd recital of this proclamation may be carried out, that the list set forth in the 9th recital of said proclamation of January 1, 1948, as amended and rectified, shall be further amended in the manner, and on and

Ante, p. 1468.

after the respective dates, indicated in the 7th recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of July in the year of our Lord nineteen hundred and forty-eight and of the [SEAL] Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

REGISTRATION

BY THE PRESIDENT OF THE UNITED STATES

July 20, 1948
[No. 2799]

A PROCLAMATION

WHEREAS title I of the Selective Service Act of 1948, approved June 24, 1948, contains, in part, the following provisions: 62 Stat., Pt. 1, p. 604.

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder."

* * * * * *

"SEC. 6. (a) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; members of the reserve components of the armed forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President, residing in the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4 (b)."

* * * * * *

"(k) No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist."

* * * * * *

"SEC. 10. * * * * * *

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;"

* * * * * *

"(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;"

* * * * * *

"SEC. 15. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3."

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by title I of the Selective Service Act of 1948, do proclaim the following:

62 Stat., Pt. 1, p. 604.

1. The registration of male citizens of the United States and other male persons residing in the United States who shall have attained the eighteenth anniversary of the day of their birth and who shall have not attained the twenty-sixth anniversary of the day of their birth shall take place in the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands between the hours of 8:00 A. M. and 5:00 P. M. on the day or days hereinafter designated for their registration, as follows:

Registration days.

(a) Persons born in the year 1922 after August 30, 1922, shall be registered on Monday, the 30th day of August, 1948.

(b) Persons born in the year 1923 shall be registered on Tuesday, the 31st day of August, 1948, or on Wednesday, the 1st day of September, 1948.

(c) Persons born in the year 1924 shall be registered on Thursday, the 2nd day of September, 1948, or on Friday, the 3rd day of September, 1948.

(d) Persons born in the year 1925 shall be registered on Saturday, the 4th day of September, 1948, or on Tuesday, the 7th day of September, 1948.

(e) Persons born in the year 1926 shall be registered on Wednesday, the 8th day of September, 1948, or on Thursday, the 9th day of September, 1948.

(f) Persons born in the year 1927 shall be registered on Friday, the 10th day of September, 1948, or on Saturday, the 11th day of September, 1948.

(g) Persons born in the year 1928 shall be registered on Monday, the 13th day of September, 1948, or on Tuesday, the 14th day of September, 1948.

(h) Persons born in the year 1929 shall be registered on Wednesday, the 15th day of September, 1948, or on Thursday, the 16th day of September, 1948.

(i) Persons born in the year 1930 before September 19, 1930, shall be registered on Friday, the 17th day of September, 1948, or on Saturday, the 18th day of September, 1948.

(j) Persons who were born on or after September 19, 1930, shall be registered on the day they attain the eighteenth anniversary of the day of their birth, or within five days thereafter.

Persons required to register.

2. (a) Every male citizen of the United States and every other male person residing in the United States other than persons excepted by section 6 (a) of title I of the Selective Service Act of 1948, who is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands and who shall have attained the eighteenth

62 Stat., Pt. 1, p. 609.

anniversary of the day of his birth and who shall have not attained the twenty-sixth anniversary of the day of his birth on the day or any of the days fixed herein for his registration is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

Special registration.

(b) A person subject to registration may register after the day or days fixed for registration in case he is prevented from registering on that day or any of those days by circumstances beyond his control or because he is not present in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on that day or any of those days. If he is not in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on the day or any of the days fixed for registration but subsequently enters any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, he shall within five days after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on the day or any of the days fixed for registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day or any of those days he shall do so as soon as possible after the cause for such inability ceases to exist.

Observance of regulations.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

Services of officials.

4. I call upon the Governors of each of the several States, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, and political subdivisions thereof, and all local boards which, and agents thereof who, may be appointed under the provisions of title I of the Selective Service Act of 1948, or the regulations which may be prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

Cooperation of employers.
62 Stat., Pt. 1, p. 604.

5. In order that there may be full cooperation in carrying into effect the purposes of title I of the Selective Service Act of 1948, I urge all employers and Government agencies of all kinds—Federal, State, territorial and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of July in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

SUPPLEMENTAL QUOTA ON IMPORTS OF LONG-STAPLE COTTON

July 20, 1948
[No. 2800]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), February 1, 1947 (No. 2715, 12 F. R. 823) and June 9, 1947 (No. 2734, 12 F. R. 3827); and

61 Stat., Pt. 2, pp. 1049, 1071.

WHEREAS the said proclamation of September 5, 1939 provides that the total quantity of cotton having a staple of 1⅛ inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 shall not exceed 45,656,420 pounds; and

WHEREAS the said limitations on the quantities of certain cotton and cotton waste which might be entered were imposed after a finding by the President, on the basis of an investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton and cotton waste were being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

49 Stat. 773.
7 U. S. C. § 624.

49 Stat. 163, 1148.
16 U. S. C. §§ 590a-590q; Supp. I, § 590q.

WHEREAS the imposition of the aforesaid annual quotas on cotton having a staple of 1⅛ inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length which may be entered for consumption or withdrawn from warehouse for consumption under the said proclamation of September 5, 1939, as modified, during the quota year ending September 19, 1948, has already been entered, or withdrawn from warehouse, for consumption; and

54 Stat. 2640.

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the acts of January 25, 1940, 54 Stat. 17, and July 3, 1948, Public Law 897, 80th Congress, the United States Tariff Commission has made a supplemental investigation to determine whether the circumstances requiring the import quotas on cotton having a staple of 1⅛ inches or more in length continue to exist, or whether changed circumstances require the modification of the quotas for the quota year beginning September 20, 1947 or for subsequent quota years; and

49 Stat. 773.
7 U. S. C. § 624.
62 Stat., Pt. 1, p. 1247.

Public hearing.

WHEREAS in the course of the said supplemental investigation, after due notice, a public hearing was held on February 17, 1948, at

which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me reports of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such reports to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity not to exceed 18,000,000 pounds of cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length be permitted entry during the quota year ending September 19, 1948, and that imports under the supplemental quota should be permitted only to the extent that essential needs are found to exist, in order to enable domestic users to obtain their essential requirements for such cotton:

Recommendation of Commission.

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do hereby find and declare, on the basis of the investigation and reports of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939 so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending September 19, 1948, of such additional quantity of cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length as shall be found by the Tariff Commission to be essential, up to a total of 18,000,000 pounds, in addition to the quantity of such cotton the entry of which has already been made under the said proclamation of September 5, 1939, during the said quota year, which additional quantity I find should be permitted entry in order to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933 as amended. Accordingly, pursuant to said section 22 of the Agricultural Adjustment Act of 1933 as amended, I hereby modify the said proclamation of September 5, 1939 (No. 2351) so as to permit during the quota year ending September 19, 1948, the entry for consumption, or withdrawal from warehouse for consumption, of such additional quantity of cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length as shall be found by the Tariff Commission to be essential, up to a total of 18,000,000 pounds: *Provided*, That no portion of such additional quantity of cotton shall be permitted entry for consumption, or withdrawal from warehouse for consumption, except by or for the account of a person or firm engaged in cotton manufacturing to whom the said Tariff Commission has issued a license and subject to the limitations specified in such license.

Modification of proclamation of Sept. 5, 1939.

54 Stat. 2640.

49 Stat. 773.
7 U. S. C. § 624.
Additional quantity of cotton during quota year ending Sept. 19, 1948.

Tariff Commission license required.

I hereby find and declare that such additional quantity may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

The Tariff Commission is authorized to adopt such procedure and rules and regulations as will assure the equitable distribution of the additional permissible quantity of cotton among essential users whose current supplies of such cotton are inadequate.

Equitable distribution.

This proclamation shall become effective immediately.

Effectivity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of July in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

July 29, 1948
[No. 2801]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and has submitted to me for approval the following amendments of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

5 U. S. C. § 1003.

39 Stat. 1702.

50 Stat. 1311.

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, J. A. Krug Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby adopt the following as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals and parts and products thereof to and from Mexico which shall constitute amendments to Part 1, Chapter I, Subchapter A, Title 50, Code of Federal Regulations, and which shall supersede §§ 1.1 to 1.10, inclusive, of said Part 1 and all of Part 2 of said subchapter:

16 U. S. C. §§ 703–711.
5 U. S. C. § 133t note.
5 U. S. C. § 1003.

39 Stat. 1702.

50 Stat. 1311.

§ 1.1 *Definitions of migratory birds and game mammals*—(a) *Migratory birds.* Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916, and February 7, 1936, are as follows: 39 Stat. 1702. 50 Stat. 1311.

(1) *Game birds.* (i) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(ii) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(iii) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(iv) Limicolae (Charadrii), or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(v) Columbidae, or pigeons, including doves and wild pigeons.

(2) *Insectivorous and other nongame birds.* Cuckoos, flickers, and other woodpeckers; nighthawks, or bullbats, chuckwill's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds; phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits, catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

(b) *Game mammals.* Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

§ 1.2 *Definition of terms.* For the purposes of §§ 1.1 to 1.12 of this subchapter, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* Secretary of the Interior of the United States.

(b) *Director.* Director, Fish and Wildlife Service, United States Department of the Interior.

(c) *Regional Director.* Regional Director, Fish and Wildlife Service, United States Department of the Interior.

(d) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(e) *Take.* Hunt, kill, or capture, or attempt to hunt, kill, or capture.

(f) *Open season.* Time during which migratory game birds may be taken.

(g) *Transport.* Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

§ 1.3 *Means by which migratory game birds may be taken.* Migratory game birds on which open seasons are specified in § 1.4 of this subchapter may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by §§ 1.5, 1.8 and 1.9 of this subchapter, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal without disassembling the

gun so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat; *provided*, that nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind, the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying, or stirring up of waterfowl and coots by means or aid of any motor-driven land, water, or air conveyance or sailboat; *provided further*, that nothing herein shall exclude the picking up of injured or dead waterfowl by means of a motorboat, sailboat, or other craft.

Waterfowl (except for propagating, scientific, or other purposes under permit issued pursuant to § 1.8 of this subchapter), and mourning doves and white-winged doves are not permitted to be taken, directly or indirectly, by means, aid, or use of shelled, shucked, or unshucked corn, or of wheat or other grain, salt, or other feed that has been so deposited, distributed, or scattered as to constitute for such birds a lure, attraction, or enticement to, on, or over the area where hunters are attempting to take them; *provided*, however, such birds may be taken over properly shocked corn and standing crops of corn, wheat, or other grain or feed, and grains found scattered solely as a result of agricultural harvesting.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

Post, pp. 1543, 1545, 1546, 1572.

§ 1.4 *Open seasons, bag limits, and possession of certain migratory game birds.* During the open seasons prescribed and except as hereinafter provided in this section, ducks, geese, brant, coot, rails and gallinules may be taken daily from one-half hour before sunrise to one hour before sunset, and woodcock, mourning or turtle doves, white-winged doves, and band-tailed pigeons from one-half hour before sunrise to sunset. The hour for the commencement of hunting of waterfowl and coot on the first day of the season, including each first day of the split seasons, shall be 12 o'clock noon.

A person may take in any one day during the open seasons prescribed therefor not to exceed the numbers of migratory game birds herein permitted, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken, such birds may be possessed in the number hereinafter specified, except that no person on the opening day of the season may possess any migratory game birds in excess of the applicable daily limits.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), or on any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except so far as may be permitted by the Secretary of the Interior under existing law, or on any area designated as a closed area under the Migratory Bird Treaty Act.

16 U. S. C. § 715.

40 Stat. 755.
16 U. S. C. §§ 703–711.

The open seasons (dates inclusive) on the following migratory game birds only, the daily bag and possession limits, and the exceptions to the hours of hunting heretofore stated, shall be as shown in the following schedules:

(a) ATLANTIC FLYWAY STATES

	MIGRATORY WATERFOWL AND COOT			RAILS AND GALLINULES		WOODCOCK	MOURNING OR TURTLE DOVE
	DUCKS	GEESE (EXCEPT SNOW GEESE)	COOT	SORA	OTHERS		
DAILY BAG LIMITS	4 (1)	1 (2)	15 (3)	20	15 (3)	4	10
POSSESSION LIMITS (10)	8 (1)	1 (2)	15 (3)	20	15 (3)	8	10
SEASONS:							
Connecticut (9)	Nov. 12–Dec. 11			Sept. 15–Nov. 13		Oct. 28–Nov. 26	.....
Delaware	Oct. 29–Nov. 9 and Dec. 10–Dec. 21			Sept. 1–Oct. 30		Nov. 15–Dec. 14	Sept. 16–Nov. 14
Florida	Dec. 10–Jan. 8			Sept. 15–Nov. 13 (6)		.....	Dec. 18–Jan. 31 (4)
Georgia	Dec. 10–Jan. 8						(5)
Maine (9)	Oct. 8–Oct. 19 and Nov. 26–Dec. 7			Sept. 1–Oct. 30 (6)		Dec. 23–Jan. 21	Dec. 18–Jan. 31 (5)
Maryland	Nov. 12–Nov. 23 and Dec. 28–Jan. 8			Oct. 8–Oct. 19 and Nov. 26–Dec. 7		Oct. 1–Oct. 30	.....
Massachusetts (9)	Oct. 29–Nov. 9 and Dec. 28–Jan. 8			Sept. 1–Oct. 7		Nov. 15–Dec. 14	Sept. 1–Oct. 15
New Hampshire (9)	Oct. 8–Oct. 19 and Nov. 26–Dec. 7			Oct. 29–Nov. 28 (7)		Oct. 20–Nov. 18	.....
New Jersey	Nov. 12–Dec. 11			Sept. 1–Oct. 30		Oct. 1–Oct. 30	.....
New York (9)	Oct. 15–Oct. 26 and Nov. 26–Dec. 7			Sept. 1–Oct. 30 (6)		Oct. 4–Nov. 2	.....
North Carolina	Dec. 10–Jan. 8			Oct. 15–Oct. 26 and Nov. 26–Dec. 7		See note (8)	.....
Pennsylvania	Oct. 15–Nov. 13			Sept. 1–Oct. 30		.....	Sept. 16–Oct. 5 and Jan. 1–Jan. 20 (5)
Rhode Island (9)	Dec. 10–Jan. 8			Sept. 1–Oct. 30		Oct. 9–Nov. 7	Oct. 9–Nov. 7
South Carolina	Dec. 10–Jan. 8			Sept. 1–Oct. 30		Nov. 1–Nov. 30	.....
Vermont	Oct. 15–Nov. 13			Oct. 1–Nov. 29		.....	Sept. 16–Oct. 5 and Dec. 20–Jan. 8 (5)
Virginia	Dec. 10–Jan. 8			Sept. 1–Oct. 30		Oct. 1–Oct. 30	.....
West Virginia	Dec. 10–Jan. 8			Sept. 1–Oct. 30 (6)		Nov. 20–Dec. 19	Sept. 16–Oct. 30 (5)
Puerto Rico	Dec. 15–Feb. 12			Sept. 1–Oct. 30		.....	.....
				Dec. 15–Feb. 12		.....	.....

(1) No open season on wood duck in Massachusetts, New Jersey or West Virginia. In other States bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day of season.
(2) One Canada goose or its subspecies, or 1 white-fronted goose, and in addition 3 blue geese a day or in possession.
(3) Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.
(4) Mourning doves in Dade, Monroe, and Broward Counties, October 1 to October 31.
(5) Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.
(6) Clapper rail: in Nassau, Duval, and St. Johns Counties, Florida, September 15 to November 20, in the rest of the State, November 24 to January 31; in Georgia, October 1 to November 30; in New Jersey, September 1 to November 15; and in Virginia, September 1 to November 30.
(7) In Massachusetts, sora October 29 to December 27.

(8) New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachusetts State line, October 11 to November 2; west and south of the line above described, October 18 to November 9; and that part of New York known as Long Island, November 1 to November 15; from 12 o'clock noon until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 7:00 a. m. until sunset.

(9) Scoters and eider ducks may be taken in all areas in Connecticut from November 12 to December 17; and in Maine and New Hampshire during the applicable seasons for other ducks. Such birds otherwise may be taken in open coastal waters only, beyond outer harbor lines, in Maine from October 6 to December 16; in New Hampshire from September 1 to October 7; in Connecticut from September 18 to November 11; and in Massachusetts, New York and Rhode Island from September 18 to December 17. In these States the daily bag limit is 7 scoters or eider ducks singly or in the aggregate and not exceeding 14 in possession singly or in the aggregate.

Post, p. 1571.

(10) Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(b) MISSISSIPPI FLYWAY STATES

	Migratory Waterfowl and Coot			Rails and Gallinules		Woodcock	Mourning or Turtle Dove
	Ducks	Geese	Coot	Sora	Others		
Daily Bag Limits	4 (1)	4 (2)	15 (3)	20	15 (3)	4	10
Possession Limits (9)	8 (1)	4 (2)	15 (3)	20	15 (3)	8	10
Seasons:							
Alabama	Nov. 26–Dec. 25			Nov. 20–Jan. 18		Nov. 26–Dec. 25	Nov. 25–Jan. 8 (4)
Arkansas	Nov. 26–Dec. 25			Sept. 1–Oct. 30		Dec. 1–Dec. 30	Sept. 10–Oct. 24 (4)
Illinois	Oct. 29–Nov. 27 (5) (6)			Sept. 1–Oct. 30 (5)		.....	Sept. 1–Sept. 30
Indiana	Oct. 29–Nov. 27			Sept. 1–Oct. 30		Oct. 16–Nov. 14	.....
Iowa	Oct. 29–Nov. 27			.....		.....	.....
Kentucky	Dec. 10–Jan. 8			Sept. 1–Oct. 30		.....	Sept. 1–Oct. 30 (4)
Louisiana	Nov. 12–Dec. 11			Sept. 1–Oct. 30		Dec. 23–Jan. 21	Sept. 16–Oct. 5 and Dec. 24–Jan. 12 (4)
Michigan	Oct. 15–Nov. 13			Sept. 1–Oct. 30		See note (7)	.....
Minnesota	Oct. 8–Nov. 6			Sept. 16–Nov. 14		Oct. 2–Oct. 31	.....
Mississippi	Dec. 10–Jan. 8			Oct. 15–Dec. 13		Dec. 1–Dec. 30	Sept. 16–Oct. 5 and Dec. 16–Jan. 4 (4)
Missouri	Oct. 29–Nov. 27			Sept. 1–Oct. 30		Nov. 10–Dec. 9	Sept. 1–Oct. 30
Ohio	Oct. 29–Nov. 27 (8)			Sept. 1–Oct. 30		Oct. 8–Nov. 6	.....
Tennessee	Dec. 10–Jan. 8			.....		.....	Sept. 10–Oct. 24 (4)
Wisconsin	Oct. 15–Nov. 13			Oct. 15–Nov. 13		Oct. 1–Oct. 30	.....

(1) Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening date of the season.
(2) Including in such limit either 2 Canada geese or its subspecies or 2 white-fronted geese, or 1 of each.
(3) Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.
(4) Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.
(5) Illinois, in Lake and McHenry Counties, coot, rails, and gallinules October 1 to October 12 from 7 a. m. until 4 p. m. and thereafter during season and hours for ducks.
(6) No open season for geese in that part of Alexander County, Illinois, established as closed area by Proclamation 2748 of October 1, 1947 (12 F. R. 6521).
(7) Woodcock in Michigan, Upper Peninsula, October 1 to October 20, Lower Peninsula, October 15 to November 3.
(8) Ducks, geese, coot on Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said Reservoir, October 15- to November 13.
(9) Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(c) CENTRAL FLYWAY STATES

	Migratory Waterfowl and Coot			Rails and Gallinules		Mourning or Turtle Dove
	Ducks	Geese	Coot	Sora	Others	
Daily Bag Limits	5 (1)	4 (2)	15 (3)	20	15 (3)	10
Possession Limits (9)	10 (1)	4 (2)	15 (3)	20	15 (3)	10
Seasons:						
Colorado	Nov. 12–Dec. 16 (7)			Sept. 1–Oct. 30		Sept. 1–Oct. 12
Kansas	Oct. 15–Oct. 28 and Nov. 12–Nov. 25			Sept. 1–Oct. 30		Sept. 1–Oct. 30
Montana	Oct. 8–Oct. 21 and Nov. 12–Nov. 25 (7)			.....		.....
Nebraska	Oct. 15–Nov. 18			Sept. 1–Oct. 30		.....
New Mexico (4)	Oct. 8–Oct. 21 and Dec. 23–Jan. 5			Sept. 1–Oct. 30		Sept. 1–Oct. 12
North Dakota	Oct. 8–Nov. 11			Sept. 1–Oct. 30		.....
Oklahoma (5)	Oct. 29–Dec. 2			Sept. 1–Oct. 30		Sept. 1–Sept. 30
South Dakota	Oct. 15–Nov. 18			Sept. 1–Oct. 30		.....
Texas (8)	Nov. 12–Dec. 16			Sept. 1–Oct. 30		See note (6)
Wyoming	Oct. 8–Oct. 21 and Nov. 30–Dec. 13 (7)			Sept. 1–Oct. 30		.....

(1) No open season on wood duck in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day.
(2) Including in such limit either 2 Canada geese or its subspecies or 2 white-fronted geese, or 1 of each.
(3) Not more than 15 in the aggregate of rails (other than sora), and gallinules, and coot.
(4) In New Mexico, band-tailed pigeons, south of Highway 60, September 16 to October 15; daily limit 10, possession limit 10; no open season in rest of State.
(5) In Oklahoma, woodcock, December 1 to December 30; daily limit 4, possession limit 8.
(6) In Texas, mourning doves in Val Verde, Kinney, Uvalde, Medina, Kendall, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, September 1 to October 15; in remainder of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), October 20 to December 3; in these latter counties, September 17, 19 and 21 from 4 p. m. until sunset, and October 20 to November 30, from one-half hour before sunrise to sunset.
(7) No open season on snow geese in Beaverhead, Gallatin and Madison Counties in Montana, or in Colorado or Wyoming.

(8) In Texas, white-winged doves in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 17, 19, and 21 from 4 p. m. until sunset; daily limit 10, possession limit 10; no open season in rest of State.

(9) Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

(d) PACIFIC FLYWAY STATES

	Migratory Waterfowl and Coot			Rails and Gallinules		Mourning or Turtle Dove	Band-Tailed Pigeon
	Ducks	Geese and brant (except Ross's goose)	Coot	Sora	Others		
Daily Bag Limits	5 (1)	5 (2)	15 (3)	20	15 (3)	10	10
Possession Limits (8)	10 (1)	5 (2)	15 (3)	20	15 (3)	10	10
Seasons:							
Arizona (4)	Oct. 8–Oct. 24 and Nov. 30–Dec. 16			Sept. 1–Oct. 30		Sept. 1–Oct. 30	Sept. 16–Oct. 15
California	Oct. 15–Oct. 31 and Dec. 23–Jan. 8			.....		Sept. 1–Sept. 30 (5)	See note (5)
Idaho	Oct. 29–Nov. 14 and Dec. 23–Jan. 8 (6)			.....		Sept. 1–Sept. 10	.....
Nevada	Oct. 15–Nov. 23			.....		Sept. 1–Oct. 12	.....
Oregon	Oct. 29–Nov. 14 and Dec. 23–Jan. 8			.....		Sept. 1–Sept. 15	Sept. 1–Sept. 30
Utah	Oct. 29–Dec. 7			Sept. 1–Oct. 30		.....	.....
Washington	Oct. 15–Oct. 31 and Dec. 23–Jan. 8			.....		.....	Sept. 1–Sept. 30
Alaska	See note (7)			.....		.....	.....

(1) No open season on wood ducks in Arizona, Nevada and Utah. In other Pacific Flyway States and Alaska, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted Mergansers 25; no possession limit except on opening day of season.

(2) In any combination not exceeding 2 of Canada geese or its subspecies, white-fronted geese, or brant.

(3) Not more than 15 in the aggregate of rails (other than sora), gallinules, and coot.

(4) In Arizona the season on *white-winged dove* is September 1 to September 15. The daily bag limit is 10 and the possession limit 10.

(5) In California in the Counties of Marin, Sonoma, Napa, Solano, Sacramento, Eldorado and all counties north thereof the season for *band-tailed pigeon* is from September 1 to September 15 and in the rest of the State from December 1 to December 15. The season for *mourning dove* in Imperial County is from October 1 to October 31.

(6) In Idaho, no open season on snow geese, and no open season on geese of any other species in Canyon County except a strip one mile wide along the northeast side of the Snake River and a strip one mile wide on each side of the Boise River.

(7) Alaska, in First Judicial Division October 1 to November 9; in Second and Fourth Judicial Divisions and the entire drainage of Tanana River in the Third Judicial Division September 1 to October 10; in the rest of the Third Judicial Division September 15 to October 24.

(8) Migratory game birds of species for which no open season is provided in this schedule may be imported or transported into and possessed in this flyway only in the numbers prescribed for flyway States having an open season thereon.

§ 1.5 *Taking of certain migratory nongame birds by Eskimos and Indians in Alaska.* In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing.

§ 1.6 *Shipment, transportation and possession of certain migratory game birds*—(a) *Transportation in or out of Alaska, Puerto Rico and the United States.* Migratory game birds and parts thereof, which if dressed have the head, head plumage, and feet attached, and which have been lawfully taken therein, may be transported in or out of Alaska, Puerto Rico, or the State where taken during its respective open season; *provided*, that the number of such birds permitted to be transported out of any such State, Alaska, or Puerto Rico during any one calendar week shall not exceed for one person the number permitted by § 1.4 of this subchapter to be in the possession of one person where taken; *provided further*, that nothing herein contained shall authorize such transportation to any other flyway in excess of the possession limits prescribed for such other flyway. *Ante*, p. 1538.

Any such birds or parts thereof transported from Alaska, Puerto Rico, or any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

(b) *Importations from Canada, Mexico, or other foreign country.* Migratory game birds of species on which open seasons are prescribed by § 1.4 of this subchapter, and parts thereof, which if dressed have the head, head plumage, and feet attached, and which have been lawfully taken and possessed in and exported from a foreign country may be transported into the United States, Alaska or Puerto Rico during the open seasons where taken; *provided*, that shipments from Mexico must be accompanied by a Mexican export permit and shipments from Canada must be accompanied by tags or permits if required by provincial or dominion law; and, *Provided further*, that the number of such migratory game birds permitted to be so imported during any one calendar week shall not exceed for one person the number permitted to be in the possession of one person in Alaska, Puerto Rico, the District of Columbia, or the State to which they are being transported.

Any such birds or parts thereof transported from Canada or Mexico not later than 5 days immediately following the open season where taken may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof therein contained clearly and conspicuously marked on the outside thereof.

(c) *Possession.* Within the possession limits prescribed by § 1.4 of this subchapter, migratory game birds, either taken within a State or transported or imported in accordance with the provisions of subsections (a) or (b) of this section, may be possessed in any State, Alaska, or Puerto Rico during the open season where taken and for an additional 90 days next succeeding said open season; and in the case of the District of Columbia, may be possessed during the open season and in numbers not exceeding the possession limits prescribed

for Maryland, and for an additional 90 days immediately succeeding said open season.

(d) *Limitations upon transportation and importation.* Nothing contained herein shall be construed as permitting transportation of migratory game birds, or parts thereof, from, to, or through any State, Alaska, Puerto Rico, or the District of Columbia, or to or through Canada, Mexico, or other foreign countries, contrary to the laws of the place in which taken or from, to, or through which transported; nor shall any such birds be imported from Canada, Mexico, or other foreign countries, contrary to the laws of the place in which taken or from, to, or through which transported.

§ 1.7 *Transportation of game mammals to and from Mexico*—(a) *To Mexico.* Game mammals or parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia, may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of such State, Territory, or District.

(b) *From Mexico.* Game mammals, dead or alive, their parts or products, may be transported from Mexico into the United States if accompanied by a Mexican export permit, and if alive by such permit as may be required under regulations of the Secretary of the Treasury relating to transportation of wild animals and birds under humane and healthful conditions; *provided*, that their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

§ 1.8 *Propagating, scientific, and other permits*—(a) *General authorization.* Any person, without a permit, may possess and transport for his own use legally acquired live migratory waterfowl and the plumage and skins of legally taken migratory game birds; and such person may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese legally killed, or seized and condemned by Federal or State game authorities.

(b) *Special authorization.* Imports from Mexico must be accompanied by Mexican export permits, but otherwise state or municipal game farms or city parks may acquire, possess, dispose of and transport live migratory waterfowl without a special permit; and public museums, zoological parks and societies, and public scientific and educational institutions may acquire, possess, purchase, dispose of and transport migratory birds and their eggs, nests, or parts, without obtaining a special permit.

(c) *Special permits.* Permits for the importation, taking, acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, acquisition, and possession of migratory birds and their eggs, nests, or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts, and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests, may be issued under the direction of the Secretary, upon such terms and conditions, including the keeping of records and the making of reports, as he may deem are necessary for the protection of the species and consistent with the general purposes of § § 1.1 to 1.12 of this subchapter. Importations from Mexico under this subsection must be accompanied by a Mexican export permit.

(d) *Applications for permits.* Applications for permits shall be in such form as may be prescribed by the Secretary, and shall be addressed to the Director of Fish and Wildlife Service, Washington 25, D. C.

(e) *Marking of packages.* Every package in which migratory birds or parts, nests, or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the names and addresses of the consignor and consignee, the contents of the package, the number of the permit, under authority of which it is shipped or transported, and the purpose for which the birds or parts, nests, or eggs are being shipped or transported.

§ 1.9 *Permits to kill, frighten, or otherwise herd migratory birds injurious to agriculture or other interests*—(a) *Injuries resulting from over abundance of migratory birds.* Whenever by reason of the destruction or threatened destruction of valuable agricultural crops through the over abundance of any species of migratory game birds during either an open or a closed season specified in § 1.4 of this subchapter, the lengthening of the open season or an increase of the daily bag and possession limits, or a change in the manner, method, or hours of such taking, will operate to reduce the destruction of valuable agricultural crops, then, in such event, the applicable season or daily bag and possession limits may be increased, or the manner, method, or hours of taking changed, for such fixed period or time to the extent necessary to conserve such valuable agricultural crops. The facts as to the destruction of valuable agricultural crops requiring the lengthening of seasons or other remedial action shall be determined by the Secretary, and in accordance therewith he shall issue applicable orders which shall become effective when published in the Federal Register. In no event shall any season be lengthened to provide an open season of more than 3½ months.

Ante, p. 1538.

(b) *Injuries over an extensive area.* When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any extensive area, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, frightened, or otherwise herded, and, if so, during what times, hours, and by what methods and means. Upon such determination an appropriate order will be made by the Secretary.

(c) *Localized injuries.* Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or sharecropper that migratory birds are injuring his crops or other interests on the land on which he resides, together with a statement of the location of the land, the nature of the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of its substantial and can be so abated, permits to kill, frighten, or otherwise herd the birds may be issued by the Director, or by the Regional Director if authorized by the Director, in which permits will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, frightened, or herded, and the disposition to be made of the birds killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case.

Every person exercising any privilege granted in a permit issued by the Director or Regional Director shall keep an accurate record of all migratory birds killed by him, and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him, and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this section will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

§ 1.10 *Continuance of existing permits.* All permits heretofore made or issued pursuant to this subchapter and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as permits adopted and approved, made, or issued under this part.

§ 1.11 *Additional protection of migratory game birds during open season.* Whenever, by reason of a rapid decrease in the distribution and abundance of any species of migratory game birds during any open season specified in § 1.4 or pursuant to § 1.9 of this part, the shortening of such season or the reduction of the daily bag and possession limits will operate to insure a continuing and normal supply of such species, then, in that event, the applicable season or the daily bag and possession limits of such species shall be shortened or reduced to the extent determined necessary to insure such continuing and normal supply.

Ante, pp. 1538, 1545.

The facts as to the decrease in distribution and abundance of any species of migratory game birds requiring a shortening of season or reductions of daily bag and possession limits shall be determined by the Secretary, and in accordance therewith he shall issue applicable orders which shall become effective when published in the Federal Register.

§ 1.12 *State laws for the protection of migratory birds.* Nothing in this part or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by this part.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 27th day of July, 1948.

[SEAL]

J A KRUG
Secretary of the Interior

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

40 Stat. 755.
16 U. S. C. §§ 703–711.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of July in the year of our Lord nineteen hundred and forty-eight, and of the [SEAL] Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President
G C MARSHALL
Secretary of State

TERMINATION OF BRAZILIAN TRADE AGREEMENT PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 31, 1948
[No. 2802]

A PROCLAMATION

WHEREAS (1), pursuant to the authority conferred by section 350 (a) of the Tariff Act of 1930, as amended by the act of June 12, 1934 entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943 and 944, ch. 474) the President of the United States of America entered into a trade agreement with the President of the Republic of the United States of Brazil on February 2, 1935 including notes exchanged on April 17, 1935 (49 Stat. (pt. 2) 3809 to 3835), which trade agreement was proclaimed by the President on December 2, 1935 (49 Stat. (pt. 2) 3808 to 3836); 19 U. S. C. § 1351 (a).

WHEREAS (2) the Government of the United States of America has agreed with the Government of the United States of Brazil that said trade agreement referred to in the 1st recital of this proclamation, except the right of termination thereof on six months' notice, shall be inoperative for such time as the United States of America and the United States of Brazil are both contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, as defined in article XXXII thereof; 61 Stat., Pt. 5, p. A75.

WHEREAS (3), as indicated in the 7th recital of Proclamation 2761A of December 16, 1947, the Government of the United States of America is applying said general agreement provisionally on and after January 1, 1948 with the result that the United States of America is such a contracting party; 61 Stat., Pt. 2, p. 1105.

WHEREAS (4), as indicated in the 5th recital of the proclamation by the President of July 15, 1948, supplementing said proclamation of December 16, 1947, the Government of the United States of Brazil will be such a contracting party on July 31, 1948; and *Ante*, p. 1529. 61 Stat., Pt. 2, p. 1103.

WHEREAS the final sentence of said section 350 (a) of the Tariff Act of 1930 authorizes the President to terminate in whole or in part the proclamation carrying out any trade agreement entered into under section 350 (a); 48 Stat. 944. 19 U. S. C. § 1351 (a).

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, acting under the authority conferred by the said section 350 (a) of the Tariff Act of 1930, as amended, do hereby proclaim that said proclamation of December 2, 1935 shall not be in effect after July 30, 1948 except insofar as it relates to the termination on six months' notice of said trade agreement of February 2, 1935 including said notes exchanged on April 17, 1935. Proclamation respecting noneffectivity of designated proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty first day of July in the year of our Lord nineteen hundred and forty-eight and [SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

COAST GUARD DAY

July 31, 1948
[No. 2803]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, on August 4, 1790, the Revenue Cutter Service, which together with the Life Saving Service, the Bureau of Lighthouses, and the Bureau of Marine Inspection and Navigation now forms the United States Coast Guard, was founded with the mission of enforcing the customs laws of the United States; and

WHEREAS the Coast Guard in time of peace is charged with the protection of life and property at sea, along our shores, and along the navigable waters of the United States, including the Great Lakes, and in its long history has performed this duty with great success and with exceptional devotion to duty; and

WHEREAS the United States Coast Guard, in addition, performs many duties of great importance to the Nation, including the operation of the International Ice Patrol, the Weather Patrol, and the Bering Sea Patrol, as well as the maintenance of many thousands of aids to marine navigation, the inspection of our merchant vessels, the licensing and documentation of our merchant-marine personnel, and the enforcement of Federal laws upon the high seas and upon the navigable waters of the United States; and

WHEREAS in time of war the Coast Guard has fought as part of our naval forces, and its ships and its personnel have performed deeds of valor which are glorious chapters in our military history; and

WHEREAS the Coast Guard, in cooperation with the Coast Guard Auxiliary and the Coast Guard League, is conducting a program of safety education among the boat owners and boat operators of the United States to prevent accidents and reduce the hazards of boat operations; and

WHEREAS the services of the Coast Guard are invaluable to the people of this Nation, and the work of its personnel is a vital contribution to the strength and stability of our commerce and our military reserve power:

Proclamation of August 4 as Coast Guard Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim August 4 as Coast Guard Day, in recognition of the work of this agency of the Government, to the end that its 158th and subsequent anniversaries may be observed with appropriate ceremonies. I request that the flag of the Nation and other official flags be displayed on Coast Guard Day and that suitable celebrations be conducted to honor the Coast Guard and to assist its work by bringing public recognition to its program of safety at sea.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of July in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

FIRE PREVENTION WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 5, 1948
[No. 2804]

A PROCLAMATION

WHEREAS each year preventable fires claim the lives of thousands of the men, women, and children of this Nation and cause permanent disability to many thousands more; and

WHEREAS the destruction by fire of our natural and created resources has increased so alarmingly throughout the years that it threatens to cost our people three quarters of a billion dollars in the year 1948; and

WHEREAS this problem, with its social and economic implications for the future of our Nation, demands the active interest of every citizen; and

WHEREAS, following the recommendations emanating from the President's Conference on Fire Prevention, held at Washington in May 1947, most of our States and many of our municipalities have organized and established facilities for more effective protection against this devastation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 3, 1948, as Fire Prevention Week.

Designation of week beginning October 3, 1948, as Fire Prevention Week.

I earnestly request that, as a Nation and as individual citizens, we dedicate ourselves during that week to waging a year-round campaign against the menace of fire. I invite the State and local governments, the Chamber of Commerce of the United States, the National Fire Waste Council, the American National Red Cross, business and labor organizations, churches and schools, civic groups, and agencies of the press, the radio, and the motion-picture industry to cooperate fully in the observance of Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in every feasible way in making the public aware of the grave need for concerted fire-prevention activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of August in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

NATIONAL GUARD DAY, 1948

August 18, 1948
[No. 2804A]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the National Guard of the United States has been a faithful and unflinching servant of the people in struggles against foreign aggression and in times of domestic disaster; and

WHEREAS the cause of national security demands that the National Guard be fully manned, equipped, and trained as a component part of the Nation's security forces; and

WHEREAS September 16, 1948, marks the eighth anniversary of the call of the National Guard to the Nation's service in the critical period preceding World War II:

Proclamation of September 16, 1948, as National Guard Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in honor of the men of the National Guard who sacrificed their lives for their country and in recognition of those who served during times of national emergency as well as those who continue to serve in the interest of national security, do hereby proclaim Thursday, September 16, 1948, as National Guard Day. I invite the Governors of the several States to issue proclamations for the observance of National Guard Day, and I direct that the flag of the United States be displayed on all public buildings on that day.

I also remind all citizens that the National Guard of the United States, with each of its units in our hamlets and cities, is an essential part of the strength of our country, and I therefore urge that all citizens give their unremitting support to the men and units of the National Guard in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of August in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: CZECHOSLOVAKIA

August 21, 1948
[No. 2805]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

15 U. S. C. § 92 note.

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

33 Stat. 727.

Czechoslovakia. Extension of time for renewal of certain trade-mark registrations. 60 Stat. 568. 15 U. S. C. § 92 note.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Czechoslovakia registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Czechoslovakia accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including December 31, 1948.

33 Stat. 727. 15 U. S. C. § 92.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of August, in the year of our Lord nineteen hundred and forty-eight [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

DEATH OF CHARLES EVANS HUGHES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 28, 1948
[No. 2806]

A PROCLAMATION

To the People of the United States:

The Nation has lost one of its most preeminent elder sages. Charles Evans Hughes, who died at Osterville, Massachusetts, last night, will be counted in the long perspective of history not only as one of the most highly esteemed statesmen of our time, but indeed as among the most distinguished of the men who have devoted themselves to the public weal since the origin of our country.

Humanitarian understanding, exalted vision, and inspired judgment characterized the long career of Charles Evans Hughes, who served the people of New York State as Governor and the people of the Nation as Associate Justice of the Supreme Court, as Secretary of State, and as Chief Justice of the United States.

The whole world needs and will continue to need statesmen and citizens capable of viewing the march of events objectively and adhering firmly to the reasonable and just. In view of that need, we should all long remember this superb example of a life dedicated to reason and to justice in human affairs.

Flag of U. S. to be flown at half-mast on Government buildings.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag of the United States be flown at half mast on all Government buildings until after

the funeral services for Charles Evans Hughes shall have been concluded, and I request the people of the United States to render every appropriate reverence to this great American, in their homes, their schools, their churches, and in other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of August in the year of our Lord nineteen hundred and
[SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

DETERMINING THE DRUG KETO-BEMIDONE TO BE AN OPIATE

September 4, 1948
[No. 2807]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

60 Stat. 38.
26 U. S. C. § 3228 (f).

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

> "(f) OPIATE.—The word 'opiate' as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary.";

53 Stat. 269.
26 U. S. C. §§ 2550–2565.
52 Stat. 1040.
21 U. S. C. §§ 301–392; Supp. I, § 331 *et seq.*

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

Drug Keto-bemidone.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this fourth day of September in the year of our Lord nineteen hundred and forty-eight, and
[SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

POSTPONING THE EFFECTIVE DATE OF PROCLAMATION NO. 2775 OF MARCH 26, 1948, PRESCRIBING CHANGES IN PANAMA CANAL TOLL RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 7, 1948
[No. 2808]

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS increased tolls were prescribed by Proclamation No. 2775 of March 26, 1948, the said proclamation to become effective on October 1, 1948; and

Ante, p. 1494.

WHEREAS it now appears that the Congress may be called upon to give consideration to the entire question of the cost of operation of the Panama Canal and the tolls to be levied for the use thereof; and

WHEREAS it appears consistent with the public interest to postpone the effective date of the said Proclamation No. 2775 until April 1, 1949, so as to permit continuance of the present tolls until the Congress shall have had opportunity for such consideration:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, do hereby proclaim that the effective date of the said Proclamation No. 2775 of March 26, 1948, is postponed to, and shall be, April 1, 1949.

Postponement of effective date of Proclamation No. 2775.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

SUPPLEMENTING PROCLAMATION NO. 2790 OF JUNE 11, 1948, PROCLAIMING THE PROTOCOL OF RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 7, 1948
[No. 2809]

A PROCLAMATION

WHEREAS Proclamation No. 2790 of June 11, 1948, proclaimed that the provisions of part I of schedule XX of the General Agreement on Tariffs and Trade should be applied as if the rectifications in the Protocol of Rectifications to the General Agreement on Tariffs and Trade, referred to in the 7th recital of the said proclamation, had appeared in the said general agreement on October 30, 1947; and

Ante, p. 1515.

61 Stat., Pt. 5, p. A1157.

Post, p. 1962; *ante*, p. 1517.

Post, p. 1982.

WHEREAS the rate of duty for item 1110 of schedule XX specified in the copy of the said protocol annexed to the said proclamation of June 11, 1948, reads: "35¢ per lb. and 25% ad val."; and

WHEREAS the rate of duty for the said item should read: "33¢ per lb. and 25% ad val.":

Proclamation of designated modification of protocol.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930 as amended (19 U. S. C. 1351), do proclaim that the said Proclamation No. 2790 of June 11, 1948, shall be applied as if the copy of the said protocol annexed thereto had stated the rate of duty for item 1110 of schedule XX to be 33¢ per lb. and 25% ad val.

48 Stat. 943.

Ante, p. 1515.
Post, p. 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President
G C MARSHALL
Secretary of State

AIR FORCE DAY, 1948

September 8, 1948
[No. 2810]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS September 18, 1948, is the first anniversary of the autonomous United States Air Force; and

WHEREAS it is fitting that our people pay tribute to the men and women, both living and dead, who have contributed to the growth of American air power; and

WHEREAS the United States Air Force is maintaining high standards of proficiency through constant research and development in the field of aviation and through peacetime training of personnel for its mission; and

WHEREAS a grateful Nation recognizes the increasing importance of air power in preserving our democratic way of life, in assuring the physical security of our country, and in helping to safeguard international peace:

Designation of September 18, 1948, as Air Force Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Saturday, September 18, 1948, as Air Force Day, and I direct that the flag of the United States be displayed on all Government buildings on that day.

I earnestly request that the people of the United States observe Air Force Day by participating in the programs scheduled at Air Force Bases and by attending civic-sponsored Air Force events. I invite the State and local governments, as well as patriotic and civic organizations and the agencies of the press, the radio, and the motion-picture industry, to cooperate fully in this observance. I also direct that the appropriate agencies of the Federal Government assist in every feasible way in the celebration of Air Force Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and forty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

UNITED NATIONS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 9, 1948
[No. 2811]

A PROCLAMATION

WHEREAS the people of the United States are united in a firm resolve to cooperate effectively with other countries, through the medium of the United Nations, to the end that a future of peace, freedom, and justice may prevail upon the earth; and

WHEREAS it is fitting that the devotion of the American people to the ideals expressed in the Charter of the United Nations should be reaffirmed in our inmost hearts and expressed in public ceremonies; and

WHEREAS it is our desire that our support of the United Nations be given added strength and positive affirmation through the activities of an informed public; and

WHEREAS the General Assembly of the United Nations, on October 31, 1947, unanimously adopted a resolution declaring that October 24, the anniversary of the coming into force of the Charter of the United Nations, "shall henceforth be officially called 'United Nations Day' and shall be devoted to making known to the peoples of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations"; and

WHEREAS the General Assembly, in the same resolution, invited the member governments to cooperate with the United Nations in securing observance of United Nations Day:

Observance of October 24, 1948, as United Nations Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the people of the United States to observe October 24, 1948, as United Nations Day by exercises exemplifying our recognition of the achievements of the United Nations, our support of its aims, and our determination to strive for the realization of those aims.

And I call upon the officers of the Federal, State, and local governments, as well as upon civic, educational, and religious organizations and institutions, and also upon the agencies of the press, radio, and other media of information, to cooperate in programs designed to give public expression to our devotion to the United Nations and to make more effective our participation in the work of the United Nations; and I urge our citizens to participate actively in these programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of September in the year of our Lord nineteen hundred and forty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1948

September 13, 1948
[No. 2812]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our Nation would be materially strengthened and our democracy enriched if all citizens capable of performing any kind of useful labor were afforded opportunities for suitable employment; and

WHEREAS the millions of disabled persons in the United States, both military and civilian, should be encouraged to avail themselves of the facilities for rehabilitation and training, as well as the services for placement, provided by our Federal, State, and local governments; and

WHEREAS war-production records and recent industrial surveys show that handicapped workers, when selectively placed, perform their tasks as well as or better than those without handicaps; and

WHEREAS acceptance of the handicapped by employers will be the means of bringing opportunity for economic independence and full participation in our democratic life to citizens who, despite physical impairments, are willing and able to perform a wide variety of essential tasks; and

Establishment of President's Committee on National Employ the Physically Handicapped Week.

WHEREAS, in order to secure greater voluntary cooperation in employment of the handicapped on the part of the public generally, I have established the President's Committee on National Employ the Physically Handicapped Week, composed of leaders of organizations outside the Government; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which time appropriate ceremonies are to be held throughout the Nation, and has requested the President to issue a suitable proclamation each year:

Observance of week beginning Oct. 3, 1948, as National Employ the Physically Handicapped Week.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 3, 1948, as National Employ the Physically Handicapped Week. I also call upon the Governors of States, the mayors of cities, and other public officials, as well as leaders of industry and labor, of civic, veterans', farm, women's, and fraternal organizations, and of other groups representative of our national life, to lend full support to the observance of the week, in order to enlist public interest in effectuating full employment of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September, in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State.

COLUMBUS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 13, 1948
[No. 2813]

A PROCLAMATION

WHEREAS four hundred and fifty-six years ago Christopher Columbus broadened the world's horizons through his keen vision, his indomitable spirit, and his unflagging persistence; and

WHEREAS the old world which gave him birth and the new world which he discovered are now joined in closer relationship not only through modern miracles of speed but also through mutual need for the achievement of lasting peace and a higher civilization; and

WHEREAS it is fitting that the exploits of this gallant navigator, who has enriched the lives of all peoples by showing the way to a land of unparalleled opportunities, should be commemorated on the anniversary of his finding that land; and

WHEREAS the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), has authorized and requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

36 U. S. C. § 146.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Tuesday, October 12, 1948, as Columbus Day, and I invite the people of the United States to observe the day with appropriate ceremonies in their homes, their schools, their churches, and in other suitable places. I also direct that the flag of the United States be displayed on all Government buildings on that day.

Designation of October 12, 1948, as Columbus Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

GENERAL PULASKI'S MEMORIAL DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 20, 1948
[No. 2814]

A PROCLAMATION

WHEREAS October 11, 1948, is the one hundred and sixty-ninth anniversary of the death of Count Casimir Pulaski, son of a foreign nation, who gave his life for the cause of American freedom; and

WHEREAS his death from a wound received while leading the celebrated Pulaski Legion at the siege of Savannah, in 1779, brought to a heroic end, at the youthful age of 31 years, a life which had given promise of further glorious achievements on behalf of humankind; and

WHEREAS this distinguished Pole who achieved the rank of Brigadier General in the American Revolutionary Army bequeathed to all liberty-loving people a tradition of fidelity to principle which remains an inspiration to our own generation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Monday, October 11, 1948, as General Pulaski's Memorial Day. I call upon the officials of the Government to display the flag on Government buildings on that

Designation of October 11, 1948, as General Pulaski's Memorial Day.

day, and I invite the people of the United States to participate in the observance of the day with appropriate ceremonies in schools, churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of September in the year of our Lord nineteen hundred and forty-eight, [SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

NAVY DAY, 1948

October 5, 1948
[No. 2815]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is the purpose of the United States Navy to maintain sufficient strength on the sea and in the air to enable it, in conjunction with our other armed forces, to uphold our national policies and interests, to protect our commerce, to support our international obligations, and to guard our country and its overseas possessions and dependencies; and

WHEREAS, the Navy League and other patriotic organizations in 1922 selected October 27 for annual observance of Navy Day in commemoration of the founding of the United States Navy in October 1775, and of the birth on October 27, 1858, of Theodore Roosevelt, who as Assistant Secretary of the Navy and as President of the United States contributed markedly to the development of the United States Navy; and

WHEREAS it has become customary for our citizens to join hands across the Nation on October 27 of each year in rendering grateful tribute to our Navy and in according honor and recognition to the achievements of the men and women who compose its ranks:

Observance of October 27, 1948, as Navy Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe October 27, 1948, as Navy Day by displaying the flag of the United States at their homes or other suitable places, and I direct that the flag be displayed that day on all Government buildings. As Commander in Chief of the Armed Forces of the United States, I direct that all ships of the United States Navy dress ship and that all ships and stations of the United States Navy, where practicable, be open to visits of the public on Navy Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of October in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: AUSTRIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 9, 1948
[No. 2816]

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

15 U. S. C. § 92 note.

33 Stat. 727.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Austria registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Austria accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including February 28, 1949.

Austria.
Extension of time for renewal of certain trade-mark registrations.
60 Stat. 568.
15 U. S. C. § 92 note.

33 Stat. 727.
15 U. S. C. § 92.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of October, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT MASSACHUSETTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 18, 1948
[No. 2817]

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and has submitted

5 U. S. C. § 1003.

to me for approval the following regulation relating to migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

39 Stat. 1702.

50 Stat. 1311.

REGULATION DESIGNATING AS CLOSED AREA CERTAIN TIDAL WATERS IN THE VICINITY OF THE PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, William E. Warne Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area, effective October 29, 1948, in or on which pursuing, hunting, taking, capture, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in the towns of Ipswich, Newbury and Rowley, Essex County, Massachusetts, not now owned or controlled by the United States within the following-described exterior boundary:

16 U. S. C. §§ 703-711.

5 U. S. C. § 133t note.

5 U. S. C. § 1003.

39 Stat. 1702.

50 Stat. 1311.

Effective date.

Beginning at corner No. 1, a point in the center of Stackyard Road (also known as Nelson Island Road), approximately 0.95 mile east of State Highway No. 1A in approximate latitude 42°44′33.0″ N., longitude 70°50′20.8″ W., from which an 8″ cedar post set for a witness corner bears N. 78°39′ E., 0.70 ch., distant.

From the initial point,

Northeast, along the center of Stackyard Road with the meanders thereof, 8.85 chs., to the edge of marsh and upland;

Thence with three courses along the edge of the marsh and upland with the meanders thereof,

N. 0°37′ E., 2.22 chs.,

S. 85°11′ W., 1.60 chs.,

S. 65°01′ W., 1.23 chs., at the edge of marsh and upland, in the center of an old road;

Thence with two courses along the center of an old road with the meanders thereof,

N. 24°38′ W., 1.92 chs.,

N. 21°31′ W., 4.16 chs., to the intersection of the center of the road with the center of Carleton Creek;

Thence Northeasterly down the center of Carleton Creek with the meanders thereof 13.98 chs., to the prolongation of the center line of a ditch;

Thence with three courses along the center line of ditches,

N. 29°21′ W., 5.72 chs.,

N. 27°24′ W., 3.49 chs., in the center of Sawyers Island Creek,

N. 44°41′ W., 5.86 chs., at the northwesterly end of ditch and at edge of marsh and upland;

Thence N. 13°50′ W., with edge of marsh and upland 0.627 ch., to the intersection of edge of marsh and upland with the

center of Patmos Road (also known as Sawyers Island Road), a point from which a 3″ x 3″ cedar post set for a witness corner bears S. 22°54′ E., 0.13 ch., distant;

Thence N. 41°39′ E., with the center of Patmos Road, 1.60 chs., to the intersection of said road with the line between marsh and upland;

Thence with eleven courses along the edge of marsh and upland with the meanders thereof,

N. 89°36′ E., 1.293 chs.,
N. 34°33′ E., 3.83 chs.,
S. 85°14′ E., 1.30 chs.,
N. 31°53′ E., 3.40 chs.,
S. 65°31′ E., 1.00 ch.,
N. 61°38′ E., 1.54 chs.,
N. 86°12′ E., 1.12 chs.,
S. 36°26′ E., 1.818 chs.,
N. 40°20′ E., 4.86 chs.,
N. 43°10′ W., 2.163 chs.,
N. 22°17′ E., 1.661 chs., at the edge of marsh and upland on the northeasterly point of Sawyers Island, a standard concrete post No. 51;

Thence N. 51°43′ W., approximately 6.60 chs., to mean high water on the right or south bank of Great Creek (also known as Mud Creek);

Thence Westerly, with mean high water upstream and on the right or south bank of Great Creek approximately 90.00 chs., to the intersection of mean high water on the right or south bank of Great Creek with the prolongation of the center of the ditch situate on the left or north side of Great Creek;

Thence N. 5°00′ E., in part crossing Great Creek and in part up a ditch, approximately 1.50 chs.;

Thence with twelve courses along the center of ditches, with the meanders thereof,

N. 22°53′ E., 1.870 chs.,
N. 4°54′ E., 5.310 chs.,
N. 50°02′ W., 1.734 chs.,
N. 3°07′ E., 3.110 chs., to the junction of ditches,
N. 65°35′ E., 7.48 chs.,
N. 57°33′ E., 6.33 chs., to the intersection of ditches,
S. 13°51′ E., 1.943 chs., to the junction of ditches,
S. 89°49′ E., 3.090 chs.,
S. 79°58′ E., 1.332 chs.,
S. 2°40′ W., 0.519 ch., to the junction of ditches;
S. 89°08′ E., 0.398 ch., to the junction of ditches;
N. 65°20′ E., 5.23 chs., to the intersection of ditch with stone wall, at the edge of marsh and upland;

Thence with twelve courses along a stone wall with the meanders thereof,

N. 66°11′ E., 2.906 chs.,
S. 85°06′ E., 1.440 chs.,
N. 35°34′ E., 1.320 chs.,
N. 71°49′ E., 4.220 chs.,
N. 50°34′ E., 1.631 chs.,
S. 35°23′ E., 0.339 ch.,
N. 64°22′ E., 1.653 chs.,
S. 27°41′ E., 1.38 chs.,
N. 70°03′ E., 1.193 chs.,
S. 27°37′ E., 0.388 chs.,
N. 66°25′ E., 9.13 chs.,
N. 17°05′ W., 2.529 chs., at the intersection of stone walls,

N. 17°43′ W., 7.17 chs., to the center of Marsh Avenue;
Thence N. 1°08′ E., with the center of Marsh Avenue, 4.10 chs., a point from which a standard concrete post No. 53 set for a witness corner bears N. 66°00′ E., 0.12 ch., distant;
Thence N. 69°05′ E., approximately 12.00 chs., to mean high water on the right or south bank of Parker River, about 41.00 chs., below the Parker River bridge in State Highway No. 1A;
Thence Southeasterly with mean high water down the right or south bank of Parker River with the meanders thereof, approximately 11.00 chs.;
Thence N. 19°17′ E., crossing Parker River, approximately 11.00 chs., to mean high water on the left or north bank of Parker River;
Thence Northwesterly with mean high water up the left or north bank of Parker River with the meanders thereof, approximately 0.75 ch., to the mouth of a small ditch;
Thence with four courses along the center line of ditches with the meanders thereof,
N. 44°24′ E., approximately 1.00 ch.,
N. 19°17′ E., 12.41 chs., the junction of ditches,
N. 75°18′ W., 7.54 chs.,
N. 73°24′ E., 6.83 chs., to the junction of small ditches;
Thence N. 3°05′ W., 7.68 chs., in the center of a ditch;
Thence with ten courses along the center line of ditches with the meanders thereof,
S. 81°53′ W., 5.19 chs.,
N. 84°33′ W., 5.38 chs.,
N. 81°56′ W., 4.40 chs., the junction of ditches,
N. 13°47′ E., 2.371 chs., the junction of ditches,
S. 81°11′ E., 1.600 chs., the intersection of ditches,
N. 13°21′ E., 2.602 chs., the junction of ditches,
S. 88°21′ E., 3.20 chs.,
N. 84°21′ E., 2.699 chs.,
N. 70°54′ E., 0.822 ch.,
N. 80°32′ E., 5.33 chs., the junction of ditches;
Thence N. 3°19′ W., along a ditch and a low stone wall 5.80 chs., the junction of ditches;
Thence S. 87°14′ W., in part with a ditch and in part with a stone wall 4.75 chs., in the corner of stone walls;
Thence with three courses along a stone wall with the meanders thereof,
N. 0°04′ E., 3.98 chs.,
N. 15°45′ E., 4.03 chs.,
N. 20°49′ W., 0.205 ch., in the stone wall in the range of the center of a ditch bearing Easterly;
Thence N. 86°52′ E., 2.383 chs., at the edge of marsh and upland in the range of the center of a ditch bearing Easterly;
Thence with 25 courses along the edge of marsh and upland with the meanders thereof,
N. 49°10′ E., 0.768 ch.,
N. 52°53′ W., 1.474 chs.,
N. 23°06′ E., 1.888 chs.,
N. 72°31′ W., 0.663 ch.,
S. 52°22′ W., 2.772 chs.,
N. 77°13′ W., 3.67 chs.,
N. 16°36′ W., 3.47 chs.,
N. 49°08′ E., 1.243 chs.,
S. 83°37′ W., 3.84 chs.,
S. 67°09′ W., 3.62 chs.,

N. 68°20′ W., 1.653 chs.,
N. 0°55′ W., 1.370 chs.,
N. 45°39′ E., 5.900 chs.,
N. 68°20′ E., 1.985 chs.,
N. 33°01′ E., 3.22 chs.,
N. 4°25′ W., 3.43 chs.,
N. 35°34′ E., 2.667 chs.,
N. 14°38′ W., 0.673 ch.,
N. 21°39′ E., 2.041 chs.,
N. 68°17′ E., 2.452 chs.,
N. 54°36′ W., 1.50 chs.,
N. 21°05′ E., 2.630 chs.,
N. 62°45′ E., 3.67 chs.,
N. 8°58′ W., 4.28 chs.,
N. 38°42′ W., 1.083 chs., at the edge of the marsh and upland in the range of center of a ditch extended Southwesterly from the marsh;

Thence N. 48°17′ E., in part with the center of a ditch 6.59 chs., in the center of a ditch;

Thence with two courses along the center of a ditch with the meanders thereof,
N. 51°41′ E., 3.05 chs.,
N. 58°16′ E., 3.05 chs., at the junction of ditches;

Thence S. 72°43′ E., approximately 16.00 chs., to mean high water on the left or north bank of Causeway Creek;

Thence Easterly with mean high water down the left or north bank of Causeway Creek, with the meanders thereof, approximately 18.00 chs., to mean high water on the left or west bank of Pine Island Creek (also known as Great Pine Island Creek);

Thence Northwesterly and Northeasterly with mean high water down the left or west bank of Pine Island Creek with the meanders thereof, approximately 18.00 chs., to the intersection of mean high water on the left or north bank of Pine Island Creek with the center of a ditch bearing Northerly;

Thence with seven courses along the center of the ditch with the meanders thereof,
N. 8°38′ E., approximately 1.80 chs.,
N. 1°38′ E., 0.980 ch.,
N. 51°54′ E., 0.507 ch.,
N. 16°10′ E., 0.406 ch.,
N. 19°49′ W., 0.616 ch.,
N. 5°53′ E., 1.384 chs.,
N. 78°12′ E., 0.274 ch., in the center of an east-west ditch;

Thence N. 9°48′ W., in part along the center of a ditch 9.16 chs., to the center of a filled-in ditch;

Thence N. 81°40′ E., 8.30 chs., to the junction of ditches;

Thence S. 85°11′ E., in part with the center of a ditch 9.92 chs., the intersection of the center of a filled-in ditch with center of a creek;

Thence N. 55°34′ E., approximately 29.50 chs., to mean high water on the right bank and near the mouth of Little Pine Island Creek;

Thence Northeasterly crossing Little Pine Island Creek, approximately 3.70 chs., to mean high water at the mouth and on the left bank of Little Pine Island Creek;

Thence Northerly with mean high water upstream along the right or west bank of the most westerly channel of Plum Island River, with the meanders thereof approximately 30.00 chs., a point, from which a 4″ x 4″ cedar post set for a witness

corner on the left or east bank of Plum Island River bears N. 61°25′ E., approximately 3.80 chs., distant;

Thence N. 61°25′ E., in part crossing Plum Island River and in part on Plum Island approximately 10.41 chs., a standard concrete post No. 57;

Thence S. 59°44′ E., 21.51 chs., to mean low water line of the Atlantic Ocean and on the east side of Plum Island, a point from which a 1″ iron pipe set for a witness corner bears N. 59°44′ W., 5.40 chs., distant;

Thence Southeasterly along the mean low water line of the Atlantic Ocean on the east side of Plum Island with the meanders thereof 508.00 chs., to a point in the mean low water line of the Atlantic Ocean on the east side of Plum Island approximately 6.00 chs., Northwesterly of the southeast point of the island, from which a standard concrete post No. 58, set for a witness corner bears S. 85°02′ W., 5.57 chs., distant;

Thence S. 85°02′ W., on Plum Island 13.80 chs., to the edge of marsh and upland;

Thence with five courses along the edge of marsh and upland with the meanders thereof,

S. 47°53′ W., 8.780 chs.,
S. 36°18′ W., 2.791 chs.,
N. 82°18′ W., 8.72 chs.,
N. 59°58′ W., 14.810 chs.,
N. 70°33′ E., 0.940 ch., in the center of ditch in the line between the marsh and upland;

Thence N. 38° 44′ W., with the center of a ditch, 12.95 chs., to the north end of the ditch in the edge of marsh and upland;

Thence with two courses along the edge of marsh and upland with the meanders thereof,

N. 14°56′ W., 5.95 chs.,
N. 15°54′ E., 1.056 chs., at the intersection of marsh and upland with the southerly edge of Stage Island;

Thence Northwesterly in part with the southerly edge of Stage Island and in part with mean high water on the left or east bank of Plum Island Sound, approximately 27.00 chs., to the westerly edge of a pier;

Thence approximately N. 52°00′ W., 50.00 chs., within Plum Island Sound to mean high water at the most southerly point on Middle Ground Island;

Thence Northwesterly with mean high water of Plum Island Sound along the southerly and westerly shores of Middle Ground Island, approximately 54.00 chs., to mean high water of Plum Island Sound at the most westerly point near the north end, on Middle Ground Island;

Thence N. 57° W., continuing in Plum Island Sound, approximately 36.00 chs., to mean high water at the southern end of Hog Island Point at the mouth and on the left bank of Rowley River;

Thence Northerly and Westerly in part with mean high water of Plum Island Sound and in part with mean high water on the right or south bank of Nelson Island Creek, with the meanders thereof approximately 96.00 chs., to a point at mean high water on the south or right bank of Nelson Island Creek, near the lower end of a small island;

Thence N. 86°43′ W., approximately 35.50 chs.,
N. 36°28′ W., 29.00 chs.,
S. 78°39′ W., 6.70 chs., to the Place of Beginning.

Because of the opening of the hunting season for migratory waterfowl in Massachusetts on October 29, 1948 and the need for protection of such birds in the area described herein, it is found that it is contrary to the public interest to issue this regulation subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act. 60 Stat. 238. 5 U. S. C. § 1003.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 5th day of October 1948.

[SEAL]

WILLIAM E. WARNE
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation. 40 Stat. 755. 16 U. S. C. §§ 703–711.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of October in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

MODIFICATION OF CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT; OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 20, 1948
[No. 2818]

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has submitted to me for approval the following regulation adopted by him under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431): 5 U. S. C. § 133t note.

AMENDMENT OF REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS WITHIN, ADJACENT TO, OR IN THE VICINITY OF THE MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, William E. Warne, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as a closed 16 U. S. C. §§ 703–711. 5 U. S. C. § 133t note. 5 U. S. C. § 1003. 39 Stat. 1702. 50 Stat. 1311.

Effective date.

area, effective October 29, 1948, in or on which pursuing, hunting, taking, capture, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in Harney County, Oregon, within the record meander lines of Malheur and Harney Lakes and the streams and waters connecting said lakes, as shown on the official plats of the following-listed townships:

WILLAMETTE MERIDIAN

	Plat Approved
T. 26 S., R. 29 E.	Mar. 24, 1880
T. 27 S., R. 29 E.	Dec. 26, 1892
T. 27 S., R. 29½ E.	Nov. 2, 1904
T. 28 S., R. 29¾ E.	Nov. 2, 1904
T. 26 S., R. 30 E. (North of Malheur Lake)	May 19, 1913
T. 26 S., R. 30 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 30 E.	Dec. 21, 1896
T. 26 S., R. 31 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 31 E. (South of Malheur Lake)	Dec. 21, 1896
T. 25 S., R. 32 E.	Dec. 21, 1896
T. 26 S., R. 32 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 32 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 32 E.	Dec. 21, 1896
T. 25 S., R. 32½ E.	Dec. 21, 1896
T. 25 S., R. 33 E.	Dec. 21, 1896
T. 26 S., R. 33 E.	Dec. 21, 1896

BUT excepting therefrom that area of land and water within the record meander line of Malheur Lake, bounded and described as follows:

BEGINNING at corner No. 1, in the record meander line (known as the Neal survey line) of T. 26 S., R. 32 E. (north of Malheur Lake), in the south boundary of fractional sec. 3, at the corner common to lots ten (10) and eleven (11) of said fractional section;
Thence within Malheur Lake,
South approximately 107.60 chs., to a fence;
Thence with six courses along a fence,
S 86°30′ W., 30.35 chs.,
N 59°15′ W., 44.60 chs.,
S 47°25′ W., 65.50 chs.,
S 28°20′ E., 34.00 chs.,
S 56°25′ W., 35.00 chs.,
S 64°40′ W., approximately 5.00 chs.;
Thence
S 79°05′ W., leaving fence, approximately 102.00 chs., to a fence;
Thence with three courses along a fence,
S 16°00′ E., approximately 28.00 chs.,
N 88°20′ W., 1.90 chs.,
S 0°50′ E., 49.00 chs., to the record meander line (known as the Neal survey line) of T. 26 S., R. 31 E. (south of Malheur Lake), in the north boundary of fractional sec. 30, at the corner common to lots fourteen (14) and fifteen (15) of said fractional section 30;
Thence
Westerly and southwesterly with the aforesaid record meander line (known as the Neal survey line), in part the north boundary of T. 26 S., R. 31 E. (south of Malheur Lake), fractional sec. 30, and in part the north boundary of T. 26 S., R. 30 E. (south of Malheur Lake), fractional secs. 25 and 26, in part along the south side of Malheur Lake and in part along the southeast side of the Narrows connecting Malheur and Mud Lakes, approxi-

mately 164.00 chs., to the corner in said record meander line of T. 26 S., R. 30 E. (south of Malheur Lake), in the northwest boundary of fractional sec. 26, common to lots five (5) and seven (7);

Thence

Approximately S 78°15′ W. crossing said Narrows 8.50 chs., to the record meander line (known as the Neal survey line) of T. 26 S., R. 31 E (north of Malheur Lake), the meander corner common to fractional secs. 26 and 35, on the northwest side of the said Narrows;

Thence

Northerly and northeasterly with said record meander line, in part along the northwest side of the said Narrows and in part along the west and north sides of Malheur Lake, in part along south and east boundaries of T. 26 S., R. 31 E. (north of Malheur Lake), fractional secs. 26, 23, 24, 14 and 13, and in part along the south and east boundaries of T. 26 S., R. 32 E. (north of Malheur Lake), fractional secs. 18, 17, 8, 9, 4, 3 and 10, approximately 1,080.00 chs., to the place of BEGINNING.

Upon the effective date hereof, this regulation shall supersede the regulation dated September 17, 1941, designating as a closed area certain lands and waters in Harney County, Oregon, approved by the President of the United States of America by Proclamation No. 2516 of October 1, 1941. 55 Stat. 1689.

Because this amendment partially removes the restrictions set forth in said regulation proclaimed October 1, 1941 and imposes no new obligation upon the general public with respect to the area described herein, it is found that it is unnecessary to issue said amended regulation subject to the general notice provision and the effective date limitation of sections 4 (a) and 4 (c), respectively, of the Administrative Procedure Act. 60 Stat. 239. 5 U. S. C. § 1003.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 5th day of October 1948.

[SEAL]

WILLIAM E. WARNE
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918: 40 Stat. 755. 16 U. S. C. §§ 703–711.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment of regulation.

This proclamation supersedes Proclamation No. 2516 of October 1, 1941, approving and proclaiming the regulation adopted by the Secretary of the Interior on September 17, 1941, designating as closed area certain lands and waters in Harney County, Oregon. 55 Stat. 1689.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:

ROBERT A LOVETT
Acting Secretary of State.

COPYRIGHT—PHILIPPINES

October 21, 1948
[No. 2819]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Title 17 of the United States Code, entitled "Copyrights", has been codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652;

17 U. S. C., Supp. I.
61 Stat. 655.

WHEREAS section 9 of the said Title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

17 U. S. C., Supp. I, § 9.

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.";

61 Stat. 652.
17 U. S. C., Supp. I, § 1.

WHEREAS section 1 of the said Title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * *

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.";

61 Stat. 655.
17 U. S. C., Supp. I, § 9.

WHEREAS section 9 of the said title further provides that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.";

WHEREAS the Philippine Copyright Law, No. 3134, approved March 6, 1924, provides by section 10 (*b*) that the provisions of the said law shall extend to the work of a proprietor who is not a citizen of the Republic of the Philippines only:

"When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act;";

WHEREAS in Republic Act No. 76, approved October 21, 1946, it is provided by section 1 that:

"Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the states of the United States of America, which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America.";

AND WHEREAS satisfactory official assurances have been received that on and after October 21, 1948, pursuant to the aforementioned Law No. 3134, as amended by the aforesaid Republic Act No. 76, citizens of the United States will be entitled to obtain copyright protection for their works in the Republic of the Philippines which is substantially equal to the protection afforded by the copyright laws of the United States and which is afforded on substantially the same basis as to the citizens of the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the said Title 17 of the United States Code:

61 Stat. 653.
17 U. S. C., Supp. I, § 1 (e).

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do declare and proclaim:

Proclamation of copyright conditions.

That on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of the citizens of the Republic of the Philippines, and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

61 Stat. 655, 653.
17 U. S. C., Supp. I, §§ 9 (b), 1 (e).

Provided, that the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published and copyrighted after July 1, 1909, and reproduced for use on any contrivance by means of which the work may be mechanically performed.

61 Stat. 653.
17 U. S. C., Supp. I, § 1 (e).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:

ROBERT A LOVETT
Acting Secretary of State.

ARMISTICE DAY, 1948

October 28, 1948
[No. 2820]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS November 11, 1948, marks the thirtieth anniversary of the signing of the Armistice which terminated hostilities between lawless aggressors on one side and defenders of freedom and peace on the other; and

WHEREAS less than a generation after the first World War the peace of the earth was shattered by the same aggressive forces, so that peace-loving men were once again compelled to defend themselves and their ideals by force of arms; and

WHEREAS it is fitting that on this anniversary we rededicate ourselves as unflagging and perpetual advocates of those principles for which we fought; and

WHEREAS the Congress passed a concurrent resolution on June 4, 1926 (44 Stat. 1982), calling for the observance of November 11 with appropriate ceremonies, in schools or churches, or other suitable places, and later provided in an act approved May 13, 1938 (52 Stat. 351), that this date should be celebrated and known as Armistice Day:

5 U. S. C. § 87a

Observance of November 11, 1948, as Armistice Day.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe November 11, 1948, as Armistice Day by renewing their devotion to the cause of enduring peace; and I direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of October in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

October 30, 1948
No. 2821]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Post, p. 1572.

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

39 Stat. 1702.

50 Stat. 1311.

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE ACTING SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, WILLIAM E. WARNE, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of scoters and eider ducks, which are migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of scoters and eider ducks, and in accordance with such determination, do hereby amend the regulations approved by Proclamation 2801 of July 29, 1948 (13 F. R. 4414), by deleting from the second sentence of footnote 9 under schedule (a) Atlantic Flyway States in § 1.4 (50 CFR 1.4) relating to the taking of scoters and eider ducks in open coastal waters only, beyond outer harbor lines, the words "in New Hampshire from September 1 to October 7;" and by adopting in lieu of such deleted portion the following:

"in New Hampshire from November 1 to November 25;"

This amendment is a correction of an error appearing in the said regulations approved July 29, 1948, and is in accordance with the recommendation of the State Fish and Game Department. In view of the fact that in respect to hunting in New Hampshire this amendment extends the season for hunting scoters and eider ducks in open coastal waters only, beyond outer harbor lines, from November 1 to November 25, and in view of the further fact that it imposes no new obligation upon the general public with respect to the taking of scoters and eider ducks, it is determined that this amendment shall become effective immediately, and it is found unnecessary to issue said amended regulation subject to the general notice provision and the effective date limitation of sections 4 (a) and 4 (c), respectively, of the Administrative Procedure Act.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 26th day of October, 1948.

[SEAL]

WILLIAM E. WARNE
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment.

16 U. S. C. §§ 703-711.
5 U. S. C. § 133t note.
5 U. S. C. § 1003.
39 Stat. 1702.
50 Stat. 1311.
Ante, p. 1540.
Ante, p. 1536.
60 Stat. 239.
5 U. S. C. § 1003.
40 Stat. 755.
16 U. S. C. §§ 703-711.
40 Stat. 755.
16 U. S. C. 704.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of October in the year of our Lord nineteen hundred and forty-eight, and of [SEAL] the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

November 5, 1948
[No. 2822]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

39 Stat. 1702.

50 Stat. 1311.

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE ACTING SECRETARY OF THE INTERIOR

16 U. S. C. §§ 703-711.
5 U. S. C. § 133t note.

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), I, OSCAR L. CHAPMAN, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds designated in the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof, and in accordance with such determination, do hereby amend the regulations approved by Proclamation 2801 of July 29, 1948 (13 F. R. 4414), as amended by Proclamation 2821 of October 30, 1948 (13 F. R. 6465), by adding at the end of § 1.4 thereof the following:

39 Stat. 1702.

50 Stat. 1311.

Ante, pp. 1536, 1570.

"*Provided, however*, (1) that in the area of Minnesota in which hunting has been prohibited by State action by reason of emergency fire-hazard conditions, subject to all other provisions of this subchapter, the open season specified in this section for migratory waterfowl in that State is hereby extended for such area and for a period not to exceed the number of days during which hunting has been prohibited by State action but in no case beyond November 14, 1948; and (2) that whenever the Director of the Fish and Wildlife Service

shall find that emergency State action to prevent forest fires has resulted in the shortening of the season during which the hunting of any migratory game bird is permitted in any extensive area and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Director upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The Director of the Fish and Wildlife Service shall fix the length of the extended or reopened season, which in no event shall exceed the number of days during which hunting has been so prohibited, and he shall publicly announce the extended or reopened season."

This amendment shall become effective upon its publication in the Federal Register as a part of the proclamation of the President by which the amendment is approved and proclaimed. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) with respect to notice and effective date is found to be contrary to the public interest because of the emergency conditions which the proposed amendment is designed to correct.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 4th day of November, 1948.

[SEAL] OSCAR L CHAPMAN
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act: 40 Stat. 755. 16 U. S. C. §§ 703-711.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment. 40 Stat. 755. 16 U. S. C. § 704.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of November in the year of our Lord nineteen hundred and forty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State.

THANKSGIVING DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 12, 1948
[No. 2823]

A PROCLAMATION

As the traditional day of thanksgiving approaches, our thoughts incline, as in previous years, to the richness of our blessings. The spiritual endowments of our country are undiminished; we may, as always, walk as free men unafraid. Our harvests have been bountiful,

our production of goods abundant. Our resources have permitted us to aid the needy and helpless of other lands.

We are privileged to participate in international efforts to advance human welfare. We are profoundly grateful for the existence of an international forum where differences among nations may be submitted to world opinion with a view to harmonious adjustment.

We pray this year not only in the spirit of thanksgiving but also as suppliants for wisdom in our approach to the problems confronting this Nation. Believing in the dignity of man and his right to live in freedom and peace, we ask divine guidance in helping to safeguard these gifts for ourselves and other peoples of the earth.

Proclamation of Thursday, Nov. 25, 1948, as a day of national thanksgiving.
55 Stat. 862.
5 U. S. C. § 87b.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 25, 1948, as a day of national thanksgiving; and I call upon our citizens to observe that day by giving thanks to Almighty God for the bounties which have been bestowed upon our Nation and by resolving to render generous assistance to the hungry and homeless in other lands, thus renewing our devotion to the cause of good-will among men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of November in the year of our Lord nineteen hundred and forty-eight, and [SEAL] of the Independence of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

TREATIES

NOTE

In this section are included all instruments, whether called treaties, conventions, protocols, or otherwise, entered into on the part of the United States by the President by and with the advice and consent of the Senate.

TREATIES

Protocol between the United States of America and other governments extending the protocol of November 26, 1945, respecting whaling. Open for signature at Washington December 2, 1946; ratification advised by the Senate of the United States of America July 2, 1947; ratified by the President of the United States of America July 18, 1947; proclaimed by the President of the United States of America February 16, 1948; entered into force February 5, 1948.

December 2, 1946
[T. I. A. S. 1708]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol extending the provisions of the Protocol for the Regulation of Whaling signed at London on November 26, 1945 was signed at Washington on December 2, 1946 by the respective plenipotentiaries of the Governments of the United States of America, Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland;

61 Stat., Pt. 2, p. 1213.

WHEREAS the text of the said protocol of December 2, 1946, in the English language, is word for word as follows:

PROTOCOL FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the necessity of an early decision regarding the regulations to be made applicable to the whaling season of 1947–48;

Having due regard both to the world shortage of oil and fats and to the necessity for the conservation of the whale stocks;

Agree as follows:

Article I

All the provisions of the Protocol for the Regulation of Whaling signed in London on November 26, 1945 shall be made applicable as if in the said Protocol the words "season 1947–48" were substituted for the words "season 1946/47" and the words "1 May 1948 to 31 October 1948" were substituted for the words "1st May, 1947, to 31st October, 1947".

Applicability to season 1947–48.
61 Stat., Pt. 2, p. 1213.

Article II

This Protocol shall come into force when notifications of acceptance thereof shall have been given to the Government of the United States of America by all the Governments parties to the Protocol of November 26, 1945.

Entry into force.
Post, p. 1580.

This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

FOR ARGENTINA:

O. IVANISSEVICH
J M MONETA
G. BROWN
PEDRO H. BRUNO VIDELA

FOR AUSTRALIA:

F. F. ANDERSON

FOR BRAZIL:

PAULO FRÓES DA CRUZ

FOR CANADA:

H H WRONG
HARRY A SCOTT

FOR CHILE:

AGUSTIN R. EDWARDS

FOR DENMARK:

P. F. ERICHSEN

FOR FRANCE:

FRANCIS LACOSTE

FOR THE NETHERLANDS:

D J VAN DIJK

FOR NEW ZEALAND:

G R POWLES

FOR NORWAY:

BIRGER BERGERSEN

FOR PERU:

C ROTALDE

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

A BOGDANOV.
E NIKISHIN

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

A. T. A. DOBSON
JOHN THOMSON

FOR THE UNITED STATES OF AMERICA:

REMINGTON KELLOGG
IRA N GABRIELSON
WILLIAM E. S. FLORY

FOR THE UNION OF SOUTH AFRICA:

H. T. ANDREWS

I CERTIFY THAT the foregoing is a true copy of the Protocol for the Regulation of Whaling opened for signature in the English language at Washington on December 2, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, JAMES F. BYRNES, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this twenty-third day of December, 1946.

[SEAL]

JAMES F. BYRNES
Secretary of State
By B E CASH
Acting Authentication Officer
Department of State

WHEREAS the Senate of the United States of America by their Resolution of July 2, 1946,[1] two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol of December 2, 1946; Advice and consent to ratification.

WHEREAS the said protocol of December 2, 1946 was duly ratified by the President of the United States of America on July 18, 1947, in pursuance of the aforesaid advice and consent of the Senate; Ratification.

WHEREAS it is provided in Article II of the said protocol of December 2, 1946 that the protocol shall come into force when notifications of acceptance thereof shall have been given to the Government of the United States of America by all the Governments parties to the said Protocol of November 26, 1945; *Ante*, p. 1577.

WHEREAS the said Protocol of November 26, 1945 came into force in its entirety in respect of the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, pursuant to the provisions of Article I of a Supplementary Protocol signed at London on March 3, 1947 by the respective plenipotentiaries 61 Stat., Pt. 2, p. 1213.

[1] July 2, 1947.

of the Governments of the said countries, and was subsequently adhered to by Iceland;

Notifications of acceptance.

WHEREAS the Government of the United States of America has received notifications of acceptance of the said protocol of December 2, 1946 from all the Governments parties to the said Protocol of November 26, 1945, as follows: Iceland on April 21, 1947; the United Kingdom of Great Britain and Northern Ireland on June 17, 1947; the United States of America on July 18, 1947; New Zealand on July 22, 1947; Denmark on August 25, 1947; Norway on August 27, 1947; the Union of South Africa on November 6, 1947; Australia on December 1, 1947; the Union of Soviet Socialist Republics on December 11, 1947; and France on February 5, 1948;

Entry into force. *Ante*, p. 1577.

AND WHEREAS, pursuant to the aforesaid provisions of Article II of the said protocol of December 2, 1946, the protocol entered into force on February 5, 1948;

Proclamation.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said protocol of December 2, 1946, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after February 5, 1948, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of February in the year of our Lord one thousand nine hundred forty-eight and of the Independence of the United States of America the one hundred seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:

G C MARSHALL

Secretary of State

Protocol between the United States of America and other governments respecting the transfer of functions and assets of the International Institute of Agriculture to the Food and Agriculture Organization of the United Nations. Dated at Rome March 30, 1946; ratification advised by the Senate of the United States of America August 2, 1946; ratified by the President of the United States of America August 28, 1946; ratification of the United States of America deposited with the Food and Agriculture Organization of the United Nations February 10, 1947; proclaimed by the President of the United States of America February 24, 1948; entered into force January 28, 1948.

March 30, 1946
[T. I. A. S. 1719]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol dated at Rome, March 30, 1946, terminating the convention for the creation of an International Institute of Agriculture signed at Rome on June 7, 1905, and transferring the functions and assets of that Institute to the Food and Agriculture Organization of the United Nations, was signed "Subject to ratification" on behalf of the United States of America (including Hawaii, the Philippines, Puerto Rico, and the Virgin Islands) and was signed also on behalf of a number of other countries; 35 Stat. 1918.

WHEREAS the text of the said protocol, being in the French and English languages, is word for word as follows:

Les Gouvernements signataires du présent Protocole,

Etant parties à la Convention signée à Rome le 7 juin 1905, qui créa l'Institut international d'Agriculture (ci-après dénommé "l'Institut"),

Considérant qu'il serait utile de dissoudre l'Institut (y compris le Centre international de Sylviculture, ci-après dénommé "le Centre") et d'en transférer les fonctions et les biens à l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture (ci-après dénommée "l'Organisation"), et

Ayant connaissance de la résolution du Comité permanent de l'Institut, sont convenus de ce qui suit:

The Governments signatories to this Protocol,

Being parties to the Convention signed at Rome on June 7, 1905, creating the International Institute of Agriculture (hereinafter called the Institute), 35 Stat. 1918.

Considering it desirable that the Institute (including the International Forestry Center, hereinafter called the Center) be dissolved and that the functions and assets thereof be transferred to the Food and Agriculture Organization of the United Nations (hereinafter called the Organization), and

Being cognizant of the resolution of the Permanent Committee of the Institute, have agreed as follows:

ARTICLE I

Convention of 1905 to be terminated.

A partir de la date qui sera annoncée par le Comité permanent de l'Institut aux termes de l'article III du présent Protocole, la Convention signée à Rome le 7 juin 1905 et en vertu de laquelle l'Institut fut crée ne produira plus aucun effet entre les parties à ce Protocole, et l'Institut (le Centre y compris) sera en conséquence dissous.

35 Stat. 1918.

Dissolution of Institute.

ARTICLE II

Le Comité permanent de l'Institut, en conformité avec les instructions de l'Assemblée générale de l'Institut, mettra fin aux activités de l'Institut (le Centre y compris) et, à ces fins, devra:

(a) recueillir et rassembler tous les avoirs de l'Institut (le Centre y compris) et prendre possession de ses bibliothèques, archives, registres et autres biens mobiliers;

(b) régler toutes dettes ou créances dont l'Institut est responsable;

(c) révoquer les employés de l'Institut et transférer à l'Organisation tous les dossiers et états de service du personnel;

(d) transférer à l'Organisation la jouissance et pleine propriété des bibliothèques, archives, registres et avoirs résiduaires de l'Institut (le Centre y compris).

ARTICLE III

Notification of members.

Après s'être acquitté des tâches qui lui sont confiées par l'article II du présent Protocole, le Comité

ARTICLE I

From the date to be announced by the Permanent Committee of the Institute in accordance with Article III of this Protocol, the Convention signed at Rome on June 7, 1905, by which the Institute was created, shall be no longer of any effect as between the parties to this Protocol, and the Institute (including the Center) thereupon shall be brought to an end.

ARTICLE II

The Permanent Committee of the Institute shall, in accordance with the directions of the General Assembly of the Institute, bring the affairs of the Institute (including the Center) to an end and for this purpose shall

(a) collect and bring together all assets of the Institute (including the Center) and take possession of the libraries, archives, records, and movable property thereof;

(b) pay and satisfy all outstanding debts and claims for which the Institute is liable;

(c) discharge the employees of the Institute and transfer all personnel files and records to the Organization;

(d) transfer to the Organization possession of and full title to the property in the libraries, archives, records, and all residual assets of the Institute (including the Center).

ARTICLE III

When the duties assigned to it by Article II of this Protocol have been completed, the Permanent

permanent de l'Institut notifiera immédiatement tous les Membres de l'Institut, par lettre circulaire, de la dissolution de l'Institut (le Centre y compris) et du transfert de ses fonctions et de ses biens à l'Organisation. La date de cette notification sera considérée comme la date de la terminaison de la Convention du 7 juin 1905, et comme celle de la dissolution de l'Institut (le Centre y compris).

Committee of the Institute shall forthwith, by circular letter, notify the Members of the Institute of the dissolution of the Institute (including the Center) and of the transfer of the functions and assets thereof to the Organization. The date of such notification shall be deemed to be the date of the termination of the Convention of June 7, 1905, and also the date of the dissolution of the Institute (including the Center). [1]

35 Stat. 1918.

ARTICLE IV

Après qu'il aura été mis fin aux activités de l'Institut (le Centre y compris), les pouvoirs, droits ou attributions conférés à l'Institut par les dispositions des Conventions internationales énumérées à l'Annexe au présent Protocole, incomberont à l'Organisation; et les parties à ce Protocole qui sont parties aux dites Conventions devront exécuter les dispositions susmentionnées, dans la mesure où elles resteront en vigueur, à tous égares comme si elles visaient l'Organisation au lieu de l'Institut.

ARTICLE IV

Upon bringing to an end the affairs of the Institute (including the Center) the powers, rights or duties attributed to it by the provisions of the International Conventions listed in the Annex of this protocol, shall devolve upon the Organization; and the parties to this Protocol which are parties to the said conventions shall execute such provisions, insofar as they remain in force, in all respects as though they refer to the Organization in place of the Institute.

Devolving of powers, etc., upon Organization.

Post, p. 1589.

ARTICLE V

Les Membres de l'Institut qui ne sont pas signataires du présent Protocole peuvent y accéder à tout moment en notifiant leur accession par écrit au Directeur général de l'Organisation, qui en informera tous les Gouvernements signataires et adhérents.

ARTICLE V

Any Member of the Institute which is not a signatory to this Protocol may at any time accede to this Protocol by sending a written notice of accession to the Director General of the Organization, who shall inform all signatory and acceding Governments of such accession.

Accessions.

[1] By letter No. 43069, dated Feb. 27, 1948, the President of the International Institute of Agriculture forwarded to the Secretary of State the Final Act of the Permanent Committee, dated Rome, 27 Feb. 1948, which reads in part:

"By the terms of Art. III of the said Protocol, the Permanent Committee herewith gives notice to all the Member States of the Institute, and consequently to your Government of the dissolution of the Institute (including the Centre). The date of this Final Act is deemed to be the date of the termination of the Convention of June 7, 1905 and of the dissolution of IIA and IFC."

ARTICLE VI

Not subject to ratification; exception.

1. Le présent Protocole ne sera pas sujet à ratification, à moins qu'une réserve expresse n'ait été faite à cet effet au moment de procéder à sa signature.

Entry into force. *Post*, p. 1591.

2. Le présent Protocole entrera en vigueur dès qu'il aura été accepté par au moins trente-cinq des Gouvernements Membres de l'Institut. Cette acceptation sera effectuée comme suit:

(a) signature sans réserve de ratification, ou

(b) dépôt d'un instrument de ratification dans les archives de l'Organisation par les Gouvernements au nom desquels le présent Protocole est signé avec réserve de ratification, ou

(c) notification d'accession aux termes de l'article V.

3. Après son entrée en vigueur aux termes de l'alinéa 2 du présent article, le présent Protocole vaudra à l'égard de tout autre Gouvernement Membre de l'Institut.

(a) à la date de la signature en son nom, à moins que cette signature ne soit accompagnée d'une réserve de ratification; dans ce cas, il entrera en vigueur en ce qui concerne ce Gouvernement à la date du dépôt de son instrument de ratification, ou

(b) à la date de la réception de la notification d'accession, dans le cas d'un Gouvernement non signataire y accédant aux termes de l'article V.

EN FOI DE QUOI, les représentants dûment autorisés des

ARTICLE VI

1. This Protocol shall not be subject to ratification in respect to any government unless a specific reservation to that effect is made at the time of signature.

2. This Protocol shall come into force upon its acceptance in respect to at least thirty-five Governments Members of the Institute. Such acceptance shall be effected by:

(a) signature without reservation in regard to ratification, or

(b) deposit of an instrument of ratification in the archives of the Organization by Governments on behalf of which this Protocol is signed with a reservation in regard to ratification, or

(c) notice of accession in accordance with Article V.

3. After coming into force in accordance with paragraph 2 of this Article, this Protocol shall come into force for any other Government a Member of the Institute.

(a) on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event it shall come into force for such Government on the date of deposit of its instrument of ratification, or

(b) on the date of the receipt of the notice of accession, in the case of any nonsignatory Government which accedes in accordance with Article V.

IN WITNESS WHEREOF the duly authorized representatives of their

Gouvernements respectifs se sont réunis en ce jour et ont signé le présent Protocole, lequel est établi en Français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives de l'Organisation. Des copies légalisées seront fournies par l'Organisation à chacun des Gouvernements signataires et adhérents, et à tout autre Gouvernement qui, au moment de la signature du présent Protocole, est Membre de l'Institut.

respective Governments have met this day and have signed the present protocol, which is drawn up in the French and English languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Organization. Authenticated copies shall be furnished by the Organization to each of the signatory and acceding Governments and to any other Government which, at the time this Protocol is signed, is a Member of the Institute.

Authentic texts.

FAIT à Rome, le 30 Mars 1946.

DONE at Rome this 30th day of March 1946.[1]

Pour le Gouvernement de l'Argentine:[2]
For the Government of Argentina:
CARLOS BREBBIA

Pour le Gouvernement de l'Australie:
For the Government of Australia:
G. S. BRIDGLAND.

Pour le Gouvernement de la Belgique
(y compris le Congo Belge):
For the Government of Belgium
(including the Belgian Congo):
G d'ASPREMONT LYNDEN.

Pour le Gouvernement du Brésil:
For the Government of Brazil:
J. LATOUR
Sous reserve de ratification

Pour le Gouvernement de la Bulgarie:
For the Government of Bulgaria:

Pour le Gouvernement du Canada:
For the Government of Canada:
ALFRED RIVE

Pour le Gouvernement du Chile:
For the Government of Chile:

[1] For a listing of the governments parties to this protocol on Feb. 24, 1948, see p. 1591, pars. 5 and 6.

[2] Examination of the signed original of the protocol, deposited in the archives of the Food and Agriculture Organization of the United Nations, reveals that the signature on behalf of the Government of Argentina was affixed subject to the following reservation: "ad referendum du Gouv. Argentine".

Pour le Gouvernement de la Chine:
For the Government of China:

Pour le Gouvernement de la Colombie:
For the Government of Colombia:

Pour le Gouvernement de Cuba:
For the Government of Cuba:
MIGUEL A. ESPINOSA

Pour le Gouvernement du Danemark:
For the Government of Denmark:
T BULL

Pour le Gouvernement de l'Egypte: [1]
For the Government of Egypt:
MAHMOUD MOHARRAM HAMMAD.

Pour le Gouvernement de l'Irelande:
For the Government of Ireland:
MICHAEL MACWHITE

Pour le Gouvernement de l'Equateur:
For the Government of Ecuador:

Pour le Gouvernement de l'Espagne:
For the Government of Spain:

Pour le Gouvernement des Etats-Unis d'Amérique (y compris Hawaii, les Iles Vierges, les Philippines et Porto-Rico):

For the Government of the United States of America (including Hawaii, the Philippines, Puerto Rico and the Virgin Islands):
DAVID MCK. KEY
Subject to ratification

Pour le Gouvernement de l'Ethiopie:
For the Government of Ethiopia:

Pour le Gouvernement de la Finlande:
For the Government of Finland:

Pour le Gouvernement de la France
(y compris l'Afrique Occidentale Française, l'Algérie, l'Indo-Chine, Madagascar, le Maroc (partie française) et la Tunisie):

[1] Examination of the signed original of the protocol, deposited in the archives of the Food and Agriculture Organization of the United Nations, reveals that the signature on behalf of the Government of Egypt was affixed subject to the following reservation: "sous reserve de ratification".

For the Government of France
(including Algeria, French West Africa, French Morocco, Indo-China, Madagascar and Tunis):
AUGÉ-LARIBE

Pour le Gouvernement de la Grèce:
For the Government of Greece:
G. A. EXINTARIS

Pour le Gouvernement de Haiti:
For the Government of Haiti:

Pour le Gouvernement de la Hongrie:
For the Government of Hungary:

Pour le Gouvernement de l'Inde:
For the Government of India:
JOHN O. MAY

Pour le Gouvernement de l'Iran:
For the Government of Iran:

Pour le Gouvernement de l'Italie:
For the Government of Italy:

Pour le Gouvernement du Luxembourg:
For the Government of Luxembourg:
G d'ASPREMONT L.

Pour le Gouvernement du Mexique:
For the Government of Mexico:

Pour le Gouvernement du Nicaragua:
For the Government of Nicaragua:

Pour le Gouvernement de la Norvège:
For the Government of Norway:
SIGURD BENTZON

Pour le Gouvernement du Paraguay:
For the Government of Paraguay:

Pour le Gouvernement des Pays-Bas
(y compris les Indes Néerlandaises):
For the Government of the Netherlands (including the Netherlands Indies):
H. VAN HAASTERT.

Pour le Gouvernement du Pérou:
For the Government of Peru:

Pour le Gouvernement de la Pologne:
For the Government of Poland:
W WYSZYNSKI

Pour le Gouvernement du Portugal:
For the Government of Portugal:

Pour le Gouvernement de la Roumanie:
For the Government of Rumania:

Pour le Gouvernement du Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:
For the Government of the United Kingdom of Great Britain and Northern Ireland:
JOHN O. MAY

Pour le Gouvernement de Saint-Marin:
For the Government of San Marino:

Pour le Gouvernement du Siam:
For the Government of Siam:

Pour le Gouvernement de la Suède:
For the Government of Sweden:

Pour le Gouvernement de la Suisse:
For the Government of Switzerland:

Pour le Gouvernement de la Tchécoslovaquie: [1]
For the Government of Czechoslovakia:
DR. JAN PAULINY TOTH

Pour le Gouvernement de la Turquie:
For the Government of Turkey:
FURUZAN SELCUK
Sous réserve de ratification.

Pour le Gouvernement de l'Union de l'Afrique du Sud:
For the Government of the Union of South Africa:

Pour le Gouvernement de l'Uruguay:
For the Government of Uruguay:

Pour le Gouvernement du Venezuela:
For the Government of Venezuela:

Pour le Gouvernement de la Yougoslavie:
For the Government of Yugoslavia:

[1] Examination of the signed original of the protocol, deposited in the archives of the Food and Agriculture Organization of the United Nations, reveals that the signature on behalf of the Government of Czechoslovakia was affixed subject to the following reservation, "sous réserve de ratification".

ANNEXE

Liste des Conventions visées par l'article IV du présent Protocole

Convention internationale de Rome due 31 octobre 1920 pour la lutte contre les sauterelles.

Convention internationale de Rome du 16 avril 1929 pour la protection des végétaux.

Convention internationale de Bruxelles du 11 décembre 1931 pour le marquage des oeufs dans le commerce international.

Convention internationale de Rome du 26 avril 1934 pour l'unification des méthodes d'analyse des fromages.

Convention internationale de Rome du 5 juin 1935 pour l'unification des méthodes d'analyse des vins.

Convention internationale de Rome due 14 octobre 1936 pour l'unification des méthodes de tenue et de fonctionnement des livres généalogiques du bétail.

ANNEX

List of Conventions to Which Article IV of the Protocol Relates

International Convention for Locust Control, dated at Rome October 31, 1920.[1]

International Convention for Plant Protection, dated at Rome April 16, 1929.[2]

International Convention concerning the Marking of Eggs in International Trade, dated at Brussels December 11, 1931.[3]

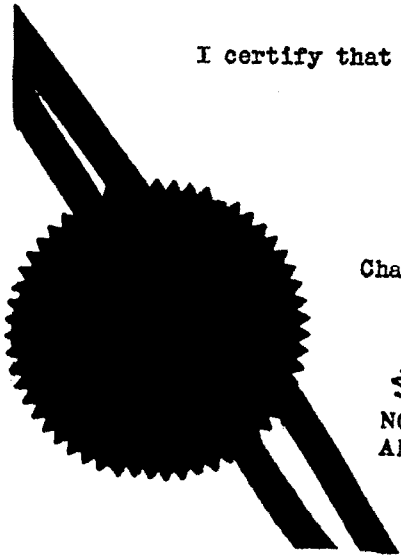
International Convention for the Standardization of the Methods of Cheese Analysis, dated at Rome, April 26, 1934.[4]

International Convention for the Standardization of Methods of Analyzing Wines, dated at Rome June 5, 1935.[5]

International Convention for the Standardization of the Methods of Keeping and Utilizing Herd-Books, dated at Rome October 14, 1936.[6]

[1] League of Nations Treaty Series, vol. 164, p. 85.
[2] *Ibid.*, vol. 126, p. 305.
[3] *Ibid.*, vol. 170, p. 251.
[4] *Ibid.*, vol. 164, p. 63.
[5] Italian *Gazzetta Ufficiale* of Feb. 14, 1936.
[6] Latvian *Valdibas Vēstnesis* (Government Herald) No. 158, July 18, 1939.

American Embassy
Rome, Italy.



I certify that this a true copy of the original.

David McK. Key
Charge d'Affaires ad interim

Service No. 2052

NO FEE PRESCRIBED
AND NONE COLLECTED

May 13, 1946.

WHEREAS the Senate of the United States of America by their Resolution of August 2, 1946, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol; Advice and consent to ratification.

WHEREAS the said protocol was duly ratified on behalf of the United States of America (including Hawaii, Puerto Rico, and the Virgin Islands) by the President of the United States of America on August 28, 1946, in pursuance of the aforesaid advice and consent of the Senate; Ratification.

WHEREAS it is provided by section 2 of Article VI of the said protocol that the protocol shall come into force upon its acceptance in respect to at least thirty-five governments members of the International Institute of Agriculture; *Ante*, p. 1584.

WHEREAS it is provided further by section 2 of Article VI of the said protocol that such acceptance shall be effected by (a) signature without reservation in regard to ratification, or (b) deposit of an instrument of ratification in the archives of the Food and Agriculture Organization of the United Nations by governments on behalf of which the said protocol is signed with a reservation in regard to ratification, or (c) notice of accession;

WHEREAS the said protocol was signed without reservation in regard to ratification on behalf of Australia, Belgium, Bulgaria, Canada, China, Cuba, Denmark, El Salvador, Finland, France, Greece, Hungary, India, Iran, Ireland, Luxembourg, Netherlands, Norway, Paraguay, Poland, Portugal, Rumania, San Marino, Siam, Spain, Sweden, Switzerland, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, and Uruguay;

WHEREAS instruments of ratification of the said protocol were deposited with the Food and Agriculture Organization of the United Nations by the United States of America on February 10, 1947, Egypt on October 13, 1947, Turkey on October 25, 1947, Nicaragua on November 15, 1947, Czechoslovakia on January 28, 1948, and Italy on January 29, 1948; Deposit of instruments of ratification.

AND WHEREAS, pursuant to the aforesaid provision of section 2 of Article VI of the said protocol, the protocol came into force on January 28, 1948, the date of the thirty-fifth acceptance of the protocol by governments members of the International Institute of Agriculture; Entry into force.

NOW, THEREFORE, be it known, that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith on and after January 28, 1948 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-fourth day of February in the year of our Lord one thousand nine hundred
[SEAL] forty-eight and of the Independence of the United States of America the one hundred seventy-second.

HARRY S TRUMAN

By the President:
G C MARSHALL
Secretary of State

Convention between the United States of America and the Republic of the Philippines respecting consular officers. Signed at Manila March 14, 1947; ratification advised by the Senate of the United States of America April 14, 1948; ratified by the President of the United States of America May 25, 1948; ratifications exchanged at Manila November 18, 1948; proclaimed by the President of the United States of America November 26, 1948; entered into force November 18, 1948.

March 14, 1947
[T. I. A. S. 1741]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and the Republic of the Philippines, defining the rights, privileges, exemptions and immunities of consular officers of each country in the territories of the other country, was signed by their respective Plenipotentiaries at Manila on March 14, 1947, the original of which convention, in the English language, is word for word as follows:

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES

The President of the United States of America, and the President of the Philippines, being desirous of defining the rights, privileges, exemptions and immunities of consular officers of each country in the territories of the other country, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

Plenipotentiaries.

The President of the United States of America:

His Excellency PAUL V. MCNUTT, *Ambassador of the United States of America*, and

The President of the Philippines:

His Excellency ELPIDIO QUIRINO, *Vice President and concurrently Secretary of Foreign Affairs of the Republic of the Philippines*

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed on the following Articles:

ARTICLE I

1. The Government of each High Contracting Party shall, in respect of any consular officer duly commissioned by it to exercise consular functions in the territories of the other High Contracting Party, give written notice to the Government of such other High Contracting Party of the appointment of such consular officer and shall request that recognition be accorded to such consular officer.

Notice of appointment of consular officer.

Exequaturs, etc.

The Government of each High Contracting Party shall furnish free of charge the necessary exequatur of any consular officer of the other High Contracting Party who presents a regular commission signed by the Chief Executive of the appointing country and under its great seal, and shall issue to a subordinate or substitute consular officer who is duly appointed by an accepted superior consular officer or by any other competent officer of his Government, such documents as according to the laws of the respective High Contracting Parties shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable.

Rights, privileges, etc.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High Contracting Party rights, privileges, exemptions and immunities no less favorable in any respect than the rights, privileges, exemptions and immunities which are enjoyed by consular officers of the same grade of any third country and in conformity with modern international usage. As official agents, such officers shall be entitled to the high consideration of all officials, national, state, provincial or municipal, with whom they have official intercourse in the territories of the High Contracting Party which receives them. It is understood that the term "consular officers", as used in the present Convention, includes consuls general, consuls and vice consuls who are not honorary.

"Consular officers."

3. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any secretary, chancellor or assistant, whose official character as an employee in the consulate may previously have been made known to the Government of the High Contracting Party in whose territories the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

4. A consular officer or a diplomatic officer of either High Contracting Party, a national of the country by which he is appointed and duly commissioned or accredited, may, in the territories of the other High Contracting Party, have the rank also of a diplomatic officer or consular officer, as the case may be, it being understood that permission for him to exercise such dual functions shall have been duly granted by the Government of the High Contracting Party in the territories of which he exercises his functions.

ARTICLE II

Exemption from arrest, etc.

1. Consular officers, nationals of the High Contracting Party by which they are appointed, and not engaged in any private occupations for gain within the territories of the country in which they exercise their functions, shall be exempt from arrest in such territories except when charged with the commission of an offense designated by local legislation as a crime other than a misdemeanor and subjecting the individual guilty thereof to punishment by imprisonment. Such

officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever, and the exemptions provided for by this sentence shall apply equally to employees in a consulate who are nationals of the High Contracting Party by which they are employed, and not engaged in any private occupation for gain.

Attendance at court as witness.

2. In criminal cases the attendance at court by a consular officer as witness may be demanded by the plaintiff, the defense or the court. The demand shall be made with all possible respect for the consular dignity and the duties of the office, and when so made there shall be compliance on the part of the consular officer.

3. In civil cases, consular officers shall be subject to the jurisdiction of the courts in the territories of the High Contracting Party which receives them. When the testimony of a consular officer who is a national of the High Contracting Party which appoints him and who is not engaged in any private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

4. Consular officers and employees in a consulate shall not be required to testify in criminal or civil cases, regarding acts performed by them in their official capacity.

ARTICLE III

Land and building rights.

1. The Government of each High Contracting Party shall have the right to acquire and hold, lease and occupy land and buildings required for diplomatic or consular purposes in the territories of the other High Contracting Party, and shall have the right to erect buildings on land which is held by or on behalf of such Government in the territories of the other High Contracting Party for diplomatic or consular purposes, subject to local building regulations.

2. No tax of any kind, national, state, provincial or municipal, shall be levied in the territories of either High Contracting Party on the Government of the other High Contracting Party, or on any officer or employee of such other High Contracting Party, in respect of land or buildings acquired, leased, or occupied by such other High Contracting Party and used exclusively for the conduct of official business, except assessments levied for services or local public improvements by which the premises are benefited, provided the right of each High Contracting Party to tax the owner of property leased to the other High Contracting Party is not hereby abridged.

ARTICLE IV

Exemption from taxes.

Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, and not engaged in any private occupation for gain within the territories in which they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal, levied on their persons or property, except taxes levied on account of the possession or owner-

ship of immovable property situated within the territories in which they exercise their functions or taxes levied on account of income derived from property of any kind situated within such territories. Consular officers and employees in a consulate, nationals of the High Contracting Party by which they are appointed or employed, shall be exempt from the payment of all taxes, national, state, provincial and municipal, on the salaries, allowances, fees or wages received by them in compensation for consular services.

ARTICLE V

Free entry of office supplies, personal property, etc.

1. All furniture, equipment and supplies intended for official use in the consular offices and official consular residences of either High Contracting Party in the territories of the other High Contracting Party shall be permitted entry into such territories free of all duty.

2. Consular officers of either High Contracting Party and members of their families and suites, including employees in a consulate and their families, shall be exempt from the payment of any duty in respect of the entry into the territories of the other High Contracting Party of their baggage and all other personal property, whether preceding or accompanying them to a consular post, either upon first arrival or upon subsequent arrivals, or imported at any time while assigned to or employed at such post.

Limitations.

3. It is understood, however,

(*a*) that the exemptions provided in paragraph 2 of this Article shall not be extended to consular officers and members of their suites, including employees in a consulate, who are not nationals of the High Contracting Party by which they are appointed or employed, or who are engaged in any private occupation for gain within the territories of the other High Contracting Party;

(*b*) that in the case of each consignment of articles imported for the personal use of consular officers or members of their families or suites, including employees in a consulate and their families, at any time during their official residence within the territories in which they exercise their functions, a request for entry free of duty shall be made through diplomatic channels; and

(*c*) that nothing herein shall be construed to permit the entry into the territory of either High Contracting Party of any article the importation of which is specifically prohibited by law.

ARTICLE VI

Use of coat of arms, flag, etc.

1. Consular officers of either High Contracting Party may place over the outer door of their respective offices the arms of their country with an appropriate inscription designating the nature of the office, and they may place the coat of arms and fly the flag of their country on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices, including those situated in the capitals of the respective countries. They may likewise fly such flag over any boat, vessel, or aircraft employed in the exercise of their consular functions.

Inviolability of offices and archives.

2. The quarters where consular business is conducted, all consular correspondence in transit under official seal, and all papers, records, and correspondence comprising the consular archives shall at all times be inviolable and under no pretext shall any authorities of any character of the country in which such quarters or archives are located invade such premises or make any examination or seizure of papers or other property in such quarters or of such archives. When the consular officers are engaged in business within the territories in which they exercise their functions, the consular files and documents shall be kept in a place entirely separate from the place where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or to testify as to their contents.

ARTICLE VII

Protection of nationals.

1. Consular officers of either High Contracting Party shall have the right, within their respective consular districts, to apply to or address the authorities, national, state, provincial, or municipal, for the purpose of protecting the nationals of the High Contracting Party by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection shall justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital shall have the right to apply directly to the Government of the country.

2. Consular officers of either High Contracting Party shall, within their respective districts, have the right to interview, to communicate with, and to advise nationals of their country; to inquire into any incidents which have occurred affecting the interest of such nationals; and to assist such nationals in proceedings before or relations with authorities in the territories of the other High Contracting Party. Consular officers of either High Contracting Party shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted without delay to visit and communicate with any such national.

3. Nationals of either High Contracting Party in the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of either High Contracting Party who are under detention or arrest or in prison or are awaiting trial in the territories of the other High Contracting Party shall be forwarded without delay to such consular officers by the local authorities.

ARTICLE VIII

Rights within consular districts.

1. Consular officers in pursuance of the laws of their respective countries shall have the right, within their respective consular districts:

(*a*) To take and attest the oaths, affirmations or depositions of any occupant of a vessel of their country, or of any national of their country, or of any person having permanent residence within the territories of their country;

(*b*) To authenticate signatures;

(*c*) To draw up, attest, certify and authenticate unilateral acts, translations, deeds, testamentary dispositions and contracts of the nationals of the High Contracting Party by which the consular officers are appointed; and

(*d*) To draw up, attest, certify, and authenticate unilateral acts, deeds, contracts, testamentary dispositions and written instruments of any kind, which are intended to have application, execution and legal effect principally in the territories of the High Contracting Party by which the consular officers are appointed.

2. Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of either High Contracting Party as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by or executed before a notary or other public officer duly authorized in the territories of the High Contracting Party by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity with the laws and regulations of the country where they are designed to take effect.

ARTICLE IX

Notice of death in one country of a national of the other.

1. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the High Contracting Party of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the persons concerned.

Provisional holding of intestate property.

2. In case of the death of a national of either High Contracting Party in the territories of the other High Contracting Party, without will or testament whereby he has appointed a testamentary executor, the consular officer of the High Contracting Party of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of such property. Such consular officer shall have the right to be appointed as administrator within the discretion of a court or other agency controlling the administration of estates, provided the laws governing administration of the estate so permit.

Status of consular officer as administrator.

3. Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself in that

capacity to the jurisdiction of the court or other agency making the appointment for all necessary purposes to the same extent as if he were a national of the High Contracting Party by which he has been received.

ARTICLE X

Administration and distribution of estates.

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be non-residents of the country and nationals of the High Contracting Party by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by duly authorized representatives.

2. A consular officer of either High Contracting Party shall have the right, on behalf of the non-resident nationals of the High Contracting Party by which he was appointed, to collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of workmen's compensation laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence of the remission of the funds to the distributees, it being understood that his responsibility with respect to remission of such funds shall cease when such evidence has been furnished by him to and accepted by such court or other agency.

ARTICLE XI

Controversies concerning private vessels.

1. A consular officer of either High Contracting Party shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country and shall alone exercise jurisdiction in situations, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrong-doing shall have entered the territorial waters or territories within his consular district. Consular officers shall also have jurisdiction over issues concerning the adjustment of wages of the crews and the execution of contracts relating to their wages or conditions of employment, provided the local laws so permit.

2. When acts committed on board private vessels of the country by which the consular officer has been appointed and within the territories or the territorial waters of the High Contracting Party by which he has been received, constitute crimes according to the laws of the receiving country, subjecting the persons guilty thereof to punishment by a sentence of death or of imprisonment for a period of at least one year, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the laws of the receiving country.

3. A consular officer shall have the right freely to invoke the assistance of the local police authorities in all matters pertaining to the

maintenance of internal order on board vessels of his country within the territories or the territorial waters of the country by which he has been received, and upon such request the requisite assistance shall be given promptly.

4. A consular officer shall have the right to appear with the officers and crews of vessels of his country before the judicial authorities of the country by which he has been received for the purpose of observing proceedings or of rendering assistance as an interpreter or agent.

ARTICLE XII

Inspection of private vessels.

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for the ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible dispatch and without unnecessary delay.

ARTICLE XIII

Salvage of vessels.

1. All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other High Contracting Party shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized for such purpose by the law of such country and whose identity and authority shall be made known to the local authorities by the consular officer.

2. The local authorities of the country where the wreck has occurred shall immediately inform the consular officer, or such other authorized person, of the occurrence. Pending the arrival of the consular officer or such other authorized person, the local authorities shall take all necessary measures for the protection of persons and the preservation of the wrecked property. The local authorities shall intervene only to maintain order, to protect the interests of the salvors, if the salvors do not belong to the crew of the wrecked vessel, and to ensure the execution of the arrangements which shall be made for the entry and exportation of the salvaged merchandise and equipment. It is understood that such merchandise and equipment shall not be subjected to any customs or customhouse charges unless intended for consumption in the country where the wreck has occurred.

3. When the wreck occurs within a port, there shall be observed also those arrangements which may be ordered by the local authorities

with a view to avoiding any damage that might otherwise be caused thereby to the port and to other ships.

4. The intervention of the local authorities shall occasion no expense of any kind to the owners or operators of the wrecked vessels, except such expenses as may be caused by the operations of salvage and the preservation of the merchandise and equipment saved, together with expenses that would be incurred under similar circumstances by vessels of the country.

ARTICLE XIV

Honorary consuls, etc.

Honorary consuls or vice consuls of either High Contracting Party, as the case may be, shall enjoy those rights, privileges, exemptions and immunities provided for in Article I, paragraph 1, Article II, paragraph 1, Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XIV of the present Convention, for which they have received authority in conformity with the laws of the High Contracting Party by which they are appointed; and they shall enjoy in any case all the rights, privileges, exemptions and immunities enjoyed by honorary consular officers of the same rank of any third country.

ARTICLE XV

Cessation of functions.

A consular officer shall cease to discharge his functions (1) by virtue of an official communication from the Government of the High Contracting Party by which appointed addressed to the Government of the High Contracting Party by which he has been received advising that his functions have ceased, or (2) by virtue of a request from the Government of the High Contracting Party by which appointed that an exequatur be issued to a successor, or (3) by withdrawal of the exequatur granted him by the Government of the High Contracting Party in whose territory he has been discharging his duties.

ARTICLE XVI

Effective date, duration.

1. The present Convention shall be ratified and the ratification thereof shall be exchanged at Manila. The Convention shall take effect in all its provisions immediately upon the exchange of ratifications and shall continue in force for the term of ten years.

Post, p. 1603.

2. If, six months before the expiration of the aforesaid period of ten years, the Government of neither High Contracting Party shall have given notice to the Government of the other High Contracting Party of an intention to terminate the Convention upon the expiration of the aforesaid period of ten years, the Convention shall continue in effect after the aforesaid period and until six months from the date on which the Government of either High Contracting Party shall have notified to the Government of the other High Contracting Party an intention to terminate the Convention.

In faith whereof the above named plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Manila, this fourteenth day of March in the year of our Lord one thousand nine hundred and forty-seven and of the Independence of the Republic of the Philippines the first.

For the Government of the United States of America

[SEAL] PAUL V. MCNUTT

For the Government of the Republic of the Philippines

[SEAL] ELPIDIO QUIRINO

WHEREAS the Senate of the United States of America, by their resolution of April 14, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention; Advice and consent to ratification.

WHEREAS the aforesaid convention was duly ratified by the President of the United States of America on May 25, 1948, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of the Government of the Republic of the Philippines; Ratification.

WHEREAS the respective instruments of ratification of the aforesaid convention were duly exchanged at Manila on November 18, 1948, and a protocol of exchange of instruments of ratification was signed on that date by the respective Plenipotentiaries of the United States of America and the Republic of the Philippines; Exchange of instruments of ratification.

AND WHEREAS it is provided in Article XVI of the aforesaid convention that the convention shall take effect immediately upon the exchange of instruments of ratification;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith, on and from the eighteenth day of November, one thousand nine hundred forty-eight, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation. Entry into force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-sixth day of November in the year of our Lord one thousand nine hundred forty-
[SEAL] eight and of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:

G C MARSHALL
Secretary of State

July 22, 1946
[T. I. A. S. 1754]

Protocol between the United States of America and other governments respecting an international office of public health. Signed at New York July 22, 1946; ratification advised by the Senate of the United States of America July 19, 1947; ratified by the President of the United States of America July 28, 1947; ratification of the United States of America deposited with the United Nations at Lake Success August 7, 1947; proclaimed by the President of the United States of America May 19, 1948; entered into force October 20, 1947.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol concerning the *Office International d'Hygiène Publique* was signed at New York on July 22, 1946 by the plenipotentiaries of the United States of America with a reservation ("Subject to Approval") and by the respective plenipotentiaries of a number of other countries;

WHEREAS the text of the said protocol, in the English, French, Chinese, Russian, and Spanish languages, as certified by the Secretary-General of the United Nations, is word for word as follows:

PROTOCOL CONCERNING THE OFFICE INTERNATIONAL D'HYGIENE PUBLIQUE

PROTOCOL CONCERNING THE OFFICE INTERNATIONAL D'HYGIENE PUBLIQUE

Article 1

Performance of duties and functions by World Health Organization.

The Governments signatories to this protocol agree that, as between themselves, the duties and functions of the Office International d'Hygiène publique as defined in the Agreement signed at Rome on 9 December 1907, shall be performed by the World Health Organization or its Interim Commission and that, subject to existing international obligations, they will take the necessary steps to accomplish this purpose.

35 Stat. 2061.

Article 2

The parties to this protocol further agree that, as between themselves, from the date when this protocol comes into force, the duties and functions conferred upon the Office by the International agreements listed in Annex 1 shall be performed by the Organization or its Interim Commission.

Post, p. 1608.

Article 3

Termination of Agreement of 1907. 35 Stat. 2061.

The Agreement of 1907 shall be terminated and the Office dissolved when all parties to the Agreement have agreed to its termination. It shall be understood that any Government party to the Agreement of 1907, has agreed, by becoming party to this protocol, to the termination of the Agreement of 1907.

Article 4

The parties to this protocol further agree that, if all the parties to the Agreement of 1907 have not agreed to its termination by 15 November 1949, they will then, in accordance with Article 8 thereof, denounce the Agreement of 1907.

35 Stat. 2067.

Article 5

Accession to protocol.

Any Government party to the Agreement of 1907 which is not a signatory to this protocol may at any time accept this protocol by sending an instrument of acceptance to the Secretary-General of the United Nations, who will inform all signatory and other Governments which have accepted this protocol of such accession.

Article 6

Governments may become parties to this protocol by:

(a) signature without reservation as to approval;
(b) signature subject to approval followed by acceptance; or
(c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 7

This protocol shall come into force when twenty Governments parties to the Agreement of 1907 have become parties to this protocol.

Entry into force. *Post*, p. 1646. 35 Stat. 2061.

IN FAITH WHEREOF the duly authorized representatives of their respective Governments have signed the present protocol, which is drawn up in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary-General of the United Nations. Authentic copies shall be furnished by the Secretary-General of the United Nations to each of the signatory and accepting Governments and to any other Government which, at the time this protocol is signed, is a party to the Agreement of 1907. The Secretary-General will as soon as possible notify each of the parties to this protocol when it comes into force.

Authentic texts.

35 Stat. 2061.

DONE in the City of New York this twenty-second day of July 1946.

ANNEX I

45 Stat. 2492.
1. International Sanitary Convention of 21 June 1926.

2. Convention Modifying the International Sanitary Convention of 21 June 1926, signed 31 October 1938.[1]

59 Stat. 955.
3. International Sanitary Convention, 1944, Modifying the International Sanitary Convention of 21 June 1926.

61 Stat., Pt. 2, p. 1115.
4. Protocol to Prolong the International Sanitary Convention, 1944 (opened for signature 23 April 1946; in force, 30 April 1946).

49 Stat. 3279.
5. International Sanitary Convention for Aerial Navigation of 12 April 1933.

59 Stat. 991.
6. International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of 12 April 1933.

61 Stat., Pt. 2, p. 1122.
7. Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944 (opened for signature 23 April 1946; in force, 30 April 1946).

8. International Agreement Relating to Facilities to be Accorded to Merchant Seamen in the Treatment of Venereal Diseases, Brussels, 1 December 1924.[2]

9. Convention on Traffic in Opium and Drugs, Geneva, 19 February 1925.[3]

48 Stat. 1543.
10. Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, Geneva, 13 July 1931.

11. Convention Relating to the Antidiphtheria Serum, Paris, 1 August 1930.[4]

12. International Convention for Mutual Protection against Dengue Fever, Athens, 25 July 1934.[5]

13. International Agreement for Dispensing with Bills of Health, Paris, 22 December 1934.[6]

14. International Agreement for Dispensing with Consular Visas on Bills of Health, Paris, 22 December 1934.[7]

15. International Agreement Concerning the Transport of Corpses, Berlin, 10 February 1937.[8]

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[1] League of Nations Treaty Series, vol. 198, p. 205.
[2] *Ibid.*, vol. 78, p. 351.
[3] *Ibid.*, vol. 81, p. 317.
[4] *Ibid.*, vol. 128, p. 9.
[5] *Ibid.*, vol. 177, p. 59.
[6] *Ibid.*, vol. 183, p. 153.
[7] *Ibid.*, p. 145.
[8] *Ibid.*, vol. 189, p. 313.

PROTOCOLE RELATIF A L'OFFICE INTERNATIONAL D'HYGIENE PUBLIQUE

Article 1

Les Gouvernements signataires de ce Protocole conviennent, en ce qui les concerne, que les tâches et fonctions de l'Office International d'Hygiène Publique, telles que définies dans l'Arrangement signé à Rome le 9 décembre 1907, seront assumées par l'Organisation Mondiale de la Santé ou par la Commission intérimaire de celle-ci et que, sous réserve des obligations internationales existantes, ils prendront les mesures nécessaires dans ce but.

Article 2

Les Parties à ce Protocole conviennent en outre, en ce qui les concerne, qu'à partir de la date de l'entrée en vigueur de ce Protocole les tâches et fonctions confiées à l'Office par les arrangements internationaux, figurant dans la liste de l'annexe 1, seront assumées par l'Organisation ou la Commission intérimaire de celle-ci.

Article 3

L'Arrangement de 1907 cessera d'exister et l'Office sera dissous lorsque toutes les Parties à l'Arrangement auront convenu d'y mettre fin. Il est entendu que tout Gouvernement, partie à l'Arrangement de 1907, aura, en devenant partie à ce Protocole, accepté de mettre fin à l'Arrangement de 1907.

Article 4

Les parties à ce Protocole conviennent en outre que, dans l'éventualité où toutes les parties à l'Arrangement de 1907 n'auraient pas donné leur consentement pour que ce dernier prît fin d'ici le 15 novembre 1949, elles devront alors, en application de l'article 8 de l'Arrangement en question, dénoncer l'Arrangement de 1907.

Article 5

Tout Gouvernement, partie à l'Arrangement de 1907 et non signataire de ce Protocole, pourra, à tout moment, accepter ce Protocole en adressant un instrument d'acceptation au Secrétaire général des Nations Unies, lequel informera de cette adhésion tous les Gouvernements signataires ou ayant accepté ce Protocole.

Article 6

Les Gouvernements peuvent devenir parties à ce Protocole par:

(a) la signature, sans réserve d'approbation;

(b) la signature sous réserve d'approbation, suivie d'une acceptation;

(c) l'acceptation pure et simple.

L'acceptation s'effectuera par le dépôt d'un instrument officiel entre les mains du Secrétaire général des Nations Unies.

Article 7

Ce Protocole entrera en vigueur lorsque vingt Gouvernements parties à l'Arrangement de 1907 seront devenus parties à ce Protocole.

EN FOI DE QUOI les Représentants dûment autorisés de leurs Gouvernements respectifs ont signé le présent Protocole, établi en langues anglaise et française, l'un et l'autre textes étant également authentiques, en un seul original, lequel sera déposé entre les mains du Secrétaire général des Nations Unies. Des copies authentiques seront délivrées par le Secrétaire général des Nations Unies à chacun des Gouvernements signataires ou ayant accédé et à tout autre Gouvernement qui, à la date de la signature de ce Protocole, sera partie à l'Arrangement de 1907. Le Secrétaire général notifiera, aussitôt que possible, à chaque Gouvernement ayant accepté ce Protocole la date de son entrée en vigueur.

FAIT en la ville de New-York, ce vingt-deux juillet 1946.

ANNEXE 1

1. Convention Sanitaire Internationale du 21 juin 1926.
2. Convention portant modification de la Convention Sanitaire Internationale du 21 juin 1926, signée le 31 octobre 1938.
3. Convention Sanitaire Internationale de 1944, portant modification de la Convention Sanitaire Internationale du 21 juin 1926.
4. Protocole prorogeant la Convention Sanitaire Internationale de 1944 (ouvert à signature le 23 avril 1946; en vigueur le 30 avril 1946).
5. Convention Sanitaire Internationale pour la Navigation Aérienne du 12 avril 1933.
6. Convention Sanitaire Internationale pour la Navigation Aérienne de 1944, portant modification de la Convention Sanitaire Internationale pour la Navigation Aérienne du 12 avril 1933.
7. Protocole prorogeant la Convention Sanitaire Internationale pour la Navigation Aérienne de 1944 (ouvert à signature le 23 avril 1946; en vigueur le 30 avril 1946.)
8. Arrangement international relatif aux facilités à donner aux marins du commerce pour le traitement des maladies vénériennes, Bruxelles, le 1er décembre 1924.
9. Convention de l'opium, Genève, le 19 février 1925.
10. Convention pour limiter la fabrication et réglementer la distribution des stupéfiants, Genève, le 13 juillet 1931.
11. Convention relative au sérum antidiphtérique, Paris, le 1er août 1930.
12. Convention internationale sur la protection mutuelle contre la fièvre dengue, Athènes, le 25 juillet 1934.
13. Arrangement international concernant la suppression des patentes de santé, Paris, le 22 décembre 1934.
14. Arrangement international concernant la suppression des visas consulaires sur les patentes de santé, Paris, le 22 décembre 1934.
15. Arrangement international concernant le transport des corps, Berlin, le 10 février 1937.

關於國際公共衛生局事宜議定書

第壹條

本議定書簽訂國，彼此協商議定，根據一九零七年十二月九日羅馬協定中所規定國際公共衛生局之責任與職掌，應由各界衛生組織或由其過渡委員會執行之。　以不違背現存國際義務為限，各簽訂國將採取必要步驟完成此目的。

第貳條

本議定書簽訂國復彼此協商議定，自本議定書發生效力之日起，附件壹所開各國際條約所授予該局之責任與職掌，應由各界衛生組織或其過渡委員會執行之。

第參條

俟所有一九零七年協定簽訂國同意終止該協定，該協定即行廢止，國際公共衛生局即行解散。　一九零七年協定簽訂國中之任何國家加入簽訂本議定書者，即應認為同意於一九

零七年協定之廢止。

第肆條

本議定書簽訂國復議定，如一九零七年協定所有簽字國系能同意於一九四九年十一月十五日廢止一九零七年協約時，即按該協定第八條之規定，宣告該協定失效。

第伍條

一九零七年協定任何簽訂國而非本議定書之簽訂國得隨時以正式文書送交聯合國秘書長申明接受本議定書，秘書長將以參加簽訂接受本議定書之事實通知所有簽訂國及其他政府。

第陸條

各政府得經由下列程序之一為本議定書之簽訂國：

甲. 無條件接受之簽署；

乙. 須經批准手續始生效力之簽署；

丙. 接受。

接受須以正式文書送交聯合國秘書長。

第柒條

本議定書自一九零七年協定二十個簽訂國簽訂本議定書之日起，發生效力。

為此，各簽訂國政府代表簽定，并以英法兩種文字各製成一本，同一作準。各該正本應留存於聯合國秘書處檔庫。

秘書長應以正式副本分送與各簽署國，接受本議定書國家，及其他迄本議定書簽訂之日止仍為一九零七年協定簽訂國之任何國家。

秘書長應於本議定書發生效力後，儘速通知本議定書之每一簽訂國。

一九四六年七月二十二日簽訂於紐約市。

附件 I

1. 一九二六年六月二十一日國際清潔公約.
2. 修正一九二六年六月二十一日國際清潔公約, 一九三八年十月三十一日簽訂之公約.
3. 一九四四年國際清潔公約(修正一九二六年六月二十一日國際清潔公約).
4. 一九四四年延展國際清潔公約議定書(一九四六年四月二十三日開始簽字; 一九四六年四月三十日發生效力).
5. 一九三三年四月十二日國際航空清潔公約.
6. 一九四四年國際航空清潔公約(修正一九三三年四月十二日國際航空清潔公約).
7. 一九四四年延展國際航空清潔公約(一九四六年四月二十三日開始簽字; 一九四六年四月三十日發生效力).
8. 一九二四年十二月一日於不魯捨爾簽訂之調治海員花柳病國際協定.
9. 一九二五年二月十九日於日內瓦簽訂之運輸鴉片與藥物公約.
10. 一九三一年七月十三日於日內瓦簽訂之限制製造及管理分配麻醉藥公約.
11. 一九三九年八月一日於巴黎簽訂之療治白喉血清

公約.

12. 一九三四年七月二十五日於雅典簽訂之共同防預骨痛熱症國際公約.

13. 一九三四年十二月二十二日於巴黎簽訂之免除健康證書國際協定.

14. 一九三四年十二月二十二日於巴黎簽訂之免除領事簽證健康證書國際協定.

15 一九三七年二月十日於柏林簽訂之運載尸骸國際協定.

Протокол, относительно Международного Бюро Общественной Гигиены
(Office International d'Hygiène publique)

Статья 1

Правительства, подписавшие настоящий протокол, пришли к соглашению о том, что, поскольку это их касается, обязанности и функции Международного Бюро Общественной Гигиены (Office International d'Hygiène publique), определенные Соглашением, подписанным в Риме 9 декабря 1907 г., будут выполняться Всемирной Организацией Здравоохранения или ее Временной Комиссией и что, с соблюдением существующих международных обязательств, они примут необходимые меры для осуществления этой цели.

Статья 2

Стороны, подписавшие настоящий протокол, пришли, далее, к соглашению о том, что, поскольку это их касается, со дня вступления в силу настоящего протокола обязанности и функции, возложенные на Бюро международными соглашениями, перечисленными в Приложении 1, будут выполняться Организацией или ее Временной Комиссией.

Статья 3

Соглашение 1907 г. теряет силу, и Бюро должно быть распущено, когда все участники настоящего Соглашения, условятся о прекращении его деятельности. Считается, что любое Правительство, подписавшее Соглашение 1907 г. становясь участником настоящего протокола, соглашается на прекращение Соглашения 1907 г..

Статья 4

Участники настоящего протокола пришли, далее, к соглашению о том, что если все участники Соглашения 1907 г. не согласятся на прекращение его к 15 ноября 1949 г., то, в таком случае, они денонсируют Соглашение 1907 г. в соответствии со статьей 8 последнего.

Статья 5

Любое Правительство, являющееся участником Соглашения 1907 г., но не подписавшее настоящего протокола, может в любое время принять настоящий протокол, послав документ о его принятии Генеральному Секретарю Объединенных Наций, который уведомит о таком присоединении все другие Правительства, подписавшие настоящий протокол.

Статья 6

Правительства могут стать участниками настоящего протокола путем:

(a) подписания его без оговорок в отношении его утверждения;

(b) подписания под условием его утверждения, с последующим принятием;

(c) принятия.

Принятие осуществляется вручением формального документа Генеральному Секретарю Объединенных Наций.

Статья 7

Настоящий протокол вступит в силу, когда двадцать Правительств, участников Соглашения 1907 г., присоединятся к нему.

В УДОСТОВЕРЕНИЕ ЧЕГО надлежаще уполномоченные представители своих Правительств подписали настоящий протокол, изложенный на английском и французском языках - из которых оба текста равно аутентичны - оригинал которого, в одном экземпляре, передается Генеральному Секретарю Объединенных Наций. Аутентичные копии должны быть разосланы Генеральным Секретарем Объединенных Наций каждому из подписавших или принявших Правительств и любому другому Правительству, которое, в момент подписания настоящего протокола, является участником Соглашения 1907 г.. Генеральный Секретарь возможно скорее уведомит каждого участника настоящего протокола о его вступлении в силу.

СОСТАВЛЕНО в городе Нью-Йорке июля двадцать второго дня 1946 г.

ПРИЛОЖЕНИЕ 1

1. Международная Санитарная Конвенция 21 июня 1926 г.
2. Конвенция об изменении Международной Санитарной Конвенции 21 июня 1926 г., подписанная 31 октября 1938 г.
3. Международная Санитарная Конвенция 1944 г. об Изменении Международной Санитарной Конвенции 21 июня 1926 г.
4. Протокол о Пролонгации Международной Санитарной Конвенции 1946 г. (был готов для подписания 23 апреля 1946 г.; вошел в силу 30 апреля 1946 г.)
5. Международная Конвенция о Санитарных Мерах для Воздушной Навигации 12 апреля 1933 г.
6. Международная Конвенция о Санитарных Мерах для Воздушной Навигации 1944 г. об Изменении Международной Конвенции о Санитарных Мерах для Воздушной Навигации 12 апреля 1933 г.
7. Протокол о Пролонгации Международной Конвенции о Санитарных Мерах для Воздушной Навигации 1944 г. (был готов для подписания 23 апреля 1946 г.; вошел в силу 30 апреля 1946 г.)
8. Международное Соглашение относительно предоставляемых торговым морякам возможностей лечения венерических болезней, Брюссель, 1 декабря 1924 г.
9. Конвенция о Торговле Опиумом и Наркотиками, Женева, 19 февраля 1926 г.
10. Конвенция об Ограничении Производства и Регулировании Распределения Наркотических Средств, Женева, 13 июля 1931 г.
11. Конвенция относительно противодифтеритной сыворотки, Париж 1 августа 1930 г.
12. Международная Конвенция о Согласованных Предохранительных Мерах против Тропической Лихорадки, Афины, 25 июля 1934 г.
13. Международное Соглашение о Выдаче Карантинных Свидетельств, Париж, 22 декабря 1934 г.

14. Международное Соглашение о Выдаче Консульских Виз по Карантинным Свидетельствам, Париж, 22 декабря 1934 г.

15. Международное Соглашение относительно Перевозки Трупов, Берлин, 10 февраля 1937 г.

PROTOCOLO CONCERNIENTE A LA OFFICE INTERNATIONAL D'HYGIÈNE PUBLIQUE

Artículo 1

Los gobiernos signatarios de este protocolo acuerdan entre sí que, por lo que a entre ellos se refiere, los deberes y funciones de la Office International d'Hygiène Publique, según se definen en el Acuerdo firmado en Roma el 9 de diciembre de 1907, serán desempeñados por la Organización Mundial de la Salud o por su Comisión Interina y que, sujeto a las obligaciones internacionales existentes, tomarán las medidas necesarias para realizar este propósito.

Artículo 2

Las partes de este protocolo, además, acuerdan que, por lo que a entre ellas se refiere, a partir de la fecha en que este protocolo entre en vigor, los deberes y funciones asignados la Office por los convenios internacionales enumerados en el Anexo 1, serán desempeñados por la Organización o por su Comisión Interina.

Artículo 3

El Acuerdo de 1907 cesará y la Office será disuelta cuando todas las partes del Acuerdo hayan convenido en su cese. Se entenderá que todo gobierno que es parte del Acuerdo de 1907, conviene, al hacerse parte de este protocolo, en la cesación del Acuerdo de 1907.

Artículo 4

Las partes de este protocolo convienen, además, en que si todas las partes del Acuerdo de 1907 no covienen en su cese antes del 15 de noviembre de 1949, entonces, de conformidad con el Artículo 8 del Acuerdo de 1907, lo denunciarán.

Artículo 5

Todo gobierno que sea parte del Acuerdo de 1907 y que no sea signatario de este protocolo puede aceptarlo en todo momento mediante el envío de un instrumento de aceptación al Secretario General de las Naciones Unidas, quien informará de esta adhesión a todos los signatarios y demás gobiernos que hayan aceptado este protocolo.

Artículo 6

Los gobiernos pueden formar parte de este protocolo mediante:

(a) firma, sin reservas en cuanto a su aprobación;
(b) firma, sujeta a aprobación seguida por aceptación; o
(c) aceptación.

La aceptación se hará mediante el depósito de un instrumento formal ante el Secretario General de las Naciones Unidas.

Artículo 7

Este protocolo entrará en vigor cuando veinte gobiernos partes del Acuerdo de 1907 se hagan partes de este protocolo.

EN TESTIMONIO DE LO CUAL los representantes debidamente autorizados de sus respectivos gobiernos han firmado el presente protocolo, redactado en idiomas chino, español, francés, inglés y ruso, siendo estos textos igualmente auténticos, en un solo ejemplar original que será depositado ante el Secretario General de las Naciones Unidas. El Secretario General de las Naciones Unidas enviará copias debidamente certificadas de este protocolo a cada uno de los gobiernos signatarios y los gobiernos que lo acepten y a cualquier otro gobierno que, cuando se firme este protocolo, sea parte del Acuerdo de 1907. El Secretario General notificará a la brevedad posible a cada una de las partes de este protocolo cuando éste entre en vigor.

FIRMADO en la Ciudad de Nueva York a 22 días del mes de julio de 1946.

ANEXO I

1. Convención Sanitaria Internacional del 21 de junio de 1926.
2. Convención que modifica la Convención Sanitaria Internacional del 21 de junio de 1926, firmada el 31 de octubre de 1938.
3. Convención Sanitaria Internacional de 1944, modificando la Convención Sanitaria Internacional del 21 de junio de 1926.
4. Protocolo para prolongar la Convención Sanitaria Internacional, de 1944 (abierto para firma el 23 de abril de 1946; en vigor el 30 de abril de 1946).
5. Convención Sanitaria Internacional para la Navegación Aérea del 12 de abril de 1933.
6. Convención Sanitaria Internacional para la Navegación Aérea, de 1944, modificando la Convención Sanitaria Internacional para la Navegación Aérea del 12 de abril de 1933.
7. Protocolo para prolongar la Convención Sanitaria Internacional para la Navegación Aérea, de 1944 (abierto para firma el 23 de abril de 1946; en vigor el 30 de abril de 1946).
8. Convenio Internacional Relativo a los Medios que habrán de Facilitarse a los Marinos Mercantes para el Tratamiento de Enfermedades Venéreas, Bruselas, 1 de diciembre de 1924.
9. Convención Sobre el Tráfico en Opio y Drogas, Ginebra, 19 de febrero 1925.
10. Convención para Restringir la Fabricación y Reglamentar la Distribución de Estupefacientes, Ginebra, 13 de julio de 1931.
11. Convención Relativa al Suero Antidiftérico, París, 1 de agosto de 1930.
12. Convención Internacional para la Protección Recíproca contra el Dengue, Atenas, 25 de julio de 1934.
13. Convenio Internacional para Eliminar las Patentes de Sanidad, París, 22 de diciembre de 1934.
14. Convenio Internacional para Eliminar las Visas Consulares en las Patentes de Sanidad, París, 22 de diciembre de 1934.
15. Convenio Internacional Sobre el Transporte de Cadáveres, Berlin, 10 de febrero de 1937.

For Argentina:
Pour l'Argentine:
阿根廷:
За Аргентину:
Por la Argentina:

ad referendum

For Australia:
Pour l'Australie:
濠太利亞:
За Австралию:
Por Australia:

Subject to approval and acceptance by Government of Commonwealth of Australia

For the Kingdom of Belgium:
Pour le Royaume de Belgique:
比利時王國:
За Королевство Бельгию:
Por el Reino de Bélgica:

Sous réserve de ratification.

For Bolivia:
Pour la Bolivie:
玻利維亞：
За Боливию:
Por Bolivia:

For Brazil:
Pour le Brésil:
巴西
За Бразилию:
Por el Brasil:

For Byelorussian Soviet Socialist Republic:
Pour la République Soviétique Socialiste de Bélorussie:
白俄羅斯蘇維埃社會主義共和國．
За Белорусскую Советскую Социалистическую Республику:
Por la República Socialista Soviética Bielorrusa:

For Canada:
Pour le Canada:
加拿大：
За Канаду:
Por el Canadá:

subject to approval

For Chile:
Pour le Chili: Ad referendum
智 利：
За Чили:
Por Chile: Julio Bustos A

For China:
Pour la Chine:
中華民國：
За Китай:
Por la China:

沈昌菲 Shen, J.K.
袁弘勳 P. Hsun Yuan
施君明 Kenneth Shih

For Columbia:
Pour la Colombie:
哥倫比亞：
За Колумбию:
Por Colombia:

Carlos Uribe Ajuria

For Costa Rica:
Pour Costa-Rica:
哥斯大黎加：
За Коста-Рику:
Por Costa Rica:

For Cuba:
Pour Cuba:
古巴
За Кубу:
Por Cuba:

For Czechoslovakia:
Pour la Tchécoslovaquie:
捷克斯拉夫：
За Чехословакию:
Por Checoeslovaquia:

For Denmark:
Pour le Danemark:
丹麥：
За Данию:
Por Dinamarca:

For the Dominican Republic:
Pour la République Dominicaine:
多明尼加共和國：
За Доминиканскую Республику:
Por la República Dominicana:

For Ecuador:
Pour l'Equateur:
厄瓜多：
За Эквадор:
Por el Ecuador:

For Egypt:
Pour l'Egypte:
埃及：
За Египет:
Por Egipto:

Subject to Ratification

Taha Elsayed Nasr
Royal Egyptian Legation
M. S. Abaza

For El Salvador:
Pour le Salvador:
薩爾瓦多：
За Сальвадор:
Por El Salvador:

For Ethiopia:
Pour l'Ethiopie:
阿比西尼亞：
За Эфиопию:
Por Etiopía:

Subject to ratification
G. Teoemma.

For France:
Pour la France:
法蘭西：
За Францию:
Por Francia:

ad referendum
Parisot

For Greece:
Pour la Grèce:
希臘：
За Грецию:
Por Grecia:

Ad Referendum
Dr Dhakin Kapsaskis

For Guatemala:
Pour le Guatemala:
瓜地馬拉：
За Гватемалу:
Por Guatemala:

ad referendum. -
C. Gonzalez

For Haiti:
Pour Haïti:
海地：
За Гаити:
Por Haití:

ad referendum

For Honduras:
Pour le Honduras:
洪都拉斯：
За Гондурас:
Por Honduras:

ad referendum

For India:
Pour l'Inde:
印度：
За Индию:
Por la India:

Subject to Ratification.

C.K. Lakshmanan
Lt.Col. I.M.S.

These signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.

For Iran:
Pour l'Iran:
伊朗:
За Иран:
Por Irán:

Subject to ratification by the Iranian Parliament (Majlis)
Ghassem Ghani M.D.

subject to ratification of Parliament (Majlis)
H. Hafezi

For Iraq:
Pour l'Irak:
伊拉克:
За Ирак:
Por Irak:

ad referendum

For Lebanon:
Pour le Liban:
黎巴嫩:
За Ливан:
Por El Líbano:

ad referendum Georges Hakim

For Liberia:
Pour le Libéria:
利比里亞:
За Либерию:
Por Liberia:

ad Referendum:
Joseph Nagbe Togba, M.D.

For the Grand Duchy of Luxembourg:
Pour le Grand Duché de Luxembourg:
盧森堡大公國：
За Великое Герцогство Люксембург:
Por el Gran Ducado de Luxemburgo:

Sous réserve de ratification

For Mexico:
Pour le Mexique:
墨西哥：
За Мексику:
Por México:

Ad Referendum

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas:
和蘭王國：
За Королевство Нидерландов:
Por el Reino de Holanda:

ad referendum

For New Zealand:
Pour la Nouvelle-Zélande:
紐西蘭：
За Новую Зеландию:
Por Nueva Zelandia:

Ad referendum
T.R. Ritchie

For Nicaragua:
Pour le Nicaragua:
尼加拉瓜：
За Никарагуа:
Por Nicaragua: ad referendum

For the Kingdom of Norway:
Pour le Royaume de Norvège:
挪威王國：
За Королевство Норвегию:
Por el Reino de Noruega:

Ad referendum
H. M. Lundeberg

For Panama:
Pour le Panama:
巴拿馬:
За Панаму:
Por Panamá:

ad referendum

For Paraguay:
Pour le Paraguay:
巴拉圭:
За Парагвай:
Por el Paraguay:

ad referendum

For Peru:
Pour le Pérou:
秘魯:
За Перу:
Por el Perú:

Ad referendum

For the Republic of the Philippines:
Pour la République des Philippines:
菲律賓：

За ФИЛИППИНЫ:
Por Filipinas:

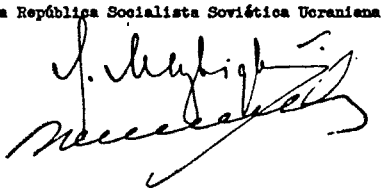
Por Poland:
Pour la Pologne:
波蘭：

За Польшу:
Por Polonia:

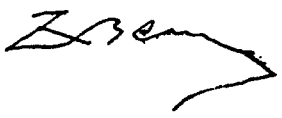
For Saudi Arabia:
Pour l'Arabie Saoudite:
蘇地阿拉伯：

За Саудовскую Аравию:
Por Arabia Saudita:

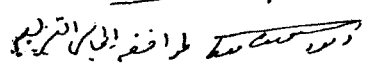
For the Ukrainian Soviet Socialist Republic:
Pour la République Soviétique Socialiste d'Ukraine:
烏克蘭蘇維埃社會主義共和國：
За Украинскую Советскую Социалистическую Республику:
Por la República Socialista Soviética Ucraniana:



For Turkey:
Pour la Turquie:
土耳其
За Турцию:
Por Turquía:



For Syria:
Pour la Syrie:
叙利亞：
За Сирию:
Por Siria: Dr C. Trefi subject to ratification



For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques Soviétiques Socialistes:
蘇維埃社會主義共和國聯邦：
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

For the Union of South Africa:
Pour l'Union Sud-Africaine:
南非聯邦：
За Южноафриканский Союз:
Por la Unión Sudafricana:

ad referendum
H.J. Gear.

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
英聯王國：
За Соединенное Королевство Великобритании:
Por el Reino Unido de la Gran Bretaña:

Melville D. Mackay
F.S. Gates

For the United States of America:
Pour les Etats-Unis d'Amérique:
美利堅合衆國
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

Subject to Approval
Thomas Thomasson
Martha M. Eliot
Frank G Boudreau

For Uruguay:
Pour l'Uruguay:
烏拉圭：
За Уругвай:
Por el Uruguay:

Ad referendum
José A. Mora
Carlos M. Berberena

For Venezuela:
Pour le Venezuela:
委内瑞拉：
За Венесуэлу:
Por Venezuela:

Ad - referendum

For Yugoslavia:
Pour la Yougoslavie:
南斯拉夫：
За Югославию:
Por Yugoslavia:

with reservation as to the ratification

For Afghanistan:
Pour l'Afghanistan:
阿富汗：
За Афганистан:
Por Afganistán:

For Albania:
Pour l'Albanie:
阿班尼亞：
За Албанию:
Por Albania:

For Austria:
Pour l'Autriche :
奧 大 利 :
За Австрию:
Por Austria:

For Bulgaria:
Pour la Bulgarie :
保 加 利 亞 :
За Болгарию:
Por Bulgaria:

For Eire:
Pour l'Eire:
愛 爾 蘭 :
За Ирландию:
Por Irlanda:

Subject to acceptance.

For Finland:
Pour la Finlande:
芬 蘭 :
За Финляндию:
Por Finlandia:

For Hungary:
Pour la Hongrie:
匈牙利：
За Венгрию:
Por Hungría:

For Iceland:
Pour l'Islande:
冰島國：
За Исландию:
Por Islandia:

For Italy:
Pour l'Italie:
義大利：
За Италию:
Por Italia:
subject to ratification
giovanni alberto zuccarini

For Portugal:
Pour le Portugal:
葡萄牙：
За Португалию:
Por Portugal:
Subject to ratification
Francisco José Cavalheiro Lopes

For Rumania;
Pour la Roumanie :
羅馬尼亞:
За Румынию:
Por Rumania:

For Siam:
Pour le Siam :
暹羅:
За Сиам:
Por Siam:
Phraya Tamrong Tam Kae

For Sweden:
Pour la Suède :
瑞典:
За Швецию:
Por Suecia:

For Switzerland:
Pour la Suisse :
瑞 士 :
За Швейцарию:
Por Suiza:
Sous réserve de ratification

For Transjordan:
Pour la Transjordanie:
泰蘭斯喬頓 :
За Трансиорданию:
Por Transjordania:

For Yemen:
Pour le Yémen:
葉 門 :
За Йемен:
Por Yemen:

The foregoing is a true copy of the Protocol concerning the *Office International d'Hygiene Publique*, signed in New York, on July 22, 1946, in the Chinese, English, French, Russian, and Spanish languages, the original of which is deposited in the Archives of the United Nations.

Le texte qui précède est une copie exacte du Protocole relatif à l'Office International d'Hygiène Publique, signé à New York, le 22 juillet 1946, en langues anglaise, chinoise, espagnole, française et russe, dont l'original a été déposé dans les archives des Nations Unies.

For the Secretary-General:
Pour le Secrétaire général:

L. Van Kerno

Assistant Secretary-General for Legal Affairs.
Sous-Secrétaire général pour les Affaires Juridiques.

Advice and consent to ratification.

WHEREAS the Senate of the United States of America by their resolution of July 19, 1947, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

Ratification.

WHEREAS the said protocol was duly ratified by the President of the United States of America on July 28, 1947, in pursuance of the aforesaid advice and consent of the Senate;

Ante, p. 1607.

WHEREAS it is provided in Article 7 of the said protocol that the protocol shall come into force when twenty Governments parties to the Agreement of 1907, namely, the arrangement for the establishment of the International Office of Public Health signed at Rome on December 9, 1907, have become parties to the said protocol;

35 Stat. 2061.

Ante, p. 1606.

WHEREAS it is provided by Article 6 of the said protocol that Governments may become parties to the protocol by (a) signature without reservation as to approval; (b) signature subject to approval followed by acceptance; or (c) acceptance, and that acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations;

WHEREAS the said protocol was signed without reservation as to approval on behalf of Albania, Austria, Bolivia, Bulgaria, the Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Finland, the Republic of the Philippines, Poland, Saudi Arabia, Siam, Transjordan, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland;

Deposit of instruments of acceptance.

WHEREAS in a notification dated April 16, 1948 the Secretary-General of the United Nations informed the Government of the United States of America that formal instruments accepting the protocol were deposited with the Secretary-General of the United Nations by Canada on August 29, 1946, New Zealand on December 10, 1946, Iran on January 27, 1947, Switzerland on March 26, 1947, Italy on April 11, 1947, Ethiopia on April 11, 1947, Denmark on April 21, 1947, the Netherlands on April 25, 1947, Australia on May 8, 1947, the United States of America on August 7, 1947, Haiti on August 12, 1947, Norway on August 18, 1947, Sweden on August 28, 1947, Iraq on September 23, 1947, Ireland on October 20, 1947, Yugoslavia on November 19, 1947, Egypt on December 16, 1947, India on January 12, 1948, Czechoslovakia on March 1, 1948, Greece on March 12, 1948, the Union of South Africa on March 19, 1948, and Mexico on April 7, 1948;

Entry into force.
Ante, p. 1607.

AND WHEREAS, pursuant to the aforesaid provision of Article 7 of the said protocol, the protocol came into force on October 20, 1947, the date on which the twentieth Government party to the said Agreement of 1907 became a party to the said protocol;

35 Stat. 2061.

Proclamation.

NOW, THEREFORE, be it known, that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith on and after October 20, 1947 by the United States of America and by the citizens

of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of May in the year of our Lord one thousand nine hundred forty-eight and of the Independence of the United States of America the one hundred seventy-second.

[SEAL]

HARRY S TRUMAN

By the President:

G C MARSHALL

Secretary of State:

Note by the Department of State

The following is a romanization of the facsimile signatures:

For Argentina:

ad referendum

ALBERTO ZWANCK

For Australia:

Subject to approval and acceptance by Government of Commonwealth of Australia

A. H. TANGE

For the Kingdom of Belgium:

Sous réserve de ratification.

Dr. M DE LAET.

For Bolivia:

LUIS V. SOTELO.

For Brazil:

Ad referendum

GERALDO PAULA SOUZA

For Byelorussian Soviet Socialist Republic:

N EVSTAFIEV

For Canada:

Subject to approval

BROOKE CLAXTON
BROOK CHISHOLM

For Chile:

Ad referendum

JULIO BUSTOS A.

For China:

SHEN, J. K.
L. CHIN YUAN
SZEMING SZE.

For Colombia:

CARLOS URIBE AGUIERE

For Costa Rica:

JAIME BENAVIDES.

For Cuba:

Ad. Referendum.

Dr PEDRO NOGUEIRA
VICTOR SANTAMARINA.

For Czechoslovakia:

ad referendum

Dr JOSEF CANČIK.

For Denmark:

Ad referendum

J. OERSKOV.

For the Dominican Republic:

Ad. referendum

Dr L. F. THOMEN

For Ecuador:

Ad. referendum

R. NEVAREZ VÁSQUEZ

For Egypt:

Subject to Ratification

Dr. A. T CHOUCHA
TAHA ELSAYED NASR
Royal Counsellor
M S. ABAZA.

For El Salvador:

For Ethiopia:

Subject to ratification

G. TESEMMA.

For France:

ad referendum

J PARISOT

For Greece:

Ad Referendum

Dr PHOKION KOPANARIS

For Guatemala:

ad referendum

G MORÁN
J A MUÑOZ

For Haiti:

ad referendum

RULX LEÓN.

For Honduras:

ad referendum

JUAN MANUEL FIALLOS

For India:

Subject to Ratification.

C. K. LAKSHMANAN
C MANI.

These Signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.

For Iran:

Subject to ratification by the Iranian Parliament (Madjliss)

GHASSEME GHANI M.D.
H. HAFEZI

For Iraq:

ad referendum

Dr IHSAN DOGRAMAJI
S AL-ZAHAWI

For Lebanon:

ad referendum

GEORGES HAKIM
Dr A MAKHLOUF.

For Liberia:

Ad Referendum:

JOSEPH NAGBE TOGBA, M.D
JOHN B WEST.

For the Grand Duchy of Luxembourg:

Sous réserve de ratification

Dr. M DE LAET.

For Mexico:

Ad Referendum

MONDRAGÓN.

For the Kingdom of the Netherlands:

ad referendum

C BERG
C. BANNING.
W. A. TIMMERMAN

For New Zealand:

Ad referendum

T. R. RITCHIE.

For Nicaragua:

ad-referendum

A SEVILLA-SACASA.

For the Kingdom of Norway:

ad referendum

H. TH. SANDBERG.

For Panama:

Ad referendum

J. J. VALLARINO

For Paraguay:

ad referendum

ANGEL R GINÉS

For Peru:

Ad referendum

CARLOS ENRIQUE PAZ SOLDAN
A TORANZO.

For the Republic of the Philippines:

H LARA
WALFRIDO DE LEON

For Poland:

ED GRZEGORZEWSKI

For Saudi Arabia:

Dr YAHIA NASRI
Dr MEDHAT CHEIKH-AL-ARDH.

For the Ukrainian Soviet Socialist Republic:

L. I MEDVED.
KALTCHENKO

For Turkey:

Z N BARKER

For Syria:

subject to ratification

Dr C. TREFI

For the Union of Soviet Socialist Republics:

F G. KROTKOV

For the Union of South Africa:

ad referendum

H. S. GEAR.

For the United Kingdom of Great Britain and Northern Ireland:

MELVILLE D. MACKENZIE
G. E. YATES

For the United States of America:

Subject to Approval

THOMAS PARRAN
MARTHA M. ELIOT.
FRANK G BOUDREAU

For Uruguay:

Ad-referendum

JOSÉ A. MORA
R RIVERO
CARLOS M. BARBEROUSSE

For Venezuela:

Ad-referendum

A ARREAZA GUZMÁN

For Yugoslavia:

with reservation as to the ratification

Dr A. STAMPAR

For Afghanistan:

For Albania:

T. JAKOVA

For Austria:

Dr MARIUS KAISER

For Bulgaria:

Dr D. P. ORAHOVATZ.

For Eire:

Subject to acceptance.

JOHN D. MACCORMACK.

For Finland:

OSMO TURPEINEN

For Hungary:

For Iceland:

For Italy:

Subject to ratification

GIOVANNI ALBERTO CANAPERIA

For Portugal:

Subject to ratification

FRANCISCO C CAMBOURNAC

For Rumania:

For Siam:

BUNLIANG TAMTHAI

For Sweden:

For Switzerland:

sous réserve de ratification:

Dr J EUGSTER

A. SAUTER.

For Transjordan:

Dr. D. P. TUTUNJI

For Yemen:

August 29, 1947
[T. I. A. S. 1755]

Protocol between the United States of America and other governments prolonging the international agreement of May 6, 1937, respecting regulation of production and marketing of sugar. Signed at London August 29, 1947; ratification advised by the Senate of the United States of America April 28, 1948; ratified by the President of the United States of America May 14, 1948; ratification of the United States of America deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland May 25, 1948; proclaimed by the President of the United States of America June 1, 1948; effective September 1, 1947.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol dated in London August 29, 1947, prolonging for one year after August 31, 1947, the international agreement regarding the regulation of production and marketing of sugar, signed at London on May 6, 1937, was signed by the respective Plenipotentiaries of the Governments of the United States of America (with a reservation "Subject to ratification"), the Union of South Africa, the Commonwealth of Australia, Belgium, Brazil, Cuba, Czechoslovakia, the Dominican Republic, the French Republic, the United Kingdom of Great Britain and Northern Ireland, Haiti, the Netherlands, Peru, the Republic of the Philippines, Poland, Portugal, and the Federal People's Republic of Yugoslavia;

59 Stat. 922.

WHEREAS the said protocol, as certified by the Foreign Office of the Government of the United Kingdom of Great Britain and Northern Ireland in London, is word for word as follows:

PROTOCOL

WHEREAS an International Agreement regarding the Regulation of the Production and Marketing of Sugar (hereinafter referred to as "the Agreement") was signed in London on the 6th May, 1937;

And whereas by a Protocol signed in London on the 22nd July, 1942, the Agreement was regarded as having come into force on the 1st September, 1937, in respect of the Governments signatory of the Protocol;

59 Stat. 949.

And whereas it was provided in the said Protocol that the Agreement should continue in force between the said Governments for a period of two years after the 31st August, 1942;

And whereas by further Protocols signed in London on the 31st August, 1944, the 31st August, 1945, and the 30th August, 1946, it was agreed that, subject to the provisions of Article 2 of the said Protocols, the Agreement should continue in force between the Governments signatory thereof for periods of one year terminating on

59 Stat. 951; 60 Stat. 1373; 61 Stat., Pt. 2, p. 1236.

the 31st August, 1945, the 31st August, 1946, and the 31st August, 1947, respectively;

Now, therefore, the Governments signatory of the present Protocol, considering that it is expedient that the Agreement should be prolonged for a further term as between themselves, subject, in view of the present situation, to the conditions stated below, have agreed as follows:—

ARTICLE 1

Continuance in force.

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory of this Protocol for a period of one year after the 31st August, 1947.

ARTICLE 2

Inoperative provisions.

During the period specified in Article 1 above the provisions of Chapters III, IV and V of the Agreement shall be inoperative.

ARTICLE 3

Revision of Agreement.

1. The Governments signatory of the present Protocol recognise that revision of the Agreement is necessary and should be undertaken as soon as the time appears opportune. Discussion of any such revision should take the existing Agreement as the starting point.

2. For the purposes of such revision due account shall be taken of any general principles of commodity policy embodied in any agreements which may be concluded under the auspices of the United Nations.

ARTICLE 4

Renewal.

Before the conclusion of the period of one year specified in Article 1, the contracting Governments, if the steps contemplated in Article 3 have not been taken, will discuss the question of a further renewal of the Agreement.

ARTICLE 5

The present Protocol shall bear the date the 29th August, 1947, and shall remain open for signature until the 30th September, 1947; provided however that any signatures appended after the 30th August, 1947, shall be deemed to have effect as from that date.

In witness whereof the undersigned being duly authorised thereto by their respective Governments have signed the present Protocol.

Done in London on the 29th day of August, 1947, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

For the Government of the Union of South Africa:
G. HEATON NICHOLLS.

For the Government of the Commonwealth of Australia:
JOHN A. BEASLEY.

For the Government of Belgium:
G. WALRAVENS.

For the Government of Brazil:
MONIZ DE ARAGÃO.

For the Government of Cuba:
MIGUEL ANTONIO RIVA.

For the Government of Czechoslovakia:
B. G. KRATOCHVIL.

For the Government of the Dominican Republic:
EMILIO ZELLER.

For the Government of the French Republic:
J. C. H. DE SAILLY.

For the Government of the United Kingdom of Great Britain and Northern Ireland:
T. G. JENKINS.

For the Government of Hayti:
STEPHEN ALEXIS.

For the Government of the Netherlands:
A. BENTINCK.

For the Government of Peru:
FERNANDO BERCKEMEYER.

For the Government of the Republic of the Philippines:
J. M. ELIZALDE.

For the Government of Poland:
A. SZEMINSKI.

For the Government of Portugal:
MIGUEL D'ALMEIDA PILE.

For the Government of the Union of Soviet Socialist Republics:

For the Government of the United States of America:
L. W. DOUGLAS.
Subject to ratification.

For the Government of the Federal People's Republic of Yugoslavia:
DR. FRANC KOS.

Certified a true copy.

[SEAL] D A BIGBY
LONDON
-9 Oct 1947
Acting Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

WHEREAS the Senate of the United States of America by their Resolution of April 28, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol; Advice and consent to ratification.

WHEREAS the said protocol was duly ratified on behalf of the Government of the United States of America on May 14, 1948, and the instrument of ratification on the part of the said Government was duly deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland on May 25, 1948; Ratification; deposit of instrument.

AND WHEREAS it is provided in Article 1 of the said protocol that, subject to the provisions of Article 2 of the said protocol, the said agreement of May 6, 1937 shall continue in force between the Governments signatory of the said protocol for a period of one year after August 31, 1947; Continuance in force. 59 Stat. 922.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said protocol, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, the said protocol being deemed to have the effect, as provided in Article 1 thereof, of continuing in force between the Governments signatory of the said protocol, for a period of one year after August 31, 1947, the said agreement regarding the regulation of production and marketing of sugar signed at London May 6, 1937. Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of June in the year of our Lord one thousand nine hundred forty-eight and
[SEAL] of the Independence of the United States of America the one hundred seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

October 1, 1947
[T. I. A. S. 1768]

Protocol between the United States of America and other American republics modifying and extending for one year from October 1, 1947, the Inter-American Coffee Agreement of November 28, 1940, as modified and amended. Open for signature at Washington September 11-November 1, 1947; ratification advised by the Senate of the United States of America April 28, 1948; ratified by the President of the United States of America May 14, 1948; ratification of the United States of America deposited with the Pan American Union at Washington May 24, 1948; proclaimed by the President of the United States of America June 9, 1948; entered into force with respect to the United States of America May 24, 1948; effective October 1, 1947.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol for the extension of the Inter-American Coffee Agreement for one year from October 1, 1947 was open for signature at the Pan American Union in Washington from September 11, 1947 until November 1, 1947 and during that period was signed by the Plenipotentiary of the Government of the United States of America, subject to ratification, and by the respective Plenipotentiaries of the Governments of fourteen other American Republics;

AND WHEREAS the said protocol, being in the English, Spanish, Portuguese, and French languages, as certified by the Secretary of the Governing Board of the Pan American Union, is word for word as follows:

PROTOCOL FOR THE EXTENSION OF THE INTER-AMERICAN COFFEE AGREEMENT FOR ONE YEAR FROM OCTOBER 1, 1947

WHEREAS an Inter-American Coffee Agreement (hereinafter referred to as "the Agreement") was signed in Washington on November 28, 1940:

55 Stat. 1143; 56 Stat. 1345.

AND WHEREAS by a Protocol signed in Washington April 15, 1941, the Agreement was brought into force on April 16, 1941, in respect of the Governments on behalf of which the Protocol was signed on April 15, 1941:

55 Stat. 1183.

55 Stat. 1172.

AND WHEREAS Article XXIV of the said Agreement provides that it should continue in force until October 1, 1943:

AND WHEREAS by unanimous consent the Governments signatory to the Agreement twice extended the said Agreement unchanged for one-year periods, these extensions being duly attested by two certified and signed Declarations passed by the Inter-American Coffee Board on May 12, 1943 and July 25, 1944,[1] respectively,

[1] Not printed.

which were duly deposited in the Pan American Union on June 11, 1943, and September 11, 1944, respectively, in accordance with the provisions of Article XXIV of the Agreement: 55 Stat. 1172.

AND WHEREAS by a Protocol signed and deposited with the Pan American Union under date of October 1, 1945, the said Agreement was extended for one year from October 1, 1945, with certain changes recommended by the Inter-American Coffee Board. 60 Stat. 1359.

AND WHEREAS by a Protocol signed and deposited with the Pan American Union under date of October 1, 1946, the said Agreement was extended for one year from October 1, 1946, subject to certain conditions recommended by the Inter-American Coffee Board. 61 Stat., Pt. 2, p. 1222.

NOW, THEREFORE, in support of a recommendation made by the Inter-American Coffee Board on September 11, 1947, the Governments signatory to the present Protocol, considering that it is feasible, pending further efforts toward completion of international and inter-American arrangements for dealing with commodity problems, that the Agreement should be prolonged for one additional year, subject to the conditions stated below, have agreed as follows:

Article 1

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory to the present Protocol for a period of one year from October 1, 1947. Continuance in force.

Article 2

During the period specified in Article 1 above, the Governments signatory to the present Protocol agree that the provisions of Article I through and including VIII of the Agreement shall be inoperative. Inoperative provisions. 55 Stat. 1146–1158.

Article 3

(a) During the period specified in Article 1 above, the Inter-American Coffee Board shall undertake to complete by April 1, 1948, its recommendations for the consideration of the governments now participating in the Agreement and of other governments that might be interested in participating in an understanding regarding the type of cooperation, whether inter-American or other international, that appears most likely to contribute to the development of sound and prosperous conditions in international trade in coffee equitable for both consumers and producers. Inter-American Coffee Board. Recommendations.

(b) Such recommendations shall be in accordance with general principles of commodity policy which are embodied in the Chapter on Inter-governmental Commodity Arrangements drafted in the First Session of the Preparatory Committee on the United Nations Conference on Trade and Employment or which may be embodied in the Charter for an International Trade Organization if such Charter is concluded prior to the submission of such recommendations by the Board.

Arrangements for transfer.

(c) The Inter-American Coffee Board shall undertake to make arrangements prior to October 1, 1948 for the transfer of its functions, assets and records to an appropriate inter-American or other international organization.

Article 4

Entry into force.

The present Protocol shall be open for signature at the Pan American Union from September 11, 1947 until November 1, 1947, provided, however, that all signatures shall be deemed to have been affixed under date of October 1, 1947, and the Protocol shall be considered as having entered into force on that date with respect to the governments on behalf of which it is signed.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

Done at the City of Washington in the English, Spanish, Portuguese and French languages. The original instrument in each language shall be deposited in the Pan American Union which shall furnish certified copies to the Governments signatory to this Protocol.

CARLOS MARTINS PEREIRA E SOUZA
Brazil

ANDRÉS URIBE C.
Colombia

J RAFAEL OREAMUNO
Costa Rica

GMO BELT
Cuba

JULIO ORTEGA
Dominican Republic

C J AROSEMENA
Ecuador

CARLOS A SIRI
El Salvador

ENRIQUE LOPEZ HERRARTE
Guatemala

JOSEPH D. CHARLES
Haiti

JULIÁN R. CÁCERES
Honduras

V SANCHEZ GAVITO JR.
Mexico

GUILL. SEVILLA SACASA
Nicaragua

C ALZAMORA
Peru

WILLARD L THORP
Subject to Ratification
United States of America

M A FALCON-BRICENO
Venezuela

[SEAL]

I hereby certify that the foregoing document is a true and faithful copy of the original, in English, of the Protocol for the Extension of the Inter-American Coffee Agreement for one year from October 1, 1947, deposited in the Pan American Union.

Washington, D. C., December 4, 1947

William Manger
Secretary of the Governing Board
of the Pan American Union

[SEAL]

PROTOCOLO PARA LA PRORROGA DEL CONVENIO INTERAMERICANO DEL CAFE POR UN AÑO, A PARTIR DE OCTUBRE 1, 1947

POR CUANTO: el Convenio Interamericano del Café (que en lo sucesivo se designará bajo la denominación de "el Convenio") fué suscrito en Washington, el 28 de noviembre de 1940; y

POR CUANTO: que el Protocolo firmado en Washington el 15 de abril de 1941, puso en vigor el Convenio el 16 de abril de 1941, con respecto a los Gobiernos en cuyo nombre se firmó el Protocolo el 15 de abril de 1941; y

POR CUANTO: que el Artículo XXIV de dicho Convenio estipula que continúe en vigor hasta el 1ro. de octubre de 1943; y

POR CUANTO: por consentimiento unánime los Gobiernos signatarios han prorrogado en dos ocasiones dicho Convenio sin modificaciones, por períodos de un año, y dichas prórrogas han sido debidamente formalizadas mediante dos Declaraciones certificadas y firmadas, aprobadas por la Junta Interamericana del Café el 12 de mayo de 1943, y el 25 de julio de 1944, respectivamente, las cuales fueron debidamente depositadas en la Unión Panamericana el 11 de junio de 1943 y el 11 de septiembre de 1944, respectivamente, en conformidad con las estipulaciones del Artículo XXIV del Convenio; y

POR CUANTO: dicho Convenio, según un Protocolo firmado y depositado en la Unión Panamericana en fecha octubre 1, 1945, fué continuado por un año a partir de octubre 1, 1945, con ciertos cambios recomendados por la Junta Interamericana del Café, y

POR CUANTO: dicho Convenio, según un Protocolo firmado y depositado en la Unión Panamericana en fecha octubre 1, 1946, fué continuado por un año a partir de octubre 1, 1946, con ciertos cambios recomendados por la Junta Interamericana del Café.

POR TANTO: en cumplimiento de una recomendación hecha por la Junta Interamericana del Café el 11 de septiembre de 1947, los Gobiernos firmantes del presente Protocolo, considerando que es conveniente que mientras estén pendientes los nuevos empeños encaminados a llevar a cabo arreglos de carácter internacional e interamericano en materia de problemas sobre productos, sujeto a las condiciones que se indican más abajo, han acordado lo siguiente:

Artículo 1

El Convenio continuará en vigor entre los Gobiernos firmantes del presente Protocolo, por un período de un año, a partir del 1ro. de octubre de 1947, sujeto a las disposiciones del Artículo 2 de este instrumento.

Artículo 2

Durante el período indicado en el Artículo 1 de este instrumento, los Gobiernos signatarios del presente Protocolo, convienen en dejar sin efecto las estipulaciones de los artículos I a VIII inclusive del Convenio.

Artículo 3

(a) Durante el período estipulado en el Artículo 1, la Junta Interamericana del Café dará término para Abril 1° de 1948, a recomendaciones para consideración de los gobiernos que participan actualmente en el Convenio y de aquellos otros gobiernos que puedan tener interés en participar en un acuerdo sobre la clase de cooperación, ya sea interamericana u otra internacional, que se considere la más conveniente para el desarrollo de condiciones sanas y prósperas en el comercio internacional de café, equitativas para productores y consumidores.

(b) Tales recomendaciones deberán estar conformes con los principios generales de política comercial involucrados en el Capítulo sobre Arreglos Intergubernamentales sobre Productos redactados en la Primera Sesión del Comité Preparatorio de la Conferencia de las Naciones Unidas sobre Comercio y Empleo, o que queden integrados en la Carta para una Organización Internacional del Comercio, si dicha Carta llegare a ser completada antes de que la Junta someta sus recomendaciones.

(c) La Junta Interamericana del Café llevará a cabo antes del 1° de Octubre de 1948, los arreglos pertinentes para transferir sus funciones, bienes y archivos a la organización interamericana u otra internacional que corresponda.

Artículo 4

El presente Protocolo quedará abierto a la firma en la Unión Panamericana desde el 11 de septiembre de 1947 hasta el 1ro. de noviembre de 1947, entendiéndose que todas las firmas se considerarán puestas en la fecha de octubre 1, 1947, y el Protocolo será considerado como habiendo entrado en vigor en dicha fecha con respecto a los Gobiernos en nombre de los cuales ha sido suscrito.

En testimonio de lo cual los abajo firmantes, debidamente autorizados por sus Gobiernos respectivos, suscriben el presente Protocolo.

Hecho en la ciudad de Washington en los idiomas inglés, español, portugués y francés. El instrumento original en cada idioma será depositado en la Unión Panamericana, la cual remitirá copias certificadas a los Gobiernos firmantes de este Protocolo.

CARLOS MARTINS PEREIRA E SOUZA
Brasil

ANDRÉS URIBE C.
Colombia

J RAFAEL OREAMUNO
Costa Rica

GMO BELT
Cuba

C J AROSEMENA
Ecuador

CARLOS A SIRI
El Salvador

WILLARD L. THORP
Subject to Ratification
Estados Unidos

ENRIQUE LOPEZ HERRARTE
Guatemala

JOSEPH D CHARLES
Haití

JULIÁN R CÁCERES
Honduras

V SANCHEZ GAVITO JR.
México

GUILL. SEVILLA SACASA
Nicaragua

C ALZAMORA
Perú

JULIO ORTEGA
República Dominicana

M A FALCON-BRICENO
Venezuela

[SEAL]

I hereby certify that the foregoing document is a true and faithful copy of the original, in Spanish, of the Protocol for the Extension of the Inter-American Coffee Agreement for one year from October 1, 1947, deposited in the Pan American Union.

Washington, D. C., December 4, 1947

William Manger

William Manger
Secretary of the Governing Board
of the Pan American Union

[SEAL]

PROTOCOLO PARA A PRORROGAÇAO DO CONVENIO INTER-AMERICANO DO CAFÉ POR UM ANO, A PARTIR DE 1° DE OUTUBRO DE 1947

QUE: Considerando que o Convênio Interamericano do Café (aqui referido como "o Convenio") foi assinado em Washington aos 28 de novembro de 1940;

QUE: pelo Protocolo assinado em Washington em 15 de abril de 1941, o Convênio foi posto em vigor em 16 de abril de 1941 com respeito aos Governos em cujo favor o Protocolo forá assinado em 15 de abril de 1941;

QUE: o Artigo XXIV do referido Convênio estabelece que o mesmo deve continuar em vigor até 1° de outubro de 1943;

QUE: por consentimento unânime dos Governos signatários do Convênio êste fôra prorrogado duas vezes, sem modificações, por períodos de um ano, sendo essas prorrogações regularmente atestadas por duas Declarações assinadas e reconhecidas, pela Junta Interamericana do Café, com datas de 12 de Maio de 1943 e 25 de julho de 1944, respectivamente, tendo sido ambas regularmente entregues á União Pan-Americana em 11 de junho de 1943 e 11 de setembro de 1944, respectivamente, de acôrdo com o procedimento recomendado no Artigo XXIV do Convênio;

QUE: pelo Protocolo assinado e depositado na União Pan-Americana datado de 1 de outubro de 1945, o referido acordo foi prorrogado por um ano a contar de 1° de outubro de 1945 com certas emendas recomendadas pela Junta Interamericana do Café;

QUE: pelo Protocolo assinado e depositado na União Pan-Americana datado no 1 de outubro de 1946, o referido acordo foi prorrogado por um ano a contar do 1 de outubro de 1946 con certas emendas recomendadas pela Junta Interamericana do Café;

PORTANTO: en apoio à recommendação feita pela Junta Interamericana do Café, em 11 de setembro de 1947, os Governos signatários do presente Protocolo, considerando que é factivel, enquanto estiverem pendentes os novos esforços para a obtenção dos acôrdos de caráter internacional e interamericano referentes a problemás sôbre produtos, que o Acôrdo seja prolongado por mais un termo, sujeito ás condições estabelecidas abaixo, concordam com o seguinte:

Artigo 1

De acôrdo com as determinações do Artigo 2 dêste Protocolo, o Convênio deverá continuar em vigor entre os Governos signatários do mesmo Protocolo pelo período de um ano, a partir de 1° de outubro de 1947.

Artigo 2

Durante o perído especificado no artigo precedente, os Governos signatários dêste Protocolo concordam que as determinações do Convênio, dos Artigos I ao VIII inclusive permanecerâo inoperantes.

Artigo 3

(a) Durante o período especificado no Artigo 1, a Junta Interamericana do Café deverá completar para 1° de abril de 1948 suas recomendações para a consideração dos Governos agora participantes do Acôrdo e outros Governos que possam estar eventualmente interessados na participação de um Acôrdo referente ao tipo de cooperação, quer seja interamericano, quer seja internacional, que poderá provávelmente contribuir para o desenvolvimiento de condições harmoniosas e prósperas para um comércio internacional do café justo, tanto para o produtor como para o consumidor.

(b) Essas recomendações devem estar de acôrdo com os princípios gerais de política sobre produtos incorporados no Capítulo referente a Acôrdos Intergovernamentais sobre Produtos elaborados na Primeira Sessâo do Comité Preparatorio da Conferência sobre Comercio e Emprego das Nações Unidas, o que possam ser incorporados ao Estatuto para a Organização Internacional do Comercio si tal Estatuto for concluido antes da presentação de tais recomendações pela Junta.

(c) A Junta Interamericana do Café emprenderá acôrdos antes de 1° de Outubro de 1948 para a transferência das suas funções, averes e arquivos á devida organização interamericana ou internacional.

Artigo 4

O presente Protocolo será aberto para assinaturas, na Uniâo Pan-Americana, de 11 de setembro de 1947 a 1° de novembro de 1947, embora tôdas as assinaturas sejam consideradas efetivas a partir de 1° de outubro de 1947, e o Protocolo será considerado como tendo entrado em vigor naquela data com respeito ao Governo em cujo favor é assinado.

Em testemunho da verdade, os signatários, devidamente autorizados pelos respectivos Governos, assinaram o presente Protocolo.

Redigido na cidade de Washington em inglês, espanhol, português e francês. O documento original, em cada um dos referidos idiomas, deverá ser depositado na Uniâo Pan-Americana a qual enviará copias oficialmente reconhecidas aos Governos signatários dêste Protocolo.

CARLOS MARTINS PEREIRA E SOUZA
Brasil

ANDRÉS URIBE C.
Colombia

J RAFAEL OREAMUNO
Costa Rica

GMO BELT
Cuba

C J AROSEMENA
Equador

WILLARD L. THORP
Subject to Ratification
Estados Unidos da América

ENRIQUE LOPEZ HERRARTE
Guatemala

JOSEPH D CHARLES
Haiti

JULIÁN R. CÁCERES
Honduras

V SANCHEZ GAVITO Jr.
México

GUILL. SEVILLA SACASA
Nicaragua

C. ALZAMORA
Perú

JULIO ORTEGA
República Dominicana

CARLOS A SIRI
Salvador

M A FALCON-BRICENO
Venezuela

[SEAL]

I hereby certify that the foregoing document is a true and faithful copy of the original, in Portuguese, of the Protocol for the Extension of the Inter-American Coffee Agreement for one year from October 1, 1947, deposited in the Pan American Union.

Washington, D. C., December 4, 1947

William Manger

William Manger
Secretary of the Governing Board
of the Pan American Union

[SEAL]

PROTOCOLE POUR LE RENOUVELLEMENT DE L'ACCORD INTER-AMERICAIN DU CAFE POUR UNE PERIODE D'UNE ANNEE A PARTIR DU PREMIER OCTOBRE MIL-NEUF-CENT-QUARANTE-SEPT

ATTENDU que l'Accord Inter-Américain du Café (qui dans le présent texte sera désigné comme "l'Accord") fut signé à Washington à la date du 28 Novembre 1940; et

ATTENDU que par un Protocole signé à Washington à la date du 15 Avril 1941 l'Accord fut considéré comme entrant en vigueur le 16 Avril 1941 en ce qui concernait les Gouvernements aux noms desquels le Protocole fut signé le 15 Avril 1941; et

ATTENDU que l'Article XXIV du dit Accord prévoit qu'il resterait en vigueur jusqu'au Premier Octobre 1943; et

ATTENDU que les Gouvernements signataires, à deux reprises, ont renouvelé, à l'unanimité, le dit Accord, sans changement, pour des périodes d'une année, ces reconductions etant dûment constatées par deux déclarations signées et enregistrées, faites par le Conseil Inter-Américain du Café, la première le 12 Mai 1943 et la seconde le 25 Juillet 1944, respectivement, declarations qui furent dûment déposées à L'Union Panamericaine respectivement les 11 Juin 1943 et 11 Septembre 1944, conformément à la procédure établie par l'Article XXIV de l'Accord; et

ATTENDU que le dit Accord fut renouvelé pour une année à partir du 1er. Octobre 1945, avec certaines modifications recommandées par le Conseil Inter-Américain du Café, d'aprés un Protocole signé et déposé à l'Union Panaméricaine, en date du 1er. Octobre 1945; et

ATTENDU que le dit Accord fut renouvelé pour une année à partir du 1er. Octobre 1946, avec certaines modifications recommandées par le Conseil Inter-Américain du Café, d'après un Protocole signé et déposé à l'Union Panaméricaine, en date du 1er. Octobre 1946.

EN CONSEQUENCE, en accomplissement d'une recommandation faite par le Conseil Inter-Américain du Café en date du 11 Septembre 1947, les Gouvernements signataires du présent Protocole, considérant qu'il est convenable tandis que se réalisent des nouveaux efforts en vue de parvenir à des accords internationaux e inter-américains relatifs aux problèmes sur les denrées, sujet aux conditions ci-après stipulées, ont convenu ce qui suit:

Article 1

L'Accord continuera à être en vigueur entre les Gouvernements signataires du présent Protocole pendant une période d'une année à partir de 1er. Octobre 1947, sujet aux dispositions de l'Article 2.

Article 2

Pendant la période spécifiée dans l'Article précédent, les Gouvernements signataires du présent Protocole consentent à ce que les dispositions des huit premiers Articles de l'Accord demeurent sans effet.

Article 3

(a) Durant la période stipulée ci-dessus à l'Article 1, le Conseil Interaméricain du Café fera au 1er. Avril 1948, des recommandations aux Gouvernements participant actuellement à l'Accord et aux autres Gouvernements qui pourraient avoir intérêt à participer à un Accord sur le genre de coopération, soit interaméricaine, soit internationale, qui contribuerait au développement du commerce international du café sur des bases saines et équitables à tous, producteurs et consommateurs.

(b) Les dites recommandations devront être conformes aux principes généraux de politique commerciale mentionnés au Châpitre relatif aux Accords Intergouvernementaux sur les Denrées rédigés dans la Première Session du Comité Préparatoire de la Conférence sur le Commerce et Travail des Nations Unies, ou qui peuvent être inclus dans la charte d'une Organisation Internationale du Commerce au cas ou cette charte soit terminée avant que les recommandations soient soumises par le Conseil.

(c) Le Conseil Interaméricain du Café prendra les dispositions nécessaires, avant le 1er. Octobre 1948, pour transférer ses fonctions, ses biens et archives, á l'organisation interaméricaine ou internationale indiquée.

Article 4

Le présent Protocole sera ouvert à la signature des pays à l'Union Panaméricaine dès le 11 Septembre 1947 jusqu'au 1er. Novembre 1947, et il est entendu cependant que toutes les signatures seront considérées comme effectives au 1er. Octobre 1947, et le Protocole sera considéré en vigueur à cette date en ce qui concerne les Gouvernements aux noms desquels il a été signé.

En foi de quoi les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Protocole.

Fait en la Ville de Washington dans les langues anglaise, espagnole, portugaise et française. L'instrument originel en chaque langue sera déposé à l'Union Panaméricaine qui remettra des copies certifiées á chaque Gouvernement signataire du présent Protocole.

CARLOS MARTINS PEREIRA E SOUZA
Brésil

ANDRÉS URIBE. C
Colombie

J RAFAEL OREAMUNO
Costa Rica

GMO BELT
Cuba

C J AROSEMENA
Equateur

WILLARD L. THORP
Subject to Ratification
Etats-Unis d'Amérique

ENRIQUE LOPEZ HERRARTE
Guatemala

JOSEPH D. CHARLES
Haiti

JULIÁN R. CÁCERES
Honduras

CARLOS A SIRI
Le Salvador

V SANCHEZ GAVITO JR.
Méxique

GUILL. SEVILLA SACASA
Nicaragua

C ALZAMORA
Pérou

JULIO ORTEGA
République Dominicaine

M A FALCON-BRICENO
Vénézuela

[SEAL]

I hereby certify that the foregoing document is a true and faithful copy of the original, in French, of the Protocol for the Extension of the Inter-American Coffee Agreement for one year from October 1, 1947, deposited in the Pan American Union.

Washington, D. C., December 4, 1947

William Manger

William Manger
Secretary of the Governing Board of
the Pan American Union

[SEAL]

Advice and consent to ratification.

AND WHEREAS the Senate of the United States of America, by their resolution of April 28, 1948 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said protocol;

Ratification; deposit of instrument.

AND WHEREAS the said protocol was duly ratified by the President of the United States of America on May 14, 1948 and the instrument

of ratification on the part of the United States of America was duly deposited in the archives of the Pan American Union on May 24, 1948;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said protocol for the extension of the Inter-American Coffee Agreement for one year from October 1, 1947 to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this ninth day of June in the year of our Lord one thousand nine hundred forty-eight and [SEAL] of the Independence of the United States of America the one hundred seventy-second.

HARRY S TRUMAN

By the President:

G C MARSHALL

Secretary of State

October 9, 1946
[T. I. A. S. 1810]

Final Articles Revision Convention, 1946, International Labor Organization. Adopted at Montreal October 9, 1946. Ratification advised by the Senate of the United States of America April 14, 1948; ratified by the President of the United States of America May 21, 1948; ratification of the United States of America deposited with the International Labor Office on June 24, 1948; proclaimed by the President of the United States of America August 30, 1948; entered into force with respect to the United States of America June 24, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Final Articles Revision Convention, 1946 (No. 80) was adopted at the Twenty-ninth Session of the International Labor Conference at Montreal on October 9, 1946;

AND WHEREAS the authentic text of the said Convention, being in the English and French languages, is word for word as follows:

INTERNATIONAL LABOUR CONFERENCE

CONFÉRENCE INTERNATIONALE DU TRAVAIL

CONVENTION (No. 80) FOR THE PARTIAL REVISION OF THE CONVENTIONS ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FIRST TWENTY-EIGHT SESSIONS FOR THE PURPOSE OF MAKING PROVISION FOR THE FUTURE DISCHARGE OF CERTAIN CHANCERY FUNCTIONS ENTRUSTED BY THE SAID CONVENTIONS TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS AND INTRODUCING THEREIN CERTAIN FURTHER AMENDMENTS CONSEQUENTIAL UPON THE DISSOLUTION OF THE LEAGUE OF NATIONS AND THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION.

CONVENTION (N° 80) POUR LA REVISION PARTIELLE DES CONVENTIONS ADOPTÉES PAR LA CONFÉRENCE GÉNÉRALE DE L'ORGANISATION INTERNATIONALE DU TRAVAIL EN SES VINGT-HUIT PREMIÈRES SESSIONS, EN VUE D'ASSURER L'EXERCICE FUTUR DE CERTAINES FONCTIONS DE CHANCELLERIE CONFIÉES PAR LESDITES CONVENTIONS AU SECRÉTAIRE GÉNÉRAL DE LA SOCIÉTÉ DES NATIONS ET D'Y APPORTER DES AMENDEMENTS COMPLÉMENTAIRES NÉCESSITÉS PAR LA DISSOLUTION DE LA SOCIÉTÉ DES NATIONS ET PAR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL.

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Montréal par le Conseil d'administration du

of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the Conference at its first twenty-eight sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations and the amendment of the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Final Articles Revision Convention, 1946:

Article 1

1. In the texts of the Conventions adopted by the International Labour Conference in the course of its first twenty-five sessions the words "the Director-General of the International Labour Office" shall be substituted for the words "the Secretary-General of the League of Nations", the words "the Director-General" shall be substituted for the words "the

Bureau international du Travail, et s'y étant réunie le 19 septembre 1946, en sa vingt-neuvième session,

Après avoir décidé d'adopter certaines propositions relatives à la revision partielle des conventions adoptées par la Conférence en ses vingt-huit premières sessions, en vue d'assurer l'exercice futur de certaines fonctions de chancellerie confiées par lesdites conventions au Secrétaire général de la Société des Nations et d'y apporter certains amendements complémentaires nécessités par la dissolution de la Société des Nations, et par l'amendement de la Constitution de l'Organisation internationale du Travail, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

Considérant que ces propositions doivent prendre la forme d'une convention internationale,

adopte, ce neuvième jour d'octobre mil neuf cent quarante-six, la convention ci-après, qui sera dénommée Convention portant revision des articles finals, 1946.

Final Articles Revision Convention, 1946.

Article 1

1. Dans le texte des conventions adoptées par la Conférence internationale du Travail au cours de ses vingt-cinq premières sessions, les mots "Secrétaire général de la Société des Nations" sont remplacés par les mots "Directeur général du Bureau international du Travail", les mots "Secrétaire général" par les mots "Directeur général" et le mot "Secrétariat"

"The Director-General"; "the International Labour Office."

Secretary-General", and the words "the International Labour Office" shall be substituted for the words "the Secretariat" in all passages where these various expressions respectively occur.

Registration of ratifications, etc.

2. The registration by the Director-General of the International Labour Office of the ratifications of Conventions and amendments, acts of denunciation, and declarations provided for in the Conventions adopted by the Conference in the course of its first twenty-five sessions shall have the same force and effect for all purposes as the registration of such ratifications, acts of denunciation and declarations by the Secretary-General of the League of Nations in accordance with the terms of the original texts of the said Conventions.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the Conventions adopted by the Conference at its first twenty-five sessions as amended by the foregoing provisions of this Article.

59 Stat. 1052.

Article 2

Deletions and substitutions.

1. The words "of the League of Nations" shall be deleted from the first paragraph of the Preamble of each of the Conventions adopted by the Conference in the course of its first eighteen sessions.

2. The words "in accordance with the provisions of the Consti-

par les mots "Bureau international du Travail", dans tous les passages où figurent ces différentes expressions.

2. L'enregistrement par le Directeur général du Bureau international du Travail des ratifications de conventions et amendements, des actes de dénonciation et des déclarations prévus dans les conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions aura les mêmes effets que l'enregistrement desdites ratifications, desdits actes de dénonciation et desdites déclarations qui aurait été effectué par le Secrétaire général de la Société des Nations conformément aux dispositions des textes originaux desdites conventions.

3. Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, pour enregistrement conformément à l'article 102 de la Charte des Nations Unies, tous renseignements relatifs à ces ratifications et à ces actes de dénonciation et déclarations, enregistrés par lui conformément aux dispositions des conventions adoptées par la Conférence en ses vingt-cinq premières sessions, telles qu'elles sont modifiées par les dispositions précédentes du présent article.

Article 2

1. Les mots "de la Société des Nations" sont supprimés au premier alinéa du préambule de chacune des conventions adoptées par la Conférence au cours de ses dix-huit premières sessions.

2. Les mots "conformément aux dispositions de la Partie XIII

tution of the International Labour Organisation" shall be substituted for the words "in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace" and the variants thereof contained in the Preambles of the Conventions adopted by the Conference in the course of its first seventeen sessions.

3. The words "under the conditions set forth in the Constitution of the International Labour Organisation" shall be substituted for the words "under the conditions set forth in Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace" or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

4. The words "Article 22 of the Constitution of the International Labour Organisation" shall be substituted for the words "Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace" or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

5. The words "Article 35 of the Constitution of the International Labour Organisation" shall be substituted for the words "Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace" in all articles of the Conventions adopted by the Conference in the

du Traité de Versailles et des Parties correspondantes des autres Traités de Paix" et les variantes de cette formule, figurant dans les préambules des conventions adoptées par la Conférence au cours de ses dix-sept premières sessions, sont remplacés par les mots "conformément aux dispositions de la Constitution de l'Organisation internationale du Travail".

3. Les mots "dans les conditions prévues à la Partie XIII du Traité de Versailles et aux Parties correspondantes des autres Traités de Paix" et toutes variantes de cette formule sont remplacés, dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots ou variantes par les mots "dans les conditions établies par la Constitution de l'Organisation internationale du Travail".

4. Les mots "l'article 408 du Traité de Versailles et les articles correspondants des autres Traités de Paix" et toutes de variantes de cette formule sont remplacés, dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots ou variantes, par les mots "l'article 22 de la Constitution de l'Organisation internationale du Travail".

5. Les mots "l'article 421 du Traité de Versailles et les articles correspondants des autres Traités de Paix" et toutes variantes de cette formule sont remplacés dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots, par

course of its first twenty-five sessions in which the latter words or any variant thereof occur.

6. The word "Draft" shall be omitted from the expression "Draft Convention" in the Preambles of the Conventions adopted by the Conference in the course of its first twenty-five sessions and in all articles of the said Conventions in which the said expression occurs.

7. The title "Director-General" shall be substituted for the title "Director" in all articles of the Conventions adopted by the Conference in the course of its twenty-eighth session which refer to the Director of the International Labour Office.

8. In each of the Conventions adopted by the Conference in the course of its first seventeen sessions there shall be included in the Preamble the words "which may be cited as" together with the short title currently used by the International Labour Office for the Convention in question.

Numbering of paragraphs.

9. In each of the Conventions adopted by the Conference in the course of its first fourteen sessions all unnumbered paragraphs of articles containing more than one paragraph shall be consecutively numbered.

Article 3

Ratification.

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first twenty-eight sessions shall be deemed to have ratified that Convention as modified by this Convention.

les mots "l'article 35 de la Constitution de l'Organisation internationale du Travail".

6. Le mot "convention" est substitué aux mots "projet de convention" dans le préambule des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions et dans tous les articles où figure cette expression.

7. Le titre de "Directeur général" sera substitué au titre de "Directeur" dans tous les articles des conventions adoptées par la Conférence à sa vingt-huitième session qui font mention du Directeur du Bureau international du Travail.

8. Dans toute convention adoptée par la Conférence au cours de ses dix-sept premières sessions les mots "qui sera dénommée" seront insérés au préambule et suivis du titre abrégé employés par le Bureau international du Travail pour désigner la convention dont il s'agit.

9. Dans toute convention adoptée par la Conférence au cours de ses quatorze premières sessions tous les paragraphes non numérotés d'articles contenant plus d'un paragraphe seront numérotés.

Article 3

Tout Membre de l'Organisation qui, après la date de l'entrée en vigueur de la présente convention, communiquera au Directeur général du Bureau international du Travail sa ratification formelle d'une convention adoptée par la Conférence au cours de ses vingt-huit premières sessions sera censé avoir ratifié cette convention telle qu'elle a été modifiée par la présente convention.

Article 4

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.

2. The Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises the validity of any action taken thereunder during the interval between the first coming into force of the

Article 4

Deux exemplaires de la présente convention seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, l'autre entre les mains du Secrétaire général des Nations Unies pour enregistrement conformément à l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de la présente convention à chacun des Membres de l'Organisation internationale du Travail.

Authenticated copies.

59 Stat. 1052.

Article 5

1. Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail.

2. La présente convention entrera en vigueur à la date où les ratifications de deux Membres de l'Organisation internationale du Travail auront été reçues par le Directeur général.

Entry into force.
Post, p. 1680.

3. Dès la date d'entrée en vigueur de la présente convention ainsi que dès la réception subséquente de nouvelles ratifications de la présente convention, le Directeur général du Bureau international du Travail notifiera ce fait à tous les Membres de l'Organisation internationale du Travail et au Secrétaire général des Nations Unies.

4. Tout Membre de l'Organisation qui ratifie la présente convention reconnaît par cela même la validité de toute action entreprise en vertu de la présente convention dans l'intervalle com-

Convention and the date of its own ratification.

pris entre la première entrée en vigueur de la convention et la date de sa propre ratification.

Article 6

Article 6

Official texts.

On the first coming into force of this Convention the Director-General of the International Labour Office shall cause official texts of the Conventions adopted by the Conference in the course of its first twenty-eight sessions as modified by the provisions of this Convention to be prepared in two original copies, duly authenticated by his signature, one of which shall be deposited in the archives of the International Labour Office and one of which shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations; the Director-General shall communicate certified copies of these texts to each of the Members of the Organisation.

59 Stat. 1052.

Dès l'entrée en vigueur initiale de la présente convention, le Directeur général du Bureau international du Travail fera établir des textes officiels des conventions adoptées par la Conférence au cours de ses vingt-huit premières sessions, telles qu'elles ont été modifiées par les dispositions de la présente convention, en deux exemplaires originaux, dûment signés par lui, dont l'un sera déposé aux archives du Bureau international du Travail et l'autre entre les mains du Secrétaire général des Nations Unies pour enregistrement conformément à l'article 102 de la Charte des Nations Unies; le Directeur général communiquera des copies certifiées conformes de ces textes à chacun des Membres de l'Organisation.

Article 7

Article 7

Status of prior Conventions.

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first twenty-eight sessions, the ratification of this Convention by a Member shall not, *ipso jure*, involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Nonobstant toute disposition figurant dans une des conventions adoptées par la Conférence au cours de ses vingt-huit premières sessions, la ratification de la présente convention par un Membre n'entraînera pas de plein droit la dénonciation d'une quelconque desdites conventions, et l'entrée en vigueur de la présente convention n'aura pas pour effet de fermer aucune desdites conventions à de nouvelles ratifications.

Article 8

Article 8

New revising Convention.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention et à moins que la nouvelle convention n'en dispose autrement:

(*a*) the ratification by a Member of the new revising Convention shall, *ipso jure*, involve the denunciation of this Convention if and when the new revising Convention shall have come into force;

(*b*) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its present form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 9

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Twenty-ninth Session which was held at Montreal and declared closed the ninth day of October 1946.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

a) la ratification par un Membre de la nouvelle convention entraînerait de plein droit dénonciation de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur;

b) à partir de la date d'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

Article 9

Les versions française et anglaise de la présente convention font également foi. Authentic texts.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-neuvième session qui s'est tenue à Montréal et qui a été déclarée close le neuf octobre 1946.

EN FOI DE QUOI ont apposé leurs signatures, ce premier jour de novembre 1946.

The President of the Conference,
Le Président de la Conférence,

HUMPHREY MITCHELL.

The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,

EDWARD PHELAN.

AND WHEREAS the Senate of the United States of America, by their resolution of April 14, 1948 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said Convention; Advice and consent to ratification.

Ratification; deposit of instrument.

AND WHEREAS the said Convention was duly ratified by the President of the United States of America on May 21, 1948 and the instrument of ratification on the part of the United States of America was duly deposited with the International Labor Office on June 24, 1948;

AND WHEREAS instruments of ratification of the said Convention were deposited with the International Labor Office on behalf of Canada on July 31, 1947, China on August 4, 1947, Colombia on June 10, 1947, Denmark on June 28, 1947, the Dominican Republic on August 29, 1947, Ethiopia on July 23, 1947, Finland on June 28, 1947, Guatemala on October 1, 1947, India on November 17, 1947, Iraq on September 9, 1947, Ireland on June 14, 1947, Italy on December 11, 1947, New Zealand on July 8, 1947, Poland on December 11, 1947, Sweden on May 29, 1947, Switzerland on April 22, 1947, the Union of South Africa on June 19, 1947, and the United Kingdom of Great Britain and Northern Ireland on May 28, 1947, and the said Convention entered into force, in accordance with Article 5 thereof, on May 28, 1947, the date on which the ratifications of two Members of the International Labor Organization had been received by the Director-General;

Ante, p. 1677.

Proclamation.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said Final Articles Revision Convention, 1946 to the end that the same and every article and clause thereof shall be fulfilled with good faith on and after June 24, 1948 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

Entry into force with respect to U. S.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of August in the year of our Lord one thousand nine hundred forty-eight and of the Independence of the United States of America the one hundred seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:

G C MARSHALL

Secretary of State

Inter-American treaty of reciprocal assistance. Opened for signature at Rio de Janeiro September 2, 1947; ratification advised by the Senate of the United States of America December 8, 1947; ratified by the President of the United States of America December 12, 1947; ratification of the United States of America deposited with the Pan American Union December 30, 1947; proclaimed by the President of the United States of America December 9, 1948; entered into force December 3, 1948.

September 2, 1947
[T. I. A. S. 1838]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an inter-American treaty of reciprocal assistance was formulated at the Inter-American Conference for the Maintenance of Continental Peace and Security and was signed on September 2, 1947 at Rio de Janeiro by the respective Plenipotentiaries of the Governments of the United States of America, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay, and Venezuela, and on October 15, 1948 by the Plenipotentiary of the Government of Nicaragua;

WHEREAS the aforesaid treaty, being in the Portuguese, Spanish, French, and English languages, as certified by the Secretary General of the Inter-American Conference for the Maintenance of Continental Peace and Security, is word for word as follows:

TRATADO INTERAMERICANO DE ASSISTÊNCIA RECÍPROCA

Em nome de seus Povos, os Governos representados na Conferência Interamericana para a Manutenção da Paz e da Segurança no Continente, animados pelo desejo de consolidar e fortalecer suas relações de amizade e boa vizinhança e,

Considerando:

Que a Resolução VIII da Conferência Interamericana sôbre Problemas da Guerra e da Paz, reunida na cidade do México, recomendou a celebração de um tratado destinado a prevenir e reprimir as ameaças e os atos de agressão contra qualquer dos países da América;

Que as Altas Partes Contratantes reiteram sua vontade de permanecer unidas dentro de um sistema interamericano compatível com os propósitos e princípios das Nações Unidas, e reafirmam a existência do acôrdo que celebraram sôbre os assuntos relativos à manutenção da paz e da segurança internacionais, que sejam suscetíveis de ação regional;

Que as Altas Partes Contratantes renovam sua adesão aos princípios de solidariedade e cooperação interamericanas e especialmente aos princípios enunciados nos considerandos e declarações do Ato de

Chapultepec, todos os quais devem ser tidos por aceitos como normas de suas relações mútuas e como base jurídica do Sistema Interamericano;

Que, a fim de aperfeiçoar os processos de solução pacífica de suas controvérsias, pretendem celebrar o Tratado sôbre "Sistema Interamericano de Paz", previsto nas Resoluções IX e XXXIX da Conferência Interamericana sôbre Problemas da Guerra e da Paz;

Que a obrigação de auxílio mútuo e de defesa comum das Repúblicas Americanas se acha essencialmente ligada a seus ideais democráticos e à sua vontade de permanente cooperação para realizar os princípios e propósitos de uma política de paz;

Que a comunidade regional americana sustenta como verdade manifesta que a organização jurídica é uma condição necessária para a segurança e a paz, e que a paz se funda na justiça e na ordem moral e, portanto, no reconhecimento e na proteção internacionais dos direitos e liberdades da pessoa humana, no bem-estar indispensável dos povos e na efetividade da democracia, para a realização internacional da justiça e da segurança,

Resolveram — de acôrdo com os objetivos enunciados — celebrar o seguinte Tratado, a fim de assegurar a paz por todos os meios possíveis, prover auxílio recíproco efetivo para enfrentar os ataques armados contra qualquer Estado Americano, e conjurar as ameaças de agressão contra qualquer dêles:

ARTIGO 1.º

As Altas Partes Contratantes condenam formalmente a guerra e se obrigam, nas suas relações internacionais, a não recorrer à ameaça nem ao uso da fôrça, da qualquer forma incompatível com as disposições da Carta das Nações Unidas ou do presente Tratado.

ARTIGO 2.º

Como consequência do princípio formulado no Artigo anterior, as Altas Partes Contratantes comprometem-se a submeter tôda controvérsia, que entre elas surja, aos métodos de solução pacífica e a procurar resolvê-la entre si, mediante os processos vigentes no Sistema Interamericano, antes de a referir à Assembléia Geral ou ao Conselho de Segurança das Nações Unidas.

ARTIGO 3.º

1. As Altas Partes Contratantes concordam em que um ataque armado, por parte de qualquer Estado, contra um Estado Americano, será considerado como um ataque contra todos os Estados Americanos e, em consequência, cada uma das ditas Partes Contratantes se compromete a ajudar a fazer frente ao ataque, no exercício do direito imanente de legítima defesa individual ou coletiva que é reconhecido pelo Artigo 51 da Carta das Nações Unidas.

2. Por solicitação do Estado ou dos Estados diretamente atacados, e até decisão do órgão de consulta do Sistema Interamericano, cada uma das Partes Contratantes poderá determinar as medidas imediatas que adote individualmente, em cumprimento da obrigação de que trata o parágrafo precedente e de acôrdo com o princípio da solidarie-

dade continental. O Órgão de Consulta reunir-se-á sem demora a fim de examinar essas medidas e combinar as de caráter coletivo que seja conveniente adotar.

3. O estipulado neste Artigo aplicar-se-á a todos os casos de ataque armado que se efetue dentro da região descrita no Artigo 4.° ou dentro do território de um Estado Americano. Quando o ataque se verificar fora das referidas áreas aplicar-se-á o estipulado no Artigo 6.°

4. Poderão ser aplicadas as medidas de legítima defesa de que trata êste Artigo, até que o Conselho de Segurança das Nações Unidas tenha tomado as medidas necessárias para manter a paz e a segurança internacionais.

ARTIGO 4.°

A região a que se refere êste Tratado é a compreendida dentro dos seguintes limites: começando no Polo Norte; daí diretamente para o sul, até um ponto a 74 graus de latitude norte e 10 graus de longitude oeste; daí por uma linha loxodrômica até um ponto a 47 graus e 30 minutos de latitude norte e 50 graus de longitude oeste; daí por uma linha loxodrômica até um ponto a 35 graus de latitude norte e 60 graus de longitude oeste; daí diretamente para o sul até um ponto a 20 graus de latitude norte; daí por uma linha loxodrômica até um ponto a 5 graus de latitude norte e 24 graus de longitude oeste; daí diretamente para o sul até o Polo Sul; daí diretamente para o norte até um ponto a 30 graus de latitude sul e 90 graus de longitude oeste; daí por uma linha loxodrômica até um ponto no Equador a 97 graus de longitude oeste; daí por uma linha loxodrômica até um ponto a 15 graus de latitude norte e 120 graus de longitude oeste; daí por uma linha loxodrômica até um ponto a 50 graus de latitude norte e 170 graus de longitude leste; daí diretamente para o norte até um ponto a 54 graus de latitude norte; daí por uma linha loxodrômica até um ponto a 65 graus e 30 minutos de latitude norte e 168 graus 58 minutos e 5 segundos de longitude oeste; daí diretamente para o norte até o Polo Norte.

ARTIGO 5.°

As Altas Partes Contratantes enviarão imediatamente ao Conselho de Segurança das Nações Unidas, de conformidade com os Artigos 51 e 54 da Carta de São Francisco, informações completas sôbre as atividades desenvolvidas ou projetadas no exercício do direito de legítima defesa ou com o propósito de manter a paz e a segurança interamericanas.

ARTIGO 6.°

Se a inviolabilidade ou integridade do território ou a soberania ou independência política de qualquer Estado Americano fôr atingida por uma agressão que não seja um ataque armado, ou por um conflito extra-continental ou intra-continental, ou por qualquer outro fato ou situação que possa pôr em perigo a paz da América, o Órgão de Consulta reunir-se-á imediatamente a fim de acordar as medidas que, em caso de agressão, devam ser tomadas em auxílio do agredido, ou, em qualquer caso, convenha tomar para a defesa comum e para a manutenção da paz e da segurança no Continente.

ARTIGO 7.º

Em caso de conflito entre dois ou mais Estados Americanos, sem prejuízo do direito de legítima defesa, de conformidade com o Artigo 51 da Carta das Nações Unidas, as Altas Partes Contratantes reunidas em consulta instarão com os Estados em litígio para que suspendam as hostilidades e restaurem o *statu quo ante bellum*, e tomarão, além disso, tôdas as outras medidas necessárias para se restabelecer ou manter a paz e a segurança interamericanas, e para que o conflito seja resolvido por meios pacíficos. A recusa da ação pacificadora será levada em conta na determinação do agressor e na aplicação imediata das medidas que se acordarem na reunião de consulta.

ARTIGO 8.º

Para os efeitos dêste Tratado, as medidas que o órgão de consulta acordar compreenderão uma ou mais das seguintes: a retirada dos chefes de missão; a ruptura de relações diplomáticas; a ruptura de relações consulares; a interrupção parcial ou total das relações econômicas ou das comunicações ferroviárias, marítimas, aéreas, postais, telegráficas, telefônicas, radiotelefônicas ou radiotelegráficas, e o emprêgo de fôrças armadas.

ARTIGO 9.º

Além de outros atos que, em reunião de consulta, possam ser caracterizados como de agressão, serão considerados como tais:

a) O ataque armado, não provocado, por um Estado contra o território, a população ou as fôrças terrestres, navais ou aéreas de outro Estado;

b) A invasão, pela fôrça armada de um Estado, do território de um Estado Americano, pela travessia das fronteiras demarcadas de conformidade com um tratado, sentença judicial ou laudo arbitral, ou, na falta de fronteiras assim demarcadas, a invasão que afete uma região que esteja sob a jurisdição efetiva de outro Estado.

ARTIGO 10

Nenhuma das estipulações dêste Tratado será interpretada no sentido de prejudicar os direitos e obrigações das Altas Partes Contratantes, de acôrdo com a Carta das Nações Unidas.

ARTIGO 11

As consultas a que se refere o presente Tratado serão realizadas mediante a Reunião de Ministros das Relações Exteriores das Repúblicas Americanas que tenham ratificado o Tratado, ou na forma ou pelo órgão que futuramente forem ajustados.

ARTIGO 12

O Conselho Diretor da União Panamericana poderá atuar provisòriamente como órgão de consulta, enquanto não se reunir o Órgão de Consulta a que se refere o Artigo anterior.

ARTIGO 13

As consultas serão promovidas mediante solicitação dirigida ao Conselho Diretor da União Panamericana por qualquer dos Estados signatários que hajam ratificado o Tratado.

ARTIGO 14

Nas votações a que se refere o presente Tratado sòmente poderão tomar parte os repretantes dos Estados signatários que o tenham ratificado.

ARTIGO 15

O Conselho Diretor da União Panamericana atuará, em tudo o que concerne ao presente Tratado, como órgão de ligação entre os Estados signatários que o tenham ratificado e entre êstes e as Nações Unidas.

ARTIGO 16

As decisões do Conselho Diretor da União Panamericana a que aludem os artigos 13 e 15 serão adotadas por maioria absoluta dos Membros com direito a voto.

ARTIGO 17

O Órgão de Consulta adotará suas decisões pelo voto de dois terços dos Estados signatários que tenham ratificado o Tratado.

ARTIGO 18

Quando se tratar de uma situação ou disputa entre Estados Americanos, serão excluídas das votações a que se referem os dois Artigos anteriores as partes diretamente interessadas.

ARTIGO 19

Para constituir *quorum*, em tôdas as reuniões a que se referem os Artigos anteriores, se exigirá que o número dos Estados representados seja pelo menos igual ao número de votos necessários para adotar a respectiva decisão.

ARTIGO 20

As decisões que exijam a aplicação das medidas mencionadas no Artigo 8.º serão obrigatórias para todos os Estados signatários do presente Tratado que o tenham ratificado, com a única exceção de que nenhum Estado será obrigado a empregar a fôrça armada sem seu consentimento.

ARTIGO 21

As medidas que forem adotadas pelo Órgão de Consulta serão executadas mediante as normas e os órgãos atualmente existentes ou que futuramente venham a ser estabelecidos.

ARTIGO 22

Êste Tratado entrará em vigor, entre os Estados que o ratifiquem, logo que tenham sido depositadas as ratificações de dois terços dos Estados signatários.

ARTIGO 23

Êste Tratado fica aberto à assinatura dos Estados Americanos, na cidade do Rio de Janeiro, e será ratificado pelos Estados signatários com a máxima brevidade, de acôrdo com as respectivas normas constitucionais. As ratificações serão entregues para depósito à União Panamericana, a qual notificará cada depósito a todos os Estados signatários. Tal notificação será considerada como troca de ratificações.

ARTIGO 24

O presente Tratado será registado na Secretaria Geral das Nações Unidas, por intermédio da União Panamericana, desde que sejam depositadas as ratificações de dois terços dos Estados signatários.

ARTIGO 25

Êste Tratado terá duração indefinida, mas poderá ser denunciado por qualquer das Altas Partes Contratantes, mediante notificação escrita à União Panamericana, a qual comunicará a tôdas as outras Altas Partes Contratantes cada notificação de denúncia que receber. Transcorridos dois anos desde a data do recebimento, pela União Panamericana, de uma notificação de denúncia de qualquer das Altas Partes Contratantes, o presente Tratado cessará de produzir efeitos com relação a tal Estado, mas subsistirá para tôdas as demais Altas Partes Contratantes.

ARTIGO 26

Os princípios e as disposições fundamentais dêste Tratado serão incorporados ao Pacto Constitutivo do Sistema Interamericano.

Em testemunho do que, os Plenipotenciários abaixo assinados, tendo depositado seus plenos poderes, achados em boa e devida forma, assinam êste Tratado, em nome dos respectivos Governos, nas datas indicadas ao lado de suas assinaturas.

Feito na cidade do Rio de Janeiro, em quatro textos, respectivamente nas línguas portuguêsa, espanhola, francesa e inglêsa, aos dois dias do mês de setembro de mil novecentos e quarenta e sete.

RESERVA DE HONDURAS:

A Delegação de Honduras, ao subscrever o presente Tratado e em relação ao Artigo 9.°, inciso *b*), declara fazê-lo com a reserva de que a fronteira estabelecida entre Honduras e Nicarágua está demarcada definitivamente pela Comissão Mista de Limites dos anos de mil novecentos e mil novecentos e um, partindo de um ponto no Golfo de Fonseca, no Oceano Pacífico, ao Portillo de Teotecacinte e, dêste ponto ao Atlântico, pela linha estabelecida pela sentença arbitral de Sua Majestade o Rei de Espanha, em data de vinte e três de dezembro de mil novecentos e seis.

TRATADO INTERAMERICANO DE ASISTENCIA RECÍPROCA

En nombre de sus Pueblos, los Gobiernos representados en la Conferencia Interamericana para el Mantenimiento de la Paz y la Seguridad del Continente, animados por el deseo de consolidar y fortalecer sus relaciones de amistad y buena vecindad y,

Considerando:

Que la Resolución VIII de la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz, reunida en la ciudad de México, recomendó la celebración de un tratado destinado a prevenir y reprimir las amenazas y los actos de agresión contra cualquiera de los países de América;

Que las Altas Partes Contratantes reiteran su voluntad de permanecer unidas dentro de un sistema interamericano compatible con los propósitos y princípios de las Naciones Unidas y reafirman la existencia del acuerdo que tienen celebrado sobre los asuntos relativos al mantenimiento de la paz y la seguridad internacional que sean susceptibles de acción regional;

Que las Altas Partes Contratantes renuevan su adhesión a los princípios de solidaridad y cooperación interamericanas y especialmente a los princípios enunciados en los considerandos y declaraciones del Acta de Chapultepec, todos los cuales deben tenerse por aceptados como normas de sus relaciones mutuas y como base jurídica del Sistema Interamericano;

Que, a fin de perfeccionar los procedimientos de solución pacífica de sus controversias, se proponen celebrar el Tratado sobre "Sistema Interamericano de Paz", previsto en las Resoluciones IX y XXXIX de la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz;

Que la obligación de mutua ayuda y de común defensa de las Repúblicas Americanas se halla esencialmente ligada a sus ideales democráticos y a su voluntad de permanente cooperación para realizar los principios y propósitos de una política de paz;

Que la comunidad regional americana afirma como verdad manifiesta que la organización jurídica es una condición necessaria para la seguridad y la paz y que la paz se funda en la justicia y en el orden moral y, por tanto, en el reconocimiento y la protección internacionales de los derechos y libertades de la persona humana, en el bienestar indispensable de los pueblos y en la efectividad de la democracia, para la realización internacional de la justicia y de la seguridad,

Han resuelto—de acuerdo con los objetivos enunciados—celebrar el siguiente Tratado a fin de asegurar la paz por todos los medios posibles, proveer ayuda recíproca efectiva para hacer frente a los ataques armados contra cualquier Estado Americano y conjurar las amenazas de agresión contra cualquiera de ellos:

ARTÍCULO 1.°

Las Altas Partes Contratantes condenan formalmente la guerra y se obligan en sus relaciones internacionales a no recurrir a la amenaza ni al uso de la fuerza en cualquier forma incompatible con las disposiciones de la Carta de las Naciones Unidas o del presente Tratado.

ARTÍCULO 2.°

Como consecuencia del princípio formulado en el Artículo anterior, las Altas Partes Contratantes se comprometen a someter toda controversia que surja entre ellas a los metodos de solución pacífica y a tratar de resolverla entre sí, mediante los procedimientos vigentes en el Sistema Interamericano, antes de referirla a la Asamblea General o al Consejo de Seguridad de las Naciones Unidas.

ARTÍCULO 3.°

1. Las Altas Partes Contratantes convienen en que un ataque armado por parte de cualquier Estado contra un Estado Americano, será considerado como un ataque contra todos los Estados Americanos, y en consecuencia, cada una de dichas Partes Contratantes se compromete a ayudar a hacer frente al ataque, en ejercicio del derecho inmanente de legitima defensa individual o colectiva que reconoce el Artículo 51 de la Carta de las Naciones Unidas.

2. A solicitud del Estado o Estados directamente atacados, y hasta la decisión del Órgano de Consulta del Sistema Interamericano, cada una de las Partes Contratantes podrá determinar las medidas inmediatas que adopte individualmente, en complimiento de la obligación de que trata el parágrafo precedente y de acuerdo con el princípio de la solidaridad continental. El Órgano de Consulta se reunirá sin demora con el fin de examinar esas medidas y acordar las de carácter colectivo que convenga adoptar.

3. Lo estipulado en este Artículo se aplicará en todos los casos de ataque armado que se efectúe dentro de la región descrita en el Artículo 4.° o dentro del territorio de un Estado Americano. Cuando el ataque se efectúe fuera de dichas áreas se aplicará lo estipulado en el Artículo 6o.

4. Podrán aplicarse las medidas de legítima defensa de que trata este Artículo en tanto el Consejo de Seguridad de las Naciones Unidas no haya tomado las medidas necesarias para mantener la paz y la seguridad internacionales.

ARTÍCULO 4.°

La región a que se refiere este Tratado es la comprendida dentro de los siguientes límites: comenzando en el Polo Norte; desde allí directamente hacia el sur hasta un punto a 74 grados latitud norte, 10 grados longitud oeste; desde allí por una línea loxodrómica hasta un punto a 47 grados 30 minutos latitud norte, 50 grados longitud oeste; desde allí por una línea loxodrómica hasta un punto a 35 grados latitud norte, 60 grados longitud oeste; desde allí directamente al sur hasta un punto a 20 grados latitud norte; desde allí por una línea loxodrómica hasta un punto a 5 grados latitud norte, 24 grados longitud oeste; desde allí directamente al sur hasta el Polo Sur; desde allí

directamente hacia el norte hasta un punto a 30 grados latitud sur, 90 grados longitud oeste; desde allí por una línea loxodrómica hasta un punto en el Ecuador a 97 grados longitud oeste; desde allí por una línea loxodrómica hasta un punto a 15 grados latitud norte, 120 grados longitud oeste; desde allí por una linea loxodrómica hasta un punto a 50 grados latitud norte, 170 grados longitud este; desde allí directamente hacia el norte hasta un punto a 54 grados latitud norte; desde allí por una línea loxodrómica hasta un punto a 65 grados 30 minutos latitud norte, 168 grados 58 minutos 5 segundos longitud oeste; desde allí directamente hacia el norte hasta el Polo Norte.

ARTÍCULO 5.°

Las Altas Partes Contratantes enviarán inmediatamente al Consejo de Seguridad de las Naciones Unidas, de conformidad con los Artículos 51 y 54 de la Carta de San Francisco, información completa sobre las actividades dasarrolladas o proyectadas en ejercicio del derecho de legítima defensa o con el propósito de mantener la paz y la seguridad interamericanas.

ARTÍCULO 6.°

Si la inviolabilidad o la integridad del territorio o la soberanía o la independencia política de cualquier Estado Americano fueren afectadas por una agresión que no sea ataque armado, o por un conflicto extracontinental o intracontinental, e por cualquier otro hecho o situación que pueda poner en peligro la paz de América, el Órgano de Consulta se reunirá inmediatamente, a fin de acordar las medidas que en caso de agresión se deben tomar en ayuda del agredido o en todo caso las que convenga tomar para la defensa común y para el mantenimiento de la paz y la seguridad del Continente.

ARTÍCULO 7.°

En caso de conflicto entre dos o más Estados Americanos, sin perjuicio del derecho de legítima defensa, de conformidad con el Artículo 51 de la Carta de las Naciones Unidas, las Altas Partes Contratantes reunidas en consulta instarán a los Estados contendientes a suspender las hostilidades y a restablecer las cosas al *statu quo ante bellum* y tomarán, además, todas las otras medidas necesarias para restablecer o mantener la paz y la seguridad interamericanas, y para la solución del conflicto por medios pacíficos. El rechazo de la acción pacificadora será considerado para la determinación del agresor y la aplicación inmediata de las medidas que se acuerden en la reunión de consulta.

ARTÍCULO 8.°

Para los efectos de este Tratado, las medidas que el Órgano de Consulta acuerde comprenderán una o más de las siguientes: el retiro de los jefes de misión; la ruptura de las relaciones diplomáticas; la ruptura de las relaciones consulares; la interrupción parcial o total de las relaciones económicas, o de las comunicaciones ferroviarias, marítimas, aéreas, postales, telegráficas, telefónicas, radiotelefónicas o radiotelegráficas, y el empleo de la fuerza armada.

ARTÍCULO 9.º

Además de otros actos que en reunión de consulta puedan caracterizarse como de agresión, serán considerados como tales:

a) El ataque armado, no provocado, por un Estado, contra el territorio, la población o las fuerzas terrestres, navales o aéreas de otro Estado;

b) La invasión, por la fuerza armada de un Estado, del territorio de un Estado Americano, mediante el traspaso de las fronteras demarcadas de conformidad con un tratado, sentencia judicial, o laudo arbitral, o, a falta de fronteras así demarcadas, la invasión que afecte una región que esté bajo la jurisdicción efectiva de otro Estado.

ARTÍCULO 10

Ninguna de las estipulaciones de este Tratado se interpretará en el sentido de menoscabar los derechos y obligaciones de las Altas Partes Contratantes de acuerdo con la Carta de las Naciones Unidas.

ARTÍCULO 11

Las consultas a que se refiere el presente Tratado se realizarán por medio de la Reunión de Ministros de Relaciones Exteriores de las Repúblicas Americanas que lo hayan ratificado, o en la forma o por el órgano que en lo futuro se acordare.

ARTÍCULO 12

El Consejo Directivo de la Unión Panamericana podrá actuar provisionalmente como órgano de consulta, en tanto no se reuna el Órgano de Consulta a que se refiere el Artículo anterior.

ARTÍCULO 13

Las consultas serán promovidas mediante solicitud dirigida al Consejo Directivo de la Unión Panamericana por cualquiera de los Estados signatários que haya ratificado el Tratado.

ARTÍCULO 14

En las votaciones a que se refiere el presente Tratado sólo podrán tomar parte los representantes de los Estados signatarios que lo hayan ratificado.

ARTÍCULO 15

El Consejo Directivo de la Unión Panamericana actuará en todo lo concerniente al presente Tratado como órgano de enlace entre los Estados signatarios que lo hayan ratificado y entre éstos y las Naciones Unidas.

ARTÍCULO 16

Los acuerdos del Consejo Directivo de la Unión Panamericana a que se refieren los Artículos 13 y 15 se adoptarán por mayoría absoluta de los Miembros con derecho a voto.

ARTÍCULO 17

El Órgano de Consulta adoptará sus decisiones por el voto de los dos tercios de los Estados signatarios que hayan ratificado el Tratado.

ARTÍCULO 18

Cuando se trate de una situación o disputa entre Estados Americanos serán excluídas de las votaciones a que se refieren los dos Artículos anteriores las partes directamente interesadas.

ARTÍCULO 19

Para constituir *quorum* en todas las reuniones a que se refieren los Artículos anteriores se exigirá que el número de los Estados representados sea por lo menos igual al número de votos necessarios para adoptar la respectiva decisión.

ARTÍCULO 20

Las decisiones que exijan la aplicación de las medidas mencionadas en el Artículo 8.° serán obligatorias para todos los Estados signatarios del presente Tratado que lo hayan ratificado, con la sóla excepción de que ningún Estado estará obligado a emplear la fuerza armada sin su consentimiento.

ARTÍCULO 21

Las medidas que acuerde el Órgano de Consulta se ajecutarán mediante los procedimientos y órganos existentes en la actualidad o que en adelante se establecieren.

ARTÍCULO 22

Este Tratado entrará em vigor entre los Estados que lo ratifiquen tan pronto como hayan sido depositadas las ratificaciones de las dos terceras partes de los Estados signatarios.

ARTÍCULO 23

Este Tratado queda abierto a la firma de los Estados Americanos, en la ciudad de Río de Janeiro y será ratificado por los Estados signatarios a la mayor brevedad, de acuerdo con sus respectivos procedimientos constitucionales. Las ratificaciones serán entregadas para su depósito a la Unión Panamericana, la cual notificará cada depósito a todos los Estados signatarios. Dicha notificación se considerará como un canje de ratificaciones.

ARTÍCULO 24

El presente Tratado será registrado en la Secretaría General de las Naciones Unidas por medio de la Unión Panamericana, al ser depositadas las ratificaciones de las dos terceras partes de los Estados signatarios

ARTÍCULO 25

Este Tratado regirá indefinidamente pero podrá ser denunciado por cualquiera de las Altas Partes Contratantes mediante la notificación escrita a la Unión Panamericana, la cual comunicará a todas las otras Altas Partes Contratantes cada una de las notificaciones de denuncia que reciba. Transcurridos dos años a partir de la fecha en que la Unión Panamericana reciba una notificación de denuncia cualquiera de las Altas Partes Contratantes, el presente Tratado

cesará en sus efectos respecto a dicho Estado, quedando subsistente para todas las demás Altas Partes Contratantes.

ARTÍCULO 26

Los princípios y las disposiciones fundamentales de este Tratado serán incorporados en el Pacto Constitutivo del Sistema Interamericano.

En fé de lo cual, los Plenipotenciarios que suscriben, habiendo depositado sus plenos poderes, que fueron hallados en buena y debida forma, firman este Tratado, en nombre de sus respectivos Gobiernos, en las fechas que aparecen al pie de sus firmas.

Hecho en la ciudad de Rio de Janeiro, en cuatro textos, respectivamente en las lenguas española, francesa, inglesa y portuguesa, a los dos dias del mes de Septiembre de mil novecientos cuarenta y siete.

RESERVA DE HONDURAS:

La Delegación de Honduras, al suscribir el presente Tratado y en relación con el Artículo 9°, inciso b), lo hace con la reserva de que la frontera establecida entre Honduras y Nicaragua está demarcada definitivamente por la Comisión Mixta de Límites de los años de mil novecientos y mil novecientos uno, partiendo de un punto en el Golfo de Fonseca, en el Océano Pacífico, al Portillo de Teotecacinte, y, de este punto al Atlántico, por la línea que establece el fallo arbitral de Su Majestad el Rey de España, de fecha veintitres de Diciembre de mil novecientos seis.

TRAITÉ INTERAMÉRICAIN D'ASSISTANCE MUTUELLE

Au nom de leurs Peuples, les Gouvernements représentés à la Conférence Interaméricaine pour le Maintien de la Paix et de la Sécurité du Continent animés du désir de consolider et de renforcer leurs relations d'amitié et de bon voisinage et,

Considérant:

Que la Résolution VIII de la Conférence Interaméricaine sur les Problèmes de la Guerre et de la Paix, tenue à Mexico, recommenda la conclusion d'un traité destiné à prévenir et réprimer les menaces et les actes d'agression contre tout pays d'Amérique;

Que les Hautes Parties Contractantes réaffirment leur volonté de se maintenir unies dans le cadre d'un système interaméricain, compatible avec les buts et les principes des Nations Unies, et réaffirment l'existence de l'accord qu'elles ont conclu, concernant les sujets relatifs au maintien de la paix et de la sécurité internationales, qui soient susceptibles d'une action régionale;

Que les Hautes Parties Contractantes renouvellent leur adhésion aux principes de solidarité et de coopération interaméricaines et spécialement aux principes énoncés dans les considérants et les déclarations de l'Acte de Chapultepec, lesquels doivent être tous tenus pour acceptés comme normes de leurs relations mutuelles, et comme base juridique du système interaméricain;

Qu'afin de perfectionner la procédure pour la solution pacifique de leurs controverses, elles se proposent de conclure le Traité sur le "Système Interaméricain de Paix", prévu dans les Résolutions IX et XXXIX de la Conférence Interaméricaine sur les Problèmes de la Guerre et de la Paix;

Que l'obligation d'assistance mutuelle et de défense commune des Républiques Américaines est étroitement liée à leurs idéaux démocratiques et à leur volonté de coopération permanente, en vue de mettre en pratique les principes d'une politique de paix et d'en réaliser les buts;

Que la communauté régionale américaine affirme comme une vérité manifeste, que l'organisation juridique est une condition nécessaire à la sécurité et à la paix, que la paix se base sur la justice et sur l'ordre moral et repose, en conséquence, sur la reconnaissance et la protection internationales des droits et des libertés de la personne humaine, sur le bien-être indispensable des peuples et sur la réalité de la démocratie pour la réalisation internationale de la justice et de la sécurité;

Ont décidé—en conformité des buts énoncés—de conclure le suivant Traité, afin d'assurer la paix par tous les moyens adéquats, de pourvoir à une aide réciproque effective pour faire face aux attaques armées contre quelque Etat Américain, et de conjurer les menaces d'agression contre n'importe lequel d'entre eux:

ARTICLE 1

Les Hautes Parties Contractantes condamnent formellement la guerre et s'engagent, dans leurs relations internationales, à ne pas recourir à la menace ou à l'emploi de la force, dans une forme qui ne soit pas compatible avec les dispositions de la Charte des Nations Unies ou du présent Traité.

ARTICLE 2

En conséquence du principe formulé à l'Article antérieur, les Hautes Parties Contractantes s'engagent à soumettre toute controverse qui surgirait entre elles aux méthodes de solution pacifique, et s'engagent à essayer de la résoudre entre elles, moyennant la procédure en vigueur dans le Système Interaméricain, avant de la soumettre à l'Assemblée Générale ou au Conseil de Sécurité des Nations Unies.

ARTICLE 3

1. Les Hautes Parties Contractantes conviennent qu'une attaque armée provenant de quelque État contre un État Américain sera considérée comme une attaque contre tous les États Américains; en conséquence, chacune des dites Parties Contractantes s'engage à aider à faire face à l'attaque, en exercice du droit immanent de légitime défense individuelle ou collective que reconnait l'Article 51 de la Charte des Nations Unies.

2. À la demande de l'État ou des États directement attaqués, et jusqu'à la décision de l'Organe de Consultation du Système Interaméricain, chaque Partie Contractante pourra déterminer les mesures immédiates qu'elle adoptera individuellement, en accomplissement de l'obligation dont fait mention le paragraphe précédent et conformément au principe de solidarité continentale. L'Organe de Consultation se réunira sans délai, dans le but d'examiner ces mesures et de déterminer celles de caractère collectif qu'il convient d'adopter.

3. Les stipulations contenues dans cet Article s'appliqueront à tous les cas d'attaque armée qui s'effectuent à l'intérieur de la région décrite dans l'Article 4, ou à l'intérieur du territoire d'un État Américain. Si l'attaque s'effectue en dehors des dites aires, s'appliquera ce qui est stipulé dans l'Article 6.

4. Les mesures de légitime défense, mentionnées dans cet Article, pourront s'appliquer jusqu'à ce que le Conseil de Sécurité des Nations Unies ait pris les mesures nécessaires au maintien de la paíx et de la sécurité internationales.

ARTICLE 4

La région à laquelle se réfère ce Traité est celle comprise à l'intérieur des limites suivantes: commençant au Pôle Nord; à partir de là, directement vers le sud, jusqu'à un point à 74° latitude nord, 10° longitude ouest; de là par une ligne loxodromique jusqu'à un point à 47°30′ latitude nord, 50° longitude ouest; de là, par une ligne loxodromique jusqu'à un point à 35° latitude nord, 60° longitude ouest; de là directement au sud jusqu'à un point à 20° latitude nord; de là par une ligne loxodromique jusqu'à un point à 5° latitude nord; 24° longitude ouest; de là directement au sud jusqu'au Pôle Sud; de là

directement vers le nord jusqu'à un point à 30° latitude sud, 90° longitude ouest; de là par une ligne loxodromique jusqu'à un point à l'Équateur à 97° longitude ouest; de là par une ligne loxodromique jusqu'a un point à 15° latitude nord, 120° longitude ouest; de là par une ligne loxodromique jusqu'a un point à 50° latitude nord, 170° longitude est; de là directement vers le nord jusqu'à un point à 54° latitude nord; de là par une ligne loxodromique jusqu'à un point à 65°30′ latitude nord, 168°58′5″ longitude ouest; de là, directement vers le nord jusqu'au Pôle Nord.

ARTICLE 5

Les Hautes Parties Contractantes adresseront immédiatement au Conseil de Sécurité des Nations Unies, conformément aux Articles 51 et 54 de la Charte de San Francisco, un rapport complet sur les activités entreprises ou projetées, en exercice du droit de légitime défense, et dans le but de maintenir la paix et la sécurité interaméricaines.

ARTICLE 6

Si l'inviolabilité ou l'intégrité du territoire, la souveraineté ou l'indépendance politique de quelque État Américain, étaient affectées par une agression qui ne soit pas une attaque armée ou par un conflit extracontinental ou intracontinental, ou par quelque autre fait ou situation susceptible de mettre en péril la paix de l'Amérique, l'Organe de Consultation se réunira, immédiatement, afin de décider des mesures qui, en cas d'agression, doivent être prises pour venir en aide à la victime de l'agression, ou en tout cas, celles qu'il convient de prendre pour la défense commune, et pour le maintien de la paix et de la sécurité continentales.

ARTICLE 7

En cas de conflit entre deux ou plusieurs États Américains, sans préjudice du droit de légitime défense, conformément à l'Article 51 de la Charte des Nations Unies, les Hautes Parties Contractantes réunies en consultation, exhorteront les États belligérants à suspendre les hostilités et à revenir au *statu quo ante bellum;* elles prendront, en outre, toutes mesures nécessaires au rétablissement ou au maintien de la paix et de la sécurité interaméricaines, et à la solution du conflit par des moyens pacifiques. Le refus de l'action pacificatrice sera considéré pour la détermination de l'agresseur et l'application immédiate des mesures établies par la réunion de consultation.

ARTICLE 8

Pour les effets de ce Traité, l'Organe de Consultation pourra établir l'une ou plusieurs des mesures suivantes: le retrait des chefs de mission; la rupture des relations diplomatiques; la rupture des relations consulaires; l'interruption partielle ou totale des relations économiques, ou des communications ferroviaires, maritimes, aériennes, postales, télégraphiques, téléphoniques, radio-téléphoniques ou radio-télégraphiques, et l'emploi de la force armée.

ARTICLE 9

En plus des autres actes qui, en une réunion de consultation, pourraient être caractérisés comme actes d'agression, seront considerés comme tels:

a) L'attaque armée, non provoquée, par un État, contre le territoire, la population ou les forces terrestres, navales ou aériennes d'un autre État;

b) L'invasion, par la force armée d'un État, du territoire d'un État Americain, moyennant la transgression des frontières délimitées, conformément à un traité, à une sentence judiciaire, ou à une décision arbitrale, ou, à défaut de frontières ainsi délimitées, l'invasion affectant une région sujette à la juridiction effective d'un autre État.

ARTICLE 10

Aucune des stipulations de ce Traité ne sera interpretée de maniére à amoindrir les droits et les devoirs des autres Parties Contractantes, conformément à la Charte des Nations Unies.

ARTICLE 11

Les consultations auxquelles se réfère le présent Traité seront réalisées moyennant la Réunion des Ministres des Affaires Etrangères des Républiques Américaines qui l'auront ratifié, ou dans la forme ou par l'organe qui pourrait être établi à l'avenir.

ARTICLE 12

Le Conseil de Direction de l'Union Panaméricaine pourra fonctionner provisoirement comme organe de consultation, jusqu'à ce que se réalise la réunion de l'Organe de Consultation à laquelle se réfère l'Article précédent.

ARTICLE 13

Les consultations seront faites moyennant une requête adressée au Conseil de Direction de l'Union Panaméricaine par l'un quelconque des États signataires qui auront ratifié le Traité.

ARTICLE 14

Dans les votations auxquelles se réfère le présent Traité, seuls pourront prendre part les représentants des États signataires qui l'auront ratifié.

ARTICLE 15

Le Conseil de Direction de l'Union Panaméricaine fonctionnera, pour tout ce qui concerne le présent Traité, comme organe de liaison entre les États signataires qui l'aurot ratifié et entre ceux-ci et les Nations Unies.

ARTICLE 16

Les décisions du Conseil de Direction de l'Union Panaméricaine, auxquelles se réfèrent les Articles 13 et 15 seront prises à la majorité absolue des Membres ayant droit au vote.

ARTICLE 17

L'Organe de Consultation adoptera ses décisions moyennant le vote des deux tiers des États signataires qui auront ratifié le Traité.

ARTICLE 18

Lorsqu'il s'agit d'une situation ou d'un différend entre États Américains, seront exclues des votations auxquelles se réfèrent les deux Articles antérieurs les parties directement intéressées.

ARTICLE 19

Pour former le *quorum*, dans toutes les réunions auxquelles se réfèrent les Articles précédents, il faudra que le nombre des États représentés soit au moins égal à celui des votes nécessaires pour adopter la décision en question.

ARTICLE 20

Les décisions, qui requièrent l'application des mesures mentionées à l'Article 8, seront obligatoires pour tous les États signataires du présent Traité qui l'auront ratifié, avec l'unique exception qu'aucun État ne sera obligé d'employer la force armée sans son consentement.

ARTICLE 21

Les mesures qu'adopte l'Organe de Consultation seront exécutées moyennant la procédure et les organes actuellement existants ou qui seront établis.

ARTICLE 22

Ce Traité entrera en viguer, entre les États qui le ratifient, aussitôt qu'auront été deposés les instruments de ratification des deux tiers des États signataires.

ARTICLE 23

Ce Traité est ouvert à la signature des États Américains, dans la ville de Rio de Janeiro, et sera ratifié par les États signataires, aussitôt que possible, conformément à leurs procédures constitutionnelles respectives. Les instruments de ratification seront remis, pour leur dépôt, à l'Union Panaméricaine, laquelle, pour chaque cas, en donnera avis à tous les États signataires. Une telle notification sera considérée comme un échange de ratifications.

ARTICLE 24

Le présent Traité sera enregistré au Secrétariat Général des Nations Unies, par l'intermédiaire de l'Union Panaméricaine, lorsqu'auront été déposés les instruments de ratification des deux tiers des États signataires.

ARTICLE 25

Ce Traité restera en vigueur indéfiniment, mais pourra être dénoncé par l'une des Hautes Parties Contractantes, moyennant notification écrite à l'Union Panaméricaine, laquelle communiquera aux autres Parties Contractantes chacune des notifications de dénonciation qu'elle aura reçues.

Deux ans après la date à laquelle l'Union Panaméricaine aura reçu une notification de dénonciation de l'une des Hautes Parties Contractantes, le présent Traité cessera de sortir ses effets en ce qui concerne ledit Etat, mais restera en viguer pour les autres Parties Contractantes.

ARTICLE 26

Les principes et les dispositions fondamentales de ce Traité seront insérés dans le Pacte Constitutif du Système Interaméricain.

En foi de quoi, les Plénipotenciaires sous-signés, ayant présenté leurs pleins pouvoirs, trouvés en bonne et due forme, signent ce Traité, au nom de leurs Gouvernements respectifs, aux dates apparaissant à côté de leurs signatures. Fait à la ville de Rio de Janeiro, en quatre textes, respectivement en français, anglais, espagnol et portugais, le deux septembre mil neuf cent quarente sept.

RÉSERVE DE HONDURAS:

La Délégation de Honduras, en signant le présent Traité et en se référant à l'Article 9, paragraphe b), le fait avec la réserve suivante, savoir: la frontière établie entre le Honduras et Nicaragua est délimitée définitivement par la Commission Mixte des Frontières des années mil neuf cent et mil neuf cent un, partant d'un point dans le Golfe de Fonseca, dans l'Océan Pacifique, jusqu'à Portillo de Teotecacinte, et, de ce point, jusqu'à l'Atlantique, par la ligne qu'établit la sentence arbitrale de Sa Majesté le Roi d'Espagne, le vingt trois décembre mil neuf cent six.

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

Principles and purposes.

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

Considering:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America; 60 Stat. 1837.

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the Unites Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System; 60 Stat. 1831.

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolutions IX and XXXIX of the Inter-American Conference on Problems of War and Peace, [1] 60 Stat. 1854.

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through

[1] *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945*, Department of State publication 2497, p. 107.

adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

ARTICLE 1

Condemnation of war.

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

59 Stat. 1031.

ARTICLE 2

Settlement of controversies.

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

ARTICLE 3

Collective self-defense.

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

59 Stat. 1044.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

ARTICLE 4

Regional boundaries.

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24

degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

ARTICLE 5

Information concerning activities.

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

59 Stat. 1044, 1045.

ARTICLE 6

Aggressions not an armed attack, etc.

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

ARTICLE 7

Conflict between American States.

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *statu quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

59 Stat. 1044.

ARTICLE 8

Measures for agreement.

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.

ARTICLE 9

Additional acts characterized as aggression.

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

ARTICLE 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

59 Stat. 1031.

ARTICLE 11

Consultations.

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

ARTICLE 12

Provisional organ of consultation.

The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

ARTICLE 13

Requests.

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

ARTICLE 14

Voting.

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

ARTICLE 15

Organ of liaison.

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

ARTICLE 16

Decisions.

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitled to vote.

ARTICLE 17

The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

ARTICLE 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in two preceding Articles. Dispute.

ARTICLE 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision. Quorum.

ARTICLE 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent. Application of measures. *Ante*, p. 1701.

ARTICLE 21

The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established. Execution of measures.

ARTICLE 22

This Treatry shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited. Effective date. *Post*, p. 1712.

ARTICLE 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications. Ratification.

ARTICLE 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications. Registration.

ARTICLE 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force and with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties. Duration of Treaty.

ARTICLE 26

Incorporation in Organic Pact.

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the city of Rio de Janeiro, in four texts respectively in the English, French, Portuguese and Spanish languages, on the second of September nineteem hundred forty-seven.

RESERVATION OF HONDURAS:

The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitively demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the twenty third of December of nineteen hundred and six.

Post, pp. 1708, 1714.
Ante, p. 1702.

POR LA REPÚBLICA DOMINICANA:

2 de Septiembre de 1947.

POR GUATEMALA:

2 de Septiembre de 1947

POR COSTA RICA:

2 de Setiembre de 1947

POR PERU:

2 de Setiembre de 1947.

POR EL SALVADOR:

2 de Setiembre de 1947.

POR PANAMÁ:

2 de Setiembre de 1947.

POR PARAGUAY

2 de Setiembre de 1947.

POR VENEZUELA:

2 de setiembre de 1947.

POR CHILE:

2 de Setiembre de 1947.

Ante, p. 1705.

POR HONDURAS

2 de Setiembre de 1947

POR CUBA.

2 de Setiembre de 1947

POR BOLIVIA:

2 de Setiembre de 1947.

POR COLOMBIA:

2 de Setiembre de 1947

POR MÉXICO:

2 de Setiembre de 1947.

POUR L'HAÏTI:

Le 2 septembre 1947.

POR URUGUAY

8 de Setiembre de 1947

FOR THE UNITED STATES OF AMERICA:

September 2, 1947

POR ARGENTINA:

2 de Setiembre de 1947.

PELO BRASIL:

2 de setembro de 1947.

Advice and consent to ratification.

WHEREAS the Senate of the United States of America, by their resolution of December 8, 1947, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid treaty;

Ratification.

WHEREAS the aforesaid treaty was duly ratified by the President of the United States of America on December 12, 1947, in pursuance of the aforesaid advice and consent of the Senate;

Ante, p. 1703.

WHEREAS it is provided in Article 22 of the aforesaid treaty that the treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited;

Deposit of instruments of ratification.

WHEREAS, according to notifications received by the Government of the United States of America from the Pan American Union, instruments of ratification of the aforesaid treaty have been deposited by two-thirds of the Signatory States, as follows: the Dominican Republic on November 21, 1947; the United States of America on December 30, 1947; Panama on January 12, 1948; Colombia on February 3, 1948; Honduras on February 5, 1948; El Salvador on March 15, 1948; Brazil on March 25, 1948; Haiti on March 25, 1948; Paraguay on July 28, 1948; Uruguay on September 28, 1948; Venezuela on October 4, 1948; Nicaragua on November 12, 1948; Mexico on November 23, 1948; and Costa Rica on December 3, 1948;

Effective date.

WHEREAS, according to a notification received by the Government of the United States of America from the Pan American Union, the requirements of the aforesaid Article 22 have been fulfilled and the aforesaid treaty came into effect on December 3, 1948;

Ante, p. 1703.

Proclamation.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid inter-American treaty of reciprocal assistance to the end that the said treaty and each and every article and clause thereof may be observed and fulfilled with good faith, on and from the third day of December, one thousand nine hundred forty-eight, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this ninth day of December in the year of our Lord one thousand nine hundred forty-eight and of the Independence of the United States of America the one hundred seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:

ROBERT A LOVETT
Acting Secretary of State

Note by the Department of State

The following is a romanization of the facsimile signatures:

FOR DOMINICAN REPUBLIC:

A. DESPRADEL
Dr L. F. THOMEN
TULIO M CESTERO
R. PÉREZ ALFONSECA
ROBERTO DESPRADEL
PORFIRIO HERRERA BÁEZ
E RODRÍGUEZ DEMORIZI
JOAQUÍN BALAGUER

FOR GUATEMALA:

C LEONIDAS ACEVEDO
I GONZÁLEZ ARÉVALO
FRANCISCO GUERRA MORALES
M. GALICH

FOR COSTA RICA:

LUIS ANDERSON
MÁXIMO QUESADA P.

FOR PERU:

E. GARCÍA SAYÁN
MANUEL G. GALLAGHER
V A. BELAÚNDE
LUIS FERNÁN CISNEROS
H. C. BELLIDO

FOR EL SALVADOR:

ERNESTO A NÚÑEZ
C A ALFARO
M. A. ESPINO
G. TRIGUEROS H.

FOR PANAMA:

R. J. ALFARO
J E LEFEVRE

FOR PARAGUAY:

FEDERICÓ CHAVEZ
RAÚL SAPENA PASTOR
JOSÉ A MORENO GONZÁLEZ
R. ROLÓN
JOSÉ ZACARIAS ARZA

FOR VENEZUELA:

CARLOS MORALES
MA PÉREZ GUEVARA
D GÓMEZ MORA
E. ARROYO LAMEDA
EDUARDO PLAZA A
SANTIAGO PÉREZ P.
A OTÁÑEZ
L. F. LLOVERA PÁEZ
RAÚL CASTRO GOMEZ

FOR CHILE:

GERMÁN VERGARA D
ENRÍQUE CAÑAS F
EMILIO EDWARDS
E. E. GUZMÁN F
A M PINTO
E. BERNSTEIN.

Ante, p. 1705.

FOR HONDURAS:

JULIAN R. CACERES
ANGEL C HERNÁNDEZ
M. A. BATRES

FOR CUBA:

GMO BELT
GAB LANDA

FOR BOLIVIA:

LUIS GUACHALLA
JOSÉ GIL S
DAVID ALVÉSTEGUI
A VIRREIRA PACCIERI

FOR COLOMBIA:

DOMINGO ESGUERRA
GONZALO RESTREPO JARAMILLO
ANTONIO ROCHA
EDUARDO ZULETA
JUÁN URIBE CUALLA
FRANCISCO UMAÑA BERNAL
JULIO ROBERTO SALAZAR FERRO
AUGUSTO RAMÍREZ MORENO
JOSÉ JOAQUÍN CAICEDO CASTILLA

FOR MEXICO:

J. TORRES BODET
A. VILLALOBOS
R CÓRDOVA
P CAMPOS ORTIZ
D MIRANDA
JOSE GOROSTIZA
JOSE LÓPEZ B

FOR HAITI:

EDME TH. MANIGAT
C KERNISAN
A. LEVELT
JACQUES LÉGER

FOR URUGUAY:

MATEO MARQUES CASTRO
DARDO REGULES
E E BUERO
ALBERTO DOMÍNGUEZ CÁMPORA
CYRO GIAMBRUNO
ANTONIO GUSTAVO FUSCO
JOSÉ A. MORA OTÉRO
JUAN F. GUICHÓN
GABRIEL TERRA

FOR THE UNITED STATES OF AMERICA:

G C MARSHALL
ARTHUR H. VANDENBERG.
TOM CONNALLY
WARREN R. AUSTIN.
SOL BLOOM
WILLIAM D. PAWLEY

FOR ARGENTINA:

JUAN ATILIO BRAMUGLIA
O. IVANISSEVICH
ENRIQUE COROMINAS
R A ARES
P LA ROSA
NICOLAS C. ACCAME.

FOR BRAZIL:

RAUL FERNANDES
P. GOÉS MONTEIRO
HILDEBRANDO ACCIOLY
A PENNA JR
JOSÉ EDUARDO DO PRADO KELLY
EDMUNDO DA LUZ PINTO
LEVI CARNEIRO.

December 2, 1946
[T. I. A. S. 1849]

Convention between the United States of America and other governments respecting whaling. Signed at Washington under date of December 2, 1946; ratification advised by the Senate of the United States of America July 2, 1947; ratified by the President of the United States of America July 18, 1947; ratification of the United States of America deposited at Washington July 18, 1947; proclaimed by the President of the United States of America November 19, 1948; entered into force November 10, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention for the regulation of whaling was signed at Washington under the date of December 2, 1946 by the respective plenipotentiaries of the Governments of the United States of America, Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the Union of South Africa;

WHEREAS the text of the said convention is word for word as follows:

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the

provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937 and the protocols to that Agreement signed in London on June 24, 1938 and November 26, 1945; and

52 Stat. 1460.
53 Stat. 1794.
61 Stat., Pt. 2, p. 1213.

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article I

Convention.
Post, p. 1723.

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

Definitions.

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

International Whaling Commission.

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

Activities of Commission.

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

Reports.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

Amendment of Schedule.
Post, p. 1723.

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be

used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

Article VI

Recommendations.

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

Transmission of required information.

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

Special permits.

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for

purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

Punishment of infractions.

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

Ratification.

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

Entry into force.
Post, p. 1729.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

Application of Schedule.
Ante, p. 1718.

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

Withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

FOR ARGENTINA:

O. IVANISSEVICH
J M MONETA
G. BROWN
PEDRO H. BRUNO VIDELA

FOR AUSTRALIA:

F. F. ANDERSON

FOR BRAZIL:

PAULO FRÓES DA CRUZ

FOR CANADA:

H H WRONG
HARRY A SCOTT

FOR CHILE:

AGUSTIN R EDWARDS

FOR DENMARK:

P. F. ERICHSEN

FOR FRANCE:

FRANCIS LACOSTE

FOR THE NETHERLANDS:

D J VAN DIJK.

FOR NEW ZEALAND:

G R POWLES

FOR NORWAY:

BIRGER BERGERSEN

FOR PERU:

C ROTALDE

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

A BOGDANOV.
E NIKISHIN.

FOR THE UNITED KINDGOM OF GREAT BRITAIN AND NORTHERN IRELAND:

A. T. A. DOBSON
JOHN THOMSON

FOR THE UNITED STATES OF AMERICA:

REMINGTON KELLOGG
IRA N GABRIELSON
WILLIAM E. S. FLORY

FOR THE UNION OF SOUTH AFRICA:

H. T. ANDREWS

SCHEDULE

Inspectors of whaling.

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

Restrictions.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except

during the period from December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

Blue-whale units.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) two fin whales or

(2) two and a half humpback whales or

(3) six sei whales.

Notifications.
Ante, p. 1719.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by subparagraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

Ante, p. 1719.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

Measurement of whales.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales	70 feet (21.3 meters)
(b) fin whales	55 feet (16.8 meters)
(c) sei whales	40 feet (12.2 meters)
(d) humpback whales	35 feet (10.7 meters)
(e) sperm whales	35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: that is to say, any whale between 75′ 6″ and 76′ 6″ shall be logged as 76′, and any whale between 76′ 6″ and 77′ 6″ shall be logged as 77′. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e. g.* 76′ 6″ precisely, shall be logged as 77′.

Restrictions respecting the taking or treating of whales.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

Remuneration for gunners and crews.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the

gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

Laws and regulations.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

Notice of statistical information.
Ante, p. 1719.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(a) the name and gross tonnage of each factory ship;

(b) the number and aggregate gross tonnage of the whale catchers;

(c) a list of the land stations which were in operation during the period concerned.

Land-station regulations governing factory ships.
Ante, p. 1717.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Designated expressions.

18. The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale other than a toothed whale;

"blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;

"fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;

"sei whale" means any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;

"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

"Dauhval" means any unclaimed dead whale found floating.

I CERTIFY THAT the foregoing is a true copy of the International Convention for the Regulation of Whaling, including the schedule attached thereto, opened for signature in the English language at Washington on December 2, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, JAMES F. BYRNES, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this twenty-third day of December, 1946.

JAMES F. BYRNES
Secretary of State

[SEAL] By B E CASH
Acting Authentication Officer
Department of State

WHEREAS the Senate of the United States of America by their Resolution of July 2, 1947, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention; Advice and consent to ratification.

WHEREAS the said convention was duly ratified by the President of the United States of America on July 18, 1947, in pursuance of the aforesaid advice and consent of the Senate; Ratification.

WHEREAS it is provided in Article X of the said convention that the convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments; *Ante*, p. 1720.

WHEREAS instruments of ratification of the said convention were deposited with the Government of the United States of America by the following Governments, namely: the United Kingdom of Great Britain and Northern Ireland on June 17, 1947; the United States of America on July 18, 1947; Australia on December 1, 1947; Norway on March 3, 1948; the Union of South Africa on May 5, 1948; the Union of Soviet Socialist Republics on September 11, 1948; and the Netherlands on November 10, 1948; [1] Deposit of instruments of ratification.

AND WHEREAS, pursuant to the aforesaid provisions of Article X of the said convention, the convention entered into force on November 10, 1948; Entry into force. *Ante*, p. 1720.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention for the regulation of whaling, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after November 10, 1948, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of November in the year of our Lord one thousand nine hundred
[SEAL] forty-eight and of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:

ROBERT A LOVETT
Acting Secretary of State

[1] Iceland adhered by notice given Mar. 10, 1947, effective Nov. 10, 1948; and Panama adhered by notice given Sept. 27, 1948, effective Nov. 10, 1948, agreeing to apply convention provisionally until approved in conformity with constitutional requirements of Panama.

May 6, 1948
[T. I. A. S. 1854]

Convention between the United States of America and Denmark respecting double taxation and taxes on income. Signed at Washington May 6, 1948; ratification advised by the Senate of the United States of America June 17, 1948, with reservation; ratified by the President of the United States of America November 24, 1948; ratified by Denmark November 23, 1948; ratifications exchanged at Washington December 1, 1948; proclaimed by the President of the United States of America December 8, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income was signed by their respective Plenipotentiaries at Washington on May 6, 1948, the original of which convention, in the English and Danish languages, is word for word as follows:

Plenipotentiaries.

The President of the United States of America and His Majesty the King of Denmark, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have appointed for that purpose as their respective Plenipotentiaries:

The President of the United States of America:

Mr. George C. Marshall, Secretary of State of the United States of America, and

His Majesty the King of Denmark:

Mr. Henrik Kauffmann, Ambassador Extraordinary and Plenipotentiary of Denmark to the United States of America, who, having communicated to one another their full powers, found in good and due form, have agreed upon the following Articles:

Article I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America:

The Federal income tax, including surtaxes.

(b) In the case of Denmark:

The national income tax, including the war profits tax.

The intercommunal income tax.

The communal income tax.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

Article II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. "United States."

(b) The term "Denmark" means the Kingdom of Denmark; the provisions of the Convention shall not, however, extend to the Faroe Islands; nor do they apply to Greenland. "Denmark."

(c) The term "permanent establishment" means a branch office, factory, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a *bona fide* commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation. "Permanent establishment."

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Danish enterprise". "Enterprise," etc.

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States of America by a resident of the United States of America or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States of America or under the law of the United States of America or of any State or Territory of the United States of America.

(g) The term "Danish enterprise" means an enterprise carried on in Denmark by a resident of Denmark or by a Danish corporation or other entity; the term "Danish corporation or other entity" means a partnership, corporation or other entity created or organized in Denmark or under Danish laws.

"Competent authorities."

(h) The term "competent authorities" means, in the case of the United States the Commissioner of Internal Revenue or his authorized representative; and in the case of Denmark, the Chief of the Taxation Department of the Ministry of Finance (Generaldirektøren for Skattevaesenet) or his authorized representative.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

Article III

Tax on profits; restriction.

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon the entire income of such enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting State, be deemed to be income from sources within the territory of such other contracting State.

Article IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

Article V

Income from ships or aircraft.

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other contracting State.

(2) The present Convention shall not be deemed to affect the arrangement between the United States and Denmark providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated May 22, August 9 and 18, October 24, 25, and 28, and December 5 and 6, in the year 1922. 47 Stat. 2612.

Article VI

Tax on dividends.

(1) Dividends shall be taxable only in the contracting State in which the shareholder is resident or, if the shareholder is a corporation or other entity, in the contracting State in which such corporation or other entity is incorporated or organized.

(2) Each of the contracting States reserves, however, the right to collect and retain the tax which, under its revenue laws, is deductible at the source with respect to such dividends, but the tax shall not exceed 15 percent of the amount of dividends derived from sources within such State by a resident, corporation or other entity of the other State, if the recipient has no permanent establishment in the contracting State from which the dividends are derived.

Rate.

(3) It is agreed, however, that the rate of dividend tax at the source shall not exceed five percent if the shareholder is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and if not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

Article VII

Interest on bonds, etc.

Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from tax by such former State.

Article VIII

Royalties, etc.

Royalties and other amounts derived as consideration for the right to use copyrights, patents, designs, secret processes and formulas, trade-marks and other like property (including rentals and like payments in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

Article IX

Income from real property, etc.

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be

taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

Article X

Wages, etc., tax exemption.

(1) Wages, salaries, and similar compensation and pensions paid by one of the contracting States or by any other public authority within that State to individuals residing in the other State shall be taxable only in the former State.

Private pensions, etc.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

"Life annuities."

(3) The term "life annuities" as used herein means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum paid for such obligation.

Article XI

Compensation for labor or personal services.

(1) Compensation for labor or personal services, including the practice of the liberal professions, shall be taxable only in the contracting State in which such services are rendered.

Exceptions.

(2) The provisions of paragraph (1) are, however, subject to the following exceptions:

(a) A resident of Denmark shall be exempt from United States tax upon compensation for labor or personal services if he is temporarily present in the United States for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such services does not exceed $3,000 in the aggregate. If, however, his compensation is received for labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Denmark, he will be exempt from United States tax if his stay in the United States does not exceed a total of 180 days during the taxable year.

(b) The provisions of paragraph (2) (a) of this Article shall apply, *mutatis mutandis*, to a resident of the United States with respect to compensation for personal services otherwise subject to income tax in Denmark.

(3) The provisions of this Article shall have no application to the income to which Article X (1) relates.

Article XII

Sale or exchange of capital assets.
Post, p. 1756.

Gains derived in one of the contracting States from the sale or exchange of capital assets by a resident or corporation or other entity of the other contracting State shall be exempt from taxation in the

former State if such resident or corporation or other entity is not engaged in trade or business in such former State.

Article XIII

Students or apprentices.

Students or apprentices, citizens of one of the contracting States, residing in the other contracting State exclusively for purposes of study or for acquiring business experience, shall not be taxable in the latter State in respect of remittances (other than their own income) received by them from abroad for the purposes of their maintenance or studies.

Article XIV

Teachers.

A professor or teacher, a resident of one of the contracting States, who temporarily visits the territory of the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

Article XV

Manner for avoiding double taxation.

It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining the income taxes, including surtaxes, of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, deduct from its taxes the amount of Danish taxes specified in Article I of this Convention.

53 Stat. 56.
26 U. S. C. § 131.
Ante, p. 1730.

(b) Denmark, in determining its taxes specified in Article I of this Convention, may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income subject to such taxes under the taxation laws of Denmark. Denmark shall, however, deduct from the taxes so calculated the United States tax on income coming within the provisions of Articles III, IX, X (1), XIII and XIV of this Convention and on earned income earned within the United States, but in an amount not exceeding that proportion of the Danish taxes which such income bears to the entire income subject to tax by Denmark. Denmark will also allow as a deduction from its taxes an amount equal to 15 percent (five percent in the case of dividends covered by Article VI (3)) of the gross amount of dividends (reduced by the United States tax applicable to such dividends) from sources within the United States.

Ante, p. 1732 *et seq.*

Ante, p. 1733.

Article XVI

Taxes on citizens of other contracting State.

(1) The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other

or more burdensome taxes than are the citizens of such other contracting State residing in its territory. As used in this paragraph,

"Citizens." (a) the term "citizens" includes all legal persons, partnerships, and associations created or organized under the laws in the respective contracting States, and

"Taxes." (b) the term "taxes" means taxes of every kind or description whether national, Federal, state, provincial or municipal.

(2) It is agreed that section 25, paragraph 5, of the Danish law No. 391 of July 12, 1946, prescribing an addition of 50 percent to the capital increment tax on corporations in cases where more than 50 percent of the entire stock capital is owned by a single shareholder residing outside Denmark, shall not be applicable when the shareholder in question is a resident of the United States or a United States corporation or other entity.

Article XVII

Exchange of information. The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

Article XVIII

Collection of taxes, etc. (1) The contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined may be accepted for enforcement by the other contracting State and may be collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes.

(3) Any application shall include a certification that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made, except as is necessary to insure that the exemption or reduced rate of tax granted under the present Convention to such citizens, corporations, or other entities shall not be enjoyed by persons not entitled to such benefits.

Article XIX

Request for information or assistance.

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret or trade process.

Article XX

Claims.

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

Article XXI

Interpretation of Convention.

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

Article XXII

Regulations, etc.

The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention. With respect to the provisions of this Convention relating to exchange of information and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection and related matters.

Article XXIII

Ratification.

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

Effective date.
Post, p. 1756.

(2) Upon the exchange of instruments of ratification, the present Convention shall have effect

(a) in the case of United States tax, for the taxable years beginning on or after the first day of January of the year in which such exchange takes place;

(b) in the case of Danish tax, for the taxable years beginning on or after the first day of April of the year in which such exchange takes place.

Duration; termination.

(3) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective

(a) as respects United States tax, for the taxable years beginning on or after the first day of January next following the expiration of the six-month period;

(b) as respects Danish tax, for the taxable years beginning on or after the first day of April next following the expiration of the six-month period.

Authentic texts.

DONE at Washington, in duplicate, in the English and Danish languages, the two texts having equal authenticity, this 6th day of May, 1948.

FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA:
[SEAL] G C MARSHALL

FOR HIS MAJESTY THE KING OF DENMARK:
[SEAL] HENRIK KAUFFMANN

Præsidenten for Amerikas Forenede Stater og Hans Majestæt Kongen af Danmark har ønsket at afslutte en Overenskomst til Undgaaelse af Dobbeltbeskatning og til Forhindring af Beskatningsunddragelse for saa vidt angaar Indkomstskat og har i dette Øjemed som deres respektive Befuldmægtigede udnævnt:

Præsidenten for Amerikas Forenede Stater:

Hr. George C. Marshall, Amerikas Forenede Staters Udenrigsminister, og

Hans Majestæt Kongen af Danmark:

Hr. Henrik Kauffmann, Danmarks overordentlige og befuldmægtigede Ambassadør i Amerikas Forenede Stater,

som efter at have meddelt hinanden deres Fuldmagter, der er befundet i god og gyldig Form, er blevet enige om følgende Bestemmelser:

Artikel I

(1) De Skatter, som omhandles i denne Aftale er:

(a) For saa vidt angaar Amerikas Forenede Stater:

The Federal income tax med Tillægsskatter.

(b) For saa vidt angaar Danmark:

Indkomstskat til Staten indbefattet Krigskonjunkturskat.

Den fælleskommunale Indkomstskat.

Den kommunale Indkomstskat.

(2) Nærværende Aftale skal ogsaa komme til Anvendelse paa enhver anden Skat af væsentlig lignende Karakter, der efter nærværende Aftales Underskrift maatte blive udskrevet af enhver af de kontraherende Stater.

Artikel II

(1) Anvendt i denne Aftale skal:

(a) Udtrykket "De Forenede Stater" betyde Amerikas Forenede Stater og anvendt i geografisk Forstand kun omfatte Staterne, Territorierne Alaska og Hawaii og Distriktet Columbia.

(b) Udtrykket "Danmark" betyde Kongeriget Danmark; Aftalens Bestemmelser skal dog ikke gælde for Færøerne; ej heller kommer de til Anvendelse med Hensyn til Grønland.

(c) Udtrykket "fast Driftssted" betyde et Filialkontor, en Fabrik, en Lagerbygning eller andet fast Forretningssted, men skal ikke indbefatte den tilfældige og midlertidige Brug af Oplagsplads alene, ej heller et Agentur, medmindre Agenten har og udøver en Generalfuldmagt til at forhandle om og afslutte Kontrakter paa et Foretagendes Vegne eller har et Varelager, fra hvilket han regelmæssigt effektuerer Ordrer paa dettes Vegne. Et Foretagende i en af de kontraherende Stater skal ikke anses at have fast Driftssted i den anden Stat alene fordi det i denne anden Stat udøver Forretningsvirksomhed gennem en uafhængig provisionslønnet Agent, Mægler eller Administrator, der optræder indenfor Rammerne for sin almindelige Virksomhed i nævnte Egenskab. Det Forhold, at et Foretagende i en af de kontraherende Stater i den anden Stat opretholder et fast Forretningssted udelukkende med Henblik paa Indkøb af Va-

rer, skal ikke i sig selv medføre, at et saadant fast Forretningssted betragtes som et fast Driftssted for dette Foretagende. Det Forhold, at et i den ene kontraherende Stat indregistreret Selskab har et Datterselskab, der er indregistreret i den anden Stat, eller som udøver Handels- eller Forretningsvirksomhed i den anden Stat, skal ikke i sig selv medføre, at dette Datterselskab betragtes som et fast Driftssted for dets Moderselskab.

(d) Udtrykket "Foretagende i en af de kontraherende Stater" betyde, alt efter Omstændighederne, "Foretagende i De Forenede Stater" eller "dansk Foretagende".

(e) Udtrykket "Foretagende" omfatte enhver Art af Virksomhed, hvad enten den udøves af en fysisk Person, et Interessentskab, et Aktieselskab, eller hvilken som helst anden Sammenslutning.

(f) Udtrykket "Foretagende i De Forenede Stater" betyde et Foretagende, der drives i Amerikas Forenede Stater af en Person hjemmehørende i Amerikas Forenede Stater eller af et Aktieselskab eller anden Sammenslutning i De Forenede Stater: Udtrykket "Aktieselskab eller anden Sammenslutning i De Forenede Stater" betyder et Interessentskab, Aktieselskab eller anden Sammenslutning stiftet eller organiseret i Amerikas Forenede Stater eller under Amerikas Forenede Staters eller enhver af dette Lands Enkeltstaters eller Territoriers Lovgivning.

(g) Udtrykket "dansk Foretagende" betyde et Foretagende, der drives i Danmark af en Person hjemmehørende i Danmark eller et dansk Aktieselskab eller anden Sammenslutning: Udtrykket "dansk Aktieselskab eller anden Sammenslutning"

betyder et Interessentskab, et Aktieselskab eller anden Sammenslutning stiftet eller organiseret i Danmark eller under dansk Lovgivning.

(h) Udtrykket "kompetente Myndigheder" betyde, for De Forenede Staters Vedkommende "The Commissioner of Internal Revenue" eller hans befuldmægtigede Stedfortræder; for Danmarks Vedkommende Finansministeriets Skattedepartement (Generaldirektøren for Skatteväsenet) eller hans befuldmægtigede Stedfortræder.

(2) Ved en af de kontraherende Staters Anvendelse af denne Aftales Bestemmelser skal, medmindre andet maatte følge af Sammenhængen, ethvert Udtryk, som ikke paa anden Maade er defineret, have den Betydning, som dette Udtryk har i Henhold til vedkommende Stats egen Skattelovgivning.

Artikel III

(1) Et Foretagende hjemmehørende i den ene af de kontraherende Stater skal ikke være undergivet Beskatning i den anden kontraherende Stat med Hensyn til Fortjeneste ved Industri og Handel, medmindre det udøver Handels- eller Forretningsvirksomhed i denne anden Stat fra et fast Driftssted beliggende i denne Stat. Hvis det udøver saadan Virksomhed, kan denne anden Stat beskatte et saadant Foretagendes samlede Indkomst hidrørende fra Kilder indenfor denne anden Stat.

(2) Ved Bestemmelsen af et i den ene kontraherende Stat hjemmehørende Foretagendes Fortjeneste ved Industri og Handel fra Kilder indenfor den anden kontraherende Stats Omraade skal ingen Fortjeneste anses at fremkomme ved et saadant Foretagendes blotte Indkøb af Varer indenfor sidstnævnte Stats Omraade.

(3) Saafremt et Foretagende i den ene kontraherende Stat udøver Handels- eller Forretningsvirksomhed indenfor den anden Stats Omraade fra et der beliggende fast Driftssted, skal til saadant fast Driftssted henføres den industrielle eller handelsmæssige Fortjeneste, som det kunde forventes at ville have opnaaet, hvis det havde været et uafhængigt Foretagende, der udøvede den samme eller lignende Virksomhed paa samme eller lignende Betingelser, og som under frie Vilkaar afsluttede Forretninger med det Foretagende, hvis faste Driftssted det udgør. Den Fortjeneste, der saaledes tilskrives det i den anden Stat beliggende Driftssted, skal, i det Omfang sidstnævnte Stats Lovgivning hjemler det, anses som Indkomst fra Kilder indenfor denne Stats Omraade.

Artikel IV

Saafremt et Foretagende hjemmehørende i en af de kontraherende Stater i Kraft af sin Deltagelse i Ledelsen eller Financieringen af et i den anden Stat hjemmehørende Foretagende i deres indbyrdes handelsmæssige eller økonomiske Forbindelser aftaler med eller paalægger sidstnævnte Foretagende andre Vilkaar end dem, som vilde være blevet anvendt i Forhold til et uafhængigt Foretagende, skal enhver Fortjeneste, som normalt vilde være tilfaldet et af Foretagenderne, men som paa Grund af de nævnte Vilkaar ikke er tilfaldet det, kunne medregnes i vedkommende Foretagendes skattepligtige Indkomst.

Artikel V

(1) Indkomst, som et Foretagende hjemmehørende i en af de kontraherende Stater oppebærer ved Driften af Skibe eller Luftfartøjer indregistrerede i denne Stat, skal undtages fra Beskat-

ning i den anden kontraherende Stat.

(2) Nærværende Overenskomst skal ikke anses at berøre Gyldigheden af den Ordning, der ved Notevekslinger af 22.Maj, 9. og 18.August, 24., 25. og 28.Oktober og 5. og 6.December 1922 er truffet mellem De Forenede Stater og Danmark med Henblik paa Undgaaelse af Dobbeltbeskatning af Skibsfartsfortjeneste.

Artikel VI

(1) Aktieudbytte skal alene beskattes i den af de kontraherende Stater, i hvilken Aktionæren er hjemmehørende eller, hvis Aktionæren er et Aktieselskab eller anden Sammenslutning, i den af de kontraherende Stater, i hvilken vedkommende Aktieselskab eller Sammenslutning er indregistreret eller organiseret.

(2) Enhver af de kontraherende Stater forbeholder sig dog Retten til af saadant Aktieudbytte at opkræve og tilbageholde den Skat, som ifølge vedkommende Stats Indkomstskattelovgivning kan opkræves ved Kilden, men Skatten skal ikke kunne overstige 15 Procent af det Aktieudbytte, som fra Kilder indenfor denne Stat tilfalder en i den anden Stat hjemmehørende fysisk Person, Aktieselskab eller anden Sammenslutning, forudsat at Modtageren ikke har et fast Driftssted i den af de kontraherende Stater, fra hvilken Aktieudbyttet er oppebaaret.

(3) Der er dog Enighed om, at denne Kildebeskatning af Aktieudbytte ikke skal kunne overstige fem Procent, saafremt Aktionæren er et Selskab, der direkte eller indirekte behersker mindst 95 Procent af samtlige Stemmer i det udbyttegivende Selskab, og saafremt ikke mere end 25 Procent af Bruttoindkomsten i dette udbyttegivende Selskab hidrører fra Rente- og Udbyttebeløb, bortset fra de Rente- og Udbyttebeløb, det har modtaget

fra dets egne Datterselskaber. Denne Nedsættelse af Skatten til fem Procent skal ikke komme til Anvendelse, hvis Forbindelsen mellem de to Selskaber i første Række er arrangeret eller opretholdes med Henblik paa Opnaaelsen af en saadan Skattenedsættelse.

Artikel VII

Saadanne Renter af Obligationer, Gældsbeviser, Forskrivninger eller af en hvilken som helst anden Gæld, der oppebæres fra Kilder indenfor den ene af de kontraherende Stater af en fysisk Person eller et Aktieselskab eller anden Sammenslutning, der er hjemmehørende i den anden af de kontraherende Stater, og som ikke har fast Driftssted i den førstnævnte Stat, skal være undtaget fra Beskatning i den førstnævnte Stat.

Artikel VIII

Royalty og andre Vederlag for Udnyttelsen af Forfatterrettigheder, Patentrettigheder, Projekter, hemmelige Fabrikationsmetoder og Formler, Varemærker og andre lignende Rettigheder (indbefattet Leje og lignende Betaling for Biograffilm), skal, naar Vederlaget oppebæres fra Kilder indenfor en af de kontraherende Stater af en fysisk Person eller et Aktieselskab eller anden Sammenslutning, der er hjemmehørende i den anden kontraherende Stat, og som ikke har et fast Driftssted i den førstnævnte Stat, være undtaget fra Beskatning i den førstnævnte Stat.

Artikel IX

(1) Indkomst af fast Ejendom (med Undtagelse af Renter af Prioritetslaan eller Obligationer med Sikkerhed i fast Ejendom) og Royalty hidrørende fra Udnyttelsen af Gruber, Stenbrud eller

andre Naturkilder skal alene beskattes i den af de kontraherende Stater, i hvilken saadan fast Ejendom, Grube, Stenbrud eller anden Naturkilde er beliggende.

(2) En Person, der er bosat, eller et Selskab, der er hjemmehørende i en af de kontraherende Stater, og som modtager Indkomster af den foran omhandlede Art fra Kilder indenfor den anden kontraherende Stat, kan, for hvert enkelt Skatteaar, vælge at blive underkastet Beskatning i sidstnævnte Stat paa Grundlag af Nettoindkomsten, som om vedkommende Person eller Selskab indenfor det paagældende Skatteaar havde udøvet Handels- eller Forretningsvirksomhed i sidstnævnte Stat fra et der beliggende fast Driftssted.

Artikel X

(1) Løn, Honorarer eller andet lignende Vederlag samt Pensioner, der udbetales af en af de kontraherende Stater eller af anden offentlig Myndighed i denne Stat til Personer bosat i den anden Stat, skal alene beskattes i den førstnævnte Stat.

(2) Private Pensioner eller Livrenter, som hidrører fra den ene af de kontraherende Staters Omraade, og som udbetales til Personer bosat i den anden af de kontraherende Stater, skal være undtaget fra Beskatning i den førstnævnte Stat.

(3) Udtrykket "Livrente", som anvendt ovenfor, betyder en fastsat Sum, der er periodisk betalbar til fastsatte Tider paa Livstid eller paa et nærmere fastsat Aaremaal i Henhold til en Forpligtelse til at præstere disse Udbetalinger som Vederlag for foretagne Indbetalinger.

Artikel XI

(1) Vederlag for personligt Arbejde eller Tjenesteydelser, Udøvelse af frie Erhverv indbefattet, skal alene beskattes i den af de kontraherende Stater, i hvilken saadant Arbejde er udført.

(2) Fra Bestemmelserne i (1) skal imidlertid gælde følgende Undtagelser:

(a) En i Danmark bosat Person skal være undtaget fra Beskatning i De Forenede Stater med Hensyn til Vederlag for personligt Arbejde eller Tjenesteydelser, saafremt han midlertidigt opholder sig i De Forenede Stater i en Periode eller Perioder indenfor Beskatningsaaret, der sammenlagt ikke overstiger 90 Dage, og det herfor oppebaarne Vederlag sammenlagt ikke overstiger 3000 Dollars. Saafremt Vederlaget imidlertid er oppebaaret for personligt Arbejde eller Tjenesteydelser udført som Funktionær hos eller efter Kontrakt med en i Danmark bosat Person eller et i Danmark hjemmehørende Aktieselskab eller anden Sammenslutning, skal han være undtaget fra Beskatning i De Forenede Stater, saafremt hans Ophold i De Forenede Stater indenfor Beskatningsaaret sammenlagt ikke overstiger 180 Dage.

(b) Bestemmelserne i (2) (a) i denne Artikel skal, mutatis mutandis, ogsaa komme til Anvendelse paa en i De Forenede Stater bosat Person med Hensyn til Vederlag oppebaaret for personligt Arbejde, der ellers vilde være undergivet Indkomstbeskatning i Danmark.

(3) Bestemmelserne i denne Artikel skal ikke finde Anvendelse paa Indkomst af den i Artikel X (1) omhandlede Art.

Artikel XII

Fortjeneste ved Salg eller Bytte af Formuegenstande, som i en af de kontraherende Stater er oppebaaret af en i den anden kontraherende Stat bosat Person eller af et der hjemmehørende Aktieselskab eller anden Sammenslutning, skal undtages fra Beskatning i den førstnævnte Stat, for saa vidt vedkommende Person, Aktieselskab eller anden Sammenslutning ikke udøver Handels- eller Forretningsvirksomhed i denne Stat.

Artikel XIII

Studerende, Lærlinge eller Elever, der er Statsborgere i en af de kontraherende Stater, og som opholder sig i den anden kontraherende Stat udelukkende i Studieøjemed eller af Hensyn til deres faglige Uddannelse, skal ikke beskattes i den sidstnævnte Stat, for saa vidt angaar Beløb (bortset fra egen Indkomst), som de har modtaget fra Udlandet til deres Ophold eller Studier.

Artikel XIV

En Professor eller Lærer, der er bosat i den ene af de kontraherende Stater, og som midlertidigt opholder sig i den anden kontraherende Stat for i et Tidsrum af ikke over to Aar at undervise ved et Universitet, Højskole, Skole eller anden Undervisningsanstalt i den anden af de kontraherende Stater, skal være undtaget fra Beskatning i sidstnævnte Stat af det af ham oppebaarne Vederlag for saadan Undervisning i det nævnte Tidsrum.

Artikel XV

Der er Enighed om, at Dobbeltbeskatning skal undgaas paa følgende Maade:

(a) Uanset hvad der iøvrigt er fastsat i denne Aftale kan De Forenede Stater ved Fastsættelsen af Indkomstskatten med Tillægsskatter for sine Statsborgere, i De Forenede Stater bosatte, fysiske Personer og der hjemmehørende juridiske Personer i det Beløb, paa Grundlag af hvilket saadan Skat paalignes, medregne enhver Art af Indkomst, der er skattepligtig efter De Forenede Staters Indkomstskattelovgivning, som om denne Aftale ikke havde været gældende. De Forenede Stater skal imidlertid i Henhold til Bestemmelserne i Section 131 i Internal Revenue Code i dets Skatter fradrage det Beløb, som de i Danmark paalignede Skatter af den i denne Aftales Artikel I nævnte Art udgør.

(b) Uanset hvad der iøvrigt er fastsat i denne Aftale, kan Danmark ved Fastsættelsen af sine i denne Aftales Artikel I nævnte Skatter i det Beløb, paa Grundlag af hvilket saadanne Skatter er paalignet, medregne enhver Art af Indkomst, der efter den danske Skattelovgivning er undergivet saadan Beskatning. Danmark skal imidlertid i de saaledes beregnede Skatter fradrage den Skat, der i De Forenede Stater er paalignet Indkomst, der omfattes af Bestemmelserne i denne Aftales Artikler III, IX, X (1), XIII og XIV samt Lønindtægt, indtjent i De Forenede Stater, dog ikke med et større Beløb end den Del af den samlede danske Skat, som forholdsmæssigt svarer til, hvad Indkomsterne af fornævnte udgør af den samlede i Danmark skattepligtige

Indkomst. Danmark vil fremdeles i den der beregnede Skat indrømme et Fradrag svarende til 15 Procent (dog kun fem Procent i Tilfælde, hvor Aktieudbyttet omfattes af Bestemmelserne i Artikel VI (3)) af Bruttobeløbet af Aktieudbytte, hidrørende fra Kilder indenfor De Forenede Stater, efter Fradrag af den Skat, der i De Forenede Stater kan opkræves af saadant Aktieudbytte.

Artikel XVI

(1) Statsborgere i den ene af de kontraherende Stater skal ikke under deres Ophold i den anden af de kontraherende Stater i denne kunne gøres til Genstand for en anden eller mere byrdefuld Beskatning end denne anden kontraherende Stats Statsborgere, som opholder sig paa dens Territorium. Som anvendt i dette Stykke skal:

(a) Udtrykket "Statsborgere" indbefatte alle juridiske Personer, Interessentskaber og Sammenslutninger, der er stiftet eller organiseret under de respektive kontraherende Staters Lovgivning og

(b) Udtrykket "Skatter" betyde Skatter af enhver Art og Beskrivelse, hvad enten det drejer sig om Skat til Staten, Forbundsstaten, Enkeltstater, Provinser, Amter eller Kommuner.

(2) Der er Enighed om, at den Bestemmelse i Paragraf 25, Stk. 5, i den danske Lov No.391 af 12.Juli 1946, der hjemler en Forhøjelse af Formuestigningsafgiften af Aktieselskaber med 50 Procent i Tilfælde, hvor over 50 Procent af Aktiekapitalen ejes af en enkelt i Udlandet bosat Aktionær, ikke skal komme til Anvendelse, naar vedkommende Aktionær er en Person bosat i De Forenede Stater eller et i De Forenede Stater hjemmehørende

Aktieselskab eller anden Sammenslutning.

Artikel XVII

De kontraherende Staters kompetente Myndigheder skal udveksle saadanne Oplysninger (forudsat at disse er tilgængelige i Henhold til de kontraherende Staters Skattelovgivning), som er nødvendige af Hensyn til Gennemførelsen af nærværende Aftales Bestemmelser, eller for at hindre Skattesvig, eller af Hensyn til Administrationen af gældende Bestemmelser til Forhindring af Beskatningsunddragelse, for saa vidt angaar Skatter der omfattes af nærværende Aftale. Alle Oplysninger, der saaledes udveksles, skal behandles som hemmelige og maa ikke meddeles til andre Personer end de, der er beskæftigede med Paaligningen og Opkrævningen af de af nærværende Aftale omfattede Skatter. Ingen Oplysninger skal udveksles, som vilde aabenbare Forretningshemmeligheder eller Fremstillingsmetoder.

Artikel XVIII

(1) De kontraherende Stater paatager sig at yde hinanden Bistand og Støtte med Hensyn til Opkrævningen af de af nærværende Aftale omfattede Skatter tillige med Renter og Omkostninger samt Tillæg til disse Skatter.

(2) I Tilfælde af Henvendelse om Inddrivelse af Skatter kan enhver af de kontraherende Staters Skattekrav, som er blevet endeligt fastsat, anerkendes som exigible af den anden af de kontraherende Stater og kan opkræves i denne Stat i Overensstemmelse med de Lovregler, der kommer til Anvendelse ved Inddrivelsen og Opkrævningen af dens egne Skatter.

(3) Enhver Henvendelse skal indeholde en Attestation med Hensyn til, at Skatten er endeligt fastsat efter den Stats Lov-

givning, fra hvilken Henvendelsen udgaar.

(4) Den i nærværende Artikel foreskrevne Bistand skal ikke bringes til Anvendelse over for Statsborgere i den Stat, til hvilken Henvendelsen er rettet, eller over for i denne Stat hjemmehørende Aktieselskaber eller andre Sammenslutninger, undtagen hvor det er nødvendigt for at sikre, at en Skattefritagelse eller en Skattenedsættelse, der ved nærværende Aftales Bestemmelser er indrømmet saadanne Statsborgere, Aktieselskaber eller andre Sammenslutninger, ikke skal komme andre til gode end de, der er berettiget til saadanne Begunstigelser.

Artikel XIX

Den Stat, til hvilken Henvendelse om Oplysning eller Bistand rettes, skal snarest muligt efterkomme Anmodningen; dog kan denne Stat afslaa at efterkomme Anmodningen udfra almenpolitiske Hensyn, eller saafremt Efterkommelsen vilde indeholde en Krænkelse af Handels- eller Forretningshemmeligheder, industrielle eller faglige Hemmeligheder eller Fremstillingsmetoder.

Artikel XX

Saafremt en Skatteyder paaviser, at Foranstaltninger trufne af de kontraherende Staters Skattemyndigheder har medført Dobbeltbeskatning for hans Vedkommende med Hensyn til nogen af de Skatter, der omfattes af nærværende Aftale, skal han være berettiget til at fremsætte Indsigelse herimod overfor den Stat, hvis Statsborger han er, eller saafremt han ikke er Statsborger i nogen af de kontraherende Stater, overfor den Stat, i hvilken han er bosat, eller hvis den skattepligtige er et Selskab eller anden Sammenslutning, overfor den Stat, i hvilken Selskabet eller

Sammenslutningen er stiftet eller organiseret. Anses Indsigelsen for berettiget, kan den nævnte Stats kompetente Myndigheder træffe Overenskomst med den anden Stats kompetente Myndigheder om en rimelig Afværgelse af den paagældende Dobbeltbeskatning.

Artikel XXI

(1) Bestemmelserne i denne Aftale skal ikke anses i nogen Maade at ophæve eller indskrænke den Ret til andre eller videregaaende skattemæssige Fritagelser, som diplomatiske eller konsulære Embedsmænd nu nyder, eller som i Fremtiden maatte blive indrømmet saadanne Embedsmænd.

(2) Bestemmelserne i denne Aftale skal ikke anses paa nogen Maade at gøre Indgreb i nogen Undtagelse, Fradrag eller anden Lempelse, der i Henhold til enhver af de kontraherende Staters Lovgivning indrømmes ved Fastsættelse af den i vedkommende Stat paalignede Skat.

(3) Skulde nogen Vanskelighed eller Tvivl opstaa med Hensyn til Fortolkningen eller Anvendelsen af nærværende Aftale eller med Hensyn til dens Forhold til Aftaler truffet mellem en af de kontraherende Stater og en anden Stat, kan de kontraherende Staters kompetente Myndigheder ordne Spørgsmaalet ved gensidig Overenskomst.

Artikel XXII

De kontraherende Staters kompetente Myndigheder kan fastsætte de Regler, der er nødvendige for Fortolkningen og Udførelsen af Bestemmelserne i denne Aftale. Hvad angaar de Bestemmelser i denne Aftale, der gaar ud paa Udveksling af Oplysninger og gensidig Hjælp til Inddrivelse af Skatter, kan de nævnte Myndigheder ved indbyrdes Overenskomst fastsætte Regler

angaaende Fremgangsmaaden, Formen for Henvendelser og Svar paa samme, Omregning af Valuta, Anbringelse af inddrevne Beløb, Mindstebeløb, der kan forlanges inddrevet, og lignende Forhold.

Artikel XXIII

(1) Nærværende Aftale skal ratificeres og Ratifikationsdokumenterne udveksles i Washington snarest muligt.

(2) Naar Ratifikationsinstrumenterne er udvekslet, skal nærværende Aftale have Gyldighed

(a) for saa vidt angaar De Forenede Staters Skatter, for det Skatteaar, der begynder paa eller efter den 1.Januar i det Aar, i hvilket Udvekslingen har fundet Sted;

(b) for saa vidt angaar de danske Skatter, for det Skatteaar, der begynder paa eller efter den 1.April i det Aar, i hvilket Udvekslingen har fundet Sted.

(3) Nærværende Aftale skal forblive i Kraft for en Periode af fem Aar og fortsætte paa ubestemt Tid efter denne Periodes Udløb, men kan opsiges af hver af de kontraherende Stater til Ophør ved Udgangen af den nævnte Femaars Periode eller et hvilket som helst senere Tidspunkt, forudsat at mindst seks Maaneders forudgaaende Opsigelsesvarsel er blevet givet, og nærværende Aftale skal i saa Fald ophøre at have Gyldighed

(a) for saa vidt angaar De Forenede Staters Skatter, for de Skatteaar, der begynder paa eller efter den 1.Januar, der følger nærmest efter Udløbet af den nævnte seks Maaneders Periode;

(b) for saa vidt angaar de danske Skatter, for de Skatteaar, der begynder paa eller efter den 1.April, der følger nærmest efter den nævnte seks Maaneders Periode.

UDFÆRDIGET i Washington i to Eksemplarer i det engelske og det danske Sprog, saaledes at begge Tekster har lige Gyldighed, den 6.Maj 1948.

FOR PRÆSIDENTEN FOR AMERIKAS FORENEDE STATER:

[SEAL] G C MARSHALL

FOR HANS MAJESTÆT KONGEN AF DANMARK:

[SEAL] HENRIK KAUFFMANN

Advice and consent to ratification.

AND WHEREAS the Senate of the United States of America, by their resolution of June 17, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention subject to a reservation, as follows:

Reservation to Article XII.

"The Government of the United States of America does not accept Article XII of the convention relating to gains from the sale or exchange of capital assets."

Ante, p. 1734.

AND WHEREAS the text of the aforesaid reservation was communicated by the Government of the United States of America to the Government of Denmark and thereafter the Government of Denmark gave notice of its acceptance of the aforesaid reservation;

Ratification.

AND WHEREAS the aforesaid convention was duly ratified by the President of the United States of America on November 24, 1948, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation, and the said convention, with the exception of Article XII thereof, was duly ratified on the part of Denmark;

Ante, p. 1734.

Exchange of instruments of ratification.

AND WHEREAS the respective instruments of ratification of the aforesaid convention were duly exchanged at Washington on December 1, 1948, and a protocol of exchange of instruments of ratification, in the English and Danish languages, was signed on that date by the respective Plenipotentiaries of the United States of America and Denmark, the English text of which protocol reads in part: "it is the understanding of both Governments that Article XII of the convention aforesaid shall be deemed to be deleted and of no effect.";

Effective dates.
Ante, p. 1737.

AND WHEREAS it is provided in Article XXIII of the aforesaid convention that upon the exchange of instruments of ratification the convention shall have effect (a) in the case of United States tax, for the taxable years beginning on or after the first day of January of the year in which such exchange takes place, and (b) in the case of Danish tax, for the taxable years beginning on or after the first day of April of the year in which such exchange takes place;

Proclamation.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid reservation, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred forty-
[SEAL] eight and of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

Convention between the United States of America and the Netherlands respecting double taxation and taxes on income. Signed at Washington April 29, 1948; ratification advised by the Senate of the United States of America June 17, 1948, with reservations; ratified by the President of the United States of America November 19, 1948; ratified by the Netherlands November 2, 1948; ratifications exchanged at Washington December 1, 1948; proclaimed by the President of the United States of America December 8, 1948.

April 29, 1948
[T. I. A. S. 1855]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and certain other taxes was signed by their respective Plenipotentiaries at Washington on April 29, 1948, the original of which convention in the English and Dutch languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO TAXES ON INCOME AND CERTAIN OTHER TAXES

The Government of the United States of America and the Government of the Kingdom of the Netherlands, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and certain other taxes, have appointed for that purpose as their respective Plenipotentiaries: Plenipotentiaries.

The Government of the United States of America:

Mr. George C. Marshall, Secretary of State, and

The Government of the Kingdom of the Netherlands:

Mr. E. N. van Kleffens, Ambassador Extraordinary and Plenipotentiary of the Kingdom of the Netherlands, who, having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States: the Federal income taxes.

(b) In the case of the Netherlands:

(i) for the application of the provisions of the Convention other than Article XX, the income tax and the Nether-

lands taxes credited against it, the corporation tax and the Netherlands taxes credited against it, the property tax, and the tax on fees of directors and managers of corporations; and

Post, pp. 1765–1769.

(ii) for the application of Articles XX to XXVIII inclusive (except Articles XXIV and XXVII), the capital accretions tax and the extraordinary capital tax.

(2) The present Convention shall apply also to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention, or, by the government of any overseas part of the Kingdom (in the case of the Netherlands) or overseas territory (in the case of the United States) to which the present Convention is extended under Article XXVII, subsequently to the date of the notification of extension.

Post, p. 1768.

(3) In the event of appreciable changes in the fiscal laws of either of the Contracting States the competent authorities of the Contracting States will consult together.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

"United States."

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

"Netherlands."

(b) The term "Netherlands" means only the Kingdom of the Netherlands in Europe.

Corporation.

(c) The term "United States corporation" means a corporation, association or other organization or juridical entity created in the United States or under the laws of the United States or of any State or territory of the United States.

(d) The term "Netherlands corporation" means a corporation, association or other organization or juridical entity created in the Netherlands or under the laws of the Netherlands.

(e) The terms "corporation of one Contracting State" and "corporation of the other Contracting State" mean a United States corporation or a Netherlands corporation, as the context requires.

Enterprise.

(f) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a United States corporation.

(g) The term "Netherlands enterprise" means an industrial or commercial enterprise or undertaking carried on in the Netherlands by a citizen or resident of the Netherlands or by a Netherlands corporation.

(h) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a United States enterprise or a Netherlands enterprise, as the context requires.

"Permanent establishment."

(i) The term "permanent establishment", when used with respect to an enterprise of one of the Contracting States, means a branch, factory, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a *bona fide* commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting States maintains in the other Contracting State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. When a corporation of one Contracting State has a subsidiary corporation which is a corporation of the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that fact, be deemed to be a permanent establishment of its parent corporation.

"Competent authority."

(j) The term "competent authority" or "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; in the case of the Netherlands, the Directeur-Generaal der Belastingen or his duly authorized representative; and, in the case of any part or territory to which provisions of the present Convention are extended under Article XXVII, the competent authority for the administration in such part or territory of the taxes to which such provisions apply.

Post, p. 1768.

(2) In the application of the provisions of the present Convention by either of the Contracting States, any term which is not defined in the present Convention shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

ARTICLE III

Tax on profits; restriction.

(1) An enterprise of one of the Contracting States shall not be subject to taxation by the other Contracting State in respect of its industrial or commercial profits unless it is engaged in trade or business in the other Contracting State through a permanent establishment situated therein. If it is so engaged the other Contracting State may impose the tax only upon the income of such enterprise from sources within such other State.

(2) Where an enterprise of one of the Contracting States is engaged in trade or business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise

engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment, and the profits so attributed shall, subject to the law of such other Contracting State, be deemed to be income from sources within such other Contracting State.

(3) In determining the industrial or commercial profits from sources within one of the Contracting States of an enterprise of the other Contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the former Contracting State by such enterprise.

(4) The competent authorities of the Contracting States may lay down rules by agreement for the apportionment of industrial or commercial profits.

ARTICLE IV

Where an enterprise of one of the Contracting States, by reason of its participation in the management, control or capital of an enterprise of the other Contracting State, makes with or imposes on the latter enterprise, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would, but for those conditions, have accrued to one of the enterprises, may be included in the taxable profits of that enterprise.

ARTICLE V

Income from real property, etc.

Income of whatever nature derived from real property and interest from mortgages secured by real property shall be taxable only in the Contracting State in which the real property is situated.

ARTICLE VI

Income from ships or aircraft.

(1) Income which an enterprise of one of the Contracting States derives from the operation of ships or aircraft registered in that State shall be taxable only in the State in which such ships or aircraft are registered. Income derived by such an enterprise from the operation of ships or aircraft not so registered shall be subject to the provisions of Article III.

(2) The present Convention shall be deemed to suspend, for the duration of the Convention as between the parties to which this Article applies, the provisions of the arrangement effected by exchange of notes between the United States and the Netherlands, dated September 13, October 19, and November 27, 1926, providing for relief from double income taxation on shipping profits.

47 Stat. 2601.

(3) In the event that the application of this Article is extended to the Netherland Indies in accordance with Article XXVII, the exchange of notes between the United States and the Netherlands, dated March 8, May 23, and November 8, 1939, [1] relating to the applications to the Netherland Indies of the arrangement referred to in paragraph (2) of this Article, shall be deemed to be suspended for

Post, p. 1768.

[1] Not printed.

so long as this Article continues to be applicable with respect to the Netherland Indies.

ARTICLE VII

Rate of tax on dividends.

(1) The rate of United States tax on dividends derived from a United States corporation by a resident or corporation of the Netherlands not engaged in trade or business in the United States through a permanent establishment shall not exceed 15 percent: Provided that such rate of tax shall not exceed 5 percent if such Netherlands corporation controls, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) Dividends derived from sources within the Netherlands by a resident or corporation of the United States not engaged in trade or business in the Netherlands through a permanent establishment shall be exempt from Netherlands tax.

Termination of Article.

(3) Either of the Contracting States may terminate this Article, by giving written notice of termination to the other Contracting State through diplomatic channels, on or before the thirtieth day of June in any year after the first year for which the present Convention becomes effective. In such event this Article shall cease to be effective on and after the first day of January in the year next following that in which such notice is given.

ARTICLE VIII

Interest on bonds, etc.

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness), other than interest referred to in Article V of the present Convention, derived from sources within the United States by a resident or corporation of the Netherlands not engaged in trade or business in the United States through a permanent establishment, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a Netherlands corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

(2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness), other than interest referred to in Article V of the present Convention, derived from sources within the Netherlands by a resident or corporation of the United States not engaged in trade or business in the Netherlands through a permanent establishment, shall be exempt from Netherlands tax; but such exemption shall not apply to such interest paid by a Netherlands corporation to a United States corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

ARTICLE IX

Royalties, etc.

Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks, and other analogous property, and royalties, including rentals, in respect of motion picture films or for the use of industrial, commercial or scientific equipment, derived from sources within one of the Contracting States by a resident or corporation of the other Contracting State not engaged in trade or business in the former State through a permanent establishment, shall be exempt from tax imposed by the former State.

ARTICLE X

A resident or corporation of one of the Contracting States, deriving from sources within the other Contracting State royalties in respect of the operation of mines, quarries, or natural resources, or rentals from real property, may elect for any taxable year to be subject to the tax of such other Contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other Contracting State through a permanent establishment therein during such taxable year.

ARTICLE XI

Sale or exchange of capital assets.
Post, p. 1794.

A resident or corporation of one of the Contracting States not engaged in trade or business in the other Contracting State shall be exempt from tax in such other State on gains from the sale or exchange of capital assets.

ARTICLE XII

Dividends, etc.

Dividends and interest paid by a Netherlands corporation shall be exempt from United States tax except where the recipient is a citizen, resident, or corporation of the United States.

ARTICLE XIII

Exemption; Netherlands corporation.
Post, p. 1794.

A Netherlands corporation shall be exempt from United States tax on its accumulated or undistributed earnings, profits, income or surplus if it can prove to the satisfaction of the competent authorities of the United States that individuals who are residents of the Netherlands (other than citizens of the United States) control, directly or indirectly, throughout the last half of the taxable year, more than 50 percent of the entire voting power in such corporation.

ARTICLE XIV

Unpaid income tax liability.
Post, p. 1794.

(1) The United States income tax liability for any taxable year beginning prior to January 1, 1936 of any individual (other than a citizen of the United States) resident in the Netherlands, or of any Netherlands corporation, remaining unpaid on the effective date of the present Convention, may be adjusted on a basis satisfactory to the United States Commissioner of Internal Revenue: Provided that the

amount to be paid in settlement of such liability shall not exceed the amount of the liability which would have been determined if

(a) the United States Revenue Act of 1936 (except in the case of a Netherlands corporation in which more than 50 percent of the entire voting power was controlled, directly or indirectly, throughout the latter half of the taxable year, by citizens or residents of the United States), and 49 Stat. 1648.

(b) Articles XII and XIII of the present Convention, had been in effect for such year. If the taxpayer was not, within the meaning of such Revenue Act, engaged in trade or business in the United States and had no office or place of business therein during the taxable year, the amount of interest and penalties shall not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

(2) The United States income tax unpaid on the effective date of the present Convention for any taxable year beginning after December 31, 1935 and prior to the effective date of the present Convention in the case of an individual (other than a citizen of the United States) resident of the Netherlands, or in the case of any Netherlands corporation, shall be determined as if the provisions of Articles XII and XIII of the present Convention had been in effect for such taxable year.

(3) The provisions of paragraph (1) of this Article shall not apply

(a) unless the taxpayer files with the Commissioner of Internal Revenue within a period of two years following the effective date of the present Convention a request that such tax liability be so adjusted and furnishes such information as the Commissioner may require; or

(b) in any case in which the Commissioner is satisfied that any deficiency in tax is due to fraud with intent to evade the tax.

ARTICLE XV

Wages, etc., tax exemption.

(1) Wages, salaries and similar compensation, and pensions and life annuities, paid either directly by, or from funds created by, one of the Contracting States or the political subdivisions or territories thereof to individuals in the other Contracting State shall be exempt from taxation in the latter State.

Pensions and life annuities.

(2) Private pensions and life annuities derived from within one of the Contracting States and paid to individuals in the other Contracting State shall be exempt from taxation in the former State.

(3) The term "pensions" as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XVI

Compensation for labor or personal services, tax exemption.

(1) A resident of the Netherlands shall be exempt from United States tax upon compensation for labor or personal services performed within the United States if he is temporarily present within the United States for a period or periods not exceeding a total of one hundred eighty-three days during the taxable year and his compensation is received for labor or personal services performed as a worker or employee of, or under contract with, a resident of the Netherlands, or a Netherlands corporation, carrying the actual burden of the remuneration.

(2) The provisions of paragraph (1) of this Article shall apply, *mutatis mutandis*, to a resident of the United States deriving compensation for labor or personal services performed within the Netherlands.

ARTICLE XVII

Teachers.

Professors or teachers, residents of one of the Contracting States, who, in accordance with agreements between the Contracting States or between teaching establishments in the Contracting States for the exchange of professors and teachers, visit the other Contracting State to teach, for a maximum period of two years, in a university, college or other teaching establishment in such other Contracting State, shall not be taxed by such other State with respect to the remuneration which they receive for such teaching.

ARTICLE XVIII

Students, etc.

Students or business apprentices of one Contracting State residing in the other Contracting State exclusively for purposes of study or for acquiring business experience shall not be taxable by the latter State in respect of remittances received by them from abroad for the purpose of their maintenance or studies.

ARTICLE XIX

Determination of taxes.

(1) Notwithstanding any provisions of the present Convention (other than paragraph (1) of Article XV when applicable in the case of an individual who is deemed by each Contracting State to be a citizen thereof), each of the two Contracting States, in determining the taxes, including all surtaxes, of its citizens or residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under its own revenue laws as though this Convention had not come into effect.

Deductions.
53 Stat. 1.
26 U. S. C.

(2) As far as may be in accordance with the provisions of the United States Internal Revenue Code, the United States agrees to allow as a deduction from the income taxes imposed by the United States the appropriate amount of taxes paid to the Netherlands, whether paid directly by the taxpayer or by withholding at the source.

(3) As far as may be in accordance with the provisions of Netherlands law, the Netherlands agrees to allow a deduction from Nether-

lands tax with respect to income from sources within the United States, in order to take into account the Federal income taxes paid to the United States, whether paid directly by the taxpayer or by withholding at the source.

ARTICLE XX

Persons taxable by the Netherlands.

(1) All persons who left the Netherlands between April 30, 1939 and December 31, 1945, inclusive (other than persons who were citizens of the United States at the time of leaving the Netherlands or Netherlands subjects who by reason of their function as governmental officials in established service reside abroad and the members of their family living with them), and who are deemed to be taxpayers under the provisions of Netherlands law relating to the capital accretions tax or the extraordinary capital tax, and who became residents of the United States (according to the income tax law of the United States) during that period, and who did not return to the Netherlands on or before December 31, 1945 to resume residence in the Netherlands (according to the income tax law of the Netherlands), shall be taxable by the Netherlands:

(a) under the law relating to the capital accretions tax, only in respect of accretions arising from their property situated in the Netherlands (as defined in that law in the case of nonresidents) and from their activities in the Netherlands;

(b) under the law relating to the extraordinary capital tax, only in respect of their property situated in the Netherlands (as defined in that law in the case of nonresidents).

(2) All persons who left the Netherlands between April 30, 1939 and December 31, 1945, inclusive, and who were citizens of the United States at the time of leaving the Netherlands, and who are deemed to be taxpayers under the provisions of Netherlands law relating to the capital accretions tax or the extraordinary capital tax, and who became residents of the United States (according to the income tax law of the United States) on or before December 31, 1945, shall be taxable by the Netherlands:

(a) under the law relating to the capital accretions tax, only in respect of accretions arising from their property situated in the Netherlands (as defined in that law in the case of nonresidents) and from their activities in the Netherlands;

(b) under the law relating to the extraordinary capital tax, only in respect of their property situated in the Netherlands (as defined in that law in the case of nonresidents).

(3) The provisions of this Article shall be deemed to be effective as though the present Convention had entered into force on the effective date of the Netherlands law relating to the capital accretions tax or the extraordinary capital tax, as the case may be.

ARTICLE XXI

Exchange of information.

The competent authorities of the Contracting States shall exchange such information (being information which such authorities have in proper order at their disposal) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE XXII

Collection of taxes, etc.

(1) The Contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes and fines not being of a penal character.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the Contracting States which have been finally determined may be accepted for enforcement by the other Contracting State and collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes. The State to which application is made shall not be required to enforce executory measures for which there is no provision in the law of the State making the application.

(3) Any application shall be accompanied by documents establishing that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made, except as is necessary to insure that the exemption or reduced rate of tax granted under the convention to such citizens, corporations or other entities shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XXIII

(1) In no case shall the provisions of Article XXI and XXII be construed so as to impose upon either of the Contracting States the obligation

(a) to carry out administrative measures at variance with the regulations and practice of either Contracting State, or

(b) to supply particulars which are not procurable under its own legislation or that of the State making application.

Request for information or assistance.

(2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed

to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret or trade process. In such case it shall inform, as soon as possible, the State making the application.

ARTICLE XXIV

Claims.

Where the action of the revenue authorities of the Contracting States has resulted or will result in double taxation contrary to the provisions of the present Convention, the taxpayer shall be entitled to lodge a claim with the State of which he is a citizen or subject or, if he is not a citizen or subject of either of the Contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XXV

Interpretation of Convention.

(1) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the tax imposed by such State.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall undertake to settle the question by mutual agreement.

(3) The citizens or subjects of one of the Contracting States shall not, while resident in the other Contracting State, be subjected therein to other or more burdensome taxes than are the citizens or subjects of such other Contracting State residing in its territory. The term "citizens" or "subjects" as used in this Article includes all legal persons, partnerships and associations deriving their status from, or created or organized under the laws in force in, the respective Contracting States. In this Article the word "taxes" means taxes of every kind or description whether national, federal, state, provincial or municipal.

"Citizens" or "subjects".

"Taxes."

ARTICLE XXVI

Regulations, etc.

(1) The authorities of each of the Contracting States, in accordance with the practices of that State, may prescribe regulations necessary to carry out the provisions of the present Convention.

(2) With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, the competent authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

ARTICLE XXVII

Extension to overseas territories.

(1) Either of the Contracting States may, at the time of exchange of instruments of ratification or thereafter while the present Convention continues in force, by a written notification of extension given to the other Contracting State through diplomatic channels, declare the desire of the government of any overseas part of the Kingdom (in the case of the Netherlands) or overseas territory (in the case of the United States), which imposes taxes substantially similar in character to those which are the subject of the present Convention, that the operation of the present Convention, either in whole or as to such provisions thereof as may be deemed to have special application, shall extend to such part or territory.

(2) In the event that a notification is given by one of the Contracting States in accordance with paragraph (1) of this Article, the present Convention, or such provisions thereof as may be specified in the notification, shall apply to any part or territory named in such notification on and after the first day of January following the date of a written communication through diplomatic channels addressed to such Contracting State by the other Contracting State, after such action by the latter State as may be necessary in accordance with its own procedures, stating that such notification is accepted in respect of such part or territory. In the absence of such acceptance, none of the provisions of the present Convention shall apply to such part or territory.

Notice of termination.

(3) At any time after the expiration of one year from the effective date of an extension made by virtue of paragraphs (1) and (2) of this Article, either of the Contracting States may, by a written notice of termination given to the other Contracting State through diplomatic channels, terminate the application of the present Convention to any part or territory to which the Convention, or any of its provisions, has been extended. In that case, the present Convention, or the provisions thereof specified in the notice of termination, shall cease to be applicable to the part or territory named in such notice of termination on and after the first day of January following the expiration of a period of six months after the date of such notice; provided, however, that this shall not affect the continued application of the Convention, or any of the provisions thereof, to the United States, to the Netherlands, or to any part or territory (not named in the notice of termination) to which the Convention, or such provision thereof, applies.

Application of Convention.

(4) For the application of the present Convention in relation to any part or territory to which it is extended by notification given by the United States or the Netherlands, references to "the United States" or to "the Netherlands" or to one or the other Contracting State, as the case may be, shall be construed to refer to such part or territory.

ARTICLE XXVIII

Ratification. *Post*, p. 1794.

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

Effective date. *Post*, p. 1795.

(2) The present Convention shall become effective on the first day of January in the year last preceding the year in which the exchange of instruments of ratification takes place. It shall continue effective for a period of five years beginning with that date and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Duration; termination.

Authentic texts.

DONE at Washington, in duplicate, in the English and Dutch languages, the two texts having equal authenticity, this 29th day of April, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
G C MARSHALL [SEAL]

FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS:
E. N. VAN KLEFFENS [SEAL]

VERDRAG TUSSEN DE VERENIGDE STATEN VAN AMERIKA EN HET KONINKRIJK DER NEDERLANDEN MET BETREKKING TOT BELASTINGEN VAN INKOMSTEN EN BEPAALDE ANDERE BELASTINGEN

De Regering van de Verenigde Staten van Amerika en de Regering van het Koninkrijk der Nederlanden, de wens koesterende een verdrag te sluiten ter voorkoming van dubbele belasting en ter vermijding van het ontgaan van belasting met betrekking tot belastingen van inkomsten en bepaalde andere belastingen, hebben te dien einde tot hun Gevolmachtigden benoemd:

De Regering van de Verenigde Staten van Amerika:

de Heer George C. Marshall, Secretaris van Staat en

De Regering van het Koninkrijk der Nederlanden:

de Heer E. N. van Kleffens, Buitengewoon en Gevolmachtigd Ambassadeur van het Koninkrijk der Nederlanden,

die, na elkander mededeling te hebben gedaan van hun volmachten, welke in behoorlijke vorm werden bevonden, over de volgende artikelen tot overeenstemming zijn gekomen:

ARTIKEL I

(1) De belastingen welke het onderwerp van dit Verdrag vormen zijn:

(a) Voor zoveel de Verenigde Staten betreft: de Federal income taxes (de inkomstenbelastingen van de Federatie).

(b) Voor zoveel Nederland betreft:

(i) voor de toepassing van de bepalingen van

het Verdrag met uitzondering van Artikel XX, de inkomstenbelasting met inbegrip van de voorheffingen, de vennootschapsbelasting met inbegrip van de voorheffingen, de vermogensbelasting en de commissarissenbelasting, en

(ii) voor de toepassing van de Artikelen XX tot en met XXVIII (met uitzondering van de Artikelen XXIV en XXVII), de vermogensaanwasbelasting en de vermogensheffing ineens.

(2) Dit Verdrag zal ook van toepassing zijn op elke andere belasting van in wezen gelijksoortige aard, door een der Verdragsluitende Staten geheven na de dagtekening van ondertekening van dit Verdrag, of (voor zoveel Nederland betreft) door de Regering van enig overzees deel van het Koninkrijk of (voor zoveel de Verenigde Staten betreft) enig overzees gebiedsdeel waartoe dit Verdrag volgens Artikel XXVII is uitgebreid na de dagtekening van de kennisgeving van deze uitbreiding.

(3) In geval van belangrijke veranderingen in de belastingwetten van een der Verdragsluitende Staten zullen de bevoegde autoriteiten van de Verdragsluitende Staten met elkander in overleg treden.

ARTIKEL II

(1) In dit Verdrag betekent, tenzij het zinsverband iets anders vereist:

(a) De uitdrukking "Verenigde Staten" de Verenigde Staten van Amerika, en wanneer deze uitdrukking in aardrijkskundige zin wordt gebezigd: de Staten, de Gebiedsdelen Alaska en Hawaii en het District Columbia.

(b) De uitdrukking "Nederland": alleen het Rijk in Europa.

(c) De uitdrukking "een lichaam der Verenigde Staten": een vennootschap, vereniging of andere organisatie of rechtskundige eenheid - al dan niet rechtspersoonlijkheid bezittende - opgericht in de Verenigde Staten of naar het recht van de Verenigde Staten of van een Staat of gebiedsdeel van de Verenigde Staten.

(d) De uitdrukking "Nederlands lichaam": een vennootschap, vereniging of andere organisatie of rechtskundige eenheid - al dan niet rechtspersoonlijkheid bezittende - opgericht in Nederland of naar Nederlands recht.

(e) De uitdrukking "lichaam van een Verdragsluitende Staat" en "lichaam van de andere Verdragsluitende Staat" een lichaam der Verenigde Staten of een Nederlands lichaam, al naar het zinsverband vereist.

(f) De uitdrukking "onderneming der Verenigde Staten": een onderneming op het gebied van nijverheid of handel, gedreven in de Verenigde Staten door een burger of inwoner van de Verenigde Staten of door een lichaam der Verenigde Staten.

(g) De uitdrukking "Nederlandse onderneming": een onderneming op het gebied van nijverheid of handel, gedreven in Nederland door een burger of inwoner van Nederland of door een Nederlands lichaam.

(h) De uitdrukking "onderneming van een der Verdragsluitende Staten" en "onderneming van de andere Verdragsluitende Staat": een onderneming der Verenigde Staten of een Nederlandse onderneming al naar het zinsverband vereist.

(i) De uitdrukking "vaste inrichting", ingeval deze uitdrukking wordt gebezigd met betrekking tot een onderneming van een der Verdragsluitende Staten: een filiaal, fabriek of

andere vaste bedrijfsinrichting, daaronder niet begrepen een vertegenwoordiging, tenzij de vertegenwoordiger een algemene machtiging heeft om te onderhandelen en overeenkomsten af te sluiten ten behoeve van een onderneming als boven bedoeld en deze dit recht gewoonlijk uitoefent, dan wel een goederenvoorraad heeft waaruit hij regelmatig bestellingen uitvoert ten behoeve van bedoelde onderneming. Een onderneming van een van de Verdragsluitende Staten zal niet geacht worden een vaste inrichting in de andere Verdragsluitende Staat te hebben enkel op grond, dat zij zakenrelaties onderhoudt in die andere Verdragsluitende Staat door een bona fide commissionnair, makelaar of beheerder, handelende in de normale uitoefening van zijn bedrijf als zodanig. Het feit, dat een onderneming van een van de Verdragsluitende Staten in de andere Verdragsluitende Staat een vaste bedrijfsinrichting aanhoudt uitsluitend voor het aankopen van waren of andere koopmansgoederen, zal op zichzelf zulk een vaste bedrijfsinrichting niet stempelen tot een vaste inrichting van zulk een onderneming. Indien een lichaam van een der Verdragsluitende Staten een dochteronderneming heeft, welke een lichaam van de andere Verdragsluitende Staat is, of welke haar bedrijf in bedoelde andere Verdragsluitende Staat uitoefent, zal een dergelijke dochteronderneming niet enkel op grond van dat feit geacht worden een vaste inrichting van het aandeelhoudende lichaam te zijn.

(j) De uitdrukking "bevoegde autoriteit" of "bevoegde autoriteiten", voor zoveel betreft de Verenigde Staten: de "Commissioner of Internal Revenue" of zijn bevoegde

vertegenwoordiger en voor zoveel Nederland betreft: de Directeur-Generaal der Belastingen of zijn bevoegde vertegenwoordiger; en met betrekking tot enig (gebieds) deel, waartoe bepalingen van dit Verdrag zijn uitgebreid ingevolge Artikel XXVII, de bevoegde autoriteit voor de uitvoering in zulk (gebieds) deel van de belastingen, waarop de bedoelde bepalingen van toepassing zijn.

(2) Voor de toepassing van de bepalingen van dit Verdrag door ieder van de Verdragsluitende Staten zal elke niet nader in dit Verdrag omschreven uitdrukking, tenzij het zinsverband iets anders vereist, de betekenis hebben, welke die uitdrukking heeft volgens de wetten van die Verdragsluitende Staat met betrekking tot de belastingen, welke het onderwerp zijn van dit Verdrag.

ARTIKEL III

(1) Een onderneming van een der Verdragsluitende Staten zal niet aan belastingheffing door de andere Verdragsluitende Staat met betrekking tot haar nijverheids- of handelsvoordelen onderworpen zijn, tenzij zij in de andere Verdragsluitende Staat haar bedrijf uitoefent door een aldaar gevestigde vaste inrichting. Indien uitoefening aldus plaats vindt mag de andere Verdragsluitende Staat de belasting slechts leggen op de inkomsten van zulk een onderneming uit bronnen in die andere Staat.

(2) Indien een onderneming van een der Verdragsluitende Staten in de andere Verdragsluitende Staat haar bedrijf uitoefent door middel van een aldaar gevestigde vaste inrichting, zullen aan zodanige vaste inrichting worden toegerekend de nijverheids- of handelsvoordelen, die zij geacht zou kunnen worden te behalen, indien zij een onafhankelijke onderneming ware, die dezelfde of

soortgelijke werkzaamheden uitoefende onder dezelfde of soortgelijke omstandigheden, en die als willekeurig derde transacties aanging met de onderneming waarvan zij een vaste inrichting is. De aldus toegerekende voordelen zullen, met inachtneming van de wetgeving van die andere Verdragsluitende Staat, geacht worden inkomsten te zijn uit bronnen in die andere Verdragsluitende Staat.

(3) Bij het bepalen van de nijverheids- of handelsvoordelen uit bronnen in een van de Verdragsluitende Staten, van een onderneming van de andere Verdragsluitende Staat zullen geen voordelen geacht worden op te komen uit de enkele aankoop door die onderneming van waren of andere koopmansgoederen in de eerstbedoelde Verdragsluitende Staat.

(4) De bevoegde autoriteiten van de Verdragsluitende Staten kunnen bij overeenkomst regelen vaststellen voor de verdeling van nijverheids- en handelsvoordelen.

ARTIKEL IV

Indien een onderneming van een der Verdragsluitende Staten, uit hoofde van haar deelneming in de leiding van, of in het toezicht op, dan wel in het kapitaal van een onderneming van de andere Verdragsluitende Staat, met de laatstbedoelde onderneming in hare handels- of financiële relaties voorwaarden maakt, of aan laatstbedoelde onderneming voorwaarden oplegt, afwijkend van die, welke zouden zijn gemaakt met een onafhankelijke onderneming, mogen voordelen welke zonder deze voorwaarden zouden zijn opgekomen aan een van de ondernemingen, begrepen worden in de belastbare voordelen van die onderneming.

ARTIKEL V

Inkomsten van welke aard ook, verkregen uit onroerende zaken, en interest van vorderingen, verzekerd door hypotheek op onroerende zaken, zullen uitsluitend belastbaar zijn in de Verdragsluitende Staat waar de onroerende zaken zijn gelegen of gevestigd.

ARTIKEL VI

(1) Inkomsten welke een onderneming van een der Verdragsluitende Staten verwerft met de exploitatie van schepen of luchtvaartuigen, welke in die Staat zijn ingeschreven, zijn slechts belastbaar in de Staat waar zodanige schepen of luchtvaartuigen zijn ingeschreven. Inkomsten welke een dergelijke onderneming verwerft met de exploitatie van niet aldus ingeschreven schepen of luchtvaartuigen zullen vallen onder de bepalingen van Artikel III.

(2) Zolang dit Verdrag van kracht is tussen de partijen waarop dit Artikel van toepassing is, zal het geacht worden de bepalingen van de regeling op te schorten, welke getroffen is door uitwisseling van nota's tussen de Verenigde Staten en Nederland, gedagtekend 13 September, 19 October en 27 November 1926, houdende een voorziening tot voorkoming van dubbele inkomstenbelasting op scheepvaartwinsten.

(3) Ingeval de toepasselijkheid van dit Artikel is uitgebreid tot Nederlandsch-Indië overeenkomstig Artikel XXVII, zal de uitwisseling van nota's tussen de Verenigde Staten en Nederland, gedagtekend 8 Maart, 23 Mei en 8 November 1939, betreffende de toepasselijkheid van de in het tweede lid van

dit Artikel bedoelde regeling op Nederlandsch-Indië, geacht worden te zijn opgeschort voor zolang als dit Artikel van toepassing blijft met betrekking tot Nederlandsch-Indië.

ARTIKEL VII

(1) Het tarief van de belasting van de Verenigde Staten op dividenden, verkregen van een lichaam der Verenigde Staten door een inwoner van Nederland of een Nederlands lichaam, in de Verenigde Staten geen bedrijf uitoefenende door middel van een vaste inrichting, zal niet meer bedragen dan 15 percent; behoudens dat bedoeld tarief 5 percent niet zal te boven gaan, indien zulk een Nederlands lichaam middellijk of onmiddellijk tenminste 95 percent beheerst van het gehele stemrecht in het lichaam dat het dividend betaalt, mits bovendien niet meer dan 25 percent van de bruto inkomsten van dat betalende lichaam is verworven in de vorm van interest en dividenden, niet afkomstig van zijn eigen onderhorige lichamen. Bedoelde tariefvermindering tot 5 percent zal niet gelden ingeval de verhouding tussen de twee lichamen in het leven is geroepen of wordt gehandhaafd in de eerste plaats met het doel, het bedoelde verlaagde tarief deelachtig te worden.

(2) Dividenden uit Nederlandse bronnen verkregen door een inwoner of een lichaam der Verenigde Staten, in Nederland geen bedrijf uitoefenende door middel van een vaste inrichting, zullen vrijgesteld zijn van Nederlandse belasting.

(3) Elk van de Verdragsluitende Staten is bevoegd dit Artikel op te zeggen door een schriftelijke kennisgeving van opzegging langs diplomatieke weg tot de andere Verdragsluitende Staat te richten voor of op de dertigste Juni van enig jaar, volgende op het eerste jaar waarvoor dit Verdrag van kracht

wordt. In dat geval zal dit Artikel ophouden van kracht te zijn met ingang van de eerste Januari van het jaar na dat, waarin de kennisgeving is verstrekt.

ARTIKEL VIII

(1) Interest (op obligaties, pandbrieven, schuldbewijzen of terzake van enige andere vorm van schuldenaarschap), andere dan interest, waarop Artikel V van dit Verdrag betrekking heeft, verkregen uit bronnen in de Verenigde Staten door een inwoner van Nederland of een Nederlands lichaam, in de Verenigde Staten geen bedrijf uitoefenende door middel van een vaste inrichting, zal zijn vrijgesteld van belasting in de Verenigde Staten; deze vrijstelling zal echter niet gelden voor de interest, welke door een lichaam der Verenigde Staten wordt betaald aan een Nederlands lichaam dat, middellijk of onmiddellijk, meer dan 50 percent beheerst van het gehele stemrecht in het lichaam dat de betaling doet.

(2) Interest (op obligaties, pandbrieven, schuldbewijzen of terzake van enige andere vorm van schuldenaarschap), andere dan interest, waarop Artikel V van dit Verdrag betrekking heeft, verkregen uit in Nederland gelegen bronnen door een inwoner of een lichaam der Verenigde Staten, in Nederland geen bedrijf uitoefenende door middel van een vaste inrichting, zal zijn vrijgesteld van belasting in Nederland; deze vrijstelling zal echter niet gelden voor de interest, welke door een Nederlands lichaam wordt betaald aan een lichaam der Verenigde Staten dat, middellijk of onmiddellijk, meer dan 50 percent beheerst van het gehele stemrecht in het lichaam dat de betaling doet.

ARTIKEL IX

Royalties voor het recht tot het gebruikmaken van auteurs-rechten, octrooien, modellen, geheime procedé's en recepten, handelsmerken en andere soortgelijke zaken, alsmede royalties, daaronder begrepen huren, met betrekking tot films of terzake van het gebruik van nijverheids-, handels- of wetenschappelijke installaties of uitrusting, verkregen uit bronnen in een van de Verdragsluitende Staten door een inwoner of lichaam van de andere Verdragsluitende Staat, in de eerstbedoelde staat geen bedrijf uitoefenende door middel van een vaste inrichting, zullen zijn vrijgesteld van belasting, geheven door de eerstbedoelde Staat.

ARTIKEL X

Een inwoner of een lichaam van een van de Verdragsluitende Staten, uit bronnen in de andere Verdragsluitende Staat royalties genietende terzake van de exploitatie van mijnen, steengroeven of natuurlijke hulpbronnen, of huren van onroerend goed, is bevoegd te verkiezen voor enig belastingjaar aan de belasting van die andere Staat te worden onderworpen naar de zuivere opbrengst alsof zulk een inwoner of lichaam in de andere Verdragsluitende Staat gedurende het bedoelde belastingjaar een bedrijf door middel van een vaste inrichting uitoefende.

ARTIKEL XI

Een inwoner of een lichaam van een der Verdragsluitende Staten, in de andere Verdragsluitende Staat geen bedrijf uitoefenende, zal in die andere Verdragsluitende Staat zijn vrijgesteld van belasting op winsten voortspruitende uit de verkoop of verwisseling van vermogensbestanddelen.

ARTIKEL XII

Dividenden en interest welke betaald worden door een Nederlands lichaam zullen zijn vrijgesteld van belasting van de Verenigde Staten, behalve indien de genieter is een burger, een inwoner of een lichaam der Verenigde Staten.

ARTIKEL XIII

Een Nederlands lichaam zal zijn vrijgesteld van belasting van de Verenigde Staten op zijn onverdeelde of niet uitgekeerde verdiensten, winsten, inkomsten of reserves, indien het ten genoegen van de bevoegde autoriteiten der Verenigde Staten kan aantonen, dat natuurlijke personen (anderen dan burgers van de Verenigde Staten) die inwoner van Nederland zijn, gedurende de laatste helft van het belastingjaar, middellijk of onmiddellijk, onafgebroken meer dan 50 percent van het gehele stemrecht in bedoeld lichaam hebben beheerst.

ARTIKEL XIV

(1) De inkomstenbelasting over een belastingjaar aangevangen vóór 1 Januari 1936, aan de Verenigde Staten verschuldigd door een natuurlijk persoon (niet zijnde een burger der Verenigde Staten) wonende in Nederland of door een Nederlands lichaam, welke onbetaald is gebleven op het tijdstip van het in werking treden van dit Verdrag, kan worden geregeld naar een grondslag ten genoege van de Commissioner of Internal Revenue der Verenigde Staten; behoudens dat het ter afdoening van de bedoelde verplichting te betalen bedrag niet te boven zal gaan het bedrag van de verplichting dat zou zijn vastgesteld indien

(a) de Revenue Act van 1936 der Verenigde Staten (behalve in het geval van een Nederlands lichaam waarvan

meer dan 50 percent van het gehele stemrecht, gedurende de laatste helft van het belastingjaar, middellijk of onmiddellijk, onafgebroken werd beheerst door burgers of inwoners der Verenigde Staten), en

(b) de Artikelen XII en XIII van dit Verdrag voor bedoeld jaar van kracht waren geweest. Indien de belastingplichtige niet in de zin der bedoelde Revenue Act, een bedrijf in de Verenigde Staten uitoefende en aldaar gedurende het belastingjaar geen kantoor of bedrijfsinrichting heeft gehad, zal het bedrag van interest en boeten niet meer belopen dan 50 percent van het belastingbedrag ten aanzien waarvan bedoelde interest en boeten zijn berekend.

(2) De inkomstenbelasting der Verenigde Staten over enig belastingjaar, aangevangen na 31 December 1935 en voor het tijdstip van het in werking treden van dit Verdrag, welke onbetaald is gebleven op het tijdstip van het in werking treden van dit Verdrag en welke betrekking had op een natuurlijk persoon, inwoner van Nederland (niet zijnde een burger der Verenigde Staten) dan wel betrekking had op een Nederlands lichaam, zal worden vastgesteld alsof de bepalingen van de Artikelen XII en XIII van dit Verdrag voor dat belastingjaar reeds gegolden hadden.

(3) De bepalingen van het eerste lid van dit Artikel zullen niet van toepassing zijn

(a) tenzij de belastingplichtige bij de Commissioner of Internal Revenue binnen twee jaren na de datum van het in werking treden van dit Verdrag schriftelijk het verzoek indient, dat zijn belastingverplichting in vorenbedoelde zin zal worden vastgesteld, en hij daarbij zodanige

inlichtingen verstrekt als de Commissioner nodig oordeelt, • of

(b) in elk geval, waarin de Commissioner de zekerheid heeft dat enig verzuim inzake belasting is te wijten aan bedrog met het oogmerk de belasting te ontduiken.

ARTIKEL XV

(1) Lonen, salarissen en soortgelijke beloningen, alsmede pensioenen en lijfrenten, welke hetzij rechtstreeks door een van de Verdragsluitende Staten, hetzij door instellingen in het leven geroepen door een van de Verdragsluitende Staten of door de staatkundige onderdelen of gebieden daarvan, betaald worden aan natuurlijke personen in de andere Verdragsluitende Staat, zullen zijn vrijgesteld van belasting in de laatstbedoelde Staat.

(2) Particuliere pensioenen en lijfrenten, genoten uit een der Verdragsluitende Staten en betaald aan natuurlijke personen in de andere Verdragsluitende Staat zullen zijn vrijgesteld van belasting in de eerstbedoelde Staat.

(3) De uitdrukking "pensioenen" in dit Artikel betekent periodieke betalingen gedaan ter zake van bewezen diensten of als vergoeding voor bekomen letsel.

(4) De uitdrukking "lijfrente" in dit Artikel betekent een vaste som, periodiek betaalbaar op vaste tijdstippen, hetzij gedurende het leven, hetzij gedurende een bepaald aantal jaren, ingevolge een verbintenis tot het doen van betalingen, welke staat tegenover een voldoende en volledige tegenprestatie in geld of geldswaarde.

ARTIKEL XVI

(1) Een inwoner van Nederland zal zijn vrijgesteld van

belasting van de Verenigde Staten op beloning voor arbeid of persoonlijke diensten, in de Verenigde Staten verricht, indien hij tijdelijk in de Verenigde Staten verblijf houdt voor een tijdvak of tijdvakken, welke in het belastingjaar een totaal van honderd drie en tachtig dagen niet te boven gaan, mits die beloning wordt ontvangen voor arbeid of persoonlijke diensten, verricht als werknemer van of krachtens een overeenkomst met een inwoner van Nederland ten laste van wie, of een Nederlands lichaam ten laste van hetwelk de beloning werkelijk komt.

(2) De bepalingen van het eerste lid van dit Artikel zullen mutatis mutandis van toepassing zijn op een inwoner van de Verenigde Staten die een beloning geniet voor werkzaamheden of persoonlijke diensten, verricht in Nederland.

ARTIKEL XVII

Hoogleraren en andere docenten, die, inwoner zijnde van een van de Verdragsluitende Staten, overeenkomstig tussen de Verdragsluitende Staten of tussen onderwijsinstellingen in de Verdragsluitende Staten bestaande regelingen inzake de uitwisseling van hoogleraren en andere docenten, de andere Verdragsluitende Staat bezoeken voor het geven van onderwijs gedurende ten hoogste twee jaren aan een universiteit, hogeschool of andere onderwijsinstelling in de andere Verdragsluitende Staat, zullen door die Staat niet belast worden terzake van de beloning welke zij voor dat onderwijs ontvangen.

ARTIKEL XVIII

Studenten of voor het bedrijfsleven opgeleid wordende personen (volontairs) van de ene Verdragsluitende Staat, die in de andere Verdragsluitende Staat verblijven uitsluitend voor

studiedoeleinden of tot het verkrijgen van bedrijfservaring, zullen in laatstgenoemde Staat niet belastbaar zijn ter zake van door hen uit het buitenland ontvangen uitkeringen ten dienste van hun onderhoud of hun studie.

ARTIKEL XIX

(1) Niettegenstaande enige bepaling van dit Verdrag (afgezien van Artikel XV, eerste lid, wanneer het toepasselijk is in het geval van een natuurlijk persoon die door beide Verdragsluitende Staten als Staatsburger wordt beschouwd), is elk der beide Verdragsluitende Staten bevoegd, bij het vaststellen van de belastingen - opcenten en andere verhogingen daaronder begrepen - van zijn Staatsburgers, inwoners of lichamen in de grondslag waarnaar deze belastingen worden geheven, alle bestanddelen van het inkomen te begrijpen, welke belastbaar zijn volgens zijn eigen belastingwetgeving, als ware dit Verdrag niet in werking getreden.

(2) Voorzover zulks in overeenstemming is met de bepalingen van de Internal Revenue Code der Verenigde Staten, stemmen de Verenigde Staten er mede in als een vermindering van de door de Verenigde Staten geheven income taxes toe te staan het daarvoor in aanmerking komende bedrag aan belastingen aan Nederland betaald, hetzij rechtstreeks door de belastingplichtige, hetzij door inhouding bij de bron.

(3) Voorzover zulks in overeenstemming is met de bepalingen van de Nederlandse belastingwetgeving, stemt Nederland er mede in een vermindering van de Nederlandse belasting toe te staan met betrekking tot inkomsten uit bronnen in de Verenigde Staten, teneinde rekening te houden met de Federal income taxes aan de

Verenigde Staten betaald, hetzij rechtstreeks door de belastingplichtige, hetzij door inhouding bij de bron.

ARTIKEL XX

(1) Alle personen (behalve dezulken, die burger van de Verenigde Staten waren op het tijdstip van hun vertrek uit Nederland alsmede de Nederlanders, die uit hoofde van hun dienstbetrekking als rijksambtenaar in vaste dienst buiten het Koninkrijk verblijf houden en de bij hen inwonende leden van hun gezin) die Nederland hebben verlaten tussen 30 April 1939 en 31 December 1945 (deze dag inbegrepen), en die beschouwd worden belastingplichtig te zijn volgens de bepalingen van de Nederlandse wet betreffende de vermogensaanwasbelasting of betreffende de vermogensheffing in eens, en die tijdens dat tijdvak inwoner werden van de Verenigde Staten (overeenkomstig de wet op de inkomstenbelasting der Verenigde Staten) en die niet vóór of op 31 December 1945 naar Nederland terugkeerden om hun woonplaats in Nederland, in de zin van de wetgeving op de inkomstenbelasting te herkrijgen, zullen in Nederland belastbaar zijn:

(a) ingevolge de wet op de vermogensaanwasbelasting uitsluitend voor de vermogensaanwas, voortvloeiende uit hun in Nederland gelegen vermogen (als omschreven in deze wet in het geval van niet-inwoners) en uit hun werkzaamheden in Nederland;

(b) ingevolge de wet op de vermogensheffing in eens uitsluitend voor hun in Nederland gelegen vermogen (als omschreven in deze wet in het geval van niet-inwoners).

(2) Alle personen die Nederland verlieten tussen 30 April 1939 en 31 December 1945 (deze dag inbegrepen) en die ten tijde van hun vertrek uit Nederland burger van de Verenigde Staten waren, en die beschouwd worden belastingplichtig te zijn volgens de bepalingen van de Nederlandse wet betreffende de vermogensaanwasbelasting of betreffende de vermogensheffing in eens, en die inwoner van de Verenigde Staten werden (overeenkomstig de wet op de inkomstenbelasting der Verenigde Staten) vóór of op 31 December 1945, zullen in Nederland belastbaar zijn:

(a) ingevolge de wet op de vermogensaanwasbelasting uitsluitend voor de vermogensaanwas, voortvloeiende uit hun in Nederland gelegen vermogen (als omschreven in deze wet in het geval van niet-inwoners) en uit hun werkzaamheden in Nederland;

(b) ingevolge de wet op de vermogensheffing in eens uitsluitend van hun in Nederland gelegen vermogen (als omschreven in deze wet in het geval van niet-inwoners).

(3) De bepalingen van dit Artikel zullen gerekend worden van kracht te zijn alsof dit Verdrag in werking was getreden op de datum van in werking treden van de Nederlandse wet betreffende de vermogensaanwasbelasting, of vermogensheffing ineens, al naar gelang van het geval.

ARTIKEL XXI

De bevoegde autoriteiten van de Verdragsluitende Staten zullen zodanige inlichtingen uitwisselen (zijnde inlichtingen welke deze autoriteiten geordend voorhanden hebben) als nodig is om aan de bepalingen van dit Verdrag uitvoering te geven of om fraude te voorkomen of om uitvoering te geven aan wettelijke

voorzieningen tegen wetsontduiking met betrekking tot de belastingen welke het onderwerp van dit Verdrag uitmaken. Elke aldus uitgewisselde inlichting zal als geheim behandeld worden en zal niet ter kennis worden gebracht van enig persoon, anders dan die belast met de aanslagregeling en de inning van de belastingen, welke het onderwerp van dit Verdrag uitmaken. Generlei inlichting als hiervoor is bedoeld, welke een handels-, bedrijfs-, nijverheids- of beroepsgeheim of een handwerks- of handelswerkwijze zou onthullen, zal worden uitgewisseld.

ARTIKEL XXII

(1) De Verdragsluitende Staten nemen op zich elkander hulp en bijstand te verlenen bij de inning van de belastingen welke het onderwerp van dit Verdrag zijn, met inbegrip van interest, van kosten, van verhogingen van belasting en van boeten van niet-strafrechtelijke aard.

(2) In geval van verzoeken tot invordering van belastingen kunnen onherroepelijk vastgestelde belastingvorderingen van een der Verdragsluitende Staten door de andere Verdragsluitende Staat ter invordering worden aanvaard en in die Staat worden geïnd overeenkomstig de wetten welke van toepassing zijn voor de invordering en inning van zijn eigen belastingen. De aangezochte Staat zal niet gehouden zijn over te gaan tot maatregelen van executie waarvoor de wet van de verzoekende Staat geen voorziening inhoudt.

(3) Elk verzoek zal vergezeld gaan van bescheiden waaruit blijkt dat volgens de wetten van de verzoekende Staat de belastingen onherroepelijk zijn komen vast te staan.

(4) De hulp, bedoeld in dit Artikel zal niet verleend worden ten aanzien van de burgers, lichamen of andere eenheden van de aangezochte Staat, behalve voor zover zij nodig is om te verzekeren, dat de vrijstelling of het verlaagde tarief van de belasting volgens dit Verdrag aan zodanige burgers, lichamen en andere eenheden toegekend, niet zal worden genoten door personen die niet tot zodanige gunsten gerechtigd zijn.

ARTIKEL XXIII

(1) In geen geval zullen de bepalingen van de Artikelen XXI en XXII dusdanig worden uitgelegd, dat zij een der Verdragsluitende Staten de verplichting opleggen

(a) administratieve maatregelen te nemen, welke in strijd zijn met de voorschriften en het gebruik van een van beide der Verdragsluitende Staten, of

(b) bijzonderheden te verstrekken, welke niet verkrijgbaar zijn volgens zijn eigen wetgeving of die van de verzoekende Staat.

(2) De Staat aan welke een verzoek om inlichtingen of bijstand is gedaan zal zo spoedig mogelijk aan het gedane verzoek gevolg geven. Nochtans kan de bedoelde Staat weigeren aan een dergelijk verzoek te voldoen om redenen van openbaar beleid of indien inwilliging zou medebrengen de schending van een handels-, bedrijfs-, nijverheids- of beroepsgeheim of van een handwerks- of handelswerkwijze. In een dergelijk geval zal deze Staat de verzoekende Staat zo spoedig mogelijk inlichten.

ARTIKEL XXIV

Ingeval de handeling van de belastingautoriteiten van de

Verdragsluitende Staten heeft geleid of zal leiden tot dubbele belastingheffing in strijd met de bepalingen van dit Verdrag, zal de belastingplichtige het recht hebben een klacht in te dienen bij de Staat waarvan hij Staatsburger of onderdaan is, of indien hij niet Staatsburger of onderdaan van een van de beide Verdragsluitende Staten is, tot de Staat waar hij zijn woonplaats heeft, of, indien de belastingplichtige een lichaam is, tot de Staat waar dit is opgericht of georganiseerd. Zou de klacht gegrond worden geacht, dan zal de bevoegde autoriteit van die Staat er naar streven met de bevoegde autoriteit van de andere Staat tot overeenstemming te komen teneinde tot een billijke vermijding van de bedoelde dubbele belastingheffing te geraken.

ARTIKEL XXV

(1) Aan de bepalingen van dit Verdrag zal geen uitleg worden gegeven welke op enigerlei wijze beperkt enige vrijstelling, aftrek, vermindering of andere tegemoetkoming, door de wetten van een der Verdragsluitende Staten toegekend, met betrekking tot het vaststellen van de door die Staat geheven belasting.

(2) Ingeval enige moeilijkheid of twijfel rijst met betrekking tot de uitlegging of de toepassing van dit Verdrag, zullen de bevoegde autoriteiten van de Verdragsluitende Staten er naar streven de aangelegenheid in onderling overleg te regelen.

(3) De burgers of onderdanen van een der Verdragsluitende Staten zullen, zolang zij inwoner van de andere Verdragsluitende Staat zijn, daarin niet onderworpen zijn aan andere of aan drukkender belastingen dan die waaraan de burgers of onderdanen

van die andere Verdragsluitende Staat onderworpen zijn, die in zijn gebied wonen. De uitdrukking "burgers" of "onderdanen" gebezigd in dit Artikel omvat mede alle rechtspersonen, vennootschappen en verenigingen die haar rechtspositie ontlenen aan of opgericht zijn volgens de wet van kracht in de onderscheidene Verdragsluitende Staten. In dit Artikel betekent het woord "belastingen" elke belasting van elke soort of benaming, ongeacht of het een Rijksbelasting, een federale belasting, een staatsbelasting, een provinciale of een gemeentelijke belasting betreft.

ARTIKEL XXVI

(1) De autoriteiten van elk der Verdragsluitende Staten kunnen in overeenstemming met het gebruik in die Staat, uitvoeringsbepalingen vaststellen, nodig om de bepalingen van dit Verdrag uit te voeren.

(2) Ten aanzien van de bepalingen van dit Verdrag met betrekking tot de uitwisseling van inlichtingen en de wederkerige bijstand bij de inning der belastingen, kunnen de bevoegde autoriteiten in gemeenschappelijk overleg regelen vaststellen betreffende de te volgen gedragslijn, de formulieren voor aanvragen en voor antwoorden daarop, de herleiding van de munt, de beschikking over de geïnde bedragen, de minima der voor invordering in aanmerking komende bedragen, en dergelijke zaken.

ARTIKEL XXVII

(1) Elk der Verdragsluitende Staten is bevoegd, ten tijde van de uitwisseling van de bekrachtigingsoorkonden of daarna tijdens de geldigheidsduur van dit Verdrag, door middel van een schriftelijke kennisgeving van uitbreiding aan de andere Verdragsluitende Staat verstrekt langs diplomatieke weg, de

wens kenbaar te maken van de Regering van een overzees deel van het Koninkrijk (ingeval het Nederland betreft) of van een overzees gebiedsdeel (ingeval het de Verenigde Staten betreft) hetwelk belastingen van in wezen gelijksoortige aard heft als die, welke het onderwerp van dit Verdrag zijn, dat de werking van dit Verdrag, hetzij in zijn geheel, hetzij ten aanzien van zodanige bepalingen als geacht kunnen worden in het bijzonder van toepassing te zijn, uitgebreid zal worden tot een (gebieds) deel als evenbedoeld.

(2) Ingeval een kennisgeving door een van de Verdragsluitende Staten is verstrekt overeenkomstig het eerste lid van dit Artikel, zullen dit Verdrag, of die bepalingen daarvan, welke in de kennisgeving mochten zijn vermeld, toepasselijk zijn op elk in de bedoelde kennisgeving genoemd (gebieds) deel, zulks met ingang van de eerste Januari volgende op de dagtekening van een schriftelijke mededeling langs diplomatieke weg, gericht tot de bedoelde Verdragsluitende Staat door de andere Verdragsluitende Staat inhoudende, dat na zodanige handeling door de laatstbedoelde Staat als vereist wordt door zijn eigen voorschriften, de bedoelde kennisgeving met betrekking tot het onderwerpelijke (gebieds) deel wordt aanvaard. Bij gebreke van zulk een aanvaarding zullen geen van de bepalingen van dit Verdrag toepasselijk zijn op dat (gebieds) deel.

(3) Te allen tijde na verloop van een jaar sinds het tijdstip van in werking treden van een uitbreiding, tot stand gebracht krachtens het eerste en het tweede lid van dit Artikel, is elk der Verdragsluitende Staten bevoegd om, door een schriftelijke, aan de andere Staat langs diplomatieke weg verstrekte kennisgeving van opzegging, een einde te maken aan de

toepasselijkheid van dit Verdrag ten aanzien van elk deel of gebied, waartoe het Verdrag, of welke zijner bepalingen ook, was uitgebreid. In dat geval zullen dit Verdrag of zodanige bepalingen daarvan als in de kennisgeving van opzegging mochten zijn vermeld, voor het deel of gebied in bedoelde kennisgeving van opzegging vermeld, ophouden van toepassing te zijn met ingang van de eerste Januari na het verstrijken van een termijn van zes maanden na de dagtekening der kennisgeving; met dien verstande echter, dat dit niet de voortdurende toepassing zal aantasten van het Verdrag of van welke van zijn bepalingen ook, op de Verenigde Staten, op Nederland, of op welk deel of gebied ook (niet vermeld in de kennisgeving van opzegging) waarvoor het Verdrag of bedoelde bepaling daarvan geldt.

(4) Voor de toepassing van dit Verdrag ten aanzien van een deel of gebied, waartoe het is uitgebreid ingevolge een kennisgeving door de Verenigde Staten of Nederland, zal aan verwijzingen naar de "Verenigde Staten" of naar "Nederland", of naar de ene of de andere Verdragsluitende Staat, al naar gelang van het geval, de uitleg worden gegeven, dat zij betrekking hebben op zulk een deel of gebied.

ARTIKEL XXVIII

(1) Dit Verdrag zal worden bekrachtigd en de bekrachtigingsoorkonden zullen zo spoedig mogelijk worden uitgewisseld te Washington.

(2) Dit Verdrag treedt in werking de eerste Januari voorafgaande aan het jaar waarin de uitwisseling van de bekrachtigingsoorkonden plaats vindt. Het blijft van kracht gedurende een tijdvak van vijf jaren te beginnen met gemelde datum en voor

onbepaalde tijd daarna, doch kan door elke Verdragsluitende Staat worden opgezegd aan het einde van het tijdvak van vijf jaren of op ieder tijdstip daarna, mits tenminste zes maanden eerder een kennisgeving van opzegging is afgegeven, tredende de gevolgen der opzegging in werking op de eerste Januari na het verstrijken van het tijdvak van zes maanden.

GEDAAN te Washington, in tweevoud, in de Engelse en in de Nederlandse taal, hebbende beide teksten gelijke rechtskracht, op heden de 29e April 1948.

VOOR DE REGERING VAN DE VERENIGDE STATEN VAN AMERIKA:

G C MARSHALL

[SEAL]

VOOR DE REGERING VAN HET KONINKRIJK DER NEDERLANDEN:

E. N. VAN KLEFFENS

[SEAL]

Advice and consent to ratification.

AND WHEREAS the Senate of the United States of America, by their resolution of June 17, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention subject to certain reservations, as follows:

Reservations.

Article XI.
Ante, p. 1762.

"(1) The Government of the United States of America does not accept Article XI of the convention relating to gains from the sale or exchange of capital assets.

Article XIII.
Ante, p. 1762.

"(2) The Government of the United States of America does not accept Article XIII of the convention relating to United States taxation of the undistributed earnings, profits, income or surplus of a Netherlands corporation.

Article XIV.
Ante, p. 1762.

"(3) The Government of the United States of America does not accept Article XIV of the convention relating to settlement of unpaid United States income tax liability unless there be eliminated therefrom, (a) references now appearing therein to Article XIII and (b) any language which might prevent the taxation by United States of capital gains, if any, taxable under the revenue laws of the United States for the respective years in which such gains were realized."

AND WHEREAS the texts of the aforesaid reservations were communicated by the Government of the United States of America to the Government of the Kingdom of the Netherlands and thereafter the Government of the Kingdom of the Netherlands gave notice of its acceptance of the aforesaid reservations;

Ratification.

AND WHEREAS the aforesaid convention was duly ratified by the President of the United States of America on November 19, 1948, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservations, and was duly ratified on the part of the Kingdom of the Netherlands;

Exchange of instruments of ratification.

AND WHEREAS the respective instruments of ratification of the aforesaid convention were duly exchanged at Washington on December 1, 1948, and a protocol of exchange of instruments of ratification, in the English and Dutch languages, was signed on that date by the respective Plenipotentiaries of the United States of America and the Kingdom of the Netherlands, the English text of which protocol reads in part as follows:

"The ratification by the Government of the United States of America of the convention aforesaid recites in their entirety the reservations contained in the resolution of June 17, 1948 of the Senate of the United States of America advising and consenting to ratification of the convention aforesaid, the texts of which reservations were communicated by the Government of the United States of America to the Government of the Kingdom of the Netherlands. The Government of the Kingdom of the Netherlands has accepted the reservations aforesaid. Accordingly, it is the understanding of both Governments that Article XI and Article XIII of the convention aforesaid shall be deemed to be deleted and of no effect and further that, with respect to Article XIV, there shall be deemed

Ante, p. 1762.

Ante, p. 1762.

to be deleted therefrom and of no effect (a) all references therein to Article XIII and (b) any language which might prevent the taxation of capital gains, if any, taxable under the revenue laws of either of the two Governments for the respective years in which such gains were realized.";

AND WHEREAS it is provided in Article XXVIII of the aforesaid convention that the convention shall become effective on the first day of January in the year last preceding the year in which the exchange of instruments of ratification takes place; *Ante*, p. 1769.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid reservations, may be observed and fulfilled with good faith, on and from the first day of January, one thousand nine hundred forty-seven, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation. Effective date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred forty-eight and of the Independence of the United States of America the one hundred seventy-third.

[SEAL]

HARRY S TRUMAN

By the President:

ROBERT A LOVETT
Acting Secretary of State

March 30, 1948
[T. I. A. S. 1859]

Proclamation by the President of the United States of America at Washington March 30, 1948, declaring the entry into force of amendments set forth in the annex to the protocol of December 11, 1946, respecting narcotic drugs.

By the President of the United States of America

A PROCLAMATION

WHEREAS the Protocol, with accompanying Annex, amending the Agreements, Conventions and Protocols on Narcotic Drugs was opened for signature at Lake Success, New York, on December 11, 1946, and was signed by the respective plenipotentiaries of the United States of America (with a reservation "Subject to approval") and forty-eight other countries;

61 Stat., Pt. 2, p. 2230.

WHEREAS, by my proclamation of October 14, 1947, I proclaimed and made public the said Protocol, with accompanying Annex, and declared that when the amendments set forth in the Annex to the said Protocol shall have come into force in accordance with Article VII of the said Protocol I shall issue a supplementary proclamation with respect to the said amendments;

61 Stat., Pt. 2, p. 2230.

61 Stat., Pt. 2, p. 2233.

WHEREAS it is provided in Article VII of the said Protocol that the amendments set forth in the said Annex shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the said Protocol; and

WHEREAS, according to a notification received by the Government of the United States of America from the Secretary-General of the United Nations, the said amendments in respect of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on July 13, 1931, entered into force on November 21, 1947;

48 Stat. 1543.

Entry into force.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, supplementing my said proclamation of October 14, 1947, do hereby proclaim and make public the entry into force on November 21, 1947 of the amendments, as set forth in the said Annex to the said Protocol, in respect of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on July 13, 1931, to the end that the said amendments shall be observed with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

61 Stat., Pt. 2, p. 2230.

48 Stat. 1543.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of March in the year of our Lord one thousand nine hundred forty-eight
[SEAL] and of the Independence of the United States of America the one hundred seventy-second.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

March 28, 1940
[T. I. A. S. 1865]

Convention between the United States of America and Norway respecting the claims of Hannevig against the United States, and Jones against Norway. Signed at Washington March 28, 1940; ratification advised by the Senate of the United States of America April 30, 1948; ratified by the President of the United States of America June 29, 1948; ratifications exchanged at Washington November 9, 1948; proclaimed by the President of the United States of America November 22, 1948; entered into force November 9, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Norway providing for the disposition of a claim of the Government of Norway against the Government of the United States of America on behalf of Christoffer Hannevig, a Norwegian subject, and a claim of the Government of the United States of America against the Government of Norway on behalf of the late George R. Jones, an American citizen, was signed by their respective Plenipotentiaries at Washington on March 28, 1940, the original of which convention, in the English language, is word for word as follows:

Claim respecting Christoffer Hannevig.

WHEREAS the Government of Norway has made claim against the Government of the United States of America on account of damages alleged to have been sustained by Christoffer Hannevig as the result of acts of the Government of the United States of America, the United States Shipping Board Emergency Fleet Corporation, their officers and agents, in relation to certain properties in the United States of America in which he claims to have had an interest, the validity of which claim is denied by the Government of the United States of America.

Claim respecting George R. Jones Company.

WHEREAS the Government of the United States of America has made claim against the Government of Norway on account of alleged denial of justice by the courts of that country in connection with certain litigation involving the rights and interests of the George R. Jones Company, or the late George R. Jones, the validity of which claim is denied by the Government of Norway.

WHEREAS the President of the United States of America and His Majesty the King of Norway, desirous of reaching an amicable agreement for the disposition of such claims and of concluding a convention for that purpose, have named as their plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Norway:

Wilhelm Munthe Morgenstierne, Envoy Extraordinary and Minister Plenipotentiary of Norway to the United States of America;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

Memorial or statement of claim by Government of Norway.

First. Within one year from the date of the exchange of ratifications of this convention, the Agent for the Government of Norway shall present to the Agent for the Government of the United States of America a Memorial or a statement of claim in which shall be set forth in a clear, categorical and full manner:

(a) the precise items of alleged loss or damage composing the claim on behalf of Christoffer Hannevig as they are finally conceived to be by the Government of Norway, indicating definitely the amount of each separate item thereof;

(b) the facts alleged in support of each such item of the claim;

(c) the principles of law upon which each item of the claim is alleged to rest.

Such Memorial shall be accompanied by all the evidence upon which all items of the claim are made to rest, it being clearly understood that no further evidence may be submitted in support of the claim, either during the stage hereinafter provided for its diplomatic consideration or during its possible adjudication, except such rebuttal evidence as is referred to hereinafter.

Answer to Memorial.

Second. Within one year from the date of the receipt by the Agent for the Government of the United States of America of the Memorial of the Government of Norway, he shall present to the Agent for the latter an Answer to the Memorial, in which shall be set out, in a similarly clear, categorical and full manner:

(a) the defenses of the Government of the United States of America to each item of the claim;

(b) the facts upon which such defenses rest;

(c) the principles of law relied upon in each instance.

To such Answer there shall be attached all of the evidence upon which the defense of the case shall be made to rest and no further evidence shall be filed in defense, either during the stage of diplomatic consideration or during a possible adjudication of the claim, except such rebuttal evidence as is referred to hereinafter.

Reply to Answer.

Third. Within six months from the date of the receipt of the Answer of the Government of the United States of America, the Agent for the Government of Norway may, if he so desires, file a Reply to such Answer. In such Reply the Government of Norway, without being allowed to augment or change any of the bases of the claim as

stated in its Memorial, may explain such alleged bases in the light of the evidence filed with the Answer.

There may be filed with the Reply only such evidence as is strictly in rebuttal to evidence filed with the Answer and as does not present any new bases of claim. Any such evidence filed which is not strictly in rebuttal to the evidence filed with the Answer shall be entirely disregarded in deciding the case.

Counter-Reply.

Fourth. Within six months from the date of the receipt of the Reply of the Government of Norway, the Agent for the Government of the United States of America may, if he so desires, file a Counter-Reply, which Counter-Reply shall be strictly limited to answering contentions advanced in the Reply.

There may be filed with the Counter-Reply only such evidence as is strictly in rebuttal to evidence filed with the Reply. Any such evidence filed which is not strictly in rebuttal to the evidence filed with the Reply shall be entirely disregarded in deciding the case. It is understood that no evidence may thereafter be submitted in support of or in defense of the claim, either during the period of its diplomatic consideration or during its possible adjudication.

Brief.

Fifth. Within six months from the date of the receipt of the Counter-Reply of the Government of the United States of America, the Agent for the Government of Norway shall file with the Agent for the Government of the United States of America a legal Brief in which the Claimant Government shall set forth with clarity and fullness all its contentions with respect to the factual bases of the claim as already developed and the law applicable thereto.

Reply Brief.

Sixth. Within six months from the date of the receipt of the Brief of the Government of Norway, the Agent for the Government of the United States of America shall file with the Agent for the Government of Norway a Reply Brief in which the Respondent Government shall set forth with clarity and fullness all its contentions with respect to the factual defenses of the claim and the law applicable thereto.

It is declared to be the purpose of this Article to require a full, systematic and fair development of all the facts and law of the case for consideration by the two Governments and, if necessary, by the tribunal or tribunals.

ARTICLE II

Reference of case to U. S. Court of Claims.

In the event that the two Governments shall be unable to agree upon a disposition of the claim, or any portions thereof, within the six months next succeeding the filing of the Reply Brief of the Government of the United States of America, the pleadings thus exchanged shall be referred to the Court of Claims of the United States of America for a decision on the claim or any such unsettled portions thereof, it being clearly understood, however, that in no event shall the issues of the case, either factual or legal, or the contentions of either party, as submitted to diplomatic discussion, be changed in character, or the written record above described augmented in any manner in the event that the claim shall be so referred to the Court of Claims for adjudication.

It is understood that the provisions for possible reference of the case to the Court of Claims, and for possible appeal to the Supreme Court of the United States of America, as provided in Article V hereof, are subject to authorization by the Congress of the United States of America.

ARTICLE III

The issues to be decided by the Court of Claims shall be those formulated by the pleadings exchanged pursuant to Article I of this convention, or such of those issues as shall not have been previously settled by agreement of the two Governments.

The Court of Claims shall decide such issues in conformity with applicable law, including international law, and shall state fully the reasons for its decision.

ARTICLE IV

Oral proceedings.

As soon as possible after the receipt of the above-mentioned pleadings by the Court of Claims, the Court shall convene for the purpose of hearing such oral arguments by Agents or Counsel or both for each Government as the respective Agents thereof shall desire to present. The conduct of the oral proceedings shall otherwise be under the control of the Court.

ARTICLE V

Petition to U. S. Supreme Court.

Within three months following the date of the decision of the Court of Claims (in the event the case shall be referred to the Court for adjudication), either or both Governments may petition the Supreme Court of the United States of America to review the decision and such review shall comprehend either the factual or the legal bases of the case, or both, as may be requested in the petition or petitions.

ARTICLE VI

Final disposition.

In the absence of such a petition to the Supreme Court the decision of the Court of Claims shall be accepted by both Governments as a final and binding disposition of the case. In the event of such a petition to the Supreme Court its decision shall be accepted by the two Governments as a final disposition of the case.

ARTICLE VII

Payment of award, etc.

In the event that an award is finally rendered in favor of the Government of Norway, no part thereof shall be paid or credited to that Government for any purpose whatsoever until the claims of creditors of Christoffer Hannevig and of his various American corporations shall have been settled by an agreement between the two Governments.

ARTICLE VIII

Language of pleadings, etc.

The language of the pleadings and of the oral proceedings shall be English. Any evidence submitted in any language other than English shall be accompanied by a full and correct translation thereof into the English language.

ARTICLE IX

Development of U. S. claim on behalf of George R. Jones Company.

The two Governments agree that the claim of the Government of the United States of America against the Government of Norway on behalf of the George R. Jones Company, the late George R. Jones, or his heirs, successors or assigns shall be developed for consideration in the following manner:

(a) the pleadings shall be limited to four in number, namely, a Memorial, an Answer, a Brief, and a Reply Brief, and they shall be prepared in the same manner, and filed within the same time limits as the corresponding pleadings provided for in Article I of this convention;

Ante, p. 1799.

(b) all evidence in support of and in defense of the claim shall be filed with the Memorial and with the Answer in the manner prescribed in Article I, and no further evidence shall be filed except that such evidence may be filed with the Brief as is strictly in rebuttal to that filed with the Answer.

ARTICLE X

Reference of pleadings to Arbitrator.

If the two Governments shall be unable to agree upon the settlement of the Jones case within the six months next succeeding the date upon which the Reply Brief shall have been filed in that case, the pleadings shall be referred by means of a joint communication of the two Agents, to a sole Arbitrator for decision. The Arbitrator, who shall be agreed upon by the two Governments, shall be a jurist of high reputation, well versed in international law, and shall be a national of neither Norway nor the United States of America.

In the event of the inability of the two Governments to agree upon an Arbitrator within two months from the termination of the period last above mentioned, such Arbitrator shall be selected by His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.

Place of arbitration.

The place of arbitration of the Jones case (in the event that arbitration becomes necessary) shall not be within the territorial jurisdiction of either of the contracting parties.

Conduct of oral proceedings.

In the matter of the conduct of oral proceedings, the Arbitrator shall be bound by the principles of Article IV of this convention. The decision of the Arbitrator, which shall be rendered within three months from the conclusion of oral proceedings, shall be accepted by the two Governments as a final and conclusive disposition of the Jones case.

ARTICLE XI

Expenses.

Each Government shall pay all expenses incident to the preparation and presentation of its own side of each case. All joint expenses, including the honorarium for the Arbitrator, shall be borne by the two Governments in equal proportions.

ARTICLE XII

Extension of time.

The periods of time mentioned in Articles I and IX of this convention may be extended by mutual agreement of the two Governments.

ARTICLE XIII

This convention shall be ratified by the High Contracting Parties and shall take effect immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible. Ratification; effective date.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at Washington, this twenty-eighth day of March, 1940.

[SEAL] CORDELL HULL

[SEAL] W. MUNTHE MORGENSTIERNE

AND WHEREAS the Senate of the United States of America, by their resolution of April 30, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention; Advice and consent to ratification.

AND WHEREAS the aforesaid convention was duly ratified by the President of the United States of America on June 29, 1948, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of the Government of Norway; Ratification.

AND WHEREAS the respective instruments of ratification of the aforesaid convention were duly exchanged at Washington on November 9, 1948, and a protocol of exchange of instruments of ratification, in the English language, was signed on that date by the respective Plenipotentiaries of the United States of America and Norway; Exchange of instruments of ratification.

AND WHEREAS it is provided in Article XIII of the aforesaid convention that the convention shall take effect immediately upon the exchange of instruments of ratification;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith, on and from the ninth day of November, one thousand and nine hundred forty-eight, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. Proclamation. Entry into force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-second day of November in the year of our Lord one thousand nine hundred
[SEAL] forty-eight and of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:
ROBERT A LOVETT
Acting Secretary of State

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

68706° — 51 — PT. II — 33

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

Agreement between the United States of America and Italy respecting assistance to the people of Italy. Signed at Rome January 3, 1948; entered into force January 3, 1948.

January 3, 1948
[T. I. A. S. 1678]

AGREEMENT

between the United States of America and Italy

ACCORDO

fra l' Italia e gli Stati Uniti d'America

AGREEMENT

between the United States of America and Italy

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF ITALY,

Considering the desire of the people of the United States of America to provide immediate assistance to the people of Italy, and

Basis of assistance.

Considering that the enactment by the United States of America of the Foreign Aid Act of 1947 (hereinafter referred to as the Act) provides the basis of such assistance to the people of Italy, have agreed as follows:

61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note.

Article I

Procurement of commodities.

1. The Government of the United States of America will, subject to the provisions of the Act and of appropriation acts thereunder and of this Agreement, aid the people of Italy by making available such commodities (including storage, transportation, and shipping services related thereto) or by providing for the procurement thereof through credits under the control of the Government of the United States of America, to the Government of Italy or to any person, agency, or organization designated to act on behalf of the Government of Italy, as may from time to time be requested by the Government of Italy and authorized by the Act and by the Government of the United States of America. This Agreement, however, implies no present or future obligation upon the Government of the United States of America to give assistance to the people of Italy, nor does it imply or guarantee the availability of any specific commodities or categories of commodities, nor shall it imply the payment by the Government of the United States of America for any storage, transportation, handling, or shipping services within Italy.

61 Stat., Pt. 1, p. 935. 22 U. S. C., Supp. I, § 1411 note.

Petroleum, etc.

2. All commodities made available pursuant to this Agreement will be procured in the United States of America, unless permitted to be procured elsewhere under the provisions of Section 4 of the Act and unless otherwise expressly agreed between the two Governments. Petroleum and petroleum products will, to the maximum extent practicable, be procured from sources outside of the United States of America and will be transported to Italy by the most economical route from the source of supply.

Article II

The Government of Italy, having been fully informed as to the provisions of the Act, hereby affirms that it accepts and will perform the undertakings specified in Section 5 thereof, as well as those pro-

ACCORDO

fra l' Italia e gli Stati Uniti d'America

Il GOVERNO ITALIANO ed il GOVERNO degli STATI UNITI d'AMERICA,

Considerato il desiderio del popolo degli Stati Uniti d'America di provvedere assistenza immediata al popolo italiano, e

Considerato che l'adozione da parte degli Stati Uniti d'America del "Foreign Aid Act of 1947" (Legge del 1947 sugli Aiuti all'estero)–cui si farà in seguito riferimento col termine "la predetta Legge"–fornisce la base per tale assistenza al popolo italiano, hanno convenuto quanto segue:

Articolo I

1. Limitatamente a quanto prescritto dalla predetta Legge e dalle relative disposizioni legislative sullo stanziamento di fondi e da questo Accordo, il Governo degli Stati Uniti d'America aiuterà il popolo italiano mettendo a disposisizione del Governo italiano o di qualsiasi persona, ente od organizzazione designata ad agire per conto del Governo italiano quei prodotti (ivi inclusi magazzinaggio, trasporto e le spese di spedizione inerenti agli stessi) che potranno essere richiesti di volta in volta dal Governo italiano e che siano autorizzati dalla predetta Legge e dal Governo degli Stati Uniti d'America oppure rendendo possibile al Governo italiano o a qualsiasi persona, ente od organizzazione designata ad agire per conto del Governo italiano di procurarseli mediante crediti che siano sotto il controllo degli Stati Uniti d'America. Questo Accordo, tuttavia, non comporta per il Governo degli Stati Uniti d'America nessun obbligo presente o futuro di dare assistenza al popolo italiano, nè implica o garantisce la disponibilità di qualsiasi prodotto specifico o categorie di prodotti, nè comporta il pagamento da parte del Governo degli Stati Uniti d'America di qualsivoglia spesa di magazzinaggio, trasporto, carico e scarico, o spedizione incorsa in Italia.

2. Tutti i prodotti resi disponibili in virtù di questo Accordo saranno procurati negli Stati Uniti d'America, a meno che sia consentito di procurarli da altre fonti ai sensi delle disposizioni della Sezione IV della predetta Legge ed a meno che non sia altrimenti convenuto espressamente fra i due Governi. Olii minerali ed altri prodotti petroliferi saranno, nella massima misura possibile, procurati da fonti al di fuori degli Stati Uniti d'America e saranno trasportati in Italia dal luogo di origine per le rotte più economiche.

Articolo II

Il Governo italiano, essendo stato esaurientemente informato delle disposizioni della predetta Legge, afferma con il presente Accordo che accetta e che adempierà agli impegni specificati nella Sezione V della

61 Stat., Pt. 1, p. 937. 22 U. S. C., Supp. I, § 1411 note.

vided for in Section 7 of the Act insofar as action by it may be required for implementation of such latter Section.

Article III

Termination of aid.

61 Stat., Pt. 1, p. 937. 22 U. S. C., Supp. I, § 1411 note.

1. The Government of the United States of America, pursuant to the requirements of Section 6 of the Act, reserves the right at any time to terminate its aid provided under Article I, paragraph 1, of this Agreement.

Effective date; duration.

2. This Agreement, together with the Annex attached thereto, shall take effect on the date of its signature and shall apply to all commodities made available to the Government of Italy under the Act. It shall remain in effect until December 31, 1948, or such earlier date as may be agreed by the two Governments.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments for that purpose, have affixed their respective signatures to this Agreement.

DONE at Rome, in duplicate, in the English and Italian languages, this Third day of January 1948.

For the Government of the United States of America
JAMES CLEMENT DUNN

For the Italian Government
DE GASPERI
SFORZA

ANNEX

SECTION I

Special account in Bank of Italy. 61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note.

1. In the case of any commodity made available pursuant to this Agreement or in the case of credits established under the Act being debited pursuant thereto in respect to the furnishing of any such commodity, the Government of Italy will, forthwith upon notification by the Government of the United States of America, deposit in a special account in the Bank of Italy in the name of the Government of Italy, an amount in Italian currency equivalent to the dollar amount stated in the notification. The amount so stated will be either the dollar cost in respect to such commodity (including storage, transportation, and shipping services related thereto) which is indicated as chargeable to appropriations under the Act, or the amount of the debit, as the case may be. The amount deposited in Italian currency will be computed at the most favorable rate of exchange in terms of United States dollars, authorized under the Articles of Agreement of the International Monetary Fund, then applicable to imports of any commodity into Italy.

60 Stat. 1401.

Use of funds.

2. The funds in such special account, or prior advances in agreed amounts, will be used for administrative expenses of the Government of the United States of America, in Italian currency, incident to its

stessa, come pure a quelli contemplati nella Sezione VII della medesima, in quanto sia necessaria una sua azione per l'attuazione di quanto previsto dalla Sezione VII predetta.

Articolo III

1. Il Governo degli Stati Uniti d'America, in conformità a quanto prescritto dalla Sezione VI della predetta Legge, si riserva il diritto di porre termine in qualsiasi momento agli aiuti previsti dall'Articolo I, paragrafo 1, di questo Accordo.

2. Questo Accordo, unitamente all'Annesso ivi allegato, entrerà in vigore il giorno della sua firma e si applicherà a tutti i prodotti messi a disposizione del Governo Italiano in conformità della predetta Legge. Esso resterà in vigore fino al 31 dicembre 1948, o fino a qualsiasi data anteriore che possa essere concordata fra i due Governi.

IN TESTIMONIANZA DI CHE', i sottoscritti all'uopo debitamente autorizzati dai loro rispettivi Governi, hanno apposto le loro rispettive firme a questo Accordo.

FATTO a Roma, in duplice esemplare, nelle lingue italiana ed inglese, il giorno 3 di gennaio 1948.

Per il
Governo Italiano
DE GASPERI
SFORZA

Per il
Governo degli Stati Uniti d'America
JAMES CLEMENT DUNN

ANNESSO

SEZIONE I

1. Per tutti i prodotti resi disponibili in virtù di questo Accordo o per tutti i crediti stanziati ai sensi della predetta Legge che vengano addebitati in virtù della medesima in quanto riferentisi alla fornitura di detti prodotti, il Governo italiano depositerà – senza indugio su notifica da parte del Governo degli Stati Uniti d'America – in uno speciale conto presso la Banca d'Italia intestato al Governo italiano un importo in valuta italiana equivalente all'importo in dollari indicato nella notifica. L'importo così indicato sarà il costo in dollari relativo a tali prodotti (incluso il magazzinaggio, il trasporto e le spese di spedizione ivi inerenti) che è indicato come addebitabile agli stanziamenti ai sensi della predetta Legge, oppure – a seconda dei casi – l'importo del debito. L'importo depositato in valuta italiana sarà calcolato al tasso di cambio più favorevole in termini di dollari degli Stati Uniti, autorizzato ai sensi degli Accordi del Fondo Monetario Internazionale applicabile in quell'epoca all'importazione di qualsiasi prodotto in Italia.

2. I fondi nel predetto conto speciale, o precedenti anticipi per cifre concordate, saranno impiegati per spese amministrative da sostenersi in valuta italiana da parte del Governo degli Stati Uniti d'America per

operations within Italy under this Agreement. The remainder of such funds may be used for the following additional purposes:

(*a*) for effective retirement of the national debt of Italy or for irrevocable withdrawal of currency from circulation, and

(*b*) for such other purposes, including measures to promote the stabilitation of Italian currency, as may hereafter be mutually agreed by the two Governments.

Unencumbered balance.

2. Any unencumbered balance remaining in such account on June 30, 1948 will be disposed of within Italy for such purposes as may hereafter be agreed between the two Governments, it being understood that the agreement of the United States of America is subject to approval by Act or Joint Resolution of the Congress.

4. The provisions of this Section shall remain in effect until superseded by a further Agreement between the two Governments.

SECTION II

Nonremoval of commodities from Italian territory.

Any commodities made available under this Agreement by the Government of the United States of America, unless substantially altered from the form in which furnished, and substantially identical commodities within Italy from whatever source procured, will not be removed or permitted to be removed from the territory of the Government of Italy, unless it is agreed between the two Governments that such commodities are no longer needed in Italy or that the export of such commodities would yield a commensurate benefit, not inconsistent with the purposes of the Act as set forth in Section 2 thereof, to the economy of Italy, or unless otherwise expressly agreed between the two Governments.

61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note.

SECTION III

Statements, etc.

The Government of Italy will furnish such statements and information relating to operations under this Agreement as may from time to time be requested by the Government of the United States of America.

le sue attività in Italia derivanti da questo Accordo. La rimanenza di tali fondi potrà essere adoperata per i seguenti ulteriori scopi:

a) per apportare effettive riduzioni al Debito Pubblico italiano o per il ritiro irrevocabile di moneta dalla circolazione e,

e) per quegli altri scopi, ivi incluse misure intese a promuovere la stabizzazione monetaria italiana, che possano essere mutualmente convenuti in avvenire fra i due Governi.

3. Gli eventuali saldi attivi risultanti in tale conto al 30 giugno 1948 saranno utilizzati in Italia per quegli scopi che potranno essere concordati in avvenire fra i due Governi, restando inteso che l'assenso degli Stati Uniti d'America è soggetto all'approvazione del Congresso a mezzo di Legge o di Risoluzione Congiunta.

4. Le disposizioni di questa Sezione resteranno in vigore fin quando non vengano sostituite da un ulteriore Accordo fra i due Governi.

SEZIONE II

Qualsiasi prodotto reso disponibile dal Governo degli Stati Uniti d'America ai sensi di questo Accordo, a meno che non abbia subito sostanziali modifiche nella forma in cui venne fornito, così come i prodotti sostanzialmente identici che si trovino in Italia, indipendentemente dalla loro provenienza, non saranno esportati dal territorio del Governo italiano, nè di essi sarà permessa l'esportazione da detto territorio, salvo che venga convenuto fra i due Governi che tali prodotti non sono più necessari in Italia o che l'esportazione di tali prodotti si risolva per l'economia italiana in un adeguato beneficio che non sia in contrasto con gli scopi indicati nella Sezione II della predetta Legge; o salvo che sia espressamente convenuto altrimenti tra i due Governi.

SEZIONE III

Il Governo italiano fornirà quella documentazione e quelle informazioni relative alle attività inerenti a questo Accordo che potranno essere richieste di volta in volta dal Governo degli Stati Uniti d'America.

December 22, 1947
[T. I. A. S. 1685]

Agreement between the United States of America and Burma respecting a United States educational foundation in Burma. Signed at Rangoon December 22, 1947; entered into force December 22, 1947.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BURMA FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE AGREEMENT REGARDING SETTLEMENT FOR SURPLUS PROPERTY SIGNED AT LONDON ON FEBRUARY 28, 1947.[1]

The Government of the United States of America and the Government of Burma;

Desiring to promote further mutual understanding between the peoples of the United States of America and Burma by a wider exchange of knowledge and professional talents through educational contacts;

50 U. S. C. app. § 1641 (b).

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended (Public Law No. 584, 79th Congress; 60 Stat. 754), provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

Payment in Burma rupees.

Considering that under the provisions of the agreement between the Government of the United States of America and the Government of Burma regarding the settlement for surplus property signed at London on February 28, 1947, it is provided that to the extent that the Government of the United States of America wishes to receive Burma rupees for the payment of any or all expenditures of the Government of the United States of America or its agencies in Burma, including rupees for the acquisition of real property in Burma to be mutually agreed upon, and for improvements and furnishings for property of the Government of the United States of America in Burma, and for cultural and educational programs to be mutually agreed upon, or, to the extent that the Government of the United States of America wishes that rupees for cultural and educational programs so agreed be provided to a foundation or other independent organization, the Government of the United States of America may at any time or times request the Government of Burma, and the Government of Burma agrees to provide to the Government of the United States of America, its agencies or designees, at such time or times, as so requested, rupees in any amount, computed in accordance with Paragraph 11 of the agreement regarding settlement for surplus prop-

[1] Not printed.

erty of February 28, 1947, not in excess of the then unpaid portion of the total principal amount, plus interest then due and payable under the terms of the above-mentioned agreement of February 28, 1947, within limits to be mutually agreed,

Have agreed as follows:

Article 1

The Foundation.

There shall be established a foundation to be known as the United States Educational Foundation in Burma (hereinafter designated "the Foundation"), which shall be recognized by the Government of the United States of America and the Government of Burma as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of Burma under the terms of the present agreement. Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and Burma as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement.

Funds made available by Government of Burma.

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

The funds made available by the Government of Burma shall be used by the Foundation for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Burma, or of the citizens of Burma in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for citizens of Burma who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2

Powers of Foundation.
Post, p. 1818.

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purposes of the present agreement, including the following:

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America.

(3) Disburse funds and make grants and advances of funds for the authorized purposes of the Foundation.

(4) Acquire, hold, and dispose of property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however, that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(6) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Burma, and institutions of Burma qualified to participate in the program in accordance with the aforesaid Act.

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix the salaries and wages thereof.

Article 3

Expenditures; annual budget.

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America, pursuant to such regulations as he may prescribe. The Foundation shall prepare the budget and present it to the Government of Burma in order that comments, if any, of the Government of Burma, may be considered by the Secretary of State prior to final approval of the budget.

Article 4

The Foundation shall not enter into any commitments or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold or dispose of property except for the purposes authorized in the present agreement.

Article 5

The Board.

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of eight Directors (hereinafter designated the "Board").

Chief of Mission.

The principal officer in charge of the diplomatic mission of the United States of America to Burma (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. He shall

have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the chief Public Affairs Officer or such other officer of the United States diplomatic mission, as the Chief of Mission may designate, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, who may be representatives of American business, professional or educational interests in Burma or members of the staff of the United States diplomatic mission; (d) three citizens of Burma, one of them to represent the University of Rangoon, one to represent the Government of Burma in the Ministry of Education, and one of them, not an official of the Government of Burma, to represent unofficial Burmese educational activities. Members of Board.

The five members specified in (c) and (d) of the last preceding paragraph shall be resident in Burma and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Burmese members by the Chief of Mission from a list of names submitted by the Government of Burma. Vacancies by reason of resignations, transfers of residence outside of Burma, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board. Expenses.

Article 6

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation. A copy of the by-laws and a list of the members of the committees appointed by the Board shall be forwarded to the Government of Burma and to the Secretary of State. By-laws and committees.

Article 7

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Government of Burma. Annual reports.

Article 8

The principal office of the Foundation shall be in the capital city of Burma, but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board. Principal office, etc.

Article 9

The Board may appoint an Executive Officer and determine his salary and term of service, provided, however, that in the event it is Executive Officer.

found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint a substitute for such time as it deems necessary or desirable.

Article 10

Decisions of Board.

The decisions of the Board in all matters may, in the discretion of the Secretary of State of the United States of America, be subject to his review. Any decision affecting the interests of Burmese students, professors, or research scholars shall be communicated to the Government of Burma before it is sent for review to the Secretary of State.

Article 11

Deposits by Government of Burma.

The Government of Burma shall, within 30 days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America an amount of currency of the Government of Burma equivalent to $200,000 (United States currency). On January 1, 1949 and on each succeeding January 1 thereafter, the Government of Burma shall similarly deposit an amount of currency of the Government of Burma equivalent to $200,000 (United States currency) until an aggregate amount of the currency of the Government of Burma equivalent to $3,000,000 (United States currency) shall have been deposited. The deposits specified above shall be made in partial fulfillment of the statement of intent of the Government of the United States of America in paragraph 9 of the Surplus Property Agreement signed at London on February 28, 1947, and the Government of the United States of America declares that it is its intention to request the Government of Burma to provide, by amendment to the present agreement, additional deposits which will increase the aggregate amounts deposited to a minimum of $4,000,000 (United States equivalent), provided that no additional deposit will be requested which is in excess of the unpaid portion of the total principal amount, plus interest, then due and payable under the terms of the credit agreement.

Rate of exchange.

The rate of exchange between currency of the Government of Burma and United States currency to be used in determining the amount of currency of the Government of Burma to be so deposited shall be at the par value between Burmese rupees and United States dollars established in conformity with procedures of the International Monetary Fund or if no such par value exists at the rate most favorable to the Government of the United States of America used by the Government of Burma for any official transactions at the time of the deposit.

The Government of Burma shall guarantee the United States of America against exchange loss resulting from any alteration in the above rate of exchange or from any currency conversion with respect

to any currency of the Burmese Government received hereunder and held by the treasurer of the United States of America or by the Foundation by undertaking to pay to the Government of the United States of America such amounts of currency of the Government of Burma to maintain the dollar value of such currency of the Government of Burma as is held by the treasurer of the United States or the Foundation. The purpose of this provision is to assure that the operations of the Foundation will not be interrupted or restricted by any deficits resulting from alterations in the above rate of exchange or from currency conversions.

The Secretary of State of the United States of America will make available to the Foundation Burmese Currency in such amounts as may be required by the Foundation, but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Ante, p. 1816.

Article 12

Furniture, equipment, supplies, and any other articles intended for the official use of the Foundation shall be exempt in the territory of Burma from customs duties, excises, and surtaxes, and every other form of taxation.

Tax exemptions.

All funds and other property used for the purposes of the Foundation, and all official acts of the Foundation within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of Burma.

Article 13

The Government of Burma shall extend to citizens of the United States of America residing in Burma and engaged in educational activities under the auspices of the Foundation such privileges with respect to exemption from taxation, and other burdens affecting the entry, travel, and residence of such persons as are extended to Burmese citizens residing in the United States of America engaged in similar activities.

Article 14

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

"Secretary of State of the United States of America."

Article 15

(1) The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Burma.

Amendment, interpretation, etc.

(2) If any difference arises in regard to the interpretation of any article of or expression in this agreement, the parties to the agreement shall settle such difference by direct negotiations through diplomatic channels.

Article 16

Entry into force.

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Rangoon in duplicate, in the English language, this 22nd day of December, 1947.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

R AUSTIN ACLY
Charge d'Affaires ad interim

FOR THE GOVERNMENT OF BURMA:

TIN TUT
Counsellor for Foreign Affairs

Agreement between the United States of America and Canada amending the provisional agreement of December 8 and 19, 1942, respecting fur seals. Effected by exchange of notes signed at Washington December 26, 1947; entered into force December 26, 1947.

December 26, 1947
[T. I. A. S. 1686]

The Secretary of State to the Canadian Ambassador

WASHINGTON, D.C.
December 26, 1947.

EXCELLENCY:

I have the honor to refer to conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of Canada with regard to the possibility of amending the Provisional Fur Seal Agreement between the United States and Canada effected by exchange of notes signed at Washington, December 8 and 19, 1942, with a view to assuring continuing protection of the fur seal herd.

Amendment and extension of Provisional Fur Seal Agreement.

58 Stat. 1379.

I am glad to inform you that legislation has recently been enacted by the Congress of the United States of America which provides for the extension for an indefinite period of existing laws for the enforcement of the Provisional Fur Seal Agreement. This Government will, therefore, continue to be in position to give full force and effect to the provisions of that Agreement.

Accordingly, the Government of the United States of America proposes that the final sentence of Article X of the Provisional Fur Seal Agreement which relates to the duration of the Agreement, shall be amended to read as follows:

Duration.

58 Stat. 1383.

"The Agreement shall remain in effect until (a) either the Government of the United States of America or the Government of Canada enacts legislation contrary to its provisions; or (b) the date of entry into force of a new agreement for the preservation and protection of fur seals to which the United States of America and Canada, and possibly other interested countries, shall be parties; or (c) twelve months after either Government shall have notified the other Government of an intention of terminating the Agreement."

If the foregoing proposal is acceptable to the Government of Canada, the Government of the United States of America will regard this note and your reply thereto as constituting an agreement between the two Governments amending the Provisional Fur Seal Agreement, with effect from the date of your note in reply.

Effective date.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
WILLARD L. THORP

His Excellency
HUME WRONG,
Ambassador of Canada.

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

WASHINGTON, D. C.
December 26, 1947.

No. 485

SIR,

I have the honour to acknowledge the receipt of your note of December 26th, 1947, proposing that the Provisional Fur Seal Agreement effected by exchange of notes signed at Washington December 8th and 19th, 1942, be amended with a view to assuring continuing protection of the fur seal herd.

58 Stat. 1379.

I have been requested to inform you that the Canadian Government accepts the proposal of the Government of the United States of America contained in your note which, together with this reply, it considers as constituting an agreement between the two Governments amending the Provisional Fur Seal Agreement, with effect from the date of this note.

Accept, Sir, the assurance of my highest consideration.

H H WRONG

THE SECRETARY OF STATE,
Washington, D.C.

Agreement between the United States of America and France respecting assistance to the people of France. Signed at Paris January 2, 1948; entered into force January 2, 1948.

January 2, 1948
[T. I. A. S. 1690]

Agreement between the Government of the United States of America and the Government of France.

Basis of assistance.

The Government of the United States of America and the Government of the French Republic, considering the desire of the people of the United States of America to provide immediate assistance to the people of France, and considering that the enactment by the United States of America of the Foreign Aid Act of 1947 (hereinafter referred to as the Act) provides the basis of assistance by the United States of America to the people of France, have agreed as follows:

61 Stat., Pt. 1, p. 934.
22 U. S. C., Supp. I, § 1411 note.

Article I.

Procurement of commodities.

1. The Government of the United States of America will, subject to the provisions of the Act and of appropriation acts thereunder and of this agreement, aid the people of France by making available such commodities (including storage, transportation, and shipping services related thereto) or by providing for the procurement thereof through credits under the control of the Government of the United States of America, to the Government of the French Republic or to any person, agency, or organization designated to act on behalf of the Government of the French Republic, as may from time to time be requested by the Government of the French Republic and authorized by the Act and by the Government of the United States of America. This agreement, however, implies no present or future obligation upon the Government of the United States of America to give assistance to the people of France, nor does it imply or guarantee the availability of any specific commodities or categories of commodities, nor shall it imply the payment by the Government of the United States of America for any storage, transportation, handling or shipping services within France.

2. All commodities made available pursuant to this agreement will be procured in the United States of America, unless permitted to be procured elsewhere under the provisions of Section 4 of the Act and unless otherwise expressly agreed between the two governments. Petroleum and petroleum products will, to the maximum extent practicable, be procured from sources outside the United States of America and will be transported to France by the most economical route from the source of supply.

61 Stat., Pt. 1, p. 935.
22 U. S. C., Supp. I, § 1411 note.
Petroleum, etc.

Article II.

The Government of the French Republic, having been fully informed as to the provisions of the Act, hereby affirms that it accepts and will

perform the undertakings specified in Section 5 of the Act, as well as those provided for in Section 7 of the Act insofar as action by it may be required for implementation of such latter section.

61 Stat., Pt. 1, pp. 935, 937.
22 U. S. C., Supp. I, § 1411 note.

Article III.

Termination of aid.

1. The Government of the United States of America, pursuant to the requirements of Section 6 of the Act, reserves the right at any time to terminate its aid provided for under Article I, Paragraph 1, of this agreement.

61 Stat., Pt. 1, p. 937.
22 U. S. C., Supp. I, § 1411 note.

Effective date; duration.

2. This agreement, together with the annex attached thereto, shall take effect on the date of its signature and shall apply to all commodities made available to the Government of the French Republic under the Act. It shall remain in effect until December 31, 1948, or such earlier date as may be agreed by the two governments.

In witness thereof, the undersigned, being duly authorized by their respective governments for that purpose, have affixed their respective signatures to this agreement.

Done at Paris, in the English and French languages, this second day of January, 1948.

For the Government of the United States of America
JEFFERSON CAFFERY
[SEAL]

For the Government of the French Republic
[SEAL] BIDAULT
MAYER.
[SEAL]

Annex.

Section I.

Special account in Banque de France.
61 Stat., Pt. 1, p. 934.
22 U. S. C., Supp. I, § 1411 note.

1. In the case of any commodity made available pursuant to this agreement or in the case of credits established under the Act being debited pursuant thereto in respect of the furnishing of any such commodity, the Government of the French Republic will, forthwith upon notification by the Government of the United States of America, deposit in a special account in the Banque de France in the name of the Crédit National an amount in French currency equivalent to the dollar amount stated in the notification. The amount so stated will be either the dollar cost in respect of such commodity (including storage, transportation, and shipping services related thereto) which is indicated as chargeable to appropriations under the Act, or the amount of the debit, as the case may be. The amount deposited in French currency will be computed at the rate of exchange in terms of United States dollars authorized under the Articles of Agreement of the International Monetary Fund, then applicable to imports of such commodity into France.

60 Stat. 1401.

Use of funds.

2. The funds in such special account, or prior advances in agreed amounts, will be used for administrative expenses of the Government of the United States of America, in French currency, incident to its operations within France under this agreement. The remainder of

such funds may be used for the following additional purposes: (A) for effective retirement of the national debt of France or for irrevocable withdrawal of currency from circulation, and (B) for such other purposes, including measures to promote the stabilization of French currency, as may hereafter be mutually agreed by the two governments.

3. Any unencumbered balance remaining in such account on June 30, 1948, will be disposed of within France for such purposes as may hereafter be agreed between the two governments, it being understood that the agreement of the United States of America is subject to approval by act or joint resolution of the Congress. Unencumbered balance.

4. The provisions of this section shall remain in effect until superseded by a further agreement between the two governments.

Section II.

Any commodities made available under this agreement by the Government of the United States of America, unless substantially altered from the form in which furnished, and substantially identical commodities within France from whatever source procured, will not be removed or permitted to be removed from the territory of the Government of the French Republic, unless it is agreed between the two governments that such commodities are no longer needed in France or that the export of such commodities would yield a commensurate benefit, not inconsistent with purposes of the Act as set forth in Section 2 thereof, to the economy of France, or unless otherwise expressly agreed between the two governments. Nonremoval of commodities from French territory.

61 Stat., Pt. 1, p. 934.
22 U. S. C., Supp. I, § 1411 note.

Section III.

The Government of the French Republic will furnish such statements and information relating to operations under this agreement as may from time to time be requested by the Government of the United States of America. Statements, etc.

JC

GB
M.

ACCORD entre LE GOUVERNEMENT DES ETATS-UNIS d'AMERIQUE ET LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE.

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française considérant le désir du peuple des Etats-Unis d'Amérique de fournir une assistance immédiate à la population française et considérant que la mise en vigueur par les Etats-Unis d'Amérique de la Loi sur l'aide à l'étranger de 1947 (ci-après désignée comme la Loi) fournit la base d'une assistance des Etats-Unis à la population française, sont convenus de ce qui suit:

Article I

1. Le Gouvernement des Etats-Unis d'Amérique viendra, dans le cadre des dispositions de la Loi, des lois budgétaires s'y rapportant et du présent accord, en aide à la population française en mettant à la disposition du Gouvernement de la République Française ou de toute autre personne, administration ou organisation désignée pour agir pour le compte de ce Gouvernement, tels produits (y compris les opérations de magasinage, de transports et de services maritimes y relatifs) ou en pourvoyant, grâce à des avances sous le contrôle du Gouvernement des Etats-Unis d'Amérique, à la fourniture de tels produits qui pourront être demandés de temps à autre par le Gouvernement de la République Française et autorisés par la Loi et par le Gouvernement des Etats-Unis d'Amérique. Le présent accord, toutefois, n'implique, pour le Gouvernement des Etats-Unis d'Amérique, aucune obligation présente ou à venir de prêter assistance à la population française ni n'implique aucune garantie relative à la disponibilité de tels produits ou catégorie de produits, ni le paiement par le Gouvernement des Etats-Unis d'Amérique de frais quelconques de magasinage, transport, manutention ou services maritimes en France.

2. Tous les produits rendus disponibles en application du présent accord seront achetés aux Etats-Unis d'Amérique, sauf si cet achat peut être effectué ailleurs en vertu des dispositions de la section 4 de la Loi et sauf convention contraire expresse entre les deux Gouvernements.

Le pétrole et les produits pétroliers seront, dans toute la mesure du possible, achetés à des sources situées hors des Etats-Unis d'Amérique et transportés en France depuis ces sources par la route la plus économique.

Article II

Le Gouvernement de la République Française ayant pris connaissance de toutes les dispositions de la Loi, déclare par les présentes qu'il accepte et qu'il exécutera les engagements énoncés dans la section 5 de la Loi, ainsi que ceux prévus dans la section 7 de la Loi dans la mesure où l'exécution de cette dernière section dépendra de lui.

Article III

1. Le Gouvernement des Etats-Unis d'Amérique, conformément aux dispositions de la Section 6 de la Loi, se réserve le droit de mettre fin, à tout moment, à l'aide prévue à l'Article I paragraphe 1 du présent Accord.

2. Le présent Accord, ainsi que l'Annexe ci-jointe, prendra effet à la date de sa signature et s'appliquera à tous les produits mis à la disposition du Gouvernement de la République Française, en vertu de la Loi. Il demeurera en vigueur jusqu'au 31 décembre 1948 ou jusqu'à telle date plus proche dont les deux Gouvernements pourraient convenir.

En foi de quoi les soussignés, dûment autorisés à cet effet, par leur Gouvernement respectif, ont apposé leur signature au présent accord.

JEFFERSON CAFFERY

Fait à PARIS, le 2 Janvier 1948.
en langue anglaise et française:

[SEAL] BIDAULT

[SEAL] MAYER.

[SEAL]

ANNEXE

Section 1

1. Pour tout produit rendu disponible aux termes du présent accord ou pour toutes sommes débitées sur les crédits ouverts en vertu de celui-ci à l'occasion de la fourniture d'un tel produit, le Gouvernement de la République française effectuera, dès la notification faite par le Gouvernement des Etats-Unis d'Amérique, le dépôt dans un compte spécial à la Banque de France au nom du Crédit National d'un équivalent en monnaie française au montant en dollars précisé par la notification. Le montant ainsi précisé, sera, suivant le cas, soit le prix de revient en dollars d'un tel produit (y compris les frais de magasinage, de transport et de services maritimes y afférents) qui est indiqué comme étant imputable aux crédits budgétaires ouverts en vertu de la Loi, soit le montant du débit. Le montant déposé en monnaie française sera calculé au cours du change du dollar USA autorisé en vertu des Statuts du Fonds Monétaire International applicable à cette date aux importations de tels produits en France.

2. Les fonds déposés dans ce compte spécial ou des avances d'un montant convenu effectuées antérieurement serviront à couvrir les dépenses d'ordre administratif en monnaie française du Gouvernement des Etats-Unis se rapportant aux opérations qu'il effectuera en France en application du présent accord. Le solde de ces fonds pourra être employé aux autres fins suivantes:

A – Pour des remboursements effectifs sur la dette nationale française ou pour le retrait définitif de monnaie en circulation, et

B – A telles autres fins, y compris des mesures de nature à faciliter la stabilisation de la monnaie française, que pourraient être ultérieurement convenues entre les deux Gouvernements.

3. Il sera disposé en France de tout solde de ce compte demeurant non engagé à la date du 30 Juin 1948 pour telles fins qui pourraient être convenues ultérieurement entre les deux Gouvernements, étant entendu que l'accord des Etats-Unis d'Amérique est sujet à ratification par une Loi ou par une Résolution conjointe du Congrès.

4. Les dispositions de la présente SECTION I demeureront en vigueur tant qu'elles n'auront pas été remplacées par un Accord ultérieur entre les deux Gouvernements.

Section II

Tous les produits rendus disponibles par le Gouvernement des Etats-Unis d'Amérique en vertu du présent accord, sauf modification matérielle de la forme en laquelle ils ont été fournis, et les produits matériellement identiques existants en France, quelle que soit leur origine, ne seront pas exportés et l'autorisation ne sera pas donnée de les exporter du territoire du Gouvernement de la République Française, sauf si les deux Gouvernements conviennent que ces produits ne sont plus nécessaires en France ou que leur exportation procurerait à l'économie française un avantage correspondant non incompatible avec les objets de la Loi tels que définis dans la section 2 ou sauf disposition contraire expressément convenue entre les deux Gouvernements.

Section III

Le Gouvernement de la République Française fournira telle déclarations et renseignements relatifs aux opérations découlant du présent accord qui pourraient lui être demandées de temps à autre par le Gouvernement des Etats-Unis d'Amérique./.

JEFFERSON CAFFERY

BIDAULT

MAYER.

Agreement between the United States of America and Austria respecting assistance to the people of Austria. Signed at Vienna January 2, 1948; entered into force January 2, 1948.

January 2, 1948
[T. I. A. S. 1692]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF AUSTRIA.

"The Government of the United States of America and the Government of Austria,

"Considering the desire of the people of the United States of America to provide immediate assistance to the people of Austria, and

"Considering that the enactment of the Foreign Aid Act of 1947 by the United States of America (hereinafter referred to as the Act) provides the basis for such assistance to the people of Austria, have agreed as follows:

ABKOMMEN ZWISCHEN DER REGIERUNG DER VEREINIGTEN STAATEN VON AMERIKA UND DER ÖSTERREICHISCHEN REGIERUNG.

"In Anbetracht des Wunsches des Volkes der Vereinigten Staaten von Amerika, der österreichischen Bevölkerung Soforthilfe zu geben, und

"In Anbetracht des Umstandes, dass das von den Vereinigten Staaten von Amerika Beschlossene Gesetz für Auslandhilfe 1947 (im Nachfolgenden kurz als "Gesetz" bezeichnet) die Grundlage für eine solche Hilfe für die österreichische Bevölkerung vorsieht, haben

"die Regierung der Vereinigten Staaten von Amerika und die österreichische Regierung Folgendes vereinbart:

Basis of assistance.

61 Stat., Pt. 1, p. 934; 22 U. S. C., Supp. I, § 1411 note.

ARTICLE I

1. The Government of the United States of America will, subject to the provisions of the Act and of appropriation acts thereunder and of this Agreement, aid the people of Austria by making available such commodities (including storage, transportation, and shipping services related thereto) or by providing for the procurement thereof through credits under the control of the

ARTIKEL I

1. Die Regierung der Vereinigten Staaten von Amerika wird, auf Grund der Bestimmungen des Gesetzes und der in demselben enthaltenen Anleihbestimmungen und auf Grund dieses Abkommens, der österreichischen Bevölkerung Hilfe leisten durch Zur-Verfügung-Stellung von Waren (einschliesslich der damit verbundenen Einlagerung des Transportes und der Schiffverfrachtung) oder durch die

Procurement of commodities.

Government of the United States of America, to the Government of Austria or to any person, agency, or organization designated to act on behalf of the Government of Austria as may from time to time be requested by the Government of Austria and authorized by the Act and by the Government of the United States of America. This Agreement, however, implies no present or future obligation upon the Government of the United States of America to give assistance to the people of Austria, nor does it imply or guarantee the availability of any specific commodities or categories of commodities, nor shall it imply the payment by the Government of the United States of America for any storage, transportation, handling or shipping services within Austria.

Vorsorge für die Beschaffung derselben durch Kredite unter der Kontrolle der Regierung der Vereinigten Staaten von Amerika an die österreichische Regierung oder irgendeine Person, Dienststelle oder Organisation, die bestimmt ist, im Namen der österreichischen Regierung zu handeln, wie sie fallweise durch die österreichische Regierung erbeten und durch das Gesetz und die Regierung der Vereinigten Staaten von Amerika ermächtigt werden. Jedoch bedeutet dieses Abkommen keine gegenwärtige oder zukünftige Verpflichtung für die Regierung der Vereinigten Staaten von Amerika, der österreichischen Bevölkerung Beistand zu leisten, noch bedeutet oder garantiert es die Verfügbarkeit irgendwelcher bestimmter Waren oder Kategorien von Waren, noch soll es die Zahlung seitens der Regierung der Vereinigten Staaten von Amerika für Einlagerung, Transport, Behandlung oder Verfrachtung innerhalb Österreichs in sich schliessen.

2. All commodities made available pursuant to this Agreement will be procured in the United States of America unless permitted to be procured elsewhere under the provisions of Section 4 of the Act and unless otherwise expressly agreed between the two Governments.

61 Stat., Pt. 1, p. 935. 22 U. S. C., Supp. I, § 1411 note.

2. Alle auf Grund dieses Abkommens zur Verfügung gestellten Waren werden in den Vereinigten Staaten von Amerika beschafft werden, ausser wenn es auf Grund der Bestimmungen des Abschnittes 4 des Gesetzes gestattet ist, und ausser wenn es zwischen den beiden Regierungen ausdrücklich anders vereinbart wird.

Right of possession.

3. The Government of the United States of America retains the right of possession of any commodities made available pursuant to this Agreement, until, in the opinion of the United States High Commissioner for Austria or other designated official of the Government of the United States

3. Die Regierung der Vereinigten Staaten von Amerika behält das Eigentumsrecht über alle auf Grund dieses Abkommens zur Verfügung gestellten Waren bis nach Ansicht des Hochkommissärs der Vereinigten Staaten von Amerika für Österreich oder eines anderen seitens der Regierung der

of America, such commodities should be released for distribution.

ARTICLE II

1. The Government of Austria, having been fully informed as to the provisions of the Act hereby affirms that it accepts and will perform the undertakings specified in Section 5 thereof, as well as those provided for in Section 7 of the Act insofar as action by it may be required for implementation of such latter Section.

2. The undertaking of the Government of Austria pursuant to paragraph 1 of this Article, to permit duly authorized representatives of the Government of the United States of America, including Congressional committees, to observe, advise and report on the distribution among the people of Austria of the commodities made available pursuant to this Agreement, and also to permit representatives of the press and radio of the United States of America to observe and report on the distribution and utilization of the commodities made available pursuant to this Agreement and on the utilization of the special account provided for in the Annex to this Agreement, shall not be applicable so long as the Government of the United States of America determines that commodities made available to the Government of Austria pursuant to this Agreement will be distributed under control systems embodied in the agreements between the United States High Commissioner

Vereinigten Staaten von Amerika ermächtigten Beamten diese Waren für die Verteilung freigegeben werden.

ARTIKEL II

1. Die österreichische Regierung, die volle Kenntnis der Bestimmungen des Gesetzes hat, bestätigt hiermit, dass sie die in Abschnitt 5 des Gesetzes spezifizierten Verpflichtungen erfüllen wird, ebenso wie jene, die in Abschnitt 7 des Gesetzes vorgesehen sind, insoferne als eine Massnahme der österreichischen Regierung für die Durchführung des letztgenannten Abschnittes erforderlich sein sollte. 61 Stat., Pt. 1, pp. 935, 937. 22 U. S. C., Supp. I, § 1411 note.

2. Die Verpflichtung der österreichischen Regierung auf Grund des 1. Absatzes dieses Artikels, ordnungsgemäss ermächtigten Vertretern der Regierung der Vereinigten Staaten von Amerika, einschliesslich Ausschüssen des Kongresses, zu gestatten, die Verteilung der auf Grund dieses Abkommens zur Verfügung gestellten Waren zu beobachten, für dieselben Ratschläge zu erteilen und über dieselben zu berichten, und ebenfalls Vertretern der Presse der Vereinigten Staaten von Amerika und des Rundfunkwesens der Vereinigten Staaten von Amerika zu gestatten, die Verteilung und Verwendung der auf Grund dieses Abkommens zur Verfügung gestellten Waren zu beobachten und darüber und über die Verwendung des in der Beilage zu diesem Abkommen vorgesehenen Spezialkontos zu berichten, ist so lange nicht anzuwenden, als die Regierung der Vereinigten Staaten von Amerika bestimmt, dass die auf Grund dieses Abkommens der österreichischen Regierung zur

Distribution of commodities.

for Austria and the other occupying authorities or the Government of Austria which assure compliance with the objectices of the occupation and with the purposes of the Act.

ARTICLE III

Termination of aid.

1. The Government of the United States of America, pursuant to the requirements of Section 6 of the Act, reserves the right at any time to terminate its aid provided for under Article I, paragraph 1, of this Agreement.

61 Stat., Pt. 1, p. 937. 22 U. S. C., Supp. I, § 1411 note.

Effective date; duration.

2. This Agreement, together with the Annex attached thereto, shall take effect to the date of its signature and shall apply to all commodities made available to the Government of Austria under the Act. It shall remain in effect until December 31, 1948, or such earlier date as may be agreed by the two Governments.

In witness whereof, the undersigned, being duly authorized by their respective Governments for that purpose, have affixed their respective signatures to this Agreement.

Done at Vienna, in the English and German languages, this 2nd day of January, 1948.

For the Government of the United States of America:

GEOFFREY KEYES

Verfügung gestellten Waren auf Grund von Kontrollsystemen verteilt werden sollen, die auf Vereinbarungen zwischen dem Hochkommissär der Vereinigten Staaten von Amerika für Österreich und den übrigen Besatzungsmächten oder der österreichischen Regierung beruhen, die die Erfüllung der Zwecke der Besetzung und der Zwecke des Gesetzes sichern.

ARTIKEL III

1. Die Regierung der Vereinigten Staaten von Amerika behält sich auf Grund der Erfordernisse des Abschnittes 6 des Gesetzes das Recht vor, jederzeit ihre auf Grund des Artikels I, Absatz 1, dieses Abkommens gewährte Hilfe zu beenden.

2. Dieses Abkommen, zugleich mit der beigefügten Beilage, tritt am Tage seiner Fertigung in Kraft und bezieht sich auf alle der österreichischen Regierung auf Grund des Gesetzes zur Verfügung gestellten Waren. Es wird bis 31. Dezember 1948 oder bis zu einem von den beiden Regierungen vereinbarten früheren Zeitpunkt in Kraft bleiben.

Zur Bekräftigung des Obigen haben die Gefertigten, die von ihren beiderseitigen Regierungen für diesen Zweck ermächtigt sind, ihre Unterschriften unter dieses Abkommen gesetzt.

Geschehen in Wien, in englischer und deutscher Sprache, am 2. Januar 1948.

Für die Österreichische Bundesregierung:

FIGL

GRUBER

ANNEX.

SECTION I

1. In the case of any commodity made available pursuant to this Agreement or in the case of credits established under the Act being debited pursuant thereto in respect of the furnishing of any such commodity, the Government of Austria will, forthwith upon notification by the Government of the United States of America, deposit in a special account in the Austrian National Bank in the name of the Government of Austria, an amount in Austrian currency equivalent to the dollar amount stated in the notification. The amount so stated will be either the dollar cost in respect of such commodity (including storage, transportation, and shipping services related thereto) which is indicated as chargeable to appropriations under the Act, or the amount of the debit, as the case may be. The amount deposited in Austrian currency will be computed at the most favorable rate of exchange in terms of United States dollars which is lawfully available in Austria to any legal personality and is then applicable to imports of any commodity into Austria.

2. The funds in such special account, or prior advances in agreed amounts, will be used for administrative expenses of the Government of the United States of America, in Austrian currency, incident to its operations within Austria under this Agreement. The remainder of such funds may

BEILAGE

ABSCHNITT I

1. Jedes Mal, wenn irgendeine Ware auf Grund dieses Abkommens zur Verfügung gestellt wird oder wenn auf Grund des Gesetzes festgesetzte Kredite dementsprechend für die Lieferung einer solchen Ware in Anspruch genommen werden, hat die österreichische Regierung sofort nach erhaltener Mitteilung der Regierung der Vereinigten Staaten von Amerika auf ein Spezialkonto bei der Österreichischen Nationalbank, im Namen der österreichischen Regierung, einen Betrag in österreichischer Währung als Gegenwert des in der Mitteilung genannten Dollar-Betrages zu erlegen. Der erwähnte Betrag wird entweder der Dollar-Preis einer solchen Ware (einschliesslich der damit verbundenen Einlagerungs-, Transport- und Verfrachtungskosten), insoweit er auf Grund der im Gesetz vorgesehenen Verwendungszwecke angelastet werden kann, oder der Betrag der Schuld sein, wie der Fall gerade liegt. Der in österreichischer Währung zu erlegende Betrag wird zum günstigsten Wechselkurs des US-Dollars, der in Österreich gesetzlich für jede Rechtspersönlichkeit gezahlt werden kann, berechnet werden und wird dann für die Einfuhren aller Waren in Österreich angewandt werden.

Special account in Austrian National Bank.

61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note.

2. Die auf dieses Spezialkonto eingezahlten Geldmittel oder früher vereinbarte Vorschüsse werden für Verwaltungsausgaben in österreichischer Währung, die die Regierung der Vereinigten Staaten von Amerika als Folge ihrer Operationen auf Grund dieses Abkommens in Österreich haben wird,

Use of funds.

be used for the following additional purposes:

(a) For effective retirement of the national debt of Austria or for irrevocable withdrawal of currency from circulation, and,

(b) For such other purposes, including measures to promote the stabilization of Austrian currency, as may hereafter be mutually agreed by the two Governments.

Unencumbered balance.

Any unencumbered balance remaining in such account on June 30, 1948, will be disposed of within Austria for such purposes as may hereafter be agreed between the two Governments, it being understood that the agreement of the United States of America is subject to approval by act or joint resolution of the Congress.

4. The provisions of this Section shall remain in effect until supersedet by a further agreement by the two Governments.

SECTION II

Nonremoval of commodities from Austrian territory.

Any commodities made available under this Agreement by the Government of the United States of America, unless substantially altered from the form in which furnished and substantially identical commodities within Austria from whatever source procured, will not be removed or permitted to be removed from the territory of the Government of Austria, unless it is agreed between the two Governments that such commodities are no longer needed in Austria or that the export of such commodities would yield a com-

verwendet werden. Der übrig bleibende Rest dieser Geldmittel kann für die folgenden zusätzlichen Zwecke verwendet werden:

(a) Für wirksame Verringerung der nationalen Schuld Österreichs oder für unwiderrufliche Zurückziehung von Währung aus dem Umlauf und

(b) für sonstige Zwecke, einschliesslich Massnahmen für die Stabilisierung der österreichischen Währung, wie sie später seitens der beiden Regierungen vereinbart werden.

Ein auf diesem Konto am 30. Juni 1948 noch übrig gebliebener unbelasteter Saldo wird innerhalb Österreichs für solche Zwecke verwendet werden, wie die beiden Regierungen vereinbaren werden, wobei es zur Kenntnis genommen wird, dass das Einverständnis der Vereinigten Staaten von Amerika der Genehmigung durch ein Gesetz oder einem gemeinsamen Beschluss des Kongresses unterliegt.

4. Die Bestimmungen dieses Abschnittes werden bis zur Aufhebung durch eine weitere Vereinbarung zwischen den beiden Regierungen in Kraft bleiben.

ABSCHNITT II.

Alle auf Grund dieses Abkommens durch die Regierung der Vereinigten Staaten von Amerika zur Verfügung gestellten Waren dürfen, — ausser wenn die Form, in der sie geliefert und in der identische Waren innerhalb Österreichs aus irgendwelchen Quellen beschafft werden, wesentlich geändert wird — aus dem Gebiet der österreichischen Regierung nicht entfernt werden noch darf die Erlaubnis für eine solche Entfernung gegeben werden, ausser wenn die zwei Regierungen übereinkommen, dass solche Waren

mensurate benefit, not inconsistent with the purposes of the Act as set forth in Section II thereof, to the economy of Austria, or unless otherwise expressly agreed between two Governments.

SECTION III.

The Government of Austria will furnish such statements and information relating to operations under this Agreement as may from time to time be requested by the Government of the United States of America."

nicht mehr in Österreich benötigt werden oder dass die Ausfuhr solcher Waren einen angemessenen Gewinn für die österreichische Wirtschaft bringen würde, der den Zwecken des Gesetzes, wie in Abschnitt II desselben festgesetzt, nicht widerspricht, oder falls es ausdrücklich von beiden Regierungen anderweitig vereinbart wird.

61 Stat., Pt. 1, p. 934.
22 U. S. C., Supp. I, § 1411 note.

ABSCHNITT III.

Die österreichische Regierung wird jene Angaben und Informationen für die Durchführung dieses Abkommens liefern, wie sie fallweise von der Regierung der Vereinigten Staaten von Amerika erbeten werden.

Statements, etc.

January 7, 1948
[T. I. A. S. 1698]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland superseding in part the Agreement of March 27, 1946, respecting the settlement of lend-lease interest in future sales of surplus stores in the Middle East. Signed at London January 7, 1948; entered into force January 7, 1948.

AGREEMENT RELATING TO SETTLEMENT OF THE LEND-LEASE INTEREST IN FUTURE SALES OF SURPLUS STORES IN THE MIDDLE EAST.

Modification of Lend-Lease Settlement Agreements.

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland hereby agree:—

Effective date.

Post, p. 1839.

60 Stat. 1540.

(a) that as from 15th July, 1947, this Agreement shall supersede in the Middle East (as defined in Appendix 'A') paragraphs 7 and 8 of Agreement IV relating to Military Holdings of the Washington Specific Agreements dated 26th [1] March, 1946, with the exceptions specified in paragraph 7 below, but shall not in any other respect modify the terms of the Lend-Lease Settlement Agreements;

Sales of British Stores Disposals Mission.

(b) that on and after 15th July, 1947, the Lend-Lease interest in the proceeds of sales of the British Stores Disposals Mission (Middle East) (hereinafter referred to as "the British authorities") of surplus stores in the Middle East shall be discharged in accordance with the following conditions:—

Post, p. 1838.

1. As soon as possible after the end of each month, up to and including June 1948, the British authorities shall deduct from the gross total value of contracts (excluding any contracts under paragraph 7 of this Agreement) entered into during the month

(a) Customs Duty, Excise Tax and other dues relative thereto, and
(b) Seven and one-half per centum of the resultant balance, to cover contractual contingencies,

and shall pay over to the Government of the United States, in the currencies of the territories in which the stores are situated, an agreed percentage of the resultant net figures. Amounts due for sales made in sterling shall be computed at the exchange rates in use by the British Army at the time of payment.

Percentage, Lend-Lease interest.
Post, p. 1838.

2. The agreed percentage representing the Lend-Lease interest shall be fifteen per centum in the case of sales of stores situated in Egypt as of the date of execution of the contract of sale, and nine per centum in the case of sales of stores situated in Iraq as of the date of execution

[1] The correct date is Mar. 27, 1946.

of the contract of sale, whether sold for use in those countries or for export.

U. S. waiver of designated claims, etc.

3. Since it is agreed that in any other Middle East territories there will be no significant sales in respect of which the Government of the United States would be entitled to receive a share of proceeds, the Government of the United States as from 15th July, 1947, waives all claims in respect of the Lend-Lease element in any surplus stores, situated outside Egypt and Iraq, which may remain to be sold, with the exceptions set forth in paragraph 7 below.

4. The Government of the United States shall raise no claim in respect of surplus stores in Egypt and Iraq sold by the British authorities after 30th June, 1948.

5. As from the date of this Agreement, the Government of the United States waives the right of repossession for sale on its own account afforded to it under the terms of paragraph 7 of Agreement IV. Repossessions initiated but remaining uncompleted by the date of this Agreement may, however, be completed. The Government of the United States will retain the right to recapture Lend-Lease articles as provided for in paragraph 2 of Agreement IV.

60 Stat. 1540.

60 Stat. 1539.

Applicability of provisions.

6. The provisions of this Agreement shall apply to the proceeds of sale of:—

(a) surplus scrap and salvage;
(b) surplus tyres and tubes (thus superseding the existing arrangement whereby proceeds of sale of certain tyres and tubes are divided equally between the two Governments).

Nonapplicability of provisions.

7. The provisions of this Agreement shall not apply to:—

(a) the proceeds of sale of surplus stores sold before 15th July, 1947. Sales made under contracts entered into before 15th July, 1947, shall be regarded as having been effected before that date even though payment be made by the buyer, or the stores be delivered to the buyer, after that date; the proceeds shall be paid to the Government of the United States in accordance with existing arrangements;
(b) the proceeds of sales of surpluses sold by the Government of the United States on its own account; these shall accrue to the Government of the United States in accordance with existing arrangements;
(c) the transfer of stores to the Ministry of Food for use in connection with the East African ground nut scheme;
(d) the disposal of stores to third governments for military end-use; these sales shall continue to be governed by paragraph 6 of Agreement IV.

60 Stat. 1540.

(e) stores in Eritrea technically repossessed by the Office of the Foreign Liquidation Commissioner of the Department of State prior to 15th July, 1947, but sold by the British authorities after that date by special arrangement, the proceeds of which, net of

ten per centum deduction for departmental expenses, are to be paid to the Government of the United States;

(f) payments to the Government of the United Kingdom in respect of the leasing of Lend-Lease articles for civilian use; these payments shall continue to be governed by the provisions of Agreement IV.

60 Stat. 1539.

(g) the proceeds of Lend-Lease articles removed from installations and sold as stores, unless derived from sales made by the British authorities.

Waiver of designated claims in dispute.

8. All claims to proceeds of disposals of surplus stores covered by this Agreement which fall under the terms of paragraphs 7 and 8 of Agreement IV, and are still in dispute (other than the question of disposition of proceeds from the sale of oil drums) are waived under this Agreement. No new claim shall be raised by either Government in respect of surplus stores sold prior to 15th July, 1947.

60 Stat. 1540.

Ante, p. 1836.

9. It is agreed that the percentages quoted in paragraph 2 of this Agreement take account of departmental expenses and no further allowance for such expenses shall be made in remitting proceeds under this Agreement.

Renegotiation.

10. If at any time during the course of the operation of this Agreement, it should be determined that unexpected or unusual circumstances had arisen in connection with operations under this Agreement, the terms of the Agreement may be re-negotiated at the request of either Government.

Payments covering sales made since July 15, 1947.

11. Any payments which may have been made to the Government of the United States under arrangements at present in force covering sales made since 15th July, 1947, shall be taken into account in calculating the payments to be made under paragraphs 1 and 2 of this Agreement.

Ante, p. 1836.

Review of arrangements.

12. The above arrangements may be subject to review in connection with any global agreement on other claims which may be negotiated at some future date between the Government of the United States and the Government of the United Kingdom and without prejudice to any such later agreement. In the event of any such later settlement payments made to the Government of the United States under this agreement or under arrangements at present in force covering sales made since 15th July, 1947 shall be taken into account.

Signed in duplicate at London, this seventh day of January, nineteen-hundred and forty-eight.

For the Government of the United States of America.

W. Cornell Dechert

W. Cornell Dechert.
Central Field Commissioner,
for Norman T. Ness, Director.
Officer of Financial and Development Policy,
Department of State.

For the Government of the United Kingdom of Great Britain and Northern Ireland.

A. F. Dobbie Bateman

A.F. Dobbie-Bateman.
Under-Secretary.
Ministry of Supply.

Appendix 'A':

PALESTINE AND TRANSJORDAN
ADEN
CYPRUS
DODECANESE
TRIPOLITANIA
CYRENAICA
ERITREA
PERSIA
SAUDI ARABIA AND YEMEN
SUDAN
LEVANT STATES
KOWEIT
BAHREIN
EGYPT
IRAQ

February 11, 1948
[T. I. A. S. 1712]

Agreement between the United States of America and Sweden respecting quantitative import restrictions and deferment of payments, modifying the agreement of June 24, 1947. Effected by exchange of memorandums dated at Washington February 11, 1948; entered into force February 11, 1948. And exchange of letters.

The Swedish Embassy to the Department of State

EMBASSY OF SWEDEN
WASHINGTON 8, D. C.

MEMORANDUM

The Government of Sweden wishes to refer to discussions which have recently been held between its representatives and those of the Government of the United States of America concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. After a careful examination of the facts relating to the payments position of Sweden it is recognized that a temporary suspension of the commitments undertaken by the Government of Sweden in paragraph 4 of its aide-memoire dated June 24, 1947 is necessary to permit the Government of Sweden to meet its present payments difficulties. The principles governing the temporary suspension of paragraph 4 of the cited aide-memoire are set forth in a letter dated February 11, 1948 from Mr. Aminoff, Swedish Chargé d'Affaires, to Mr. Thorp, Assistant Secretary of State for Economic Affairs.

61 Stat., Pt. 4, p. 3746.

Post, p. 1843.

2. The Government of the United States recognizes that the commitments undertaken by the Government of Sweden in paragraph 5(c) of its aide-memoire dated June 24, 1947 with respect to quotas applicable to the importation of commodities listed in Schedule I of the Commercial Agreement between the two governments signed May 25, 1935, have, in general, been fulfilled, total imports being in excess of the total of the amounts stipulated. In view of this development, caused substantially by the operation of the transitional rules applied by the Government of Sweden, and because of the serious and unanticipated deficit incurred by Sweden in its balance of payments which has resulted in serious loss of gold and convertible foreign exchange, the Government of the United States agrees not to invoke, for the six months period ending June 30, 1948, the provisions of paragraph 5(c) of the Swedish aide-memoire dated June 24, 1947, with respect to the application of Swedish import controls to the importation of items listed in Schedule I of the Commercial Agreement of 1935.

61 Stat., Pt. 4, p. 3746.

49 Stat. 3768.

3. In applying quantitative restrictions necessary to safeguard its external financial and balance of payments position to all imports from the United States, including those listed in Schedule I, the Government of Sweden will issue licenses to cover hardship cases in connection with contracts (previously based on valid import licenses, wherever necessary, or assurances thereof) involving goods which have been, or are, in the process of being specifically made or prepared for use in Sweden. Favorable consideration will also be given to cases involving goods for which, in connection with contracts, specific preparations have been made for shipment to Sweden.

4. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world, it is recognized that the Government of Sweden is faced with the necessity of taking measures to correct its present imbalance of trade, and to conserve its foreign exchange.

5. It is, therefore, understood between the Governments of Sweden and the United States that the balance of payments problems of Sweden are similar to those of other countries which gave rise to the provisions of the General Agreement on Tariffs and Trade, concluded at Geneva, Switzerland, on October 30, 1947 by the United States and twenty-two other signatories and that, therefore, the two governments agree to undertake negotiations with a view to the temporary relaxation of the requirements of Articles II and VII of the Commercial Agreement of 1935, to become effective July 1, 1948 along the lines of the balance of payments provisions of the General Agreement on Tariffs and Trade, which both governments consider appropriate under the circumstances.

61 Stat., Pts. 5 and 6.

49 Stat. 3757, 3760.

WASHINGTON, D.C., *February 11, 1948.*

AFF

The Department of State to the Swedish Embassy

MEMORANDUM

The Government of the United States of America wishes to refer to discussions which have recently been held between its representatives and those of the Government of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. After a careful examination of the facts relating to the payments position of Sweden it is recognized that a temporary suspension of the commitments undertaken by the Government of Sweden in paragraph 4 of its aide-memoire dated June 24, 1947 is necessary to permit the Government of Sweden to meet its present payments difficulties. The principles governing the temporary suspension of paragraph 4 of the cited aide-memoire are set forth in a letter dated February 11, 1948

Suspension of designated commitments.

61 Stat., Pt. 4, p. 3746.

from Mr. Aminoff, Swedish Chargé d'Affaires, to Mr. Thorp, Assistant Secretary of State for Economic Affairs.

Post, p. 1843.

2. The Government of the United States recognizes that the commitments undertaken by the Government of Sweden in paragraph 5(c) of its aide-memoire dated June 24, 1947 with respect to quotas applicable to the importation of commodities listed in Schedule I of the Commercial Agreement between the two Governments signed May 25, 1935, have, in general, been fulfilled, total imports being in excess of the total of the amounts stipulated. In view of this development, caused substantially by the operation of the transitional rules applied by the Government of Sweden, and because of the serious and unanticipated deficit incurred by Sweden in its balance of payments which has resulted in serious loss of gold and convertible foreign exchange, the Government of the United States agrees not to invoke, for the six months period ending June 30, 1948, the provisions of paragraph 5(c) of the Swedish aide-memoire dated June 24, 1947, with respect to the application of Swedish import controls to the importation of items listed in Schedule I of the Commercial Agreement of 1935.

61 Stat., Pt. 4, p. 3746.

49 Stat. 3768.

Licenses to cover hardship cases.

3. In applying quantitative restrictions necessary to safeguard its external financial and balance of payments position to all imports from the United States, including those listed in Schedule I, the Government of Sweden will issue licenses to cover hardship cases in connection with contracts (previously based on valid import licenses, wherever necessary, or assurances thereof) involving goods which have been, or are, in the process of being specifically made or prepared for use in Sweden. Favorable consideration will also be given to cases involving goods for which, in connection with contracts, specific preparations have been made for shipment to Sweden.

Balance of payments problems.

4. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world, it is recognized that the Government of Sweden is faced with the necessity of taking measures to correct its present imbalance of trade, and to conserve its foreign exchange.

5. It is, therefore, understood between the Governments of Sweden and the United States that the balance of payments problems of Sweden are similar to those of other countries which gave rise to the provisions of the General Agreement on Tariffs and Trade, concluded at Geneva, Switzerland, on October 30, 1947 by the United States and twenty-two other signatories and that, therefore, the two Governments agree to undertake negotiations with a view to the temporary relaxation of the requirements of Articles II and VII of the Commercial Agreement of 1935, to become effective July 1, 1948 along the lines of the balance of payments provisions of the General Agreement

61 Stat., Pts. 5 and 6.

Effective date.
49 Stat. 3757, 3760.

on Tariffs and Trade, which both Governments consider appropriate under the circumstances.

DEPARTMENT OF STATE,
Washington, February 11, 1948

WLT

The Swedish Chargé d'Affaires ad interim to the Assistant Secretary for Economic Affairs

EMBASSY OF SWEDEN
WASHINGTON 8, D. C.

FEBRUARY 11, 1948

MY DEAR MR. SECRETARY:

Reference is made to the Minister's letter of June 24, 1947 setting forth the policies of the Swedish Government in connection with foreign exchange transactions between Sweden and the United States. It will be recalled that the final paragraph of the letter reads as follows: 61 Stat., Pt. 4, p. 3748.

"If unforeseen circumstances require temporary modification of the principles set forth above, the Government of Sweden in accordance with the provisions of its memorandum of June 24, 1947, will review the situation with the Government of the United States".

Last December the Government of Sweden, having decided that the payments position of Sweden required a further review with the Government of the United States, initiated discussions on the subject in Washington. It was pointed out in the discussions that Sweden has been and is taking steps to bring its payments and receipts into equilibrium for 1948, except as to a carryover of import commitments covered by import licenses issued in 1947 and a seasonal deficit anticipated during the first quarter of 1948.

After careful examination of the facts, it now appears advisable to find a solution of Sweden's immediate payments difficulties through (a) reduction of import commitments referred to in the foregoing paragraph insofar as this is feasible and through (b) temporary modifications of the policies described in the letter, already cited, governing payments and transfers to the United States, involving deferments of such payments and transfers. In accordance with (b) above, the Government of Sweden therefore proposes that in cases where the authorizing of a payment between Sweden and the United States would cause Swedish gold and hard currency assets to fall below a minimum working balance, a reasonable delay in authorizing such payment will not be considered a violation of paragraph 4 of the Swedish aide-memoire of June 24, 1947 or of the terms of the Minister's letter of the same date. 61 Stat., Pt. 4, p. 3746.

The Swedish Government considers the above proposal as an exceptional and temporary measure which it intends to withdraw as soon as

Sweden's reserves of gold and convertible foreign exchange reach such levels that payments and transfers may be made to the United States on a current basis without adversely affecting Sweden's payments position. Accordingly, my Government would be pleased to have a review of the situation whenever either of our Governments considers that such action would be appropriate. It is the understanding of my Government that the temporary arrangements outlined in this letter would remain in effect until terminated or modified following a review of the situation as provided above.

Sincerely yours,

A AMINOFF

Mr. WILLARD L. THORP,
Assistant Secretary for Economic Affairs,
Department of State,
Washington, D. C.

The Assistant Secretary for Economic Affairs to the Swedish Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
February 11, 1948

MY DEAR MR. CHARGÉ D'AFFAIRES:

I have received your letter of February 11, 1948, setting forth the proposals of the Government of Sweden for temporary modification of the provisions of the letter from the Swedish Minister dated June 24, 1947, regarding foreign exchange transactions between Sweden and the United States.

61 Stat., Pt. 4, p. 3748.

It gives me pleasure to state that the provisions of your letter are acceptable to the Government of the United States.

Sincerely yours,

WILLARD L. THORP

MR. ALEXIS DE AMINOFF,
Chargé d'Affaires ad interim of Sweden.

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting the rights of United States airlines in Ceylon, modifying the agreement of February 11, 1946. Effected by exchange of notes signed at London January 14, 1948; entered into force January 14, 1948.

January 14, 1948
[T. I. A. S. 1714]

The American Chargé d'Affaires ad interim to the British Secretary of State for Foreign Affairs

No. 1535

JANUARY 14, 1948

YOUR EXCELLENCY:

I have the honor to refer to the Air Transport Agreement between the Government of the United States of America and the Government of the United Kingdom signed at Bermuda on February 11, 1946 and to a note from the Foreign Office of February 3, 1947 [1] to the Embassy of the United States regarding the exercise of first, second, third, fourth and fifth freedom rights by designated United States airlines in Ceylon subject to the general provisions of the Bermuda Agreement.

60 Stat. 1499.

The Government of the United States of America desires to formalize the right of designated United States airlines to enjoy first, second, third, fourth and fifth freedom rights in Ceylon by means of an appropriate amendment of Section III (b) of the Annex to the Air Transport Agreement between the Government of the United States of America and the Government of the United Kingdom as follows:

Amendment of Air Transport Agreement.

60 Stat. 1508.

	Point of Departure	Intermediate Points	Destination in U. K. Territory	Points Beyond
3.	* Chicago Detroit Washington New York Boston Baltimore Philadelphia	Gander Shannon Greenland Iceland Paris A point in Switzerland Rome Athens Cairo	Lydda A point in Ceylon	A point in Iraq Dhahran Bombay Calcutta A point in Burma A point in Siam A point or points in Indo-China A point or points in China
4.	Chicago Detroit Washington New York Boston Baltimore Philadelphia	Gander Azores Lisbon (a) (b) Algiers Madrid Tunis Rome Tripoli Athens Benghazi Cairo Cairo	Lydda A point in Ceylon	From Lydda to points beyond as described in Route 3.

[1] Not printed.

[* Notice will be given by the aeronautical authorities of the United States to the aeronautical authorities of the United Kingdom of the route service patterns according to which services will be inaugurated on these routes.]

No change is proposed in the designation by the Government of the United States of America of United States certificated carriers to operate the routes described in the Annex to the Agreement.

60 Stat. 1504.
60 Stat. 1508.

If the modifications to Section III (b) of the Annex as set forth above are agreeable to the Government of the United Kingdom, I suggest that this note and your reply thereto should constitute the exchange of notes for which Article 8 of the Agreement signed at Bermuda provides.

60 Stat. 1502.

Accept, Sir, the renewed assurances of my highest consideration.

W. J. GALLMAN

The Rt. Hon. ERNEST BEVIN, M.P.,
Secretary of State for Foreign Affairs,
Foreign Office,
Whitehall, S. W. 1.

The British Secretary of State for Foreign Affairs to the American Chargé d'Affaires ad interim

FOREIGN OFFICE, S.W. 1.
14th January, 1948.

No. W 390/390/802.

SIR,

I have the honour to refer to your Note No. 1535 of today's date stating that it is the desire of the Government of the United States of America to formalize the right of designated United States airlines to enjoy first, second, third, fourth and fifth freedom rights in Ceylon by means of an appropriate amendment of Section III (b) of the Annex to the Air Transport Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland.

60 Stat. 1508.

I have the honour to inform you that His Majesty's Government in the United Kingdom accept the amendment of Section III (b) of the Annex to the above mentioned Agreement proposed in your Note, as follows:—

	Point of Departure	Intermediate Points		Destination in U.K. Territory	Points Beyond
3.	* Chicago Detroit Washington New York Boston Baltimore Philadelphia	Gander Shannon Greenland Iceland Paris A point in Switzerland Rome Athens Cairo		Lydda A point in Ceylon	A point in Iraq Dhahran Bombay Calcutta A point in Burma A point in Siam A point or points in Indo-China A point or points in China
4.	Chicago Detroit Washington New York Boston Baltimore Philadelphia	Gander Azores Lisbon (a) Algiers Tunis Tripoli Benghazi Cairo	(b) Madrid Rome Athens Cairo	Lydda A point in Ceylon	From Lydda to points beyond as described in Route 3.

3. His Majesty's Government in the United Kingdom note that no change is proposed in the designation by the Government of the United States of America of United States certificated carriers to operate the routes described in the Annex of the Agreement. 60 Stat. 1504.

4. In accordance with the proposal contained in the last paragraph of your Note, that Note and the present reply will be regarded as an Exchange of Notes under the provisions of Article 8 of the Agreement signed at Bermuda on the 11th February, 1946. 60 Stat. 1502.

I have the honour to be, with high consideration, Sir,

Your obedient Servant,

(For the Secretary of State)
H W A FREESE-PENNEFATHER

Mr. W. J. GALLMAN,
etc., etc., etc.,
United States Embassy.

[* Notice will be given by the aeronautical authorities of the United States to the aeronautical authorities of the United Kingdom of the route service patterns according to which services will be inaugurated on these routes.]

February 24, 1948
[T. I. A. S. 1716]

Agreement and accompanying exchanges of notes between the United States of America and Norway respecting a mutual aid settlement. Signed at Washington February 24, 1948; entered into force February 24, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE ROYAL NORWEGIAN GOVERNMENT REGARDING SETTLEMENT FOR LEND-LEASE, MILITARY RELIEF, AND CLAIMS

The Government of the United States of America and the Royal Norwegian Government have reached an understanding regarding a settlement for lend-lease; for the Royal Norwegian Government's obligation to the United States Government for civilian supplies furnished under the military relief program (Plan A); and for other financial claims of each Government against the other arising out of the conduct of the war. This settlement is complete and final. In arriving at this understanding, both Governments have recognized the benefits accruing to each from their contributions to the defeat of their common enemies, and have adhered to the principles expressed in Article VII of the Preliminary Agreement on Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression, signed at Washington on July 11, 1942.

56 Stat. 1567.

I. Lend-Lease

A. Transfer of Title. Except as otherwise provided in this paragraph I, the Royal Norwegian Government receives full title to lend-lease articles heretofore transferred or retransferred to the Royal Norwegian Government.

B. Right of recapture. The United States Government reserves the right of recapture of lend-lease merchant vessels and of any lend-lease articles held by the Royal Norwegian Government of types essentially or exclusively for use in war or warlike exercises, but has indicated that it does not intend to exercise generally this right of recapture, except that United States Government naval and merchant vessels made available to the Royal Norwegian Government under lend-lease are to be returned to the United States Government to the extent and in the manner required by existing agreements and by United States law. The Royal Norwegian Government agrees that all lend-lease articles held by it will be used only for purposes compatible with the principles of international security and welfare set forth in the Charter of the United Nations.

59 Stat. 1031.

C. Waiver of Payment. Except as provided in this Agreement, the Royal Norwegian Government will make no payment to the

United States Government for lend-lease articles heretofore transferred or retransferred, or lend-lease services heretofore rendered, to the Royal Norwegian Government.

D. Restrictions on Disposal. Disposals of lend-lease articles of types essentially or exclusively for use in war or warlike exercises, except for use in Norwegian territory, will be made only with the consent of the United States Government. All net proceeds of disposals requiring such consent will be paid to the United States Government.

II. Military Relief Program

In consideration of the mutual undertakings of this Agreement, the obligation of the Royal Norwegian Government to the United States Government for the United States share of the combined claim against the Royal Norwegian Government for the military relief program (Plan A) is considered discharged, and no further benefit will be sought by either Government. The Royal Norwegian Government recognizes that the settlement hereby made with the United States Government in no way impairs the obligation of the Royal Norwegian Government to the United Kingdom and Canadian Governments for their shares of the combined claim for Plan A.

III. Claims

A. Private Claims. To the extent that claimants have not heretofore been paid, the Royal Norwegian Government will process claims against the United States Government and others, and discharge their liability with respect thereto, as follows:

(1) Patent Claims. Claims of individuals, firms, and corporations domiciled in Norwegian territory at the time of the use giving rise to the claim (except individuals who were then exclusively United States nationals) against the United States Government, its contractors and subcontractors, for royalties under license contracts for the use of inventions, patented or unpatended, or for infringement of patent rights, in connection with war production carried on prior to September 2, 1945, by the United States Government, its contractors or subcontractors.

(2) Claims arising out of presence of United States forces in Norwegian territory. Claims against the United States Government or members of the United States Armed Forces or civilian personnel attached to such forces, arising out of acts or omissions in Norwegian territory of such members or civilian personnel, both line-of-duty and non-line-of-duty, occurring on or after April 9, 1940, and prior to July 1, 1946.

(3) Requisitioning Claims. Claims of individuals, firms, and corporations domiciled in Norwegian territory at the time of the act giving rise to the claim (except individuals who were then exclusively United States nationals), against the United States Government arising out of the requisitioning for use in the war

program of property located in the United States in which the claimant asserts an interest.

(4) Salvage Claims. Claims of masters and crews of Norwegian vessels for salvage of United States Government owned or controlled vessels arising out of incidents occurring on or after April 9, 1940, and prior to September 2, 1945.

B. Government Claims.

(1) Claims arising out of Maritime Incidents. By agreement dated May 29, 1945, each Government agreed to waive certain types of maritime claims against the other. That agreement was terminated as of October 29, 1945, by notice from the Royal Norwegian Government to the United States Government. The two Governments now agree that such agreement shall be considered as remaining in force through June 30, 1946, as to any such maritime claims which remain unsettled as of the date of this Agreement.

59 Stat. 1541.

(2) Other Shipping Claims. The two Governments have reviewed, accounted for, and settled their mutual claims relating to merchant shipping arising under the special maritime lend-lease agreement contained in the exchange of notes of July 11, 1942, and under shipping arrangements between the Norwegian Shipping and Trade Mission on the one hand and the War Shipping Administration and the United States Maritime Commission on the other, including charter hire, repair and reconversion, arming and disarming, supplies to vessels, and insurance. No further payment will be made by either Government to the other on these accounts except with respect to the following:

56 Stat. 1567.

(a) Claims presented before July 1, 1946, to the Royal Norwegian Government or any of its agencies for cash disbursements to masters of Norwegian vessels under charter to the War Shipping Administration (except disbursements from War Shipping Administration accounts).

(b) Claims of either Government against the other arising under the terms of charter parties covering United States Government owned vessels operated by the Royal Norwegian Government under the "bareboat out-time charter back" program, including claims of the United States Government for insurance premiums and claims of the Royal Norwegian Government arising from the liability of the United States Government as war or marine risk insurer or assumer of any loss or damage to the chartered vessel or for any claims against the chartered vessel which are not waived or assumed under the provisions of any waiver or assumption of claims agreement.

(c) Claims for freight money (including demurrage) and passenger fares for account of the Royal Norwegian Govern-

ment or its agencies on United States Government owned or controlled vessels, except as covered by lend-lease requisitions.

(d) Claims of the United States Government or its agencies arising out of subrogation rights in cases where the War Shipping Administration has accepted liability as insurer or assumer of loss or damage to Norwegian vessels or cargoes.

(3) Other Government Claims. Except as otherwise dealt with in this Agreement, all other financial claims of either Government against the other which (i) have arisen or may hereafter arise out of lend-lease, or (ii) otherwise arose out of incidents connected with or incidental to the conduct of the war occurring on or after April 9, 1940, and prior to September 2, 1945, are hereby waived. In addition to those described elsewhere in this Agreement, the following types of claims are excepted from this general waiver and will be settled in accordance with procedures already established or to be established after appropriate discussions:

(a) Claims by the United States Government for the cost, and claims by the Royal Norwegian Government for the excess of amounts deposited by it with the United States Government over the cost, of supplies and services procured under cash reimbursement lend-lease requisitions filed by the Royal Norwegian Government;

(b) Claims arising out of the purchase by the Royal Norwegian Government of the United States Government surplus property;

(c) The two Governments have agreed upon arrangements and procedures with respect to settlement for articles and services procured in Norway for the United States armed forces and with respect to use of Norwegian kroner in the accounts of finance officers of the United States armed forces.

(4) Espoused Claims. The waiver by one Government of its claims against the other, contained in subparagraphs III B (1), (2), and (3) of this Agreement, shall not extend to claims submitted in accordance with the practice whereby one Government espouses a claim of one of its nationals and presents it through diplomatic channels to the other Government.

IV. Other Benefits to be Furnished by Norway

A. Property and Norwegian Kroner. When requested by the United States Government the Royal Norwegian Government will furnish to the United States Government, by any one or more of the following methods, Norwegian kroner and property to the aggregate value of $5,900,000—

(1) by providing for transfer to the United States Government of real property and improvements for the official use of the United States Government in Norwegian territory, as selected and determined by agreement between the two Governments;

(2) by furnishing to the United States Government, or to such persons, organizations, or foundations as the United States Government may designate, Norwegian kroner to be used to carry out cultural and educational programs agreed between the two Governments;

(3) by providing Norwegian kroner for the payment of expenditures in Norwegian territory of the United States Government and its agencies.

In connection with any transfer of real property pursuant to subparagraph (1) above, it is understood that representatives of the United States Government may, at their discretion, conduct discussions directly with property owners or with contractors for improvements as to price and terms prior to the transfer of such property or improvements to the United States Government.

B. Exchange Rate. Any Norwegian kroner provided under this paragraph IV will be at the par value between such currency and United States dollars established in conformity with procedures of the International Monetary Fund, or, if no such par value exists, at the rate most favorable to the United States Government used in any official Royal Norwegian Government transaction at the time payment is requested.

V. Commercial Policy

A. The two Governments reaffirm their support of the principles set forth in Article VII of the Preliminary Agreement of July 11, 1942, and their desire to eliminate discriminatory treatment in international commerce and to reduce tariffs and other trade barriers.

56 Stat. 1567.

B. The Royal Norwegian Government is in accord with the general tenor of the "Proposals for Expansion of World Trade and Employment" and the "Suggested Charter for an International Trade Organization of the United Nations" transmitted to the Royal Norwegian Government by the United States Government. Pending the conclusion of the negotiations at the World Conference on Trade and Employment, the two Governments declare it to be their policy to abstain from adopting new measures which would prejudice the objectives of that conference.

VI. Miscellaneous Provisions

A. Nothing in this Agreement affects the obligation of the Royal Norwegian Government under Article IV of the Preliminary Agreement of July 11, 1942.

56 Stat. 1566.

B. To the extent that the provisions of this Agreement are inconsistant with those contained in any previous agreement, the provisions of this Agreement shall prevail.

C. The two Governments agree to conclude such specific undertakings as may be necessary to implement this Agreement.

D. This Agreement will be effective upon signature. Effective date.

Signed at Washington, in duplicate, this 24th day of February, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

G C MARSHALL [SEAL]

Secretary of State
of the United States of America

FOR THE ROYAL NORWEGIAN GOVERNMENT:

W. MUNTHE MORGENSTIERNE [SEAL]

Ambassador Extraordinary and Plenipotentiary
of the Kingdom of Norway in Washington

The Secretary of State to the Norwegian Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 24, 1948

EXCELLENCY:

I have the honor to refer to the Agreement Between the Government of the United States of America and the Royal Norwegian Government Regarding Settlement for Lend-Lease, Military Relief, and Claims signed on this date.

Ante, p. 1848.

During the course of discussions leading up to this Agreement representatives of our two Governments have considered the amounts of specific claims of each Government against the other which would be settled in the Agreement.

Understanding as to amounts of claims.

Since certain financial and accounting procedures will probably have to be adopted by agencies of our respective Governments in connection with these accounts, now that the terms of the settlement have been agreed, I am writing this note to set forth the understanding of my Government as to these amounts, and will appreciate receiving confirmation from you that your Excellency's Government has the same understanding.

Claims waived by terms of Agreement.

I. The following claims have been agreed upon as valid in the amounts stated, but are waived by the terms of the settlement agreement:

A. Obligations of the United States Government to Norway:

1. Claims agreed by WSA and Nortraship, for reconversion, war risk, damage, charter hire, crew bonuses, etc., on "Hogmanay" and other Norwegian vessels	$4, 902, 273. 33
2. Claims approved by WSA for arming, disarming, and repairs of Norwegian vessels . .	501, 905. 14
3. War risk claims on "Hogmanay" vessels . .	209, 000. 00
4. Claims for cost of installation of armaments on Norwegian vessels after December 7, 1941	707, 000. 00
5. Claims for repairs on tankers, damaged by operation under war conditions	1, 162, 078. 00
Total	$7, 482, 256. 47

B. Obligations of the Norwegian Government to the United States:

1. Lend-lease articles and services, transferred to Norway after September 2, 1945	$268, 522. 88
2. Repairs to Norwegian vessels, paid for out of lend-lease funds, but ruled ineligible for lend-lease	549, 303. 41

3. Claims agreed by Nortraship, for value of fuel on redelivery of vessels, ineligible repairs, refund of war risk premiums, off-hire deductions, etc.	$1,487,000.00
4. Value of civilian type planes and parts, lend-leased to Norway but retained after September 2, 1945, for non-military use	320,000.00
5. Value of 121 1-½ ton trucks, transferred to Norway out of stocks in the U. K.	124,800.00
6. Value of dried peas and rubber, retransferred to Norway from the U. K. (peas $52,590.27; rubber $57,210.86)	109,801.13
Total	$2,859,427.42

C. The obligation of the Norwegian Government to the United States Government for the United States' share of combined supplies delivered to Norway under the Military Relief Program (Plan A), estimated during the course of negotiations by representatives of our two Governments at . . . . . $18,000,000.00.

(The United States representatives have considered throughout the negotiations that this amount would probably be less than the final figure for the United States' share when billings were completed; and it is my understanding that this amount is higher than the Norwegian estimate of the fair value of the United States' share, but for purposes of the present settlement, the figure of $18,000,000 was adopted by agreement at an early stage during the negotiations to represent the value of the United States' share of the combined claim for Plan A supplies against Norway.)

Claims not pressed.

II. The following claims have been asserted by the Norwegian Government, but have not been accepted by the United States Government as being fully justified or documented, and by mutual consent have not been pressed further, in view of the terms of the final settlement agreement:

1. Reconversion of Norwegian vessels in Swedish yards	$592,500.00
2. Additional damage to tankers, operated under wartime conditions	163,316.00
3. Damage to trappers' installations in N.E. Greenland	200,000.00

Claim for procurement and services for U. S. forces in Norway.

III. Your representatives have presented a claim for procurement and services for United States forces in Norway, to the amount of $765,170. It is the understanding of my Government that this claim is waived by the Norwegian Government under terms of the final settlement agreement whereby the Department of the Army will turn over its present kroner holdings estimated at 1,040,357.73.

Miscellaneous claims.

IV. Certain other miscellaneous claims have been discussed, but their amounts or exact nature have not been fully defined. It is

understood that they have been waived by the Norwegian Government where they represent claims of the Norwegian Government against the United States Government, or will be disposed of by the Norwegian Government, without expense to the United States Government, where they represent claims of private interests against the United States Government:

1. transportation of Norwegian refugees on WSA vessels	$26,000.00–$40,000.00
2. requisitioning of Norwegian property	$48,100.00
3. patent funds, held by the Alien Property Custodian	$800,000.00–$950,000.00
4. acts or omissions of U.S. troops in Norway	approximately $10,000.00

Certain of the dollar amounts stated in this letter may not correspond to the figures as finally determined, and it is understood that the waiver of claims relates to the items described and not to the particular amounts or range of amounts stated.

I should appreciate it if Your Excellency would advise me whether the foregoing is in accordance with the understanding of your Government.

Accept, Excellency, the renewed assurances of my highest consideration.

G C MARSHALL

His Excellency
WILHELM MUNTHE DE MORGENSTIERNE,
Ambassador of Norway.

The Norwegian Ambassador to the Secretary of State

NORWEGIAN EMBASSY
WASHINGTON 7, D. C.

FEBRUARY 24, 1948.

EXCELLENCY:

Ante, p. 1854.

I have the honor to acknowledge receipt of your note of today's date setting forth the understanding of your Government in respect to our agreement upon the amounts of specific claims of each Government against the other which are settled in the Agreement which we have signed today.

I am glad to confirm that the statements made in your note are in accordance with the understanding of my Government.

Accept, Excellency, the renewed assurances of my highest consideration.

W. MUNTHE MORGENSTIERNE
Ambassador of Norway

His Excellency
GEORGE C. MARSHALL,
Secretary of State.

The Secretary of State to the Norwegian Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 24, 1948

EXCELLENCY:

In connection with the agreement signed today between our Governments for the settlement of Lend-Lease and other war accounts, I have the honor to advise Your Excellency that 940,017.71 kroner ($189,648.57) in the accounts of finance officers of the United States Army will be turned over to the Norwegian Government pursuant to arrangements and procedures referred to in paragraph III, subparagraph B (3) of the above-mentioned agreement and in consideration of the waiver of all claims by the Norwegian Government against the United States Government arising out of procurement of articles and services by the United States Army during the period between May 19, 1945 and March 31, 1946.

Kroner turned over to Norwegian Government.
Ante, p. 1848.

Ante, p. 1851.

In addition to the 940,017.71 kroner being turned over to the Norwegian Government, 100,340.02 kroner, shown to have been captured from the enemy, are being turned over to your Government without reimbursement. If further examination of United States Army records should hereafter reveal other captured kroner among holdings of the United States Army, such captured kroner will be turned over to the Norwegian Government unconditionally.

It is my understanding that the Norwegian Government agrees, upon request, to convert into dollars at the rate of 4.9566 kroner per dollar, kroner delivered by the United States Army up to an aggregate dollar value of $25,000.00 excluding the 1,040,357.73 kroner referred to above and in addition to kroner acquired by the United States Army through official Government channels. No request for conversion of kroner in excess of such $25,000.00 will be made by or on behalf of the United States Army other than in respect to kroner acquired by the United States Army through official Norwegian Government channels which will continue to be converted into dollars at the rate at which acquired.

Conversion of kroner into dollars.

I should appreciate your advising me whether the foregoing is in accordance with your understanding.

Accept, Excellency, the renewed assurances of my highest consideration.

G C MARSHALL

His Excellency
WILHELM MUNTHE DE MORGENSTIERNE,
Ambassador of Norway.

The Norwegian Ambassador to the Secretary of State

NORWEGIAN EMBASSY
WASHINGTON 7, D. C.

FEBRUARY 24, 1948.

EXCELLENCY:

I have the honor to acknowledge receipt of your note of today's date with regard to the arrangements and procedures with respect to settlement for articles and services procured in Norway for the United States armed forces, use of Norwegian kroner in the accounts of finance officers of the United States armed forces, and conversion into dollars of certain kroner holdings of the United States armed forces.

I am glad to confirm that the statements made in your note are in accordance with the understanding of my Government.

Accept, Excellency, the renewed assurances of my highest consideration.

W. MUNTHE MORGENSTIERNE
Ambassador of Norway

His Excellency
GEORGE C. MARSHALL,
Secretary of State.

The Norwegian Ambassador to the Secretary of State

NORWEGIAN EMBASSY
WASHINGTON 7, D. C.

FEBRUARY 24, 1948.

EXCELLENCY:

In connection with the settlement of obligations arising under the Agreement of May 6, 1942 between the Royal Norwegian Government, the Government of the United Kingdom and the Government of the United States, known as the "Tripartite Agreement", [1] covering the hire for a number of merchant vessels, and the agreements executed in 1942 and 1943 between the Royal Norwegian Government, the Government of the United Kingdom, the Government of the United States and the original charterers of a number of tankers, known as the "Quadripartite Agreements", [1] there remain to be paid by the Goverment of the United States to the Royal Norwegian Government certain sums which are still subject to final accounting.

It is the understanding of my Government that the agreement about to be signed between our two governments settling lend-lease, Plan A and certain claims is not intended in any way to affect these outstanding obligations under the Tripartite and Quadripartite Agreements.

[1] Not printed.

I should appreciate receiving confirmation that this is also the understanding of the Government of the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

W. MUNTHE MORGENSTIERNE
Ambassador of Norway

His Excellency
GEORGE C. MARSHALL,
Secretary of State.

The Secretary of State to the Norwegian Ambassador

DEPARTMENT OF STATE
WASHINGTON
Feb 24 1948

EXCELLENCY:

I have the honor to refer to your note dated February 24, 1948, in which you inquire whether it is the understanding of the Government of the United States that the agreement which is about to be signed between our two Governments regarding settlement of Lend-Lease, Plan A and certain claims does not affect obligations arising under the "Tripartite Agreement" and the "Quadripartite Agreements" described in your note.

Obligations arising under Tripartite and Quadripartite Agreements.

I am pleased to advise you that your understanding is also the understanding of the Government of the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

G. C. MARSHALL

His Excellency
WILHELM MUNTHE DE MORGENSTIERNE,
Ambassador of Norway.

February 24, 1948
[T. I. A. S. 1717]

Agreement and accompanying notes between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting the use by civil aircraft of certain military air bases in the Caribbean area and Bermuda. Signed at Washington February 24, 1948; entered into force February 24, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING THE OPENING OF CERTAIN MILITARY AIR BASES IN THE CARIBBEAN AREA AND BERMUDA TO USE BY CIVIL AIRCRAFT

54 Stat. 2405. "The Bases Agreement."

55 Stat. 1560.

WHEREAS, in pursuance of Notes exchanged on September 2, 1940, an Agreement (hereinafter referred to as "the Bases Agreement") was made on March 27, 1941, between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the two Governments"), providing for the lease to the United States of certain areas in the Western Hemisphere, upon the terms and conditions set out in the Bases Agreement;

AND WHEREAS, in pursuance of the said Notes and of the Bases Agreement, naval and air Bases have been established in the areas aforesaid;

55 Stat. 1565.

AND WHEREAS Article XI (5) of the Bases Agreement provides that "commercial aircraft will not be authorized to operate from any of the Bases (save in case of emergency or for strictly military purposes under supervision of the War or Navy Departments) except by agreement between the United States and the Government of the United Kingdom; provided that in the case of Newfoundland such agreement shall be between the United States and the Government of Newfoundland";

AND WHEREAS the two Governments recognize that there are special circumstances connected with the Bases;

AND WHEREAS the two Governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and ensuring as well the many indirect benefits of this form of transportation to the common welfare of both countries;

AND WHEREAS the two Governments desire to arrange for certain of the air Bases aforesaid to be available for use by civil aircraft without interfering with, restricting or limiting the present military rights of the United States in, or the continued military use by the

United States of, the said Bases in accordance with the Bases Agreement;

AND WHEREAS Heads of Agreement were initialled at Bermuda on February 11, 1946, with a view to the preparation and conclusion of an Agreement to give effect to these desires;

AND WHEREAS Article XII (a) of those Heads of Agreement provided that the two Governments should consult together and prepare an Agreement to give effect to the terms contained in those Heads of Agreement;

NOW, THEREFORE, the two Governments, having consulted accordingly, have agreed as follows:

ARTICLE I

Bases open for civil use

(1) The following Bases (hereinafter referred to as the "Regular Bases") will be open for regular use by civil aircraft, in accordance with the provisions of the present Agreement: "Regular Bases."

Kindley Field, Bermuda,
Coolidge Field, Antigua,
Beane Field, St. Lucia,
Atkinson Field, British Guiana.

(2) The following Bases (hereinafter referred to as the "Alternate Bases") will be open for use by civil aircraft as weather alternates only, in accordance with the provisions of the present Agreement: "Alternate Bases."

Carlson Field, Trinidad,
Waller Field, Trinidad,
Vernam Field, Jamaica.

(3) The circumstances in which the Alternate Bases may be used as weather alternates shall be such as may be defined by rules established in that behalf by the International Civil Aviation Organization or, in the absence of such rules, by agreement between the two Governments.

(4) If and so long as in a Territory where an Alternate Base is situated, there is at any time no civil airport designated and available for regular use by scheduled international air services, the Alternate Base (or if there is more than one, the Alternate Base agreed between the Government of the Territory and the United States military authorities) shall be open for regular use by civil aircraft in accordance with the provisions of the present Agreement and shall accordingly be deemed to be a Regular Base for the purposes of the present Agreement.

(5) If either of the two Governments considers that experience or developments indicate the need for opening any of the Alternate Bases for regular use by civil aircraft or for closing any of the Regular Bases to regular use by civil aircraft, such opening or closing of the Base or Bases concerned shall form the subject of discussions between the two Governments and shall not take place except by agree-

ment between the two Governments. This paragraph shall not be construed as affecting any right conferred by Article VI of the present Agreement to limit or suspend civil air operations at the Bases or to impose restrictions of a temporary or continuing nature on the use of the Bases by civil aircraft.

Post, p. 1864.

ARTICLE II

Special provisions affecting the United States and the United Kingdom

(1) Civil aircraft of the United States and of the United Kingdom shall be entitled to use the Bases on equally favorable terms. This paragraph shall not be construed as pertaining to traffic rights.

(2) The exercise of the privileges granted by the present Agreement shall be without prejudice to rights granted by the Government of the United Kingdom or the Government of a Territory to any civil air carrier of the United States before the execution of the present Agreement, or to any renewals or extensions of those rights.

(3) In the event of the termination of the Agreement between the two Governments, relating to air services between their respective territories, signed at Bermuda on February 11, 1946, its provisions and those of its Annex shall continue to apply to any traffic rights which civil air carriers of the United States may thereafter exercise at any of the Bases, until such time as the two Governments shall otherwise agree:

Provided that the Government of the United States of America shall have the right, at any time after fifteen years from the date on which the present Agreement becomes effective, to notify to the Government of the United Kingdom its desire that the provisions of the first mentioned Agreement and its Annex shall cease to apply, upon the date specified in the notification, to the traffic rights exercised by civil air carriers of the United States at any of the Bases, which date shall not be less than two years from the date of the notification, and, if such notification shall be given, such provisions shall cease to apply accordingly.

ARTICLE III

Use of Bases for non-traffic purposes

"The Two Freedoms Agreement."

59 Stat. 1693.

(1) So long as the United States and the United Kingdom are parties to the International Air Services Transit Agreement, formulated at Chicago and opened for signature on December 7, 1944 (in this Article referred to as "the Two Freedoms Agreement"), the civil aircraft of all countries parties to the Two Freedoms Agreement may use the Bases for non-traffic purposes in accordance with the provisions of the present Agreement and those of Article I of the Two Freedoms Agreement, and, if the United States so requests, those Bases will be designated by the Government of the United Kingdom under that Agreement for use by scheduled international air services of the United States.

(2) Civil aircraft of countries which are not parties to the Two Freedoms Agreement but which are parties to other agreements to which the United States or the United Kingdom is also a party, providing for the privileges specified in the Two Freedoms Agreement, may, with the concurrence of the two Governments, use the Bases, in accordance with the provisions of the present Agreement, for the exercise of those privileges.

(3) In the event of the Two Freedoms Agreement being superseded by a new agreement, to which the two Governments are parties, providing for the privileges specified in the Two Freedoms Agreement, the provisions of this Article shall apply to the exercise of those privileges under the said new agreement as they apply to their exercise under the Two Freedoms Agreement.

ARTICLE IV

Traffic rights

(1) Any civil air carrier of the United States using the Bases shall, if authorized by the Government of the United States of America to operate to the Base or Bases concerned, be entitled, by way of exception to and without prejudice to the principle of cabotage, to carry between the Regular Bases

(a) United States Government sponsored passengers (and their personal effects) travelling at the expense of the Government of the United States of America or on business directly connected with the Bases or with United States personnel at the Bases;

(b) cargo carried at the expense of the Government of the United States of America; and

(c) mail originating at United States Post Offices established in accordance with Article XVI of the Bases Agreement. 55 Stat. 1567.

(2) The Government of the United Kingdom may grant to civil air carriers using the Regular Bases traffic rights at those Bases:

Provided that, except by agreement between the two Governments,

(a) no rights so granted (including those granted to civil air carriers of the United Kingdom) shall be greater than, or different from, those granted to civil air carriers of the United States at the said Bases, save as provided in paragraph (3) of this Article; and

(b) the rights so granted to civil air carriers of third countries shall not exceed the corresponding rights which such third countries shall have granted (not necessarily on the same routes as those operated by the air carriers of the third countries concerned) in their respective territories to civil air carriers of the United States.

(3) Civil air carriers of the United Kingdom shall be entitled to carry cabotage traffic to and from any Regular Base at which civil air carriers of the United States are entitled to exercise traffic rights and, save as provided in paragraph (1) of this Article, civil air carriers of the United States shall not be hereby deemed entitled to carry cabotage traffic between any two points in the territory of the United Kingdom.

ARTICLE V

Private and Charter Flights

(1) Subject to the provisions of Article VI of the present Agreement, and to such regulations, conditions and limitations as may be imposed by the law of the Territory, civil aircraft to which this Article applies, being aircraft not engaged in scheduled international air services, shall be entitled to use the Bases, in accordance with the provisions of the present Agreement,

(a) for non-traffic purposes; and
(b) for traffic purposes
  (i) in the case of charter flights for the purposes of the charter, and
  (ii) in the case of other flights, otherwise than for reward.

(2) This Article applies, on a non-discriminatory basis, to civil aircraft of the United States and of the United Kingdom, and to those of any other country which is a party to the Convention on International Civil Aviation, which came into force on April 4, 1947: Provided that this Article shall not apply to the civil aircraft of any third country unless civil aircraft both of the United States and of the United Kingdom enjoy corresponding rights in such third country.

61 Stat., Pt. 2, p. 1180.

ARTICLE VI

Limitation of civil use

(1) The United States military authorities, for military reasons, or the Government of the Territory, for security reasons, shall have the right, on a non-discriminatory basis, to limit or suspend civil air operations at the Bases or to impose restrictions of a temporary or continuing nature on the use of the Bases by civil aircraft, but will make every reasonable effort to avoid interruption of civil air operations at the Bases.

(2) Except as provided in paragraph (1) of the present Article, the authorities exercising administrative and operational control at any Base shall not impose any limitation on the use of the Base by civil aircraft in accordance with the provisions of the present Agreement except so far as may be necessary for reasons of safety or in the light of the capacity of, and the facilities available at, the Base. Any such limitation shall be imposed on a fair and non-discriminatory basis, except that scheduled international air services shall be afforded preferential treatment.

(3) The United States military authorities and the Government of the Territory (except so far as those authorities, or that Government, as the case may be, are satisfied that it is undesirable for military reasons or for security reasons, respectively, or that it is for any reason impracticable, so to do) shall each give to the other such notice as appears to those authorities or that Government to be reasonable in all the circumstances, of their intention to impose any limitation, suspension or restriction under this Article. Notice of intention to impose limitation, etc.

ARTICLE VII

Administrative and operational control and requirements

(1) Administrative and operational control of the Bases for civil aviation purposes shall be exercised by the United States military authorities, except as otherwise specifically provided in the present Agreement. The United States military authorities may delegate the performance of certain services to civilian agencies. Such delegation will be without prejudice to the right of the United States military authorities to resume the performance of such services at any time and without delay.

(2) Except as may be otherwise agreed between the two Governments,

(a) airport tower control and approach control shall be operated by or under the direction of the United States military authorities, who will, in consultation with the Government of the Territory, ensure that the periods for which and the manner in which those controls are provided are adequate to meet the needs of civil aircraft using the Bases;

(b) the responsibility for area control will be determined in the light of the studies and recommendations of the International Civil Aviation Organization;

(c) the meteorological facilities and operational communication facilities and other aids to navigation required by civil aircraft using the Bases will be provided by or under the direction of the United States military authorities, in accordance with the recommendations of the International Civil Aviation Organization.

ARTICLE VIII

Facilities, supplies and services and the designation of areas therefor

(1) (a) Except as provided in Article VII of the present Agreement, facilities, supplies and services required for, or in connection with the operation of, civil aircraft using the Bases, or for or by passengers, crews or other persons present in the Leased Area solely for civil aviation purposes, may be provided, either within an area designated under paragraph (2) of this Article or outside the Leased Area, by the Government of the Territory or, with the permission of the Government of the Territory, by any civil enterprise.

(b) Such facilities, supplies and services may also, with the permission of the Government of the Territory, be provided by the United States, at such place or places within an area designated under paragraph (2) of this Article or outside the Leased Area as may be agreed, or at such other place or places within the Leased Area as may be previously notified to the Government of the Territory by the United States military authorities. If such facilities, supplies and services are so provided by the United States, the taxes and duties (if any) which would have been payable under the law of the Territory in respect of any such transaction if such facilities, supplies or services had been provided by a civil enterprise under subparagraph (a) of this paragraph shall be payable to the Government of the Territory, and shall be levied and collected in such manner as may be agreed between the Government of the Territory and the United States military authorities.

Taxes and duties.

Prices.

(c) Such facilities, supplies and services shall be provided without discrimination and at equitable prices, which shall be non-discriminatory as to all operators of civil aircraft using the Bases, whether civil air carriers or not. Such prices shall be determined after consultation between the Government of the Territory and the United States military authorities, or, if necessary, after consultation between the two Governments.

(d) If an area is designated in accordance with paragraph (2) of this Article, or if, by reason of there being suitable land conveniently adjacent to the Base, such designation is unnecessary, then,

(i) such facilities, supplies and services shall be provided by the Government of the Territory or by a civil enterprise in accordance with sub-paragraph (a) of this paragraph or, in so far as they are not so provided, the United States shall have the right to provide such facilities, supplies or services without obtaining the permission of the Government of the Territory, but otherwise in accordance with sub-paragraph (b) of this paragraph, and

(ii) the Government of the Territory will provide all such facilities for customs, immigration, quarantine and other similar matters of Colonial or United Kingdom national interest as may be necessary in connection with the use of the Base by all civil aircraft entitled to such use.

Sums received for provision of facilities, etc.

(e) Except as respects taxes and duties referred to in sub-paragraph (b) of this paragraph, all sums received in respect of the provision of any facilities, supplies or services under this paragraph shall accrue to the Government or civil enterprise by which the facilities, supplies or services in question are provided.

Designation of appropriate area by U. S. military authorities.

(2) (a) At each of the Bases where suitable land is not conveniently adjacent thereto for the provision of necessary civil airport facilities, supplies and services and for the erection of buildings for post and telegraph purposes, customs, immigration, quarantine and other simi-

lar matters of Colonial or United Kingdom national interest, the United States military authorities, in consultation with the Government of the Territory, will, if this is possible without conflict with military requirements, designate an appropriate area or areas within the boundaries of the Base for such purposes. The United States military authorities shall permit to have convenient access to and egress from the area or areas so designated all bona fide passengers and air crews and all other persons whose presence there is certified by the Government of the Territory to be necessary for civil aviation purposes. Subject to the provisions of the present Agreement, the area or areas so designated, the provision of the said facilities, supplies and services and the conduct of the said matters within the area or areas so designated shall be under the control and jurisdiction of the Government of the Territory in the same manner and to the same extent as they would be if the area or areas so designated were outside the Leased Area:

Provided that the United States military authorities shall have the right to resume complete and unrestricted control and use of the designated area or areas and its or their facilities should this prove to be necessary for military reasons of overriding necessity.

(b) Subject to the provisions of this Article, the terms and conditions on which any such area and any buildings therein are designated shall be determined after consultation between the United States military authorities and the Government of the Territory or, if necessary, between the two Governments, it being understood that the Government of the Territory will pay agreed charges to the United States in respect of the use by that Government of any buildings or other improvements constructed and made available by the United States in any such area.

(c) The terms and conditions upon which rights of occupancy or user of land within a Base, and the terms and conditions (including charges) upon which rights of occupancy or user of buildings or parts of buildings within a Base, are granted by the Government of the Territory shall be subject to the approval of the United States military authorities, it being understood that, so long as the Government of the United States maintains the Base in operational condition for civil use, and until such time as the Government of the Territory assumes the said maintenance, any profit accruing to the Government of the Territory from charges made to any civil enterprise for the right to provide facilities, supplies and services in such buildings or parts of buildings, erected and made available by the United States, will be paid to the Government of the United States.

(3) The United States military authorities shall have the right, in collaboration with, or after prior notice to, the appropriate Colonial authorities, to enter upon and to inspect any area designated under paragraph (2) of this Article and any buildings and any facilities or services provided in such area, for the purpose of satisfying themselves that adequate precautionary measures are taken in connection

with fire prevention, sanitation and other matters affecting the military security or use of the Base. If the United States military authorities consider that the precautionary measures taken are not adequate, they shall have the right, in consultation with the appropriate Colonial authorities, or, in cases where military reasons so require, on their own initiative, to supplement those measures to the extent considered necessary.

(4) Where any buildings or other structures are erected or used for civil aviation purposes, either within an area designated under paragraph (2) of this Article or outside but contiguous to a Base, there shall be consultation between the appropriate Colonial authorities and the United States military authorities and, if necessary, between the two Governments, with respect to the location, type, size and sanitation of such buildings, or other structures, in order to ensure that they do not endanger the safe operation of aircraft or the military use of the Base.

ARTICLE IX

Landing Fees

The scale of landing fees to be charged for the use by civil aircraft of each Base shall be determined by the United States military authorities after consultation with the appropriate Colonial authorities, or, if necessary, after consultation between the two Governments, and the revenue derived from such fees shall accrue to the United States:

Provided that, whenever the Government of the United Kingdom or the Government of the Territory assumes responsibility for the maintenance of a Base for civil use, or for the provision or maintenance there of air navigational or meteorological facilities and services, or operational communication facilities, used by civil aircraft, the scale of landing fees and the method of collection thereof shall be determined by agreement between the appropriate United Kingdom or Colonial authorities and the United States military authorities and the revenue from such fees shall be divided between the United States of America and the Government of the United Kingdom or of the Territory, in proportions to be agreed, having special regard to the expenditure incurred by each for these purposes.

ARTICLE X

Suspension of United States responsibilities

(1) If the Government of the United States of America elects to place any Base in a caretaker status and gives to the Government of the United Kingdom such notice as is reasonable in all the circumstances, of its intention so to do,

(a) the Government of the United States of America may cease to maintain that Base in operational condition for civil use, and may relinquish the responsibility at that Base for any

of the matters specified in Article VII of the present Agreement, and *Ante*, p. 1865.

(b) the Government of the United Kingdom or the Government of the Territory shall then have the right to maintain the Base for civil use, and to assume the responsibility so relinquished for the said matters.

U. S. right to resume maintenance, etc.

(2) The Government of the United States of America shall have the right, at any time while the lease of the Leased Area subsists, to resume the maintenance and control of such Base on giving to the Government of the United Kingdom such notice as is reasonable in all the circumstances, of its intention so to do, whereupon the provisions of subparagraphs (a) and (b) of paragraph (1) of this Article shall cease to have effect.

ARTICLE XI

Procedure on landing of civil aircraft

Civil aircraft using any of the Bases shall, immediately after landing, proceed forthwith to the place (which shall be either within an area designated under Paragraph (2) (a) of Article VIII of the present Agreement, or outside the Leased Area) specified for that purpose by the Government of the Territory, and any loading and unloading of persons, mail and cargo shall take place only at the place so specified or at any other place within the Base agreed between the United States military authorities and the Government of the Territory. The United States military authorities will cooperate with the Government of the Territory to ensure that all civil aircraft using the Bases comply with these requirements. *Ante*, p. 1866.

ARTICLE XII

Miscellaneous Provisions

(1) Nothing in the present Agreement shall be construed to deprive the Government of the United States of America of any of its rights, privileges, immunities or exemptions under the Bases Agreement. It is recognized that, according to the true intent, 55 Stat. 1560.

(a) the rights conferred by Article IX of the Bases Agreement are not exercisable for civil aviation purposes; 55 Stat. 1564.

(b) paragraph (1) of Article XII of the Bases Agreement is inapplicable to the use of motor vehicles for civil aviation purposes outside the Leased Area;

(c) paragraphs (1) and (2) of Article XIV of the Bases Agreement are inapplicable to goods or articles brought into the Territory or to persons present in the Territory, solely for civil aviation purposes;

(d) Post Offices established under Article XVI of the Bases Agreement may not be used by persons present in the Territory solely for civil aviation purposes; and

55 Stat. 1567.

(e) paragraph (1) of Article XVII of the Bases Agreement is inapplicable in respect of any income derived solely from service or employment for civil aviation purposes; paragraph (2) of that Article is inapplicable to any person present in the Territory solely for those purposes; and paragraph (3) of that Article does not exempt any person from income tax on profits derived under a contract in so far as they are solely attributable to the use of the Base by civil aircraft.

55 Stat. 1562.

(2) The provisions of Article IV of the Bases Agreement shall apply to persons in the Territory for civil aviation purposes in the same manner as they apply to persons in the Territory for other purposes.

Ante, p. 1866.

(3) Any person arrested within an area designated under paragraph (2) of Article VIII of the present Agreement, in connection with an infringement of the law of the Territory or otherwise in pursuance of that law, may be removed from the designated area through the Leased Area by the appropriate Colonial authorities.

(4) The United States may grant rights in land or buildings within the Leased Area to the Government of the Territory or, with the permission of that Government, to civil air carriers or other civil enterprises, for civil aviation purposes.

ARTICLE XIII

Operation of the present Agreement

Effective date; termination.

(1) The present Agreement shall become effective on signature and shall continue in effect in each of the Territories until the expiration of the lease of the Leased Area therein, unless either of the two Governments shall, at any time after the present Agreement has been in effect for fifteen years, give to the other notice of termination, in which event, the Agreement shall cease to be effective two years after the date of the receipt of such notice.

Consultation.

(2) While the Agreement continues in effect, the two Governments will consult together not less than once in every five years to review the operation of the Agreement and to agree upon any modifications that may be desired.

(3) The Agreement shall be fulfilled in a spirit of good neighborliness and details of its practical application shall be arranged by friendly cooperation.

ARTICLE XIV

Interpretation

In the present Agreement, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

Ante, p. 1861.

"Base" means any of the Regular or Alternate Bases referred to in Article I of the present Agreement.

"Leased Area" means an area in respect of which a lease has been

or shall be entered into in pursuance of the Bases Agreement; and "the Leased Area" means the Leased Area concerned.

"Territory" means a part of His Majesty's dominions in which a Leased Area is situated; and "the Territory" means the Territory concerned.

"Civil Aircraft" means aircraft other than those used in military, customs, or police services.

"Civil air carrier" means any civilian air transport enterprise offering or operating air services for the transport, for hire or reward, of passengers, mail or cargo.

"Civil aviation purposes" means purposes connected with the use of a Base by civil aircraft in accordance with the provisions of the present Agreement.

"Traffic Rights" means the right to take on to civil aircraft or to discharge from civil aircraft, passengers, mail or cargo.

"Charter flights" means all non-scheduled flights undertaken for reward by civil aircraft.

"Non-traffic purposes" means any purpose other than taking on or discharging passengers, mail or cargo.

"Territory of the United Kingdom" includes all territory under the sovereignty, suzerainty, protection, mandate or trusteeship of the United Kingdom, and the territorial waters adjacent thereto; "civil aircraft of the United Kingdom" and "civil air carriers of the United Kingdom" include the civil aircraft and the civil air carriers of any such territory.

Expressions referring to persons present in the Territory for civil aviation purposes include persons who are in the Territory by reason of the use of the Base for civil aviation purposes.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Agreement.

DONE at Washington, in duplicate, this twenty-fourth day of February, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
G C MARSHALL

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
INVERCHAPEL

The British Ambassador to the Secretary of State

BRITISH EMBASSY,
WASHINGTON, D.C.
24th February, 1948

No. 95

SIR,

Ante, p. 1869. I have the honour to refer to Article XI of the Agreement relating to the civil use of the leased air bases signed today and to inform you that it is the understanding of my Government that if the United Kingdom is at war, the Government of the United Kingdom or the Government of the Territory concerned will be entitled to exercise rights of censorship, contraband control and other like belligerent rights, within any area designated under paragraph (2) of Article

Ante, p. 1866. VIII; and that if the United States is at war, the United States will be entitled to detain any aircraft, before it proceeds to the place specified under Article XI, so long as may be necessary for the exercise of such rights.

2. If the Government of the United States of America agrees, I would suggest that the present note and Your Excellency's reply should be regarded as placing on record the understanding of the two Governments in this matter.

I have the honour to be, with the highest consideration, Sir,
Your most obedient, humble servant,

INVERCHAPEL

The Honourable
GEORGE C. MARSHALL,
Secretary of State of the United States,
Washington, D.C.

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 24, 1948

EXCELLENCY:

Rights of censorship, etc., in time of war. I have the honor to acknowledge receipt of Your Excellency's note of today's date, the terms of which are as follows:

Ante, p. 1869. "I have the honour to refer to Article XI of the Agreement relating to the civil use of the leased air bases signed today and to inform you that it is the understanding of my Government that if the United Kingdom is at war, the Government of the United Kingdom or the Government of the Territory concerned will be entitled to exercise rights of censorship, contraband control and other like belligerent rights, within any area designated under paragraph (2)

Ante, p. 1866. of Article VIII; and that if the United States is at war, the United States will be entitled to detain any aircraft, before it proceeds to the place specified under Article XI, so long as may be necessary for the exercise of such rights.

"If the Government of the United States of America agrees, I would suggest that the present note and Your Excellency's reply should be regarded as placing on record the understanding of the two Governments in this matter."

In reply I have the honor to inform you that my Government agrees that if the United Kingdom is at war, the Government of the United Kingdom or the Government of the Territory concerned will be entitled to exercise rights of censorship, contraband control and other like belligerent rights, within any area designated under paragraph (2) of Article VIII; and that if the United States is at war, the United States will be entitled to detain any aircraft, before it proceeds to the place specified under Article XI, so long as may be necessary for the exercise of such rights.

Ante, p. 1866.

Ante, p. 1869.

In accordance with the suggestion contained therein, Your Excellency's note and this reply will be regarded as placing on record the understanding of the two Governments in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

G. C. MARSHALL

His Excellency
The Right Honorable
THE LORD INVERCHAPEL, P.C., G.C.M.G.,
British Ambassador.

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 24, 1948

EXCELLENCY:

I have the honor to refer to paragraph (2) of Article IV of the Agreement relating to the civil use of the leased air bases signed today, which provides that "the Government of the United Kingdom may grant to civil air carriers using the Regular Bases, traffic rights at those Bases: Provided that except by agreement between the two Governments,

Traffic rights for civil air carriers.
Ante, p. 1863.

"(a) no rights so granted (including those granted to civil air carriers of the United Kingdom) shall be greater than, or different from, those granted to civil air carriers of the United States at the said Bases, save as provided in paragraph (3) of this Article; and (b) the rights so granted to civil air carriers of third countries shall not exceed the corresponding rights which such third countries shall have granted (not necessarily on the same routes as those operated by the air carriers of the third countries concerned) in their respective territories to civil air carriers of the United States,"

Ante, p. 1864.

and to inform you that my Government agrees that the provisions of sub-paragraphs (a) and (b) of the said paragraph (2) shall not apply to the carrying of United Kingdom cabotage traffic to or from any

Regular Base by any Canadian civil air carrier granted such rights by the Government of the United Kingdom. It is also understood by my Government that that part of sub-paragraph 2 (b) of Article IV of said Agreement that refers to "corresponding rights" is intended to refer to an exchange of air transport rights between such third country and the United States on a basis mutually satisfactory to them. As far as my Government is concerned, it is felt that the existing air transport arrangements between the United States and Canada adequately meet the provisos of sub-paragraph 2 (b) of Article IV.

Ante, p. 1863.

If the Government of the United Kingdom agree, I would suggest that the present note and Your Excellency's reply should be regarded as an Agreement between our two Governments as contemplated in paragraph (2) of Article IV of the Agreement signed today.

Ante, p. 1863.

Accept, Excellency, the renewed assurances of my highest consideration.

G. C. MARSHALL

His Excellency
The Right Honorable
THE LORD INVERCHAPEL, P.C., G.C.M.G.,
British Ambassador.

The British Ambassador to the Secretary of State

BRITISH EMBASSY,
WASHINGTON, D.C.
24th February, 1948

No. 96

SIR,

I have the honour to acknowledge receipt of Your Excellency's note of today's date, the terms of which are as follows:

Ante, p. 1863.

"I have the honour to refer to paragraph (2) of Article IV of the Agreement relating to the civil use of the leased air bases signed today, which provides that "the Government of the United Kingdom may grant to civil air carriers using the Regular Bases, traffic rights at those Bases: Provided that except by agreement between the two Governments,

(a) no rights so granted (including those granted to civil air carriers of the United Kingdom) shall be greater than, or different from, those granted to civil air carriers of the United States at the said Bases, save as provided in paragraph (3) of this Article; and

Ante, p. 1864.

(b) the rights so granted to civil air carriers of third countries shall not exceed the corresponding rights which such third countries shall have granted (not necessarily on the same routes as those operated by the air carriers of the third countries concerned) in their respective territories to civil air carriers of the United States,"

and to inform you that my Government agrees that the provisions of sub-paragraphs (a) and (b) of the said paragraph (2) shall not

apply to the carrying of United Kingdom cabotage traffic to or from any Regular Base by any Canadian civil air carrier granted such rights by the Government of the United Kingdom. It is also understood by my Government that that part of sub-paragraph 2 (b) of Article IV of said Agreement that refers to "corresponding rights" is intended to refer to an exchange of air transport rights between such third country and the United States on a basis mutually satisfactory to them. As far as my Government is concerned, it is felt that the existing air transport arrangements between the United States and Canada adequately meet the provisos of sub-paragraph 2 (b) of Article IV.

Ante, p. 1863.

2. If the Government of the United Kingdom agree, I would suggest that the present note and Your Excellency's reply should be regarded as an Agreement between our two Governments as contemplated in paragraph (2) of Article IV of the Agreement signed today."

Ante, p. 1863.

2. In reply I have the honour to inform you that my Government agrees that the provisions of sub-paragraphs (a) and (b) of the said paragraph (2) shall not apply to the carrying of United Kingdom cabotage traffic to or from any Regular Base by any Canadian civil air carrier granted such rights by the Government of the United Kingdom. It is also understood by my Government that that part of sub-paragraph 2 (b) of Article IV of said Agreement that refers to "corresponding rights" is intended to refer to an exchange of air transport rights between such third country and the United States on a basis mutually satisfactory to them. As far as my Government is concerned, it is felt that the existing air transport arrangements between the United States and Canada adequately meet the provisos of sub-paragraph 2 (b) of Article IV.

3. In accordance with the suggestion contained therein, Your Excellency's note and this reply will be regarded as an Agreement between our two Governments.

I have the honour to be, with the highest consideration Sir,
Your most obedient, humble servant.

INVERCHAPEL

The Honourable
GEORGE C. MARSHALL,
Secretary of State of the United States,
Washington, D.C.

October 28, 1947
[T. I. A. S. 1725]

Supplementary agreement between the United States of America and France respecting the restoration of certain industrial property rights affected by World War II. Signed at Washington October 28, 1947; entered into force February 27, 1948.

SUPPLEMENTARY AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE CONCERNING THE RESTORATION OF CERTAIN INDUSTRIAL PROPERTY RIGHTS AFFECTED BY WORLD WAR II

The Government of the United States of America and the Government of the French Republic,

Being desirous of further extending certain periods provided for in the Agreement Between the United States of America and France Concerning the Restoration of Certain Industrial Property Rights Affected by World War II, signed at Washington on April 4, 1947, in order to assure the attainment of the objectives of that agreement,

61 Stat., Pt. 3, p. 3316.

Have agreed as follows:

Extension of period of priority, etc.

The extension of the period of priority for the filing of applications for patents or designs and models with the benefit of the right of priority as provided by Article I of the aforementioned agreement, the restoration of industrial property and the time for taking action or payment of any fee as provided by Article II of the aforementioned agreement, and the time for the payment of annual taxes for patents as provided by Article V of the aforementioned agreement, are further extended until February 29, 1948.

61 Stat., Pt. 3, p. 3317.

61 Stat., Pt. 3, p. 3318.

ACCORD COMPLEMENTAIRE ENTRE LES ETATS-UNIS D'AMERIQUE ET LA FRANCE CONCERNANT LA RESTAURATION DE CERTAINS DROITS DE PROPRIETE INDUSTRIELLE ATTEINTS PAR LA DEUXIEME GUERRE MONDIALE

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française,

Désireux de prolonger à nouveau certains délais impartis en vertu de l'Accord entre les Etats-Unis d'Amérique et la France, signé à Washington le 4 avril 1947, concernant la restauration de certains droits de propriété industrielle atteints par la deuxième guerre mondiale, afin de permettre d'atteindre les buts fixés par cet Accord,

Ont convenu ce qui suit:

La prolongation des délais de priorité pour le dépôt des demandes de brevets d'invention ou de dessins et modèles, avec le bénéfice du droit de priorité, prévus par l'article I dudit Accord, la restauration des droits de propriété industrielle et les délais pour l'accomplissement de tout acte ou le paiement de toute taxe prévus par l'article II dudit Accord et les délais pour le paiement des annuités échues prévus par l'article V dudit Accord, sont prorogés à nouveau jusqu'au 29 février 1948.

It is understood that the application to nationals of France of the provisions of Sections 1, 3, 4, 10, and 15 of the law of the United States of America approved August 8, 1946, Public Law 690, 79th Congress, and of the provisions of the law of the United States of America approved July 23, 1947, Public Law 220, 80th Congress, relating to patents and designs, shall be considered as complying with the requirements of the agreement of April 4, 1947 and the present supplementary agreement.

Il est entendu que l'application aux ressortissants français des dispositions des sections 1, 3, 4, 10 et 15 de la loi des Etats-Unis d'Amérique, promulguée le 8 août, dite loi publique 690, 79ème Congrès, et des dispositions de la loi des Etats-Unis d'Amérique, promulguée le 23 juillet 1947, dite loi publique 220, 80ème Congrès, relatives aux brevets d'invention et dessins, correspond aux dispositions de l'accord du 4 avril et du présent accord complémentaire.

Provisions relating to patents, etc.

60 Stat. 940.
35 U. S. C. §§ 101, 103, 104, 110, 114.

61 Stat. 413.
35 U. S. C., Supp. I, §§ 101, 103 notes.

61 Stat., Pt. 3, p. 3316.

Each Government shall deliver to the other Government a notice that it has accepted the present supplementary agreement in accordance with its law and has taken all steps necessary to enable it to carry out all its obligations under the present supplementary agreement.

Chacun des Gouvernements par une note qu'il adressera à l'autre lui fera savoir qu'il a accepté le présent accord complémentaire, conformément à sa législation et qu'il a pris les dispositions nécessaires pour l'exécution de toutes les obligations prévues à cet accord complémentaire.

Notice of acceptance.

The supplementary agreement shall come into force on the day the said notices are delivered by each Government to the other. If the said notices are delivered on different days, the supplementary agreement shall come into force on the day of the delivery of the notice later [1] in time.

Cet accord complémentaire entrera en vigueur à la date de l'échange des notifications. Si ces notifications sont faites à des dates différentes, l'accord complémentaire entrera en vigueur à la date de la dernière.

Entry into force.

Done in duplicate, at Washington, in the English and French languages, each equally authentic, on October 28, 1947.

Fait en double exemplaire, à Washington, le 28 octobre 1947, en anglais et en français, les deux textes faisant également foi.

Authentic languages.

For the United States of America:
Pour les Etats-Unis d'Amérique:

ROBERT A LOVETT

For the French Republic:
Pour la République Française:

H BONNET

[1] By note no. 63 dated Feb. 27, 1948, received in the Department of State the same date, the French Embassy in Washington notified the Department of State of the approval of this agreement by the French Parliament. By a memorandum dated Feb. 27, 1948, delivered on that date to the French Embassy in Washington, the Department of State notified the French Embassy of the acceptance of this agreement by the Government of the United States of America.

March 23, 1948
[T. I. A. S. 1730]

Agreement between the United States of America and the Republic of the Philippines respecting a United States educational foundation in the Philippines. Signed at Manila March 23, 1948; entered into force March 23, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE SALE OF CERTAIN SURPLUS WAR PROPERTY, SIGNED SEPTEMBER 11, 1946.

The Government of the United States of America and the Government of the Republic of the Philippines;

Desiring to promote further mutual understanding between the peoples of the United States of America and the Republic of the Philippines by a wider exchange of knowledge and professional talents through educational contacts;

Use of currencies acquired from surplus property disposals.

50 U. S. C. app. § 1641 (b).

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended (Public Law No. 584, 79th Congress; 60 Stat. 754), provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

Sales Agreement.

Considering that under the provisions of Article 5 C (2) of the Agreement between the Government of the United States of America and the Government of the Republic of the Philippines for the sale of certain Surplus War Property signed at Manila on September 11, 1946 [1] (hereinafter designated the "Sales Agreement") it is provided that the Government of the Republic of the Philippines shall make available to the Government of the United States of America the equivalent of Two Million Dollars ($2,000,000 – United States currency) and any unexpended portion of the sum set forth in Article 5 C (1) of the Sales Agreement, to be available for the implementation of agreements to be entered into between the Government of the United States of America and the Government of the Republic of the Philippines for cultural research, instruction, and other educational activities,

Have agreed as follows:

[1] Not printed.

Article 1

The Foundation.

There shall be established in the Philippines a foundation to be known as the United States Educational Foundation in the Philippines (hereinafter designated the "Foundation"), which shall be recognized by the Government of the United States of America and the Government of the Republic of the Philippines as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of the Republic of the Philippines under the terms of the present agreement.

Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and the Republic of the Philippines as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement.

Use of funds.

The funds made available by the Government of the Republic of the Philippines shall be used by the Foundation for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in the Philippines or of the citizens of the Philippines in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for citizens of the Philippines who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2

Powers of Foundation.

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purpose of the present agreement including the following:

Post, p. 1882.

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America.

(3) Disburse funds and make grants and advances of funds for the authorized purposes of the Foundation.

(4) Acquire, hold, and dispose of such property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however, that the acquisition

of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of this agreement.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(6) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in the Philippines and institutions of the Philippines qualified to participate in the programs in accordance with the aforesaid Act.

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix the salaries and wages thereof.

Article 3

Expenditures.

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4

The Foundation shall not enter into any commitment or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold, or dispose of property except for the purposes authorized in the present agreement.

Article 5

The Board.

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors, (hereinafter designated the "Board").

Chief of Mission.

The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the "Chief of Mission") shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one representative of American business interests in the Philippines and one repre-

Members of Board.

sentative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippine members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfers of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

Expenses.

The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board.

Article 6

By-laws and committees.

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

Article 7

Annual reports.

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and to the Government of the Republic of the Philippines.

Article 8

Principal office, etc.

The principal office of the Foundation shall be in the capital city of the Philippines but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

Article 9

Executive Officer.

The Board may appoint an Executive Officer and determine his salary and term of service, provided however, that in the event it is found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint a substitute for such time as it deems necessary or desirable.

Article 10

Review of Board decisions.

The decisions of the Board in all matters may, in the discretion of the Secretary of State of the United States of America, be subject to his review.

Article 11

Philippine deposits.

The Government of the Republic of the Philippines shall within thirty (30) days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America, an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency). On January 1, 1948, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000 – United States currency) shall have been so deposited. The aggregate amount of Two Million Dollars shall be increased by any unexpended portion of the sum set forth in Article 5 C (1) of the Sales Agreement which may become available for cultural, research, instruction, and other educational activities. The rate of exchange to be used in determining the amount of currency of the Government of the Republic of the Philippines which shall be considered equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) shall be the rate agreed upon from time to time by the Government of the United States of America and the Government of the Republic of the Philippines for transactions pursuant to Article 5 C of the Sales Agreement.

Rate of exchange.

The Secretary of State of the United States of America will make available to the Foundation currency of the Government of the Republic of the Philippines in such amounts as may be required by the Foundation, but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Ante, p. 1880.

Article 12

Tax exemptions.

Furniture, equipment, supplies, and any other articles intended for the official use of the Foundation shall be exempt in the territory of the Republic of the Philippines from customs duties, excises, and surtaxes, and every other form of taxation.

All funds and other property used for the purposes of the Foundation, and all official acts of the Foundation within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of the Republic of the Philippines.

Article 13

The Government of the Republic of the Philippines shall extend to citizens of the United States of America residing in the Philippines and engaged in educational activities under the auspices of the

Foundation such privileges with respect to exemption from taxation, and other burdens affecting the entry, travel, and residence of such persons as are extended to Filipino citizens residing in the United States of America engaged in similar activities.

Article 14

"Secretary of State of the United States of America."

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 15

Amendment.

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of the Republic of the Philippines.

Article 16

Entry into force.

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Manila this 23 day of March, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

EMMET O'NEAL
Ambassador Extraordinary and Plenipotentiary
of the United States of America to the
Republic of the Philippines

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES:

ELPIDIO QUIRINO
Vice President of the Philippines
and concurrently
Secretary of Foreign Affairs

October 23, and December 3, 22, 1947
[T. I. A. S. 1738]

Agreement between the United States of America and Colombia respecting a civil aviation mission to Colombia. Effected by exchanges of notes signed at Bogotá October 23, December 3 and 22, 1947; entered into force December 22, 1947.

The American Ambassador to the Colombian Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Bogotá, October 23, 1947

No. 23

EXCELLENCY:

I have the honor to refer to certain informal conversations between Dr. Mauricio Obregon, Director General Aeronautica Civil, and the Civil Air Attaché of this Embassy concerning the availability of a United States technical civil aviation mission to Colombia.

Text of conditions.

In this connection, I venture to set forth below for Your Excellency's information, the text of the conditions under which such a mission could be made available to the Colombian Government, should it so desire:

Technicians.

"Subject to the availability of suitable technicians and appropriated funds for the purpose and in accordance with the following conditions, the Government of the United States of America agrees to make available to the Government of Colombia the services of technicians in the field of civil aviation as requested by the Government of Colombia:

"1. The duration of the assignment of each technician shall be determined in accordance with the requirements in connection with the duties contemplated, except that, when legally and administratively possible, the assignments may be of indefinite duration subject to joint periodic review.

"2. The Government of the United States of America agrees to give the fullest consideration to any requests of the Government of Colombia for an increase or decrease in the number of technicians originally furnished, or for the assignment of technicians in different fields of civil aviation.

Chief of Mission.

"3. The Government of the United States of America shall designate a Chief of Mission authorized to represent the Mission before the Government of Colombia.

Mission members.

Mission members shall be selected by the Chief of Mission in collaboration with and subject to the approval of the Governments of Colombia and the United States of America and such members shall be responsible to the Chief of Mission. All members shall serve as advisors to the Government of

Colombia in their respective fields but may volunteer opinions on related civil aviation matters when deemed advisable.

Confidential or secret matters.

"4. Mission members, during the period the Mission is in operation and thereafter, undertake not to divulge or reveal in any form to any third Government or person confidential or secret matters of which they may become cognizant in the exercise of their duties.

Nontaxability of compensation.

"5. Compensation of Mission members shall not be subject to any tax now or hereafter in effect of the Government of Colombia or any of its political or administrative subdivisions. Should there, however, at present or while this agreement is in effect, be any taxes that might affect this compensation, such taxes shall be paid by the Government of Colombia in order to comply with the provisions of this paragraph.

Salaries, expenses, etc.

"6. The Government of the United States of America shall pay the salary, allowances, travel expenses to and from Colombia, and any additional compensation of the technicians, subject to partial reimbursement by the Government of Colombia.

Reimbursement.

"7. The Government of Colombia shall reimburse the Government of the United States of America toward the expenses incurred in connection with the assignment of each technician at the completion of each six-month period of each assignment. However, for accounting and procedural reasons, it will not be necessary for the Government of Colombia to make any payments to the Government of the United States of America until such time as the Government of Colombia shall have received a statement of its obligations in this connection.

Exemption from customs duties.

"8. The Government of Colombia shall provide for entry free of customs duties for supplies, materials and effects for the professional and personal use of the technicians.

Transportation.

"9. The Government of Colombia shall provide the technicians with means of transportation within Colombia, outside of the headquarters location, incurred in the conduct of their duties and pay the cost thereof, as well as the cost of acquisition of materials, equipment and facilities necessary to the conduct of the Mission.

"10. The Government of Colombia shall provide the technicians with suitably-equipped offices and adequate bilingual stenographic personnel and other employees, and bear the cost thereof.

"11. The Government of Colombia shall grant to authorized members of the Mission, approval to make flights in Colombia in aircraft of United States or Colombian registry as deemed necessary in the performance of their duties.

"12. The Government of Colombia shall permit the transportation of the body of any technician detailed under these conditions who may die in Colombia, to a place of burial in the United States of America selected by the surviving members of the family or their legal representatives.

"13. The Government of Colombia shall assume civil liability on account of damages to or loss of property or on account of personal injury or death caused by any member of the Mission while acting within the scope of his duties.

"14. The above conditions may be modified in whole or in part by an exchange of notes between the Government of the United States of America and the Government of Colombia."

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I avail myself of this opportunity to extend to Your Excellency renewed assurances of my highest consideration and esteem.

WILLARD L. BEAULAC

His Excellency
DOMINGO ESGUERRA
Minister of Foreign Affairs
Bogotá

The Colombian Minister of Foreign Affairs to the American Ambassador

MINISTERIO DE
RELACIONES EXTERIORES
Bogotá, diciembre 3 de 1947

Nº D – 3548

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la nota número 23, del 23 de octubre pasado, por medio de la cual Vuestra Excelencia puso en conocimiento de este Despacho las condiciones mediante las cuales el Gobierno de Vuestra Excelencia estaría dispuesto a facilitar al Gobierno de Colombia los servicios de una misión técnica de Aviación Civil.

Me complace comunicar a Vuestra Excelencia que mi Gobierno acepta las condiciones que le fueron sometidas por Vuestra Excelencia con la sola reserva de que para la aplicación de las exenciones de derechos de aduana previstas en el parágrafo 8 de la nota de Vuestra Excelencia, se requerirá que, en cada caso, el Jefe de la Misión presente la correspondiente solicitud especificando en ella los artículos que serán importados. En esta forma los Miembros de la Misión de Aviación Civil quedarían sometidos, en cuanto a la importación de artículos para su uso personal o profesional, a un régimen semejante al que se estableció para los miembros de la Misión Militar Norteamericana que actualmente presta sus servicios en Colombia.

Agradeceré a Vuestra Excelencia se sirva hacerme conocer su conformidad con los términos de la presente nota y me valgo de esta oportunidad para reiterarle las seguridades de mi más alta y distinguida consideración.

Por el Ministro, el Secretario General,
E. GUZMÁN ESPONDA

A Su Excelencia el señor
WILLARD L. BEAULAC
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
La Ciudad.

Translation

MINISTRY OF
FOREIGN RELATIONS

No. D – 3548

Bogotá, December 3, 1947

MR. AMBASSADOR:

I have the honor to refer to note No. 23, of October 23 last, by means of which Your Excellency informed this Office of the conditions subject to which Your Excellency's Government would be disposed to make available to the Government of Colombia the services of a technical civil aviation mission.

I take pleasure in informing Your Excellency that my Government accepts the conditions which were submitted to it by Your Excellency, with the single reservation that for the application of the exemptions from customs duties provided for in Paragraph 8 of Your Excellency's note, it will be necessary, in each case, for the Chief of the mission to present the corresponding application, specifying therein the articles which are to be imported. Thereby the Members of the Civil Aviation Mission would be subject, with respect to the importation of articles for their personal or professional use, to regulations similar to those established for the members of the United States Military Mission which is now serving in Colombia.

Ante, p. 1885.

I shall be grateful to Your Excellency if you will be so good as to inform me of your acceptance of the terms of the present note. I avail myself of this occasion to renew to you the assurances of my highest and most distinguished consideration.

For the Minister, the Secretary General,
E. GUZMÁN ESPONDA

His Excellency
WILLARD L. BEAULAC
Ambassador Extraordinary and Plenipotentiary of the United States of America
City.

The American Ambassador to the Colombian Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 58

December 22, 1947

EXCELLENCY:

With reference to Your Excellency's note No. D–3548 of December 3, 1947, concerning conditions covering the proposed United States technical civil aviation mission to Colombia, I have the honor to inform Your Excellency that my Government accepts the reservation in connection with the exemption of customs duties, noted in paragraph 8 of the conditions, that in each case the Chief of Mission will present a request specifying therein the articles to be imported.

Ante, p. 1885.

My Government is prepared to select the civil aviation technicians

whom Your Excellency's Government may desire. Consequently, it would be appreciated if Your Excellency would furnish the Embassy with information concerning the number of technicians desired by the Government of Colombia; the subjects in which they should be specialists; the approximate date it is desired that they should arrive; the estimated duration of their tour of duty in Colombia; and any other data which Your Excellency's Government believes would be helpful in making the selection of the exact types of technicians desired.

I avail myself of this opportunity to extend to Your Excellency renewed assurances of my highest consideration and esteem.

WILLARD L. BEAULAC

His Excellency
DOMINGO ESGUERRA,
Minister of Foreign Affairs,
Bogotá.

Agreement between the United States of America and Italy modifying the agreement of September 13 and 24, 1946, respecting American dead in World War II. Effected by exchange of notes dated at Washington December 18, 1947, and January 21, 1948; entered into force January 21, 1948. And an understanding between the United States of America and Italy amending the agreement of December 18, 1947, and January 21, 1948; effected by exchange of notes dated at Washington March 24 and April 19, 1948; entered into force April 19, 1948.

December 18, 1947, January 21, March 24, April 19, 1948
[T. I. A. S. 1743]

The Italian Embassy to the Department of State

ITALIAN EMBASSY
WASHINGTON, D. C.

No. 11332

The Italian Embassy presents its compliments to the Department of State and has the honor to bring to the Department's attention a new provision adoped by the Italian Government with regard to American war cemeteries.

As known to the Department of State, article 3 of the agreement reached through an exchange of notes in September 1946 at Rome, between the Italian Ministry of Foreign Affairs and the United States Embassy, provides that "if in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefore".

61 Stat., Pt. 4, p. 3752.

Upon instructions received, the Italian Embassy has the honor to inform the Department of State that the Italian Government, wishing to give a token of friendship to the Government and people of the United States, has now decided to grant the American Government the free use of the sites selected for the establishment of war cemeteries.

It would have been the sincere desire of the Italian Government to proceed to a veritable donation of the land involved, but it was not possible to reach such a solution because not consented by existing regulations. On the other hand the advantages that the American Government will draw from such a free cession will be practically the same as those deriving from a donation, since the free use is granted for as long as the selected sites will be destined to military cemeteries.

In the light of the foregoing the Italian Government has the honor to request the American Government to consider the first paragraph of article 3 of the aforesaid agreement modified as follows: "The Italian Government grants gratuitously to the American Government the right

61 Stat., Pt. 4 p. 3752.

of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries".

A. T.

Washington, D. C., December 18, 1947.

DEPARTMENT OF STATE
Washington, D. C.

The Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON
Jan 21 1948

EXCELLENCY:

Grant to U. S. of free use of cemetery sites.

I have the honor to acknowledge the receipt of your note no. 11332 of December 18, 1947 stating that the Italian Government has decided, as a token of friendship to the Government and people of the United States, to grant to the Government of the United States the free use of the sites selected as permanent United States military cemeteries and proposing that the first paragraph of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome be modified to read as follows: "The Italian Government grants gratuitously to the American Government the right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries."

Modification of prior agreement. 61 Stat., Pt. 4, p. 3752.

I wish to express to you and through you to the Italian Government the profound appreciation of the Government and people of the United States for this most generous gift which will further strengthen the strong bonds of sympathy and friendship between our two countries. To all Americans, and particularly to those who lost their loved ones in the course of our common effort against the enemy, the land so graciously offered by the Italian Government will forever be hallowed land. On their behalf I assure you of the heartfelt thanks and gratitude for this most magnanimous gift.

The Government of the United States is happy to agree to the proposed change in Article 3 of the agreement.

61 Stat. Pt. 4, p. 3752.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
JOHN E. PEURIFOY

His Excellency
Signor ALBERTO TARCHIANI,
Italian Ambassador.

The Secretary of State to the Italian Ambassador

The Secretary of State presents his compliments to His Excellency the Italian Ambassador and has the honor to refer to the Embassy's note no. 11332 of December 18, 1947 and the Department's reply of January 21, 1948 regarding the free use of sites in Italy selected for the establishment of permanent United States military cemeteries and the proposed modification of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome. 61 Stat., Pt. 4, p. 3752.

The Department assumes that in suggesting a modification of the "first paragraph" of Article 3 of this agreement, it was intended that the last two sentences of Article 3 be retained. In order that there may be no misunderstanding on this point, it is suggested that the Embassy's note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3." Amendment of modification.

The Department would appreciate the Embassy's confirming its understanding in this regard.

WHMcC

DEPARTMENT OF STATE,
Washington, March 24, 1948.

The Italian Ambassador to the Acting Secretary of State

ITALIAN EMBASSY
WASHINGTON, D. C.

The Italian Ambassador presents his compliments to the Honorable the Acting Secretary of State and has the honor to refer to the Department's note of March 24, 1948 regarding the exchange of notes between the Department and the Embassy on the subject of the establishment in Italy of permanent United States military cemeteries.

In this connection the Embassy confirms its understanding that, in suggesting a modification of the first paragraph of Article 3 of the agreement reached on the above mentioned subject by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome, it was intended that the last two sentences of Article 3 be retained. 61 Stat., Pt. 4, p. 3752.

The Embassy therefore agrees that its note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3".

A. T.

Washington, D. C., April 19, 1948.

DEPARTMENT OF STATE
Washington, D. C.

January 26 and April 5, 1948
[T. I. A. S. 1744]

Agreement between the United States of America and Burma respecting an exchange of official publications. Effected by exchange of notes signed at Rangoon January 26 and April 5, 1948; entered into force April 5, 1948.

The American Chargé d'Affaires ad interim to the Burmese Minister for Foreign Affairs

AMERICAN EMBASSY,
No. 23 *Rangoon, January 26, 1948.*

SIR:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Union of Burma in regard to the exchange of official publications, and to inform you that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.
2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for the transmission of publications of the Union of Burma shall be the Office of the Superintendent of the Government Book Depot.
3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Union of Burma shall be by the Superintendent of the Government Book Depot.
4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.
5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the ship-

ment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from you indicating that the foregoing provisions are acceptable to the Union of Burma, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Sir, the renewed assurance of my highest consideration.

R. AUSTIN ACLY,
Chargé d'Affaires ad interim.

The Honorable
U TIN TUT,
Minister for Foreign Affairs,
Rangoon.

The Burmese Minister for Foreign Affairs to the American Ambassador

MINISTRY OF FOREIGN AFFAIRS
RANGOON
Dated the 5th April, 1948.

No. A

SIR,

I have the honour to refer to Note No. 23, dated the 26th January, 1948, from your Embassy on the subject of the exchange of official publications between the Government of the United States of America and the Government of the Union of Burma, and to say that the Government of the Union of Burma agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:–

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.
2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the

Smithsonian Institution. The official exchange office for the transmission of publications of the Union of Burma shall be the Office of the Superintendent of the Government Book Depot.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Union of Burma shall be by the Superintendent of the Government Book Depot.
4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.
5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.
6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

The Government of the Union of Burma considers that your Note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this Note.

Please accept, Sir, the renewed assurance of my highest consideration.

(Tin Tut)
Minister for Foreign Affairs.

His Excellency Mr. J. Klahr Huddle,
Ambassador Extraordinary and Plenipotentiary of the
United States of America,
Rangoon.

Agreement between the United States of America and the Republic of the Philippines amending the agreement of March 23, 1948, respecting a United States educational foundation in the Philippines. Effected by exchange of notes signed at Manila April 2 and 8, 1948; entered into force April 8, 1948.

April 2, 8, 1948
[T. I. A. S. 1745]

The American Ambassador to the Philippine Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA,
April 2, 1948.

No. 1177

EXCELLENCY:

I have the honor to refer to the first two sentences of Article 11 of the Fulbright Agreement between the Government of the United States of America and the Government of the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the Republic of the Philippines and the Government of the United States of America for the sale of surplus war property, which are worded as follows:

Agreement for use of designated funds.

Ante, p. 1882.

"The Government of the Republic of the Philippines shall within thirty (30) days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America, an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency). On January 1, 1948, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000 – United States currency) shall have been so deposited."

Philippine deposits.

In view of the fact that it is the intent of this agreement to use the equivalent of $200,000 (United States currency) in Philippine currency each year for a period of ten years for the support of cultural and educational activities under the Fulbright Act and that the deposit of this sum of money by the Government of the Republic of the Philippines with the treasurer of the United States within thirty days of the signature of the agreement will meet the expenses of the program for the year 1948, it is suggested that the second sentence quoted above be amended to read as follows:

60 Stat. 754.
50 U. S. C. app. §§ 1619, 1641; Supp. I, § 1619.

"On January 1, 1949, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the

Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000 – United States currency) shall have been so deposited."

Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended.

Accept, Excellency, the renewed assurances of my highest consideration.

EMMET O'NEAL

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs of the Republic of the Philippines.

The Philippine Undersecretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *April 8, 1948*

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 1177 dated April 2, 1948, which reads as follows:

"I have the honor to refer to the first two sentences of Article 11 of the Fulbright Agreement between the Government of the United States of America and the Government of the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the Republic of the Philippines and the Government of the United States of America for the sale of surplus war property, which are worded as follows:

Ante, p. 1882.

'The Government of the Republic of the Philippines shall within thirty (30) days of the date of the signature of the present agreement, deposit with the Treasurer of the United States of America, an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency). On January 1, 1948, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000 – United States currency) shall have been so deposited.'

In view of the fact that it is the intent of this agreement to use the equivalent of $200,000 (United States currency) in Philippine

currency each year for a period of ten years for the support of cultural and educational activities under the Fulbright Act and that the deposit of this sum of money by the Government of the Republic of the Philippines with the treasurer of the United States within thirty days of the signature of the agreement will meet the expenses of the program for the year 1948, it is suggested that the second sentence quoted above be amended to read as follows:

60 Stat. 754. 50 U. S. C. app. §§ 1619, 1641; Supp. I, § 1619.

'On January 1, 1949, and on each succeeding January 1, the Government of the Republic of the Philippines shall similarly deposit an amount of the currency of the Government of the Republic of the Philippines equivalent to Two Hundred Thousand Dollars ($200,000 – United States currency) until an aggregate amount equivalent to Two Million Dollars ($2,000,000 – United States currency) shall have been so deposited.'

Upon the receipt of a note from Your Excellency stating the the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended."

In reply, I wish to state that the suggestion contained in your above-quoted note is acceptable to the Government of the Republic of the Philippines and my Government will consider that the second sentence of Article 11 of the Fulbright Agreement between our two Governments has been so amended.

Ante, p. 1882.

Accept, Excellency, the renewed assurances of my highest consideration.

BERNABE AFRICA

His Excellency
EMMET O'NEAL
American Ambassador
United States Embassy
Manila

March 4 and April 30, 1948
[T. I. A. S. 1747]

Agreement between the United States of America and Canada respecting sanitary practices in the shellfish industries. Effected by exchange of notes signed at Washington March 4 and April 30, 1948; entered into force April 30, 1948.

The Canadian Ambassador to the Secretary of State

No. 106

The Canadian Ambassador presents his compliments to the Secretary of State and, on the instructions of his Government, has the honour to inform him that in order to improve sanitary practices in the shellfish industries of Canada and the United States and to facilitate the exchange of information with reference to endorsement of shellfish certifications, the Canadian Department of National Health and Welfare and the United States Public Health Service have agreed on the desirability of an Agreement being concluded on the points and in the terms set forth in the annexed memorandum.

If such an agreement is acceptable to the United States Government, it is the proposal of the Canadian Government that this Note and its Annex together with a reply agreeing thereto, constitute an Agreement between the two Governments effective from the date of the reply from the United States authorities.

H W

CANADIAN EMBASSY,
Washington, D. C.
4th March 1948.

4TH MARCH 1948.

ANNEX

MEMORANDUM OF AGREEMENT

In order to improve the sanitary practices prevailing in the shellfish industries of Canada and the United States, it is agreed as follows:

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare, will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.
2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.

3. Whenever inspections of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavour to facilitate such inspections.

4. This Agreement may be terminated by either party giving thirty days' notice.

The Secretary of State to the Canadian Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of Canada and has the honor to refer to his note No. 106 of March 4, 1948 proposing that an agreement be entered into between the Governments of the United States of America and Canada in the following terms:

MEMORANDUM OF AGREEMENT

In order to improve the sanitary practices prevailing in the shellfish industries of the United States and Canada, it is agreed as follows:

Principles for certification of shellfish shippers.

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.

2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.

Inspections.

3. Whenever inspections of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavor to facilitate such inspections.

Termination.

4. This Agreement may be terminated by either party giving thirty days' notice.

Effective date.

The Memorandum of Agreement as set forth above is acceptable to the Government of the United States of America. As proposed in His Excellency's note, therefore, that note and the present reply are regarded as constituting an agreement between the two Governments, effective on the date of the present note.

BB

DEPARTMENT OF STATE,
Washington, April 30, 1948.

Agreement between the United States of America and Greece respecting a United States Educational Foundation in Greece. Signed at Athens April 23, 1948; entered into force April 23, 1948.

April 23, 1948
[T. I. A. S. 1751]

Agreement between the Government of the United States of America and the Government of Greece for the use of funds made available in accordance with the Letter Credit Agreements signed on May 16, 1946,[1] September 25, 1946,[1] October 4, 1946,[1] and January 6, 1948[1], between the Government of the United States of America and the Government of Greece.

The Government of the United States of America and the Government of Greece;

Desiring to promote further mutual understanding between the peoples of the United States of America and Greece by a wider exchange of knowledge and professional talents through educational contacts;

Considering that Section 32(b) of the United States Surplus Property Act of 1944, as amended by Public Law no. 584, 79th Congress, provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

[1] Not printed.

Συμφωνία μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλληνικῆς Κυβερνήσεως περὶ τῆς χρησιμοποιήσεως κεφαλαίων διατεθέντων συμφώνως πρὸς τὰς Περὶ Παροχῆς Πιστώσεως Συμφωνίας αἱ-τινες ὑπεγράφησαν τῇ 16 Μαΐου 1946, 25 Σεπτεμβρίου 1946, 4 Ὀκτωβρίου 1946 καὶ 6 Ἰανουαρίου 1948 μεταξὺ τῶν Κυβερνήσεων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλλάδος.

Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ ἡ Ἑλληνικὴ Κυβέρνησις·

Ἐπιθυμοῦσαι τὴν περαιτέρω προαγωγὴν τῆς μεταξὺ τῶν λαῶν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλλάδος ἀμοιβαίας κατανοήσεως δι' εὐρυτέρας ἀνταλλαγῆς γνώσεων καὶ ἐπαγγελματικῶν ἐπιτεύξεων μέσῳ ἐκπαιδευτικῶν ἐπαφῶν·

Ἔχουσαι ὑπ' ὄψιν ὅτι ἡ Παράγραφος 32(β) τοῦ περὶ Πλεοναζούσης Περιουσίας Ἀμερικανικοῦ Νόμου τοῦ 1944, ὡς ἔχει οὗτος τροποποιηθῇ ὑπὸ τοῦ ὑπ' ἀριθμὸν 584 Νόμου, τοῦ 79ου Κογκρέσσου, προβλέπει ὅτι ὁ ἐπὶ τῶν Ἐξωτερικῶν Ὑπουργὸς τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς δύναται νὰ προέλθῃ εἰς συμφωνίας μεθ' οἱασδήποτε ξένης κυβερνήσεως διὰ τὴν χρῆσιν χαρτονομίσματος ἢ πιστώσεων

currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

Use of local currency for payment of U. S. expenditures in Greece.

Considering that under the provisions of the Letter Credit Agreement between the Government of Greece and the Government of the United States of America dated October 4, 1946,[1] and similar Credit Agreements dated May 16, 1946, September 25, 1946 and January 6, 1948[1](hereinafter designated "the Letter Credit Agreements") it is provided that in the event the Government of the United States wishes to receive local currency of the Government of Greece for the payment of any or all expenditures in Greece of the Government of the United States and its agencies, the Government of the United States may request at any time or times, and the Government of Greece agrees to furnish at such time or times, Greek currency in any amount not in excess of the net outstanding

[1] Not printed.

εἰς χαρτονόμισμα τῆς ξένης ταύτης κυβερνήσεως, κτηθέντων ἐκ διαθέσεως πλεοναζούσης περιουσίας, δι' ἐκπαιδευτικούς σκοπούς, καί

Ἔχουσαι ὑπ' ὄψιν ὅτι συμφώνως πρός τάς διατάξεις τῆς μεταξύ τῆς Ἑλληνικῆς Κυβερνήσεως καί τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς Συμφωνίας ἀπό 4ης Ὀκτωβρίου 1946, Περί Παροχῆς Πιστώσεως, καί τῶν παρεμφερῶν Συμφωνιῶν τῶν ὑπογραφεισῶν τῇ 16ῃ Μαΐου 1946, 25ῃ Σεπτεμβρίου 1946 καί 6ῃ Ἰανουαρίου 1948 (ἐφεξῆς ἀναφερομένων ὡς "Συμφωνιῶν Περί Παροχῆς Πιστώσεων"), προβλέπεται ὅτι εἰς περίπτωσιν καθ' ἣν ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐπιθυμεῖ νά λάβῃ ἐγχώριον χαρτονόμισμα τοῦ Ἑλληνικοῦ Κράτους διά τήν καταβολήν μέρους ἤ τοῦ συνόλου τῶν ἐν Ἑλλάδι δαπανῶν τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῶν Ἀποστολῶν αὐτῆς, ἡ Ἀμερικανική Κυβέρνησις δικαιοῦται νά ζητῇ καί ἡ Ἑλληνική Κυβέρνησις ἀποδέχεται νά προμηθεύῃ ἑλληνικόν χαρτονόμισμα ἀνερχόμενον εἰς οἱονδήποτε ποσόν μή ὑπερβαῖνον

balance of principal (whether or not then due in United States dollars) payable under the terms of the Letter Credit Agreements; provided, however, that except by mutual agreement between the Government of the United States and the Government of Greece, the Government of the United States shall not be entitled to receive in any single calendar year, under the terms of paragraphs (4) and paragraphs (6) of the Letter Credit Agreements, any local currency or property, the combined total value of which is in excess of $4,000,000.

Have agreed as follows:

ARTICLE 1

United States Educational Foundation in Greece.

There shall be established a foundation to be known as the United States Educational Foundation in Greece (hereinafter designated "the Foundation"), which shall be recognized by the Government of the United States of America and the Government of Greece

τό καθαρόν πρός ἐξόφλησιν ὑπόλοιπον ὅπερ συμφώνως πρός τάς διατάξεις τῶν περί Παροχῆς Πιστώσεων Συμφωνιῶν, τυγχάνει πληρωτέον (εἴτε τοῦτο ὀφείλεται εἰς δολλάρια Ἡνωμένων Πολιτειῶν εἴτε ὄχι)· ὑπό τήν προϋπόθεσιν πάντως ὅτι ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν δέν θά δικαιοῦται νά λάβῃ ἐντός ἑνός ἡμερολογιακοῦ ἔτους, συμφώνως πρός τούς ὅρους τῶν παραγράφων (4) καί (6) τῶν περί Παροχῆς Πιστώσεων Συμφωνιῶν, ἐγχώριον χαρτονόμισμα ἤ περιουσίαν τῶν ὁποίων ἡ ἀξία, λαμβανομένων ὁμοῦ, θά ὑπερέβαινε τά 4.000.000 (τέσσαρα ἑκατομμύρια) δολλάρια, ἐκτός ἐάν ὑπάρξῃ ἀντίθετος ἀμοιβαία συμφωνία μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Κυβερνήσεως τῆς Ἑλλάδος.

Συνεφώνησαν τά κάτωθι:

ΑΡΘΡΟΝ 1

Θέλει συσταθῇ Ἵδρυμα ὑπό τήν ἐπωνυμίαν Ἀμερικανικόν Ἐκπαιδευτικόν Ἵδρυμα Ἑλλάδος (ἐφεξῆς ἀναφερόμενον ὡς "Ἵδρυμα") ὅπερ θά ἀναγνωρισθῇ ὑπό τῆς

as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of Greece in accordance with the Letter Credit Agreements signed on May 16, 1946, September 25, 1946, October 4, 1946, and January 6, 1948 between the Government of the United States of America and the Government of Greece. Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and Greece as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement.

Post, p. 1918.

Use of funds.

All of the funds made available by the Government of Greece, within the conditions and limitations hereinafter set forth, shall be used by the Foundation or such other instrumentality as may be agreed upon by the

Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως ὡς ὀργανισμός συσταθείς καί ἱδρυθείς πρός διευκόλυνσιν τῆς ἐφαρμογῆς τοῦ ἐκπαιδευτικοῦ προγράμματος, ὅπερ θά χρηματοδοτηθῇ διά κεφαλαίων διατιθεμένων ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως συμφώνως πρός τάς περί Παροχῆς Πιστώσεων Συμφωνίας αἵτινες ὑπεγράφησαν τῇ 16ῃ Μαΐου 1946, 25ῃ Σεπτεμβρίου 1946, 4ῃ Ὀκτωβρίου 1946 καί 6ῃ Ἰανουαρίου 1948 μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλληνικῆς Κυβερνήσεως. Ἐξαιρουμένης τῆς ὑπό τοῦ Ἄρθρου 3 τῆς παρούσης Συμφωνίας προβλεπομένης περιπτώσεως, τό Ἵδρυμα ἀπαλλάσσεται τῆς ὑποχρεώσεως ἐφαρμογῆς τῶν ἐγχωρίων νόμων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος, τῶν ἀφορώντων τήν χρῆσιν καί τήν δαπάνην χαρτονομίσματος καί πιστώσεων εἰς χαρτονόμισμα διά τήν ἐπίτευξιν τῶν ἐκτιθεμένων ἐν τῇ παρούσῃ Συμφωνίᾳ σκοπῶν.

Τό σύνολον τῶν, συμφώνως πρός τούς ἐκτιθεμένους κατωτέρω ὅρους καί περιορισμούς, διατιθεμένων ὑπό τῆς

Government of the United States of America and the Government of Greece for the purpose, as set forth in Section 32(b) of the United States Surplus Property Act of 1944, as amended, of

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Greece or of the nationals of Greece in United States schools and institutions of higher learning located in Greece or of the nationals of Greece in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic

Ἑλληνικῆς Κυβερνήσεως κεφαλαίων θέλει χρησιμοποιηθῇ ὑπό τοῦ Ἱδρύματος ἢ ἄλλου καρεμφεροῦς Ὀργανισμοῦ, περί οὗ θέλει ὑπάρξῃ συμφωνία μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλληνικῆς Κυβερνήσεως, διά τούς ὑπό τῆς Παραγράφου 32(β) τοῦ περί Πλεοναζούσης Περιουσίας Ἀμερικανικοῦ Νόμου τοῦ 1944, ὡς ἔχει οὗτος τροποποιηθῇ, προβλεπομένους ἐξῆς σκοπούς:

(1) Τήν χρηματοδότησιν σπουδῶν, ἐρευνῶν καί ἄλλων μορφωτικῶν καί ἐκπαιδευτικῶν ἐργασιῶν τῶν Ἀμερικανῶν πολιτῶν ἢ χάριν αὐτῶν εἰς σχολάς καί ἱδρύματα ἀνωτέρας ἐκπαιδεύσεως, κείμενα ἐν Ἑλλάδι, ἢ τῶν Ἑλλήνων ὑπηκόων εἰς Ἀμερικανικάς σχολάς καί ἱδρύματα ἀνωτέρας ἐκπαιδεύσεως, κείμενα ἐν Ἑλλάδι, ἢ τῶν Ἑλλήνων ὑπηκόων εἰς Ἀμερικανικάς σχολάς καί ἱδρύματα ἀνωτέρας ἐκπαιδεύσεως κείμενα ἐκτός τῶν κυρίως Ἡνωμένων Πολιτειῶν, τῆς Χαβάΐ, τῆς Ἀλάσκας (συμπεριλαμβανομένων τῶν

activities; or

(2) furnishing transportation for nationals of Greece who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

ARTICLE 2

Powers of Foundation.

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purposes of the present agreement including the following:

Post, p. 1926.

'Αλεουτίων Νήσων), τοῦ Πόρτο Ρίκο καί τῶν Νή - σων τῆς Παρθένου, συμπεριλαμβανομένων τῶν μεταφορικῶν, διδάκτρων, ἐξόδων συντηρήσεως καί ἄλλων σχέσιν ἐχόντων πρός τάς ἐκπαιδευτικάς ἐργασίας, ἤ

(2) Τήν χορήγησιν τῶν μέσων μεταφορᾶς 'Ελλήνων ὑπηκόων οἵτινες ἐπιθυμοῦν νά εἰσαχθῶσιν εἰς 'Αμερικανικάς σχολάς καί ἱδρύματα ἀνωτέρας ἐκπαιδεύσεως ἐντός τῶν κυρίως 'Ηνωμένων Πολιτειῶν, τῆς Χαβάϊ, τῆς 'Αλάσκας (συμπεριλαμβανομένων καί τῶν 'Αλεουτίων Νήσων), τοῦ Πόρτο Ρίκο καί τῶν Νήσων τῆς Παρθένου, ἡ φοίτησις τῶν ὁποίων δέν θά ἀπεστέρει 'Αμερικανούς πολίτας τῆς εὐκαιρίας ὅπως εἰσαχθῶσιν εἰς τάς τοιαύτας σχολάς καί ἱδρύματα.

ΑΡΘΡΟΝ 2

Κατά τήν ἐπιδίωξιν τῶν ὡς ἄνω σκοπῶν, τό "Ιδρυμα, ὑπό τήν ἐπιφύλαξιν τῶν διατάξεων τοῦ ἄρθρου 10 τῆς καρούσης Συμφωνίας, δύναται, χάριν τῆς ἐκπληρώσεως τῶν

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America.

(3) Disburse funds and make grants and advances of funds for the authorized purposes of the Foundation.

(4) Acquire, hold, and dispose of property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however, that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs, in

σκοπῶν τῆς παρούσης Συμφωνίας, νά προβαίνῃ εἰς πᾶσαν ἀναγκαίαν ἐνέργειαν, συμπεριλαμβανομένων καί τῶν ἑξῆς:

(1) Νά εἰσπράττῃ κεφάλαια.

(2) Νά ἀνοίγῃ καί νά κινῇ λογαριασμούς ἐπ'ὀνόματι τοῦ Ἱδρύματος παρά Τραπέζῃ ἤ Τραπέζαις καθοριζομένας ὑπό τοῦ ἐπί τῶν Ἐξωτερικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

(3) Νά καταβάλῃ ποσά καί νά προβαίνῃ εἰς χορηγήσεις καί προκαταβολάς ποσῶν διά τούς ἐγκεκριμένους σκοπούς τοῦ Ἱδρύματος.

(4) Νά ἀποκτᾷ, νά κατέχῃ καί νά διαθέτῃ περιουσίαν ἐν ὀνόματι τοῦ Ἱδρύματος ὡς ἤθελε τό Συμβούλιον τῶν Διευθυντῶν τοῦ Ἱδρύματος θεωρήσῃ ἀναγκαῖον ἤ ἐπιθυμητόν, ὑπό τήν προϋπόθεσιν ὅμως ὅτι ἡ κτῆσις ἀκινήτου περιουσίας θά ὑπόκειται εἰς τήν προηγουμένην ἔγκρισιν τοῦ ἐπί τῶν Ἐξωτερικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

(5) Νά καταστρώνῃ, νά υἱοθετῇ καί νά ἐκτελῇ

accordance with the purposes of Section 32(b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(6) Recommend to the Board of Foreign Scholarships provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Greece, and institutions of Greece to participate in the program in accordance with the aforesaid Act.

60 Stat. 754. 50 U. S. C. app. § 1641.

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts

προγράμματα τελοῦντα ἐν συμφωνίᾳ πρός τούς σκοπούς τῆς Παραγράφου 32(β) τοῦ περί Πλεοναζούσης Περιουσίας Ἀμερικανικοῦ Νόμου τοῦ 1944, ὡς οὗτος ἔχει τροποποιηθῇ, καί πρός τούς σκοπούς τῆς παρούσης Συμφωνίας.

(6) Νά συνιστᾷ εἰς τήν προβλεπομένην ὑπό τοῦ περί Πλεοναζούσης Περιουσίας Ἀμερικανικοῦ Νόμου τοῦ 1944, ὡς οὗτος ἔχει τροποποιηθῇ, Ἐπιτροπήν Ξένων Ὑποτροφιῶν, σπουδαστάς, καθηγητάς, ἐρευνητάς, διαμένοντας ἐν Ἑλλάδι, καί Ἑλληνικά Ἱδρύματα, ἵνα λάβωσι μέρος εἰς τό πρόγραμμα, συμφώνως πρός τόν ὡς ἄνω Νόμον.

(7) Νά ὑποδεικνύῃ εἰς τήν ῥηθεῖσαν ἀνωτέρω Ἐπιτροπήν Ξένων Ὑποτροφιῶν, τά διά τήν ἐπιλογήν τῶν λαμβανόντων μέρος εἰς τά προγράμματα προσόντα ἅτινα θά ἐθεωροῦντο ἀναγκαῖα διά τήν ἐκπλήρωσιν τῶν σκοπῶν καί τῶν ἐπιδιώξεων τοῦ Ἱδρύματος.

(8) Νά προβλέπῃ περί τῆς οἰενεργείας περιοδικῶν

of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix and pay the salaries and wages thereof.

ARTICLE 3

Annual budget.

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

ARTICLE 4

Limitation on powers of Foundation.

The Foundation shall not enter into any commitment or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold, or dispose of property except for the purposes authorized in the present agreement.

ARTICLE 5

Board of Directors.

The management and direction of the affairs of the

ἐλέγχων τῶν λογαριασμῶν τοῦ Ἱδρύματος, διενεργουμένων ὑπό Ἐλεγκτῶν ἐκλεγομένων ὑπό τοῦ ἐπί τῶν Ἐξωτερικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

(9) Νά προσλαμβάνῃ διοικητικόν καί ὑπαλληλικόν προσωπικόν, νά καθορίζῃ καί νά καταβάλῃ τούς μισθούς καί τάς ἀποδοχάς αὐτῶν.

ΑΡΘΡΟΝ 3

Ἅπασαι αἱ δαπάναι τοῦ Ἱδρύματος θά γίνωνται συμφώνως πρός ἐτήσιον προϋπολογισμόν ὅστις θά ἐγκρίνεται ὑπό τοῦ ἐπί τῶν Ἐξωτερικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, συμφώνως πρός τάς διατάξεις ἐκείνας ἃς τυχόν ἤθελεν οὗτος καθορίσῃ.

ΑΡΘΡΟΝ 4

Τό Ἵδρυμα εἰς οὐδεμίαν δέσμευσιν θέλει ὑποβληθῇ καί οὐδεμίαν ὑποχρέωσιν θέλει ἀναλάβῃ διά ποσόν πέραν τῶν κεφαλαίων ἅτινα ἤδη διαθέτει, οὔτε θέλει ἀποκτήσῃ, κατέχῃ ἢ διαθέσῃ περιουσίαν εἰμή διά σκοπούς ἐγκεκριμένους ὑπό τῆς παρούσης Συμφωνίας.

Foundation shall be vested in a Board of Directors consisting of 7 Directors (hereinafter designated the "Board").

Honorary Chairman of the Board.

The Principal officer in charge of the Diplomatic Mission of the United States of America to Greece (hereinafter designated "the Chief of Mission") shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The other members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in Greece, or such other Embassy officer as designated by the Chief of Mission, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, who may be representatives of American business, professional or educational interests in Greece or members of the

Chairman.

ΑΡΘΡΟΝ 5

Ἡ διαχείρισις καί διεύθυνσις τῶν ὑποθέσεων τοῦ Ἱδρύματος θά ἀνατεθῇ εἰς Συμβούλιον Διευθυντῶν ἀποτελούμενον ἀπό 7 Διευθυντάς (ἀναφερόμενον ἐφεξῆς ὡς "Συμβούλιον").

Ὁ ἑκάστοτε διευθύνων τήν ἐν Ἑλλάδι Διπλωματικήν Ἀντιπροσωπείαν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, (ἀναφερόμενος ἐφεξῆς ὡς "Ἀρχηγός τῆς Ἀποστολῆς"), θά εἶναι Ἐπίτιμος Πρόεδρος τοῦ Συμβουλίου. Θά δικαιοῦται κατά τήν ἰδίαν αὐτοῦ κρίσιν νά διορίζῃ καί νά παύῃ μέλη τοῦ Συμβουλίου. Τά λοιπά μέλη τοῦ Συμβουλίου θά εἶναι τά ἑξῆς: (α) Ὁ ἐπί κεφαλῆς τῶν Δημοσίων Σχέσεων Ὑπάλληλος τῆς ἐν Ἑλλάδι Πρεσβείας τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤ ἄλλος ὑπάλληλος τῆς Πρεσβείας, ὅστις ἤθελεν ὁρισθῇ ὑπό τοῦ Ἀρχηγοῦ τῆς Ἀποστολῆς, ὡς Πρόεδρος· (β) Δύο μέλη ἐκ τοῦ προσωπικοῦ τῆς Πρεσβείας, ἐκ τῶν ὁποίων ὁ εἷς θά ἐκτελῇ καθήκοντα Ταμίου· (γ) Δύο Ἀμερικανοί πολῖται, οἵτινες ἀντιπροσωπεύουν τά ἀφορῶντα τό ἐμπόριον, τά ἐπαγγέλματα ἤ τήν ἐκπαίδευσιν Ἀμερικανικά

Embassy staff; and (d) two nationals of Greece, one of whom shall be prominent in the field of education.

The four members specified in (c) and (d) of the last preceding paragraph shall be resident in Greece and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Greek members by the Chief of Mission from a list of names submitted by the Government of Greece. Vacancies by reason of resignations, transfer of residence outside Greece, or expiration of term of service, or otherwise, shall be filled in accordance with this procedure.

The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board.

ἐν Ἑλλάδι συμφέροντα ἢ μέλη τοῦ προσωπικοῦ τῆς Πρεσβείας, καί (δ) Δύο Ἕλληνες ὑπήκοοι, ἐκ τῶν ὁποίων ὁ εἷς θά εἶναι ἐκ τῶν ἐξεχόντων εἰς τό πεδίον τῆς ἐκπαιδεύσεως.

Τά καθοριζόμενα ἐν τοῖς στοιχείοις (γ) καί (δ) τῆς προηγουμένης παραγράφου τέσσαρα μέλη θέλουσι εἶναι κάτοικοι τῆς Ἑλλάδος καί θέλουσι παράσχῃ τάς ὑπηρεσίας αὐτῶν ἀπό τῆς ἡμέρας τοῦ διορισμοῦ των μέχρι τῆς ἀπό τῆς ἡμέρας τοῦ διορισμοῦ των προσεχοῦς 31ης Δεκεμβρίου. Οὗτοι δύνανται νά ἐπαναδιορισθῶσιν. Τά Ἀμερικανικά μέλη θά ὁρίζωνται ὑπό τοῦ Ἀρχηγοῦ τῆς Ἀποστολῆς, τά Ἑλληνικά μέλη ὑπό τοῦ Ἀρχηγοῦ τῆς Ἀποστολῆς ἐξ ὀνομαστικοῦ πίνακος ὑποβαλλομένου ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως. Θέσεις πεναί λόγῳ παραιτήσεως, ἀλλαγῆς τόπου διαμονῆς ἐκτός τῆς Ἑλλάδος, παρόδου χρόνου ὑπηρεσίας, ἢ ἐξ ἄλλης αἰτίας προερχόμεναι, θά πληροῦνται συμφώνως πρός τήν ὡς ἄνω διαδικασίαν.

Οἱ Διευθυνταί θά παρέχωσι τάς ὑπηρεσίας αὐτῶν ἀμισθί, τό Ἵδρυμα ὅμως δικαιοῦται νά καταβάλῃ τάς ἀναγκαίας δαπάνας εἰς τάς ὁποίας ὑποβάλλονται οἱ Διευθυνταί

ARTICLE 6

By-laws, etc.

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

ARTICLE 7

Reports.

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Government of Greece.

ARTICLE 8

Principal office, etc.

The principal office of the Foundation shall be in Athens, but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

προσερχόμενοι εἰς Συνεδριάσεις τοῦ Συμβουλίου.

ΑΡΘΡΟΝ 6

Τό Συμβούλιον θά καταρτίσῃ τούς κανονισμούς καί θά συστήσῃ τάς ἐπιτροπάς ἄς ἤθελε θεωρήσῃ ἀναγκαίας διά τήν διεξαγωγήν τῶν ὑποθέσεων τοῦ Ἱδρύματος.

ΑΡΘΡΟΝ 7

Κατά τάς ὁδηγίας τοῦ ἐπί τῶν Ἐξωτερικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά ὑποβάλωνται ἐτησίως ἐκθέσεις ἐπί τῆς δράσεως τοῦ Ἱδρύματος εἰς τόν ἐπί τῶν Ἐξωτερικῶν Ὑπουργόν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τήν Ἑλληνικήν Κυβέρνησιν.

ΑΡΘΡΟΝ 8

Τό κεντρικόν γραφεῖον τοῦ Ἱδρύματος θά ἐδρεύῃ ἐν Ἀθήναις, ἀλλά τό Συμβούλιον ἤ οἱαδήποτε τῶν ἐπιτροπῶν του δύναται νά συνέρχεται εἰς συνεδρίασιν εἰς οἱονδήποτε ἄλλο μέρος τό ὁποῖον θά ἤθελεν ἑκάστοτε ὁρισθῇ ὑπό τοῦ Συμβουλίου, καί αἱ ἐργασίαι τῶν ὑπαλλήλων καί τοῦ προσωπικοῦ τοῦ Ἱδρύματος δύνανται νά διεξαγάγωνται εἰς οἱονδήποτε τόπον ἤθελεν ἐγκρίνῃ τό Συμβούλιον.

ARTICLE 9

Executive Officer.

The Board may appoint an Executive Officer and determine his salary and term of service, provided however, that in the event it is found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint a substitute for such time as it deems necessary or desirable.

ARTICLE 10

Review of decisions of Board.

The decisions of the Board in all matters may, in

ΑΡΘΡΟΝ 9

Τό Συμβούλιον δύναται νά διορίσῃ διευθύνοντα σύμβουλον καί νά ὁρίσῃ τόν μισθόν καί τόν χρόνον τῆς ὑπηρεσίας του, ὑπό τόν ὅρον ὅτι, ἐν ᾗ περιπτώσει καταστῇ ἀνέφικτος διά τό Συμβούλιον ἡ ἐξεύρεσις ὑποψηφίου ἀποδεκτοῦ ὑπό τοῦ Προέδρου, ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά δύναται νά ὀνομάσῃ τοιοῦτον διευθύνοντα σύμβουλον ὡς καί οἱουσδήποτε βοηθούς οἵ ὁποῖοι θά ἤθελον θεωρηθῇ ἀναγκαῖοι διά τήν ἀποτελεσματικήν λειτουργίαν τοῦ προγράμματος. Ὁ διευθύνων σύμβουλος θά εὐθύνεται διά τήν διεύθυνσιν καί ἐποπτείαν τῆς ἐφαρμογῆς τῶν προγραμμάτων καί ἐργασιῶν τοῦ Συμβουλίου συμφώνως πρός τάς ἀποφάσεις καί τάς ὁδηγίας τοῦ Συμβουλίου. Ἐν τῇ ἀπουσίᾳ ἤ τῇ ἀδυναμίᾳ νά ἐκπληρώνῃ τά καθήκοντά του, τό Συμβούλιον δύναται νά διορίσῃ ἀναπληρωτήν δι' ὅσον χρόνον ἤθελε θεωρήσῃ ἀναγκαῖον ἤ ἐπιθυμητόν.

ΑΡΘΡΟΝ 10

Αἱ ἀποφάσεις τοῦ Συμβουλίου ἐφ' ὅλων τῶν ζητημάτων

the discretion of the Secretary of State of the United States of America, be subject to his review.

ARTICLE 11

Deposits.

The Government of Greece shall, on July 1, 1948 deposit with the Treasurer of the United States of America an amount of currency of the Government of Greece equivalent to $100,000 (United States currency). On such subsequent dates as the Government of the United States of America may specify, the Government of Greece shall similarly deposit amounts of currency of the Government of Greece as requested by the Government of the United States of America until an aggregate amount of the currency of the Government of Greece equivalent to $2,000,000 (United States currency) shall have been so deposited, provided however, that in no event shall a total amount of the currency of the Government of Greece in excess of the equivalent of $400,000

δύνανται νά ὑπόκεινται εἰς τήν ἀναθεώρησιν τοῦ Ὑπουργοῦ τῶν Ἐξωτερικῶν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, κατά τήν ἰδίαν αὐτοῦ κρίσιν.

ΑΡΘΡΟΝ 11

Ἡ Ἑλληνική Κυβέρνησις θά καταθέσῃ τήν 1ην Ἰουλίου 1948 παρά τῷ Ὑπουργῷ τῶν Οἰκονομικῶν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ποσόν χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους ἴσον πρός 100,000 δολλάρια Ἡνωμένων Πολιτειῶν. Εἰς μεταγενεστέρας ἡμερομηνίας ἄς θέλει προσδιορίσῃ ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, ἡ Ἑλληνική Κυβέρνησις θέλει ὁμοίως καταθέσῃ ποσά εἰς χαρτονόμισμα τοῦ Ἑλληνικοῦ Κράτους κατ'αἴτησιν τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί μέχρις ὅτου συνολικόν ποσόν χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους ἰσούμενον πρός 2,000,000 δολλάρια Ἡνωμένων Πολιτειῶν, θά ἔχῃ κατά τόν τρόπον αὐτόν κατατεθῇ, ὑπό τόν ὅρον ὅμως ὅτι εἰς οὐδεμίαν περίπτωσιν θέλει κατατεθῇ καθ'οἱονδήποτε ἡμερολογιακόν ἔτος συνολικόν ποσόν

(United States currency) be deposited during any single calendar year.

Rate of exchange.

The rate of exchange between currency of the Government of Greece and United States currency to be used in determining the amount of currency of the Government of Greece to be deposited from time to time hereunder, shall be determined in accordance with Article (4)(b) of the Letter Credit Agreements.

Guarantee against loss.

The Government of Greece shall guarantee the United States of America against loss resulting from any alteration in the above rate of exchange or from any currency conversion with respect to any currency of the Government of Greece received hereunder and held by the Treasurer of the United States of America or by the Foundation by undertaking to pay to the Government of the United States of America such amounts of currency of the Government of Greece as are necessary to maintain the dollar value of

χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους ὑπερβαῖνον τό ἰσόποσον δολλαρίων Ἡνωμένων Πολιτειῶν 400,000.

Ἡ τιμή ἀνταλλαγῆς μεταξύ χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους καί χαρτονομίσματος τῆς Ἀμερικανικῆς Κυβερνήσεως ἥτις θέλει ληφθῇ διά τόν ὑπολογισμόν τοῦ ποσοῦ χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους τοῦ κατατεθησομένου κατά καιρούς συμφώνως τῷ παρόντι, θά καθορίζεται συμφώνως πρός τό Ἄρθρον 4(β) τῶν Περί Χορηγήσεως Πιστώσεων Συμφωνιῶν.

Ἡ Ἑλληνική Κυβέρνησις θέλει παράσχῃ ἐγγύησιν πρός τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐναντίον οἱασδήποτε ζημίας προερχομένης ἐξ οἱασδήποτε μεταβολῆς τῆς ὡς ἄνω τιμῆς συναλλάγματος ἤ ἐξ οἱασδήποτε συναλλαγματικῆς μετατροπῆς σχέσιν ἐχούσης πρός οἱονδήποτε συνάλλαγμα τῆς Ἑλληνικῆς Κυβερνήσεως ληφθέν καί κατεχόμενον ὑπό τοῦ ἐπί τῶν Οἰκονομικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤ ὑπό τοῦ Ἱδρύματος συμφώνως τῷ παρόντι, ἀναλαμβάνουσα ὅπως καταβάλῃ εἰς τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς

such currency of the Government of Greece as is held by the Treasurer of the United States or the Foundation. The purpose of this provision is to assure that the operations of the Foundation will not be interrupted or restricted by any deficits resulting from alterations in the above rate of exchange or from currency conversions.

The Secretary of State of the United States of America will make available for expenditure by the Foundation currency of the Government of Greece in such amounts as may be required by the Foundation but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Ante, p. 1918.

ARTICLE 12

Tax exemptions.

Furniture, equipment, supplies, and any other articles intended for official use of the Foundation shall be exempt in the territory of Greece from customs duties, excises, and surtaxes, and every other form of taxation.

Ἀμερικῆς τόσον χαρτονόμισμα τοῦ Ἑλληνικοῦ Κράτους ὅσον θέλει εἶναι ἀναγκαῖον διά τήν συγκράτησιν τῆς εἰς δολλάρια ἀξίας τοῦ κατεχομένου ὑπό τοῦ ἐπί τῶν Οἰκονομικῶν Ὑπουργοῦ τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤ ὑπό τοῦ Ἱδρύματος χαρτονομίσματος τοῦ Ἑλληνικοῦ Κράτους. Ἡ διάταξις αὕτη σκοπόν ἔχει ὅπως αἱ ἐργασίαι τοῦ Ἱδρύματος μή διακοποῦν ἤ περιορισθοῦν λόγῳ οἱωνδήποτε ἐλλειμμάτων προερχομένων ἐκ τροποποιήσεων τῆς ὡς ἄνω τιμῆς συναλλάγματος ἤ ἐκ συναλλαγματικῶν μετατροπῶν.

Ὁ ἐπί τῶν Ἐξωτερικῶν Ὑπουργός τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θέλει καταστήσῃ διαθέσιμον διά δαπάνας τοῦ Ἱδρύματος χαρτονόμισμα τοῦ Ἑλληνικοῦ Κράτους εἰς ποσά ἅτινα ἤθελον καταστῇ ἀναγκαῖα εἰς τό Ἵδρυμα, ἅτινα ὅμως ἐν οὐδεμιᾷ περιπτώσει θέλουσιν ὑπερβῇ τόν περιορισμόν τοῦ προϋπολογισμοῦ τόν διατυπωθέντα ἐν τῷ Ἄρθρῳ 3 τῆς παρούσης Συμφωνίας.

ΑΡΘΡΟΝ 12

Ἔπιπλα, ἐξαρτήματα, ἐφόδια καί οἱαδήποτε ἄλλα εἴδη προοριζόμενα πρός ἐπίσημον χρῆσιν τοῦ Ἱδρύματος θά

All funds and other property used for the purposes of the Foundation, and all official acts of the Foundation within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of Greece.

ARTICLE 13

Reciprocal privileges.

The Government of Greece shall extend to citizens of the United States of America residing in Greece and engaged in educational activities under the auspices of the Foundation such privileges with respect to exemption from taxation, and other burdens affecting the entry, travel, and residence of such persons as are extended to Greek nationals residing in the United States of America engaged in similar activities.

ARTICLE 14

"Secretary of State of the United States of America."

Wherever, in the present agreement, the term "Secretary of State of the United States of America"

ἀπαλλάσσωνται κατά τήν εἰσαγωγήν των ἐν Ἑλλάδι τοῦ τελωνειακοῦ δασμοῦ, φόρου ἐμπορευμάτων, προσθέτου φόρου ὡς καί πάσης ἄλλης φορολογίας.

Ἅπαντα τά χρηματικά καί ἄλλα περιουσιακά στοιχεῖα τά χρησιμοποιούμενα διά τούς σκοπούς τοῦ Ἱδρύματος καί ὅλαι αἱ ἐπίσημοι πράξεις τοῦ Ἱδρύματος ἐντός τοῦ πλαισίου τῶν σκοπῶν του θά ἀπαλλάσσωνται ὡσαύτως οἱασδήποτε φορολογίας ἐντός τοῦ Ἑλληνικοῦ ἐδάφους.

ΑΡΘΡΟΝ 13

Ἡ Ἑλληνική Κυβέρνησις θέλει παραχωρήσῃ εἰς πολίτας τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς διαμένοντας ἐν Ἑλλάδι καί ἀσχολουμένους εἰς ἐκπαιδευτικάς ἐργασίας ὑπό τήν αἰγίδα τοῦ Ἱδρύματος τά αὐτά προνόμια σχέσιν ἔχοντα μέ τήν ἀπαλλαγήν ἀπό φορολογίαν καί ἀπό ἄλλα βάρη, σχετικά μέ τήν εἴσοδον, ταξείδιον καί διαμονήν τῶν προσώπων αὐτῶν, ἅτινα παραχωροῦνται εἰς Ἕλληνας ὑπηκόους διαμένοντας εἰς τάς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς καί ἀσχολουμένους εἰς παρομοίας ἐργασίας.

is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

ARTICLE 15

Amendment of agreement.

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Greece.

ARTICLE 16

Entry into force.

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Athens in duplicate, in the English and Greek languages, this 23rd day of April, 1948.

ΑΡΘΡΟΝ 14

Ὅπου εἰς τήν παροῦσαν συμφωνίαν χρησιμοποιεῖται ὁ ὅρος "Ἐπί τῶν Ἐξωτερικῶν Ὑπουργός τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς" ἐννοεῖται ὁ Ὑπουργός τῶν Ἐξωτερικῶν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤ ἕτερός τις λειτουργός ἤ ὑπάλληλος τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ὑποδειχθείς ὑπ'αὐτοῦ ἵνα ἐνεργῇ ἀντ'αὐτοῦ.

ΑΡΘΡΟΝ 15

Ἡ παροῦσα συμφωνία δύναται νά τροποποιηθῇ δι'ἀνταλλαγῆς διπλωματικῶν διακοινώσεων μεταξύ τῶν Κυβερνήσεων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί Ἑλλάδος.

ΑΡΘΡΟΝ 16

Ἡ παροῦσα συμφωνία θέλει ἰσχύῃ ἀπό τῆς ἡμερομηνίας τῆς ὑπογραφῆς της.

Οἱ ὑπογεγραμμένοι δεόντως ἐξουσιοδοτηθέντες ὑπό τῶν ἀντιστοίχων Κυβερνήσεών των ὑπέγραψαν τήν παροῦσαν συμφωνίαν.

Συνετάχθη εἰς διπλοῦν εἰς τήν Ἀγγλικήν καί τήν Ἑλληνικήν, τήν Εἰκοστήν Τρίτην Ἀπριλίου τοῦ 1948 ἐν Ἀθήναις.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

K. L. Rankin
Charge d'Affaires ad interim

FOR THE GOVERNMENT OF GREECE:

Constantine Tsaldaris
Deputy Prime Minister and
Minister for Foreign Affairs.

ΔΙΑ ΤΗΝ ΚΥΒΕΡΝΗΣΙΝ ΤΩΝ ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ

ΤΗΣ ΑΜΕΡΙΚΗΣ:

Κ. Λ. Ράνκιν
Επιτετραμμένος

ΔΙΑ ΤΗΝ ΕΛΛΗΝΙΚΗΝ ΚΥΒΕΡΝΗΣΙΝ:

Κωνσταντῖνος Τσαλδάρης
Αντιπρόεδρος τῆς Κυβερνήσεως
Υπουργός επί των Εξωτερικῶν

February 28, 1947
[T. I. A. S. 1753]

Agreement between the United States of America and Paraguay respecting air transport services. Signed at Asunción February 28, 1947; entered into force February 16, 1948.

The Government of the United States of America and the Government of the Republic of Paraguay, having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, [1] for the adoption of a standard form of agreement for air routes and services, and the desirability of mutually stimulating and promoting the further development of air transportation between the United States of America and the Republic of Paraguay, agree that the establishment and development of air transport services between their respective territories shall be governed by the provisions of the present agreement, for which purpose they have resolved to designate their respective plenipotentiaries, to wit:

The President of the United States of America: Mr. Leslie E. Reed, Chargé d'Affaires ad interim of the United States of America, near the Government of Paraguay;

The President of the Republic of Paraguay, His Excellency Don Federico Chaves, Minister of Foreign Relations and Worship;

Who, after exchanging their full powers, which they have found to be in good and proper form, have agreed upon the following articles:

El Gobierno de los Estados Unidos de América y el Gobierno de la República del Paraguay, teniendo en cuenta la resolución firmada en fecha 7 de diciembre de 1944 en la Conferencia Internacional de Aviación Civil de Chicago, para la adopción de un acuerdo de forma standard sobre rutas y servicios aéreos y la conveniencia de estimular y promover mútuamente el desarrollo más amplio del transporte aéreo entre los Estados Unidos de América y la República del Paraguay, convienen en que el establecimiento y desarrollo de los servicios de transporte aéreo entre sus respectivos territorios estarán regidos por las disposiciones del presente Acuerdo, a cuyo efecto han resuelto designar sus respectivos plenipotenciarios:

El Presidente de los Estados Unidos de América al Señor Leslie E. Reed, Encargado de Negocios ad interim de los Estados Unidos de América, cerca del Gobierno de la Republica del Paraguay;

El Presidente de la República del Paraguay a Su Excelencia Don Federico Chaves, Ministro de Relaciones Exteriores y Culto;

Quienes, después de haber canjeado sus plenos poderes, hallados en buena y debida forma, han convenido en los siguientes artículos:

[1] *International Civil Aviation Conference, Chicago, Illinois, November 1 to December 7, 1944, Final Act and Related Documents.* Department of State publication 2282.

ARTICLE 1

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international air routes and civil air services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE 2

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights specified in the aforesaid Annex have been granted has designated the airline or airlines which are to operate the route or routes stipulated, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines authorized; provided that said airline or airlines may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICULO 1

Cada Parte Contratante concede a la otra Parte Contratante los derechos especificados en el Anexo adjunto necesarios para el establecimiento de las rutas aéreas internacionales y servicios de Aviación Civil indicados en el mismo, sea que tales servicios se inauguren inmediatamente o en una fecha posterior, a opción de la Parte Contratante a quien se concedan los derechos.

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ARTICULO 2

Cada uno de los servicios aéreos de referencia será iniciado tan pronto como la Parte Contratante a quien se han concedido los derechos especificados en el mencionado Anexo, haya designado la entidad o entidades que deban operar en la ruta o rutas estipuladas, la Parte Contratante que concede los derechos estará obligada, de conformidad con las disposiciones del Artículo 6 del presente Acuerdo, a dar el permiso de operación correspondiente a la entidad o entidades autorizadas; a condición de que a la misma o mismas se les pueda exigir una prueba de suficiencia ante las autoridades aeronáuticas competentes de la Parte Contratante que concede los derechos según las leyes y reglamentos ordinariamente aplicados por estas autoridades antes de que se les permita dedicarse a las operaciones contempladas por este Acuerdo; y a condición de que en las regiones de hostilidades o de ocupación militar o en las regiones afectadas por las mismas, tal inauguración esté sujeta a la aprobación de las autoridades militares competentes.

Inauguration of services.

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ARTICLE 3

Charges.

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most-favored-nation.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used

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ARTICULO 3

A fin de prevenir discriminaciones, y para asegurar la igualdad de tratamiento, ambas Partes Contratantes acuerdan que:

(a) Cada Parte Contratante podrá imponer o permitir que sean impuestas tarifas justas y razonables por el uso de los aeropuertos públicos y otras instalaciones bajo su control. Queda entendido entre cada una de las Partes Contratantes, sin embargo, que estas tarifas no deberán exceder de las que pagarían por el uso de tales aeropuertos e instalaciones las aeronaves nacionales dedicadas a servicios internacionales similares.

(b) A la introducción de combustibles, lubricantes, y piezas de repuesto en el territorio de una de las Partes Contratantes por la otra Parte Contratante o por sus nacionales, destinados exclusivamente al uso de las aeronaves de tal Parte Contratante, en lo que respecta a la imposición de derechos de aduana, tasas de inspección u otros impuestos o gravamenes nacionales impuestos por la Parte Contratante en cuyo territorio se entra, le será acordado el mismo tratamiento que el aplicado a las entidades aéreas nacionales y a las entidades aéreas de la nación más favorecida;

(c) El combustible, los lubricantes, las piezas de repuesto, el equipo ordinario y el bastimento retenidos a bordo de las aeronaves civiles de las entidades aéreas de una de las Partes Contratantes autorizadas a operar las rutas y servicios descriptos en el Anexo, al llegar al territorio de la otra Parte Contratante o al salir del mismo, estarán exentos de los derechos aduaneros, tasas de inspección o impuestos o

or consumed by such aircraft on flights in that territory.

ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into

gravamenes similares, aún cuando tales bastimentos sean utilizados o consumidos por tales aeronaves mientras vuelan sobre el citado territorio.

ARTICULO 4

Certificates of airworthiness, etc.

Los certificados de navegabilidad aérea, los certificados de competencia y las patentes otorgadas o validadas por una de las Partes Contratantes serán reconocidos como válidos por la otra Parte Contratante a los efectos de la operación en las rutas y servicios referidos en el Anexo. Sin embargo, cada Parte Contratante se reserva el derecho de negarse a reconocer, para los vuelos sobre su propio territorio, los certificados de competencia y las patentes concedidos a sus propios nacionales por otro Estado.

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ARTICULO 5

Laws and regulations.

(a) Las leyes y reglamentos de una Parte Contratante relativos a la entrada en su territorio o la salida del mismo de las aeronaves utilizadas para la navegación aérea internacional, o relativos a la operación y navegación de tales aeronaves dentro de su territorio, se aplicarán a las aeronaves de la otra Parte Contratante y serán cumplidas por tales aeronaves al entrar en o salir del territorio de la primera Parte, o dentro del territorio de la misma.

(b) Las leyes y reglamentos de una Parte Contratante relativos a la entrada en su territorio o salida del mismo de pasajeros, tripulación o carga de aeronaves, es decir, las leyes y reglamentos concernientes a la entrada, despacho, inmigración, pasaporte, aduana y cuarentena, serán cumplidos por o en nombre de tales pasajeros, tripulación o carga de la otra Parte Con-

or departure from, or while within the territory of the first party.

ARTICLE 6

Withholding or revocation of certificate or permit.

Each contracting party reserves the right to withhold or revoke the certificate or permit of an airline of the other contracting party in the event it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other contracting party or in case of failure by the airline designated by the other contracting party to comply with the laws and regulations of the contracting party over whose territory it operates as described in Article 5 hereof or otherwise to fulfill the conditions under which the rights are granted in accordance with this agreement and its Annex.

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ARTICLE 7

Registration.

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization or its successor.

ARTICLE 8

Continuance of existing rights and privileges.

Existing rights and privileges relating to air transport services which may have been granted previous to this agreement by either of the two contracting parties to an airline of the other contracting party shall continue in force according to their terms.

ARTICLE 9

Termination.

This agreement or any of the rights for air transport services granted thereunder may, without prejudice to Article 8 above, be terminated by either of the two contracting parties upon giving one

tratante al entrar en o salir del territorio de la primera Parte, o dentro del territorio de la misma.

ARTICULO 6

Cada Parte Contratante se reserva el derecho de negar o revocar el certificado o permiso concedido a una entidad aérea de la otra Parte Contratante en caso de no estar satisfecha de que el dominio y el control efectivo de dicha entidad aérea no pertenezcan a nacionales de la otra Parte Contratante o en caso de incumplimiento por la entidad de las leyes y reglamentos de la Parte Contratante sobre el territorio de la cual opera aludidos en el Artículo 5 del presente Acuerdo, o si de cualquier otra manera dejara de cumplir las condiciones según las cuales se conceden los derechos establecidos en este Acuerdo y su Anexo.

ARTICULO 7

Este Acuerdo y todos los Contratos relacionados con el mismo serán registrados en la Organización Provisoria de Aviación Civil Internacional o su sucesor.

ARTICULO 8

Los derechos y privilegios vigentes relativos a los servicios de transporte aéreo que hayan sido concedidos con anterioridad a este Acuerdo por cualquiera de las dos Partes Contratantes a una entidad aérea de la otra Parte Contratante continuarán en vigor según sus términos.

ARTICULO 9

Este Acuerdo o cualesquiera de los derechos para servicio de transporte aéreo concedidos en conformidad con el mismo, podrán ser cancelados por cualquiera de las dos Partes Contratantes, sin perjuicio

year's notice to the other contracting party.

ARTICLE 10

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new routes or conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

ARTICLE 11

Except as otherwise provided in this agreement, or its Annex, any dispute between the contracting parties relative to the interpretation or application of this agreement, or its Annex, which cannot be settled through mutual consultation shall be submitted for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article III, Section six (8) of the Provisional Agreement on International Civil Aviation signed at Chicago on December 7, 1944) or to its successor, unless the contracting parties agree to submit the dispute to an arbitration tribunal designated by agreement between the same contracting parties, or to some other person or body. The contracting parties will use their best efforts under the powers available

de lo establecido en el Artículo 8 de este Acuerdo, con pre aviso de un año a la otra Parte Contratante.

ARTICULO 10

Modification of routes or conditions.

En caso de que cualquiera de las Partes Contratantes considere conveniente modificar las rutas o condiciones estipuladas en el Anexo al presente Acuerdo, podrá solicitar consultas entre las autoridades competentes de ambas Partes Contratantes disponiéndose que tales consultas deberán iniciarse dentro de los sesenta días a partir de la fecha de la solicitud. Cuando dichas autoridades hayan mútuamente acordado nuevas rutas o condiciones que modifiquen lo estipulado en el Anexo, sus recomendaciones sobre el asunto entrarán en vigor después de confirmadas mediante un intercambio de notas diplomáticas.

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ARTICULO 11

Disputes.

Salvo cuando en este Acuerdo o en su Anexo se disponga lo contrario, cualquier discrepancia entre las Partes Contratantes relativa a la interpretación o aplicación de este Acuerdo, o de su Anexo, que no pudiere resolverse mediante consultas mutuas, deberá ser sometida en solicitud de recomendaciones al Consejo Interino de la Organización Provisoria de Aviación Civil Internacional (de conformidad con lo dispuesto por el Artículo III, Sección seis (8) del Acuerdo Provisional sobre Aviación Civil Internacional, suscrito en Chicago el 7 de diciembre de 1944) o al organismo que la suceda, a menos que las Partes Contratantes acuerden someter la discrepancia a un Tribunal de Arbitraje designado por Acuerdo entre las mismas Partes Contratantes, o a alguna otra persona u organismo. Las Partes Contratantes harán

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59 Stat. 1521.

to them to put into effect the opinion expressed in any such report.

todos los esfuerzos a su alcance para llevar a efecto las recomendaciones que se les expresen.

ARTICLE 12

Entry into force.

This agreement, including the provisions of the Annex hereto, will come into force immediately after its approval in conformity with the laws of the respective countries.[1]

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed the present agreement.

Done at Asunción this twenty-eighth day of February, 1947.

ARTICULO 12

El presente Acuerdo, incluyendo las disposiciones de su Anexo, entrará en vigor inmediatamente después de su aprobación de conformidad a las leyes de los respectivos países.

En testimonio de lo cual, los infrascritos, debidamente autorizados por sus respectivos Gobiernos, firman el presente Acuerdo, en Asunción del Paraguay a los veinte y ocho días del mes de febrero del año mil novecientos cuarenta y siete.

LESLIE E REED [SEAL]

FEDERICO CHAVES [SEAL]

[1] By note S.T. no. 16 of Feb. 17, 1948, the Paraguayan Minister of Foreign Relations and Worship notified the American Ambassador at Asunción that the Paraguayan Government, "by Decree-Law No. 24,967 of February 16 of the current year, . . . has approved and ratified the Air Transport Agreement" (translation). In his reply, note no. 22 of Feb. 19, 1948, to the Paraguayan Minister of Foreign Relations and Worship, the American Ambassador declared: ". . . my Government considers that the signature affixed to the Agreement on its behalf constitutes the approval of the Agreement by the Government of the United States of America."

ANNEX

TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PARAGUAY

SECTION I

A. Airlines designated by the United States of America in conformity with Article 2 of the present agreement are accorded rights of transit and nontraffic stop in the territory of the Republic of Paraguay, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at Asunción, on the following routes via intermediate points in both directions:

1. The United States (via Peru and/or Bolivia) to Asunción and beyond.
2. The United States (via Brazil) to Asunción and beyond.

On each of the above routes the airline authorized to operate such route may operate nonstop flights between any of the points on such route omitting stops at one or more of the other points on such route.

B. Airlines designated by the Republic of Paraguay in conformity with Article 2 of the present agreement are accorded in the territory of the United States of America rights of transit and nontraffic stop, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at a point in the United States to be agreed to at a later date.

ANEXO

AL ACUERDO DE TRANSPORTE AEREO ENTRE LOS ESTADOS UNIDOS DE AMERICA Y LA REPUBLICA DEL PARAGUAY

SECCION I

A. Las entidades aéreas designadas por los Estados Unidos de América en conformidad con el Artículo 2 del presente Acuerdo gozarán dentro del territorio de la República del Paraguay de los derechos de tránsito y aterrizaje para fines no comerciales, así como derechos de entrada y salida para dejar o recoger pasajeros, carga y correo internacionales en Asunción en las siguientes rutas, por vía de países intermediarios en ambas direcciones:

U. S. rights of transit and stop in Paraguayan territory.

Ante, p. 1941.

1. Desde los Estados Unidos (por vía Peru y/o por Bolivia) hasta Asunción, y más allá.
2. Desde los Estados Unidos (por vía Brasil) hasta Asunción, y más allá.

En cada una de las rutas arriba mencionadas la entidad o entidades aéreas autorizadas a establecer servicios podrán efectuar vuelos sin escala entre cualesquiera de los puntos de tales rutas, omitiendo las escalas en uno o más de los demás puntos que las determinan.

Nonstop flights.

B. Las entidades aéreas designadas por la República del Paraguay en conformidad con el Artículo 2 del presente Acuerdo, gozarán, dentro del territorio de los Estados Unidos de América, derechos de tránsito y aterrizaje para fines no comerciales, así como derechos de entrada y salida para dejar o recoger pasajeros, carga y correo internacionales en un punto en los Estados Unidos que será convenido en una fecha posterior.

Paraguayan rights of transit and stop in U. S. territory.

Ante, p. 1941.

SECTION II

It is agreed between the contracting parties:

Equal opportunity for operation of routes.

(A) That the air carriers of the two contracting parties operating on the routes described in Section I of this Annex shall enjoy fair and equal opportunity for the operation of the said routes;

Capacity.

(B) That the air transport capacity offered by the carriers of both countries should bear a close relationship to traffic requirements;

(C) That in the operation of common sections of trunk routes the air carriers of the contracting parties should take into account their reciprocal interests so as not to affect unduly their respective services;

(D) That the services provided by a designated air carrier under this agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic;

Right to embark, etc.

(E) That the right to embark and to disembark at points in the territory of the other country international traffic destined for one or coming from third countries at a point or points specified in Section I of this Annex shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity shall be related:

1. To traffic requirements between the country of origin and the countries of destination;

SECCION II

Las Partes Contratantes acuerdan:

(A) Que las entidades de navegación aérea de las dos Partes Contratantes que operarán en las rutas descriptas en la Sección I de este Anexo gozarán de facilidades justas y equitativas para sus operaciones en dichas rutas;

(B) Que la capacidad de transporte aéreo ofrecida por las entidades de ambos países deberá guardar estrecha relación con las necesidades del tráfico;

(C) Que en la operación de las secciones comunes de las rutas troncales, las entidades de navegación aérea de las Partes Contratantes deberán tomar en consideración sus mutuos intereses a fin de no perjudicar indebidamente sus respectivos servicios;

(D) Que los servicios prestados por una entidad aérea designada de conformidad con este Acuerdo y su Anexo deberán tener como objetivo primario el de mantener una capacidad adecuada a la demanda del tráfico entre el país a cuya nacionalidad pertenece la empresa y el país terminal del tráfico;

(E) Que el derecho de embarcar y desembarcar en los puntos del territorio del otro país, tráfico internacional destinado a terceros países o procedentes de ellos en un punto o puntos especificados en la Sección I de este Anexo, se ejercerá con arreglo a los principios generales del desarrollo ordenado, que ambos Gobiernos suscriben, y al principio general de que la capacidad deberá estar en relación con:

1. Las necesidades del tráfico entre el país de origen y los países de destino;

2. To the requirements of through airline operation, and

3. To the traffic requirements of the area through which the airline passes after taking account of local and regional services.

2. Las necesidades de la explotación de líneas terminales; y

3. Las necesidades del tráfico en la región por donde pase la línea aérea, después de haberse tenido en cuenta los servícios locales y regionales.

February 25, 1948
[T. I. A. S. 1756]

Agreement between the United States of America and France respecting the military obligations of certain persons having dual nationality. Effected by exchange of notes signed at Paris February 25, 1948; entered into force February 25, 1948.

The American Ambassador to the French Minister for Foreign Affairs

No. 125

EXCELLENCY:

I have the honor to inform you that the Government of the United States of America, desirous of resolving the difficulties which those persons who are nationals of both countries encounter as a result of their military obligations in our two countries, considers that it would be both desirable and opportune to conclude an agreement in the following terms:

Documents from U. S. and French authorities.

1. It will be considered that citizens of the United States of America who are also French citizens have fulfilled their military obligations in France during the war of 1939-1945 if they have fulfilled the same obligations in the armed forces of the United States and can prove the fact by an official document from the United States authorities.

2. It will be considered that French citizens who are also citizens of the United States of America have fulfilled their military obligations to the United States during the war of 1939-1945 if they have fulfilled the same obligations in the French armed forces and can prove the fact by an official document from the French authorities.

Clarification of status.

3. Interested persons will be granted a period of two years from the date on which this agreement is concluded in which they may clarify their status by the production of the above-mentioned documents.

4. Each of the two governments will deliver to the citizens of the other government who have volunteered in its armed forces during the war of 1939-1945 a certificate designed to permit them to clarify their status in regard to their country.

Certificate specifying nature of service rendered.

5. The conditions under which any service rendered in the national interest during the war of 1939-1945 can be considered military service will be left to the joint decision of the two governments. A certificate specifying the nature of the services rendered will be delivered to the interested party when the question arises by the means provided in the preceding paragraphs.

6. The provisions of this present agreement in no way affect the legal position of interested parties in the matter of nationality.

Effective date; duration.

7. The present agreement will become effective immediately, and will remain in effect until the expiration of the period of two years mentioned in paragraph 3.

If these proposals are agreeable to the French Government, this note and Your Excellency's reply to it will constitute the agreement between the two governments on this question.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

PARIS, *February 25, 1948.*

JEFFERSON CAFFERY

His Excellency
M. GEORGES BIDAULT,
Minister for Foreign Affairs,
Paris

The French Minister for Foreign Affairs to the American Ambassador

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de vous faire connaître que, désirant mettre fin aux difficultés que rencontrent, du fait de leurs obligations militaires dans nos deux pays, ceux de nos ressortissants respectifs qui possèdent également la nationalité de l'autre pays, le Gouvernement Français estime désirable et opportun de conclure un arrangement sur les bases suivantes:

I. – Les ressortissants des Etats-Unis d'Amérique, qui possèdent également la nationalité française, seront considérés comme ayant satisfait à leurs obligations militaires en France pendant la guerre de 1939–1945, s'ils ont satisfait à ces mêmes obligations dans les forces armées américaines et en justifient par la production d'un document officiel des autorités américaines.

2. – Les ressortissants français, qui possèdent également la nationalité américaine, seront considérés comme ayant satisfait à leurs obligations militaires aux Etats-Unis, pendant la guerre de 1939–1945, s'ils ont satisfait à ces mêmes obligations dans les forces armées françaises et en justifient par la production d'un document officiel des autorités françaises.

3. – Un délai de deux ans, à compter de la mise en vigueur du présent accord, sera accordé aux intéressés pour qu'ils puissent, par la production du certificat susmentionné, régulariser leur situation.

4. – Chacun des deux Gouvernements délivrera aux ressortissants de l'autre qui auront volontairement pris du service dans ses forces armées, pendant la guerre de 1939–1945, une attestation officielle destinée à leur permettre de régulariser leur situation à l'égard de leur pays.

5. – Les conditions dans lesquelles tout service effectué dans un intérêt national pendant la guerre de 1939–1945 pourra être assimilé au service militaire seront laissées à l'appréciation commune des deux Gouvernements. Un certificat précisant la nature du service rendu sera, le cas échéant, délivré à l'intéressé, suivant les modalités prévues aux articles précédents.

6. – Les dispositions du présent arrangement ne touchent en rien à la condition juridique des intéressés en matière de nationalité.

7. – Le présent arrangement entrera immédiatement en vigueur et le demeurera jusqu'à l'expiration du délai de deux ans prévu à l'article 3.

La présente note et la réponse qu'y donnera Votre Excellence, au cas où ces propositions auraient l'agrément du Gouvernement des Etats-Unis, constitueront l'accord des deux Gouvernements sur la question./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

PARIS, *le 25 février 1948.*

G BIDAULT

Son Excellence,

L'Honorable JEFFERSON CAFFERY

Ambassadeur des Etats-Unis

d'Amérique

à Paris.

p s.

Translation

MR. AMBASSADOR:

I have the honor to inform you that the French Government, desirous of resolving the difficulties which those of our respective nationals who possess also the nationality of the other country encounter as a result of their military obligations in our two countries, considers it desirable and opportune to conclude an agreement on the following bases:

1. Nationals of the United States of America who also possess French nationality will be considered as having fulfilled their military obligations in France during the war of 1939–1945 if they have fulfilled the same obligations in the American armed forces and prove the fact by production of an official document from the American authorities.

2. French nationals who also possess American nationality will be considered as having fulfilled their military obligations to the United States during the war of 1939–1945 if they have fulfilled the same obligations in the French armed forces and prove the fact by production of an official document from the French authorities.

3. Interested persons will be granted a period of two years from the date on which this agreement becomes effective in order that they may regularize their status by the production of the above-mentioned certificate.

4. Each of the two governments will deliver to the nationals of the other government who have voluntarily enrolled in its armed forces during the war of 1939–1945 an official attestation designed to permit them to regularize their status in regard to their country.

5. The conditions under which any service rendered in the national interest during the war of 1939–1945 can be considered military service will be left to the joint estimation of the two governments. A certificate specifying the nature of the service rendered will be delivered to the interested party when the question arises, by the means provided in the preceding articles.

6. The provisions of the present agreement in no way affect the legal position of the interested parties in the matter of nationality.

7. The present agreement will become effective immediately, and will remain in effect until the expiration of the period of two years mentioned in article 3.

The present note and Your Excellency's reply, in the case where these proposals would have the agreement of the Government of the United States will constitute the agreement between the two governments on the question.

Please accept, Mr. Ambassador, the assurances of my very high consideration.

PARIS, *February 25, 1948.*

G BIDAULT

His Excellency
The honorable JEFFERSON CAFFERY
Ambassador of the United States of America
Paris.

June 20, 1947, and March 15, 1948
[T. I. A. S. 1758]

Agreement between the United States of America and Norway respecting the exchange of official publications. Effected by exchange of notes signed at Oslo June 20, 1947, and March 15, 1948; entered into force March 15, 1948.

The American Ambassador to the Norwegian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 370

EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of Norway in regard to the exchange of official publications, and to inform Your Excellency that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity for subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for transmission of publications of the Government of Norway shall be Utenriksdepartement.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Kingdom of Norway by Utenriksdepartementets bibliotek.

4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Norway, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

C. ULRICK BAY

OSLO, *June 20, 1947*

His Excellency
Monsieur HALVARD M. LANGE,
Royal Norwegian Minister
for Foreign Affairs,
Oslo.

The Norwegian Minister for Foreign Affairs to the American Ambassador

OSLO, *15th March 1948.*

MINISTÈRE
DES
AFFAIRES ETRANGÈRES

EXCELLENCY:

With reference to Your Excellency's note no. 370, of June 20, 1947, and to the conversations between representatives of the Government of Norway and representatives of the Government of the United States of America in regard to the exchange of official publications, I have the honour to inform Your Excellency that the Government of Norway agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity for subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other Government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the

Smithsonian Institution. The official exchange office for transmission of publications of the Government of Norway shall be Utenriksdepartementet.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Kingdom of Norway by Utenriksdepartementets bibliotek.

4. The present agreement does not obligate either of the two Governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

The Government of Norway considers that your note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

Please accept, Excellency, the renewed assurances of my highest consideration.

For the Minister
ROLF ANDVORD.

His Excellency,
M. CHARLES ULRICK BAY,
Ambassador of the United States of America,
etc. etc. etc.

Agreement between the United States of America and Brazil respecting United States personnel stationed in Brazil and Brazilian personnel stationed in the United States. Effected by exchange of notes signed at Rio de Janeiro December 15, 1947, and February 2, 1948; entered into force February 2, 1948.

December 15, 1947, and February 2, 1948
[T. I. A. S. 1759]

The Brazilian Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DAS RELAÇÕES EXTERIORES,
RIO DE JANEIRO.

DPo/251/602. (04)

Em 15 de dezembro de 1947.

SENHOR ENCARREGADO DE NEGÓCIOS,

Com referência aos entendimentos verbais havidos, em setembro último, com o Senhor Embaixador dos Estados Unidos da América sôbre a aplicação, por parte dos nossos países, do disposto no parágrafo 7 da Resolução sôbre Princípios Relativos à Regulamentação e Redução de Armamentos, adotada pela Assembléia Geral das Nações Unidas em 14 de dezembro de 1946, tenho a honra de levar ao conhecimento de Vossa Senhoria que o Govêrno dos Estados Unidos do Brasil concorda em fazer oficialmente, juntamente com o dos Estados Unidos da América, a seguinte declaração:

a) o pessoal militar dos Estados Unidos do Brasil que serve, atualmente, em território dos Estados Unidos da América, inclusive os membros da Comissão Mista de defesa Brasil-Estados Unidos, com sede em Washington, alí se achava e se acha com a plena e livre aquiescência dêste último país;

b) o pessoal militar dos Estados Unidos da América que serve, atualmente, em território brasileiro, inclusive os membros da Comissão Militar Mista Brasil-Estados Unidos, com sede no Rio de Janeiro, aquí se achava e se acha com a plena aquiescência do Govêrno do Brasil;

c) os Governos dos Estados Unidos do Brasil e dos Estados Unidos da América concordam em que o pessoal acima mencionado continue a servir no território de um e de outro país, até que o Govêrno local resolva retirar seu consentimento à permanência do referido pessoal dentro de suas fronteiras;

d) o pessoal militar de cada um dos dois países estacionado em território do outro, inclusive os membros da Comissão Mista de Defesa Brasil-Estados Unidos e os da Comissão Militar Mista Brasil-Estados Unidos, não compreende fôrças de combate.

Aproveito a oportunidade para renovar a Vossa Senhoria os protestos da minha mui distinta consideração.

RAUL FERNANDES

Ao Senhor DAVID MCKENDREE KEY,
Encarregado de Negócios dos Estados Unidos da América.

Translation

MINISTRY FOR FOREIGN AFFAIRS,
RIO DE JANEIRO.

DPo/251/602. (04)

December 15, 1947.

MR. CHARGÉ D'AFFAIRES:

With reference to the verbal understanding reached last September with the Ambassador of the United States of America regarding the application, on the part of our countries, of the provisions of Paragraph 7 of the Resolution on the Principles Governing the General Regulation and Reduction of Armaments, [1] adopted by the General Assembly of the United Nations on December 14, 1946, I have the honor to inform you that the Government of the United States of Brazil agrees to make officially, jointly with the United States of America, the following declaration:

a) Military personnel of the United States of Brazil now stationed in the territory of the United States of America, including members of the Joint Brazil-United States Defense Commission in Washington, have been and are so stationed with the full and freely given consent of the last-mentioned country;

b) Military personnel of the United States of America now stationed in the territory of Brazil, including members of the Joint Brazil-United States Military Commission in Rio de Janeiro, have been and are so stationed with the full consent of the Government of Brazil;

c) The Governments of the United States of Brazil and the United States of America mutually agree that the aforementioned military personnel shall continue to be so stationed until such time as the Government of the country in which they are stationed withdraws its consent thereto;

d) The military personnel of each of the two countries, stationed within the territory of the other, including members of the Joint Brazil-United States Defense Commission and the Joint Brazil-United States Military Commission, does not comprise any combat forces.

I avail myself of this opportunity to renew to you the assurances of my very distinguished consideration.

RAUL FERNANDES

Mr. DAVID MCKENDREE KEY,
Chargé d'Affaires of the United States of America.

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[1] United Nations. *Resolutions adopted by the General Assembly during the Second Part of its First Session from 23 October to 15 December 1946*, p. 66. Lake Success, 1947.

The American Chargé d'Affaires ad interim to the Brazilian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
RIO DE JANEIRO, BRAZIL

No. 21

February 2, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of the Ministry's note No. DPo/251/602.(04) dated December 15, 1947, which, in translation, reads as follows:

Joint declaration.

"With reference to the verbal understanding reached in September 1947 with the Ambassador of the United States of America regarding the application, on the part of our two countries, of Paragraph 7 of the Resolution on the Principles Governing the General Regulation and Reduction of Armaments, adopted by the General Assembly of the United Nations on December 14, 1946, I have the honor to inform you that the Government of the United States of Brazil agrees to issue officially, jointly with the United States of America, the following declaration:

Brazilian military personnel in U. S. territory.

a) Military personnel of the United States of Brazil now stationed in the territory of the United States of America, including those attached to the Joint Brazil-United States Defense Commission in Washington, have been and are so stationed with the full and freely given consent of the Government of the United States of America;

U. S. military personnel in Brazilian territory.

b) Military personnel of the United States of America now stationed in the territory of the United States of Brazil, including those attached to the Joint Brazil-United States Military Commission in Rio de Janeiro, have been and are so stationed with the full and freely given consent of the Government of Brazil;

c) The Governments of the United States of Brazil and the United States of America mutually agree that the aforementioned military personnel shall continue to be so stationed until such time as the Government of the country in which they are stationed withdraws its consent thereto;

d) None of the military personnel of either country, stationed within the territory of the other government, including military personnel attached to the Joint Brazil-United States Defense Commission and the Joint Brazil-United States Military Commission, comprises any combat forces."

The above quoted declaration by the Government of the United States of Brazil has been duly noted by the Government of the United States of America which adheres fully to the statements contained therein.

Accordingly, I have the honor to inform Your Excellency that the Ministry's note, together with this note in reply, will be considered by

the Government of the United States of America as placing on record the understanding of the two governments in regard to this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

DAVID MCK. KEY

His Excellency
Dr. RAUL FERNANDES,
The Minister for Foreign Affairs,
Rio de Janeiro, Brazil.

Protocols between and declaration by the United States of America and other governments respecting the General Agreement on Tariffs and Trade of October 30, 1947. Signed at Havana March 24, 1948.

March 24, 1948
[T. I. A. S. 1761-1765]

GENERAL AGREEMENT ON TARIFFS AND TRADE

PROTOCOLS

AND

DECLARATION

signed at Havana, on 24 March 1948

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

PROTOCOLES

ET

DÉCLARATION

signés à La Havane, le 24 mars 1948

[T. I. A. S. 1761][1]

PROTOCOL OF RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

THE GOVERNMENTS of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade, and

61 Stat., Pts. 5 and 6.

THE GOVERNMENTS of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories of the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

61 Stat., Pt. 5, p. A7.

HAVING noted that certain rectifications should be made in the

[1] Entered into force Mar. 24, 1948.

PROTOCOLE DE RECTIFICATION DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

LES GOUVERNEMENTS du Commonwealth d'Australie, du Royaume de Belgique, du Canada, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, du Grand-Duché de Luxembourg, du Royaume des Pays-Bas et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, agissant en leur qualité de parties contractantes à l'Accord général sur les tarifs douaniers et le commerce, et

LES GOUVERNEMENTS de la Birmanie, des Etats-Unis du Brésil, de Ceylan, de la République du Chili, de la République de Chine, de l'Inde, du Liban, du Royaume de Norvège, de la Nouvelle-Zélande, du Pakistan, de la Rhodésie du Sud, de la Syrie, de la République tchécoslovaque et de l'Union Sud-Africaine, agissant en leur qualité de signataires de l'Acte final adopté à l'issue de la deuxième session de la Commission préparatoire de la Conférence des Nations Unies sur le commerce et l'emploi, lequel a rendu authentique le texte de l'Accord général sur les tarifs douaniers et le commerce,

AYANT constaté que certaines rectifications doivent être appor-

authentic texts of the General Agreement on Tariffs and Trade and of the Annexes and Schedules forming part of the said Agreement,

HEREBY AGREE as follows:

1. The following rectification shall be made in the General Agreement on Tariffs and Trade:

In the French text of Article XX, last paragraph, the date shall read in full: "le 1er janvier 1951 au plus tard"

2. The following rectifications shall be made in the Annexes and Schedules forming part of the General Agreement on Tariffs and Trade:

Annex B

List of Territories of the French Union referred to in paragraph 2 (b) of Article I

The footnote in Annex B shall read:

"*For imports into Metropolitan France and Territories of the French Union."

SCHEDULE I - COMMONWEALTH OF AUSTRALIA

Rectifications in this Schedule are authentic only in the English language

Part I - Most-favoured-nation tariff

Item 231 (E)

The description shall read:

"Carbon Black produced from natural gas"

tées aux textes authentiques de l'Accord général sur les tarifs douaniers et le commerce et des Annexes et des Listes faisant partie dudit Accord,

CONVIENNENT PAR LES PRESENTES, de ce qui suit:

1. La rectification suivante sera apportée au texte de l'Accord général sur les tarifs douaniers et le commerce:

Dans le texte français de l'Article XX, au dernier paragraphe, la phrase relative à la date doit être rédigée comme suit: "le 1er janvier 1951 au plus tard" 61 Stat., Pt. 6, p. A1424.

2. Les rectifications suivantes seront apportées aux Annexes et Listes qui font partie de l'Accord général sur les tarifs douaniers et le commerce: 61 Stat., Pts. 5 and 6.

Annexe B

Liste des territoires de l'Union française mentionnés au paragraphe 2 b) de l'article premier

La note jointe à l'Annexe B doit se lire comme suit: 61 Stat., Pt. 5, p. A78; Pt. 6, p. A1443.

"*Pour l'importation dans la Métropole et dans les territoires de l'Union française."

LISTE I - COMMONWEALTH D'AUSTRALIE

Seul fait foi le texte anglais des rectifications portant sur la présente liste.

Première partie - Tarif de la nation la plus favorisée

Position 231 (E) 61 Stat., Pt. 5, p. A128.

La désignation doit se lire comme suit:

"Noir de charbon obtenu à partir du gaz naturel"

SCHEDULE II – BELGIUM, LUXEMBURG, NETHERLANDS

SECTION A – METROPOLITAN TERRITORIES

Rectifications in Section A are authentic only in the French language

Part I – Most-favoured-nation Tariff

61 Stat., Pt. 6, p. A1469.

61 Stat., Pt. 5, p. A210.

Item 120

The last line of the description shall read:

"3. other (x)"

Item 121

The item numbered "ex 121" shall read: "121"

61 Stat., Pt. 5, p. A212.

Item 139

The sub-description numbered "ex 1." shall read:

"Asparagus and green peas, packaged (x)"

61 Stat., Pt. 5, p. A221.

Item 319

The description in the sub-section headed "ex *b*" shall read:

"*b*. without alcohol . . ."

61 Stat., Pt. 6, p. A1522.

LISTE II – BELGIQUE, LUXEMBOURG, PAYS-BAS

SECTION A – TERRITOIRES METROPOLITAINS

Seul fait foi le texte français des rectifications portant sur la Section A.

Première Partie – Tarif de la nation la plus favorisée

Position 100

La position actuellement marquée "100" doit se lire:

"ex 100"

Position 800

La subdivision de cette position marquée "ex c" doit se lire:

"ex *e*. Tungstène . . exemption"

Schedule II (contd.) – Belgium-Luxemburg-Netherlands

SECTION C–NETHERLANDS INDIES

Rectifications in Section C are authentic only in the English language

Part I–Most-favoured-nation Tariff

Item 477

The description shall read as follows:

"Porcelain, even combined with other wares, n.s.m.:

I–white, not combined with wares subject to a duty of 20% ad valorem, nor ornamented, e.g. not having decorations in relief or ornaments of the same kind (except racks and pegs for racks (for clothes etc.) and articles such as soap dishes, intended to be fixed by plastering into or against walls of bathrooms, lavatories etc.)

II–other"

Item 640

(i) The last line of sub-section Ia. of the description shall read:

"of 20 p. c. ad valorem . . ."

(ii) The last line of sub-section IIa. of the description shall read:

"20 p. c. ad valorem . . . . . "

Item 714

The last line of the preamble in sub-section III shall read:

"parts thereof:"

Item 757

The last nine words of the description shall read:

"also paper cutting machines weighing 5 kilograms or less"

Liste II (suite) – Belgique-Luxembourg-Pays-Bas

SECTION C–INDES NEERLANDAISES

Seul fait foi le texte anglais des rectifications portant sur la Section C.

Première Partie–Tarif de la nation la plus favorisée

Position 477

Placer deux points après "n.s.d."

61 Stat., Pt. 5, p. A275.

Position 640

(i) La dernière ligne de la subdivision Ia de la désignation des produits doit se lire:

"droit de 20 p. c. ad valorem . . . "

(ii) La dernière ligne de la subdivision IIa de la désignation des produits doit se lire:

"un droit de 20 p.c. ad valorem . . ."

61 Stat., Pt. 5, p. A280.

61 Stat., Pt. 5, p. A281.

61 Stat., Pt. 5, p. A284.

Schedule II (contd.) – Belgium-Netherlands-Luxemburg

Liste II (suite) – Belgique-Luxembourg-Pays-Bas

61 Stat., Pt. 5, p. A287.

Item ex 831

The first seven words of the description shall read:

"Railway locomotives and parts thereof, to be"

SECTION E – SURINAM

SECTION E – SURINAM

Rectifications in Section E are authentic only in the English language

Seul fait foi le texte anglais des rectifications portant sur la Section E.

Part I – Most-favoured-nation tariff

Première Partie – Tarif de la nation la plus favorisée

There shall be inserted immediately below the words "END OF SECTION E" the words:

61 Stat., Pt. 5, p. A294.

"END OF PART I"

Deuxième Partie – Tarif Préférentiel

Ajouter après la première partie de la Section E:

"LISTE II – BELGIQUE, LUXEMBOURG, PAYS-BAS

Deuxième Partie

Tarif Préférentiel"

SCHEDULE III – UNITED STATES OF BRAZIL

LISTE III – ETATS-UNIS DU BRESIL

Rectifications in this Schedule are authentic only in the English and French languages

Seuls font foi les textes anglais et français des rectifications portant sur la présente liste

Part I – Most-favoured-nation Tariff

Première Partie – Tarif de la nation la plus favorisée

61 Stat., Pt. 5, p. A303; Pt. 6, p. A1551.

Item 230/5

Position 230/5

(i) The principal description immediately preceding sub-item /5 shall read:

La désignation principale qui précède immédiatement la subdivision /5 doit se lire:

"Peaches, pears, apricots, apples, cherries, plums, prunes, berries except strawberries, and

"Pêches, poires, abricots, pommes, cerises, prunes, pruneaux, baies à l'exception des fraises,

Schedule III (cont.)–United States of Brazil	Liste III (suite) – Etats-Unis du Bresil	
mixed fruits for salad made up chiefly of the foregoing:"	ainsi que fruits mélangés pour salades constituées principalement par les fruits ci-dessus:"	
(ii) The rate of duty for this item shall be: "4.20"		
SCHEDULE V–CANADA	LISTE V–CANADA	
Rectifications in this Schedule are authentic only in the English and French languages	Seuls font foi les textes anglais et français des rectifications portant sur la présente liste	
Part I – Most-favoured-nation tariff	Première Partie – Tarif de la nation la plus favorisée	
Item ex 156 (v)		61 Stat., Pt. 5, p. A407.
The Rate of Duty applicable to sub-section (v) "Liqueurs . . .," shall read: "$4.50"		
Item ex 162	Position ex 162	61 Stat., Pt. 5, p. A408; Pt. 6, p. A1673,
The first eleven words of the description shall read:	Les treize premiers mots de la désignation des produits doivent se lire:	
"Vermouth, aperitif and cordial wines, containing thirty-two per cent. or less"	"vermouth, vins apéritifs et cordiaux, ne titrant pas plus de 32 p. 100"	
Item ex 172 [second]	Position ex 172 [deuxième]	61 Stat., Pt. 5, p. A410; Pt. 6, A1675.
The description shall read:	La désignation des produits doit se lire comme suit:	
"Prayer books, missals, psalters, religious pictures and mottoes, not to include frames"	"Livres de prières, missels et psautiers, images et devises religieuses, non compris les cadres"	
Item 187b		61 Stat., Pt. 5, p. A411.
The description shall read: "Sensitized negative film, one and one-eighth inches in width or over, for exposure in motion picture cameras"		
Item 438e (3)	Position 438e (3)	61 Stat., Pt. 5, p. A448; Pt. 6, p. A1716.
In sub-paragraph (3) the description shall read:	La désignation des produits à l'alinéa (3) doit se lire comme suit:	
"Parts, n. o. p., electro-plated or not, whether finished or not"	"Pièces, n.d., plaquées ou non, achevées ou non"	

Schedule V (contd.) – Canada

61 Stat., Pt. 5, p. A464; Pt. 6, p. A1734.

Item 549 (ii)

The description of sub-section (ii) shall read:

"Wool, not further advanced than scoured, not including wool of the sheep of the type commonly known as karakul, when imported by carpet manufacturers for use exclusively in the manufacture of carpets, in their own factories"

SCHEDULE VI – CEYLON

Rectifications in this Schedule are authentic only in the English language

61 Stat., Pt. 5, p. A493.

The introduction on page 1, reading as follows, shall be deleted:

"GENERAL AGREEMENT ON TARIFFS AND TRADE

SCHEDULE VI – CEYLON

The offers contained in this schedule represent the concessions which Ceylon is prepared to grant as part of a mutually advantageous agreement. The Government of Ceylon reserves the right to modify or withdraw any or all the concessions offered, in the light of the results of future negotiations, or of any circumstances affecting its attitude to the General Agreement on Tariffs and Trade."

Liste V (suite) – Canada

Position 549 (ii)

La désignation des produits à la sous-section (ii) doit se lire comme suit:

"Laine dont la préparation ne dépasse pas le déssuintage, à l'exclusion de la laine de mouton du genre communément appelé caracul, importée par les fabricants de tapis et devant servir exclusivement à la fabrication de tapis dans leurs propres fabriques"

LISTE VI – CEYLAN

Seul fait foi le texte anglais des rectifications portant sur la présente liste

L'introduction dont le texte suit qui figure en regard de la page 1 est supprimée :

"ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE.

LISTE VI – CEYLAN

Les offres faisant l'objet de la présente liste représentent les concessions que Ceylan est prêt à accorder comme contre-partie d'un accord mutuellement avantageux. Le Gouvernement de Ceylan se réserve le droit de modifier ou retirer, en totalité ou en partie, les concessions offertes, à la lumière des résultats de négociations futures ou de toutes autres circonstances qui pourraient affecter son attitude à l'égard de l'Accord général sur les Tarifs douaniers et le Commerce."

SCHEDULE VII–REPUBLIC OF CHILE

Rectifications in this Schedule are authentic only in the French language

Part I–Most-favoured-nation Tariff

Item 300

The last line of the description shall read:

"8 threads or less . . . K. G."

Item Ex 1072

The description shall read:

"Mineral oil for machines, even with an admixture of other oils or substances, in containers with a net content of over one Kg."

Item 1193

(i) The number of the item following the fourth item Ex–1189 shall read:

"1193"

(ii) The first three words of the description shall read:

"Iron or steel"

Item 1194

The first three words of the description shall read:

"Iron or steel"

Item 1194A

The first three words of the description shall read:

"Iron or steel"

LISTE VII–REPUBLIQUE DU CHILI

Seul fait foi le texte français des rectifications portant sur la présente liste

Première Partie–Tarif de la nation la plus favorisée

Position 43 I

61 Stat., Pt. 6, p. A1765.

La désignation des produits doit se lire comme suit :

"Pétrole brut pour fours ou chaudières . . . . . T. B."

Position 57

61 Stat., Pt. 6, p. A1766.

Insérer, dans la désignation des produits, le mot "ou" avant le mot "pesant"

61 Stat., Pt. 5, p. A510.

61 Stat., Pt. 5, p. A512.

61 Stat., Pt. 5, p. A513.

61 Stat., Pt. 5, p. A514.

Schedule VII (contd.) – Republic of Chile

Item 1194B

The first three words of the description shall read:

"Iron or steel"

Item 1194C

The first three words of the description shall read:

"Iron or steel"

61 Stat., Pt. 5, p. A515.

Item 1349

The words between the fourth and fifth semi-colons in the description shall read:

"hydraulic presses, with or without wine-presses and bronze trays"

61 Stat., Pt. 5, p. A518.

Item 1408

The Rate of Duty shall read:

"0.18"

Liste VII (suite et fin) – République du Chili

SCHEDULE IX–REPUBLIC OF CUBA

Rectifications in this Schedule are authentic only in the English language

Part 1 – Most-favoured-nation Tariff

61 Stat., Pt. 5, p. A547.

Item 56–A

The Rate of Duty shall read:

"5.75 per 100 Kgs."

Item 56–B

The Rate of Duty shall read:

"11.50 per 100 Kgs."

61 Stat., Pt. 5, p. A552.

Item 113–A

The following item shall be inserted after Item 113:

"113–A In skeins, spindles or in other forms for mechanical manufacture of fabrics of all kinds, cord or braid, T.15% .....3.15 per 100 Kgs."

LISTE IX–REPUBLIQUE DE CUBA

Seul fait foi le texte anglais des rectifications portant sur la présente liste

Première Partie – Tarif de la nation la plus favorisée

Position 56–A

Le droit doit se lire comme suit:

"100 Kil. /5,75"

Position 56–B

Le droit doit se lire comme suit:

"100 Kil. /11,50"

Position 113–A

Après la position 113 insérer la position suivante:

"113–A En échevaux, canottes, ou sous d'autres formes pour la fabrication mécanique de toutes sortes de tissus, cordons ou tresses, T.15%. . 100 Kgs 3,15"

Schedule IX (contd.) – Republic of Cuba	Liste IX (suite) – République de Cuba
Item 115–H	Position 115–H
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"1.06 per Kg."	"1,06"
Item 128–A	Position 128–A
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"0.094 per Kg."	"Kil. /0,094"
Item 129–F	Position 129–F
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"0.46 per Kg."	"Kil. /0,46"
Item 129–G	Position 129–G
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"13.5% ad valorem"	"ad val. /13,50%"
Item 129–H	Position 129–H
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"0.32 per Kg."	"Kil. /0,32"
Item 129–I	Position 129–I
The Rate of Duty shall read:	Le droit doit se lire comme suit:
"0.29 per Kg."	"Kil. /0,29"
Item 129–J	Position 129–J
(i) The Rate of Duty shall read:	(i) Le droit doit se lire comme suit:
"0.37 per Kg."	"Kil. /0,37"
(ii) The description shall read:	(ii) La désignation des produits doit se lire comme suit:
"Fabrics of braided cordage for pneumatic tires, wholly or principally made of synthetic fibers, not containing silk or wool, covered by a rubber or synthetic rubber composition, when imported by the manufacturers themselves for the manufacture of tires. N.W."	"Tissus en corde tressée pour pneumatiques, fabriqués entièrement ou principalement en fibres synthétiques, ne contenant ni soie ni laine, recouverts d'une composition de caoutchouc ou de caoutchouc synthétique, importés par les industriels eux-mêmes pour la fabrication de pneumatiques T.15 %"
Item 152–F	Position 152–F
The first eight words of the description shall read:	Dans la désignation des produits, les onze premiers mots doivent se lire comme suit:
"Manufactured on a base of bisulphite or soda"	"Fabriqué à base de pâte au bisulfite ou à la soude"

61 Stat., Pt. 5, p. A553.

61 Stat., Pt. 5, p. A556.

61 Stat., Pt. 5, p. A557.

61 Stat., Pt. 5, p. A563.

	Schedule IX (contd.) – Republic of Cuba	Liste IX (suite et fin) – République de Cuba
61 Stat., Pt. 5, p. A578.	Item 314–B	Position 314–B
	The Rate of Duty shall read:	Le droit doit se lire comme suit:
	"0.47 per Kg."	"Kil. /0,47"
	Item 314–C	Position 314–C
	The Rate of Duty shall read:	Le droit doit se lire comme suit:
	"0.455 per Kg."	"Kil. /0,455"
	Part II – Preferential Tariff	Deuxième Partie – Tarif Préférentiel
61 Stat., Pt. 5, p. A592.	Item 98–H	
	The Rate of Duty shall read:	
	"0.018 per Kg."	
61 Stat., Pt. 5, p. A613.	Item 156–G	Position 156–G
	The first seven words of the description shall read:	Les huit premiers mots doivent se lire comme suit:
	"Capsules and bands for bottles, and tubes,"	"Papiers pour capsules, bandes pour bouteilles, et tubes,"
	SCHEDULE X – CZECHOSLOVAKIA	LISTE X – TCHECOSLOVAQUIE
	Rectifications in this Schedule are authentic only in the English and French languages	Seuls font foi les textes anglais et français des rectifications portant sur la présente liste
	Part I – Most-favoured-nation tariff	Première Partie – Tarif de la nation la plus favorisée
61 Stat., Pt. 5, p. A645; Pt. 6, p. A1785.	Item ex 17	Position ex 17
	The first sub-description shall read:	La première subdivision doit se lire comme suit:
	"coconuts and similar exotic edible nuts including groundnuts and pecans"	"noix de coco et autres noix exotiques similaires comestibles, y compris arachides et noix de pécan"
61 Stat., Pt. 6, p. A1793.		Position ex 109, ex (b), ex 1
		Les cinq derniers mots de la désignation des produits doivent se lire:
		"compétente du pays d'origine (9)"
		Position ex 109, ex (b), ex 2
		La ligne onze de la désignation des produits doit se lire:
		"compétente du pays d'origine (9)"

Schedule X (contd.) Czechoslovakia

Liste X (suite) – Tchecoslovaquie

Position ex 312

61 Stat., Pt. 6, p. A1809.

Les onze derniers mots de la désignation des produits doivent se lire:

"bandes de caoutchouc d'une largeur de 2 mm. au plus"

Position 542

61 Stat., Pt. 6, p. A1826.

Le numéro de la position suivante:

"ex Remarque au N° 540" doit se lire: "542"

Position ex 637

61 Stat., Pt. 6, p. A1835.

La position portant actuellement le numéro "ex 637, ex (b)" doit se lire:

"ex 637
b)"

Position ex 652

La position portant actuellement le numéro "ex 652,b)" doit se lire:

"ex 652
ex b)"

SCHEDULE XI – FRANCE

LISTE XI – FRANCE

Rectifications in this Schedule are authentic only in the French language

Seul fait foi le texte français des rectifications portant sur la présente liste

SECTION I – MADAGASCAR AND DEPENDENCIES

Part I – Most-favoured-nation Tariff

Item ex 68

61 Stat., Pt. 5, p. A925.

The Rate of Duty shall read:

"10%"

SECTION K – NEW CALEDONIA AND DEPENDENCIES

Part I – Most-favoured-nation Tariff

Item 210

61 Stat., Pt. 5, p. A930.

The Rate of Duty shall read:

"5%"

SCHEDULE XII - INDIA	LISTE XII - INDE
Rectifications in this Schedule are authentic only in the English language	Seul fait foi le texte anglais des rectifications portant sur la présente liste
Part I - Most-favoured-nation Tariff	Première Partie - Tarif de la nation la plus favorisée
61 Stat., Pt. 5, p. A944. Item ex 22(5)	
The word "Strength" in proviso (b) shall be spelled with a small "s"	

SCHEDULE XV - PAKISTAN	LISTE XV - PAKISTAN
Rectifications in this Schedule are authentic only in the English language	Seul fait foi le texte anglais des rectifications portant sur la présente liste
Part I - Most-favoured-nation Tariff	Première Partie - Tarif de la nation la plus favorisée
61 Stat., Pt. 5, p. A1006. Item ex 22(5)	
The word "Strength" in proviso (b) shall be spelled with a small "s"	

SCHEDULE XVIII - UNION OF SOUTH AFRICA	LISTE XVIII - UNION SUD-AFRICAINE
Rectifications in this Schedule are authentic only in the English language	Seul fait foi le texte anglais des rectifications portant sur la présente liste
Part I - Most-favoured-nation Tariff	Première Partie - Tarif de la nation la plus favorisée
61 Stat., Pt. 5, p. A1060. Item 108 (e)	Position 108 (e)
The last five words of the description shall read:	Les neuf derniers mots de la désignation des produits doivent se lire:
"and barrels therefor, single . . . . . per barrel"	"y compris leurs canons, à un coup . . . . . par canon"
Item 108 (f)	Position 108 (f)
The last seven words of the description shall read:	Les onze derniers mots de la désignation des produits doivent se lire
"including barrels therefor, double and others . . . per barrel"	"y compris leurs canons, à deux coups et autres . . . par canon"

SCHEDULE XIX - UNITED KINGDOM

LISTE XIX - ROYAUME-UNI

Rectifications in this Schedule are authentic only in the English language

Seul fait foi le texte anglais des rectifications portant sur la présente liste

SECTION A - METROPOLITAN TERRITORY

SECTION A - TERRITOIRE METROPOLITAIN

Part I - Most-favoured-nation tariff

Première Partie - Tarif de la nation la plus favorisée

Item Ex 3 X (1)

61 Stat., Pt. 5, p. A1095.

The second sub-description on page 25 shall read:

"Conversion front end attachments for excavators or cranes"

Item 3 XI (8)

Position 3 XI (8)

(i) The first paragraph of the description shall read as follows:

(i) Le premier paragraphe de la désignation des produits doit se lire comme suit:

61 Stat., Pt. 5, p. A1104.

"Wood and timber of coniferous species (other than box-boards, railway sleepers and sleeper blocks), in the round or hewn or square sawn, but not further prepared or manufactured:-"

"Bois de conifères (autres que les planches à caisses, traverses de chemins de fer et blocs pour traverses), en grume, dégrossis ou équarris mais non ultérieurement préparés ou ouvrés:-"

(ii) The corresponding text of the first proviso shall read as follows:

(ii) Le premier sous-paragraphe de la note qui figure à la désignation des produits doit se lire comme suit:

61 Stat., Pt. 5, p. A1105.

"Wood and timber of coniferous species (other than box-boards, railway sleepers and sleeper blocks), in the round or hewn or square sawn, but not further prepared or manufactured:-"

"Bois de conifères (autres que les planches à caisses, traverses de chemins de fer et blocs pour traverses) en grume, dégrossis ou équarris, mais non ultérieurement préparés ou ouvrés:"

Item 6, Footnote

61 Stat., Pt. 5, p. A1109.

The footnote on page 39 shall read:

"Paragraph 1 at the head of this Schedule shall not apply to this item."

Item 6

Position 6

61 Stat., Pt. 5, p. A1111.

(i) The last eighteen words in the Rate of Duty applicable to sub-

(i) Dans la colonne "Droit" les douze derniers mots correspon-

Schedule XIX (contd.) – United Kingdom	Liste XIX (suite et fin) – Royaume-Uni
paragraph (a) on page 41 shall read:	dant à l'alinéa a) de la page 45 doivent se lire comme suit:
"on the area of the tissue or 22–½% of the value of the tissue whichever is the greater"	"de la surface du tissu, ou 22–½% de la valeur du tissu"
(ii) The last eighteen words in the Rate of Duty applicable to sub-paragraph (b) on page 41 shall read:	(ii) Dans la colonne "Droit" les douze derniers mots correspondant à l'alinéa b) de la page 45 doivent se lire comme suit:
"on the area of the tissue or 22–½% of the value of the tissue whichever is the greater"	"de la surface du tissu, ou 22–½% de la valeur du tissu"
(iii) The last eight words in the Rate of Duty shown against "Other Tissues" on page 41 shall read:	(iii) Dans la colonne "Droit", les sept derniers mots correspondant à "Autres tissus" à la page 46 doivent se lire:
"plus 22–½% of the value of the tissue."	"plus 22–½% de la valeur du tissu"
61 Stat., Pt. 5, p. A1123. Item 3 G. A. V.	Position 3 D. G. A. V.
(i) The description "Cotton oil" on page 53 shall read:	
"Cotton oil (cotton seed oil)"	
(ii) The Rate of Duty applicable to the sub-description "Clove" on page 53 shall read:	Le droit correspondant à la désignation "de clous de girofles" doit se lire:
"10%"	"10%"
SECTION C – DEPENDENT TERRITORIES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	SECTION C – TERRITOIRES DEPENDANT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD
Part I – Most-favoured-nation tariff	Première Partie – Tarif de la nation la plus favorisée
61 Stat., Pt. 5, p. A1152. The following note shall be inserted at the end of Part I of this Section:	La note suivante sera insérée à la fin de la première partie de la présente section:
"Note: The provisions of this Section shall be inoperative pending re-negotiation."	"Note: Les dispositions de la présente section demeureront sans effet en attendant le résultat de nouvelles négociations."

SCHEDULE XX – UNITED STATES OF AMERICA	LISTE XX – ETATS-UNIS D'AMERIQUE	
Rectifications in this Schedule are authentic only in the English language	Seul fait foi le texte anglais des rectifications portant sur la présente liste	
Part I – Most-favoured-nation Tariff	Première Partie – Tarif de la nation la plus favorisée	
Item 50 [second]		61 Stat., Pt. 5, p. A1165.
The number of the item following the first item 50 shall read:		
"50"		
Item 211		61 Stat., Pt. 5, p. A1176.
In item 211 the first diameter specified in the description shall read:		
"6–⅝ inches"		
Item 212 [first]		61 Stat., Pt. 5, p. A1177.
In the principal description of the first item 212, the words "clock cases withoor without" shall read:		
"clock cases with or without"		
Item 212 [second]	Position 212 [deuxième]	61 Stat., Pt. 5, p. A1178.
In the second item 212:		
(i) In the description for saucers, the words between "$3" and the first semicolon thereafter shall read:		
"per dozen"		
(ii) The sub-description starting "Other (except hotel . . .)" shall read in full:	La subdivision commençant par "autres (à l'exception des articles ou ustensiles de table et de cuisine pour hôtels et restaurants): "doit se lire in extenso:	61 Stat., Pt. 5, p. A1179.
"Other (except tableware, kitchen-ware, and table and kitchen utensils):"	"autres (à l'exception des articles ou ustensiles de table ou de cuisine):"	
Item 213		61 Stat., Pt. 5, p. A1179.
In item 213 the Rate of Duty applicable to the sub-description "Crystalline flake" shall be:		
"15% ad val., but not less than 0.4125¢ per lb. nor more than 0.825¢ per lb."		

Schedule XX (contd.) – United States of America

Liste XX (suite) – Etats-Unis d'Amérique

61 Stat., Pt. 5, p. A1181.

Item 218(c)

The number of the item following the third item 218(b) shall read:

"218(c)"

61 Stat., Pt. 5, p. A1182.

Item 218(f)

In item 218(f) the Rate of Duty applicable to the sub-description "Other" shall be:

"50¢ on each article or utensil, but not less than 30% nor more than 50% ad val."

61 Stat., Pt. 5, p. A1185.

Item 224

In the description in item 224 the word following the word "beveled" shall read: "etched"

61 Stat., Pt. 5, p. A1186.

Item 226

In the principal description in item 226 the word between the words "polished" and "or" shall read "plano"

61 Stat., Pt. 5, p. A1197.

Item 317

In item 317 the Rate of Duty shall be: "¼¢ per lb."

61 Stat., Pt. 5, p. A1208.

Item 355

In item 355 the Rate of Duty applicable to the sub-description "If four inches in length or over, exclusive of handle (except hay forks and 4-tined manure forks)", the first time that sub-description is used, shall be:

"4¢ each and 25% ad val."

61 Stat., Pt. 5, p. A1209.

Item 358 [first]

In the first item 358 the Rate of Duty shall be: "12–½% ad val., but not less than 2–½¢ each and 7–½% ad val."

61 Stat., Pt. 5, p. A1211.

Item 365 [sixth]

In the sixth item 365 the Rate of Duty shall be:

"$3 each and 15% ad val."

Schedule XX (contd.) – United States of America

Item 365 [seventh]

The number of the item following the sixth item 365 shall read: "365"

Item 372 [twelfth]

In the twelfth item 372 the first word in the description shall read:

"Braiding"

Item 372 [thirteenth]

In the thirteenth item 372:

(i) The immediate sub-description to which the Rate of Duty of "10% ad val." applies shall read:

"For manufacturing or processing vegetable fibers (except winding, beaming, warping and slashing machinery, and combinations thereof)"

(ii) The last two words, and accompanying punctuation, in the immediate subdescription to which the Rate of Duty of "40% ad val." applies shall read:

" "Bradford" combs"

Item 372 [nineteenth]

In the nineteenth item 372, in the sub-description to which the Rate of Duty of "15% ad val." applies, the five words and intervening punctuation preceding the third semi-colon shall read:

"tension, compression, torsion, or shear"

Item 502 [second]

In the second item 502 the Rate of Duty shall be:

"0.03¢ per lb. of total sugars"

Item 719 (1), (2), (3), (4), and (5)

In item 719 (1), (2), (3), (4), and (5) the fifth Rate of Duty shall be:

"½¢ per lb. net wt."

Liste XX (suite) – Etats-Unis d'Amérique

61 Stat., Pt. 5, p. A1211.

61 Stat., Pt. 5, p. A1214.

Position 372 [treizième]

61 Stat., Pt. 5, p. A1215.

A la treizième position 372, la subdivision immédiate en regard du taux "ad val. 10%", doit se lire comme suit:

"Pour la fabrication ou l'ouvraison des fibres végétales (à l'exception des machines pour le bobinage, l'ourdissage, l'empeignage et le parage et de toute combinaison de machines de ce genre)"

61 Stat., Pt. 5, p. A1216.

61 Stat., Pt. 5, p. A1224.

61 Stat., Pt. 5, p. A1233.

Schedule XX (contd.) – United States of America	Liste XX (suite) – Etats-Unis d'Amérique
61 Stat., Pt. 5, p. A1234. Item 720 (a) (1), (2), (3), (4), (5), and (6)	Position 720 (a) (i), (2), (3), (4), (5) et (6)
In item 720 (a) (1), (2), (3), (4), (5), and (6) the immediate sub-description to which the rate of "1–¼¢ per lb." applies shall read:	A la position 720 (a) (i), (2), (3), (4), (5) et (6), la subdivision qui figure en regard du taux "0,01 ¼" doit se lire:
"Eviscerated, split, skinned, boned (if smoked), or divided into portions"	"vidés, refendus, écorchés, sans arêtes (s'ils sont fumés) ou partagés . . . livre"
61 Stat., Pt. 5, p. A1238. Item 745	
In item 745 the Rate of Duty applicable to the sub-description "Prepared or preserved, and not specially provided for" shall be:	
"20% ad val."	
61 Stat., Pt. 5, p. A1242. Item 764	
In item 764 the Rates of Duty applicable to the descriptions "Carrot", "Parsnip", "Tree and shrub", and "Flower" shall each be:	
"3¢ per lb."	
61 Stat., Pt. 5, p. A1245. Item 771 [second]	
In the second item 771 the weight of the bushel referred to in the second proviso shall read:	
"60 pounds"	
61 Stat., Pt. 5, p. A1246. Item 775 [second]	
The number of the item following the first item 775 shall read:	
"775"	
61 Stat., Pt. 5, p. A1251. Item 806(b)	Position 806 (b)
In item 806(b) the immediate sub-description to which the Rate of Duty of "20¢ per gal. on the quantity of unconcentrated natural fruit juice contained therein as shown by chemical analysis" applies shall read:	Dans la position 806 (b) la première subdivision qui figure en regard du taux "0,20", à savoir: "par gallon de la quantité de jus de fruit naturel non concentré. . ." doit se lire:
"Lime juice"	"jus de limon"
61 Stat., Pt. 5, p. A1253. Item 902 [second]	
The number of the item following the first item 902 shall read:	
"902"	

Schedule XX (contd.) – United States of America

Item 905

In item 905 the second paragraph referred to in the description shall read:

"904"

Item 909 [third]

In the third item 909 the Rate of Duty applicable to the sub-description "Terry-woven" shall be:

"22–½¢ per lb., but not less than 20% nor more than 35% ad val."

Item 913(a)

In item 913(a) the Rate of Duty applicable to the sub-description "Wholly or in chief value of cotton or other vegetable fiber and india rubber, and valued at 40 cents or more per pound" shall be:

"20% ad val."

Item 919 [second]

In the second item 919 the Rate of Duty shall be:

"15¢ per doz. pieces and 5% ad val."

Item 924

In item 924 the Rate of Duty shall be:

"5¢ per lb., but not less than 1–⅜ times the most-favoured-nation rate of ordinary customs duty applicable when such articles are entered, or withdrawn from warehouse, for consumption to cotton having a staple of 1–⅛ inches or more in length"

Item 1011

In item 1011 the word following the second comma shall read:

"wholly"

Liste XX (suite) – Etats-Unis d'Amérique

61 Stat., Pt. 5, p. A1255.

61 Stat., Pt. 5, p. A1257.

61 Stat., Pt. 5, p. A1258.

61 Stat., Pt. 5, p. A1259.

Position 924

61 Stat., Pt. 5, p. A1261.

Le droit indiqué à la position 924 doit se lire comme suit:

"0,05 la livre, mais pas moins de 1–⅜ fois le droit de douane ordinaire de la nation la plus favorisée applicable, lorsque de tels articles sont importés ou retirés d'entrepôt pour la consommation, au coton ayant des brins de 1–⅛ de pouce ou plus de longueur"

61 Stat., Pt. 5, p. A1264.

Schedule XX (contd.) – United States of America

Liste XX (suite) – Etats-Unis d'Amérique

61 Stat., Pt. 5, p. A1270.

Item 1102(b) [first]

In the Note at the end of the first item 1102(b) the number following "1115(a) and" shall read:

"1119"

61 Stat., Pt. 5, p. A1273.

Item 1107

In item 1107 the Rate of Duty applicable to the sub-description "Wholly or in chief value of Angora rabbit hair" shall be:

"40¢ per lb. and 15% ad val."

61 Stat., Pt. 5, p. A1274.

Item 1109(a)

The number of the item immediately following item 1108 shall read:

"1109(a)"

61 Stat., Pt. 5, p. A1275.

Item 1110

In item 1110 the Rate of Duty shall be:

"35¢ per lb. and 25% ad val."

61 Stat., Pt. 5, p. A1275.

Item 1114(a)

In item 1114(a) the Rate of Duty applicable to the first sub-description shall be:

"25¢ per lb. and 20% ad val."

61 Stat., Pt. 5, p. A1278.

Item 1115(b)

The number of the item immediately following item 1115(a) shall read:

"1115(b)"

61 Stat., Pt. 5, p. A1284.

Item 1305

In item 1305 the Rate of Duty shall be:

"25% ad val., but not less than 27–½¢ per lb."

61 Stat., Pt. 5, p. A1293.

Item 1409 [second]

In the second item 1409 the specified minimum thickness shall read:

"0.008 inch"

Schedule XX (contd.) – United States of America

Item 1413 [seventh]

In the seventh item 1413 the Rate of Duty shall be:

"27–½% ad val."

61 Stat., Pt. 5, p. A1296.

Item 1502 [first]

In the first item 1502, in the sub-descriptions to which the Rate of Duty of "10% ad val." applies, the two words and punctuation before the words "hockey sticks" shall read:

"rubber, field"

61 Stat., Pt. 5, p. A1297.

Item 1527 (a) (1) and (2)

In item 1527 (a) (1) and (2) the Rate of Duty to which is applicable the sub-description "All other, of whatever material composed, valued above 20 cents per dozen pieces" shall be:

"55% ad val., but not less than 50% of the amount payable on the basis of the duty "existing" (within the meaning of Section 350, Tariff Act of 1930 as amended by the Act of July 5, 1945) on January 1, 1945 if the article were not dutiable under paragraph 1527, Tariff Act of 1930"

Item 1527 (c) (1) and (2)

In item 1527 (c) (1) and (2) a final parenthesis shall be inserted at the end of the sub-description to which the Rate of Duty of "65% ad val." applies

Item 1528 [second]

In the second item 1528 the sub-description to which the Rate of Duty of "10% ad val." applies shall read:

"Diamonds"

Liste XX (suite) – Etats-Unis d'Amérique

Position 1527 (a) (1) et (2)

A la position 1527 (a) (1) et (2), le taux qui figure en regard de la subdivision "tous autres", quelle qu'en soit la matière, évalués à plus de 20 cents par douzaine de pièces" doit se lire comme suit:

"Ad val. 55% mais pas moins de 50% du montant payable sur la base du droit 'en vigueur' (au sens de la section 350 du 'Tariff Act' de 1930, amendé par la loi du 5 juillet 1945) à la date du 1er janvier 1945, si l'article n'était pas passible de droit d'après le paragraphe 1527 du 'Tariff Act' de 1930"

61 Stat., Pt. 5, p. A1307.

61 Stat., Pt. 5, p. A1308.

61 Stat., Pt. 5, p. A1309.

Schedule XX (contd.) – United States of America	Liste XX (suite) – Etats-Unis d'Amérique
61 Stat., Pt. 5, p. A1309. Item 1528 [third]	
In the third item 1528 the Rate of Duty shall be:	
'10% ad val."	
61 Stat., Pt. 5, p. A1310. Item 1529 (a) [first]	Position 1529 (a) [première]
In the first item 1529 (a) the sub-descriptions indented under the sub-description "Made full gauge on a machine of 12 point or finer:", and the Rates of Duty applicable to said sub-descriptions, shall read as follows:	Les subdivisions en retrait après la subdivision "obtenues en pleine largeur (full gauge) sur un métier de 12 points ou plus fin", et les taux correspondants doivent se lire:
"Wholly or in chief value of cotton and made with independent beams... 40% ad val.	"Entièrement en coton ou dont le coton constitue l'élément de principale valeur et fabriquées sur des rouleaux indépendants..... ad val. 40%
"Wholly or in chief value of silk..... 40% ad val.	"Entièrement en soie ou dont la soie constitue l'élément de principale valeur..... ad val. 40%
"Other..... 45% ad val."	"Autres..... ad val. 45%"
61 Stat., Pt. 5, p. A1315. Item 1530 (b) (1), (2), (3), (4), (5), (6), and (7)	
The number of the item following item 1530 (a) shall read:	
"1530 (b) (1), (2), (3), (4), (5), (6), and (7)"	
61 Stat., Pt. 5, p. A1321. Item 1537 (b) [first]	
In the first item 1537 (b) the words between the word "them" and the word "material" in the principal description shall read:	
"is the component"	
61 Stat., Pt. 5, p. A1324. Item 1545	
In item 1545 the immediate subdescription to which the Rate of Duty of "4% ad val." applies shall read:	
"Hardhead or reef"	

Schedule XX (contd.) - United States of America	Liste XX (suite) - Etats-Unis d'Amérique	
Item 1547 (b) (i) The number of the item following item 1547 (a) (1) and (3) shall read: "1547 (b)" (ii) In item 1547 (b) the Rate of Duty shall be: "10% ad val."		61 Stat., Pt. 5, p. A1325.
Item 1604 The number of the item following item 1602 shall read: "1604"		61 Stat., Pt. 5, p. A1328.
Item 1609 In item 1609 the word "unprepared" shall be followed by a semi-colon		61 Stat., Pt. 5, p. A1328.
Item 1786 In item 1786 the words preceding the first comma shall read: "Tin in bars"		61 Stat., Pt. 5, p. A1342.
Item 1803 (2) The number of the item following item 1803 (1) shall read: "1803 (2)"		61 Stat., Pt. 5, p. A1343.
Part II – Preferential Tariff	Deuxième partie – Tarif préférentiel	
Item 743 [first] In the first item 743 the description shall read: "Limes, in their natural state, or in brine"	Position 743 [première] La désignation des produits figurant sous la première position 743, doit se lire comme suit: "Limons à l'état naturel ou en saumure"	61 Stat., Pt. 5, p. A1354.
Item 751 In item 751 the principal description shall read: "Jellies, jams, marmalades, and fruit butters:"		61 Stat., Pt. 5, p. A1355.
3. The provisions of this Protocol shall on and after this day constitute an integral part of the General Agreement on Tariffs and Trade, dated October 30, 1947, and the rectifications included	3. A partir de la date du présent Protocole les dispositions du présent Protocole feront partie intégrante de l'Accord général sur les tarifs douaniers et le commerce en date du 30 octobre 1947, et les	Applicability of rectifications. 61 Stat., Pts. 5 and 6.

herein shall be applied as if they had formed a part of said Agreement on that date.

Deposit of Protocol.

4. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

Authentic texts.

DONE at Havana, in a single copy, in the English and French languages, both texts authentic except where otherwise stated, this twenty-fourth day of March, 1948.

rectifications qu'il contient devront être appliquées comme si elles avaient figuré dans ledit Accord général à la date précitée.

4. Le texte original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI les représentants dûment autorisés des gouvernements susmentionnés ont signé le présent Protocole.

FAIT à La Havane, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi sauf indication contraire, le vingt-quatre mars 1948.

For the Commonwealth of Australia:
H. C. COOMBS

Pour le Commonwealth d'Australie:
H. C. COOMBS

For the Kingdom of Belgium:
M. SUETENS

Pour le Royaume de Belgique:
M. SUETENS

For the United States of Brazil:
A. DE VILHENA FERREIRA BRAGA

Pour les Etats-Unis du Brésil:
A. DE VILHENA FERREIRA BRAGA

For Burma:
M. MYAT TUN

Pour la Birmanie:
M. MYAT TUN

For Canada:
L. D. WILGRESS

Pour le Canada:
L. D. WILGRESS

For Ceylon:
B. MAHADEVA

Pour Ceylan:
B. MAHADEVA

For the Republic of Chile:
W. MÜLLER

Pour la République du Chili:
W. MÜLLER

For the Republic of China:
WUNSZ KING

Pour la République de Chine:
WUNSZ KING

For the Republic of Cuba:
GUSTAVO GUTÍERREZ

Pour la République de Cuba:
GUSTAVO GUTÍERREZ

For the Czechoslovak Republic:
Z. AUGENTHALER

Pour la République tchécoslovaque:
Z. AUGENTHALER

For the French Republic:
JEAN ROYER

Pour la République française:
JEAN ROYER

For India:
HARDIT SINGH MALIK

Pour l'Inde:
HARDIT SINGH MALIK

For Lebanon: *Pour le Liban:*
GEORGES HAKIM

For the Grand-Duchy of Luxemburg: *Pour le Grand-Duché de Luxembourg:*
J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*
A. B. SPEEKENBRINK

For New Zealand: *Pour la Nouvelle-Zélande:*
W. NASH

For the Kingdom of Norway: *Pour le Royaume de Norvège:*
ARNE SKAUG

For Pakistan: *Pour le Pakistan:*
M. A. H. ISPAHANI

For Southern Rhodesia: *Pour la Rhodésie du Sud:*
S. ROWE

For Syria: *Pour la Syrie:*
HUSNI A. SAWWAF

For the Union of South Africa: *Pour l'Union Sud-Africaine:*
H. T. ANDREWS

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*
STEPHEN L. HOLMES

For the United States of America: *Pour les Etats-Unis d'Amérique:*
JOHN W. EVANS

[T. I. A. S. 1762] [1]

DECLARATION

Les Gouvernements du Royaume de Belgique, de la Birmanie, des Etats-Unis du Brésil, du Canada, de Ceylan, de la République du Chili, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, de l'Inde, du Liban, du Grand-Duché de Luxembourg, du Royaume de Norvège, de la Nouvelle-Zélande, du Pakistan, du Royaume des Pays-Bas, du Royaume-Uni de Grande Bretagne et d'Irlande du Nord et de la Syrie,

vu les dispositions de l'alinéa 1 a) du paragraphe 2 de l'article XXIX de l'Accord général sur les tarifs douaniers et le commerce qui dispose que, dans un délai de soixante jours après la clôture de la Conférence des Nations Unies sur le commerce et l'emploi, toute partie contractante pourra faire connaître aux autres parties contractantes qu'elle met opposition à la suspension des dispositions de l'article premier ou de la partie II de l'Accord général sur les tarifs douaniers et le commerce ou à leur remplacement par les dispositions correspondantes de la Charte de La Havane à la date de l'entrée en vigueur de ladite Charte,

déclarent qu'ils ne formuleront aucune objection à la suspension et au remplacement des paragraphes 1 et 2 de l'article premier et de la partie II de l'Accord général.

L'original de la présente Déclaration sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI, les représentants dûment autorisés des gouvernements sus-mentionnés ont signé la présente Déclaration.

FAIT à La Havane, en un seul exemplaire rédigé dans les langues francaise et anglaise, les deux textes faisant également foi, le vingt-quatre mars 1948.

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[1] Entered into force Mar. 24, 1948.

DECLARATION

Lodging of objections to designated provisions of General Agreement.

The Governments of the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of Cuba, the French Republic, India, Lebanon, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Syria, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

TAKING NOTE of the provisions of sub-paragraph 2 (a) of Article XXIX of the General Agreement on Tariffs and Trade, whereby within sixty days of the closing of the United Nations Conference on Trade and Employment any contracting party may lodge with the other contracting parties an objection to any provision or provisions of Article I or of Part II of the General Agreement on Tariffs and Trade being suspended and superseded by the corresponding provisions of the Havana Charter [1] on the day on which the Charter comes into force,

61 Stat., Pt. 5, p. A72.

61 Stat., Pt. 5, pp. A12, A18.

HEREBY DECLARE that they will not lodge any such objection to the suspension and supersession of paragraphs 1 and 2 of Article I and Part II of the General Agreement on Tariffs and Trade.

61 Stat., Pt. 5, pp. A12, A18.

The original of this Declaration shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Declaration.

Authentic texts.

DONE at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

---

[1] *Havana Charter for an International Trade Organization and Final Act and Related Documents.* Department of State publication 3117.

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*
M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*
A. DE VILHENA FERREIRA BRAGA

For Burma: *Pour la Birmanie:*
M. MYAT TUN

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For Pakistan: *Pour le Pakistan:*

M. A. H. ISPAHANI

For Syria: *Pour la Syrie:*

HUSNI A. SAWWAF

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*

STEPHEN L. HOLMES

For the United States of America: *Pour les Etats-Unis d'Amérique:*

JOHN W. EVANS

[T. I. A. S. 1763][1]

PROTOCOL MODIFYING CERTAIN PROVISIONS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade, and

61 Stat., Pts. 5 and 6.

The Governments of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories to the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

61 Stat., Pt. 5, p. A7.

BEING DESIROUS of modifying the text of certain provisions of the General Agreement on Tariffs and Trade, in the light of the text of the Havana Charter for an International Trade Organization, which was authenticated by the Final Act of the United Nations Conference on Trade and Employment,[2]

Modifications.

HEREBY AGREE as follows:

I. Paragraph 5 of Article XXV of the General Agreement on Tariffs and Trade shall read as follows:

61 Stat., Pt. 5, p. A68.

"5. (a) In exceptional circumstances not elsewhere provided for in this Agreement, the CONTRACTING PARTIES may waive an obligation imposed upon a contracting party by this Agreement; *Provided* that any such decision shall be approved by a two-thirds majority of the votes cast and that such majority shall comprise more than half of the contracting parties. The CONTRACTING PARTIES may also by such a vote

(i) define certain categories of exceptional circumstances to which other voting requirements shall apply for the waiver of obligations, and

(ii) prescribe such criteria as may be necessary for the application of this sub-paragraph.

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[1] Dated at Havana Mar. 24, 1948, open for signature until May 1, 1948; entered into force Apr. 15, 1948.

[2] *Havana Charter for an International Trade Organization and Final Act and Related Documents.* Department of State publication 3117.

(b) If any contracting party has failed without sufficient justification to carry out with another contracting party negotiations of the kind described in paragraph 1 of Article 17 of the Havana Charter,[1] the CONTRACTING PARTIES may, upon complaint and after investigation, authorize the complaining contracting party to withhold from the other the concessions incorporated in the relevant Schedule to this Agreement. In any judgment as to whether a contracting party has so failed, the CONTRACTING PARTIES shall have regard to all relevant circumstances, including the developmental, reconstruction and other needs and the general fiscal structures of the contracting parties concerned and to the provisions of the Havana Charter as a whole. If in fact the concessions referred to are withheld, so as to result in the application to the trade of the other contracting party of tariffs higher than would otherwise have been applicable, such other contracting party shall then be free, within sixty days after such action becomes effective, to give written notice of withdrawal from the Agreement. The withdrawal shall take effect upon the expiration of sixty days from the day on which such notice is received by the CONTRACTING PARTIES.

(c) The provisions of sub-paragraph (b) shall not apply as between any two contracting parties the Schedules of which contain concessions initially negotiated between such contracting parties.

(d) The provisions of sub-paragraphs (b) and (c) shall not apply until January 1, 1949." Effective date of designated provisions.

II. Paragraph 1 of Article XXXII of the General Agreement on Tariffs and Trade shall read as follows: 61 Stat., Pt. 5, p. A75.

"The contracting parties to this Agreement shall be understood to mean those governments which are applying the provisions of this Agreement under Articles XXVI or XXXIII or pursuant to the Protocol of Provisional Application." 61 Stat., Pt. 5, pp. A69, A75. 61 Stat., Pt. 6, p. A2051.

III. Article XXXIII of the General Agreement on Tariffs and Trade shall read as follows: 61 Stat., Pt. 5, p. A75.

"A government not party to this Agreement, or a government acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, may accede to this Agreement, on its own behalf or on behalf of that territory, on terms to be agreed between such government and the CONTRACTING PARTIES. Decisions of the CONTRACTING PARTIES under this paragraph shall be taken by a two-thirds majority."

[1] *Havana Charter for an International Trade Organization and Final Act and Related Documents.* Department of State publication 3117, p. 14.

61 Stat., Pt. 5, p. A75.

IV. The following Article shall be inserted in the General Agreement on Tariffs and Trade after Article XXXIV:

"Article XXXV

61 Stat., Pt. 5, p. A69. 61 Stat., Pt. 5, p. A72. 61 Stat., Pt. 5, p. A14.

1. Without prejudice to the provisions of paragraph 5 (b) of Article XXV or to the obligations of a contracting party pursuant to paragraph 1 of Article XXIX, this Agreement, or alternatively Article II of this Agreement, shall not apply as between any contracting party and any other contracting party if:

(a) the two contracting parties have not entered into tariff negotiations with each other, and

(b) either of the contracting parties, at the time either becomes a contracting party, does not consent to such application.

2. The CONTRACTING PARTIES may, at any time before the Havana Charter enters into force, review the operation of this Article in particular cases at the request of any contracting party and make appropriate recommendations."

61 Stat., Pt. 5, p. A74.

V. Notwithstanding the provisions of Article XXX of the General Agreement on Tariffs and Trade, the modifications provided for in Sections I to IV, inclusive, of this Protocol shall become an integral part of the General Agreement on Tariffs and Trade, on April 15, 1948.

Effective date of modifications.

Signature.

Signature of this Protocol by any government which is not at the time of signature a contracting party to the General Agreement on Tariffs and Trade shall serve to authenticate the texts of the modifications of the General Agreement on Tariffs and Trade provided for in this Protocol. This Protocol shall remain open for signature by any such government, named in the second paragraph of the preamble to this Protocol, until May 1, 1948.

Deposit of original.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

Authentic texts.

DONE at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

PROTOCOLE PORTANT MODIFICATION DE CERTAINES DISPOSITIONS DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

Les Gouvernements du Commonwealth d'Australie, du Royaume de Belgique, du Canada, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, du Grand-Duché de Luxembourg, du Royaume des Pays-Bas et du Royaume-Uni de Grande Bretagne et d'Irlande du Nord, agissant en qualité de parties contractantes à l'Accord général sur les tarifs douaniers et le commerce;

Les Gouvernements de la Birmanie, des Etats-Unis du Brésil, de Ceylan, de la République du Chili, de la République de Chine, de l'Inde, du Liban, du Royaume de Norvège, de la Nouvelle-Zélande, du Pakistan, de la Rhodésie du Sud, de la Syrie, de la République tchécoslovaque et de l'Union Sud-Africaine, agissant en qualité de signataires de l'Acte final adopté à la fin de la deuxième session de la Commission préparatoire de la Conférence des Nations Unies sur le commerce et l'emploi, lequel a établi l'authenticité du texte de l'Accord général sur les tarifs douaniers et le commerce,

Désireux de modifier le texte de certaines dispositions de l'Accord général sur les tarifs douaniers et le commerce, en tenant compte du texte de la Charte de La Havane instituant une Organisation internationale du commerce, texte dont l'Acte final de la Conférence des Nations Unies sur le commerce et l'emploi a établi l'authenticité,

Conviennent de ce qui suit:

I. Le texte du paragraphe 5 de l'article XXV de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

"5. a) Dans les circonstances exceptionnelles autres que celles qui sont prévues par d'autres articles du présent Accord, les PARTIES CONTRACTANTES pourront relever une partie contractante d'une des obligations qui lui sont imposées par le présent Accord, à la condition qu'une telle décision soit sanctionnée par une majorité des deux tiers des votes émis et que cette majorité comprenne plus de la moitié des parties contractantes. Par un vote similaire, les PARTIES CONTRACTANTES pourront également:

(i) déterminer certaines catégories de circonstances exceptionnelles auxquelles d'autres conditions de vote seront applicables pour relever une partie contractante d'une ou de plusieurs de ses obligations,

(ii) prescrire les critères nécessaires à l'application du présent alinéa.

b) Si une partie contractante, sans justification suffisante, n'a pas mené à terme avec une autre partie contractante, les négociations

visées au paragraphe premier de l'article 17 de la Charte de La Havane, les PARTIES CONTRACTANTES pourront, à la suite d'une réclamation et après enquête, autoriser la partie contractante qui aura présenté la réclamation à retirer à l'autre partie contractante le bénéfice des concessions qui sont incorporées dans la liste correspondante jointe au présent Accord. Chaque fois qu'elles devront décider si une partie contractante a ainsi empêché les négociations d'aboutir, les PARTIES CONTRACTANTES tiendront compte de tous les éléments pertinents, notamment des besoins des parties contractantes intéressées en matière de développement ou de reconstruction, de leurs autres besoins, de leur structure fiscale générale, ainsi que de l'ensemble des dispositions de la Charte de La Havane. Si les concessions susvisées sont effectivement retirées et si ce retrait a pour résultat d'appliquer au commerce de l'autre partie contractante des droits plus élevés que ceux qui auraient été appliqués en l'absence de telles mesures, il sera loisible à l'autre partie contractante, dans les soixante jours qui suivront la mise en application de la mesure en question, de notifier par écrit qu'elle se retire de l'Accord. Le retrait prendra effet à l'expiration d'un délai de soixante jours à compter de la date à laquelle les PARTIES CONTRACTANTES auront reçu la notification;

c) Les dispositions de l'alinéa b) ne seront pas applicables aux relations entre deux parties contractantes dont les listes contiennent des concessions qui ont été primitivement négociées entre lesdites parties contractantes.

(d) Les dispositions des alinéas b) et c) ne seront pas applicables avant le premier janvier 1949."

II. Le texte du paragraphe premier de l'article XXXII de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

"Seront considérés comme parties contractantes au présent Accord les gouvernements qui en appliquent les dispositions conformément à l'article XXVI, à l'article XXXIII ou en vertu du Protocole d'application provisoire."

III. Le texte de l'article XXXIII de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

"Tout gouvernement qui n'est pas partie au présent Accord ou tout gouvernement agissant au nom d'un territoire douanier distinct qui jouit d'une entière autonomie dans la conduite de ses relations commerciales extérieures et pour les autres questions traitées dans le présent Accord, pourra adhérer au présent Accord, pour son compte ou pour le compte de ce territoire, à des conditions à fixer entre ce gouvernement et les PARTIES CONTRACTANTES. Les PARTIES CONTRACTANTES prendront à la majorité des deux tiers les décisions visées au présent paragraphe."

IV. L'article ci-après sera inséré dans l'Accord général sur les tarifs douaniers et le commerce, après l'article XXXIV:

"Article XXXV

1. Sans préjudice des dispositions de l'alinéa b) du paragraphe 5 de l'article XXV ou des obligations résultant pour une partie contractante des dispositions du paragraphe premier de l'article XXXIX, le présent Accord, ou l'article II du présent Accord, ne s'appliquera pas entre une partie contractante et une autre partie contractante:

a) si les deux parties contractantes n'ont pas engagé de négociations tarifaires entre elles,

b) et si l'une ou l'autre des parties contractantes ne consent pas à cette application au moment ou l'une ou l'autre devient partie contractante.

2. A la demande d'une partie contractante, les PARTIES CONTRACTANTES pourront, à tout moment avant l'entrée en vigueur de la Charte de La Havane, examiner l'application du présent article dans des cas particuliers, et faire des recommandations appropriées."

V. Nonobstant les dispositions de l'article XXX de l'Accord général sur les tarifs douaniers et le commerce, les modifications prévues aux paragraphes I à IV inclus du présent Protocole deviendront partie intégrante de l'Accord général sur les tarifs douaniers et le commerce le 15 avril 1948.

La signature du présent Protocole par tout gouvernement qui lors de la signature n'est pas partie contractante à l'Accord général sur les tarifs douaniers et le commerce aura pour effet d'établir l'authenticité du texte des modifications à l'Accord général sur les tarifs douaniers et le commerce prévues dans le présent Protocole. Le présent Protocole restera ouvert jusqu'au 1er mai 1948, à la signature des gouvernements énumérés dans le second alinéa du préambule du présent Protocole.

L'original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI, les représentants dûment autorisés des gouvernements sus-mentionnés ont signé le présent Protocole.

FAIT à La Havane, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi, le vingt-quatre mars 1948.

For the Commonwealth of Australia: *Pour le Commonwealth d'Australie:*
H. C. COOMBS

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*
M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*
A. DE VILHENA FERREIRA BRAGA

For Burma: *Pour la Birmanie:*
M. MYAT TUN

For Canada: *Pour le Canada:*
L. D. WILGRESS

For Ceylon: *Pour Ceylan:*
B. MAHADEVA

For the Republic of Chile: *Pour la République du Chili:*
W. MÜLLER

For the Republic of China: *Pour la République de Chine:*

For the Republic of Cuba: *Pour la République de Cuba:*
GUSTAVO GUTÍERREZ

For the Czechoslovak Republic: *Pour la République tchécoslovaque:*
Z. AUGENTHALER

For the French Republic: *Pour la République française:*
JEAN ROYER

For India: *Pour l'Inde:*
HARDIT SINGH MALIK

For Lebanon: *Pour le Liban:*
GEORGES HAKIM

For the Grand-Duchy of Luxemburg: *Pour le Grand-Duché de Luxembourg:*
J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*
A. B. SPEEKENBRINK

For New Zealand: *Pour la Nouvelle-Zélande:*
W. NASH

For the Kingdom of Norway: *Pour le Royaume de Norvège:*
ARNE SKAUG

For Pakistan: *Pour le Pakistan:*
M. A. H. ISPAHANI

For Southern Rhodesia: *Pour la Rhodésie du Sud:*

For Syria: *Pour la Syrie:*
HUSNI A. SAWWAF

For the Union of South Africa: *Pour l'Union Sud-Africaine:*

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*
STEPHEN L. HOLMES

For the United States of America: *Pour les Etats-Unis d'Amérique:*
JOHN W. EVANS

[T. I. A. S. 1764][1]

PROTOCOLE PORTANT MODIFICATION DE L'ARTICLE XIV DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

Les Gouvernements du Commonwealth d'Australie, du Royaume de Belgique, du Canada, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, du Grand-Duché de Luxembourg, du Royaume des Pays-Bas et du Royaume-Uni de Grande Bretagne et d'Irlande du Nord, agissant en qualité de parties contractantes à l'Accord général sur les tarifs douaniers et le commerce;

Les Gouvernements de la Birmanie, des Etats-Unis du Brésil, de Ceylan, de la République du Chili, de la République de Chine, de l'Inde, du Liban, du Royaume de Norvège, de la Nouvelle-Zélande, du Pakistan, de la Rhodésie du Sud, de la Syrie, de la République tchécoslovaque et de l'Union Sud-Africaine, agissant en qualité de signataires de l'Acte final adopté à la fin de la deuxième session de la Commission préparatoire de la Conférence des Nations Unies sur le commerce et l'emploi, lequel a établi l'authenticité du texte de l'Accord général sur les tarifs douaniers et le commerce,

désireux de modifier le texte de l'article XIV de l'Accord général sur les tarifs douaniers et le commerce, en tenant compte du texte de la Charte de La Havane instituant une Organisation internationale du commerce, texte dont l'Acte final de la Conférence des Nations Unies sur le commerce et l'emploi a établi l'authenticité,

conviennent de ce qui suit:

I. A partir du 1er janvier 1949, le texte de l'article XIV de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

Article XIV

Exceptions à la règle de non discrimination.

1. a) Les parties contractantes reconnaissent que les suites de la guerre créent de graves problèmes de réadaptation économique qui ne permettent pas l'établissement immédiat d'un régime complet de non discrimination en matière de restrictions quantitatives et qu'il faut par conséquent établir les régimes transitoires exceptionnels qui font l'objet du présent paragraphe.

b) Une partie contractante qui applique des restrictions en vertu de l'article XII pourra, dans l'application de ces restrictions, déroger aux dispositions de l'article XIII dans la mesure où ces dérogations auront un effet équivalent à celui des restrictions aux paiements et

[1] Entered into force Apr. 19, 1948.

transferts relatifs aux transactions internationales courantes que cette partie contractante est autorisée à appliquer au même moment en vertu de l'article XIV des Statuts du Fonds monétaire international, ou en vertu d'une disposition analogue d'un accord spécial de change conclu conformément au paragraphe 6 de l'article XV.

c) Une partie contractante qui applique des restrictions en vertu de l'article XII et qui, pour protéger sa balance des paiements, appliquait à la date du 1er mars 1948 des restrictions à l'importation, en dérogeant aux règles de non discrimination énoncées à l'article XIII, pourra continuer à déroger à ces règles dans la mesure où, à cette date, les dispositions de l'alinéa b) n'auraient pas autorisé pareilles dérogations, et elle pourra adapter lesdites dérogations aux circonstances.

d) Toute partie contractante qui aura signé avant le 1er juillet 1948 le Protocole d'application provisoire adopté à Genève le 30 octobre 1947, et qui aura ainsi accepté provisoirement les principes énoncés au paragraphe premier de l'article 23 du projet de Charte soumis à la Conférence des Nations Unies sur le commerce et l'emploi par la Commission préparatoire, pourra, avant le 1er janvier 1949, signifier par écrit aux PARTIES CONTRACTANTES qu'elle choisit d'appliquer les dispositions de l'annexe J au présent Accord, qui incorpore ces principes, au lieu des dispositions des alinéas b) et c) du présent paragraphe. Les dispositions des alinéas b) et c) ne seront pas applicables aux parties contractantes qui auront opté pour l'annexe J; inversement les dispositions de l'annexe J ne seront pas applicables aux parties contractantes qui n'auront pas fait ce choix.

e) La politique générale de restriction des importations appliquée en vertu des alinéas b) et c) ou en vertu de l'annexe J pendant la période de transition d'après-guerre devra favoriser dans toute la mesure du possible le développement maximum du commerce multilatéral au cours de ladite période et rétablir le plus vite possible la balance des paiements de manière qu'il ne soit plus nécessaire d'avoir recours aux dispositions de l'article XII, ou à des arrangements de change transitoires.

f) Une partie contractante ne pourra invoquer les dispositions des alinéas b) et c) du présent paragraphe ou celles de l'annexe J pour déroger aux dispositions de l'article XIII que pendant la période où elle pourra se prévaloir des dispositions relatives à la période transitoire d'après-guerre prévue à l'article XIV des Statuts du Fonds monétaire international ou d'une disposition analogue d'un accord spécial de change conclu en vertu du paragraphe 6 de l'article XV.

g) Le 1er mars 1950 au plus tard (soit trois ans après la date à laquelle le Fonds monétaire international a commencé ses opérations) et au cours de chacune des années qui suivront, les PARTIES CONTRACTANTES feront rapport sur les mesures qui seront encore appliquées par des parties contractantes en vertu des dispositions des alinéas b) et c) du présent paragraphe ou en vertu de celles de l'annexe J. En mars 1952 et dans le courant de chacune des années qui suivront, toute partie contractante ayant encore le droit de prendre des mesures en vertu des dispositions de l'alinéa c) ou de celles de l'annexe J

consultera les PARTIES CONTRACTANTES au sujet des mesures encore en vigueur qui dérogent aux règles de l'article XIII en vertu desdites dispositions et sur l'utilité de continuer à faire usage de ces dispositions. Après le 1er mars 1952, toute mesure prise en vertu de l'annexe J allant au-delà du maintien en vigueur des dérogations qui auront fait l'objet de la consultation et que les PARTIES CONTRACTANTES n'auront pas estimé injustifiées ou allant au-delà de leur adaptation aux circonstances, sera soumise à toute limitation de caractère général que les PARTIES CONTRACTANTES pourront prescrire en tenant compte de la situation de la partie contractante.

h) Les PARTIES CONTRACTANTES pourront, si des circonstances exceptionnelles leur paraissent rendre cette action nécessaire, représenter à toute partie contractante autorisée à prendre des mesures en vertu des dispositions de l'alinéa c) que les conditions sont favorables pour mettre fin à une dérogation déterminée aux dispositions de l'article XIII ou pour faire cesser toutes dérogations visées par les dispositions de cet alinéa. Après le 1er mars 1952, les PARTIES CONTRACTANTES pourront, dans des circonstances exceptionnelles, faire des représentations analogues à une partie contractante agissant en vertu de l'annexe J. La partie contractante disposera d'un délai raisonnable pour répondre à ces représentations. Si les PARTIES CONTRACTANTES constatent par la suite que la partie contractante persiste à déroger, sans justification, aux dispositions de l'article XIII, la partie contractante devra, dans un délai de soixante jours, limiter ou supprimer les dérogations que pourront spécifier les PARTIES CONTRACTANTES.

2. Une partie contractante qui a recours à des restrictions à l'importation en vertu de l'article XII pourra, avec le consentement des PARTIES CONTRACTANTES, même si les dispositions relatives à la période transitoire d'après-guerre ont cessé de lui être applicables conformément à l'alinéa f) du paragraphe premier, déroger temporairement aux dispositions de l'article XIII, pour une petite partie de son commerce extérieur, si les avantages retirés de cette dérogation par la partie contractante ou les parties contractantes intéressées l'emportent considérablement sur tout préjudice que pourrait subir de ce fait le commerce d'autres parties contractantes.

3. Les dispositions de l'article XIII n'interdiront pas les restrictions conformes aux dispositions de l'article XII,

a) appliquées par un groupe de territoires ayant une quote-part commune au Fonds monétaire international à des importations en provenance d'autres pays, mais non à leur commerce entre eux, à la condition que ces restrictions soient, à tous autres égards, compatibles avec les dispositions de l'article XIII;

b) ou ayant pour objet d'aider, jusqu'au 31 décembre 1951, par des mesures ne dérogeant pas substantiellement aux dispositions de l'article XIII, un autre pays dont l'économie a été dévastée par la guerre.

4. Les dispositions des articles XI à XV du présent Accord n'empêcheront pas une partie contractante qui applique des restrictions

à l'importation conformément à l'article XII, de recourir à des mesures ayant pour effet d'orienter ses exportations de manière à s'assurer un supplément de devises qu'elle pourra utiliser sans déroger aux dispositions de l'article XIII.

5. Les dispositions des articles XI à XV du présent Accord n'empêcheront pas une partie contractante d'appliquer:

a) des restrictions quantitatives ayant un effet équivalent à celui des restrictions de change autorisées aux termes de la section 3 b) de l'article VII des Statuts du Fonds monétaire international;

b) des restrictions quantitatives instituées conformément à des accords préférentiels prévus à l'annexe A du présent Accord en attendant le résultat des négociations mentionnées dans cette annexe.

II. A partir du 1er janvier 1949, le texte des notes interprétatives à l'article XIV insérées dans l'annexe I de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

ad article XIV

Alinéa g) du paragraphe premier

Les dispositions de l'alinéa g) du paragraphe premier ne permettront pas aux PARTIES CONTRACTANTES a'exiger que la procédure de consultation soit appliquée à des opérations commerciales isolées à moins qu'une opération n'ait un caractère si large qu'elle devienne un acte de politique commerciale générale. Dans ce cas, les PARTIES CONTRACTANTES devront, si la partie contractante intéressée le demande, étudier l'opération en question, non pas isolément, mais en relation avec la politique générale de la partie contractante intéressée, en ce qui concerne les importations du produit envisagé.

Paragraphe 2

Un des cas envisagés au paragraphe 2 est celui d'une partie contractante qui, à la suite d'opérations commerciales courantes, dispose de crédits qu'elle se trouve dans l'impossibilité d'utiliser sans un certain recours à des mesures discriminatoires."

III. A partir du 1er janvier 1949, l'annexe ci-après sera ajoutée à l'Accord général sur les tarifs douaniers et le commerce:

ANNEXE J

Exceptions à la règle de non discrimination.

(Applicable aux parties contractantes qui choisiront d'être régies par ces dispositions conformément à l'alinéa d) du paragraphe premier de l'article XIV, au lieu de l'être par les dispositions des alinéas b) et c) du paragraphe premier de l'article XIV.)

1. a) Une partie contractante qui applique des restrictions à l'importation en vertu des dispositions de l'article XII pourra atténuer ces restrictions en dérogeant aux dispositions de l'article XIII dans la

mesure nécessaire pour obtenir des importations supplémentaires en sus du maximum d'importations que cette partie contractante pourrait se procurer dans le cadre des prescriptions des alinéas a) et b) du paragraphe 3 de l'article XII, si ces restrictions étaient entièrement conformes aux dispositions de l'article XIII, à condition:

(i) que les niveaux des prix de livraison des produits ainsi importés ne s'établissent pas sensiblement au-dessus des prix en vigueur pour des marchandises comparables que d'autres parties contractantes peuvent fournir régulièrement, et que tout excédent des niveaux des prix des produits ainsi importés soit progressivement réduit dans un délai raisonnable;

(ii) que la partie contractante qui prend ces mesures ne le fasse pas dans le cadre d'un accord par le jeu duquel les recettes courantes en or ou en monnaies convertibles qu'elle retire directement ou indirectement de ses exportations vers d'autres parties contractantes non parties à cet accord seraient ramenées sensiblement au-dessous du niveau auquel on pourrait raisonnablement s'attendre qu'elles se fixent en l'absence de ces mesures;

(iii) et que ces mesures ne portent pas préjudice sans nécessité aux intérêts commerciaux ou économiques d'autres parties contractantes;

b) La partie contractante qui prend des mesures en vertu du présent paragraphe observera les principes formulés à l'alinéa a). Elle s'abstiendra d'opérations qui se révèleraient incompatibles avec ledit alinéa, mais elle ne sera pas tenue de s'assurer, lorsque les difficultés pratiques sont excessives, que les prescriptions de cet alinéa sont observées à l'occasion de chaque opération en particulier.

2. Toute partie contractante qui prend des mesures en vertu du paragraphe premier de la présente annexe informera régulièrement les PARTIES CONTRACTANTES de ces mesures et leur fournira tous renseignements utiles possibles qu'elles pourront demander.

3. Si, à un moment quelconque, les PARTIES CONTRACTANTES constatent qu'une partie contractante applique aux importations des restrictions discriminatoires incompatibles avec les exceptions prévues au paragraphe premier de la présente annexe, cette partie contractante devra, dans les soixante jours, supprimer ces discriminations ou les modifier, suivant les instructions des PARTIES CONTRACTANTES. Toutefois, aucune mesure prise en vertu du paragraphe premier de la présente annexe ne pourra être attaquée en vertu du présent paragraphe ou de l'alinéa d) du paragraphe 4 de l'article XII comme étant incompatible avec les dispositions de l'article XIII, pour autant que cette mesure aura été approuvée par les PARTIES CONTRACTANTES à la demande d'une partie contractante, selon une procédure analogue à celle de l'alinéa c) du paragraphe 4 de l'article XII.

Note interprétative à l'annexe J

Il est entendu qu'une partie contractante qui prend des mesures en vertu des dispositions de la partie II a) de l'article XX n'est pas de ce fait empêchée de prendre des mesures en vertu de la présente annexe, mais que d'autre part les dispositions de l'article XIV et de son annexe ne restreignent en aucune façon les droits dont jouissent les parties contractantes aux termes de la partie II a) de l'article XX.

IV. Le présent Protocole restera ouvert, au siège des Nations Unies, jusqu'au 1er juin 1948, à la signature des gouvernements énumérés dans le préambule du présent Protocole et qui n'ont pas signé ce Protocole à la date de ce jour.

V. Nonobstant les dispositions de l'article XXX de l'Accord général sur les tarifs douaniers et le commerce, le présent Protocole entrera en vigueur à la date à laquelle il aura été signé par tous les gouvernements qui, lors de la signature, seront parties contractantes à l'Accord général sur les tarifs douaniers et le commerce.

La signature du présent Protocole par tout gouvernement qui lors de la signature n'est pas partie contractante à l'Accord général sur les tarifs douaniers et le commerce aura pour effet d'établir l'authenticité du texte des modifications de l'Accord général sur les tarifs douaniers et le commerce prévues dans le présent Protocole.

L'original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI, les représentants dûment autorisés des gouvernements sus-mentionnés ont signé le présent Protocole.

FAIT à La Havane, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi, le vingt-quatre mars 1948.

SPECIAL PROTOCOL MODIFYING ARTICLE XIV OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade,

61 Stat., Pts. 5 and 6.

The Governments of the United States of Brazil, Burma, Ceylon, the Republic of Chile, the Republic of China, the Czechoslovak Republic, India, Lebanon, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, and the Union of South Africa, acting in their capacity of signatories to the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

61 Stat., Pt. 5, p. A7.

BEING DESIROUS of modifying the text of Article XIV of the General Agreement on Tariffs and Trade, in the light of the text of the Havana Charter for an International Trade Organization which was authenticated by the Final Act of the United Nations Conference on Trade and Employment,[1]

61 Stat., Pt. 5, p. A43.

Modifications.

HEREBY AGREE as follows:

Effective date.
61 Stat., Pt. 5, p. A43.

I. On and after January 1, 1949, Article XIV of the General Agreement on Tariffs and Trade shall read as follows:

"Article XIV

Exceptions to the Rule of Non-discrimination

"1. (a) The contracting parties recognize that the aftermath of the war has brought difficult problems of economic adjustment which do not permit the immediate full achievement of non-discriminatory administration of quantitative restrictions and therefore require the exceptional transitional period arrangements set forth in this paragraph.

(b) A contracting party which applies restrictions under Article XII may, in the use of such restrictions, deviate from the provisions of Article XIII in a manner having equivalent effect to restrictions on payments and transfers for current international transactions which that contracting party may at that time apply under Article XIV of the Articles of Agreement of the International Monetary Fund, or

61 Stat., Pt. 5, p. A34.
61 Stat., Pt. 5, p. A40.

60 Stat. 1420.

[1] *Havana Charter for an International Trade Organization and Final Act and Related Documents.* Department of State publication 3117.

under an analogous provision of a special exchange agreement entered into pursuant to paragraph 6 of Article XV. 61 Stat., Pt. 5, p. A50.

(c) A contracting party which is applying restrictions under Article XII and which on March 1, 1948 was applying import restrictions to safeguard its balance of payments in a manner which deviated from the rules of non-discrimination set forth in Article XIII may, to the extent that such deviation would not have been authorized on that date by sub-paragraph (b), continue so to deviate, and may adapt such deviation to changing circumstances. 61 Stat., Pt. 5, p. A34. 61 Stat., Pt. 5, p. A40.

(d) Any contracting party which before July 1, 1948 has signed the Protocol of Provisional Application agreed upon at Geneva on October 30, 1947 and which by such signature has provisionally accepted the principles of paragraph 1 of Article 23 of the Draft Charter submitted to the United Nations Conference on Trade and Employment by the Preparatory Committee,[1] may elect, by written notice to the CONTRACTING PARTIES before January 1, 1949, to be governed by the provisions of Annex J of this Agreement, which embodies such principles, in lieu of the provisions of sub-paragraphs (b) and (c) of this paragraph. The provisions of sub-paragraphs (b) and (c) shall not be applicable to contracting parties which have so elected to be governed by the provisions of Annex J; and conversely, the provisions of Annex J shall not be applicable to contracting parties which have not so elected. 61 Stat., Pt. 6, p. A2051. *Post*, p. 2009.

(e) The policies applied in the use of import restrictions under sub-paragraphs (b) and (c) or under Annex J in the postwar transitional period shall be designed to promote the maximum development of multilateral trade possible during that period and to expedite the attainment of a balance-of-payments position which will no longer require resort to the provisions of Article XII or to transitional exchange arrangements. 61 Stat., Pt. 5, p. A34.

(f) A contracting party may deviate from the provisions of Article XIII, pursuant to sub-paragraphs (b) or (c) of this paragraph or pursuant to Annex J, only so long as it is availing itself of the postwar transitional period arrangements under Article XIV of the Articles of Agreement of the International Monetary Fund, or of an analogous provision of a special exchange agreement entered into under paragraph 6 of Article XV. 61 Stat., Pt. 5, p. A40. *Post*, p. 2009. 60 Stat. 1420. 61 Stat., Pt. 5, p. A50.

(g) Not later than March 1, 1950 (three years after the date on which the International Monetary Fund began operations) and in each year thereafter, the CONTRACTING PARTIES shall report on any action still being taken by contracting parties under sub-paragraphs (b) and (c) of this paragraph or under Annex J. In March 1952, and in each year thereafter, any contracting party still entitled to take action under the provisions of sub-paragraph (c) or of Annex J shall consult the CONTRACTING PARTIES as to any deviations from Article XIII still in force pursuant to such provisions and as to its continued resort to such provisions. After March 1, 1952 any action under Annex J going beyond the maintenance in force of deviations on which *Post*, p. 2009. 61 Stat., Pt. 5, p. A40.

[1] Department of State publication 2927, p. 24.

such consultation has taken place and which the CONTRACTING PARTIES have not found unjustifiable, or their adaptation to changing circumstances, shall be subject to any limitations of a general character which the CONTRACTING PARTIES may prescribe in the light of the contracting party's circumstances.

(h) The CONTRACTING PARTIES may, if they deem such action necessary in exceptional circumstances, make representations to any contracting party entitled to take action under the provisions of subparagraph (c) that conditions are favourable for the termination of any particular deviation from the provisions of Article XIII, or for the general abandonment of deviations, under the provisions of that subparagraph. After March 1, 1952, the CONTRACTING PARTIES may make such representations, in exceptional circumstances, to any contracting party entitled to take action under Annex J. The contracting party shall be given a suitable time to reply to such representations. If the CONTRACTING PARTIES find that the contracting party persists in unjustifiable deviation from the provisions of Article XIII, the contracting party shall, within sixty days, limit or terminate such deviations as the CONTRACTING PARTIES may specify.

61 Stat., Pt. 5, p. A40.

"2. Whether or not its transitional period arrangements have terminated pursuant to paragraph 1 (f), a contracting party which is applying import restrictions under Article XII may, with the consent of the CONTRACTING PARTIES, temporarily deviate from the provisions of Article XIII in respect of a small part of its external trade where the benefits to the contracting party or contracting parties concerned substantially outweigh any injury which may result to the trade of other contracting parties.

61 Stat., Pt. 5, p. A34.

61 Stat., Pt. 5, p. A40.

"3. The provisions of Article XIII shall not preclude restrictions in accordance with the provisions of Article XII which either

61 Stat., Pt. 5, p. A34.

(a) are applied against imports from other countries, but not as among themselves, by a group of territories having a common quota in the International Monetary Fund, on condition that such restrictions are in all other respects consistent with the provisions of Article XIII, or

(b) assist, in the period until December 31, 1951, by measures not involving substantial departure from the provisions of Article XIII, another country whose economy has been disrupted by war.

"4. A contracting party applying import restrictions under Article XII shall not be precluded by Articles XI to XV, inclusive, of this Agreement from applying measures to direct its exports in such a manner as to increase its earnings of currencies which it can use without deviation from the provisions of Article XIII.

61 Stat., Pt. 5, pp. A32–A49.

"5. A contracting party shall not be precluded by Articles XI to XV, inclusive, of this Agreement from applying quantitative restrictions

(a) having equivalent effect to exchange restrictions authorized under Section 3 (b) of Article VII of the Articles of Agreement of the International Monetary Fund; or

60 Stat. 1410.

(b) under the preferential arrangements provided for in Annex A of this Agreement, pending the outcome of the negotiations referred to therein." 61 Stat., Pt. 5, p. A76.

II. On and after January 1, 1949, the Interpretative Notes to Article XIV in Annex I of the General Agreement on Tariffs and Trade shall read as follows: 61 Stat., Pt. 5, p. A88.

"ad Article XIV

"Paragraph 1 (g)

The provisions of paragraph 1 (g) shall not authorize the CONTRACTING PARTIES to require that the procedure of consultation be followed for individual transactions unless the transaction is of so large a scope as to constitute an act of general policy. In that event, the CONTRACTING PARTIES shall, if the contracting party so requests, consider the transaction, not individually, but in relation to the contracting party's policy regarding imports of the product in question taken as a whole.

"Paragraph 2

One of the situations contemplated in paragraph 2 is that of a contracting party holding balances acquired as a result of current transactions which it finds itself unable to use without a measure of discrimination."

III. On and after January 1, 1949, the following Annex shall be added to the General Agreement on Tariffs and Trade: 61 Stat., Pts. 5 and 6.

"ANNEX J

Exceptions to the Rule of Non-discrimination

(Applicable to contracting parties who so elect, in accordance with paragraph 1 (d) of Article XIV, in lieu of paragraphs 1 (b) and 1 (c) of Article XIV.) 61 Stat., Pt. 5, p. A43.

"1. (a) A contracting party applying import restrictions under Article XII may relax such restrictions in a manner which departs from the provisions of Article XIII to the extent necessary to obtain additional imports above the maximum total of imports which it could afford in the light of the requirements of paragraphs 3 (a) and 3 (b) of Article XII if its restrictions were fully consistent with the provisions of Article XIII; *Provided* that 61 Stat., Pt. 5, p. A34. 61 Stat., Pt. 5, p. A40.

(i) levels of delivered prices for products so imported are not established substantially higher than those ruling for comparable goods regularly available from other contracting parties, and that any excess of such price levels for products so imported is progressively reduced over a reasonable period;

(ii) the contracting party taking such action does not do so as part of any arrangement by which the gold or convertible currency which the contracting party currently receives directly or indirectly from its exports to other contracting parties not party to the arrangement is appreciably reduced below the level it could otherwise have been reasonably expected to attain;

(iii) such action does not cause unnecessary damage to the commercial or economic interests of any other contracting party;

(b) Any contracting party taking action under this paragraph shall observe the principles of sub-paragraph (a). A contracting party shall desist from transactions which prove to be inconsistent with that sub-paragraph but the contracting party shall not be required to satisfy itself, when it is not practicable to do so, that the requirements of that sub-paragraph are fulfilled in respect of individual transactions.

"2. Any contracting party taking action under paragraph 1 of this Annex shall keep the CONTRACTING PARTIES regularly informed regarding such action and shall provide such available relevant information as the CONTRACTING PARTIES may request.

"3. If at any time the CONTRACTING PARTIES find that import restrictions are being applied by a contracting party in a discriminatory manner inconsistent with the exceptions provided for under paragraph 1 of this Annex, the contracting party shall, within sixty days, remove the discrimination or modify it as specified by the CONTRACTING PARTIES; *Provided* that any action under paragraph 1 of this Annex, to the extent that it has been approved by the CONTRACTING PARTIES at the request of a contracting party under a procedure analogous to that of paragraph 4 (c) of Article XII, shall not be open to challenge under this paragraph or under paragraph 4 (d) of Article XII on the ground that it is inconsistent with the provisions of Article XIII.

61 Stat., Pt. 5, p. A38.

61 Stat., Pt. 5, p. A40.

"Interpretative Note to Annex J

"It is understood that the fact that a contracting party is operating under the provisions of Part II (a) of Article XX does not preclude that contracting party from operation under this Annex, but that the provisions of Article XIV (including this Annex) do not in any way limit the rights of contracting parties under Part II (a) of Article XX."

61 Stat., Pt. 5, p. A62.

61 Stat., Pt. 5, p. A43.

Signature of Protocol.

IV. This Protocol shall remain open for signature at the Headquarters of the United Nations until June 1, 1948 on behalf of any government named in the preamble of this Protocol which has not signed it on this day.

Entry into force.

61 Stat., Pt. 5, p. A74.

V. Notwithstanding the provisions of Article XXX of the General Agreement on Tariffs and Trade, this Protocol shall enter into force on the day [1] on which it has been signed by all the governments which are at that time contracting parties of the General Agreement on Tariffs and Trade.

Signature of this Protocol by any government which is not at the time of signature a contracting party to the General Agreement on Tariffs and Trade shall serve to authenticate the texts of the modifications of the General Agreement on Tariffs and Trade provided for in this Protocol.

Deposit of original.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

[1] Entered into force Apr. 19, 1948, the date on which the Special Protocol was signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

DONE at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948. Authentic texts.

For the Commonwealth of Australia: *Pour le Commonwealth d'Australie:*
H. C. COOMBS

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*
M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*
A. DE VILHENA FERREIRA BRAGA

For Burma: *Pour la Birmanie:*
M. MYAT TUN

For Canada: *Pour le Canada:*
L. D. WILGRESS

For Ceylon: *Pour Ceylan:*
B. MAHADEVA

For the Republic of Chile: *Pour la République du Chili:*
W. MÜLLER

For the Republic of China: *Pour la République de Chine:*

For the Republic of Cuba: *Pour la République de Cuba:*
GUSTAVO GUTÍERREZ

For the Czechoslovak Republic: *Pour la République tchécoslovaque:*
Z. AUGENTHALER

For the French Republic: *Pour la République française:*
JEAN ROYER

For India: *Pour l'Inde:*
HARDIT SINGH MALIK

For Lebanon: *Pour le Liban:*
GEORGES HAKIM

For the Grand-Duchy of Luxemburg: *Pour le Grand-Duché de Luxembourg:*
J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*
A. B. SPEEKENBRINK

For New Zealand: *Pour la Nouvelle-Zélande:*
W. NASH

For the Kingdom of Norway: *Pour le Royaume de Norvège:*
ARNE SKAUG

For Pakistan: *Pour le Pakistan:*
M. A. H. ISPAHANI

For Southern Rhodesia: *Pour la Rhodésie du Sud:*

For Syria: *Pour la Syrie:*
HUSNI A. SAWWAF

For the Union of South Africa: *Pour l'Union Sud-Africaine:*

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*

For the United States of America: *Pour les Etats-Unis d'Amérique:*
JOHN W. EVANS

[T. I. A. S. 1765][1]

SPECIAL PROTOCOL RELATING TO ARTICLE XXIV OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Kingdom of Belgium, Canada, the Republic of Cuba, the French Republic, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are provisionally applying the General Agreement on Tariffs and Trade pursuant to the Protocol of Provisional Application,

61 Stat., Pts. 5 and 6.
61 Stat., Pt. 6, p. A2051.

HAVING APPROVED the amendment to Article XXIV of the General Agreement on Tariffs and Trade which was drawn up at the First Session of the CONTRACTING PARTIES to that Agreement and which reads as follows:

"I. Article XXIV of the General Agreement on Tariffs and Trade shall read as follows:

61 Stat., Pt. 5, p. A66.

"ARTICLE XXIV

TERRITORIAL APPLICATION – FRONTIER TRAFFIC – CUSTOMS UNIONS AND FREE-TRADE AREAS

"1. The provisions of this Agreement shall apply to the metropolitan customs territories of the contracting parties and to any other customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application. Each such customs territory shall, exclusively for the purposes of the territorial application of this Agreement, be treated as though it were a contracting party; *Provided* that the provisions of this paragraph shall not be construed to create any rights or obligations as between two or more customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application by a single contracting party.

61 Stat., Pt. 5, pp. A69, A75.
61 Stat., Pt. 6, p. A2051.

"2. For the purposes of this Agreement a customs territory shall be understood to mean any territory with respect to which separate tariffs or other regulations of commerce are maintained for a substantial part of the trade of such territory with other territories.

"3. The provisions of this Agreement shall not be construed to prevent:

(a) advantages accorded by any contracting party to adjacent countries in order to facilitate frontier traffic;

(b) advantages accorded to the trade with the Free Territory of Trieste by countries contiguous to that territory, provided

[1] Entered into force June 7, 1948.

that such advantages are not in conflict with the Treaties of Peace arising out of the Second World War.

"4. The contracting parties recognize the desirability of increasing freedom of trade by the development, through voluntary agreements, of closer integration between the economies of the countries parties to such agreements. They also recognize that the purpose of a customs union or of a free-trade area should be to facilitate trade between the parties and not to raise barriers to the trade of other contracting parties with such parties.

"5. Accordingly, the provisions of this Agreement shall not prevent, as between the territories of contracting parties, the formation of a customs union or of a free-trade area or the adoption of an interim agreement necessary for the formation of a customs union or of a free-trade area; *Provided* that:

(a) with respect to a customs union, or an interim agreement leading to the formation of a customs union, the duties and other regulations of commerce imposed at the institution of any such union or interim agreement in respect of trade with contracting parties not parties to such union or agreement shall not on the whole be higher or more restrictive than the general incidence of the duties and regulations of commerce applicable in the constituent territories prior to the formation of such union or the adoption of such interim agreement, as the case may be;

(b) with respect to a free-trade area, or an interim agreement leading to the formation of a free-trade area, the duties and other regulations of commerce maintained in each of the constituent territories and applicable at the formation of such free-trade area or the adoption of such interim agreement to the trade of contracting parties not included in such area or not parties to such agreement shall not be higher or more restrictive than the corresponding duties and other regulations of commerce existing in the same constituent territories prior to the formation of the free-trade area, or interim agreement, as the case may be; and

(c) any interim agreement referred to in sub-paragraphs (a) and (b) shall include a plan and schedule for the formation of such a customs union or of such a free-trade area within a reasonable length of time.

"6. If in fulfilling the requirements of sub-paragraph 5 (a), a contracting party proposes to increase any rate of duty inconsistently with the provisions of Article II, the procedure set forth in Article XXVIII shall apply. In providing for compensatory adjustment, due account shall be taken of the compensation already afforded by the reductions brought about in the corresponding duty of the other constituents of the union.

61 Stat., Pt. 5, p. A14.
61 Stat., Pt. 5, p. A71.

"7. (a) Any contracting party deciding to enter into a customs union or free-trade area, or an interim agreement leading to the formation of such a union or area, shall promptly notify the CONTRACTING PARTIES and shall make available to them such information

regarding the proposed union or area as will enable them to make such reports and recommendations to contracting parties as they may deem appropriate.

(b) If, after having studied the plan and schedule provided for in an interim agreement referred to in paragraph 5 in consultation with the parties to that agreement and taking due account of the information made available in accordance with the provisions of sub-paragraph (a), the CONTRACTING PARTIES find that such agreement is not likely to result in the formation of a customs union or of a free-trade area within the period contemplated by the parties to the agreement or that such period is not a reasonable one, the CONTRACTING PARTIES shall make recommendations to the parties to the agreement. The parties shall not maintain or put into force, as the case may be, such agreement if they are not prepared to modify it in accordance with these recommendations.

(c) Any substantial change in the plan or schedule referred to in paragraph 5 (c) shall be communicated to the CONTRACTING PARTIES, which may request the contracting parties concerned to consult with them if the change seems likely to jeopardize or delay unduly the formation of the customs union or of the free-trade area.

"8. For the purposes of this Agreement:

(a) A customs union shall be understood to mean the substitution of a single customs territory for two or more customs territories, so that

(i) duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated with respect to substantially all the trade between the constituent territories of the union or at least with respect to substantially all the trade in products orginating in such territories, and, 61 Stat., Pt. 5, pp. A32-A49, A60.

(ii) subject to the provisions of paragraph 9, substantially the same duties and other regulations of commerce are applied by each of the members of the union to the trade of territories not included in the union;

(b) A free-trade area shall be understood to mean a group of two or more customs territories in which the duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated on substantially all the trade between the constituent territories in products originating in such territories.

"9. The preferences referred to in paragraph 2 of Article I shall not be affected by the formation of a customs union or of a free-trade area but may be eliminated or adjusted by means of negotiations with contracting parties affected. This procedure of negotiations with affected contracting parties shall, in particular, apply to the elimina- 61 Stat., Pt. 5, p. A12.

tion of preferences required to conform with the provisions of paragraph 8 (a) (i) and paragraph 8 (b).

"10. The CONTRACTING PARTIES may by a two-thirds majority approve proposals which do not fully comply with the requirements of paragraphs 5 to 9 inclusive, provided that such proposals lead to the formation of a customs union or a free-trade area in the sense of this Article.

"11. Taking into account the exceptional circumstances arising out of the establishment of India and Pakistan as independent states and recognizing the fact that they have long constituted an economic unit, the contracting parties agree that the provisions of this Agreement shall not prevent the two countries from entering into special arrangements with respect to the trade between them, pending the establishment of their mutual trade relations on a definitive basis.

"12. Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory."

61 Stat., Pt. 5, p. A89.

"II. The Interpretative Notes to Article XXIV in Annex I of the General Agreement on Tariffs and Trade shall read as follows:

"ad Article XXIV

"Paragraph 5

61 Stat., Pt. 5, p. A12.

It is understood that the provisions of Article I would require that, when a product which has been imported into the territory of a member of a customs union or free-trade area at a preferential rate of duty is re-exported to the territory of another member of such union or area, the latter member should collect a duty equal to the difference between the duty already paid and the most-favoured-nation rate.

"Paragraph 11

Measures adopted by India and Pakistan in order to carry out definitive trade arrangements between them, once they have been agreed upon, might depart from particular provisions of this Agreement, but these measures would in general be consistent with the objectives of the Agreement."

Effective date of amendments. 61 Stat., Pt. 5, p. A74.

CONSIDERING that, in accordance with Article XXX of the General Agreement on Tariffs and Trade, the aforesaid amendment will become effective, in respect of those contracting parties which accept it, upon acceptance by two-thirds of the contracting parties,[1]

Deposit of instruments of acceptance.

AGREE to deposit before June 1, 1948 their instruments of acceptance of the aforesaid amendment with the Secretary-General of the United Nations.

[1] Entered into force June 7, 1948, acceptances having been deposited in behalf of: the United States, May 27, 1948; Belgium, June 7, 1948; Canada, June 1, 1948; China, May 27, 1948; Cuba, May 27, 1948; Czechoslovakia, May 29, 1948; Luxembourg, May 24, 1948; and the United Kingdom, May 17, 1948.

Deposit of Protocol

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

DONE at Havana, in a single copy, in the English and French languages, both texts authentic, this twenty-fourth day of March, 1948.

Authentic texts.

PROTOCOLE PORTANT MODIFICATION DE L'ARTICLE XXIV DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

Les Gouvernements du Royaume de Belgique, du Canada, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, du Grand-Duché de Luxembourg, du Royaume des Pays-Bas et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord qui appliquent à titre provisoire l'Accord général sur les tarifs douaniers et le commerce, conformément au Protocole d'application provisoire,

ayant approuvé l'amendement à l'article XXIV de l'Accord général sur les tarifs douaniers et le commerce qui a été rédigé à la première session des PARTIES CONTRACTANTES à cet Accord et dont le texte est le suivant:

I. Le texte de l'article XXIV de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

"ARTICLE XXIV

APPLICATION TERRITORIALE—TRAFIC FRONTALIER—UNIONS DOUANIERES ET ZONES DE LIBRE ECHANGE

"1. Les dispositions du présent Accord s'appliqueront au territoire douanier métropolitain des parties contractantes ainsi qu'à tout autre territoire douanier à l'égard duquel le présent Accord a été accepté aux termes de l'article XXVI ou est appliqué en vertu de l'article XXXIII ou conformément au Protocole d'application provisoire. Chacun de ces territoires douaniers sera considéré comme s'il était une partie à l'Accord, exclusivement aux fins de l'application territoriale de cet Accord, sous réserve que les stipulations du présent paragraphe ne seront pas interprétées comme établissant des droits ou obligations entre deux ou plusieurs territoires douaniers à l'égard desquels le présent Accord a été accepté aux termes de l'article XXVI ou est appliqué en vertu de l'article XXXIII ou conformément au Protocole d'application provisoire, par une seule partie contractante.

"2. Aux fins d'application du présent Accord on entend par territoire douanier tout territoire pour lequel des tarifs douaniers distincts ou autres réglementations applicables aux échanges commerciaux sont maintenus à l'égard d'autres territoires pour une partie substantielle du commerce du territoire en question.

"3. Les dispositions du présent Accord ne devront pas être interprétées comme faisant obstacle:

a) aux avantages accordés par une partie contractante à des pays limitrophes pour faciliter le trafic frontalier;

b) ou aux avantages accordés au commerce avec le Territoire libre de Trieste par des pays limitrophes de ce Territoire, à con-

dition que ces avantages ne soient pas incompatibles avec les dispositions des Traités de paix résultant de la seconde guerre mondiale.

"4. Les parties contractantes reconnaissent qu'il est souhaitable d'augmenter la liberté du commerce en développant, par le moyen d'accords librement conclus, une intégration plus étroite des économies des pays participant à de tels accords. Elles reconnaissent également que l'établissement d'une union douanière ou d'une zone de libre échange devra avoir pour objet de faciliter le commerce entre les parties constituantes et non d'opposer des obstacles au commerce d'autres parties contractantes avec ces parties.

"5. En conséquence, les dispositions du présent Accord ne s'opposeront pas, entre les territoires des parties contractantes, à la formation d'une union douanière ou à l'établissement d'une zone de libre échange ou à l'adoption d'un accord provisoire nécessaire pour la formation d'une union douanière ou d'une zone de libre échange, sous réserve que:

a) dans le cas d'une union douanière ou d'un accord provisoire conclu en vue de la formation d'une union douanière, les droits de douane établis lors de la formation de cette union ou de la conclusion de cet accord provisoire ne seront pas, dans leur ensemble, en ce qui concerne le commerce avec les parties contractantes, qui ne sont pas parties à de tels unions ou accords, d'une incidence générale plus élevée, ni les réglementations des échanges commerciaux plus rigoureuses que ne l'étaient les droits et les réglementations applicables aux échanges commerciaux dans les territoires constitutifs de cette union avant la formation d'une telle union ou la conclusion d'un tel accord, selon le cas;

b) dans le cas d'une zone de libre échange ou d'un accord provisoire conclu en vue de la formation d'une zone de libre échange, les droits de douane maintenus, dans chaque territoire constitutif, en ce qui concerne le commerce des parties contractantes qui ne font pas partie d'un tel territoire ou qui ne participent pas à un tel accord, lors de la formation de la zone ou de la conclusion de l'accord provisoire, ne seront pas plus élevés, ni les autres réglementations des échanges commerciaux plus rigoureuses que les droits et réglementations correspondants existant dans les mêmes territoires avant la formation de cette zone ou la conclusion de l'accord provisoire, selon le cas;

c) et sous réserve que tout accord provisoire visé aux alinéas a) et b) comprenne un plan et un programme pour la formation d'une telle union douanière ou l'établissement d'une telle zone de libre échange, dans un délai raisonnable.

"6. Si, en remplissant les conditions énoncées à l'alinéa a) du paragraphe 5 une partie contractante se propose de relever un droit d'une manière incompatible avec les dispositions de l'article II, la procédure prévue à l'article XXVIII sera applicable. Dans la détermination des compensations, on tiendra dûment compte de la compensation

qu'auraient déjà apportée les réductions du droit correspondant appliqué par les autres territoires constitutifs de l'union.

"7. a) Toute partie contractante décidant d'entrer dans une union douanière ou de faire partie d'une zone de libre échange ou de participer à un accord provisoire conclu en vue de l'établissement d'une telle union ou d'une telle zone avisera sans retard les PARTIES CONTRACTANTES et leur fournira, en ce qui concerne cette union ou cette zone, tous les renseignements qui leur permettront d'adresser aux parties contractantes les rapports et les recommandations qu'elles jugeront appropriés;

b) Si, après avoir étudié le plan et le programme prévus dans un accord provisoire visé au paragraphe 5 en consultation avec les parties à cet accord, et avoir tenu dûment compte des renseignements fournis aux termes de l'alinéa a), les PARTIES CONTRACTANTES constatent que l'accord n'est pas susceptible d'aboutir à une union douanière ou à l'établissement d'une zone de libre échange dans les délais envisagés par les parties à l'accord ou que ces délais ne sont pas des délais raisonnables, elles feront des recommandations aux parties à l'accord. Les parties ne maintiendront ne mettront en vigueur, selon le cas, un tel accord si elles ne sont pas disposées à le modifier, en tenant compte de ces recommandations.

c) Toute modification substantielle du plan ou du programme visés à l'alinéa c) du paragraphe 5 devra être communiquée aux PARTIES CONTRACTANTES qui pourront demander aux parties contractantes intéressées d'entrer en consultation avec elles, si la modification semble susceptible de compromettre ou de retarder indûment la formation de l'union douanière ou l'établissement de la zone de libre échange.

"8. Aux fins d'application du présent Accord:

a) on entend par union douanière la substitution d'un seul territoire douanier à deux ou plusieurs territoires douaniers, de telle sorte que:

i) les droits de douane et autres réglementations restrictives des échanges commerciaux (à l'exception, dans la mesure où cela serait nécessaire, des restrictions autorisées aux termes des articles XI, XII, XIII, XIV, XV et XX) soient éliminés pour l'essentiel des échanges commerciaux entre les territoires constitutifs de l'union, ou tout au moins pour l'essentiel des échanges commerciaux portant sur les produits originaires de ces territoires,

ii) et, sous réserve des dispositions du paragraphe 9, que des droits de douane et autres réglementations identiques en substance soient appliqués, par chacun des membres de l'union, au commerce avec les territoires qui ne sont pas compris dans celle-ci;

b) on entend par zone de libre échange un groupe de deux ou plusieurs territoires douaniers entre lesquels les droits de douane

et autres réglementations restrictives des échanges commerciaux (à l'exception, dans la mesure où cela serait nécessaire, des restrictions autorisées aux termes des articles XI, XII, XIII, XIV, XV et XX) sont éliminés pour l'essentiel des échanges commerciaux portant sur les produits originaires des territoires constitutifs de la zone de libre échange.

"9. Les préférences visées au paragraphe 2 de l'article premier ne seront pas affectées par la formation d'une union douanière ou l'établissement d'une zone de libre échange; elles pourront toutefois être éliminées ou aménagées par voie de négociation avec les parties contractantes intéressées. Cette procédure de négociation avec les parties contractantes intéressées s'appliquera notamment à l'élimination des préférences qui serait nécessaire pour que les dispositions des alinéas a), i) et b) du paragraphe 8 soient observées.

"10. Les PARTIES CONTRACTANTES pourront, par une décision prise à la majorité des deux tiers, approuver des propositions qui ne seraient pas entièrement conformes aux dispositions des paragraphes 5 à 9 inclus à condition qu'elles visent à la formation d'une union douanière ou à l'établissement d'une zone de libre échange au sens du présent article.

"11. Tenant compte des circonstances exceptionnelles qui résultent de la constitution de l'Inde et du Pakistan en Etats indépendants et reconnaissant que ces deux Etats ont formé pendant longtemps une unité économique, les parties contractantes conviennent que les dispositions du présent Accord n'empêchent pas ces deux pays de conclure des accords particuliers concernant leur commerce mutuel, en attendant que leurs relations commerciales réciproques soient établies définitivement.

"12. Chaque partie contractante prendra toutes mesures raisonnables en son pouvoir pour que les autorités gouvernementales ou administratives, régionales ou locales, de son territoire observent les dispositions du présent Accord."

II. Le texte des notes interprétatives à l'article XXIV insérées dans l'annexe I de l'Accord général sur les tarifs douaniers et le commerce sera le suivant:

"ad Article XXIV

"Paragraphe 5

Il est entendu que les dispositions de l'article premier exigeront que, lorsqu'un produit qui a été importé dans le territoire d'un membre d'une union douanière ou d'une zone de libre échange à un taux préférentiel est réexporté vers le territoire d'un autre membre de cette union ou de cette zone, ce dernier membre percevra un droit égal à la différence entre le droit déjà acquitté et le taux appliqué à la nation la plus favorisée.

"Paragraphe 11

Lorsque des accords commerciaux définitifs auront été conclus entre l'Inde et le Pakistan, les mesures adoptées par ces pays en vue

d'appliquer ces accords pourront déroger à certaines dispositions du présent Accord, sans s'écarter toutefois de ses objectifs."

Considérant que, conformément à l'article XXX de l'Accord général sur les tarifs douaniers et le commerce, l'amendement ci-dessus prendra effet, en ce qui concerne les parties contractantes qui l'acceptent, lors de son acceptation par les deux tiers des parties contractantes,

Conviennent de déposer avant le 1er juin 1948 leur instrument d'acceptation de l'amendement ci-dessus auprès du Secrétaire général des Nations Unies.

L'original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI les représentants dûment autorisés des gouvernements sus-mentionnés ont signé le présent Protocole.

FAIT à La Havane, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi, le vingt-quatre mars 1948.

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*
M. SUETENS

For Canada: *Pour le Canada:*
L. D. WILGRESS

For the Republic of Cuba: *Pour la République de Cuba:*
GUSTAVO GUTÍERREZ

For the French Republic: *Pour la République française:*
JEAN ROYER

For the Grand-Duchy of Luxemburg: *Pour le Grand-Duché de Luxembourg:*
J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*
A. B. SPEEKENBRINK

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*
STEPHEN L. HOLMES

For the United States of America: *Pour les Etats-Unis d'Amérique:*
JOHN W. EVANS

April 12 and June 7, 1948
[T. I. A. S. 1767]

Agreement between the United States of America and the Republic of the Philippines respecting the exchange of official publications. Effected by exchange of notes signed at Manila April 12 and June 7, 1948; entered into force June 7, 1948.

The American Ambassador to the Philippine Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA,
April 12, 1948.

No. 1226

EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of the Republic of the Philippines in regard to the exchange of official publications, and to inform Your Excellency that the Government of the United States of America agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the Smithsonian Institution. The official exchange office for the transmission of publications of the Government of the Republic of the Philippines shall be the Bureau of Public Libraries.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Republic of the Philippines by the Bureau of Public Libraries.

4. The present agreement does not obligate either of the two governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own

publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

EMMET O'NEAL

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs of the
Republic of the Philippines.

The Philippine Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *June 7, 1948*

SIR:

With reference to the Ambassador's note of April 12, 1948, and to the conversations between representatives of the Government of the Republic of the Philippines and representatives of the Government of the United States of America in regard to the exchange of official publications, I have the honor to inform you that the Government of the Republic of the Philippines agrees that there shall be an exchange of official publications between the two Governments in accordance with the following provisions:

1. Each of the two Governments shall furnish regularly a copy of each of its official publications which is indicated in a selected list prepared by the other Government and communicated through diplomatic channels subsequent to the conclusion of the present agreement. The list of publications selected by each Government may be revised from time to time and may be extended, without the necessity of subsequent negotiations, to include any other official publication of the other Government not specified in the list, or publications of new offices which the other government may establish in the future.

2. The official exchange office for the transmission of publications of the Government of the United States of America shall be the

Smithsonian Institution. The official exchange office for the transmission of publications of the Government of the Republic of the Philippines shall be the Bureau of Public Libraries.

3. The publications shall be received on behalf of the United States of America by the Library of Congress and on behalf of the Republic of the Philippines by the Bureau of Public Libraries.

4. The present agreement does not obligate either of the two governments to furnish blank forms, circulars which are not of a public character, or confidential publications.

5. Each of the two Governments shall bear all charges, including postal, rail and shipping costs, arising under the present agreement in connection with the transportation within its own country of the publications of both Governments and the shipment of its own publications to a port or other appropriate place reasonably convenient to the exchange office of the other Government.

6. The present agreement shall not be considered as a modification of any existing exchange agreement between a department or agency of one of the Governments and a department or agency of the other Government.

The Government of the Republic of the Philippines considers that your note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of this note.

Accept, Sir, the renewed assurances of my high consideration.

BERNABE AFRICA
Undersecretary

The Honorable
THOMAS H. LOCKETT
United States Chargé d'Affaires a.i.
Manila

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting a mutual aid settlement for joint installations in the Middle East. Signed at Washington July 12, 1948; entered into force July 12, 1948.

July 12, 1948
[T. I. A. S. 1769]

AGREEMENT RELATING TO SETTLEMENT OF THE INTERESTS OF THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE UNITED KINGDOM IN JOINT INSTALLATIONS IN THE MIDDLE EAST

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to respectively as the United States and the United Kingdom), having consulted together in accordance with subparagraph 3 (b) of the Agreement on Lend-Lease and Reciprocal Aid Installations (Agreement VII) of March 27, 1946 regarding the disposal of installations in which the two Governments have a joint interest in the Middle East (defined as the areas listed in Appendix A hereto), hereby agree that the interests of the two Governments in the proceeds of disposal of such installations shall be discharged in accordance with the following conditions:

60 Stat. 1560.

I. Disposals Prior to November 1, 1947

A. The United States will pay to the United Kingdom the net balance of,

(1) amounts due from the United States to the United Kingdom as a result of disposals by the United States, *less*,

(2) amounts due from the United Kingdom to the United States as a result of disposals by the United Kingdom.

Amounts due from U. S.

B. Amounts due from the United States to the United Kingdom as a result of disposals by the United States are agreed, in accordance with figures set forth in Appendix B hereto, to aggregate a total of $1,420,000 (as expressed in United States dollars).

Amounts due from U. K.; accounting statement.

C. Amounts due from the United Kingdom to the United States as a result of disposals by the United Kingdom shall be determined by an accounting statement to be furnished by the United Kingdom to the United States. It is agreed that these amounts shall be those portions of the proceeds realized by the United Kingdom from the disposal of each installation which are proportional to the United States lend-lease interest in the installation. These amounts will include the United States lend-lease share of proceeds realized from the sale as stores by the Directorate of Hirings and Disposals (Fixed Assets) of articles removed from installations. There shall be no deductions for administrative or any other expenses involved in disposals.

Payment of net balance.

D. The manner and terms of payment of the net balance due under Paragraph I.A hereof will be agreed between the two Governments when the net balance has been determined. It is now contemplated that this net balance will be paid by any of the following methods:

(1) offset against obligations of the United Kingdom to the United States under this Agreement or under similar arrangements;

(2) payment in the several local currencies concerned; or

(3) payment in Egyptian pounds.

U. K. interest in proceeds from Sudan airfields.

E. This Agreement does not affect any possible claim of the United Kingdom to an interest in the proceeds received by the United States from the disposal of the airfields in the Sudan known as El-Fasher, El-Geneina, and Wadi-Saidna.

II. Disposals on or after November 1, 1947

A. Disposals by the United States

(1) The United States will pay to the United Kingdom the United Kingdom share, proportionate to the United Kingdom interest in each installation, of the proceeds arising from disposal of installations in which the total United Kingdom interest is ten per cent or more. Payment will be made quarterly in the currencies received. No payment will be made from proceeds arising from the disposal of installations in which the total United Kingdom interest is less than ten per cent.

(2) Proceeds as referred to in Paragraph II.A(1) hereof are the total sums realized, less any reinstatement charges which the United States is required to incur under the terms of land-hirings. There shall be no deductions for administrative or any other expenses involved in disposals.

(3) The respective interests of the two Governments in integrated petroleum installations in the Sudan which are under United States control, and which will be disposed of by the United States, are set forth in Appendix C hereto. These are the only joint installations remaining under United States control as of the date of this Agreement.

Post, p. 2032.

B. Disposals by the United Kingdom

(1) The United Kingdom will pay to the United States the United States share, proportionate to the United States interest in each installation, of the proceeds arising from disposal of installations in which the total United States interest is ten per cent or more. Payment will be made quarterly in the currencies received, unless the currency received is United Kingdom sterling, in which case payment will be made

in the currency of the country in which the installation is situated. No payment will be made from proceeds arising from the disposal of installations in which the total United States interest is less than ten per cent.

(2) Proceeds as referred to in Paragraph II.B(1) hereof are the total sums realized, less reinstatement charges which the United Kingdom is required to incur under the terms of land-hirings. There shall be no deductions for administrative or any other expenses involved in disposals.

(3) The respective interests of the two Governments in installations formerly under United States control, and as of the date of this Agreement under United Kingdom control, are set forth in Appendix D hereto. *Post*, p. 2033.

(4) A list of all installations unsold as of November 1, 1947, other than those set forth in Appendices C and D hereto, whether or not such installations have been declared surplus, will be prepared by the United Kingdom and submitted to the United States for attachment to this Agreement as soon as the respective interests of the two Governments in such installations have been assessed. For the purpose of such assessment, the United States lend-lease interest shall be deemed to be (a) five per cent of the total cost of construction of an installation wherein a lend-lease contribution to such construction exists and (b) the value of lend-lease articles installed in the installation, deducting therefrom the value of lend-lease articles removed on or after November 1, 1947 from such installations for military use by the United Kingdom or for disposal by the British Surplus Disposals Mission under the provisions of the Middle East Stores Agreement of January 7, 1948. The total lend-lease interest as thus calculated will be expressed as a percentage of the total cost of the installation and payment shall be governed by the provisions of Paragraph II.B (1) hereof.

Preparation by U. K. of list of unsold installations. *Post*, pp. 2032, 2033.

Assessment of installations.

Ante, p. 1836.

(5) The United Kingdom may dispose of any installations under British control to which the provisions of this Agreement apply by sale or otherwise, either as installations or separately as stores and structures, without reference to the United States, except that if the joint installations in Eritrea are not disposed of prior to the termination of the British Military Administration in that country, the United Kingdom shall consult the United States as to subsequent disposal.

Disposal of joint installations in Eritrea.

Proceeds from disposal of articles affixed to installations.

C. In respect to disposals by either Government, proceeds arising from disposals of articles affixed to installations and sold as part of installations or removed therefrom and sold as stores shall be deemed to be proceeds arising from disposals of installations and shall be divided between the two Governments on the basis of their respective interests in the installations as provided in Paragraphs II.A and II.B hereof, except that proceeds arising from disposal of articles removed from installations and sold as stores by the British Surplus Disposals Mission in Egypt and Iraq shall be subject to the provisions of the Middle East Stores Agreement of January 7, 1948. The provisions of this paragraph supersede, as from November 1, 1947, the provisions of the Agreement of June 19, 1946 between the British Middle East Office and the Office of the Foreign Liquidation Commissioner of the Department of State.

Ante, p. 1836.

D. This Agreement shall not apply to the interests of the two Governments in petroleum installations described in Annex X and Annex XI to the Agreement Relating to Petroleum (Agreement VI) of March 27, 1946.

60 Stat. 1558.

III. Miscellaneous Provisions

A. A list of installations formerly under United States control and now under United Kingdom control from which the installed plant was sold by the United States is attached as Appendix E. The United Kingdom has no claim to any of the proceeds of the disposal of such plant, notwithstanding the provisions of Paragraph II.C hereof. The United States has no claim to any proceeds of the disposal of the residual installations.

Post, p. 2033.

B. To the extent that provisions of this Agreement are inconsistent with the provisions of any related previous agreements or arrangements between the two Governments, the provisions of this Agreement shall prevail. To the extent that they are not inconsistent with the provisions of this Agreement, any and all previous agreements and arrangements between the two Governments remain in full force and effect.

Effective date.

C. This Agreement shall be effective on the date of signature.

DONE at Washington in duplicate this twelfth day of July, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

G C MARSHALL
Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

OLIVER. S. FRANKS.
His Majesty's Ambassador Extraordinary and
Plenipotentiary to the United States of America

APPENDIX A

Egypt
Iraq
Palestine
Transjordan
Aden
Cyprus
Dodecanese
Cyrenaica
Eritrea
Saudi Arabia
Yemen
Sudan
Syria
Lebanon
Kuweit
Bahrein
Kenya

APPENDIX B

INSTALLATIONS SOLD BY U. S. GOVERNMENT (PRIOR TO NOVEMBER 1, 1947)

Name of Installation	COST			Per Cent		PROCEEDS		Currency
	Total	U. S.	U. K.	U. S.	U. K.	Total	U. K. Share	
Camp Huckstep	12, 911. 755	8, 626, 690	4, 285, 065	67	33	3, 873, 526	1, 389, 453*	Pounds Egypt.
Payne Field	4, 982. 928	4, 614, 218	368, 710	93	7	none	none	--
A. M. E. T. H. Q.	489. 875	356, 918	132, 957	73	27	none	none**	--
Ataka (U.S. part only)	437. 680	419, 414	18, 266	96	4	116, 696	4, 668	Pounds Egypt.
Mombasa (Kenya)	264. 003	264, 003	none	100	0	40, 000	none	E. Afr. Shil.
Nairobi (Kenya)	168. 073	127, 978	40, 095	76	24	40, 000	9, 600	E. Afr. Shil.
Benghazi Airfield & AACS.	1, 002. 546	845, 954	156, 592	84	16	87, 578	14, 012	Pounds Pal.
Salala, S. Arabia (U.S. element only)	386. 873	338, 546	48, 327	88	12	21, 370	2, 564***	Indian Rps.

(All figures in U.S. Dollars)

*Adjusted for railroad extra claim.
**Built on leased land and abandoned to owner.
***Residual installation returned to U.K.

APPENDIX C

PETROLEUM INSTALLATIONS IN SUDAN STILL HELD BY U. S. NOVEMBER 1, 1947

Name of Installation	COST			Per Cent	
	Total	U. S.	U. K.	U. S.	U. K.
El Obeid	259, 941	217, 260	42, 681	84	16
Khartoum City	193, 136	141, 168	51, 968	73	27
Port Sudan	487, 627	415, 540	72, 087	85	15

(All figures in U.S. Dollars)

APPENDIX D

INSTALLATIONS FORMERLY UNDER U. S. CONTROL, HELD BY BRITISH PENDING DISPOSAL

Name of Installation	COST			Per Cent	
	Total	U. S.	U. K.	U. S.	U. K
Sheikh Othman, Aden	1, 472, 862	1, 117, 637	355, 225	76	24
Deversoir, Egypt	2, 408, 033	429, 227	1, 978, 806	18	82
Asmara, Eritrea	742, 723	576, 183	166, 540	78	22
Decamere, Eritrea	259, 368	71, 589	187, 779	28	72
Ghinda Camp & Amm. Depot, Er.	3, 676, 775	2, 426, 564	1, 250, 211	66	34
Gura, Eritrea	1, 908, 838	364, 545*	1, 544, 293	19	81
Mai Habara, Eritrea	1, 147, 304	800, 472	346, 832	70	30
Massawa Naval Base & Port	12, 274, 100	5, 907, 846	6, 366, 254	48	52
Masirah Island, S. Arabia	551, 721	418, 038	133, 683	76	24

(All figures in U.S. dollars)

*The plant originally installed was dismantled and removed to India. This figure represents the residual element.

APPENDIX E

INSTALLATIONS FROM WHICH U. S. PLANT REMOVED AND RESIDUAL ELEMENT HANDED OVER TO U. K.

Name of Installation	
Can Plant No. 1 (Shubra), Egypt Can Plant No. 2 (Shubra), Egypt Can Plant No. 3 (Alex.), Egypt Can Plant No. 4 (Alex.), Egypt Tin Plant "U", Nefisha, Egypt Tin Plant "X", Stagni, Egypt Tin Plant "Z", Haifa, Palestine Can Plant No. 5, Tel Litwinsky, Pal.)	No U.S. interest in residual element.

July 12, 1948
[T. I. A. S. 1770]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland modifying and supplementing the agreement of March 27, 1946, respecting the settlement of lend-lease and reciprocal aid accounts and intergovernmental claims. Signed at Washington July 12, 1948; entered into force July 12, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE UNITED KINGDOM REGARDING SETTLEMENT OF LEND-LEASE AND RECIPROCAL AID ACCOUNTS AND INTERGOVERNMENTAL CLAIMS

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland have reached agreement as set forth below regarding settlement of lend-lease and reciprocal aid accounts and certain financial claims of each Government against the other. This Agreement modifies and supplements the specific agreements between the two Governments signed on March 27, 1946, which implemented the Joint Statement of December 6, 1945 regarding settlement for lend-lease, reciprocal aid, surplus war property, and claims.

60 Stat. 1525, 1564.

1. Offsetting Arrangement

The two Governments agree that the net amount to be paid by the Government of the United Kingdom to the Government of the United States in final discharge of the obligations of each Government to the other under the Agreement on Lend-Lease and Reciprocal Aid Pipelines and Offsetting Arrangement (Agreement I of March 27, 1946) and under this Agreement is $90,446,911. This amount replaces the estimate of $118,000,000 used in paragraph 3 (a) of the Joint Statement of December 6, 1945 and in Section E of Agreement I of March 27, 1946. It is derived from the following figures, which are final and not subject to amendment.

60 Stat. 1527.

60 Stat. 1564, 1531.

(a) Payments due to the Government of the United States from the Government of the United Kingdom

(i) Lend-Lease pipeline articles and services	$234,040,131
(ii) Net balance of claims settled by this Agreement	4,095,000
TOTAL	$238,135,131

(b) Payments due to the Government of the United Kingdom from the Government of the United States		
(i) Reciprocal aid pipeline articles and services	$ 93,418,220	
(ii) Balance owing under the Agreement Relating to Tort Claims (Agreement IX of March 27, 1946)	1,250,000	60 Stat. 1563.
(iii) Net sum owing under the Agreement on Settlement of Intergovernmental Claims (Agreement II of March 27, 1946)	53,020,000	60 Stat. 1534.
TOTAL	$147,688,220	
(c) Balance due to the Government of the United States	$ 90,446,911	

2. Terms of Payment

In accordance with the provisions of the Joint Statement of December 6, 1945 and the Agreement on Lend-Lease and Reciprocal Aid Pipelines and Offsetting Arrangement (Agreement I) of March 27, 1946, the amount set forth in the first sentence of numbered paragraph 1 above will be paid on the same terms as those specified in the Financial Agreement of December 6, 1945 for the discharge of the credit provided therein. 60 Stat. 1564. 60 Stat. 1527.

3. Military Holdings

The Agreement Relating to Military Holdings (Agreement IV) of March 27, 1946 set forth certain mutual obligations of the two Governments in respect to lend-lease and reciprocal aid articles held by the Armed Forces of the United Kingdom and the United States respectively. The provisions of that Agreement remain in effect except for the following specific modifications set forth in subparagraphs (a), (b) and (c) below, which have been agreed in consideration of the other provisions of this Agreement. 60 Stat. 1539. U. S. relinquishment of designated rights.

(a) The Government of the United States relinquishes its right to the proceeds of any retransfers of lend-lease articles to third governments for military use (under paragraph 6 of Agreement IV) to which it has not yet given consent but may give consent after the date of this Agreement. The terms of settlement for such articles shall be at the full discretion of the Government of the United Kingdom. 60 Stat. 1540.

(b) The Government of the United States relinquishes its rights, in respect to lend-lease articles which have been or are to be disposed of for civilian use outside the United Kingdom and British Colonial Dependencies (under paragraph 7 of Agreement IV), 60 Stat. 1540.

(i) to be offered the return of such articles,

(ii) to grant or withhold approval of such disposal, except in respect to articles (other than those rendered, prior to disposal, unfit for military use) defined as arms, ammunition, and implements of war by Proclamation number 2776 issued by the President of the United States on March 26, 1948, 13 Federal Register 1623, March 27, 1948, and

Ante, p. 1495.

(iii) to any further proceeds of such disposal, except as has already been provided for by the Middle East Stores Disposal Agreement of January 7, 1948,

Ante, p. 1836.

to the extent that these rights have not already been exercised.

(c) The Government of the United States relinquishes its right, in respect to lend-lease articles disposed of for scrap (paragraph 8 of Agreement IV), to any further payment for net proceeds of such disposals not already received and not provided for by the Middle East Stores Disposal Agreement of January 7, 1948.

60 Stat. 1541.

4. Specific Claims Accepted for Offset

During the course of the negotiations leading to this Agreement, representatives of the two Governments have discussed certain claims of each Government against the other, with the objective of arriving at as comprehensive a settlement as possible. The following claims were accepted by the Governments of the United States and the United Kingdom respectively for offset in this settlement and computed in the amounts indicated below in arriving at the net balance set forth in item (a) (ii) of numbered paragraph 1 above:

(a) Claims by the Government of the United States accepted by the Government of the United Kingdom

(i) Lend-lease interest in fixed assets in Iran disposed of by the United Kingdom	$ 650,000
(ii) Rentals of equipment to the Anglo-Iranian Oil Company since September 2, 1945	47,000
(iii) Disposal of lend-lease uniform shorts in Kenya	285,000
(iv) Sales of tires in the Middle East by the United Kingdom Commercial Company	130,000
(v) Freight charges, ineligible for lend-lease, on transportation of United Kingdom Commercial Company supplies	1,078,000
(vi) Lend-lease rubber retransferred to Finland	261,000
(vii) Lend-lease rescue boats	300,000
(viii) Financial interest in lend-lease military holdings of the British forces in Germany	5,000,000

(ix) Financial interest in lend-lease military holdings of the British forces, global, except Germany and the Middle East (to the extent covered by the Agreement of January 7, 1948)	$2,000,000
(x) Supplies eligible for reciprocal aid	124,000
(xi) Miscellaneous Middle East accounts	384,000
(xii) Lend-lease airfield equipment	13,000
TOTAL	$10,272,000

Ante, p. 1836.

(b) Claims by the Government of the United Kingdom accepted by the Government of the United States

(i) Non-reciprocal aid area disbursements prior to December 31, 1945	$ 109,000
(ii) Balance due on sales of trucks in the Middle East	733,000
(iii) Balance due on Mediterranean area obligations	2,578,000
(iv) Reconditioning and reconversion of KPM Line ships	400,000
(v) Services to British ships eligible for lend-lease	120,000
(vi) Reciprocal aid interest in fixed assets in Iran disposed of by the United States	650,000
(vii) Overpayments on lend-lease diversions and cost of guarding installations in East Africa	48,000
(viii) Post-reciprocal aid diesel oil	793,000
(ix) Transportation of equipment	43,000
(x) Reciprocal aid interest in oil sold in Turkey, October 1945	65,000
(xi) Miscellaneous European theatre claims	268,000
(xii) Aircraft engines	300,000
(xiii) Transportation and storage charges eligible for lend-lease	70,000
TOTAL	$6,177,000

5. Specific Claims Waived

During the course of negotiations leading to this Agreement, the following claims were considered by representatives of the two Governments and were not accepted for offset, but, in consideration

of the other provisions of this Agreement, are to be regarded as taken into account and waived under numbered paragraph 7 hereof:

(a) Claims presented by the Government of the United States

(i) Diversions of lend-lease military holdings for use in East Africa groundnut production project reported to date, about	$ 600,000
(ii) Fuel oil and subsistence provided to Royal Navy before September 2, 1945	23,000
(iii) Additional surcharge on lend-lease machine tools	293,000
(iv) Freights on coal transported to French North Africa	undetermined
(v) Diversions of lend-lease stores in British Somaliland	undetermined
(vi) Lend-lease interest in oil drums sold by the United Kingdom in the Middle East	undetermined
(vii) Rentals of equipment to Anglo-Iranian Oil Company before September 2, 1945	undetermined

(b) Claims presented by the Government of the United Kingdom

(i) Refund of ocean freight on insulation board	$ 199,000
(ii) Repairs to ships in Rio	183,000
(iii) Freights on coal transported to French North Africa	962,000
(iv) Oil drums furnished to the United States forces in Europe	undetermined
(v) Stores and services furnished in the Middle East	387,000
(vi) Reconditioning of SS TJIBIDAK, SS KURIMARAU, SS TUNG SONG, and SS TEMARA	88,000
(vii) Salvage services, cargo of SS BELLO	16,000

6. Claims Excluded

The following types of claims between the two Governments are not covered by this Agreement and will be dealt with in accordance with procedures already established or to be established.

(a) Claims of and against the United States Maritime Commission, including those in which the United States Maritime Commission is the ultimate beneficiary or is ultimately liable, except as otherwise specified in this Agreement.

(b) Claims of and against the Reconstruction Finance Corporation and its subsidiaries.

(c) Claims of and against the Commodity Credit Corporation, except lend-lease claims.

(d) Claims arising out of the operation of the Cairo-Suez pipeline.

(e) Claims arising out of the so-called Tripartite Agreement of May 6, 1942 [1] between the Governments of the United States, the United Kingdom, and Norway, and the so-called Quadripartite Agreements of 1942 [1] and 1943 [1] between the Governments of the United States, United Kingdom, and Norway, and the original charterers of a number of tankers.

7. General Waiver of Claims

(a) The two Governments hereby agree that all financial claims whatsoever of each Government against the other which

(i) have arisen or may hereafter arise out of lend-lease or reciprocal aid, or

(ii) otherwise have arisen or may hereafter arise out of incidents or transactions occurring on or after September 3, 1939 and prior to September 2, 1945 connected with or incidental to the conduct of World War II,

which are not otherwise dealt with in this Agreement or in the Agreements of March 27, 1946 are hereby waived, notwithstanding paragraph 4 of the Agreement on Settlement of Intergovernmental Claims (Agreement II), whether or not the liability for payment was acknowledged and the method of computation mutually agreed. 60 Stat. 1525. 60 Stat. 1535.

(b) The two Governments hereby agree that all financial claims whatsoever of each Government against the other which have arisen or may hereafter arise out of the furnishing of supplies and services by the Armed Forces of either Government to the other during the period from September 2, 1945 to December 31, 1945 inclusive are settled under the offsetting arrangements set forth in this Agreement, as was contemplated in the provisions of Agreement I of March 27, 1946. 60 Stat. 1527.

(c) The two Governments hereby agree that all financial claims whatsoever of the United States Army (including the Air Force) against the Government of the United Kingdom which have arisen or may hereafter arise out of the furnishing of supplies and services during the period from January 1, 1946 to March 1, 1946 inclusive are hereby waived.

8. Miscellaneous Provisions

(a) To the extent that provisions of this Agreement are inconsistent with any provisions of the specific agreements (Agreements I–IX) of March 27, 1946, or any other related previous agreements or arrangements between the two Governments, the provisions of this Agreement shall prevail. The specific agreements of March 27, 1946 and any other previous agreements or arrangements between the two Governments, except in so far as they are not consistent with the provisions of this Agreement, shall remain in full force and effect. 60 Stat. 1527–1563.

[1] Not printed.

(b) The provisions of this Agreement apply to the British Colonial Dependencies and their Governments as well as to the Government of the United Kingdom.

(c) Nothing in this Agreement affects the obligations of the Government of the United Kingdom in connection with silver transferred under lend-lease.

Effective date.

(d) This Agreement shall take effect upon signature.

DONE at Washington in duplicate this twelfth day of July, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

G C MARSHALL
Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

OLIVER. S. FRANKS.
His Majesty's Ambassador Extraordinary and
Plenipotentiary to the United States of America

Agreement between the United States of America and Haiti amending a letter agreement of January 24, 1941, respecting cooperative rubber plantation investigations. Effected by exchange of notes signed at Port-au-Prince February 3 and 11, 1948; entered into force February 11, 1948.

February 3, 11, 1948
[T. I. A. S. 1771]

The American Chargé d'Affaires ad interim to the Haitian Secretary of State for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 501

PORT-AU-PRINCE, HAITI, *February 3, 1948*

EXCELLENCY:

I have the honor to attach hereto an Amendment to the Letter Agreement between the Government of Haiti and the Bureau of Plant Industry of the Department of Agriculture of the Government of the United States of America. The text of this Amendment is in accordance with the Embassy's note No. 449 of December 30, 1947, [1] as modified by the Secretariat of State for Foreign Affairs' note No. EC/A–4:504 of January 28, 1948. [2] Your Excellency will note that the Embassy has concurred with the Secretariat of State's modification, and has incorporated it into the Amendment.

If it may be satisfactory to Your Excellency, I should like to suggest that this Amendment enter into effect upon your reply to this letter, such reply to serve as confirmation of the acceptance of the Haitian Government therein. For the purposes of maintaining appropriate records, I should also be most grateful if, with your reply, Your Excellency might transmit an official French text of the Amendment.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT H. MCBRIDE
Chargé d'Affaires ad interim

His Excellency
EDMÉE MANIGAT,
Secretary of State for Foreign Affairs,
Port-au-Prince.

Enclosure:
Amendment to Letter Agreement between Government of Haiti and the Bureau of Plant Industry of the Department of Agriculture of the Government of the United States of America.

[1] Not printed.
[2] Not printed; correct date is Jan. 26, 1948.

Amendment to the Letter Agreement between the Bureau of Plant Industry and the Government of Haiti dated January 24, 1941.

59 Stat. 1458.

Article I

Free importation of certain property, etc., into Haiti.

The Government of Haiti shall permit the importation into Haiti, free of duty or any fee whatsoever, of all material or property of the Government of the United States of America which may be required for these cooperative experiments; and this exemption from duties and fees shall extend to the personal properties of citizens of the United States of America assigned to the cooperative experiments, provided that the resident representative of the United States Department of Agriculture shall certify that such personal properties are not imported for resale.

Declaration in case of sale of personal effects.

In the case of the sale in Haiti of these personal effects, a declaration should be made to the Fiscal Department of the National Bank of the Republic of Haiti which will issue statements upon the payment of the customs duties in conformity with the customs law.

Article II

Effectivity of Supplementary Agreement.

59 Stat. 1458.

This Supplementary Agreement shall remain in force as though it were an integral part of the aforesaid Letter Agreement dated January 24, 1941.

The Haitian Secretary of State for Foreign Affairs to the American Chargé d'Affaires ad interim

SECRÉTAIRERIE d'ETAT
DES
RELATIONS EXTÉRIEURES

RÉPUBLIQUE d'HAÏTI

EC/A-4: 564

PORT-AU-PRINCE, *le 11 Février 1948.*

MONSIEUR LE CHARGÉ D'AFFAIRES,

J'ai le plaisir d'accuser réception de la note datée du 3 Février en cours sous couvert de laquelle vous me communiquez un amendement à l'Accord intervenu le 24 Janvier 1941 entre la République d'Haiti et le "Bureau of Plant Industry", relativement à des Recherches Coopératives de Caoutchouc en notre pays.

Je note que la modification à l'Article 1er. de cet amendement proposée par cette Chancellerie a été adoptée par l'Ambassade des Etats-Unis d'Amérique.

En réponse, il m'est agréable de vous communiquer ci-jointe la traduction française du document en question.

Il reste bien entendu que la présente note de cette Chancellerie confirme l'acceptation de cet amendement par le Gouvernement Haitien.

Je saisis cette occasion pour vous renouveler, Monsieur le Chargé d'Affaires, l'assurance de ma considération très distinguée.

E. MANIGAT

Monsieur ROBERT H. MCBRIDE,
Chargé d'Affaires a. i.
des Etats-Unis d'Amérique
Port-au-Prince.

INCL.:
Amendement à l'Accord intervenu le 24 Janvier 1941 entre le Gouvernement de la République d'Haiti et le "Bureau of Plant Industry" de Départment d'Agriculture de Etats-Unis d'Amerique.

AMENDEMENT A L'ACCORD INTERVENU LE 24 JANVIER 1941 ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE D'HAITI ET LE "BUREAU OF PLANT INDUSTRY" DU DEPARTEMENT D'AGRICULTURE DES ETATS-UNIS D'AMERIQUE.

Article I

Le Gouvernement Haitien permettra l'importation en Haiti, exempt de tous droits ou taxes quelconques, de tous biens ou matériel du Gouvernement des Etats-Unis d'Amérique qui peuvent être nécessaires pour les recherches coopératives; et cette exemption de droits et de taxes s'étendra aux effets personnels des citoyens américains chargés de ces recherches, pourvu que le représentant du Département de l'Agriculture des Etats-Unis d'Amérique, ayant résidence en Haiti, certifie que ces effets personnels ne sont pas importés pour être revendus.

En cas de vente en Haiti de ces effets personnels, déclaration devra en être faite au préalable à la Banque Nationale de la République d'Haiti (Département Fiscal) qui émettra des bordereaux en paiement des droits de douane conformément aux lois douanières.

Article II

Cet accord supplémentaire restera en vigueur comme une partie intégrante de l'échange de notes susmentionné du 24 Janvier 1941.

Translation

DEPARTMENT OF STATE
FOR
FOREIGN AFFAIRS

REPUBLIC OF HAITI

EC/A-4: 564

PORT-AU-PRINCE, *February 11, 1948.*

MR. CHARGÉ D'AFFAIRES:

I have the pleasure of acknowledging the receipt of the note dated February 3, 1948, under cover of which you communicated to me an Amendment to the Agreement concluded on January 24, 1941, between the Republic of Haiti and the Bureau of Plant Industry, relating to cooperative research on rubber in our country.

Ante, p. 2041.

59 Stat. 1458.

Ante, p. 2042.

I note that the change in Article 1 of that Amendment, proposed by this Chancelry, has been adopted by the Embassy of the United States of America.

In reply, I take pleasure in communicating to you herewith the French translation of the document in question.

It is clearly understood that the present note of this Chancelry confirms the acceptance of this Amendment by the Haitian Government.

I avail myself of this occasion to renew to you, Mr. Chargé d'Affaires, the assurances of my very distinguished consideration.

E. MANIGAT

Mr. ROBERT H. MCBRIDE,
Chargé d'Affaires ad interim
of the United States of America,
Port-au-Prince.

Encl.:

Amendment to the Agreement concluded on January 24, 1941, between the Government of the Republic of Haiti and the "Bureau of Plant Industry" of the Department of Agriculture of the United States of America.

Agreement between the United States of America and Costa Rica confirming and accepting the agreement of February 19, 1948, respecting a cooperative food production program in Costa Rica. Effected by exchange of notes signed at San José February 20 and 27, 1948; entered into force February 27, 1948.

February 20, 27, 1948
[T. I. A. S. 1772]

The American Ambassador to the Costa Rican Secretary of State for Foreign Relations

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

SAN JOSÉ, COSTA RICA,
No. 43 *February 20, 1948.*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note 383–B dated February 17, 1948 [1] in reply to my note No. 31 of February 6, 1948 [1] concerning the possible signature of an agreement supplementing the agreement concerning a cooperative plan of agriculture entered into between the Government of Costa Rica and the Institute of Inter-American Affairs as embodied in the exchange of correspondence between a representative of the Institute and the Secretary of Agriculture on October 14 and 15, 1942,[1] respectively, as supplemented and modified by the agreements entered into under date of October 19, 1943[1] and March 8, 1944[1] by Mariano R. Montealegre, Secretary of State in the Office of Agriculture, representing the Government of Costa Rica, and Mr. Vance Rogers, Chief of Field Party, representing the Institute of Inter-American Affairs.

Proposed extension of agricultural program.

Your Excellency's note of February 17, 1948 stated that the Ministry of Agriculture was agreeable to entering into a supplemental agreement extending the cooperative program of agriculture in Costa Rica through June 30, 1948, with provision being made for the contribution of additional funds for such program and for the establishing of a special service within the framework of the Government of Costa Rica which would act as a medium through which the program may continue to be carried out. The continuation of the program as proposed would be on the understanding that the Government of Costa Rica would contribute funds in the amount of $27,500, or the equivalent thereof in Costa Rican colones calculated on the basis of the current official rate of exchange, for use in paying direct expenses of the cooperative program. In addition, the Institute would also contribute additional funds in the amount of approximately $50,000 for use in paying the salaries and other expenses of the officials and technicians maintained by the Institute in Costa Rica in order to collaborate with the officials of the Costa Rican Government in carrying out the cooperative program.

Contribution of funds.

[1] Not printed.

Since Your Excellency's note indicated that the Ministry of Agriculture was agreeable to the proposed supplemental agreement and had set the date of February 19, 1948 for its signature, Mr. Dillon S. Myer, President of the Institute of Inter-American Affairs, acting in representation of that organization which is a corporate instrumentality of the Government of the United States of America, signed the supplemental agreement with His Excellency, Hernán Zamora Elizondo, Secretary of State in Charge of the Ministry of Agriculture and Industries.

Post, p. 2053.

Post, p. 2053.

Clause XIX of the supplemental agreement provides that it would become effective as soon as diplomatic notes confirming and accepting it have been exchanged by Your Excellency's Ministry and me. I would therefore be grateful to receive from Your Excellency an indication of the acceptance by the Government of Costa Rica of the supplemental agreement as signed on February 19.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

NATHANIEL P. DAVIS

His Excellency
Señor don ALVARO BONILLA LARA,
Secretary of State Encharged with the
Ministry of Foreign Relations,
San José, Costa Rica.

The Costa Rican Secretary of State for Foreign Relations to the American Ambassador

REPUBLICA DE COSTA RICA
SECRETARIA DE RELACIONES EXTERIORES

Nº 488 - B

SAN JOSE, *27 de febrero de 1948*

SEÑOR EMBAJADOR:

En referencia a la atenta nota de Vuestra Excelencia, N° 43, del 20 del presente mes, así como en relación con la nota N° 3537, del 19 del corriente, dirigida a este Despacho por el Señor Secretario de Estado Encargado del Despacho de Agricultura, tengo el honor de notificar a Vuestra Excelencia que, en cumplimiento de la cláusula XIX del Acuerdo Suplementario del Instituto de Asuntos Interamericanos, este Gobierno se complace en confirmar y aceptar dicho acuerdo, firmado por el Señor Dillon S. Myer, Presidente del Instituto de Asuntos Interamericanos y el Señor Licenciado Hernán Zamora Elizondo, Secretario de Estado Encargado del Despacho de Agricultura.

Aprovecho esta oportunidad para renovar a Vuestra Excelencia los sentimientos de mi alto aprecio y muy distinguida consideración,

A. B. L

Excelentísimo Señor
NATHANIEL P. DAVIS
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Ciudad

Translation

REPUBLIC OF COSTA RICA
MINISTRY OF FOREIGN RELATIONS

SAN JOSE,
February 27, 1948

No. 488-B

MR. AMBASSADOR:

With reference to the courteous note of Your Excellency No. 43 of the 20th of the present month, as well as with reference to Note No. 3537 of the 19th of the current month addressed to this Ministry by the Secretary of State in Charge of the Ministry of Agriculture, I have the honor to notify Your Excellency that in fulfilment of Clause XIX of the Supplementary Agreement of the Institute of Inter-American Affairs, this Government takes pleasure in confirming and accepting the said agreement signed by Mr. Dillon S. Myer, President of the Institute of Inter-American Affairs and Licenciado Hernán Zamora Elizondo, Secretary of State in Charge of the Ministry of Agriculture. *Post*, p. 2053.

I avail myself of the opportunity to renew to Your Excellency the assurances of my high appreciation and very distinguished consideration.

A. B. L

Mr. NATHANIEL P. DAVIS
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City

SUPPLEMENTAL AGREEMENT

Terms of reference used in Agreement.

"Secretary".

"Institute".

"Government".

"Basic Contract".

We, Hernán Zamora Elizondo, Secretary of State in charge of the Portfolio of Agriculture and Industries, duly authorized for this act by the President of the Republic, and who will be referred to hereinafter as the "Secretary", and Dillon S. Myer, President of the Institute of Inter-American Affairs, acting in representation of said organization, which is a corporate instrumentality of the government of the United States of America, hereinafter referred to as the "Institute", have celebrated the following Supplemental Agreement the terms of which supplement and modify the cooperative program of agriculture which was jointly undertaken by the government of Costa Rica, hereinafter referred to as the "Government", and the Institute, pursuant to the agreement entered into by the Government and the Institute as embodied in the exchange of correspondence between a representative of the Institute and the Secretary of Agriculture on October 14, and 15, 1942 respectively and which was supplemented and modified by the agreements entered into under date of October 19, 1943 and March 8, 1944 by Mariano R. Montealegre, Secretary of State in the Office of Agriculture, representing the Government, and Vance Rogers, Chief of Field Party, representing the Institute, all said agreements and correspondence hereinafter to be referred to as the "Basic Contract".

CLAUSE I

Modification, etc., of Basic Agreement.

The parties hereto mutually agree and declare that the Basic Agreement be and hereby is supplemented and modified according to the clauses hereinafter set forth.

CLAUSE II

Representation of Institute.

The Institute shall continue to be represented in Costa Rica by a group of its officials and technicians known as the "Field Party of the Food Supply Division of The Institute of Inter-American Affairs in Costa Rica" and such officials and technicians shall remain under the immediate direction of an Institute official known as the "Chief of Field Party". The Chief of Field Party and other members of the field staff shall be appointed in concurrence with the Secretary. The Government of Costa Rica recognizes the Institute as a corporate instrumentality of the Government of the United States of America and that the Field Party of the Food Supply Division of the Institute in Costa Rica constitutes a division or office of the Institute.

CLAUSE III

Instrumentality for continuance of program.

"STICA".

For the purpose of providing an instrumentality through which the cooperative program of agriculture will continue to be conducted by the representatives of the two parties to this agreement, the Government of Costa Rica shall create a special service to be known as the SERVICIO TECNICO INTERAMERICANO DE COOPERACION AGRICOLA (hereinafter referred to as "STICA") which shall operate as an entity within and subordinate to the Secretariat of Agriculture. STICA shall have the power to execute the cooperative program of agricul-

ture in such manner as may be mutually agreed upon in writing by the Secretary and the Chief of Field Party.

CLAUSE IV

The fields of activity which the cooperative program of agriculture may embrace shall continue to include those activities set forth in the Basic Agreement which shall be carried out, in so far as is possible, jointly with the agricultural program of the Banco Nacional de Costa Rica and with the agricultural training programs of the rural schools and which may include, without being limited to, the following: Fields of activity.

a. Technical assistance in the fields of production, processing, storage and distribution of food products of animal and vegetal origin.

b. The study of economic problems of production, processing and distribution of foodstuffs, the preparation of reports and studies destined to provide information essential to planning adjustments in the production of crops to domestic consumption requirements.

c. The development of any acreage through irrigation, drainage, and soil conservation and other practices.

d. The furnishing of means, tools, equipment, insecticides, seeds, livestock, and other materials through sale, rental or loan, and of professional and technical services to agriculturists.

e. The development of a countrywide agricultural extension service to improve the production of food and to promote the agricultural industry generally, including demonstration of nutrition, diet and home economics.

f. Special assistance to inadequately financed operators of small farms including the providing of equipment for hire at minimum prices.

g. The making available to the Governments of Costa Rica and the United States of America of technical and scientific information and discoveries of interest to agriculturists in either country and the promoting of scientific studies in Costa Rican agricultural economy as requested by and in cooperation with either government.

CLAUSE V

The Government shall appoint as Director of STICA the Chief of Field Party and the Director of STICA shall be responsible for the execution of, and shall have authority to carry out through STICA, the cooperative program of agriculture. Director of STICA.

CLAUSE VI

The cooperative program of agriculture in Costa Rica shall continue to consist of individual projects, including those presently being executed in Costa Rica under the direction of the Chief of Field Party under the Basic Agreement. The kind of work and the specific projects to be undertaken and the allocation of the funds and property of STICA therefor shall be embodied in written project agreements, Project agreements.

which shall be signed by the Secretary and the Chief of Field Party as such and as Director of STICA. Such projects shall be carried out by the Director of STICA in conformity with policies prescribed jointly by the Secretary and Chief of Field Party.

CLAUSE VII

Salaries and expenses.

The Institute shall determine and pay the salaries and other expenses payable directly to, or on account of, members of the Institute Field Party, as well as such other expenses as the Institute may incur in connection with maintaining its Field Party in Costa Rica. The said funds employed by the Institute for such purposes which are estimated at approximately $50,000 shall be retained by the Institute, it being expressly understood that such funds will not be deposited to the account of STICA.

CLAUSE VIII

Deposit of Costa Rican contribution in special bank account.

The Government shall contribute to STICA the sum of $27,500 or the equivalent thereof in Costa Rican Colones calculated on the basis of the current official rate of exchange; this sum to be provided by the Consejo Nacional de Producción. Such contribution required to be made by the Government to STICA shall be deposited, before February 29, 1948, in a special bank account in the Banco Nacional de Costa Rica to the account of STICA and shall be in addition to the regular budget for the Secretariat of Agriculture and in addition to any amounts heretofore made available or agreed to be made available to the Institute by the Government for the cooperative program of agriculture.

Deposit of unexpended funds to STICA account, etc.

Any funds of the Government heretofore or hereafter made available to the Institute for the cooperative program of agriculture in Costa Rica which have not been expended shall be deposited by the Institute to the account of STICA. It is hereby understood and agreed that in the event any of such unexpended funds shall have been obligated by the Institute, STICA shall assume the obligation of making appropriate disbursement of such funds for the purposes for which they were obligated by the Institute. All funds which the Government agreed pursuant to or in connection with the Basic Agreement to make available to the Institute for the cooperative program of agriculture shall be made available to STICA in the same manner and under the same conditions with respect to which those funds were to be paid to the Institute.

CLAUSE IX

Availability of funds for program of agriculture.

All funds mentioned in this agreement, that is, of the Government, of the Institute and of STICA, shall continue to be available for the said cooperative program of agriculture during the term of this agreement without regard to annual periods or fiscal years of any of the parties.

Interest, if any, on the funds of STICA, and any income which shall accrue to the account of STICA as a result of normal project operations, or through the liquidation of projects, or from whatever source, will continue to be available to STICA for the promotion of those projects

from which the income has accrued, or by mutual agreement between the Secretary, the Chief of Field Party and the Director of STICA, may be apportioned to other projects of STICA. Any funds and property acquired by STICA which may be unexpended or unused and unobligated at the termination of the period comprehended by this supplemental agreement will remain the property of the Government and continue to be used for the purposes of the cooperative program of agriculture in such manner as may be mutually agreed upon in writing by the Secretary and the Chief of Field Party.

Contributions, in addition to those referred to in Clause VIII hereof, may be received by the STICA from any source whatsoever and may be expended by it in the same manner as other funds, for the uses and objectives of the cooperative program of agriculture, provided that the receipt of any such additional contribution to STICA has been agreed to in advance by the Secretary and the Chief of Field Party.

CLAUSE X

Availability of personnel, etc.

The Government will, in addition to the funds required to be contributed by it to the cooperative agricultural program pursuant to this Supplemental Agreement, make available such personnel, office space, facilities, equipment and materials as the Government may consider feasible and desirable for the development of the program.

CLAUSE XI

Amounts turned over to Institute for purchases in U. S.

In view of the fact that purchases of materials, supplies and equipment and other disbursements relating to the execution of the cooperative program of agriculture may be made in the United States of America, STICA may turn over to the Institute for such purchases such amounts as may be mutually agreed upon between the Secretary and the Chief of Field Party and where it is necessary to convert Costa Rican Colones into dollars in connection with the cooperative program of agriculture in Costa Rica, the Colones shall be converted into dollars at the current official rate of exchange and shall be exempt from Costa Rican taxes, service charges, investment or deposit requirements, and other currency controls. Any funds of STICA paid to the Institute for such purchases in the United States of America and not expended or obligated therefor shall be deposited in STICA bank account at any time upon mutual agreement of the Secretary and the Chief of Field Party.

CLAUSE XII

Duties and functions of Secretary and Director of STICA.

All contracts necessary to carry out the terms of the projects, mutually agreed upon as herein provided, shall be in the name of STICA and shall be signed by the Secretary and the Director of STICA. Personnel of STICA shall be employed and discharged by the Director of STICA who shall be the final judge of their qualifications, all in accordance with general policies agreed to beforehand by the Director of STICA and the Secretary. The general policies and procedures for the execution of the cooperative program of agriculture and for the disbursement and accounting of funds, for the purchase, use, inven-

tory, control and disposition of property and any other administrative matters, shall be determined or established by mutual agreement between the Secretary and the Chief of Field Party. Disbursements from the Bank account of STICA shall be made by the Director of STICA. The books and records of STICA relating to the said cooperative program of agriculture shall be open at all times for inspection by the representatives of the Government and the Institute and the Director of STICA shall render financial reports to the Government and to the Institute at such intervals as may be agreed upon between the Secretary and the Chief of Field Party.

CLAUSE XIII

Availability of Institute property to STICA.

All property presently owned by the Institute and used or available for use in Costa Rica in carrying out the cooperative program of agriculture may be made available to STICA for such program on a loan or rental basis or by sale provided that all of such property which is owned by the Institute on the expiration date of this Supplemental Agreement shall be disposed of by the Institute in the manner determined by the Chief of Party. This paragraph shall not be construed to relieve the Government from its obligation under the Basic Agreement to reimburse the Institute for the appraised value of the corn dryer located at Guácimo as provided in the Basic Agreement.

Reimbursement for corn dryer at Guácimo.

CLAUSE XIV

Tax exemption for U. S. employees of Institute.

All employees of the Institute in Costa Rica who are citizens of the United States of America and are engaged in carrying out the objectives of the cooperative program of agriculture shall be exempt in Costa Rica from all income taxes and Social Security taxes with respect to income on which they are obligated to pay income or Social Security taxes to the Government of the United States of America and from property taxes on personal property intended for their own use. Such employees and members of their families who reside with them in Costa Rica shall be exempted, also, from payment of customs or other taxes on their effects, exclusively personal, and equipment and supplies imported or exported for their own exclusive use.

CLAUSE XV

Rights and privileges accruing to STICA.

All rights and privileges which are enjoyed by similar governmental and official divisions or agencies of the Government shall accrue to STICA. Such rights and privileges shall include, for example, free postal and telegraph services, special government rates made by transportation companies and also, freedom and immunity from stamp, property, income and all other taxes as well as from consular charges and customs duties upon imports for the use of STICA in the cooperative program of agriculture. The Institute shall enjoy the same rights, exemptions and immunities with respect to its acts and property relating to the cooperative program of agriculture.

CLAUSE XVI

Ownership of materials, etc.

All materials, equipment and supplies purchased with funds of STICA shall become and remain the property of the Government and

shall be devoted solely to the cooperative program of agriculture in Costa Rica.

CLAUSE XVII

Delegation of powers, etc.

Any rights, powers, or duties conferred by this Supplemental Agreement upon either the Secretary, the Chief of Field Party or the Director of STICA may be delegated by the recipient thereof to representatives in writing, provided that such representatives are satisfactory to the other parties. Regardless of the naming of said representatives, the Secretary and the Chief of Field Party shall have the right to refer any matter directly to one another for discussion and decision.

CLAUSE XVIII

Legislation, etc.

The Executive Power of the Republic of Costa Rica will take the necessary steps to obtain the legislation, decrees, orders or resolutions necessary to carry out the terms of this Supplemental Agreement.

CLAUSE XIX

Effectivity of Basic Agreement.

The Basic Agreement shall remain in full force and effect for the period covered by this Supplemental Agreement except as the Basic Agreement is contrary to or is inconsistent with this Supplemental Agreement.

Termination of Supplemental Agreement.

This Supplemental Agreement shall terminate on June 30, 1948.

Effective date.
Ante, p. 2047.

This Supplemental Agreement shall become effective as soon as diplomatic notes confirming and accepting this Supplemental Agreement have been exchanged between the Minister of Foreign Affairs of the Government of Costa Rica and the Ambassador of the United States of America to Costa Rica.

IN WITNESS THEREOF, the parties hereto have caused this Supplemental Agreement to be executed by their duly authorized representatives, in duplicate, in the English and Spanish languages, in the City of San José, Costa Rica on this nineteenth day of February 1948.

FOR THE GOVERNMENT OF COSTA RICA

HERNÁN ZAMORA E

FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS

DILLON S. MYER

ACUERDO SUPLEMENTARIO

Nosotros, Hernán Zamora Elizondo, Secretario de Estado encargado del Despacho de Agricultura e Industrias, debidamente autorizado para este acto por el señor Presidente de la República, y quien en lo sucesivo se llamará "El Secretario", y Dillon S. Myer, Presidente del Instituto de Asuntos Interamericanos, quien actúa en representación de ese organismo que es una Agencia del Gobierno de los Estados Unidos de América, y el que en lo sucesivo y también para efectos de este Acuerdo se denominará "El Instituto", hemos celebrado el siguiente Acuerdo Suplementario, cuyos términos modifican el programa cooperativo agrícola que conjuntamente emprendieron El Gobierno de Costa Rica, que en lo sucesivo se llamará "El Gobierno", y El Instituto, conforme al contrato firmado por El Gobierno y El Instituto según consta en intercambio de correspondencia entre un representante del Instituto y el Secretario de Agricultura el 14 y 15 de octubre de 1942 respectivamente, y que fue modificado por los arreglos de fechas 19 de octubre de 1943 y 8 de marzo de 1944 llevados a cabo entre Mariano R. Montealegre, Secretario de Estado en el Despacho de Agricultura, representando al Gobierno, y Vance Rogers, Chief of Field Party, representando al Instituto, arreglos y correspondencia que en adelante se llamarán "Contrato Básico".

CLAUSULA I

Las dos partes de este Acuerdo mutuamente declaran que el Contrato Básico queda modificado por este Acuerdo Suplementario en la forma que establecen las cláusulas que a continuación se indican.

CLAUSULA II

El Instituto continuará siendo representado en Costa Rica por un grupo de sus jefes y por técnicos conocidos como "Field Party of the Food Supply Division of The Institute of Inter-American Affairs in Costa Rica" y dichos jefes y técnicos estarán bajo la dirección inmediata de un jefe superior del Instituto conocido como el "Chief of Field Party". El Chief of Field Party y los otros miembros del personal serán nombrados de acuerdo con El Secretario. El Gobierno de Costa Rica reconoce al Instituto como una agencia del Gobierno de los Estados Unidos de América y reconoce también que el Field Party del Food Supply Division del Instituto en Costa Rica constituye una división u oficina del Instituto.

CLAUSULA III

Con el fin de establecer un organismo por medio del cual este programa cooperativo agrícola pueda continuar desenvolviéndose por medio de los representantes de las dos partes en este Acuerdo, El Gobierno de Costa Rica creará un servicio especial que se conocerá como el SERVICIO TECNICO INTERAMERICANO DE COOPERACION AGRICOLA el cual en lo sucesivo se llamará "STICA", y funcionará como una entidad dentro de la Secretaría de Agricultura y subordinado a ella. STICA tendrá poder para llevar a cabo el programa cooperativo

agrícola en la forma que acuerden mutuamente y por escrito El Secretario y el Chief of Field Party.

CLAUSULA IV

Los campos de actividad que el programa cooperativo agrícola abarque, continuarán incluyendo aquellas actividades indicadas en el Contrato Básico, las cuales se llevarán a cabo, hasta donde sea posible, conjuntamente con el programa agrícola del Banco Nacional de Costa Rica y con los programas de entrenamiento agrícola de las escuelas rurales, y pueden también incluir, sin estar limitado a ellas, las siguientes actividades:

a) Ayuda técnica en los campos de producción, preparación, almacenaje, y distribución de productos alimenticios de origen animal y vegetal.

b) El estudio de problemas económicos de producción, preparación y distribución de alimentos, preparación de informes y estudios destinados a suministrar la información esencial para poder planear la producción de cultivos de manera que se ajusten a las necesidades del consumo doméstico.

c) El desarrollo de cualquier terreno por medio de irrigación, drenaje y conservación del suelo y otras prácticas agrícolas.

d) El suministro a los agricultores de medios, herramientas, equipo, insecticidas, semillas, animales, y otros materiales, ya sean vendidos, alquilados o prestados, y de servicios profesionales, y técnicos.

e) El desarrollo en todo el país de un servicio de extensión agrícola para mejorar la producción de los alimentos y fomentar la industria agrícola en general, incluyendo demostraciones de nutrición, dieta, y economía doméstica.

f) Asistencia especial a los pequeños agricultores que carecen de medios económicos adecuados, incluyendo el suministro de equipo que puedan alquilar a precios módicos.

g) Facilitar a los Gobiernos de Costa Rica y los Estados Unidos de América información técnica y científica y los descubrimientos de interés para los agricultores, hechos en cualquiera de los dos países; y también fomentar los estudios científicos de la economía agrícola costarricense que sean solicitados separadamente o en cooperación con cualquiera de los dos gobiernos.

CLAUSULA V

El Gobierno nombrará como Director del STICA al Chief of Field Party y el Director del STICA tendrá la debida autorización para llevar a cabo por medio del STICA el programa cooperativo agrícola, bajo su responsabilidad.

CLAUSULA VI

El programa cooperativo agrícola en Costa Rica seguirá consistiendo en proyectos individuales, incluyendo los que actualmente se llevan a cabo en Costa Rica bajo la dirección del Chief of Field Party de

acuerdo con el Contrato Básico. La clase de trabajo y de proyectos que se emprendan, lo mismo que la adjudicación de fondos, materiales, y equipo del STICA para estos fines, se indicarán por escrito en acuerdos que serán firmados por El Secretario, el Chief of Field Party por sí y como Director de STICA. Tales proyectos se llevarán a cabo por el Director del STICA de acuerdo con las normas que conjuntamente indiquen El Secretario y el Chief of Field Party.

CLAUSULA VII

El Instituto fijará y pagará los salarios; pagará asimismo los gastos que hagan los miembros del Institute Field Party directamente, o que por cuenta de ellos se hagan, y los en que el Instituto incurra en conexión con el sostenimiento de su delegación en Costa Rica. Los fondos empleados por el Instituto para tales fines, se estiman aproximadamente en $50.000, y serán conservados por el Instituto, siendo claramente entendido que ellos no serán depositados a la cuenta de la STICA.

CLAUSULA VIII

El Gobierno contribuirá para STICA con la suma de $27.500, o su equivalente en Colones costarricenses calculados al tipo oficial de cambio existente en el momento de hacer la contribución que suple para este objeto el Consejo Nacional de la Producción. Dicha contribución que se requiere que haga El Gobierno al STICA será depositada, antes del 29 de febrero de 1948 en una cuenta especial en el Banco Nacional de Costa Rica a la orden del STICA y será una contribución aparte del presupuesto ordinario de la Secretaría de Agricultura, y separada también de cualquier cantidad o cantidades suministradas hasta el momento o que haya convenido El Gobierno en poner a la disposición del Instituto para el programa cooperativo agrícola.

Cualquier fondo que haya puesto o que ponga El Gobierno a la disposición del Instituto para el programa cooperativo agrícola en Costa Rica y que no se hubiere gastado será depositado por el Instituto a la cuenta del STICA. Es entendido y por este medio se conviene en que dado caso que cualquiera de estos fondos estén comprometidos por El Instituto, STICA asumirá la responsabilidad de hacer los pagos correspondientes de tales fondos para los fines que fueron comprometidos por El Instituto. Todos los fondos que El Gobierno acordó poner a la disposición del Instituto de acuerdo con o en relación con el Contrato Básico para el programa cooperativo agrícola serán traspasados al STICA en la misma forma y bajo las mismas condiciones que dichos fondos iban a ser pagados al Instituto.

CLAUSULA IX

Todos los fondos indicados en este Acuerdo, es decir, del Gobierno, del Instituto, y del STICA, continuarán a la disposición del programa cooperativo agrícola durante el tiempo que esté en vigencia este Acuerdo sin tomar en cuenta períodos anuales o fiscales de cualquiera de las partes.

Los intereses, si los hubiere, de los fondos del STICA y cualquiera renta que pudiera aumentar la cuenta del STICA como resultado

normal de las actividades del proyecto, o por medio de la liquidación de proyectos, o de cualquiera otra fuente, continuarán a la disposición del STICA para el incremento de aquellos proyectos que aumentaron la renta, o podrán ser prorrateados entre otros proyectos de STICA de acuerdo mutuo entre El Secretario, el Chief of Field Party y el Director del STICA. Cualquier equipo, material, o fondo adquirido por el STICA que no fuera usado o gastado ni estuviere comprometido al terminar el período comprendido por este Acuerdo Suplementario, seguirá siendo propiedad del Gobierno y continuará usándose para los fines del programa cooperativo agrícola en la forma que acuerden mutuamente por escrito El Secretario y el Chief of Field Party.

Además de aquellas indicadas en la Cláusula VIII de este Acuerdo, STICA puede recibir contribuciones de otra fuente, cualquiera que sea, y puede gastarlas de la misma manera que los otros fondos, para los usos y objectivos del programa cooperativo agrícola, con tal de que el recibo de cualquiera de estas contribuciones adicionales haya sido convenido con anterioridad por El Ministro y el Chief of Field Party.

CLAUSULA X

Además de los fondos con que El Gobierno contribuya al programa cooperativo agrícola de acuerdo con este Acuerdo Suplementario, El Gobierno pondrá a la disposición del programa el personal, oficinas, facilidades, equipo y materiales que considere factible y conveniente para el desarrollo de este programa.

CLAUSULA XI

En vista de que las compras de materiales y equipo y otros pagos relacionados con las actividades del programa cooperativo agrícola pueden hacerse en los Estados Unidos de América, el STICA podrá entregarle al Instituto las cantidades que de acuerdo mutuo convengan El Secretario y el Chief of Field Party para tales compras, y cuando sea necesario convertir colones costarricenses a dólares en relación con el programa cooperativo agrícola en Costa Rica, los colones serán convertidos a dólares al tipo oficial corriente y estarán exentos de impuestos costarricenses, recargos por servicios, requisitos necesarios para efectuar inversiones o depósitos, y cualquier otro control monetario. Cualquier fondo del STICA que se le entregue al Instituto para tales compras en los Estados Unidos de América y que no sea gastado o comprometido para ese fin, será depositado en el Banco a la cuenta del STICA en cualquier momento por mutuo acuerdo del Secretario y el Chief of Field Party.

CLAUSULA XII

Todos los contratos necesarios para llevar a cabo las condiciones de los proyectos que se emprendan de acuerdo mutuo como se estipula en este Acuerdo, serán hechos en nombre del STICA y serán firmados por El Secretario y el Director del STICA. El personal del STICA será contratado y despedido por el Director del STICA quien será árbitro final de sus calificaciones, todo de acuerdo con normas generales convenidas de antemano entre El Secretario y El Director del STICA.

Las normas generales y el procedimiento a seguir en el desenvolvimiento del programa cooperativo agrícola y en cuanto a los pagos y contabilidad que se lleve relacionados con la compra, uso, inventario, control y disposición del material y equipo así como cualquier otro asunto administrativo, serán fijados y establecidos por acuerdo mutuo entre El Secretario y el Chief of Field Party. Los pagos hechos de la cuenta bancaria del STICA se harán por el Director del STICA. Los libros y la documentación del STICA relacionados con dicho programa cooperativo agrícola estarán a la disposición de los inspectores representantes del Gobierno. El Instituto y El Director del STICA rendirán informes financieros al Gobierno y al Instituto a intervalos convenidos por El Secretario y el Chief of Field Party.

CLAUSULA XIII

Todo equipo y material que actualmente posee El Instituto y que esté en uso o pueda usarse en Costa Rica para llevar a cabo el programa cooperativo agrícola, se pondrá a la disposición del STICA para dicho programa, mediante préstamo, alquiler o venta, siempre que el Instituto disponga, en la forma que crea más conveniente el Chief of Party, de todo el equipo y material que pertenezca al Instituto al vencer este Acuerdo Suplementario. Este párrafo no debe interpretarse en el sentido de que El Gobierno queda relevado de su obligación contraída bajo el Contrato Básico de reembolsarle al Instituto la suma en que se valore La Secadora de Maíz en Guácimo, Línea Vieja, como lo estipula el Contrato Básico.

CLAUSULA XIV

Todos los empleados del Instituto en Costa Rica que sean ciudadanos de los Estados Unidos de América y que estén ocupados en llevar a cabo los objetivos del programa cooperativo agrícola, estarán exentos en Costa Rica de todo impuesto sobre la renta y Seguro Social si están obligados a pagar impuestos sobre la renta y Seguro Social al Gobierno de los Estados Unidos de América, y de impuestos sobre objetos que sean para su propio uso. Tales empleados y miembros de sus familias, que residen con ellos en Costa Rica, estarán exentos también del pago de derechos de aduana, u otros impuestos sobre sus efectos exclusivamente personales, equipo y artículos exportados e importados para su uso personal también exclusivo.

CLAUSULA XV

El STICA tendrá todos los derechos y privilegios de que gozan las dependencias gubernamentales similares de la República. Estos derechos y privilegios incluirán, por ejemplo, servicio postal y telegráfico libre, precios especiales hechos al Gobierno por compañías de transporte y también exención de impuestos sobre timbre, propiedad, renta, y todos otros impuestos lo mismo que de impuestos consulares e impuestos de aduana sobre importaciones hechas de artículos para el uso del STICA en el programa cooperativo agrícola. El Instituto gozará de los mismos derechos, exenciones e inmunidades con respecto a sus actuaciones y propiedad relacionado con el programa cooperativo agrícola.

CLAUSULA XVI

Todos los materiales, equipo, y artículos comprados con fondos del STICA serán y continuarán siendo propiedad del Gobierno y serán dedicados solamente al programa cooperativo agrícola en Costa Rica.

CLAUSULA XVII

Todos los derechos, poderes, y obligaciones otorgados por este Acuerdo Suplementario ya sea al Secretario, al Chief of Field Party o al Director del STICA pueden ser delegados por el titular en representantes suyos por escrito, con tal de que tales representantes sean satisfactorios a las otras partes. Prescindiendo del nombramiento de tales representantes, El Secretario y el Chief of Field Party tendrán el derecho de dirigirse directamente el uno al otro para la discusión o decisión de cualquier asunto.

CLAUSULA XVIII

El Poder Ejecutivo de la República de Costa Rica tomará las medidas necesarias para obtener la legislación, decretos, órdenes o resoluciones necesarias para llevar a cabo las condiciones de este Acuerdo Suplementario.

CLAUSULA XIX

El Contrato Básico permanecerá en vigencia y efecto por el período estipulado en este Acuerdo Suplementario excepto en aquellos puntos en que el Contrato Básico esté en contradicción o sea incompatible con este Acuerdo Suplementario. Este Acuerdo Suplementario vencerá el 30 de junio de 1948.

Este Acuerdo Suplementario entrará en vigencia tan pronto como notas diplomáticas confirmando y aceptando este Acuerdo Suplementario hayan sido cambiadas entre el Ministro de Relaciones Exteriores del Gobierno de Costa Rica y el Embajador de los Estados Unidos de América.

EN FE DE LO CUAL firmamos este Acuerdo Suplementario, que se llevará a cabo por representantes debidamente autorizados, en duplicado, en inglés y español, en la ciudad de San José, Costa Rica el día diecinueve de febrero de 1948.

POR EL GOBIERNO DE COSTA RICA	POR EL INSTITUTO DE ASUNTOS INTERAMERICANOS
HERNÁN ZAMORA E	DILLON S. MYER

Accord, executive protocol, financial protocol, and exchanges of letters and notes between the United States of America, France, the United Kingdom of Great Britain and Northern Ireland, and Spain respecting the liquidation of German property in Spain. Signed at Madrid May 10, 1948; entered into force May 10, 1948.

May 10, 1948
[T. I. A. S. 1773]

ACCORD

REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

AND ITS SUPPLEMENTS

ACCORD REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

Principles of Accord.
Post, pp. 2066, 2077, 2083.

Whereas, in due course the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland approached the Spanish Government, making known their wish that the latter adhere to Resolution VI of Bretton Woods, [1] to the end of eliminating in Spanish territory the economic potential capable of constituting a danger to peace;

Whereas, the mutual desire of carrying out this common objective has been expressed in various Notes exchanged between the Spanish and the Allied Governments, especially those of October 28, 1946, [2] by which it was acknowledged that, as a consequence of the Act of Surrender of Germany of May 7, 1945, and the Declaration of Berlin of the Allied Control Council dated June 5, 1945, the powers and authority of the Government of the German Reich had been assumed by a Representation of the Allied Governments, represented in Spain, for the purposes of this Accord, by the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland; and

59 Stat. 1857.
60 Stat. 1649.

Whereas, it is deemed convenient that the balances arising through trade and payments between the Governments of Spain and Germany, as well as certain claims pending between both States, be liquidated;

Now, therefore, the undersigned, duly appointed for the purpose of these negotiations, have entered into the following Accord, which will come into force through an exchange of Notes for that purpose.

Post, p. 2113.

ARTICLE I

Expropriation of German property in "Spain."

Property situated in Spain, her Protectorates or Possessions (hereinafter referred to as "Spain"), belonging to persons of German nationality falling within the conditions defined in this Accord, shall be expropriated for reasons of national security under the conditions stipulated in legal dispositions which the Government of Spain may issue for that purpose.

ARTICLE II

"Property."

For the purposes of this Accord, the term "property" refers to property or assets of every description as well as to the rights and

[1] *United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 1 to July 22, 1944, Final Act and Related Documents.* Department of State publication 2187, p. 22.

[2] Not printed.

interests which may exist therein, provided they were situated in Spain on May 5, 1945, as likewise to sums falling due between the last mentioned date and April 30, 1948, whether registered in the name of their true owners or in the names of interposed persons for the beneficial interest of such owners, and to those properties or assets referred to in the Decree Law of the Spanish Government of May 5, 1945, and not by subsequent disposition exempted therefrom.

ARTICLE III

Applicability of provisions.

The provisions of this Accord apply to all persons, natural and juridical, of German nationality not resident or domiciled in Spain—neither they nor their heirs at law (derechohabientes)—on May 5, 1945, as likewise to all those juridical persons domiciled in Spain, of whatever nationality, for that part of their capital which may belong to natural or juridical persons of German nationality not resident or domiciled in Spain as defined above. Natural persons of German nationality who are the object of an expulsion order by Spanish governmental authority, are considered as nonresident in Spain for the purposes of this article, even though for whatever reason said expulsion order may not have been executed.

ARTICLE IV

Collaboration of Spanish Administration and "Representatives."

The Spanish Administration and the Representatives in Spain of the Allied Control Council for Germany (hereinafter referred to as the "Representatives") shall reciprocally maintain effective collaboration as regards the speedy and complete execution of this Accord. They will also exchange whatever information they may possess related to the identification of the foreign assets in Spain eventually to be expropriated.

ARTICLE V

Protection of interests of owners of expropriable properties.

The Representatives, in their capacity as representatives of the Government of Germany, will assume the protection of the interests of the owners of the expropriable properties in the conditions stipulated in this Accord and in the legal dispositions which the Government of Spain may issue for that purpose.

ARTICLE VI

Submission of questions for impartial judgment.

In cases where the identification of assets liable to expropriation or the valuation thereof gives rise to differences of opinion which prevent agreement between the Spanish Administration and the Representatives, the question shall be submitted for the final and impartial judgment of a disinterested person chosen by both parties. Such person shall determine his own procedure, and his decision shall be binding upon the interested parties.

ARTICLE VII

Allocation of expropriated property.
Post, p. 2077.

Once the expropriation has been accomplished, the expropriated property will be allotted in a manner consistent with the requirements of the Spanish economy.

Persons who apply for the allocation to them of such property must establish to the satisfaction of the Spanish Administration that they are not acting in representation of, nor under a mandate for, nor in relation with, persons whose property has been expropriated or other persons affected by this Accord, in any manner whereby indirectly an economic potential capable of endangering peace might be reconstituted. Measures shall be adopted to insure that any infraction of this condition shall entail the nullification of the act of allocation and the forfeiture of all sums paid therefor. The Representatives may obtain and furnish pertinent information for the purposes mentioned.

ARTICLE VIII

Special account; deposits, etc.
Post, p. 2066.

Sums corresponding to the fair appraisal values (justiprecios) shall be inscribed in a special account opened in the Spanish Foreign Exchange Institute, mentioning separately the amounts corresponding to each valuation in order to facilitate payment to the respective owners in Germany. The Spanish Foreign Exchange Institute shall communicate to the Representatives the deposits entered in said special account as they are made. The Government of Germany will adopt the necessary measures for payment to the respective owners in Germany of the equivalent, and the Spanish Government shall be discharged from all obligation of payment once the communication referred to above has been made and the terms of Article IX of this Accord have been carried out.

ARTICLE IX

Account in name of Representatives; sums realized from expropriation.
Post, p. 2083.

Once acknowledgement of the communication of the Spanish Foreign Exchange Institute referred to in Article VIII has been received, the sums in pesetas realized from the expropriation shall be credited in an account to be opened in the Spanish Foreign Exchange Institute in the name of the Representatives. Drawings on this account and the use of the funds credited to it shall be subject to the provisions of this Accord and its supplements.

ARTICLE X

Applicability to sums deposited in fulfillment of designated Spanish Order.

The provisions of Article VIII and IX of this Accord shall apply to the sums in pesetas deposited or due to be deposited in the Spanish Foreign Exchange Institute in fulfillment of the provisions of Article 2 of the Spanish Ministerial Order of May 14, 1945.

ARTICLE XI

Sums deducted as settlement of balances.
Post, pp. 2083, 2084.

As settlement of the balances between Spain and Germany, the sums set forth below shall be deducted from the account opened in the Spanish Foreign Exchange Institute in the name of the Representatives and shall be paid to the Spanish Government: 20 percent of the first 100 million pesetas realized from the sale of expropriated property; 22½ percent of the yield realized between 100 and 200 millions; 25 percent of that between 200 and 300; 27½ percent of that between 300 and 400, and 30 percent of any amount exceeding 400 million pese-

tas. The Spanish Government shall have free disposition of the amounts so deducted, and the remainder shall be distributed among the beneficiary Powers in the proportions determined by common agreement between the Powers signatory to this Accord. It is understood that the amounts so distributed shall not in any manner be transferred abroad or used for investment in Spain without the special agreement of the Spanish Government

Distribution of amounts; restrictions.

ARTICLE XII

The Allied Powers signatory to this Accord, in the name of the Government of Germany, hereby cede to the Spanish Government all rights, titles and interests possessed or exercisable by or in the name of the German Government or its agencies over the properties in Spain belonging to the institutions referred to in the Notes addressed on this date to the Spanish Government, as provided in Article One of the Decree Law of April 23, 1948.

Cession to Spanish Government of rights, titles, etc., to designated property.

The Spanish Government undertakes that said properties shall in no way revert to their previous owners nor be employed for their former purposes.

The Spanish Government hereby declares that the sums arising from the liquidation of the properties, rights, titles and interests hereby ceded to it are destined as cover for the expenses which it shall have incurred in the execution of the legal dispositions referred to in this Accord or related thereto.

It is mutually agreed that as from the date of this Accord, the Spanish Government takes the place of the Government of Germany in all rights and liabilities related to the properties referred to in the present article.

ARTICLE XIII

The fulfillment of this Accord is accepted by both Parties as the total liquidation of all classes of claims and trade or payments balances between Spain and Germany respectively.

Liquidation of claims, etc.
Post, p. 2066.

The foregoing provision does not affect either the right of any natural or juridical person of Spanish nationality to property in Germany or to indemnities or sums to which he may be entitled under German law, or claims or rights of the Spanish State in relation to its official property in Germany.

On the other hand, future trade and payments balances between Spain and Germany shall be adjusted to such agreements or dispositions as may become applicable.

ARTICLE XIV

As of the date of this Accord, the special measures adopted by the Spanish Government for the blocking of the property of certain foreigners shall cease to be applied insofar as they do not refer to the assets which are the object of this Accord, and in accordance with the dispositions which may be issued for that purpose by the Spanish Administration.

Cessation of applicability of measures for blocking property.

ARTICLE XV

Allied Powers confirmation of designated articles.

In the name of the Government of Germany and in exercise of the authority and rights conferred by the Act of Surrender of Germany of May 7, 1945, and by the Declaration of Berlin of June 5, 1945, the Allied Powers signatory to this Accord confirm the waiver of the claims referred to in Article XIII and guarantee the Government of Spain against any eventual or subsequent claim in relation to the settlement made as provided in Article VIII. They likewise undertake that Germany or whatever German Government succeeds the Allied Control Council for Germany in the government of Germany shall confirm the provisions of this Accord.

59 Stat. 1857; 60 Stat. 1649.

Ante, p. 2065.

Ante, p. 2064.

ARTICLE XVI

Acknowledgment of solidarity of Spain with principles of Accord.

The Allied Powers signatory to this Accord acknowledge that it expresses satisfactorily the solidarity of the Government of Spain with the principles referred to in Paragraph One of the Preamble.

Ante, p. 2062.

Authentic texts.

Done in Madrid on the 10th day of May 1948 in three texts, in Spanish, French and English. and in four originals of each, all equally authentic, one original of each text remaining in the possession of each one of the four signatory governments.

E DE NAVASQÜÉS

President of Delegation of Spain

[SEAL]

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

CONVENIO RELATIVO A LA ELIMINACION DEL POTENCIAL ECONOMICO SITUADO EN ESPAÑA SUSCEPTIBLE DE CONSTITUIR UN PELIGRO PARA LA PAZ Y DE LIQUIDACION DE SALDOS Y RECLAMACIONES DE PAGO ENTRE LOS GOBIERNOS DE ESPAÑA Y DE ALEMANIA

Considerando que en su día los Gobiernos de los Estados Unidos de América, de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda se dirigieron al Gobierno español manifestando su deseo de que éste se adhiriera a la Declaración VI de Bretton Woods con el fin de eliminar del territorio español el potencial económico susceptible de constituir un peligro para la paz;

Considerando que el mútuo deseo de llevar a cabo dicho objetivo común ha sido expresado en diversas Notas cruzadas entre el Gobierno español y los Gobiernos aliados, especialmente las de 28 de Octubre de 1946, por las que se ha reconocido que, consecuentemente al Acta de Rendición de Alemania de fecha 7 de Mayo de 1945 y declaración del Consejo de Control Aliado de Berlín de fecha 5 de Junio de 1945, los poderes y la autoridad del Gobierno del Reich alemán han sido asumidos por una Representación de los Gobiernos aliados, representados en España a los efectos de este Convenio por los Gobiernos de los Estados Unidos de América, de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda; y

Considerando conveniente liquidar los saldos acreditados por tráfico de mercancías o de divisas entre los Gobiernos de España y Alemania, así como ciertas reclamaciones pendientes entre ambos Estados,

Los infrascritos, debidamente nombrados para llevar a término estas negociaciones, han acordado el siguiente Convenio, que entrará en vigor mediante canje de Notas que se realizará al efecto.

ARTICULO 1º

La propiedad sita en España, sus Protectorados o Posesiones (designados en adelante "España") perteneciente a personas de nacionalidad alemana que se encuentren en las condiciones definidas de este Convenio, será objeto de expropiación por causa de seguridad nacional en las condiciones que se estipulen en las disposiciones legales que el Gobierno español dicte al efecto.

ARTICULO 2º

A los efectos de este Convenio el término "propiedad" se refiere a los bienes o valores de cualquier clase, así como a los derechos e intereses que sobre los mismos existan, siempre que fueren sitos en España en la fecha de 5 de Mayo de 1945, y a las sumas devengadas entre la fecha expresada y el 30 de abril de 1948, bien figuren como inscritos a nombre

de sus verdaderos propietarios, bien al de personas interpuestas en beneficio de los mismos y a las que alude el Decreto Ley del Gobierno español de 5 de Mayo de 1945, y no exceptuadas de su aplicación por disposición ulterior.

ARTICULO 3ª

Se aplican las disposiciones del presente Convenio a todas las personas físicas o jurídicas de nacionalidad alemana no residentes o domiciliadas en España – ni ellas ni sus derecho – habientes – el 5 de Mayo de 1945, así como a todas las personas jurídicas domiciliadas en España de cualquier nacionalidad para aquella parte de su capital que pertenezca a personas físicas o jurídicas de nacionalidad alemana no residentes o domiciliadas en España según se define más arriba. Las personas físicas de nacionalidad alemana que fueran objeto de una orden de expulsión por la Autoridad gubernativa española, se consideran no residentes en España a los efectos de este Artículo, aunque por cualquier causa dicha orden de expulsión no se haya ejecutado.

ARTICULO 4ª

La Administración española y los Representantes en España del Consejo de Control Aliado para Alemania (designados en adelante los "Representantes") se prestarán recíprocamente una colaboración efectiva en cuanto se refiere a la ejecución rápida y completa de este Convenio. Asimismo intercambiarán cuantos informes posean y se relacionen con la determinación de los bienes extranjeros en España que eventualmente hayan de ser expropiados.

ARTICULO 5ª

Los Representantes, en su calidad de representantes del Gobierno de Alemania, asumirán la protección de los intereses de los titulares expropiables en las condiciones que se estipulan en este Convenio y en las disposiciones legales que el Gobierno español dicte al efecto.

ARTICULO 6ª

En el caso de que, tanto en la determinación de los bienes expropiables como en la valoración de los mismos, surjan diferencias de opinión que impidan el acuerdo entre la Administración española y los Representantes, la decisión será sometida al juicio final e imparcial de persona desinteresada y escogida por ambas Partes. Tal persona determinará su propio procedimiento y su decisión será aceptada por las partes interesadas.

ARTICULO 7ª

Realizada la expropiación se procederá a adjudicar los bienes expropiados en la forma en que lo aconsejen las conveniencias de la economía española.

Los optantes a la adjudicación habrán de acreditar a satisfacción de la Administración española que no actúan en representación, por mandato ni en relación con los expropiados u otras personas afectadas

por este Convenio, de suerte que pueda indirectamente reconstituirse un potencial económico susceptible de ser un peligro para la paz. Se adoptarán medidas para que la infracción de esta norma implique la nulidad del acto de adjudicación y el comiso de todas las sumas pagadas por ella. Los Representantes podrán obtener y presentar las pertinentes informaciones a los efectos mencionados.

ARTICULO 8ª

Las sumas correspondientes a los justiprecios serán inscritas en una cuenta especial abierta en el Instituto Español de Moneda Extranjera mencionando separadamente las correspondientes a cada justiprecio a efectos de facilitar el pago a los respectivos propietarios en Alemania. El Instituto Español de Moneda Extranjera comunicará a los Representantes los abonos efectuados en dicha cuenta especial a medida que se vayan verificando. El Gobierno alemán adoptará las medidas oportunas para el pago de la equivalencia a los correspondientes propietarios en Alemania, quedando el Gobierno español liberado de toda obligación de pago una vez hecha la comunicación a que se refiere el concepto anterior y cumplidas las condiciones fijadas por el Artículo 9 º de este Convenio.

ARTICULO 9ª

Una vez acusado recibo a la comunicación del Instituto Español de Moneda Extranjera a que se refiere el Artículo 8 º, las sumas procedentes de la expropiación serán acreditadas en una cuenta que se abrirá en el Instituto Español de Moneda Extranjera a nombre de los Representantes. La movilización de esta cuenta y la aplicación de los fondos en ella acreditados, estarán sujetas a lo dispuesto en el presente Convenio y en sus acuerdos complementarios.

ARTICULO 10ª

Se aplicarán las disposiciones previstas en los Artículos 8ª y 9ª de este Convenio a las sumas en pesetas depositadas o que deban depositarse en el Instituto Español de Moneda Extranjera de acuerdo con lo dispuesto en el Artículo 2ª de la Orden ministerial española de 14 de Mayo de 1945.

ARTICULO 11ª

Con cargo a la cuenta abierta en el Instituto Español de Moneda Extranjera a nombre de los Representantes se detraerán las sumas que se expresan seguidamente para la liquidación de los saldos entre España y Alemania. A estos efectos se acreditará a favor del Gobierno español el veinte por ciento de los primeros 100 millones de pesetas que arroje la venta de bienes expropiados; el veintidos y medio por ciento del producto comprendido entre 100 y 200 millones; el veinticinco por ciento entre 200 y 300; el veintisiete y medio por ciento entre 300 y 400 y el el treinta por ciento de toda cantidad que exceda de los 400 millones de pesetas. De las cantidades así detraídas dispondrá libremente el Gobierno español y el resto será distribuído

entre las Potencias beneficiarias en la proporción que se determine de común acuerdo por las Potencias signatarias de este Convenio. Queda entendido que las cantidades así distribuídas no podrán en forma alguna transferirse al extranjero ni invertirse en España sin acuerdo especial con el Gobierno español.

ARTICULO 12ª

Las Potencias Aliadas signatarias de este Convenio, en nombre del Gobierno de Alemania, ceden al Gobierno español todos los derechos, títulos e intereses poseídos o ejercitables por o en nombre del Gobierno alemán o de sus Agencias sobre las propiedades sitas en España pertenecientes a las entidades a que se refieren las Notas dirigidas en esta fecha al Gobierno español de acuerdo con lo prevenido en el Artículo 1ª del Decreto Ley de 23 de abril de 1948.

El Gobierno español se compromete a que dichas propiedades no revertirán en modo alguno a sus primitivos poseedores ni serán utilizadas para los fines a que se destinaban.

El Gobierno español declara que las sumas resultantes de la liquidación de los bienes, derechos, títulos e intereses que le son cedidos se destinan a cubrir los gastos que haya realizado en la ejecución de las disposiciones legales citadas en este Convenio o relacionadas con él.

Queda convenido de común acuerdo que a partir de la fecha de este Convenio el Gobierno español se subroga en lugar del Gobierno alemán en todos los derechos y obligaciones relacionados con las propiedades a que se refiere el presente Artículo.

ARTICULO 13ª

La ejecución de este Convenio se acepta por ambas Partes como liquidación total de cualquier clase de reclamaciones entre España y Alemania o de saldos acreditados por cualquiera de los dos Estados en el tráfico de mercancías o de divisas.

Lo anteriormente dispuesto no afecta a los derechos de cualquier persona física o moral de nacionalidad española sobre propiedades sitas en Alemania o a percibir indemnizaciones o cantidades a las que puedan alegar derecho según la legislación alemana, ni a las reclamaciones o derechos del Estado español respecto a sus propiedades oficiales situadas en Alemania.

Por otra parte, el tráfico de mercancías o de divisas entre España y Alemania se ajustará a los acuerdos o disposiciones que les sean aplicables.

ARTICULO 14ª

A partir de la fecha de este Convenio, las medidas especiales adoptadas por el Gobierno español en orden al bloqueo de bienes propiedad de ciertos extranjeros, cesarán de aplicarse en todo cuanto no se refiera a los bienes que son objeto de este Convenio, y de acuerdo con las normas que al efecto dicte la Administración española.

ARTICULO 15º

En nombre del Gobierno de Alemania y en ejercicio de la autoridad y de los derechos conferidos por el Acta de Rendición de Alemania de 7 de Mayo de 1945 y por la Declaración de Berlín de 5 de junio del mismo año, las Potencias Aliadas signatarias de este Convenio confirman la renuncia a las reclamaciones a que se refiere el Artículo 13º y garantizan al Gobierno español contra cualquier eventual o ulterior reclamación en relación con lo establecido en el Artículo 8º. Asimismo se comprometen a que Alemania o cualquier futuro Gobierno alemán que suceda al Consejo de Control Aliado para Alemania en el Gobierno de Alemania, confirmará las cláusulas de este Convenio.

ARTICULO 16º

Las Potencias Aliadas signatarias de este Convenio reconocen que éste expresa satisfactoriamente la solidarización del Gobierno español con los principios a que se refiere el párrafo primero de su Preámbulo.

Hecho en Madrid a 10 de Mayo de 1948 en tres textos, en español, francés e inglés, y en cuatro ejemplares cada uno, que harán fe por igual, quedando un ejemplar de cada texto en poder de cada uno de los cuatro Gobiernos signatarios.

HAROLD M RANDALL

Jefe de la Delegación de los Estados Unidos de América,

E DE NAVASQÜÉS

Presidente de la Delegación de España,

F. DE PANAFIEU.

Jefe de la Delegación de Francia,

FRANCIS W MCCOMBE

Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda,

CONVENTION RELATIVE A L'ELIMINATION DU POTENTIEL ECONOMIQUE EXISTANT EN ESPAGNE ET SUSCEPTIBLE DE CONSTITUER UN DANGER POUR LA PAIX ET A LA LIQUIDATION DES COMPTES ET DES RECLAMATIONS DE PAIEMENTS ENTRE LES GOUVERNEMENTS DE L'ESPAGNE ET DE L'ALLEMAGNE

Considérant qu'en son temps les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord, ont approché le Gouvernement espagnol, en lui exprimant le désir de le voir adhérer à la Déclaration VI de Bretton Woods, dans le but d'éliminer du territoire espagnol le potentiel économique susceptible de constituer un danger pour la paix;

Considérant que le désir mutuel d'atteindre cet objectif commun a été exprimé dans diverses notes échangées entre le Gouvernement espagnol et les Gouvernements Alliés, plus particulièrement dans celles du 28 Octobre 1946, dans lesquelles il a été reconnu que comme conséquence de l'Acte de Reddition de l'Allemagne du 7 Mai 1945 et de la Déclaration de Berlin du 5 Juin 1945 du Conseil de Contrôle Allié, les pouvoirs et l'autorité du Gouvernement du Reich allemand ont été assumés par une représentation des Gouvernements Alliés, représentés en Espagne pour ce qui concerne cette Convention, par les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord;

Considérant qu'il est opportun de liquider les soldes résultant des échanges commerciaux et financiers entre les Gouvernements de l'Espagne et de l'Allemagne, ainsi que certaines réclamations existant entre les deux pays;

En conséquence, les Soussignés dûment accrédités pour mener à bonne fin ces négociations, ont conclu la Convention suivante qui entrera en vigueur par un échange de Notes qui s'effectuera dans ce but.

ARTICLE I

Les biens sis en Espagne, dans ses Protectorats ou Possessions (dénommés dorénavant "Espagne") appartenant aux personnes de nationalité allemande qui se trouvent dans les conditions définies dans cette Convention, seront expropriés pour raison de sécurité nationale dans les conditions définies par les dispositions d'ordre légal prises à cet effet par le Gouvernement espagnol.

ARTICLE 2

Pour l'application de cette Convention, le terme "bien" s'applique aux biens ou valeurs de toute nature, ainsi qu'aux droits et intérêts s'y rattachant, à condition qu'ils aient été en Espagne à la date du

5 Mai 1945, et aux sommes venues à échéance entre cette date et le 30 avril 1948, qu'ils soient enregistrés au nom de leurs véritables propriétaires ou de personnes interposées dans l'intérêt de ceux-ci, comme à tous les biens auxquels se réfère le Décret du Gouvernement espagnol du 5 Mai 1945 et qu'une disposition ultérieure n'a pas exclus de l'application de celui-ci.

ARTICLE 3

Les dispositions de la présente Convention s'appliquent à toutes personnes physiques ou morales de nationalité allemande qui, elles-mêmes ou leurs ayants-cause, le 5 Mai 1945, ne résidaient pas ou n'étaient pas domiciliées en Espagne, ainsi qu'à toutes les personnes morales domiciliées en Espagne quelle que soit leur nationalité, pour la part de leur capital qui appartiendrait à des personnes physiques ou morales de nationalité allemande, ne résidant pas ou n'étant pas domiciliées en Espagne dans les conditions définies plus haut. Les personnes physiques de nationalité allemande qui auraient été l'objet d'un arrêté d'expulsion de la part des Autorités Gouvernementales espagnoles seront considérées comme ne résidant pas en Espagne en ce qui concerne les dispositions de cet Article, même si pour une raison quelconque l'arrêté d'expulsion n'a pas été exécuté.

ARTICLE 4

L'Administration espagnole et les Représentants en Espagne du Conseil de Contrôle Allié pour l'Allemagne (désignés par la suite comme "les Représentants") se prêteront une collaboration effective réciproque pour ce qui concerne l'exécution rapide et complète de la présente Convention. Ils échangeront également tous les renseignements qu'ils peuvent détenir concernant l'identification des biens étrangers en Espagne éventuellement susceptibles d'être expropriés.

ARTICLE 5

Les Représentants en leur qualité de représentants du Gouvernement de l'Allemagne assumeront la protection des intérêts des titulaires des biens expropriables dans les conditions stipulées dans cette Convention et dans les conditions définies par les dispositions d'ordre légal prises à cet effet par le Gouvernement espagnol.

ARTICLE 6

Pour le cas où l'identification des biens expropriables aussi bien que leur estimation ferait apparaître des divergences de vues qui rendraient impossible un accord entre l'Administration espagnole et les Représentants, la décision sera soumise au jugement définitif et impartial d'une personne désintéressée choisie par les deux Parties. Cette personne définira la procédure qu'elle entend suivre et sa décision sera acceptée par les parties intéressées.

ARTICLE 7

L'expropriation une fois réalisée, les biens expropriés seront adjugés d'une manière conforme aux intérêts de l'économie espagnole.

Les personnes désirant participer à l'adjudication d'un bien devront établir à la satisfaction de l'Administration espagnole qu'elles n'agissent pas comme représentants ou mandataires des personnes expropriées, qu'elles n'ont pas à cet égard de relation avec celles-ci ou avec d'autres personnes visées par la présente Convention, de manière à éviter la reconstitution indirecte d'un potentiel économique susceptible de constituer un danger pour la paix. Des mesures seront prises pour que toute infraction à ces conditions entraîne la nullité de l'acte d'adjudication et la confiscation de toutes les sommes déjà versées en vue d'obtenir l'adjudication. Les Représentants pourront obtenir et produire tous renseignements utiles à cet effet.

ARTICLE 8

Les sommes correspondant aux justes prix (justi precio) seront inscrites à un compte spécial ouvert à l'Institut Espagnol de la Monnaie Etrangère mentionnant séparément les montants correspondant à chacune des évaluations (justi precio) afin de faciliter le paiement aux propriétaires respectifs en Allemagne. L'Institut Espagnol de la Monnaie Etrangère fera connaître aux Représentants le montant des sommes portées au crédit du compte spécial précité, au fur et à mesure des versements effectués.

Le Gouvernement de l'Allemagne prendra les dispositions nécessaires pour assurer le paiement de sommes équivalentes aux propriétaires respectifs de ces biens en Allemagne, le Gouvernement espagnol se trouvant dégagé de toute obligation de paiement une fois faite la communication mentionnée ci-dessus, et réalisées les conditions fixées par l'Article 9 de cette Convention.

ARTICLE 9

Lorsque les Représentants auront accusé réception de la communication de l'Institut Espagnol de la Monnaie Etrangère, à laquelle se réfère l'Article 8, les sommes en pesetas provenant de l'expropriation, seront versées au crédit d'un compte qui sera ouvert à l'Institut Espagnol de la Monnaie Etrangère, au nom des Représentants. L'utilisation de ce compte et la disposition des sommes dont il sera crédité seront soumises aux dispositions de la présente Convention et de ses annexes.

ARTICLE 10

Les dispositions prévues aux Articles 8 et 9 de la présente Convention, s'appliqueront aux sommes en pesetas déposées, ou qui devront l'être, à l'Institut Espagnol de la Monnaie Etrangère, conformément aux dispositions de l'Article 2 de l'Ordonnance Ministérielle espagnole du 14 Mai 1945.

ARTICLE 11

Du compte ouvert au nom des Représentants à l'Institut Espagnol de la Monnaie Etrangère, on prélèvera les sommes spécifiées ci-dessous pour régler le solde des comptes entre l'Espagne et l'Allemagne. A

cet effet, seront portés au crédit du Gouvernement espagnol: 20% des 100 premiers millions de pesetas obtenus par la vente des biens expropriés; 22½% du produit compris entre 100 et 200 millions; 25% entre 200 et 300 millions; 27½% entre 300 et 400 millions et 30% de toute somme dépassant 400 millions de pesetas. Le Gouvernement espagnol pourra disposer librement des sommes ainsi prélevées et le solde sera réparti entre les Puissances bénéficiaires dans une proportion qui sera déterminée d'un commun accord entre les Puissances signataires de cette Convention. Il demeure entendu que ces sommes ne pourront en aucune manière faire l'objet d'un transfert à l'étranger, ni d'un investissement en Espagne, sans accord spécial avec le Gouvernement espagnol.

ARTICLE 12

Les Puissances Alliées signataires de cette Convention, au nom du Gouvernement de l'Allemagne, cèdent au Gouvernement espagnol tous les droits, titres et intérêts possédés ou susceptibles d'être exercés par ou au nom du Gouvernement allemand ou par ses Agences sur les biens se trouvant en Espagne appartenant aux entités auxquelles se réfèrent les Notes adressées ce jour au Gouvernement espagnol, comme le prévoient les dispositions de l'Article 1 du Décret-Loi du 23 Avril 1948.

Le Gouvernement espagnol s'engage à ce que les dits biens ne retournent pas sous quelque forme que ce soit à leurs propriétaires antérieurs, ni soient de nouveau utilisés aux fins auxquelles ils étaient destinés.

Le Gouvernement espagnol déclare que les sommes provenant de la liquidation des biens, droits, titres et intérêts qui lui sont ainsi cédés sont destinées à couvrir les dépenses effectuées par lui en exécution des dispositions légales mentionnées dans la présente Convention ou se rapportant à celle-ci.

Il est entendu d'un commun accord qu'à partir de la date de la présente Convention, le Gouvernement espagnol est subrogé au Gouvernement allemand dans tous ses droits et obligations se rapportant aux biens auxquels se réfère le présent article.

ARTICLE 13

Les deux Parties acceptent de considérer l'exécution de la présente Convention comme la liquidation définitive des réclamations de toute nature entre les Gouvernements de l'Espagne et de l'Allemagne, ainsi que des soldes résultant des opérations commerciales et financières entre les deux pays.

Les dispositions ci-dessus n'affectent en rien les droits de toute personne physique ou morale de nationalité espagnole sur les biens situés en Allemagne ou sur les indemnités ou sommes à percevoir que leur reconnaîtrait la législation allemande; elles n'affectent pas non plus les réclamations ou les droits de l'Etat espagnol concernant ses biens officiels situés en Allemagne.

D'autre part, les opérations commerciales et financières futures entre l'Espagne et l'Allemagne s'effectueront conformément aux accords et dispositions qui pourront leur être appliqués.

ARTICLE 14

A dater de la présente Convention, les mesures spéciales prises par le Gouvernement espagnol pour le blocage des biens appartenant à certains étrangers cesseront de s'appliquer sauf en ce qui concerne les biens qui sont l'objet de la présente Convention conformément aux dispositions que l'Administration espagnole serait amenée à prendre.

ARTICLE 15

Au nom du Gouvernement de l'Allemagne et dans l'exercice de l'autorité et des droits qui leur ont été conférés par l'Acte de Reddition de l'Allemagne du 7 Mai 1945 et par la Déclaration de Berlin du 5 Juin 1945, les Puissances Alliées signataires de la présente Convention confirment leur renonciation aux réclamations à laquelle se réfère l'Article 13 et garantissent le Gouvernement espagnol contre toute réclamation éventuelle ou future se rapportant aux dispositions de l'Article 8. Elles s'engagent également à ce que les dispositions de la présente Convention soient ratifiées par l'Allemagne ou par tout Gouvernement allemand qui succèdera au Conseil de Contrôle Allié pour l'Allemagne.

ARTICLE 16

Les Puissances Alliées signataires de la présente Convention reconnaissent que celle-ci constitue une manifestation satisfaisante de la solidarité du Gouvernement espagnol avec les principes auxquels se réfère le premier considérant de son préambule.

Fait à Madrid le 10 Mai 1948 en quatre exemplaires rédigés chacun en langue française, anglaise et espagnole, et qui seront respectivement confiés à chacun des Gouvernements Signataires; les textes français, anglais et espagnol font également foi.

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique.

F. DE PANAFIEU.

Chef de la Délégation Française

E DE NAVASQÜÉS

Président de la Délégation Espagnole.

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord.

EXECUTIVE PROTOCOL SUPPLEMENTARY TO THE ACCORD REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

Integral part of Accord. *Ante*, p. 2062.

For the purposes foreseen in the Accord signed on this date (hereinafter called the "Accord"), the Contracting Parties agree to the following Protocol which shall be considered an integral part thereof.

ARTICLE I

Application of legislative measures. *Ante*, p. 2062.

The application of the legislative measures which may be promulgated by the Spanish Government for the purposes set out in Article I of the Accord is the exclusive concern of the Spanish Administration. It is agreed, on the other hand, that the Representatives in Spain of the Allied Control Council for Germany (hereinafter called the "Representatives") may intervene as provided in Articles IV, V and VII of the Accord, and that they shall permanently maintain relations with the competent bodies of the Spanish Administration for the purpose of exchanging information relative to the execution of those Articles, and proofs leading to the identification of the true owner of the assets defined as expropriable for reasons of national security, particularly where grounds exist to presume that persons have been interposed in title or that any deception has occurred contrary to the Accord or to the legislation in force in Spain. Both Parties shall communicate to each other the names of the persons designated for this purpose.

Ante, p. 2063.

Communication of names of designated persons.

ARTICLE II

Appraisal of assets liable to expropriation.

The fair appraisal value (justiprecio) shall be in accordance with a true valuation of the assets to be expropriated, as of the date of such estimate.

The interested Parties shall employ all means necessary to ascertain the true situation and the true value of the assets liable to expropriation and, for this purpose, the respective Interventors shall give them access to all archives, accounting records and other pertinent documents.

The interested Parties shall likewise exchange between themselves all information conducive to the determination of the true valuation of the assets to be expropriated. Once the fair appraisal value of the assets to be expropriated has been established and accepted by both parties, as provided in the Accord, the procedure laid down in Article VIII of the Accord shall be followed. Once this condition has been fulfilled, the Spanish Administration shall proceed freely to determine to

Ante, p. 2064.

whom the assets shall be allotted, without prejudice to the provisions of Article VII of the Accord, and of this Protocol, and also to settle the method or procedure to be followed in regard to the allotment.

Ante, p. 2063.

ARTICLE III

Objects of official intervention.

It is understood that the official intervention to which the assets which are subject to expropriation for reasons of national security have been submitted, has for its object the conservation of such assets, and their true and better identification and evaluation, pending their allotment.

As witness our hands this 10th day of May, 1948, in Madrid.

E DE NAVASQÜÉS

President of Delegation of Spain

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

PROTOCOLO EJECUTIVO COMPLEMENTARIO DEL CONVENIO RELATIVO A LA ELIMINACION DEL POTENCIAL ECONOMICO SITUADO EN ESPAÑA SUSCEPTIBLE DE CONSTITUIR UN PELIGRO PARA LA PAZ Y DE LIQUIDACION DE SALDOS Y RECLAMACIONES DE PAGO ENTRE LOS GOBIERNOS DE ESPAÑA Y DE ALEMANIA

A los efectos previstos en el Convenio firmado con esta fecha (en adelante denominado "el Convenio"), las Partes Contratantes acuerdan el siguiente Protocolo que será considerado como parte integrante de aquél.

Artículo I

La aplicación de las disposiciones legislativas promulgadas por el Gobierno español a los efectos previstos en el Artículo 1º del Convenio, es de la exclusiva competencia de la Administración española. Se conviene, por otra parte, que los Representantes en España del Consejo de Control Aliado para Alemania (en adelante denominados "los Representantes") puedan actuar de acuerdo con los Artículos 4º, 5º y 7º del Convenio, y en que mantengan permanentemente relaciones con los Organismos competentes de la Administración española a fin de cambiar información relativa a la ejecución de dichos Artículos, así como pruebas conducentes a la identificación del verdadero propietario de los bienes definidos como expropiables por causa de seguridad nacional, particularmente cuando existan motivos para presumir interposición de personas o comisión de fraude contrario al Convenio o a la Legislación vigente en España. Ambas Partes se comunicarán recíprocamente los nombres de las personas designadas con este propósito.

Artículo II

El justiprecio estará de acuerdo con la valoración real de los bienes que deban ser expropiados en la fecha de dicha valoración.

Las Partes interesadas utilizarán todos los medios necesarios para averiguar la verdadera situación y el verdadero valor de los bienes que deban ser expropiados y, con este fin, los respectivos Interventores les darán acceso a todos los archivos, libros de contabilidad y otros documentos pertinentes.

Las Partes interesadas intercambiarán asimismo toda información conducente a la determinación de la verdadera valoración de los bienes que hayan de ser expropiados. Una vez establecido y aceptado por ambas Partes el justiprecio de los bienes que hayan de ser expropiados, según lo previsto en el Convenio, se seguirá el procedimiento fijado en el Artículo 8º de éste. Cumplida esa condición, la Administración española procederá libremente a determinar a quién deben

adjudicarse los bienes sin perjuicio de lo dispuesto en el Artículo 7ª del Convenio y en este Protocolo, y a establecer igualmente el método o procedimiento a seguir con respecto a la adjudicación.

Artículo III

Queda entendido que la intervención a que se someterán de oficio los bienes sujetos a expropiación por causa de seguridad nacional, tiene por objeto asegurar la conservación de dichos bienes, contribuir a la identificación de sus verdaderos propietarios y determinar su valoración real en tanto no hayan sido adjudicados.

En fe de lo cual se suscribe en Madrid, 10 de mayo de 1948.

HAROLD M RANDALL

Jefe de la Delegación de los Estados Unidos de América,

E DE NAVASQÜÉS

Presidente de la Delegación de España,

F. DE PANAFIEU.

Jefe de la Delegación de Francia,

FRANCIS W MCCOMBE

Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda,

PROTOCOLE EXECUTIF ANNEXE A LA CONVENTION RELATIVE A L'ELIMINATION DU POTENTIEL ECONOMIQUE SE TROUVANT EN ESPAGNE ET SUSCEPTIBLE DE CONSTITUER UN DANGER POUR LA PAIX ET A LA LIQUIDATION DES COMPTES ET DES RECLAMATIONS DE PAIEMENTS ENTRE LES GOUVERNEMENTS DE L'ESPAGNE ET DE L'ALLEMAGNE

Aux fins prévues dans la Convention signée ce jour (appelée dorénavant "la Convention") les Parties Contractantes sont tombées d'accord sur le Protocole suivant qui sera considéré comme partie intégrante de la Convention.

ARTICLE I

L'application des dispositions législatives promulguées par le Gouvernement espagnol aux fins prévues à l'Article I de la Convention est de la compétence exclusive de l'Administration espagnole. D'autre part, il est convenu que les Représentants en Espagne du Conseil de Contrôle Allié pour l'Allemagne (appelés dorénavant "les Représentants") pourront intervenir conformément aux Articles 4, 5 et 7 de la Convention et entretiendront des relations permanentes avec les Organismes compétents de l'Administration espagnole, afin d'échanger toutes informations relatives à l'exécution des dispositions de ces Articles, ainsi que toutes preuves pouvant conduire à l'identification du véritable propriétaire des biens considérés comme expropriables pour raison de sécurité nationale, en particulier lorsque existent des motifs de présomption d'interposition de personnes ou d'actes frauduleux tendant à tourner les dispositions de la Convention ou la législation espagnole en vigueur.

Les deux Parties se communiqueront réciproquement les noms des personnes désignées dans ce but.

ARTICLE 2

Le juste prix (justi precio) devra correspondre à une estimation sincère de la valeur des biens à exproprier, au jour même où cette évaluation aura lieu.

Les Parties intéressées useront de tous moyens nécessaires pour s'assurer de la situation véritable et de la valeur réelle des biens soumis à l'expropriation et à cette fin les Commissaires (Interventores) respectifs leur donneront accès à toutes les archives, livres de comptabilité et à tous autres documents utiles.

Les Parties intéressées échangeront de même entre elles toutes informations de nature à permettre l'estimation sincère de la valeur des biens à exproprier. Quand le juste prix des biens à exproprier aura été fixé et accepté par les deux Parties, comme le prévoit la Convention,

on appliquera la procédure instituée par l'Article 8 de cette Convention. Cette condition une fois remplie, l'Administration espagnole aura toute liberté pour désigner la personne à laquelle les biens seront adjugés, compte tenu des dispositions de l'Article 7 de la Convention et du présent Protocole, et pour arrêter également la méthode ou la procédure à suivre au sujet de l'adjudication.

ARTICLE 3

Il est entendu que l'Administration contrôlée (Intervención) à laquelle seront soumis d'office les biens à exproprier pour raison de sécurité nationale a pour objet, jusqu'à leur adjudication, d'assurer la conservation de ces biens, de contribuer à l'identification de leurs véritables propriétaires et de déterminer leur valeur réelle.

En foi de quoi le présent Protocole est signé à Madrid, le 10 Mai de 1948

HAROLD M RANDALL

Chef da la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

E DE NAVASQÜÉS

Président de la Délégation Espagnole

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

FINANCIAL PROTOCOL SUPPLEMENTARY TO THE ACCORD REGARDING THE ELIMINATION OF THE ECONOMIC POTENTIAL SITUATED IN SPAIN CAPABLE OF CONSTITUTING A DANGER TO PEACE, AND THE LIQUIDATION OF BALANCES AND PAYMENTS CLAIMS BETWEEN THE GOVERNMENTS OF SPAIN AND GERMANY

Integral part of Accord.
Ante, p. 2062.

For the purposes foreseen in the Accord signed on this date (hereinafter referred to as the "Accord") the Contracting Parties agree to the following Protocol which shall be considered an integral part thereof.

ARTICLE I

Distribution of balances in special account.
Ante, p. 2064; *post*, p. 2091.

In the execution of Articles IX and XI of the Accord, the balances in the account opened in the Spanish Foreign Exchange Institute in the name of the Representatives in Spain of the Allied Control Council for Germany (hereinafter called the "Representatives"), after deduction of the sums payable to the Spanish Government, shall, in principle, be distributed proportionately in the following percentages:

Albania	0.05
U. S. A.	28.00
Australia	0.70
Belgium	2.70
Canada	3.50
Denmark	0.25
Egypt	0.05
France	16.00
United Kingdom	28.00
Greece	2.70
India and Pakistan	2.00
Luxembourg	0.15
Norway	1.30
New Zealand	0.40
Netherlands	3.90
Czechoslovakia	3.00
Union of South Africa	0.70
Yugoslavia	6.60

Modification of allocations.

Subject to notification by them to the Spanish Administration, the Representatives may modify the allocations set forth by the above schedule of percentages, provided always that the sum total of the increases made does not exceed 25% of the total to be distributed.

It is understood that the percentages greater than 15% of the total may not be increased by more than 25% of their respective quotas, and that those of less than 15% of the total may not be increased by more than 50% of their quotas.

ARTICLE II

Deposits in individual accounts.

Deposits in individual accounts in the names of the beneficiary Powers, referred to in the previous Article, shall be made at any time at

the request of the Representatives after deduction of the amounts payable to the Spanish Government as specified in Article XI of the Accord for payment of Spanish claims.

Ante, p. 2064.

For this purpose, separate accounts in the names of each of the Governments concerned, in a Spanish bank of its choice, will be credited with the sums corresponding to their respective percentages, calculated on the balances in the account in the name of the Representatives.

Said accounts may be opened at sight or as time deposits upon prior agreement with the Spanish Foreign Exchange Institute, and the investment or transfer of the normal interest earned thereon shall be subject to the same rules as are established by the Accord and by this Protocol with regard to the principal.

ARTICLE III

Utilization of amounts credited to designated Governments.

The amounts credited in favor of the Governments referred to in Article I of this Protocol may be transferred abroad or used for investment in Spain or ceded to third parties, subject to agreement with the Spanish Government and always within general regulations applicable to trade and foreign exchange transactions between Spain and the country concerned in each case.

In agreement with the Spanish Government such amounts may be freely used for investments such as the acquisition of official buildings, payment of the personnel on official business or other similar purposes.

Such sums may also be utilized by the country concerned for the purchase of foreign exchange for investment in foreign participations in property expropriated for reasons of national security, subject to prior agreement with the Spanish Government, it being fully understood that such transactions shall follow the regulations applicable in each case.

ARTICLE IV

Authorization of transfers, cessions, etc., charged to accounts.

The Spanish Government declares that transfers, cessions or investments charged to the accounts referred to in the present Protocol will be authorized within the limits and possibilities of the Spanish economy. The Representatives accept this principle.

As witness our hands this 10th day of May, 1948, in Madrid.

E DE NAVASQÜÉS

President of Delegation of Spain

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

PROTOCOLO FINANCIERO COMPLEMENTARIO DEL CONVENIO RELATIVO A LA ELIMINACION DEL POTENCIAL ECONOMICO SITUADO EN ESPAÑA SUSCEPTIBLE DE CONSTITUIR UN PELIGRO PARA LA PAZ Y DE LIQUIDACION DE SALDOS Y RECLAMACIONES DE PAGO ENTRE LOS GOBIERNOS DE ESPAÑA Y DE ALEMANIA

A los efectos previstos en el Convenio firmado con esta fecha – designado en adelante "el Convenio" – las Partes Contratantes convienen el siguiente Protocolo que se considerará como parte integrante de aquél.

Artículo I

A fin de ejecutar las disposiciones a que se refieren los Artículos 9º y 11º del Convenio, las sumas inscritas en la cuenta abierta en el Instituto Español de Moneda Extranjera a nombre de los Representantes en España del Consejo de Control Aliado para Alemania (designados en adelante "los Representantes"), serán en principio distribuídas proporcionalmente de acuerdo con los siguientes porcentajes, después de deducir de los mismos las sumas pagaderas al Gobierno español:

Albania	0.05
Australia	0.70
Bélgica	2.70
Canadá	3.50
Dinamarca	0.25
Egipto	0.05
Estados Unidos de América	28.00
Francia	16.00
Reino Unido	28.00
Grecia	2.70
India y Pakistán	2.00
Luxemburgo	0.15
Noruega	1.30
Nueva Zelanda	0.40
Países Bajos	3.90
Checoslovaquia	3.00
Unión del Africa del Sur	0.70
Yugoslavia	6.60

Los Representantes, previa notificación a la Administración española, podrán modificar los contingentes arriba expresados en la tabla de porcentajes, siempre que la suma total de las modificaciones efectuadas no exceda del 25% del total a distribuir.

Queda entendido que los porcentajes superiores al 15% del total no podrán ser aumentados en proporción superior al 25% de sus respectivas cuotas, y que los inferiores al 15% del total no podrán ser aumentados en proporción superior al 50% de las que les corresponden.

Artículo II

Los abonos en cuenta individualizada a nombre de cada una de las Potencias beneficiarias, a que se refiere el Artículo anterior, se verificarán en cualquier momento a petición de los Representantes, previa deducción de los porcentajes que para el pago de las reclamaciones españolas establece el Artículo 11º del Convenio.

A estos efectos se acreditarán en cuentas individualizadas a nombre de cada uno de los Gobiernos interesados, en un Banco español de su elección, las cantidades correspondientes a sus respectivos porcentajes, calculadas sobre el saldo acreditado en la cuenta abierta a nombre de los Representantes.

Dichas cuentas podrán ser establecidas a la vista o a plazo, previo acuerdo con el Instituto Español de Moneda Extranjera, y los intereses normales devengados se ajustarán para su inversión o transferencia a las mismas normas que para el principal establecen el Convenio y este Protocolo.

Artículo III

Las sumas acreditadas en favor de los Gobiernos a que se refiere el Artículo I del presente Protocolo podrán ser transferidas al extranjero, o empleadas en inversiones en España, o cedidas a tercero, previo acuerdo con el Gobierno español y siempre dentro de las normas generales aplicables al tráfico de mercancías y de divisas entre España y el país de que en cada caso se trate.

Podrán utilizarse libremente de acuerdo con el Gobierno español en inversiones tales como adquisición de edificios oficiales, pago del personal prestando servicios oficiales u otras atenciónes similares.

Dichas sumas podrán asimismo emplearse por el país de que en cada caso se trate en la compra de divisas que sean invertidas en participaciones extranjeras en la propiedad expropiada por causa de seguridad nacional, previo acuerdo con el Gobierno español y quedando bien entendido que estas transacciones se someten a las reglas aplicables a cada caso.

Artículo IV

El Gobierno español declara que cualquier transferencia, cesión o inversión con cargo a las cuentas a que se refiere el presente Protocolo,

se autorizará dentro de los límites y posibilidades de la economía española. Los Representantes aceptan tal principio.

En fe de lo cual se suscribe en Madrid, a 10 de mayo de 1948.

HAROLD M RANDALL
Jefe de la Delegación de los Estados Unidos de América,

E DE NAVASQÜÉS
Presidente de la Delegación de España,

F. DE PANAFIEU.
Jefe de la Delegación de Francia,

FRANCIS W MCCOMBE
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda,

PROTOCOLE FINANCIER ANNEXE A LA CONVENTION RELATIVE A L'ELIMINATION DU POTENTIEL ECONOMIQUE SE TROUVANT EN ESPAGNE ET SUSCEPTIBLE DE CONSTITUER UN DANGER POUR LA PAIX ET A LA LIQUIDATION DES COMPTES ET DES RECLAMATIONS DE PAIEMENTS ENTRE LES GOUVERNEMENTS DE L'ESPAGNE ET DE L'ALLEMAGNE

Aux fins prévues dans la Convention signée ce jour (appelée dorénavant "la Convention") les Parties Contractantes sont tombées d'accord sur le Protocole suivant qui sera considéré comme partie intégrante de la Convention.

ARTICLE I

Par application des Articles 9 et 11 de la Convention, les sommes inscrites au compte ouvert à l'Institut Espagnol de la Monnaie Etrangère au nom des Représentants en Espagne du Conseil de Contrôle Allié pour l'Allemagne (dénommés dorénavant "les Représentants"), après déduction des sommes payables au Gouvernement espagnol, seront, en principe, distribuées proportionnellement en respectant les pourcentages suivants:

Albanie	0,05
Etats-Unis d'Amérique	28,00
Australie	0,70
Belgique	2,70
Canada	3,50
Danemark	0,25
Egypte	0,05
France	16,00
Grande-Bretagne	28,00
Grèce	2,70
Indes et Pakistan	2,00
Luxembourg	0,15
Norvège	1,30
Nouvelle-Zélande	0,40
Pays-Bas	3,90
Tchécoslovaquie	3,00
Union Sud-Africaine	0,70
Yougoslavie	6,60

Les Représentants, sous réserve de notification à l'Administration espagnole, pourront faire varier les pourcentages indiqués ci-dessus à condition que la somme totale des modifications effectuées n'excède pas 25% du montant total à distribuer.

Il est entendu que les pourcentages supérieurs à 15% du total ne pourront pas être augmentés de plus de 25% du montant des quotas respectifs et que les pourcentages inférieurs à 15% ne pourront pas être augmentés de plus de 50% de ces quotas.

ARTICLE 2

Les versements dans les comptes particuliers ouverts aux noms des Puissances bénéficiaires auxquelles se réfère l'Article précédent, se feront à tout moment sur demande des Représentants, après déduction des sommes constituant les pourcentages revenant au Gouvernement espagnol pour le paiement des réclamations espagnoles, ainsi qu'il est spécifié dans l'Article 11 de la Convention.

A cet effet, des comptes individuels seront ouverts au nom de chacun des Gouvernements intéressés dans une Banque espagnole de leur choix, comptes qui seront crédités des sommes correspondant aux pourcentages respectifs des dits Gouvernements calculées sur le solde du compte ouvert au nom des Représentants.

Ces comptes pourront être à vue ou à terme après accord avec l'Institut Espagnol de la Monnaie Etrangère, et les intérêts normaux qu'ils produiront seront soumis, pour ce qui concerne leur placement ou leur transfert, aux mêmes règles que celles établies pour le principal par la Convention et par le présent Protocole.

ARTICLE 3

Les sommes créditées en faveur des Gouvernements énumérés dans l'Article I du présent Protocole ne pourront être transférées à l'étranger, utilisées pour des placements en Espagne ou cédées à des tiers qu'après accord avec le Gouvernement espagnol et toujours dans le cadre des règlements applicables au trafic des marchandises et des devises entre l'Espagne et la Nation intéressée dans chaque cas.

D'accord avec le Gouvernement espagnol, ces sommes pourront être librement utilisées pour des placements tels que l'acquisition d'immeubles officiels, le paiement du personnel officiel ou pour d'autres besoins de même nature.

Ces sommes pourront être utilisées par le Pays intéressé à l'achat de devises destinées à l'acquisition de participations étrangères dans les biens expropriés pour raison de sécurité nationale, avec l'accord préalable du Gouvernement espagnol, étant bien entendu que ces transactions seront soumises aux règles applicables à chacune d'elles.

ARTICLE 4

Le Gouvernement espagnol déclare que tous transferts, cessions ou placements effectués avec les fonds provenant des comptes visés par le présent Protocole, ne seront autorisés que dans les limites et suivant les possibilités de l'économie espagnole. Les Représentants acceptent ce principe.

En foi de quoi le présent Protocole est signé à Madrid, le 10 Mai de 1948

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

E DE NAVASQÜÉS

Président de la Délégation Espagnole

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

LETTER NO. 1

MADRID, *May 10, 1948*

SIR:

In connection with paragraph three of the Notes exchanged this day, placing in effect the Accord signed this date, the undersigned have the honor to record the understanding reached during the course of the negotiations to the effect that the proceeds of the official and quasi-official German assets now in the possession of the Representatives in Spain of the Allied Control Council for Germany, or which subsequently may be realized by them, will be at the disposal of the Representatives upon request to the Spanish Administration for distribution within the limits prescribed in Article One of the Financial Protocol to the Accord, it being understood that their employment will be subject to the same limitations as are set forth in the succeeding Articles of that Protocol.

Distribution of proceeds of official German assets.
Ante, p. 2062.

Ante, p. 2083.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M. RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

Excmo. Sr. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
President of the Spanish Delegation
Madrid

LETTRE Nº I

MADRID,
10 Mai de 1948

MONSIEUR LE PRÉSIDENT,

En se référant au paragraphe 3 des Notes échangées ce jour, et mettant en vigueur la "Convention" portant la même date, las Soussignés ont l'honneur de confirmer que, suivant l'accord réalisé au cours des négociations, le produit de la liquidation des biens allemands officiels et semi-officiels qui sont actuellement aux mains des Représentants en Espagne du Conseil de Contrôle Allié pour l'Allemagne ou qui pourront être par la suite réalisés par les dits Représentants, sera mis à la disposition de ceux-ci, sur demande formulée par eux à l'Administration espagnole, pour être distribué dans les limites fixées par l'Article I du Protocole Financier, annexé à la "Convention", étant entendu que l'emploi de ce produit sera soumis aux mêmes limitations que celles prévues dans les Articles suivants du dit Protocole.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española.

Carta número 1 MADRID, *10 de mayo de 1948.*

MUY SEÑORES MÍOS: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En relación con el párrafo 3º de las Notas canjeadas en el día de hoy por las que se pone en vigor el Convenio de la misma fecha, los que suscriben tienen el honor de confirmar la interpretación dada en el curso de las negociaciones en el sentido de que el producto de la liquidación de los bienes alemanes estatales y paraestatales que actualmente están en posesión de los Representantes en España del Consejo de Control Aliado para Alemania o que en adelante sean realizados por dichos Representantes, será puesto a disposición de los mismos al solicitarlo así de la Administración española para su distribución dentro de los límites prescritos en el Artículo I del Protocolo Financiero del Convenio, entendiéndose que su empleo quedará sujeto a las mismas limitaciones que se determinan en los Artículos siguientes de dicho Protocolo".

Tengo la honra de manifestarles mi conformidad con lo que antecede.

Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

The President of the
Spanish Delegation

Letter No. 1 MADRID, *May 10, 1948.*

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows: *Ante*, p. 2091.

"In connection with paragraph three of the Notes exchanged this day, placing in effect the Accord signed this date, the undersigned have the honor to record the understanding reached during the course of the negotiations to the effect that the proceeds of the official and quasi-official German assets now in the possession of the Representatives in Spain of the Allied Control Council for Germany, or which subsequently may be realized by them, will be at the disposal of the Representatives upon request to the Spanish Administration for distribution within the limits prescribed in Article One of the Financial Protocol to the Accord, it being understood that their employment will be subject to the same limitations as are set forth in the succeeding Articles of that Protocol." *Ante*, p. 2062. *Ante*, p. 2083.

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;
Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and
Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland.–

LETTER NO. 2 MADRID, *May 10, 1948*

SIR:

In connection with the understanding now reached in the Accord signed today on the liquidation of German assets in Spain, the undersigned are authorized by their respective Governments to state that, so far as concerns the German areas within their control, they are agreeable to the earliest practicable resumption of communications of every kind and of trade between Spain and Germany, and the restoration of Spanish consular representation. They therefore agree that the necessary detailed arrangements be undertaken forthwith through normal channels. Resumption of communications, etc., between Spain and Germany. *Ante*, p. 2062.

It is, of course, understood that these services and facilities will enjoy the same general treatment and be subject to the same regulations as apply in the cases of other countries.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

Excmo. Sr. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
President of the Spanish Delegation
Madrid

MADRID,
10 Mai de 1948

LETTRE Nº 2

MONSIEUR LE PRÉSIDENT,

En se référant à la "Convention" signée ce jour relative à l'élimination du potentiel économique se trouvant en Espagne et susceptible de constituer un danger pour la paix et aux autres questions s'y rapportant, les Soussignés sont autorisés par leurs Gouvernements respectifs à déclarer, pour autant qu'il s'agit des territoires allemands placés sous leur contrôle, qu'ils sont disposés à reprendre, le plus tôt qu'il sera pratiquement possible, les communications de toutes sortes et le trafic commercial entre l'Espagne et l'Allemagne ainsi qu'à rétablir la Représentation consulaire espagnole. En conséquence, ils sont d'accord pour que soient prises, à cet effet et sans délai, et en utilisant la procédure habituelle, les mesures de détails nécessaires.

Il reste bien entendu que les dits services et facilités bénéficieront du même traitement général et seront assujettis aux mêmes dispositions que celles qui s'appliquent dans le cas d'autres pays.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL
Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.
Chef de la Délégation Française

FRANCIS W MCCOMBE
Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española.

Carta número 2. MADRID, *10 de mayo de 1948.*

MUY SEÑORES MÍOS: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En relación con el Convenio firmado en el día de hoy sobre la eliminación del potencial económico situado en España susceptible de constituir un peligro para la paz, y asuntos referentes al mismo, los que suscriben están autorizados por sus respectivos Gobiernos para declarar que en cuanto a lo que concierne a las zonas de Alemania que se hallan bajo su control están dispuestos a la reanudación, en cuanto sea factible, de las comunicaciones de toda clase y del intercambio comercial entre España y Alemania, así como al restablecimiento de la Representación consular española. Por consiguiente, están de acuerdo en que se adoptarán al efecto y sin dilación, las necesarias medidas de detalle por las vías normales.

Queda, por supuesto, entendido que estos servicios y facilidades disfrutarán del mismo trato general y estarán sujetos a las mismas disposiciones que se aplican con respecto a otros países."

Tengo la honra de manifestarles mi conformidad con lo que antecede.

Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

President of the
Spanish Delegation

Letter No. 2 MADRID, *May 10, 1948.*

SIRS:

Ante, p. 2093. I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

Ante, p. 2062. "In connection with the Accord signed today on the elimination of the economic potential situated in Spain, capable of constituting a danger to peace, and related subjects, the undersigned are authorized by their respective Governments to state that, so far as concerns the German areas within their control, they are agreeable to the earliest practicable resumption of communications of every kind and of trade between Spain and Germany, and the restoration of Spanish consular representation. They therefore agree that the necessary detailed arrangements be undertaken forthwith through normal channels.

It is, of course, understood that these services and facilities will enjoy the same general treatment and be subject to the same regulations as apply in the cases of other countries."

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;
Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and
Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland.

LETTER NO. 3

MADRID, *May 10, 1948*

SIR:

In connection with the Accord signed today, it is our understanding that, pending the decision of the Spanish Government regarding participation in any international arrangements to which it may be invited to adhere, on the subjects of trademarks, copyrights or patents, no such industrial or artistic property falling within the provisions of the Accord will be expropriated or transferred during the period of one year from this date, except where special circumstances do not permit the delay of expropriation or transfer for one year, or in cases where that property is expropriated or transferred as part of the assets of an enterprise in which there exists a German participation liable to be expropriated.

Limitation on expropriation of trademarks, etc.
Ante, p. 2062.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

Excmo. Sr. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
President of the Spanish Delegation
Madrid

LETTRE Nº 3

MADRID,
10 Mai de 1948

MONSIEUR LE PRÉSIDENT,

En nous référant à la "Convention" signée ce jour et en attendant que le Gouvernement espagnol prenne une décision au sujet de sa participation à tous arrangements internationaux concernant les droits de propriété intellectuelle, les marques de fabrique et les brevets, arrangements auxquels il pourrait être invité à participer, nous sommes d'accord pour qu'aucune propriété industrielle ou artistique tombant sous le coup de la dite "Convention" ne soit expropriée ou transférée durant une période d'un an à dater de ce jour, sauf lorsque des circonstances spéciales empêcheront d'attendre un an pour procéder à l'expropriation ou au transfert et dans le cas où la propriété visée serait expropriée ou transférée comme faisant partie de biens comportant une participation allemande sujette à expropriation.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española.

Carta número 3. MADRID, *10 de mayo de 1948.*

Muy señores míos: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En relación con el Convenio firmado en el día de hoy, entendemos que en tanto que el Gobierno español no adopte una decisión acerca de su participación en cualquier clase de Acuerdos internacionales sobre derechos de propiedad intelectual, marcas de fábrica y patentes a los que sea invitado a adherirse, no será expropiada o transferida, en el plazo de un año a partir de esta fecha, ninguna propiedad industrial o artística comprendida en las disposiciones del citado Convenio, excepto en los casos en que circunstancias especiales no permitan esperar el transcurso de un año para su expropiación o transferencia, ó en aquellos en que tal propiedad sea expropiada o transferida como parte de los bienes de una empresa en la que exista una participación alemana sujeta a expropiación."

Tengo la honra de manifestarles mi conformidad con lo que antecede.

Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

The President of the
Spanish Delegation

Letter No. 3

MADRID, *May 10, 1948.*

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day the text of which, having been duly translated into Spanish, reads as follows: *Ante*, p. 2097.

"In connection with the Accord signed today, it is our understanding that, pending the decision of the Spanish Government regarding participation in any international arrangements to which it may be invited to adhere, on the subjects of trademarks copyrights or patents, no industrial or artistic property falling within the provisions of the Accord will be expropriated or transferred during the period of one year from this date, except where special circumstances do not permit the delay of expropriation or transfer for one year, or in cases where that property is expropriated or transferred as part of the assets of an enterprise in which there exists a German participation liable to be expropriated." *Ante*, p. 2062.

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;

Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and

Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland.

LETTER NO. 4

MADRID, *May 10, 1948*

SIR:

In the course of the negotiations concluded in the Accord signed today, the signatory Allied Governments drew attention to the work of the juridical experts of their own and associated governments, having as its purpose to provide solutions for cases of expropriable property which appears to have more than one location or to involve conflicts of jurisdiction, which solutions commonly accepted it is their intention to invite Spain, among other countries, to follow. It is our understanding that the Government of Spain will examine the possibility of adopting such solutions, and that, should cases arise in the course of the process of expropriation pursuant to the Accord in

Solutions to cases involving conflicts of jurisdiction. *Ante*, p. 2062.

which conflicts of jurisdiction are involved, it will consider following, so far as it deems possible, the solutions recommended by the Allied Governments who are applying such solutions in cases in which they, themselves, are involved.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

Excmo. Sr. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO
President of the Spanish Delegation
Madrid

LETTRE Nº. 4

MADRID
10 May de 1948

MONSIEUR LE PRÉSIDENT,

Au cours des négociations qui ont abouti à la Convention signée ce jour, les Gouvernements Alliés signataires ont souligné l' intérêt des études faites par leurs experts juridiques et ceux des Gouvernements associés en vue de trouver des solutions au problème posé par les biens expropriables domiciliés en plus d'un endroit ou donnant lieu à des conflits de juridiction, solutions dont ils ont l'intention de proposer l'adoption à l'Espagne comme à d'autres pays, après qu'elles aient été généralement acceptées. Nous entendons préciser par là que le Gouvernement espagnol examinera la possibilité d'adopter ces solutions et que, s'il se présente au cours de la procédure d'expropriation prévue par la Convention, des cas donnant lieu à des conflits de juridiction, il prendra en considération, dans la mesure où il le jugera possible, les solutions préconisées par les Gouvernements Alliés, qui appliquent déjà de telles solutions aux cas où ils sont eux-mêmes partie.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española

Carta número 4 MADRID, *10 de mayo de 1948.*

MUY SEÑORES MÍOS: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En el curso de las negociaciones concluídas con el Convenio firmado en el día de hoy, los Gobiernos Aliados signatarios señalaron la labor de sus propios juristas y de los de los Gobiernos asociados encaminada a proporcionar soluciones para los casos de propiedad expropiable que resulte tener más de un emplazamiento o que implique conflictos de jurisdicción, siendo su intención invitar, entre otros países, a España para que las adopte una vez que hayan sido convenientemente aceptadas. Entendemos que el Gobierno español examinará la posibilidad de adoptar dichas soluciones y que de presentarse en el desarrollo del procedimiento de expropiación, conforme al Convenio, casos que impliquen conflicto de jurisdicción, tomará en consideración, en la medida que estime posible, las soluciones recomendadas por los Gobiernos Aliados quienes están aplicando tales soluciones en casos en los que ellos mismos están implicados".

Tengo la honra de significarles que queda tomada nota de lo anteriormente transcrito a los oportunos efectos informativos.

Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

The President of the
Spanish Delegation

Letter No. 4 MADRID, *May 10, 1948.*

SIRS:

Ante, p. 2099. I have the honor to acknowledge to you the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

Ante, p. 2062. "In the course of the negotiations concluded in the Accord signed today, the signatory Allied Governments drew attention to the work of the juridical experts of their own and associated governments, having as its purpose to provide solutions for cases of expropriable property which appears to have more than one location or to involve conflicts of jurisdiction, which solutions, when duly accepted, it is their intention to invite Spain, among other countries, to follow. It is our understanding that the Government of Spain will examine the possibility of adopting such solutions, and that, should cases arise in the course of the process of expropriation pursuant to the Accord in which conflicts of jurisdiction are involved, it will consider following, so far as it deems possible, the solutions recommended by the Allied Governments who are applying such solutions in cases in which they, themselves, are involved."

I have the honor to inform you that note has been taken of the text transcribed above for the pertinent informative purposes.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;
Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and
Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland.

LETTER NO. 5

MADRID, *May 10, 1948*

SIR:

In the course of the negotiations which have terminated in the Accord signed today, the signatory Allied Governments have represented that in parallel with arrangements concluded with other States in the matter, provision should be made, in accordance with their desire, for the treatment of any property found in Spain, the previous owners of which died during the war, victims of acts of brutality, leaving no known heirs. We understand that if such cases in relation to property in Spain are brought to its notice, the Spanish Government will use its best efforts with a view to handing the proceeds of such property to the Allied Governments in aid of the work of rehabilitation and resettlement to which, as we confirm our Governments would devote any such receipts.

Property of victims deceased without heirs.
Ante, p. 2062.

We shall be grateful for your confirmation that such cases may be brought to notice accordingly.

Post, p. 2105.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
President of the Spanish Delegation,
Madrid.

MADRID,
10 Mai de 1948

LETTRE Nº 5

MONSIEUR LE PRÉSIDENT,

Au cours des négociations qui ont abouti à la Convention signée ce jour, les Gouvernements Alliés signataires ont manifesté le désir de voir adopter, comme dans les accords passés à ce sujet avec d'autres Etats, certaines dispositions concernant des biens se trouvant en Espagne et appartenant à des propriétaires qui ont succombé pendant la guerre à des actes de violence sans laisser d'héritiers connus.

Nous entendons préciser que le Gouvernement espagnol mettra tout en oeuvre pour que le produit de la liquidation des dits biens soit remis aux Gouvernements Alliés en vue d'être affecté à des oeuvres d'assistance et de reconstruction, oeuvres auxquelles nos Gouvernements s'engagent à consacrer les sommes reçues à cette intention.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL
Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.
Chef de la Délégation Française

FRANCIS W MCCOMBE
Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española

Carta número 5 MADRID, *10 de mayo de 1948.*

MUY SEÑORES MÍOS: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En el curso de las negociaciones que han terminado en el día de hoy con la firma del Convenio, los Gobiernos Aliados signatarios han puesto de manifiesto su deseo de que, como en los Acuerdos celebrados con otros Estados sobre el particular, sean tomadas las medidas oportunas respecto de los bienes situados en España cuyos propietarios fallecidos durante la guerra víctimas de actos de brutalidad no hayan dejado herederos conocidos. Entendemos que el Gobierno español se esforzará en procurar que el producto de la liquidación de dichos bienes sea puesto a disposición de los Gobiernos Aliados para su destino a la obra de rehabilitación y reinstalación, a la que confirmamos que nuestros Gobiernos dedicarán los fondos recibidos por tal concepto".

Tengo la honra de significarles que queda tomada nota de lo anteriormente transcrito a los oportunos efectos informativos.

Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

The President of the
Spanish Delegation

Letter No. 5 MADRID, *May 10, 1948.*

SIRS:

I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows: *Ante*, p. 2103.

"In the course of the negotiations which have terminated in the Accord signed today, the signatory Allied Governments have represented that in parallel with arrangements concluded with other States in the matter, provision should be made, in accordance with their desire, for the treatment of any property found in Spain, the previous owners of which died during the war, victims of acts of brutality, leaving no known heirs. We understand that the Spanish Government will use its best efforts with a view to placing the proceeds of such property at the disposal of the Allied Governments in aid of the work of rehabilitation and resettlement to which we confirm that our Governments will devote any such receipts." *Ante*, p. 2062.

I have the honor to signify to you that note has been taken of the text transcribed above for the pertinent informative purposes.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;
Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and
Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland.

LETTER NO. 6

MADRID, *May 10, 1948*

SIR:

Protection of interests of non-German foreign nationals.
Ante, p. 2062.

In connection with the Accord signed today, it is our understanding that in the expropriation or the allotment of assets subject to expropriation, the interests, whether direct or indirect, of non-German foreign nationals will be protected to the same extent as those of Spanish nationals, on condition of reciprocal treatment in the country of those foreign nationals.

Post, p. 2108.

We shall be grateful if you will confirm this understanding.

Accept, Sir, the renewed assurances of our distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

F. DE PANAFIEU.

Chief of Delegation of France

FRANCIS W MCCOMBE

Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

EXCMO. SR. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
President of the Spanish Delegation,
Madrid.

MADRID
10 Mai de 1948

LETTRE Nº 6

MONSIEUR LE PRÉSIDENT,

En nous référant à la "Convention" signée ce jour, nous entendons préciser que, dans l'application des mesures d'expropriation ou d'adjudication des biens visés par la dite Convention, les intérêts, directs ou indirects, de ressortissants étrangers non allemands seront protégés dans la mesure où le seront les biens des nationaux espagnols, à la condition que ces derniers bénéficient d'un régime de réciprocité dans le pays des ressortissants étrangers dont il s'agit.

Veuillez agréer, Monsieur le Président, les assurances de notre très haute considération.

HAROLD M RANDALL

Chef de la Délégation des Etats-Unis d'Amérique

F. DE PANAFIEU.

Chef de la Délégation Française

FRANCIS W MCCOMBE

Chef de la Délégation du Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

à S. Exc. Monsieur E. DE NAVASQUES Y RUIZ DE VELASCO
Ministre Plenipotentiaire
President de la Delegation Espagnole

El Presidente de la
Delegación española

Carta número 6 MADRID, *10 de mayo de 1948.*

MUY SEÑORES MÍOS: Tengo la honra de acusarles recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En relación con el Convenio firmado en el día de hoy, entendemos que en la expropiación o adjudicación de bienes afectados por dicho Convenio, los intereses bien directos o indirectos, de súbditos extranjeros no alemanes, serán protegidos en la misma medida que lo sean los de los nacionales españoles a condición de recibir un trato de reciprocidad en el país de tales súbditos extranjeros".

Tengo la honra de manifestarles mi conformidad con lo que antecede.
Aprovecho esta oportunidad para reiterarles las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América;
A M. FRANÇOIS DE PANAFIEU,
Jefe de la Delegación de Francia; y
A Mr. FRANCIS MC. COMBE,
Jefe de la Delegación del Reino Unido de la Gran Bretaña y Norte de Irlanda.–

Translation

The President of the
Spanish Delegation

Letter No. 6

MADRID, *May 10, 1948.*

SIRS:

Ante, p. 2106. I have the honor to acknowledge the receipt of your letter dated this day, the text of which, having been duly translated into Spanish, reads as follows:

Ante, p. 2062. "In connection with the Accord signed today, it is our understanding that in the expropriation or allotment of assets subject to expropriation, the interests, whether direct or indirect, of non-German foreign nationals will be protected to the same extent as those of Spanish nationals, on condition of reciprocal treatment in the country of those foreign nationals."

I have the honor to inform you of my agreement with the foregoing.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America;
Mr. FRANÇOIS DE PANAFIEU,
Chief of Delegation of France; and
Mr. FRANCIS MCCOMBE,
Chief of Delegation of the United Kingdom of Great Britain and Northern Ireland

The Chief of the United States Delegation to the President of the Spanish Delegation

MADRID, *May 10, 1948*

SIR:

In confirmation of the understanding reached during the course of the negotiations of the Accord signed this day, I am pleased to state that arrangements will be made in the near future for the unblocking of Spanish assets in the United States.

Unblocking of Spanish assets in U. S. *Ante*, p. 2062.

Accept, Sir, the renewed assurances of my distinguished consideration.

HAROLD M RANDALL

Chief of Delegation of the United States of America

Excmo. Sr. D. EMILIO DE NAVASQUÉS Y RUIZ DE VELASCO,
President of the Spanish Delegation,
Madrid.

The President of the Spanish Delegation to the Chief of the United States Delegation

El Presidente de la
Delegación española

MADRID, *10 de mayo de 1948.*

MUY SEÑOR MÍO: Tengo la honra de acusarle recibo de su carta de fecha de hoy, cuyo contenido, debidamente traducido al español, dice así:

"En confirmación de lo acordado durante el curso de las negociaciones del Convenio firmado en el día de hoy, me complazco en manifestarle que en un futuro próximo se adoptarán medidas para el desbloqueo de los haberes españoles en los Estados Unidos."

Tengo la honra de manifestarle que queda tomada la debida nota de lo anteriormente transcrito.

Aprovecho esta oportunidad para reiterarle las seguridades de mi distinguida consideración.

[SEAL] E DE NAVASQÜÉS

A Mr. HAROLD M. RANDALL,
Jefe de la Delegación de los Estados Unidos de América.

Translation

The President of the Spanish Delegation

MADRID, *May 10, 1948.*

SIR:

Ante, p. 2109.

I have the honor to acknowledge the receipt of your letter dated this day, the content of which, having been duly translated into Spanish, reads as follows:

Ante, p. 2062.

"In confirmation of the understanding reached during the course of the negotiations of the Accord signed this day, I am pleased to state that arrangements will be made in the near future for the unblocking of Spanish assets in the United States."

I have the honor to inform you that due note has been taken of the text transcribed above.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

[SEAL] E DE NAVASQÜÉS

Mr. HAROLD M. RANDALL,
Chief of Delegation of the United States of America. –

The American Chargé d'Affaires ad interim to the Spanish Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

MADRID, *May 10, 1948*

EXCELLENCY:

Abolishment of National Socialist German Labor Party, etc. *Ante*, p. 2065.

Under instructions of my Government, I have the honor to refer to Article XII of the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany.

Pursuant to those instructions I have the honor to inform Your Excellency, in conjunction with identical Notes today addressed to you by the Chiefs of Missions in Spain of France and of the United Kingdom of Great Britain and Northern Ireland, [1] that as a consequence of Law No. 2 promulgated by the Allied Control Council for Germany on October 10th, 1945, the National Socialist German Labor Party, its formations, affiliated associations and supervised agencies, as well as all other institutions established as instruments of the domination of that Party, were abolished and made illegal.

[1] Not printed.

Status of German schools at designated Spanish cities.
Ante, p. 2065.

As a consequence, so far therefore as the three Governments are concerned as such Representatives and with reference to Article XII of the Accord and Article I of the Decree Law of April 23, 1948 of the Spanish Government, my Government confirms that it regards the German schools at Madrid, Bilbao, Cádiz, Cartagena, Las Palmas, Málaga, San Sebastian, Santa Cruz de Tenerife, Sevilla, Valencia and Vigo as entities affiliated to or supervised by the said illegal National Socialist German Labor Party.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL T. CULBERTSON
Chargé d'Affaires ad interim

His Excellency
Don ALBERTO MARTÍN ARTAJO,
Minister for Foreign Affairs,
Madrid.

The Spanish Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DE ASUNTOS EXTERIORES
398

MADRID, *10 de mayo de 1948.*

MUY SEÑOR MÍO: Tengo la honra de acusar recibo a su atenta Nota de fecha de hoy, por la que se sirve comunicarme lo que, debidamente traducido al español, se expresa seguidamente.

"Siguiendo instrucciones de mi Gobierno, tengo la honra de referirme al Artículo 12 del Convenio relativo a la eliminación del potencial económico situado en España susceptible de constituir un peligro para la paz y a la liquidación de saldos y reclamaciones de pago entre los Gobiernos de España y Alemania, firmado en esta fecha por los Jefes debidamente nombrados de las Delegaciones del Gobierno español y de los Gobiernos de los Estados Unidos de América, de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda como Representantes en España del Consejo de Control Aliado para Alemania.

De conformidad con dichas instrucciones, tengo la honra de informar a Vuestra Excelencia, conjuntamente con las Notas idénticas que con esta fecha le han sido dirigidas por los Jefes de las Misiones diplomáticas en España de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda, que en virtud de la Ley número 2 promulgada por el Consejo de Control Aliado para Alemania el 10 de octubre de 1945, el Partido Obrero Alemán Nacional Socialista, sus Organizaciones, asociaciones afiliadas y agencias controladas, así como todas las demás instituciones establecidas como instrumentos de dominación de dicho Partido, han sido abolidos y declarados ilegales.

En consecuencia, por lo que concierne a los tres Gobiernos como tales Representantes, y con referencia al Artículo 12 del Convenio

y al Artículo 1º del Decreto Ley del Gobierno español de fecha 23 de abril de 1948, mi Gobierno confirma que considera a los Colegios alemanes de Madrid, Bilbao, Cádiz, Cartagena, Las Palmas, Málaga, San Sebastían, Santa Cruz de Tenerife, Sevilla, Valencia y Vigo como entidades afiliadas a o controladas por dicho Partido Obrero Alemán Nacional Socialista declarado ilegal."

Tengo la honra de manifestarle que por parte del Gobierno español queda tomada buena nota de lo anterior a los efectos convenidos.

Aprovecho la oportunidad, Señor Encargado de Negocios, para reiterarle las seguridades de mi distinguida consideración.

A MARTÍN A

Al Señor PAUL T. CULBERTSON
Encargado de Negocios a. i. de los Estados Unidos de América.–

Translation

MINISTRY OF FOREIGN AFFAIRS
398

MADRID, *May 10, 1948.*

SIR:

I have the honor to acknowledge the receipt of your courteous Note dated this day, in which you were so good as to communicate to me the following, which, having been duly translated into Spanish, reads as follows:

Ante, p. 2110.

"Under instructions of my Government, I have the honor to refer to Article XII of the Accord regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany, signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany.

Ante, p. 2065.

Pursuant to those instructions I have the honor to inform Your Excellency, in conjunction with identical Notes today addressed to you by the Chiefs of the diplomatic Missions in Spain of France and of the United Kingdom of Great Britain and Northern Ireland, that as a consequence of Law No. 2 promulgated by the Allied Control Council for Germany on October 10th, 1945, the National Socialist German Labor Party, its formations, affiliated associations and supervised agencies, as well as all other institutions established as instruments of the domination of that Party, were abolished and made illegal.

As a consequence, so far as the three Governments are concerned as such Representatives, and with reference to Article XII of the Accord and Article I of the Decree Law of April 23, 1948 of the Spanish Government, my Government confirms that it regards the German schools at Madrid, Bilbao, Cádiz, Cartagena, Las Palmas, Málaga, San Sebastian, Santa Cruz de Tenerife, Sevilla, Valencia and Vigo as entities

Ante, p. 2065.

affiliated to or supervised by the said illegal National Socialist German Labor Party."

I have the honor to inform you that the Spanish Government has taken careful note of the foregoing for the purposes agreed upon.

I avail myself of the opportunity, Sir, to renew to you the assurances of my distinguished consideration.

A MARTÍN A

Mr. PAUL T. CULBERTSON
Chargé d'Affaires ad interim
of the United States of America.—

The American Chargé d'Affaires ad interim to the Spanish Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

MADRID, *May 10, 1948*

EXCELLENCY:

Under instructions of my Government, I have the honor to refer to the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany. *Ante*, p. 2062.

Pursuant to those instructions, I have the honor to inform Your Excellency that, in fulfillment of the understanding reached during the course of the negotiations terminating in that Accord, my Government, by this exchange of Notes and the identical Notes exchanged today between Your Excellency's Government and the Chiefs of Missions in Spain of the Governments of France and of the United Kingdom of Great Britain and Northern Ireland, [1] considers that Accord mutually confirmed and in full effect as of this date. Effective date.

Likewise, I take this occasion to confirm to Your Excellency that, in keeping with the Accord reached in these general negotiations, the official assets registered in the name of the German Government, as also those others constituted with German official funds, both actually in possession of the Representatives in Spain of the Allied Control Council for Germany and those which, for the same reasons, may be delivered to them subsequently, are subject to the conditions established by the Notes exchanged between Your Excellency and the Chiefs of the diplomatic missions of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland on October 28th, 1946. [1]

[1] Not printed.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL T. CULBERTSON
Chargé d'Affaires ad interim

His Excellency
Don ALBERTO MARTÍN ARTAJO,
Minister for Foreign Affairs,
Madrid.

The Spanish Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DE ASUNTOS EXTERIORES
397

MADRID, *10 de mayo de 1948.*

MUY SEÑOR MÍO: Tengo la honra de acusar recibo a su atenta Nota de fecha de hoy, por la que se sirve comunicarme lo que, debidamente traducido al español, se expresa seguidamente:

"Siguiendo instrucciones de mi Gobierno tengo el honor de referirme al Convenio suscrito en esta fecha por los Jefes, debidamente designados, de las Delegaciones del Gobierno español y de los Gobiernos de los Estados Unidos de América, de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda como Representantes en España del Consejo de Control Aliado para Alemania, relativo a la eliminación del potencial económico situado en España susceptible de constituir un peligro para la paz y a la liquidación de saldos y reclamaciones de pago entre los Gobiernos de España y de Alemania.

De conformidad con dichas instrucciones, tengo la honra de informar a Vuestra Excelencia que en cumplimiento de lo convenido en el curso de las negociaciones que han dado lugar al mencionado Convenio, mi Gobierno, por este canje de Notas y las Notas idénticas cambiadas con esta fecha entre el Gobierno de Vuestra Excelencia y los Jefes de Misión en España de los Gobiernos de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda, considera que dicho Convenio ha recibido la conformidad recíproca y entra en pleno vigor a partir del día de hoy.

Asimismo, aprovecho esta ocasión para confirmar a Vuestra Excelencia que, de acuerdo con el Convenio que ha resultado de estas negociaciones generales, los bienes estatales registrados a nombre del Gobierno alemán así como los constituídos con fondos estatales alemanes, todos ellos actualmente en posesión de los Representantes en España del Consejo de Control Aliado para Alemania y los que, por las mismas razones, les sean en adelante entregados, quedan sujetos a las condiciones determinadas por el canje de Notas realizado el 28 de octubre de 1946, entre Vuestra Excelencia y los Jefes de las Misiones diplomáticas de los Estados Unidos de América, de Francia y del Reino Unido de la Gran Bretaña y Norte de Irlanda".

Tengo la honra de manifestarle la conformidad del Gobierno español con lo que antecede.

Aprovecho la oportunidad, Señor Encargado de Negocios, para reiterarle las seguridades de mi distinguida consideración.

A MARTÍN A

Al Señor PAUL DE CULBERTSON,
Encargado de Negocios a. i. de los Estados Unidos de América. –

Translation

MINISTRY OF FOREIGN AFFAIRS
397

MADRID, *May 10, 1948.*

SIR:

I have the honor to acknowledge the receipt of your courteous Note dated this day, in which you were so good as to communicate to me the following, which, having been duly translated into Spanish, reads thus:

Ante, p. 2113.

"Under instructions of my Government, I have the honor to refer to the Accord signed this day by the duly appointed Chiefs of Delegations of the Spanish Government and of the Governments of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland, as the Representatives in Spain of the Allied Control Council for Germany, regarding the elimination of the economic potential situated in Spain capable of constituting a danger to peace, and the liquidation of balances and payments claims between the Governments of Spain and Germany.

Ante, p. 2062.

Pursuant to those instructions, I have the honor to inform Your Excellency that, in fulfillment of the understanding reached during the course of the negotiations terminating in that Accord, my Government, by this exchange of Notes and the identical Notes exchanged today between Your Excellency's Government and the Chiefs of Missions in Spain of the Governments of France and of the United Kingdom of Great Britain and Northern Ireland, considers that Accord mutually confirmed and in full effect as of this date.

Likewise, I take this occasion to confirm to Your Excellency that, in keeping with the Accord reached in these general negotiations, the official assets registered in the name of the German Government, as also those others constituted with German official funds, both actually in possession of the Representatives in Spain of the Allied Control Council for Germany and those which, for the same reasons, may be delivered to them subsequently, are subject to the conditions established by the Notes exchanged between Your Excellency and the Chiefs of the diplomatic missions of the United States of America, of France, and of the United Kingdom of Great Britain and Northern Ireland on October 28, 1946."

I have the honor to inform you of the agreement of the Spanish Government with the foregoing.

I avail myself of the opportunity, Sir, to renew to you the assurances of my distinguished consideration.

A MARTÍN A

Mr. PAUL CULBERTSON,
Chargé d'Affaires ad interim
of the United States of America. –

October 13, 1947, and March 17, 1948
[T. I. A. S. 1776]

Agreement between the United States of America and China respecting claims resulting from activities of United States military forces in China. Effected by exchange of notes dated at Nanking October 13, 1947, and March 17, 1948; entered into force March 17, 1948.

The American Embassy to the Chinese Ministry of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 1197

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of China and has the honor to refer to the latter's note, no. T'aio–36/09410, of May 8, 1947, [1] outlining certain suggestions in regard to investigation and payment of claims against the United States Government arising out of activities of the United States military forces in China. The note referred to was responsive to memorandum no. 885–19, dated February 28, 1946, [1] submitted by Lieutenant General Albert C. Wedemeyer to His Excellency, President Chiang Kai-shek.

It is apparent that General Wedemeyer's proposal was made in light of the conditions then existing. Various military bases in Western China had been evacuated and a number of claims had not been settled nor other disposition made. The parts of China where the claimants lived were becoming inaccessible to American troops. Facilities for investigation and payment of accident claims were not readily available. The number of American military personnel in China was being reduced radically. What American Forces would remain in China was undecided.

The circumstances of early February 1946 were substantially different from those now prevailing. Claims which were then outstanding have been settled or other disposition of them has been made. Incidents and accidents reported have been investigated. Because of the lapse of time since American forces have withdrawn from remote areas, it is unlikely that additional incidents from those areas will be reported in the future. Claims arising from incidents occurring currently have been, and are being, processed under the provisions of the Act of Congress commonly referred to as the Foreign Claims Act and related regulations of the Army and Navy. The number of claims being presented now is small and sums of money involved are relatively limited. Conditions affecting claims have become more stabilized in the past months with the continued presence in China of certain elements of the United States Navy, the Army Advisory Group, Naval Advisory Group Survey Board, and units

55 Stat. 880.
31 U. S. C. § 224d *et seq.*

[1] Not printed.

of American Graves Registration Service and Air Transport Command. Within these organizations there is, at the present time, sufficient personnel to adequately process new claims as they develop.

For these reasons the bases for General Wedemeyer's proposal appear to exist no longer. The classification of claims as to type mentioned in the Ministry's note of May 8, 1947 would not seem to be applicable under conditions now obtaining. The offer of the Chinese Government to assume the responsibility for investigation and disposition of such indemnity cases is appreciated. Nevertheless, in view of the change in circumstances further consideration of the matter is suggested.

Process of claims within scope of designated Acts of Congress. 55 Stat. 880. 31 U. S. C. § 224d *et seq.*

As an alternative, it is proposed that claims against the United States within the scope of the Foreign Claims Act and similar pertinent acts of Congress arising out of the activities of the United States Army, Navy and Air Forces in China be processed by Army, Navy or Air Force agencies in the same manner as is now being done under Army and Navy regulations. With the exception of the classifications to be discussed hereinafter, it is intended that the indemnities awarded by said agencies be paid from United States funds. The exceptions referred to are:

Payment of indemnities.

A. Claims by or on behalf of individuals assigned to work for the Naval Advisory Group Survey Board or Army Advisory Group (including the Air Forces) whose salary is paid by or from Chinese funds, and whose claims are based upon an illness, injury, incident or accident arising in the course of such employment.

B. Claims for damages for injury to person or property by or on behalf of any firm or corporation, or person who does not come within the purview of the last preceding paragraph (A), whose claims are based upon an accident or incident arising out of the activities of the Naval Advisory Group Survey Board or Army Advisory Group.

With respect to the two classes of claims last mentioned (paragraphs A and B), it is proposed that the indemnities awarded claimants by agencies of the United States Army, Navy or Air Forces, be paid from the Nanking Revolving Fund or other funds of the Republic of China which will be made available for this purpose by the Chinese Government.

These proposals, of course, relate to claims other than those arising from procurement or any other contracts and are limited generally to the kind of claims mentioned in the fifth paragraph hereof.

The Embassy suggests that the Ministry make known its views as to the principles herein set forth. If the Government of the Republic of China agrees with these principles, it is further suggested that the details of the administration thereof be agreed upon by and between the Ministry of National Defense and the Chief, Army Advisory Group, and the Senior Member of the Naval Advisory Group Survey Board, or their duly authorized representatives.

NANKING, *October 13, 1947*

W.T.T.

The Chinese Ministry of Foreign Affairs to the American Embassy

節略

外交部茲向美國大使館致意，並願提及三十六年十月十三日大使館第二九七號節略，在該節略內，大使館對駐華美軍由行動所引起之賠償問題，認為魏德邁將軍所提之建議，係根據當時情形所提出，在現狀下已不復適用，並鑒於情勢之變遷，另提建議如左：

凡在外國賠償要求法案及類似有關國會法案

外(37)條二

06591

範圍內，由於美國駐華陸海空軍之行動而引起之賠償要求，應由陸海空軍機關依照前按照陸海軍現行處理之同樣方式處理之。除下列各類賠償要求外，各該機關前判定之賠款，擬由美國款項支付：

(甲)派在海軍顧問團測量局或陸軍顧問團(包括空軍)工作而由中國款項給付薪金之人員，根據其在服用期間發生疾病、受傷或意外事件，由其

自行或代其提出之賠償要求。

(山)凡不屬於(甲)項範圍內之任何商號、法人或人員，根據由於海軍顧問團測量局或陸軍顧問團之行動所引起之意外事件，為加於其身體或財產之傷害，由其自行或代其提出之賠償要求。

關於上列兩類賠償要求，由美國陸海空軍機關判與賠償要求人之款，即由南京國轉金，或其他經中國政府指定專為此項用途而使用之中華

民國款項支付之。

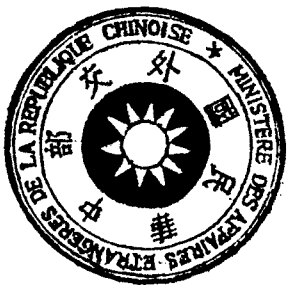
又上開建議，係指對非由於購辦或其他合約而發生之要求，並通常限於前列各項法案所述賠償要求之種類而言。

大使館並建議，如中國政府能同意上列各原則，其實施細則即擬由國防部與陸軍顧問團團長及海軍顧問團測量局最高長官或其授權之代表共同商定之。

查大使館上述來器所建議之各原則，中國政府可予

同意，外交部除函請國防部依照此項原則即與美國陸軍顧問團團長及海軍顧問團測量局最高長官或其授權之代表共同商定實施細則外，特此照復查照。

中華民國三十七年三月十七日於南京



中華民國卅七年三月十八日發出

Translation

MINISTRY OF FOREIGN AFFAIRS

No. Wai-(37)-T'iao-Erh/06591

March 17, 1948

The Ministry of Foreign Affairs presents its compliments to the American Embassy and has the honor to refer to the Embassy's third person note No. 1197 of October 13, 1947. In this note, the Embassy considered, in connection with the question of compensation arising out of activities of the United States military forces in China, that General Wedemeyer's proposal which was made on the basis of the conditions then existing can no longer be applicable under the present conditions, and in view of the change in circumstances it is proposed as follows:

Ante, p. 2116.

Claims (against the United States) within the scope of the Foreign Claims Act and similar pertinent acts of Congress arising out of the activities of the United States Army, Navy and Air Forces in China be processed by Army, Navy or Air Forces agencies in the same manner as is now being done under Army and Navy regulations. With the exception of the following types of claims, it is intended that the indemnities awarded by said agencies be paid from United States funds. The exceptions referred to are:

A. Claims by or on behalf of individuals assigned to work for the Naval Advisory Group Survey Board or Army Advisory Group (including the Air Forces) whose salary is paid by or from Chinese funds, and whose claims are based upon an illness, injury, incident or accident arising in the course of such employment.

B. Claims for damages for injury to person or property by or on behalf of any firm or corporation, or person who does not come within the purview of the last preceding paragraph (A), whose claims are based upon an accident or incident arising out of the activities of the Naval Advisory Group Survey Board or Army Advisory Group.

With respect to the two classes of claims last mentioned, (it is proposed that) the indemnities awarded claimants by agencies of the United States Army, Navy or Air Forces, be paid from the Nanking Revolving Fund or other funds of the Republic of China which will be made available especially for this purpose by the Chinese Government.

These proposals refer to claims other than those arising from procurement or any other contracts and are limited generally to the types of claims stated in the above-mentioned acts.

The Embassy suggests that if the Government of the Republic of China agrees with these principles, the details for the implementation thereof be agreed upon by and between the Ministry of National Defense and the Chief, Army Advisory Group and the Senior Member of the Naval Advisory Group Survey Board, or their duly authorized representatives.

The Embassy is informed in reply that the various principles suggested in the Embassy's note under reference are agreeable to the Chinese Government. The Ministry of National Defense is being requested by the Ministry of Foreign Affairs in writing to consult forthwith with the Chief, Army Advisory Group, and the Senior Member of the Naval Advisory Group Survey Board, or their duly authorized representatives for the establishment of the details for the implementation thereof.

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF CHINA

Agreement between the United States of America and Brazil respecting a military advisory mission to Brazil. Signed at Washington July 29, 1948; entered into force July 29, 1948.

July 29, 1948
[T. I. A. S. 1778]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL

In conformity with the request of the Government of the United States of Brazil to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and enlisted men of the United States Army, Navy and Air Forces, to constitute an advisory mission to the United States of Brazil under the conditions specified below:

TITLE I

Purpose and Duration

ARTICLE 1. The purpose of this Mission is to advise the President of the United States of Brazil or his representative in the establishment and operation of a school for senior officers of the Brazilian Army, Navy, and Air Force for combined operations similar to the United States National War College in Washington.

ARTICLE 2. This Agreement shall continue for a period of four years from the date of the signing thereof by the accredited representatives of the Government of the United States of America and the Government of the United States of Brazil unless previously terminated or extended as hereinafter provided. Any member of the

CONTRATO ENTRE OS GOVERNOS DOS ESTADOS UNIDOS DA AMERICA E DOS ESTADOS UNIDOS DO BRASIL

De conformidade com o pedido feito pelo Govêrno dos Estados Unidos do Brasil ao Govêrno Norte-americano, o Presidente dos Estados Unidos da América autorizou a nomeação de oficiais e praças do Exército, Marinha e Aeronáutica para constituirem uma Missão de colaboração nos Estados Unidos do Brasil, sob as condições abaixo estipuladas:

TITULO I

Finalidade e Duração

ARTIGO 1. O fim desta Missão é cooperar com o Presidente dos Estados Unidos do Brasil, ou com seu representante, no estabelecimento e funcionamento de um Curso para Chefes do Exército, Marinha e Aeronáutica, sôbre Operações Combinadas, semelhante ao "National War College", de Washington.

ARTIGO 2. Este Contrato estará em vigor por um período de quatro anos, a contar da data da sua assinatura pelos representantes autorizados dos Governos dos Estados Unidos da América e dos Estados Unidos do Brasil, a não ser que o mesmo seja prèviamente rescindido ou prorrogado nas condições adiante estabelecidas. Qual-

Mission may be recalled by the Government of the United States of America after the expiration of two years of service in which case another member shall be furnished to replace him.

Extension of services of Mission.

ARTICLE 3. If the Government of the United States of Brazil desires that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Termination of agreement.

ARTICLE 4. This Agreement may be terminated before the expiration of the period of four years prescribed in Article 2 or before expiration of the extension authorized in Article 3 in the following manner:

(a) By either of the Governments, subject to three months' written notice to the other Government;

(b) By the recall of the entire personnel of the Mission by the Government of the United States of America, in the public interest of the United States of America, without necessity of compliance with provision (a) of this Article.

Cancellation in case of hostilities.

ARTICLE 5. This Agreement is subject to cancellation upon the initiative of either the Government of the United States of America or the Government of the United States of Brazil at any time during a period when either Government is involved in domestic or foreign hostilities.

TITLE II

Composition and Personnel

ARTICLE 6. This Mission shall consist of such personnel of the United States Army, Navy, and Air Force as may be agreed upon by the President of the United States of Brazil through his au-

quer membro da Missão poderá ser exonerado pelo Govêrno dos Estados Unidos da América após dois anos de serviço, devendo, nêsse caso, ser enviado outro membro para o substituir.

ARTIGO 3. Se o Govêrno dos Estados Unidos do Brasil desejar que os serviços da Missão sejam prorrogados além do período estipulado, deverá fazer uma proposta por escrito para êsse fim seis meses antes de expirar êste Contrato.

ARTIGO 4. Este Contrato pode ser rescindido antes de expirar o período de quatro anos previsto no Artigo 2 ou sua prorrogação autorizada no Artigo 3 nas seguintes condições:

(a) Mediante notificação escrita, comunicada por um dos dois Governos ao outro, com três meses de antecedência;

(b) Pela retirada de todo o pessoal da Missão pelo Govêrno dos Estados Unidos da América, no interêsse público dêsse país, sem necessidade de observância do estipulado no parágrafo (a) dêste Artigo.

ARTIGO 5. Este Contrato poderá ser rescindido por iniciativa tanto do Govêrno dos Estados Unidos da América, como dos Estados Unidos do Brasil, em qualquer momento durante um período em que um dêstes governos se encontre envolvido em lutas internas ou externas.

TITULO II

Composição e Pessoal

ARTIGO 6. Esta Missão será composta do pessoal do Exército, Marinha e Aeronáutica dos Estados Unidos da América com cuja nomeação concordem o Presidente dos Estados Unidos do Brasil, por

thorized representative in Washington and the Departments of Army, Navy, and Air Force of the United States of America.

intermédio de seu representante acreditado em Washington, e as Secretarias do Exército, Marinha e Aeronáutica dos Estados Unidos da América.

TITLE III

Duties, Rank and Precedence

ARTICLE 7. The personnel of the Mission shall perform such duties as may be agreed upon between the President of the United States of Brazil, or his duly authorized representative, and the Chief of the Mission.

TITULO III

Deveres, Postos e Precedência

ARTIGO 7. Os membros da Missão desempenharão as funções que fôrem acordadas entre o Presidente dos Estados Unidos do Brasil, ou seu representante autorizado, e o Chefe da Missão.

ARTICLE 8. Each member of the Mission shall serve on the Mission with the rank he holds in the Armed Forces of the United States of America, and shall wear the uniform thereof, but shall have precedence over all Brazilian Officers of the same rank.

ARTIGO 8. Todos os membros da Missão servirão com o posto que têm nas Forças Armadas dos Estados Unidos da América, usando o respectivo uniforme, mas terão precedência sôbre todos os oficiais brasileiros do mesmo posto.

ARTICLE 9. The members of the Mission shall be responsible to the President of the United States of Brazil, or his designated representative through the Chief of the Mission.

ARTIGO 9. Os membros da Missão ficarão subordinados ao Presidente dos Estados Unidos do Brasil ou ao seu representante autorizado, por intermédio do Chefe da Missão.

Honors and privileges.

ARTICLE 10. Each member of the Mission shall be entitled to all honors and privileges which the laws and regulations of the Brazilian Armed Forces provide for Brazilian Armed Forces personnel of corresponding rank.

ARTIGO 10. Todos os membros da Missão terão direito a tôdas as honras e privilégios que as leis e regulamentos do Exército brasileiro outorgam aos seus oficiais e praças de postos ou graduações correspondentes.

Disciplinary regulations.

ARTICLE 11. The personnel of the Mission shall be governed by the disciplinary regulations of the United States Army, Navy and Air Force.

ARTIGO 11. O pessoal da Missão sera regido pelos Regulamentos Disciplinares do Exército, Marinha e Aeronáutica dos Estados Unidos da América.

TITLE IV

Compensation and Perquisites

ARTICLE 12. Members of the Mission shall receive from the Government of the United States of Brazil such net annual compensation expressed in United

TITULO IV

Vencimentos e Vantagens

ARTIGO 12. Os membros da Missão receberão do Govêrno dos Estados Unidos do Brasil uma remuneração líquida anual, em moeda dos Estados Unidos da

States currency as may be agreed upon for each individual member between the Governments of the United States of America and the United States of Brazil. The said compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. Payments may be made in Brazilian national currency and when so made shall be computed at the highest official rate of exchange in Rio de Janeiro on the date on which due. Payments made outside of Brazil shall be in the national currency of the United States of America and in the amounts agreed upon as indicated above. The said compensation shall not be subject to any Brazilian tax, or to tax by any political subdivision of the United States of Brazil that is now or shall hereafter be in effect. Should there, however, at present or during the life of this Agreement be any taxes that might affect the said compensation, such taxes shall be borne by the United States of Brazil in order to comply with the provision stipulated above that the compensation agreed upon shall be net.

Tax exemption.

ARTICLE 13. The compensation agreed upon as indicated in the preceding Article shall commence upon the date of departure from the United States of America of each member of the Mission except as otherwise specifically provided in this Agreement, shall continue, following the termination of duty with the Mission, for the return voyage to the United States of America and thereafter for the period of any accumulated leave which may be due.

ARTICLE 14. The compensation due for the period of the return

América, fixada individualmente para cada membro por acôrdo entre os Governos dos Estados Unidos da América e dos Estados Unidos do Brasil. Essa remuneração será paga em doze (12) mensalidades iguais, devidas e pagáveis no último dia de cada mês. O pagamento poderá ser efetuado em moeda corrente brasileira, e, quando assim fôr, será calculado tomando-se como base a mais alta cotação oficial de cambio no Rio de Janeiro nessa data. Os pagamentos fora do Brasil serão feitos em moeda corrente dos Estados Unidos da América e nas quantias estipuladas da maneira acima indicada. A referida remuneração não estará sujeita a impôsto algum brasileiro, federal, estadual ou municipal, que esteja em vigor ou que venha a ser criado posteriormente. Se houver, porém, impostos que, presentemente ou durante a vigência dêste Contrato, recaiam sôbre os referidos vencimentos, tais impostos ficarão a cargo dos Estados Unidos do Brasil, a fim de que, de acôrdo com o que ficou acima estipulado, a remuneração estabelecida seja líquida.

ARTIGO 13. A remuneração estabelecida no Artigo precedente começará a vigorar na data da partida dos Estados Unidos da América de cade membro da Missão, exceto quando determinado especìficamente de maneira diversa nêste Contrato; e continuará, concluido o serviço na Missão, até à data da chegada de regresso aos Estados Unidos da América, e aínda pelo período de quaisquer férias acumuladas a que tenha direito.

ARTIGO 14. A remuneração devida, correspondente aos períodos

trip and accumulated leave shall be paid to a detached member of the Mission before his departure from Brazil, and such payment shall be computed for travel by the shortest usually traveled route to the port of entry in the United States of America regardless of the route and method of travel used by the member of the Mission.

de viagens de regresso e férias acumuladas, será paga ao membro desligado da Missão, antes de sua partida do Brasil, e tal pagamento será calculado considerando-se a viagem pela mais curta via usual para o porto de entrada nos Estados Unidos da América, qualquer que seja o itinerário ou meio de transporte escolhido pelo membro da Missão.

Travel accommodations.

ARTICLE 15. Each member of the Mission and his family shall be furnished by the Government of the United States of Brazil with first-class accommodations for travel, by the shortest usually traveled route, required and performed under this Agreement, between the port of entry in the United States of America and his official residence in Brazil, both for the outward and for the return voyage. The Government of the United States of Brazil shall also pay all expenses of shipment of household effects, baggage and one automobile of each member of the Mission between the port of embarkation in the United States of America and his official residence in the United States of Brazil, as well as all expenses incidental to the transportation of such household effects, baggage and automobile from Brazil to the port of entry in the United States of America. Transportation of such household effects, baggage, and automobile shall be effected in one shipment and all subsequent shipments shall be at the expense of the respective members of the Mission except as otherwise provided in this Agreement or when such shipments are necessitated by circumstances beyond their control.

ARTIGO 15. O Govêrno dos Estados Unidos do Brasil fornecerá a todos os membros da Missão e a suas famílias passagens de primeira classe pela mais curta via usual, para as viagens que se tornem necessárias e se realizem em virtude dêste Contrato entre o porto de embarque nos Estados Unidos da América e sua residência oficial no Brasil, tanto para a ida como para o regresso. O Govêrno dos Estados Unidos do Brasil pagará também o transporte de objetos domésticos, bagagem e um automóvel de cada membro da Missão, entre o porto de embarque nos Estados Unidos da América e sua residência oficial nos Estados Unidos do Brasil, e da mesma maneira tôdas as despesas necessárias para o transporte de tais objetos domésticos, bagagem e automóvel, do Brasil para o porto de entrada nos Estados Unidos da América. Esse transporte deverá efetuar-se de uma só vez, e todos os embarques subsequentes serão por conta do respectivo membro da Missão, exceto quando determinado de maneira diversa nêste Contrato, ou quando tais embarques forem exigidos por circunstâncias independentes de sua vontade.

Shipment of household effects, etc.

Exemption from customs duties.

ARTICLE 16. The Government of the United States of Brazil

ARTIGO 16. O Govêrno dos Estados Unidos do Brasil concederá,

shall grant, upon request of the members of the Mission, exemption from customs duties on articles imported for the official use of the Mission or the personal use of the members thereof, and of members of their families, provided that their request for free entry has received the approval of the Ambassador of the United States of America or of the Chargé d'Affaires ad interim.

mediante pedido dos membros da Missão, a entrada livre de direitos de alfândega para os artigos importados para uso oficial da Missão ou para uso pessoal de seus membros e pessoas de suas famílias, com tanto que tais solicitações de entrada livre tenham recebido a aprovação do Embaixador dos Estados Unidos da América ou do Chargé d'Affaires *ad interim*.

Compensation for transportation and travel expenses.

ARTICLE 17. Compensation for transportation and travel expenses in the United States of Brazil on official business of the Brazilian Government shall be provided by the Government of the United States of Brazil.

ARTIGO 17. As despesas de transporte e de viagem nos Estados Unidos do Brasil, em serviço oficial do Govêrno brasileiro, serão custeadas por êste.

Provision of motor and air transportation for members.

ARTICLE 18. The Government of the United States of Brazil shall provide the members of the Mission with suitable motor transportation and chauffeurs, and when necessary transportation by air for the conduct of the official business of the Mission.

ARTIGO 18. O Govêrno dos Estados Unidos do Brasil porá à disposição dos membros da Missão, automóveis apropriados e respectivos motoristas, e, quando seja necessário, transporte aéreo para os membros da Missão no desempenho de seus deveres oficiais.

Office space.

ARTICLE 19. The Government of the United States of Brazil shall provide suitable office space and facilities for the use of members of the Mission.

ARTIGO 19. O Govêrno dos Estados Unidos do Brasil porá à disposição dos membros da Missão escritórios adequados para os seus trabalhos.

Transportation of remains in case of death.

ARTICLE 20. If any member of the Mission or any member of his family should die in the United States of Brazil, the Government of the United States of Brazil shall have the body transported to such place in the United States of America as the surviving members of the family may decide. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen days after his death. Return transportation to the port of entry in the United States of America for the family of the deceased member and for their

ARTIGO 20. Se um membro da Missão ou pessoa de sua família falecer no Brasil, o Govêrno brasileiro fará transportar o corpo para o lugar dos Estados Unidos da América que a família do morto indicar. Se o falecido fôr um membro da Missão, os seus serviços na mesma serão considerados terminados quinze (15) dias depois da sua morte. As despesas de regresso até o porto de entrada nos Estados Unidos da América, da família do morto, sua bagagem, objetos domésticos e automóvel, serão reembolsadas de acôrdo com o estabelecido no Artigo 14. Tudo

Return transportation for family.

baggage, household effects and automobile shall be as prescribed in Article 14. All compensation due the deceased member including salary for fifteen days subsequent to his death and reimbursements for expenses and transportation due the deceased member for travel performed on official business of the Government of the United States of Brazil shall be paid to the widow of the deceased member or to any person who may have been designated in writing by the deceased while serving under this Agreement; but such widow or other person shall not be compensated for accrued leave due and not taken by the deceased. All compensation due the widow, or other person designated by the deceased, under the provisions of this Article, shall be paid fifteen days subsequent to the death of the said member.

Ante, p. 2128.
Compensation due deceased member.

o que fôr devido ao extinto, inclusive a remuneração pelos quinze (15) dias subsequentes à sua morte, e os reembolsos de despesas e de transporte devidos ao mesmo por viagens feitas em serviço oficial do Govêrno dos Estados Unidos do Brasil, sera pago à viuva ou a qualquer outra pessoa que por êle tenha sido designada por escrito, durante a vigência dêste Contrato; porém a viuva ou outra pessoa nada receberá pelas férias acumuladas e não gozadas pelo extinto. Todo o pagamento devido à viuva ou a outra pessoa designada pelo falecido, de acôrdo com o estabelecido no presente Artigo, deverá ser efetuado dentro de quinze (15) dias após o falecimento do dito membro.

TITLE V

Requisites and Conditions

TITULO V

Requisitos e Condições

Services of personnel of other foreign governments, restriction.

ARTICLE 21. So long as this Agreement or any extension thereof is in effect, the Government of the United States of Brazil shall not utilize the services of any personnel of any other foreign government for duties of any nature connected with a school for senior officers of the Brazilian Army, Navy, and Air Force for combined operations except by mutual agreement between the Government of the United States of America and the Government of the United States of Brazil.

ARTIGO 21. Durante a vigência do presente Contrato ou de sua prorrogação, o Govêrno dos Estados Unidos do Brasil não utilizará os serviços de nenhum pessoal de qualquer outro govêrno estrangeiro para funções de qualquer natureza relacionadas com o Curso para Chefes do Exército, Marinha e Aeronáutica, sôbre Operações Combinadas, exceto por acôrdo mútuo entre os Governos dos Estados Unidos da América e dos Estados Unidos do Brasil.

Secrecy requirement.

ARTICLE 22. Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant as a member of the Mission. This obliga-

ARTIGO 22. Nenhum membro da Missão revelará ou divulgará de maneira alguma a qualquer govêrno estrangeiro ou a quem quer que seja, qualquer assunto de natureza secreta ou confidencial, de que tenha adquirido conhecimento devido às suas funções

tion shall continue in force after termination of service with the Mission and after the expiration or cancellation of this Agreement or any extension thereof.

"Family."

ARTICLE 23. Throughout the Agreement, the term "family" is limited to mean wife and dependent children.

Annual leave.

ARTICLE 24. Each member of the Mission shall be entitled to one month's annual leave. Any unused portion of said leave shall be cumulative from year to year during services as a member of the Mission.

ARTICLE 25. The Government of the United States of Brazil agrees to granting the leave specified in Article 24 upon receipt of written application, approved by the Chief of the Mission with due consideration for the convenience of the Government of the United States of Brazil.

Medical attention.

ARTICLE 26. The Government of the United States of Brazil shall provide for the members of the Mission and their families free and adequate medical attention.

Replacement in case of disability.

ARTICLE 27. Any members of the Mission unable to perform his duties with the Mission for reason of long continued physical disability shall be replaced.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement in duplicate in the English and Portuguese languages, at Washington, this twenty-ninth day of July, nineteen hundred and forty-eight.

como membro da Missão. Esta exigência perdurará mesmo depois de findas as obrigações com a Missão e após haver sido terminado ou rescindido o presente Contrato ou sua prorrogação.

ARTIGO 23. A expressão *família*, constante do texto dêste Contrato, significa únicamente espôsa e filhos não emancipados.

ARTIGO 24. Cada membro da Missão terá direito a um mês de férias com vencimentos, cada ano. As férias não gozadas serão acumuladas de ano para ano, durante o tempo de serviço como membro da Missão.

ARTIGO 25. O Govêrno dos Estados Unidos do Brasil concordará com a concessão das férias estipuladas no Artigo 24, que deverão ser solicitadas por escrito e aprovadas pelo Chefe da Missão desde que não causem inconveniência ao serviço do Govêrno brasileiro.

ARTIGO 26. Aos membros da Missão e a suas famílias serão prestados grátis cuidados médicos adequados pelo Govêrno do Brasil.

ARTIGO 27. Qualquer membro da Missão que, por motivo de longa e continuada doença, se torne incapaz de desempenhar as suas funções, será substituido.

EM TESTEMUNHO DO QUE, os abaixo assinados, devidamente autorizados, assinaram o presente Contrato, em duplicata, nas linguas inglesa e portuguesa, em Washington, aos vinte e nove dias do mês de julho de mil nove centos e quarenta e oito.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
PELO GOVERNO DOS ESTADOS UNIDOS DA AMERICA:

G C MARSHALL

FOR THE GOVERNMENT OF THE UNITED STATES OF BRAZIL:
PELO GOVERNO DOS ESTADOS UNIDOS DO BRASIL:

MAURICIO NABUCO

Agreement between the United States of America and Yugoslavia respecting mutual aid settlement. Signed at Washington July 19, 1948; entered into force July 19, 1948.

July 19, 1948
[T. I. A. S. 1779]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA REGARDING SETTLEMENT FOR LEND-LEASE, MILITARY RELIEF, AND CLAIMS

The Government of the United States of America and the Government of the Federal People's Republic of Yugoslavia have reached an understanding regarding a settlement for lend-lease, for the obligation of the Government of Yugoslavia to the Government of the United States for civilian supplies furnished as military relief, and for other claims of each Government against the other arising out of the conduct of the war. In arriving at this understanding, both Governments have recognized the benefits accruing to each from the contributions of both to the defeat of their common enemies. This settlement is complete and final and both Governments agree that, except as provided in this Agreement, no further benefits will be sought by either Government from the other as consideration for the foregoing.

"Lend-lease article."

1. The term "lend-lease article" as used in this Agreement means any article transferred by the Government of the United States under the Act of March 11, 1941:

55 Stat. 31.
22 U. S. C. §§ 411-419; Supp. I, §§ 412 *et seq.*

(a) to the Government of Yugoslavia, or

(b) to any other government and retransferred to the Government of Yugoslavia.

Receipt by Yugoslavia of title to designated articles.

2. The Government of Yugoslavia receives, without qualification as to disposition or use, full title to all lend-lease articles, other than those described in numbered paragraphs 3 and 4 below.

U. S. right to recapture of lend-lease arms, etc.

3. The Government of the United States reserves the right to recapture any lend-lease articles of types defined as arms, ammunition and implements of war by Proclamation Number 2776 issued by the President of the United States on March 26, 1948, 13 Federal Register 1623, March 27, 1948, which are held by the Government of Yugoslavia on the date on which notice requesting return is communicated to the Government of Yugoslavia. The Government of the United States has indicated that it does not intend to exercise generally its right to recapture such articles. The Government of Yugoslavia will not retransfer or dispose of such articles to any third country or for export without the prior consent of the Government of the United States.

Ante, p. 1495.

Return of vessels by Government of Yugoslavia.

4. To the extent required by United States law, vessels which were made available to the Government of Yugoslavia under lend-lease will be returned to the Government of the United States.

Yugoslav payment to U. S.

5. The Government of Yugoslavia, in consideration of supplies and services received as lend-lease, in consideration of its obligation to the Government of the United States for civilian supplies received as military relief, and in consideration of the other provisions of this Agreement, will pay to the Government of the United States the sum of 45,000,000 Yugoslav dinars, by either of the methods designated in subparagraphs (a) and (b) below, or any combination thereof, designated by the Government of the United States:

(a) By delivery of title to the Government of the United States of such real property and improvements to real property in Yugoslavia for diplomatic or consular purposes, as may be selected and determined by agreement between the two Governments, at values or prices to be agreed between the two Governments;

(b) By providing to the Government of the United States, at such time or times and in such amounts as may be desired by the Government of the United States, Yugoslav currency to be used for the purchase of such real property and improvements to real property in Yugoslavia for diplomatic or consular purposes or for such other expenses of United States diplomatic or consular missions, excepting the purchase of commodities for export, as the Government of the United States may desire. The Government of Yugoslavia agrees that with respect to the Yugoslav dinars to be paid by the Government of Yugoslavia as above, the Government of Yugoslavia will grant the Government of the United States privileges and rates of conversion, in the event of any future currency conversion, no less favorable than those granted generally to nationals of Yugoslavia and in no event less favorable than those granted to the Government of any third country. The Government of Yugoslavia agrees that, should any future currency conversion nevertheless result in inequity to the Government of the United States with respect to any amount of such Yugoslav dinars, the privileges and rates of conversion to be applied to such amount of Yugoslav dinars shall be subject to agreement between the two Governments.

Negotiation for U. S. acquisition of property in Yugoslavia.

6. In reference to numbered paragraph 5 above, in case the Government of the United States wishes to acquire any property located in Yugoslavia, real or personal, tangible or intangible, except for export, or to furnish any property so located, the Government of Yugoslavia will at any time or times, as requested by the Government of the United States, enter into negotiations, and use its best efforts consistent with public policy, to reach an agreement with the Government of the United States whereby there will be delivered to the Government of the United States the properties, improvements, or furnishings which the Government of the United States desires or its representatives have selected. Representatives of the Government of the United States may at their discretion conduct discussions directly with owners of property or with contractors for improvements or furnishings as to fair terms and prices prior to the delivery of such property or improvements or furnishings to the Government of the United States.

Process by Yugoslavia of designated claims against U. S.

7. The Government of Yugoslavia will process the claims described in the following subparagraphs (a), (b), (c), and (d) and will discharge the liability with respect thereto of the Government of the United States and of individuals, firms, and corporations against whom such claims are asserted:

(a) Claims against the Government of the United States, or respecting which the ultimate liability is that of the Government of the United States, arising from maritime incidents or transactions occurring on or after April 6, 1941 and prior to July 1, 1946, asserted in courts of Yugoslavia or asserted anywhere by individuals, firms, and corporations, nationals of Yugoslavia at the time of the event giving rise to the claims.

(b) Claims of individuals, firms, and corporations domiciled in Yugoslavia at the time of the use or infringement giving rise to the claim against the Government of the United States, its contractors or subcontractors, for royalties under contracts for the use of inventions, patented or unpatented, or for infringement of patent rights, in connection with war production carried on or contracted for on or after April 6, 1941 and prior to July 1, 1946 by the Government of the United States, its contractors or subcontractors.

(c) Claims of individuals, firms, and corporations domiciled in Yugoslavia at the time of the event giving rise to the claim against the Government of the United States arising out of the requisitioning on or after April 6, 1941 and prior to July 1, 1946 for use in the war program of property located in the United States in which the claimant asserts an interest.

(d) Claims, whether contractual or noncontractual, of individuals, firms, and corporations domiciled in Yugoslavia at the time of the event giving rise to the claim against the Government of the United States, its agents, employees, and military personnel, arising out of any act or omission of its agents, employees, and military personnel, both line-of-duty and non-line-of-duty, occurring on or after April 6, 1941 and prior to July 1, 1946.

Waiver of designated claims.

8. The Government of the United States and the Government of Yugoslavia, except as otherwise provided in this Agreement, mutually waive all claims of each against the other, and against agents, employees, and military personnel of the other, described in the following subparagraphs (a), (b), (c), (d) and (e):

(a) Claims arising out of lend-lease.

(b) Claims arising out of military relief.

(c) Claims arising out of the procurement or furnishing of supplies and services through any other arrangements on or after April 6, 1941 and prior to July 1, 1946, other than claims of Yugoslav nationals for services performed for the United States Forces while in the custody of such Forces and represented by military payment orders or certificates of credit balances issued by such Forces.

(d) Claims arising out of the billeting of personnel on or after April 6, 1941 and prior to July 1, 1946.

(e) Claims arising out of maritime collisions and other ocean shipping incidents and transactions occurring on or after April 6, 1941 and prior to July 1, 1946.

9. Nothing in this Agreement affects the obligation of the Government of Yugoslavia under Article IV of the Preliminary Agreement of July 24, 1942.

56 Stat. 1571.

10. To the extent that the provisions of this Agreement are inconsistent with those contained in any previous agreement, the provisions of this Agreement shall prevail.

Effective date.

11. This Agreement shall be effective upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Washington in duplicate this nineteenth day of July, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

G C MARSHALL
Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA:

OBREN BLAGOJEVIC
Deputy Minister of Finance
of the Federal People's Republic of Yugoslavia

Agreement between the United States of America and Austria respecting economic cooperation under Public Law 472, 80th Congress. Signed at Vienna July 2, 1948; entered into force July 2, 1948.

July 2, 1948
[T. I. A. S. 1780]

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND AUSTRIA

PREAMBLE

The Governments of the United States of America and Austria:

Principles of Agreement.

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Austria has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Austria is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Austria has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

[1] Department of State publication 3145.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Austria, and the measures which the two governments will take individually and together in furthering the recovery of Austria as an integral part of the joint program for European recovery;

62 Stat., Pt. 1, p. 137.

Have agreed as follows:

ARTICLE I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Austria by making available to the Government of Austria or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Austria only such commodities, services and other assistance as are authorized to be made available by such acts.

2. The Government of Austria, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Austria reaffirms its intention to take action to carry out the provisions of the general obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Austria and procured from areas outside the United States of America, its territories and possessions, the Government of Austria will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

ARTICLE II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Austria will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2146.

a. To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(1) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable with the general purposes outlined in the schedules furnished by the Government of Austria in support of the requirements of assistance to be furnished by the Government of the United States of America;

(2) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(3) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery assets, and earnings therefrom, which belong to nationals of Austria and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Austria to dispose of such assets.

Development of production.

b. To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of Austria to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of food.

Maintenance of financial stability. *Post*, p. 2146.

c. To stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system.

Stimulation of trade.

d. To cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article VIII of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries the Government of Austria will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, p. 2147.

3. The Government of Austria will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program for European recovery.

ARTICLE III

(Guaranties)

1. The Governments of the United States of America and Austria will, upon the request of either Government, consult respecting projects in Austria proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 144.
Post, p. 2146.

2. The Government of Austria agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any schillings, or credits in Schillings, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

ARTICLE IV

(Local Currency)

Post, pp. 2146, 2171.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Austrian National Bank.

2. The Government of Austria will establish a special account in the Austrian National Bank in the name of the Government of Austria (hereinafter called the "special account") and will make deposits in schillings to this account as follows:

a. The unencumbered balance at the close of business on the day of the signature of this Agreement in the special account in the Austrian National Bank in the name of the Government of Austria established pursuant to the Agreements between the Government of the United States of America and the Government of Austria made on June 25, 1947 and January 2, 1948 and any further

61 Stat., Pt. 3, p. 2970.
Ante, p. 1829.

[1] Department of State publication 3145, p. 14.

sums which may, from time to time, be required by such Agreements to be deposited in the special account. It is understood that Subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance, referred to in these Agreements.

62 Stat., Pt. 1, p. 150.

b. The unencumbered balances of the deposits made by the Government of Austria pursuant to the exchange of notes between the two Governments dated April 15, 1948. [1]

c. Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Austria on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in sub-paragraph b of this Article. The Government of the United States of America shall from time to time notify the Government of Austria of the indicated dollar cost of any such commodities, services and technical information, and the Government of Austria will thereupon deposit in the special account a commensurate amount of schillings computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Austria. If at the time of notification a par value for the schilling is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into Austria or, if at the time of notification no par value for the schilling is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of Austria and the Government of the United States of America. The Government of Austria may at any time make advance deposits in the special account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

3. The Government of the United States of America will from time to time notify the Government of Austria of its requirements for administrative expenditures in schillings within Austria incident to operations under the Economic Cooperation Act of 1948, and the Government of Austria will thereupon make such sums available out of any balances in the special account in the manner requested by the Government of the United States of America in the notification.

Availability of sums for U. S. expenditures in Austria.

62 Stat., Pt. 1, p. 137.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Austria, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

[1] *Department of State Bulletin*, May 16, 1948, p. 645.

5. The Government of Austria will further make such sums of schillings available out of any balances in the special account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Austria to the consignee's designated point of delivery in Austria of such relief supplies and packages as are referred to in Article V.

Austrian withdrawals from special account.

6. The Government of Austria may draw upon any remaining balance in the special account, for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Austria for drawings from the special account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Austria and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Austria, including in particular:

a. Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Austria and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loan from the International Bank for Reconstruction and Development; and

62 Stat., Pt. 1, p. 137.

b. Effective retirement of the national debt, especially debt held by the Austrian National Bank or other banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the special account on June 30, 1952, shall be disposed of within Austria for such purposes as may hereafter be agreed between the Governments of the United States of America and Austria, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

ARTICLE V

(Travel Arrangements and Relief Supplies)

1. The Government of Austria will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Austria will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into Austria of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Austria.

ARTICLE VI

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Austria will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Austria:

a. Detailed information of projects, programs and measures proposed or adopted by the Government of Austria to carry out the provisions of this Agreement and the general obligations of the Convention for European Economic Cooperation. Post, p. 2147.

b. Full statement of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter.

c. Information necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program. 62 Stat., Pt. 1, p. 137.

ARTICLE VII

(Publicity)

1. The Governments of the United States of America and Austria recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Austria will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of Austria will make public in Austria in each Quarterly statements of operations.

calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

ARTICLE VIII

(Missions)

1. The Government of Austria agrees to receive a special mission for economic cooperation which will discharge the responsibilities of the Government of the United States of America in Austria under this Agreement.

Special mission as part of U. S. Legation. *Post*, p. 2147.

2. The Government of Austria will, upon appropriate notification from the Minister of the United States of America in Austria, consider the special mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States of America in Austria for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank. The Government of Austria will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Austria, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the special mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision to the extent practicable of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

ARTICLE IX

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Austria agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Austria pursuant to this Article is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946. The provisions of this paragraph

Post, p. 2147.

61 Stat., Pt. 2, p. 1218.

shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

2. The Governments of the United States of America and of Austria further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon. *Post*, p. 2147.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

ARTICLE X

(Definitions)

"Participating country."

As used in this Agreement the term "participating country" means

(1) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, [1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(2) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

ARTICLE XI

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc. *Post*, p. 2146.

2. If during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing, and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in

[1] Department of State publication 2930.

Termination.

writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

a. Six months after the date of such notice of intention to terminate, or

b. After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Austria are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Austria required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 in Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 2140.

Ante, p. 2140.

Amendment.

4. This Agreement may be amended at any time by agreement between the two Governments.

Ante, p. 2145.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

In Witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement. Done at Vienna, in duplicate, in the English and German languages, both texts authentic, this second day of July, 1948.

Authentic texts.

For the Government of the United States of America:

JOHN G. ERHARDT

For the Austrian Federal Government:

SCHÄRF

GRUBER

ANNEX

(Interpretive Notes)

Ante, p. 2139.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the engagement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2139.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude a deficit over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean: *Ante*, p. 2140.

a. Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b. Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c. Discriminating against particular enterprises;

d. Limiting production or fixing production quotas;

e. Preventing by agreement the development or application of technology or invention whether patented or unpatented;

f. Extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

g. Such other practices as the two governments may agree to include.

4. It is understood that the Government of Austria is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination. *Ante*, p. 2140.

5. It is understood that the Government of Austria will not be requested, under paragraph 2 (a) of Article VI, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests. *Ante*, p. 2143.

6. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article VIII will bear in mind the desirability of restricting, as far as practicable, the number of officials for whom full diplomatic privileges will be requested. It is also understood that the detailed application of Article VIII will, when necessary, be the subject of inter-governmental discussion. *Ante*, p. 2144.

7. It is understood that if the Government of Austria should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article IX with provisions along the following lines: It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court. 59 Stat. 1060. *Ante*, p. 2144.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article IX would be subject to ratification by the Senate of the United States of America. *Ante*, p. 2145.

A B K O M M E N

ZWISCHEN ÖSTERREICH UND DEN VEREINIGTEN STAATEN VON AMERIKA ÜBER WIRTSCHAFTLICHE ZUSAMMENARBEIT.

Präambel.

Die Regierungen Österreichs und der Vereinigten Staaten von Amerika sind:

In der Einsicht, dass die Wiederherstellung oder die Aufrechterhaltung der Prinzipien der persönlichen Freiheit, freier Institutionen und wahrer Unabhängigkeit in den europäischen Ländern weitgehend auf der Herstellung gesunder wirtschaftlicher Verhältnisse, stabiler internationaler wirtschaftlicher Beziehungen und den Leistungen der europäischen Länder zum Aufbau einer gesunden, von einer auswärtigen ausserordentlichen Hilfe unabhängigen Wirtschaft beruhen;

in der Einsicht, dass eine starke gedeihliche europäische Wirtschaft für die Erreichung der Ziele der Vereinten Nationen entscheidend ist;

in der Erwägung, dass zur Herstellung solcher Bedingungen ein europäischer Wiederaufbauplan für Selbsthilfe und gegenseitige Zusammenarbeit nötig ist, der allen Nationen offen steht, die an einem solchen Plan mitarbeiten und der sich gründet auf intensive Produktionsbemühungen, auf Ausweitung des Aussenhandels so wie auf Schaffung oder Aufrechterhaltung einer innerstaatlichen finanziellen Stabilität und auf Entwicklung der wirtschaftlichen Zusammenarbeit einschliesslich aller möglichen Schritte zur Schaffung und Aufrechterhaltung gesunder Wechselkurse so wie zum Abbau von Handelsschranken;

weiters in der Erwägung, dass sich die Österreichische Regierung zwecks Förderung dieser Grundsätze mit anderen gleichgesinnten Nationen in einem Abkommen für Europäische Wirtschaftliche Zusammenarbeit, das in Paris am 16. April 1948 unterzeichnet wurde, vereint hat, wonach die Unterzeichner dieses Abkommens übereinkommen, als unmittelbare Aufgabe ein gemeinsames Wiederaufbauprogramm auszuarbeiten und durchzuführen, und dass die Österreichische Regierung ein Mitglied der Organisation für Europäische Wirtschaftliche Zusammenarbeit ist, die gemäss den Bestimmungen dieses Abkommens geschaffen wurde;

ebenso in der Erwägung, dass zwecks Förderung dieser Grundsätze die Regierung der Vereinigten Staaten von Amerika das Gesetz für Wirtschaftliche Zusammenarbeit (Economic Cooperation Act) von 1948, beschlossen hat, wonach die Vereinigten Staaten von Amerika, für die Beistellung einer Hilfe an Nationen Vorsorge treffen, welche an einem gemeinsamen Programm für europäischen Wiederaufbau teilnehmen, damit diese Nationen durch ihre eigenen individuellen und einvernehmlichen Anstrengungen von ausserordentlicher auswärtiger wirtschaftlicher Unterstützung unabhängig werden können;

nach Kenntnis, dass die Österreichische Regierung bereits den Zielen und Richtlinien des Gesetzes für Wirtschaftliche Zusammenarbeit von 1948 zugestimmt hat;

vom Wunsche beseelt, die Bedingungen festzustellen, welche die Gewährung der Hilfeleistung seitens der Regierung der Vereinigten Staaten von Amerika nach dem Gesetz für Wirtschaftliche Zusammenarbeit von 1948 regelt, so wie den Empfang einer solchen Hilfeleistung seitens Österreichs, so wie Massnahmen, welche die beiden Regierungen einzeln

und zusammen treffen werden, zwecks Durchführung des österreichischen Wiederaufbaues als eines integrierenden Bestandteiles des gemeinsamen europäischen Wiederaufbauprogrammes;

übereingekommen wie folgt:

Artikel I

Hilfeleistung und Zusammenarbeit

1. Die Regierung der Vereinigten Staaten von Amerika übernimmt es, Österreich zu helfen, indem sie der Österreichischen Regierung oder irgend einer von dieser bestimmten Person, Stelle oder Organisation diejenige Hilfeleistung zur Verfügung stellt, die von dieser verlangt und von der Regierung der Vereinigten Staaten von Amerika genehmigt wird. Die Regierung der Vereinigten Staaten von Amerika wird diese Hilfe gemäss den Bestimmungen und auf Grund aller Voraussetzungen, Bedingungen und Bestimmungen für die Beendigung des Gesetzes für Wirtschaftliche Zusammenarbeit von 1948, dessen Zusatz- und Ergänzungsgesetze und der bezüglichen budgetären Gesetze leisten und wird der Österreichischen Regierung nur solche Güter, Dienste und andere Hilfeleistungen zur Verfügung stellen, die durch diese gesetzlichen Bestimmungen genehmigt sind.

2. Entsprechend dem in Paris am 16. April 1948 unterzeichneten Abkommen für Europäische Wirtschaftliche Zusammenarbeit wird die Regierung Österreichs, sowohl allein als auch im Wege der Organisation für Europäische Wirtschaftliche Zusammenarbeit gemeinsam mit anderen teilnehmenden Ländern sich nachdrücklich bemühen, rasch durch ein gemeinsames Wiederaufbauprogramm in Europa die wirtschaftlichen Grundlagen zu schaffen, welche für

dauerhaften Frieden und Wohlstand unerlässlich sind, und es den europäischen Ländern, die an einem solchen gemeinsamen Wiederaufbauprogramm teilnehmen, ermöglichen, innerhalb der Geltungsdauer dieses Abkommens von auswärtiger ausserordentlicher Wirtschaftshilfe unabhängig zu werden. Die Regierung Österreichs bekräftigt erneut ihre Absicht, Massnahmen zu ergreifen und die Bestimmungen der allgemeinen Verpflichtungen des Abkommens für Europäische Wirtschaftliche Zusammenarbeit durchzuführen, weiterhin aktiv an der Arbeit der Organisation für Europäische Wirtschaftliche Zusammenarbeit teilzunehmen und weiterhin sich den Zielen und Richtlinien des Gesetzes für wirtschaftliche Zusammenarbeit von 1948 anzuschliessen.

3. Was die Hilfeleistung betrifft, welche die Regierung der Vereinigten Staaten von Amerika, Österreich zur Verfügung stellt und die aus Gebieten ausserhalb der Vereinigten Staaten, ihrer Territorien und Besitzungen zu beschaffen ist, wird die Österreichische Regierung mit der Regierung der Vereinigten Staaten von Amerika zusammenarbeiten, damit deren Beschaffung zu vernünftigen Preisen und Bedingungen derart erfolgt, dass die Dollars, die hiedurch dem Lande zugänglich gemacht werden, von dem die Hilfeleistung bezogen wird, in einer Weise verwendet werden, die mit den Abkommen, welche die Regierung der Vereinigten Staaten von Amerika mit diesem Lande abgesschlossen hat, vereinbar sind und unter jenen Voraussetzungen vorgenommen wird, die notwendig sein könnten, um eine unbillige Behandlung der Handelsinteressen der Vereinigten Staaten von Amerika in solchen Gebieten hintanzuhalten.

Artikel II

Allgemeine Verpflichtungen.

1. Um den Wiederaufbau durch Verwendung der Hilfe-

leistung, welche die Regierung der Vereinigten Staaten von Amerika gewährt hat, möglichst zu fördern, wird die Österreichische Regierung sich tunlichst bestreben:

a) Massnahmen zu treffen oder aufrecht zu erhalten zur wirksamen und praktischen Ausnützung aller ihrer wirtschaftlichen Mittel einschliesslich

1. solcher Massnahmen, die nötig sein könnten, damit Leistungen und Dienste, die auf Grund der Hilfe, die nach diesem Abkommen zur Verfügung gestellt werden, für Zwecke, die mit diesem Abkommen vereinbar sind, verwendet werden und so weit als möglich innerhalb der allgemeinen Zwecke, die in den Listen umschrieben sind, die die Österreichische Regierung zur Begründung der Ansuchen um Hilfeleistungen beibringt, die von der Regierung der Vereinigten Staaten von Amerika beizustellen sind,

2. Die Überwachung und Überprüfung der Verwendung dieser wirtschaftlicher Mittel durch ein von der Organisation für Europäische Wirtschaftliche Zusammenarbeit gebilligtes wirksames Kontrollsystem und

3. so weit als möglich Massnahmen zu ergreifen, um Guthaben und Einkünfte daraus, die österreichischen Staatsbürgern gehören und die sich in den Vereinigten Staaten, ihren Territorien oder Besitzungen befinden, festzustellen, zu identifizieren und einer zweckdienlichen Verwendung zur Förderung des gemeinsamen Europäische Wiederaufbauprogrammes zuzuführen. Nichts in diesem Artikel legt der Regierung der Vereinigten Staaten irgend eine Verpflichtung auf, an der Durchführung solcher Massnahmen mitzuwirken, oder verpflichtet die Österreichische Regierung, über solche Guthaben zu verfügen.

b) Die Entwicklung der industriellen und landwirtschaftlichen Produktion auf einer gesunden wirtschaftlichen

Grundlage zu fördern; solche Produktionsziele zu erreichen, welche durch die Organisation für Europäische Wirtschaftliche Zusammenarbeit festgesetzt werden; und, wenn dies seitens der Regierung der Vereinigten Staaten von Amerika gewünscht wird, dieser Regierung detaillierte Vorschläge für spezielle Projekte zu übermitteln, welche von der Österreichischen Regierung geplant und hauptsächlich mit der auf Grund dieses Abkommens zur Verfügung gestellten Hilfe durchgeführt werden sollen, so weit als möglich unter Einschluss von Projekten für eine Erhöhung der Nahrungsmittelproduktion.

c) Die Währung zu stabilisieren, einen gesunden Wechselkurs festzusetzen oder aufrechtzuerhalten, den Staatshaushalt sobald als möglich ins Gleichgewicht zu bringen, eine innerstaatliche finanzielle Stabilität zu schaffen oder aufrechtzuerhalten und allgemein das Vertrauen in ihr Währungssystem wieder herzustellen oder aufrechtzuerhalten und

d)mit anderen teilnehmenden Ländern zusammenzuarbeiten um einen zunehmenden Austausch von Waren und Diensten zwischen den teilnehmenden Ländern und mit anderen Ländern zu erleichtern und anzuregen und staatliche so wie private Handelsschranken zwischen denselben und anderen Ländern abzubauen.

2. Unter Berücksichtigung des Artikel VIII des Abkommens für Europäische Wirtschaftliche Zusammenarbeit hinsichtlich des vollen und wirksamen Einsatzes der teilnehmenden Ländern zur Verfügung stehenden menschlichen Arbeitskräfte wird die Österreichische Regierung Vorschläge im Zusammenhang mit der Internationalen Flüchtlingsorganisation entgegenkommend prüfen, die auf möglichst umfassende praktische Ausnützung der zur Verfügung stehenden Arbeitskräfte in irgend einem der beteiligten Länder, zwecks Förderung der

Durchführung dieses Abkommens hinzielen.

3. Die Regierung Österreichs wird die Massnahmen, die sie für zweckdienlich hält, ergreifen und mit den anderen vertragschliessenden Ländern zusammenarbeiten, um Geschäftspraktiken oder geschäftliche Abmachungen, die den internationalen Handel berühren, von seiten privater oder öffentlicher Handelsunternehmungen zu verhindern, die die Konkurrenz einschränken, den Zugang zu Märkten beschränken oder monopolistische Kontrollen begünstigen, wenn solche Praktiken oder Abmachungen in ihrer Auswirkung die Erfüllung des gemeinsamen europäischen Wirtschaftsprogrammes beeinträchtigen.

Artikel III

Garantien.

1. Die Regierungen Österreichs und der Vereinigten Staaten von Amerika werden auf Wunsch einer der beiden Regierungen sich über von amerikanischen Staatsbürgern vorgeschlagene Projekte in Österreich konsultieren, hinsichtlich welcher die Regierung der Vereinigten Staaten von Amerika geeignete Garantien für den Währungstransfer nach Abschnitt 111 (b) (3) des Gesetzes für wirtschaftliche Zusammenarbeit von 1948 übernehmen kann.

2. Die Österreichische Regierung ist einverstanden, dass, wenn die Regierung der Vereinigten Staaten von Amerika auf Grund einer solchen Garantie Zahlung in amerikanischen Dollar an irgend eine Person leistet, die Schillingbeträge oder Schillinggutschriften, die der Regierung der Vereinigten Staaten von Amerika auf Grund dieses Abschnittes angewiesen oder überwiesen werden, als Eigentum der Regierung der Vereinigten Staaten von Amerika anerkannt werden.

Artikel IV

Inländische Währung.

1. Die Bestimmungen dieses Artikels finden nur auf die Hilfe Anwendung, die seitens der Regierung der Vereinigten Staaten von Amerika geschenkweise erfolgt.

2. Die Österreichische Regierung wird ein Sonderkonto auf den Namen der Österreichischen Regierung bei der Österreichischen Nationalbank (späterhin "Sonderkonto" genannt) eröffnen und Schillingbeträge auf dieses Konto nach folgenden Richtlinien erlegen:

a) Den unbelasteten Saldo zur Zeit des Geschäftsschlusses am Tage der Unterzeichnung des Abkommens auf dem Sonderkonto der Österreichischen Regierung bei der Österreichischen Nationalbank, welches gemäss den Abkommen der Regierung der Vereinigten Staaten von Amerika und der Österreichischen Regierung vom 25. Juli 1947 und 2. Jänner 1948 eröffnet worden ist, und alle weiteren Summen, welche von Zeit zu Zeit auf Grund dieses Abkommens auf dem Sonderkonto zu erlegen sind. Es besteht Einverständnis darüber, dass Unter-Absatz e) des Abschnittes 114 des Gesetzes für wirtschaftliche Zusammenarbeit von 1948, die in diesem Abkommen erwähnte Zustimmung und Entscheidung der Regierung der Vereinigten Staaten von Amerika im Hinblick auf die Verwendung dieses Saldos darstellt.

b) Den unbelasteten Saldo der von der Österreichischen Regierung auf Grund des Notenwechsels zwischen den beiden Regierungen vom 15. April 1948 getätigten Erläge.

c) Angemessene Beiträge für die angegebenen Kosten in Dollar. die der Regierung der Vereinigten Staaten von Amerika erwachsen sind aus der auf jede vom Gesetz

für wirtschaftliche Zusammenarbeit von 1948 gestattete geschenkweise erfolgte Lieferung von Gütern, Dienstleistungen und technischen Informationen an Österreich (einschliesslich Kosten von Verarbeitung, Lagerung, Transport, Instandsetzung und anderer damit verbundener Leistungen) aber abzüglich der auf Grund des in Unterabsatz (b) dieses Artikels erwähnten Notenwechsels erlegten Beträge. Die Regierung der Vereinigten Staaten von Amerika wird von Zeit zu Zeit der Österreichischen Regierung die angegebenen Kosten in Dollar, solcher Güter, Dienstleistungen und technischer Informationen mitteilen; die Österreichische Regierung wird hierauf auf das Sonderkonto einen angemessenen Schillingbetrag erlegen zu einem Wechselkurs alpari mit dem Kurs, der zu diesem Zeitpunkt mit dem internationalen Währungsfond vereinbart ist, vorausgesetzt, dass dieser vereinbarte Wert der einzige auf Dollarankäufe anwendbare Kurs für Importe nach Österreich ist. Falls zur Zeit der Mitteilung ein Alpari-Wert für den Schilling mit dem Fond vereinbart worden ist, zu diesem Zeitpunkt aber ein oder mehrere hievon abweichende Kurse für den Ankauf von Dollars für Importe nach Österreich in Anwendung stehen oder wenn zur Zeit der Mitteilung kein Alpari-Wert für den Schilling mit dem Fond vereinbart wurde, soll der Kurs bezw. die Kurse für diesen besonderen Zweck von der Österreichischen Regierung und der Regierung der Vereinigten Staaten von Amerika vereinbart werden. Die Österreichische Regierung kann zu jeder Zeit Vorschüsse auf das Sonderkonto erlegen, welche ihr nach erfolgter Mitteilung gemäss diesem Absatz gutgeschrieben werden.

3. Die Regierung der Vereinigten Staaten von Amerika wird von Zeit zu Zeit der Österreichischen Regierung ihren Bedarf für Verwaltungsausgaben in Schillingen mitteilen, die sich aus Massnahmen gemäss dem Gesetz für wirtschaftliche Zusammenarbeit von 1948 ergeben; die Österreichische Regierung wird darauf diese Summen aus jedem Saldo auf dem Sonderkonto auf die von der Regierung der Vereinigten Staaten von Amerika in ihrer Mitteilung gewünschten Weise zur Verfügung stellen.

4. 5 Prozent jedes Erlages, der gemäss diesem Artikel bezüglich einer auf Grund des "Foreign Aid Appropriation Act, 1949" beigestellten Hilfeleistung gemacht wurde, soll zur Verfügung der Regierung der Vereinigten Staaten von Amerika für ihre Auslagen in Österreich gestellt werden und gemäss Absatz 3 dieses Artikels zur Verfügung gestellte Summen sollen zuerst auf die gemäss diesem Absatz zur Verfügung gestellten Beträge angelastet werden.

5. Die Österreichische Regierung verpflichtet sich ferner jene Summen in Schilling aus jedem Saldo des Sonderkontos zur Verfügung zu stellen, die zur Deckung der Kosten für den Transport (einschliesslich Hafen-, Lager-, Manipulation und ähnlichen Kosten) von jeder beliebigen Eintrittsstelle in Österreich bis zum österreichischen Übernahmsort des Destinatars für solche Hilfssendungen und pakete nötig ist, auf die sich der Artikel V bezieht.

6. Die Österreichische Regierung kann auf jedem restlichen Saldo auf dem Sonderkonto für Zwecke Abhebungen machen, die von Zeit zu Zeit mit der Regierung der Vereinigten Staaten von Amerika vereinbart werden. Bei der Berücksichtigung von Vorschlägen der Österreichischen Regierung bezüglich Abhebung vom Sonderkonto wird die Regierung der Vereinigten Staaten von Amerika die Notwendigkeit berück-

sichtigen, die innere Stabilisierung der Währung und der Finanzen in Österreich zu fördern oder aufrechtzuerhalten, die Produktion, den internationalen Handel sowie die Ausforschungen und Entwicklung neuer Einkommensquellen anzuregen, insbesondere

a) Ausgaben für Projekte oder Programme einschliesslich solcher, die einen Teil eines umfassenden Programmes für die Entwicklung der Produktionskapazität Österreichs und der anderen beteiligten Länder darstellen und für Projekte oder Programme, deren Kosten im Ausland mit der gemäss dem Gesetz für wirtschaftliche Zusammenarbeit 1948 oder sonstwie von der Regierung der Vereinigten Staaten von Amerika gewährten Hilfe oder durch Anleihen bei der internationalen Bank für Wiederaufbau und Wirtschaftsförderung gedeckt werden.

b) Den wirksamen Abbau der öffentlichen Schuld, insbesondere von Schulden bei der Österreichischen Nationalbank und anderen Bankinstituten.

7. Jedweder unbelastete Saldo, ausgenommen die nicht verausgabten gemäss Absatz 4 dieses Artikels zur Verfügung gestellten Beträge, der am 30. Juni 1952 auf dem Sonderkonto verbleibt, soll innerhalb Österreichs zu dem daraufhin zwischen den Regierungen Österreichs und den Vereinigten Staaten von Amerika vereinbarten Zwecken Verwendung finden; dabei besteht Einverständnis darüber, dass die Verwendungs-Zustimmung seitens der Vereinigten Staaten von Amerika einer Approbation durch ein Gesetz oder eine gemeinsame Entschliessung des Kongresses der Vereinigten Staaten von Amerika bedarf.

Artikel V

Reiseverkehr und Hilfssendungen.

1. Die Österreichische Regierung wird mit der

Regierung der Vereinigten Staaten von Amerika zusammenarbeiten, um den Reiseverkehr amerikanischer Bürger in den teilnehmenden Ländern zu erleichtern und seine Förderung und Entwicklung begünstigen.

2. Die Österreichische Regierung unternimmt es, auf Wunsch der Vereinigten Staaten von Amerika in Verhandlungen zum Abschluss von Abkommen einzutreten, um die Einfuhr (einschliesslich Massnahmen für zollfreie Behandlung auf Grund entsprechender Sicherheiten) zu erleichtern von Hilfssendungen, die von amerikanischen freiwilligen, nicht auf Gewinn ausgehenden Hilfswerken, die ohne Profit arbeiten, geschenkt oder von ihnen gekauft wurden und Hilfspaketen, die aus den Vereinigten Staaten von Amerika kommen und für eine in Österreich wohnhafte Person bestimmt sind.

Artikel VI

Konsultation und Übermittlung von Informationen.

1. Die beiden Regierungen werden auf Verlangen von einer von ihnen eine Konsultation abhalten über jedwede Frage, die sich auf die Anwendung dieses Abkommens oder auf Massnahmen oder Abmachungen bezieht, die im Verfolge dieses Abkommens durchgeführt werden.

Die Österreichische Regierung wird der Regierung der Vereinigten Staaten in einer Form und in Zeiträumen, die von dieser nach Konsultation mit der Österreichischen Regierung anzugeben sind, mitteilen:

a) eine in Einzelheiten gehende Information über Projekte, Programme und Massnahmen, die von der Österreichischen Regierung vorgeschlagen oder angenommen sind, um die Bestimmungen dieses Abkommens und

die allgemeinen Verpflichtungen nach dem Abkommen für Europäische Wirtschaftliche Zusammenarbeit durchzuführen,

b) einen vollständigen Bericht über Massnahmen auf Grund dieses Abkommens einschliesslich einer Zusammenstellung über die Verwendung der Mittel, Güter und Dienste, die sie auf Grund dieses Abkommens erhalten hat, welcher Bericht in jedem Kalendervierteljahr zu geben ist,

c) die Informationen, die nötig sind, um jene zu ergänzen, die die Regierung der Vereinigten Staaten von der Organisation für Europäische Wirtschaftliche Zusammenarbeit erhalten hat, und die die Regierung der Vereinigten Staaten bedürfen sollten, um die Natur und den Umfang von Massnahmen nach dem Gesetz über wirtschaftliche Zusammenarbeit von 1948 zu bestimmen und die Wirksamkeit der gemäss diesem Abkommen geleisteten oder vorgesehenen Hilfe und im allgemeinen den Fortschritt des gemeinsamen Wiederaufbauprogrammes zu beurteilen.

Artikel VII

Publizität.

1. Die Regierungen Österreichs und der Vereinigten Staaten von Amerika anerkennen, dass es in ihrem gemeinsamen Interesse liegt, der Öffentlichkeit die Ziele und den Fortschritt des gemeinsamen Programmes für europäischen Wiederaufbau sowie die Massnahmen, die zur Durchführung dieses Programmes ergriffen wurden, bekannt zu machen. Es wird anerkannt, dass eine weite Verbreitung von Informationen über den Fortschritt des Programmes wünschenswert ist, damit jenes Verständnis für gemeinsame Anstrengungen und gegenseitige Hilfeleis-

tung geweckt werde, das für die Erreichung der Ziele dieses Programmes notwendig ist.

2. Die Regierung der Vereinigten Staaten von Amerika wird die Verbreitung solcher Informationen begünstigen und wird sie den bestehenden Informationseinrichtungen zur Verfügung stellen.

3. Die Österreichische Regierung wird die Verbreitung solcher Informationen sowohl selbst wie in Zusammenarbeit mit der Organisation für Europäische Wirtschaftliche Zusammenarbeit fördern. Sie wird solche Informationen den bestehenden Informationseinrichtungen zur Verfügung stellen und alle gangbaren Massnahmen ergreifen, um deren Verbreitung entsprechend zu erleichtern. Sie wird ausserdem die anderen teilnehmenden Staaten und die Organisation für Europäische Wirtschaftliche Zusammenarbeit ausführlich über den Fortschritt des Programmes für den wirtschaftlichen Wiederaufbau voll informieren.

4. Die Österreichische Regierung wird in Österreich in jedem Kalendervierteljahr vollständige Berichte über die Massnahmen, gemäss diesem Abkommen, einschliesslich einer Information über die Verwendung der Mittel, Güter und Dienste, die sie erhalten hat, veröffentlichen.

Artikel VIII

Mission.

1. Die Österreichische Regierung stimmt zu, eine Sondermission für wirtschaftliche Zusammenarbeit zu empfangen, die die von der Regierung der Vereinigten Staaten von Amerika auf Grund dieses Abkommens übernommenen Verpflichtungen in Österreich durchführen wird.

2. Die Österreichische Regierung wird nach entsprechender Mitteilung des amerikanischen Gesandten in

Österreich die Sondermission und ihr Personal und den Sonderbevollmächtigten der Vereinigten Staaten in Europa als Teil der amerikanischen Gesandtschaft in Österreich betrachten, sodass sie die Vorrechte und Immunitäten geniessen, die der Gesandtschaft und ihrem Personal von entsprechendem Rang gewährt sind. Die Österreichische Regierung wird weiter den Mitgliedern und dem Stab des Gemeinsamen Komitees des Kongresses der Vereinigten Staaten von Amerika für ausländische wirtschaftliche Zusammenarbeit entsprechendes Entgegenkommen erweisen und ihnen die Erleichterungen und die Hilfe gewähren, die zur wirksamen Erfüllung ihrer Aufgaben notwendig sind.

3. Die Österreichische Regierung wird direkt und durch ihre Vertreter in der Organisation für Europäische Wirtschaftliche Zusammenarbeit der Sondermission, dem Sonderbevollmächtigten der Vereinigten Staaten von Amerika in Europa und seinem Stab und den Mitgliedern und dem Stab des Gemeinsamen Komitees volle Unterstützung gewähren. Diese Zusammenarbeit soll soweit tunlich, die Beistellung von allen Informationen und Erleichterungen einschliessen, die notwendig sind, zwecks Beobachtung und Gewinnen einer Übersicht über die Durchführung dieses Abkommens einschliesslich der Verwendung der geleisteten Hilfe.

Artikel IX

Regelung von Ansprüchen Staatsangehöriger.

1. Die Regierungen Österreichs und der Vereinigten Staaten von Amerika kommen überein, dem Inter-

nationalen Gerichtshof jeden Anspruch zur Entscheidung vorzulegen, den eine der beiden Regierungen im Namen eines ihrer Staatsangehörigen gegen die andere Regierung erhebt zum Ersatz für Schäden, die infolge von Regierungsmassnahmen (ausser Massnahmen hinsichtlich Feind-Vermögen oder - Rechten) entstanden sind, die von der anderen Regierung nach dem 3. April 1948 ergriffen wurden und Vermögen oder Rechte eines solchen Staatsangehörigen berühren, einschliesslich Verträge mit entsprechend ermächtigten Behörden der anderen Regierung oder von diesen erteilter Konzessionen. Es besteht Einverständnis darüber, dass die Verpflichtung der Regierung der Vereinigten Staaten von Amerika hinsichtlich von Ansprüchen, die von der Österreichischen Regierung gemäss diesem Artikel erhoben werden, eingegangen wird in Entsprechung und unter der Einschränkung der Bestimmungen und Bedingungen der Anerkennung der obligatorischen Gerichtsbarkeit des Internationalen Gerichtshofes gemäss Artikel 36 des Statuts des Gerichtshofes, wie dies in der Erklärung des Präsidenten der Vereinigten Staaten von Amerika vom 14. August 1946 festgelegt ist. Die Bestimmungen dieses Absatzes beschränken in keiner Weise andere Rechte der beiden Regierungen, wenn solche bestehen, den Internationalen Gerichtshof anzurufen oder Ansprüche geltend zu machen oder zu vertreten, die sich auf behauptete Verletzungen durch eine der beiden Regierungen von Rechten und Verpflichtungen gründen, die sich aus Verträgen, Abkommen oder völkerrechtlichen Grundsätzen ergeben.

2. Die Regierungen Österreichs und der Vereinigten Staaten von Amerika kommen weiters überein, dass solche Ansprüche an Stelle des Internationalen Gerichtshofes irgend einem Schiedsgericht überwiesen werden können, auf das sie sich geeinigt haben.

3. Es besteht weiters Einverständnis, dass keine der beiden Regierungen einen Anspruch gemäss diesem Artikel geltend machen wird, bis ihr Staatsangehöriger die Rechtsmittel erschöpft hat, die ihm bei den Verwaltungs- und Justizgerichten des Landes zur Verfügung stehen, in welchem der Anspruch erhoben wird.

Artikel X

Definitionen.

In diesem Abkommen bedeutet der Ausdruck "teilnehmendes Land"

1. Jedes Land, das den Bericht des Komitees für Europäische Wirtschaftliche Zusammenarbeit in Paris am 22. September 1947 unterzeichnet hat und die Gebiete, für die es die internationale Verantwortlichkeit trägt und auf welche das Abkommen über Wirtschaftliche Zusammenarbeit, das zwischen diesem Land und der Regierung der Vereinigten Staaten von Amerika abgeschlossen wurde, Anwendung gefunden hat, und

2. jedes sonstige Land (einschliesslich irgendwelcher Besatzungszonen in Deutschland, aller Gebiete unter internationaler Verwaltung oder Kontrolle und des freien Territoriums von Triest und seinen Zonen) ganz oder teilweise in Europa, zusammen mit den abhängigen Gebieten unter seiner Verwaltung, solange dieses Land Vertragsstaat des Abkommens für Europäische Wirtschaftliche Zusammenarbeit ist und am gemeinsamen Europäischen Wiederaufbauprogramm teilnimmt, das geschaffen wurde, um die Ziele dieses Abkommens zu erreichen.

Artikel XI

Inkrafttreten, Änderung, Geltungsdauer.

1. Dieses Abkommen tritt mit heutigem Tage in Kraft. Unter Vorbehalt der Absätze 2 und 3 dieses Artikels soll es bis 30. Juni 1953 in Kraft bleiben und, soferne nicht eine der beiden Regierungen wenigstens 6 Monate vor dem 30. Juni 1953 der anderen eine schriftliche Mitteilung von ihrer Absicht gegeben hat, das Abkommen an diesem Tage zu beenden, soll es darnach bis zum Ablauf von 6 Monaten von dem Tage an in Kraft bleiben, an welchem eine solche Mitteilung gemacht worden ist.

2. Wenn während der Geltungsdauer dieses Abkommens eine der beiden Regierungen zur Ansicht gelangen sollte, dass eine grundlegende Veränderung in

den diesen Abkommen zugrunde liegenden wesentlichen Voraussetzungen eingetreten ist, teilt sie dies der anderen Regierung schriftlich mit und die beiden Regierungen werden sich daraufhin konsultieren, um hinsichtlich der Ergänzung, Modifikation oder Beendigung dieses Abkommens zu einem Einverständnis zu gelangen. Wenn die beiden Regierungen drei Monate nach einer solchen Mitteilung nicht über die unter diesen Umständen zu ergreifenden Massnahmen zu einem Einverständnis gelangt sind, kann jede der beiden Regierungen der anderen von ihrer Absicht Mitteilung machen, dieses Abkommen zu beendigen.

Unter Vorbehalt des Absatzes 3 dieses Artikels soll dieses Abkommen dann enden entweder:

a) sechs Monate nach dem Tage einer solchen Mitteilung von der Absicht, das Abkommen zu beenden;

b) nach einem solchen kürzeren Zeitraum, der als hinreichend vereinbart wird, um zu gewährleisten, dass die Verpflichtungen der Österreichischen Regierung hinsichtlich jeder Hilfeleistung erfüllt werden, die mittels Beistellung durch die Regierung der Vereinigten Staaten von Amerika nach dem Zeitpunkt einer solchen Mitteilung möglicherweise fortgesetzt wird;

3. Zusatzverträge und-abmachungen, die gemäss diesem Abkommen abgeschlossen werden, können über den Zeitpunkt der Beendigung dieses Abkommens hinaus in Kraft bleiben. Die Geltungsdauer solcher Zusatzverträge und-abmachungen richtet sich nach ihren eigenen Bestimmungen. Artikel IV bleibt in Kraft, bis über alle Beträge in österreichischer Währung, die gemäss dessen Bestimmungen erlegt werden müssen, im Sinne dieses Artikels verfügt worden ist.

Absatz 2 des Artikels III bleibt so lange in Kraft, bis die in diesem Artikel angeführten Garantiezahlungen von der Regierung der Vereinigten Staaten von Amerika geleistet worden sind.

4. Dieses Abkommen kann jederzeit durch ein Abkommen zwischen den beiden Regierungen ergänzt werden.

5. Der Anhang zu diesem Abkommen bildet einen integrierenden Bestandteil desselben.

6. Dieses Abkommen soll beim Generalsekretär der Vereinten Nationen registriert werden.

Zu Urkund dessen haben die beiderseitigen zu diesem Zwecke gehörig bevollmächtigten Vertreter das vorliegende Abkommen unterzeichnet.

Geschehen zu Wien, in zweifacher Ausfertigung in deutscher und englischer Sprache, wobei beide Texte authentisch sind,

am 2. Juli 1948.

Für die Österreichische Bundesregierung:

Für die Regierung der Vereinigten Staaten von Amerika:

ANHANG

Interpretationsbemerkungen.

1. Es besteht Einverständnis, dass die Vorschriften nach Artikel II, Absatz 1 (a), betreffend die Ergreifung von Massnahmen für die wirkungsvolle Verwendung von Hilfsmitteln in Bezug auf gemäss dem Abkommen gelieferte Güter wirksame Massnahmen beinhalten, um diese Güter zu schützen und ihre Ablenkung auf ungesetzliche oder irreguläre Märkte oder Handelskanäle zu verhüten.

2. Es besteht Einverständnis, dass die Verpflichtung gemäss Artikel II, Absatz 1 (c), den Staatshaushalt sobald als möglich ins Gleichgewicht zu bringen, ein Defizit während einer kurzen Zeitspanne nicht ausschliesst, sondern eine Budgetpolitik bedeutet, die ein Gleichgewicht des Staatshaushaltes auf lange Sicht beinhaltet.

3. Es besteht Einverständnis, dass die in Artikel II, Absatz 3 erwähnten Geschäftspraktiken und geschäftlichen Abmachungen bedeuten:

a) Die Festsetzung von Preisen, Bedingungen oder Umständen, die bei Geschäftsabschlüssen mit anderen beim Einkauf, Verkauf oder in Bestandgabe irgendwelcher Produkte zu beobachten sind;

b) Der Ausschluss von Unternehmungen von einem gebietsmässig umschriebenen Markte oder einem Gebiet geschäftlicher Betätigung, die Zuteilung oder die Aufteilung eines solchen Marktes oder Betätigungsgebietes, die Zuteilung von Kunden oder die Bestimmung

von Verkaufs- oder Einkaufsquoten;

c) Diskriminierung gegen bestimmte Unternehmungen;

d) Beschränkung der Produktion oder Festsetzung von Produktionsquoten;

e) Verabredungsgemässe Verhinderung der Entwicklung oder Anwendung von technischen Erkenntnissen oder patentierten oder nicht patentierten Erfindungen;

f) Erstreckung der Benützungsrechte nach Patenten, Warenzeichen oder Urheberrechten, die von einer der beiden Regierungen gewährt wurden, auf Dinge, die nach deren Gesetzen und Vorschriften nicht in den Rahmen solcher Schutzrechte fallen, oder auf Produkte oder Produktions- Benützungs- oder Verkaufsumstände, die ebenfalls nicht Gegenstand solcher Schutzrechte sind ; und

g) Solche andere Praktiken, die die beiden Regierungen übereinkommen, einzuschliessen.

4. Es besteht Einverständnis, dass die Österreichische Regierung zur Ergreifung von Massnahmen in speziellen Fällen nach Artikel II, Absatz 3, nur nach entsprechender Untersuchung oder Prüfung verpflichtet ist.

5. Es besteht Einverständnis, dass von der Österreichischen Regierung nach Artikel VI, Absatz 2 (a) nicht verlangt werden wird, in Einzelheiten gehende Informationen über geringfügige Projekte oder vertrauliche kommerzielle oder technische Informationen zu liefern, deren Enthüllung legitime kommerzielle Interessen schädigen würde.

6. Es besteht Einverständnis, dass die Regierung der Vereinigten Staaten von Amerika bei den in Artikel VIII, Absatz 2 erwähnten Notifikationen darauf achten wird, dass es wünschenswert ist, soweit als tunlich die Zahl der

Beamten, für die volle diplomatische Vorrechte verlangt werden, zu beschränken. Es besteht auch Einverständnis, dass die Anwendung des Artikel VIII im einzelnen, wenn nötig, den Gegenstand von Erörterungen zwischen den Regierungen bilden wird.

7. Es besteht Einverständnis, dass wenn die Österreichische Regierung die obligatorische Gerichtsbarkeit des Internationalen Gerichtshofes nach Artikel 36 seines Statuts unter geeigneten Bedingungen und Umständen annehmen sollte, die beiden Regierungen sich darüber konsultieren werden, den zweiten Satz von Artikel IX, Absatz 1 durch Bestimmungen nach folgenden Richtlinien zu ersetzen: Es besteht Einverständnis, dass die Verpflichtung jeder der beiden Regierungen bezüglich Forderungen, die von der anderen Regierung auf Grund dieses Absatzes geltend gemacht werden, von jeder der beiden Regierungen gemäss den Ermächtigungen und beschränkt durch die Bedingungen und Umstände tatsächlicher früher erfolgter Anerkennung der obligatorischen Gerichtsbarkeit des Internationalen Gerichtshofes nach Artikel 36 seines Statuts gemacht wird.

8. Es besteht Einverständnis, dass irgendwelche Übereinkommen, zu denen es gemäss Artikel IX, Absatz 2 kommen sollte, der Ratifikation durch den Senat der Vereinigten Staaten von Amerika bedürfen.

The American Minister to the Austrian Minister of Foreign Affairs

No. 55

AMERICAN LEGATION
Vienna, Austria, July 2, 1948

SIR:

I have the honor to refer to Article IV of the Economic Cooperation Agreement of this date between our two Governments. In regard to the provisions of this Article, your attention is invited to the fact that Section 115 (b) (6) of the Economic Cooperation Act of 1948 grants wide discretion to authorize the use of funds from the Special Schilling Account, provided for thereunder, for purpose of internal monetary and financial stabilization, for the stimulation of productive activity and the exploration for and development of new sources of wealth and for such other expenditures as may be consistent with the purposes of the Act. You may be sure that the Government of the United States of America and the Economic Cooperation Administrator desire as fully as the Austrian Government to bring about economic recovery in Austria and will take every reasonable measure, within the broad scope of this provision of the Economic Cooperation Act referred to above, to assist the Austrian Government in dealing with its currency problems in relation to the requirements of Article IV of the Agreement.

Use of funds from Special Account. *Ante*, p. 2140.

62 Stat., Pt. 1, p. 151.

Accept, Sir, the renewed assurances of my highest consideration.

JOHN G. ERHARDT

The Honorable
KARL GRUBER,
Minister of Foreign Affairs,
Vienna.

Agreement between the United States of America and Belgium respecting economic cooperation under Public Law 472, 80th Congress. Signed at Brussels July 2, 1948; entered into force July 29, 1948.

July 2, 1948
[T. I. A. S. 1781]

Economic Cooperation Agreement

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

KINGDOM OF BELGIUM

Accord

DE

Coopération Economique

ENTRE LES

ÉTATS-UNIS D'AMÉRIQUE

ET LE

ROYAUME DE BELGIQUE

68706°—51—PT. II——56

Economic Cooperation Agreement

BETWEEN THE

United States of America

AND THE

Kingdom of Belgium

PREAMBLE

Principles of Agreement.

The Governments of the United States of America and of Belgium;

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and

Accord de Coopération Economique

ENTRE LES

Etats-Unis d'Amérique

ET LE

Royaume de Belgique

PRÉAMBULE

Les Gouvernements des Etats-Unis d'Amérique et de Belgique;

Reconnaissant que le rétablissement ou le maintien dans les pays d'Europe des principes de liberté individuelle, des institutions libres et de l'indépendance véritable dépendent, pour une large part, de la réalisation de conditions économiques saines, de rapports économiques stables entre les nations et du retour des pays d'Europe à une économie viable, indépendante de toute assistance extérieure exceptionnelle;

Reconnaissant qu'une économie européenne forte et prospère est essentielle pour atteindre les buts des Nations Unies;

Considérant que la réalisation de ces conditions appelle un plan de relèvement de l'Europe d'entr'aide et de coopération mutuelle, accessible à toutes les nations qui y coopéreront, fondé sur un effort énergique de production, sur le développement du commerce international, l'établissement ou le maintien de la stabilité financière intérieure et le développement de la coopération économique, y com-

maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Belgium has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Belgium is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted effort to become independent of extraordinary outside economic assistance;

Taking note that the Government of Belgium has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Co-

pris toutes les mesures praticables pour établir ou maintenir des taux de change appropriés et pour réduire les obstacles aux échanges;

Considérant que pour la mise en application de ces principes, le Gouvernement de Belgique s'est associé aux autres pays animés du même esprit par une Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 et aux termes de laquelle les signataires de cette Convention sont convenus de considérer comme la tâche immédiate qui leur incombe d'élaborer et d'exécuter un programme commun de relèvement et que le Gouvernement de Belgique est membre de l'Organisation Européenne de Coopération Economique créée conformément à ladite Convention;

Considérant également que, mettant en œuvre ces principes, le Gouvernement des Etats-Unis d'Amérique a promulgué la Loi de Coopération Economique de 1948, qui prévoit l'octroi de l'aide par les Etats-Unis d'Amérique aux pays participant à un programme commun de relèvement européen afin de permettre à ces pays de devenir, par leur effort individuel et concerté, indépendants de toute aide économique extérieure de caractère exceptionnel; 62 Stat., Pt. 1, p. 137.

Prenant note du fait que le Gouvernement de Belgique a déjà déclaré qu'il adhérait aux fins et aux principes de la Loi de Coopération Economique de 1948;

Désireux de convenir des dispositions qui règlent l'octroi de l'aide par le Gouvernement des Etats-Unis d'Amérique aux termes de la Loi de Coopération Economi-

[1] Department of State publication 3145.

operation Act of 1948, the receipt of such assistance by Belgium, and the measures which the two Governments will take individually and together in furthering the recovery of Belgium as an integral part of the joint program for European recovery;

Have agreed as follows:

ARTICLE I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Belgium, by making available to the Government of Belgium or to any person, agency, or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Belgium only such commodities, services, and other assistance as are authorized to be made available by such acts.

62 Stat., Pt. 1, p. 137.

2. The Government of Belgium, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic con-

que de 1948, la réception d'une telle aide par la Belgique, et les mesures que les deux Gouvernements prendront individuellement, ou de concert, pour assurer le relèvement de la Belgique en tant que partie intégrante du programme commun de relèvement européen;

Sont convenus de ce qui suit:

ARTICLE I

(Assistance et Coopération)

1. Le Gouvernement des Etats-Unis affirme son intention d'aider la Belgique en mettant à la disposition du Gouvernement de Belgique ou de toute personne, service ou organisation qui pourrait être désignés par ce Gouvernement telle aide qui pourrait être demandée par ce dernier et approuvée par le Gouvernement des Etats-Unis. Le Gouvernement des Etats-Unis accordera cette aide conformément aux termes, et sous réserve de toutes les dispositions, conditions et clauses de suspension de la Loi de Coopération Economique de 1948, ainsi que des lois qui l'amendent ou la complètent et de celles qui portent ouverture des crédits, et ne mettra à la disposition du Gouvernement de Belgique que les produits, services et autres formes d'aide dont l'octroi aura été autorisé par ces lois.

2. Le Gouvernement de Belgique agissant individuellement et dans le cadre de l'Organisation Européenne de Coopération Economique conformément à la Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 fera, en commun avec les autres pays participants, tous ses efforts pour établir rapidement en Europe, par un programme

ditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Belgium reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Belgium and procured from areas outside the United States of America, its territories and possessions, the Government of Belgium will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

ARTICLE II

(General Undertakings)

1. In order to achieve the maximum recovery through the employ-

commun de relèvement, les conditions économiques indispensables à une paix et à une prospérité durables et pour permettre aux pays d'Europe participant à ce programme commun de relèvement de devenir indépendants de toute assistance économique extérieure exceptionnelle au terme de la période d'exécution du présent Accord. Le Gouvernement de Belgique réaffirme son intention de prendre des mesures propres à appliquer les dispositions des Obligations Générales de la Convention de Coopération Economique Européenne, de continuer à participer activement aux travaux de l'Organisation Européenne de Coopération Economique et de continuer à adhérer aux buts et aux principes de la Loi de Coopération Economique de 1948. 62 Stat., Pt. 1, p. 137.

3. En ce qui concerne l'aide fournie par le Gouvernement des Etats-Unis d'Amérique sous la forme d'achats dans des régions situées hors des Etats-Unis, de leurs territoires et de leurs possessions, le Gouvernement de Belgique coopérera avec le Gouvernement des Etats-Unis pour que les achats soient effectués à des prix et à des conditions raisonnables, pour faire en sorte que les dollars mis à la disposition du pays où ont lieu des opérations d'achat relatives à l'aide soient utilisés d'une manière compatible avec tous arrangements conclus par le Gouvernement des Etats-Unis d'Amérique avec ce pays.

ARTICLE II

(Engagements généraux)

1. Afin de réaliser son complet relèvement par l'utilisation de

ment of assistance received from the Government of the United States of America, the Government of Belgium will use its best endeavors:

l'aide qu'il recevra du Gouvernement des Etats-Unis, le Gouvernement de Belgique fera tous ses efforts pour:

Measures for practical use of resources. *Post*, p. 2194.

(*a*) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including:

(*a*) adopter ou maintenir en vigueur les mesures nécessaires pour assurer de façon rationnelle et efficace l'utilisation de toutes les ressources à sa disposition, y compris:

(1) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Belgium in support of the requirements of assistance to be furnished by the Government of the United States of America;

(1) telles mesures qui pourront être nécessaires pour faire en sorte que les produits et services fournis par l'aide accordée conformément au présent Accord soient utilisés à des fins conformes au dit accord et dans toute la mesure du possible aux buts généraux indiqués dans le programme présenté par le Gouvernement de Belgique au titre des besoins d'aide à satisfaire par le Gouvernement des Etats-Unis d'Amérique;

(2) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Co-operation; and,

(2) l'observation et la vérification de l'emploi de ces ressources au moyen d'un système de contrôle efficace approuvé par l'Organisation Européenne de Coopération Economique;

Post, p. 2195.

(3) to the extent praticable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Belgium and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Belgium to dispose of such assets;

(3) dans toute la mesure du possible l'adoption ou le maintien de dispositions destinées à situer, identifier et affecter à des usages appropriés à l'exécution du programme commun de relèvement européen, les avoirs et revenus provenant de ces avoirs qui appartiennent à des citoyens belges et qui se trouvent aux Etats-Unis, dans leurs territoires ou possessions. Il ne découle de cette clause aucune obligation pour le Gouvernement des Etats-Unis de prêter son concours à l'exécution de ces mesures, ni pour le Gouvernement de Belgique de procéder à la liquidation de ces avoirs;

(*b*) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Belgium to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever praticable projects for increased production of coal, steel, transportation facilities and food;

(*b*) favoriser le développement de la production industrielle et agricole sur une base économiquement rationnelle; réaliser tels objectifs de production qui pourraient être fixés dans le cadre de l'Organisation Européenne de Coopération Economique; et communiquer au Gouvernement des Etats-Unis, si celui-ci le demande, des propositions détaillées correspondant à des projets déterminés que le Gouvernement de Belgique envisage d'entreprendre en ayant recours, pour une part importante, à l'aide fournie aux termes du présent Accord, notamment, dans toute la mesure du possible, en ce qui concerne les projets relatifs à l'augmentation de la production du charbon, d'acier, de moyens de transport et de produits alimentaires;

Development of production.

(*c*) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

(*c*) stabiliser sa monnaie; instaurer ou maintenir un taux de change approprié, équilibrer dès que cela sera possible son budget d'Etat, créer ou maintenir la stabilité financière intérieure et, d'une manière générale, rétablir ou maintenir la confiance dans son système monétaire;

Maintenance of financial stability.
Post, p. 2195.

(*d*) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

(*d*) coopérer avec les pays participants pour faciliter et stimuler un échange croissant de marchandises et de services entre les pays participants ainsi qu'avec d'autres pays, et pour réduire les obstacles publics et privés qui entravent ces échanges tant entre eux qu'avec le reste du monde.

Stimulation of trade.

2. Taking into account Article Eight of the Convention for European Economic Cooperation[1] looking toward the full and effective use of manpower available in the various participating countries

2. Le Gouvernement de Belgique tenant compte des objectifs de l'Article VIII de la Convention de Coopération Economique Européenne visant à l'emploi de la main-d'œuvre disponible dans les

Utilization of manpower.

[1] Department of State publication 3145, p. 14.

the Government of Belgium will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2195, 2196.

3. The Government of Belgium will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of european recovery.

différents pays participants, s'engage à réserver un accueil bienveillant aux propositions faites de concert avec l'Organisation Internationale pour les Réfugiés, en vue d'utiliser au maximum la main-d'œuvre éventuellement disponible dans un des pays participants conformément aux fins du présent Accord.

3. Le Gouvernement de Belgique prendra les mesures qu'il estime appropriées et coopérera avec les autres pays participants afin d'empêcher les pratiques ou arrangements commerciaux—qu'ils soient le fait d'entreprises commerciales privées ou publiques—qui, dans le commerce international, entravent la concurrence, restreignent l'accès aux marchés ou favorisent le contrôle à caractère de monopole dans tous les cas où ces pratiques et arrangements produisent des effets nuisibles à l'exécution du programme commun de reconstruction européenne.

ARTICLE III

(Guaranties)

1. The Governments of the United States of America and of Belgium will, upon the request of either Government, consult respecting projects in Belgium proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (*b*) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 144.

2. The Government of Belgium agrees that if the Government of the United States of America makes payment in U.S. dollars to any person under such a guar-

ARTICLE III

(Garanties)

1. Les Gouvernements des Etats-Unis d'Amérique et de Belgique se consulteront à la demande de l'un ou l'autre gouvernement, sur les projets que des ressortissants des Etats-Unis envisagent de réaliser en Belgique et pour lesquels le Gouvernement des Etats-Unis d'Amérique peut, aux termes de la Section 111 (*b*) (3) de la Loi de Coopération Economique de 1948, accorder des garanties de transfert de devises.

2. Lorsque le Gouvernement des Etats-Unis d'Amérique fera à de telles personnes un payement en dollars des Etats-Unis correspondant à une telle garantie, le Gou-

anty, any francs or credits in francs assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

vernement de Belgique acceptera que les francs ou les crédits en francs portés au compte du Gouvernement des Etats-Unis d'Amérique ou transférés à ce Gouvernement, conformément à cette clause, soient reconnus comme étant la propriété du Gouvernement des Etats-Unis d'Amérique.

ARTICLE IV

(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

ARTICLE IV

(Monnaie nationale)

1. Les dispositions du présent Article ne seront applicables qu'en ce qui concerne l'aide que pourra fournir le Gouvernement des Etats-Unis à titre de don.

2. The Government of Belgium will establish a special account in the National Bank of Belgium in the name of the Government of Belgium (hereinafter called the special account) and will make deposits in francs to this account as follows:

Special account in National Bank of Belgium.

2. Le Gouvernement de Belgique convient d'ouvrir un compte spécial (désigné ci-après sous le nom de compte spécial) à la Banque Nationale de Belgique au nom du Gouvernement de Belgique et d'effectuer à ce compte les dépôts suivants en francs:

(*a*) The unencumbered balances of the deposits made by the Government of Belgium pursuant to the exchange of notes between the two Governments dated April 30, 1948. [1]

(*a*) Les soldes, nets de toute charge, des dépôts effectués par le Gouvernement de Belgique à la suite de l'échange de notes entre les deux Gouvernements en date du 30 avril 1948.

(*b*) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services, and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Belgium on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the

(*b*) Les sommes correspondant aux dépenses exprimées en dollars encourues par le Gouvernement des Etats-Unis d'Amérique pour les produits, services et informations techniques (notamment tous frais de fabrication, d'entreposage, de transports, de réparation ou résultant d'autres services s'y rapportant) fournis à la Belgique à titre de don, sous l'une quelconque des formes prévues par la Loi de Coopération Economique, sauf, cependant, le montant du dépôt

62 Stat., Pt. 1, p. 137.

[1] Not printed.

exchange of notes referred to in sub-paragraph (*a*). The Government of the United States of America shall from time to time notify the Government of Belgium of the indicated dollar cost of any such commodities, services, and technical information, and the Government of Belgium will thereupon deposit in the special account a commensurate amount of francs computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund.

The Government of Belgium may at any time make advance deposits in the special account which shall be credited against subsequent notifications pursuant to this paragraph.

effectué comme suite à l'échange de notes visé à l'alinéa (*a*). Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de Belgique le montant du prix exprimé en dollars des produits, services et renseignements techniques ainsi fournis; le Gouvernement de Belgique déposera alors au compte spécial une somme correspondante en francs calculée à un taux de change qui sera celui dont il aura été convenu à cette époque avec le Fonds Monétaire International.

Le Gouvernement de Belgique pourra à tout moment déposer au compte spécial des avances qui seront inscrites à son crédit et sur lesquelles seront imputées des sommes correspondant aux notifications ultérieures effectuées conformément aux dispositions du présent paragraphe.

Availability of sums for U. S. expenditures in Belgium.

3. The Government of the United States of America will from time to time notify the Government of Belgium of its requirements for administrative expenditures in francs within Belgium incident to operations under the Economic Cooperation Act of 1948, and the Government of Belgium will thereupon make such sums available out of any balances in the special account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

3. Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de Belgique les sommes en francs qui lui seront nécessaires pour couvrir les dépenses administratives en Belgique qu'entraînent les opérations effectuées conformément à la Loi de Coopération Economique de 1948 et le Gouvernement de Belgique mettra les sommes nécessaires à la disposition du Gouvernement des Etats-Unis en les imputant sur l'un quelconque des soldes du compte spécial de la manière demandée par le Gouvernement des Etats-Unis dans sa notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States

62 Stat., Pt. 1, p. 1054.

4. Cinq pour cent de tout dépôt fait en application de cet article en raison de l'aide apportée conformément à la Loi d'Appropriation d'Aide à l'Etranger, 1949, portant ouverture de crédit pour l'aide économique à l'étranger

of America for its expenditures in Belgium, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

seront affectés à l'usage du Gouvernement des Etats-Unis d'Amérique pour ses dépenses en francs et les sommes mises à la disposition de ce Gouvernement conformément au paragraphe 3 de cet article seront imputées sur les montants alloués conformément au présent paragraphe.

5. The Government of Belgium will further make such sums of francs available out of any balances in the special account as may be required to cover costs (including port, storage, handling, and similar charges) of transportation from any point of entry in Belgium to the consignee's designated point of delivery in Belgium of such relief supplies and packages as are referred to in Article VI.

5. Le Gouvernement de Belgique s'engage, en outre, à rendre disponibles, en les imputant sur l'un quelconque des soldes du compte spécial les sommes en francs nécessaires pour couvrir les frais de transport (port, emmagasinage, manutention et frais analogues) des approvisionnements et colis de secours mentionnés à l'article VI, depuis tout lieu d'entrée en territoire métropolitain de Belgique jusqu'au point de destination indiqué par le destinataire en territoire métropolitain de Belgique.

Post, p. 2186.

Belgian withdrawals from special account.

6. The Government of Belgium may draw upon any remaining balance in the special account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Belgium for drawings from the special account the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Belgium and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Belgium, including in particular:

6. Le Gouvernement de Belgique pourra effectuer des prélèvements sur le solde restant inscrit au compte spécial, aux fins dont ce Gouvernement pourra être convenu avec le Gouvernement des Etats-Unis d'Amérique. En examinant les propositions de prélèvement sur le compte spécial, présentées par le Gouvernement de Belgique, le Gouvernement des Etats-Unis d'Amérique tiendra compte de la nécessité de stimuler l'activité de la production et des échanges internationaux, la recherche et le développement en Belgique de nouvelles sources de richesses ainsi que de maintenir la stabilité monétaire et financière intérieure et en particulier:

(*a*) Expenditures upon projects or programs, including those which are part of a comprehensive pro-

(*a*) Les dépenses afférentes aux plans ou programmes, notamment ceux qui font partie d'un pro-

gram for the development of the productive capacity of Belgium and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or ortherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

(*b*) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; or

(*c*) Effective retirement of the national debt, especially debt held by the Central Bank or other banking institutions.

gramme d'ensemble destiné à accroître la capacité de production de la Belgique et des autres pays participants, et les plans ou programmes comportant des dépenses à l'étranger qui sont couvertes par l'aide fournie par le Gouvernement des Etats-Unis d'Amérique dans le cadre de la Loi de Coopération Economique de 1948, ou d'autres dispositions, ou par des prêts de la Banque Internationale pour la Reconstruction et le Développement;

(*b*) Les dépenses afférentes à la recherche et au développement d'une production accrue pour les matières premières dont les Etats-Unis pourraient avoir besoin en raison de l'insuffisance effective ou éventuelle de leurs ressources;

(*c*) La résorption effective de la dette publique et spécialement de la dette détenue soit par la Banque Nationale de Belgique, soit par les autres établissements bancaires.

Disposition of unencumbered balances.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the special account on June 30, 1952, shall be disposed of within Belgium for such purposes as may hereafter be agreed between the Governments of the United States and Belgium, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

7. Tous les soldes nets de toutes charges restant inscrits au compte spécial au 30 juin 1952 autres que les sommes non dépensées dont l'affectation aura été déterminée conformément au paragraphe 4 du présent article, seront utilisés en Belgique aux fins dont les Gouvernements des Etats-Unis d'Amérique et de Belgique seront convenus ultérieurement, étant entendu que l'agrément des Etats-Unis devra être approuvé par une loi ou une résolution commune du Congrès des Etats-Unis d'Amérique.

ARTICLE V

(Access to Materials)

Post, p. 2197.

1. The Government of Belgium will facilitate the transfer to the

ARTICLE V

(Accès à certains produits)

1. Le Gouvernement de Belgique facilitera le transfert aux

United States of America, for stockpiling or other purposes, of materials originating in Belgium, which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantitites, and for such period of time, as may be agreed to between the Governments of the United States of America and of Belgium after due regard for the reasonable requirements of Belgium, for domestic use and commercial export of such materials. The Government of Belgium will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Belgium and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Belgium will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Belgium will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph 9 sub-section 115 (*b*) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

3. The Government of Belgium will, when so requested by the Government of the United States of America, cooperate, wherever

Etats-Unis d'Amérique, en vue de la constitution de stocks ou à d'autres fins, de produits provenant de Belgique dont les Etats-Unis ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, à des conditions raisonnables de vente, d'échange, de troc, ou autres, pendant une période et en des quantités à déterminer d'un commun accord entre les Gouvernements des Etats-Unis d'Amérique et de Belgique, compte tenu des besoins raisonnables de la Belgique en produits nécessaires à sa consommation intérieure et à son commerce d'exportation. Le Gouvernement de Belgique prendra toutes mesures particulières qui pourraient être nécessaires pour l'application des dispositions du présent paragraphe, y compris le développement de la production en Belgique des dits produits, et la suppression de tous obstacles qui s'opposeraient à leur transfert aux Etats-Unis. Le Gouvernement de Belgique, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera des accords détaillés nécessaires à l'application des dispositions du présent paragraphe.

Post, p. 2196.

2. Le Gouvernement de Belgique, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera les accords appropriés pour assurer l'application des dispositions du paragraphe 9 sous-section 115 (*b*) de la Loi de Coopération Economique de 1948, qui sont relatives à l'augmentation et au transfert des produits qui sont nécessaires aux Etats-Unis d'Amérique.

62 Stat., Pt. 1, p. 152.

3. Le Gouvernement de Belgique, si le Gouvernement des Etats-Unis d'Amérique en exprime le désir, coopérera avec ce

appropriate, to further the objectives of paragraph 1 and 2 of this Article in respect of materials originating outside of Belgium.

Gouvernement dans les cas appropriés, pour atteindre les buts mentionnés aux paragraphes 1 et 2 du présent article en ce qui concerne les produits provenant d'autres territoires que celui de la Belgique.

ARTICLE VI

(Travel Arrangements and Relief Supplies)

1. The Government of Belgium will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2183; *post*, p. 2197.

2. The Government of Belgium will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of dutyfree treatment under appropriate safeguards) so as to facilitate the entry into Belgium of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Belgium.

ARTICLE VI

(Dispositions relatives aux facilités de voyage et aux envois de secours)

1. Le Gouvernement de Belgique coopérera avec le Gouvernement des Etats-Unis d'Amérique pour faciliter et favoriser le développement des voyages des citoyens des Etats-Unis à destination des pays participants et à l'intérieur de ces pays.

2. Le Gouvernement de Belgique négociera, à la demande du Gouvernement des Etats-Unis d'Amérique, des accords tendant à faciliter l'entrée en Belgique et notamment l'entrée en franchise, sous réserve de garanties appropriées, des envois de secours donnés à ou achetés par les organisations américaines bénévoles de secours, ainsi que des colis de secours en provenance des Etats-Unis et adressés à des personnes résidant en Belgique.

ARTICLE VII

(Consultation and transmittal of information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Belgium will communicate to the Govern-

ARTICLE VII

(Consultations réciproques et communications de renseignements)

1. Les deux Gouvernements se consulteront à la demande de l'un ou de l'autre sur toutes questions relatives à l'exécution du présent Accord, ainsi qu'aux opérations effectuées ou aux dispositions prises en application de ce même Accord.

2. Le Gouvernement de Belgique communiquera au Gouverne-

ment of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Belgium:

(*a*) Detailed information of projects, programs, and measures proposed or adopted by the Government of Belgium to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(*b*) Full statements of operations under this Agreement, including a statement of the use of funds, commodites, and services received thereunder, such statements to be made in each calendar quarter;

(*c*) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

3. The Government of Belgium will assist the Government of the United States of America to obtain information relating to the materials originating in Belgium referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

ment des Etats-Unis d'Amérique dans la forme et aux époques indiquées par ce dernier, après consultation avec le Gouvernement de Belgique:

(*a*) Des informations détaillées sur les projets, les programmes et les mesures envisagés ou adoptés par le Gouvernement de Belgique pour assurer l'exécution des dispositions du présent Accord et des Obligations Générales de la Convention de Coopération Economique Européenne. *Post*, p. 2197.

(*b*) Des exposés complets des opérations faites en vertu du présent Accord, y compris un exposé de l'usage des fonds, produits et services reçus en application du dit Accord, le dit exposé devant être fait chaque trimestre.

(*c*) Des informations concernant son économie et toutes autres informations appropriées nécessaires pour compléter celles qui seront obtenues de l'Organisation Européenne de Coopération Economique et dont le Gouvernement des Etats-Unis d'Amérique pourrait avoir besoin pour déterminer la nature et la portée des opérations réalisées en vertu de la Loi de Coopération Economique de 1948 et pour évaluer l'efficacité de l'aide fournie ou proposée en vertu du présent Accord et, d'une manière générale, les progrès du programme commun de relèvement. 62 Stat., Pt. 1, p. 137.

3. Le Gouvernement de Belgique aidera le Gouvernement des Etats-Unis d'Amérique à se procurer les renseignements relatifs aux produits provenant de Belgique dont il est question à l'Article V, et qui seront nécessaires à l'élaboration et à l'exécution des accords prévus au dit article. *Ante*, p. 2184.

ARTICLE VIII

(Publicity)

1. The Governments of the United States of America and of Belgium recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for european recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Belgium will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of Belgium will make public in Belgium in each calendar quarter, full state-

ARTICLE VIII

(Publicité)

1. Les Gouvernements des Etats-Unis d'Amérique et de Belgique reconnaissent qu'il est de leur intérêt commun de donner une large publicité aux objectifs du programme en commun de relèvement de l'Europe, aux progrès réalisés dans son exécution ainsi qu'à toutes les mesures prises en application de ce programme. Ils reconnaissent également qu'il est souhaitable d'assurer une large diffusion des informations relatives aux progrès réalisés dans l'exécution du programme de relèvement européen, afin de développer le sentiment de l'effort commun et l'esprit d'aide mutuelle essentiels à la réalisation des objectifs du programme.

2. Le Gouvernement des Etats-Unis d'Amérique encouragera la diffusion de ces informations et les mettra à la disposition d'agences d'information.

3. Le Gouvernement de Belgique encouragera la diffusion de ces renseignements, tant directement que par l'entremise de l'Organisation Européenne de Coopération Economique. Il les mettra à la disposition des agences d'information et prendra toutes les mesures possibles pour en assurer la diffusion par les moyens appropriés. De plus, il fournira à tous les autres pays participants et à l'Organisation Européenne de Coopération Economique les renseignements les plus complets sur les progrès effectués dans la réalisation du programme de relèvement européen.

4. Le Gouvernement de Belgique publiera en Belgique, chaque trimestre, des comptes rendus

ments of operations under this Agreement, including information as to the use of funds, commodities, and services received.

ARTICLE IX

(Missions)

1. The Government of Belgium agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Belgium under this Agreement.

2. The Government of Belgium will, upon appropriate notification from the Ambassador of the United States of America in Belgium, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Belgium for the purposes of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Belgium will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and asistance necessary to the effective performance of their responsibilities.

3. The Government of Belgium, directly and through its representatives on the Organization for European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the

complets sur les opérations d'exécution de cet Accord et notamment des renseignements sur l'emploi de tous les fonds, marchandises et services reçus au titre de la Loi.

ARTICLE IX

(Missions)

1. Le Gouvernement de Belgique donne son agrément à l'installation d'une Mission Spéciale de Coopération Economique qui assurera l'exécution des obligations assumées par les Etats-Unis en Belgique aux termes du présent Accord.

2. Sur notification appropriée de l'Ambassadeur des Etats-Unis d'Amérique à la Belgique le Gouvernement de Belgique considère la Mission Spéciale et son personnel ainsi que le Représentant Spécial des Etats-Unis en Europe comme faisant partie de l'Ambassade des Etats-Unis d'Amérique en Belgique aux fins de bénéficier des privilèges et immunités accordés aux fonctionnaires de rang équivalent de l'Ambassade des Etats-Unis d'Amérique. Le Gouvernement de Belgique convient en outre d'observer à l'égard des membres et du personnel du Comité Mixte de Coopération Economique Etrangère du Congrès des Etats-Unis les règles de courtoisie appropriées et de leur accorder les facilités et l'assistance indispensables pour assumer efficacement leurs responsabilités.

Special mission as part of U. S. Embassy. *Post*, p. 2197.

3. Le Gouvernement de Belgique apportera directement et par l'intermédiaire de ses représentants au sein de l'Organisation Européenne de Coopération Economique, sa pleine coopération à la Mission Spéciale, au Représentant Spécial des Etats-Unis en Europe et à

members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

son personnel, et aux membres et personnel du Comité Mixte. Cette coopération comportera la mise à disposition de toutes informations et facilités nécessaires à l'observation et à la surveillance de l'exécution du présent Accord, y compris de l'utilisation de l'aide fournie conformément à ses termes.

ARTICLE X

(Settlement of claims of Nationals)

1. The Governments of the United States of America and of Belgium agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of Governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International

59 Stat. 1060.

ARTICLE X

(Règlement des réclamations des ressortissants des deux Pays)

1. Les Gouvernements des Etats-Unis et de Belgique conviennent de porter à la Cour Internationale de Justice toutes réclamations que l'un ou l'autre Gouvernement aura faites siennes et présentées pour le compte de l'un de ses ressortissants à l'encontre de l'autre Gouvernement, pour l'indemnisation de dommages résultant de mesures gouvernementales (à l'exception de mesures touchant les intérêts ou biens ennemis) prises après le 3 avril 1948 par ce Gouvernement et affectant les biens ou les intérêts du dit ressortissant, y compris les contrats ou concessions régulièrement conclus ou accordés par les organes dûment qualifiés du dit Gouvernement. Il est entendu que l'engagement de chaque Gouvernement en ce qui concerne les demandes présentées par l'autre Gouvernement en application de ce paragraphe, est pris par chaque Gouvernement en conformité et dans la limite des termes et conditions de l'acceptation effective par ce Gouvernement de la juridiction obligatoire de la Cour Internationale de Justice en vertu de l'article 36 du Statut de la Cour. Les dispositions de ce paragraphe seront, de toute manière, sans préjudice d'autres droits

Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements, or principles of international law.

d'accès, à supposer qu'il en existe, de l'un ou l'autre Gouvernement à la Cour Internationale de Justice ou de l'adhésion et de la présentation de contestations basées sur les prétendues violations par l'un ou l'autre Gouvernement de droits et obligations résultant de traités, d'accords ou de principes de droit international.

2. The Governments of the United States of America and of Belgium further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

2. Le Gouvernement des Etats-Unis et le Gouvernement de Belgique conviennent également de porter éventuellement de tels différends devant tout tribunal arbitral à convenir, aux lieu et place de la Cour.

Post, p. 2198.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

3. Il est également entendu qu'aucun des deux Gouvernements ne présentera, aux termes du présent article, de réclamations d'un de ses ressortissants avant que celui-ci n'ait épuisé les voies de recours qui lui sont ouvertes devant les tribunaux administratifs et judiciaires du pays où la réclamation prend naissance.

ARTICLE XI

(Definitions)

As used in this agreement:

ARTICLE XI

(Définitions)

1. Aux termes du présent accord:

(*a*) "Belgium" means Belgium together with dependent areas under its administration including Belgian Congo and the territories of Ruanda-Urundi.

(*a*) "Belgique" signifie la Belgique avec les territoires placés sous son administration, y compris le Congo belge et les territoires du Ruanda-Urundi;

"Belgium." Post, p. 2198.

(*b*) The term "participating country" means:

(*b*) On entend par "pays participants":

"Participating country."

(i) Any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between

(i) Tout pays qui a signé le rapport du Comité de Coopération Economique Européenne à Paris le 22 septembre 1947 et tout territoire dont ce pays assume la responsabilité sur le plan international et auquel l'Accord de Coopération Economique conclu

[1] Department of State publication 2930.

that country and the Government of the United States of America has been applied, and

(ii) Any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for european recovery designed to accomplish the purposes of this Agreement.

entre ledit pays et les Etats-Unis est appliqué,

(ii) Tout autre pays (y compris toute zone d'occupation en Allemagne, tout territoire, toute administration sous contrôle international et le Territoire libre de Trieste ou toute zone en faisant partie) situé en tout ou en partie en Europe avec les territoires dépendants soumis à sa juridiction aussi longtemps que ce pays est signataire de la Convention de Coopération Economique et participe à un programme commun de relèvement européen ayant pour objectif les buts du présent Accord.

ARTICLE XII

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall be subject to ratification by the Government of Belgium. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2194.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic

ARTICLE XII

(Entrée en vigueur, amendement, durée)

1. Le présent Accord sera sujet à ratification par le Gouvernement de Belgique. Il entrera en vigueur à la date où cette ratification sera notifiée au Gouvernement des Etats-Unis d'Amérique. Sous réserve des dispositions des paragraphes 2 et 3 de cet Article, il restera en vigueur jusqu'au 30 juin 1953 et, à moins que, au moins six mois avant le 30 juin 1953, l'un ou l'autre Gouvernement ait donné à l'autre notification par écrit de son intention de mettre fin à l'Accord à cette date, il restera en vigueur jusqu'à l'expiration d'un délai de six mois à dater du jour où pareille notification aura été faite.

2. Si, pendant la durée de l'Accord, l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les cir-

[1] Entered into force July 29, 1948, the date on which the American Embassy at Brussels was notified by the Belgian Ministry of Foreign Affairs of ratification of the agreement by the Government of Belgium.

assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(*a*) Six months after the date of such notice of intention to terminate, or

(*b*) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Belgium are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary Agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Belgium re-

constances se trouvant à l'origine de cet Accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation et de la terminaison de l'Accord. Si, après un délai de trois mois à dater de cette notification, les deux Gouvernements n'ont pas convenu de l'action à prendre dans ces circonstances, chaque Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Dans ce cas, sous réserve des dispositions du paragraphe 3 du présent Article, cet Accord prendra fin:

Termination.

(*a*) Six mois après la notification de l'intention d'y mettre fin, ou

(*b*) Après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement de Belgique sont exécutées à l'égard de toute aide que le Gouvernement américain pourrait continuer à lui apporter après la date de cette notification; étant entendu toutefois que l'Article V et le paragraphe 3 de l'article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953.

Ante, p. 2184.
Ante, p. 2187.

3. Les accords et les arrangements complémentaires qui seront négociés en exécution du présent Accord pourront rester en vigueur au delà de l'expiration du présent Accord, et la période d'application de ces accords et arrangements complémentaires sera déterminée par leurs propres termes. L'Article IV restera en vigueur jusqu'à ce que toutes les sommes en francs

Subsidiary agreements, etc.

Ante, p. 2181.

quired to be deposited in accordance with its own terms have been disposed of as provided in that Article.

Ante, p. 2180.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2192.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

DONE at Brussels, in duplicate, in the English and French languages, both texts authentic, this second day of July 1948.

ALAN G. KIRK
[SEAL]

ANNEX

INTERPRETATIVE NOTES

1. It is understood that "The Economic Cooperation Act of 1948" as used in the Agreement means Title I of Public Law 472—80th Congress.

62 Stat., Pt. 1, p. 137.

2. It is understood that the requirements of paragraph 1 (*a*) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under this Agreement, effective measures for safeguarding such commodities and for preventing their diversion to markets or

Ante, p. 2178.

belges à verser en conformité avec ses propres dispositions aient été utilisées comme prévu par cet Article.

Le paragraphe 2 de l'article III restera en vigueur aussi longtemps que la garantie de payement visée par cet Article pourra être donnée par le Gouvernement des Etats-Unis d'Amérique.

4. Le présent Accord pourra être amendé à tout moment par décision commune des deux Gouvernements.

5. L'annexe au présent Accord en fait partie intégrante.

6. Le présent Accord sera enregistré par le Secrétaire général des Nations Unies.

EN FOI DE QUOI, les représentants respectifs des deux Gouvernements, dûment autorisés à cette fin, ont signé le présent Accord.

FAIT à Bruxelles, le deux juillet 1948, en deux exemplaires, en langues française et anglaise, les deux textes faisant également foi.

P. H. SPAAK
[SEAL]

ANNEXE

NOTES INTERPRÉTATIVES

1. Il est entendu que "la Loi de Coopération Economique de 1948" à laquelle se réfère l'Accord, est le Titre I de la Public Law 472, 80e Congrès.

2. Il est entendu que les dispositions du paragraphe 1 (*a*) de l'Article II sur l'adoption des mesures relatives à un emploi efficace des ressources comporteraient, en ce qui concerne les produits fournis aux termes de cet Accord, des mesures efficaces destinées à assurer la sauvegarde de ces produits et à empêcher leur

channels of trade wich are illegal or irregular in Belgium.

3. It is understood that it lies within the discretion of the Government of Belgium to determine the means by which the assets specified in paragraph 1 (*a*) (3) of Article II are put into appropriate use in furtherance of the joint program for European recovery.

4. It is understood that the obligation under paragraph 1 (*c*) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

5. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(*a*) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(*b*) Excluding enterprises from, or allocating or dividing, any territorial market of field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(*c*) Discriminating against particular enterprises;

(*d*) Limiting production or fixing production quotas;

(*e*) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

détournement vers des marchés ou des circuits commerciaux illicites ou irréguliers en Belgique.

3. Il est entendu qu'il est laissé à l'appréciation du Gouvernement de Belgique de déterminer les moyens par lesquels les avoirs mentionnés au paragraphe 1 (*a*) (3) de l'Article II seront l'objet d'un usage approprié à l'exécution du programme commun de relèvement européen. *Ante*, p. 2178.

4. Il est entendu que l'obligation figurant au paragraphe 1 (*c*) de l'Article II d'équilibrer le budget aussitôt que possible, n'exclurait pas des déficits pendant une courte période, mais signifierait une politique budgétaire impliquant, à longue échéance, l'équilibre du budget. *Ante*, p. 2179.

5. Il est entendu que les pratiques commerciales et les arrangements commerciaux visés au paragraphe 3 de l'Article II sont: *Ante*, p. 2180.

(*a*) Ceux qui fixent les prix ou les conditions à observer dans les transactions avec les tiers concernant l'achat, la vente ou la location de tout produit;

(*b*) Ceux qui excluent des entreprises d'un marché territorial ou d'un champ d'activité commerciale, attribuent ou partagent un marché territorial ou un champ d'activité commerciale, répartissent la clientèle ou fixent les conditions de vente ou d'achat;

(*c*) Ceux qui ont un effet discriminatoire au détriment d'entreprises déterminées;

(*d*) Ceux qui limitent la production ou fixent des contingents de production;

(*e*) Ceux qui, par voie d'accord, empêchent l'amélioration ou la mise en œuvre de procédés techniques ou d'inventions brevetées ou non;

(*f*) Extending the use of rights under patents, trademarks, or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subject of such grants; and

(*g*) Such other practices as the two Governments may agree to include.

6. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II are those which are engaged in or made effective by one or more private or public commercial enterprises or by any combination, agreement, or other arrangement between any such enterprises and when such commercial enterprises, individually or collectively, possess effective control or trade among a number of countries in one or more products.

Ante, p. 2180.

7. It is understood that the Government of Belgium is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination by such Government.

Ante, p. 2180.

8. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Belgium for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V

Ante, p. 2185.

(*f*) Ceux qui étendent l'usage de droits résultant de brevets, de marques de fabrique, de droits d'auteur ou de reproduction, accordés par un des deux Etats, conformément à ses lois et règlements, à des matières qui ne rentrent pas dans le cadre tels privilèges, ou bien à des produits ou à des conditions de production, d'utilisation ou de vente qui, de même, ne font pas l'objet de tels privilèges; et

(*g*) Toutes autres pratiques que les deux Gouvernements peuvent convenir d'incorporer dans les présentes dispositions.

6. Il est entendu que les pratiques ou arrangements commerciaux auxquels se réfère le paragraphe 3 de l'Article II, sont ceux qui sont conclus ou rendus effectifs par une ou plusieurs entreprises commerciales privées ou publiques, ou visés par toute entente, accord ou autre arrangement entre toute entreprise de cette espèce et lorsque de telles entreprises commerciales possèdent, individuellement ou collectivement, un contrôle effectif sur le commerce d'un certain nombre de pays pour un ou plusieurs produits.

7. Il est entendu que le Gouvernement de Belgique n'est tenu d'agir, conformément au paragraphe 3 de l'Article II dans des cas d'espèce qu'après enquête et examen appropriés par ce Gouvernement.

8. Il est entendu que le passage de l'Article V: "compte tenu des besoins raisonnables de la Belgique en produits nécessaires à sa consommation intérieure" couvrirait également le maintien à un niveau raisonnable de stocks des produits en question et que l'expression "commerce d'exportation" comprendrait les opérations de troc. Il a été également entendu que les

might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stockpiles are liquidated.

9. It is understood that arrangements to be negotiated under Article V will be consistent with the system of trading sought to be established by the General Agreement on Tariffs and Trade and that due regard will be had for the limitations on the powers and authority of the several branches of the Government of Belgium under the established legislative system of that country.

10. It is understood that each Government reserves full freedom of negotiation under paragraph 2 of Article VI.

11. It is understood that the Government of Belgium will not be requested, under paragraph 2 (*a*) of Article VII, to furnish detailed information about minor projects, or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

12. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would,

accords négociés en vertu de l'Article V pourraient inclure une clause de consultation conformément aux principes de l'article 32 de la Charte de La Havane pour une Organisation Internationale du Commerce dans le cas où les stocks seraient réalisés.

9. Il est entendu que des accords dont la négociation est prévue à l'Article V seront en conformité avec le système de commerce dont l'établissement est recherché par l'Accord Général sur les Tarifs et le Commerce et qu'il sera tenu compte des limitations des pouvoirs et de l'autorité des divers services du Gouvernement de Belgique selon le système législatif en vigueur dans ce pays.

Ante, p. 2184.

61 Stat., Pts. 5 and 6.

10. Il est entendu que chaque Gouvernement se réserve pleine liberté de négociation, pour ce qui concerne le paragraphe 2 de l'Article VI.

Ante, p. 2186.

11. Il est entendu que le Gouvernement de Belgique n'aura pas, en application du paragraphe 2 (*a*) de l'Article VII, à fournir des informations détaillées sur les projets peu importants ou des renseignements commerciaux ou techniques d'ordre confidentiel dont la divulgation pourrait porter atteinte à des intérêts commerciaux légitimes.

Ante, p. 2187.

12. Il est entendu que le Gouvernement des Etats-Unis en faisant la notification prévue au paragraphe 2 de l'Article IX, aura due considération à la nécessité de restreindre autant que possible le nombre des fonctionnaires pour lesquels les privilèges diplomatiques intégraux seraient demandés. Il est également entendu que l'application dans les détails de l'Ar-

Ante, p. 2189.

[1] Department of State publication 3117, p. 26.

when necessary, be the subject of inter-governmental discussion.

13. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Ante, p. 2191.

14. It is understood that the Belgian Congo and the territories of Ruanda-Urundi are included in the definition of "Belgium" in paragraph (*a*) of Article XI in order to make clear the application of the provisions of this Agreement to those areas and does not prejudice the legal relationship existing between the Kingdom of Belgium and such areas.

Ante, p. 2191.

ALAN G. KIRK

ticle IV serait l'objet, s'il est nécessaire, de conversations entre les deux Gouvernements.

13. Il est entendu que tout accord qui serait conclu en exécution du paragraphe 2 de l'Article X serait soumis à la ratification du Sénat des Etats-Unis d'Amérique.

14. Il est entendu que le Congo Belge et les territoires du Ruanda-Urundi sont inclus dans le terme "Belgique" au paragraphe (*a*) de l'Article XI, afin de rendre plus claire l'application des dispositions de cet Accord à ces territoires, et ne porte pas préjudice aux relations juridiques existant entre le Royaume de Belgique et ces territoires.

P. H. SPAAK

Agreement between the United States of America and Denmark respecting economic cooperation under Public Law 472, 80th Congress. Signed at Copenhagen June 29, 1948; entered into force July 2, 1948.

June 29, 1948
[T. I. A. S. 1782]

Economic Cooperation Agreement between the United States of America and Denmark.

Preamble

The Government of the United States of America and the Government of Denmark:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to

Overenskomst om Økonomisk Samarbejde mellem Amerikas Forenede Stater og Danmark.

Indledning

Principles of Agreement.

Amerikas Forenede Staters Regering og den danske Regering er,

i Erkendelse af, at Genoprettelsen eller Opretholdelsen i de europæiske Lande af Principperne for personlig Frihed, frie Samfundsformer og virkelig Uafhængighed for en stor Del beror paa, at der tilvejebringes holdbare økonomiske Vilkaar og stabile internationale økonomiske Forbindelser og af, at de europæiske Lande naar til en sund Økonomi, uafhængig af extraordinær Bistand udefra;

idet de erkender, at en stærk og sund europæisk Økonomi er af væsentlig Betydning for Opnaaelsen af de Forenede Nationers Formaal;

idet de tager i Betragtning, at Tilvejebringelsen af saadanne Vilkaar kræver en Plan for Europas Genrejsning ved Selvhjælp og indbyrdes Samvirke med Adgang til Deltagelse for alle Nationer, der samarbejder om en saadan Plan, baseret paa en kraftig Indsats til Fremme af Produktionen, paa en Udvidelse af Udenrigshandelen, paa Tilvejebringelsen eller Bevarelsen af stabile finansielle Forhold i de enkelte Lande og paa Udviklingen af det økonomiske Samarbejde, herunder ethvert muligt Skridt med

establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Denmark has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Denmark is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Denmark has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Denmark, and the measures which the two Governments will take individually and together in furthering the recovery of Denmark

Henblik paa at tilvejebringe og opretholde holdbare Valutakurser og paa at formindske Hindringer for Handelen;

idet de tager i Betragtning, at den danske Regering til Fremme af disse Principper sammen med andre ligesindede Lande har indgaaet en Konvention om Europæisk Økonomisk Samarbejde, undertegnet i Paris den 16. April 1948, i hvilken Konventionens Underskrivere enedes om, som deres øjeblikkelige Opgave at paatage sig Udarbejdelsen og Gennemførelsen af et fælles Genopbygningsprogram, samt at den danske Regering er Medlem af Organisationen for Europæisk Økonomisk Samarbejde, der er oprettet ifølge den nævnte Konventions Bestemmelser;

og idet de ligeledes tager i Betragtning, at Amerikas Forenede Staters Regering til Fremme af disse Principper har vedtaget Lov om Økonomisk Samarbejde af 1948, der indeholder Bestemmelser om Ydelse af Bistand fra Amerikas Forenede Stater til Lande, som deltager i et fælles Program for europæisk Genopbygning, med det Formaal at sætte saadanne Lande i Stand til gennem individuelle og fælles Anstrengelser at blive uafhængige af ekstraordinær økonomisk Hjælp udefra;

idet de tager til Efterretning, at den danske Regering allerede har udtalt sin Tilslutning til de Formaal og Retningslinier, som indeholdes i Lov om Økonomisk Samarbejde af 1948;

idet de ønsker at give Udtryk for de Forudsætninger, som ligger til Grund for Ydelse af Bistand fra Amerikas Forenede Staters Regering i Henhold til Lov om Økonomisk Samarbejde af 1948, for Danmarks Modtagelse af denne Bistand og for de Forholdsregler, som de to Regeringer vil træffe hver for sig og i Fællesskab til Fremme af Genopbygningen i Danmark som en integrerende Del af det

[1] Department of State publication 3145.

as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I.

Assistance and Cooperation

1. The Government of the United States of America undertakes to assist Denmark, by making available to the Government of Denmark or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Denmark only such commodities, services and other assistance as are authorized to be made available by such acts.

2. The Government of Denmark, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Denmark

fælles europæiske Genopbygningsprogram;

blevet enige om følgende:

Artikel I.

Bistand og Samarbejde

1. Amerikas Forenede Staters Regering paatager sig at yde Danmark Bistand ved at stille saadan Bistand, som den danske Regering maatte anmode om, og som maatte blive godkendt af Amerikas Forenede Staters Regering, til Raadighed for den danske Regering eller for enhver af denne Regering udpeget Person, Repræsentation eller Organisation. Amerikas Forenede Staters Regering vil yde denne Bistand i Henhold til Bestemmelserne i og i Overensstemmelse med alle de Regler, Betingelser og Ophørsbestemmelser, der fastsættes ved Lov om Økonomisk Samarbejde af 1948 saavel som ved Love, indeholdende Ændringer i eller Tillæg dertil, samt Bevillingslove udstedt i Overensstemmelse dermed og vil til den danske Regerings Raadighed kun stille saadanne Varer, Tjenesteydelser og anden Bistand, til hvis Ydelse saadanne Love giver Bemyndigelse. 62 Stat., Pt. 1, p. 137.

2. Den danske Regering vil, saavel individuelt som gennem Organisationen for Europæisk Økonomisk Samarbejde og i Overensstemmelse med den i Paris den 16. April 1948 undertegnede Konvention om Europæisk Økonomisk Samarbejde, udfolde vedholdende Bestræbelser i Fællesskab med de øvrige Deltagerlande for ved Hjælp af et fælles Genopbygningsprogram hurtigt at naa til saadanne økonomiske Forhold i Europa, som er nødvendige for varig Fred og Velstand og for at sætte de europæiske Lande, der deltager i et saadant fælles Genrejsningsprogram i Stand til inden nærværende Overenskomsts Ophør at blive uafhængige af ekstraordinær økonomisk Bistand

reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 137.

3. With respect to assistance furnished by the Government of the United States of America to Denmark and procured from areas outside the United States of America, its territories and possessions, the Government of Denmark will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II.

General Undertakings

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Denmark will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2219.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the

udefra. Den danske Regering bekræfter paany, at den har til Hensigt at tage de nødvendige Skridt til at gennemføre Bestemmelserne i Afsnittet om Almindelige Forpligtelser i Konventionen om Europæisk Økonomisk Samarbejde, at fortsætte med aktivt at deltage i Organisationen for Europæisk Økonomisk Samarbejdes Virksomhed og vedblivende at opretholde sin Tilslutning til de Formaal og Retningslinier, der er fastlagt i Lov om Økonomisk Samarbejde af 1948.

3. Forsaavidt angaar Bistand, der ydes Danmark af Amerikas Forenede Staters Regering og som tilvejebringes fra Omraader beliggende udenfor de Forenede Stater, dets Territorier og Besiddelser, vil den danske Regering samarbejde med de Forenede Staters Regering for at sikre, at de omhandlede Indkøb foretages til rimelige Priser og paa rimelige Betingelser og paa en saadan Maade, at de Dollars, der derved stilles til Raadighed for det Land, hvorfra Hjælpen skaffes, benyttes i Overensstemmelse med enhver Ordning, som Amerikas Forenede Staters Regering maatte have indgaaet med dette Land.

Artikel II.

Almindelige Forpligtelser

1. For at opnaa den størst mulige Genopbygning gennem Anvendelsen af Bistand modtaget fra Amerikas Forenede Staters Regering, vil den danske Regering bestræbe sig mest muligt paa:

a. at træffe eller opretholde de nødvendige Forholdsregler for at sikre effektiv og praktisk Anvendelse af alle Hjælpekilder, der staar til dens Raadighed, herunder

(i) saadanne Forholdsregler, som maatte være nødven-

commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Denmark in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Denmark and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Denmark to dispose of such assets;

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production

dige for at sikre, at de Varer og Tjenesteydelser, som er fremskaffet ved Bistand ydet i Henhold til nærværende Overenskomst, anvendes til Formaal, som er forenelige med Overenskomsten og saa vidt muligt med de almindelige Formaal, der fremgaar af Programmer, som er fremsat af den danske Regering til Støtte for Behov for Bistand, der ydes af Amerikas Forenede Staters Regering;

(ii) Iagttagelse og Undersøgelse af saadanne Hjælpekilders Anvendelse gennem et effektivt System, godkendt af Organisationen for Europæisk Økonomisk Samarbejde; og

(iii) i videst gørligt Omfang Forholdsregler, som tilsigter at paavise, at identificere og paa passende Maade til Fremme af det fælles Program for europæisk Genopbygning at udnytte saadanne Aktiver og deres Udbytte, som tilhører danske Statsborgere, og som findes i Amerikas Forenede Stater, dets Territorier og Besiddelser. Intet i nærværende Bestemmelse paalægger Amerikas Forenede Staters Regering nogen Forpligtelse til at bistaa ved Gennemførelsen af saadanne Forholdsregler eller den danske Regering nogen Forpligtelse til at afhænde saadanne Aktiver;

b. at fremme Udviklingen af Industri- og Landbrugsproduktionen paa et sundt økonomisk Grundlag, at naa til de Produktions-

Development of production.

targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Denmark to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of food and transportation facilities;

resultater, som gennem Organisationen for Europæisk Økonomisk Samarbejde maatte blive sat som Maal, og, naar Amerikas Forenede Staters Regering maatte ønske det, at tilstille denne detaillerede Forslag om særlige Planer, som den danske Regering agter at iværksætte, og hvis Gennemførelse for en væsentlig Del vil ske ved Hjælp af Bistand ydet i Kraft af nærværende Overenskomst, herunder indbefattet i alle Tilfælde, hvor dette er praktisk gørligt, Projekter med det Formaal at forøge Produktionen af Fødevarer og Transportmidler;

Maintenance of financial stability. *Post*, p. 2219.

c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

c. at stabilisere Landets Pengevæsen, indføre eller opretholde en holdbar Valutakurs, opretholde Ligevægt paa Statsbudgettet, genoprette eller opretholde indre financiel Stabilitet og i Almindelighed genoprette eller opretholde Tilliden til Landets Pengevæsen; og

Stimulation of trade.

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

d. at samarbejde med andre Deltagerlande for at lette og stimulere en øget Udveksling af Varer og Tjenesteydelser mellem Deltagerlandene indbyrdes, saavel som mellem disse og andre Lande, og at mindske offentlige og private Handelsskranker mellem Deltagerlandene indbyrdes og overfor andre Lande.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the Government of Denmark will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the

2. Under Hensyntagen til Art. 8 i Konventionen om Europæisk Økonomisk Samarbejde, som tager Sigte paa fuld og effektiv Anvendelse af den i Deltagerlandene til Raadighed staaende Arbejdskraft, vil den danske Regering velvilligt overveje saadanne Forslag, som maatte blive fremsat i Forstaaelse med den Internationale Flygtningeorganisation med

largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of Denmark will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III.

Guaranties

1. The Governments of the United States of America and Denmark will, upon the request of either Government, consult respecting projects in Denmark proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111(b)(3) of the Economic Cooperation Act of 1948.

2. The Government of Denmark agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any kroner, or credits in kroner, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Henblik paa, at Arbejdskraft, der staar til Raadighed i noget af Deltagerlandene, anvendes i videst gørligt Omfang til Fremme af Gennemførelsen af nærværende Overenskomsts Formaal.

3. Den danske Regering vil træffe de Forholdsregler, den anser for egnede, og vil samarbejde med andre Deltagerlande for at forhindre, at private eller offentlige Handelsforetagender anvender en Forretningspraksis eller slutter Forretningsarrangementer berørende international Handel, som begrænser Konkurrencen, indskrænker Adgangen til Markeder eller afføder monopolistisk Kontrol, saafremt saadan Praksis eller saadanne Arrangementer har den Virkning at forstyrre Gennemførelsen af det fælles Program for europæisk Genrejsning.

Prevention of practices interfering with achievement of program.
Post, pp. 2219, 2220.

Artikel III.

Garantier

1. Amerikas Forenede Staters Regering og den danske Regering ~~skal~~, naar Anmodning derom fremsættes af en af de to Regeringer, raadføre sig med hinanden om Projekter i Danmark, som bringes i Forslag af Statsborgere i Amerikas Forenede Stater, og med Hensyn til hvilke Garanti for Valutaoverførsel ~~kan, naar det anses for hensigtsmæssigt, afgives af~~ [de Forenede Staters Regering i Henhold til Lov om Økonomisk Samarbejde af 1948, Afsnit 111 (b) (3)] ~~i saa fald overenskomstmæssig fremgangsmaade~~

62 Stat., Pt. 1, p. 144

2. Den danske Regering er indforstaaet med, at saafremt Amerikas Forenede Staters Regering til nogen Person erlægger en Betaling i US. Dollars i Henhold til en saadan Garanti, skal ethvert Beløb i Kroner eller en hvilkensomhelst Kredit i Kroner, som i Medfør af ovennævnte Afsnit tildeles eller overdrages Amerikas Forenede Staters Regering, anerkendes som de Forenede Staters Regerings Ejendom.

Article IV.

Local Currency

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Danmarks Nationalbank.
Post, p. 2220

2. The Government of Denmark will establish a special account in Danmarks Nationalbank in the name of the Government of Denmark (hereinafter called the Special Account) and will make deposits in kroner to this account as follows:

(a) The unencumbered balances of the deposits made by the Government of Denmark pursuant to the exchange of notes between the two Governments dated April 20, 1948.[1]

(b) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Denmark on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in sub-paragraph (a). The Government of the United States of America shall from time to time notify the Government of Denmark of the indicated dollar cost of any such commodities, services and technical information, and the Government of Denmark will thereupon deposit in the Special Account a commensurate amount

62 Stat., Pt. 1, p. 137.

Artikel IV.

Danske Kronebeløb

1. Bestemmelserne i denne Artikel finder kun Anvendelse paa Bistand, der maatte blive ydet af Amerikas Forenede Staters Regering i Form af Gaver.

2. Den danske Regering vil oprette en særlig Konto i Danmarks Nationalbank i den danske Regerings Navn (i det følgende kaldet den Særlige Konto) og vil paa denne Konto foretage Indbetalinger i Kroner som nedenfor angivet:

(a) De ubehæftede Saldi af de Indbetalinger, der er foretaget af den danske Regering i Henhold til den under 20. April 1948 stedfundne Noteveksling mellem de to Regeringer.

(b) Beløb svarende til de Udgifter i Dollars, der opgives at være afholdt af Amerikas Forenede Staters Regering til Varer, Tjenesteydelser og tekniske Oplysninger (herunder en hvilken som helst Omkostning til Forarbejdning, Oplagring, Transport, Istandsættelse eller andre herhenhørende Tjenesteydelser), der stilles til Raadighed for Danmark som Gave paa en i Lov om Økonomisk Samarbejde af 1948 godkendt Maade, dog med Fradrag af de Indbetalinger, der har fundet Sted i Henhold til den i Punkt (a) omhandlede Noteveksling. Amerikas Forenede Staters Regering vil fra Tid til anden underrette den danske Regering om de oplyste Udgifter i Dollar til enhver saadan Vare, Tjenesteydelse og teknisk Oplysning, og den danske Regering vil derefter paa den Særlige Konto indbetale et

[1] *Department of State Bulletin*, May 16, 1948, p. 640, footnote 2.

of kroner computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Government of Denmark may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

3. The Government of the United States of America will from time to time notify the Government of Denmark of its requirements for administrative expenditures in kroner within Denmark incident to operations under the Economic Cooperation Act of 1948, and the Government of Denmark will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Denmark, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Government of Denmark will further make such sums of kroner available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Denmark

hertil svarende Kronebeløb, udregnet efter en Valutakurs, som skal være den paa det paagældende Tidspunkt efter Aftale med den Internationale Valutafond gældende Paritetsværdi. Den danske Regering kan naarsomhelst foretage Forudindbetalinger paa den Særlige Konto, hvilke Indbetalinger vil være at kreditere mod efterfølgende Underretning i Henhold til dette Stykke.

Availability of sums for U. S. expenditures in Denmark.

3. Amerikas Forenede Staters Regering vil fra Tid til anden underrette den danske Regering om sine Behov med Henblik paa Afholdelsen af Administrationsudgifter i danske Kroner i Danmark i Forbindelse med Foranstaltninger, der træffes i Henhold til Lov om Økonomisk Samarbejde af 1948, og den danske Regering vil derpaa stille de paagældende Beløb til Raadighed ud af saadanne Beholdninger, som maatte findes paa den Særlige Konto, paa den Maade, hvorom Amerikas Forenede Staters Regering maatte fremsætte Anmodning i sin Underretningsskrivelse.

62 Stat., Pt. 1, p. 137.

4. Fem pCt. af ethvert Beløb, der er deponeret i Henhold til denne Artikel i Forbindelse med Hjælp ydet i Medfør af Bevillingsloven om Hjælp til Udlandet, 1949, skal reserveres til Brug for Amerikas Forenede Staters Regering til dens Udgifter i Danmark, og Beløb, der er stillet til Raadighed i Henhold til denne Artikels Stk. 3, skal først fradrages de Beløb, som reserveres i Henhold til dette Stykke.

62 Stat., Pt. 1, p. 1054.

5. Den danske Regering vil endvidere stille saadanne Beløb i danske Kroner til Raadighed udaf de eventuelle Beholdninger paa den Særlige Konto, som maatte være fornodne til Dækning af Omkostninger (herunder Havneudgifter, Lagerleje, Speditorudgifter og

to the consignee's designated point of delivery in Denmark of such relief supplies and packages as are provided for in section 117 (c) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 153.

Danish withdrawals from special account.

6. The Government of Denmark may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Denmark for drawings from the Special Account the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Denmark and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Denmark, including in particular:

Post, p. 2220.

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Denmark and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or po-

Arbejdspenge o. l.) ved Transporten af de Hjælpeforsyninger og -forsendelser fra et hvilket som helst Indførselssted i Danmark til det af Modtageren angivne Leveringssted i Danmark, som omhandles i Afsnit 117 (c) i Loven om Økonomisk Samarbejde af 1948.

6. Den danske Regering kan trække paa den eventuelle Restbeholdning paa den Særlige Konto til Formaal, om hvilke der til enhver Tid maatte opnaas Enighed med Amerikas Forenede Staters Regering. Under sine Overvejelser vedrørende Forslag, som fremsættes af den danske Regering med Hensyn til Træk paa den Særlige Konto, vil Amerikas Forenede Staters Regering tage Hensyn til Nødvendigheden af at befordre eller opretholde Stabiliseringen af det danske Penge- og Finansvæsen og stimulere den produktive Virksomhed og den internationale Handel samt Eftersøgningen og Udviklingen af nye Rigdomskilder i Danmark, herunder især:

a) Udgifter til Projekter eller Programmer, herunder saadanne, som indgaar i et omfattende Program for Udviklingen af Danmarks og de øvrige Deltagerlandes Produktionsevne, og Projekter eller Programmer, ved hvilke de udenlandske Omkostninger dækkes af Bistandsydelser fra Amerikas Forenede Staters Regering i Henhold til Lov om Økonomisk Samarbejde af 1948 eller paa anden Maade, eller ved Laan fra den Internationale Bank for Genopbygning og Økonomisk Udvikling;

b) Udgifter til Eftersøgning og Udvikling af yderligere Produktion af Materialer, som maatte tiltrænges i Amerikas Forenede Stater paa Grund af Amerikas Forenedes Staters Hjælpekil-

tential deficiencies in the resources of the United States of America; and

(c) effective retirement of the national debt, especially debt held by the central bank or other banking institutions.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article remaining in the Special Account on June 30, 1952, shall be disposed of within Denmark for such purposes as may hereafter be agreed between the Governments of the United States of America and Denmark, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V.

Access to Materials

1. The Government of Denmark will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Denmark which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Denmark, after due regard for the reasonable requirements of Denmark for domestic use and commercial export of such materials. The Government of Denmark will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Denmark, and the removal of any hindrances to the transfer

ders faktiske eller potentielle Utilstrækkelighed; og

c) effektiv Indfrielse af Statsgælden, i Særdeleshed Gæld til Danmarks Nationalbank eller andre Pengeinstitutter.

7. Saafremt der den 30. Juni 1952 findes nogen ubehæftet Beholdning paa den Særlige Konto, bortset fra ubenyttede Beløb reserveret i Henhold til denne Artikels Stk. 4, skal denne anvendes i Danmark til saadanne Formaal, som Amerikas Forenede Staters Regering og den danske Regering maatte enes om, hvorhos Amerikas Forenede Staters Godkendelse er afhængig af Godkendelse af Amerikas Forenede Staters Kongres ved Lov eller Kongresbeslutning. Disposition of unencumbered balances.

Artikel V.

Adgang til Materialer

1. Den danske Regering vil med Henblik paa Oplagring eller andre Formaal lette Overdragelsen til Amerikas Forenede Stater af Materialer, som stammer fra Danmark, og for hvilke Amerikas Forenede Stater har Behov som Følge af sine egne Hjælpemidlers faktiske eller potentielle Utilstrækkelighed, og dette paa saadanne rimelige Vilkaar med Hensyn til Salg, Udveksling, Bytte eller anden Overdragelse, og i saadanne Mængder og gennem et saadant Tidsrum, som der — med behørig Hensyntagen til Danmarks rimelige Behov til indenlandsk Anvendelse og kommerciel Eksport af de paagældende Materialer — maatte opnaas Enighed om mellem Amerikas Forenede Staters Regering og den danske Regering. Den danske Regering vil træffe de konkrete Forholdsregler, som maatte udkræves for at gennemføre Bestemmelserne i dette Stykke, herunder

Post, p. 2212.

Post, p. 2220.

of such materials to the United States of America. The Government of Denmark will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Denmark will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-Section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Government of Denmark, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Denmark.

Article VI.

Travel Arrangements

The Government of Denmark will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Article VII.

Consultation and Transmittal of Information

1. The two Governments will, upon the request of either of them, consult

Fremme af en forøget Produktion af de omhandlede Materialer i Danmark og Fjernelse af enhver Hindring for Overdragelse af saadanne Materialer til Amerikas Forenede Stater. Den danske Regering vil, naar Anmodning derom fremsættes af de Forenede Staters Regering, optage Forhandling om Enkelthederne i de Foranstaltninger, der er nødvendige for at gennemføre Bestemmelserne i dette Stykke.

2. Den danske Regering vil, naar Amerikas Forenede Staters Regering fremsætter Anmodning herom, forhandle om de Foranstaltninger, der er egnede med Henblik paa Gennemførelsen af Bestemmelserne i Afsnit 115 (b) (9) i Lov om Økonomisk Samarbejde af 1948 vedrørende Udvindelse og Overførsel af Materialer, som Amerikas Forenede Stater har Behov for.

3. Den danske Regering vil med Hensyn til Materialer, der stammer fra Omraader udenfor Danmark, naar Amerikas Forenede Staters Regering fremsætter Anmodning derom, samarbejde, hvor det skønnes hensigtsmæssigt, for at fremme de Formaal, der er angivet i denne Artikels Stk. 1 og 2.

Artikel VI.

Rejseordninger

Den danske Regering vil samarbejde med Amerikas Forenede Staters Regering om at lette og opmuntre Rejser foretaget af de Forenede Staters Statsborgere til og i Deltagerlandene.

Artikel VII.

Forhandling og Meddelelse af Oplysninger

1. De to Regeringer vil, naar en af dem fremsætter Anmodning derom,

regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Denmark will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Denmark:

(a) detailed information of projects, programs and measures proposed or adopted by the Government of Denmark to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement

forhandle om ethvert Spørgsmaal i Forbindelse med Anvendelsen af denne Overenskomst eller med Foranstaltninger eller Ordninger, der iværksættes i Medfør af denne Overenskomst.

2. Den danske Regering vil i en saadan Form og med saadanne Mellemrum, som Amerikas Forenede Staters Regering efter Forhandling med den danske Regering maatte angive, tilstille sidstnævnte Regering:

a. Detaillerede Oplysninger om Projekter, Programmer og Forholdsregler, som foreslaas eller vedtages af den danske Regering med det Formaal at gennemføre Bestemmelserne i nærværende Overenskomst og de Almindelige Forpligtelser i Konventionen om Europæisk Økonomisk Samarbejde; Post, p. 2221.

b. udførlige Beretninger vedrørende Foranstaltninger i Medfør af denne Overenskomst, herunder en Oversigt over Anvendelsen af Pengemidler, Varer og Tjenesteydelser, der modtages i Medfør deraf; saadanne Beretninger skal aflægges i hvert Kvartal;

c. Oplysninger vedrørende Danmarks Økonomi og alle andre relevante Oplysninger, der maatte være nødvendige til at supplere det Materiale, som Amerikas Forenede Staters Regering maatte modtage fra Organisationen for Europæisk Økonomisk Samarbejde, og som Amerikas Forenede Staters Regering maatte behøve for at fastslaa de Foranstaltningers Natur og Omfang, der vil blive truffet i Henhold til Lov om Økonomisk Samarbejde af 1948, og for at bedømme Effektivite- 62 Stat., Pt. 1, p. 137.

and generally the progress of the joint recovery program.

3. The Government of Denmark will assist the Government of the United States of America to obtain information relating to the materials originating in Denmark referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Ante, p. 2209.

Article VIII.

Publicity

1. The Governments of the United States of America and Denmark recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Denmark will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practica-

ten af den Bistand, der ydes eller er under Overvejelse i Henhold til denne Aftale og, mere almindeligt, Resultaterne af det fælles Genrejsningsprogram.

3. Den danske Regering vil yde Amerikas Forenede Staters Regering sin Bistand til Fremskaffelse af saadanne Oplysninger vedrørende de i Artikel V omhandlede Materialer af dansk Oprindelse, som maatte være nødvendige for Udformningen og Gennemførelsen af de i nævnte Artikel omhandlede Forholdsregler.

Artikel VIII.

Underretning til Offentligheden

1. Amerikas Forenede Staters Regering og den danske Regering erkender, at det er i deres fælles Interesse, at der gives Offentligheden fuld Underretning om Formaalene med det fælles europæiske Genrejsningsprogram, om hvorledes dettes Gennemførelse skrider frem, samt om de Foranstaltninger, der træffes til Fremme heraf. De erkender, at det er ønskeligt, at Oplysning om, hvorledes Gennemførelsen af det europæiske Genrejsningsprogram skrider frem, udbredes i vide Kredse, saaledes at den for Opnaaelsen af Formaalene med Programmet nødvendige Forstaaelse af Betydningen af fælles Bestræbelser og indbyrdes Hjælp kan udvikles.

2. Amerikas Forenede Staters Regering vil fremme Udbredelsen af de omhandlede Oplysninger og vil stille dem til Raadighed for Nyhedsformidlingen.

3. Den danske Regering vil fremme Udbredelsen af de omhandlede Oplysninger saavel direkte som i Samarbejde med Organisationen for Europæisk Økonomisk Samarbejde. Den vil stille disse Oplysninger til Raadighed for den almindelige Nyhedsformidling og tage ethvert

ble steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of Denmark will make public in Denmark in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Quarterly statements of operations.

Article IX.

Missions

1. The Government of Denmark agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Denmark under this Agreement.

2. The Government of Denmark will, upon appropriate notification from the Ambassador of the United States of America in Denmark, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Denmark for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Denmark will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

Special mission as part of U. S. Embassy. *Post*, p. 2221.

3. The Government of Denmark, directly and through its representatives

gennemførligt Skridt til Sikring af, at der gives passende Lettelser for Udbredelsen af de nævnte Oplysninger. Den vil endvidere give andre Deltagerlande og Organisationen for Europæisk Økonomisk Samarbejde udførlige Oplysninger om, hvorledes Gennemførelsen af Genrejsningsprogrammet skrider frem.

4. Den danske Regering vil hvert Kvartal offentliggøre udførlige Beretninger vedrørende Foranstaltninger i Medfør af denne Overenskomst, herundér Oplysninger om Anvendelsen af modtagne Pengemidler, Varer og Tjenesteydelser.

Artikel IX.

Repræsentationer

1. Den danske Regering indvilger i at modtage en Særlig Repræsentation for Økonomisk Samarbejde, som vil varetage de Opgaver, som Amerikas Forenede Staters Regering ifølge nærværende Overenskomst har i Danmark.

2. Den danske Regering vil efter behørig Notifikation fra Amerikas Forenede Staters Ambassadør i Danmark betragte den Særlige Repræsentation og dens Personale og de Forenede Staters Særlige Udsending i Europa som tilhørende Amerikas Forenede Staters Ambassade i Danmark, saaledes at disse vil kunne nyde de Forrettigheder og Immuniteter, som tilstaas denne Ambassade og dens Personale af tilsvarende Rang. Den danske Regering vil ligeledes yde passende Courtoisie til Medlemmer og Personale tilhørende Amerikas Forenede Staters Kongres' Fællesudvalg for Udenlandsk Økonomisk Samarbejde og indrømme dem de Lettelser og yde dem den Bistand, der er nødvendig for en effektiv Udførelse af deres Hverv.

3. Den danske Regering vil saavel direkte som gennem sine Repræsentan-

on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X.

Settlement of Claims of Nationals

1. The Governments of the United States of America and Denmark agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or

59 Stat. 1060.

ter i Organisationen for Europæisk Økonomisk Samarbejde fuldt ud samarbejde med den Særlige Repræsentation, Amerikas Forenede Staters Særlige Udsending i Europa og hans Medarbejdere saavel som Fællesudvalgets Medlemmer og Personale. Som et Led i dette Samarbejde skal der gives alle de Oplysninger og Lettelser, der er nødvendige til Iagttagelse og Undersøgelse af Gennemførelsen af nærværende Overenskomst, herunder Anvendelsen af den i Henhold til Loven ydede Bistand.

Artikel X.

Afgørelse af Krav, fremsat af de kontraherende Parters Statsborgere

1. Amerikas Forenede Staters Regering og den danske Regering er enige om at henvise til Afgørelse ved den Faste Mellemfolkelige Domstol ethvert Krav, som af en af de to Regeringer paa en af dens Statsborgeres Vegne maatte blive gjort gældende mod den anden Regering med Hensyn til Erstatning for Skade som Følge af Regeringsforanstaltninger (bortset fra Forholdsregler vedrørende fjendtlig Ejendom eller fjendtlige Interesser), der efter den 3. April 1948 er truffet af den anden Regering, og som berører en saadan Statsborgers Ejendom eller Interesser, herunder Kontrakter afsluttet med eller Koncessioner givet af dertil kompetente Myndigheder paa den nævnte Regerings Vegne. Der er Enighed om, at den Forpligtelse, som hver Regering paatager sig med Hensyn til Krav, der gøres gældende af den anden Regering i Henhold til dette Stykke, for hver Regerings Vedkommende er indgaaet i Henhold til og er begrænset af Vilkaarene og Betingelserne i den effektive Anerkendelse, som den tidligere har afgivet, af den Mellemfolkelige Domstols obligatoriske Jurisdiktion i Henhold til Domstolsstatutternes Artikel 36. Bestemmelserne i nærvæ-

to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

2. The Governments of the United States of America and Denmark further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI.

Definitions

As used in this Agreement:

(a) "Denmark" means the Kingdom of Denmark together with its dependent territory, Greenland.

(b) The term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of

rende Stykke skal ikke indskrænke nogen af de to Regeringers paa anden Maade hjemlede Ret til at indbringe Sager for den Mellemfolkelige Domstol eller den Adgang til at gøre Krav gældende, der er baseret paa Klager over, at en af Regeringerne har krænket Rettigheder og Pligter, som er hjemlet ved Traktater, Overenskomster eller Folkerettens Principper.

2. Amerikas Forenede Staters Regering og den danske Regering indvilger endvidere i, at saadanne Krav i Stedet for at blive forelagt Domstolen kan henvises til Afgørelse ved en Voldgiftsret, som maatte blive nedsat ved fælles Overenskomst. *Post*, p. 2221.

3. Der er endvidere Enighed om, at ingen af de to Regeringer vil gøre et Krav gældende i Henhold til nærværende Artikel, før vedkommende Statsborger har udtømt de Muligheder, der staar ham aabne ved administrative Retter og ved Domstole i det Land, i hvilket det nævnte Krav er opstaaet.

Artikel XI.

Definitioner

I denne Overenskomst forstaas ved

a. »Danmark«: Kongeriget Danmark med Biland, Grønland. "Denmark."

b. »Deltagerland«: "Participating country."

(i) Ethvert Land, som den 22. September 1947 i Paris undertegnede den af Komiteen for Europæisk Økonomisk Samarbejde afgivne Beretning, samt alle Territorier for hvilke det har internationalt Ansvar og med Hensyn til hvilket Overenskomsten om Økonomisk Samarbejde mellem det

the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

nævnte Land og de Forenede Stater er blevet bragt i Anvendelse og

(ii) ethvert andet Land (herunder enhver Besættelseszone i Tyskland, Omraader under international Administration eller Kontrol og det frie Territorium Triest eller en af dettes Zoner), som helt eller delvist er beliggende i Europa, samt Bilande under dets Styre;

saalænge det paagældende Land er Deltager i Konventionen for Europæisk Økonomisk Samarbejde og slutter sig til et fælles Program for europæisk Genrejsning, som er bestemt til at gennemføre nærværende Overenskomsts Formaal.

Article XII.

Entry into Force, Amendment, Duration

Effective date; duration.

1. This Agreement shall be subject to ratification in Denmark. It shall come into force on the day on which notice of such ratification is given to the Government of the United States of America.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc. *Post*, p. 2218.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this

Artikel XII.

Ikrafttræden, Ændring, Varighed

1. Denne Overenskomst skal ratificeres i Danmark. Den skal træde i Kraft den Dag, paa hvilken der gives Amerikas Forenede Staters Regering Meddelelse om, at den er ratificeret. I Henhold til denne Artikels Stk. 2 og 3 skal den forblive i Kraft indtil den 30. Juni 1953, og medmindre en af de to Regeringer mindst 6 Maaneder før den 30. Juni 1953 har givet den anden Regering skriftlig Meddelelse om sin Hensigt at bringe Overenskomsten til Ophør paa den nævnte Dato, skal den fortsat forblive i Kraft indtil Udløbet af et Tidsrum paa seks Maaneder fra den Dato, paa hvilken en saadan Meddelelse er afgivet.

2. Saafremt en af de to Regeringer indenfor Overenskomstens Gyldighedsperiode maate finde, at der er indtraadt en dybtgaaende Ændring i de til

[1] Entered into force July 2, 1948, the date on which the Danish Chargé d'Affaires ad interim at Washington notified the Department of State of the ratification of the agreement by Denmark.

Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Denmark are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of

Grund for Overenskomsten liggende Forudsætninger, skal den skriftligt underrette den anden Regering herom, og de to Regeringer vil derefter indlede Forhandlinger for at naa til Enighed om Ændring, Tilpasning eller Ophør af Overenskomsten. Saafremt de to Regeringer ikke inden 3 Maaneder efter en saadan Meddelelse er blevet enige om, hvilke Retningslinier der skal følges under de foreliggende Omstændigheder, kan enhver af de to Regeringer skriftligt underrette den anden om, at den har til Hensigt at bringe denne Overenskomst til Ophør. Derefter skal i Henhold til denne Artikels Stk. 3 Overenskomsten bortfalde enten: Termination.

a. 6 Maaneder efter Datoen for Meddelelsen om Hensigten at bringe Overenskomsten til Ophør, eller

b. efter en saadan kortere Periode, som de to Regeringer maatte blive enige om er tilstrækkelig lang til at sikre, at den danske Regerings Forpligtelser er opfyldt med Hensyn til enhver Bistand, som fortsat maatte blive ydet af Amerikas Forenede Staters Regering efter Datoen for denne Meddelelse;

det forudsættes dog, at Artikel V og Artikel VII, Stk. 3 forbliver i Kraft indtil to Aar efter Datoen for en saadan Meddelelse om Hensigten at bringe Overenskomsten til Ophør, dog ikke længere end til den 30. Juni 1953. *Ante*, p. 2209. *Ante*, p. 2212.

3. Subsidiære Overenskomster og Ordninger, der er indgaaet i Henhold til denne Overenskomst, kan forblive i Kraft efter denne Overenskomsts Ophør, idet saadanne subsidiære Overenskomsters og Ordningers Varighed skal afgøres under Hensyn til de Bestemmelser, de indeholder. Artikel IV skal forblive i Kraft indtil alle Beløb i danske Kroner, Subsidiary agreements, etc. *Ante*, p. 2206.

Denmark required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 2205.

som er forlangt deponeret i Overensstemmelse med dens Bestemmelser, er blevet anvendt som forudsat i denne Artikel. Artikel III Stk. 2 skal forblive i Kraft, saalænge de i denne Artikel omtalte Garantibetalinger kan foretages af Amerikas Forenede Staters Regering.

Amendment.
Ante, p. 2216.

4. This Agreement may be amended at any time by agreement between the two Governments.

4. Denne Overenskomst kan paa et hvilketsomhelst Tidspunkt ændres ved Aftale mellem de to Regeringer.

5. The Annex to this Agreement forms an integral part thereof.

5. Tillægget til denne Overenskomst udgør en integrerende Del af Overenskomsten.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

6. Denne Overenskomst skal indregistreres hos de Forenede Nationers Generalsekretær.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

TIL BEKRÆFTELSE HERAF har de behørigt Befuldmægtigede undertegnet denne Overenskomst.

Authentic texts.

DONE at Copenhagen in duplicate, in the English and Danish languages, both texts authentic, this twenty-ninth day of June, 1948.

UDFÆRDIGET i København i to Eksemplarer, paa Engelsk og Dansk, begge Tekster autentiske, den 29. Juni 1948.

[SEAL]

[SEAL]

ANNEX

Interpretative Notes

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

TILLÆG

Forklarende Bemærkninger

1. Der er Enighed om, at Bestemmelserne i Artikel II, Stk. 1 a, om at træffe Foranstaltninger til en effektiv Udnyttelse af Hjælpekilder, med Hensyn til Varer, der er leveret i Medfør af Overenskomsten, indbefatter effektive Foranstaltninger til Beskyttelse af saadanne Varer og Foranstaltninger for at hindre, at Varerne finder Vej til illegale eller irregulære Markeder eller Handelskanaler. *Ante*, p. 2202.

2. Der er Enighed om, at Forpligtelsen i Henhold til Artikel II, Stk. 1 c, til at tilvejebringe Balance paa Budgettet ikke udelukker Underskud over kortere Perioder, men indebærer en Budgetpolitik, som tilvejebringer Balance paa Budgettet i det lange Løb. *Ante*, p. 2204.

3. Der er Enighed om, at den Forretningspraksis og de Forretningsaftaler, der omhandles i Artikel II, Stk. 3, er følgende: *Ante*, p. 2205.

(a) Prisfastsættelse, Vilkaar eller Betingelser, der skal iagttages ved Handel med andre i Forbindelse med Køb, Salg eller Leje af et hvilketsomhelst Produkt;

(b) Udelukkelse af Virksomheder fra eller Opdeling eller Deling af et hvilketsomhelst geografisk Marked eller Forretningsomraade eller Fordeling af Kunder eller Fastsættelse af Salgs- eller Købskvoter;

(c) Diskrimination rettet mod særlige Virksomheder;

(d) Produktionsbegrænsning eller Fastsættelse af Produktionskvoter;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of Denmark is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2205.

5. It is understood that the rate of exchange according to which the amount of kroner to be deposited in the Special Account provided for in Article IV should be computed is the par value agreed with the International Monetary Fund, which is at present 4.79901 kroner to one dollar.

Ante, p. 2206.

6. It is understood that the order of sub-paragraphs (a), (b) and (c) in paragraph 6 of Article IV implies no order of priority or preference.

Ante, pp. 2208, 2209.

7. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Denmark for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Ar-

Ante, p. 2209.

(e) Forhindring ved Overenskomst af Teknikkens Udvikling eller Anvendelse og af Opfindelser, hvad enten de er patenterede eller upatenterede;

(f) Udvidelse af Brugen af Patent- og Varemærkerettigheder eller copyrights, som maatte være blevet bevilget et af de to Lande, til Omraader, som ifølge dets Love og Forskrifter ikke er indbefattet i saadanne Bevillinger, eller til Produkter eller Produktionsvilkaar, Brug eller Salg, som heller ikke er indbefattet i saadanne Bevillinger; og

(g) saadan anden Forretningspraksis, som de to Regeringer maatte enes om at medtage.

4. Der er Enighed om, at den danske Regering kun efter passende Undersøgelse er forpligtet til i særlige Tilfælde at træffe Foranstaltninger i Overensstemmelse med Artikel II, Stk. 3.

5. Der er Enighed om, at den Vekselkurs, til hvilken det Kronebeløb, der skal deponeres paa den Særlige Konto, der er oprettet i Henhold til Artikel IV, skal beregnes, er den Paritetsværdi, der er aftalt med den Internationale Valutafond, og som paa indeværende Tidspunkt er Kr. 4,79901 pr. Dollar.

6. Der er Enighed om, at Punkterne (a), (b) og (c)'s Rækkefølge i Afsnit 4, Stykke 6 ikke er Udtryk for en Fortrinsstilling for noget af Punkterne.

7. Der er Enighed om, at Sætningen i Artikel V: »~~Efter~~ Med behørig Hensyntagen til Danmarks rimelige Behov til indenlandsk Anvendelse« maa indbefatte Opretholdelsen af rimelige Lagre af de paagældende Materialer, og at Udtrykket »kommerciel Eksport« kan indbefatte Bytteforretninger. Der er ogsaa Enighed om, at Aftaler, indgaaet i Henhold til

ticle V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

8. It is understood that the Government of Denmark will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

9. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of inter-governmental discussion.

10. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Artikel V, efter Omstændighederne kan indbefatte Bestemmelser om Forhandling i Overensstemmelse med de Principper, der er udtrykt i Artikel 32 i Havana-Chartret for en International Handelsorganisation, i Tilfælde af, at Lagre er udtømte.

8. Der er Enighed om, at den danske Regering ikke ifølge Art. VII, Stk. 2 (a) vil blive anmodet om at give detaillerede Oplysninger angaaende mindre Projekter eller fortrolige, kommercielle eller tekniske Oplysninger, hvis Meddelelse maatte skade legitime kommercielle Interesser. *Ante*, p. 2211

9. Der er Enighed om, at Amerikas Forenede Staters Regering, naar den giver de Meddelelser, som omtales i Artikel IX, Stk. 2, vil være opmærksom paa, at det er ønskeligt saavidt gørligt at begrænse Antallet af Embedsmænd, for hvilke fulde diplomatiske Rettigheder ønskes. Der er ogsaa Enighed om, at en nærmere Gennemførelse af Artikel IX om nødvendigt kan gøres til Genstand for Forhandlinger mellem de to Regeringer. *Ante*, p. 2213.

10. Der er Enighed om, at en hvilkensomhelst Aftale, som maatte blive indgaaet i Henhold til Artikel X, Stk. 2, skal forelægges Amerikas Forenede Staters Senat til Ratifikation. *Ante*, p. 2215.

Agreement between the United States of America and France respecting economic cooperation under Public Law 472, 80th Congress. Signed at Paris June 28, 1948; entered into force July 10, 1948.

June 28, 1948
[T. I. A. S. 1783]

ECONOMIC COOPERATION AGREEMENT

between

THE UNITED STATES OF AMERICA

and

FRANCE

Preamble

Principles of Agreement.

The Government of the United States of America
and
The Government of France:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of France has joined with other likeminded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of France is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of France has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by France, and the measures which the two Governments will take individually and together in furthering the recovery of

[1] Department of State publication 3145.

France as an integral part of the joint program for European recovery;
Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist France by making available to the Government of France or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions of the Economic Cooperation Act of 1948, Acts amendatory and supplementary thereto and appropriation Acts thereunder, and will make available to the Government of France only such commodities, services and other assistance as are authorized to be made available by such Acts. 62 Stat., Pt. 1, p. 137.

2. The Government of France, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of France reaffirms its intention to take action to carry out the provisions of the general obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to France and procured from areas outside the United States of America, its territories and possessions, the Government of France will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of France will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2235.

a) To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

1) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of France in support of the requirements of assistance to be furnished by the Government of the United States of America;

2) The observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

3) To the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery assets, and earnings therefrom, which belong to nationals of France and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of France to dispose of such assets.

Development of production.

b) To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of France to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, steel, transportation facilities and food;

Maintenance of financial stability. *Post*, p. 2235.

c) To stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

d) To cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries, the Government of France will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the

[1] Department of State publication 3145, p. 14.

participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of France will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Prevention of practices interfering with achievement of program.
Post, pp. 2235, 2236.

Article III

(Guaranties)

1. The Governments of the United States of America and France will, upon the request of either Government, consult respecting projects in France proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 144.

2. The Government of France agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any francs, or credits in francs, assigned or transferred to the Government of the United States of America pursuant to that Section shall be recognized as property of the Government of the United States of America.

Article IV

(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of France will establish a special account in the Bank of France in the name of the Crédit National (hereinafter called the Special Account) and will make deposits in francs to this account as follows:

Special account in Bank of France.

a) The unencumbered balance at the close of business on the day of the signature of this Agreement in the Special Account in the Bank of France in the name of the Crédit National established pursuant to the Agreement between the Government of the United States of America and the Government of France made on January 2, 1948, and any further sums which may, from time to time, be required by such agreement to be deposited in the Special Account. It is understood that subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance, referred to in that Agreement.

Ante, p. 1823.

62 Stat., Pt. 1, p. 150.

b) The unencumbered balances of the deposits made by the Government of France pursuant to the exchange of notes between the two Governments dated April 22, 1948. [1]

c) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to France on a grant basis by any means authorized under the Economic Cooperation Act of 1948 less, however, the amount of the deposits made pursuant to the exchange of notes referred to in subparagraph (b). The Government of the United States of America shall from time to time notify the Government of France of the indicated dollar cost of any such commodities, services and technical information, and the Government of France will thereupon deposit in the Special Account a commensurate amount of francs computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund provided that this agreed value is the single rate applicable to the purchase of dollars for imports into France. If at the time of notification a par value for the franc is agreed with the Fund and there are one or more other rates legally available in France for the purchase of dollars, or, if at the time of notification no par value for the franc is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of France and the Government of the United States of America, each of which rates shall be an actual or average rate currently available in France at the time of notification, in accordance with French laws and regulations. The Government of France may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. expenditures in France.

3. The Government of the United States of America will from time to time notify the Government of France of its requirements for administrative expenditures in francs within France incident to operations under the Economic Cooperation Act of 1948, and the Government of France will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in France, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of France will further make such sums of francs available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and

[1] *Department of State Bulletin*, May 16, 1948, pp. 640 (footnote 2) and 642.

similar charges) of transportation from any point of entry in France to the consignee's designated point of delivery in France of such relief supplies and packages as are referred to in Article VI.

Post, p. 2230.

French withdrawals from Special Account.

6. The Government of France may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of France for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in France and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within France, including in particular:

a) Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of France and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

b) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

c) Effective retirement of the national debt, especially debt held by the Bank of France or other banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within France for such purposes as may hereafter be agreed between the Governments of the United States of America and France, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V

(Access to Materials)

1. The Government of France will facilitate the transfer to the United States of America, for stock piling or other purposes, of materials originating in France which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and France, after due regard for the reasonable requirements of France for domestic use and commercial export of such materials. The Government of France will take such specific measures as may be necessary to carry out the provisions of this paragraph, including

Post, p. 2236.

the promotion of the increased production of such materials within France, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of France will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America, and of the participating countries, the Government of France will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in France which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from France, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any state or territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of France, and, (c) an agreed schedule of increased production of such materials where practicable in France and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of France, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of France.

Article VI

(Travel Arrangements and Relief Supplies)

1. The Government of France will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2229.

2. The Government of France will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into France of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in France.

Article VII

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of France will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of France:

a) Detailed information of projects, programs and measures proposed or adopted by the Government of France to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation; *Post*, p. 2236.

b) Full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

c) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program. 62 Stat., Pt. 1, p. 137.

3. The Government of France will assist the Government of the United States of America to obtain information relating to the materials originating in France referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article. *Ante*, p. 2229.

Article VIII

(Publicity)

1. The Governments of the United States of America and France recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of France will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of France will make public in France in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article IX

(Missions)

1. The Government of France agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in France under this Agreement.

Special mission as part of U. S. Embassy. *Post*, p. 2236.

2. The Government of France will, upon appropriate notification from the Ambassador of the United States of America in France, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in France for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of France will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of France, directly and through its representatives on the Organization for European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and France agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of

such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect to claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

59 Stat. 1060.

2. The Governments of the United States of America and of France further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

Post, p. 2236.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI

(Definitions)

As used in this Agreement:

A. France means the metropolitan territory of the French Republic, together with dependent areas under its administration and areas for which it has assumed international responsibility, including:

France.

Tunisia
French Zone of Morocco
French West Africa
(comprising: Senegal, Mauritania, Guinea, Ivory Coast, Dahomey, Sudan, Niger, Upper Volta)
French Equatorial Africa
(comprising: Gabun, Middle Congo, Ubangi-Shari, Chad)
Togoland and Cameroons (mandate)
French Somaliland
Madagascar
Reunion
Comoro
French Settlements in India
French Indo-China
New Caledonia
Tuamotu Archipelago, including Society Islands
Austral Islands
Marquesas Archipelago
St. Pierre and Miquelon
Martinique
Guadeloupe
French Guiana
The Territory of the Saar

"Participating country."

B. The term "participating country" means:

1) Any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

2) Any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XII

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on the day on which notice of its ratification by the Government of France is given to the Government of the United States of America.[2] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2235.

2. If during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumption underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement.

Termination.

If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

a) Six months after the date of such notice of intention to terminate, or

b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of France are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America

[1] Department of State publication 2930.

[2] Entered into force July 10, 1948, the date the instrument of ratification was signed by the President of the French Republic and delivered to the American Embassy at Paris.

after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953. *Ante*, p. 2229. *Ante*, p. 2231.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of France required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that article may be made by the Government of the United States of America. Subsidiary agreements, etc. *Ante*, p. 2227. *Ante*, p. 2227.

4. This Agreement may be amended at any time by agreement between the two Governments. Amendment. *Ante*, p. 2234.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations. Registration.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at Paris, in duplicate, in the English and French languages, both texts authentic, this 28th day of June 1948. Authentic texts.

JEFFERSON CAFFERY [SEAL]

G BIDAULT [SEAL]

Annex (Interpretive Notes)

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade. *Ante*, p. 2226.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run. *Ante*, p. 2226.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean: *Ante*, p. 2227.

a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) Excluding enterprises from, or allocating or dividing, any territorial market or fields of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c) Discriminating against particular enterprises;

d) Limiting production or fixing production quotas;

e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

f) Extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

g) Such other practices as the two Governments may agree to include.

4. It is understood that the Government of France is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2227.

Ante, p. 2229.

5. It is understood that the phrase in Article V, "After due regard for the reasonable requirements of France for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stock piles are liquidated.

6. It is understood that the Government of France will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2231.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of intergovernmental discussion.

Ante, p. 2232.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Ante, p. 2233.

[1] Department of State publication 3117, p. 26.

ACCORD DE COOPERATION ECONOMIQUE ENTRE LA FRANCE ET LES ETATS-UNIS

PREAMBULE

LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE et le GOUVERNEMENT DES ETATS-UNIS d'AMERIQUE,

RECONNAISSANT que le rétablissement ou le maintien, dans les pays d'Europe des principes de liberté individuelle, des institutions libres et de l'indépendance véritable dépendent, pour une large part, de la réalisation de conditions économiques saines, de rapports économiques stables entre les Nations, et du retour des pays d'Europe à une économie viable, indépendante de toute assistance extérieure exceptionnelle;

RECONNAISSANT qu'une économie européenne forte et prospère est essentielle pour atteindre les buts des Nations Unies;

CONSIDERANT que la réalisation de ces conditions appelle un plan de relèvement de l'Europe d'entr'aide et de coopération mutuelle, accessible à toutes les Nations qui y coopéreront, fondé sur un effort énergique de production, l'expansion du commerce international, l'établissement ou le maintien de la stabilité financière intérieure et le développement de la coopération économique, y compris toutes les mesures pratiquables pour établir ou maintenir des taux de change appropriés et pour réduire les obstacles aux échanges;

CONSIDERANT que pour la mise en application de ces principes, le Gouvernement de la République Française s'est associé aux autres pays animés du même esprit par une Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 et aux termes de laquelle les signataires de cette Convention sont convenus de considérer comme la tâche immédiate qu'il leur incombe d'élaborer et d'exécuter un programme commun de relèvement et que le Gouvernement de la République Française est membre de l'Organisation Européenne de Coopération Economique créée conformément à ladite Convention;

CONSIDERANT également que, mettant en oeuvre ces principes, le Gouvernement des Etats-Unis d'Amérique a promulgué la Loi de Coopération Economique de 1948, qui prévoit l'aide des Etats-Unis aux pays participant à un programme commun de relèvement européen afin de permettre à ces pays de devenir, par leurs efforts individuels et concertés, indépendants de toute aide économique extérieure de caractère exceptionnel;

PRENANT NOTE du fait que le Gouvernement de la République Française a déjà déclaré qu'il adhérait aux fins et aux principes de la Loi de Coopération Economique de 1948;

DESIREUX de convenir du régime de l'aide fournie par les Etats-Unis aux termes de la Loi de Coopération Economique de 1948 et de la réception de cette aide en France, ainsi que de déterminer les mesures que les deux Gouvernements prendront soit individuellement, soit de concert pour assurer le relèvement de la France, comme partie intégrante du programme commun de relèvement européen,

Sont convenus de ce qui suit:

ARTICLE I.

(Aide et Coopération)

1. Le Gouvernement des Etats-Unis affirme son intention d'aider la France en mettant à la disposition du Gouvernement de la République Française ou de toute personne, service ou organisation qui pourrait être désigné par ce Gouvernement telle aide qui pourrait être demandée par ce dernier et approuvée par le Gouvernement des Etats-Unis. Le Gouvernement des Etats-Unis accordera cette aide conformément aux termes, et sous réserve de toutes les dispositions, conditions et clauses de suspension de la Loi de Coopération Economique Européenne de 1948, ainsi que des lois qui l'amendent ou la complètent et de celles qui portent ouverture de crédits, et ne mettra à la disposition du Gouvernement de la République Française que les produits, services et autres formes d'aide autorisés par ces lois.

2. Le Gouvernement de la République Française agissant individuellement et dans le cadre de l'Organisation Européenne de Coopération Economique conformément à la Convention de Coopération Economique Européenne signés à Paris le 16 avril 1948, fera, en commun avec les autres pays participants, des efforts continus pour établir rapidement en Europe par un programme commun de relèvement, les conditions économiques indispensables à une paix et à une prospérité durables et pour permettre aux pays d'Europe participant à ce programme commun de relèvement de devenir indépendants de toute assistance économique extérieure exceptionnelle au terme de la période d'exécution du présent Accord. Le Gouvernement de la République Française réaffirme son intention de prendre toutes mesures propres à exécuter les termes des Obligations Générales de la Convention de Coopération Economique Européenne, de continuer à participer activement aux travaux de l'Organisation Européenne de Coopération Economique et de continuer à adhérer aux buts et aux principes de la loi de Coopération Economique de 1948.

3. En ce qui concerne l'aide fournie par le Gouvernement des Etats-Unis à la France sous la forme d'achats dans des régions situées hors des Etats-Unis, de leurs territoires et de leurs possessions, le Gouvernement de la République Française coopérera avec le Gouvernement des Etats-Unis pour que les achats soient effectués à des prix et à des conditions raisonnables et pour faire en sorte que les dollars mis à la disposition du pays où ont lieu des opérations d'achat relatives à l'aide soient utilisés d'une manière compatible avec tous arrangements conclus par le Gouvernement des Etats-Unis d'Amérique avec ce pays.

ARTICLE II.

(Engagements généraux)

1. Afin de parvenir à son relèvement maximum par l'utilisation de l'aide qu'il recevra du Gouvernement des Etats-Unis, le Gouvernement de la République Française fera tous ses efforts pour:

a) adopter ou maintenir en vigueur les mesures nécessaires pour assurer de façon rationnelle et efficace l'utilisation de toutes les ressources à sa disposition, y compris:

(i) telles mesures qui pourront être nécessaires pour faire en sorte que les produits et services obtenus par l'aide accordée conformément au présent Accord soient utilisés à des fins conformes audit Accord et dans toute la mesure du possible aux buts généraux indiqués dans le programme présenté par le Gouvernement de la République Française au titre des besoins d'aide à satisfaire par le Gouvernement des Etats-Unis d'Amérique;

(ii) l'observation et la vérification de l'emploi de ces ressources au moyen d'un système de contrôle efficace approuvé par l'Organisation Européenne de Coopération Economique;

(iii) pour autant que cela sera possible, des mesures destinées à situer, identifier et affecter à des usages appropriés à l'exécution du programme commun de relèvement européen, les avoirs et revenus provenant de ces avoirs qui appartiennent à des citoyens français et qui se trouvent aux Etats Unis dans leurs territoires ou possessions. Il ne découle de cette clause aucune obligation pour le Gouvernement des Etats-Unis de prêter son concours à l'exécution de ces mesures, ni pour le Gouvernement de la République Française de procéder à la liquidation de ces avoirs.

b) favoriser le développement de la production industrielle et agricole sur une base économiquement rationnelle; réaliser tels objectifs de production qui pourraient être fixées dans le cadre de l'Organisation Européenne de Coopération Economique; et communiquer au Gouvernement des Etats-Unis, si celui-ci le demande, des propositions détaillées correspondant à des projets déterminés que le Gouvernement de la République Française envisage d'entreprendre en ayant recours, pour une part importante, à l'aide fournie aux termes du présent Accord, notamment, dans toute la mesure du possible, en ce qui concerne les projets relatifs à l'augmentation de la production de charbon, d'acier, de moyens de transport et de produits alimentaires.

c) stabiliser sa monnaie; instaurer ou maintenir un taux de change approprié, équilibrer dès que cela sera possible son budget d'Etat, créer ou maintenir la stabilité financière intérieure et, d'une manière générale, rétablir, ou maintenir la confiance dans son système monétaire, et

d) coopérer avec les pays participants pour faciliter et stimuler des échanges croissants de marchandises et de services entre les pays

participants ainsi qu'avec d'autres pays, et pour réduire les obstacles publics et privés qui entravent ces échanges tant entre eux qu'avec le reste du monde.

2. Le Gouvernement de la République Française tenant compte des objectifs de l'Article VIII de la Convention de Coopération Economique Européenne visant à l'emploi de la main d'oeuvre disponible dans les différents pays participants, s'engage à réserver un accueil bienveillant aux propositions faites de concert avec l'Organisation internationale pour les Réfugiés, en vue d'utiliser au maximum la main d'oeuvre éventuellement disponible dans un des pays participants conformément aux fins du présent Accord.

3. Le Gouvernement de la République Française prendra les mesures qu'il estime appropriées et coopérera avec les autres pays participants afin d'empêcher les pratiques ou arrangements commerciaux – qu'ils soient le fait d'entreprises commerciales privées ou publiques – qui, dans le commerce international, entravent la concurrence, restreignent l'accès aux marchés ou favorisent le contrôle à caractère de monopole dans tous les cas où ces pratiques et arrangements produisent des effets nuisibles à l'exécution du programme commun de reconstruction européenne.

ARTICLE III.

(Garanties)

1. Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française se consulteront, à la demande de l'un ou de l'autre, sur les projets que des ressortissants des Etats-Unis envisagent de réaliser en France et pour lesquels le Gouvernement des Etats-Unis d'Amérique peut, aux termes de la section III (b) 3 de la Loi de Coopération Economique de 1948, accorder des garanties de transfert de devises.

2. Lorsque le Gouvernement des Etats-Unis d'Amérique fera à de telles personnes un paiement en dollars des Etats-Unis correspondant à une telle garantie, le Gouvernement de la République Française acceptera que les francs ou les crédits en franc portés au compte du Gouvernement des Etats-Unis d'Amérique ou transférés à ce Gouvernement, conformément à cette clause, soient reconnus comme étant la propriété du Gouvernement des Etats-Unis d'Amérique.

ARTICLE IV.

(Monnaie nationale)

1. Les dispositions du présent Article ne seront applicables qu'en ce qui concerne l'aide que pourra fournir le Gouvernement des Etats-Unis à titre de don.

2. Le Gouvernement de la République Française convient d'ouvrir un Compte Spécial (désigné ci-après sous le nom de Compte Spécial) à la Banque de France au nom du Crédit National et d'effectuer à ce compte les dépôts suivants en francs:

(a) le solde, net de toute charge au moment de la clôture des transactions le jour de la signature du présent Accord, du Compte Spécial ouvert à la Banque de France au nom du Crédit National conformément à l'accord intervenu entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française signé le 2 janvier 1948 ainsi que toute autre somme dont le dépôt au Compte Spécial serait éventuellement prévu par ces accords. Il est entendu que la sous-section (e) de la Section 114 de la Loi de Coopération Economique de 1948 constitue l'approbation et la décision du Gouvernement des Etats-Unis d'Amérique en ce qui concerne l'emploi du solde mentionné dans le dit Accord;

(b) les soldes, nets de toute charge, des dépôts effectués par le Gouvernement de la République Française a la suite de l'échange de notes entre les deux Gouvernements en date du 22 avril 1948.

(c) les sommes correspondant aux dépenses exprimées en dollars encourues par le Gouvernement des Etats-Unis d'Amérique pour les produits, services et informations techniques (notamment tous frais de transformation, de magasinage, de transports, de réparation ou résultant d'autres services y afférant) fournis à la France à titre de don, sous l'une quelconque des formes prévues par la Loi de Coopération Economique de 1948, sauf, cependant, le montant du dépôt effectué comme suite à l'échange de notes visé à l'alinéa (b). Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de la République Française le montant du prix exprimé en dollars des produits, services et renseignements techniques ainsi fournis; le Gouvernement de la République Française déposera alors au Compte Spécial une somme correspondante en francs calculée à un taux de change qui sera celui dont il aura été convenu à cette époque avec le Fonds Monétaire International, à la condition que ce taux soit le taux unique applicable à l'achat de dollars destinés à règler les importations dans le territoire métropolitain français. Si, à l'époque de la notification, il existe pour le franc une parité convenue avec le Fonds Monétaire International et un ou plusieurs autres cours légalement appliqués en France pour l'achat de dollars, ou si à l'époque de la notification il n'existe pas pour le franc de parité convenue avec le Fonds Monétaire, le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviendront du ou des cours à appliquer pour cet objet particulier, chacun de ces cours devant être un cours existant ouun cours moyen normal applicable en France à l'époque de la notification en conformité avec les lois et règlements français. Le Gouvernement de la République Française pourra à tout moment, déposer au Compte Spécial des avances qui seront inscrites à son crédit et sur lesquelles seront imputées des sommes correspondant aux notifications ultérieures effectuées conformément aux dispositions du présent paragraphe.

3. Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de la République Française les sommes en francs qui lui seront nécessaires pour couvrir les dépenses administratives qu'entrainent les opérations effectuées conformément à la loi et le

Gouvernement de la République Française mettra les sommes nécessaires à la disposition du Gouvernement des Etats-Unis d'Amérique en les imputant sur l'un quelconque des soldes du Compte Spécial de la manière demandée par le Gouvernement des Etats-Unis d'Amérique dans sa notification.

4. Cinq pour cent de tout dépôt fait en application de cet article en raison de l'aide apportée conformément à la Loi de 1949 portant ouverture de crédits pour l'aide économique à l'étranger seront affectés à l'usage du Gouvernement des Etats-Unis d'Amérique pour ses dépenses en France et les sommes mises à la disposition de ce Gouvernement conformément au paragraphe 3 de cet Article seront imputées sur les montants alloués conformément au présent paragraphe.

5. Le Gouvernement de la République Française s'engage, en outre, à rendre disponibles, en les imputant sur l'un quelconque des soldes du Compte Spécial, les sommes en francs nécessaires pour couvrir les frais de transport (port, magasinage, manutention et frais analogues) des approvisionnements et colis de secours prévus à l'Article VI du présent Accord, depuis le lieu d'entrée en territoire métropolitain français jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français.

6. Le Gouvernement de la République Française pourra effectuer des prélèvements sur le solde restant inscrit au Compte Spécial aux fins dont ce Gouvernement pourra être convenu avec le Gouvernement des Etats-Unis d'Amérique. En examinant les propositions de prélèvement sur le Compte Spécial présentées par le Gouvernement de la République Française, le Gouvernement des Etats-Unis d'Amérique tiendra compte de la nécessité de maintenir la stabilité monétaire et financière intérieure et de stimuler l'activité de la production et des échanges internationaux, la recherche et le développement en France de nouvelles sources de richesse, en particulier:

(a) les dépenses afférentes aux plans ou programmes, notamment ceux qui font partie d'un programme d'ensemble destiné à accroître la capacité de production de la France et des autres pays participants, et les plans et programmes comportant des dépenses à l'étranger qui sont couvertes par l'aide fournie par le Gouvernement des Etats-Unis d'Amérique dans le cadre de la Loi de Coopération Economique de 1948 ou d'autres dispositions, ou par décret de la Banque Internationale pour la Reconstruction et le Développement.

(b) les dépenses afférentes à la recherche et au développement d'une production accrue pour les matières premières dont les Etats-Unis pourraient avoir besoin en raison de l'insuffisance effective ou éventuelle de leurs ressources, et (c) la résorption effective de la dette publique et spécialement de la dette détenue soit par la Banque de France, soit par les autres établissements bancaires.

7. Tous les soldes nets de toutes charges restant inscrits au Compte Spécial au 30 Juin 1952 autres que les sommes non dépensées dont l'affectation aura été déterminée conformément au paragraphe 4 du présent Article, seront utilisés en France aux fins dont le Gouvernement de la République Française et le Gouvernement des Etats-Unis

d'Amérique seront convenus ultérieurement, étant entendu que l'agrément des Etats-Unis devra être approuvé par une loi ou une résolution commune du Congrès des Etats-Unis d'Amérique.

ARTICLE V

Accès à certains produits.

I. Le Gouvernement de la République Française facilitera le transfert aux Etats-Unis d'Amérique, en vue de la constitution de stocks ou à d'autres fins, de produits originaires de France, dont les Etats-Unis d'Amérique ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, à des conditions raisonnables de vente, d'échange, de troc ou autres, pendant une période et en des quantités à déterminer d'un commun accord entre le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique, compte tenu des besoins raisonnables de la France en produits nécessaires à sa consommation intérieure et à son commerce d'exportation. Le Gouvernement de la République Française prendra toutes mesures particulières qui pourraient être nécessaires pour l'application des dispositions du présent paragraphe, y compris le développement de la production en France des dits produits, et la suppression de tous obstacles qui s'opposeraient à leur transfert aux Etats-Unis. Le Gouvernement de la République Française, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera des accords détaillés nécessaires à l'application des dispositions du présent paragraphe

2. Reconnaissant que le principe d'équité doit s'appliquer aux prélèvements opérés sur des ressources naturelles des Etats-Unis et des pays participants, le Gouvernement de la République Française, à la demande du Gouvernement des Etats-Unis d'Amérique, négociera avec ce dernier chaque fois que cela sera possible:

a) une liste des quantités minimum à mettre à la disposition des Etats-Unis pour achat et livraison ultérieure d'une part équitable des produits originaires de France dont les Etats-Unis ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources aux prix du marché mondial de manière à protéger l'accès de l'industrie des Etats-Unis d'Amérique à une part équitable des produits provenant de France, cette part étant exprimée soit en pourcentage de la production soit en quantité absolue,

b) des arrangements assurant une protection suffisante à tout citoyen des Etats-Unis ou à toute compagnie, société ou association créée sous le régime des lois des Etats-Unis, de tout Etat en faisant partie ou de tout territoire en dépendant, et dont des parts importantes d'intérêt ont pour propriétaires réels des citoyens des Etats-Unis d'Amérique, pour l'accès à l'exploitation de ces ressources dans des conditions équivalentes à celles dont jouissent les ressortissants français,

c) un programme convenu d'un commun accord de l'accroissement de la production de ces produits dans le cas où cette augmentation

serait possible en France, et pour la livraison aux Etats-Unis d'un pourcentage convenu de la production ainsi accrue, cette cession se faisant sur la base d'arrangements à long terme, en considération de l'aide fournie par les Etats-Unis aux termes du présent Accord.

3. Le Gouvernement de la République Française lorsque le Gouvernement des Etats-Unis d'Amérique en exprimera le désir coopérera avec ce Gouvernement dans les cas appropriés pour atteindre les buts mentionnés aux paragraphes 1 et 2 du présent article en ce qui concerne les ressources provenant d'autres territoires que celui de la France.

ARTICLE VI

(Dispositions relatives aux facilités de voyage et aux envois de secours)

1. Le Gouvernement de la République Française coopérera avec le Gouvernement des Etats-Unis d'Amérique pour faciliter et favoriser le développement des voyages des citoyens des Etats-Unis à destination des pays participants et à l'intérieur de ces pays.

2. Le Gouvernement de la République Française négociera, à la demande du Gouvernement des Etats-Unis d'Amérique, des accords tendant à faciliter l'entrée en France (notamment l'entrée en franchise, sous réserve de garanties appropriées) des envois de secours donnés aux ou achetés par les organisations américaines bénévoles de secours, ainsi que des colis de secours en provenance des Etats-Unis et adressés à des personnes résidant en France.

ARTICLE VII

(Consultation et transmission d'information)

1. Les deux Gouvernements se consulteront à la demande de l'un ou de l'autre sur toute question relative à l'exécution du présent Accord, ainsi qu'aux opérations effectuées ou aux dispositions prises en application de ce même Accord.

2. Le Gouvernement de la République Française communiquera au Gouvernement des Etats-Unis d'Amérique dans la forme et aux époques indiquées par ce dernier après consultation avec le Gouvernement de la République Française:

a) des informations détaillées sur les projets, les programmes, les mesures envisagés ou adoptés par le Gouvernement de la République Française pour assurer l'exécution des dispositions du présent Accord et des Obligations Générales de la Convention de Coopération Economique Européenne.

b) des exposés complets des opérations faites en vertu du présent Accord, y compris un exposé de l'usage des fonds, produits et services reçus en application dudit Accord, ledit exposé devant être fait chaque trimestre.

c) des informations concernant son économie et toutes autres informations appropriées nécessaires pour complétées celles qui seront obtenues de l'Organisation Européenne de Coopération Economique et dont le Gouvernement des Etats-Unis d'Amérique pourrait avoir

besoin pour déterminer la nature et la portée des opérations réalisées en vertu de la loi de Coopération économique de 1948 et pour évaluer l'efficacité de l'aide fournie ou envisagée en vertu du présent accord et, d'une manière générale, les progrès du programme commun de relèvement.

3. Le Gouvernement de la République Française aidera le Gouvernement des Etats-Unis d'Amérique à se procurer les renseignements relatifs aux produits originaires de France dont il est question à l'Article V, et qui seront nécessaires à l'élaboration et à l'exécution des arrangements prévus audit article.

Article VIII.

(Publicité)

1. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique reconnaissent qu'il est de leur intérêt commun de donner une large publicité aux objectifs du programme commun de relèvement de l'Europe, aux progrès réalisés dans son exécution ainsi qu'à toutes les mesures prises en application de ce programme. Ils reconnaissent également qu'il est souhaitable d'assurer une large diffusion des informations relatives aux progrès réalisés dans l'exécution du programme de relèvement européen, afin de développer le sentiment de l'effort commun et l'esprit d'aide mutuelle essentiels à la réalisation des objectifs du programme.

2. Le Gouvernement des Etats-Unis d'Amérique encouragera la diffusion de ces informations et les mettra à la disposition des organes d'information du public.

3. Le Gouvernement de la République Française encouragera la diffusion de ces renseignements, tant directement que par l'entremise de l'Organisation Européenne de Coopération Economique. Il les mettra à la disposition des organes d'information du public et prendra toutes les mesures possibles pour en assurer la diffusion par les moyens appropriés. De plus, il fournira à tous les autres pays participants et à l'Organisation Européenne de Coopération Economique les renseignements les plus complets sur les progrès effectués dans la réalisation du programme de relèvement européen.

4. Le Gouvernement de la République Française publiera en France chaque trimestre, des comptes rendus complets sur les opérations entreprises conformément à cet Accord et notamment des renseignements sur l'emploi de tous les fonds, marchandises et services reçus.

ARTICLE IX.

(Missions)

1. Le Gouvernement de la République Française donne son agrément à l'installation d'une Mission Spéciale de Coopération Economique qui assurera l'exécution des obligations assumées par les Etats-Unis en France aux termes du présent accord.

2. Sur notification appropriée de l'Ambassadeur des Etats-Unis d'Amérique à Paris, le Gouvernement de la République Française considérera la Mission Spéciale et son personnel ainsi que le Repré-

sentant Spécial des Etats-Unis en Europe comme faisant partie de l'Ambassade des Etats-Unis d'Amérique en France aux fins de bénéficier des privilèges et immunités accordés aux fonctionnaires de rang équivalent de cette Ambassade. Le Gouvernement de la République Française convient en outre d'observer à l'égard des membres et du personnel du Comité Mixte de Coopération Economique Etrangère du Congrès des Etats-Unis les règles de courtoisie appropriées et de leur accorder les facilités et l'assistance indispensables pour assumer efficacement leurs responsabilités.

3. Le Gouvernement de la République Française apportera directement et par l'intermédiaire de ses représentants au sein de l'Organisation Européenne de Coopération Economique, sa pleine coopération à la Mission Spéciale, au Représentant Spécial des Etats-Unis en Europe et à son personnel, et aux membres et au personnel du Comité mixte. Cette opération comportera la communication de tous renseignements et l'octroi de toutes facilités nécessaires à la surveillance et à l'observation de l'exécution du présent accord, notamment l'utilisation de l'aide fournie conformément à ses termes.

ARTICLE X.

Règlement des Réclamations des Ressortissants des deux Pays)

1. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviennent de porter à la Cour Internationale de Justice toute réclamation que l'un ou l'autre Gouvernement aura faite sienne et présentée pour le compte de l'un de ses ressortissants à l'encontre de l'autre Gouvernement, pour l'indemnisation de dommages résultant de mesures gouvernementales (à l'exception de mesures touchant les intérêts ou biens ennemis) prises après le 3 avril 1948 par ce Gouvernement et affectent les biens ou les intérêts dudit ressortissant, y compris les contrats ou concessions régulièrement conclus ou accordés par les organes dûment qualifiés dudit Gouvernement. Il est entendu que l'engagement de chaque Gouvernement en ce qui concerne les demandes présentées par l'autre Gouvernement en application de ce paragraphe est pris par chaque Gouvernement en conformité et dans la limite des termes et conditions de l'acceptation effective par ce Gouvernement de la juridiction obligatoire de la Cour Internationale de Justice en vertu de l'article 36 du Statut de la Cour. Les dispositions de ce paragraphe ne portent pas préjudice aux droits d'accès, s'il y a lieu, de l'un et l'autre Gouvernement à la Cour Internationale de Justice, ou à la présentation pour le compte d'un ressortissant d'une réclamation fondée sur la prétendue violation par l'un ou l'autre Gouvernement de droits et d'obligations découlant de traités, d'arrangements ou des principes du droit international.

2. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviennent également de porter éventuellement de tels différends devant tout tribunal arbitral à convenir, aux lieu et place de la Cour.

3. Il est également entendu qu'aucun des deux Gouvernements ne présentera, aux termes du présent article, de réclamations d'un de ses ressortissants avant que celui-ci n'ait épuisé les voies de recours qui lui sont ouvertes devant les tribunaux administratifs et judiciaires du pays où la réclamation prend naissance.

ARTICLE XI.

(Définitions).

1. Aux termes du présent Accord:

a) la France signifiera le territoire métropolitain de la République Française avec les territoires placés sous son administration et ceux pour lesquels la République Française assume des responsabilités internationales, y compris:

Tunisie
Maroc (zone française)
Afrique Occidentale française (Sénégal, Mauritanie, Guinée, Côte d'Ivoire, Dahomey, Soudan, Niger, Haute-Volta)
Afrique Equatoriale française (Gabon, Moyen-Congo, Oubangui, Chari, Tchad)
Togo et Cameroun (Mandat)
Côte française des Somalis
Madagascar
Réunion
Les Comores
Etablissements français de l'Inde
Indochine française
Nouvelle-Calédonie
Archipel de Tuamotou et les Iles de la Société,
Iles australes
Archipel des Marquises
Saint-Pierre et Miquelon
La Martinique
La Guadeloupe,
La Guyane française
Le territoire de la Sarre.

b) Est tenu pour "pays participants":

(i) tout pays qui a signé le rapport du Comité de Coopération Economique Européenne à Paris le 22 septembre 1947 et tout territoire dont ce pays assume la responsabilité sur le plan international et auquel l'Accord de Coopération Economique conclu entre ledit pays et les Etats-Unis s'applique.

(ii) tout autre pays (y compris toute zone d'occupation en Allemagne, tout territoire, sous administration ou contrôle international et le Territoire libre de Trieste ou de l'une et l'autre zone, en faisant partie) situé en tout ou en partie en Europe avec les territoires dépendants soumis à sa juridiction, aussi longtemps que ce pays est signataire de la Convention de Coopération Economique Européenne et participe à un programme commun de relèvement européen ayant pour objectif les buts du présent Accord.

ARTICLE XII.

(Entrée en vigueur, amendements, durée).

1. Le présent Accord entrera en vigueur à la date de la notification de sa ratification par le Gouvernement de la République Française au Gouvernement des Etats-Unis d'Amérique. Sous réserve des dispositions des paragraphes 2 et 3 du présent article, l'Accord demeurera en vigueur jusqu'au 30 Juin 1953, et à moins que l'un ou l'autre Gouvernement n'ait notifié par écrit six mois au moins avant le 30 Juin 1953 son intention d'y mettre fin à cette date, jusqu'à l'expiration d'un délai de six mois à compter de la date à laquelle sera faite ladite notification.

2. Si pendant la durée de l'Accord l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation ou de la terminaison de l'accord. Si, trois mois après ladite notification les deux Gouvernements n'ont pas convenu de l'action à prendre en raison des circonstances, l'un ou l'autre Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Sous réserve des dispositions du paragraphe 3 du présent Article, l'Accord prendra dès lors fin:

a) six mois après la notification de l'intention d'y mettre fin ou

b) après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement de la République Française sont exécutées à l'égard de toute aide que le Gouvernement des Etats-Unis d'Amérique pourrait continuer à lui apporter après ladite notification; étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953.

3. Les accords et les arrangements complémentaires qui seront négociés en exécution du présent Accord pourront rester en vigueur au delà de l'expiration du présent Accord et la période d'application de ces accords et arrangements complémentaires sera déterminée par leurs propres termes. L'Article IV demeurera en vigueur jusqu'à ce que les montants en franc qui doivent être déposés conformément à ses termes aient été utilisés ainsi qu'il est prévu audit article. Le paragraphe 2 de l'Article III demeurera en vigueur aussi longtemps que le Gouvernement des Etats-Unis d'Amérique aura la possibilité de faire les paiements de garantie envisagés à cet article.

4. Le présent Accord pourra être amendé à tout moment par décision commune des deux Gouvernements.

5. L'annexe à cet Accord en fait partie intégrante.

6. Le présent Accord sera enregistré par le Secrétaire Général des Nations Unies.

EN FOI DE QUOI, les Représentants respectifs des deux Gouvernements, dûment autorisés à cette fin, ont signé le présent Accord.

FAIT à PARIS, le 28 Juin 1948
en double exemplaire, en langues française et anglaise./.

JEFFERSON CAFFERY [SEAL]

G BIDAULT [SEAL]

ANNEXE

1. Il a été entendu que les dispositions du paragraphe 1 (a) de l'Article II sur l'adoption des mesures relatives à un emploi efficace des ressources comporteraient, en ce qui concerne les produits fournis aux termes de l'Accord, des mesures efficaces destinées à assurer la sauvegarde de ces produits et à empêcher leur détournement vers des marchés ou des circuits commerciaux illicites ou irréguliers.

2. Il a été entendu que l'obligation figurant au paragraphe 1 (c) de l'Article II d'équilibrer le budget aussitôt que possible n'excluait pas les déficits pendant une courte période mais signifiait une politique budgétaire organisée impliquant à plus ou moins longue échéance l'équilibre du budget.

3. Il est entendu que les pratiques commerciales et les arrangements commerciaux indiqués au paragraphe 3 de l'Article II sont:

a) ceux qui fixent les prix ou les conditions à observer dans les transactions avec les tiers concernant l'achat, la vente ou la location de tout produit;

b) ceux qui excluent des entreprises d'un marché territorial ou d'un champ d'activité commerciale, attribuent ou partagent un marché territorial ou un champ d'activité commerciale, répartissent la clientèle ou fixant les conditions de vente ou d'achat;

c) ceux qui ont un effet discriminatoire au détriment d'entreprises déterminées;

d) ceux qui limitent la production ou fixent des contingents de production;

e) ceux qui, par voie d'accord, empêchent l'amélioration ou la mise en oeuvre de procédés techniques ou d'inventions brevetées ou non;

f) ceux qui étendent l'usage de droits résultant de brevets, de marques de fabrique, de droits d'auteur ou de reproduction, accordés par l'un ou l'autre Gouvernement, à des matières qui, conformément aux lois et règlements dudit Gouvernement, ne rentrent pas dans le cadre de ces privilèges, ou bien à des produits ou à des conditions de production, d'utilisation ou de vente qui, de même, ne font pas l'objet de ces privilèges.

g) toute autre pratique que les deux Gouvernements souhaiteraient inclure dans cette liste.

4. Il est entendu que le Gouvernement de la République française n'est tenu d'agir, conformément au paragraphe 3 de l'Article II dans des cas d'espèce qu'après enquête et examen appropriés.

5. Il a été entendu que le passage de l'article 5: "compte tenu des besoins raisonnables de la France en produits nécessaires à sa consommation intérieure" couvrirait également le maintien à un niveau raisonnable des stocks des produits en question et que l'expression "commerce d'exportation" comprendrait les opérations de troc. Il a été également entendu que les accords négociés en vertu de l'article 5 pourraient inclure une clause de consultation conformément aux principes de l'article 32 de la Charte de La Havane pour une Organisation Internationale du Commerce dans le cas où les stocks seraient réalisés.

6. Il est entendu que le Gouvernement français n'aura pas, en application du paragraphe 2 a, de l'article VII, à fournir des informations détaillées sur les projets peu importants ou des renseignements commerciaux ou techniques d'ordre confidentiel dont la divulgation pourrait porter atteinte à des intérêts commerciaux légitimes.

7. Il est entendu que le Gouvernement des Etats-Unis d'Amérique, en faisant les notifications prévues par le paragraphe 2 de l'article IX, aura due considération à la nécessité de restreindre autant que possible le nombre des fonctionnaires pour lesquels les privilèges diplomatiques intégraux seraient demandés. Il a été également entendu que l'application dans les détails de l'Article IX serait l'objet s'il est nécessaire de conversations entre les deux Gouvernements.

8. Il est entendu que tout Accord qui serait conclu en exécution du paragraphe 2 de l'Article X serait soumis à la ratification du Sénat des Etats-Unis d'Amérique./.

Agreement between the United States of America and the French Zone of Occupation of Germany respecting economic cooperation under Public Law 472, 80th Congress. Signed at Paris July 9, 1948; entered into force July 9, 1948.

July 9, 1948
[T. I. A. S. 1784]

ECONOMIC COOPERATION AGREEMENT
between
THE FRENCH ZONE OF OCCUPATION OF GERMANY
and
THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Preamble

Principles of Agreement.

The Government of the United States of America and

The French Commander-in-Chief in Germany, acting on behalf of the French Zone of Occupation of Germany;

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the French Commander, on behalf of the French Zone, joined with like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948 [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the French Zone is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the French Commander has already expressed his adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by the French Zone and the measures which the two Parties will take individually and together in furthering the recovery

[1] Department of State publication 3145.

of the French Zone as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist the French Zone, by making available to the French Commander or to any person, agency or organization designated by the latter such assistance as may be requested by him and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, Acts amendatory and supplementary thereto and appropriation Acts thereunder, and will make available to the French Commander only such commodities, services and other assistance as are authorized to be made available by such Acts.

62 Stat., Pt. 1, p. 137.

2. The French Commander, acting directly and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The French Commander reaffirms his intention to take action to carry out the provisions of the general obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

Claim against Germany.

3. All assistance furnished by the Government of the United States of America to the French Zone pursuant to this Agreement shall constitute a claim against Germany. To the extent that expenditures are made from the Special Account established under Article IV of this Agreement for the purposes set forth in paragraphs 3 and 4 of that Article and for purposes not of direct benefit to the German economy, such claim against Germany shall be reduced in an amount commensurate with such expenditures. The proceeds of exports from all future production and stocks of the French Zone will be available in the first instance for payment for assistance made available pursuant to this Agreement at the earliest practicable time consistent with the rebuilding of the German economy on healthy, non-aggressive lines.

Post, p. 2255.

4. With respect to assistance furnished by the Government of the United States of America to the French Zone and procured from areas outside the United States of America, its territories and possessions, the French Commander will cooperate with the Government of the United

States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the French Commander will use his best endeavors to assure:

Measures for practical use of resources. *Post*, p. 2262.

a) The adoption or maintenance of the measures necessary to ensure efficient and practical use of all the resources available to the French Zone, including

i) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the French Commander in support of the requirements of assistance to be furnished by the Government of the United States of America; and

ii) The observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation;

Promotion of industrial and agricultural production.

b) The promotion of industrial and agricultural production on a sound economic basis along healthy non-aggressive lines; the achievement of such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, the communication to that Government of detailed proposals for specific projects contemplated by the French Commander to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, transportation facilities and food;

Maintenance of financial stability. *Post*, p. 2262.

c) The stabilization of the currency, the establishment and maintenance of a valid rate of exchange, the balance of the governmental budgets as soon as practicable, the creation or maintenance of internal financial stability, and generally the restoration or maintenance of confidence in the monetary system; and

Stimulation of trade.

d) Cooperation with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among the participating countries and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries, the French Commander will accord sympathetic consideration to proposals, including proposals made in conjunction with the International Refugee Organization, directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, p. 2262.

3. The French Commander will take the measures which he deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III

(Guaranties)

1. During any period in which foreign private investment is permitted in the French Zone, the Government of the United States of America and the French Commander will, upon the request of either Party, consult respecting projects in the French Zone proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.

2. The French Commander agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Deutsche marks, or credits in Deutsche marks, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV

(Local Currency)

1. The provisions of this Article shall apply with respect to all assistance which may be furnished by the Government of the United States of America under this Agreement.

Special account in Landeszentralbank of Baden.
Ante, p. 2253.

2. The French Commander will establish a special account in the Landeszentralbank of Baden at Freiburg in the name of the French Commander (hereinafter called the Special Account) and will make deposits in Deutsche marks to this account as follows:

(a) The unencumbered balances of the deposits made by the French Commander pursuant to the exchange of letters between the Government of the United States of America and the French Military Government dated June 3, 1948.[2]

[1] Department of State publication 3145, p. 14.
[2] *Department of State Bulletin*, June 27, 1948, p. 838.

(b) Amounts in Deutsche marks commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to the French Zone by any means (other than by guaranties) authorized under the Economic Cooperation Act of 1948 less, however, the amount of the deposits made pursuant to the exchange of letters referred to in subparagraph (a). The Government of the United States of America shall from time to time notify the French Commander of the indicated dollar cost of any such commodities, services and technical information, and the amounts in Deutsche marks commensurate with such indicated dollar cost shall be determined in the following manner. Pending the establishment of an official commercial rate of exchange between the dollar and the Deutsche mark, the French Commander will, upon receipt of such notification, deposit in the Special Account amounts of Deutsche marks as agreed upon between the Government of the United States of America and the French Commander. Deposits in the Special Account made after an official commercial rate of exchange has been established will, upon notification by the Government of the United States of America, be amounts of Deutsche marks computed at the official rate. The French Commander may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. expenditures in French Zone.

3. The Government of the United States of America will from time to time notify the French Commander of its requirements for administrative expenditures in Deutsche marks within the French Zone incident to operations under the Economic Cooperation Act of 1948, and the French Commander will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in the French Zone, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The French Commander will further make such sums of Deutsche marks available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the French Zone to the consignee's designated point of delivery in the French Zone of such relief supplies and packages as are referred to in Article VI.

Post, p. 2258.

Withdrawals by French Commander from Special Account.

6. The French Commander may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the French Commander for drawings from the Special Account, the Government of the United

States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in the French Zone and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the French Zone, including in particular:

(a) Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of the French Zone and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise; 62 Stat., Pt. 1, p. 137.

(b) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(c) Effective retirement of public debt, especially debt held by banking institutions.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within the French Zone for such purposes as may hereafter be agreed between the Government of the United States of America and the French Commander, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America. Disposition of unencumbered balances.

Article V

(Access to Materials)

1. The French Commander will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in the French Zone which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Government of the United States of America and the French Commander, after due regard for the reasonable requirements of the French Zone for domestic use and commercial export of such materials. The French Commander will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the French Zone, and the removal of any hindrances to the transfer of such materials to the United States of America. The French Commander will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph. Post, p. 2262.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America and of the

participating countries, the French Commander will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in the French Zone which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from the French Zone, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any state or territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded German citizens and corporations in the French Zone, and, (c) an agreed schedule of increased production of such materials where practicable in the French Zone and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The French Commander, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of the French Zone.

Article VI

(Travel Arrangements and Relief Supplies)

1. The French Commander will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2256.

2. The French Commander will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the French Zone of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in the French Zone.

Article VII

(Consultation and Transmittal of Information)

1. The Parties to this Agreement will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The French Commander will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the French Commander:

(a) Detailed information of projects, programs and measures proposed or adopted by the French Commander to carry out the provisions of this Agreement and the general obligations of the Convention for European Economic Cooperation; Post, p. 2263.

(b) Full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) Information regarding the economy of the French Zone and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program. Post, p. 2263. 62 Stat., Pt. 1, p. 137.

3. The French Commander will assist the Government of the United States of America to obtain information relating to the materials originating in the French Zone referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article. Ante, p. 2257.

Article VIII

(Publicity)

1. The Government of the United States of America and the French Commander recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The French Commander will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. He will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. He will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery. The French Commander will make public in the French Zone in each

Quarterly statements of operations.

calendar quarter full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article IX

(Missions)

1. The French Commander agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in the French Zone under this Agreement.

Courtesies to U. S. Special Mission.

2. The French Commander, upon appropriate notification from the Government of the United States of America, will accord appropriate courtesies to the Special Mission and its personnel, the United States Special Representative in Europe and his staff, and the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and will grant them the facilities and assistance necessary to the effective performance of their responsibilities to assure the accomplishment of the purposes of this Agreement.

3. The French Commander, directly and through his representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X

(Definitions)

As used in this Agreement:

"French Zone."

1. The "French Zone" means those areas of Germany occupied by the armed forces of the French Republic.

"French Commander."

2. The "French Commander" shall mean the French Commander-in-Chief in Germany.

"Participating country."

3. The term "participating country" means

(i) Any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) Any other country (including any of the Zones of Occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its Zones) wholly or partly in Europe, together with dependent areas under its administration;

[1] Department of State publication 2930.

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XI

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either the Government of the United States of America or the French Commander shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2263.

2. If, during the life of this Agreement, the Government of the United States of America or the French Commander should consider there has been a fundamental change in the basic assumptions underlying this Agreement, the other Contracting Party shall be so notified in writing and the Contracting Parties will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the Contracting Parties have not agreed upon the action to be taken in the circumstances, either Contracting Party may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(a) Six months after the date of such notice of intention to terminate, or

(b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the French Commander are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Ante, pp. 2257, 2259.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in Deutsche marks required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 2255.

Ante, p. 2255.

Amendment.

4. This Agreement may be amended at any time by agreement between the Parties.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

Done at Paris, in duplicate, in the English and French languages, both texts authentic, this 9th day of July, 1948.

PAUL LEROY-BEAULIEU For the French Commander-in-Chief in Germany.	JEFFERSON CAFFERY For the Government of the United States of America.
[SEAL]	[SEAL]

ANNEX

(Interpretative Notes)

Ante, p. 2254.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2254.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the governmental budgets as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2255.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c) Discriminating against particular enterprises;

d) Limiting production or fixing production quotas;

e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

f) Extending the use of rights under patents, trade marks or copyrights granted by either Party to this Agreement to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

g) Such other practices as the Parties to this Agreement may agree to include.

Ante, p. 2255.

4. It is understood that the French Commander is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2257.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of the French Zone for domestic use" would include the maintenance of reasonable stocks of the materials

concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stockpiles are liquidated.

6. It is understood that the French Commander will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests. *Ante*, p. 2259.

7. It is understood that the relevant information required to be communicated to the Government of the United States of America under paragraph 2 (c) of Article VII will include regular financial and operating statements of the Office du Commerce Exterieur and its successors. *Ante*, p. 2259.

8. It is understood that a change or prospective change in the fundamental relationship of the French Commander to the French Zone would constitute a fundamental change in the basic assumptions underlying the Agreement, referred to in paragraph 2 of Article XI. *Ante*, p. 2261.

9. It is recognized that the provisions of the Agreement take adequate account of the basic governmental position and functions of France in its capacity as an occupying power in Germany. It is understood that the Agreement would not prejudice any inter-Governmental agreement relating to Germany among the Occupying Powers.

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[1] Department of State publication 3117, p. 26.

ACCORD DE COOPERATION ECONOMIQUE ENTRE LA ZONE FRANCAISE D'OCCUPATION EN ALLEMAGNE ET LES ETATS-UNIS D'AMERIQUE

PREAMBULE

Le Commandant en chef français en Allemagne, agissant pour le compte de la zone française d'occupation en Allemagne, et le Gouvernement des Etats-Unis d'Amérique,

RECONNAISSANT que le rétablissement ou le maintien, dans les pays d'Europe des principes de liberté individuelle, des institutions libres et de l'indépendance véritable dépendent, pour une large part, de la réalisation de conditions économiques saines, de rapports économiques stables entre les Nations, et du retour des pays d'Europe à une économie viable, indépendante de toute assistance extérieure exceptionnelle;

RECONNAISSANT qu'une économie européenne forte et prospère est essentielle pour atteindre les buts des Nations Unies;

CONSIDERANT que la réalisation de ces conditions appelle un plan de relèvement de l'Europe, d'entr'aide et de coopération mutuelle, accessible à toutes les Nations qui y coopèrent, fondé sur un effort énergique de production, sur l'expansion du commerce international, sur l'établissement ou le maintien de la stabilité financière intérieure et le développement de la coopération économique, y compris toutes les mesures possibles pour établir ou maintenir des taux de change appropriés et pour réduire les obstacles aux échanges;

CONSIDERANT que pour la mise en application de ces principes, le Commandant en chef français, agissant pour le compte de la zone française d'occupation en Allemagne, s'est associé aux autres pays animés du même esprit par une Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 et aux termes de laquelle les signataires de cette Convention sont convenus d'entreprendre immédiatement l'élaboration et l'exécution d'un programme commun de relèvement, et que la zone française est membre de l'Organisation Européenne de Coopération Economique créée conformément à ladite Convention;

CONSIDERANT également que, mettant en oeuvre ces principes, le Gouvernement des Etats-Unis d'Amérique a promulgué la Loi de Coopération Economique de 1948, qui prévoit l'aide des Etats-Unis d'Amérique aux pays participant à un programme commun de relèvement européen afin de permettre à ces pays de devenir, par leurs efforts individuels et concertés, indépendants de toute aide économique extérieure de caractère exceptionnel;

PRENANT NOTE du fait que le Commandant en chef français a déjà déclaré qu'il adhérait aux fins et aux principes de la Loi de Coopération Economique de 1948;

DESIREUX de définir d'un commun accord les principes qui régissent la fourniture de l'aide accordée par les Etats-Unis d'Amérique aux termes de la Loi de Coopération Economique de 1948, et la réception

de cette aide en zone française d'occupation, ainsi que de déterminer, les mesures que les deux Gouvernements prendront soit individuellement, soit de concert, pour assurer le relèvement de la zone française d'occupation, comme partie intégrante du programme commun de relèvement européen,

Sont convenus de ce qui suit:

ARTICLE I

(Aide et Coopération)

1. Le Gouvernement des Etats-Unis d'Amérique affirme son intention d'aider la zone française d'occupation en mettant à la disposition du Commandant en chef français ou de toute personne, service ou organisation qui pourrait être désigné par celui-ci, telle aide qui pourrait être demandée par ce dernier et approuvée par le Gouvernement des Etats-Unis d'Amérique. Le Gouvernement des Etats-Unis d'Amérique accordera cette aide conformément aux termes, et sous réserve de toutes les dispositions, conditions et clauses de suspension de la Loi de Coopération Economique Européenne de 1948, ainsi que des lois qui l'amendent ou la complètent et de celles qui portent ouverture de crédits, et ne mettra à la disposition du Commandant en chef français que les produits, services et autres formes d'aide autorisés par ces lois.

2. Le Commandant en chef français agissant individuellement et dans le cadre de l'Organisation Européenne de Coopération Economique conformément à la Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948, fera, en commun avec les autres pays participants, des efforts continus pour établir rapidement en Europe, par un programme commun de relèvement, les conditions économiques indispensables à une paix et à une prospérité durables et pour permettre aux pays d'Europe participant à ce programme commun de relèvement de devenir indépendants de toute assistance économique extérieure exceptionnelle au terme de la période d'exécution du présent Accord. Le Commandant en chef français affirme à nouveau son intention de prendre toutes mesures propres à exécuter les termes des Obligations Générales de la Convention de Coopération Economique Européenne, de continuer à participer activement aux travaux de l'Organisation Européenne de Coopération Economique et de continuer à adhérer aux buts et aux principes de la loi de Coopération Economique de 1948.

3. Toute aide fournie par le Gouvernement des Etats-Unis d'Amérique à la zone française en application du présent accord constituera une créance sur l'Allemagne. Dans la mesure où des dépenses seront imputées au compte spécial ouvert en vertu de l'Article IV du présent Accord, en vue d'atteindre soit les objectifs visés aux paragraphes 3 et 4 dudit article, soit des objectifs ne profitant pas directement à l'économie allemande, une telle créance sur l'Allemagne sera réduite d'un montant correspondant à ces dépenses. Le produit des exportations résultant de la production future et des stocks de la zone française sera affecté en premier lieu au remboursement de l'aide accordée en

vertu du présent accord, à la date la plus proche qui sera compatible avec la reconstruction de l'économie allemande sur des bases saines et pacifiques.

4. En ce qui concerne l'aide fournie par le Gouvernement des Etats-Unis d'Amérique à la zone française d'occupation sous la forme d'achats dans des régions situées hors des Etats-Unis d'Amérique, de leurs territoires et de leurs possessions, le Commandant en Chef français coopérera avec le Gouvernement des Etats-Unis d'Amérique pour que les achats soient effectués à des prix et à des conditions raisonnables et pour faire en sorte que les dollars mis à la disposition du pays où ont lieu des opérations d'achats relatives à l'aide soient utilisés d'une manière compatible avec tous arrangements conclus par le Gouvernement des Etats-Unis d'Amérique avec ce pays.

ARTICLE II

(Engagements généraux)

1. Afin de parvenir à un relèvement maximum par l'utilisation de l'aide qu'il recevra du Gouvernement des Etats-Unis d'Amérique, le Commandant en chef français fera tous ses efforts pour assurer:

a) l'adoption ou le maintien en vigueur des mesures nécessaires pour assurer de façon rationnelle et efficace l'utilisation de toutes les ressources à sa disposition, y compris:

(i) telles mesures qui s'avèreront nécessaires pour faire en sorte que les produits et services obtenus par l'aide accordée conformément au présent Accord sont utilisés à des fins conformes au présent Accord et, dans toute la mesure du possible, aux buts généraux indiqués dans le programme présenté par le Commandant en chef français au titre des besoins d'aide à satisfaire par le Gouvernement des Etats-Unis d'Amérique;

(ii) l'observation et la vérification de l'emploi de ces ressources au moyen d'un système de contrôle efficace approuvé par l'Organisation Européenne de Coopération Economique;

b) le développement de la production industrielle et agricole sur une base économiquement rationnelle et conforme à des principes sains et pacifiques; la réalisation de tels objectifs de production qui pourraient être fixés dans le cadre de l'Organisation Européenne de Coopération Economique; et la communication au Gouvernement des Etats-Unis d'Amérique, si celui-ci le demande, des propositions détaillées correspondant à des projets déterminés que le Commandant en chef français envisage d'entreprendre en ayant recours, pour une part importante, à l'aide fournie aux termes du présent Accord, notamment, dans toute la mesure du possible, en ce qui concerne les projets relatifs à l'augmentation de la production de charbon, de moyens de transport et de produits alimentaires;

c) la stabilisation de sa monnaie, l'établissement ou le maintien d'un taux de change approprié, l'équilibre aussitôt que possible de son budget d'Etat, l'instauration ou le maintien de la stabilité financière intérieure et, d'une manière générale, le rétablissement ou le maintien de la confiance dans son système monétaire, et

d) la coopération avec les pays participants pour faciliter et stimuler les échanges croissants de marchandises et de services entre les pays participants ainsi qu'avec d'autres pays, et pour réduire les obstacles publics et privés qui entravent ces échanges tant entre eux qu'avec le reste du monde.

2. Le Commandant en chef français, tenant compte des objectifs de l'Article VIII de la Convention Economique Européenne visant à l'emploi de la main d'oeuvre disponible dans les différents pays participants, s'engage à réserver un accueil bienveillant aux propositions, y compris les propositions faites de concert avec l'Organisation Internationale pour les Réfugiés, en vue d'utiliser au maximum la main d'oeuvre éventuellement disponible dans un des pays participants conformément aux fins du présent Accord.

3. Le Commandant en chef français prendra les mesures qu'il estime appropriées et coopérera avec les autres pays participants afin d'empêcher les pratiques ou arrangements commerciaux—qu'ils soient le fait d'entreprises commerciales privées ou publiques—qui, dans le commerce international, entravent la concurrence, restreignent l'accès aux marchés ou favorisent le contrôle à caractère de monopole dans tous les cas où ces pratiques et arrangements produisent des effets nuisibles à l'exécution du programme commun de reconstruction européenne.

ARTICLE III

(Garanties)

1. Pendant toute période de temps durant laquelle les investissements privés étrangers seront autorisés dans la zone française, le Gouvernement des Etats-Unis d'Amérique et le Commandant en chef français se consulteront, à la demande de l'un ou de l'autre, sur les projets que des ressortissants des Etats-Unis d'Amérique envisagent de réaliser en zone française et pour lesquels le Gouvernement des Etats-Unis d'Amérique peut, aux termes de la section 111 (b) 3 de la Loi de Coopération Economique de I948, accorder des garanties de transfert de devises.

2. Lorsque le Gouvernement des Etats-Unis d'Amérique fera à de telles personnes un paiement en dollars des Etats-Unis d'Amérique correspondant à une telle garantie, le Commandant en chef français acceptera que les deutschemarks ou les crédits en deutschemarks portés au compte du Gouvernement des Etats-Unis d'Amérique ou transférés à ce Gouvernement, conformément à cette clause, soient reconnus comme étant la propriété du Gouvernement des Etats-Unis d'Amérique.

ARTICLE IV

(Monnaie nationale)

1. Les dispositions du présent Article seront applicables à toute aide que pourra fournir le Gouvernement des Etats-Unis d'Amérique dans le cadre du présent accord.

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2. Le Commandant en chef français convient d'ouvrir un Compte Spécial (désigné ci-après sous le nom de Compte Spécial) à son nom à la Länder Zentral Bank du Pays de Bade à Fribourg et d'effectuer à ce compte les dépôts suivants en deutschemarks:

a) les soldes, nets de toute charge, des dépôts effectués par le Commandant en chef français à la suite de l'échange de lettres, en date du 3 juin I948, intervenu entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement militaire français en Allemagne;

b) les sommes en deutschemarks correspondant au montant, exprimé en dollars, des dépenses encourues par le Gouvernement des Etats-Unis d'Amérique pour les produits, services et informations techniques (notamment tous frais de transformation, de magasinage, de transports, de réparation ou résultant d'autres services y afférant) fournis à la zone française, sous une des formes quelconques (autrement que par des garanties) prévues par la Loi de Coopération Economique de I948, sauf cependant le montant du dépôt effectué comme suite à l'échange de notes visé à l'alinéa (a). Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Commandant en chef français le montant du prix exprimé en dollars des produits, services et renseignements techniques ainsi fournis; et les sommes en deutschemarks correspondant à un prix en dollars ainsi exprimé seront déterminés de la manière suivante: en attendant la fixation d'un cours commercial officiel de change entre le deutschemark et le dollar, le Commandant en chef français déposera au Compte Spécial, dès réception de cette notification, les sommes en deutschemarks convenues entre le Gouvernement des Etats-Unis d'Amérique et le Commandant en chef français. Les dépôts faits au Compte Spécial après la fixation d'un taux commercial officiel de change seront, sur notification du Gouvernement des Etats-Unis d'Amérique, constitués par des sommes en deutschemarks calculées au taux officiel. Le Commandant en chef français pourra, à tout moment, déposer au Compte Spécial des avances qui seront inscrites à son crédit et sur lesquelles seront imputées des sommes correspondant aux notifications ultérieures effectuées conformément aux dispositions du présent paragraphe.

3. Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Commandant en chef français les sommes en deutschemarks qui lui seront nécessaires pour couvrir les dépenses administratives qu'entraînent les opérations effectuées en zone française conformément à la Loi et le Commandant en chef français mettra les sommes nécessaires à la disposition du Gouvernement des Etats-Unis d'Amérique en les imputant sur l'un quelconque des soldes du Compte Spécial de la manière demandée par le Gouvernement des Etats-Unis d'Amérique dans sa notification.

4. Cinq pour cent de tout dépôt fait en application de cet article en raison de l'aide apportée conformément à la Loi de I949 portant ouverture de crédit pour l'aide économique à l'étranger seront affectés à l'usage du Gouvernement des Etats-Unis d'Amérique pour ses dépenses en zone française et les sommes mises à la disposition de ce

Gouvernement conformément au paragraphe 3 de cet article seront imputées en premier lieu sur les montants alloués conformément au présent paragraphe.

5. Le Commandant en chef français s'engage, en outre, à rendre disponibles, en les imputant sur l'un quelconque des soldes du Compte Spécial ces sommes en deutschemarks nécessaires pour couvrir les frais de transport, (y compris port, magasinage, manutention et frais analogues) des approvisionnements et colis de secours prévus à l'Article VI du présent Accord, depuis le lieu d'entrée en zone française jusqu'au point de destination indiqué par le destinataire en zone française.

6. Le Commandant en chef français pourra effectuer des prélèvements sur le solde restant inscrit au Compte Spécial aux fins dont ce Commandant en chef pourra être convenu avec le Gouvernement des Etats-Unis d'Amérique. En examinant les propositions de prélèvements sur le Compte Spécial, présentées par le Commandant en chef français, le Gouvernement des Etats-Unis d'Amérique tiendra compte de la nécessité de maintenir la stabilité monétaire et financière intérieure et de stimuler l'activité de la production et des échanges internationaux, la recherche et le développement en zone française de nouvelles sources de richesse en particulier;

a) les dépenses afférentes aux plans ou programmes, notamment ceux qui font partie d'un programme d'ensemble destiné à accroître la capacité de production de la zone française et des autres pays participants, et les plans et programmes comportant des dépenses à l'étranger qui sont couvertes par l'aide fournie par le Gouvernement des Etats-Unis d'Amérique dans le cadre de la Loi de Coopération Economique de 1948, ou d'autres dispositions;

b) les dépenses afférentes à la recherche et au développement d'une production accrue pour les matières premières dont les Etats-Unis d'Amérique pourraient avoir besoin en raison de l'insuffisance effective ou éventuelle de leurs ressources, et

c) la résorption effective de la dette publique et spécialement de la dette détenue par les établissements bancaires.

7. Tous les soldes de toutes charges restant inscrits au Compte Spécial au 30 Juin 1952 autres que les sommes non dépensées dont l'affectation aura été déterminée conformément au paragraphe 4 du présent article, seront utilisés en zone française aux fins dont le Commandant en chef français et le Gouvernement des Etats-Unis d'Amérique seront convenus ultérieurement, étant entendu que l'agrément des Etats-Unis d'Amérique devra être approuvé par une loi ou une résolution commune du Congrès des Etats-Unis d'Amérique.

ARTICLE V

(Accès à certains produits)

1. Le Commandant en chef français facilitera le transfert aux Etats-Unis d'Amérique, en vue de la constitution de stocks ou à d'autres fins, de produits originaires de la zone française, dont les Etats-Unis

d'Amérique ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, à des conditions raisonnables de vente, d'échange, de troc, ou autres, pendant une période et en des quantités à déterminer d'un commun accord entre le Commandant en chef français et le Gouvernement des Etats-Unis d'Amérique, compte tenu des besoins raisonnables de la zone française en produits nécessaires à sa consommation intérieure et à son commerce d'exportation. Le Commandant en chef français prendra toutes mesures particulières qui pourraient être nécessaires pour l'application des dispositions du présent paragraphe, y compris le développement de la production en zone française desdits produits, et la suppression de tous obstacles qui s'opposeraient à leur transfert aux Etats-Unis d'Amérique. Le Commandant en chef français, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera des accords détaillés nécessaires à l'application des dispositions du présent paragraphe.

2. Reconnaissant que le principe d'équité doit s'appliquer aux prélèvements opérés sur des ressources naturelles des Etats-Unis d'Amérique et des pays participants, le Commandant en chef français, à la demande du Gouvernement des Etats-Unis d'Amérique, négociera avec ce dernier chaque fois que cela sera possible, (a) une liste des quantités minimum qui pourront être mises à la disposition des Etats-Unis d'Amérique pour achat et livraison ultérieure d'une part équitable des produits originaires de la zone française dont les Etats-Unis ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, aux prix du marché mondial, de manière à protéger l'accès de l'industrie des Etats-Unis d'Amérique à une part équitable des produits provenant de la zone française, cette part étant exprimée soit en pourcentage de la production, soit en quantité absolue, (b) des arrangements assurant une protection suffisante à tout citoyen des Etats-Unis d'Amérique ou à toute compagnie, société ou association créée sous le régime des lois des Etats-Unis d'Amérique ou de tout Etat en faisant partie ou de tout territoire en dépendant, et dont des parts importantes d'intérêt ont pour propriétaires réels des citoyens des Etats-Unis d'Amérique, pour l'accès à l'exploitation de ces ressources dans des conditions équivalentes à celles dont jouissent les ressortissants et société allemands dans la zone française, (c) un programme, convenu d'un commun accord, pour l'accroissement de la production de ces produits dans le cas où cette augmentation serait possible en zone française et pour la livraison aux Etats-Unis d'Amérique d'un pourcentage convenu de la production ainsi accrue, cette cession se faisant sur la base d'arrangements à long terme, en considération de l'aide fournie par les Etats-Unis d'Amérique aux termes du présent Accord.

3. Le Commandant en chef français, lorsque le Gouvernement des Etats-Unis d'Amérique en exprimera le désir, coopérera avec ce Gouvernement dans les cas appropriés pour atteindre les buts mentionnés aux paragraphes 1 et 2 du présent article en ce qui concerne les ressources provenant d'autres territoires que celui de la zone française.

ARTICLE VI

(Dispositions relatives aux facilités de voyage et aux envois de secours).

1. Le Commandant en chef français coopérera avec le Gouvernement des Etats-Unis d'Amérique pour faciliter et favoriser l'initiative et le développement des voyages des citoyens des Etats-Unis à destination des pays participants et à l'intérieur de ces pays.

2. Le Commandant en chef français négociera, à la demande du Gouvernement des Etats-Unis d'Amérique, des accords (comprenant la clause d'entrée en franchise sous réserve de garanties appropriées) destinés à faciliter l'entrée en zone française des envois de secours donnés aux organisations américaines bénévoles de secours ou achetés par celles-ci, ainsi que des colis de secours en provenance des Etats-Unis et adressés à des personnes résidant en zone française.

ARTICLE VII

(Consultation et Transmission d'informations)

1. Les parties contractantes se consulteront à la demande de l'une ou de l'autre sur toute question relative soit à l'exécution du présent Accord soit aux opérations effectuées ou aux dispositions prises en application de ce même accord.

2. Le Commandant en chef français communiquera au Gouvernement des Etats-Unis d'Amérique dans la forme et aux époques indiquées par ce dernier après consultation avec le Commandant en chef français:

a) des informations détaillées sur les projets, les programmes et les mesures envisagées ou adoptées par le Commandant en chef français pour assurer l'exécution des dispositions du présent Accord et des obligations générales de la Convention de Coopération Economique Européenne.

b) des exposés complets des opérations faites en vertu du présent Accord, y compris un exposé de l'usage des fonds, produits et services reçus en application dudit Accord, lesdits exposés devant être faits chaque trimestre.

c) des informations concernant l'économie de la zone française et toutes autres informations appropriées nécessaires pour compléter celles qui seront obtenues de l'Organisation Européenne de Coopération Economique et dont le Gouvernement des Etats-Unis d'Amérique pourrait avoir besoin pour déterminer la nature et la portée des opérations réalisées en vertu de la loi de Coopération Economique de 1948 et pour évaluer l'efficacité de l'aide fournie ou envisagée en vertu du présent accord et, d'une manière générale, les progrès du programme commun de relèvement.

3. Le Commandant en chef français aidera le Gouvernement des Etats-Unis d'Amérique à se procurer les renseignements relatifs aux produits originaires de la zone française dont il est question à l'Article V, et qui seront nécessaires à l'élaboration et à l'exécution des arrangements prévus audit article.

ARTICLE VIII

(Publicité)

1. Le Commandant en chef français et le Gouvernement des Etats-Unis d'Amérique reconnaissant qu'il est de leur intérêt commun de donner une large publicité aux objectifs du programme commun de relèvement de l'Europe, aux progrès réalisés dans son exécution ainsi qu'à toutes les mesures prises en application de ce programme. Ils reconnaissent également qu'il est souhaitable d'assurer une large diffusion des informations relatives aux progrès réalisés dans l'exécution du programme de relèvement européen, afin de développer le sentiment de l'effort commun et l'esprit d'aide mutuelle essentiels à la réalisation des objectifs du programme.

2. Le Gouvernement des Etats-Unis d'Amérique encouragera la diffusion de ces informations et les mettra à la disposition des organes d'informations du public.

3. Le Commandant en chef français encouragera la diffusion de ces renseignements, tant directement que par l'entremise de l'Organisation Européenne de Coopération Economique. Il les mettra à la disposition des organes d'information du public et prendra toutes les mesures possibles pour en assurer la diffusion par les moyens appropriés. De plus, il fournira à tous les autres pays participants et à l'Organisation Européenne de Coopération Economique les renseignements les plus complets sur les progrès effectués dans la réalisation du programme de relèvement européen. Le Commandant en chef français publiera chaque trimestre en zone française, des comptes rendus complets sur les opérations entreprises conformément à cet Accord et notamment des renseignements sur l'emploi de tous les fonds, marchandises et services reçus.

ARTICLE IX

(Missions)

1. Le Commandant en chef français donne son agrément à l'installation d'une Mission Spéciale de Coopération Economique qui assurera l'exécution des obligations assumées par les Etats-Unis en zone française aux termes du présent Accord.

2. Sur notification appropriée du Gouvernement des Etats-Unis d'Amérique, le Commandant en chef français observera à l'égard de la Mission Spéciale et de son personnel, du Représentant Spécial des Etats-Unis d'Amérique en Europe et de son personnel, et des membres et du personnel du Comité Mixte de Coopération Economique Etrangère du Congrès des Etats-Unis d'Amérique, les règles de courtoisie appropriées et leur accordera les facilités et l'assistance indispensables pour leur permettre d'assumer efficacement leurs responsabilités en ce qui concerne la réalisation des objectifs visés par le présent Accord.

3. Le Commandant en chef français apportera directement et par l'intermédiaire de ses représentants au sein de l'Organisation Européenne de Coopération Economique, sa pleine coopération à la Mission Spéciale, au Représentant Spécial des Etats-Unis d'Amérique en

Europe et à son personnel, et aux membres et au personnel du Comité Mixte. Cette opération comportera la communication de tous renseignements et l'octroi de toutes facilités nécessaires à la surveillance et l'observation de l'exécution du présent Accord, notamment en ce qui concerne l'utilisation de l'aide fournie conformément aux termes dudit Accord.

ARTICLE X

(Définitions)

Aux termes du présent Accord:

1°) Par "Zone française" il faut entendre les territoires occupés en Allemagne par les forces armées de la République Française

2°) Par "Commandant en chef français" il faut entendre le Commandant en chef français en Allemagne.

3°) Par "pays participant", il faut entendre:

(i) tout pays qui a signé le rapport du Comité de Coopération Economique Européenne à Paris le 22 septembre 1947 et tout territoire dont ce pays assume la responsabilité sur le plan international et auquel s'applique l'Accord de Coopération Economique conclu entre ledit pays et les Etats-Unis d'Amérique.

(ii) tout autre pays (y compris toute zone d'occupation en Allemagne, tout territoire sous administration ou contrôle international, et le Territoire libre de Trieste ou une quelconque des zones de ce Territoire) situé en tout ou en partie en Europe avec les territoires dépendants soumis à sa juridiction;

aussi longtemps qu'un tel pays est signataire de la Convention de Coopération Economique Européenne et participe à un programme commun de relèvement européen ayant pour objectif les buts du présent Accord.

ARTICLE XI

(Entrée envigueur, amendements, durée)

1. Le présent Accord entrera en vigueur à la date de ce jour. Sous réserve des dispositions des paragraphes 2 et 3 du présent article, l'Accord demeurera en vigueur jusqu'au 30 juin 1953, et à moins que le Gouvernement des Etats-Unis d'Amérique ou le Commandant en chef français n'ait notifié par écrit six mois au moins avant le 30 Juin 1953 son intention d'y mettre fin à cette date, jusqu'à l'expiration d'un délai de six mois à compter de la date à laquelle sera faite ladite notification.

2. Si pendant la durée de l'Accord le Gouvernement des Etats-Unis d'Amérique ou le Commandant en chef français considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet accord, il le notifiera par écrit à l'autre partie et les parties contractantes se consulteront alors en vue de convenir de la modification, de la transformation ou de l'expiration de l'Accord. Si, trois mois après ladite notification, les parties contractantes n'ont pas

convenu de l'action à prendre en raison des circonstances, l'une ou l'autre partie contractante pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Sous réserve des dispositions du paragraphe 3 du présent Article, l'Accord prendra dès lors fin:

a) six mois après la notification de l'intention d'y mettre fin ou
b) après telle période plus courte à déterminer d'un commun accord, suffisante néanmoins pour assurer que les obligations du Commandant en chef français sont exécutées à l'égard de toute aide que le Gouvernement des Etats-Unis d'Amérique pourrait continuer à lui apporter après ladite notification;

étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 Juin 1953.

3. Les accords et les arrangements complémentaires qui seront négociés en exécution du présent Accord pourront rester en vigueur au délà de l'expiration du présent Accord et la période d'application de ces accords et arrangements complémentaires sera déterminée par leurs propres termes. L'Article IV demeurera en vigueur jusqu'à ce que les montants en deutschemarks qui doivent être déposés conformément aux termes dudit article aient été utilisés ainsi qu'il est prévu audit Article. Le paragraphe 2 de l'Article III demeurera en vigueur aussi longtemps que le Gouvernement des Etats-Unis d'Amérique aura la possibilité de faire les paiements de garantie envisagés à cet article.

4. Le présent Accord pourra être amendé à tout moment par décision commune des deux parties contractantes.

5. L'Annexe à cet Accord en fait partie intégrante.

6. Le présent Accord sera enregistré par le Secrétaire Général des Nations Unies.

EN FOI DE QUOI, les Représentants respectifs des deux parties contractantes, dûment autorisés à cette fin, ont signé le présent Accord.

FAIT à PARIS, le 9 Juillet 1948
en double exemplaire, en langue française
et anglaise, chacun d'eux faisant foi ./.

Pour le Commandant en chef
français en Allemagne
PAUL LEROY-BEAULIEU.
[SEAL]

Pour le Gouvernement
des Etats-Unis d'Amérique
JEFFERSON CAFFERY
[SEAL]

ANNEXE

Notes interprétatives

1. Il est entendu que les dispositions du paragraphe 1 (a) de l'Article II, concernant l'adoption des mesures relatives à un emploi efficace des ressources comporteraient, en ce qui concerne les produits fournis aux termes de l'Accord, des mesures efficaces destinées à assurer la sauvegarde de ces produits et à empêcher leur détournement vers des marchés ou des circuits commerciaux illicites ou irréguliers.

2. Il est entendu que l'obligation, figurant au paragraphe 1 (c) de l'Article II, d'équilibrer les budgets gouvernementaux aussitôt que possible n'excluait pas les déficits pendant une courte période, mais signifiait une politique budgétaire impliquant à plus ou moins longue échéance l'équilibre du budget.

3. Il est entendu que les pratiques commerciales et les arrangements commerciaux indiqués au paragraphe 3 de l'Article II sont:

a) ceux qui fixent les prix ou les conditions à observer dans les transactions avec les tiers concernant l'achat, la vente ou la location de tout produit;

b) ceux qui excluent des entreprises d'un marché territorial ou d'un champ d'activité commerciale, attribuent ou partagent un marché territorial ou un champ d'activité commerciale, répartissent le clientèle ou fixent les contingents de vente ou d'achat;

c) ceux qui ont un effet et discriminatoire au détriment d'entreprises déterminées;

d) ceux qui limitent la production ou fixent des contingents de production;

e) ceux qui, par voie d'accord, empêchent l'amélioration ou la mise en oeuvre de procédés techniques ou d'inventions brevetés ou non;

f) ceux qui étendent l'usage de droits résultant de brevets de marques de fabrique, de droits d'auteur ou de reproduction, accordés par l'une ou l'autre des parties au présent Accord à des matières qui, conformément aux lois et réglements édictés par l'une de ces parties ne rentrent pas dans le cadre de ces privilèges, ou bien à des produits ou à des conditions de production, d'utilisation ou de vente qui, de même, ne font pas l'objet de ces privilèges;

g) toute autre pratique que les parties au présent Accord souhaiteraient inclure dans cette liste.

4. Il est entendu que le Commandant en chef français n'est tenu d'agir, dans des cas d'espèces, conformément au paragraphe 3 de l'Article II, qu'après enquête ou examen approprié.

5. Il est entendu que le passage de l'Article 5: "compte tenu des besoins raisonnables de la zone française en produits nécessaires à sa consommation intérieure", couvrirait également le maintien à un niveau raisonnable des stocks des produits en question et que l'expression "commerce d'exportation" pourrait comprendre des opérations de troc. Il est également entendu que les accords négociés en vertu de l'article 5 pourraient inclure une clause de consultation conformément aux principes de l'article 32 de la Charte de La Havane pour une Organisation Internationale du Commerce dans le cas où les stocks seraient réalisés.

6. Il est entendu que le Commandant en chef français n'aura pas, en application du paragraphe 2 (a) de l'article VII, à fournir des informations détaillées sur les projets peu importants ou des renseignements commerciaux ou techniques d'ordre confidentiel dont la divulgation pourrait porter atteinte à des intérêts commerciaux légitimes.

7. Il est entendu que les informations appropriées qui auront à être communiquées au Gouvernement des Etats-Unis d'Amérique, conformément aux termes du paragraphe 2 (c) de l'Article VII, devront comprendre les rapports publiés périodiquement sur la situation financière et sur les opérations de l'Office du Commerce extérieur et des organismes qui lui succèderont.

8. Il est entendu qu'un changement ou qu'une perspective de changement dans les rapports fondamentaux entre le Commandant en chef français et la zone française constitueraient une modification fondamentale des principes de base du présent Accord, mentionnés au paragraphe 2 de l'Article XI.

9. Il est reconnu que les dispositions du présent Accord prennent en due considération la position de la France en Allemagne et les fonctions gouvernementales essentielles qu'elle exerce en sa qualité de puissance occupante dans ce pays. Il est entendu que le présent Accord n'affecte aucun accord inter-gouvernemental entre les puissances occupantes au sujet de l'Allemagne.

Agreement between the United States of America and the United States/United Kingdom occupied areas in Germany respecting economic cooperation under Public Law 472, 80th Congress. Signed at Berlin July 14, 1948; entered into force July 14, 1948.

July 14, 1948
[T. I. A. S. 1785]

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES AND UNITED KINGDOM OCCUPIED AREAS IN GERMANY

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES AND UNITED KINGDOM OCCUPIED ZREAS IN GERMANY

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Preamble

Principles of Agreement.

The Government of the United States of America, and the United States and United Kingdom Military Governors in Germany, acting on behalf of the United States and United Kingdom occupied areas in Germany:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European Recovery Plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Military Governors, on behalf of the United States/United Kingdom occupied areas, joined with like-minded nations in a convention for European economic cooperation signed at Paris on April 16, 1948 [1] under which the signatories of that convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the United States/United Kingdom occupied areas are a member of the organization for European economic cooperation created pursuant to the provisions of that convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Military Governors have already expressed their adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such

[1] Department of State publication 3145.

assistance by the United States/United Kingdom occupied areas and the measures which the two parties will take individually and together in furthering the recovery of the United States/United Kingdom occupied areas as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist the United States/United Kingdom occupied areas, by making available to the Military Governors or to any person, agency or organization designated by the latter such assistance as may be requested by them and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Military Governors only such commodities, services and other assistance as are authorized to be made available by such acts.

62 Stat., Pt. 1, p. 137.

2. The Military Governors, acting directly and through the organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this agreement. The Military Governors reaffirm their intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

Claim against Germany.

3. All assistance furnished by the Government of the United States of America to the United States/United Kingdom occupied areas pursuant to this Agreement shall constitute a claim against Germany. To the extent that expenditures are made from the special account established under Article IV of this Agreement for the purposes set forth in Paragraphs 3 and 4 of that Article and for purposes not of direct benefit to the German economy, such claim against Germany shall be reduced in an amount commensurate with such expenditures. The proceeds of exports from all future production and stocks of the United States/United Kingdom occupied areas will be available for payment for assistance made available pursuant to this Agreement. At the earliest practicable time consistent with the rebuilding of the German economy on healthy, non-aggressive lines, such proceeds

Post, p. 2285.

shall be applied for such payment on a basis at least as favorable to the United States as that accorded the United States for imports made pursuant to the memorandum of agreement between the United States and the United Kingdom dated 2 December 1946, as revised and supplemented, relating to the economic integration of the United States and United Kingdom Zones of Germany.

61 Stat., Pt. 3, p. 2475; Pt. 4, p. 3608.

4. With respect to assistance furnished by the Government of the United States of America to the United States/United Kingdom occupied areas and procured from areas outside the United States of America, its territories and possessions, the Military Governors will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured and used in a manner consistent with any arrangements made by the Government of the United States of America and such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Military Governors will use their best endeavors to assure:

a) the adoption or maintenance of the measures necessary to ensure efficient and practical use of all the resources available to the United States/United Kingdom occupied areas, including

Measures for practical use of resources. *Post*, p. 2291.

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this agreement are used for purposes consistent with this agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Military Governors in support of the requirements of assistance to be furnished by the Government of the United States of America; and

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation;

b) the promotion of industrial and agricultural production on a sound economic basis along healthy non-aggressive lines; the achievement of such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, the communication to that Government of detailed proposals for specific projects contemplated by the Military Governors to be undertaken in substantial part with assistance made available pursuant to this agreement, including whenever

Promotion of industrial and agricultural production.

practicable projects for increased production of coal, transportation facilities and food;

Maintenance of financial stability. *Post*, p. 2291.

c) the stabilization of the currency, the establishment and maintenance of a valid rate of exchange, the balancing of the governmental budgets as soon as practicable, the creation or maintenance of internal financial stability, and generally the restoration or maintenance of confidence in the monetary system; and

Stimulation of trade.

d) cooperation with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among the participating countries and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation[1] looking toward the full and effective use of manpower available in the participating countries, the Military Governors will accord sympathetic consideration to proposals, including proposals made in conjunction with the International Refugee Organization, directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program. *Post*, pp. 2291, 2292.

3. The Military Governors will take the measures which they deem appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III

(Guaranties)

1. During any period in which foreign private investment is permitted in the United States/United Kingdom occupied areas, the Government of the United States of America and the Military Governors will, upon the request of either party, consult respecting projects in the United States/United Kingdom occupied areas proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111(b)(3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.

2. The Military Governors agree that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Deutsche Marks or credits in Deutsche Marks, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

[1] Department of State publication 3145, p. 14.

Article IV

(Local Currency)

1. The provisions of this Article shall apply with respect to all assistance which may be furnished by the Government of the United States of America under this Agreement.

Special account in Bank Deutscher Laender.

2. The Military Governors will establish a special account in the Bank Deutscher Laender in the name of the Military Governors (hereinafter called the Special Account) and will make deposits in Deutsche Marks to this account as follows:

(a) The unencumbered balances of the deposits made by the Military Governors pursuant to the exchange of letters between the Government of the United States of America and the Bipartite Board dated May 1, 1948 and May 14, 1948, [1] respectively.

(b) Amounts in Deutsche Marks commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services, and technical information (including any costs of processing, storing, transporting, repairing, or other services incident thereto) made available to the United States/United Kingdom occupied areas by any means (other than by guaranties authorized under the Economic Cooperation Act of 1948), less, however, the amount of the deposits made pursuant to the exchange of letters referred to in sub paragraph (a). The Government of the United States of America shall from time to time notify the Military Governors of the indicated dollar costs of any such commodities, services, and technical information, and the amounts in Deutsche Marks commensurate with such indicated dollar costs shall be determined in the following manner. Pending the establishment of an official commercial rate of exchange between the dollar and the Deutsche Mark the Military Governors will, upon receipt of such notification, deposit in the Special Account amounts of Deutsche Marks as agreed upon between the Government of the United States and the Military Governors. Deposits in the Special Account made, upon notification by the Government of the United States after an official commercial rate of exchange has been established, will be amounts of Deutsche Marks computed at the official rate. The Military Governors may at any time advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. expenditures in US/UK occupied areas.

3. The Government of the United States of America will from time to time notify the Military Governors of its requirements for administrative expenditures in Deutsche Marks within the United States/United Kingdom occupied areas incident to operations under the Economic Cooperation Act of 1948, and the Military Governors will whereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid

[1] *Department of State Bulletin*, May 30, 1948, p. 709.

62 Stat., Pt. 1, p. 1054.

Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in the United States/United Kingdom occupied areas, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Military Governors will further make such sums of Deutsche Marks available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the United States/United Kingdom occupied areas to the consignee's designated point of delivery in United States/United Kingdom occupied areas of such relief supplies and packages as are referred to in Article VI.

Post, p. 2287.

Withdrawals by Military Governors from Special Account.

6. The Military Governors may draw upon the remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Military Governors for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in the United States/United Kingdom occupied areas and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the United States/United Kingdom occupied areas, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of the United States/United Kingdom occupied areas and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise;

62 Stat., Pt. 1, p. 137.

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(c) effective retirement of public debt, especially debt held by banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within the United States/United Kingdom occupied areas for such purposes as may hereafter be agreed between the Government of the United States of America and the Military Governors, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

Article V

(Access to Materials)

1. The Military Governors will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials

originating in the United States/United Kingdom occupied areas which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Government of the United States of America and the Military Governors after due regard for the reasonable requirements of the United States/United Kingdom occupied areas for domestic use and commercial export of such materials. The Military Governors will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the United States/United Kingdom occupied areas, and removal of any hinderances to the transfer of such materials to the United States of America. The Military Governors will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2292.

2. The Military Governors will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-section 115(b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Military Governors, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of the United States/United Kingdom occupied areas.

Article VI

(Travel Arrangements and Relief Supplies)

1. The Military Governors will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Military Governors will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the United States/United Kingdom occupied areas of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in the United States/United Kingdom occupied areas.

Ante, p. 2286.

Article VII

(Consultation and Transmittal of Information)

1. The Parties to this Agreement will, upon the request of either of them, consult regarding any matter relating to the application of this

Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Military Governors will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Military Governors:

Post, p. 2292.

(a) detailed information of projects, programs and measures proposed or adopted by the Military Governors to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

Post, p. 2292.

(c) information regarding the economy of the United States/United Kingdom occupied areas and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Military Governors will assist the Government of the United States of America to obtain information relating to the materials originating in the United States/United Kingdom occupied areas referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Ante, p. 2286

Article VIII

(Publicity)

1. The Government of the United States of America and the Military Governors recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Military Governors will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. They will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. They will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the Program for economic recovery.

4. The Military Governors will make public in the United States/United Kingdom occupied areas in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received. Quarterly statements of operations.

Article IX

(Missions)

1. The Military Governors agree to receive a Special Mission for Economic Cooperation, which shall conform to any administrative arrangements established by the President of the United States of America pursuant to Section 109 (d) of the Economic Cooperation Act of 1948 and which will discharge the responsibilities of the Government of the United States of America in the United States/United Kingdom occupied areas under this Agreement. 62 Stat., Pt. 1, p. 142.

2. The Military Governors, upon appropriate notification from the Government of the United States of America, will accord appropriate courtesies to the Special Mission and its personnel, the United States Special Representatives in Europe and his staff, and the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and will grant them the facilities and assistance necessary to the effective performance of their responsibilities to assure the accomplishment of the purposes of this Agreement. Courtesies to U. S. Special Mission.

3. The Military Governors, directly and through their representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X

(Definitions)

As used in this Agreement:

1. The "United States/United Kingdom occupied areas" means those areas of Germany occupied by the armed forces of the United States of America and the United Kingdom. "United States/United Kingdom occupied areas."

2. The "Military Governors" means the United States and United Kingdom Military Governors in Germany. "Military Governors."

3. The term "participating country" means "Participating country."

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

[1] Department of State publication 2930.

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XI

(Entry into Force, Amendment, Duration)

Effective date, duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either the Government of the United States of America or the Military Governors shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, pp. 2291, 2292.

2. If, during the life of this Agreement, the Government of the United States of America or the Military Governors should consider there has been a fundamental change in the basic assumptions underlying this Agreement, the other Contracting Party shall be notified in writing and the Contracting Parties will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement.

Termination.

If, after three months from such notification, the Contracting Parties have not agreed upon the action to be taken in the circumstances, either Contracting Party may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Military Governors are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

Ante, pp. 2286, 2288.

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Ante, p. 2285.

Article IV shall remain in effect until all the sums in Deutsche Marks required to be deposited in accordance with its own terms have been

Ante, p. 2284.

disposed of as provided in that Article. Paragraph 2 of Article III

shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the Parties. Amendment. *Ante*, p. 2290.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations. Registration.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at, Berlin, Germany, in duplicate, both texts authentic, this 14th day of July 1948. Authentic texts.

LUCIUS D. CLAY
General, U. S. Army
Military Governor
United States Zone

BRIAN H. ROBERTSON
General
Military Governor
British Zone

ROBERT D. MURPHY
United States Political Adviser
for Germany

ANNEX

Interpretative Notes

1. It is understood that the requirements of paragraph 1(a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade. *Ante*, p. 2283.

2. It is understood that the obligation under paragraph 1(c) of Article II to balance the Governmental budgets as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run. *Ante*, p. 2284.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean: *Ante*, p. 2284.

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;
(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;
(c) discriminating against particular enterprises;
(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trade marks or copyrights granted by either Party to this Agreement to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants;

(g) such other practices as the Parties to this Agreement may agree to include.

4. It is understood that the Military Governors are obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2284.

Ante, p. 2287.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of the United States/United Kingdom occupied areas for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stockpiles are liquidated.

6. It is understood that the Military Governors will not be requested, under paragraph 2(a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2288.

7. It is understood that the relevant information required to be communicated to the Government of the United States of America under paragraph 2(c) of Article VII will include monthly financial and operating statements of the Joint Export Import Agency and its successors.

Ante, p. 2288.

8. It is understood that a change or prospective change in the fundamental relationship of the Military Governors to the United States/United Kingdom occupied areas would constitute a fundamental change in the basic assumptions underlying the Agreement, referred to in paragraph 2 of Article XI.

Ante, p. 2290.

9. It is recognized that the provisions of the Agreement take adequate account of the basic governmental position and functions of the United States and the United Kingdom in their capacity as occupying powers in Germany. It is understood that the Agreement would not prejudice any inter-governmental agreement relating to Germany among the occupying powers.

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[1] Department of State publication 3117, p. 26.

Agreement between the United States of America and Greece respecting economic cooperation under Public Law 472, 80th Congress. Signed at Athens July 2, 1948; entered into force July 3, 1948.

July 2, 1948
[T. I. A. S. 1786]

ECONOMIC COOPERATION AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA AND GREECE

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ΣΥΜΦΩΝΙΑ ΟΙΚΟΝΟΜΙΚΗΣ ΣΥΝΕΡΓΑΣΙΑΣ
ΜΕΤΑΞΥ ΤΩΝ
ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ ΤΗΣ ΑΜΕΡΙΚΗΣ ΚΑΙ ΤΗΣ ΕΛΛΑΔΟΣ

Πίναξ Περιεχομένων

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Ἄρθρον II	Γενικαί Ὑποχρεώσεις (Συμφωνίαι)
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Παράρτημα.	Ἑρμηνευτικαί Δηλώσεις

Principles of Agreement.

Preamble

The Governments of the United States of America and Greece:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Greece has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Greece is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

[1] Department of State publication 3145.

Προοίμιον

Αἱ Κυβερνήσεις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλλάδος:

Ἀναγνωρίζουσαι ὅτι ἡ ἀποκατάστασις καὶ ἡ διατήρησις εἰς τὰς Εὐρωπαϊκὰς Χώρας τῶν ἀρχῶν τῆς ἀτομικῆς ἐλευθερίας, τῶν ἐλευθέρων θεσμῶν καὶ τῆς ἀνεξαρτησίας ἐξαρτῶνται κυρίως ἐκ τῆς ὀημιουργίας ὑγιῶν οἰκονομικῶν συνθηκῶν, σταθερῶν διεθνῶν οἰκονομικῶν σχέσεων ὡς καὶ ἐκ τῆς πραγματοποιήσεως ὑπό τῶν Χωρῶν τῆς Εὐρώπης, μιᾶς ὑγιοῦς οἰκονομίας μή ἐξαρτωμένης ἐξ ἐκτάκτου ἔξωθεν βοηθείας·

Ἀναγνωρίζουσαι ὅτι μία ἰσχυρὰ εὐημεροῦσα Εὐρωπαϊκὴ οἰκονομία εἶναι ἀπαραίτητος διά τήν ἐπιτυχίαν τῶν σκοπῶν τῶν Ἡνωμένων Ἐθνῶν·

Θεωροῦσαι ὅτι ἡ πραγματοποίησις τῶν ἐν λόγῳ συνθηκῶν ἀπαιτεῖ τήν ὕπαρξιν ἑνός Σχεδίου Εὐρωπαϊκῆς ἀνορθώσεως, αὐτοβοηθείας καὶ ἀμοιβαίας συνεργασίας ἀνοικτοῦ εἰς ὅλα τά οἱά τούτου συνεργαζόμενα Ἔθνη καὶ βασιζομένου ἐπί μιᾶς ἰσχυρᾶς παραγωγικῆς προσπαθείας, ἐπί τῆς προαγωγῆς τοῦ ἐξωτερικοῦ ἐμπορίου, τῆς ὀημιουργίας καὶ διατηρήσεως ἐσωτερικῆς οἰκονομικῆς σταθερότητος καὶ ἐπί τῆς ἀναπτύξεως οἰκονομικῆς συνεργασίας, συμπεριλαμβανομένου παντός συνατοῦ μέτρου πρός καθορισμόν καὶ διατήρησιν σταθερῶν τιμῶν συναλλάγματος καὶ πρός μείωσιν τῶν ἐμπορικῶν φραγμῶν·

Θεωροῦσαι ὅτι διά τήν προαγωγήν τῶν ἀρχῶν τούτων ἡ Ἑλληνικὴ Κυβέρνησις συνεβλήθη μετ' ἄλλων ὑπό τῶν ἰσων ἀντιλήψεων ἐμφορουμένων Κρατῶν διά τῆς Συμβάσεως περί Εὐρωπαικῆς Οἰκονομικῆς Συνεργασίας, ὑπογραφείσης ἐν Παρισίοις τήν 16ην Ἀπριλίου 1948, καθ' ἣν τά συμβληθέντα μέρη συνεφώνησαν ὅπως ἀναλάβουν, ὡς ἄμεσον αὐτῶν ἔργον, τήν κατάρτισιν καὶ ἐκτέλεσιν ἑνός κοινοῦ προγράμματος ἀνορθώσεως καὶ ὅτι ἡ Ἑλληνικὴ Κυβέρνησις ἀποτελεῖ μέλος τοῦ Ὀργανισμοῦ Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας συσταθέντος συμφώνως τῇ ρηθείσῃ Συμβάσει·

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Greece has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Greece, and the measures which the two Governments will take individually and together in furthering the recovery of Greece as an integral part of the joint program for European recovery;

Have agreed as follows:

Θεωροῦσαι ἐπίσης ὅτι διά τήν προαγωγήν τῶν ἀρχῶν αὐτῶν ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐψήφισε τόν νόμον περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 διά τοῦ ὁποίου παρέχεται ἡ βοήθεια τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς πρός τά μετέχοντα τοῦ κοινοῦ προγράμματος τῆς εὐρωπαϊκῆς ἀνορθώσεως Κράτη, ἵνα κατορθώσουν κεχωρισμένως καί ἐν συνεργασίᾳ μεταξύ των, νά καταστοῦν ἀνεξάρτητα ἐκτάκτου ἔξωθεν οἰκονομικῆς βοηθείας·

Λαβοῦσαι ὑπ' ὄψιν ὅτι ἡ Ἑλληνική Κυβέρνησις ἤδη ἐξεδήλωσε ὅτι ἀποδέχεται τούς σκοπούς καί τάς ἀρχάς τοῦ Νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948·

Ἐκθυμοῦσαι νά καθορίσουν τάς ἀμοιβαίας συμφωνίας τάς διεπούσας τήν παροχήν βοηθείας ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς βάσει τοῦ νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948, τήν ἀποδοχήν τῆς τοιαύτης βοηθείας ὑπό τῆς Ἑλλάδος καί τά μέτρα ὅτινα αἱ δύο αὗται Κυβερνήσεις θά λάβουν κεχωρισμένως καί ἀπό κοινοῦ πρός τόν σκοπόν τῆς προαγωγῆς τῆς ἀνορθώσεως τῆς Ἑλλάδος, ὡς ἀναποσπάστου μέρους τοῦ κοινοῦ προγράμματος εὐρωπαϊκῆς ἀνορθώσεως,

ΣΥΜΦΩΝΟΥΝ ΚΑΙ ΣΥΝΑΠΟΔΕΧΟΝΤΑΙ ΤΑ ΕΞΗΣ:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Greece, by making available to the Government of Greece or to any person, agency or organization designated by the latter Government, such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Greece only such commodities, services and other assistance as are authorized to be made available by such acts.

62 Stat., Pt. 1, p. 137.

2. The Government of Greece, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Greece reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to

Ἄρθρον I

(Βοήθεια καί Συνεργασία)

1. Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἀναλαμβάνει τήν ὑποχρέωσιν νά βοηθήσῃ τήν Ἑλλάδα θέτουσα εἰς τήν διάθεσιν τῆς Ἑλληνικῆς Κυβερνήσεως ἤ καντός προσώπου, ὑπηρεσίας ἤ ὀργανισμοῦ ὁριζομένων ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως τήν βοήθειαν ἥτις ἤθελε ζητηθῇ παρ' αὐτῆς καί ἐγκριθῇ ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς. Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά παράσχῃ τήν ἐν λόγῳ βοήθειαν συμφώνως πρός τάς διατάξεις, τούς ὅρους, τάς προϋποθέσεις καί τάς διατάξεις τερματισμοῦ τοῦ νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 ὡς ἐτροποποιήθη καί συνεπληρώθη, καί τῶν δι' εἰδικῶν νόμων ἐγκριθεισῶν πιστώσεων, θά θέτῃ δέ εἰς τήν διάθεσιν τῆς Ἑλληνικῆς Κυβερνήσεως ἐκεῖνα μόνον τά εἴδη, ὑπηρεσίας καί ἑτέραν ἐνίσχυσιν διά τήν παροχήν τῶν ὁποίων παρεσχέθη ἐξουσιοδότησις ὑπό τῶν ῥηθέντων νόμων.

2. Ἡ Κυβέρνησις τῆς Ἑλλάδος, ἐνεργοῦσα χεχωρισμένως καί μέσῳ τοῦ Ὀργανισμοῦ Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας, συμφώνως πρός τήν ἐν Παρισίοις ὑπογραφεῖσαν τήν 16ην Ἀπριλίου 1948 Σύμβασιν Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας, θά καταβάλλῃ ἐνδελεχεῖς προσπαθείας, ἀπό κοινοῦ μετά τῶν ἄλλων μετεχόντων Κρατῶν διά νά ἐπιτευχθοῦν ταχέως μέσῳ κοινοῦ Προγράμματος Ἀνορθώσεως αἱ ἀπαραίτητοι διά μίαν διαρκῆ εἰρήνην καί εὐημερίαν οἰκονομικαί συνθῆκαι ἐν Εὐρώπῃ· καί διά νά δυνηθοῦν αἱ Εὐρωπαϊκαί Χῶραι αἱ συμμετέχουσαι εἰς τό κοινόν τοῦτο πρόγραμμα ἀνορθώσεως νά καταστοῦν ἀνεξάρτητοι ἐκτάκτου ἔξωθεν οἰκονομικῆς βοηθείας κατά τήν διάρκειαν τῆς ἰσχύος τῆς παρούσης Συμφωνίας. Ἡ Ἑλληνική Κυβέρνησις διαδηλοῖ ἐκ νέου τήν πρόθεσίν της ὅπως ἐνεργήσῃ διά τήν ἐφαρμογήν τῶν διατάξεων τῶν σχετικῶν μέ τάς Γενικάς Ὑποχρεώσεις τῆς Συμβάσεως Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας, συνεχίσῃ

participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 137.

3. With respect to assistance furnished by the Government of the United States of America to Greece and procured from areas outside the United States of America, its territories and possessions, the Government of Greece will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

μετέχουσα ἐνεργῶς εἰς τό ἔργον τοῦ Ὀργανισμοῦ διά τήν Εὐρωκαϊκήν Οἰκονομικήν Συνεργασίαν καί ὅκως συμμορφοῦται καί ἀκολουθῇ τούς σκοκούς καί τάς ἐρχάς τοῦ Νόμου κερί Οἰκονσμικῆς Συνεργασίας τοῦ 1948.

3. Ἐν σχέσει μέ τήν βοήθειαν τήν καρεχομένην ὑκό τῆς Κυβερνήσεως τῶν Ἡναμένων Πολιτειῶν τῆς Ἀμερικῆς εἰς τήν Ἑλλάδα καί κροερχομένην ἐκ κεριοχῶν ἄλλων ἤ τῶν Ἡναμένων Πολιτειῶν τῆς Ἀμερικῆς, τῶν ἐδαφῶν καί τῶν κτήσεών της, ἡ Ἑλληνική Κυβέρνησις θά συνεργάζηται μετά τῆς Κυβερνήσεως τῶν Ἡναμένων Πολιτειῶν τῆς Ἀμερικῆς ἵνα διασφαλισθῇ ὅτι ἡ κρομήθεια θά κραγματοκοιῆται εἰς λογικάς τιμάς καί μέ λογικούς ὅρους, εἰς τρόκον ὥστε τά εἰς τήν χώραν κρομηθείας τῆς βοηθείας διατιθέμενα δολλάρια νά χρησιμοκοιοῦνται συμφώνως μέ τάς τυχόν συμφωνίας αἵτινες ἔχουν συναφθῇ ὑκό τῆς Κυβερνήσεως τῶν Ἡναμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς ἐν λόγῳ χώρας.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Greece will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2356.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Greece in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals

"Αρθρον II

(Γενικαί Υποχρεώσεις)

1. Πρός τόν σκοπόν επιτεύξεως του ανωτάτου δρίου ανορθώσεως διά της χρησιμοποιήσεως της βοηθείας της χορηγουμένης υπό της Κυβερνήσεως των Ηνωμένων Πολιτειών της Αμερικής, η Ελληνική Κυβέρνησις θά καταβάλη πάσαν προσπάθειαν πρός:

α) Λήψιν ή διατήρησιν των αναγκαιούντων μέτρων διά την ασφάλισιν της αποτελεσματικής και πρακτικής χρησιμοποιήσεως πάντων των εις την διάθεσιν αυτής ευρισκομένων πόρων, συμπεριλαμβανομένων μεταξύ άλλων:

(I) Των αναγκαίων μέτρων διά την ασφάλισιν της χρησιμοποιήσεως των εφοδίων και υπηρεσιών των αποκτωμένων βάσει της βοηθείας της χορηγουμένης διά της παρούσης Συμφωνίας, πρός αντιμετώπισιν σκοπών σχετικών μέ την παρούσαν Συμφωνίαν και εφ'όσον τούτο είναι δυνατόν, και σχετικών μέ τάς γενικάς επιδιώξεις τάς διαγραφομένας εις παρεχόμενα υπό της Ελληνικής Κυβερνήσεως στοιχεία αναφορικώς μέ τάς ανάγκας δι'άς απαιτείται η υπό της Κυβερνήσεως των Ηνωμένων Πολιτειών χορήγησις βοηθείας.

(II) Της παρατηρήσεως και εξετάσεως της χρησιμοποιήσεως των τοιούτων πόρων μέσω ενός αποτελεσματικού συστήματος παρακολουθήσεως εγκεκριμένου υπό του Οργανισμού Ευρωπαϊκής Οικονομικής Συνεργασίας, και

(III) Της κατά τό δυνατόν λήψεως μέτρων διά την εξεύρεσιν, προσδιορισμόν και κατάλληλον χρησιμοποίησιν, προς τόν σκοπόν της πραγματοποιήσεως του κοινού προγράμματος Ευρωπαϊκής ανορθώσεως, των περιουσιακών στοιχείων και των εσόδων των προερχομένων εκ των στοιχείων τούτων άτινα ανήκουσι εις Έλληνας υπηκόους

of Greece and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Greece to dispose of such assets;

Development of production.

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Co-operation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Greece to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of food, coal and steel;

Maintenance of financial stability.
Post, p. 2356.

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally

καί εὑρίσκονται ἐντός τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, καί τῶν ἐσαφῶν καί κτήσεών των.

Ἡ παροῦσα παράγραφος δέν ἐπιβάλλει οἱανοήποτε ὑποχρέωσιν εἰς τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, ὅπως ὑποβοηθήσῃ εἰς τήν ἐφαρμογήν τῶν τοιούτων μέτρων, ἤ εἰς τήν Ἑλληνικήν Κυβέρνησιν ὅπως οἰσθέσῃ τά ἐν λόγῳ περιουσιακά στοιχεῖα.

β) Τήν προαγωγήν τῆς ἀναπτύξεως τῆς βιομηχανικῆς καί γεωργικῆς παραγωγῆς ἐπί ὑγιοῦς οἰκονομικῆς βάσεως· τήν ἐπίτευξιν τῶν σκοπῶν παραγωγῆς οἱ ὁποῖοι τυχόν θά καθορισθοῦν ὑπό τοῦ Ὀργανισμοῦ Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας· καί ὁσάκις ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐπιθυμεῖ, τήν ἀνακοίνωσιν εἰς τήν Κυβέρνησιν ταύτην λεπτομερῶν προτάσεων διά εἰδικά σχέδια τά ὁποῖα μελετᾶ ἡ Ἑλληνική Κυβέρνησις νά ἐκτελέσῃ διά τῆς χρησιμοποιήσεως κατά μέγα μέρος τῆς βοηθείας τῆς χορηγουμένης ἐπί τῇ βάσει τῆς παρούσης Συμφωνίας, συμπεριλαμβανομένων ὁσάκις τοῦτο εἶναι ἐφικτόν, σχεδίων σχετικῶν μέ τήν αὔξησιν τῆς παραγωγῆς τροφίμων, ἄνθρακος καί χάλυβος.

γ) Τήν σταθεροποίησιν τοῦ νομίσματός της, τόν καθορισμόν καί διατήρησιν σταθερᾶς τιμῆς συναλλάγματος, τήν ἰσοσκέλισιν τοῦ Κρατικοῦ προϋπολογισμοῦ της κατά τό δυνατόν ταχύτερον, τήν δημιουργίαν καί διατήρησιν ἐσωτερικῆς οἰκονομικῆς σταθερότητος καί γενικῶς

restore or maintain confidence in its monetary systems; and

Stimulation of trade.

(d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the Government of Greece will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2356, 2358.

3. The Government of Greece will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

τήν ἀποκατάστασιν καί διατήρησιν τῆς ἐμπιστοσύνης εἰς τό νομισματικόν αὐτῆς σύστημα, καί

b) Τήν συνεργασίαν μετά τῶν ἄλλων μετεχόντων Κρατῶν πρός διευκόλυνσιν καί αὔξησιν τῶν ἀνταλλαγῶν ἐμπορευμάτων καί ὑπηρεσιῶν μεταξύ τῶν μετεχόντων Κρατῶν καθώς καί μετ' ἄλλων Κρατῶν, καί διά τήν μείωσιν τῶν μεταξύ τούτων ὑφισταμένων κρατικῶν καί ἰδιωτικῶν ἐμπορικῶν περιορισμῶν, ὡς καί περιορισμῶν ὑφισταμένων μεταξύ τούτων καί ἄλλων Κρατῶν.

2. Λαβοῦσα ὑπ' ὄψιν τό Ἄρθρον VIII τῆς Συμβάσεως περί Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας, τό ἀφορῶν τήν πλήρη καί ἀποτελεσματικήν χρησιμοποίησιν τῶν διαθεσίμων ἐργατικῶν χειρῶν τῶν συμμετεχουσῶν χωρῶν, ἡ Ἑλληνική Κυβέρνησις θά ἐξετάζῃ εὐμενῶς τάς προτάσεις τάς ὑποβαλλομένας ἀπό κοινοῦ μετά τοῦ Διεθνοῦς Προσφυγικοῦ Ὀργανισμοῦ τάς ἐκιδιωκούσας τήν ὅσον τό δυνατόν μεγαλυτέραν χρησιμοποίησιν τῶν διαθεσίμων ἐργατικῶν χειρῶν τῶν συμμετεχόντων Κρατῶν ἵνα πραγματοποιηθοῦν οἱ σκοποί τῆς παρούσης Συμφωνίας.

3. Ἡ Ἑλληνική Κυβέρνησις θέλει λάβῃ ὅσα μέτρα ἤθελε κρίνῃ κατάλληλα καί θέλει συνεργασθῇ μετά τῶν ἄλλων συμμετεχόντων Κρατῶν ἵνα ἐμποδίζῃ τήν ἐκ μέρους ἰδιωτικῶν ἤ δημοσίων ἐμπορικῶν ἐπιχειρήσεων ἐφαρμογήν μεθόδων ἐργασίας διεκουσῶν τό ἐμπόριον καί τήν ἐπιχείρησιν, αἱ ὁποῖαι ἐπιδρῶσι ἐπί τοῦ διεθνοῦς ἐμπορίου, περιορίζουν τόν ἐλεύθερον ἀνταγωνισμόν, τήν ἐλευθέραν ἐπικοινωνίαν ἀγορῶν, ἤ ὑποθάλπουν μονοπωλιακόν ἔλεγχον ὅσάκις αἱ τοιαύτης φύσεως μέθοδοι ἤ συμφωνίαι παρεμποδίζουν τήν πραγματοποίησιν τοῦ Κοινοῦ Προγράμματος Εὐρωπαϊκῆς ἀνορθώσεως.

Article III

(Guaranties)

1. The Governments of the United States of America and Greece will, upon the request of either Government, consult respecting projects in Greece proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111(b)(3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.

2. The Government of Greece agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any drachmae, or credits in drachmae, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

"Αρθρον III

('Εγγυήσεις)

1. Αἱ Κυβερνήσεις τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς καὶ τῆς 'Ελλάδος, τῇ αἰτήσει ἑκατέρας τούτων θά συμβουλεύωνται ἀλλήλας ὡς πρός τά ὑπό πολιτῶν τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς προτεινόμενα πρός ἐκτέλεσιν ἐν 'Ελλάδι ἔργα, ἐν σχέσει δέ πρός αὐτά ἡ Κυβέρνησις τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς δύναται νά παρέχῃ τάς δεούσας ἐγγυήσεις μεταφορᾶς συναλλάγματος, κατά τό ἐδάφιον III (β) (3) τοῦ Νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948.

2. 'Η 'Ελληνική Κυβέρνησις συμφωνεῖ ὅτι εἰς περίπτωσιν καθ' ἣν ἡ Κυβέρνησις τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς προβαίνῃ εἰς πληρωμάς εἰς δολλάρια 'Ηνωμένων Πολιτειῶν πρός οἱονδήποτε πρόσωπον βάσει τοιαύτης ἐγγυήσεως, πᾶσαι αἱ δραχμαί ἤ αἱ εἰς δραχμάς πιστώσεις αἱ ἐκχωρούμεναι ἤ μεταβιβαζόμεναι εἰς τήν Κυβέρνησιν τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς συμφώνως πρός τό ἀνωτέρω ἐδάφιον, θά θεωροῦνται ὡς περιουσία τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς.

Article IV

(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special Account in Bank of Greece.

2. The Government of Greece will establish a special account in the Bank of Greece in the name of the Government of Greece (hereinafter called the Special Account) and will make deposits in drachmae to this account as follows:

(a) The unencumbered balance at the close of business on the day of the signature of this Agreement in the account in the Bank of Greece in the name "Greek State-Relief Drachmae Fund" established pursuant to the Agreement between the Government of the United States of America and the Government of Greece made on July 8, 1947, and any further sums which may, from time to time, be required by such Agreement to be deposited in such account. It is understood that subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance, referred to in that Agreement.

61 Stat., Pt. 3, p. 3017.

62 Stat., Pt. 1, p. 150.

(b) The unencumbered balances of the deposits made by the Government of Greece pursuant to the exchange of notes between the two Governments completed May 12, 1948.

(c) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services

"Ἄρθρον IY

('Εθνικόν Νόμισμα)

1. Αἱ διατάξεις τοῦ παρόντος ἄρθρου θά ἐφαρμόζωνται μόνον εἰς περίπτωσιν βοηθείας τυχόν παρεχομένης ὑπό τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς ὡς δωρεᾶς.

2. 'Η 'Ελληνική Κυβέρνησις θά ἀνοίξῃ εἰδικόν παρά τῇ Τραπέζῃ τῆς 'Ελλάδος λογαριασμόν ἐπ' ὀνόματι τῆς 'Ελληνικῆς Κυβερνήσεως (καλούμενον ἐφεξῆς "Εἰδικός Λογαριασμός") εἰς ὃν θά καταθέτῃ δραχμάς ὡς ἀκολούθως:

α) Τό μή βεβαρυμένον ὑπόλοιπον κατά τήν λῆξιν τῶν ἐργασιῶν τήν ἡμέραν τῆς ὑπογραφῆς τῆς παρούσης συμβάσεως εἰς τόν παρά τῇ Τραπέζῃ τῆς 'Ελλάδος "'Ελληνικόν Δημόσιον - Λογαριασμός Βοηθείας εἰς Δραχμάς" ὁ ὁποῖος ἐδημιουργήθη συμφώνως πρός τήν μεταξύ τῶν Κυβερνήσεων τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς καί τῆς 'Ελλάδος συναφθεῖσαν τήν 9ην 'Ιουλίου 1947 Συμφωνίαν, ὡς καί οἱαδήποτε ἄλλα ποσά τῶν ὁποίων ἡ κατάθεσις εἰς τόν ρηθέντα λογαριασμόν δυνατόν νά ἀπαιτῆται ἐκάστοτε βάσει τῆς ὡς ἄνω Συμφωνίας. Συμφωνεῖται ὅτι τό ὑπεδάφιον (ε) τοῦ 'Εδαφίου 114 τοῦ νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 συνιστᾶ τήν ἔγκρισιν καί ἀπόφασιν τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς περί τῆς διαθέσεως τοῦ τοιούτου ὑπολοίπου ὡς ἀναφέρεται εἰς τήν ἐν λόγῳ Συμφωνίαν.

β) Τά μή βεβαρυμένα ὑπόλοιπα τῶν γενομένων ὑπό τῆς 'Ελληνικῆς Κυβερνήσεως καταθέσεων συμφώνως πρός τήν ἀνταλλαγήν διακοινώσεων μεταξύ τῶν δύο Κυβερνήσεων, τήν πραγματοποιηθεῖσαν τήν 12ην Μαΐου 1948.

γ) Ποσά ἀνάλογα μέ τήν ἐμφαινομένην εἰς δολλάρια τιμήν κόστους εἰς τήν Κυβέρνησιν τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς τῶν ἐφοδίων, ὑπηρεσιῶν

and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Greece on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in sub-paragraph (b). The Government of the United States of America shall from time to time notify the Government of Greece of the indicated dollar cost of any such commodities, services and technical information, and the Government of Greece will thereupon deposit in the Special Account a commensurate amount of drachmae computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund, provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Greece. If at the time of notification a par value for the drachma is agreed with the Fund and there are one or more other effective rates applicable to the purchase of dollars for imports into Greece (whether such effective rate represents an agreed par value plus the current market value of dollar exchange certificates, or otherwise,) or, if at the time of notification no par value for the drachma is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of Greece and the Government of the United States of America. The term "effective rate" shall include, but not by way of limitation, the market value at the time of notification of dollar exchange certificates if such certificates are required to

62 Stat., Pt. 1, p. 137.

καί τεχνικῶν κληροφοριῶν (συμπεριλαμβανομένου καντός κόστους
ἐπεξεργασίας, ἀποθηκεύσεως, μεταφορᾶς, ἐπισκευῆς ἤ ἄλλων
σχετικῶν πρός τά ἀνωτέρω) ἅτινα ἐτέθησαν εἰς τήν διάθεσιν
τῆς Ἑλλάδος ὡς δωρεά καθ' οἱονδήποτε τρόπον ἐγκεκριμένα
ὑπό τοῦ Νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948, μεῖον,
ἐν τούτοις, τοῦ ποσοῦ τῶν καταθέσεων τῶν γενομένων συμφώνως
πρός τήν ἀνταλλαγήν διακοινώσεων τήν ἀναφερομένην εἰς τό
ὑπεδάφιον (β). Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς
Ἀμερικῆς θά γνωστοποιῇ ἑκάστοτε εἰς τήν Ἑλληνικήν
Κυβέρνησιν τήν ἐμφαινομένην τιμήν κόστους εἰς δολλάρια
οἱωνδήποτε τοιούτων ἐφοδίων, ὑπηρεσιῶν καί τεχνικῶν κληρο-
φοριῶν, ἡ δέ Ἑλληνική Κυβέρνησις βάσει τῶν ἀνωτέρω θά
καταθέτῃ εἰς τόν Εἰδικόν Λογαριασμόν ἀντίστοιχον εἰς δραχμάς
ποσόν ὑπολογιζόμενον εἰς τιμήν συναλλάγματος βάσει τῆς
συμπεφωνημένης μετά τοῦ Διεθνοῦς Νομισματικοῦ Ταμείου ἰσο-
τιμίας κατά τήν ἡμερομηνίαν τῆς ὡς ἄνω γνωστοποιήσεως ὑπό
τόν ὅρον ὅτι ἡ συμπεφωνημένη αὕτη ἰσοτιμία εἶναι ἡ μόνη
ἰσχύουσα διά τήν ἀγοράν δολλαρίων δι' εἰσαγωγάς ἐν Ἑλλάδι.
Ἐάν κατά τόν χρόνον τῆς γνωστοποιήσεως συμφωνηθῇ μετά τοῦ
Ταμείου ἰσοτιμία τις διά τήν δραχμήν, ὑφίστανται δέ μία ἤ
καί περισσότεραι τιμαί συναλλάγματος ἰσχύουσαι διά τήν
ἀγοράν δολλαρίων διά τάς ἐν Ἑλλάδι εἰσαγωγάς (εἴτε ἡ
ἰσχύουσα αὕτη τιμή συναλλάγματος ἀντικροσωπεύει συμφωνηθεῖσαν
ἰσοτιμίαν κλέον τῆς τρεχούσης ἀγοραίας τιμῆς ἀποδεικτικῶν
συναλλάγματος δολλαρίων, ἤ ἄλλως) ἤ ἐάν κατά τόν χρόνον
τῆς γνωστοποιήσεως δέν ἔχῃ συμφωνηθῇ μετά τοῦ Ταμείου ἰσοτιμία
τῆς δραχμῆς, ἡ τιμή ἤ αἱ τιμαί θά καθορίζωνται διά τόν εἰδικόν
τοῦτον σκοπόν ἀπό κοινοῦ μεταξύ τῶν Κυβερνήσεων τῆς Ἑλλάδος
καί τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς. Ὁ ὅρος "ἰσχύουσα
τιμή συναλλάγματος" περιλαμβάνει, οὐχί ὅμως περιοριστικῶς, τήν
ἀγοραίαν τιμήν τῶν ἀποδεικτικῶν συναλλάγματος κατά τόν χρόνον
τῆς γνωστοποιήσεως, ἐφ' ὅσον τοιαῦτα ἀποδεικτικά εἶναι
ἀναγκαῖα διά

complete any imports into Greece. The Government of Greece may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

Availability of sums for U. S. expenditures in Greece.

3. The Government of the United States of America will from time to time notify the Government of Greece of its requirements for administrative expenditures in drachmae within Greece incident to operations under the Economic Cooperation Act of 1948, and the Government of Greece will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Greece, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of Greece will further make such sums of drachmae available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Greece to the consignee's designated point of delivery in Greece of such relief supplies and packages as

τήν πραγματοποίησιν οἱωνοῆποτε εἰσαγωγῶν εἰς Ἑλλάδα. Ἡ Ἑλληνική Κυβέρνησις δύναται νά προραίνῃ ὁποτεδήποτε εἰς προκαταβολάς εἰς τόν Εἰδικόν Λογαριασμόν, αἵτινες θά φέρωνται εἰς πίστωσιν τούτου ἔναντι μεταγενεστέρων κατά τήν καροῦσαν παράγραφον γνωστοποιήσεων.

3. Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά γνωστοποιῇ ἑκάστοτε πρός τήν Ἑλληνικήν Κυβέρνησιν τάς εἰς δραχμάς ἀνάγκας αὐτῆς διά τήν κάλυψιν τῶν εἰς δραχμάς διοικητικῶν δαπανῶν της ἐν Ἑλλάοι τῶν σχετικῶν πρός τάς κατά τόν Νόμον περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 ἐργασίας, ἡ δέ Κυβέρνησις τῆς Ἑλλάδος θά διαθέτῃ ἐπί τούτοις τά εἰρημένα ποσά ἐκ τῶν πάσης φύσεως ὑπολοίπων τοῦ Εἰδικοῦ Λογαριασμοῦ κυθ'ὅν τρόπον ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἤθελε ζητήσῃ διά τῆς γνωστοποιήσεως.

4. Ποσοστόν πέντε ἐπί τοῖςἑκατόν ἑκάστης καταθέσεως ἐνεργουμένης συμφώνως τῷ παρόντι ἄρθρῳ σχετικῶς μέ τήν βοήθειαν ἥτις θά παρασχεθῇ κατ'ἐξουσιοδότησιν τοῦ Νόμου περί Πιστώσεων Παροχῆς Ἐξωτερικῆς Βοηθείας τοῦ 1949 θά τίθεται εἰς τήν διάθεσιν τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς διά τάς ἐν Ἑλλάδι δαπάνας της, ἡ δέ χρέωσις τῶν ποσῶν τῶν διατιθεμένων συμφώνως τῇ παραγράφῳ 3 τοῦ παρόντος ἄρθρου θά προηγῆται τῆς χρεώσεως τῶν συμφώνως τῇ παρούσῃ παραγράφῳ διατιθεμένων τοιούτων.

5. Ἡ Ἑλληνική Κυβέρνησις πρός τούτοις θά διαθέτῃ ἐκ τῶν ὑπολοίπων τοῦ Εἰδικοῦ Λογαριασμοῦ τά ἀναγκαῖα εἰς δραχμάς ποσά διά τήν κάλυψιν τῶν δαπανῶν μεταφορᾶς, (περιλαμβανομένων τῶν δαπανῶν λιμένος, ἀποθηκεύσεως, διαχειρίσεως ὡς καί τῶν παρεμφερῶν τοιούτων) ἀπό οἱουδήποτε σημείου εἰσόδου ἐν Ἑλλάοι μέχρι τοῦ ἀναγραφομένου τόπου παραδόσεως εἰς τόν παραλήπτην ἐν Ἑλλάδι τῶν ἐφοδίων καί δεμάτων περιθάλψεως ὡς

Post, p. 2332.

are referred to in Article VI.

Withdrawals by Government of Greece from Special Account.

6. The Government of Greece may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Greece for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Greece and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Greece, including in particular:

(a) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(b) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Greece and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America

ταῦτα καθορίζονται ἐν ἄρθρῳ ΥΙ.

6. Ἡ Ἑλληνική Κυβέρνησις θά δύναται νά προβαίνῃ εἰς τήν ἀνάληψιν παντός ἀπομένοντος ὑπολοίπου τοῦ Εἰδικοῦ Λογαριασμοῦ διά τούς σκοπούς οἵτινες θά συμφωνοῦνται ἑκάστοτε μετά τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς. Κατά τήν ἐξέτασιν τῶν προτάσεων τῆς Ἑλληνικῆς Κυβερνήσεως δι'ἀναλήψεις ἐκ τοῦ Εἰδικοῦ Λογαριασμοῦ, ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά λαμβάνῃ ὑπ'ὄψιν τήν ἀνάγκην ἐνισχύσεως ἤ διατηρήσεως τῆς ἐσωτερικῆς νομισματικῆς καί δημοσιονομικῆς σταθερότητος ἐν Ἑλλάδι, τῆς προαγωγῆς τῆς παραγωγικῆς δραστηριότητος καί τοῦ διεθνοῦς ἐμπορίου, ὡς ἐπίσης καί τῆς ἐρεύνης πρός ἀνάπτυξιν νέων πλουτοπαραγωγικῶν πηγῶν ἐν Ἑλλάδι ἰδίως ὅσον ἀφορᾶ:

α) Τήν κάλυψιν δαπανῶν διά τήν ἔρευναν καί ἀνάπτυξιν ἐπί πλέον παραγωγῆς πρώτων ὑλῶν αἵτινες δυνατόν νά ἀπαιτοῦνται ἐν ταῖς Ἡνωμέναις Πολιτείαις τῆς Ἀμερικῆς λόγῳ ἐλλειμμάτων ἤ ἐνδεχομένων ἐλλειμμάτων τῶν πόρων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, καί

β) Τήν κάλυψιν δαπανῶν διά τήν ἐκτέλεσιν ἔργων ἤ προγραμμάτων, περιλαμβανομένων τῶν ἀποτελούντων μέρος εὐρέος προγράμματος ἀναπτύξεως τῆς παραγωγικῆς ἱκανότητος τῆς Ἑλλάδος καί τῶν λοιπῶν συμμετεχόντων Κρατῶν, καί διά τήν ἐκτέλεσιν ἔργων ἤ προγραμμάτων τό ἐξωτερικόν κόστος (ἤ μή εἰς δραχμάς δαπάνη) τῶν ὁποίων καλύπτεται διά τῆς ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς χορηγουμένης βοηθείας

62 Stat., Pt. 1, p. 137.

under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development.

Disposition of unencumbered balances. *Ante*, p. 2316.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within Greece for such purposes as may hereafter be agreed between the Governments of the United States of America and Greece, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

"Drachma Reconstruction and Agricultural Rehabilitation Fund."

8. The Government of Greece will continue to maintain in the Bank of Greece the account known as the "Drachma Reconstruction and Agricultural Rehabilitation Fund" established pursuant to the Agreement between the Government of the United States of America and the Government of Greece of June 20, 1947, and will make further deposits in drachmae to this account as follows:

61 Stat., Pt. 3, p. 2907.

(a) Amounts commensurate with the indicated dollar cost to the Government of the United States of America (including any costs of processing, storing, transporting, repairing, or other services incident thereto) of all imports (other than those otherwise specified in this sub-paragraph)

βάσει τοῦ Νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 ἤ ἄλλως, ἤ διά δανείων παρά τῆς Διεθνοῦς Τραπέζης Ἀνοικοδομήσεως καί Ἀναπτύξεως.

7. Τό τυχόν μή βεβαρυμένον κατά τήν 30ήν Ἰουνίου 1952 ὑπόλοιπον τοῦ Εἰδικοῦ Λογαριασμοῦ πλήν τῶν δυνάμει τῆς παραγράφου 4 τοῦ παρόντος ἄρθρου διατεθέντων καί μή διαπιστωθέντων ποσῶν, θά διατεθῇ ἐντός τῆς Ἑλλάδος διά τούς σκοπούς τούς συμφωνηθησομένους μεταξύ τῶν Κυβερνήσεων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος, ὑπό τόν ὅρον ὅτι ἡ ὑπό τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἔγκρισις θά ὑπόκηται εἰς τήν διά νόμου ἤ διά κοινῆς ἀποφάσεως ἔγκρισιν τοῦ Κογκρέσσου τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

8. Ἡ Κυβέρνησις τῆς Ἑλλάδος θά διατηρήσῃ τόν παρά τῇ Τραπέζῃ τῆς Ἑλλάδος Λογαριασμόν "Κεφάλαιον εἰς δραχμάς διά τήν Ἀνασυγκρότησιν καί Γεωργικήν Ἀποκατάστασιν" ὅστις ἠνοίχθη κατόπιν τῆς ἀπό 20 Ἰουνίου 1947 Συμφωνίας μεταξύ τῶν Κυβερνήσεων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος, θά ἐξακολουθῇ δέ νά κατατίθεται δραχμάς εἰς τόν εἰρημένον Λογαριασμόν ὡς ἑξῆς:

a) Ποσά ἀντίστοιχα τῆς εἰς δολλάρια ἐμφαινομένης τιμῆς κόστους εἰς τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς (περιλαμβανομένων τῶν τυχόν δαπανῶν ἐπεξεργασίας, ἀποθηκεύσεως, μεταφορᾶς, ἐπισκευῆς καί ἄλλων σχετικῶν ἐπιβαρύνσεων) ἁπάντων τῶν εἰσαγομένων ἐφοδίων (πλήν τῶν ἄλλως καθοριζομένων ἐν τῷ παρόντι ὑπεδαφίῳ)

procured directly by the Government of the United States of America pursuant to the said Agreement of June 20, 1947 and delivered to the Government of Greece, less, however, amounts heretofore deposited in the aforesaid account pursuant to the said Agreement. The amount of drachmae to be deposited shall be computed at a rate of exchange in accordance with the provisions of Section 2(c) of this Article. The Government of the United States of America shall from time to time notify the Government of Greece of the indicated dollar cost of imports so delivered and the Government of Greece will thereupon deposit in the Drachma Reconstruction and Agricultural Rehabilitation Fund account a commensurate amount of drachmae computed as provided above. Drachmae will not be deposited to the Drachma Reconstruction and Agricultural Rehabilitation Fund account for imports which the two Governments have agreed or may agree shall be made available to the Government of Greece without the deposit of drachmae.

Ante, p. 2312.

(b) The unencumbered balances at the close of business on the day of the signature of this Agreement in the accounts of the Government of Greece in the Bank of Greece known as the "Proceeds of Sales at the Disposal of AMAG" and "Proceeds of Issue and Sale by Bank of Exchange Certificates Against AMAG Funds", and no

τῶν ἀπ'εὐθείας παρεχομένων καὶ παραδιδομένων ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς πρός τήν Ἑλληνικήν Κυβέρνησιν βάσει τῆς εἰρημένης Συμφωνίας τῆς 20ῆς Ἰουνίου 1947, μεῖον τῶν μέχρι τοῦδε βάσει τῆς ὡς ἄνω Συμφωνίας κατατεθέντων εἰς τόν ἐν λόγῳ λογαριασμόν ποσῶν. Τό εἰς δραχμάς κατατεθησόμενον ποσόν θά ὑπολογισθῇ βάσει τῆς κατά τάς διατάξεις τῆς παραγράφου 2(γ) τοῦ παρόντος ἄρθρου τιμῆς συναλλάγματος. Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά γνωστοποιῇ ἑκάστοτε πρός τήν Ἑλληνικήν Κυβέρνησιν τήν εἰς δολλάρια τιμήν κόστους τῶν οὕτω εἰσαγομένων καί παραδιδομένων ἐφοδίων, ἡ δέ Ἑλληνική Κυβέρνησις θά καταθέτῃ κάθε φορά εἰς τόν εἰς δραχμάς "Λογαριασμόν Ἀναζωογονήσεως καί Γεωργικῆς Ἀποκαταστάσεως" τό ἀντίστοιχον ποσόν δραχμῶν ὑπολογιζόμενον ὡς ἀνωτέρω. Εἰς τόν εἰς δραχμάς Λογαριασμόν Ἀναζωογονήσεως καί Γεωργικῆς Ἀποκαταστάσεως δέν θά κατατίθενται δραχμαί αἱ εἰσαγόμενα ἐφόδια διά τά ὁποῖα αἱ δύο Κυβερνήσεις ἔχουν συμφωνήσει ἢ θά συμφωνήσουν ὅτι ταῦτα θά χορηγῶνται εἰς τήν Ἑλληνικήν Κυβέρνησιν ἄνευ καταθέσεως δραχμῶν.

β) Τά κατά τήν λῆξιν τῶν ἐργασιῶν τήν ἡμέραν τῆς ὑπογραφῆς τῆς παρούσης Συμφωνίας μή ρευστοποιημένα ὑπόλοιπα τῶν κατά τῇ Τραπέζῃ τῆς Ἑλλάδος λογαριασμῶν τῆς Ἑλληνικῆς Κυβερνήσεως "Προϊόν Πωλήσεων εἰς τήν Διάθεσιν τῆς ΑΜΑΓΚ" καί "Προϊόν Ἐκποιήσεως καί Ἐκποιήσεως ὑπό τῆς Τραπέζης Ἀποδεικτικῶν Συναλλάγματος ἔναντι Κεφαλαίων τῆς ΑΜΑΓΚ", οὐδεμία δέ

further deposit shall be made in such accounts. Thereafter the drachmae proceeds which are derived from the dollars made available to the Government of Greece by the American Mission for Aid to Greece by deposit in the "Bank of Greece, Special Account--AMAG" and which would otherwise have been required to be deposited to these two accounts shall be deposited immediately by the Government of Greece directly into the Drachma Reconstruction and Agricultural Rehabilitation Fund account.

Withdrawals by Government of Greece from Fund account.

9. The Government of Greece may draw upon the Drachma Reconstruction and Agricultural Rehabilitation Fund account for payment of obligations established by written agreements heretofore made between the Government of Greece and the American Mission for Aid to Greece representing the Government of the United States of America, provided that such withdrawals have the written approval of the Government of the United States of America.

10. The Government of Greece may draw upon the Drachma Reconstruction and Agricultural Rehabilitation Fund account for such further purposes as may be agreed upon from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Greece for drawing from the Fund, the Government of the United States of America will take

κεραιτέρω κατάθεσις θά ἐνεργῆται εἰς τούς λογαριασμούς τούτους. Ἀκό τῆς ὡς ἄνω ἡμερομηνίας τό εἰς δραχμάς κροϊόν τῶν δολλαρίων τῶν τιθεμένων εἰς τήν διάθεσιν τῆς Ἑλληνικῆς Κυβερνήσεως ὑκό τῆς Ἀμερικανικῆς Ἀκοστολῆς Βοηθείας διά καταθέσεως εἰς τόν καρά τῇ Τρακέζῃ τῆς Ἑλλάδος "Εἰδικόν Λογαριασμόν ΑΜΑΓΚ" καί τό δκοῖον ἄλλως θά ἔδει νά κατατίθεται εἰς τούς δύο τούτους λογαριασμούς, θά κατατίθεται ἀμέσως ὑκό τῆς Ἑλληνικῆς Κυβερνήσεως ἀκ' εὐθείας εἰς τόν εἰς Δραχμάς Λογαριασμόν Ἀνασυγκροτήσεως καί Γεωργικῆς Ἀκοκατασάσεως.

9. Ἡ Ἑλληνική Κυβέρνησις δύναται νά ἐνεργῇ ἀναλήψεις ἐκ τοῦ εἰς Δραχμάς Λογαριασμοῦ Ἀνασυγκροτήσεως καί Γεωργικῆς Ἀκοκατασάσεως διά τήν ἐξόφλησιν ὑκοχρεώσεων ἀναληφθεισῶν δυνάμει ἐγγράφων συμφώνων συναφθεισῶν μέχρι τοῦδε μεταξύ τῆς Ἑλληνικῆς Κυβερνήσεως καί τῆς Ἀμερικανικῆς Ἀκοστολῆς Βοηθείας ὡς ἐκκροσώκου τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ὑκό τόν ὅρον ὅτι διά τάς τοιαύτας ἀναλήψεις θά ὑφίσταται ἔγγραφος ἔγκρισις τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

10. Ἡ Ἑλληνική Κυβέρνησις δύναται νά ἐνεργῇ ἀναλήψεις ἐκ τοῦ εἰς δραχμάς Λογαριασμοῦ Ἀνασυγκροτήσεως καί Γεωργικῆς Ἀκοκατασάσεως καί δι' ἑτέρους σκοκούς ὡς ἑκάστοτε ἤθελε συμφωνηθῇ μετά τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς. Κατά τήν ἐξέτασιν τῶν κροτάσεων τῆς Ἑλληνικῆς Κυβερνήσεως διά τάς ἐκ τοῦ ὡς ἄνω λογαριασμοῦ ἀναλήψεις ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά λαμβάνῃ

into consideration and give priority to the need for completing and continuing programs and projects undertaken pursuant to the Agreement of June 20, 1947, such as for the reconstruction and rehabilitation of highways, railroads, ports, canals, airfields, housing, schools, reclamation, waterworks, and telecommunications; the improvement and rehabilitation of industry, mining, public health, agriculture, and the production, processing and storage of food; and for governmental decentralization, work relief, and other civil and military projects undertaken by the Government of Greece with the prior approval of the Government of the United States of America.

61 Stat., Pt. 3, p. 2907.

Availability to U. S. of sums from Fund account.

11. The Government of the United States of America will from time to time notify the Government of Greece of its requirements for administrative expenditures in drachmae incident to the operations under the Act "To Provide for Assistance to Greece and Turkey", Public Law 75, approved May 22, 1947, as amended, and the Government of Greece will thereupon make such sums available out of any balances in the Drachma Reconstruction and Agricultural Rehabilitation Fund account in the manner requested by the Government of the United States of America in the notification.

61 Stat., Pt. 1, p. 103. 22 U. S. C., Supp. I, §§ 1401-1408.

ὑπ' ὄψιν της καί θά παρέχῃ προτεραιότητα εἰς τάς ἀνάγκας συμπληρώσεως καί συνεχίσεως τῶν προγραμμάτων καί ἔργων βάσει τῆς συμφωνίας τῆς 20ης Ἰουνίου 1947 ἀναληφθέντων, ὡς ἡ ἀνακατασκευή καί ἀποκατάστασις ὁδῶν, σιδηροδρόμων, λιμένων, διωρύγων, ἀερολιμένων, κατοικιῶν, σχολείων, ἔργων ἀρδευτικῶν, ὑδρεύσεως καί τηλεπικοινωνίας, ἡ βελτίωσις καί ἀποκατάστασις τῆς βιομηχανίας, τῶν μεταλλείων, τῆς δημοσίας ὑγείας, τῆς γεωργίας καί τῆς παραγωγῆς, τῆς ἐπεξεργασίας καί ἀποθηκεύσεως τροφίμων ὡς καί τῆς διοικητικῆς ἀποκεντρώσεως, τῆς ἐργατικῆς περιθάλψεως καί ἄλλων κοινωνικῶν καί στρατιωτικῶν ἐπιδιώξεων ἀναλαμβανομένων ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως τῇ ἐγκρίσει τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

11. Ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά γνωστοποιῇ ἑκάστοτε πρός τήν Ἑλληνικήν Κυβέρνησιν τάς εἰς δραχμάς ἀνάγκας αὐτῆς διά τήν κάλυψιν τῶν εἰς δραχμάς διοικητικῶν δαπανῶν της τῶν συναφῶν πρός τάς ἐργασίας τάς σχετικάς μέ τόν Νόμον ὑπ' ἀριθ. 75 περί "Παροχῆς Βοηθείας πρός τήν Ἑλλάδα καί Τουρκίαν" τόν ἐγκριθέντα τήν 22αν Μαΐου 1947, ὡς ἐτροποποιήθη, ἡ δέ Ἑλληνική Κυβέρνησις θά διαθέτῃ πάντα τά ποσά ταῦτα ἐκ τῶν ὑπολοίπων τοῦ εἰς δραχμάς Λογαριασμοῦ Ἀνασυγκροτήσεως καί Γεωργικῆς Ἀποκαταστάσεως καθ' ὃν τρόπον θά ζητήσῃ τοῦτο ἡ Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς διά τῆς εἰρημένης γνωστοποιήσεως.

Article V

(Access to Materials)

1. The Government of Greece will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Greece which are required by the United States of America as a result of deficiences or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Greece, after due regard for the reasonable requirements of Greece for domestic use and commercial export of such materials. The Government of Greece will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Greece, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Greece will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2358.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America and of the participating countries, the Government of

Ἄρθρον Υ

(Παροχή Πρώτων Ὑλῶν)

1. Ἡ Ἑλληνική Κυβέρνησις θά διευκολύνῃ τήν μεταφοράν εἰς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς, διά τήν δημιουργίαν ἀποθεμάτων ἤ δι' ἄλλους σκοπούς, πρώτων ὑλῶν προερχομένων ἐξ Ἑλλάδος τῶν ὁποίων ἔχουν ἀνάγκην αἱ Ἡνωμέναι Πολιτεῖαι τῆς Ἀμερικῆς συνεπείᾳ ἐλλειμμάτων ἤ ἐνδεχομένων ἐλλειμμάτων τῶν ἰδίων αὐτῶν πόρων, ὑπό οἱουσδήποτε λογικούς ὅρους πωλήσεως, συναλλάγματος, ἀνταλλαγῆς ἤ ἄλλως, εἰς οἱασδήποτε ποσότητας καί ἐπί οἱονδήποτε χρονικόν διάστημα ἤθελε συμφωνηθῆ μεταξύ τῶν Κυβερνήσεων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος, λαμβανομένων ὑπ' ὄψιν τῶν λογικῶν ἀναγκῶν τῆς Ἑλλάδος διά τήν ἐν τῇ χώρᾳ χρησιμοποίησιν καί τήν ἐμπορικήν ἐξαγωγήν τῶν πρώτων τούτων ὑλῶν. Ἡ Ἑλληνική Κυβέρνησις θά λάβῃ τά ἀναγκαιοῦντα εἰδικά μέτρα διά τήν ἐκτέλεσιν τῶν διατάξεων τῆς παρούσης παραγράφου, περιλαμβάνοντα τήν ἐπέκτασιν τῆς ηὐξημένης παραγωγῆς τῶν πρώτων τούτων ὑλῶν ἐντός τῆς Ἑλλάδος καί τήν ἄρσιν παντός ἐμποδίου διά τήν μεταφοράν τῶν πρώτων τούτων ὑλῶν εἰς τάς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς. Ἡ Ἑλληνική Κυβέρνησις ὁσάκις τοῦτο ἤθελε ζητηθῆ ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, θά ἔλθῃ εἰς διακρατικάς διά τήν λῆψιν τῶν πρός ἐκτέλεσιν τῶν διατάξεων τῆς παραγράφου ταύτης ἀναγκαίων μέτρων.

2. Ἀναγνωρίζουσα τήν ἀρχήν τῆς ἰσότητος ἐν σχέσει πρός τήν ἄντλησιν ἀγαθῶν ἐκ τῶν φυσικῶν πόρων τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῶν ἄλλων συμμετεχόντων κρατῶν, ἡ Ἑλληνική Κυβέρνησις,

Greece will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in Greece which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from Greece, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any State or Territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of Greece, and, (c) an agreed schedule of increased production of such materials where practicable in Greece and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

δσάκις τοῦτο ἤθελε ζητηθῇ ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά διαπραγματευθῇ εἰς ὅσας περιπτώσεις τοῦτο εἶναι ἐφικτόν: (α) Μελλοντικόν πρόγραμμα τοῦ ἐλαχίστου ὁρίου τῶν Ἑλληνικῆς προελεύσεως πρώτων ὑλῶν τῶν δυναμένων κατά δικαίαν ἀναλογίαν νά τεθῶσιν εἰς τήν διάθεσιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς πρός ἀγοράν καί παράδοσιν, αἵτινες ἀναγκαιοῦσιν εἰς τάς Ἡνωμένας Πολιτείας τῆς Ἀμερικῆς λόγῳ ἐλλειμμάτων ἢ ἐνδεχομένων ἐλλειμμάτων τῶν ἰδίων των πόρων, εἰς τιμάς διεθνοῦς ἀγορᾶς εἰς τρόπον ὥστε νά προστατευθῇ ἡ δυνατότης προμηθείας ὑπό τῆς βιομηχανίας τῶν Ἡνωμένων Πολιτειῶν κατά δικαίαν ἀναλογίαν τῶν πρώτων τούτων ὑλῶν ἐξ Ἑλλάδος εἴτε βάσει προσωπικῶν παραγωγῆς ἢ εἰς ποσότητας μή ὅλως πως περιοριζομένας· (β) πράξεις προβλεπούσας τήν δέουσαν προστασίαν τοῦ δικαιώματος συμμετοχῆς παντός πολίτου τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἢ πάσης ἀνωνύμου ἑταιρίας, ἑταιρικῆς ἐπιχειρήσεως ἢ ἑτέρου μή κερδοσκοπικοῦ σωματείου ἱδρυθέντων συμφώνως πρός τούς Νόμους τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, ἢ πάσης Πολιτείας ἢ ἐπαρχίας τούτων ἐφόσον οὐσιαστικῶς καί δικαιωματικῶς ἀνήκουσιν εἰς πολίτας τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, εἰς τήν ἀνάπτυξιν τῆς παραγωγῆς τῶν πρώτων τούτων ὑλῶν βάσει ἴσης μεταχειρίσεως πρός τούς "Ελληνας ὑπηκόους" καί (γ) Ἐγκεκριμένον πρόγραμμα ηὐξημένης παραγωγῆς τοιούτων πρώτων ὑλῶν ὁπουδήποτε εἶναι τοῦτο δυνατόν ἐν Ἑλλάδι, καί παραδόσεως ἐνός συμφωνηθησομένου ποσοστοῦ τοιαύτης ηὐξημένης παραγωγῆς εἰς τάς Ἡνωμένας Πολιτείας ἐπί μακροχρονίου βάσεως ἐν σχέσει μέ τήν βοήθειαν τήν παρεχομένην ὑπό τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς βάσει τῆς παρούσης Συμφωνίας.

3. The Government of Greece, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Greece.

Article VI

(Travel Arrangements and Relief Supplies)

1. The Government of Greece will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2318.

2. The Government of Greece will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into Greece of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Greece.

3. Ἡ Ἑλληνικὴ Κυβέρνησις ὁσάκις ἤθελε ζητηθῇ τοῦτο ὑκό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, θά συνεργάζεται ὅκου τοῦτο εἶναι ἐνδεδειγμένον, διά τήν κροαγωγήν τῶν σκοκῶν τῶν καραγράφων 1 καὶ 2 τοῦ καρόντος ἄρθρου ὅσον ἀφορᾷ τάς κρώτας ὕλας τάς κροερχομένας ἐκτός τῆς Ἑλλάδος.

Ἄρθρον VI

(Ταξίδια καί Ἐφόδια Περιθάλψεως)

1. Ἡ Ἑλληνικὴ Κυβέρνησις θά συνεργασθῇ μετά τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς εἰς τήν διευκόλυνσιν καί ἐνίσχυσιν τῆς κροαγωγῆς καί ἀνακτύξεως τῶν ταξιδίων τῶν κολιτῶν τῶν Ἡνωμένων Πολιτειῶν εἰς τάς καί ἀνά τάς συμμετεχούσας χώρας.

2. Ἡ Ἑλληνικὴ Κυβέρνησις, τῇ ἐκιθυμίᾳ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά ἀρχίσῃ διακραγματεύσεις διά τήν σύναψιν συμφώνων (κεριλαμβανόντων διατάξεις κερί ἀτελείας ὑκό καταλλήλους διασφαλίσεις) κρός τόν σκοκόν διευκολύνσεως εἰσαγωγῆς ἐν Ἑλλάδι ἐφοδίων κεριθάλψεως δωρηθέντων ἢ ἀγορασθέντων ὑκό ἐθελοντικῶν μή κερδοσκοκικῶν ἀμερικανικῶν ὀργανώσεων κεριθάλψεως, ὡς καί δεμάτων κεριθάλψεως κροερχομένων ἐκ τῶν Ἡνωμένων Πολιτειῶν καί ἀποστελλομένων κρός ἰδιώτας διαμένοντας ἐν Ἑλλάδι.

Article VII

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Greece will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Greece:

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(a) detailed information of projects, programs and measures proposed or adopted by the Government of Greece to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the

Ἄρθρον VII

(Ἀνταλλαγή Ἀπόψεων καί Παροχή Πληροφοριῶν)

1. Ἀμφότεραι αἱ Κυβερνήσεις, τῇ αἰτήσει ἑκατέρας τούτων, θά συμβουλεύωνται ἀλλήλας σχετικῶς μέ τήν ἐφαρμογήν τῆς παρούσης Συμφωνίας ἤ τάς ἐργασίας καί προγράμματα τάς γενομένας κατά τήν Συμφωνίαν ταύτην.

2. Ἡ Ἑλληνική Κυβέρνησις θά παρέχῃ εἰς τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς συμφώνως μέ τύχον καί κατά χρονικά διαστήματα μεταγενεστέρως καθορισθησόμενα ὑπό τῆς τελευταίας ἐν συνεννοήσει μετά τῆς Ἑλληνικῆς Κυβερνήσεως:

α) Λεπτομερεῖς πληροφορίας σχεδίων, προγραμμάτων καί μέτρων προτεινομένων ἤ υἱοθετημένων παρά τῆς Ἑλληνικῆς Κυβερνήσεως διά τήν πραγματοποίησιν τῶν διατάξεων τῆς παρούσης Συμφωνίας καί τῶν Γενικῶν Ὑποχρεώσεων τῆς Συμβάσεως Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας.

β) Πλήρεις ἐκθέσεις τῶν πεπραγμένων ὑπό τήν παροῦσαν Συμφωνίαν, εἰς ἃς θά συμπεριλαμβάνεται καί ἡ γενομένη χρησιμοποίησις κεφαλαίων, ἐφοδίων καί ὑπηρεσιῶν. Αἱ ἐν λόγῳ ἐκθέσεις θά ὑποβάλλωνται τριμηνιαίως.

γ) Πληροφορίας ἀναφορικῶς μέ τήν οἰκονομίαν αὐτῆς ὡς καί κάσας ἄλλας σχετικάς πληροφορίας, αἵτινες ἀναγκαιοῦν διά τήν συμπλήρωσιν τῶν πληροφοριῶν αἵτινες θά λαμβάνωνται ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἐκ τοῦ Ὀργανισμοῦ Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας καί τάς ὁποίας ἡ

Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Government of Greece will assist the Government of the United States of America to obtain information relating to the materials originating in Greece referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Ante, p. 2328.

Κυβέρνησις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς θά κρίνῃ ἀναγκαίας πρός προσοιορισμόν τῆς φύσεως καί τοῦ σκοποῦ τῶν ἐπί τῇ βάσει τοῦ νόμου περί Οἰκονομικῆς Συνεργασίας τοῦ 1948 ἐργασιῶν, ὡς καί πρός ἀξιολόγησιν τῆς ἀποτελεσματικότητος τῆς χορηγηθείσης ἤ ὑπολογιζομένης νά παρασχεθῇ συμφώνως τῇ παρούσῃ Συμφωνίᾳ βοηθείας καί γενικώτερον τῆς ὅλης προόδου τοῦ κοινοῦ προγράμματος ἀνορθώσεως.

3. Ἡ Ἑλληνική Κυβέρνησις θά βοηθήσῃ τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς διά τήν λῆψιν πληροφοριῶν ἐν σχέσει μέ τάς ἀναφερομένας ἐν τῷ ἄρθρῳ V καί προερχομένας ἐξ Ἑλλάδος πρώτας ὕλας, αἱ ὁποῖαι εἶναι ἀπαραίτητοι διά τήν διατύπωσιν καί ἐκτέλεσιν τῶν προβλεπομένων ἐν τῷ ῥηθέντι Ἄρθρῳ συμφωνιῶν.

Article VIII

(Publicity)

1. The Governments of the United States of America and Greece recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Greece will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of Greece will make public in Greece in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

"Αρθρον VIII

('Εκδίωξις Δημοσιότητος)

1. Αί Κυβερνήσεις τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς καί τῆς 'Ελλάδος άναγνωρίζουν ὅτι άποτελεῖ άμοιβαῖον συμφέρον ἡ κλήρης δημοσιότης τῶν σκοκῶν καί τῆς κρόοδου τοῦ κοινοῦ κρογράμματος Εὐρωκαϊκῆς άνορθώσεως ὡς καί τῶν κράξεων κρός κραγματοκοίησιν τούτου. 'Αναγνωρίζεται ὅτι ἡ εὐρεῖα διάδοσις κληροφοριῶν έκί τῆς κρόοδου τοῦ κρογράμματος εἶναι έκιθυμητή διά νά άνακτυχθοῦν τά αἰσθήματα τῆς κοινῆς κροσκαθείας καί άμοιβαίας βοηθείας, ἅτινα εἶναι οὐσιώδη διά τήν κραγματοκοίησιν τῶν έκιδιώξεων τοῦ κρογράμματος.

2. 'Η Κυβέρνησις τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς θά ένθαρρύνῃ τήν διάδοσιν τῶν έν λόγῳ κληροφοριῶν καί θά τάς θέτῃ εἰς τήν διάθεσιν τῶν όργάνων καροχῆς κληροφοριῶν κρός τό κοινόν.

3. 'Η 'Ελληνική Κυβέρνησις θά ένθαρρύνῃ τήν διάδοσιν τοιούτων κληροφοριῶν άκ' εὐθείας καί έν συνεργασίᾳ μετά τοῦ 'Οργανισμοῦ Εὐρωκαϊκῆς Οἰκονομικῆς Συνεργασίας, θά θέτῃ δέ τάς κληροφορίας ταύτας εἰς τήν διάθεσιν τῶν όργάνων καροχῆς κληροφοριῶν κρός τό κοινόν καί θά λάβῃ κᾶν δυνατόν μέτρον κρός διευκόλυνσιν τῆς τοιαύτης διαδόσεως. Θέλει δέ καραχωρεῖ εἰς τάς ἄλλας μετεχούσας χώρας καί εἰς τόν 'Οργανισμόν Εὐρωκαϊκῆς Οἰκονομικῆς Συνεργασίας κᾶσαν κληροφορίαν έκί τῆς κροόδου τοῦ κρογράμματος οἰκονομικῆς άνορθώσεως.

4. 'Η 'Ελληνική Κυβέρνησις θά δημοσιεύῃ έν 'Ελλάδι, καθ' έκάστην τριμηνίαν, κλήρεις έκθέσεις έκί τῶν βάσει τῆς καρούσης Συμφωνίας διεξαγομένων έργασιῶν, συμκεριλαμβανομένων καί κληροφοριῶν ὡς κρός τήν χρησιμοκοίησιν τῶν κεφαλαίων, έφοδίων καί ὑκηρεσιῶν αἵτινες τῇ καρέχονται.

Article IX

(Missions)

1. The Government of Greece agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Greece under this Agreement, and may discharge such of the responsibilities of a non-military character of the Government of the United States of America in Greece under the Agreement of June 20, 1947, as may be decided by the Government of the United States of America. In the discharge of such responsibilities under the Agreement of June 20, 1947, such Special Mission shall be regarded as the equivalent of the American Mission for Aid to Greece, insofar as activities in connection with the furnishing of non-military assistance are concerned, for the purposes of the said Agreement of June 20, 1947, and for the purposes of presently existing private contracts and presently existing agreements, contracts and legislative and executive action of the Government of Greece pursuant to the said Agreement of June 20, 1947.

61 Stat., Pt. 3, p. 2907.

Special Mission as equivalent of American Mission for Aid to Greece.

2. Responsibilities in Greece of the Government of the United States of America under the Agreement of June 20, 1947 which are not by decision of the Government of the United States of America assumed for discharge by the Special Mission for Economic Cooperation will continue to be discharged by the American Mission for Aid to Greece.

Discharge of designated U. S. responsibilities in Greece.
61 Stat., Pt. 3, p. 2907.

3. The Government of Greece agrees to consider the Special Mission and its personnel, and the United States Special Representative in Europe, as a part of the American Mission for Aid to Greece for the purpose of enjoying the privileges and immunities accorded to the

"Αρθρον IX

('Αποστολαί)

1. 'Η 'Ελληνική Κυβέρνησις συμφωνεῖ νά δεχθῆ εἰδικήν 'Αποστολήν Οἰκονομικῆς Συνεργασίας ἥτις θά ἐπιφορτισθῆ μέ τήν ἐκτέλεσιν τῶν ὑπό τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς ἀναληφθεισῶν βάσει τῆς παρούσης Συμφωνίας ὑποχρεώσεων καί ἥτις δυνατόν νά ἐπιφορτισθῆ καί μέ ἐκείνας ἐκ τῶν μή στρατιωτικῆς φύσεως ἁρμοδιοτήτων καί εὐθυνῶν αἵτινες ἀνελήφθησαν ὑπό τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς ἐν 'Ελλάδι διά τῆς Συμφωνίας τῆς 20ῆς 'Ιουνίου 1947, ἅς ἡ Κυβέρνησις αὕτη ἐνδέχεται νά ὁρίσῃ. 'Εν τῇ ἐκπληρώσει τῶν ἐκ τῆς Συμφωνίας τῆς 20ῆς 'Ιουνίου 1947, ἁρμοδιοτήτων καί εὐθυνῶν ἡ ὡς ἄνω εἰδική 'Αποστολή θά θεωρῆται ὡς ἡ ἀντίστοιχος καί ἰσοδύναμος τῆς 'Αμερικανικῆς 'Αποστολῆς Βοηθείας διά τήν 'Ελλάδα (ΑΜΑΙΚ), ὅσον ἀφορᾶ τάς ἐνεργείας διά τήν παροχήν μή στρατιωτικῆς βοηθείας, ἐν τῷ κλαισίῳ τῆς εἰρημένης Συμφωνίας τῆς 20ῆς 'Ιουνίου 1947, τάς ἤδη ὑφιστομένας ἰδιωτικάς συμβάσεις καί συμφωνίας, συμβόλαια καί νομοθετικάς καί ἐκτελεστικάς πράξεις τῆς 'Ελληνικῆς Κυβερνήσεως, αἵτινες διενεργήθησαν κατόκιν τῆς εἰρημένης συμφωνίας τῆς 20ῆς 'Ιουνίου 1947.

2. Αἱ ἁρμοδιότητες καί αἱ εὐθῦναι τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς ἐν 'Ελλάδι, δυνάμει τῆς συμφωνίας τῆς 20ῆς 'Ιουνίου 1947, αἱ ὁποῖαι οὕτω ἀναλαμβάνονται ὑπό τῆς Εἰδικῆς 'Αποστολῆς Οἰκονομικῆς Συνεργασίας κατόκιν ἀποφάσεως τῆς Κυβερνήσεως τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς, θά ἐξακολουθήσουν ἐκπληρούμεναι ὑπό τῆς 'Αμερικανικῆς 'Αποστολῆς Βοηθείας διά τήν 'Ελλάδα (ΑΜΑΙΚ).

3. 'Η 'Ελληνική Κυβέρνησις συμφωνεῖ νά θεωρήσῃ τήν Εἰδικήν 'Αποστολήν καί τό προσωπικόν της, καθώς καί τόν Εἰδικόν 'Αντιπρόσωπον τῶν 'Ηνωμένων Πολιτειῶν ἐν Εὐρώπῃ, ὡς ἀποτελούντας μέρος τῆς 'Αμερικανικῆς 'Αποστολῆς Βοηθείας διά τήν 'Ελλάδα (ΑΜΑΙΚ) ἵνα οὗτοι ἀπολαμβάνουν τῶν προνομίων καί ἀτελειῶν αἵτινες ἐχορηγήθησαν εἰς τήν

American Mission for Aid to Greece and its personnel in Greece.

Courtesies to U. S. Congressional Joint Committee on Foreign Economic Cooperation.

The Government of Greece will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

4. The Government of Greece, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities, necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

'Αμερικανικήν 'Αποστολήν Βοηθείας διά τήν 'Ελλάδα (ΑΜΑΤΚ) καί τό προσωπικόν αὐτῆς ἐν 'Ελλάδι. 'Η 'Ελληνική Κυβέρνησις περαιτέρω θά παρέχῃ τάς προσηκούσας διευκολύνσεις πρός τά μέλη καί τό προσωπικόν τῆς Μικτῆς 'Επιτροπῆς 'Εξωτερικῆς Οἰκονομικῆς Συνεργασίας τοῦ Κογκρέσσου τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς καί θά χορηγῇ εἰς ταῦτα τάς ἀκαιτουμένας εὐκολίας καί βοήθειαν διά τήν ἀποτελεσματικήν ἐκτέλεσιν τῶν καθηκόντων των.

4. 'Η 'Ελληνική Κυβέρνησις θά συνεργάζεται κλήρως, ἀμέσως καί μέσῳ τῶν ἀντιπροσώπων αὐτῆς, μέ τόν 'Οργανισμόν Εὐρωπαϊκῆς Οἰκονομικῆς Συνεργασίας, μέ τήν Εἰδικήν 'Αποστολήν, τόν ἐν Εὐρώπῃ Εἰδικόν 'Αντιπρόσωπον τῶν 'Ηνωμένων Πολιτειῶν τῆς 'Αμερικῆς καί τό προσωπικόν αὐτοῦ, καί τά μέλη καί τό προσωπικόν τῆς Μικτῆς 'Επιτροπῆς. 'Η ἐν λόγῳ συνεργασία θά περιλαμβάνῃ τήν κλήρη παροχήν τῶν πληροφοριῶν καί διευκολύνσεων τῶν ἀναγκαίων διά τήν παρακολούθησιν καί ἐπίβλεψιν τῆς ἐκτελέσεως τῆς παρούσης Συμφωνίας, περιλαμβανομένων τῶν πληροφοριῶν περί τῆς χρήσεως τῆς συμφώνως μέ ταύτην παρεχομένης βοηθείας.

Article X

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Greece agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Greece pursuant to this Article is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

Post, p. 2360.

61 Stat., Pt. 2, p. 1218.

Ἄρθρον X

(Διακανονισμός Ἀπαιτήσεων)

1. Αἱ Κυβερνήσεις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος συμφωνοῦν νά ὑποβάλουν ὑπό τήν κρίσιν τοῦ Διεθνοῦς Δικαστηρίου οἱανδήποτε ἀπαίτησιν ἐγειρομένην ὑπό ἑκατέρας τούτων διά λογαριασμόν ὑπηκόων της ἐναντίον τῆς ἑτέρας Κυβερνήσεως πρός ἀποζημίωσιν διά ζημίαν προκύψασαν ἐκ Κυβερνητικῶν μέτρων (πλήν ἐκείνων ἅτινα ἀφοροῦν ἐχθρικάς περιουσίας ἤ ἐχθρικά συμφέροντα) ληφθέντων μετά τήν 3ην Ἀπριλίου 1948 ὑπό τῆς ἑτέρας Κυβερνήσεως καί θιγόντων τήν περιουσίαν ἤ τά συμφέροντα τῶν ἐν λόγῳ ὑπηκόων, περιλαμβανομένων τῶν συμβολαίων τῶν συναφθέντων μετά τῶν δεόντως ἐξουσιοδοτημένων ἀρχῶν τῆς ἑτέρας Κυβερνήσεως ἤ τῶν ἐκχωρήσεων αἵτινες ἔχουν παραχωρηθῆ ὑπό τῶν οὕτω δεόντως ἐξουσιοδοτημένων ἀρχῶν τῆς ἑτέρας Κυβερνήσεως. Συμφωνεῖται ὅτι ἡ ὑποχρέωσις τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς σχετικῶς μέ ἀπαιτήσεις ἐγειρομένας ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως συμφώνως μέ τό παρόν ἄρθρον, διέπεται ὑπό τῆς ἐξουσίας, καί περιορίζεται ὑπό τῶν ὅρων καί συμφωνιῶν, τῆς ἀναγνωρίσεως ὑπό τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς τῆς ἀναγκαστικῆς δικαιοδοσίας τοῦ Διεθνοῦς Δικαστηρίου, κατά τό ἄρθρον 36 τοῦ Καταστατικοῦ αὐτοῦ, ὡς ἐκτίθεται ἡ ἀναγνώρισις αὕτη εἰς τήν Δήλωσιν τοῦ Προέδρου τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς τῆς 14ης Αὐγούστου 1946. Αἱ διατάξεις τῆς παρούσης παραγράφου οὐδόλως ἀποκλείουν τά τυχόν ὑπάρχοντα δικαιώματα προσφυγῆς οἱασδήποτε ἐκ τῶν δύο Κυβερνήσεων εἰς τό Διεθνές Δικαστήριον ἤ τήν ἔγερσιν καί κατάθεσιν ἀπαιτήσεων βασιζομένων ἐπί κατ' ἰσχυρισμόν παραβιάσεως, ἐκ μέρους ἑκατέρας Κυβερνήσεως, δικαιωμάτων καί ὑποχρεώσεων ἐκ συνθηκῶν, συμφωνιῶν ἤ ἀρχῶν τοῦ Διεθνοῦς Δικαίου.

Post, p. 2360.

2. The Governments of the United States of America and Greece further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI

(Definitions)

"Participating country."

As used in this Agreement the term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

2. Αἱ Κυβερνήσεις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλλάδος συμφωνοῦν περαιτέρω ὅτι αἱ τοιαῦται ἀκαιτήσεις δύνανται νά παρακέμκωνται, ἀντί εἰς τό Διεθνές Δικαστήριον, εἰς οἱονδήκοτε διαιτητικόν δικαστήριον συμφωνούμενον ἀκό κοινοῦ.

3. Συμφωνεῖται περαιτέρω ὅτι οὐδεμία τῶν Κυβερνήσεων θά ἐγείρῃ ἀκαίτησίν τινα, συμφώνως τῷ παρόντι ἄρθρῳ, εἰ μή μόνον ἀφοῦ ὁ ὑκήκοός της ἐξαντλήσει κᾶν ὑκάρχον ἔνδικον μέσον εἰς τά διοικητικά καί τακτικά Δικαστήρια τῆς χώρας ἐν τῇ ὁκοίᾳ κροέκυψεν ἡ ἀκαίτησις.

Ἄρθρον XI

(Ὁρισμοί)

Ὁ ὅρος "Μετέχον Κράτος" ὡς χρησιμοκοιεῖται ἐν τῇ παρούσῃ Συμφωνίᾳ σημαίνει:

(I) Πᾶν Κράτος ὑκογράψαν τήν Ἔκθεσιν τῆς Ἐκιτροκῆς τῆς Εὐρωκαϊκῆς Οἰκονομικῆς Συνεργασίας ἐν Παρισίοις τήν 22αν Σεκτεμβρίου 1947, καθώς καί τά ἐδάφη διά τά ὁκοῖα τοῦτο ἔχει ἀναλάβει διεθνεῖς εὐθύνας, καί διά τά ὁκοῖα ἔχει ἐφαρμοσθῇ ἡ Συμφωνία Οἰκονομικῆς Συνεργασίας ἡ συναφθεῖσα μεταξύ τοῦ ἐν λόγῳ Κράτους καί τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, καί

(II) Πᾶν ἄλλο Κράτος (περιλαμβανομένων κασῶν τῶν κατεχομένων ζωνῶν τῆς Γερμανίας καί τῶν περιοχῶν τῶν τελουσῶν ὑκό διεθνῆ διοίκησιν ἤ ἔλεγχον, καί τῆς Ἐλευθέρας Περιοχῆς τῆς Τεργέστης ἤ ἑκατέρας τῶν ζωνῶν αὐτῆς) κείμενον ὁλικῶς ἤ μερικῶς ἐν Εὐρώκῃ, ὁμοῦ μετά τῶν ἐκ τούτου ἐξαρτωμένων καί διοικουμένων περιοχῶν,

ἐφ' ὅσον τό ἐν λόγῳ Κράτος ἀκοτελεῖ συμβαλλόμενον μέρος ἐν τῇ Συμβάσει Εὐρωκαϊκῆς Οἰκονομικῆς Συνεργασίας καί ἀκοδέχεται τό κοινόν κρόγραμμα Εὐρωκαϊκῆς Ἀνορθώσεως τό ἀκοσκοκοῦν εἰς τήν ἐκίτευξιν τῶν ἐκιδιώξεων τῆς παρούσης Συμφωνίας.

Article XII

(Relation to Agreement of June 20, 1947)

The Government of the United States of America and the Government of Greece hereby agree that it is their intention that the present Agreement shall be considered to be in addition to, and not in substitution for, the Agreement between the Government of the United States of America and the Government of Greece, executed June 20, 1947, (including the provisions of a Note, dated June 15, 1947, of the Government of Greece to the Government of the United States of America which is referred to in said Agreement of June 20, 1947) relating to assistance to be rendered to the Government of Greece under the Act of Congress of the United States of America approved May 22, 1947 (Public Law 75, 80th Congress), and any Acts amendatory or supplementary thereto; and the various undertakings of the Government of Greece therein contained, insofar as they relate to non-military matters, shall apply equally to all assistance rendered by the Government of the United States of America to the Government of Greece under the present Agreement relating to the participation of the Government of Greece in the European recovery program, except as may hereafter be specifically agreed to by the Government of the United States of America and the Government of Greece.

61 Stat., Pt. 3, p. 2907.

61 Stat., Pt. 1, p. 103.
22 U.S.C., Supp. I, §§ 1401-1408.

Ἄρθρον XII

(Συσχέτισις πρός τήν Συμφωνίαν τῆς 20ης Ἰουνίου 1947)

Αἱ Κυβερνήσεις τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλλάδος συμφωνοῦν διά τοῦ παρόντος ὅτι πρόθεσις αὐτῶν τυγχάνει ὅπως ἡ παροῦσα Συμφωνία θεωρηθῇ ὡς συμπληροῦσα καί οὐχί ὡς ὑποκαθιστῶσα τήν συμφωνίαν τήν συναφθεῖσαν μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλληνικῆς Κυβερνήσεως τήν 20ην Ἰουνίου 1947 (περιλαμβανομένων καί τῶν διατάξεων τῆς Διακοινώσεως τῆς 15ης Ἰουνίου 1947 τῆς Ἑλληνικῆς Κυβερνήσεως πρός τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς, ἥτις ἀναφέρεται εἰς τήν ἐν λόγῳ Συμφωνίαν τῆς 20ης Ἰουνίου 1947) τήν σχετικήν μέ τήν παροχήν βοηθείας πρός τήν Ἑλληνικήν Κυβέρνησιν, συμφώνως πρός τόν ἐγκριθέντα ὑπό τοῦ Κογκρέσσου τῶν Ἡνωμένων Πολιτειῶν Νόμον τῆς 22ας Μαΐου 1947 (Νόμος 75, 80στοῦ Κογκρέσσου) ὡς συνεκληρώθη καί ἐτροποποιήθη.

Αἱ δέ ἐν αὐτῇ ποικίλλαι ὑποχρεώσεις τῆς Ἑλληνικῆς Κυβερνήσεως ἐφ' ὅσον ἀφοροῦν μή στρατιωτικῆς φύσεως ζητήματα θά ἰσχύουν ὁμοιομόρφως ἐπί πάσης φύσεως βοηθείας παρασχεθησομένης ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς πρός τήν Ἑλληνικήν Κυβέρνησιν συμφώνως τῇ παρούσῃ Συμφωνίᾳ περί τῆς συμμετοχῆς τῆς Ἑλλάδος εἰς τό πρόγραμμα Εὐρωπαϊκῆς Ἀνορθώσεως, ἐκτός ἄν ἄλλως ἤθελε βραδύτερον εἰδικῶς συμφωνηθῇ μεταξύ τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς καί τῆς Ἑλληνικῆς Κυβερνήσεως.

Article XIII

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall be subject to ratification by the Government of G reece. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2352.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(a) six months after the date of such notice of intention to terminate, or

[1] Entered into force July 3, 1948, the date on which the Greek Ministry of Foreign Affairs gave notice to the American Embassy at Athens of ratification of the agreement by the Chamber of Deputies of Greece.

Ἄρθρον XIII

(Ἔναρξις Ἰσχύος, Τροποποιήσεις, Διάρκεια)

1. Ἡ παροῦσα Συμφωνία θά κυρωθῇ ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως. Θά τεθῇ δέ ἐν ἰσχύϊ τήν ἡμέραν καθ' ἣν θά γνωστοποιηθῇ ἡ τοιαύτη κύρωσις πρός τήν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς. Θά ἰσχύῃ δέ μέχρι τῆς 30ης Ἰουνίου 1953, κατά τούς ὅρους τῶν παραγράφων 2 καί 3 τοῦ παρόντος Ἄρθρου. Ἐάν δέ ἓξ τουλάχιστον μῆνας πρό τῆς 30ης Ἰουνίου 1953 ἑκατέρα τῶν Κυβερνήσεων δέν τήν καταγγείλῃ ἐγγράφως θά ἐξακολουθήσῃ ἰσχύουσα καί κέραν τῆς ἡμερομηνίας ταύτης μέχρι τῆς παρόδου ἓξ μηνῶν ἀπό τῆς ἡμερομηνίας τῆς ἐκδόσεως τῆς καταγγελίας.

2. Ἐάν κατά τήν διάρκειαν τῆς ἰσχύος τῆς παρούσης Συμφωνίας ἑκατέρα τῶν Κυβερνήσεων κρίνῃ ὅτι ἐπῆλθε οὐσιώδης τις μεταβολή εἰς τάς βασικάς προϋποθέσεις ταύτης, θά εἰδοποιῇ περί τούτου ἐγγράφως τήν ἑτέραν Κυβέρνησιν, ἀμφότεραι δέ αἱ Κυβερνήσεις θά συμβουλευθοῦν ἀλλήλας πρός τόν σκοπόν τῆς ἐπιτεύξεως συμφωνίας σχετικῶς μέ τήν τροποποίησιν, ἀλλαγήν ἤ λῆξιν τῆς παρούσης Συμφωνίας. Ἐάν μετά παρέλευσιν τριμήνου ἀπό τῆς τοιαύτης εἰδοποιήσεως δέν ἔχῃ ἐπέλθῃ συμφωνία μεταξύ τῶν δύο Κυβερνήσεων ἀναφορικῶς μέ τά διά τήν περίπτωσιν ληπτέα μέτρα, ἑκατέρα τῶν Κυβερνήσεων θά δύναται νά καταγγείλῃ τήν παροῦσαν συμφωνίαν. Ἐν τοιαύτῃ περιπτώσει κατά τάς διατάξεις τῆς παραγράφου 3 τοῦ παρόντος ἄρθρου, ἡ παροῦσα Συμφωνία θά τερματίζεται:

α) Εἴτε 6 μῆνας ἀπό τῆς ἐκδόσεως τῆς καταγγελίας

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Greece are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

Ante, pp. 2328, 2336.

provided however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Ante, p. 2312.

Article IV shall remain in effect until all the sums in the currency of Greece required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of

Ante, p. 2310.

Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2350.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

β) Εἴτε μετά κατάληξιν οἱουδήποτε βραχυτέρου χρονικοῦ διαστήματος ὅπερ ἤθελε συμφωνηθῆ ὡς ἐπαρκές ἵνα διασφαλισθῆ ὅτι αἱ ὑπό τῆς Ἑλληνικῆς Κυβερνήσεως ἀναληφθεῖσαι ὑποχρεώσεις ἔχουσιν ἐκτελεσθῆ ὅσον ἀφορᾷ οἱανδήποτε βοήθειαν ἥτις πιθανόν νά ἐξακολουθήσῃ χορηγουμένη ὑπό τῆς Ἀμερικανικῆς Κυβερνήσεως πέραν τῆς ἡμερομηνίας ἐκπνοῆς τῆς τοιαύτης καταγγελίας, ὑπό τόν ὅρον πάντως ὅτι τό ἄρθρον V καί ἡ παράγραφος 3 τοῦ ἄρθρου VII θά ἐξακολουθήσουν ἰσχύοντα ἐπί δύο εἰσέτι ἔτη μετά τήν καταγγελίαν τῆς Συμφωνίας καί πάντως ὄχι βραδύτερον τῆς 30ης Ἰουνίου 1963.

3. Δευτερεύουσαι συμφωνίαι καί συμβάσεις συναπτόμεναι ἐπί τῇ βάσει τῆς παρούσης δύνανται νά παραμένωσιν ἐν ἰσχύϊ καί πέραν τῆς λήξεως αὐτῆς, ὁ δέ χρόνος τῆς ἰσχύος τῶν τοιούτων δευτερευουσῶν συμφωνιῶν καί συμβάσεων θά διέπεται ὑπό ὅρων περιλαμβανομένων εἰς αὐτάς. Τό ἄρθρον IV θά παραμείνῃ ἐν ἰσχύϊ μέχρις ὅτου ὅλα τά εἰς δραχμάς κοσά ἄτινα ἀπαιτεῖται ὅπως κατατίθενται δυνάμει τοῦ ἄρθρου τούτου, διατεθοῦν συμφώνως μέ τούς ἐν αὐτῷ ὅρους. Ἡ παράγραφος 2 τοῦ ἄρθρου III θά παραμείνῃ ἐν ἰσχύϊ δι' ὅσον χρονικόν διάστημα ἀπαιτηθῆ ἵνα αἱ ἐγγυητικαί καταβολαί αἱ ἀναφερόμεναι ἐν αὐτῷ πραγματοποιηθοῦν ὑπό τῆς Κυβερνήσεως τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

4. Ἡ παροῦσα Συμφωνία δύναται νά τροποποιῆται οἱοτεδήποτε κατόπιν συμφωνίας τῶν δύο Κυβερνήσεων.

5. Τό παράρτημα τῆς παρούσης Συμφωνίας ἀποτελεῖ μέρος αὐτῆς.

6. Ἡ παροῦσα Συμφωνία θά καταχωρηθῆ παρά τῇ Γενικῇ Γραμματείᾳ τοῦ Ὀργανισμοῦ Ἡνωμένων Ἐθνῶν.

Εἰς πίστωσιν ὅθεν τῶν ἀνωτέρω οἱ ἁρμόδιοι ἀντιπρόσωποι, δεόντως πρός τοῦτο ἐξουσιοδοτημένοι, ὑπέγραψαν τήν παροῦσαν Συμφωνίαν.

Authentic texts.

DONE at Athens, in duplicate, in the English and Greek languages, both texts authentic, this second day of July, 1948.

For the Government of the United States of America:

K. L. Rankin
Chargé d'Affaires ad Interim

For the Government of Greece:

Constantine Tsaldaris
Deputy Prime Minister and Minister
for Foreign Affairs

Ἐγένετο ἐν Ἀθήναις, εἰς διπλοῦν, εἰς τὴν Ἀγγλικὴν καὶ Ἑλληνικήν, ἀμφοτέρων τῶν κειμένων θεωρουμένων ὡς αὐθεντικῶν, τῇ 2ᾳ Ἰουλίου 1948.

Διὰ τὴν Κυβέρνησιν τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς:

K. L. Ράνκιν
Ἐκπεπιστευμένος

Διὰ τὴν Ἑλληνικὴν Κυβέρνησιν:

Κωνσταντῖνος Τσαλδάρης
Ἀντιπρόεδρος τῆς Κυβερνήσεως καὶ
Ὑπουργὸς ἐπὶ τῶν Ἐξωτερικῶν

ANNEX

Interpretative Notes

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2304.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2306.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

Ante, p. 2308.

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which,

ΠΑΡΑΡΤΗΜΑ

Ἑρμηνευτικαί Δηλώσεις

1. Συμφωνεῖται ὅτι αἱ διατάξεις τῆς παραγράφου 1(α) τοῦ Ἄρθρου II σχετικῶς μέ τήν λῆψιν μέτρων διά τήν ἱκανοποιητικήν χρησιμοποίησιν πόρων, περιλαμβάνουν ὡς πρός τά ἐφόδια τά χορηγούμενα βάσει τῆς παρούσης Συμφωνίας, τήν λῆψιν ἀποτελεσματικῶν μέτρων διά τήν ἀσφαλῆ φύλαξιν τῶν τοιούτων ἐφοδίων καί διά τήν παρεμπόδισιν τῆς διαρροῆς αὐτῶν εἰς παρανόμους ἤ μή κανονικάς ἀγοράς εἰς τό ἐμπόριον.

2. Συμφωνεῖται ὅτι ἡ ὑποχρέωσις τῆς παραγράφου 1(γ) τοῦ Ἄρθρου II, πρός ἰσοσκέλισιν τοῦ προϋπολογισμοῦ τό ταχύτερον δυνατόν, δέν ἀποκλείει ὕπαρξιν ἐλλειμμάτων διά βραχύ χρονικόν διάστημα, ἀλλά σημαίνει τήν μακράς προοπτικῆς πολιτικήν ἰσοσκελισμένου προϋπολογισμοῦ.

3. Συμφωνεῖται ὅτι αἱ εἰς τήν 3ην παράγραφον τοῦ Ἄρθρου II ἀναφερόμεναι μέθοδοι ἐργασίας αἱ διέπουσαι τό ἐμπόριον καί τήν ἐπιχείρησιν ἑρμηνεύονται ὡς ἑξῆς:

α) Καθορισμός τιμῶν, ὅρων καί συμφωνιῶν ἰσχυουσῶν ἐπί ἀγοραπωλησιῶν καί μισθώσεων προϊόντων.

β) Ὁ ἀποκλεισμός ἐπιχειρήσεων ἤ ἡ ἀποκλειστική παραχώρησις ἤ διαίρεσις, οἱασδήποτε τοπικῆς ἀγορᾶς ἤ πεδίου ἐμπορικῆς δράσεως ὡς καί ἡ κατανομή πελατείας καί ἡ δημιουργία δυναμικοτήτων ἐμπορικῶν ἀγοραπωλησιῶν.

γ) Ἡ διαφορετική μεταχείρισις ἑνίων ἐπιχειρήσεων

δ) Ὁ περιορισμός τῆς παραγωγῆς καί ὁ καθορισμός δυναμικοτήτων παραγωγῆς.

ε) Ἡ δυνάμει συμφωνίας παρεμπόδισις τῆς ἀνακτύξεως ἤ ἐφαρμογῆς τεχνικῶν μεθόδων ἤ ἐφευρέσεων προστατευομένων διά δικαίωμάτος εὑρεσιτεχνίας ἤ μή.

στ) Ἡ ἐπέκτασις τῆς χρησιμοποιήσεως δικαιωμάτων βιομηχανικῆς ἰδιοκτησίας (δικλώματα, ἐμπορικά σήματα) καί πνευματικῆς ἰδιοκτησίας παραχωρουμένων ὑπό ἑκατέρας Χώρας διά θέματα τά ὁποῖα

according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of Greece is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2308.

Ante, p. 2328.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Greece for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

6. It is understood that the Government of Greece will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2334.

συμφώνως μέ τήν ἰσχύουσαν νομοθεσίαν αὐτῆς, δέν περιλαμβάνονται εἰς τό πλαίσιον τῶν ρηθεισῶν παραχωρήσεων καί ἡ ἐκέκτασις τῆς ἐν λόγῳ χρησιμοποιήσεως εἰς προϊόντα ἤ ὄρους παραγωγῆς, χρήσεως ἤ κωλήσεως, ἅτινα ὡσαύτως δέν ἀποτελοῦν ἀντικείμενα τῶν ἐν λόγῳ παραχωρήσεων.

ζ) Πᾶσα ἑτέρα ἐμπορική μέθοδος ἡ ὁποία ἤθελε περιληφθῆ κατόπιν συμφωνίας τῶν δύο Κυβερνήσεων.

4. Συμφωνεῖται ὅτι ἡ Ἑλληνική Κυβέρνησις ὑποχρεοῦται εἰς ὡρισμένας περιπτώσεις συμφώνως τῇ παρ. 3 (τοῦ ἄρθρ. 2) νά ἐνεργῇ μόνον κατόπιν εἰδικῆς ἐρεύνης καί ἐξετάσεως.

5. Συμφωνεῖται ὅτι ἡ φράσις τοῦ ἄρθρου 5 "λαμβανομένων ὑπ' ὄψιν τῶν εὐλόγων ἀναγκῶν τῆς Ἑλλάδος διά τήν ἐν τῇ χώρᾳ χρησιμοποίησιν" περιλαμβάνει τήν διατήρησιν εὐλόγων ἀποθεμάτων ἐκ τῶν ἐν λόγῳ προϊόντων ὑλῶν καί ὅτι ἡ φράσις "ἐμπορική ἐξαγωγή" δύναται νά περιλαμβάνῃ καί συμφωνίας ἀνταλλαγῶν. Γίνεται ἐπίσης δεκτόν ὅτι συμφωνίαι ὑπό διαπραγμάτευσιν κατά τό Ἄρθρον Υ δύνανται νά προβλέπωσι προσηκόντως περί ἀμοιβαίας συνεννοήσεως συμφώνως πρός τάς ἀρχάς τοῦ Ἄρθρου 32 τοῦ Χάρτου τῆς Ἀβάνας τοῦ Διεθνοῦς Ὀργανισμοῦ Ἐμπορίου εἰς περίπτωσιν ἐκκαθαρίσεως ἀποθεμάτων.

6. Συμφωνεῖται ὅτι δέν θά ζητηθῇ παρά τῆς Ἑλληνικῆς Κυβερνήσεως ἡ παροχή τῶν κατά τήν παράγραφον 2(α) τοῦ Ἄρθρου ΥΙΙ λεπτομερῶν πληροφοριῶν σχετικῶς μέ μικράς σημασίας σχέδια, ἤ ἐμπιστευτικῶν ἐμπορικῶν ἤ τεχνικῶν πληροφοριῶν, ἡ ἀποκάλυψις τῶν ὁποίων θά παρέβλαπτε νόμιμα ἐμπορικά συμφέροντα.

7. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Ante, p. 2346.

8. It is understood that if the Government of Greece should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines: "It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court."

59 Stat. 1060.

Ante, p. 2344.

7. Γίνεται ἀποδεκτόν ὅτι αἱ συμφωνίαι αἱ συναφθησόμεναι κατά τήν παραγρ. 2 τοῦ Ἄρθρου X ὑποκείνται εἰς ἐκτύρωσιν ὑπό τῆς Γερουσίας τῶν Ἡνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

8. Συμφωνεῖται ὅτι ἐν ᾗ περιπτώσει ἡ Ἑλληνική Κυβέρνησις ἤθελεν ἀποδεχθῆ τήν ὑποχρεωτικήν δικαιοδοσίαν τοῦ Διεθνοῦς Δικαστηρίου κατά τό ἄρθρον 36 τοῦ Καταστατικοῦ τοῦ Δικαστηρίου ἐπί ἀποδεκτοῖς ὅροις καί συμφωνίαις, αἱ δύο Κυβερνήσεις θά συμβουλευθῶσιν ἀλλήλας μέ τήν πρόθεσιν νά ἀντικαταστήσουν τήν δευτέραν πρότασιν τῆς παραγρ. 1 τοῦ Ἄρθρου X διά διατάξεων ἐν τῷ πνεύματι τῶν ἐπομένων: "Συμφωνεῖται ὅτι ἡ ὑποχρέωσις ἑκάστης Κυβερνήσεως σχετικῶς πρός ἀναιτήσεις ἐγειρομένας ὑπό τῆς ἑτέρας Κυβερνήσεως κατά τήν παροῦσαν παράγραφον διέπεται δι' ἑκάστην Κυβέρνησιν ὑπό τῆς ἐξουσιοδοτήσεως καί περιορίζεται ὑπό τῶν ὅρων καί συμφωνιῶν, ἐκείνης τῆς πραγματικῆς ἀναγνωρίσεως, ἡ ὁποία ἔχει γίνει μέχρι σήμερον, τῆς ἀναγκαστικῆς δικαιοδοσίας τοῦ Διεθνοῦς Δικαστηρίου κατά τό ἄρθρ. 36 τοῦ Καταστατικοῦ τοῦ Δικαστηρίου".

Agreement between the United States of America and Iceland respecting economic cooperation under Public Law 472, 80th Congress. Signed at Reykjavik July 3, 1948; entered into force July 3, 1948.

July 3, 1948
[T. I. A. S. 1787]

ECONOMIC COOPERATION AGREEMENT

BETWEEN THE UNITED STATES OF AMERICA AND ICELAND

PREAMBLE

Principles of Agreement.

The Governments of the United States of America and Iceland:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Iceland has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris

INNGANGUR

Ríkisstjórnir Bandaríkja Ameríku og Íslands:

eru þeirrar skoðunar, að það sé að miklu leyti undir því komið, að fenginn verði heilbrigður efnahagslegur grundvöllur, öruggt efnahagslegt samband ríkjanna og því, að þjóðir Evrópu geti orðið efnahagslega óháðar óvenjulegri utanaðkomandi aðstoð, hvort takast muni að koma aftur á fót eða viðhalda grundvallarreglum einstaklingsfrelsis, frjálsu stjórnskipulagi og sönnu sjálfstæði í ríkjum Evrópu;

eru þeirrar skoðunar, að öflugur og velmegandi efnahagur Evrópu sé skilyrði fyrir því, að markmiðum Sameinuðu þjóðanna verði náð;

álíta, að til þess að hægt sé að skapa ofangreindar aðstæður, sé nauðsynlegt, að gerð verði áætlun um viðreisn Evrópu á grundvelli eigin átaka og gagnkvæmrar samvinnu, er öll ríki, sem samvinnu hafa um slíka áætlun, geti gerzt aðilar að, og sé áætlunin byggð á öflugum framleiðsluátökum, aukningu útflutningsverzlunar, sköpun eða viðhaldi öryggis í innanlandsfjármálum og eflingu efnahagslegrar samvinnu, þar með taldar allar mögulegar leiðir til þess að koma á og viðhalda réttu gengi og draga úr viðskiptahömlum;

hafa í huga, að ríkisstjórn Íslands hefur til eflingar ofangreindum meginreglum gerzt aðili ásamt öðrum þjóðum, sem sama sinnis eru, að samningi um efnahagssamvinnu Evrópu, er undirritaður

on April 16, 1948,[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Iceland is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Iceland has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Iceland, and the measures which the two Governments will take individually and together in furthering the recovery of Iceland as an integral part of the joint program for European recovery;

Have agreed as follows:

ARTICLE I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Iceland, by making available to the Government of Iceland or to any person, agency or organization designated by the latter Government such assistance as may be requested by it

[1] Department of State publication 3145.

var í París hinn 16. apríl 1948, en aðilar þess samnings hafa komið sér saman um að hefjast þegar handa um sameiginlega viðreisnaráætlun og framkvæmd hennar, og að Ísland er aðili að Efnahagssamvinnustofnun Evrópu, sem komið hefur verið á fót samkvæmt ákvæðum téðs samnings;

hafa og í huga, að ríkisstjórn Bandaríkja Ameríku hefur til eflingar ofangreindum meginreglum samþykkt lög frá 1948 um efnahagssamvinnu, þar sem gert er ráð fyrir því, að Bandaríki Ameríku veiti aðstoð þeim þjóðum, sem þátt taka í sameiginlegri áætlun um viðreisn Evrópu, til þess að þær þjóðir geti með eigin átökum og samvinnu sín á milli orðið óháðar óvenjulegri utanaðkomandi efnahagsaðstoð;

minnast þess, að ríkisstjórn Íslands hefur þegar lýst fylgi sínu við markmið og stefnu laga frá 1948 um efnahagssamvinnu;

telja æskilegt að lýsa þeim reglum, sem samkomulag hefur orðið um að farið skuli eftir við veitingu aðstoðar af hálfu ríkisstjórnar Bandaríkja Ameríku samkvæmt lögum frá 1948 um efnahagssamvinnu og viðtöku aðstoðar af hálfu ríkisstjórnar Íslands, svo og ráðstöfunum þeim, sem ríkisstjórnirnar munu gera hvor í sínu lagi og í sameiningu til eflingar viðreisn á Íslandi, sem er beinn þáttur í hinni sameiginlegu áætlun um viðreisn Evrópu;

og hafa þær því orðið ásáttar um eftirfarandi atriði:

I. GREIN

(Aðstoð og samvinna)

1. Ríkisstjórn Bandaríkja Ameríku tekst á hendur að veita Íslandi aðstoð með því að gefa ríkisstjórn Íslands, eða einstaklingi, félagi eða stofnun, sem hún tilnefnir, kost á þeirri aðstoð, sem hún kann að óska eftir og ríkisstjórn Bandaríkja Ameríku samþykkir að láta í té. Ríkisstjórn Bandaríkja

and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Iceland only such commodities, services and other assistance as are authorized to be made available by such acts.

62 Stat., Pt. 1, p. 137.

2. The Government of Iceland, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Iceland reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Iceland and procured from areas outside the United States of America, its territories and possessions, the Government of Iceland will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable

Ameríku mun veita téða aðstoð í samræmi við og að viðlögðum öllum ákvæðum, skilyrðum og brottfallsgreinum laga frá 1948 um efnahagssamvinnu, laga um breytingu á og viðauka við bau lög og fjárveitingalaga í framhaldi af þeim, og mun einungis gefa ríkisstjórn Íslands kost á þeim vörum, þjónustu og annarri aðstoð, sem heimiluð er samkvæmt slíkum lögum.

2. Ríkisstjórn Íslands mun með eigin átökum og fyrir atbeina Efnahagssamvinnustofnunar Evrópu og í samræmi við samninginn um efnahagssamvinnu Evrópu, sem undirritaður var í París hinn 16. apríl 1948, ásamt öðrum þátttökuríkjum gera virkar tilraunir til þess að ná sem fyrst með sameiginlegri viðreisnaráætlun þeim efnahagsaðstæðum í Evrópu, sem nauðsynlegar eru varanlegum friði og velmegun og til þess að gera ríkjum Evrópu, sem þátt taka í slíkri sameiginlegri áætlun, fært að verða óháð óvenjulegri utanaðkomandi aðstoð innan gildistímabils samnings þessa. Ríkisstjórn Íslands staðfestir þann ásetning sinn að gera ráðstafanir til þess að framkvæma ákvæði hinna almennu skuldbindinga, sem greindar eru í samningi um efnahagssamvinnu Evrópu, að halda áfram að taka virkan þátt í störfum Efnahagssamvinnustofnunar Evrópu og að halda áfram að fylgja markmiðum og stefnu laga frá 1948 um efnahagssamvinnu.

3. Að því er snertir aðstoð, sem ríkisstjórn Bandaríkja Ameríku veitir Íslandi og útveguð er utan Bandaríkja Ameríku, lendna þeirra eða eignarlanda, mun ríkisstjórn Íslands hafa samvinnu við ríkisstjórn Bandaríkja Ameríku um að tryggja, að það sem útvegað er, fáist með sanngjörnu verði og með sanngjörnum skilyrðum og þannig, að þeir dollarar, sem það ríki öðlast,

terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

ARTICLE II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Iceland will use its best endeavours:

Measures for practical use of resources. *Post*, p. 2400.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Iceland in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets and earnings therefrom which belong to nationals of Iceland and which

er aðstoð er útveguð frá, verði notaðir á þann hátt, sem samrýmanlegur er þeim ráðstöfunum, sem ríkisstjórn Bandaríkja Ameríku gerir í samráði við hlutaðeigandi ríki.

II. GREIN

(Almennar skuldbindingar)

1. Í þeim tilgangi að viðreisn Íslands megi ná sem fyllstum árangri fyrir atbeina aðstoðar þeirrar, sem fengin er hjá ríkisstjórn Bandaríkja Ameríku, mun ríkisstjórn Íslands gera sitt ítrasta til þess:

a) að gera eða halda áfram þeim ráðstöfunum, sem nauðsynlegar eru til þess að tryggja hagkvæma og hagsýna notkun allra auðlinda, sem hún hefur umráð yfir, þar á meðal.

(i) þær ráðstafanir, sem nauðsynlegar kunna að vera til þess að tryggja það, að vörur þær og þjónusta, sem fengnar eru fyrir aðstoð, sem veitt er samkvæmt samningi þessum, séu notaðar á þann hátt, sem samrýmanlegur er samningi þessum og, eftir því sem við verður komið, hinum almennu markmiðum, sem fram koma í ákvæðunum, er ríkisstjórn Íslands lætur í té til stuðnings þörfum sínum fyrir aðstoð, er veitt sé af ríkisstjórn Bandaríkja Ameríku;

(ii) athugun og endurskoðun á hagnýtingu slíkra auðlinda með ströngu eftirlitskerfi, sem samþykkt sé af Efnahagssamvinnustofnun Evrópu; og

(iii) að því leyti, sem því verður við komið, ráðstafanir til að hafa upp á, finna eigendur að og nota á viðeigandi hátt til eflingar sameiginlegri áætlun um viðreisn Evrópu, eignir og tekjur af þeim, sem

are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Iceland to dispose of such assets;

Development of production.

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Iceland to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of transportation facilities and food;

Maintenance of financial stability.
Post, p. 2400.

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system;

Stimulation of trade.

(d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the

tilheyra íslenzkum ríkisborgurum og eru innan Bandaríkja Ameríku, lendna þeirra eða eignarlanda. Með ákvæði þessu er engin skylda lögð á ríkisstjórn Bandaríkja Ameríku til þess að aðstoða við framkvæmd slíkra ráðstafana né á ríkisstjórn Íslands til að ráðstafa slíkum eignum.

b) að efla framleiðslu iðnaðar- og akuryrkjuvara á heilbrigðum efnahagslegum grundvelli, að ná þeim framleiðslumarkmiðum, sem sett kunna að verða fyrir atbeina Efnahagssamvinnustofnunar Evrópu, og að láta ríkisstjórn Bandaríkja Ameríku í té - þegar hún óskar þess - nákvæmar tillögur um tilteknar framkvæmdir, sem ríkisstjórn Íslands hefur í hyggju að gerðar verði að verulegu leyti fyrir aðstoð, sem fáanleg verður samkvæmt þessum samningi, þ.á m., eftir því sem við verður komið, áætlanir um aukna framleiðslu samgöngutækja og matvæla;

c) að koma gjaldmiðli sínum í traust horf, koma á eða viðhalda réttu gengi, afnema halla á fjárlögum, svo fljótt sem því verður við komið, koma á eða viðhalda tryggi í innanlandsfjármálum og yfirleitt að endurreisa eða viðhalda trausti á peningamálum sínum; og

d) að hafa samvinnu við önnur þátttökuríki um að auðvelda og efla vaxandi skipti á vörum og þjónustu milli þátttökuríkjanna og við önnur ríki og að draga úr hömlum af hálfu einstaklinga og þess opinbera í viðskiptum milli ríkjanna og gagnvart öðrum ríkjum.

2. Með hliðsjón af 8. gr. samningsins um efnahagssamvinnu Evrópu, þar sem gert er ráð fyrir fullkominni og hagnýtri notkun mannafla, sem fyrir hendi er í þátttökuríkjunum,

Government of Iceland will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2400, 2402.

3. The Government of Iceland will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

ARTICLE III

(Guaranties)

1. The Governments of the United States of America and Iceland will, upon the request of either Government, consult respecting projects in Iceland proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b)(3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2396.

2. The Government of Iceland agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any krónur, or credits in krónur, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

mun ríkisstjórn Íslands taka til velviljaðrar athugunar tillögur, sem gerðar eru í samráði við Alþjóðaflóttamannastofnunina og miða að sem fullkomnastri hagnýtingu mannafla, sem fyrir hendi er í einhverju þátttökuríkjanna, til þess að náð verði markmiðum samnings þessa.

3. Ríkisstjórn Íslands mun gera þær ráðstafanir, sem hún telur viðeigandi og mun hafa samvinnu við önnur þátttökuríki um að koma í veg fyrir að beitt verði af hálfu verzlunarfyrirtækja einstaklinga eða opinberra aðila þeim verzlunaraðferðum eða ráðstöfunum á sviði millirikjaverzlunar, sem torvelda samkeppni, takmarka aðgang að mörkuðum eða stuðla að einokunarfyrirkomulagi, þegar slíkar aðferðir eða ráðstafanir verða til þess að hefta framgang hinnar sameiginlegu áætlunar um viðreisn Evrópu.

III. GREIN

(Ábyrgðir)

1. Ríkisstjórnir Íslands og Bandaríkja Ameríku munu, þegar önnur þeirra óskar þess, hafa viðræður um áætlanir á Íslandi, sem ríkisborgarar Bandaríkja Ameríku hafa gert tillögu um og ríkisstjórn Bandaríkja Ameríku getur á viðeigandi hátt ábyrgst gjaldeyrisyfirfærslu í sambandi við samkvæmt III. gr. (b)(3) laga frá 1948 um efnahagssamvinnu.

2. Ríkisstjórn Íslands fellst á, að ef ríkisstjórn Bandaríkja Ameríku innir af hendi greiðslu í Bandaríkjadollurum til einhvers aðila samkvæmt slíkri ábyrgð, skuli krónur þær, eða inneign í krónum, sem framseld er ríkisstjórn Bandaríkja Ameríku samkvæmt téðri grein, verða skoðaðar sem eign ríkisstjórnar Bandaríkja Ameríku.

ARTICLE IV

(Local Currency)

Post, p. 2396.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Landsbanki Islands.

2. The Government of Iceland will establish a special account in the Landsbanki Islands (National Bank of Iceland) in the name of the Government of Iceland (hereinafter called the Special Account) and will make deposits in krónur to this account in amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Iceland on a grant basis by any means authorized under the Economic Cooperation Act of 1948. The Government of the United States of America shall from time to time notify the Government of Iceland of the indicated dollar cost of any such commodities, services and technical information, and the Government of Iceland will thereupon deposit in the Special Account a commensurate amount of krónur computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Government of Iceland may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. expenditures in Iceland.

3. The Government of the United States of America will from time to time notify the Government of Iceland of its requirements for administrative expenditures in krónur within Iceland incident to operations under the Economic Cooperation Act of 1948, and the Government of Iceland will thereupon make such

IV. GREIN

(Innlendur gjaldmiðill)

1. Ákvæði þessarar greinar ná einungis til aðstoðar, sem ríkisstjórn Bandaríkja Ameríku kann að veita án þess að endurgjald komi fyrir.

2. Ríkisstjórn Íslands mun stofna sérstakan reikning á sínu nafni í Landsbanka Íslands (hér nefndur "sérstakur reikningur") og mun leggja inn á þann reikning í krónum upphæðir, sem samsvara þeim dollaraútgjöldum, sem ríkisstjórn Bandaríkja Ameríku ráðgerir vegna útvegunar vara, þjónustu eða tæknilegra upplýsinga (þ.á m. hverskonar kostnað við verkun, geymslu, flutning, viðgerðir og aðra þjónustu í því sambandi), sem Íslandi hafa verið útvegaðar án endurgjalds á einhvern þann hátt, sem heimilað er í lögum frá 1948 um efnahagssamvinnu. Ríkisstjórn Bandaríkja Ameríku tilkynnir ríkisstjórn Íslands við og við ráðgert dollaraverð slíkra vara, þjónustu og tæknilegra upplýsinga, og ríkisstjórn Íslands leggur síðan inn á hinn sérstaka reikning samsvarandi upphæð í krónum samkvæmt því gengi sem á hverjum tíma hefur orðið samkomulag um við Alþjóðagjaldeyrissjóðinn. Ríkisstjórn Íslands getur hvenær sem er innt af hendi fyrirframgreiðslur inn á hinn sérstaka reikning, sem síðan skulu koma til frádráttar síðari upphæðum, sem tilkynntar eru samkvæmt þessari málsgrein.

3. Ríkisstjórn Bandaríkja Ameríku tilkynnir ríkisstjórn Íslands við og við um upphæðir þær í krónum, sem hún þarfnast vegna reksturskostnaðar á Íslandi við framkvæmd laga frá 1948 um efna-

sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Iceland, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of Iceland will further make such sums of krónur available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Iceland to the consignee's designated point of delivery in Iceland of such relief supplies and packages as are provided for in Section 117 (c) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, p. 153.

Withdrawals by Government of Iceland from Special Account.

6. The Government of Iceland may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Iceland for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Iceland and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Iceland, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Iceland

hagssamvinnu, og ríkisstjórn Íslands lætur síðan slíkar upphæðir í té af innstæðum á hinum sérstaka reikningi á þann hátt, sem ríkisstjórn Bandaríkja Ameríku óskar eftir í tilkynningunni.

4. Fimm af hundraði af fé því, sem greitt er inn á hinn sérstaka reikning samkvæmt þessari grein vegna aðstoðar, sem veitt er samkvæmt heimild laga frá 1949 um fjárveitingu í sambandi við aðstoð til annarra þjóða, skal leggja til hliðar til ráðstöfunar ríkisstjórnar Bandaríkja Ameríku vegna útgjalda hennar á Íslandi, og skulu upphæðir þær, sem látnar eru í té samkvæmt 3. mgr. þessarar greinar fyrst dregnar frá þeim upphæðum, sem lagðar eru til hliðar samkvæmt þessari málsgrein.

5. Ríkisstjórn Íslands mun ennfremur láta í té þær upphæðir í krónum af innstæðum á hinum sérstaka reikningi, sem nauðsynlegar kunna að vera til þess að standast kostnað (þ.á m. hafnar-, geymslu-, afgreiðslu- og slíkan kostnað) við flutning frá aðkomuhöfn á Íslandi til afgreiðslustaðar viðtakanda á Íslandi á þeim gjafasendingum og böggum, sem um ræðir í 117. gr. (c) laga frá 1948, um efnahagssamvinnu.

6. Ríkisstjórn Íslands getur hafið innstæður, sem fyrir hendi kunna að vera á hinum sérstaka reikningi til þeirra ráðstafana, sem samkomulag kann að ná st um á hverjum tíma við ríkisstjórn Bandaríkja Ameríku. Við athugun á tillögum, sem ríkisstjórn Íslands gerir um ráðstöfun á innstæðum á hinum sérstaka reikningi, mun ríkisstjórn Bandaríkja Ameríku hafa í huga þá þörf, sem er á því að efla eða viðhalda öryggi í peningamálum og fjármálum innanlands á Íslandi og á því að efla framleiðslustörf, millilandaviðskipti svo og leit að og eflingu á nýjum auðlindum á Íslandi, þarmeð talið sérstaklega:

(a) útgjöld vegna fyrirætlana eða áætlana þ.á m. þeirra, sem eru þáttur í heildaráætlun um eflingu fram-

and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(c) effective retirement of the national debt, especially debt held by the National Bank of Iceland or other banking institutions.

Disposition of unencumbered balances.

Ante, p. 2378.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within Iceland for such purposes as may hereafter be agreed between the Governments of the United States of America and Iceland, it being understood that the agreement of the United States of America shall be subject to approval by Act or Joint Resolution of the Congress of the United States of America.

ARTICLE V

(Access to Materials)

Post, pp. 2386, 2396.

1. The Government of Iceland will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Iceland which

leiðslugetu Íslands og hinna þátttökuríkjanna, og fyrirætlana eða áætlana, sem erlendur gjaldeyriskostnaður við er greiddur með aðstoð, er ríkisstjórn Bandaríkja Ameríku veitir samkvæmt lögum frá 1948 um efnahagssamvinnu eða á annan hátt, eða með lánum frá Alþjóðabankanum;

(b) útgjöld í sambandi við leit að og aukna framleiðslu á efnivörum, sem þörf kann að vera fyrir í Bandaríkjum Ameríku vegna skorts, sem er eða líklegt er að verði á slíkum vörum í Bandaríkjum Ameríku; og

(c) niðurgreiðslur, sem um munar, á þjóðarskuldum, einkum á skuldum Landsbanka Íslands eða annarra bankastofnana.

7. Kvaðalausum innstæðum, öðrum en óráðstöfuðum upphæðum, sem lagðar hafa verið til hliðar samkvæmt 4. málsgrein þessarar greinar, sem eftir eru á hinum sérstaka reikningi hinn 30. júní 1952, skal ráðstafað á Íslandi í þeim tilgangi, sem samkomulag kann að ná um milli ríkisstjórna Bandaríkja Ameríku og Íslands, og er þá áskilið, að samþykki Bandaríkja Ameríku sé háð staðfestingu löggjafarþings Bandaríkja Ameríku í formi laga eða sameiginlegrar ályktunar beggja deilda.

V. GREIN

(Öflun efnivara)

1. Ríkisstjórn Íslands mun greiða fyrir afhendingu til Bandaríkja Ameríku, til birgðasöfnunar eða í öðru skyni, á efnivörum, sem framleiddar eru á Íslandi og Bandaríki Ameríku

are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Iceland, after due regard for the reasonable requirements of Iceland for domestic use and commercial export of such materials. The Government of Iceland will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Iceland, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Iceland will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2402.

Post, p. 2402.

2. The Government of Iceland will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of subsection 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Government of Iceland, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Iceland.

ARTICLE VI

(Travel Arrangements)

The Government of Iceland will cooperate with the

þarfnast vegna skorts, sem er eða líklegt er að verði á þeirra eigin auðlindum, með sanngjörnum söluskilmálum, skiptum, vöruskiptum eða á annan hátt og í því magni og til þess tíma, sem samkomulag kann að nást um milli ríkisstjórna Bandaríkja Ameríku og Íslands eftir að hæfilegt tillit hefur verið tekið til sanngjarnra þarfa Íslands til eigin notkunar og venjulegs útflutnings slíkra efnivara. Ríkisstjórn Íslands mun gera þær sérstöku ráðstafanir, sem nauðsynlegar kunna að vera til þess að framkvæma ákvæði þessarar málsgreinar, þ.á m. stuðla að aukinni framleiðslu slíkra efnivara á Íslandi og afnema sérhverjar tálmanir á afhendingu slíkra efnivara til Bandaríkja Ameríku. Ríkisstjórn Íslands mun, þegar ríkisstjórn Bandaríkja Ameríku óskar þess, hefja samningaviðræður um nánari ákvæði, er nauðsynleg eru til þess að framkvæma fyrirmæli þessarar málsgreinar.

2. Ríkisstjórn Íslands mun, þegar ríkisstjórn Bandaríkja Ameríku fer þess á leit, taka þátt í samningaumleitunum um viðeigandi ákvæði til að framkvæma fyrirmæli 115. gr. (b)(9) laga frá 1948 um efnahagssamvinnu, er varðar framleiðslu og afhendingu á efnivörum, sem Bandaríki Ameríku þarfnast.

3. Ríkisstjórn Íslands mun, ef ríkisstjórn Bandaríkja Ameríku óskar þess, hafa samvinnu, þegar það á við, um að markmiðum 1. og 2. mgr. þessarar greinar verði náð að því er snertir efnivörur, sem til eru orðnar utan Íslands.

VI. GREIN

(Ferðalög)

Ríkisstjórn Íslands mun hafa samvinnu við ríkisstjórn

Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

ARTICLE VII

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Iceland will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Iceland:

Post, p. 2402.

(a) detailed information of projects, programs and measures proposed or adopted by the Government of Iceland to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the

Bandaríkja Ameríku um að greiða fyrir og stuðla að auknum ferðalögum Bandaríkjaþegna til þátttökuríkja og innan þeirra.

VII. GREIN

(Samráð og framsending upplýsinga)

1. Báðar ríkisstjórnirnar munu, þegar önnur þeirra óskar þess, ráðgast um hverskonar atriði, er snerta framkvæmd samninga þessa svo og framkvæmdir eða ráðstafanir, sem gerðar eru í framhaldi samninga þessa.

2. Ríkisstjórn Íslands mun senda ríkisstjórn Bandaríkja Ameríku í því formi og á þeim tímum, sem ríkisstjórn Bandaríkjanna óskar eftir, er hún hefur ráðgast við ríkisstjórn Íslands:

(a) nákvæmar upplýsingar um fyrirætlanir, áætlanir og ráðstafanir, sem ríkisstjórn Íslands ráðgerir eða ákveður með það fyrir augum að framkvæma fyrirmæli samninga þessa og hinna almennu skuldbindinga samningsins um efnahagssamvinnu Evrópu;

(b) nákvæmar skýrslur um framkvæmdir samkvæmt samningi þessum, þ.á m. skýrslu um notkun fjár, vara og þjónustu, sem tekið er við samkvæmt honum, og skulu slíkar skýrslur gerðar ársfjórðungslega;

(c) upplýsingar varðandi efnahag sinn og hverskonar aðrar upplýsingar, sem máli skipta og nauðsynlegar eru til viðbótar þeim upplýsingum, sem ríkisstjórn Bandaríkja Ameríku fer hjá Efnahagssamvinnustofnun Evrópu og ríkisstjórn Bandaríkja Ameríku kann að þarfnast við

United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Government of Iceland will assist the Government of the United States of America to obtain information relating to the materials originating in Iceland referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Post, p. 2396.

Ante, p. 2380.

ARTICLE VIII

(Publicity)

1. The Governments of the United States of America and Iceland recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Iceland will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic

ákvörðun um eðli og umfang framkvæmda samkvæmt lögum frá 1948 um efnahagssamvinnu og til að meta áhrif aðstoðar, sem veitt er eða ráðgert er að veita samkvæmt samningi þessum og yfirleitt hversu hinni sameiginlegu viðreisnaráætlun miðar áfram.

3. Ríkisstjórn Íslands mun aðstoða ríkisstjórn Bandaríkja Ameríku við öflun upplýsinga varðandi efnivörur þær, sem framleiddar eru á Íslandi og vitnað er til í V. gr. eftir því sem nauðsyn ber til við ákvörðun og framkvæmd þeirra ráðstafana, sem kveðið er á um í þeirri grein.

VIII. GREIN

(Fréttastarfsemi)

1. Ríkisstjórnir Bandaríkja Ameríku og Íslands viðurkenna að það sé sameiginlegt hagsmunamál þeirra, að fullkomnar upplýsingar séu veittar almenningi um markmið og framgang hinnar sameiginlegu áætlunar um viðreisn Evrópu og um ráðstafanir þær, sem gerðar eru til framgangs þeirrar áætlunar. Það er viðurkennt, að víðtæk útbreiðsla upplýsinga um framgang áætlunarinnar sé æskileg til þess að efla þann skilning á því, að um sameiginleg átök og gagnkvæma aðstoð sé að ræða, sem nauðsynlegur er til þess að markmiðum áætlunarinnar verði náð.

2. Ríkisstjórn Bandaríkja Ameríku mun stuðla að útbreiðslu slíkra upplýsinga og mun útvega fréttastofnunum þær.

3. Ríkisstjórn Íslands mun stuðla að útbreiðslu slíkra upplýsinga bæði fyrir sitt leyti og í samvinnu við Efnahagssamvinnustofnun Evrópu. Mun hún láta fréttastofnunum í té slíkar upp-

Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of Iceland will make public in Iceland in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

ARTICLE IX

(Missions)

1. The Government of Iceland agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Iceland under this Agreement.

Special Mission as part of U. S. Legation. *Post*, p. 2404.

2. The Government of Iceland will, upon appropriate notification from the Minister of the United States of America in Iceland, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States of America in Iceland for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank. The Government of Iceland will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the

ljsingar og gera allar raunhæfar ráðstafanir til þess að tryggja það, að hæfileg aðstaða verði fyrir hendi til slíkrar útbreiðslu. Þá mun hún og láta öðrum þátttökuríkjum og Efnahagssamvinnustofnun Evrópu í té fullkomnar upplýsingar um framgang viðreisnarástlunarinnar.

4. Ríkisstjórn Íslands mun ársfjórðungslega birta nákvæmar skýrslur um framkvæmdir samkvæmt samningi þessum, þar á meðal upplýsingar um notkun fjár, vara og þjónustu, sem tekið hefur verið við.

IX. GREIN

(Sendinefndir)

1. Ríkisstjórn Íslands samþykkir að veita viðtöku sérstakri sendinefnd um efnahagssamvinnu, er mun inna af hendi skuldbindingar ríkisstjórnar Bandaríkja Ameríku á Íslandi samkvæmt þessum samningi.

2. Ríkisstjórn Íslands mun að fenginni tilkynningu um það efni frá sendiherra Bandaríkja Ameríku á Íslandi skoða hina sérstöku sendinefnd, starfslið hennar og hinn sérstaka fulltrúa Bandaríkjanna í Evrópu sem hluta af sendiráði Bandaríkja Ameríku á Íslandi að því er snertir sérréttindi og forréttindi, sem veitt eru sendiráðinu og starfsmönnum þess, þeim er sambærilega stöðu hafa. Ríkisstjórn Íslands mun ennfremur veita meðlimum þingnefndar löggjafarþings Bandaríkja Ameríku um efnahagssamvinnu við önnur lönd og starfsliði hennar viðeigandi fyrirgreiðslu og láta þeim í té þau hlunnindi og aðstoð, sem nauðsynleg eru til þess að góður árangur náist af störfum þeirra.

effective performance of their responsibilities.

3. The Government of Iceland, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

ARTICLE X

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Iceland agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Iceland pursuant to this paragraph is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the

Post, p. 2404.

3. Ríkisstjórn Íslands mun sjálf og fyrir atbeina fulltrúa sinna í Efnahagssamvinnustofnun Evrópu hafa fullkomna samvinnu við hina sérstöku sendinefnd, hinn sérstaka fulltrúa Bandaríkjanna í Evrópu og starfslið hans svo og við þingnefndina og starfslið hennar. Skal sú samvinna ná til hverskonar upplýsinga og fyrirgreiðslu, sem nauðsynleg eru til athugunar og endurskoðunar á framkvæmd samnings þessa, þar á meðal hagnýtingar þeirrar aðstoðar, sem veitt er samkvæmt honum.

X. GREIN

(Lausn deilumála)

1. Ríkisstjórnir Bandaríkja Ameríku og Íslands fallast á að leggja undir úrskurð Alþjóðadómsins hverja þá kröfu, er önnur þeirra tekur að sér fyrir einhvern þegna sinna gagnvart hinni, um skaðabætur fyrir tjón, sem hlotizt hefur vegna stjórnarráðstafana (annarra en ráðstafana varðandi eigur eða hagsmuni óvinaþjóðar), er gerðar hafa verið eftir 3. apríl 1948 og snerta eigur eða hagsmuni þess þegns, þar með taldir samningar við eða sérleyfi veitt af þar til bærum yfirvöldum. Það er áskilið, að skuldbinding ríkisstjórnar Bandaríkja Ameríku varðandi kröfur, sem ríkisstjórn Íslands tekur að sér samkvæmt þessari málsgrein, sé byggð á og háð skilyrðum þeim, er ríkisstjórn Bandaríkja Ameríku gerði við samþykkt sína á lögskyldri lögsögu Alþjóðadómsins samkvæmt 36. gr. stofnskrár dómsins, svo sem þeim er lýst í yfirlýsingu Forseta Bandaríkja Ameríku frá 14. ágúst 1946. Akvæði þessarar málsgreinar skulu að engu leyti hafa áhrif á þann rétt, sem önnur hvor ríkisstjórnin kann að hafa

Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

61 Stat., Pt. 2, p. 1218.

2. The Governments of the United States of America and Iceland further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

Post, p. 2404.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

ARTICLE XI

(Definitions)

As used in this Agreement:

"Participating country".

The term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory

til að leita úrskurðar Alþjóðadómsins eða taka að sér og bera fram kröfu, er byggð sé á staðhæfingu um brot annarrar hvorrar ríkisstjórnarinnar á samningum, samþykktum eða þjóðarétti.

2. Ríkisstjórnir Bandaríkja Ameríku og Íslands eru ennfremur ásáttar um, að slíkum kröfum megi og vísa til hvers þess gerðardóms, er samkomulag kann að nást um í stað Alþjóðadómsins.

3. Það er ennfremur áskilið, að hvorug ríkisstjórnin muni taka að sér kröfu samkvæmt þessari grein fyrr en hlutaðeigandi þegn hefur leitað réttar síns fyrir öllum þeim stofnunum og dómstólum, sem honum er heimilt að leita til í því landi, sem krafan varð til í.

XI. GREIN

(Orðaskýringar)

Í samningi þessum merkir orðið "þátttökuríki"

(i) hvert það ríki, sem undirritaði skýrslu nefndarinnar um efnahagssamvinnu Evrópu í París hinn 22. september 1947, og lendur þær sem það hefur fyrirsvar fyrir á alþjóðavettvangi, enda hafi samningur þess ríkis við ríkisstjórn Bandaríkja Ameríku um efnahagssamvinnu verið talinn ná til þeirra, og

(ii) þau ríki önnur, (þar með talið hvert hernámssvæði í Þýzkalandi, lendur undir alþjóðastjórn eða eftirliti og fríríkið Trieste eða annaðhvort

of Trieste or either of its zones) wholly or party in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

ARTICLE XII

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2396.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

svæði þess), sem að öllu leyti eða einhverju
eru í Evrópu, ásamt lendum undir þeirra yfirstjórn;

á meðan viðkomandi ríki er aðili að samningnum um efnahagssamvinnu Evrópu og tekur þátt í sameiginlegri áætlun um viðreisn Evrópu, sem miðar að því að markmiðum samnings þessa verði náð.

XII. GREIN

(Gildistaka, breytingar, gildistími)

1. Samningur þessi öðlast þegar gildi. Hann skal vera í gildi til 30. júní 1953, sbr. þó 2. og 3. mgr. þessarar greinar, og hafi hvorug ríkisstjórnin a.m.k. sex mánuðum fyrir þann dag tilkynnt hinni skriflega, að hún vilji, að samningurinn falli úr gildi þann dag, skal hann halda gildi sínu þar til sex mánuðir eru liðnir frá því að slík tilkynning hefur farið fram.

2. Nú álítur önnurhvor ríkisstjórnin, meðan á samningstímabilinu stendur, að grundvallarbreyting hafi orðið á höfuð sjónarmiðum þeim, sem samningur þessi byggist á, og skal hún þá tilkynna það skriflega hinni ríkisstjórninni og munu ríkisstjórnirnar síðan ráðgast um breytingar á samningnum, lagfæringu eða brottfall hans. Nú hefur samkomulag eigi náðst um lausn málsins innan þriggja mánaða frá því að slík tilkynning fór fram, og getur þá hvor ríkisstjórnin tilkynnt hinni skriflega, að hún vilji að samningur þessi falli úr gildi. Skal þá samningur þessi, að áskildum fyrirmælum 3. mgr. þessarar greinar, falla úr gildi, annaðhvort:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Iceland are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Ante, pp. 2380, 2386.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Iceland required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 2376.

Ante, p. 2374.

Amendment.

4. This Agreement may be amended at any time by agreement between the two Governments.

Ante, p. 2394.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

(a) sex mánuðum eftir að slík tilkynning um uppsögn hefur farið fram, eða

(b) með styttri fyrirvara, er samkomulag kann að nást um að sé nægur til að tryggja það, að fullnægt sé skuldbindingum ríkisstjórnar Íslands varðandi aðstoð, sem ríkisstjórn Bandaríkja Ameríku kann að veita eftir að slík tilkynning hefur verið gefin.

V. gr. og 3. mgr. VII. gr. skulu þó halda gildi sínu þar til tvö ár eru liðin frá slíkri tilkynningu um uppsögn, þó eigi lengur en til 30. júní 1953.

3. Viðbótarsamningar og samþykktir, sem gerðar eru í framhaldi af samningi þessum geta haldið gildi sínu enda þótt samningur þessi falli úr gildi og skal gildistími slíkra viðbótarsamninga og samþykkta fara eftir því, sem ákveðið er í þeim sjálfum. IV. gr. skal halda gildi sínu þar til öllum upphæðum í íslenzkum gjaldmiðli, er leggja skal til hliðar samkvæmt þeirri grein, hefur verið ráðstafað svo sem ráð er fyrir gert í þeirri grein. 2. mgr. III. gr. skal halda gildi sínu meðan ríkisstjórn Bandaríkjanna getur ábyrgst greiðslur samkvæmt þeirri grein.

4. Ríkisstjórnirnar geta hvenær sem er breytt samningi þessum með samkomulagi sín á milli.

5. Fylgiskjal samnings þessa er óaðskiljanlegur hluti hans.

6. Samning þennan skal skrásetja hjá aðalritara Sameinuðu þjóðanna.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

DONE at Reykjavik, in duplicate, in the English and Icelandic languages, both texts authentic, this third day of July, 1948.

For the Government of the United States of America:

Richard P. Butrick

Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
to Iceland.

For the Government of Iceland:

Bjarni Benediktsson

Minister for Foreign Affairs of Iceland.

ÞESSU TIL STAÐFESTU hafa fulltrúar hvors aðila um sig, er til þess hafa fullgild umboð, undirritað samning þennan.

GERT í Reykjavík, í tveim eintökum á ensku og íslenzku hinn 3. júlí 1948 og eru báðir textar jafngildir.

Fyrir hönd Ríkisstjórnar Bandaríkja Ameríku:

Richard P. Butrick

Sérlegur sendiherra og ráðherra með umboði
fyrir Bandaríki Ameríku
á Íslandi.

Fyrir hönd Ríkisstjórnar Íslands:

Bjarni Benediktsson

Utanríkisráðherra Íslands.

ANNEX

(Interpretative Notes)

Ante, p. 2370.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2372.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2374.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are

FYLGISKJAL

(Athugasemdir til skýringar)

1. Samkomulag er um, að ákvæði II. gr. (1)(a) varðandi ráðstafanir til hagnýtingar auðlinda, myndu, að því er snertir vörur, sem látnar eru í té samkvæmt samningi þessum, taka til virkra ráðstafana til varðveizlu slíkra vara og til að koma í veg fyrir að þær lendi á ólöglegum eða óvenjulegum markaðum eða viðskiptaleiðum.

2. Samkomulag er um, að skuldbinding skv. II. gr. 1 (c) um að afnema halla á fjárlögum svo fljótt sem verða má, myndi eigi koma í veg fyrir halla um stundarsakir heldur að átt sé við fjármálastefnu er myndi leiða til hallalausra fjárlaga er fram líða stundir.

3. Samkomulag er um, að verzlunarhættir þeir og ráðstafanir, sem kveðið er á um í II. gr. 3. mgr. skuli ná til:

(a) festingar verðs, kjara, eða skilyrða, er farið skuli eftir í viðskiptum við aðra þegar vara er keypt, seld eða leigð;

(b) útilokunar fyrirtækja frá tilteknum markaðum eða viðskiptasvæðum svo og niðurjöfnunar og skiptingar slíkra markaða eða svæða, niðurjöfnunar viðskiptavina eða ákvörðunar sölukvóta eða innkaupakvóta;

(c) hlutdrægni í gerð einstakra fyrirtækja;

(d) takmörkun á framleiðslu eða ákvörðun framleiðslukvóta;

(e) samninga er koma í veg fyrir þróun eða hagnýtingu á sviði tækni og uppgötvana, hvort sem einkaleyfi hefir fengist eða ekki;

(f) að réttindi samkvæmt einkaleyfum, vörumerkjum eða höfundaréttindum, er annað ríkið veitir, séu látin ná til tilvika, sem ekki felast í slíkum réttindum

not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

Ante, p. 2374. 4. It is understood that the Government of Iceland is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2382. 5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Iceland for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

Ante, p. 2382. 6. It is understood that the provisions in Article V paragraph 2 of the Agreement shall not be interpreted in such a way as to entail negotiations for the change of the fisheries legislation of Iceland. It is also understood that arrangements which might be called for under Article V, to be agreed between the two Governments, will take into account the provisions of the laws of Iceland.

Ante, p. 2384. 7. It is understood that the Government of Iceland will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

samkvæmt lögum þess og reglugerðum eða til framleiðsluskilyrða afnota eða sölu, sem slík réttindi á sama hátt né eigi til; og

(g) annarra þeirra aðferða, sem ríkisstjórnirnar kunna að verða ásáttar um.

4. Samkomulag er um, að ríkisstjórn Íslands beri eigi að gera ráðstafanir í tilteknum málum skv. II. gr. 3. mgr. fyrr en að lokinni viðeigandi athugun eða rannsókn.

5. Samkomulag er um, að í V. gr. mundu orðin "eftir að hæfilegt tillit hefur verið tekið til sanngjarnra þarfa Íslands til eigin notkunar" ná til hæfilegra birgða og hugtakið "venjulegur útflutningur" taka til vöruskipta. Þá er og samkomulag um, að í samningum, sem gerðir eru samkvæmt V. gr. geti verið rétt að hafa ákvæði um viðræður í samræmi við meginreglur 32. gr. Havana sáttmálans um Alþjóðaviðskiptastofnun (International Trade Organization) að því er varðar ráðstöfun á birgðum.

6. Samkomulag er um, að ákvæði V. gr. 2. mgr. samningsins skuli eigi skýrð þannig, að af þeim leiði samningaumleitanir um breytingu á fiskveiðalöggjöf Íslands. Þá er og samkomulag um, að ákvæði, sem V. gr. kynni að gefa tilefni til og háð eru samkomulagi beggja ríkisstjórnanna, muni verða í samræmi við ákvæði íslenzkra laga.

7. Samkomulag er um, að þess muni eigi verða farið á leit við ríkisstjórn Íslands samkvæmt VII. gr. 2 (a) að hún gefi nákvæmar upplýsingar um minniháttar fyrirætlanir eða um trúnaðarmál á sviði viðskipta eða tækni ef slíkar upplýsingar myndu skaða lögmæta viðskiptahagsmuni.

8. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of inter-governmental discussions.

Ante, p. 2388.

9. It is understood that if the Government of Iceland should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines: it is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court.

59 Stat. 1060.

Ante, p. 2390.

10. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Ante, p. 2392.

8. Samkomulag er um, að þegar ríkisstjórn Bandaríkja Ameríku gefur tilkynningar þær, sem kveðið er á um í IX. gr. 2. mgr. muni hún hafa í huga að æskilegt er að takmarka svo sem hægt er fjölda þeirra embættismanna, sem fullra sérréttinda er óskað fyrir. Þá er og samkomulag um, að ríkisstjórnirnar muni, þegar þess gerist þörf, ráðgast um framkvæmd IX. gr.

9. Samkomulag er um, að ef ríkisstjórn Íslands samþykkir lögskyldu til að hlíta lögsögu Alþjóðadómsins skv. 36. gr. stofnskrár dómsins með viðeigandi skilyrðum og skilmálum, muni ríkisstjórnirnar ráðgast um að setja í stað annars málsliðs 1. mgr. X. gr. ákvæði, er að efni til séu á þessa leið: Samkomulag er um, að skuldbindingar hvorrar ríkisstjórnar varðandi kröfur, sem hin ríkisstjórnin hefur tekið að sér samkvæmt þessari málsgrein, sé gerð að því er hvora ríkisstjórnina snertir með heimild í þeirri viðurkenningu, sem hún hefur gefið varðandi lögskyldu til að hlíta lögsögu Alþjóðadómsins skv. 36. gr. stofnskrár dómsins og skulu þær skuldbindingar vera háðar sömu skilyrðum og skilmálum.

10. Samkomulag er um, að samningar, sem gerðir kunna að verða í framhaldi af X. gr. 2. mgr. skuli vera háðir staðfestingu Öldungadeildar (Senate) Bandaríkja Ameríku.

Agreement between the United States of America and Ireland respecting economic cooperation under Public Law 472, 80th Congress. Signed at Dublin June 28, 1948; entered into force July 2, 1948.

June 28, 1948
[T. I. A. S. 1788]

ECONOMIC CO-OPERATION AGREEMENT

between

THE UNITED STATES OF AMERICA

and

IRELAND

ECONOMIC CO-OPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Preamble

Principles of Agreement.

The Governments of the United States of America and Ireland:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Ireland has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Ireland is a member of the Organisation for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

[1] Department of State publication 3145.

Taking note that the Government of Ireland has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948; 62 Stat., Pt. 1, p. 137.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Ireland, and the measures which the two Governments will take individually and together in furthering the recovery of Ireland as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Ireland, by making available to the Government of Ireland or to any person, agency or organisation designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Ireland only such commodities, services and other assistance as are authorised to be made available by such acts.

2. The Government of Ireland, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Ireland reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948. 62 Stat., Pt. 1, p. 137.

3. With respect to assistance furnished by the Government of the United States of America to Ireland and procured from areas outside the United States of America, its territories and possessions, the Government of Ireland will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Ireland will use its best endeavours:

Measures for practical use of resources. *Post*, p. 2418.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Ireland in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom which belong to nationals of Ireland and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Ireland to dispose of such assets;

Development of production.

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Ireland to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of food;

Maintenance of financial stability. *Post*, p. 2418.

c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the various participating countries, the Government of Ireland will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2418, 2419.

3. The Government of Ireland will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III.

(Guaranties)

1. The Governments of the United States of America and Ireland will, upon the request of either Government, consult respecting projects in Ireland proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section III (b) (3) [2] of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2418.

2. The Government of Ireland agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Irish pounds or credits in Irish pounds, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV.

(Local Currency)

Post, p. 2418.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Central Bank of Ireland.

2. The Government of Ireland will establish a special account in the Central Bank of Ireland in the name of the Government of Ireland (hereinafter called the Special Account) and will make deposits in Irish pounds to this account in amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Ireland on a grant basis by any means authorized under the Economic Cooperation Act of

[1] Department of State publication 3145, p. 14.
[2] "Section III (b) (3)" should read "section 111 (b) (3)".

1948. The Government of the United States of America shall from time to time notify the Government of Ireland of the indicated dollar cost of any such commodities, services and technical information, and the Government of Ireland will thereupon deposit in the Special Account a commensurate amount of Irish pounds computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Ireland. If at the time of notification a par value for the Irish pound is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into Ireland or, if at the time of notification no par value for the Irish pound is agreed with the Fund, the rate or rates for this particular purpose shall be muturally agreed upon between the Government of Ireland and the Government of the United States of America. The Government of Ireland may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

Availability of sums for U. S. expenditures in Ireland.

3. The Government of the United States of America will from time to time notify the Government of Ireland of its requirements for administrative expenditures in Irish pounds within Ireland incident to operations under the Economic Cooperation Act of 1948, and the Government of Ireland will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Ireland, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of Ireland will further make such sums of Irish pounds available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Ireland to the consignee's designated point of delivery in Ireland of such relief supplies and packages as are referred to in Article VI.

Post, p. 2414.

Withdrawals by Government of Ireland from Special Account.

6. The Government of Ireland may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Ireland for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Ireland and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Ireland, including in particular:

a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of

the productive capacity of Ireland and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(c) effective retirement of the national debt, especially debt held by the Central Bank or other banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within Ireland for such purposes as may hereafter be agreed between the Governments of the United States of America and Ireland, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V.

(Access to Materials)

Post, p. 2418.

1. The Government of Ireland will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Ireland which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Ireland, after due regard for the reasonable requirements of Ireland for domestic use and commercial export of such materials. The Government of Ireland will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Ireland, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Ireland will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2419.

2. The Government of Ireland will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-Section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Government of Ireland, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Ireland.

Article VI.

(Travel Arrangements and Relief Supplies)

Ante, p. 2412.

1. The Government of Ireland will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Ireland will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into Ireland of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Ireland.

Article VII.

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Ireland will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Ireland:

Post, p. 2419.

a) detailed information of projects, programs and measures proposed or adopted by the Government of Ireland to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organisation for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Government of Ireland will assist the Government of the United States of America to obtain information relating to the materials originating in Ireland referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Post, p. 2418.

Ante, p. 2413.

Article VIII.

(Publicity)

1. The Governments of the United States of America and Ireland recognise that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognised that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Ireland will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of Ireland will make public in Ireland in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article IX.

(Missions)

1. The Government of Ireland agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Ireland under this Agreement.

Special Mission as part of U. S. Legation.
Post, p. 2419.

2. The Government of Ireland will, upon appropriate notification from the Minister of the United States of America in Ireland, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States of America in Ireland for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank. The Government of Ireland will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Ireland, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X.

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Ireland agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures taken by the Government of the United States of America concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Ireland pursuant to this paragraph is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

Post, p. 2419.

61 Stat., Pt. 2, p. 1218.

Post, p. 2419.

2. The Governments of the United States of America and Ireland further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI

(Definitions)

"Participating country."

As used in this Agreement, the term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international

[1] Department of State publication 2930.

responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XII.

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall be subject to ratification by the Government of Ireland. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2418.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic accumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

a) six months after the date of such notice of intention to terminate, or

b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Ireland are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

[1] Entered into force July 2, 1948, the date on which the instrument of ratification was signed by the Irish Minister for External Affairs and on which notice of such ratification was delivered to the Department of State by the Irish Minister at Washington.

Ante, pp. 2413, 2415.

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Ante, p. 2411.

Article IV shall remain in effect until all the sums in the currency of Ireland required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

Ante, p. 2411.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2417.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorised for the purpose, have signed the present Agreement.

DONE AT DUBLIN, IN DUPLICATE, THIS TWENTY-EIGHTH DAY OF JUNE, 1948.

For the Government of the United States of America	For the Government of Ireland
GEORGE A. GARRETT	SEÁN MACBRIDE
[SEAL]	[SEAL]

ANNEX

(Interpretative Notes)

Ante, p. 2410.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2410.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2411.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean: (a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product; (b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas; (c) discriminating against particular enterprises; (d) limiting production or fixing production quotas; (e) preventing by agreement the development or application of technology or invention whether

patented or unpatented; (f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subject of such grants; and (g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of Ireland is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination. *Ante*, p. 2411.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Ireland for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stockpiles are liquidated. *Ante*, p. 2413.

6. It is understood that the Government of Ireland will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests. *Ante*, p. 2414.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article II[2] would, when necessary, be the subject of intergovernmental discussion. *Ante*, p. 2415.

8. It is understood that if the Government of Ireland should accept the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines:— 59 Stat. 1060. *Ante*, p. 2416.

> "It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court."

9. It is understood that any Agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America. *Ante*, p. 2416.

GAG SMACB.

[1] Department of State publication 3117, p. 26.

[2] "Article II" should read "Article IX".

Agreement between the United States of America and Italy respecting economic cooperation under Public Law 472, 80th Congress. Signed at Rome June 28, 1948; entered into force June 28, 1948.

June 28, 1948
[T. I. A. S. 1789]

ECONOMIC COOPERATION AGREEMENT

between the United States of America and Italy

Rome, June 28 th, 1948

ACCORDO DI COOPERAZIONE ECONOMICA

fra gli Stati Uniti d'America e l'Italia

Roma, 28 giugno 1948

Economic Cooperation Agreement between the United States of America and Italy

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Accordo di Cooperazione Economica fra gli Stati Uniti d'America e l'Italia

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PREAMBLE

The GOVERNMENTS of THE UNITED STATES OF AMERICA and ITALY:

Principles of Agreement.

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of selfhelp and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Italy has joined with other like minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Italy is a member of the Organization of European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Italy has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Italy, and

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[1] Department of State publication 3145.

PREAMBOLO

I GOVERNI DELL'ITALIA e DEGLI STATI UNITI D'AMERICA :

Riconoscendo che il ripristino od il mantenimento nei Paesi europei dei principi di libertà individuale, libere istituzioni e di effettiva indipendenza è basato in gran parte sullo stabilimento di solide condizioni economiche, di stabili relazioni economiche internazionali e sul raggiungimento da parte dei Paesi europei di una sana economia indipendente da assistenza eccezionale proveniente dall'esterno ;

Riconoscendo che un'economia europea salda e prospera è essenziale per il raggiungimento degli scopi delle Nazioni Unite ;

Considerando che il raggiungimento di tali condizioni richiede un piano di ripresa europea che sia basato sulle proprie forze e sulla mutua cooperazione, che sia aperto a tutte le Nazioni cooperanti a tale piano e sia basato su di un grande sforzo produttivo, sulla espansione del commercio internazionale, sulla creazione od il mantenimento della stabilità finanziaria interna e sullo sviluppo della cooperazione economica, ivi comprese tutte le misure possibili per fissare mantenere tassi di cambio effettivi e per ridurre le barriere commerciali ;

Considerando che nel perseguimento di questi principi il Governo Italiano si è unito con altre Nazioni mosse da uguali intendimenti in una Convenzione per la Cooperazione Economica Europea firmata a Parigi il 16 aprile 1948, ai sensi della quale i firmatari di detta Convenzione hanno convenuto di intraprendere quale loro compito immediato l'elaborazione e l'esecuzione di un comune programma di ripresa ; e che il Governo italiano è membro dell'Organizzazione per la Cooperazione Economica Europea creata ai sensi delle disposizioni di detta Convenzione ;

Considerando anche che nel perseguimento di detti principi, il Governo degli Stati Uniti d'America ha emanato la Legge del 1948 per la Cooperazione Economica che contempla la fornitura di assistenza da parte degli Stati Uniti d'America alle Nazioni partecipanti ad un comune programma per la ripresa europea, allo scopo di rendere possibile a tali Nazioni di rendersi indipendenti, mediante i loro propri sforzi individuali e collettivi, dall'assistenza economica eccezionale proveniente dall'esterno ;

Prendendo nota che il Governo italiano ha già espresso la sua adesione agli scopi e alle direttive della Legge del 1948 per la Cooperazione Economica ;

Desiderando dar forma agli accordi che regolano la fornitura di assistenza da parte del Governo degli Stati Uniti d'America ai termini della Legge del 1948 per la Cooperazione Economica, la ricezione di tale assistenza da parte dell'Italia

the measures which the two Governments will take individually and together in furthering the recovery of Italy as an integral part of the joint program for European Recovery;

Have agreed as follows:

Article I

Assistance and Cooperation

1. The Government of the United States of America undertakes to assist Italy by making available to the Government of Italy or to any person, agency or organization designated by the latter Government, such assistance as may by requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions, and termination provisions of the Economic Cooperation Act of 1948, Acts amendatory and supplementary thereto and Appropriation Acts thereunder, and will make available to the Government of Italy only such commodities, services and other assistance as are authorized to be made available by such Acts.

62 Stat., Pt. 1, p. 137.

2. The Government of Italy, acting individually and through the Organization of European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948 will exert sustained efforts in common with other participating countries speedily to achieve through a Joint Recovery Program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a Joint Recovery Program to become independent of extraordinary outside economic assistance within the period of this agreement. The Government of Italy reaffirms its intention to take action to carry out the provisions of the general obligations of the Convention of European Economic Cooperation, to continue to participate actively in the work of the Organization of European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Italy and procured from areas outside the United States of America, its territories and possessions, the Government of Italy will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms, and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

General Undertaking

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Italy will use its best endeavors;

e le misure che i due Governi prenderanno individualmente e congiuntamente per perseguire la ripresa dell'Italia quale parte integrante del programma comune di ripresa europea;

Hanno convenuto quanto segue:

Articolo I

Assistenza e Cooperazione

1. Il Governo degli Stati Uniti d'America si impegna ad assistere l'Italia mettendo a disposizione del Governo italiano, o di ogni altra persona, ente od organizzazione designata da questo ultimo Governo, quell'assistenza che sia richiesta dallo stesso e approvata dal Governo degli Stati Uniti d'America. Il Governo degli Stati Uniti d'America fornirà questa assistenza secondo le disposizioni e con l'osservanza di tutti i termini, condizioni e clausole di scadenza della Legge del 1948 per la Cooperazione Economica, della Legge emendatoria e supplementare della stessa e della Legge di stanziamento relativa, e metterà a disposizione del Governo italiano soltanto quelle merci, servizi ed altra assistenza che dette Leggi autorizzino di rendere disponibili.

2. Il Governo italiano, agendo sia individualmente, sia per il tramite dall'Organizzazione per la Cooperazione Economica Europea, ed in armonia con la Convenzione per la Cooperazione Economica Europea firmata a Parigi il 16 aprile 1948, si sforzerà assiduamente e congiuntamente agli altri Paesi partecipanti per giungere rapidamente a realizzare, attraverso un comune programma di ripresa, quelle condizioni economiche in Europa che sono essenziali ad una pace durevole ed alla prosperità, e per permettere ai Paesi europei partecipanti a tale comune programma di ripresa di rendersi indipendenti dalla assistenza economica straordinaria esterna entro il periodo di validità del presente Accordo. Il Governo italiano riafferma la sua intenzione di adottare misure per l'esecuzione delle disposizioni degli obblighi generali della Convenzione per la Cooperazione Economica Europea, di continuare a partecipare attivamente ai lavori dell'Organizzazione per la Cooperazione Economica Europea e di continuare ad aderire agli scopi e alle direttive della Legge del 1948 per la Cooperazione Economica.

3. Per quanto si riferisce all'assistenza fornita dal Governo degli Stati Uniti d'America all'Italia e procacciata in zone al di fuori degli Stati Uniti d'America, dei loro territori e possedimenti, il Governo italiano coopererà con il Governo degli Stati Uniti d'America per assicurare che l'acquisto sia effettuato a prezzi ragionevoli ed a condizioni ragionevoli in modo tale da far sì che i dollari così messi a disposizione dei Paesi da cui proviene l'assistenza vengano utilizzati in maniera non contrastante con qualsiasi intesa assunta dal Governo degli Stati Uniti d'America con tale Paese.

Articolo II

Impegni di carattere generale

1. Allo scopo di raggiungere la massima ripresa mediante l'impiego dell'assistenza somministrata dal Governo degli Stati Uniti d'America, il Governo italiano farà del suo meglio per:

Measures for practical use of resources. *Post*, p. 2446.

(*A*) To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

1) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Italy in support of the requirements of assistance to be furnished by the Government of the United States of America;

2) The observation and review of the use of such resources through an effective followup system approved by the Organization of European Economic Cooperation and

3) To the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European Recovery assets, and earnings therefrom, which belong to nationals of Italy and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Italy to dispose of such assets.

Development of production.

(*B*) To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of Italy and to be undertaken in substantial part with assistance made available pursuant to this agreement including whenever practicable projects for increased production of food, steel and transportation facilities; and

Maintenance of financial stability. *Post*, p. 2446.

(*C*) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

(*D*) To cooperate with other participating countries in facilitating and stimulating an interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the various participating countries, the Government of Italy, with due regard for the urgency and importance of its own problem of surplus manpower, will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization, directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this agreement.

Prevention of practices interfering with achievement of program. *Post*, p. 2446.

3. The Government of Italy will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit

A) adottare o mantenere le misure necessarie per assicurare l'uso efficace e pratico di tutte le risorse di cui dispone, ivi incluse:

1) quelle misure che possano essere necessarie per assicurare che le merci e i servizi ottenuti con l'assistenza fornita ai sensi di questo Accordo vengano usati per scopi che siano in armonia col presente Accordo, e per quanto possibile con gli scopi generali tracciati nei programmi forniti dal Governo italiano in appoggio alle richieste di assistenza da somministrarsi da parte del Governo degli Stati Uniti d'America;

2) l'osservazione e l'esame dell'uso di dette risorse attraverso un efficace sistema di osservazione continuativa approvato dall'Organizzazione per la Cooperazione Economica Europea e

3) nei limiti del possibile, misure per localizzare, identificare e destinare all'uso appropriato nel perseguimento del comune programma di ripresa europea, i beni ed i relativi frutti appartenenti a cittadini italiani e che siano situati negli Stati Uniti d'America, nei loro territori o possedimenti. Nulla in questa clausola impone qualsiasi obbligo al Governo degli Stati Uniti d'America di prestare assistenza nell'effettuazione di tali misure o al Governo italiano di far uso di tali beni;

B) promuovere lo sviluppo della produzione industriale e agricola su sane basi economiche; raggiungere quegli obiettivi di produzione che possano venire stabiliti attraverso l'Organizzazione per la Cooperazione Economica Europea; e – quando desiderato dal Governo degli Stati Uniti d'America – comunicare a quel Governo proposte dettagliate per opere specifiche che il Governo italiano intenda porre in atto e da attuarsi in larga parte mediante l'assistenza resa disponibile ai sensi del presente Accordo, ivi inclusi, ogni qualvolta ciò sia possibile, progetti per l'aumentata produzione di generi alimentari, acciaio e mezzi di trasporto;

C) stabilizzare la propria moneta, fissare o mantenere un tasso di cambio effettivo, pareggiare appena possibile il bilancio dello Stato, creare o mantenere la stabilità finanziaria interna ed in generale ristabilire o mantenere la fiducia nel proprio sistema monetario; e

D) cooperare con altri Paesi partecipanti al fine di facilitare e stimolare un reciproco scambio di merci e servizi fra i Paesi partecipanti e con altri Paesi, e ridurre le barriere commerciali pubbliche e private fra di essi e con altri Paesi.

2. Prendendo in considerazione l'articolo 8 della Convenzione per la Cooperazione Economica Europea tendente alla piena ed efficace utilizzazione della mano d'opera disponibile nei vari Paesi partecipanti, il Governo italiano, tenendo in debito conto l'urgenza e l'importanza del proprio problema di mano d'opera esuberante, accorderà benevola considerazione alle proposte fatte congiuntamente con l'Organizzazione Internazionale dei Rifugiati miranti alla massima possibile utilizzazione della mano d'opera disponibile in qualsiasi dei Paesi partecipanti e aventi lo scopo di raggiungere i fini del presente Accordo.

3. Il Governo italiano adotterà le misure che ritiene opportune e coopererà con altri Paesi partecipanti al fine di evitare che da parte di imprese commerciali private o pubbliche si usino metodi o intese di affari che influiscano sul commercio internazionale nel senso di intralciare la concorrenza, di limitare l'ac-

access to markets of foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the Joint Program of European recovery;

Article III

Guaranties

1. The Governments of the United States of America and Italy will, upon the request of either Government, consult respecting projects in Italy proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (*b*) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2444.

2. The Government of Italy agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any lire or credits in lire, assigned or transferred to the Government of the United States of America pursuant to that Section shall be recognized as property of the Government of the United States of America.

Article IV

Local Currency

Post, p. 2444.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Bank of Italy.

2. The Government of Italy will establish a special account in the Bank of Italy in the name of the Government of Italy (hereinafter called the Special Account) and will make deposits in lire to this account as follows:

(*a*) The unencumbered balance at the close of business on the day of the signature of this Agreement in the special accounts in the Bank of Italy in name of the Government of Italy established pursuant to the Agreements between the Government of the United States of America and the Government of Italy made on July 4, 1947 and on January 3, 1948 and any further sums which may, from time to time, be required by such agreements to be deposited in the special accounts. It is understood that Subsection (*e*) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balances, referred to in those Agreements.

61 Stat., Pt. 3, p. 3135.
Ante, p. 1807.

62 Stat., Pt. 1, p. 150.

(*b*) The unencumbered balances of the deposits made by the Government of Italy pursuant to the exchange of notes between the two Governments dated April 20, 1948.

(*c*) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Italy on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however,

62 Stat., Pt. 1, p. 137.

cesso ai mercati o di fomentare controlli monopolistici, ogni qual volta tali metodi o intese abbiano l'effetto di intralciare il raggiungimento del comune programma di ripresa europea.

Articolo III

Garanzie

1. I Governi degli Stati Uniti d'America e d'Italia, su richiesta dell'uno o dell'altro Governo, si consulteranno in merito a progetti da attuarsi in Italia proposti da cittadini degli Stati Uniti d'America, in relazione ai quali progetti il Governo degli Stati Uniti d'America possa opportunamente garantire trasferimenti valutari ai sensi del paragrafo 111 (*b*) (3) della Legge 1948 per la Cooperazione Economica.

2. Il Governo italiano conviene che, qualora il Governo degli Stati Uniti d'America effettui pagamenti in dollari statunitensi a qualsiasi persona ai termini di una tale garanzia, tutti gli importi in lire o crediti in lire ceduti o trasferiti al Governo degli Stati Uniti d'America ai sensi di detto paragrafo, saranno riconosciuti quale proprietà del Governo degli Stati Uniti d'America.

Articolo IV

Moneta locale

1. Le disposizioni del presente articolo si applicheranno soltanto per quanto si riferisce all'assistenza che potrà essere fornita dal Governo degli Stati Uniti d'America a titolo gratuito.

2. Il Governo italiano aprirà un conto speciale presso la Banca d'Italia intestato al Governo italiano (qui appresso chiamato Conto Speciale) ed effettuerà in tale Conto depositi in lire come segue:

a) il saldo residuale alla chiusura degli affari nel giorno della firma del presente Accordo dei conti speciali presso la Banca d'Italia intestati al Governo italiano, conti istituiti ai termini degli Accordi fra il Governo degli Stati Uniti d'America e il Governo italiano in data 4 luglio 1947 e in data 3 gennaio 1948, nonchè qualsiasi altra somma che, di volta in volta, debba essere depositata nei conti speciali ai sensi di tali Accordi. Resta inteso che la lettera *e*) del paragrafo 114 della Legge del 1948 per la Cooperazione Economica, costituisce approvazione e determinazione da parte del Governo degli Stati Uniti d'America riguardo all'uso di tali saldi cui è fatto riferimento nei predetti Accordi;

b) il saldo residuale dei depositi fatti dal Governo italiano ai sensi dello scambio di note fra i due Governi in data 21 aprile 1948;

c) le somme equivalenti allo indicato costo in dollari al Governo degli Stati Uniti d'America di merci, servizi ed informazioni tecniche (ivi compresi i costi di trasformazione, magazzinaggio, trasporto, riparazione od altri servizi relativi) resi disponibili all'Italia a titolo gratuito e sotto qualsiasi forma autorizzata dalla Legge del 1948 per la Cooperazione Economica, dedotto tuttavia

the amount of the deposits made pursuant to the exchange of notes referred to in Subparagraph (*b*). The Government of the United States of America shall from time to time notify the Government of Italy of the indicated dollar cost of any such comodities, services and technical information, and the Government of Italy will thereupon deposit in the Special Account a commensurate amount of lire computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Italy. If at the time of notification a par value for the lira is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into Italy, or, if at the time of notification no par value for the lira is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of Italy and the Government of the United States of America. The Government of Italy may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

Availability of sums for U. S. expenditures in Italy.

3. The Government of the United States of America will from time to time notify the Government of Italy of its requirements for administrative expenditures in lire within Italy incident to operations under the Economic Cooperation Act of 1948, and the Government of Italy will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1948,[1] shall be allocated to the use of the Government of the United States of America for its expenditures in Italy, and sums made available pursuant to paragraph three of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of Italy will further make such sums of lire available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Italy to the consignee's designated point of delivery in Italy of such relief supplies and packages as are referred to in Article VI.

Post, p. 2436.

Italian withdrawals from Special Account.

6. The Government of Italy may draw upon any remaining balance in the Special Account for such purpose as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Italy for drawings from the Special Account the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Italy and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Italy, including in particular:

(*a*) Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Italy and the other participating countries, and projects or program the external costs of which are being covered by assistance rendered by the

[1] The correct year is 1949.

l'ammontare dei depositi fatti ai sensi dello scambio di note di cui al comma *b*). Il Governo degli Stati Uniti d'America notificherà di tanto in tanto al Governo italiano l'indicato costo in dollari di qualsiasi delle suddette merci, servizi ed informazioni tecniche, dopo di che il Governo italiano depositerà nel Conto Speciale un equivalente ammontare in lire calcolato ad un tasso di cambio che sarà corrispondente alla parità convenuta in quell'epoca col Fondo Monetario Internazionale, purchè tale valore convenuto sia l'unico tasso di cambio applicabile per gli acquisti di dollari relativi alle importazioni in Italia. Se al momento della notifica è stata convenuta col Fondo una parità per la lira ed esistono uno o più altri tassi di cambio applicabili all'acquisto di dollari per importazioni in Italia, o se al momento della notifica non è stata concordata con il Fondo una parità della lira, il tasso o i tassi di cambio per questo scopo speciale saranno stabiliti d'accordo fra il Governo italiano ed il Governo degli Stati Uniti d'America.

Il Governo Italiano potrà in qualsiasi momento effettuare nel Conto Speciale depositi anticipati che verranno accreditati in conto di notificazioni successive ai sensi di questo paragrafo.

3. Il Governo degli Stati Uniti d'America notificherà di tanto in tanto al Governo Italiano il suo fabbisogno per spese amministrative in lire in Italia derivanti da operazioni effettuate ai termini della Legge del 1948 per la Cooperazione Economica, dopo di che il Governo italiano metterà a disposizione tali somme prelevandole da qualsiasi saldo del Conto Speciale e nel modo richiesto dal Governo degli Stati Uniti d'America nella sua notifica.

4. Il cinque per cento di ciascun deposito effettuato ai sensi del presente articolo derivante dall'assistenza fornita ai termini della Legge del 1948 di stanziamento per aiuti all'Estero, sarà assegnato al Governo degli Stati Uniti d'America che ne farà uso per le sue spese in Italia, e le somme messe a disposizione ai sensi del paragrafo 3 del presente Articolo verranno previamente addebbitate agli ammontari assegnati ai sensi del presente paragrafo.

5. Il Governo italiano metterà inoltre a disposizione, prelevandole da qualsiasi saldo del Conto Speciale, quelle somme in lire che potranno essere necessarie a coprire spese per il trasporto (incluse spese portuali, di magazzinaggio, facchinaggio e simili) da ogni punto di entrata in Italia al punto stabilito per la consegna al destinatario in Italia di quei rifornimenti assistenziali e pacchi cui si fa riferimento all'articolo VI.

6. Il Governo italiano potrà effettuare prelevamenti dall'eventuale saldo rimasto nel Conto Speciale per quegli scopi che potranno essere di volta in volta concordati con il Governo degli Stati Uniti d'America. Nell'esame delle proposte di prelevamento dal Conto Speciale avanzate dal Governo italiano, il Governo degli Stati Uniti d'America prenderà in considerazione la necessità di promuovere o mantenere la stabilizzazione monetaria e finanziaria interna in Italia, la necessità di stimolare l'attività produttiva ed il commercio internazionale, come pure la ricerca esplorativa e lo sviluppo di nuove fonti di ricchezza in Italia ed in modo particolare:

a) spese per l'attuazione di opere o programmi, ivi compresi quelli che fanno parte di un programma generale per lo sviluppo della capacità produttiva italiana e degli altri Paesi partecipanti, nonchè per l'attuazione di opere o programmi il cui costo esterno sia coperto dall'assistenza fornita dal Governo

Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for reconstruction and development;

62 Stat., Pt. 1, p. 137.

(*b*) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of because of deficiencies or potential deficiencies in the resources of the United States of America; and,

(*c*) Effective retirement of the national debt, especially debt held by the Bank of Italy or other banking institution.

Disposition of unencumbered balances.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the Special Account on June 30, 1952, shall be disposed of within Italy for such purposes as may hereafter be agreed between the Governments of the United States of America and Italy, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

Article V

Access to materials

Post, p. 2444.

1. The Government of Italy will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Italy which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Italy, after due regard for the reasonable requirements of Italy for domestic use and commercial export of such materials. The Government of Italy will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Italy, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Italy will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2446.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America, and of the participating countries, the Government of Italy will, when so requested by the Government of the United States of America, negotiate where applicable (*a*) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in Italy which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of the United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from Italy, (*b*) arrangements providing suitable protection for the right of access for any citizen of the United States

degli Stati Uniti d'America in base alla Legge del 1948 per la Cooperazione Economica od in altro modo, o da prestiti della Banca Internazionale per la Ricostruzione e lo Sviluppo;

b) spese per ricerche esplorative e lo sviluppo di una aumentata produzione di quelle materie prime che possano abbisognare agli Stati Uniti d'America a causa di deficienze o deficienze potenziali nelle risorse degli Stati Uniti d'America; e

c) l'effettiva riduzione del debito nazionale, specialmente del debito verso la Banca d'Italia od altri Istituti bancari.

7. Ogni saldo residuale all'infuori delle somme non spese assegnate ai sensi del paragrafo 4 del presente articolo, rimanente nel conto speciale al 30 giugno 1952, sarà impiegato in Italia per quegli scopi che potranno essere in seguito concordati fra i Governi degli Stati Uniti d'America e d'Italia, rimanendo inteso che il consenso degli Stati Uniti d'America sarà soggetto all'approvazione a mezzo di Legge o di deliberazione congiunta del Congresso degli Stati Uniti d'America.

Articolo V

Accesso alle materie prime

1. Il Governo italiano faciliterà il trasferimento negli Stati Uniti d'America, per la costituzione di scorte o per altri scopi, di materie prime di origine italiana che sono richieste dagli Stati Uniti d'America in conseguenza di deficienze o di deficienze potenziali delle proprie risorse, sulla base di quelle ragionevoli condizioni di vendita, scambio, baratto o altrimenti, e in quei quantitativi, e per quel periodo di tempo, che potranno essere stabiliti d'accordo fra i Governi degli Stati Uniti d'America e d'Italia, dopo aver tenuto debito conto delle ragionevoli necessità dell'Italia per le sue esigenze interne e per i bisogni di esportazione commerciale di tali materie prime. Il Governo italiano prenderà tutte quelle misure specifiche che potranno essere necessarie per adempiere alle disposizioni di questo paragrafo, comprese le misure destinate a promuovere una maggiore produzione di tali materie prime in Italia, ed a rimuovere ogni ostacolo al trasferimento di tali materie prime negli Stati Uniti d'America. Il Governo italiano, qualora ne sia richiesto del Governo degli Stati Uniti d'America, entrerà in negoziati per stabilire dettagliati accordi necessari a porre in atto le disposizioni del presente paragrafo.

2. Riconoscendo il principio di equità nei riguardi della depauperazione delle risorse naturali degli Stati Uniti d'America e dei Paesi partecipanti, il Governo italiano qualora ne sia richiesto dal Governo degli Stati Uniti d'America, negozierà ove ciò possa avere applicazione: (*a*) un futuro piano di disponibilità minime a favore degli Stati Uniti d'America per il futuro acquisto e consegna di una equa proporzione di materie prime di origine italiana che necessitino agli Stati Uniti d'America in dipendenza di deficienze o deficienze potenziali delle loro proprie risorse, a prezzi di mercato mondiale, in modo tale da proteggere l'accesso dell'industria degli Stati Uniti ad una equa proporzione di tale materie prime italiane, espressa sia in percentuali di produzione o in quantità assolute; (*b*) intese che provvedano adeguata protezione del diritto di ogni cittadino degli Stati Uniti

of America or any corporation, partnership, or other association created under the laws of the United States of America or of any state or territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of Italy, and, (c) an agreed schedule of increased production of such materials where practicable in Italy and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of Italy when so requested by the Government of the United States of America, will cooperate whenever appropriate to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Italy.

Article VI

Travel Arrangements and Relief Supplies

1. The Government of Italy will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2432.

2. The Government of Italy will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provisions of duty-free treatment under appropriate safeguards) to facilitate the entry into Italy of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Italy.

Article VII

Consultation and Transmittal of Information

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Italy will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Italy:

Post, p. 2448.

(*A*) Detailed information of projects, programs and measures proposed or adopted by the Government of Italy to carry out the provisions of this Agreement and the general obligations of the Convention for European Economic Cooperation.

(*B*) Full statements of operations under this Agreement including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

d'America o di ogni persona giuridica, società od altra associazione creata ai termini delle leggi degli Stati Uniti d'America o di ogni loro Stato o territorio, di cui siano in larga parte beneficiari cittadini degli Stati Uniti d'America, di partecipare allo sfruttamento di tali materie prime a condizioni di trattamento equivalenti a quelle accordate ai cittadini italiani e, (*c*) un programma concordato per l'aumento della produzione di tali materie prime ovunque possibile in Italia e per la fornitura di un percentuale convenuta di tale aumentata produzione da trasferirsi negli Stati Uniti d'America secondo un programma a lunga scadenza in considerazione dell'assistenza fornita dagli Stati Uniti d'America ai sensi del presente Accordo.

3. Il Governo italiano, qualora richiesto dal Governo degli Stati Uniti d'America coopererà, ogni qualvolta ciò sia opportuno, per realizzare gli scopi di cui ai paragrafi 1 e 2 del presente articolo, nei riguardi di materie prime aventi origine fuori d'Italia.

Articolo VI

Accordi per i viaggi e forniture assistenziali

1. Il Governo italiano coopererà col Governo degli Stati Uniti d'America nel facilitare, incoraggiare e promuovere lo sviluppo di viaggi di cittadini degli Stati Uniti d'America verso ed entro i Paesi partecipanti.

2. Il Governo italiano, ogni qual volta ciò sia desiderato dal Governo degli Stati Uniti d'America, entrerà in trattative per accordi (compresa la concessione della franchigia doganale dietro opportune cautele) per facilitare l'entrata in Italia di forniture di merci assistenziali donate od acquistate da organizzazioni assistenziali volontarie statunitensi non aventi scopi di lucro, e di pacchi dono provenienti dagli Stati Uniti d'America e destinati a persone singole residenti in Italia.

Articolo VII

Consultazione e trasmissione di informazioni

1. I due Governi, su richiesta dell'uno o dell'altro, si consulteranno in merito a qualsiasi questione riguardante l'applicazione del presente Accordo o alle operazioni o intese da esso derivanti.

2. Il Governo italiano comunicherà al Governo degli Stati Uniti d'America nella forma e con gli intervalli che saranno indicati da quest'ultimo, dopo essersi consultato col Governo italiano:

A) Informazioni dettagliate di opere, programmi e misure proposte o adottate dal Governo italiano per l'esecuzione delle disposizioni del presente Accordo e degli obblighi generali della Convenzione per la Cooperazione Economica Europea.

B) Esaurienti rapporti sulle operazioni effettuate ai termini del presente Accordo ivi compreso un rapporto sull'utilizzazione dei fondi, merci e servizi ricevuti ai termini di esso; rapporti da compilarsi in ogni trimestre solare.

(*C*) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the Joint Recovery Program.

62 Stat., Pt. 1, p. 137.

3. The Government of Italy will assist the Government of the United States of America to obtain information relating to the materials originating in Italy referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Post, p. 2444.

Ante, p. 2434.

Article VIII

Publicity

1. The Governments of the United States of America and Italy recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European Recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Italy will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for Economic Recovery.

Quarterly statements of operations.

4. The Government of Italy will make public in Italy in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article IX

Missions

1. The Government of Italy agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Italy under this Agreement.

Special mission as part of U. S. Embassy.

2. The Government of Italy will, upon appropriate notification from the Ambassador of the United States of America in Italy, consider the Special Mission

C) Informazioni concernenti la propria economia e qualsiasi altra informazione di rilievo, necessarie per complementare quelle ottenute dal Governo degli Stati Uniti d'America dall'Organizzazione per la Cooperazione Economica Europea di cui il Governo degli Stati Uniti d'America possa necessitare per determinare la natura e la portata delle operazioni ai termini della Legge del 1948 per la Cooperazione Economica e per valutare l'efficacia dell'assistenza fornita o contemplata ai sensi del presente Accordo, ed in generale il progresso del Programma Comune di Ripresa.

3. Il Governo italiano assisterà il Governo degli Stati Uniti d'America nell'ottenere informazioni, relative alle materie prime aventi origine in Italia di cui è cenno nell'articolo V, che siano necessarie per la formulazione ed esecuzione degli accordi contemplati in quell'articolo.

Articolo VIII

Pubblicità

1. I Governi degli Stati Uniti d'America e d'Italia riconoscono che è nel loro interesse reciproco che venga data ampia pubblicità agli obbiettivi ed al grado di sviluppo del comune programma per la ripresa europea nonchè ai provvedimenti presi per porre in esecuzione tale programma. È riconosciuto che una estesa diffusione di informazioni sullo svolgimento del programma è desiderabile al fine di sviluppare quel senso di sforzo comune e di aiuto reciproco che è essenziale al raggiungimento degli obiettivi del programma.

2. Il Governo degli Stati Uniti d'America incoraggerà la diffusione di tali informazioni e le renderà accessibili agli strumenti di pubblica informazione.

3. Il Governo italiano incoraggierà la diffusione di tali informazioni sia direttamente, che in collaborazione con l'Organizzazione per la Cooperazione Economica Europea. Esso renderà accessibili agli strumenti di informazione pubblica tali dati informativi ed adotterà tutte le misure possibili per assicurare che vengano forniti mezzi appropriati per tale diffusione. Inoltre fornirà agli altri Paesi partecipanti ed all'Organizzazione per la Cooperazione Economica Europea informazioni esaurienti sul grado di sviluppo del programma per la ripresa economica.

4. Il Governo italiano renderà pubblici in Italia, ogni trimestre solare, esaurienti rapporti sulle operazioni ai termini del presente Accordo, ivi incluse informazioni circa l'utilizzazione di fondi, merci e servizi ricevuti.

Articolo IX

Missioni

1. Il Governo italiano conviene di accogliere una Missione Speciale per la Cooperazione Economica la quale adempirà i compiti spettanti al Governo degli Stati Uniti d'America in Italia ai termini del presente Accordo.

2. Il Governo italiano, su opportuna notifica da parte dell'Ambasciatore degli Stati Uniti d'America in Italia, considererà la Missione Speciale ed il suo

and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Italy for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Italy will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

Post, p. 2448.

3. The Government of Italy, directly and through its representatives on the Organization of European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X

Settlement of Claims of Nationals

1. The Governments of the United States of America and Italy agree to submit to the decisions of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other that measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government.

Post, p. 2448.

It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Italy pursuant to this Article is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court, as set forth in the declaration of the President of the United States of America dated August 14, 1946. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

61 Stat., Pt. 2, p. 1218.

2. The Governments of the United States of America and of Italy further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon. It is understood that the undertaking of each Government pursuant to this paragraph is subject to and limited by the terms and conditions of existing arbitration treaties, conventions or other agreements, particularly any provisions respecting the functions of the Senate of the United States of America and the Italian Parliament.

personale, nonchè il Rappresentante Speciale degli Stati Uniti in Europa, quali facenti parte dell'Ambasciata degli Stati Uniti d'America in Italia ai fini del godimento dei privilegi e delle immunità accordate a detta Ambasciata e al suo personale di rango equiparato. Il Governo italiano concederà inoltre adeguate cortesie ai membri ed al personale del Comitato Misto del Congresso degli Stati Uniti d'America per la Cooperazione Economica estera e concederà agli stessi le facilitazioni e l'assistenza necessarie per l'efficace adempimento delle loro funzioni.

3. Il Governo italiano, sia direttamente che attraverso i suoi rappresentanti presso l'Organizzazione Economica Europea darà piena collaborazione alla Missione Speciale, al Rappresentante Speciale degli Stati Uniti in Europa e al suo personale nonchè ai membri ed al personale del Comitato Misto; tale collaborazione comprenderà la comunicazione di tutte le informazioni e la concessione di tutti i mezzi necessari per osservare ed esaminare l'esecuzione del presente Accordo, ivi incluso l'utilizzazione dell'assistenza fornita a termini del medesimo.

Articolo X

Composizione di reclami e ricorsi dei cittadini

1. I Governi degli Stati Uniti d'America e d'Italia convengono di sottoporre alle decisioni della Corte Internazionale di Giustizia qualsiasi reclamo o ricorso sostenuto da uno dei due Governi in favore di uno dei propri cittadini contro l'altro Governo per risarcimento di danni risultanti quale conseguenza di misure governative (eccettuate le misure concernenti proprietà o interessi nemici) adottate dopo il 3 aprile 1948 dall'altro Governo e che coinvolgono la proprietà o gli interessi di detto cittadino, ivi inclusi contratti stipulati con le Autorità debitamente autorizzate di detto altro Governo o concessioni da esso fatte. Resta inteso che l'impegno del Governo degli Stati Uniti d'America relativo a reclami e ricorsi sostenuti dal Governo italiano ai sensi del presente articolo, assunto in base e nei limiti dei termini e delle condizioni del riconoscimento, da parte degli Stati Uniti d'America, della giurisdizione obbligatoria della Corte Internazionale di Giustizia ai termini dell'articolo 36 dello Statuto della Corte, come enunciato nella Dichiarazione del Presidente degli Stati Uniti d'America in data 14 agosto 1946. Le disposizioni del presente paragrafo non porteranno in alcun modo pregiudizio agli eventuali altri diritti di ciascun Governo di adire la Corte Internazionale di Giustizia o di sostenere e presentare reclami e ricorsi basati su preteso violazioni da parte di ciascun Governo, di diritti e doveri derivanti da Trattati, Accordi o principi di diritto internazionale.

2. I Governi degli Stati Uniti d'America e d'Italia convengono inoltre che detti reclami e ricorsi possono essere deferiti, in vece che alla Corte, a qualsiasi Tribunale arbitrale concordato di mutuo accordo. Resta inteso che l'impegno di ciascun Governo, ai sensi del presente paragrafo, è subordinato e limitato ai termini e alle condizioni dei trattati di arbitrato, delle convenzioni e degli altri accordi esistenti, e particolarmente a qualsiasi disposizione relativa alle funzioni del Senato degli Stati Uniti d'America e del Parlamento italiano.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the Administrative and Judicial Tribunals of the country in which the claim arose.

Article XI

Definitions

"Participating country."

As used in the Agreement, the term « participating country » means:

(1) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(2) Any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purpose of this Agreement.

Article XII

Entry into Force, Amendments, Duration

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall been given.

Modification, etc. *Post*, p. 2444.

2. If during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumption underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(*a*) Six months after the date of such notice of intention to terminate, or

(*b*) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Italy are performed in respect of any assistance which may continue to be furnished by the Government of the United

3. Resta inoltre inteso che nessuno dei due Governi sosterrà un reclamo o ricorso ai termini del presente articolo fino a quando il suo cittadino abbia esaurito i rimedi a sua disposizione avanti ai Tribunali amministrativi e giudiziari del Paese nel quale ha avuto origine il reclamo o ricorso.

Articolo XI

Definizioni

Ai termini del presente Accordo, l'espressione « Paese partecipante » significa:

1. Ogni Paese firmatario del Rapporto del Comitato per la Cooperazione Economica Europea di Parigi in data 22 settembre 1947 ed i territori per i quali esso è investito di responsabilità internazionale ed ai quali è stato applicato l'Accordo per la Cooperazione Economica concluso fra quel Paese ed il Governo degli Stati Uniti d'America, e

2. Ogni altro Paese (incluse qualsiasi delle zone di occupazione della Germania, ogni area soggetta ad amministrazione o controllo internazionale, ed il Territorio Libero di Trieste o ciascuna delle sue zone) che si trovi completamente o parzialmente in Europa, insieme ai territori che ne dipendono e che sono sotto la sua amministrazione ; per tutto il periodo in cui tale Paese continua a partecipare alla Convenzione per la Cooperazione Economica Europea ed aderisce ad un programma comune di ripresa europea mirante all'attuazione degli scopi del presente Accordo.

Articolo XII

Entrata in vigore, emendamenti, durata

1. Questo Accordo entrerà in vigore alla data di oggi. Subordinatamente alle disposizioni dei paragrafi 2 e 3 del presente articolo, esso rimarrà in vigore fino al 30 giugno 1953, e, salvo che almeno sei mesi prima del 30 giugno 1953 uno dei due Governi abbia notificato per iscritto all'altro l'intenzione di porre termine all'Accordo in quella data, esso rimarrà successivamente in vigore fino allo spirare di sei mesi dalla data in cui sia avvenuta tale notifica.

2. Qualora durante il periodo di validità del presente Accordo uno dei due Governi consideri che abbia avuto luogo un mutamento radicale delle condizioni fondamentali su cui si basa il presente Accordo esso ne darà notifica per iscritto all'altro Governo e conseguentemente i due Governi si consulteranno allo scopo di concordare circa l'emendamento, la modifica o la cessazione del presente Accordo. Qualora tre mesi dopo tale notifica i due Governi non si siano accordati circa l'azione da svolgersi in quelle circostanze, ciascun Governo potrà notificare per iscritto all'altro la propria intenzione di porre termine al presente Accordo. In tal caso, subordinatamente alle disposizioni del paragrafo 3 del presente articolo, il presente Accordo avrà termine in uno dei due casi seguenti:

a) sei mesi dopo la data di detta notifica dell'intenzione di porvi termine, o

b) dopo quel periodo più breve che possa essere convenuto come sufficiente per assicurare che gli obblighi del Governo italiano sono stati adempiuti per quanto si riferisce a qualsiasi assistenza che possa continuare ad essere fornita

States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Ante, pp. 2434, 2438.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary Agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Italy required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

Ante, p. 2430.

Ante, p. 2430.

4. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

5. The Annex to this agreement forms an integral part thereof.

Amendment.
Ante, p. 2442.

6. This Agreement may be amended at any time by agreement between the two Governments.

Registration.

7. This Agreement shall be registered with the Secretary General of the United Nations.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

DONE at Rome, in duplicate, in the English and Italian languages, both textes authentic, this 28th day of June 1948.

For the
Government of the United States
of America

For the
Italian Government

dal Governo degli Stati Uniti d'America posteriormente alla data di tale notifica; a condizione, tuttavia, che l'articolo V ed il paragrafo 3 dell'articolo VII rimangano in vigore sino a due anni dopo la data di tale notifica dell'intenzione di porre termine all'Accordo, ma non oltre il 30 giugno 1953.

3. Accordi ed intese sussidiarie stipulati in dipendenza del presente Accordo potranno rimanere in vigore oltre la data di scadenza del presente Accordo ed il periodo di efficacia di tali accordi ed intese sussidiarie sarà regolato dalle loro proprie clausole. L'articolo IV resterà in vigore fino a quando tutte le somme in moneta italiana che debbono essere depositate in conformità delle clausole del predetto articolo siano state utilizzate come disposto nell'articolo stesso.

4. Il paragrafo 2 dell'articolo III rimarrà in vigore fino a che i pagamenti garanzi di cui è cenno in detto Articolo siano stati effettuati dal Governo degli Stati Uniti d'America.

5. L'Annesso al presente Accordo forma parte integrante dello stesso.

6. Il presente Accordo può essere emendato in qualsiasi tempo mediante Accordo fra i due Governi.

7. Il presente Accordo verrà registrato presso il Segretario Generale delle Nazioni Unite.

IN FEDE DI CHE i rispettivi rappresentanti debitamente autorizzati a tale scopo, hanno firmato il presente Accordo.

FATTO a Roma in duplice esemplare, nelle lingue italiana ed inglese, ambedue i testi facenti fede, addì 28 giugno 1948.

Per il
Governo Italiano

Per il
Governo degli Stati Uniti
d'America

Annex

Interpretive notes

Ante, p. 2428.

1. It is understood that the requirements of paragraph 1 (*A*) of Article II, relating to the adoption of measures for the efficient use of resources, will include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2428.

2. It is understood that the obligations under paragraph 1 (*C*) of Article II to balance the budget as soon as practicable will not preclude deficits for over a short period but will mean a budgetary policy involving the balancing of the budget in the longrun.

Ante, p. 2428.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(*a*) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any products;

(*b*) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity or allocating customers, or fixing sales quotas or purchase quotas;

(*c*) Discriminating against particular enterprises;

(*d*) Limiting production or fixing production quotas;

(*e*) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

(*f*) Extending the use of rights under patents, trade marks or copyrights granted by either country to matters which according to its laws and regulations are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants;

(*g*) Such other practices as the two Governments may agree to include.

The foregoing reproduces the definition of restrictive business practices contained in Article 46, paragraph three, Havana International Trade Organization Charter.

Ante, p. 2428.

4. It is understood that the Government of Italy is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2434.

5. It is understood that the phrase in Article V, « After due regard for the reasonable requirements of Italy for domestic use » will include the maintenance of reasonable stocks of the materials concerned and that the phrase « commercial export » might include barter transactions. It also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article Thirty-two of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

Annesso

Note interpretative

1. Resta inteso che i requisiti di cui al paragrafo 1 (*A*) dell'articolo II, concernente l'adozione di misure per l'efficace utilizzazione delle risorse, comprendono, per quanto si riferisce alle merci fornite ai termini dell'Accordo, misure efficaci per la salvaguardia di tali merci e per impedire la loro diversione verso mercati o vie commerciali illegali o irregolari.

2. Resta inteso che gli obblighi di cui al paragrafo 1 (*C*) dell'articolo II, di pareggiare il bilancio non appena possibile, non escludono che si possano verificare dei disavanzi per un periodo di breve durata ma comportano una politica finanziaria basata sul pareggio del bilancio a lunga scadenza.

3. Resta inteso che metodi e intese di affari di cui al paragrafo 3 dell'articolo II significano:

a) fissare prezzi, clausole o condizioni da osservarsi nelle trattative con terzi per l'acquisto, la vendita o l'affitto di qualsiasi bene;

b) escludere imprese da, o assegnare o spartire fra le stesse, un determinato mercato territoriale o campo di attività di affari; o ripartire la clientela o fissare aliquote per vendite o acquisti;

c) applicare misure discriminatorie contro determinate imprese;

d) limitare la produzione o fissare quote di produzione;

e) impedire, mediante accordi, lo sviluppo o l'applicazione di tecnologie o invenzioni coperte o meno da brevetto;

f) estendere l'uso di diritti coperti da brevetti, marchi commerciali o diritti di fabbrica concessi dall'uno o dall'altro dei due Paesi, a materie che, ai sensi delle loro leggi e regolamenti non rientrino nell'ambito di tali concessioni od a prodotti o condizioni di produzione, di uso o di vendita che similmente non siano contemplati da tali concessioni;

g) qualsiasi altra pratica di affari che i due Paesi convengano di aggiungere.

Quanto sopra riproduce la definizione di metodi d'affari restrittivi contenuta nell'articolo 46, paragrafo 3, della Carta dell'Avana dell'I. T. O.

4. Resta inteso che il Governo italiano si obbliga ad adottare misure nei singoli casi in conformità al paragrafo 3 dell'articolo II soltanto dopo opportuna inchiesta o esame.

5. Resta inteso che la frase dell'articolo V « dopo aver tenuto debito conto delle ragionevoli necessità dell'Italia per le sue esigenze interne » comprende il mantenimento di scorte ragionevoli delle materie prime in questione e che la frase « esportazione commerciale » può comprendere scambi compensati. Resta altresì inteso che intese negoziate ai termini dell'articolo V possono opportunamente comprendere disposizioni per consultazione, in conformità ai principi dell'articolo trentadue della Carta dell'Avana per l'Organizzazione Commerciale Internazionale, nell'eventualità di liquidazione delle scorte.

Ante, p. 2440.

6. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 3 of Article IX will bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges will be requested. It is also understood that the detailed application of Article IX will, when necessary, be the subject of inter-governmental discussion.

Ante, p. 2436.

7. It is understood that the Government of Italy will not be requested, under paragraph 2 (*a*) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information, the disclosure of which would injure legitimate commercial interests.

8. It is understood that if the Government of Italy should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines: « It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court ».

59 Stat. 1060.

Ante, p. 2440.

6. Resta inteso che il Governo degli Stati Uniti d'America nell'effettuare le notifiche di cui al paragrafo 3 dell'articolo IX terrà presente l'opportunità di limitare, per quanto possibile, il numero dei funzionari per i quali saranno richiesti pieni privilegi diplomatici. Resta altresì inteso che l'applicazione particolareggiata dell'articolo IX sarà oggetto, ove necessario, di discussione fra i due Governi.

7. Resta inteso che al Governo italiano non verrà richiesto, ai termini del paragrafo 2 *a*) dell'articolo VII, di fornire informazioni dettagliate su progetti di secondaria importanza, o informazioni riservate di natura commerciale o tecnica, la divulgazione delle quali verrebbe a danneggiare legittimi interessi commerciali.

8. Resta inteso che qualora il Governo italiano accetti, a termini e condizioni opportune, la giurisdizione obbligatoria della Corte Internazionale di Giustizia ai termini dell'articolo 36 dello statuto della Corte, i due Governi si consulteranno al fine di sostituire la seconda frase del paragrafo 1 dell'articolo X con una disposizione del genere della seguente: « resta inteso che l'impegno di ciascun Governo nei riguardi di reclami o ricorsi sostenuti dall'altro Governo ai termini del presente paragrafo viene assunto in base e nei limiti dei termini e delle condizioni di quell'effettivo riconoscimento che è stato accordato in precedenza alla giurisdizione obbligatoria della Corte Internazionale di Giustizia, ai termini dell'articolo 36 dello Statuto della Corte.

Agreement between the United States of America and Luxembourg respecting economic cooperation under Public Law 472, 80th Congress. Signed at Luxembourg July 3, 1948; entered into force July 3, 1948.

July 3, 1948
[T. I. A. S. 1790]

Economic Cooperation Agreement between the UNITED-STATES OF AMERICA and the GRAND-DUCHY OF LUXEMBOURG

Accord de Coopération Economique entre le GRAND-DUCHE DE LUXEMBOURG et les ETATS-UNIS D'AMERIQUE

ECONOMIC COOPERATION AGREEMENT between the UNITED STATES OF AMERICA and the GRAND DUCHY OF LUXEMBOURG

Preamble

Principles of Agreement.

The Governments of the United States of America and of Luxembourg;

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Govern-

ACCORD DE COOPERATION ECONOMIQUE entre les ETATS-UNIS d'AMERIQUE et le GRAND-DUCHE DE LUXEMBOURG

Préambule

Les Gouvernements des Etats-Unis d'Amérique et du Luxembourg;

Reconnaissant que le rétablissement ou le maintien dans les pays d'Europe des principes de liberté individuelle, des institutions libres et de l'indépendance véritable dépendent, pour une large part, de la réalisation de conditions économiques saines, de rapports économiques stables entre les nations et du retour des pays d'Europe à une économie viable, indépendante de toute assistance extérieure exceptionnelle;

Reconnaissant qu'une économie européenne forte et prospère est essentielle pour atteindre les buts des Nations Unies;

Considérant que la réalisation de ces conditions appelle un plan de relèvement de l'Europe d'entr'aide et de coopération mutuelle, accessible à toutes les nations qui y coopéreront, fondé sur un effort énergique de production, sur le développement du commerce international, l'établissement ou le maintien de la stabilité financière intérieure et le développement de la coopération économique, y compris toutes les mesures praticables pour établir ou maintenir des taux de change appropriés et pour réduire les obstacles aux échanges;

Considérant que pour la mise en application de ces principes, le

ment of Luxembourg has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Luxembourg is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted effort to become independent of extraordinary outside economic assistance;

Taking note that the Government of Luxembourg has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Luxembourg, and the measures which the two Governments will take individually and together in furthering the recovery of Luxembourg as an

Gouvernement du Luxembourg s'est associé aux autres pays animés du même esprit par une Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 et aux autres termes de laquelle les signataires de cette Convention sont convenus de considérer comme la tâche immédiate qui leur incombe d'élaborer et d'exécuter un programme commun de relèvement et que le Gouvernement du Luxembourg est membre de l'Organisation Européenne de Coopération Economique créée conformément à ladite Convention;

Considérant également que, mettant en oeuvre ces principes, le Gouvernement des Etats-Unis d'Amérique a promulgué la Loi de Coopération Economique de 1948, qui prévoit l'octroi de l'aide par les Etats-Unis d'Amérique aux pays participant à un programme commun de relèvement européen afin de permettre à ces pays de devenir, par leur effort individuel et concerté, indépendants de toute aide économique extérieure de caractère exceptionnel; 62 Stat., Pt. 1, p. 137.

Prenant note du fait que le Gouvernement du Luxembourg a déjà déclaré qu'il adhérait aux fins et aux principes de la Loi de Coopération Economique de 1948;

Désireux de convenir des dispositions qui règlent l'octroi de l'aide par le Gouvernement des Etats-Unis d'Amérique aux termes de la Loi de Coopération Economique de 1948, la réception d'une telle aide par le Luxembourg, et les mesures que les deux Gouvernements prendront individuellement, ou de concert, pour assurer le relèvement du Luxembourg en tant

[1] Department of State publication 3145.

integral part of the joint program for European recovery;

Have agreed as follows;

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Luxembourg, by making available to the Government of Luxembourg or to any person, agency, or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Luxembourg only such commodities, services, and other assistance as are authorized to be made available by such acts.

62 Stat., Pt. 1, p. 137.

2. The Government of Luxembourg, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become

que partie intégrante du programme commun de relèvement européen;

Sont convenus de ce qui suit:

Article I

(Assistance et Coopération)

1. Le Gouvernement des Etats-Unis affirme son intention d'aider le Luxembourg en mettant à la disposition du Gouvernement du Luxembourg ou de toute personne, service ou organisation qui pourrait être désignés par ce Gouvernement telle aide qui pourrait être demandée par ce dernier et approuvée par le Gouvernement des Etats-Unis. Le Gouvernement des Etats-Unis accordera cette aide conformément aux termes, et sous réserve de toutes les dispositions, conditions et clauses de cessation de la Loi de Coopération Economique de 1948, ainsi que des lois qui l'amendent ou la complètent et de celles qui portent ouverture des crédits, et ne mettra à la disposition du Gouvernement du Luxembourg que les produits, services et autres formes d'aide dont l'octroi aura été autorisé par ces lois.

2. Le Gouvernement du Luxembourg agissant individuellement et dans le cadre de l'Organisation Européenne de Coopération Economique conformément à la Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 fera, en commun avec les autres pays participants, tous ses efforts pour établir rapidement en Europe, par un programme commun de relèvement, les conditions économiques indispensables à une paix et à une prospérité durables et pour permettre aux pays d'Europe participant à ce

independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Luxembourg reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of I948.

programme commun de relèvement de devenir indépendants de toute assistance économique extérieure exceptionnelle au terme de la période d'exécution du présent Accord. Le Gouvernement du Luxembourg réaffirme son intention de prendre des mesures propres à appliquer les dispositions des Obligations Générales de la Convention de Coopération Economique Européenne, de continuer à participer activement aux travaux de l'Organisation Européenne de Coopération Economique et de continuer à adhérer aux buts et aux principes de la Loi de Coopération Economique de I948. 62 Stat., Pt. 1, p. 137.

3. With respect to assistance furnished by the Government of the United States of America to Luxembourg and procured from areas outside the United States of America, its territories and possessions, the Government of Luxembourg will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

3. En ce qui concerne l'aide fournie par le Gouvernement des Etats-Unis d'Amérique sous la forme d'achats dans des régions situées hors des Etats-Unis, de leurs territoires et de leurs possessions, le Gouvernement du Luxembourg coopérera avec le Gouvernement des Etats-Unis pour que les achats soient effectués à des prix et à des conditions raisonnables pour faire en sorte que les dollars mis à la disposition du pays où ont lieu des opérations d'achat relatives à l'aide soient utilisés d'une manière compatible avec tous arrangements conclus par le Gouvernement des Etats-Unis d'Amérique avec ce pays.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Luxembourg will use its best endeavors:

Article II

(Engagements généraux)

1. Afin de réaliser son complet relèvement par l'utilisation de l'aide qu'il recevra du Gouvernement des Etats-Unis, le Gouvernement du Luxembourg fera tous ses efforts pour:

Measures for practical use of resources. *Post*, p. 2473.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including:

(a) adopter ou maintenir en vigueur les mesures nécessaires pour assurer de façon rationnelle et efficace l'utilisation de toutes les ressources à sa disposition, y compris:

(1) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Luxembourg in support of the requirements of assistance to be furnished by the Government of the United States of America;

(1) telles mesures qui pourront être nécessaires pour faire en sorte que les produits et services fournis par l'aide accordée conformément au présent Accord soient utilisés à des fins conformes au dit accord et dans toute la mesure du possible aux buts généraux indiqués dans le programme présenté par le Gouvernement du Luxembourg au titre des besoins d'aide à satisfaire par le Gouvernement des Etats-Unis d'Amérique;

(2) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and,

(2) l'observation et la vérification de l'emploi de ces ressources au moyen d'un système de contrôle efficace approuvé par l'Organisation Européenne de Coopération Economique;

Post, p. 2473.

(3) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Luxembourg and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Luxembourg to dispose of such assets;

(3) dans toute la mesure du possible l'adoption ou le maintien de dispositions destinées à situer, identifier et affecter à des usages appropriés à l'exécution du programme commun de relèvement européen, les avoirs et revenus provenant de ces avoirs qui appartiennent à des citoyens luxembourgeois et qui se trouvent aux Etats-Unis, dans leurs territoires ou possessions. Il ne découle de cette clause aucune obligation pour le Gouvernement des Etats-Unis de prêter son concours à l'exécution de ces mesures, ni pour le Gouvernement du Luxembourg de procéder à la liquidation de ces avoirs;

Development of production.

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production

(b) favoriser le développement de la production industrielle et agricole sur une base économiquement rationnelle; réaliser tels

targets as may be established through the Organisation for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Luxembourg to be undertaken in substantial part with assistance made avaible pursuant to this Agreement, including whenever practicable projects for increased production of steel, transportation facilities and food;

objectifs de production qui pourraient être fixés dans le cadre de l'Organisation Européenne de Coopération Economique; et communiquer au Gouvernement des Etats-Unis, si celui-ci le demande, des propositions détaillées correspondant à des projets déterminés que le Gouvernement du Luxembourg envisage d'entreprendre en ayant recours, pour une part importante, à l'aide fournie aux termes du présent Accord, notamment, dans toute la mesure du possible, en ce qui concerne les projets relatifs à l'augmentation de la production d'acier, de moyens de transport et de produits alimentaires;

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

(c) stabiliser sa monnaie; instaurer ou maintenir un taux de change approprié, équilibrer dès que cela sera possible son budget d'Etat, créer ou maintenir la stabilité financière intérieure et, d'une manière générale, rétablir ou maintenir la confiance dans son système monétaire;

Maintenance of financial stability.
Post, p. 2473.

(d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

(d) coopérer avec les pays participants pour faciliter et stimuler un échange croissant de marchandises et de services entre les pays participants ainsi qu' avec d'autres pays, et pour réduire les obstacles publics et privés qui entravent ces échanges tant entre eux qu'avec le reste du monde.

Stimulation of trade.

2. Taking into account Article Eight of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries the Government of Luxembourg will accord sympathetic consideration to proposals made in conjunction with the International Refugee

2. Le Gouvernement du Luxembourg tenant compte des objectifs de l'Article VIII de la Convention de Coopération Economique Européenne visant à l'emploi de la main-d'oeuvre disponible dans les pays participants, s'engage à réserver un accueil bienveillant aux propositions faites de concert avec l'Organisation Internationale pour

Utilization of manpower.

[1] Department of State publication 3145, p. 14.

Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2474, 2475.

3. The Government of Luxembourg will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III

(Guaranties)

1. The Governments of Luxembourg and of the United States of America will, upon the request of either Government, consult respecting projects in Luxembourg proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section III (b) (3) [1] of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2472.

2. The Government of Luxembourg agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any francs or credits in francs assigned or transles Réfugiés, en vue d'utiliser au maximum la main-d'oeuvre éventuellement disponible dans un des pays participants conformément aux fins du présent Accord.

3. Le Gouvernement du Luxembourg prendra les mesures qu'il estime appropriées et coopérera avec les autres pays participants afin d'empêcher les pratiques ou arrangements commerciaux – qu'ils soient le fait d'entreprises commerciales privées ou publiques – qui, dans le commerce international, entravent la concurrence, restreignent l'accès aux marchés ou favorisent le contrôle à caractère de monopole dans tous les cas où ces pratiques et arrangements produisent des effets nuisibles à l'exécution du programme commun de reconstruction européenne.

Article III

(Garanties)

1. Les Gouvernements du Luxembourg et des Etats-Unis d'Amérique se consulteront à la demande de l'un ou l'autre gouvernement, sur les projets que des ressortissants des Etats-Unis envisagent de réaliser au Luxembourg et pour lesquels le Gouvernement des Etats-Unis d'Amérique peut, aux termes de la Section III (b) (3) de la Loi de Coopération Economique de 1948, accorder des garanties de transfert de devises.

2. Lorsque le Gouvernement des Etats-Unis d'Amérique fera à de telles personnes un payement en dollars des Etats-Unis correspondant à une telle garantie, le Gouvernement du Luxembourg acceptera que les francs ou les

[1] "Section III (b) (3)" should read "Section 111 (b) (3)".

ferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV

(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of Luxembourg will establish a special account in the Caisse d'Epargne de l'Etat du Luxembourg in the name of the Government of Luxembourg (hereinafter called the Special Account) and will make deposits in francs to this account as follows:

(a) the unencumbered balances of the deposits made by the Government of Luxembourg pursuant to the exchange of notes between the two Governments dated May 3d, 1948; [1]

(b) amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services, and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made avaible to Luxembourg on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in subparagraph (a). The Govern-

crédits en francs portés au compte du Gouvernement des Etats-Unis d'Amérique ou transférés à ce Gouvernement, conformément à cette clause, soient reconnus comme étant la propriété du Gouvernement des Etats-Unis d'Amérique.

Article IV

(Monnaie nationale)

1. Les dispositions du présent Article ne seront applicables qu'en ce qui concerne l'aide que pourra fournir le Gouvernement des États-Unis à titre de don.

Post, p. 2472.

2. Le Gouvernement du Luxembourg convient d'ouvrir un compte spécial (désigné ci-après sous le nom de compte spécial) à la Caisse d'Epargne de l'Etat du Luxembourg au nom du Gouvernement du Luxembourg et d'effectuer à ce compte les dépôts suivants en francs:

Special account in the Caisse d'Epargne de l'Etat du Luxembourg.

(a) les soldes, nets de toute charge, des dépôts effectués par le Gouvernement du Luxembourg à la suite de l'échange de notes entre les deux Gouvernements en date du 3 mai 1948;

(b) les sommes correspondant aux dépenses exprimées en dollars encourues par le Gouvernement des Etats-Unis d'Amérique pour les produits, services et informations techniques (notamment tous frais de fabrication, d'entrep-osage, de transports, de réparation ou résultant d'autres services s'y rapportant) fournis au Luxembourg à titre de don, sous l'une quelconque des formes prévues par la Loi de Coopération Economique de 1948, sauf, cependant, le montant du dépôt effectué comme suite à l'échange de notes visé à l'alinéa

62 Stat., Pt. 1, p. 137.

[1] *Department of State Bulletin*, May 16, 1948, p. 640, footnote 2.

ment of the United States of America shall from time to time notify the Governement of Luxembourg of the indicated dollar cost of any such commodities, services, and technical information, and the Government of Luxembourg will thereupon deposit in the Special Account a commensurate amount of francs computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Government of Luxembourg may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

(a). Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement du Luxembourg le montant du prix exprimé en dollars des produits, services et renseignements techniques ainsi fournis; le Gouvernement du Luxembourg déposera alors au compte spécial une somme correspondante en francs calculée à un taux de change qui sera celui dont il aura été convenu à cette époque avec le Fonds monétaire international. Le Gouvernement du Luxembourg pourra à tout moment déposer au compte spécial des avances qui seront inscrites à son crédit et sur lesquelles seront imputées des sommes correspondant aux notifications ultérieures effectuées conformément aux dispositions du présent paragraphe.

Availability of sums for U. S. expenditures in Luxembourg.

3. The Government of the United States of America will from time to time notify the Government of Luxembourg of its requirements for administrative expenditures in francs within Luxembourg incident to operations under the Economic Cooperation Act of 1948, and the Government of Luxembourg will thereupon make such sums avaible out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

3. Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement du Luxembourg les sommes en francs qui lui seront nécessaires pour couvrir les dépenses administratives au Luxembourg qu'entraînent les opérations effectuées conformément à la Loi de Coopération Economique de 1948 et le Gouvernement du Luxembourg mettra les sommes nécessaires à la disposition du Gouvernement des Etats-Unis en les imputant sur l'un quelconque des soldes du compte spécial de la manière demandée par le Gouvernement des Etats-Unis dans sa notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States

62 Stat., Pt. 1, p. 1054.

4. Cinq pour cent de tout dépôt fait en application de cet article en raison de l'aide apportée conformément à la Loi d'Appropriation d'Aide à l'Etranger, 1949, portant ouverture de crédit pour l'aide économique à l'étranger

of America for its expenditures in Luxembourg, and sums made avaible pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

seront affectés à l'usage du Gouvernement des Etats-Unis d'Amérique pour ses dépenses en francs et les sommes mises à la disposition de ce Gouvernement conformément au paragraphe 3 de cet article seront imputées sur les montants alloués conformément au présent paragraphe.

5. The Government of Luxembourg will furter make such sums of francs available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling, and similar charges) of transportation from any point of entry in Luxembourg to the consignee's designated point of delivery in Luxembourg of such relief supplies and packages as are referred to in Article VI.

5. Le Gouvernement du Luxembourg s'engage en outre, à rendre disponibles, en les imputant sur l'un quelconque des soldes du compte spécial les sommes en francs nécessaires pour couvrir les frais de transport (port, emmagasinage, manutention et frais analogues) des approvisionnements et colis de secours mentionnés à l'article VI, depuis tout lieu d'entrée en territoire métropolitain du Luxembourg jusqu'au point de destination indiqué par le destinataire en territoire métropolitain du Luxembourg.

Post, p. 2464.

6. The Government of Luxembourg may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Luxembourg for drawings from the Special Account the Governement of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Luxembourg and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Luxembourg, including in particular:

6. Le Gouvernement du Luxembourg pourra effectuer des prélèvements sur le solde restant inscrit au compte spécial, aux fins dont ce Gouvernement pourra être convenu avec le Gouvernement des Etats-Unis d'Amérique. En examinant les propositions de prélèvement sur le compte spécial, présentées par le Gouvernement du Luxembourg, le Gouvernement des Etats-Unis d'Amérique tiendra compte de la nécessité de stimuler l'activité de la production et des échanges internationaux, la recherche et le développement au Luxembourg de nouvelles sources de richesses ainsi que de maintenir la stabilité monétaire et financière intérieure et en particulier:

Luxembourg withdrawals from Special Account.

(a) expenditures upon projects or programs, including those which are part of a comprehensive pro-

(a) les dépenses afférentes aux plans ou programmes, notamment ceux qui font partie d'un pro-

gram for the development of the productive capacity of Luxembourg and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development:

62 Stat., Pt. 1, p. 137.

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America: and

(c) effective retirement of the national debt, especially debt held by the central bank or other banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the special account on June 30, 1952, shall be disposed of within Luxembourg for such purposes as may hereafter be agreed between the Governments of the United States and Luxembourg, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

gramme d'ensemble destiné à accroître la capacité de production du Luxembourg et des autres pays participants, et les plans ou programmes comportant des dépenses à l'étranger qui sont couvertes par l'aide fournie par le Gouvernement des Etats-Unis d'Amérique dans le cadre de la Loi de Coopération Economique de 1948, ou d'autres dispositions, ou par des prêts de la Banque Internationale pour la Reconstruction et le Développement:

(b) les dépenses afférentes à la recherche et au développement d'une production accrue pour les matières premières dont les Etats-Unis pourraient avoir besoin en raison de l'insuffisance effective ou éventuelle de leurs ressources: et

(c) la résorption effective de la dette publique et spécialement de la dette détenue soit par la Banque Nationale de Belgique, soit par d'autres établissements bancaires.

7. Tous les soldes nets de toutes charges restant inscrits au compte spécial au 30 juin 1952 autres que les sommes non dépensées dont l'affectation aura été déterminée conformément au paragraphe 4 du présent article, seront utilisés au Luxembourg aux fins dont les Gouvernements des Etats-Unis d'Amérique et de Luxembourg seront convenus ultérieurement, étant entendu que l'agrément des Etats-Unis d'Amérique devra être approuvé par une loi ou une résolution commune du Congrès des Etats-Unis d'Amérique.

Article V

(Access to Materials)

Article V

(Accès à certains produits)

Post, pp. 2465, 2472, 2475.

1. The Government of Luxembourg will facilitate the transfer

1. Le Gouvernement du Luxembourg facilitera le transfert aux

to the United States of America, for stockpiling or other purposes, of materials originating in Luxembourg, which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantitites, and for such period of time, as may be agreed to between the Governments of Luxembourg and of the United States of America after due regard for the reasonable requirements of Luxembourg for domestic use and commercial export of such materials. The Government of Luxembourg will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Luxembourg and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Luxembourg will, when so requested by the Government of the United States of America, enter into negociations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Luxembourg will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph 9 sub-section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

3. The Government of Luxembourg will, when so requested by the Government of the United

Etats-Unis d'Amérique, en vue de la constitution de stocks ou à d'autres fins, de produits provenant du Luxembourg, dont les Etats-Unis ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, à des conditions raisonnables de vente, d'échange, de troc, ou autres, pendant une période et en des quantités à déterminer d'un commun accord entre les Gouvernements du Luxembourg et des Etats-Unis d'Amérique compte tenu des besoins raisonnables du Luxembourg en produits nécessaires à sa consommation intérieure et à son commerce d'exportation. Le Gouvernement du Luxembourg prendra toutes mesures particulières qui pourraient être nécessaires pour l'application des dispositions du présent paragraphe, y compris le développement de la production au Luxembourg des dits produits, et la suppression de tous obstacles qui s'opposeraient à leur transfert aux Etats-Unis. Le Gouvernement du Luxembourg, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera des accords détaillés nécessaires à l'application des dispositions du présent paragraphe.

Post, p. 2475.

2. Le Gouvernement du Luxembourg, si le Gouvernement des Etats-Unis d'Amérique le demande, négociera les accords appropriés pour assurer l'application des dispositions du paragraphe 9 sous-section 115 (b) de la Loi de Coopération Economique de 1948, qui sont relatives à l'augmentation et au transfert des produits qui sont nécessaires aux Etats-Unis d'Amérique.

62 Stat., Pt. 1, p. 152.

3. Le Gouvernement du Luxembourg, si le Gouvernement des Etats-Unis d'Amérique en exprime

States of America, cooperate, wherever appropriate, to further the objectives of paragraph 1 and 2 of this Article in respect of materials originating outside of Luxembourg.

Article VI

(Travel Arrangements and Relief Supplies)

1. The Government of Luxembourg will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2461; *post*, p. 2476.

2. The Government of Luxembourg will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of dutyfree treatment under appropriate safeguards) to facilitate the entry into Luxembourg of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Luxembourg.

Article VII

(Consultation and transmittal of information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

le désir, coopérera avec ce Gouvernement dans les cas appropriés, pour atteindre les buts mentionnés aux paragraphes 1 et 2 du présent article en ce qui concerne les produits provenant d'autres territoires que celui du Luxembourg.

Article VI

(Dispositions relatives aux facilités de voyage et aux envois de secours)

1. Le Gouvernement du Luxembourg coopérera avec le Gouvernement des Etats-Unis d'Amérique pour faciliter et favoriser le développement des voyages des citoyens des Etats-Unis à destination des pays participants et à l'intérieur de ces pays.

2. Le Gouvernement du Luxembourg négociera, à la demande du Gouvernement des Etats-Unis d'Amérique, des accords tendant à faciliter l'entrée au Luxembourg et notamment l'entrée en franchise, sous réserve de garanties appropriées, des envois de secours donnés à ou achetés par les organisations américaines bénévoles de secours, ainsi que des colis de secours en provenance des Etats-Unis et adressés à des personnes résidant au Luxembourg.

Article VII

(Consultations réciproques et communications de renseignements)

1. Les deux Gouvernements se consulteront à la demande de l'un ou de l'autre sur toutes questions relatives à l'exécution du présent Accord, ainsi qu'aux opérations effectuées ou aux dispositions prises en application de ce même Accord.

2. The Government of Luxembourg will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Luxembourg:

(a) detailed information of projects, programs, and measures proposed or adopted by the Government of Luxembourg to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodites, and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

3. The Government of Luxembourg will assist the Government of the United States of America to obtain information relating to the materials originating in Luxembourg referred to in Article V

2. Le Gouvernement du Luxembourg communiquera au Gouvernement des Etats-Unis d'Amérique dans la forme et aux époques indiquées par ce dernier, après consultation avec le Gouvernement du Luxembourg:

(a) des informations détaillées sur les projets, les programmes et les mesures envisagés ou adoptés par le Gouvernement du Luxembourg pour assurer l'exécution des dispositions du présent Accord et des Obligations Générales de la Convention de Coopération Economique Européenne; *Post*, p. 2476.

(b) des exposés complets des opérations faites en vertu du présent Accord, y compris un exposé de l'usage des fonds, produits et services reçus en application du dit Accord, le dit exposé devant être fait chaque trimestre;

(c) des informations concernant son économie et toutes autres informations appropriées nécessaires pour compléter celles qui seront obtenues de l'Organisation Européenne de Coopération Economique et dont le Gouvernement des Etats-Unis d'Amérique pourrait avoir besoin pour déterminer la nature et la portée des opérations réalisées en vertu de la Loi de Coopération Economique de 1948 et pour évaluer l'efficacité de l'aide fournie ou proposée en vertu du présent Accord et, d'une manière générale, les progrès du programme commun de relèvement. 62 Stat., Pt. 1, p. 137.

3. Le Gouvernement du Luxembourg aidera le Gouvernement des Etats-Unis d'Amérique à se procurer les renseignements relatifs aux produits provenant du Luxembourg dont il est question à *Post*, p. 2472. *Ante*, p. 2462.

which is necessary to the formulation and execution of the arrangements provided for in that Article.

Article VIII

(Publicity)

1. The Governments of Luxembourg and of the United States of America recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Luxembourg will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full in-

l'Article V, et qui seront nécessaires à l'élaboration et à l'exécution des accords prévus au dit article.

Article VIII

(Publicité)

1. Les Gouvernements du Luxembourg et des Etats-Unis d'Amérique reconnaissent qu'il est de leur intérêt commun de donner une large publicité aux objectifs du programme en commun de relèvement de l'Europe, aux progrès réalisés dans son exécution ainsi qu'à toutes les mesures prises en application de ce programme. Ils reconnaissent également qu'il est souhaitable d'assurer une large diffusion des informations relatives aux progrès réalisés dans l'exécution du programme de relèvement européen, afin de développer le sentiment de l'effort commun et l'esprit d'aide mutuelle essentiels à la réalisation des objectifs du programme.

2. Le Gouvernement des Etats-Unis d'Amérique encouragera la diffusion de ces informations et les mettra à la disposition d' agences d'information.

3. Le Gouvernement du Luxembourg encouragera la diffusion de ces renseignements, tant directement que par l'entremise de l'Organisation Européenne de Coopération Economique. Il les mettra à la disposition des agences d'information et prendra toutes les mesures possibles pour en assurer la diffusion par les moyens appropriés. De plus, il fournira à tous les autres pays participants et à l'Organisation Européenne de Coopération Economique les renseignements les plus complets sur

formation on the progress of the program for economic recovery.

4. The Government of Luxembourg will make public in Luxembourg in each calender quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities, and services received.

les progrès effectués dans la réalisation du programme de relèvement européen.

Quarterly statements of operations.

4. Le Gouvernement du Luxembourg publiera au Luxembourg, chaque trimestre, des comptes rendus complets sur les opérations d'exécution de cet Accord et notamment des renseignements sur l'emploi de tous les fonds, marchandises et services reçus au titre de cet accord.

Article IX

(Missions)

1. The Government of Luxembourg agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Luxembourg under this Agreement

2. The Government of Luxembourg will, upon appropriate notification from the Minister of the United States of America in Luxembourg, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States in Luxembourg for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank The Government of Luxembourg will further accord appropriate courtesies to the members and staff of the Joint Committe on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

Article IX

(Missions)

1. Le Gouvernement du Luxembourg donne son agrément à l'installation d'une Mission Spéciale de Coopération Economique qui assurera l'exécution des obligations assumées par les Etats-Unis au Luxembourg aux termes du présent Accord.

Special mission as part of U. S. Legation. *Post*, p. 2476.

2. Sur notification appropriée du Ministre des Etats-Unis d'Amérique à Luxembourg, le Gouvernement du Luxembourg considère la Mission Spéciale et son personnel ainsi que le Représentant Spécial des Etats-Unis en Europe comme faisant partie de la Légation des Etats-Unis d'Amérique à Luxembourg aux fins de bénéficier des privilèges et immunités accordés aux fonctionnaires de rang équivalent de la Légation des Etats-Unis d'Amérique. Le Gouvernement du Luxembourg convient en outre d'observer à l'égard des membres et du personnel du Comité Mixte de Coopération Economique Etrangère du Congrès des Etats-Unis les règles de courtoisie appropriées et de leur accorder les facilités et l'assistance indispensables pour assumer efficacement leurs responsabilités.

3. The Government of Luxembourg, directly and through (and through) its representatives on the Organisation for European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

3. Le Gouvernement du Luxembourg apportera directement et par l'intermédiaire de ses représentants au sein de l'Organisation Européenne de Coopération Economique, sa pleine coopération à la Mission Spéciale, au Représentant Spécial des Etats-Unis en Europe et à son personnel, et aux membres et personnel du Comité Mixte, Cette coopération comportera la mise à disposition de toutes informations et facilités nécessaires à l'observation et à la surveillance de l'exécution du présent Accord, y compris de l'utilisation de l'aide fournie conformément à ses termes.

ARTICLE X

(Settlement of claims of Nationals)

1. The Governements of Luxembourg and of the United States of America agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of Governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of, and is limited by, the terms and conditions of its

ARTICLE X

(Règlement desréclamations des ressortissants des deux Pays)

1. Les Gouvernements du Luxembourg et des Etats-Unis conviennent de porter à la Cour Internationale de Justice toutes réclamations que l'un ou l'autre Gouvernement aura faites siennes et présentées pour le compte de l'un de ses ressortissants à l'encontre de l'autre Gouvernement, pour l'indemnisation de dommages résultant de mesures gouvernementales (à l'exception de mesures touchant les intérêts ou biens ennemis) prises après le 3 avril 1948 par ce Gouvernement et affectant les biens ou les intérêts du dit ressortissant, y compris les contrats ou concessions régulièrement conclus ou accordés par les organes dûment qualifiés du dit Gouvernement. Il est entendu que l'engagement de chaque Gouvernement au sujet des réclamations appuyées par l'autre Gouvernement conformément aux dispositions du présent paragraphe, est pris, dans

declaration accepting the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, and shall remain in force as to each Government on a basis of reciprocity until August 14, 1951, and thereafter for such period as the declarations of such acceptance by both Governements are in effect, but not later than the date of termination of this Agreement. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements, or principles of international law.

le cas de chaque Gouvernement, sur la base et avec les restrictions des termes et conditions de la déclaration, par laquelle il a accepté la juridiction obligatoire de la Cour Internationale de Justice conformément à l'article 36 du Statut de la Cour, et cet engagement restera en vigueur, quant à chaque Gouvernement, sur une base de réciprocité jusqu'au 14 août 1951, et après cette date pendant la période pendant laquelle les déclarations de cette acceptation par les deux Gouvernements resteront en vigueur, mais non pas au delà de la date de la cessation du présent Accord. Les dispositions de ce paragraphe seront, de toute manière, sans préjudice d'autres droits d'accès, à supposer qu'il en existe, de l'un ou l'autre Gouvernement à la Cour Internationale de Justice ou de l'adhésion ou de la présentation de contestations basées sur les prétendues violations par l'un ou l'autre Gouvernement de droits et obligations résultant de traités, d'accords ou de principes de droit international.

59 Stat. 1060.

2. The Governments of Luxembourg and of the United States further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

2. Le Gouvernement du Luxembourg et le Gouvernement des Etats-Unis conviennent également de porter éventuellement de tels différends devant tout tribunal arbitral à convenir, aux lieu et place de la Cour.

Post, p. 2476.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

3. Il est également entendu qu'aucun des deux Gouvernements ne présentera, aux termes du présent article, de réclamations d'un de ses ressortissants avant que celui-ci n'ait épuise les voies de recours qui lui sont ouvertes devant les tribunaux administratifs et judiciaires du pays où la réclamation a pris naissance.

ARTICLE XI

(Definitions)

As used in this agreement:

"Luxembourg." a) "Luxembourg" means the Grand Duchy of Luxembourg together with dependent areas under its administration.

"Participating country." b) The term "participating country" means:

i) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, [1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

ii) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

ARTICLE XI

(Définitions)

1. Aux termes du présent accord:

a) "Luxembourg" signifie le Grand-Duché de Luxembourg avec les territoires dépendants placés sous son administration.

b) On entend par "pays participants":

i) tout pays qui a signé le rapport du Comité de Coopération Economique Européenne à Paris le 22 septembre 1947 et tout territoire dont ce pays assume la responsabilité sur le plan international et auquel l'Accord de Coopération Economique conclu entre ledit pays et les Etats-Unis est appliqué.

ii) tout autre pays (y compris toute zone d'occupation en Allemagne, tout territoire, toute administration sous contrôle international et le Territoire libre de Trieste ou toute zone en faisant partie) situé en tout ou en partie en Europe avec les territoires dépendants soumis à sa juridiction aussi longtemps que ce pays est signataire de la Convention de Coopération Economique et participe à un programme commun de relèvement européen ayant pour objectif les buts du présent Accord.

[1] Department of State publication 2930.

Article XII

(Entry into Force, Amendment, Duration)

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) Six months after the date of such notice of intention to terminate, or

(b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Luxembourg are

Article XII

(Entrée en vigueur, amendement, durée)

1. Le présent Accord entrera en vigueur à la date d'aujourd'hui. Sous réserve des dispositions des paragraphes 2 et 3 de cet Article, il restera en vigueur jusqu'au 30 juin 1953 et, à moins que, au moins six mois avant le 30 juin 1953, l'un ou l'autre Gouvernement ait donné à l'autre notification par écrit de son intention de mettre fin à l'Accord à cette date, il restera en vigueur jusqu'à l'expiration d'un délai de six mois à dater du jour où pareille notification aura été faite.

Effective date; duration.

2. Si, pendant la durée de l'Accord, l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet Accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation et de la terminaison de l'Accord. Si, après un délai de trois mois à dater de cette notification, les deux Gouvernements n'ont pas convenu de l'action à prendre dans ces circonstances, chaque Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Dans ce cas, sous réserve des dispositions du paragraphe 3 du présent Article, cet Accord prendra fin:

Modification, etc. *Post*, p. 2472.

Termination.

(a) Six mois après la notification de l'intention d'y mettre fin, ou

(b) Après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement du

performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Ante, p. 2462.
Ante, p. 2465.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negociated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary Agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Luxembourg required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

Ante, p. 2459.

Ante, p. 2458.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2471.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

DONE at Luxembourg, in duplicate, in the English and French

Luxembourg sont exécutés à l'égard de toute aide que le Gouvernement américain pourrait continuer à lui apporter après la date de cette notification; étant entendu toutefois que l'Article V et le paragraphe 3 de l'article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953.

3. Les accords et les arrangements complémentaires qui seront négociés en exécution du présent Accord pourront rester en vigueur au delà de l'expiration du présent Accord, et la période d'application de ces accords et arrangements complémentaires sera déterminée par leurs propres termes. L'Article IV restera en vigueur jusqu'à ce que toutes les sommes en francs luxembourgeois à verser en conformité avec ses propres dispositions aient été utilisées comme prévu par cet Article.

Le paragraphe 2 de l'article III restera en vigueur aussi longtemps que la garantie de payement visée par cet Article pourra être donnée par le Gouvernement des Etats-Unis d'Amérique.

4. Le présent Accord pourra être amendé à tout moment par décision commune des deux Gouvernements.

5. L'annexe au présent Accord en fait partie intégrante.

6. Le présent Accord sera enregistré par le Secrétaire général des Nations Unies.

EN FOI DE QUOI, les représentants respectifs des deux Gouvernements, dûment autorisés à cette fin, ont signé le présent Accord.

FAIT à Luxembourg, , le trois juillet 1948, en deux exemplaires,

languages, both texts authentic, this third day of July 1948.

en langues française et anglaise, les deux textes faisant également foi.

GEORGE PLATT WALLER

P. DUPONG

ANNEX

Interpretative Notes

1. It is understood that "The Economic Cooperation Act of 1948" as used in the Agreement means Title I of Public Law 472—80th Congress.

2. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under this Agreement, effective measures for safeguarding such commodities and for preventing their diversion to markets or channels of trade which are illegal or irregular in Luxembourg.

3. It is understood that it lies within the discretion of the Government of Luxembourg to determine the means by which the assets specified in paragraph 1 (a) (3) of Article II are put into appropriate use in furtherance of the joint program for European recovery.

4. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

5. It is understood that the business practices and business

ANNEXE

Notes interprétatives

1. Il est entendu que "La Loi de Coopération Economique de 1948" à laquelle se réfère l'Accord, est le Titre I de la Public Law 472, 80e Congrès. 62 Stat., Pt. 1, p. 137.

2. Il est entendu que les dispositions du paragraphe I (a) de l'Article II sur l'adoption des mesures relatives à un emploi efficace des ressources comporteraient, en ce qui concerne les produits fournis aux termes de cet Accord, des mesures efficaces destinées à assurer la sauvegarde de ces produits et à empêcher leur détournement vers des marchés ou des circuits commerciaux illicites ou irréguliers au Luxembourg. *Ante*, p. 2456.

3. Il est entendu qu'il est laissé à l'appréciation du Gouvernement du Luxembourg de déterminer les moyens par lesquels les avoirs mentionnés au paragraphe I)a) (3) de l'Article II seront l'objet d'un usage approprié à l'exécution du programme commun de relèvement européen. *Ante*, p. 2456.

4. Il est entendu que l'obligation figurant au paragraphe I (c) de l'Article II d'équilibrer le budget aussitôt que possible, n'exclurait pas des déficits pendant une courte période, mais signifierait une politique budgétaire impliquant, à longue échéance, l'équilibre du budget. *Post*, p. 2457.

5. Il est entendu que les pratiques commerciales et les ar-

arrangements referred to in paragraph 3 of Article II mean:

Ante, p. 2458.

a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) Excluding enterprises from, or allocating or dividing, any territorial market of field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c) Discriminating against particular enterprises;

d) Limiting production or fixing production quotas;

e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

f) Extending the use of rights under patents, trademarks, or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not subject of such grants; and

g) Such other practices as the two Governments may agree to include.

6. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II are those which are engaged in or made effective by one or more private or

Ante, p. 2458.

rangements commerciaux visés au paragraphe 3 de l'Article II sont:

a) Ceux qui fixent les prix ou les conditions à observer dans les transactions avec les tiers concernant l'achat, la vente ou la location de tout produit;

b) Ceux qui excluent des entreprises d'un marché territorial ou d'un champ d'activité commerciale, attribuent ou partagent un marché territorial ou un champ d'activité commerciale, répartissent la clientèle ou fixent les conditions de vente ou d'achat;

c) Ceux qui ont un effet discriminatoire au détriment d'entreprises déterminées;

d) Ceux qui limitent la production ou fixent des contingents de production;

e) Ceux qui, par voie d'accord, empêchent l'amélioration ou la mise en oeuvre de procédés techniques ou d'inventions brevetées ou non;

f) Ceux qui étendent l'usage de droits résultant de brevets, de marques de fabrique, de droits d'auteur ou de reproduction, accordés par un des deux Etats, conformément à ses lois et règlements, à des matières qui ne rentrent pas dans le cadre de tels privilèges, ou bien à des produits ou à des conditions de production, d'utilisation ou de vente qui, de même, ne font pas l'objet de tels privilèges; et

g) Toutes autres pratiques que les deux Gouvernements peuvent convenir d'incorporer dans les présentes dispositions.

6) Il est entendu que les pratiques ou arrangements commerciaux auxquels se réfère le paragraphe 3 de l'article II, sont ceux qui sont conclus ou rendus effectifs par une ou plusieurs entreprises

public commercial enterprises or by any combination, agreement, or other arrangement between any such enterprises, and when such commercial enterprises, individually or collectively, possess effective control or trade among a number of countries in one or more products.

commerciales privées ou publiques, ou visés par toute entente, accord ou autre arrangement entre toute entreprise de cette espèce et lorsque de telles entreprises commerciales possèdent, individuellement ou collectivement un contrôle effectif sur le commerce d'un certain nombre de pays pour un ou plusieurs produits.

7. It is understood that the Government of Luxembourg is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination by such Government.

7. Il est entendu que le Gouvernement du Luxembourg n'est tenu d'agir, conformément au paragraphe 3 de l'Article II dans des cas d'espèce qu'après enquête et examen appropriés par ce Gouvernement.

Ante, p. 2458.

8. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Luxembourg for domestic use" would include the maintenance of reasonable stocks of the material concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organisation, [1] in the event that stockpiles are liquidated.

8. Il est entendu que le passage de l'article V: "compte tenu des besoins raisonnables du Luxembourg en produits nécessaires à sa consommation intérieure" couvrirait également le maintien à un niveau raisonnable de stocks des produits en question et que l'expression "Commerce d'exportation" comprendrait les opérations de troc. Il a été également entendu que les accords négociés en vertu de l'Article V pourraient inclure une clause de consultation conformément aux principes de l'article 32 de la Charte de la Havane pour une Organisation Internationale du Commerce dans le cas où les stocks seraient réalisés.

Ante, p. 2463.

9. It is understood that the arrangements to be negotiated under Article V will be consistent with the system of trading sought to be established by the General Agreement on Tariffs and Trade and that due regard will be had for the limitations on the powers and authority of the several branches of the Government of Luxembourg under the established legislative system of that country.

9. Il est entendu que des accords dont la négociation est prévue à l'Article V seront en conformité avec le système de commerce dont l'établissement est recherché par l'Accord Général sur les Tarifs et le Commerce et qu'il sera tenu compte des limitations des pouvoirs et de l'autorité des divers services du Gouvernement du Luxembourg selon le système législatif en vigueur dans ce pays.

Ante, p. 2462.

[1] Department of State publication 3117, p. 26.

10. It is understood that each Government reserves full freedom of negotiation under paragraph 2 of Article VI.

Ante, p. 2464.

11. It is understood that the Government of Luxembourg will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects, or confidential, commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2465.

12. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials, for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of inter-governmental discussion.

Ante, p. 2467.

13.– It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

Ante, p. 2469.

P. D.

10. Il est entendu que chaque Gouvernement se réserve pleine liberté de négociation, pour ce qui concerne le paragraphe 2 de l'Article VI.

11. Il est entendu que le Gouvernement du Luxembourg n'aura pas, en application du paragraphe 2 (a) de l'Article VII, à fournir des informations détaillées sur les projets peu importants ou des renseignements commerciaux ou techniques d'ordre confidentiel dont la divulgation pourrait porter atteinte à des intérêts commerciaux légitimes.

12. Il est entendu que le Gouvernement des Etats-Unis en faisant la notification prévue au paragraphe 2 de l'Article IX, aura due considération à la nécessité de restreindre autant que possible le nombre des fonctionnaires pour lesquels les privilèges diplomatiques intégraux seraient demandés. Il est également entendu que l'application dans les détails de l'Article IV serait l'objet, s'il est nécessaire, de conversations entre les deux Gouvernements.

13.– Il est entendu que tout accord qui serait conclu en exécution du paragraphe 2 de l'Article X serait soumis à la ratification du Sénat des Etats-Unis d'Amérique.

G. P. W.

Agreement between the United States of America and the Netherlands respecting economic cooperation under Public Law 472, 80th Congress. Signed at The Hague July 2, 1948; entered into force July 2, 1948.

July 2, 1948
[T. I. A. S. 1791]

ECONOMIC COOPERATION AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS.

The Governments of the United States of America and the Netherlands:

Principles of Agreement.

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of the Netherlands has joined with other like-minded nations in a Convention for European

OVEREENKOMST TOT ECONOMISCHE SAMENWERKING TUSSEN DE REGERINGEN VAN DE VERENIGDE STATEN VAN AMERIKA EN HET KONINKRIJK DER NEDERLANDEN.

De Regering der Verenigde Staten van Amerika ter ene zijde en de Nederlandse Regering ter andere zijde :

Erkennende dat het herstel of het behoud in Europese landen van beginselen van persoonlijke vrijheid, vrije instellingen en waarachtige onafhankelijkheid grotendeels berusten op het scheppen van gezonde economische voorwaarden, evenwichtige internationale economische verhoudingen, en het bereiken door de Europese landen van een gezonde economie die onafhankelijk is van buitengewone hulpverlening van buitenaf;

Erkennende dat een krachtige en welvarende Europese economie essentieel is voor het bereiken van de doeleinden van de Verenigde Naties;

Overwegende dat het verwezenlijken van zodanige voorwaarden een Europees Herstelplan van eigen hulp en wederkerige samenwerking nodig maakt, dat open staat voor alle naties die samenwerken in een zodanig plan, hetwelk gegrond is op een krachtige productie-inspanning, de expansie van de buitenlandse handel, het scheppen of het behouden van een intern financieel evenwicht en de ontwikkeling van economische samenwerking, met inbegrip van alle mogelijke maatregelen om gezonde wisselkoersen in te stellen en te behouden en om handelsbelemmeringen te verminderen;

Overwegende dat ter bevordering van deze beginselen de Nederlandse Regering zich, met andere naties die van dezelfde geest zijn bezield, verbonden heeft in een Verdrag nopens Europese

Economic Cooperation signed at Paris on April 16, 1948[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of the Netherlands is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assitance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of the Netherlands has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by the Netherlands, and the measures which the two Governments will take individually and together in furthering the recovery of the Netherlands as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I.
(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist the Netherlands, by making available to the Government of the Netherlands or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the

[1] Department of State publication 3145.

Economische Samenwerking, dat te Parijs werd ondertekend op 16 April 1948, waarin de ondertekenende partijen zijn overeengekomen om als haar onmiddellijke taak de uitwerking en de uitvoering van een gemeenschappelijk herstelprogramma ter hand te nemen; en dat de Nederlandse Regering lid is van de, krachtens de bepalingen van genoemd Verdrag in het leven geroepen Organisatie voor Europese Economische Samenwerking;

Overwegende voorts dat ter bevordering van deze beginselen de Regering der Verenigde Staten van Amerika de "Economic Cooperation Act of 1948" heeft afgekondigd, welke wet voorziet in het verlenen van bijstand door de Verenigde Staten aan naties die aan een gemeenschappelijk programma voor Europees herstel deelnemen, teneinde zodanige naties in staat te stellen om door middel van eigen individuele en gemeenschappelijke inspanning onafhankelijk te worden van buitengewone economische hulp van buitenaf;

Constaterende dat de Nederlandse Regering reeds haar bijval heeft betuigd met de doeleinden en de richtlijnen van de "Economic Cooperation Act of 1948";

Verlangende om de afspraken vast te leggen, welke regelen het verlenen van bijstand door de Regering der Verenigde Staten van Amerika volgens de "Economic Cooperation Act of 1948", het ontvangen van zodanige bijstand door de Nederlandse Regering, en de maatregelen die de twee Regeringen, zowel ieder afzonderlijk als tezamen, zullen nemen ter bevordering van het herstel van Nederland, als een integrerend deel van het gemeenschappelijk programma voor het Europese herstel,

Zijn het volgende overeengekomen:

Artikel I
(Bijstand en Samenwerking)

1. De Regering van de Verenigde Staten van Amerika neemt op zich Nederland bij te staan, door aan de Nederlandse Regering of aan personen, instellingen of organisaties door laatstgenoemde Regering daartoe aangewezen, zodanige hulp beschikbaar te stellen als door de Nederlandse Regering zou kunnen worden verzocht en goedgekeurd door de Regering van de Verenigde Staten van Amerika. De Regering van de Verenigde Staten van Amerika zal die bijstand verlenen krachtens de voorzieningen, en met inachtneming van alle bewoordingen, voorwaarden en bepalingen omtrent beeindiging, van

62 Stat., Pt. 1, p. 137.

Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of the Netherlands only such commodities, services and other assistance as are authorized to be made available by such acts.

2. The Government of the Netherlands, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of the Netherlands reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to the Netherlands and procured from areas outside the United States of America, its territories and possessions, the Government of the Netherlands will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II.
(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of the Netherlands will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2508.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to

de "Economic Cooperation Act of 1948", en van de daarmee samenhangende wijzigings- aanvullings- en toewijzingswetten, en zij zal de Nederlandse Regering slechts die goederen, diensten en andere bijstand beschikbaar stellen, tot welker beschikbaarstelling in zodanige wetten machtiging is verleend.

2. De Nederlandse Regering zal, handelend zowel individueel als in het kader van de Organisatie van Europese Economische Samenwerking, overeenkomstig het op 16 April 1948 te Parijs getekende Verdrag tot Europese Economische Samenwerking, aanhoudend alle krachten inspannen, in samenwerking met andere deelnemende landen, om op korte termijn door middel van een gemeenschappelijk herstelprogramma economische voorwaarden in Europa te scheppen, die noodzakelijk zijn voor een duurzame vrede en voorspoed, en om de aan een zodanig gemeenschappelijk herstelprogramma deelnemende landen in Europa in staat te stellen om, binnen de looptijd van deze overeenkomst, onafhankelijk te worden van buitengewone economische hulp van buitenaf. De Nederlandse Regering geeft wederom de verzekering van haar voornemen, om de uitvoering van de bepalingen der Algemene Verplichtingen van het Verdrag nopens Europese Economische Samenwerking ter hand te nemen, om voort te gaan met actieve deelname aan het werk van de Organisatie voor Europese Economische Samenwerking, en om bij voortduring getrouw te blijven aan de doeleinden en richtlijnen van de "Economic Cooperation Act of 1948".

3. Met betrekking tot hulp, door de Regering van de Verenigde Staten van Amerika aan Nederland verleend, en verschaft uit gebieden buiten de Verenigde Staten van Amerika, haar gebiedsdelen en bezittingen, zal de Nederlandse Regering samenwerken met de Regering van de Verenigde Staten van Amerika, om te verzekeren dat de aanschaf plaats zal hebben tegen redelijke prijzen en op redelijke voorwaarden, en op zodanige wijze dat wordt gezorgd, dat dollars aldus beschikbaar gesteld aan het land, waaruit de hulp wordt verschaft, gebruikt worden op een wijze die in overeenstemming is met alle schikkingen, getroffen door de Regering van de Verenigde Staten van Amerika met zulk een land.

Artikel II.
(Algemene Verplichtingen)

1. Teneinde een optimaal herstel door het aanwenden van de bijstand, ontvangen van de Regering der Verenigde Staten van Amerika te bereiken, zal de Nederlandse Regering zo goed mogelijk trachten:

a) om die maatregelen te nemen of te handhaven die nodig zijn om een doelmatig en practisch gebruik van alle hulpbronnen, die haar ter

it, including

(i) such measures as may be necesssary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of the Netherlands in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom which belong to nationals of the Netherlands and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of the Netherlands to dispose of such assets;

Development of production.

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of the Netherlands to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, steel, transportation facilities and food;

Maintenance of financial stability
Post, p. 2508.

c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as

beschikking staan, te verzekeren, met inbegrip van :

(i) zodanige maatregelen als nodig mochten zijn om te verzekeren, dat de goederen en diensten, verkregen uit hulp, verleend op grond van deze Overeenkomst, gebruikt worden voor doeleinden, die stroken met deze Overeenkomst, en, voor zover uitvoerbaar, met de algemene doeleinden, neergelegd in de door de Nederlandse Regering verstrekte schema's ter ondersteuning van de behoeften aan hulpverlening door de Regering der Verenigde Staten van Amerika;

(ii) het gadeslaan van- en het toezien op het gebruik van zulke hulpbronnen door middel van een effectief, door de Organisatie van Europese Economische Samenwerking goedgekeurd contrôle systeem, en

(iii) het, voorzover uitvoerbaar, nemen van maatregelen, teneinde vermogensbestanddelen en de opbrengsten daarvan, toebehorende aan Nederlandse onderdanen en aanwezig in de Verenigde Staten van Amerika, hare gebiedsdelen en bezittingen, te localiseren, te identificeren en aan te wenden tot passend gebruik ter bevordering van het gemeenschappelijke Europese herstelprogramma. Deze bepaling legt geen enkele verplichting op de Regering van de Verenigde Staten van Amerika, om behulpzaam te zijn bij de uitvoering van zodanige maatregelen, noch op de Nederlandse Regering om zodanige vermogensbestanddelen te vervreemden;

b) om de ontwikkeling op gezonde economische grondslagen van de industriële en agrarische productie te bevorderen, om de, door de Organisatie voor Europese Economische Samenwerking vast te stellen productieniveau's te bereiken, en om, wanneer zulks door de Regering van de Verenigde Staten van Amerika wordt verlangd, deze Regering van gedetailleerde voorstellen in kennis te stellen omtrent bepaalde door de Nederlandse Regering overwogen projecten, welke voor een belangrijk gedeelte met bijstand, die op grond van deze Overeenkomst ter beschikking wordt gesteld, zullen worden uitgevoerd, daaronder begrepen, wanneer enigszins mogelijk, plannen voor de verhoging van de productie van steenkool, staal, transportmiddelen en voedsel,

c) om haar munt te stabiliseren, een gezonde wisselkoers in te stellen of te behouden, haar overheidsbegroting in evenwicht te

practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the various participating countries, the Government of the Netherlands will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, pp. 2508, 2510.

3. The Government of the Netherlands will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III.
(Guaranties)

1. The Governments of the United States of America and the Netherlands will, upon the request of either Government, consult respecting projects in the Netherlands proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b)(3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2506.

2. The Government of the Netherlands agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any guilders, or credits in

brengen zodra zulks uitvoerbaar is, een interne financiële stabiliteit te creëeren of te behouden en, in het algemeen, het vertrouwen in haar munt te herstellen of te handhaven, en

d) om samen te werken met andere deelnemende landen tot het vergemakkelijken en stimuleren van een toenemende uitwisseling van goederen en diensten zowel tussen de deelnemende landen als met andere landen, en tot het verminderen van overheids- en particuliere belemmeringen op handelsgebied tussen hen onderling, en tussen hen en andere landen.

2. De Nederlandse Regering zal, met inachtneming van artikel 8 van het Verdrag nopens Europese Economische Samenwerking, welk Artikel beoogt het volledige en doeltreffende gebruik van arbeidskrachten beschikbaar in de verschillende deelnemende landen, in welwillende overweging nemen zodanige voorstellen als in samenwerking met de Internationale Vluchtelingen Organisatie zullen worden gedaan, en die gericht zijn op de zo ruim mogelijke gebruikmaking van arbeidskrachten beschikbaar in ieder van de deelnemende landen, ter bevordering van de verwezenlijking der doeleinden van deze Overeenkomst.

3. De Nederlandse Regering zal de door haar passend geoordeelde maatregelen nemen en daarbij samenwerken met andere deelnemende landen om zakelijke praktijken en op de internationale handel betrekking hebbende overeenkomsten van particuliere of overheids handelslichamen tegen te gaan, wanneer deze vrije concurrentie belemmeren, de toegang tot markten beperken dan wel monopolistische controle bevorderen, in alle gevallen, dat dergelijke practijken of overeenkomsten een storende uitwerking mochten hebben op de verwezenlijking van het gemeenschappelijk Europees herstelprogramma.

Artikel III.
(Waarborgen)

1. De Regering van de Verenigde Staten van Amerika en de Nederlandse Regering zullen, op verzoek van één van beide Regeringen, overleg plegen omtrent projecten in Nederland voorgesteld door onderdanen van de Verenigde Staten van Amerika, met betrekking waartoe de Regering van de Verenigde Staten van Amerika op een voor dat doel geschikte wijze, garanties betreffende valuta transfers zou kunnen stellen op grond van artikel 111 (b) (3) van de "Economic Cooperation Act of 1948".

2. De Nederlandse Regering stemt ermede in, dat, indien de Regering van de Verenigde Staten van Amerika aan iemand betalingen in dollars der Verenigde Staten verricht onder zulk een garantie, alle guldens, of in

guilders, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV.
(Local Currency)

Post, p. 2504.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in The Netherlands Bank.

2. The Government of the Netherlands will establish a special account in The Netherlands Bank in the name of the Government of the Netherlands (hereinafter called the Special Account) and will make deposits in guilders to this account as follows:

(a) The unencumbered balances of the deposits made by the Government of the Netherlands pursuant to the exchange of notes between the two Governments dated April 20, 1948.[1]

(b) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to the Netherlands on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in sub-paragraph (a). The Government of the United States of America shall from time to time notify the Government of the Netherlands of the indicated dollar cost of any such commodities, services and technical information, and the Government of the Netherlands will thereupon deposit in the Special Account a commensurate amount of guilders computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Government of the Netherlands may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. expenditures in the Netherlands.

3. The Government of the United States of America will from time to time notify the Government of the Netherlands of its requirements for administrative expenditures in guilders within the Netherlands incident to operations under the Economic Cooperation Act of 1948, and the Government of the

[1] *Department of State Bulletin*, May 16, 1948, p. 640, footnote 2.

guldens luidende credieten, toegewezen ten behoeve van- of overgemaakt aan de Regering der Verenigde Staten van Amerika overeenkomstig genoemd artikel, erkend zullen worden als bezit van de Regering der Verenigde Staten van Amerika.

Artikel IV.
(Locale Munt)

1. De bepalingen van dit artikel zullen slechts van toepassing zijn met betrekking tot bijstand die door de Regering der Verenigde Staten van Amerika kan worden verleend als schenking.

2. De Nederlandse Regering zal een speciale rekening openen bij De Nederlandsche Bank, ten name van de Nederlandse Regering (hieronder aangeduid als Speciale Rekening), en zal op deze rekening guldens storten als volgt:

a) de vrij beschikbare saldi van de stortingen verricht door de Nederlandse Regering ingevolge de notawisseling tussen beide Regeringen d.d. 20 April 1948;

b) de tegenwaarde van de geindiceerde dollarkosten voor de Regering van de Verenigde Staten van Amerika van goederen, diensten, technische inlichtingen (inclusief eventuele kosten van verwerking, opslag, vervoer, herstel of andere daarmede verband houdende diensten) als schenking aan Nederland ter beschikking gesteld op een der wijzen waartoe de "Economic Cooperation Act of 1948" machtiging verleent, verminderd echter met het bedrag van stortingen, verricht ingevolge de notawisseling waaraan in lid (a) wordt gerefereerd. De Regering van de Verenigde Staten van Amerika zal van tijd tot tijd de Nederlandse Regering in kennis stellen van de geindiceerde dollarkosten van zodanige goederen, diensten en technische inlichtingen en de Nederlandse Regering zal vervolgens de tegenwaarde in guldens storten op de Speciale Rekening omgerekend tegen de wisselkoers welke zal zijn de pariteit overeengekomen op dat ogenblik met de International Monetary Fund. De Nederlandse Regering kan op ieder ogenblik voorschotstortingen op de Speciale Rekening verrichten, welke stortingen zullen worden gecrediteerd tegen posten voortspruitende uit daarop volgende kennisgevingen ingevolge dit lid.

3. De Regering van de Verenigde Staten van Amerika zal van tijd tot tijd de Nederlandse Regering kennis geven van hetgeen zij in guldens behoeft voor administratieve uitgaven binnen Nederland, verband houdende met werkzaamheden ingevolge de "Economic Cooperation Act of 1948" en de Nederlandse

Netherlands will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in the Netherlands, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of the Netherlands will further make such sums of guilders available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the Netherlands to the consignee's designated point of delivery in the Netherlands of such relief supplies and packages as are referred to in Article VI.

Post, p. 2494.

Netherlands withdrawals from Special Account.

6. The Government of the Netherlands may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of the Netherlands for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in the Netherlands and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the Netherlands, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of the Netherlands and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

zal vervolgens zodanige bedragen ter beschikking stellen uit enig saldo van de Speciale Rekening op de wijze zoals verzocht door de Regering van de Verenigde Staten van Amerika in haar kennisgeving.

4. Vijf procent van iedere storting ingevolge dit artikel met betrekking tot bijstand verstrekt onder vigeur van The Foreign Aid Appropriation Act 1949, zal worden bestemd tot gebruik door de Regering van de Verenigde Staten van Amerika voor haar uitgaven in Nederland, en bedragen beschikbaar gesteld ingevolge lid 3 van dit artikel zullen eerst worden gebracht ten laste van de bedragen, toegewezen ingevolge het onderhavige lid.

5. De Nederlandse Regering zal verder zodanige guldensbedragen uit enig saldo van de Speciale Rekening beschikbaar stellen, als nodig zijn ter dekking van transportkosten (inclusief haven-, opslag-, manipulatie- en dergelijke kosten) van enige plaats van binnenkomst in Nederland tot aan de door de geconsigneerde aangegeven plaats van aflevering in Nederland van de reliefgoederen en pakketten als genoemd in artikel VI.

6. De Nederlandse Regering kan trekken op enig overblijvend saldo van de Speciale Rekening voor zodanige doeleinden als van tijd tot tijd kunnen worden overeengekomen met de Regering van de Verenigde Staten van Amerika. Bij het overwegen van voorstellen gedaan door de Nederlandse Regering tot het trekken op de Speciale Rekening zal de Regering van de Verenigde Staten rekening houden met de behoefte tot bevordering of handhaving van interne monetaire en financiële stabilisatie in Nederland en tot het stimuleren van productieve bedrijvigheid en van de internationale handel en de exploratie en de ontwikkeling van nieuwe bronnen van rijkdom binnen Nederland, daaronder in het bijzonder gerekend:

(a) uitgaven voor projecten of programma's, inclusief die welke deel uitmaken van een veelomvattend programma tot ontwikkeling van de productie-capaciteit van Nederland en de andere deelnemende landen, alsmede voor projecten of programma's, waarvan de kosten buitenslands worden gedekt door hulp verleend door de Regering van de Verenigde Staten van Amerika ingevolge de "Economic Cooperation Act of 1948" of anderszins, dan wel door leningen van de International Bank for Reconstruction and Development;

(b) uitgaven voor de onderzoekingen betreffende - en de ontwikkeling van additionele productie van materialen, welke nodig mochten zijn in de Verenigde Staten wegens tekorten of potentiële tekorten in de hulpbronnen van de Verenigde Staten van Amerika, en

Disposition of unencumbered balances.

(c) effective retirement of the national debt, especially debt held by the central bank or other banking institutions.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the Special Account on June 30, 1952, shall be disposed of within the Netherlands for such purposes as may hereafter be agreed between the Governments of the United States of America and the Netherlands, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V
(Access to Materials)

Post, pp. 2496, 2504.

1. The Government of the Netherlands will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in the Netherlands which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and the Netherlands, after due regard for the reasonable requirements of the Netherlands for domestic use and commercial export of such materials. The Government of the Netherlands will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the Netherlands, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of the Netherlands will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2510.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America and of the participating countries, the Government of the Netherlands will, when so requested by the Government of the United States of America, where applicable negotiate (a) a future schedule of minimum availabilities to the United States of America for future purchase and

(c) doeltreffende vermindering van de nationale schuld, in het bijzonder schuld ondergebracht bij de centrale bank of andere bankinstellingen.

7. Over ieder vrij beschikbaar saldo, anders dan niet uitgegeven bedragen, waaraan bestemming is gegeven volgens lid 4 van dit artikel, overblijvend op de Speciale Rekening op 30 Juni 1952, zal in Nederland worden beschikt voor zodanige doeleinden als hierna overeen te komen tussen de Regeringen van de Verenigde Staten van Amerika en Nederland, met dien verstande dat de Overeenkomst van de zijde der Verenigde Staten van Amerika onderhevig zal zijn aan goedkeuring bij de wet of een "joint resolution" van het Congres van de Verenigde Staten van Amerika.

Artikel V
(Toegang tot grondstoffen en materialen)

1. De Nederlandse Regering zal de overdracht aan de Verenigde Staten van Amerika, van grondstoffen en materialen, afkomstig uit Nederland, voor voorraadvorming of andere doeleinden, vergemakkelijken, welke grondstoffen en materialen de Verenigde Staten van Amerika behoeven als gevolg van tekorten op potentiele tekorten in hun eigen hulpbronnen, tegen zodanige redelijk verkoops-, uitwisselings-, ruil- of andere voorwaarden en in zodanige hoeveelheden en voor een zodanig tijdvak, als overeengekomen zal worden tussen de Regeringen van de Verenigde Staten van Amerika en Nederland, met behoorlijke inachtneming van de redelijke behoeften van Nederland aan zulke grondstoffen en materialen voor binnenlands gebruik en voor export op commerciele basis. De Nederlandse Regering zal zodanige bijzondere maatregelen nemen als nodig mochten zijn om de bepalingen van dit lid ten uitvoer te leggen, met inbegrip van de bevordering van de productieverhoging van dergelijke grondstoffen in Nederland, en de opheffing van alle belemmeringen voor de overdracht van dergelijke grondstoffen aan de Verenigde Staten van Amerika. De Nederlandse Regering zal, indien de Regering van de Verenigde Staten van Amerika zulks verzoekt, in onderhandeling treden, betreffende gedetailleerde regelingen, nodig voor de uitvoering van de voorzieningen in dit lid.

2. Met erkenning van het prinoipe van billijkheid in verband met de aantasting van de natuurlijke hulpbronnen van de Verenigde Staten van Amerika en van die van de deelnemende landen zal de Nederlandse Regering, wanneer de Regering van de Verenigde Staten van Amerika haar wens daartoe kenbaar maakt, en waar toepasselijk, onderhandelingen voeren over (a) een toekomstig schema van hetgeen als minimum aan de Verenigde Staten van Amerika ter beschikking kan worden gesteld voor toekomstige koop

delivery of a fair share of materials originating in the Netherlands which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from the Netherlands, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any State or Territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of the Netherlands, and, (c) an agreed schedule of increased production of such materials where practicable in the Netherlands and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of the Netherlands, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of the Netherlands.

Article VI
(Travel Arrangements and Relief Supplies)

1. The Government of the Netherlands will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2490.

2. The Government of the Netherlands will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the Netherlands of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in the Netherlands.

en levering tegen wereldmarktprijzen van een redelijk deel van de grondstoffen en materialen, afkomstig uit Nederland, die de Verenigde Staten van Amerika nodig zullen hebben als gevolg van tekorten op potentiële tekorten van hun eigen hulpbronnen, teneinde de toegang van de Amerikaanse Industrie tot een redelijk aandeel in zulke grondstoffen en materialen te beschermen, hetzij in percentages van de productie, hetzij in bepaalde hoeveelheden; (b) overeenkomsten, welke behoorlijke bescherming verlenen aan het recht van toegang van iederen burger der Verenigde Staten van Amerika, of van iedere vennootschap, firma of andere associatie in het leven geroepen onder de wetten van de Verenigde Staten van Amerika, of van een zijner Staten of Gebiedsdelen, en in hoofdzaak en te hunnen voordele toebehorend aan onderdanen van de Verenigde Staten van Amerika, tot de productie-ontwikkeling van zodanige grondstoffen en materialen, en wel onder dezelfde voorwaarden als voor personen van Nederlandse nationaliteit; (c) een door beide partijen overeen te komen schema voor productieverhoging van zodanige grondstoffen en materialen, voor zover in Nederland uitvoerbaar, en voor levering van een overeen te komen percentage van een zodanige verhoogde productie, ter overdracht aan de Verenigde Staten van Amerika, op lange termijn, in aanmerking nemende de door de Verenigde Staten van Amerika op grond van deze Overeenkomst verleende bijstand.

3. De Nederlandse Regering zal, wanneer de Regering der Verenigde Staten van Amerika zulks verzoekt, samenwerken, waar mogelijk, om de doelstellingen van leden 1 en 2 van dit artikel te bevorderen voor zoveel betreft grondstoffen en materialen afkomstig van buiten Nederland.

Artikel VI
(Reisovereenkomsten en aanvoer van relief-goederen)

1. De Nederlandse Regering zal met de Regering der Verenigde Staten van Amerika samenwerken tot het vergemakkelijken en het aanmoedigen van de bevordering en de ontwikkeling van het reizen door burgers van de Verenigde Staten van Amerika, naar en in de deelnemende landen.

2. De Nederlandse Regering zal, wanneer de Regering van de Verenigde Staten van Amerika zulks verlangt onderhandelingen aanknopen over overeenkomsten (met inbegrip van een voorziening in een vrijstelling van rechten, onder de daartoe passende waarborgen) ter vergemakkelijking van de invoer in Nederland van voorraden relief-goederen geschonken aan of gekocht door vrijwillige, niet op winstbasis werkende Amerikaanse steuncomité's, en van relief-zendingen, afkomstig uit de Verenigde Staten van Amerika en geadresseerd aan personen, wonende in Nederland.

Article VII
(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of the Netherlands will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of the Netherlands:

Post, p. 2510.

(a) detailed information of projects, programs and measures proposed or adopted by the Government of the Netherlands to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

Post, p. 2504.

3. The Government of the Netherlands will assist the Government of the United States of America to obtain information relating to the materials originating in the Netherlands

Ante, p. 2492.

referred to in article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Article VIII
(Publicity)

1. The Governments of the United States of America and the Netherlands recognise that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of

Artikel VII
(Overleg en uitwisseling van berichten)

1. De twee Regeringen zullen op verzoek van één hunner, overleg plegen aangaande iedere aangelegenheid, die verband houdt met de toepassing van deze overeenkomst of met handelingen en regelingen uit te voeren op grond van dit verdrag.

2. De Nederlandse Regering zal de Regering der Verenigde Staten van Amerika op tijd en wijze als door laatstgenoemde Regering na overleg met eerstgenoemde te bepalen, mededeling doen van :

(a) gedetailleerde berichten betreffende plannen, programma's en maatregelen, voorgesteld of aangenomen door de Nederlandse Regering tot uitvoering van de bepalingen van deze overeenkomst en van de Algemene Verplichtingen van het Verdrag inzake Europese Economische Samenwerking,

(b) volledige verslagen betreffende de handelingen, op grond van deze overeenkomst verricht, met inbegrip van een verslag omtrent het gebruik van fondsen, goederen en diensten ontvangen krachtens deze overeenkomst, welke verslagen ieder kwartaal moeten worden ingediend,

(c) gegevens aangaande haar economie en zodanige andere, terzake dienende informaties als nodig zijn om de gegevens aan te vullen, welke door de Regering der Verenigde Staten van Amerika van de organisatie voor Europese Economische Samenwerking worden ontvangen, en die de Regering der Verenigde Staten van Amerika nodig zou kunnen hebben om de aard en de omvang van de op grond van de "Economic Cooperation Act of 1948" te verrichten handelingen te bepalen, en om de doelmatigheid van de op grond van deze Overeenkomst verstrekte of beraamde hulpverlening, en in het algemeen, van de vorderingen van het gemeenschappelijke herstelprogramma, te beoordelen.

3. De Nederlandse Regering zal de Regering van de Verenigde Staten van Amerika bijstaan in het verkrijgen van inlichtingen betreffende de uit Nederland afkomstige grondstoffen en materialen, bedoeld in Artikel 5, hetgeen noodzakelijk is voor de formulering en uitvoering van de regelingen in dat Artikel voorzien.

Artikel VIII
(Publiciteit)

1. De Regering der Verenigde Staten van Amerika en de Nederlandse Regering erkennen, dat het haar wederzijds belang is, dat volledige openbaarheid worde gegeven aan de oogmerken en de ontwikkeling van het gemeenschappelijk Europees Herstelprogramma en hetgeen

the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of the Netherlands will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of the Netherlands will make public in the Netherlands in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article IX
(Missions)

1. The Government of the Netherlands agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in the Netherlands under this Agreement.

Special mission as part of U. S. Embassy.
Post, p. 2510.

2. The Government of the Netherlands will, upon appropriate notification from the Ambassador of the United States of America in the Netherlands, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in the Netherlands for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of the Netherlands will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic

verricht wordt ter bevordering van dat programma. Erkend wordt, dat een brede verspreiding van de berichtgeving over de ontwikkeling van het programma wenselijk is, teneinde het begrip voor gezamenlijke inspanning en wederkerige hulpverlening, welke essentieel zijn voor de verwezenlijking van de oogmerken van het programma, te ontwikkelen.

2. De Regering der Verenigde Staten van Amerika zal de verspreiding van zodanige berichtgeving bevorderen en haar beschikbaar stellen aan de organen voor publieke voorlichting.

3. De Nederlandse Regering zal de verspreiding van een dergelijke berichtgeving, zowel rechtstreeks als door middel van de Organisatie voor Europese Economische Samenwerking, aanmoedigen. Zij zal deze berichtgeving ter beschikking stellen van de organen voor publieke voorlichting en zal alle uitvoerbare maatregelen treffen om te verzekeren, dat voor zodanige verspreiding passende faciliteiten worden verleend. Zij zal voorts andere deelnemende landen en de Organisatie voor Europese Economische Samenwerking volledige voorlichting verstrekken omtrent de vorderingen van het programma voor economisch herstel.

4. De Nederlandse Regering zal in Nederland ieder kwartaal volledige verslagen omtrent de handelingen, verricht op grond van deze overeenkomst, publiceren, met inbegrip van mededelingen omtrent het gebruik van de ontvangen fondsen, goederen en diensten.

Artikel IX
(Missies)

1. De Nederlandse Regering neemt op zich een speciale Missie voor Economische Samenwerking te ontvangen welke zich in Nederland zal kwijten van de taak der Verenigde Staten van Amerika ingevolge deze overeenkomst.

2. De Nederlandse Regering zal op een daartoe strekkende kennisgeving van de zijde van de Ambassadeur van de Verenigde Staten van Amerika in Nederland, de Speciale Missie en haar personeel en de Bijzondere Vertegenwoordiger van de Verenigde Staten van Amerika in Europa beschouwen als deel uit te maken van de Ambassade van de Verenigde Staten van Amerika in Nederland, opdat deze dezelfde voorrechten en immuniteiten zullen genieten als die, welke aan die Ambassade en haar personeel van overeenkomstige rang zijn toegekend. De Nederlandse Regering zal voorts passende gunsten en beleefdheden verlenen aan de leden en de staf van de Verenigde Commissie voor Buitenlandse

Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of the Netherlands, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X
(Settlement of Claims of Nationals)

1. The Government of the United States of America and the Netherlands agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect to claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as that heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties

59 Stat. 1060.

Economische Samenwerking van het Congres van de Verenigde Staten van Amerika, en aan deze de faciliteiten en de bijstand verschaffen, welke nodig zijn voor een doeltreffende uitoefening van hun taak.

3. De Nederlandse Regering zal, zowel rechtstreeks als door middel van haar vertegenwoordigers bij de Organisatie voor Europese Economische Samenwerking, volledige samenwerking verlenen aan de Speciale Missie, de Bijzondere Vertegenwoordiger van de Verenigde Staten van Amerika in Europa en diens staf alsmede aan de leden en de staf van de Verenigde Commissie. Die samenwerking zal inhouden het verstrekken van alle berichten en faciliteiten, nodig voor het observeren van- en het toezicht op de uitvoering van deze overeenkomst met inbegrip van de aanwending van hulp krachtens deze overeenkomst verleend.

Artikel X
(Regeling van vorderingen van onderdanen)

1. De Regeringen van de Verenigde Staten van Amerika en Nederland komen overeen om aan de beslissing van het Internationale Hof van Justitie te onderwerpen iedere vordering, waarin één Regering ten behoeve van een harer onderdanen zich partij stelt tegenover de andere Regering, en die strekt tot vergoeding van schade, voortspruitende uit overheidsmaatregelen (andere dan maatregelen met betrekking tot vijandelijk vermogen of vijandelijke belangen) genomen na 3 April 1948 door de andere Regering, en aantastende het vermogen of een belang van zodanig onderdaan, daaronder begrepen contracten met- of concessies verleend door terzake bevoegde autoriteiten, behorend tot die andere Regering. Overeenstemming bestaat daarover, dat de verbintenis van elk der beide Regeringen met betrekking tot vorderingen, waarin de andere Regering zich in het voorkomende geval op grond van dit lid partij stelt, wordt aangegaan onder het gezag van- en wordt beperkt door de bewoordingen en voorwaarden van zodanige daadwerkelijke erkenning als tot nu toe is verleend aan de verplichte jurisdictie van het Internationale Hof van Justitie ingevolge Artikel 36 van het Statuut van het Hof. De bepalingen van dit lid zullen in geen enkel opzicht inbreuk maken op andere aan elk der beide Regeringen toekomende rechten, indien bestaande, om het Internationale Hof van Justitie te adieren, of tot het zich partij stellen in- en het voorbrengen van rechtsvorderingen, die gegrond zijn op vermeende schendingen door een van beide Regeringen, van rechten en verplichtingen, voortspruitend uit verdragen,

arising under treaties, agreements or principles of international law.

Post, p. 2510.

2. The Governments of the United States of America and the Netherlands further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI
(Definitions)

Post, p. 2512.

As used in this Agreement:

"Netherlands."

(a) the Netherlands means the Kingdom of the Netherlands consisting of its territory in Europe, the Netherlands Indies, Surinam and Curaçao;

"Participating country."

(b) the term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XII
(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953,

overeenkomsten, of grondbeginselen van internationaal recht.

2. De Regeringen van de Verenigde Staten van Amerika en van Nederland komen voorts overeen, dat zodanige rechtsvorderingen in plaats van naar het Hof, naar een nader onderling overeen te komen scheidsgerecht kunnen worden verwezen.

3. Voorts bestaat overeenstemming daarover, dat geen van beide Regeringen overeenkomstig dit Artikel zich partij zal stellen in een vordering, voordat haar betrokken onderdaan alle beschikbare rechtsmiddelen heeft aangewend, welke hem in de administratieve en burgerlijke rechtspleging van het land, waarin de rechtsvordering is ontstaan, ter beschikking staan.

Artikel XI
(Begripsbepalingen)

Zoals gebruikt in deze overeenkomst:

(a) betekent "Nederland" "Het Koninkrijk der Nederlanden, omvattende het grondgebied in Europa, Nederlands-Indië, Suriname en Curaçao";

(b) betekent "deelnemend land"
(i) elk land, dat het rapport van het Comité voor Europese Economische Samenwerking op 22 September 1947 te Parijs ondertekend heeft, benevens de gebieden voor welke het internationale verantwoordelijkheid heeft, en waarop de Overeenkomst tot Economische Samenwerking, gesloten tussen dat land en de Regering van de Verenigde Staten van Amerika van't oepassing is verklaard, en
(ii) ieder ander land (met inbegrip van elke bezettingszone van Duitsland, en gebieden onder internationaal bestuur of toezicht alsmede het Vrije Gebied Triest of elk van zijn zones) geheel of gedeeltelijk in Europa gelegen, tezamen met de afhankelijke gebieden onder zijn bestuur;

voor zolang als zulk een land partij is van het Verdrag nopens Europese Economische Samenwerking en een gemeenschappelijk Europees Herstelprogramma aanhangt, ontworpen ter verwezenlijking van de in deze Overeenkomsten gestelde doeleinden.

Artikel XII
(Inwerkingtreding, wijziging en looptijd)

1. Deze Overeenkomst zal heden van kracht worden. Zij zal, ingevolge de bepalingen van de leden 2 en 3 van dit Artikel, van kracht blijven tot 30 Juni 1953,

and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2506.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of the Netherlands are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

Ante, p. 2492.
Ante, p. 2496.

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of the Netherlands required to be deposited in accordance with its own terms

Ante, p. 2488.

en zal, tenzij tenminste 6 maanden vóór 30 Juni 1953 een van beide Regeringen aan de andere schriftelijk kennis zal hebben gegeven van haar voornemen om op die datum de Overeenkomst te beeindigen, daarna van kracht blijven totdat 6 maanden, te rekenen vanaf de datum waarop zulk een kennisgeving zal zijn gedaan, zullen zijn verstreken.

2. Indien, gedurende de looptijd van deze Overeenkomst, een van beide Regeingen van oordeel mocht zijn , dat er een fundamentele verandering is gekomen in hetgeen als basis voor deze Overeenkomst is aangenomen, dan zal zij de andere Regering daarvan schriftelijk kennis geven, waarna de twee Regeringen overleg zullen plegen teneinde tot overeenstemming te geraken omtrent amendering, wijziging of beeindiging van deze Overeenkomst. Indien, na verloop vandrie maanden, te rekenen vanaf zulk een kennisgeving, de twee Regeringen geen overeenstemming hebben bereikt omtrent hetgeen onder die omstandigheden behoort te worden verricht, kan ieder der beide Regeringen aan de andere schriftelijk kennisgeven van haar voornemen om deze Overeenkomst te beeindigen. In dat geval zal, met inachtneming van de bepalingen van lid 3 van dit Artikel, deze Overeenkomst een einde nemen, hetzij

(a) zes maanden na de datum van zulk een kennisgeving van het voornemen tot beeindiging, hetzij

(b) na zodanig korter tijdsverloop als bij onderlinge overeenkomst voldoende wordt geacht om te verzekeren, dat de verplichtingen van de Nederlandse Regering, voortvloeiende uit hulpverlening, die na de datum van zulk een kennisgeving nog door de Regering der Verenigde Staten van Amerika mocht worden voortgezet, worden nagekomen;

een en ander evenwel met dien verstande, dat Artikel V en lid 3 van Artikel VII nog van kracht zullen blijven 2 jaar na de datum van een dergelijke kennisgeving van het voornemen tot beeindiging, echter uiterlijk tot 30 Juni 1953.

3. Subsidiaire overeenkomsten en schikkingen, totstandgekomen op grond van deze Overeenkomst, kunnen van kracht blijven na de datum van beeindiging van deze Overeenkomst, en de geldigheidsduur van zulke subsidiaire overeenkomsten en schikkingen zal worden beheerst door de bepalingen van die overeenkomsten en schikkingen zelve. Artikel IV blijft van kracht totdat over alle bedragen in Nederlandse munt, waarvan storting verplicht is overeenkomstig zijn bewoordingen, zal

Ante, p. 2486.

have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2504.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

DONE at The Hague, in duplicate, in the English and the Dutch languages, both texts authentic, this second day of July, 1948.

Herman Benjamin Baruch [1]

For the Government of the United States of America,

[1]Herman Benjamin Baruch

zijn beschikt op de wijze in dat Artikel voorzien. Lid 2 van Artikel III blijft van kracht zolang als de garantiebetalingen, vermeld in dat Artikel, door de Regering van de Verenigde Staten van Amerika. zullen worden verricht.

4. Deze Overeenkomst kan te allen tijde bij overeenkomst tussen beide Regeringen worden geamendeerd.

5. De Bijlage van deze Overeenkomst vormt daarvan een integrerend deel.

6. Deze Overeenkomst zal worden geregistreerd bij het Secretariaat-Generaal der Verenigde Naties.

TEN BLIJKE WAARVAN de respectieve vertegenwoordigers, met de nodige volmachten bekleed, deze Overeenkomst hebben ondertekend.

GEDAAN te 's-Gravenhage, in tweevoud, in de Engelse en de Nederlandse talen, welke beide teksten rechtsgeldig zijn, op twee Juli 1948.

Voor de Nederlandse Regering,

[1]

[1] W v. Boetzelaer.

ANNEX.
(Interpretative Notes)

Ante, p. 2482.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2484.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2486.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such

BIJLAGE
(Uitleg - bepalingen)

1. Overeenstemming bestaat daarover, dat hetgeen in lid 1 (a) van Artikel II wordt voorgeschreven met betrekking tot het nemen van maatregelen tot doelmatig gebruik van hulpbronnen, tevens, met betrekking tot goederen verschaft krachtens deze Overeenkomst, doeltreffende maatregelen zal moeten bevatten voor het veilig stellen van zulke goederen en om te verhinderen, dat zij zouden afvloeien naar onwettige of niet erkende markten of handelskanalen.

2. Overeenstemming bestaat daarover, dat de verplichting krachtens lid 1 (c) van Artikel II om de begroting zodra uitvoerbaar in evenwicht te brengen, niet zal uitsluiten tekorten over een korte periode, doch zal betekenen een begrotingspolitiek, welke het in evenwicht brengen van de begroting op de lange duur beoogt.

3. Overeenstemming bestaat daarover, dat met zakelijke praktijken en zakelijke regelingen, vermeld in lid 3 van Artikel II, wordt bedoeld :

(a) het vaststellen van prijzen, bepalingen of voorwaarden in acht te nemen bij transacties met anderen bij koop, verkoop of huur van enig product;

(b) het uitsluiten van ondernemingen uit-, of het toewijzen, dan wel de verdeling van enig marktgebied of zakelijke belangensfeer, of het toewijzen van afnemers of het vaststellen van verkoop quota of aankoop quota;

(c) discriminatie tegenover bepaalde ondernemingen;

(d) het beperken van de productie of het vaststellen van productie quota;

(e) het bij overeenkomst verhinderen van ontwikkelingen of toepassingen op het gebied van technologie of van uitvindingen al of niet geoctroieerd;

(f) het uitbreiden van het gebruik van octrooirechten, rechten op handelsmerken of auteursrechten verleend door een der beide landen, tot onderwerpen, die ingevolge hunne wetten en bepalingen niet onder het bereik van zulke rechten vallen,

grants; and

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of the Netherlands is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2486.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of the Netherlands for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

Ante, p. 2492.

6. It is understood that the Government of the Netherlands will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2496.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of intergovernmental discussion.

Ante, p. 2498.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United

Ante, p. 2502.

dan wel tot die producten of wijzen van voortbrenging, gebruik of verkoop, welke evenmin voorwerp van zodanige verlening kunnen zijn; en

(g) zodanige andere praktijken als beide Regeringen zouden kunnen overeenkomen om daartoe te rekenen.

4. Overeenstemming bestaat daarover, dat de Nederlandse Regering alleen na behoorlijk onderzoek en beoordeling, verplicht zal zijn om, in bijzondere gevallen stappen te ondernemen overeenkomstig lid 3 van Artikel II.

5. Overeenstemming bestaat daarover, dat de zinsnede in Artikel V "met behoorlijke inachtneming van de redelijke behoeften van Nederland aan zulke grondstoffen en materialen voor binnenlands gebruik" zou kunnen insluiten het handhaven van redelijke voorraden van de betreffende grondstoffen en materialen en dat de zinsnede "export op commerciële basis" ook ruil-transacties zou kunnen omvatten. Eveneens bestaat overeenstemming daarover, dat schikkingen, getroffen krachtens Artikel V, indien daarvoor redenen zouden zijn, zouden kunnen omvatten een voorziening betreffende overleg in overeenstemming met de beginselen van Artikel 32 van het Havana Handvest voor een Internationale Handels Organisatie, voor het geval, dat gevormde voorraden worden geliquideerd.

6. Overeenstemming bestaat daarover, dat aan de Nederlandse Regering niet zal worden verzocht om krachtens lid 2 (a) van Artikel VII gedetailleerde berichten betreffende projecten van ondergeschikt belang te verschaffen noch vertrouwelijke handels- of technische informatie, wier bekendmaking rechtmatige commerciële belangen zou kunnen schaden.

7. Overeenstemming bestaat daarover, dat de Regering van de Verenigde Staten van Amerika, wanneer zij de kennisgevingen, vermeld in lid 2 van Artikel IX, zou doen, zich bewust zal zijn van de wenselijkheid om zover als practisch mogelijk zal zijn, het aantal ambtenaren voor wie volledige diplomatieke privileges zouden kunnen worden verzocht, te beperken. Eveneens stemmen Partijen overeen, dat de gedetailleerde aanvragen bedoeld in Artikel IX, indien nodig voorwerp van intergouvernementele besprekingen zouden kunnen uitmaken.

8. Overeenstemming bestaat daarover, dat alle overeenkomsten, welke zouden kunnen worden afgesloten op grond van lid 2 van Artikel X, onderhevig zullen zijn aan ratificatie door de Senaat van de Verenigde

States of America.

Ante, p. 2502.

9. It is understood that the definitions contained in Article XI imply no restriction upon the Government of the Netherlands with regard to the carrying forward of contemplated changes in the structure of the Kingdom of the Netherlands. It is further understood that if while this Agreement is in effect arrangements are made for a change in status of territories presently a part of the Kingdom of the Netherlands, the relation of such territories to this Agreement will be the subject of future consultation.

Staten van Amerika.

9. Overeenstemming bestaat daarover, dat de begripsbepalingen, welke Artikel XI inhoudt, aan de Nederlandse Regering geen beperkingen opleggen met betrekking tot het ten uitvoer brengen van de voorgenomen veranderingen in de structuur van het Koninkrijk der Nederlanden. Verder stemmen de Partijen overeen, dat indien gedurende de looptijd van deze overeenkomst schikkingen worden getroffen voor een wijziging in de status van de gebiedsdelen, welke op het ogenblik deel uitmaken van het Koninkrijk der Nederlanden, de verhouding van zodanige gebiedsdelen tot deze Overeenkomst het onderwerp van toekomstig overleg zal uitmaken.

July 3, 1948
[T. I. A. S. 1792]

Agreement between the United States of America and Norway respecting economic cooperation under Public Law 472, 80th Congress. Signed at Oslo July 3, 1948; entered into force July 3, 1948.

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND NORWAY.

Preamble

Principles of Agreement.

The Government of the United States of America and the Royal Norwegian Government:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of selfhelp and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all

AVTALE OM ØKONOMISK SAMARBEID MELLOM NORGE OG AMERIKAS FORENTE STATER.

Den kgl. norske regjering og Amerikas Forente Staters regjering

som erkjenner at gjenoppretting eller bevaring i de europeiske land av grunnsetningene om frihet for individet, frie institusjoner og virkelig uavhengighet i stor utstrekning beror på at det skapes sunde økonomiske vilkår og stabile internasjonale økonomiske forhold, og at det lykkes de europeiske land å gjennomføre en sund økonomi som er uavhengig av ekstraordinær bistand utenfra;

som erkjenner at et sterkt og fremgangsrikt europeisk næringsliv er av vesentlig betydning for at målene for de Forente Nasjoner kan nåes;

som tar i betraktning at det for å nå disse mål er nødvendig at det legges en plan for Europas gjenreisning som bygger på selvhjelp og gjensidig samarbeid og som er åpen for alle land som samarbeider etter en slik plan, og som videre bygger på at produksjonen søkes sterkt øket, at utenrikshandelen utvides, at det skapes eller opprettholdes indre finansiell stabilitet, og at det

possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Royal Norwegian Government has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Royal Norwegian Government is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

Taking note that the Royal Norwegian Government has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

økonomiske samarbeid utbygges, idet det samtidig tas alle gjennomførbare forholdsregler for å fastsette og opprettholde riktige valutakurser og for å minske hindringer for handelen;

som tar i betraktning at den kgl. norske regjering sammen med andre likesinnede nasjoners regjeringer har inngått Overenskomsten om europeisk økonomisk samarbeid som ble undertegnet i Paris 16. april 1948, i henhold til hvilken partene i Overenskomsten er blitt enige om som sin første oppgave å gå i gang med utarbeiding og gjennomføring av et felles gjenreisningsprogram, og at den kgl. norske regjering er medlem av Organisasjonen for europeisk økonomisk samarbeid, som ble opprettet i henhold til bestemmelsene i nevnte overenskomst;

som også tar i betraktning at Amerikas Forente Staters regjering til fremme av disse grunnsetninger har vedtatt Loven om økonomisk samarbeid av 1948, som hjemler adgang for Amerikas Forente Stater til å yte bistand til de nasjoner som deltar i et felles europeisk gjenreisningsprogram, for å sette disse nasjoner i stand til ved egne og felles anstrengelser å bli uavhengig av ekstraordinær økonomisk bistand utenfra; 62 Stat., Pt. 1, p. 137.

som er oppmerksom på at den kgl. norske regjering allerede har gitt uttrykk for sin tilslutning til formålene for og grunnsetningene i Loven om økonomisk samarbeid av 1948;

[1] Department of State publication 3145.

62 Stat., Pt. 1, p. 137.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Norway, and the measures which the two Governments will take individually and together in furthering the recovery of Norway as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Norway, by making available to the Royal Norwegian Government or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Royal Norwegian Government only such commodities, services and other assistance as are authorized to be made available by such acts.

som ønsker å gi uttrykk for den forståelse som skal være bestemmende for ytelsen av slik bistand fra Amerikas Forente Staters regjering i henhold til Loven om økonomisk samarbeid av 1948, for Norges mottagelse av slik bistand og for de forholdsregler som de to regjeringer vil ta enkeltvis og i fellesskap for å fremme gjenreisningen i Norge som en del av det felles europeiske gjenreisningsprogram;

er blitt enige om følgende:

ARTIKKEL I

(Bistand og samarbeid)

1. Amerikas Forente Staters regjering påtar seg å yte bistand til Norge ved å stille til rådighet for den kgl. norske regjering eller til personer, organer eller organisasjoner som er utpekt av den kgl. norske regjering, slik bistand som sistnevnte regjering måtte be om, og som Amerikas Forente Staters regjering godkjenner. Amerikas Forente Staters regjering vil yte denne bistand i henhold til bestemmelsene i Loven om økonomisk samarbeid av 1948 med alle de vilkår, betingelser og bestemmelser om opphør som Loven inneholder, enn videre i henhold til endrings- og tilleggslover og bevilgningsvedtak i forbindelse med denne. Amerikas Forente Staters regjering vil stille til rådighet for den kgl. norske regjering bare slike varer, tjenester eller annen bistand som nevnte lover og vedtak gir adgang til.

2. The Royal Norwegian Government, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Royal Norwegian Government reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Norway and procured from areas outside the United States of America, its territories and possessions, the Royal Norwegian Government will

2. Den kgl. norske regjering vil såvel individuelt som gjennom Organisasjonen for europeisk økonomisk samarbeid i samsvar med Overenskomsten for europeisk økonomisk samarbeid, undertegnet i Paris 16. april 1948, gjøre vedholdende anstrengelser sammen med andre deltagende land for gjennom et felles gjenreisningsprogram hurtig å skape slike økonomiske forhold i Europa som er av vesentlig betydning for varig fred og velstand, og for å sette de land i Europa som deltar i et slikt felles gjenreisningsprogram, i stand til å bli uavhengige av ekstraordinær bistand utenfra i løpet av det tidsrom denne avtale varer. Den kgl. norske regjering bekrefter at den har til hensikt å treffe tiltak til å sette ut i livet de bestemmelser som er gitt i avsnittet Alminnelige forpliktelser i Overenskomsten om europeisk økonomisk samarbeid, å fortsette å delta aktivt i arbeidet i Organisasjonen for europeisk økonomisk samarbeid, og fortsatt å holde fast ved de formål og grunnsetninger som Loven om økonomisk samarbeid av 1948 bygger på. 62 Stat., Pt. 1, p. 137.

3. Når det gjelder bistand som ytes av Amerikas Forente Staters regjering til Norge og som omfatter varer som er ervervet fra områder utenfor Amerikas Forente Staters territorier og besittelser, vil den

cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II
(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Royal Norwegian Government will use its best endeavours:

Measures for practical use of resources. *Post*, p. 2537.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Royal Norwegian Government in support of the requirements of assistance to be furnished by the Government of the United States of America;

kgl. norske regjering samarbeide med Amerikas Forente Staters regjering for å sikre at varene blir erverva til rimelige priser og på rimelige vilkår, slik at de dollarbeløp som derved blir stilt til rådighet for det land hvorfra bistanden skriver seg, blir brukt i samsvar med ordninger avtalt mellom Amerikas Forente Staters regjering og vedkommende land.

ARTIKKEL II
(Alminnelige forpliktelser)

1. Den kgl. norske regjering vil gjøre sitt beste for å oppnå at den bistand som mottas fra Amerikas Forente Staters regjering nyttiggjøres for gjenreisningen med størst mulig utbytte ved

a) å innføre eller opprettholde slike forholdsregler som er nødvendige for å sikre virkningsfull og praktisk utnyttelse av alle de ressurser som står til dens rådighet, herunder

(i) slike forholdsregler som måtte være nødvendige for å sikre at de varer og tjenester som erverves ved hjelp ytet i henhold til denne avtale blir brukt til formål som er i samsvar med avtalen og, i den utstrekning det er gjennomførbart, med de alminnelige formål som er angitt i de oppgaver den kgl. norske regjering legger fram som støtte for behovene for bistand fra Amerikas Forente Staters regjering;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Norway and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Royal Norwegian Government to dispose of such assets;

(ii) å overvåke og kontrollere anvendelsen av ressursene gjennom et effektivt kontrollsystem som er godkjent av Organisasjonen for europeisk økonomisk samarbeid, og

(iii) å treffe forholdsregler i den utstrekning det er mulig for å oppspore, identifisere og, til fremme av det felles europeiske gjenreisningsprogram, gjøre hensiktsmessig bruk av aktiva og inntekter derav som tilhører norske borgere og som befinner seg innenfor Amerikas Forente Stater, dets territorier eller besittelser. Intet i denne bestemmelse pålegger Amerikas Forente Staters regjering plikt til å bistå med gjennomføringen av slike forholdsregler. Heller ikke pålegges den kgl. norske regjering noen plikt til å disponere over slike aktiva,

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Royal Norwegian Government to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, steel, transportation facilities and food;

Development of production.

b) å fremme utviklingen av industri- og landbruksproduksjonen på et sundt økonomisk grunnlag, å nå de produksjonsmål som måtte bli fastsatt gjennom Organisasjonen for europeisk økonomisk samarbeid, og, når Amerikas Forente Staters regjering har fremsatt ønske om det, å tilstille denne detaljerte forslag for spesielle projekter som overveies av den kgl. norske regjering og som tenkes satt i verk i vesentlig utstrekning ved hjelp av bistand ytet i henhold til denne avtale, herunder når det er mulig, projekter som tar sikte på øket produksjon av kull, stål, transportmidler og matvarer;

Maintenance of financial stability.
Post, p. 2537.

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

c) å stabilisere sin valuta, fastsette eller opprettholde en riktig valutakurs, balansere statsbudsjettet, skape eller opprettholde indre finansiell stabilitet, og i sin alminnelighet gjenopprette eller bevare tilliten til sitt pengesystem, og

Stimulation of trade.

(d) to cooperate with other participating countries in facilitating and stimulating and increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

d) å samarbeide med andre deltagende land for å lette og oppmuntre til øket utveksling av varer og tjenester mellom de deltagende land og med andre land, og for å minske offentlige og private hindringer for handelen mellom dem selv og andre land.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the Royal Norwegian Government will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

2. I betraktning av artikkel VIII i Overenskomsten om europeisk økonomisk samarbeid som tar sikte på full og effektiv utnyttelse av den arbeidskraft som står til rådighet i de deltagende land, vil den kgl. norske regjering overveie med velvilje forslag som fremsettes i samband med den Internasjonale flyktningsorganisasjon og som tar sikte på størst mulig nyttiggjøring av den arbeidskraft som står til rådighet i de deltagende land i det øyemed å fremme formålene med denne avtale.

Prevention of practices interfering with achievement of program.
Post, pp. 2537, 2538.

3. The Royal Norwegian Government will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices

3. Den kgl. norske regjering vil ta de forholdsregler som den finner passende og vil samarbeide med andre deltagende land for å hindre at private eller offentlige forretningsforetagender bruker forretningsmetoder eller

or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control, whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III
(Guaranties)

1. The Government of the United States of America and the Royal Norwegian Government will, upon the request of either Government, consult respecting projects in Norway proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b)(3) of the Economic Cooperation Act of 1948.

2. The Royal Norwegian Government agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Norwegian kroner, or credits in Norwegian kroner, assigned or transferred to the Government of the United States of America pursuant to that Section shall be recognized as property of the Government of the United States of America.

Article IV
(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

treffer ordninger som berører den internasjonale handel og som innskrenker konkurransen, begrenser adgangen til markeder eller foranlediger monopolistisk kontroll, når slike metoder eller ordninger motvirker gjennomføringen av det felles europeiske gjenreisningsprogram.

ARTIKKEL III
(Garantier)

1. Den kgl. norske regjering og Amerikas Forente Staters regjering vil, når en av regjeringene anmoder om det, rådføre seg med hverandre om projekter i Norge som er foreslått av amerikanske borgere og som det er adgang for Amerikas Forente Staters regjering til å garantere valutaoverførsel for i henhold til seksjon 111 (b)(3) i Loven om økonomisk samarbeid av 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2535.

2. Den kgl. norske regjering er enig i at hvis Amerikas Forente Staters regjering betaler amerikanske dollar til personer i henhold til en slik garanti, skal de beløp eller kreditter i norske kroner som måtte bli overdradd eller overført til Amerikas Forente Staters regjering i henhold til den nevnte lovbestemmelse, anerkjennes som Amerikas Forente Staters regjerings eiendom.

ARTIKKEL IV
(Innenlandsk valuta)

1. Bestemmelsene i denne artikkel skal gjelde bare slik bistand som Amerikas Forente Staters regjering måtte yte på gavegrunnlag.

Post, p. 2535.

Special account in Bank of Norway.

2. The Royal Norwegian Government will establish a special account in the Bank of Norway in the name of the Royal Norwegian Government (hereinafter called the Special Account) and will make deposits in Norwegian kroner to this account as follows:

(a) The unencumbered balances of the deposits made by the Royal Norwegian Government pursuant to the exchange of notes between the two Governments dated April 22, 1948.

(b) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Norway on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in subparagraph (a). The Government of the United States of America shall from time to time notify the Royal Norwegian Government of the indicated dollar cost of any such commodities, services and technical information, and the Royal Norwegian Government will thereupon deposit in the Special Account a commensurate amount of Norwegian kroner computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Royal Norwegian Government may at any time make advance deposits in the Special Account which shall be credited against subsequent

62 Stat., Pt. 1, p. 137.

2. Den kgl. norske regjering vil opprette en særkonto i Norges Bank i den kgl. norske regjerings navn (heretter kalt Særkontoen) og vil foreta innskudd i norske kroner på denne konto i samsvar med disse regler:

(a) De fri restbeløp på innskudd som er foretatt av den kgl. norske regjering i henhold til noteveksling mellom de to regjeringer datert 22. april 1948.

(b) Beløp svarende til de angitte dollarutlegg som Amerikas Forente Staters regjering har hatt for varer, tjenester og tekniske opplysninger (herunder alle kostnader i forbindelse med bearbeiding, lagring, transport, reparasjoner eller andre tjenester i samband hermed) som er stillet til rådighet for Norge på gavegrunnlag ved midler som er bevilget i henhold til Loven om økonomisk samarbeid av 1948, dog med fradrag av de innskudd som er foretatt i henhold til den i underparagraf (a) nevnte noteveksling. Amerikas Forente Staters regjering skal fra tid til annen underrette den kgl. norske regjering om de dollarutlegg den har hatt for slike varer, tjenester og tekniske opplysninger, og den kgl. norske regjering vil deretter sette inn på Særkontoen et tilsvarende kronebeløp omregnet etter en kurs som er lik den pariverdi som på vedkommende tidspunkt er avtalt med det Internasjonale valutafond. Den kgl. norske regjering kan når som helst

notifications pursuant to this paragraph.

3. The Government of the United States of America will from time to time notify the Royal Norwegian Government of its requirements for administrative expenditures in Norwegian kroner within Norway incident to operations under the Economic Cooperation Act of 1948, and the Royal Norwegian Government will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in Norway, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Royal Norwegian Government will further make such sums of Norwegian kroner available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in

foreta forskuddinnbetalinger på Særkontoen og disse skal avregnes mot senere underretninger om dollarutlegg i henhold til denne paragraf.

Availability of sums for U. S. expenditures in Norway.

3. Amerikas Forente Staters regjering vil fra tid til annen underrette den kgl. norske regjering om sine behov for norske kroner til dekning av administrative utgifter i Norge i samband med virksomhet under Loven om økonomisk samarbeid av 1948, og den kgl. norske regjering vil deretter stille slike beløp til disposisjon fra det som innestår på Særkontoen og på den måte som Amerikas Forente Staters regjering anmoder om i sin underretning.

62 Stat., Pt. 1, p. 137.

4. Fem prosent av hvert innskudd som foretas i henhold til denne artikkel for bistand som er ytet etter Bevilgningsloven av 1949 om hjelp til utlandet, skal avsettes til bruk for Amerikas Forente Staters regjering til dekning av dens utgifter i Norge. Beløp som stilles til rådighet i henhold til paragraf 3 i denne artikkel skal først belastes de midler som er avsatt i henhold til denne paragraf.

62 Stat., Pt. 1, p. 1054.

5. Den kgl. norske regjering vil videre stille til rådighet i norske kroner fra Særkontoen slike beløp som måtte trenges til å dekke utlegg (herunder havneavgifter, lagrings- og spedisjonsutgifter og lignende utgifter) i forbindelse med

Norway to the consignee's designated point of delivery in Norway of such relief supplies and packages as are provided for in Section 117 (c) of the Economic Co-
62 Stat., Pt. 1, p. 153. operation Act of 1948.

Norwegian withdrawals from Special Account.

6. The Royal Norwegian Government may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Royal Norwegian Government for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Norway and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Norway, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Norway and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic
62 Stat., Pt. 1, p. 137. Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

transport fra ankomststed i Norge til det av mottageren angitte leveringssted i Norge for slike hjelpeforsendelser og pakker som er omhandlet i seksjon 117 (c) i Loven om økonomisk samarbeid av 1948.

6. Den kgl. norske regjering kan trekke på den i Særkontoen resterende saldo for slike formål som fra tid til annen måtte bli avtalt med Amerikas Forente Staters regjering. Ved overveielsen av forslag fremsatt av den kgl. norske regjering om uttak av Særkontoen vil Amerikas Forente Staters regjering ta i betraktning behovet for å fremme eller opprettholde indre pengemessig og finansiell stabilitet i Norge, for å stimulere produktiv virksomhet og internasjonal handel og for å utforske og utvikle nye kilder til velstand i Norge. Disse tiltak skal særlig omfatte

(a) utgifter til projekter eller programmer, innbefattet slike som er del av et omfattende program for utvikling av produktiv kapasitet i Norge og de øvrige deltagerland, og projekter eller programmer når disses utenlandske omkostninger dekkes av bistand som ytes av Amerikas Forente Staters regjering etter Loven om økonomisk samarbeid av 1948 eller på annen måte, eller av lån opptatt i den Internasjonale bank for gjenreisning og utvikling;

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(b) utgifter til utforskning og utvikling av tilleggsproduksjon av råvarer som måtte trenges i Amerikas Forente Stater på grunn av nåværende eller framtidige mangler i Amerikas Forente Staters ressurser; og

(c) effective retirement of the national debt, especially the debt held by the Bank of Norway or other banking institutions.

(c) effektiv tilbakebetaling av Statens gjeld, særlig gjelden til Norges Bank eller andre bankinstitusjoner.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the Special Account on June 30, 1952, shall be disposed of within Norway for such purposes as may hereafter be agreed between the Government of the United States of America and the Royal Norwegian Government, it being understood that the Agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Disposition of unencumbered balances.

7. Enhver fri saldo, bortsett fra ubrukte beløp som er avsatt i henhold til paragraf 4 i denne artikkel, som innestår på Særkontoen 30. juni 1952 skal disponeres i Norge til slike formål som heretter måtte bli avtalt mellom den kgl. norske regjering og Amerikas Forente Staters regjering, idet det er underforstått at avtalen fra Amerikas Forente Staters side skal være gjenstand for godkjennelse ved lov eller ved felles-vedtak av de to hus av Amerikas Forente Staters kongress.

Article V
(Access to Materials)

1. The Royal Norwegian Government will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Norway which are required by the United States of America as a result of deficiencies or potential deficiencies in its own

ARTIKKEL V
(Vareleveranser)

1. Den kgl. norske regjering vil lette overføring til Amerikas Forente Stater for lagring eller andre formål av råvarer som har sin opprinnelse i Norge og som Amerikas Forente Stater måtte trenge som følge av nåværende eller framtidig mangler i landets egne ressurser,

Post, pp. 2528, 2535.

resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Government of the United States of America and the Royal Norwegian Government, after due regard for the reasonable requirements of Norway for domestic use and commercial export of such materials. The Royal Norwegian Government will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Norway, and the removal of any hindrances to the transfer of such materials to the United States of America. The Royal Norwegian Government will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2538.

2. The Royal Norwegian Government will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-Section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Royal Norwegian Government, when so requested by the

på slike rimelige salgs-, bytte- eller andre vilkår, og i slike mengder og for et slikt tidsrom som den kgl. norske regjering og Amerikas Forente Staters regjering måtte komme overens om etter å ha tatt tilbørlig hensyn til Norges rimelige behov for slike varer til eget forbruk eller til eksporthandel. Den kgl. norske regjering vil treffe slike tiltak som måtte være nødvendig for å gjennomføre bestemmelsene i denne paragraf, herunder tiltak som tar sikte på å fremme produksjonsøkning av slike varer i Norge, og å fjerne hindringer for overføring av slike varer til Amerikas Forente Stater. Den kgl. norske regjering vil etter anmodning av Amerikas Forente Staters regjering, oppta forhandlinger om spesifiserte ordninger som er nødvendige for gjennomføring av bestemmelsene i denne paragraf.

2. Den kgl. norske regjering vil, etter anmodning av Amerikas Forente Staters regjering, forhandle om passende ordninger for gjennomføring av bestemmelsene i paragraf (9) i subseksjon 115 (b) i Loven om økonomisk samarbeid av 1948 som vedrører utvikling og overføring av råvarer som Amerikas Forente Stater trenger.

3. Den kgl. norske regjering vil, etter anmodning fra Amerikas

Government of the United States of America, will co-operate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Norway.

Article VI
(Travel Arrangements)

The Royal Norwegian Government will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Article VII
(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Royal Norwegian Government will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Royal Norwegian Government:

(a) detailed information of projects, programs and measures proposed or adopted by the Royal Norwegian Government to carry out the provisions of this Agreement

Forente Staters regjering samarbeide, hvor dette er mulig, for å fremme formålene for paragrafene 1 og 2 i denne artikkel når det gjelder råvarer som har sin opprinnelse utenfor Norge.

ARTIKKEL VI
(Reiselivstiltak)

1. Den kgl. norske regjering vil samarbeide med Amerikas Forente Staters regjering for å lette og oppmuntre tiltak som tar sikte på å tilskynne og fremme amerikanske borgeres reiser til og i de deltagende land.

ARTIKKEL VII
(Rådføring og oversendelse av opplysninger)

1. De to regjeringer vil, hvis en av regjeringene anmoder om det, rådføre seg med hverandre om et hvilket som helst spørsmål som vedrører denne avtales anvendelse eller tiltak og ordninger som gjennomføres i henhold til denne avtale.

2. Den kgl. norske regjering vil tilstille Amerikas Forente Staters regjering i den form og med de mellomrom som skal angis av sistnevnte regjering etter rådføring med den kgl. norske regjering:

a) detaljerte opplysninger om projekter, programmer og tiltak som er foreslått eller besluttet iverksatt av den kgl. norske regjering for å gjennomføre

Post, p. 2539.

and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Royal Norwegian Government will assist the Government of the United States of America to obtain information relating to the materials originating in Norway referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Post, p. 2535.

Ante, p. 2525.

bestemmelsene i denne avtale og i de Alminnelige forpliktelser i Overenskomsten om europeisk økonomisk samarbeid;

b) fullstendige oppgaver over den virksomhet som drives i henhold til denne avtale, herunder oppgave over hvorledes pengemidler, varer og tjenester som er mottatt i henhold til avtalen er blitt brukt; slike oppgaver skal avgis hvert kalenderkvartal;

c) opplysninger om dens økonomi og enhver annen opplysning i forbindelse hermed som er nødvendig for å supplere de opplysninger som Amerikas Forente Staters regjering mottar fra Organisasjonen for europeisk økonomisk samarbeid, og som Amerikas Forente Staters regjering måtte trenge for å fastslå arten og rekkevidden av den virksomhet som drives i henhold til Loven om økonomisk samarbeid av 1948, og for å vurdere effektiviteten av den bistand, som ytes eller tenkes ytet i henhold til denne avtale, og i sin alminnelighet fremgangen i det felles gjenreisningsprogram.

3. Den kgl. norske regjering vil bistå Amerikas Forente Staters regjering med å innhente slike opplysninger om de i artikkel V nevnte råvarer med opprinnelse i Norge, som er nødvendige for å planlegge og gjennomføre de ordninger som er omhandlet i den nevnte artikkel.

Article VIII
(Publicity)

1. The Government of the United States of America and the Royal Norwegian Government recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Royal Norwegian Government will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

ARTIKKEL VIII
(Offentliggjøring)

1. Den kgl. norske regjering og Amerikas Forente Staters regjering er på det rene med at det er i begges interesse at formålene for og fremgangen i det felles europeiske gjenreisningsprogram og de tiltak som treffes til fremme av programmet, gis full offentlighet. Det er på det rene at vid spredning av opplysninger om fremgangen i programmet er ønskelig for å utdype den følelse av felles innsats og gjensidig støtte som er av vesentlig betydning for oppnåelsen av formålene med programmet.

2. Amerikas Forente Staters regjering vil oppmuntre spredning av slike opplysninger og vil stille slike opplysninger til rådighet for nyhetsformidlende organer.

3. Den kgl. norske regjering vil oppmuntre spredning av slike opplysninger både direkte og i samarbeid med Organisasjonen for europeisk økonomisk samarbeid. Den vil stille slike opplysninger til rådighet for nyhetsformidlende organer og treffe alle tiltak som kan gjennomføres for å sikre at passende hjelpemidler stilles til rådighet for slik nyhetsspredning. Den vil videre forsyne andre deltagende land og Organisasjonen for europeisk økonomisk samarbeid med fulle opplysninger om fremgangen i gjenreisningsprogrammet.

Quarterly statements of operations.

4. The Royal Norwegian Government will make public in Norway in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

4. Den kgl. norske regjering vil en gang hvert kalenderkvartal offentliggjøre i Norge fullstendig oppgave over den virksomhet som drives på grunnlag av avtalen, herunder opplysninger med hensyn til den bruk som har vært gjort av de pengemidler, varer og tjenester som er mottatt.

Article IX
(Missions)

ARTIKKEL IX
(Kommisjoner)

1. The Royal Norwegian Government agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Norway under this Agreement.

1. Den kgl. norske regjering er villig til å motta en spesiell kommisjon for økonomisk samarbeid som vil utføre de funksjoner i Norge som er pålagt Amerikas Forente Staters regjering i henhold til denne avtale.

Special mission as part of U. S. Embassy.
Post, p. 2539.

2. The Royal Norwegian Government will, upon appropriate notification from the Ambassador of the United States of America in Norway, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Norway for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Royal Norwegian Government will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

2. Den kgl. norske regjering vil etter behørig underretning fra Amerikas Forente Staters ambassadør i Norge betrakte den spesielle kommisjon og dens funksjonærer og Amerikas Forente Staters spesielle representant i Europa som tilhørende Amerikas Forente Staters ambassade i Norge, for at disse kan nyte slike privilegier og slik immunitet som tilstås ambassaden og dens personale av tilsvarende rang. Den kgl. norske regjering vil videre yte passende lettelser til medlemmene og funksjonærene i Amerikas Forente Staters Kongress' fellesskomite for utenlandsk økonomisk samarbeid, og tilstå dem de hjelpemidler og den bistand som er nødvendig for at de effektivt kan utøve sine funksjoner.

3. The Royal Norwegian Government, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X
(Settlement of Claims of Nationals)

1. The Government of the United States of America and the Royal Norwegian Government agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by

3. Den kgl. norske regjering vil samarbeide fullt ut, direkte og gjennom sine representanter i Organisasjonen for europeisk økonomisk samarbeid, med den spesielle kommisjon, med Amerikas Forente Staters spesielle representant i Europa og hans funksjonærer og med Felleskomiteens medlemmer og funksjonærer. Dette samarbeidet skal innbefatte fremskaffelse av alle opplysninger og hjelpemidler som er nødvendig til overvåking og kontroll av denne avtales gjennomføring, herunder anvendelsen av den bistand som er ytet i henhold til avtalen.

ARTIKKEL X
(Oppgjør av borgeres fordringer)

1. Den kgl. norske regjering og Amerikas Forente Staters regjering er enige om å henvise til den Kellomfolkelige domstol ethvert krav som den ene regjering fremsetter på vegne av en av sine borgere overfor den annen regjering, og som gjelder erstatning for skade som er påført ved forholdsregler som er truffet av den annen regjering etter 3. april 1948 (heri ikke innbefattet forholdsregler vedrørende fiendtlig eiendom og interesser) og som berører vedkommendes formue eller interesser, herunder kontrakter med eller konsesjoner fra vedkommende lands kompetente myndigheter. Det er underforstått at de forpliktelser som hver av de to regjeringer påtar seg med hensyn til krav som fremsettes av den annen regjering i henhold til denne paragraf skal være betinget av den myndighet og de begrensninger som er fastsatt ved de vilkår som

the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

59 Stat. 1060.

er knyttet til vedkommende regjerings anerkjennelse av den Mellomfolkelige domstols domsmyndighet i henhold til artikkel XXXVI i Domstolens vedtekter. Bestemmelsene i denne paragraf skal i ingen henseender prejudisere den adgang, hvis slik finnes, som ellers måtte bestå for enhver av de to regjeringer til å bringe saker inn for den Mellomfolkelige domstol eller til å støtte og fremsette krav som angis å grunne seg på krenkelser fra den annen regjerings side med hensyn til de rettigheter og plikter som hjemles i traktater, avtaler og folkerettens grunnsetninger.

2. The Government of the United States of America and the Royal Norwegian Government further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

Post, p. 2540.

2. Den kgl. norske regjering og Amerikas Forente Staters regjering er videre enig om at slike krav kan henvises til en voldgiftsdomstol som måtte bli avtalt i stedet for til den Mellomfolkelige domstol.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

3. Det er videre underforstått at ingen av de to regjeringer vil fremsette et krav i henhold til denne artikkel før vedkommende borger har uttømt de rettsmidler av administrativ og judisiell art som står til hans rådighet i det land hvor kravet oppsto.

Article XI
(Definitions)

ARTIKKEL XI
(Definisjoner)

As used in this Agreement the term "participating country" means

"Participating country."

Med uttrykket "deltagende land" menes slik som det er brukt i denne avtale

(a) any country which signed the Report of the Committee of European Economic Cooperation

(a) ethvert land som undertegnet rapporten fra Komiteen for europeisk økonomisk samarbeid

at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

i Paris 22. september 1947, og områder for hvilke det har internasjonalt ansvar og som Avtalen om økonomisk samarbeid, sluttet mellom vedkommende land og Amerikas Forente Staters regjering, har fått anvendelse for, og

(b) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

(b) ethvert annet land (herunder okkupasjonssonene i Tyskland, områder under internasjonal forvaltning eller kontroll, samt det frie område Trieste eller en av dets soner) som ligger helt eller delvis i Europa, sammen med avhengige områder som er under dets administrasjon;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

så lenge vedkommende land deltar i Overenskomsten om europeisk økonomisk samarbeid og holder fast ved et felles europeisk gjenreisningsprogram som tar sikte på å oppfylle formålene med denne avtale.

Article XII
(Entry into Force, Amendment, Duration)

ARTIKKEL XII
(Ikrafttreden, endringer og varighet)

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

1. Denne avtale trer i kraft på denne dag. Med de forbehold som følger av bestemmelsene i paragrafene 2. og 3. i denne artikkel, skal den være i kraft inntil 30. juni 1953, og, med mindre en av regjeringene med minst 6 måneders varsel før 30. juni 1953 har tilkjennegitt overfor den annen part sin hensikt å bringe avtalen til opphør på det nevnte tidspunkt, skal den forbli i kraft inntil utløpet av 6 måneder etter den dag da slik underretning er blitt gitt.

Effective date; duration.

Modification, etc.
Post, p. 2535.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement.

Termination.

If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Royal Norwegian Government are performed in respect of any assistance which may continue

2. Hvis en av regjeringene, mens denne avtale er i kraft, mener at der har funnet sted en vesentlig endring av de grunnleggende forutsetninger som denne avtale bygger på, skal den gi den annen regjering skriftlig underretning herom. De to regjeringer vil deretter rådføre seg med hverandre med sikte på å komme overens om en endring av eller en lempning i avtalen, eller å bringe den til opphør. Hvis de to regjeringer etter det er gått 3 måneder siden slik underretning ble gitt, ikke har kommet overens om hvilket skritt som skal tas i så henseende, kan hver regjering gi den annen skriftlig underretning om at den har til hensikt å bringe denne avtale til opphør. Med de forbehold som følger av bestemmelsene i paragraf 3. i denne artikkel, skal denne avtale i så fall opphøre å gjelde enten

a) seks måneder etter den dag da hensikten å la avtalen komme til opphør er tilkjennegitt, eller

b) etter utløpet av et kortere tidsrom som man måtte bli enige om er tilstrekkelig for å sikre at den kgl. norske regjerings forpliktelser er oppfylt med hensyn til

to be furnished by the Government of the United States of America after the date of such notice;

bistand som fortsatt måtte bli ytet av Amerikas Forente Staters regjering etter den nevnte dag;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

dog med det forbehold at artikkel V og paragraf 3 i artikkel VII skal forbli i kraft i inntil 2 år etter den dag da hensikten å la avtalen opphøre er tilkjennegitt, men ikke senere enn 30. juni 1953.

Ante, p. 2525.
Ante, p. 2528.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Norway required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

3. Avtaler og ordninger som måtte være truffet i tilknytning til denne avtale, kan forbli i kraft utover den dag da avtalen opphører å gjelde. Varigheten av slike avtaler og ordninger avhenger av de bestemmelser de selv inneholder herom. Artikkel IV skal forbli i kraft inntil alle beløp i norsk valuta som skal deponeres i samsvar med bestemmelsene i den nevnte artikkel er blitt disponert slik som artiklen foreskriver.

Subsidiary agreements, etc.

Ante, p. 2521.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Paragraf 2 i artikkel III skal forbli i kraft så lenge som slike garantioverførsler som artiklen henviser til måtte bli gjort av Amerikas Forente Staters regjering.

Ante, p. 2521.

4. This Agreement may be amended at any time by agreement between the two Governments.

4. Denne avtale kan endres når som helst etter avtale mellom de to regjeringer.

Amendment.
Ante, p. 2534.

5. The Annex to this Agreement forms an integral part thereof.

5. Bilaget til denne avtale utgjør en integrerende del av avtalen.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

6. Denne avtale skal registreres hos de Forente Nasjoners generalsekretær.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Til bekreftelse herav har de respektive representanter, etter behørig bemyndigelse hertil undertegnet nærværende avtale.

Authentic texts.

DONE at Oslo, in duplicate, in the English and Norwegian languages, both texts authentic, this 3rd day of July, 1948.

Utferdiget i Oslo i to eksemplarer, i norsk og engelsk tekst, som begge er autentiske denne 3. dag i juli 1948.

Charles Ulrick Bay. [1]

[SEAL]

Halvard M. Lange [2]

[SEAL]

[1] Charles Ulrick Bay.
[2] Halvard M. Lange

ANNEX

Interpretative Notes.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity,

B I L A G

Forklarende anmerkninger.

1. Det er underforstått at bestemmelsene i paragraf 1.(a) i artikkel II vedrørende innføring av forholdsregler som tar sikte på en effektiv utnyttelse av ressurser, vil innbefatte når det gjelder råvarer som stilles til rådighet i henhold til avtalen, effektive forholdsregler for å beskytte slike råvarer og for å forhindre at de kommer ulovlige eller irregulære markeder eller omsetningskanaler til gode.

Ante, p. 2518.

2. Det er underforstått at forpliktelsen etter paragraf 1.(c) i artikkel II til å balansere budsjettet ikke vil utelukke underskudd over en kort periode, men vil bety en budsjettpolitikk som innebærer balansering av budsjettet i det lange løp.

Ante, p. 2520.

3. Det er underforstått at de forretningsmetoder og ordninger som nevnes i paragraf 3.(a) i artikkel II, er følgende:

Ante, p. 2520.

(a) fastsettelse av priser, vilkår eller betingelser som skal overholdes ved underhandlinger med andre om kjøp, salg eller leie av noen vare;

(b) utelukkelse av foretagender fra noe territorialt marked eller område for forretningsvirksomhet, tildeling

or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented.

(f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants;

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Royal Norwegian Government is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2520.

5. It is understood that the phrase in Article V "after due

Ante, p. 2526.

eller oppdeling av noe territorialt marked eller område for forretningsvirksomhet, tildeling av kunder eller fastsettelse av salgs- eller kjøpekvoter;

(c) diskriminering mot særskilte foretagender;

(d) begrensning av produksjonen eller fastsettelse av produksjonskvoter;

(e) ved avtale å forebygge utviklingen eller anvendelsen av tekniske muligheter eller oppfinnelser, enten disse er patentert eller ikke;

(f) utstrekke bruken av patentrettigheter, varemerker eller copyrights som er tilstått av et medlem til noe som etter vedkommende medlems rettsregler ikke ligger innenfor beskyttelsesområdet for sådanne rettigheter, eller til varer eller produksjonsbetingelser, bruk eller salg som likeledes ikke anses for å være gjenstand for slike rettigheter.

(g) slike andre metoder som de to regjeringer måtte bli enig om å medta.

4. Det er underforstått at den kgl. norske regjering ikke er forpliktet til å ta forføyninger i spesielle tilfelle i overensstemmelse med paragraf 3 i artikkel II før etter at den har foretatt slike undersøkelser som måtte passe.

5. Det er underforstått at uttrykket i artikkel V som lyder

regard for the reasonable requirements of Norway for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

"etter å ha tatt tilbørlig hensyn til Norges rimelige behov for slike varer til eget forbruk" vil innbefatte opprettholdelse av rimelige lagre av vedkommende råvarer og at uttrykket "eksporthandel" kan innbefatte byttetransaksjoner. Det er videre underforstått at ordninger som det er forhandlet om etter artikkel V kan innbefatte, etter som det måtte passe, bestemmelser om rådføring, i overensstemmelse med grunnsetningene i artikkel 32 i Havanacharteret for en internasjonal handelsorganisasjon, for det tilfelle at lagrene avvikles.

6. It is understood that the Royal Norwegian Government will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

6. Det er underforstått at den kgl. norske regjering ikke vil bli anmodet etter paragraf 2 (a) i artikkel VII om å gi detaljerte opplysninger om mindre projekter eller fortrolige opplysninger vedrørende handel og teknikk hvis dette kunne skade legitime handelsinteresser.

Ante, p. 2527.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary,

7. Det er underforstått at Amerikas Forente Staters regjering når den sender slik underretning som er omhandlet i paragraf 2 i artikkel IX, er oppmerksom på ønskeligheten av å begrense så meget som mulig det antall av tjenestemenn som den anmoder om fulle diplomatiske rettigheter for. Det er også underforstått at en vidtrekkende

Ante, p. 2530

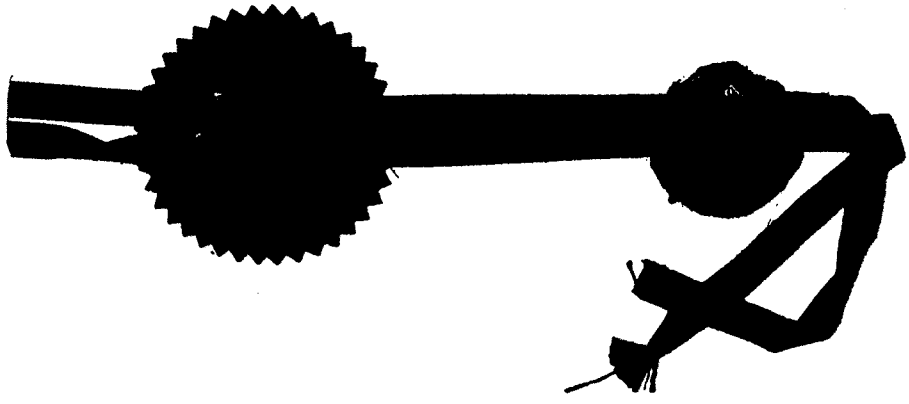
be the subject of intergovernmental discussion.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to the Ratification of the Senate of the United States of America.

anvendelsen av bestemmelsene i artikkel IX skal, når det er nødvendig, være gjenstand for drøftelser mellom de to regjeringer.

8. Det er underforstått at enhver avtale som måtte bli inngått i henhold til paragraf 2 i artikkel X skal være gjenstand for ratifikasjon av Amerikas Forente Staters senat.

Ante, p. 2532.



Agreement between the United States of America and Sweden respecting economic cooperation under Public Law 472, 80th Congress. Signed at Stockholm July 3, 1948; entered into force July 21, 1948.

July 3, 1948
[T. I. A. S. 1793]

Economic Cooperation Agreement between the United States of America and Sweden

Economic Cooperation Agreement between the United States of America and Sweden.

Överenskommelse angående ekonomiskt samarbete mellan Amerikas Förenta Stater och Sverige.

Preamble.

Inledning

Principles of Agreement.

The Governments of the United States of America and Sweden:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps

Amerikas Förenta Staters och Sveriges regeringar:

som äro medvetna om att ett återställande eller upprätthållande i Europas länder av grundsatserna om individens frihet, fria institutioner och verklig oavhängighet till stor del är beroende av att sunda ekonomiska förhållanden och stabila internationella ekonomiska förbindelser skapas samt av att Europas länder uppnå sunt ekonomiskt liv utan beroende av särskild hjälp utifrån;

som äro medvetna om att sunda ekonomiska förhållanden i Europa äro väsentliga förutsättningar för att förverkliga Förenta Nationernas syftemål;

som anse, att uppnåendet av sådana förhållanden kräver en europeisk återuppbyggnadsplan för självhjälp och ömsesidigt samarbete, öppen för alla nationer vilka medverka i en sådan plan, grundad på starka produktionsansträngningar, utvidgning av utrikeshandeln, skapande eller upprätthållande av inre finansiell stabilitet och utvecklandet av ekonomiskt samarbete,

to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Sweden has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948,[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Sweden is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

Taking note that the Government of Sweden has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

däribland alla möjliga åtgärder för att fastställa och vidmakthålla välavvägda växelkurser och minska handelshinder;

som finna, att till befrämjande av dessa principer Sveriges regering förenat sig med andra likasinnade länder i en konvention angående europeiskt ekonomiskt samarbete, undertecknad i Paris den 16 april 1948, enligt vilken signatärmakterna till konventionen åtagit sig att såsom sin omedelbara uppgift utarbeta och genomföra ett gemensamt återuppbyggnadsprogram, samt att Sveriges regering är medlem i den Organisation för europeiskt ekonomiskt samarbete, som upprättats enligt förenämnda konventions bestämmelser;

som vidare finna, att till främjande av dessa principer Förenta Staternas regering antagit 1948 års lag om ekonomiskt samarbete angående bistånd från Förenta Staternas sida till länder, som deltaga i ett gemensamt europeiskt återuppbyggnadsprogram i syfte att möjliggöra för dessa länder att genom egna och gemensamma ansträngningar bliva oberoende av särskild ekonomisk hjälp utifrån; 62 Stat., Pt. 1, p. 137.

som konstatera, att Sveriges regering redan givit uttryck åt sin anslutning till syftemålen och principerna i 1948 års lag om ekonomiskt samarbete;

[1] Department of State publication 3145.

62 Stat., Pt. 1, p. 137.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Sweden, and the measures which the two Governments will take individually and together in furthering the recovery of Sweden as an integral part of the joint program for European recovery;

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Sweden, by making available to the Government of Sweden or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Sweden only such commodities, services and other assistance as are authorized to be made available by such acts.

som vilja redovisa de överenskomna riktlinjerna för den hjälp, som lämnas av Förenta Staternas regering enligt 1948 års lag om ekonomiskt samarbete respektive mottages av Sverige, samt de åtgärder som de två regeringarna skola vidtaga var för sig och gemensamt för att främja Sveriges ekonomiska återhämtning såsom en oskiljbar del av det gemensamma europeiska återuppbyggnadsprogrammet;

hava överenskommit om följande:

Artikel I

(Bistånd och samarbete)

1. Förenta Staternas regering utfäster sig att bistå Sverige genom att ställa till förfogande för Sveriges regering eller för varje person, myndighet eller organisation, som anvisas av sistnämnda regering, sådant bistånd, varom framställning må göras av denna och som godkänts av Förenta Staternas regering. Förenta Staternas regering kommer att lämna detta bistånd enligt de bestämmelser och på alla de villkor, förutsättningar och bestämmelser rörande biståndets upphörande, som gälla enligt 1948 års lag om ekonomiskt samarbete jämte tilläggs-, ändrings- och anslagsförfattningar, samt kommer att ställa till Sveriges regerings förfogande endast sådana varor, tjänster och annat bistånd, som må lämnas enligt sagda lag och författningar.

2. The Government of Sweden, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Sweden reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Sweden and procured from areas outside the United States of America, its territories and possessions, the Government of

2. Sveriges regering kommer att genom enskilda åtgärder samt genom Organisationen för europeiskt ekonomiskt samarbete i enlighet med konventionen angående europeiskt ekonomiskt samarbete, undertecknad i Paris den 16 april 1948, tillsammans med andra deltagande länder oavlåtligt bemöda sig att genom ett gemensamt återuppbyggnadsprogram snabbt uppnå sådana ekonomiska förhållanden i Europa, som äro nödvändiga för bestående fred och välstånd, och som möjliggöra för de europeiska länder, som deltaga i ett sådant gemensamt återuppbyggnadsprogram, att bliva oberoende av särskild ekonomisk hjälp utifrån inom denna överenskommelses giltighetstid. Sveriges regering bekräftar sin tidigare tillkännagivna avsikt att vidtaga åtgärder för att fullfölja de allmänna åtagandena i konventionen angående europeiskt ekonomiskt samarbete, att även fortsättningsvis aktivt deltaga i arbetet inom Organisationen för europeiskt ekonomiskt samarbete och att vidhålla sin anslutning till syftemålen och principerna i 1948 års lag om ekonomiskt samarbete. 62 Stat., Pt. 1, p. 137.

3. Vad beträffar bistånd som lämnats Sverige av Förenta Staternas regering och som anskaffats från områden utanför Förenta Staterna, dess territorier och besittningar, kommer Sveriges regering att samarbeta med Förenta

Sweden will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Sweden will use its best endeavours:

Measures for practical use of resources. *Post*, p. 2562.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Sweden in

Staternas regering i syfte att säkerställa, att anskaffningen verkställes till rimliga priser och på rimliga villkor och sker på sådant sätt, att de dollarbelopp, som därigenom ställas till förfogande för det land, varifrån anskaffningen sker, användas i överensstämmelse med de anordningar, som av Förenta Staternas regering vidtagas med detta land.

Artikel II

(Allmänna åtaganden)

1. För att uppnå största möjliga återhämtning genom utnyttjande av bistånd som mottages från Förenta Staternas regering kommer Sveriges regering att göra alla ansträngningar i syfte

a) att vidtaga eller vidmakthålla de åtgärder som äro nödvändiga för att säkerställa effektiv och praktisk användning av alla de resurser som stå till Sveriges regerings förfogande, däribland

(i) åtgärder som må bliva nödvändiga för att säkerställa att varor och tjänster, som erhållits genom bistånd enligt denna överenskommelse, användas för ändamål, som äro förenliga med denna överenskommelse, samt, i den mån detta är praktiskt genomförbart, med de allmänna syften, som angivas i de planer som lämnas

support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Sweden and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Sweden to dispose of such assets;

av Sveriges regering till stöd för önskemål om bistånd från Förenta Staternas regering;

(ii) åtgärder för att genom ett effektivt system, som godkänts av Organisationen för europeiskt ekonomiskt samarbete, följa och överblicka användningen av tillgängliga resurser; samt

(iii) åtgärder, i den utsträckning som är praktiskt genomförbar, för att lokalisera, identifiera och till främjande av det gemensamma programmet för europeisk återuppbyggnad utnyttja tillgångar och inkomster därav, som tillhöra svenska medborgare och äro belägna i Förenta Staterna, dess territorier eller besittningar. Ingenting i denna bestämmelse ålägger Förenta Staternas regering någon skyldighet att medverka i genomförandet av ifrågavarande åtgärder eller Sveriges regering att förfoga över sådana tillgångar;

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for

(b) att främja utvecklingen av industri- och jordbruksproduktionen på en sund ekonomisk grundval, att förverkliga de produktionsmål, som må fastställas genom Organisationen för europeiskt ekonomiskt samarbete, samt, när Förenta Staternas regering så önskar, lämna sistnämnda regering detaljerade

Development of production.

specific projects contemplated by the Government of Sweden to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of steel, transportation facilities and food;

förslag till särskilda investeringsplaner, vilka av Sveriges regering föreslås bliva genomförda till avsevärd del med bistånd ställt till förfogande enligt denna överenskommelse, däribland, när detta låter sig göra, investeringsplaner för ökad produktion av stål, transportmedel och livsmedel;

Maintenance of financial stability.
Post, p. 2562.

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability and generally restore or maintain confidence in its monetary system; and

c) att stabilisera valutan, fastställa eller vidmakthålla välavvägda växelkurser, balansera statsbudgeten, skapa eller vidmakthålla inre finansiell stabilitet, och att överhuvud återställa eller vidmakthålla förtroendet för penningsystemet; samt

Stimulation of trade.

(d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

d) att samarbeta med övriga deltagande länder för att underlätta och stimulera ett ökat utbyte av varor och tjänster mellan de deltagande länderna och med andra länder samt att minska statliga och enskilda hinder för handeln dem emellan och med andra länder.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries the Government of Sweden will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practi-

2. Med hänsyn tagen till artikel 8 i konventionen angående europeiskt ekonomiskt samarbete, syftande till fullständigt och effektivt utnyttjande av den i de deltagande länderna tillgängliga arbetskraften, kommer Sveriges regering att välvilligt pröva förslag, som framföras i anslutning till den internationella flykting-

cable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of Sweden will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Prevention of practices interfering with achievement of program.
Post, pp. 2562, 2563.

Article III
(Guaranties)

1. The Governments of the United States of America and Sweden will, upon the request of either Government, consult respecting projects in Sweden proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of Sweden agrees that if the Government of the United States of America makes payment in United States dollars to any person

organisationen och som avse vidast möjliga utnyttjande av arbetskraft, som är tillgänglig i något av de deltagande länderna till främjande av att denna överenskommelses syftemål förverkligas.

3. Sveriges regering kommer att vidtaga de åtgärder den finner lämpliga och kommer att samarbeta med andra deltagande länder för att förhindra sådana affärsmetoder eller anordningar berörande den internationella handeln från enskilda eller allmänna företags sida, som inskränka konkurrensen, begränsa tillträdet till marknader eller uppamma monopolistisk kontroll, närhelst sådana metoder eller anordningar inkräkta på genomförandet av det gemensamma programmet för europeisk återuppbyggnad.

Artikel III
(Garantier)

1. Förenta Staternas och Sveriges regeringar komma att, på begäran av endera regeringen, samråda rörande investeringsplaner i Sverige, vilka framläggas av medborgare i Förenta Staterna och rörande vilka Förenta Staternas regering lämpligen må ställa garantier för valutatransferering enligt artikel 111 (b) (3) i 1948 års lag om ekonomiskt samarbete.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2561.

2. Sveriges regering medgiver, att om Förenta Staternas regering verkställer betalning i dollar till någon under en garanti av

under such a guaranty, any kronor or credits in kronor, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV

(Access to Materials)

Post, pp. 2554, 2560.

1. The Government of Sweden will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Sweden which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Sweden, after due regard for the reasonable requirements of Sweden for domestic use and commercial export of such materials. The Government of Sweden will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Sweden, and the removal of any hindrances to the transfer of such materials to the

Post, p. 2563.

förenämnda slag, sådana kronbelopp eller kronkrediter, som må överlåtas på eller överföras till Förenta Staternas regering enligt nämnda lagrum, skola betraktas såsom egendom tillhörig Förenta Staternas regering.

Artikel IV

(Tillgång till råvaror)

1. Sveriges regering kommer att underlätta överförande till Förenta Staterna för upplagring eller andra ändamål av råvaror av svenskt ursprung som erfordras av Förenta Staterna till följd av brister eller eventuella framtida brister i dess egna resurser, på sådana skäliga villkor för försäljning, byte, kompensationsaffärer eller annorledes, och i sådana kvantiteter samt under sådan tidrymd, som må överenskommas mellan Förenta Staternas och Sveriges regeringar efter tillbörligt hänsynstagande till Sveriges skäliga behov av sådana råvaror för inhemsk användning och för kommersiell export. Sveriges regering kommer att vidtaga sådana särskilda åtgärder som må vara nödvändiga för att genomföra bestämmelserna i detta moment, däribland främjandet av ökad produktion av sådana råvaror inom Sverige, och avlägsnandet av hinder för överförande av sådana råvaror till Förenta Staterna.

United States of America. The Government of Sweden will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America and of the participating countries, the Government of Sweden will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in Sweden which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from Sweden, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any State or Territory thereof and substantially beneficially owned by citizens of the United

Sveriges regering kommer att på begäran av Förenta Staternas regering inleda förhandlingar angående de närmare anordningar, vilka kunna vara nödvändiga för genomförandet av bestämmelserna i detta moment.

2. Sveriges regering, som erkänner principen om lika behandling med avseende på ianspråktagande av Förenta Staternas och de deltagande ländernas naturtillgångar, kommer att på begäran av Förenta Staternas regering, där skäl därtill föreligga, förhandla angående (a) ett program upptagande de minimikvantiteter som skola kunna framdeles köpas av och levereras till Förenta Staterna till världsmarknadspriser, såsom en rättvis andel av de råvaror av svenskt ursprung, som Förenta Staterna behöver till följd av brister eller eventuella framtida brister i de egna resurserna, för att trygga tillgången för Förenta Staternas industri till en rättvis andel i sådana råvaror, antingen i viss procent av produktionen eller vissa absoluta kvantiteter, (b) anordningar för att bereda lämpligt skydd för rätten för varje amerikansk medborgare eller för varje bolag, handelsbolag eller annan sammanslutning, som bildats enligt Förenta Staternas lagar eller enligt lagarna i någon av dess delstater eller territorier, och vari de övervägande intressena

States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of Sweden, and, (c) an agreed schedule of increased production of such materials where practicable in Sweden and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of Sweden, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Sweden.

Article V

(Travel Arrangements)

The Government of Sweden will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Article VI

(Consultation and Transmittal of Information)

1. The two Governments will,

tillkomma amerikanska medborgare, att bidraga till utvecklingen av produktionen av sådana råvaror på villkor motsvarande dem som gälla för svenska medborgare, samt (c) ett överenskommet program avseende ökad produktion av sådana råvaror, där så är praktiskt genomförbart i Sverige, respektive leverans av en överenskommen procentandel av en sålunda ökad produktion att överföras till Förenta Staterna på längre sikt i betraktande av det bistånd som lämnats av Förenta Staterna enligt denna överenskommelse.

3. Sveriges regering kommer att på begäran av Förenta Staternas regering samarbeta där så befinnes lämpligt till främjande av syftet med momenten 1 och 2 av denna artikel i vad avser råvaror av annat än svenskt ursprung.

Artikel V

(Resor)

Sveriges regering kommer att samarbeta med Förenta Staternas regering för att underlätta och uppmuntra främjandet och utvecklingen av amerikanska medborgares resor till och i de deltagande länderna.

Artikel VI

(Samråd och överlämnande av uppgifter)

1. De båda regeringarna komma

upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Sweden will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Sweden:

(a) detailed information of projects, programs and measures proposed or adopted by the Government of Sweden to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and

att på enderas begäran samråda rörande varje fråga avseende tillämpningen av denna överenskommelse respektive verksamhet eller anordningar som genomföras enligt denna överenskommelse.

2. Sveriges regering kommer att till Förenta Staternas regering översända, i den form och på sådana tider som må angivas av den senare regeringen efter samråd med Sveriges regering:

a) detaljerade uppgifter angående investeringsplaner, program och åtgärder som föreslagits eller antagits av Sveriges regering i syfte att genomföra bestämmelserna i denna överenskommelse och de allmänna åtagandena i konventionen angående europeiskt ekonomiskt samarbete; Post, p. 2564.

b) fullständiga redogörelser kvartalsvis för verksamheten under denna överenskommelse, däribland en redogörelse för användningen av medel, varor och tjänster som mottagits under densamma;

c) uppgifter angående de ekonomiska förhållandena i Sverige samt övriga belysande uppgifter, vilka äro nödvändiga för att komplettera dem som Förenta Staternas regering mottagit genom Organisationen för europeiskt ekonomiskt samarbete, och vilka må erfordras för Förenta Staternas regering för att bestämma arten och omfattningen av verk- 62 Stat., Pt. 1, p. 137.

to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

Post, p. 2560.

3. The Government of Sweden will assist the Government of the United States of America to obtain information relating to the materials originating in Sweden

Ante, p. 2550.

referred to in Article IV which is necessary to the formulation and execution of the arrangements provided for in that Article.

Article VII
(Publicity)

1. The Governments of the United States of America and Sweden recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information

samheten enligt 1948 års lag om ekonomiskt samarbete och bedöma effektiviteten av det bistånd, som lämnats eller planeras enligt denna överenskommelse, samt överhuvud framstegen i det gemensamma återuppbyggnadsprogrammet.

3. Sveriges regering kommer att vara Förenta Staternas regering behjälplig med att erhålla de upplysningar rörande de i artikel IV berörda råvarorna av svenskt ursprung, som äro nödvändiga för att utarbeta och genomföra de i artikeln avsedda anordningarna.

Artikel VII
(Publicitet)

1. Förenta Staternas och Sveriges regeringar äro medvetna om att det är i deras ömsesidiga intresse att full offentlighet gives åt syftén och framsteg, avseende det gemensamma europeiska återuppbyggnadsprogrammet, och åt de åtgärder som vidtagas till främjande av detta program. De äro medvetna om att en vid spridning av upplysningar om framstegen i programmet är önskvärd i syfte att utveckla känslan för de gemensamma ansträngningar och den ömsesidiga hjälp som äro väsentliga för att förverkliga programmets syftemål.

2. Förenta Staternas regering kommer att uppmuntra att sådana upplysningar spridas och göra dem

and will make it available to the media of public information.

3. The Government of Sweden will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of Sweden will make public in Sweden in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Quarterly statements of operations.

Article VIII

(Missions)

1. The Government of Sweden agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Sweden under this Agreement.

2. The Government of Sweden

tillgängliga för allmän nyhetsförmedling.

3. Sveriges regering kommer att, såväl direkt som i samverkan med Organisationen för europeiskt ekonomiskt samarbete, uppmuntra att sådana upplysningar spridas. Den kommer att göra upplysningarna tillgängliga genom organen för allmän nyhetsförmedling och vidtaga alla genomförbara åtgärder för att trygga att ändamålsenliga anordningar för sådan nyhetsförmedling äro tillfinnandes. Den kommer vidare att förse övriga deltagande länder samt Organisationen för europeiskt ekonomiskt samarbete med fullständiga uppgifter om framstegen i programmet för ekonomisk återuppbyggnad.

4. Sveriges regering kommer att varje kvartal i Sverige offentliggöra fullständiga redogörelser för åtgöranden enligt denna överenskommelse, däribland uppgifter angående användningen av mottagna medel, varor och tjänster.

Artikel VIII

(Representation)

1. Sveriges regering samtycker till att mottaga en särskild delegation för ekonomiskt samarbete, som kommer att utföra vad som enligt denna överenskommelse ankommer på Förenta Staterna inom Sverige.

2. Sveriges regering kommer att

Special mission as part of U. S. Embassy.
Post, p. 2564.

will, upon appropriate notification from the Ambassador of the United States of America in Sweden, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Sweden for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Sweden will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Sweden, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

efter vederbörligt meddelande från Förenta Staternas ambassadör i Sverige betrakta den särskilda delegationen och dess medlemmar samt Förenta Staternas särskilda representant i Europa såsom delar av Förenta Staternas ambassad i Sverige för att de skola komma i åtnjutande av de privilegier och immuniteter, som givits ambassaden och dess medlemmar i motsvarande rangställning. Sveriges regering kommer vidare att bereda lämpliga förmåner för medlemmarna i det sammansatta utskottet för utländskt ekonomiskt samarbete i Förenta Staternas kongress samt dess personal och bevilja dem de lättnader och det bistånd som äro nödvändiga för att deras åligganden skola kunna effektivt genomföras.

3. Sveriges regering kommer att, direkt och genom sina ombud vid Organisationen för europeiskt ekonomiskt samarbete, i full utsträckning samarbeta med den särskilda delegationen, Förenta Staternas särskilda representant i Europa och hans personal samt det sammansatta utskottets medlemmar och personal. Detta samarbete skall även omfatta lämnandet av alla uppgifter och all hjälp som erfordras för att följa och överblicka genomförandet av denna överenskommelse, däribland användningen av därunder lämnat bistånd.

Article IX

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Sweden agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal

Artikel IX

(Reglering av enskilda medborgares anspråk)

1. Förenta Staternas och Sveriges regeringar samtycka att underställa Internationella domstolen varje anspråk, som omfattas av endera regeringen på en av dess medborgares vägnar gentemot den andra regeringen beträffande ersättning för skada, som uppkommit till följd av statliga åtgärder (med undantag av åtgärder avseende egendom eller intressen tillhöriga fientlig makt) vidtagna efter den 3 april 1948 av den andra regeringen och avseende sådan medborgares egendom eller intressen, däribland kontrakt eller koncessioner som beviljats av den andra regeringens vederbörligen behöriga myndigheter. Det är underförstått att vardera regeringens åtgande med avseende å anspråk, som enligt detta moment omfattas av den andra regeringen, för vardera regeringens del sker i kraft av och begränsas genom villkoren och förbehållen i det gällande erkännande av den Internationella domstolens obligatoriska jurisdiktion enligt artikel 36 i domstolens stadga som regeringen i fråga tidigare avgivit. Bestämmelserna i detta stycke skola icke i något avseende inkräkta på endera regeringens övriga even-

59 Stat. 1060.

and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

tuellt föreliggande rättigheter att hänvända sig till Internationella domstolen eller på rätten att omfatta och framföra anspråk, grundade på påstådda brott av endera regeringen mot rättigheter och skyldigheter enligt avtal, överenskommelser eller internationella rättsprinciper.

Post, p. 2565.

2. The Governments of the United States of America and Sweden further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

2. Förenta Staternas och Sveriges regeringar samtycka vidare till att sådana anspråk i stället för till domstolen må hänskjutas till varje annan skiljedomstol varom överenskommelse träffats.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

3. Det är vidare underförstått att ingendera regeringen skall omfatta ett anspråk enligt denna artikel förrän dess medborgare uttömt de rättsmedel, som stå honom till buds hos de administrativa och judiciella domstolarna i det land, där anspråket uppkom.

Article X

(Definitions)

Artikel X

(Definitioner)

"Participating country".

As used in this Agreement the term "participating country" means

I denna överenskommelse menas med uttrycket "deltagande land"

(a) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

a) varje land, som undertecknade kommitténs för europeiskt ekonomiskt samarbete rapport den 22 september 1947 i Paris, jämte territorier för vilka landet har internationellt ansvar och för vilka överenskommelsen angående ekonomiskt samarbete mellan vederbörande land och Förenta Staternas regering tillämpas, samt

(b) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purpose of this Agreement.

Article XI

(Entry into Force, Amendment, Duration)

1. This Agreement shall become effective on the date of ratification by His Majesty the King of Sweden with the consent of the Riksdag.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

b) varje annat land (däribland varje ockupationszon i Tyskland samt områden under internationell förvaltning eller kontroll och det fria området Trieste eller endera av dettas zoner), helt eller delvis beläget i Europa, jämte underlydande områden under dess förvaltning;

för den tid som landet är anslutet till konventionen för europeiskt ekonomiskt samarbete och deltager i ett gemensamt program för europeisk återuppbyggnad avsett att förverkliga denna överenskommelses syftemål.

Artikel XI.

(Ikraftträdande, ändringar, giltighetstid)

1. Denna överenskommelse skall träda i kraft å dagen för dess ratifikation av Hans Majestät Konungen av Sverige med Riksdagens godkännande. Med förbehåll för bestämmelserna i momenten 2 och 3 av denna artikel skall överenskommelsen förbliva i kraft till och med den 30 juni 1953, och om icke minst sex månader före den 30 juni 1953 endera regeringen givit den andra skriftlig notifikation om sin avsikt att bringa överenskommelsen att upphöra nämnda dag, skall överenskommelsen förbliva i kraft därefter intill sex månader från den dag, då sådan notifikation lämnats.

Effective date; duration.

[1] Entered into force July 21, 1948, the date on which the agreement was ratified by the King of Sweden with the consent of the Riksdag.

Modification, etc.
Post, p. 2561.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Sweden are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

Ante, p. 2550.
Ante, p. 2554.

provided, however, that Article IV and paragraph 3 of Article VI shall remain in effect until two years after the date of such notice of

2. Om under denna överenskommelses giltighetstid endera regeringen skulle anse att en fundamental ändring skett i de grundläggande förutsättningarna för denna överenskommelse, skall den underrätta den andra regeringen härom skriftligen, och de två regeringarna skola därefter samråda för att uppgöra om tillägg till, ändring eller upphörande av överenskommelsen. Om de två regeringarna icke tre månader efter sådan notifikation enats om vilka åtgärder, som böra vidtagas under omständigheterna, må endera regeringen lämna den andra skriftlig notifikation om sin avsikt att bringa överenskommelsen till upphörande. Med förbehåll för bestämmelserna i moment 3 av denna artikel skall därefter överenskommelsen upphöra antingen

a) sex månader efter dagen för sådan notifikation om avsikt att bringa överenskommelsen till upphörande, eller

b) efter sådan kortare period varom överenskommelse må träffas, som är tillräcklig för att säkerställa att Sveriges regerings åtaganden genomföras med avseende på sådant bistånd som fortsättningsvis må lämnas av Förenta Staternas regering efter tidpunkten för notifikationen;

dock att artikel IV och moment 3 av artikel VI skola förbliva i kraft ytterligare två år efter dagen för notifikationen, dock

intention to t rminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

DONE at Stockholm, in duplicate, in the English and Swedish languages, both texts authentic, this 3rd day of July 1948.

senast till och med den 30 juni 1953.

3. Tilläggsöverenskommelser och anordningar, varom förhandlats i enlighet med denna överenskommelse, må förbliva i kraft efter överenskommelsens upphörande, och giltighetstiden för sådana tilläggsöverenskommelser respektive anordningar skall bestämmas av däri givna föreskrifter. Subsidiary agreements, etc.

Moment 2 av artikel III skall förbliva i kraft så länge som de garantibetalningar, som behandlas i nämnda artikel, må komma att verkställas av Förenta Staternas regering. *Ante*, p. 2549.

4. Ändringar i denna överenskommelse må när som helst överenskommas mellan de båda regeringarna. Amendment. *Ante*, p. 2560.

5. Bilagan till denna överenskommelse utgör en del av densamma.

6. Överenskommelsen skall registreras hos Förenta Nationernas generalsekreterare. Registration.

Till bekräftelse härav hava respektive ombud, vilka vederbörligen befullmäktigats för ändamålet, undertecknat denna överenskommelse.

Som skedde i Stockholm, i tvenne exemplar, på engelska och svenska språken, vilka båda texter äga lika vitsord, den 3 juli 1948. Authentic texts.

For the Government
of the United States of America:

[SEAL] H. Freeman Matthews [1]

För svenska regeringen:

[SEAL] Östen Undén [2]

[1] H. Freeman Matthews.
[2] Östen Undén.

Annex
(Interpretative Notes)

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2546.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2548.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

Ante, p. 2549.

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

Bilaga
(Tolkningsanmärkningar)

1. Det är underförstått att bestämmelserna i moment 1 a) av artikel II, avseende åtgärder för ändamålsenligt utnyttjande av resurser, skola innefatta, vad beträffar varor levererade enligt denna överenskommelse, effektiva åtgärder för att skydda varorna och för att förhindra att de ledas över till illegala eller irreguljära marknader eller handelsvägar.

2. Det är underförstått att åtagandet enligt moment 1 c) av artikel II att balansera budgeten icke skall utesluta underskott under en kort period, men skall innebära en budgetpolitik innefattande balansering av budgeten på lång sikt.

3. Det är underförstått att de affärsmetoder och anordningar, som avses i moment 3 av artikel II, innebära:

a) fastställande av priser eller villkor att iakttagas gentemot andra vid köp, försäljning eller uthyrning av något varuslag;

b) utestängande av företag från någon geografiskt avgränsad marknad eller någon affärsgren, fördelning eller uppdelning av sådan marknad eller affärsgren, fördelning av kunder eller fastställande av försäljning- eller inköpskvoter;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of Sweden is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

5. It is understood that the phrase in Article IV "after due regard for the reasonable require-

c) diskriminering mot särskilda företag;

d) begränsning av produktionen eller fastställande av tillverkningskvoter;

e) förhindrande, genom överenskommelse, av utvecklingen eller tillämpningen av tekniska förfaranden eller av uppfinningar, vare sig patenterade eller icke patenterade;

f) utsträckande av användningen av rättigheter på grund av patent, varumärken samt litterär och konstnärlig äganderätt, beviljade av ettdera landet, till förhållanden, som enligt detta lands lagstiftning icke falla inom ramen för dessa förmåner, eller till produkter eller villkor för produktion, användning eller försäljning, vilka icke heller falla under dessa förmåner; samt

g) sådana övriga metoder som de båda regeringarna må överenskomma att inbegripa.

4. Det är underförstått att Sveriges regering är skyldig att vidtaga åtgärder i särskilda fall i enlighet med moment 3 av artikel II endast efter vederbörlig undersökning eller granskning.

Ante, p. 2549.

5. Det är underförstått att uttrycket i artikel IV "efter tillbörligt hänsynstagande till Sveri-

Ante, p. 2550.

ments of Sweden for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stockpiles are liquidated.

Ante, p. 2553.

6. It is understood that the Government of Sweden will not be requested, under paragraph 2 (a) of Article VI, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2555.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article VIII would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article VIII would, when necessary, be the subject of inter-governmental discussion.

ges skäliga behov för inhemsk användning" skall innefatta bibehållandet av rimliga lager av ifrågavarande varor och att uttrycket "kommersiell export" kan innefatta kompensationsaffärer. Det är även underförstått att anordningar, varom förhandlingar skett enligt artikel IV, lämpligen kunna innefatta bestämmelser angående samråd i enlighet med principerna i artikel 32 i Havanastadgan angående en internationell handelsorganisation, för den händelse reservlager skola avvecklas.

6. Det är underförstått att hemställan till Sveriges regering icke kommer att göras enligt moment 2 a) av artikel VI, angående detaljerade uppgifter rörande mindre investeringsplaner eller konfidentiella kommersiella eller tekniska uppgifter, vilkas utlämnande skulle skada legitima kommersiella intressen.

7. Det är underförstått att Förenta Staternas regering, när den lämnar meddelande enligt moment 2 av artikel VIII, skall beakta önskvärdheten att såvitt möjligt begränsa antalet tjänstemän för vilka fulla diplomatiska privilegier begäras. Det är även underförstått att tillämpningen i detalj av artikel VIII skall, när så erfordras, göras till föremål för överläggningar mellan regeringarna.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article IX would be subject to ratification by the Senate of the United States of America.

9. It is understood that in the event it is proposed to make assitance available to Sweden on a grant basis, the two Governments will consult with a view to amending the Agreement so as to make adequate provision for the deposit of local currency in accordance with the requirements of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder.

8. Det är underförstått att de överenskommelser, som må komma att träffas enligt moment 2 av artikel IX, skola ratificeras av Förenta Staternas senat.

Ante, p. 2558.

9. Det är underförstått att, för den händelse Sverige föreslås komma i åtnjutande av bistånd på gåvobasis, de båda regeringarna skola samråda i syfte att ändra överenskommelsen genom att däri införa lämpliga bestämmelser angående deposition av inhemska betalningsmedel i enlighet med bestämmelserna i 1948 års lag om ekonomiskt samarbete jämte tilläggs-, ändrings- och anslagsförfattningar.

62 Stat., Pt. 1, p. 137.

July 4, 1948
[T. I. A. S. 1794]

Agreement between the United States of America and Turkey respecting economic cooperation under Public Law 472, 80th Congress. Signed at Ankara July 4, 1948; entered into force July 13, 1948.

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TURKEY

Principles of Agreement.

The Government of the United States of America and the Government of the Republic of Turkey:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of the Republic of Turkey has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948 [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of the Republic of Turkey is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of the Republic of Turkey has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

[1] Department of State publication 3145.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by the Republic of Turkey, and the measures which the two Governments will take individually and together in furthering the recovery of the Republic of Turkey as an integral part of the joint program for European recovery;

62 Stat., Pt. 1, p. 137.

Have agreed as follows:

ARTICLE I

1. The Government of the United States of America undertakes to assist the Republic of Turkey, by making available to the Government of the Republic of Turkey or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of the Republic of Turkey only such commodities, services and other assistance as are authorized to be made available by such acts.

Assistance and cooperation.

62 Stat., Pt. 1, p. 137.

2. The Government of the Republic of Turkey, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948 will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of the Republic of Turkey reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to the Republic of Turkey and procured from areas outside the United States of America, its territories and possessions, the Government of the Republic of Turkey will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

ARTICLE II

General undertakings.

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of the Republic of Turkey will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2574.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of the Republic of Turkey in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of the Republic of Turkey and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of the Republic of Turkey to dispose of such assets;

Development of production.

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of the Republic of Turkey to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal and food;

Maintenance of financial stability. *Post*, p. 2574.

c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries, the Government of the Republic of Turkey will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Utilization of manpower.

3. The Government of the Republic of Turkey will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Prevention of practices interfering with achievement of program.
Post, pp. 2574, 2575.

ARTICLE III

1. The Governments of the United States of America and of the Republic of Turkey will, upon the request of either Government, consult respecting projects in the Republic of Turkey proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b) (3) of the Economic Cooperation Act of 1948.

Guaranties.
Post, p. 2575.

62 Stat., Pt. 1, pp. 144, 1056.

2. The Government of the Republic of Turkey agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any liras, or credits in liras, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Post, p. 2574.

ARTICLE IV

1. The Government of the Republic of Turkey will facilitate the transfer to the United States of America, for stock piling or other purposes, of materials originating in the Republic of Turkey which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of American and the Republic of Turkey, after due regard for the reasonable requirements of the Republic of Turkey for domestic use and commercial export of such materials. The Government of the Republic of Turkey will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the Republic of Turkey, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government

Access to materials.
Post, pp. 2571, 2573.

Post, p. 2575.

[1] Department of State publication 3145, p. 14.

of the Republic of Turkey will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Republic of Turkey will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-Section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Government of the Republic of Turkey, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of the Republic of Turkey.

ARTICLE V

Promotion of travel.

1. The Government of the Republic of Turkey will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

ARTICLE VI

Consultation and transmittal of information.

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of the Republic of Turkey will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of the Republic of Turkey:

Post, p. 2575.

(a) detailed information of projects, programs and measures proposed or adopted by the Government of the Republic of Turkey to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement on the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

3. The Government of the Republic of Turkey will assist the Government of the United States of America to obtain information relating to the materials originating in Turkey referred to in Article IV which is necessary to the formulation and execution of the arrangements provided for in that Article.

Post, p. 2573.

Ante, p. 2569.

ARTICLE VII

Publicity.

1. The Governments of the United States of America and the Republic of Turkey recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of the Republic of Turkey will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of the Republic of Turkey will make public in Turkey in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

ARTICLE VIII

Missions.

1. The Government of the Republic of Turkey agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in the Republic of Turkey under this Agreement.

Special mission as part of U. S. Embassy.

2. The Government of the Republic of Turkey will, upon appropriate notification from the Ambassador of the United States of America in the Republic of Turkey, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in the Republic of Turkey for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of the Republic of Turkey will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

Post, p. 2575.

3. The Government of the Republic of Turkey, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

ARTICLE IX

Settlement of claims of nationals.

1. The Governments of the United States of America and the Republic of Turkey agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

59 Stat. 1060.

Post, p. 2575.

2. The Governments of the United States of America and of the Republic of Turkey further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

ARTICLE X

"Participating country."

As used in this Agreement the term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, [1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

[1] Department of State publication 2930.

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

ARTICLE XI

Effective date; duration.

1. This Agreement shall be subject to ratification by the Grand National Assembly of Turkey. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America.[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc. *Post*, p. 2574.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of the Republic of Turkey are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article IV and paragraph 3 of Article VI shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Ante, pp. 2569, 2571.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

[1] Entered into force July 13, 1948, the date on which the Turkish Ministry of Foreign Affairs gave notice to the American Embassy at Ankara of ratification of the agreement by the Grand National Assembly of Turkey.

Ante, p. 2569.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Amendment.
Ante, p. 2573.

4. This Agreement may be amended at any time by agreement between the two Governments.

Registration.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic texts.

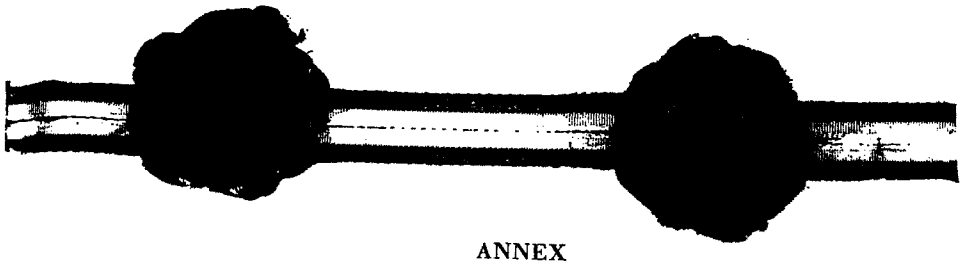
Done at Ankara, Turkey, in duplicate, in the English and Turkish languages, both texts authentic, this fourth day of July, 1948.

For the Government of the United States of America

[1]

For the Government of the Republic of Turkey

[2]



ANNEX

Interpretative notes.
Ante, p. 2568.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2568.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

Ante, p. 2569.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

[1] Edwin C. Wilson.

[2] N. Sadak.

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of the Republic of Turkey is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination. *Ante*, p. 2569.

5. It is understood that the projects referred to in paragraph 1 of Article III are those approved by the two Governments, in accordance with section 111 (b) (3) of the Economic Cooperation Act of 1948. *Ante*, p. 2569. 62 Stat., Pt. 1, p. 144.

6. It is understood that the phrase in Article IV "after due regard for the reasonable requirements of the Republic of Turkey for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,[1] in the event that stock piles are liquidated. *Ante*, p. 2569.

7. It is understood that the Government of the Republic of Turkey will not be requested, under paragraph 2 (a) of Article VI to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests. *Ante*, p. 2570.

8. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 3 of Article VIII would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article VIII would, when necessary, be the subject of intergovernmental discussion. *Ante*, p. 2572.

9. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article IX would be subject to ratification by the Senate of the United States of America. *Ante*, p. 2572.

10. It is understood that in the event it is proposed to make assistance available to Turkey on a grant basis the two Governments will consult with a view to amending the Agreement so as to take adequate provision for the deposit of local currency in accordance with the requirements of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto, and appropriation acts thereunder. 62 Stat., Pt. 1, p. 137.

[1] Department of State publication 3117, p. 26.

Amerika Birleşik Devletleri
ile
Türkiye Cumhuriyeti
arasında
Ekonomik İşbirliği Anlaşması

Amerika Birleşik Devletleri Hükûmeti ve Türkiye Cumhuriyeti Hükûmeti :

Avrupa memleketlerinde ferdî hürriyet prensiplerini, hür müesseseleri ve hakikî istiklâli iade ve idame etmenin, sağlam iktisadî şerait tesisine, müstakar beynelmilel iktisadî münasebetlere ve Avrupa memleketlerince , fevkalâde haricî yardımdan vareste sıhhatli bir iktisadiyat başarılmasına geniş ölçüde bağlı bulunduğunu teslim ederek ;

Kuvvetli ve müreffeh bir Avrupa iktisadiyatının Birleşmiş Milletler gayelerinin tahakkuku için esaslı olduğunu kabul ederek ;

Bu şeraiti başarmanın muteber kambiyo rayiçleri tesis ve idame ve ticaret engellerini bertaraf etmeği sağlamak üzere mümkün olan her türlü teşebbüsler dahil olmak üzere, kuvvetli bir istihsal gayretine, haricî ticaretin genişlemesine, dahilde malî istikrar tesis veya idamesine ve iktisadî işbirliğinin geliştirilmesine dayanan ve bu

hususta işbirliği eden bütün memleketlere açik bulunan , kendi kendine yardim ve karşilikli işbirliği gayesine matuf bir Avrupa Kalkinma Plânina lüzum gösterdiğini nazarı itibare alarak ;

İşbu prensiplerin tahakkuku zimninde Türkiye Cumhuriyeti Hükûmetinin, aynı şekilde düşünen diğer milletlerle birlikte, 16 Nisan 1948 tarihinde Paris'te imza edilen Avrupa İktisadî İşbirliği Mukavelesine iltihak eylediğini -ki mezkûr Mukavele gereğince mümziler ilk vazifeleri olarak bir Müşterek Kalkınma Programi hazirlamak ve tatbik etmek hususunda teşebbüse geçmeği kararlaştirdiler- ve Türkiye Cumhuriyeti Hükûmetinin mezkûr Mukavelenin ahkâmı mucibince tesis edilen Avrupa İktisadî İşbirliği Teşkilâtına dahil bulunduğunu mütalâa ederek ;

İşbu prensiplerin gerçekleştirilmesi zimninde Amerika Birleşik Devletleri Hükûmetinin, münferid ve müşterek gayretleriyle fevkalâde haricî ekonomik yardimdan vareste olabilmelerini mümkün kilmak için müşterek bir Avrupa Kalkınma Programına iştirak eden Milletlere Amerika Birleşik Devletleri tarafından yardım teminini derpiş eden 1948 tarihli Ekonomik İşbirliği Kanununu kabul eylemiş olduğunu da düşünerek ;

Türkiye Cumhuriyeti Hükûmetinin, 1948 tarihli Ekonomik İşbirliği Kanununun gayeleri ve siyasetlerine iltihakını esasen ifade etmiş bulunduğunu nazarı itibare alarak ;

1948 tarihli Ekonomik İşbirliği Kanunu gereğince

Amerika Birleşik Devletleri Hükûmetince yardımın yapıl - masını, Türkiye Cumhuriyetince bu gibi yardımın kabulünü ve Müşterek Avrupa Kalkınma Programinin ayrilmaz bir cüzü olarak Türkiye Cumhuriyetinin kalkınmasını temin maksadıyla iki Hükûmetin münferiden ve birlikte alacakları ted - birleri tanzim eden anlaşmaların tesbitini arzu eyledik - lerinden ;

Aşağıdaki hususlarda mutabık kalmışlardır .

Madde I

1 - Amerika Birleşik Devletleri Hükûmeti , Türkiye Cumhuriyeti Hükûmetinin veya Türkiye Cumhuriyeti Hükûmetince gösterilen herhangi bir şahsın, müessesenin veya teşekkülün emrine, Türkiye Cumhuriyeti Hükûmeti tarafından istenebilen ve Amerika Birleşik Devletleri Hü - kûmeti tarafından tasvip olunan yardımı âmade kılmak suretiyle, Türkiye Cumhuriyetine yardım etmeği deruhde eyler. Amerika Birleşik Devletleri Hükûmeti işbu yardımı 1948 tarihli Ekonomik İşbirliği Kanunu ile, bunu tadil eden ve tamamlayan mevzuat ve müteferri tahsisat kanunlarının ahkâmı mucibince ve bunların vazettikleri bütün kayıd, şart ve nihayet verme ahkâmına tâbi olarak temin edecek ve Türkiye Cumhuriyeti Hükûmetine ancak işbu ka - nunlar gereğince temini müsaade edilmiş malları, hizmetleri ve diğer yardımı âmade kılacaktır .

2- Türkiye Cumhuriyeti Hükûmeti, münferiden ve Avrupa İktisadî İşbirliği Teşkilâtı kanalından ve 16 Ni-

san 1948-de Paris'te imzalanan Avrupa İktisadî İşbirliği Mukavelesine tevfikan hareket ederek bir Müşterek Kalkınma Programı yoluyla sürekli sulh ve refah için Avrupa'da elzem olan iktisadî şeraiti süratle başarmak ve bu şekilde bir Müşterek Kalkınma programına katılan Avrupa memleketlerini, işbu Anlaşmanın müddeti zarfından fevkalâde haricî iktisadî yardımdan vareste bir hale gelmelerini mümkün kılmak için katılan diğer memleketlerle birlikte devamlı gayretler sarfedecektir . Türkiye Cumhuriyeti Hükûmeti, Avrupa İktisadî İşbirliği Mukavelesinin umumî vecibelere ait hükümlerini yerine getirmek üzere teşebbüse geçmek, Avrupa İktisadî İşbirliği Teşkilâtının çalışmalarına faal olarak iştirak ve 1948 tarihli Ekonomik İşbirliği Kanununun maksadları ve siyasetlerine iltihaka devam etmek hususundaki niyetini teyid eyler .

3 - Amerika Birleşik Devletleri Hükûmeti tarafından Türkiye Cumhuriyetine yapılan ve Amerika Birleşik Devletleriyle, Amerika Birleşik Devletlerine ait ülkeler ve topraklar haricindeki sahalardan tedarik edilen yardım hususunda, Türkiye Cumhuriyeti Hükûmeti işbu tedarikâtın makul fiat ve şartlarla yapılmasını temin ve mezkûr yardımın tedarik edildiği memlekete bu suretle âmade kılınmış olan dolarların, Amerika Birleşik Devletleri Hükûmeti ile mezkûr memleket arasında yapılmış herhangi bir Anlaşmaya uygun bir surette kullanılması hususunda tertibat alınması zımnında Amerika Birleşik Devletleri Hükûmeti ile işbirliği yapacaktır .

Madde II

1 - Amerika Birleşik Devletleri Hükûmetinden elde edilen yardımın kullanılmasiyle azamî bir kalkınma temini maksadiyle Türkiye Cumhuriyeti Hükûmeti aşağıdaki gayeleri temin için azamî gayret sarfedecektir:

A) Tasarrufunda bulunan bilûmum kaynaklardan müessir ve amelî bir surette istifadeyi temin maksadı ile, aşağıda zikrolunanlar dahil olmak üzere, gereken tedbirleri almak veya idame etmek :

1 - İşbu Anlaşma gereğince temin edilen yardım ile elde edilen mallar ve hizmetlerin işbu Anlaşmaya, ve mümkün olduğu nisbette, Amerika Birleşik Devletleri Hükûmeti tarafından yardım yapılması lüzumunu destekleyen, Türkiye Cumhuriyeti Hükûmeti tarafından temin edilmiş cedvellerde tasrih edilen umumî gayelere uygun maksadlara kullanılmasını temin için gereken tedbirler;

2 - Avrupa İktisadî İşbirliği Teşkilâtı tarafından tasvip edilen müessir bir takip sistemi vasıtasıyla bu gibi kaynakların kullanışının müşahedesi ve tedkiki; ve

3 - Mümkün olduğu nisbette, Türkiye Cumhuriyeti vatandaşlarına ait olup Amerika Birleşik Devletleri dahilinde veya Amerika Birleşik Devletlerine ait ülkeler veya topraklar dahilinde bulunan matlubatı ve bunlardan mütevellid kazançları tesbit, teşhis ve müşterek Avrupa Kalkınma Programını gerçekleştirmek yolunda münasip şekilde

istifadeye tahsis maksadıyla alınacak tedbirler . Bu fıkranın hiçbir hükmü işbu tedbirlerin yerine getirilmesi için bir yardımın ifası zımnında Amerika Birleşik Devletleri Hükûmetine,veya işbu matlubatın tasfiye edilmesi hususunda Türkiye Cumhuriyeti Hükûmetine herhangi bir vecibe tahmil etmemektedir .

B) Sınaî ve zirai istihsalin sağlam bir ekonomik esas dairesinde gelişmesini ileri götürmek; Avrupa İktisadî İşbirliği Teşkilâtı vasıtasıyla tesbit edilmesi muhtemel olan istihsal hedeflerine ulaşmak; ve Amerika Birleşik Devletlerinin talebi üzerine, mezkûr Hükûmete, mümkün olduğu takdirde kömür ve gıda maddeleri istihsalinin arttırılması için projeler de dahil olmak üzere,mühim bir kısmı işbu Anlaşma mucibince yapılan yardım ile teşebbüs edilecek Türkiye Cumhuriyeti Hükûmeti tarafından ittihazı mutasavver muayyen projelere mütealik tafsilâtlı teklifleri bildirmek ;

C) Parasına istikrar vermek, muteber bir kambiyo rayici tesbit veya idame etmek, Hükûmet bütçesini tevzin etmek, dahilde malî istikrar yaratmak veya idame etmek ve umumiyetle kendi para sistemine karşı olan itimadı iade veya idame etmek; ve

D) Katılan memleketler arasında ve diğer memleketlerle mütezayid bir mal ve hizmet mübadelesini teshil ve teşvik için ve kendi aralarında ve diğer memleketlerle ticarete engel olan resmî ve hususî maniaları azaltmak için diğer katılan memleketlerle işbirliği yapmak .

2 - Avrupa İktisadî İşbirliği Mukavelesinin 8-inci Maddesinin katılan memleketlerde mevcud olan insan kuvvetinden tesirli ve tam bir surette istifadeye matuf gayesini gözönünde tutarak, Türkiye Cumhuriyeti Hükûmeti, işbu Anlaşma maksadlarının tahakkuku yolunda katılan memleketlerin herhangi birindeki insan kuvvetinden mümkün olan azamî faydalanmayı istihdaf eden Beynelmilel Mülteci Teşkilâtı ile müştereken yapılan teklifleri müsaid bir şekilde mütalâa edecektir.

3 - Türkiye Cumhuriyeti Hükûmeti hususî ve resmî ticarî teşebbüsler arasında, rekabeti takyid, piyasalara iştiraki tahdid veya inhisarcı kontrolları teşvik edici beynelmilel ticarete tesir eden ticarî usul veya tertiplere -işbu usul veya tertipler netice itibariyle Müşterek Avrupa Kalkınma Programının tahakkukuna müdahale eyledikleri takdirde- mani olmak üzere münasip gördüğü tedbirleri ittihaz edecek ve diğer katılan memleketler ile işbirliği yapacaktır.

Madde III

1.- Amerika Birleşik Devletleri Hükûmeti ve Türkiye Cumhuriyeti Hükûmeti, içlerinden birinin talebi üzerine, Amerika Birleşik Devletleri vatandaşlarının teklif ettiği ve Amerika Birleşik Devletleri Hükûmetinin 1948 tarihli Ekonomik İşbirliği Kanununun 111 (b) (3)

faslına tevfikan münasip para transferi garantileri verebileceği Türkiye Cumhuriyetine müteallik projeler hakkında istişarede bulunacaklardır .

2 - Amerika Birleşik Devletleri Hükûmeti böyle bir garantiye tevfikan herhangi bir şahsa Birleşik Devletler doları olarak tediyede bulunduğu takdirde, yukarıda bahsolunan fasıl gereğince Amerika Birleşik Devletleri Hükûmetine tahsis veya transfer edilen herhangi bir Türk Lirası meblâğının veya Türk Lirası kredilerinin Amerika Birleşik Devletleri Hükûmetinin mülkü olarak tanınacağını Türkiye Cumhuriyeti Hükûmeti kabul eder.

Madde IV

1 - Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri kaynaklarındaki noksanlıklar veya muhtemel noksanlıklar neticesi olarak Amerika Birleşik Devletlerince ihtiyaç duyulan Türkiye Cumhuriyeti menşeli malzemenin, Amerika Birleşik Devletleri Hükûmeti ile Türkiye Cumhuriyeti Hükûmeti arasında uyuşulacak makul satış, mübadele, takas şeraiti dairesinde veya diğer şekilde, uyuşulan müddet devamınca ve mikdarlarda, ve bu kabil malzemenin dahilî istihlâki ve ticaret maksadiyle ihracı için Türkiye Cumhuriyetinin makul ihtiyaçları gereği veçhile nazarı itibare alındıktan sonra, stok ittihazı veya sair maksadlar için Amerika Birleşik Devletlerine transferini kolaylaştıracaktır.

Türkiye Cumhuriyeti Hükûmeti, Türkiye Cumhuriyeti dahilinde bu kabil malzemenin mütezayid istihsalini teşvik ve bu kabil malzemenin Amerika Birleşik Devletlerine transferi hususunda herhangi bir engeli bertaraf etmek de dahil olmak üzere, bu fıkranın hükümlerini gerçekleştirmek üzere lâzımgelen hususî tedbirleri alacaktır . Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri Hükûmetinin talebi üzerine, işbu fıkranın hükümlerini yerine getirmek üzere lâzım olan teferruatlı tertibat için müzakereta girişecektir .

2 - Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletlerinin bu hususteki talebi üzerine,Amerika Birleşik Devletlerince ihtiyaç duyulan malzemenin geliştirilmesi ve transferine müteallik 1948 tarihli Ekonomik İşbirliği Kanununun 115 (B) tâli faslının 9-uncu fıkrasının ahkâmının yerine getirilmesi için münasip tertibatın tayini zımnında müzakereye girişecektir .

3 - Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri Hükûmetinin bu hususteki talebi üzerine, menşeleri Türkiye Cumhuriyeti haricinde olan malzeme hususunda, münasip hallerde, işbu maddenin 1 ve 2-nci fıkralarının derpiş eylediği gayelerin temini zımnında işbirliği yapacaktır .

Madde V

Türkiye Cumhuriyeti Hükûmeti, Amerikan vatandaşlarının katılan memleketlere ve katılan memleket-

ler dahilinde seyahatlerinin teşkilâtlandırılmasını ve geliştirilmesini teshil ve teşvik için, Amerika Birleşik Devletleri Hükûmeti ile işbirliği yapacak - dır .

Madde VI

1 - İki Hükûmet, içlerinden birisinin talebi üzerine, bu Anlaşmanın tatbikine veya bu Anlaşmaya tevfikan yapılan işler ve tertiplere müteallik herhangi bir mesele hususunda istişare edeceklerdir.

2 - Türkiye Cumhuriyeti Hükûmeti :

A) Bu Anlaşmanın hükümlerini ve Avrupa İktisadî İşbirliği Mukavelesinin umumî vecibelerini yerine getirmek üzere Türkiye Cumhuriyeti Hükûmeti tarafından tasavvur veya kabul edilen projeler, programlar ve tedbirler hakkında tafsilâtlı malûmatı ;

B) Bu Anlaşma gereğince alınan paralar, mallar ve hizmetlerin sureti istimali hakkında bir beyan dahil olmak üzere, bu Anlaşmaya tevfikan yapılan işlere dair her üç ay zarfında verilecek tam izahatı ;

C) Amerika Birleşik Devletleri Hükûmetinin, 1948 tarihli Ekonomik İşbirliği Kanunu gereğince yapılan işlerin mahiyet ve vüsatını tayin, ve bu Anlaşma tahtında verilen veya derpiş edilen yardımın tesirliliğini ve umumiyetle müşterek kalkınma programının kaydettiği terakkiyi takdir etmek için ihtiyaç hissedebi - leceği Türkiye iktisadiyatı hakkındaki malûmat ile bir-

likte Amerika Birleşik Devletleri Hükûmetinin Avrupa İktisadî İşbirliği Teşkilâtından temin ettiği malûmatı ikmal için lâzımgelen herhangi başka bir ilgili malûmatı;

Amerika Birleşik Devletleri Hükûmetinin, Türkiye Cumhuriyeti Hükûmeti ile istişareden sonra, iş'ar edeceği şekilde ve fasılalarla Amerika Birleşik Devletleri Hükûmetine bildirecektir .

3 - Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri Hükûmetine madde IV-de zikri geçen Türkiye menşeli malzemeye dair, mezkûr maddede meşrut kılınan tertiplerin ihzar ve tatbiki için lüzumlu malûmatı elde edebilmesi için yardım edecektir .

Madde VII

1 - Amerika Birleşik Devletleri Hükûmeti ve Türkiye Cumhuriyeti Hükûmeti, müşterek Avrupa kalkınma programının ve bu programı gerçekleştirmek üzere yapılan muamelelerin gayelerine ve kaydettikleri terakkiye dair geniş neşriyat yapmanın karşılıklı menfaatleri iktizasından olduğunu teslim ederler . Program gayelerinin yerine getirilmesi için elzem olan müşterek gayret ve karşılıklı yardım hissini geliştirmek üzere, programın kaydettiği terakkiye dair geniş malûmat yaymanın arzuya şayan olduğu teslim edilir.

2 - Amerika Birleşik Devletleri Hükûmeti bu kabil malûmatın yayımını teşvik edecek ve neşriyat vasıtalarının emrine âmade tutacaktır.

3 - Türkiye Cumhuriyeti Hükûmeti, gerek doğrudan doğ-

ruya ve gerek Avrupa İktisadî İşbirliği Teşkilâtı ile işbirliği yaparak bu kabil malûmatın yayımını teşvik edecektir . Türkiye Cumhuriyeti Hükûmeti, bu kabil malûmatı neşir vasıtaları emrine âmede tutacak ve bu kabil yayım için münasip kolaylıklar sağlanmasını temin etmek üzere her türlü amelî tedbirler ittihaz eyliyecektir . Bundan başka Türkiye Cumhuriyeti Hükûmeti, diğer katılan memleketlere ve Avrupa İktisadî İşbirliği Teşkilâtına, iktisadî kalkınma programının kaydettiği terakki hakkında tam malûmat sağlayacakdır.

4 - Türkiye Cumhuriyeti Hükûmeti, alınan paralar , mallar ve hizmetlerin sureti istimaline dair malûmat dahil olmak üzere, bu Anlaşma gereğince yapılan işlere dair tam izahatı her üç ay zarfında bir Türkiye dahilinde yayınlayacakdır .

Madde VIII

1 - Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri Hükûmetinin bu Anlaşma gereğince deruhte eylediği vecibeleri Türkiye Cumhuriyeti dahilinde ifa edecek olan bir Hususî İktisadî İşbirliği Misyonunu kabul etmeğe muvafakat eyler.

2 - Türkiye Cumhuriyeti Hükûmeti, Türkiye Cumhuriyeti nezdindeki Amerika Birleşik Devletleri Büyük Elçisinin gereği veçhile ihbarı üzerine, Hususî Misyon ile Hususî Misyon Personeli ve Avrupa'daki Birleşik Devletler Hususî Temsilcisini, Türkiye Cumhuriyeti nezdindeki Amerika Birleşik Devletleri Büyük Elçiliğine ve bu Elçiliğin

mümasil rütbeli personeline bahşedilen imtiyazlardan ve muafiyetlerden faydalanma itibarile, mezkûr Büyük Elçiliğin bir cüzü sayacaktır. Bundan başka, Türkiye Cumhuriyeti Hükûmeti, Amerika Birleşik Devletleri Kongresinin Haricî İktisadî İşbirliği Müşterek Komitesi üyelerine ve memurlarına münasip cemilekâr muameleler yapacak ve onlara vazifelerinin tesirli surette ifası için lâzımgelen kolaylıkları ve yardımı bahşedecektir.

3 - Türkiye Cumhuriyeti Hükûmeti, doğrudan doğruya ve Avrupa İktisadî İşbirliği Teşkilâtındaki temsilcileri vasıtasiyle, Hususî Misyona, Avrupa'daki Birleşik Devletler Hususî Temsilcisi ile maiyetine, ve Müşterek Komite üyeleri ile memurlarına tam işbirliği sağlayacaktır. Bu kabil işbirliği, bu Anlaşma gereğince yapılan yardımın ne suretle kullanıldığı dahil olmak üzere bu Anlaşmanın tatbikini müşahede ve tetkik için lâzımgelen bütün malûmatın ve kolaylıkların sağlanmasına şamil bulunacaktır.

Madde IX

1 - Amerika Birleşik Devletleri Hükûmeti ve Türkiye Cumhuriyeti Hükûmeti, (düşman emval ve menafiine tealluk eden tedbirlerden gayrı) Hükûmet tedbirleri neticesi olarak ortaya çıkan zarar ve ziyana karşı tavizat verilmesi için, iki Hükûmetten birisinin kendi tebaalarından biri namına öteki Hükûmet aleyhine desteklediği herhangi bir metalibeyi Beynelmilel Adalet Divanının kararına

arzeylemeği kabul ederler. Bu kabil Hükûmet tedbirleri , 3 Nisan 1948-den sonra öteki Hükûmet tarafından alınan ve, öteki Hükûmetin gerekli yetkiyi haiz makamları ile yapılmış mukaveleler veya o makamlarca bahşedilmiş imtiyazlar dahil olmak üzere, öyle bir tebaanın emval ve menafiine tesir eden tedbirlerdir. İki Hükûmetten birisinin bu fıkraya tevfikan öteki Hükûmet tarafından desteklenen metalibat hususundaki teahhüdünün, her bir Hükûmet bakımından,Beynelmilel Adalet Divanı Statüsünün 36-ncı maddesi mucibince Divanın mecburî kazasına şimdiye kadar bahşettiği filî tanıma kaydü şartlarının cevaz ve hududu ile mukayyed olduğu kabul edilmektedir. Bu fıkranın hükümleri, iki Hükûmetten herhangi birisinin, şayed mevcudsa, Beynelmilel Adalet Divanına müracaat hususundaki diğer haklarına, veya muahedelerden, anlaşmalardan, veya hukuku düvel prensiplerinden mütevellid hakların ve vazifelerin iki Hükûmetten biri tarafından ihlâl edildiği isnatlarına dayanan metalibatın desteklenmesine ve serdedilmesine hiçbir veçhile halel vermiyecektir.

2 - Bundan başka, Amerika Birleşik Devletleri Hükûmeti ve Türkiye Cumhuriyeti Hükûmeti, bu kabil metalibatın, Divanı Adalet yerine, karşılıklı şekilde uyuşulacakolan herhangi bir hakem mahkemesine havale edilebileceğini kabul ederler.

3 - Bundan başka, iki Hükûmetten hiçbirinin , kendi tebaası, mutalebenin ortaya çıkdığı memleket idarî ve edlî mahkemelerinde faydalanabileceği bütün tes -

viye çarelerine baş vurmadıkça, bu maddeye tevfikan bir mutalebeyi desteklemiyeceği kabul edilir.

Madde X

Bu Anlaşmada kullanılan "katılan memleket" tâbiri:

(I) 22 Eylül 1947-de Paris'te Avrupa İktisadî İşbirliği Komitesinin raporunu imzalamış bulunan herhangi bir memleket ile, o memleketin beynelmilel bakımdan mesul bulunduğu ve o memleket ile Amerika Birleşik Devletleri Hükûmeti arasında imzalanan İktisadî İşbirliği Anlaşmasının tatbik edildiği topraklar, ve

(II) (Almanya'nın işgal bölgelerinden herhangi birisi, beynelmilel idare veya kontrol altındaki sahalar, ve Triyeste Serbest Toprağı veya Triyeste Serbest Toprağının bölgelerinden birisi dahil olmak üzere) kısmen veya tamamen Avrupa'da bulunan herhangi diğer bir memleket ile onun idaresi altında bulunan tâbi sahalar demektir. Böyle bir memleket, Avrupa İktisadî İşbirliği Mukavelesinin taraflarından birisini teşkil ettiği ve bu Anlaşmanın gayelerini gerçekleştirmeğe matuf bulunan bir müşterek Avrupa kalkınması programına bağlı olduğu müddetçe "katılan memleket" sayılacakdır.

Madde XI

1 - İşbu Anlaşma Türkiye Büyük Millet Meclisinin tasdikine sunulacak ve tasdik edildiği Amerika Birleşik Devletleri Hükûmetine tebliğ olunduğu gün yürürlüğe girecek -

tir. Bu maddenin 2 ve 3-üncü fıkraları ahkâmına tâbi ol - mak şartiyle, Anlaşma 30 Haziran 1953-e kadar yürürlükte kalacak, ve 30 Haziran 1953-den en az altı ay önce iki Hükûmetten biri ötekine Anlaşmaya mezkûr tarihde son vermek niyetinde bulunduğuna dair yazılı tebligatta bulunmadığı takdirde, Anlaşma ondan sonrası için böyle bir teb - ligat yapıldığı tarihten itibaren altı ay geçinceye kadar yürürlükte kalacaktır.

2 - Anlaşmanın yürürlük süresi esnasında iki Hükûmetten biri bu Anlaşmanın dayandığı esas mülâhazalarda önemli değişiklikler vukua geldiği mütalâasında bulunursa öteki Hükûmete olveçhile yazılı tebligatta bulunacak ve iki Hükûmet bunun üzerine işbu Anlaşmanın tezyili, tadili veya Anlaşmaya son verilmesi üzerinde uyuşmak üzere istişarede bulunacaklardır. Şayed, bu kabil tebligattan üç ay sonra iki Hükûmet ahval ve şeraite göre yapılacak teşebbüs üzerinde uyuşmamışlarsa, içlerinden biri ötekine işbu Anlaşmaya son vermek niyetinde bulunduğuna dair yazılı tebligatta bulunabilir. O zaman, bu maddenin 3-üncü fıkrası hükümlerine tâbi olmak şartile, bu Anlaşma :

A) Ya son verme niyeti hakkındaki böyle bir tebligat tarihinden altı ay sonra, veya

B - Böyle bir tebligat tarihinitakiben Amerika Birleşik Devletleri Hükûmetinin yapmaya devam edebileceği herhangi bir yardım hususunda Türkiye Cumhuriyeti Hükûmetine ait vecibelerin yerine getirilmesini temin etmeğe kâfi geleceği kabul edilebilecek olan daha kısa bir devreden sonra, hitam bulacaktır. Ancak IV-üncü madde

ve VI-ıncı maddenin 3-üncü fıkrası, son verme niyeti hakkında böyle bir tebligat tarihinden itibaren iki sene sonraya kadar ve fakat 30 Haziran 1953-den daha geç olmamak üzere, yürürlükte kalacaktır.

3 - Bu Anlaşmaya tevfikan müzakere edilen tâli anlaşmalar ve tertipler bu Anlaşmanın sona erme tarihini müteakip yürürlükte kalabilir, ve bu gibi tâli anlaşmalarla tertiplerin yürürlük devresini bizzat kendi hükümleri tanzim edecektir.

III-üncü maddenin 2-nci fıkrası mezkûr maddede bahsı geçen garanti tediyatı Amerika Birleşik Devletleri Hükûmeti tarafından yapılabildiği müddetçe yürürlükte kalacaktır.

4 - Bu Anlaşma iki Hükûmet arasında uyuşulma suretile herhangi bir zamanda tadil edilebilir.

5 - Bu Anlaşmanın eki, Anlaşmanın ayrılmaz bir cüzünü teşkil etmektedir.

6 - Bu Anlaşma Birleşmiş Milletler Umumî Kâtipliği nezdinde tescil edilecektir.

Yukarıdaki hükümleri tasdiken, işbu maksad için usulen yetkilendirilmiş olan iki taraf mümessilleri işbu Anlaşmayı imzalamışlardır. Her iki metin de asıl olmak üzere, İngilizce ve Türkçe dillerinde, iki nüsha olarak 1948 Temmuzunun dördüncü günü Ankara'da yapılmıştır.

Amerika Birleşik Devletleri
Hükûmeti namına

Türkiye Cumhuriyeti
Hükûmeti namına

E K

1 - Kaynakların tesirli surette kullanılması için tedbirler ittihazına taallûk eden Madde II-nin (A) I fıkrası icaplarının, Anlaşma gereğince verilen mallar hususunda, bu kabil malları korumak ve onların gayrı meşru veya uygunsuz pazarlara veya ticaret kanallarına sapmasını önlemek üzere müessir tedbirleri ihtiva edeceği kabul olunmaktadır.

2 - Madde II-nin (c) I fıkrasında bütçeyi tevzin etme vecibesinin kısa bir devre esnasındaki açıkları men etmiyeceği ve fakat nihayetülemir bütçenin tevzinini istilzam eden bir bütçe siyaseti mânasını tazammun eyliyeceği kabul olunmaktadır.

3 - II-nci maddenin 3-üncü fıkrasında zikri geçen ticaret usullerinin ve ticaret tertiplerinin :

A) Herhangi bir maddenin alım, satım veya kiralanması hususunda başkalariyle muamele yaparken riayet edilecek fiatları, kayıtları veya şartları tesbit etme ;

B) Teşebbüsleri hakimiyetleri altındaki herhangi bir arazi piyasasından veya ticarî faaliyet sahasından hariç tutmak veya bu kabil piyasa veya faaliyet sahasını tahsis veya taksim etme, veya müşterileri tahsis etme,veya satış kontenjanları veya mübayaa kontenjanları tesbit etme;

C) Muayyen teşebbüslere karşı farklı muamele yapma;

D) İstihsali tahdid veya istihsal kontenjanı tesbit etme;

E) Teknolojik veya patenteli veya patentesiz ihtiraın gelişmesini veya tatbikini anlaşma vasıtasile men etme;

F) İki Hükûmetten birisi tarafından bahşedilen patente, alâmeti farika veya telif hakkı tahtındaki hakların istimalini, kendi kavanin ve nizamatına göre, bu gibi bahışların sahası dahilinde bulunmayan meselelere, veya aynı şekilde bu kabil bahışlara mevzu teşkil etmeyen mahsullere veya istihsal şartlarına, istimal veya satışa teşmil etme; ve

G) İki Hükûmetin uyuşarak ilâve edebilecekleri diğer usuller,

mânasına geldiği kabul ediliyor.

4 - Türkiye Cumhuriyeti Hükûmetinin, ancak münasip tahkikat veya tetkikattan sonra, madde II-nin 3-üncü fıkrasına tevfikan muayyen ahvalde teşebbüse geçmekle mükellef olduğu anlaşılmaktadır.

5 - Madde III-ün I-inci fıkrasında atıf yapılan projelerin, 1948 tarihli Ekonomik İşbirliği Kanununun 111 (b) (3) faslı mucibince, iki Hükûmet tarafından tasvip edilen projeler olduğu kabul edilmektedir.

6 - Madde IV-deki "dahilî istihlâki için Türkiye Cumhuriyetinin makul ihtiyaçları gereği veçhile nazarı itibara alındıktan sonra" ibaresinin ilgili malzemeden makul mikdarda stoklar idamesine şamil bulunacağı ve "ticaret maksadile ihracat" ibaresinin takas muamelâtına şamil bulunabileceği kabul olunmaktadır. Madde IV gereğince müzakere edilen tertiplerin, stok yığınları tasfiye edildiği

takdirde, bir beynelmilel ticaret teşkilâtı için Havana'da kabul edilen beyannamenin 32-nci maddesi prensiplerine tevfikan istişare sağlaması münasip olacağı da kabul olunmaktadır.

7 - Türkiye Cumhuriyeti Hükûmetinden, madde VI-nın (A) 2 fıkrası gereğince, tâli projeler veya ifşası meşru ticarî menfaatlere halel verecek mahrem ticarî veya teknik malûmat hakkında tafsilâtlı malûmat vermesi istenmeyeceği kabul olunmaktadır.

8 - Amerika Birleşik Devletleri Hükûmetinin, madde VIII-in 3-üncü fıkrasında bahsı geçen tebligatı yaparken, kendileri için tam diplomatik imtiyazlar talep edilecek memurların sayısını amelî olduğu nisbette tahdid etmenin şayanı arzu olduğunu gözönünde tutacağı kabul olunmaktadır. Madde VIII-in tatbikine müteallik tafsilâtın, icabettiği zaman, iki Hükûmet arasında görüşme mevzuu olacağı da kabul edilmektedir.

9 - Madde IX-un 2-nci fıkrasına tevfikan varılabilen herhangi bir anlaşmanın Amerika Birleşik Devletleri Senatosu tarafından tasdika tâbi olacağı kabul edilmektedir.

10 - Türkiye'ye hibe suretile yardımda bulunmak mevzuubahis olduğu takdirde 1948 tarihli Ekonomik İşbirliği Kanununun ve bunu muaddil ve mütemmim kanunların ve bu kanunlara tevfikan yapılan tahsisat kanunlarının hükümleri mucibince mahallî parayı yatırmak için gereğinin yapılmasını sağlayacak Anlaşma tadilâtı üzerinde her iki Hükûmetin istişare edecekleri kabul olunmaktadır.

July 6, 1948
[T. I. A. S. 1795]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting economic cooperation under Public Law 472, 80th Congress. Signed at London July 6, 1948; entered into force July 6, 1948.

ECONOMIC CO-OPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM

Preamble

Principles of Agreement.

The Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland:

Recognising that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognising that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual co-operation, open to all nations which co-operate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic co-operation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of the United Kingdom has joined with other like-minded nations in a Convention for European Economic Co-operation signed at Paris on 16th April, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery programme, and that the Government of the United Kingdom is a member of the Organisation for European Economic Co-operation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Co-operation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint programme for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of the United Kingdom has al-

[1] Department of State publication 3145.

ready expressed its adherence to the purposes and policies of the Economic Co-operation Act of 1948; 62 Stat., Pt. 1, p. 137.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Co-operation Act of 1948, the receipt of such assistance by the United Kingdom, and the measures which the two Governments will take individually and together in furthering the recovery of the United Kingdom as an integral part of the joint programme for European recovery;

Have agreed as follows:—

ARTICLE I

Assistance and cooperation.

1. The Government of the United States of America undertakes to assist the United Kingdom, by making available to the Government of the United Kingdom or to any person, agency or organisation designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Co-operation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of the United Kingdom only such commodities, services and other assistance as are authorised to be made available by such acts. 62 Stat., Pt. 1, p. 137.

2. The Government of the United Kingdom, acting individually and through the Organisation for European Economic Co-operation, consistently with the Convention for European Economic Co-operation signed at Paris on 16th April, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery programme economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery programme to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of the United Kingdom reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Co-operation, to continue to participate actively in the work of the Organisation for European Economic Co-operation, and to continue to adhere to the purposes and policies of the Economic Co-operation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to the United Kingdom and procured from areas outside the United States of America, its territories and possessions, the Government of the United Kingdom will co-operate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

ARTICLE II

General undertakings.

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of the United Kingdom will use its best endeavours:

Measures for practical use of resources. *Post*, p. 2607.

(*a*) To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including—

(i) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of the United Kingdom in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) The observation and review of the use of such resources through an effective follow-up system approved by the Organisation for European Economic Co-operation; and

(iii) To the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint programme for European recovery, assets, and earnings therefrom, which belong to nationals of the United Kingdom and which are situated within the United States of America, its territories or possessions; it being understood that nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures, or on the Government of the United Kingdom to dispose of such assets;

Development of production.

(*b*) To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organisation for European Economic Co-operation; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of the United Kingdom to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, steel, transportation facilities and food;

Maintenance of financial stability. *Post*, p. 2607.

(*c*) To stabilise its currency, establish or maintain a valid rate of exchange, balance its Governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

Stimulation of trade.

(*d*) To co-operate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Co-operation,[1] looking toward the full and effective use of manpower available in the participating countries, the Government of the United Kingdom will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organisation directed to the largest practicable utilisation of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, p. 2607.

3. The Government of the United Kingdom will take the measures which it deems appropriate, and will co-operate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint programme of European recovery.

ARTICLE III

Guarantees.

1. The two Governments will upon the request of either of them consult respecting projects in the United Kingdom proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guarantees of currency transfer under Section 111 (*b*) (3) of the Economic Co-operation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 2606.

2. The Government of the United Kingdom agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any pounds sterling, or credits in pounds sterling, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognised as property of the Government of the United States of America.

ARTICLE IV

Local currency.
Post, p. 2606.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Bank of England.

2. The Government of the United Kingdom will establish a special account in the Bank of England in the name of the Government of the United Kingdom (hereinafter called the Special Account) and will make deposits in pounds sterling to this account as follows:—

(*a*) The unencumbered balances of the deposits made by the Government of the United Kingdom pursuant to the Exchange of Notes between the two Governments dated 30th April, 1948.[2]

(*b*) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any cost of processing, storing, transporting, repairing or other services incident thereto) made available to the United Kingdom on a grant

[1] Department of State publication 3145, p. 14.
[2] *Department of State Bulletin*, May 16, 1948, p. 644.

62 Stat., Pt. 1, p. 137.

basis by any means authorised under the Economic Co-operation Act of 1948, less, however, the amount of the deposits made pursuant to the Exchange of Notes referred to in sub-paragraph (*a*). The Government of the United States of America shall from time to time notify the Government of the United Kingdom of the indicated dollar cost of any such commodities, services and technical information, and the Government of the United Kingdom will thereupon deposit in the Special Account a commensurate amount of pounds sterling computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund.

The Government of the United Kingdom may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

Availability of sums for U. S. expenditures within United Kingdom.

3. The Government of the United States of America will from time to time notify the Government of the United Kingdom of its requirements for administrative expenditures in pounds sterling within the United Kingdom incident to operations under the Economic Co-operation Act of 1948, and the Government of the United Kingdom will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 137.

4. Five per cent. of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in the United Kingdom, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

62 Stat., Pt. 1, p. 1054.

5. The Government of the United Kingdom will further make such sums of pounds sterling available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in the United Kingdom to the consignee's designated point of delivery in the United Kingdom of such relief supplies and packages as are referred to in Article VI.

Post, p. 2602.

U. K. withdrawals from Special Account.

6. The Government of the United Kingdom may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of the United Kingdom for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilisation in the United Kingdom and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the United Kingdom, including in particular:—

(*a*) Expenditures upon projects or programmes, including those which are part of a comprehensive programme for the develop-

ment of the productive capacity of the United Kingdom and the other participating countries, and projects or programmes the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Co-operation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

62 Stat., Pt. 1, p. 137.

(*b*) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(*c*) Effective retirement of the national debt, especially debt held by the Central Bank or other banking institutions.

Disposition of unencumbered balances.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on 30th June, 1952, shall be disposed of within the United Kingdom for such purposes as may hereafter be agreed between the Governments of the United States of America and the United Kingdom, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

ARTICLE V

Access to materials.
Post, pp. 2603, 2606.

1. The Government of the United Kingdom will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in the United Kingdom which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and the United Kingdom after due regard for the reasonable requirements of the United Kingdom for domestic use and commercial export of such materials. The Government of the United Kingdom will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the United Kingdom, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of the United Kingdom will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

Post, p. 2608.

2. Recognising the principle of equity in respect to the drain upon the natural resources of the United States of America and of the participating countries, the Government of the United Kingdom will, when so requested by the Government of the United States of America, negotiate where applicable (*a*) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in the United Kingdom which are required by the United States of America as a result of deficiencies

or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from the United Kingdom, (*b*) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America, or of any State or Territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of the United Kingdom, and, (*c*) an agreed schedule of increased production of such materials where practicable in the United Kingdom and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of the United Kingdom, when so requested by the Government of the United States of America, will co-operate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside the United Kingdom.

ARTICLE VI

Travel arrangements and relief supplies.

1. The Government of the United Kingdom will co-operate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

Ante, p. 2600; *post*, p. 2608.

2. The Government of the United Kingdom will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the United Kingdom of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in the United Kingdom.

ARTICLE VII

Consultation and transmittal of information.

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of the United Kingdom will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of the United Kingdom:

Post, p. 2608.

(*a*) Detailed information of projects, programmes and measures proposed or adopted by the Government of the United Kingdom to carry out the provisions of this Agreement and of the General Obligations of the Convention for European Economic Co-operation;

(*b*) Full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(*c*) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organisation for European Economic Co-operation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Co-operation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery programme. 62 Stat., Pt. 1, p. 137.

3. The Government of the United Kingdom will assist the Government of the United States of America to obtain the information, relating to the materials originating in the United Kingdom referred to in Article V, which is necessary to the formulation and execution of the arrangements provided for in that Article. *Post*, p. 2606. *Ante*, p. 2601.

ARTICLE VIII

Publicity.

1. The Governments of the United States of America and the United Kingdom recognise that it is in their mutual interest that full publicity be given to the objectives and progress of the joint programme for European recovery and of the actions taken in furtherance of that programme, and that wide dissemination of information on the progress of the programme is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the programme.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of the United Kingdom will encourage the dissemination of such information both directly and in co-operation with the Organisation for European Economic Co-operation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organisation for European Economic Co-operation with full information on the progress of the programme for economic recovery.

Quarterly statements of operations.

4. The Government of the United Kingdom will make public in the United Kingdom in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

ARTICLE IX

Missions.

1. The Government of the United Kingdom agrees to receive a Special Mission for Economic Co-operation which will discharge the responsibilities of the Government of the United States of America in the United Kingdom under this Agreement.

Special mission as part of U. S. Embassy. *Post*, p. 2608.

2. The Government of the United Kingdom will, upon appropriate notification from the Ambassador of the United States of America in the United Kingdom, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in the United Kingdom for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of the United Kingdom will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Co-operation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of the United Kingdom, directly and through its representatives on the Organisation for European Economic Co-operation, will extend full co-operation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such co-operation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

ARTICLE X

Settlement of claims of nationals.

1. The Governments of the United States of America and the United Kingdom agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after 3rd April, 1948, by the other Government and affecting the property or interest of such national, including contracts with or concessions granted by duly authorised authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of, and is limited by, the terms and conditions of its declaration accepting the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, and shall remain in force as to each Government on a basis of reciprocity until 14th August, 1951, and thereafter for such period as the declarations of such acceptance by both Governments are in effect, but not later than the date of termination of this Agreement. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

59 Stat. 1060.

Post, p. 2608.

2. The Governments of the United States of America and the United Kingdom further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

ARTICLE XI

Definitions.

As used in this agreement:—

"The United Kingdom."

(*a*) "The United Kingdom" means the United Kingdom of Great Britain and Northern Ireland and any territory to which this Agreement shall have been extended under the provisions of Article XII.

"Participating country."

(*b*) The term "participating country" means (i) any country which signed the Report of the Committee of European Co-operation at Paris on 22nd September, 1947,[1] and any territories for which it has international responsibility and to which the Economic Co-operation Agreement concluded between that country and the Government of the United States of America has been applied, and (ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; provided that, and for so long as, such country is a party to the Convention for European Economic Co-operation and adheres to a joint programme for European recovery designed to accomplish the purposes of this Agreement.

"Nationals of the United Kingdom."

(*c*) The expression "nationals of the United Kingdom" shall mean British subjects belonging to, and companies and associations incorporated under the laws of, the United Kingdom or any territory to which this Agreement shall have been extended under Article XII.

ARTICLE XII

Extension of agreement to designated territories.

This Agreement shall, on the part of the Government of the United Kingdom, extend to the United Kingdom of Great Britain and Northern Ireland, to the territories specified in the schedule attached hereto, and to any other territories (being territories for whose international relations the Government of the United Kingdom is responsible) from the date on which the Government of the United Kingdom notifies the Government of the United States of America of the extension of the Agreement to them. Nothing in the Agreement shall be construed as imposing any obligation contrary to the terms of a Trusteeship Agreement in force in relation to any territory.

Post, p. 2608.

Schedule

Aden.
Bahamas.
Cyprus.
Falkland Islands.
Fiji and Western Pacific High Commission territories (excluding Tonga and New Hebrides).

[1] Department of State publication 2930.

Gambia.
Gibraltar.
Gold Coast.
Hong Kong.
Kenya.
Malta.
Mauritius.
Nigeria.
Nyasaland.
St. Helena and Dependencies.
Seychelles.
Sierra Leone.
Singapore.
Tanganyika.
Uganda.
Windward Islands.
Zanzibar.

ARTICLE XIII

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until 30th June, 1953, and, unless at least six months before 30th June, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.
Post, p. 2607.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying the Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of the Agreement.

Termination.

If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate the Agreement. Subject to the provisions of paragraph 3 of this Article, the Agreement shall then terminate either—

(*a*) Six months after the date of such notice of intention to terminate, or

(*b*) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of the United Kingdom are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

Ante, pp. 2601, 2603.

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than 30th June, 1953.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of the Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms.

Ante, p. 2599.

Article IV shall remain in effect until all the sums in pounds sterling required to be deposited in accordance with its terms have been disposed of as provided in that Article.

Ante, p. 2599.

Paragraph 2 of Article III shall remain in effect for so long as the guarantee payments referred to in that Article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the two Governments. Amendment. *Ante*, p. 2606.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations. Registration.

IN WITNESS whereof the respective representatives, duly authorised for the purpose, have signed the present Agreement.

Done in London, in duplicate, this 6th day of July, 1948.

LEWIS. W. DOUGLAS

ERNEST BEVIN

Annex

INTERPRETATIVE NOTES

It is understood that the requirements of paragraph 1 (*a*) of Article II relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade. *Ante*, p. 2598.

2. It is understood that the obligation under paragraph 1 (*c*) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run. *Ante*, p. 2598.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean— *Ante*, p. 2599.

(*a*) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(*b*) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(*c*) Discriminating against particular enterprises;

(*d*) Limiting production or fixing production quotas;

(*e*) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

(*f*) Extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(*g*) Such other practices as the two Governments may agree to include.

4. It is understood that the Government of the United Kingdom is obligated to take action in particular instances in accordance with

paragraph 3 of Article II only after appropriate investigation or examination.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of the United Kingdom for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organisation,[1] in the event that stockpiles are liquidated.

6. It is understood that it should not be assumed from paragraph 2 of Article VI that the existing facilities extended by the United Kingdom to relief goods and packages are inadequate.

7. It is understood that the Government of the United Kingdom will not be requested, under paragraph 2 (*a*) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

8. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of inter-Governmental discussion.

9. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

The British Secretary of State for Foreign Affairs to the American Ambassador

FOREIGN OFFICE,
S. W. 1.
6th July, 1948.

YOUR EXCELLENCY,

I have the honour to draw your attention to the fact that it is impossible for the United Kingdom Government, on signing the Economic Co-operation Agreement with the Government of the United States, to give a complete list of those Colonial territories which will participate in the Agreement. The reason is that in several cases it is necessary for Colonial Governments to be given a reasonable opportunity of considering the implications of the Agreement for them.

2. I have also explained to Your Excellency that a decision in the case of Southern Rhodesia will rest entirely with the Government of

[1] Department of State publication 3117, p. 26.

that country, and that the Government of the United Kingdom is unable at this time to say what the decision will be.

3. It is my understanding that most Colonial Governments may be expected to participate in the Agreement within a very short time. But the Government of the United Kingdom recognises that if within a reasonable period after the signature of the Agreement some of the more important territories concerned (other than Southern Rhodesia) are not participating in it the Government of the United States would be entitled to regard this as a change in the relationship of the parties under the Agreement, affecting the form or continuance of assistance to the United Kingdom. It is my understanding that before any action were to be taken by the Government of the United States there would be consultation between the two Governments.

I have the honour to be, with the highest consideration,
Your Excellency's obedient Servant,

ERNEST BEVIN

His Excellency
The Honourable
LEWIS W. DOUGLAS,
etc., *etc.*, *etc.*,
1, Grosvenor Square,
W. 1.

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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTIETH CONGRESS
OF THE UNITED STATES OF AMERICA

1948

AND

PROCLAMATIONS, TREATIES, AND INTERNATIONAL
AGREEMENTS OTHER THAN TREATIES

COMPILED, EDITED, INDEXED, AND PUBLISHED BY AUTHORITY OF LAW
UNDER THE DIRECTION OF THE SECRETARY OF STATE

VOLUME 62

IN THREE PARTS

PART 3

INTERNATIONAL AGREEMENTS
OTHER THAN TREATIES

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1949

For sale by the
Superintendent of Documents
U. S. Government Printing Office, Washington 25, D. C.
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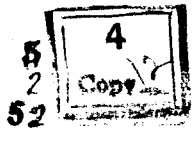

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INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

68706—52—PT. III——1

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

SECOND SESSION OF THE EIGHTIETH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 6, 1948, and adjourned sine die on Friday, December 31, 1948

HARRY S. TRUMAN, President; ARTHUR H. VANDENBERG, President of the Senate *pro tempore;* JOSEPH W. MARTIN, Jr., Speaker of the House of Representatives.

Protocol between the United States of America and other governments respecting the apportionment of shares between India and Pakistan under the Paris agreement of January 14, 1946, on distribution of reparation from Germany, the establishment of an Inter-Allied Reparation Agency, and the restitution of monetary gold. Signed at Brussels March 15, 1948; effective from January 24, 1946.

March 15, 1948
[T. I. A. S. 1797]

PROTOCOLE ADDITIONNEL À L'ACCORD DE PARIS

DU 14 JANVIER 1946

CONCERNANT

LES RÉPARATIONS À RECEVOIR DE L'ALLEMAGNE,

L'INSTITUTION D'UNE AGENCE INTERALLIÉE

ET LA RESTITUTION DE L'OR MONÉTAIRE.

PROTOCOL ATTACHED TO THE PARIS AGREEMENT

OF 14 JANUARY 1946

ON

REPARATION FROM GERMANY, ON THE ESTABLISHMENT

OF AN INTER ALLIED REPARATION AGENCY

AND ON THE RESTITUTION OF MONETARY GOLD

Les Gouvernements de l'Albanie, des États-Unis d'Amérique, de l'Australie, de la Belgique, du Canada, du Danemark, de l'Égypte, de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Grèce, de l'Inde, du Luxembourg, de la Norvège, de la Nouvelle-Zélande, des Pays-Bas, de la Tchécoslovaquie, de l'Union de l'Afrique du Sud, de la Yougoslavie, ayant pris note de l'arrangement du 22 janvier 1948 par lequel les Gouvernements du Dominion de l'Inde et du Dominion du Pakistan se sont entendus sur la répartition suivante des quotes-parts de réparations attribuées au Gouvernement de l'Inde en vertu de l'article 1 B de l'Accord de Paris du 14 janvier 1946 :

INDE	Catégorie A : 1.65	Catégorie B : 2.39
PAKISTAN	Catégorie A : 0.35	Catégorie B : 0.51

Ayant pris note de l'Accord intervenu entre le Gouvernement du Dominion de l'Inde et le Gouvernement du Dominion du Pakistan, aux termes duquel le montant des biens de réparation de la catégorie B attribués au Gouvernement de l'Inde jusqu'à la date du 14 août incluse, et évalués, sous réserve de modifications d'ordre comptable par l'Agence Interalliée des Réparations, qui pourraient devenir nécessaires, à RM 10.900.000, sera considéré comme réparti de la manière suivante :

DOMINION DE L'INDE	RM 8.983.000
DOMINION DU PAKISTAN	1.917.000

étant entendu que la répartition ci-dessus pourra faire l'objet d'ajustements décidés par accord mutuel entre les Gouvernements des Dominions de l'Inde et du Pakistan ;

Ayant pris note de l'accord intervenu entre le Gouvernement du Dominion de l'Inde et le Gouvernement du Dominion du Pakistan, aux termes duquel le montant des biens de réparation de la catégorie B attribués au Gouvernement de l'Inde entre le 15 août 1947 et le 22 janvier 1948, et évalués, sous réserve de modifications d'ordre comptable par l'Agence Interalliée des Réparations, qui pourraient devenir nécessaires, à RM 1.068.000, sera considéré comme ayant été attribué au Gouvernement du Dominion de l'Inde, étant entendu que l'attribution ci-dessus pourra faire l'objet d'ajustements décidés par accord mutuel entre les Gouvernements des Dominions de l'Inde et du Pakistan,

Sont convenus de ce qui suit :

DU FAIT DE LA SIGNATURE DU PRÉSENT PROTOCOLE PAR LES GOUVERNEMENTS SIGNATAIRES DE L'ACCORD DE PARIS ET PAR LE GOUVERNEMENT DU DOMINION DU PAKISTAN, LA QUALITÉ DE GOUVERNEMENT SIGNATAIRE DE L'ACCORD DE PARIS, AVEC TOUS LES DROITS ET OBLIGATIONS Y AFFÉRENTS, EST RECONNUE, A COMPTER DE LA DATE D'ENTRÉE EN VIGUEUR DUDIT ACCORD, AU GOUVERNEMENT DU PAKISTAN, QUI EST ÉGALEMENT CONSIDÉRÉ COMME AYANT ADHÉRÉ AUX RÉSOLUTIONS UNANIMES DE LA CONFÉRENCE DE PARIS SUR LES RÉPARATIONS. LES GOUVERNEMENTS DU DOMINION DE L'INDE ET DU DOMINION DU PAKISTAN ONT RESPECTIVEMENT DROIT AUX QUOTES-PARTS DE RÉPARATION SUIVANTES :

INDE	CATÉGORIE A : 1,65	CATÉGORIE B : 2,39
PAKISTAN	CATÉGORIE A : 0,35	CATÉGORIE B : 0,51

Apportionment of reparation percentage shares.

The Governments of Albania, United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxemburg, Norway, New Zealand, Netherlands, Czechoslowakia, Union of South Africa and Yugoslavia, having taken note of the Arrangement of 22 January 1948 under which the Governments of the Dominion of India and the Dominion of Pakistan have agreed to the apportionment between them, in the following manner, of the reparation percentage shares allotted to the Governments of India under Article 1 B of the Paris Agreement of 14 January 1946:

61 Stat. Pt. 3 p. 3158.

INDIA	Category A: 1.65	Category B: 2.39
PAKISTAN	Category A: 0.35	Category B: 0.51

Valuation of reparation assets in Category B.

Having noted that the Government of the Dominion of India and the Government of the Dominion of Pakistan have agreed that the value of Reparation assets in Category B allocated to the Government of India up to and including 14 August 1947, and amounting, subject to such accounting adjustments by the Inter Allied Reparation Agency as may become necessary, to RM 10.900.000 will be considered to have been apportioned in the following manner:

DOMINION OF INDIA	RM 8.983.000
DOMINION OF PAKISTAN	1.917.000

it being understood that the above apportionment is susceptible of adjustment by mutual agreement between the Governments of the Dominions of India and Pakistan;

Having noted that the Government of the Dominion of India and the Government of the Dominion of Pakistan have agreed that the value of Reparation Assets in Category B allocated to the Government of India between 15 August 1947 and 22 January 1948 and amounting, subject to such accounting adjustments by the Inter Allied Reparations Agency as may become necessary, to RM 1.068.000, will be considered to have been allocated to the Government of the Dominion of India, it being understood that the above allocation is susceptible of adjustment by mutual agreement between the Governments of the Dominions of India and Pakistan,

Have agreed as follows:

Pakistan deemed a government signatory of Paris Agreement.

UPON THE SIGNATURE OF THE PRESENT PROTOCOL BY THE GOVERNMENTS SIGNATORIES OF THE PARIS AGREEMENT AND BY THE GOVERNMENT OF THE DOMINION OF PAKISTAN, THE DOMINION OF PAKISTAN SHALL BE DEEMED TO HAVE BEEN A GOVERNMENT SIGNATORY OF THE PARIS AGREEMENT, AS FROM THE DATE OF THE ENTRY INTO FORCE OF THE SAID AGREEMENT,[1] WITH CORRESPONDING RIGHTS AND OBLIGATIONS, AND TO HAVE ADHERED TO THE UNANIMOUS RESOLUTIONS OF THE PARIS CONFERENCE ON REPARATION. THE GOVERNMENTS OF THE DOMINION OF INDIA AND THE DOMINION OF PAKISTAN SHALL RESPECTIVELY BE ENTITLED TO RECEIVE THE FOLLOWING REPARATION SHARES:

Entry into force.

INDIA	CATEGORY A : 1.65	CATEGORY B : 2.39
PAKISTAN . . .	CATEGORY A : 0.35	CATEGORY B : 0.51

[1] Entered into force Jan. 24, 1946.

En foi de quoi, les soussignés, dûment habilités par leurs Gouvernements respectifs, ont signé le 15 mars 1948 à Bruxelles le présent Protocole, en langue anglaise et française, les deux textes faisant également foi, en un seul exemplaire qui sera annexé à l'Accord de Paris et déposé dans les Archives du Gouvernement de la République française, lequel Gouvernement remettra à chacun des Gouvernements signataires une copie certifiée conforme de ce texte, et au Dominion du Pakistan une copie certifiée conforme de l'Accord de Paris.

Authentic texts.

In witness thereof, the undersigned, duly authorised by their respective Governments, have signed on March 15th 1948 in Brussels the present Protocol, in the English and French languages, the two texts being equally authentic, in a single original which shall be annexed to the Paris Agreement and deposited in the Archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each Signatory Government, and a certified copy of the Paris Agreement to the Government of the Dominion of Pakistan.

Pour l'Albanie, For Albania,	L. JOANIDHI.
Pour les États-Unis d'Amérique, For United States of America,	RUSSEL H. DORR.
Pour l'Australie, For Australia,	RONALD WALKER.
Pour la Belgique, For Belgium,	RENÉ DIDISHEIM.
Pour le Canada, For Canada,	VICTOR DORE.
Pour le Danemark, For Denmark,	BENT FALKENSTJERNE.
Pour l'Égypte, For Egypt,	SEDDIK PACHA.
Pour la France, For France,	JACQUES RUEFF.
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, For United Kingdom of Great Britain and Northern Ireland,	DESMOND MORTON.
Pour la Grèce, For Greece,	T. TRIANTAFYLLAKOS.
Pour l'Inde, For India,	R.-S. MANI.
Pour le Luxembourg, For Luxemburg,	N. HOMMEL.

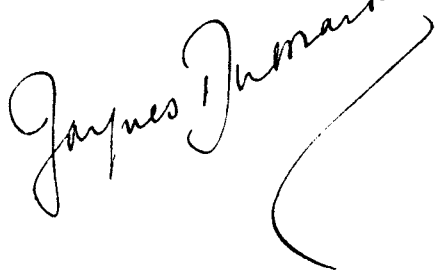
Pour la Norvège, For Norway,	THORE BOYE.
Pour la Nouvelle-Zélande, For New Zealand,	DESMOND MORTON.
Pour le Pakistan, For Pakistan,	HABIB I. RAHIMTOOLA.
Pour les Pays-Bas, For Netherlands,	E.-A. LIEFRINCK.
Pour la Tchécoslovaquie, For Czechoslovaquia,	CÉLESTIN SMIR.
Pour l'Union de l'Afrique du Sud, For the Union of South Africa,	J.-K. CHRISTIE.
Pour la Yougoslavie, For Yugoslavia,	S. ORLIC.

La présente copie est certifiée conforme à l'exemplaire unique du Protocole Additionnel à l'Accord de Paris du 14 janvier 1946, concernant les Réparations à recevoir de l'Allemagne, l'institution d'une Agence Interalliée des Réparations et la restitution de l'Or monétaire.

Rédigé en langue française et anglaise, signé à Bruxelles le 15 mars 1948 et déposé dans les Archives de la République française.

Le Ministre plénipotentiaire,
Chef du Service du Protocole,

JACQUES DUMAINE. [1]



[1] ***Translation:*** **The present copy is certified to conform to the single copy of the Protocol attached to the Paris Agreement of Jan. 14, 1946 on reparation from Germany, on the establishment of an Inter-Allied Reparation Agency, and on the restitution of monetary gold.**

Written in the French and English languages, signed at Brussels on Mar. 15, 1948, and deposited in the Archives of the French Republic.

Minister Plenipotentiary,
Chief of the Protocol Service.
JACQUES DUMAINE.

JACQUES DUMAINE.

October 30, 1946
[T. I. A. S. 1799]

Agreement between the United States of America, France, Netherlands, and the United Kingdom of Great Britain and Northern Ireland respecting a Caribbean Commission. Opened for signature at Washington and signed on behalf of the member governments October 30, 1946; entered into force August 6, 1948.

AN AGREEMENT

FOR THE ESTABLISHMENT OF THE CARIBBEAN COMMISSION

Principles of agreement.

The GOVERNMENTS of the UNITED STATES OF AMERICA, the FRENCH REPUBLIC, the KINGDOM OF THE NETHERLANDS, and the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, whose duly authorized representatives have subscribed hereto,

Being desirous of encouraging and strengthening cooperation among themselves and their territories with a view toward improving the economic and social well-being of the peoples of those territories, and

Being desirous of promoting scientific, technological, and economic development in the Caribbean area and facilitating the use of resources and concerted treatment of mutual problems, avoiding duplication in the work of existing research agencies, surveying needs, ascertaining what research has been done, facilitating research on a cooperative basis, and recommending further research, and

Having decided to associate themselves in the work heretofore undertaken by the Anglo-American Caribbean Commission, and

59 Stat. 1031.

Having agreed that the objectives herein set forth are in accord with the principles of the Charter of the United Nations

Hereby agree as follows:

Article I

Establishment of the Caribbean Commission and Auxiliary Bodies

There are hereby established the Caribbean Commission (hereinafter referred to as "the Commission") and, as auxiliary bodies of the Commission, the Caribbean Research Council and the West Indian Conference (hereinafter referred to as "the Research Council" and "the Conference" respectively).

Article II

Composition of the Commission

1. The Commission shall consist of not more than sixteen Commissioners appointed by the Governments signatory hereto (hereinafter referred to as the "Member Governments"). Each Member Government may appoint four Commissioners and such alternates as it may deem necessary. Each such group of Commissioners shall form a national section of the Commission.

2. Each Member Government shall designate one of its Commissioners to be the Chairman of its national section. Each such Chairman, or in his absence, the Commissioner designated by him from his national section as his alternate, shall be a Co-Chairman of the Commission and shall preside over meetings of the Commission in rotation according to English alphabetical order of the Member Governments, irrespective of where a meeting of the Commission may be held.

Article III

Powers of the Commission

The Commission shall be a consultative and advisory body and shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article IV

Functions of the Commission

The functions of the Commission shall be as follows:

(1) To concern itself with economic and social matters of common interest to the Caribbean area particularly agriculture, communications, education, fisheries, health, housing, industry, labor, social welfare and trade.

(2) To study, formulate and recommend on its own initiative, or as may be proposed by any of the Member or territorial Governments, by the Research Council or the Conference, measures, programs and policies with respect to social and economic problems designed to contribute to the well-being of the Caribbean area. It shall advise the Member and territorial Governments on all such matters, and make recommendations for the carrying into effect of all action necessary or desirable in this connection.

(3) To assist in co-ordinating local projects which have regional significance and to provide technical guidance from a wide field not otherwise available.

(4) To direct and review the activities of the Research Council and to formulate its rules of procedure.

(5) To provide for the convening of the sessions of the Conference, to formulate its rules of procedure, and to report to the Member Governments on Conference resolutions and recommendations.

Article V

Meetings of the Commission

1. The Commission shall hold not less than two Commission meetings each year. It is empowered to convene and hold meetings at any time and at any place it may decide.

2. At all such meetings the four Co-Chairmen, or their designated alternates, shall constitute a quorum.

Article VI

Method of Arriving at Decisions

The Commission shall be empowered to determine the method of arriving at its decisions, providing that decisions other than those relating to procedure shall not be taken without the concurrence of the respective Co-Chairmen or their designated alternates.

Article VII

The Research Council

The Research Council, together with such Research Committees as the Commission may establish, shall serve as an auxiliary body of the Commission with respect to scientific, technological, social and economic research for the benefit of the peoples of the Caribbean area.

Article VIII

Composition of the Research Council

1. The Research Council shall consist of not less than seven and not more than fifteen members who shall be appointed by the Commission having special regard to their scientific competence. At least one member of each Research Committee shall be a member of the Research Council.

2. The Research Council shall elect a Chairman from among its members. A Deputy Chairman of the Research Council shall be appointed by the Commission and shall serve on the Central Secretariat.

Effective date of Council.

3. The present composition of the Research Council and of its Research Committees shall be deemed to be effective from the 1st day of January, 1946.

Article IX

Functions of the Research Council

The functions of the Research Council shall be:

(a) To recommend to the Commission the number and functions of the technical Research Committees necessary to provide specialized scientific consideration of Caribbean research problems.

(b) In the interest of the Caribbean area to ascertain what research has been done, to survey needs, to advise concerning desirable research projects, to arrange and facilitate cooperative research, to undertake research assignments of a special nature which no other agency is able and willing to carry out, and to collect and disseminate information concerning research.

(c) To recommend to the Commission the holding of Research Council and Committee meetings and also of meetings of scientific, specialist and extension workers, and to facilitate an interchange of experience among the research workers of the Caribbean.

Article X

The Conference

The Conference shall be an auxiliary body of the Commission. The continuity of its existence shall be ensured by means of regular sessions.

Article XI

Composition of the Conference

1. Each territorial government shall be entitled to send to each session of the Conference not more than two delegates and as many advisers as it may consider necessary.

2. Delegates to the Conference shall be appointed for each territory in accordance with its constitutional procedure. The duration of their appointments shall be determined by the appointing governments.

Duration of appointments.

Article XII

Functions of the Conference

The sessions of the Conference shall provide a regular means of consultation with and between the delegates from the territories on matters of common interest within the terms of reference of the Commission as described in Article IV hereof, and shall afford the opportunity to present to the Commission recommendations on such matters.

Ante, p. 2619.

Article XIII

Meetings of the Conference

1. The Commission shall convene the Conference at least biennially, on such date as the Commission shall decide. The location of each session of the Conference, which shall be in one of the territories, shall be selected in rotation according to English alphabetical order of the Member Governments.

2. The Chairman of each session of the Conference shall be the Chairman of the national section of the Commission in whose territory the session is held.

Chairman.

Article XIV

Central Secretariat

1. The Commission shall establish, at a place within the Caribbean area to be agreed upon by the Member Governments, a Central Secretariat to serve the Commission and its auxiliary bodies.

2. A Secretary-General and a Deputy Secretary-General shall be appointed by the Commission under such terms and conditions as it shall prescribe. On the occurrence of a vacancy in the office of Secretary-General the position shall not be filled, except for special reasons approved by the Commission, by a candidate of the same nationality as the outgoing Secretary-General, regard being had to the desirability of continuity in the administration of the Commission's business. It shall, however, be open to the Commission at its

Appointment of Secretary-General, etc.

discretion to reappoint any Secretary-General for a further term. The Secretary-General shall be the chief administrative officer of the Commission and shall carry out all directives of the Commission.

Responsibilities of Secretary-General.

3. The Secretary-General shall be responsible for the proper functioning of the Central Secretariat and shall be empowered, subject to such directions as he may receive from the Commission, to appoint and dismiss such staff as may be deemed necessary to ensure efficient conduct of Commission business, provided that the appointment and dismissal of the Assistants to the Secretary-General shall be subject to approval by the Commission.

4. In the appointment of the Secretary-General, officers and staff of the Central Secretariat, primary consideration shall be given to the technical qualifications and personal integrity of candidates and, to the extent possible consistent with this consideration, such officers and staff shall be recruited within the Caribbean area and with a view to obtaining a balanced national representation.

5. In the performance of their duties, the Secretary-General and the staff shall not seek, receive or observe instructions from any government or from any other authority external to the Commission. They shall refrain from any action which might reflect on their position as international officials responsible only to the Commission.

6. Each Member Government undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Privileges and immunities.

7. Each Member Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General and appropriate personnel of the Central Secretariat such privileges and immunities as are necessary for the independent exercise of their functions, including inviolability of premises and archives of the Central Secretariat. The Commission shall make recommendations with a view to determining the details of the application of this paragraph, or may propose conventions to the Member Governments for this purpose.

Article XV

Finances

1. The salaries, allowances and miscellaneous expenditures of the Commissioners and their staffs, and of delegates and advisers to conferences, shall be determined and paid by the respective governments appointing them.

Annual budget, etc.

2. The Secretary-General shall prepare and submit to the Commission an annual budget and such supplementary budgets as may be required covering all other expenditures of the Commission, including those of the Research Council, the Conference, the Central Secretariat, special research projects, conferences, surveys and other similar activities under Commission auspices. Upon approval of the budget by the Commission, the total amount thereof shall be allocated among the Member Governments in proportions to be determined by agreement. A joint fund shall be established by the Member Governments for the use of the Commission in meeting the expenditures estimated

Joint fund for use of Commission.

in the said annual or supplementary budgets. Each Member Government shall undertake, subject to the requirements of its constitutional procedure, to contribute promptly to this fund such annual and supplementary sums as may be charged to each as agreed.

Budgetary period.

3. The fiscal year of the Commission shall be the calendar year. The first budget of the Commission shall cover the period from the date of the entry into force of this Agreement to and including the 31st day of December, 1946.

Audit of accounts.

4. The Secretary-General shall hold and administer the joint fund of the Commission and shall keep proper accounts thereof. The Commission shall make arrangements satisfactory to the Member Governments for the audit of its accounts. The audited statements shall be forwarded annually to each Member Government.

Article XVI

Authority to Appoint Committees and Make Regulations

The Commission is hereby empowered to appoint committees, and subject to the provisions of this Agreement, to promulgate rules of procedure and regulations governing the operations of the Commission, its auxiliary bodies, the Central Secretariat, and such committees as it shall establish, and generally for the purpose of carrying into effect the terms of this Agreement.

Article XVII

Relationship with Non-Member Governments in the Area

The Commission and Research Council in their research projects and in the formulation of recommendations shall bear in mind the desirability of cooperation in social and economic matters with other governments of the Caribbean area, not members of the Commission. The issuance of invitations to such governments to participate in conferences or other meetings sponsored by the Commission shall be subject to approval by the Member Governments.

Article XVIII

Relationship with United Nations and Specialized Agencies

1. The Commission and its auxiliary bodies, while having no present connection with the United Nations, shall cooperate as fully as possible with the United Nations and with appropriate specialized agencies on matters of mutual concern within the terms of reference of the Commission.

2. The Member Governments undertake to consult with the United Nations and the appropriate specialized agencies, at such times and in such manner as may be considered desirable, with a view to defining the relationship which shall exist and to ensuring effective cooperation between the Commission and its auxiliary bodies and the appropriate

organs of the United Nations and specialized agencies, dealing with economic and social matters.

Article XIX

Saving Clause

Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any Member Government and its territories or in any way to affect the constitutional authority and responsibility of the territorial governments.

Article XX

Definitions

In this Agreement the expressions "territories" or "territorial governments" shall be deemed to relate to the territories, possessions, colonies, or groups of colonies of the Member Governments in the Caribbean area or to the administrations or governments thereof.

Article XXI

Entry into Force

1. This Agreement shall enter into force when notices of approval [1] thereof shall have been deposited by all four signatory governments with the Government of the United States of America which shall notify the other signatory governments of each such deposit and of the date of entry into force of the Agreement.

Duration.

2. This Agreement shall have indefinite duration, provided that after an initial period of five years any Member Government may give notice at any time of withdrawal from the Commission. Such notice shall take effect one year after the date of its formal communication to the other Member Governments, but this Agreement shall continue in force with respect to the other Member Governments.

In witness whereof the duly authorized representatives of the respective Member Governments have signed this Agreement on the dates appearing opposite their signatures. [2]

Authentic languages.

Opened for signature in Washington, on October 30, 1946, and done in quadruplicate, in the English, French, and Netherlands languages, each of which shall be equally authentic.

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[1] Entered into force Aug. 6, 1948, notice of approval having been deposited in behalf of: the United States, Mar. 8, 1948; France, Dec. 11, 1946; Netherlands, Aug. 6, 1948; and the United Kingdom, Mar. 4, 1947.

[2] The agreement was signed on behalf of the Member Governments on Oct. 30, 1946.

CONVENTION
PORTANT CREATION D'UNE COMMISSION DES CARAIBES

Les GOUVERNEMENTS des ETATS-UNIS D'AMERIQUE, de la REPUBLIQUE FRANÇAISE, du ROYAUME DES PAYS-BAS, et du ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, dont les Représentants dûment autorisés ont apposé ci-dessous leur signature,

Désireux d'encourager et de renforcer la coopération entre eux-mêmes et leurs territoires en vue d'améliorer les conditions sociales et économiques du bien-être des populations desdits territoires, et

Désireux de promouvoir le développement scientifique, technologique et économique de la zone des Caraïbes, de faciliter l'utilisation des ressources et l'application de solutions concertées aux problèmes communs, d'éviter le double emploi dans le travail des organismes existants de recherches, de contrôler les besoins, de s'assurer des recherches qui ont été faites, de faciliter les recherches sur une base de coopération et de recommander des recherches ultérieures, et

Ayant décidé de s'associer à l'oeuvre entreprise jusqu'à présent par la Commission Anglo-Américaine des Caraïbes, et

Etant convenus que les buts que se propose la présente Convention sont en harmonie avec les principes de la Charte des Nations Unies,

Par les présentes conviennent de ce qui suit:

Article I

Création de la Commission des Caraïbes et des organismes auxiliaires

Par les présentes est établie la Commission des Caraïbes (ci-après désignée sous le terme de "la Commission") et, comme organismes auxiliaires de la Commission, le Conseil de Recherches des Caraïbes et la Conférence des Indes Occidentales (ci-après désignés respectivement sous les termes de "le Conseil de Recherches" et "la Conférence").

Article II

Composition de la Commission

1. La Commission sera composée au plus de seize Commissaires nommés par les Gouvernements signataires (désignés ci-après sous le terme de "Gouvernements-membres"). Chaque Gouvernement-membre aura la faculté de nommer quatre Commissaires et autant de suppléants qu'il le jugera nécessaire. Chaque groupe de Commissaires ainsi constitué formera une section nationale de la Commission.

2. Chaque Gouvernement-membre désignera l'un de ses Commissaires comme Président de sa section nationale. Chaque Président ainsi désigné, ou, en son absence, le Commissaire désigné par lui, parmi les membres de sa section nationale, comme son suppléant,

sera Co-président de la Commission et présidera les séances de la Commission suivant un roulement établi d'après l'ordre alphabétique anglais des Gouvernements-membres, sans égard au lieu où la séance de la Commission pourra se tenir.

Article III

Pouvoirs de la Commission

La Commission sera un organisme consultatif qui formulera des avis, et sera dotée de toute capacité juridique qui sera nécessaire pour lui permettre d'exercer ses fonctions et d'atteindre ses buts.

Article IV

Attributions de la Commission

Les attributions de la Commission seront les suivantes:

(1) Elle s'intéressera aux affaires économiques et sociales d'intérêt commun dans la zone des Caraïbes, en particulier à l'agriculture, aux communications, à l'éducation, aux pêcheries, à l'hygiène, à l'habitation, à l'industrie, au travail, au bien-être social et au commerce.

(2) Elle étudiera, formulera et recommandera, de sa propre initiative ou sur la proposition de tout Gouvernement-membre ou Gouvernement territorial, du Conseil de Recherches ou de la Conférence, des mesures, programmes et directives relatifs aux problèmes sociaux et économiques, destinés à contribuer au bien-être de la zone des Caraïbes. Elle conseillera les Gouvernements-membres et les Gouvernements territoriaux sur tous les sujets précités et formulera des recommandations en vue de l'exécution de toute action nécessaire ou désirable dans ces domaines.

(3) Elle aidera à réaliser la coordination de projets locaux ayant une portée régionale et fournira des directives techniques tirées de l'expérience des quatre Nations signataires, qu'il eût été impossible d'obtenir par ailleurs.

(4) Elle dirigera et contrôlera les activités du Conseil de Recherches et formulera ses règles de procédure.

(5) Elle se chargera des convocations pour les sessions de la Conférence, formulera ses règles de procédure et rendra compte aux Gouvernements-membres des résolutions et recommandations de la Conférence.

Article V

Réunions de la Commission

1. La Commission ne tiendra pas moins de deux réunions de Commission chaque année. Elle aura la faculté de se réunir et de tenir des séances à toute époque et en tout lieu qu'elle pourra décider.

2. Lors de toutes ces réunions, le quorum sera atteint lorsque les quatre Co-présidents, ou leur suppléant désigné, seront présents.

Article VI

Méthode pour aboutir aux décisions

La Commission aura le pouvoir de déterminer la méthode qui lui permettra d'aboutir à des décisions, étant entendu que les décisions autres que celles qui ont trait à la procédure ne seront pas prises sans l'assentiment des quatre Co-présidents respectifs ou de leur suppléant désigné.

Article VII

Le Conseil de Recherches

Le Conseil de Recherches, conjointement avec tous les Comités de Recherches que la Commission pourra créer, remplira les fonctions d'un organisme auxiliaire de la Commission, ayant compétence en matière de recherches scientifiques, technologiques, sociales et économiques dans l'intérêt des populations de la zone des Caraïbes.

Article VIII

Composition du Conseil de Recherches

1. Le Conseil de Recherches se composera de sept membres au moins et de quinze membres au plus, que la Commission nommera en tenant le plus grand compte de leur compétence scientifique. L'un au moins des membres de chaque Comité de Recherches devra être membre du Conseil de Recherches.

2. Le Conseil de Recherches élira un Président dans son sein. Un Vice-Président du Conseil de Recherches sera nommé par la Commission et fera partie du Secrétariat Général.

3. Les membres actuels du Conseil de Recherches et de ses Comités de Recherches seront réputés être entrés en fonctions à la date du 1er janvier 1946.

Article IX

Attributions du Conseil de Recherches

Les attributions du Conseil de Recherches seront les suivantes:

(a) Il fera des recommandations à la Commission en ce qui concerne le nombre et les attributions des Comités de Recherches techniques nécessaires pour procéder à des études scientifiques spécialisées relativement aux problèmes de recherches aux Caraïbes.

(b) Dans l'intérêt de la zone des Caraïbes, il s'assurera des recherches qui ont été faites, contrôlera les besoins, émettra des avis en ce qui concerne les projets de recherches désirables, organisera et facilitera la recherche sur une base coopérative, entreprendra les recherches proposées d'une nature spéciale, que nul autre organisme n'est en mesure d'entreprendre ou disposé à effectuer, et recueillera et diffusera les renseignements relatifs aux recherches.

(c) Il fera des recommandations à la Commission en vue de convoquer des réunions du Conseil de Recherches et des Comités, et également des réunions de chercheurs scientifiques spécialisés et de con-

seillers sociaux auprès de la population locale, et il facilitera un échange des résultats obtenus entre les chercheurs de la zone des Caraïbes.

Article X

La Conférence

La Conférence sera un organisme auxiliaire de la Commission. La permanence de son existence sera assurée au moyen de sessions régulières.

Article XI

Composition de la Conférence

1. Chaque Gouvernement territorial aura la faculté de déléguer à chaque session de la Conférence deux délégués au plus, et autant de conseillers qu'il le jugera nécessaire.

2. Les délégués à la Conférence seront nommés pour chaque territoire conformément à sa procédure constitutionnelle. La durée de leur mandat sera déterminée par le Gouvernement responsable.

Article XII

Attributions de la Conférence

Les sessions de la Conférence constitueront un moyen régulier de consultation avec et entre les délégués des territoires, sur les affaires d'intérêt commun, dans le cadre des attributions de la Commission visées à l'Article IV de la présente Convention, et elles fourniront l'occasion de faire des recommandations à la Commission au sujet de ces affaires.

Article XIII

Réunions de la Conférence

1. La Commission convoquera la Conférence en session au moins une fois tous les deux ans, à une date au choix de la Commission. Le lieu de réunion de chaque session de la Conférence, qui sera situé dans l'un des territoires, sera choisi à tour de rôle, selon l'ordre alphabétique anglais des Gouvernements-membres.

2. Le Président de chaque session de la Conférence sera le Président de la section nationale de la Commission sur le territoire de laquelle se tiendra la session.

Article XIV

Secrétariat Général

1. La Commission établira, dans un endroit situé à l'intérieur de la zone des Caraïbes et qui sera fixé par accord entre les Gouvernements-membres, un Secrétariat Général destiné à assister la Commission et ses organismes auxiliaires.

2. Un Secrétaire Général et un Secrétaire Général Adjoint seront nommés par la Commission conformément aux dispositions et aux

conditions qui seront prescrites par cette dernière. En cas de vacance du poste de Secrétaire Général, ce poste ne sera pas pourvu, sauf pour des raisons spéciales approuvées par la Commission, par un candidat de la même nationalité que le Secrétaire Général sortant, compte tenu du souci d'assurer la continuité dans l'administration des affaires de la Commission. La Commission aura cependant la faculté discrétionnaire de renouveler le mandat d'un Secrétaire Général pour une nouvelle période. Le Secrétaire Général sera le fonctionnaire administratif supérieur de la Commission et exécutera toutes les directives de la Commission.

3. Le Secrétaire Général sera responsable du bon fonctionnement du Secrétariat Général et sera habilité, conformément aux instructions qu'il pourra recevoir de la Commission, à nommer et à révoquer le personnel dont la nomination ou le renvoi seront jugés nécessaires pour assurer la bonne marche des travaux de la Commission, étant entendu que la nomination et le renvoi des Assistants du Secrétaire Général seront soumis à l'approbation de la Commission.

4. Dans le choix du Secrétaire Général, des cadres et du personnel subalterne du Secrétariat Général, il y aura lieu d'attacher une importance primordiale aux aptitudes techniques et à l'intégrité personnelle des candidats; et, dans la mesure compatible avec ces exigences, on recrutera lesdits cadres et personnel subalterne dans la zone des Caraïbes, en visant à obtenir une représentation équitable des diverses nationalités.

5. Dans l'exercice de leurs fonctions, le Secrétaire Général et le personnel ne solliciteront, ne recevront, ni n'observeront aucune instruction émanant d'un Gouvernement ou de toute autre autorité étrangère à la Commission. Ils s'abstiendront de toute action susceptible d'affecter leur position de fonctionnaires internationaux responsables seulement devant la Commission.

6. Chacun des Gouvernements-membres s'engage à respecter le caractère exclusivement international des responsabilités incombant au Secrétaire Général et au personnel, et à ne pas chercher à les influencer dans l'exercice de leurs fonctions.

7. Chaque Gouvernement-membre s'engage, dans la mesure compatible avec sa procédure constitutionnelle, à accorder au Secrétaire Général et au personnel approprié du Secrétariat Général tous privilèges et immunités nécessaires pour leur assurer l'indépendance dans l'exercice de leurs fonctions, y compris l'inviolabilité des locaux et des archives du Secrétariat Général. La Commission formulera des recommandations en vue de fixer les détails d'application du présent paragraphe, et aura la faculté de proposer des conventions à cet effet, à l'agrément des Gouvernements-membres.

Article XV

Finances

1. Les traitements, allocations et frais divers pour les Commissaires et le personnel placé sous leurs ordres ainsi que pour les délégués et conseillers aux Conférences, seront fixés et payés par les Gouvernements respectifs qui auront nommé les intéressés.

2. Le Secrétaire Général préparera et soumettra à la Commission un budget annuel et tous budgets additionnels qui seraient nécessaires pour couvrir toutes autres dépenses de la Commission, y compris celles du Conseil de Recherches, de la Conférence, du Secrétariat Général, les dépenses afférentes aux projets spéciaux de recherches, aux conférences, aux contrôles et autres activités similaires placés sous les auspices de la Commission. Après l'adoption du budget par la Commission, le montant total en sera réparti entre les Gouvernements-membres selon des proportions qui devront être déterminées par accord. Un fonds commun sera créé par les Gouvernements-membres pour permettre à la Commission de couvrir les dépenses évaluées dans ledit budget annuel ou les budgets additionnels. Chaque Gouvernement-membre s'engagera, sous réserve des exigences de sa procédure constitutionnelle, à verser promptement à ce fonds les contributions annuelles et supplémentaires qui pourront lui être demandées aux termes de l'accord.

3. L'exercice budgétaire de la Commission coïncidera avec l'année de calendrier. Le premier budget de la Commission couvrira la période s'étendant de la date d'entrée en vigueur de la présente Convention jusqu'au 31 décembre 1946 inclus.

4. Le Secrétaire Général détiendra et administrera le fonds commun de la Commission et en tiendra une comptabilité adéquate. La Commission prendra, en vue de l'apurement des comptes, des mesures susceptibles de donner satisfaction aux Gouvernements-membres. Les rapports relatifs à l'apurement des comptes seront communiqués chaque année à chacun des Gouvernements-membres.

Article XVI

Autorité habilitée à créer des Comités et à édicter des réglements

Par les présentes, la Commission est habilitée à créer des Comités et, sous réserve des dispositions de la présente Convention, à édicter des règles de procédure et des réglements applicables aux activités de la Commission, de ses organismes auxiliaires, du Secrétariat Général et de tous Comités qu'elle sera susceptible de créer, et, d'une manière générale, à prendre toutes mesures tendant à la mise en application des dispositions de la présente Convention.

Article XVII

Relations avec les Gouvernements qui ne sont pas membres de la Commission dans la zone des Caraïbes

Pour leurs projets de recherches et les recommandations qu'ils formuleront, la Commission et le Conseil de Recherches ne devront pas perdre de vue les avantages de la coopération en matière sociale et économique avec d'autres Gouvernements de la zone des Caraïbes qui ne sont pas membres de la Commission. L'envoi à ces Gouvernements d'invitations à participer à des conférences ou à d'autres réunions tenues sous les auspices de la Commission sera soumis à l'agrément des Gouvernements-membres.

Article XVIII

Relations avec les Nations Unies et les organismes spécialisés

1. La Commission et ses organismes auxiliaires, tout en n'ayant actuellement aucune attache avec les Nations Unies, coopéreront dans la plus large mesure possible avec les Nations Unies et avec les organismes spécialisés appropriés, dans les affaires d'intérêt commun, dans le cadre des attributions de la Commission.

2. Les Gouvernements-membres s'engagent à se concerter avec les Nations Unies et les organismes spécialisés appropriés, à toute époque et sous toute forme qui pourront être jugées désirables, en vue de définir les relations qui existeront, et d'assurer une coopération effective entre la Commission et ses organismes auxiliaires d'une part et les organes appropriés des Nations Unies et des organismes spécialisés d'autre part, en matière économique et sociale.

Article XIX

Clause de garantie

Rien dans l'interprétation des termes de la présente Convention n'ira à l'encontre des règles constitutionnelles présentes ou futures qui définissent les relations entre les Gouvernements-membres et leurs territoires, ni ne portera atteinte en aucune façon à l'autorité et aux responsabilités constitutionnelles des Gouvernements territoriaux.

Article XX

Définitions

Dans la présente Convention, les expressions "territoires" ou "Gouvernements territoriaux" s'appliqueront aux territoires, possessions, colonies ou groupes de colonies des Gouvernements-membres dans la zone des Caraïbes ou aux administrations ou gouvernements desdits territoires, possessions, colonies ou groupes de colonies.

Article XXI

Entrée en vigueur

1 La présente Convention entrera en vigueur lorsque les avis d'approbation de ladite Convention auront été déposés par les quatre Gouvernements signataires auprès du Gouvernement des Etats-Unis d'Amérique qui avisera les autres Gouvernements signataires de chacun de ces dépôts et de la date d'entrée en vigueur de la Convention.

2. La présente Convention aura une durée illimitée, étant entendu qu'à l'issue d'une période initiale de cinq années, tout Gouvernement-membre aura la faculté, à une époque quelconque, de donner avis de son retrait de la Commission. Ce retrait prendra effet une année après la date de la communication officielle dudit avis aux autres Gouvernements-membres, mais la présente Convention restera en vigueur en ce qui concerne les autres Gouvernements-membres.

En foi de quoi les Représentants dûment autorisés des Gouvernements-membres respectifs ont signé la présente Convention à la date figurant en regard de leur signature.

Ouvert à la signature à Washington, à la date du 30 octobre 1946 et établi en quadruple exemplaires, dans les langues anglaise, française et hollandaise, chacune d'elles faisant également foi.

OVEREENKOMST
VOOR DE OPRICHTING VAN DE CARAIBISCHE COMMISSIE.

De Regeeringen van de VEREENIGDE STATEN VAN AMERIKA, de FRANSCHE REPUBLIEK, het KONINKRIJK DER NEDERLANDEN en het VEREENIGD KONINKRIJK VAN GROOT BRITTANNIË EN NOORD IERLAND, welker vertegenwoordigers, behoorlijk hiertoe gemachtigd, zich met het onderstaande hebben vereenigd,

Verlangende de samenwerking onderling en tusschen hunne gebiedsdeelen aan te moedigen en te versterken met de bedoeling het economisch en sociaal welzijn van de volkeren van deze gebiedsdeelen te verhoogen, en

Verlangende de wetenschappelijke, technologische en economische ontwikkeling in het gebied der Caraïbische Zee te bevorderen en het gebruik van hulpbronnen en de behandeling van gemeenschappelijke vraagstukken in gezamenlijk overleg te vergemakkelijken en daarbij dubbel werk van bestaande onderzoekinstellingen te vermijden, een overzicht te verkrijgen van behoeften, vast te stellen welk onderzoekingswerk is geschied, onderzoekingswerk op een grondslag van samenwerking te vergemakkelijken en verder onderzoek aan te bevelen, en

Besloten hebbende zich aan te sluiten bij den arbeid tot dusverre verricht door de Anglo-American Caribbean Commission, en

Vaststellende, dat de hier gestelde doeleinden in overeenstemming zijn met de beginselen van het Handvest der Vereenigde Naties

Komen bij deze het volgende overeen :

Artikel I.

Oprichting van de Caraïbische Commissie en bijbehoorende instellingen.

Bij deze worden opgericht de Caraïbische Commissie (hierna te noemen "de Commissie") en, als bijbehoorende instellingen van de Commissie, de Caraïbische Raad van Onderzoek en de West Indische Conferentie (hierna onderscheidenlijk te noemen "de Raad van Onderzoek" en "de Conferentie").

Artikel II.

Samenstelling van de Commissie.

1. De Commissie zal bestaan uit niet meer dan zestien Commissarissen, die benoemd zullen worden door de Regeeringen, die deze overeenkomst onderteekend hebben (hierna te noemen "Leden"). Elk Lid heeft het recht vier Commissarissen te benoemen en die plaatsvervangers, welke noodig geoordeeld worden. Elke zoodanige groep van Commissarissen zal een nationale afdeeling van de Commissie vormen.

2. Elk Lid zal een van zijn Commissarissen aanwijzen als Voorzitter van zijn nationale afdeeling. Elke zoodanige Voorzitter, of in zijne afwezigheid, de Commissaris door hem uit zijn nationale afdeeling aangewezen als zijn plaatsvervanger, zal Mede-Voorzitter van de Commissie zijn en zal de vergaderingen van de Commissie presideeren bij toerbeurt, overeenkomstig de Engelsche alphabetische volgorde van de Leden, ongeacht de plaats, waar een vergadering van de Commissie wordt gehouden.

Artikel III.

Bevoegdheden van de Commissie.

De Commissie zal een raadplegend en adviseerend lichaam zijn en zal zoodanige wettelijke bevoegdheid hebben als noodzakelijk zal zijn voor de vervulling van haar taak, en het bereiken van hare doeleinden.

Artikel IV.

Taak van de Commissie.

De taak van de Commissie zal zijn als volgt :

1. Zich bezig te houden met economische en sociale aangelegenheden van gemeenschappelijk belang voor het gebied der Caraïbische Zee, in het bijzonder landbouw, verkeer, opvoeding, visscherij, gezondheid, huisvesting, industrie, arbeid, sociaal welzijn en handel.

2. Op eigen initiatief, of op voorstel van een der Leden of van de plaatselijke regeeringen, van den Raad van Onderzoek of de Conferentie, te bestudeeren, te formuleeren en aan te bevelen, die maatregelen, programma's en richtlijnen met betrekking tot sociale en economische vraagstukken, welke ten doel hebben tot het welzijn van het gebied der Caraïbische Zee bij te dragen. Zij zal den Leden en de plaatselijke regeeringen ter zake van al zulke aangelegenheden raad geven een aanbevelingen doen teneinde te geraken tot de uitvoering van iedere, in dit verband noodzakelijke of wenschelijke actie.

3. Behulpzaam te zijn in het coördineeren van plaatselijke plannen, welke van regionaal belang zijn en vanuit een ruimer gezichtsveld technische voorlichting, welke anders niet beschikbaar zou zijn, te verschaffen.

4. Leiding te geven aan en toezicht te houden op den arbeid van den Raad van Onderzoek en het reglement van orde van den Raad vast te stellen.

5. Maatregelen te treffen tot het bijeenroepen van de zittingen der Conferentie, haar reglement van orde vast te stellen, en aan de Leden over besluiten en aanbevelingen van de Conferentie verslag uit te brengen.

Artikel V.

Vergaderingen van de Commissie.

1. De Commissie zal ieder jaar niet minder dan twee vergaderingen houden. Zij is gemachtigd vergaderingen bijeen te roepen en te houden op elken tijd en op elke plaats, welke zij daartoe zal aanwijzen.

2. Op al zulke vergaderingen zullen de vier Mede-Voorzitters of de door een ieder van hen aangewezen plaatsvervangers een quorum vormen.

Artikel VI.

Wijze, waarop beslissingen genomen zullen worden.

De Commissie heeft de bevoegdheid te bepalen op welke wijze hare beslissingen genomen zullen worden, met dien verstande dat beslissingen, welke niet betrekking hebben op de procedure, niet genomen kunnen worden zonder de instemming van de onderscheidene Mede-Voorzitters of de door een ieder van hen aangewezen plaatsvervangers.

Artikel VII.

De Raad van Onderzoek.

De Raad van Onderzoek zal, tezamen met die Comité's van Onderzoek, welke de Commissie zal instellen, werkzaam zijn als een bij de Commissie behoorende instelling voor

wetenschappelijk, technologisch, sociaal en economisch onderzoek tot het welzijn van de volkeren van het gebied der Caraïbische Zee.

Artikel VIII.

Samenstelling van den Raad van Onderzoek.

1. De Raad van Onderzoek zal bestaan uit niet minder dan zeven en niet meer dan vijftien leden te benoemen door de Commissie met bijzondere inachtneming van hunne wetenschappelijke bekwaamheid. Ten minste één lid van ieder Comité van Onderzoek zal lid zijn van den Raad van Onderzoek.

2. De Raad van Onderzoek zal een Voorzitter kiezen uit zijn leden. Een Vice-Voorzitter van den Raad van Onderzoek zal worden benoemd door de Commissie en zal als ambtenaar van het Centraal Secretariaat werkzaam zijn.

3. De tegenwoordige samenstelling van den Raad van Onderzoek en van zijne Comité's van Onderzoek zal geacht worden van kracht te zijn van den eersten dag van Januari 1946 af.

Artikel IX.

Taak van den Raad van Onderzoek.

De taak van den Raad van Onderzoek zal zijn als volgt :

a. Aan de Commissie aan te bevelen het aantal en de werkzaamheden van de technische Comité's van Onderzoek, noodig om gespecialiseerde wetenschappelijke beschouwing van Caraïbische onderzoekvraagstukken te verschaffen.

b. In het belang van het gebied der Caraïbische Zee vast te stellen welk onderzoekingswerk is verricht, een overzicht te verkrijgen van behoeften, advies uit te brengen betreffende de wenschelijkheid van plannen tot onderzoek, gemeenschappelijk onderzoek te regelen en te vergemakkelijken, opdrachten tot

onderzoek van specialen aard uit te voeren, welke geen andere instelling in staat en bereid is uit te voeren, en inlichtingen betreffende onderzoekingswerk te verzamelen en te verspreiden.

c. Aan de Commissie aanbevelingen te doen ter zake van het houden van vergaderingen van den Raad van Onderzoek en van Comité's van Onderzoek en eveneens van vergaderingen van personen, die werkzaam zijn op het gebied van de wetenschap of zich met speciale onderwerpen en algemeene zakelijke voorlichting bezig houden, en de uitwisseling van opgedane ervaringen tusschen de personen, die zich in het gebied der Caraïbische Zee met onderzoekingswerk bezig houden, te vergemakkelijken.

Artikel X.

De Conferentie.

De Conferentie is een bij de Commissie behoorende instelling. De continuïteit van haar bestaan zal verzekerd zijn door middel van regelmatig te houden zittingen.

Artikel XI.

Samenstelling van de Conferentie.

1. Elke plaatselijke Regeering zal het recht hebben naar elke zitting van de Conferentie ten hoogste twee afgevaardigden en zoovele adviseurs als zij noodig zal oordeelen, te zenden.

2. Afgevaardigden naar de Conferentie zullen worden benoemd voor elk gebiedsdeel in overeenstemming met zijn grondwettelijke voorschriften. De duur van hunne benoemingen zal worden vastgesteld door de regeeringen, die hen benoemen.

Artikel XII.

Taak van de Conferentie.

De zittingen van de Conferentie zullen een regelmatig middel van overleg vormen met en tusschen de afgevaardigden van de gebiedsdeelen in zaken van gemeenschappelijk belang binnen de grenzen van de bevoegdheden van de Commissie, zooals deze zijn omschreven in Artikel IV van deze overeenkomst; zij verschaffen de gelegenheid om aan de Commissie in zake zulke onderwerpen aanbevelingen te doen.

Artikel XIII.

Vergaderingen van de Conferentie.

1. De Commissie zal de Conferentie ten minste eenmaal in de twee jaar bijeenroepen op een door de Commissie te bepalen datum. De plaats van elke zitting van de Conferentie zal in een der gebiedsdeelen gelegen zijn en zal worden gekozen bij toerbeurt overeenkomstig de Engelsche alphabetische volgorde van de Leden.

2. De Voorzitter van elke zitting der Conferentie zal zijn de Voorzitter van de nationale afdeeling der Commissie in welker gebiedsdeel de zitting wordt gehouden.

Artikel XIV.

Centraal Secretariaat.

1. De Commissie zal, ten dienste van haarzelve en hare bijbehoorende instellingen, een Centraal Secretariaat instellen, dat gevestigd zal zijn op een plaats, gelegen binnen het gebied der Caraïbische Zee en nader door de Leden overeen te komen.

2. De Commissie zal een Secretaris-Generaal en een plaatsvervangend Secretaris-Generaal benoemen op door haarzelve vast te stellen voorwaarden. In geval zich een vacature in het ambt van Secretaris-Generaal voordoet, zal deze niet vervuld worden

door een candidaat van dezelfde nationaliteit als de aftredende Secretaris-Generaal, behoudens bijzondere redenen, welke door de Commissie goedgekeurd zijn; daarbij zal de wenschelijkheid van continuïteit in de administratie der zaken van de Commissie in aanmerking worden genomen. Het zal echter aan de Commissie vrij staan naar goedvinden een Secretaris-Generaal voor een volgenden termijn te herbenoemen. De Secretaris-Generaal zal de eerste administratieve ambtenaar van de Commissie zijn en zal alle directieven van de Commissie uitvoeren.

3. De Secretaris-Generaal zal verantwoordelijk zijn voor de juiste werking van het Centraal Secretariaat en zal gemachtigd zijn, met inachtneming van zoodanige aanwijzingen als hij zal ontvangen van de Commissie, zooveel personeel als noodig wordt geacht om een doelmatige leiding van de zaken der Commissie te verzekeren, aan te nemen en te ontslaan, zulks onder voorbehoud, dat de benoeming en het ontslag van de assistenten van den Secretaris-Generaal zullen onderworpen zijn aan de goedkeuring van de Commissie.

4. Bij de benoeming van den Secretaris-Generaal, de ambtenaren en het personeel van het Centraal Secretariaat, zal in de eerste plaats worden gelet op de technische bekwaamheden en de persoonlijke integriteit der candidaten en, voor zoover zulks vereenigbaar is met deze eischen, zullen de ambtenaren en het personeel worden aangeworven in het gebied der Caraïbische Zee, met de bedoeling om een gelijkelijk verdeelde nationale vertegenwoordiging te verkrijgen.

5. Bij de vervulling van hunne werkzaamheden zullen de Secretaris-Generaal en het personeel geen instructies vragen, noch ontvangen of inachtnemen van eenige regeering of van

eenige andere, buiten de Commissie staande autoriteit. Zij zullen zich onthouden van elke handeling, welke onvereenigbaar is met hun positie van internationaal ambtenaar, die alleen aan de Commissie verantwoordelijk is.

6. Elk Lid verplicht zich het uitsluitend internationale karakter der verantwoordelijkheden van den Secretaris-Generaal en het personeel te eerbiedigen en niet te trachten hen in de vervulling van hunne verantwoordelijke taak te beïnvloeden.

7. Elk Lid verplicht zich, voor zoover zijn grondwettelijke bepalingen zulks toelaten, aan den Secretaris-Generaal en het daarvoor in aanmerking komende personeel van het Centraal Secretariaat die voorrechten en immuniteiten toe te kennen, welke noodig zijn voor de onafhankelijke uitvoering van hun taak, daarbij inbegrepen de onschendbaarheid van de gebouwen en archieven van het Centraal Secretariaat. De Commissie zal aanbevelingen doen nopens het vastleggen der bijzonderheden voor de toepassing van het in dit lid bepaalde, of kan aan de Leden voorstellen zulks bij verdrag te regelen.

Artikel XV.

Financiën.

1. De salarissen, toelagen en uitgaven van verschillenden aard van de Commissarissen en hun personeel, en van afgevaardigden en adviseurs naar de Conferenties zullen worden vastgesteld en betaald door de regeeringen, die hen benoemen.

2. De Secretaris-Generaal zal een jaarlijksche begrooting opstellen en aan de Commissie voorleggen, alsmede zoodanige aanvullende begrootingen als noodig zullen zijn ter bestrijding van alle andere uitgaven der Commissie, inbegrepen die van den Raad van Onderzoek, de Conferentie, het Centraal Secretariaat,

bijzondere plannen van onderzoek, conferenties, overzichtsstudiën en andere soortgelijke werkzaamheden, onder de auspiciën der Commissie. Na goedkeuring van de begrooting door de Commissie, zal het totale bedrag daarvan worden verdeeld onder de Leden in een verhouding, welke bij overeenkomst zal worden vastgesteld. Een gemeenschappelijk fonds zal worden ingesteld door de Leden, hetwelk door de Commissie zal worden aangewend ter bestrijding van de uitgaven, welke op genoemde jaarlijksche of aanvullende begrootingen zijn uitgetrokken. Elk Lid verplicht zich met inachtneming van de eischen van zijn grondwettelijke bepalingen, terstond aan dit fonds bij te dragen de jaarlijksche en aanvullende bedragen, welke, zooals is overeengekomen, ten laste van een ieder hunner zullen worden gebracht.

3. Het fiscale jaar van de Commissie zal zijn het kalenderjaar. De eerste begrooting van de Commissie zal het tijdvak dekken van den dag van het van kracht worden dezer overeenkomst tot en met den 31sten December 1946.

4. De Secretaris-Generaal zal het gemeenschappelijke fonds van de Commissie onder zijn berusting hebben en beheeren en zal ter zake nauwkeurig boekhouden. De Commissie zal, tot de tevredenheid der Leden, regelingen treffen voor het verifieeren van hare rekeningen. De accountants-rapporten zullen jaarlijks worden toegezonden aan een ieder der Leden.

Artikel XVI.

Bevoegdheid tot het benoemen van Comité's en het vaststellen van voorschriften.

De Commissie wordt hierbij gemachtigd om comité's te benoemen, en, met inachtneming van de voorzieningen van deze overeenkomst, reglementen van orde uit te vaardigen, alsmede voor-

schriften vast te stellen ter regeling van de werkzaamheden van de Commissie, hare bijbehoorende instellingen, het Centraal Secretariaat, en van de door haar in te stellen comité's en in het algemeen tot het uitvoeren van de bepalingen van deze overeenkomst.

Artikel XVII.

Verhouding tot Regeeringen in het gebied der Caraïbische Zee, welke geen lid zijn der Commissie.

De Commissie en de Raad van Onderzoek zullen in hunne plannen voor onderzoek en bij het opstellen van aanbevelingen uitgaan van de wenschelijkheid van samenwerking in sociale en economische aangelegenheden met andere regeeringen in het gebied der Caraïbische Zee, welke geen lid van de Commissie zijn. Het verzenden van uitnoodigingen aan deze regeeringen om deel te nemen aan conferenties of andere vergaderingen, uitgaande van de Commissie, zal onderworpen zijn aan de goedkeuring van de Leden.

Artikel XVIII.

Verhouding tot de Vereenigde Naties en gespecialiseerde organisaties.

1. Alhoewel de Commissie en hare bijbehoorende instellingen op dit oogenblik niet in betrekking staan tot de Vereenigde Naties, zullen zij zoo volledig mogelijk samenwerken met de Vereenigde Naties en met de daartoe in aanmerking komende gespecialiseerde organisaties inzake aangelegenheden van wederzijdsch belang binnen de bevoegdheden der Commissie.

2. De Leden verplichten zich overleg te plegen met de Vereenigde Naties en de desbetreffende gespecialiseerde organisaties, te zoodanigen tijd en op zoodanige wijze als wenschelijk

zal worden geoordeeld met het doel de verhouding te bepalen, welke zal bestaan tusschen eenerzijds de Commissie en hare bijbehoorende instellingen en anderzijds de desbetreffende organen van de Vereenigde Naties en gespecialiseerde organisaties, welke zich met economische en sociale aangelegenheden bezighouden, en tevens ten einde een doelmatige samenwerking te verzekeren.

Artikel XIX.

Voorbehoud.

Niets in deze overeenkomst zal worden uitgelegd als in strijd te zijn met de bestaande of toekomstige constitutioneele verhoudingen tusschen eenig Lid en zijn gebiedsdeelen, of in eenig opzicht inbreuk te maken op het gezag en de verantwoordelijkheid, welke de plaatselijke regeeringen krachtens hare grondwetten dragen.

Artikel XX.

Definities.

In deze overeenkomst zullen de uitdrukkingen "gebiedsdeelen" of "plaatselijke regeeringen" geacht worden betrekking te hebben op de gebiedsdeelen, bezittingen, koloniën, of groepen van koloniën van de Leden in het gebied der Caraïbische Zee of op de administraties of regeringen daarvan.

Artikel XXI.

Het in werking treden der overeenkomst.

1. Deze overeenkomst zal in werking treden, wanneer kennisgevingen, dat zij is goedgekeurd, door alle vier ondertekenende Regeeringen zullen zijn neergelegd bij de Regeering van de Vereenigde Staten van Amerika, welke de andere ondertekenende Regeeringen zal in kennis stellen van elke zoda-

nige nederlegging en van den datum van het in werking treden van de overeenkomst.

2. Deze overeenkomst zal van onbepaalden duur zijn, onder voorbehoud, dat na een aanvangsperiode van 5 jaren elk Lid te elker tijd kan kennisgeven van zijn uittreden uit de Commissie. Zoodanige kennisgeving zal van kracht worden een jaar na den datum van hare formeele mededeeling aan de andere Leden, doch deze overeenkomst zal van kracht blijven ten aanzien van de andere Leden.

Ten blijke waarvan de behoorlijk gemachtigde vertegenwoordigers van de onderscheidene Leden deze overeenkomst hebben onderteekend op de data naast hunne handteekeningen vermeld.

Opengesteld voor onderteekening te Washington, op den 30 October 1946 en opgemaakt in viervoud in de Engelsche, Fransche, en Nederlandsche taal, welke ieder gelijkelijk authentiek zullen zijn.

For the United States of America:
Pour les Etats-Unis d'Amérique:
Voor de Vereenigde Staten van Amerika:

(Reserving the right to await Congressional consideration before giving notice of approval)

CH. WM. TAUSSIG

For the French Republic:
Pour la République Française:
Voor de Fransche Republiek:

HENRI BONNET

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas:
Voor het Koninkrijk der Nederlanden:

A. LOUDON

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
Voor het Vereenigd Koninkrijk van Groot Brittannië en Noord Ierland:

INVERCHAPEL

Agreement between the United States of America and Sweden respecting quantitative import restrictions and deferment of payments, extending the agreement of June 24, 1947, as modified, after June 30, 1948. Effected by exchange of memorandums dated at Washington June 12, 1948; entered into force June 12, 1948.

June 12, 1948
[T. I. A. S. 1800]

The Swedish Embassy to the Department of State

EMBASSY OF SWEDEN
WASHINGTON 8, D. C.

MEMORANDUM

The Government of Sweden wishes to refer to discussions which have recently been held between its Embassy in Washington and representatives of the Government of the United States of America concerning the problems faced by the Government of Sweden as the result of the serious loss of its gold and dollar exchange. These discussions have resulted in a mutual understanding between the two Governments as follows:

1. Because of the large deficit in the Swedish balance of payments with the hard currency areas of the world it is recognized that the Government of Sweden continues to be faced with the necessity of taking measures to correct its present imbalance of trade and to conserve its foreign exchange. The import restrictions imposed by the Government of Sweden on March 15, 1947, as presently applied are understood to serve these purposes.

2. It is therefore agreed that the provisions contained in the exchange of aide-memoire between the two Governments dated June 24, 1947, as modified by the exchange of memoranda dated February 11, 1948 shall continue to be applied after June 30, 1948, until the Government of Sweden becomes a contracting party to the General Agreement on Tariffs and Trade concluded at Geneva Switzerland on October 30, 1947, or until June 30, 1949, whichever is the earlier. If by May 1, 1949, Sweden has not adhered to the General Agreement on Tariffs and Trade, the two Governments agree to review the situation for the purpose of considering such actions as the circumstances may demand.

61 Stat., Pt. 4, p. 3745.
62 Stat., Pt. 2, p. 1840.

61 Stat., Pts. 5 and 6.

It is further agreed that either Government after consultation as to the continued justification for this understanding may terminate it on sixty days written notice.

WASHINGTON, D. C., *June 12, 1948.*

A AFF

The Department of State to the Swedish Embassy

MEMORANDUM

The Government of the United States of America wishes to refer to discussions which have recently been held between its representatives and representatives of the Embassy of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange, and to the memorandum of today's date from the Embassy of Sweden setting forth the understanding reached in these discussions. The Government of the United States of America confirms the understanding reached in these discussions as set forth in the memorandum from the Embassy of Sweden.

W L T

DEPARTMENT OF STATE,
Washington, June 12, 1948.

Agreement between the United States of America and Haiti respecting a cooperative health and sanitation program in Haiti, extending the agreement of April 7, 1942, as amended, until June 30, 1949. Effected by exchange of notes signed at Port-au-Prince June 25 and 30, 1948; entered into force June 30, 1948.

June 25, 30, 1948
[T. I. A. S. 1801]

The American Ambassador to the Haitian Secretary of State for Foreign Affairs

AMERICAN EMBASSY,
NO. 710 *Port-au-Prince, Haiti, June 25, 1948*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Republic of Haiti and the Institute of Inter-American Affairs, which arose out of notes exchanged between the President of the Republic of Haiti and the Under Secretary of State of the United States of America on April 7, 1942, as later modified and extended, which provided for the initiation and execution of the existing cooperative health and sanitation program in Haiti. I also refer to Your Excellency's note of June 24, 1948,[1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

58 Stat. 1439.

As Your Excellency knows, the Basic Agreement under reference provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Haiti that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948 through June 30, 1949. It would be understood that, during such period of extension the Institute would make a contribution of $70,000 United States currency to the *Service Cooperatif Inter-American de la Sante Publique* for use in carrying out project activities of the program on condition that your Government would contribute to the Service for the same purpose the sum of at least 1,050,000 Gourdes ($210,000.00). The Institute would also be willing during the same extension period to make available funds to be retained by the Institute and not deposited to the account of the Service for payment of salaries and other expenses of the members of the Institute Health and Sanitation Field Staff who are maintained by the Institute in Haiti. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

Extension of Basic Agreement.

Contributions, etc.

[1] Not printed.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Health and the Institute of Inter-American Affairs.

Entry into force.

The Government of the United States of America will consider the present Note and your reply Note concurring therein as constituting an agreement between our two Governments which shall come into force on the date of signature [1] of an Agreement by the Haitian Secretary of State for National Education and Public Health and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

HAROLD H. TITTMANN,
American Ambassador.

His Excellency
EDMÉE MANIGAT,
Secretariat of State for Foreign Affairs,
Port-au-Prince.

The Haitian Secretary of State for Foreign Affairs to the American Ambassador

SECRÉTAIRERIE D'ETAT
des
RELATIONS EXTÉRIEURES

No. SG/A-3 : 1.327

RÉPUBLIQUE D'HAÏTI
Port-au-Prince, le 30 Juin 1948.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception à Votre Excellence de sa lettre en date du 25 courant, No. 710, relative au renouvellement de l'accord du 7 avril 1942 pour une période d'une année finissant le 30 juin 1949.

J'ai noté que les détails techniques dudit accord à conclure entre l'Institut des Affaires Inter-américaines et le Gouvernement haitien devront être discutés par les fonctionnaires compétents des deux organismes.

Il m'est agréable d'informer Votre Excellence que les bases ci-dessous énumérées:

a) Contribution du Gouvernement haitien: $210.000.00;
b) " de l'Institut : 70.000.00

outre une certaine valeur à déterminer et destinée au paiement des salaires et autres frais des membres du personnel de la Mission Sanitaire sont acceptées par le Gouvernement de la République.

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[1] June 30, 1948.

Je saisis cette occasion pour renouveler à Votre Excellence, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

EDMÉ TH MANIGAT.

Son Excellence
Monsieur HAROLD H. TITTMANN,
Ambassadeur Extraordinaire et Plénipotentiaire des Etats-Unis d'Amérique,
Port-au-Prince.

Translation

DEPARTMENT OF STATE
FOR FOREIGN RELATIONS

No. SG/A-3 : 1.327

REPUBLIC OF HAITI
Port-au-Prince, June 30, 1948.

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note No. 710 of June 25 concerning the renewal of the agreement of April 7, 1942 for the period of one year ending June 30, 1949.

I have noted that the technical details of the said agreement to be concluded between the Institute of Inter-American Affairs and the Haitian Government are to be discussed by the competent officials concerned.

I am pleased to inform Your Excellency that the bases listed hereunder:

a) Contribution of the Haitian Government: $210,000.00
b) Contribution of the Institute: 70,000.00

in addition to a certain amount to be determined and allocated for the payment of salaries and other expenses of the Sanitary Mission personnel, are accepted by the Government of the Republic.

I avail myself of this occasion to renew to Your Excellency the assurance of my high consideration.

EDMÉ TH MANIGAT.

His Excellency
HAROLD H. TITTMANN,
Ambassador Extraordinary and Plenipotentiary of the United States of America,
Port-au-Prince.

December 24, 1947, and April 1, 1948
[T. I. A. S. 1802]

Arrangement between the United States of America and Canada respecting engineering standards applicable to the allocation of standard broadcasting stations (540–1600 kcs.). Effected by exchange of notes signed at Washington December 24, 1947, and April 1, 1948; entered into force April 1, 1948.

The Acting Secretary of State to the Canadian Ambassador

DEPARTMENT OF STATE
WASHINGTON
Dec 24 1947

EXCELLENCY:

I have the honor to refer to discussions in Atlantic City, New Jersey, between representatives of the Government of Canada and representatives of the Government of the United States concerning the matter of a mutual understanding as to engineering standards applicable to the allocation of standard broadcasting stations in the band of frequencies extending from 540 to 1600 kilocycles.

As a result of those discussions, the Government of the United States agrees to enter into an arrangement with the Government of Canada, effective as of the date of their reply, permitting the mutual application of the following engineering standards which will be considered as amending those engineering standards already in effect between the United States and Canada by virtue of provisions set forth in the North American Regional Broadcasting Agreement signed at Habana,
55 Stat. 1005. Cuba, on December 13, 1937, as continued in application by the terms of the Interim Agreement (Modus Vivendi, Washington,
60 Stat. 1862. February 25, 1946.)

"1. 10% Skywave Signal Range Curves, 540 kilocycles to 1600 kilocycles, incorporating latitude effect.

"The attached family of curves entitled '10% Skywave Signal Range, 540 kilocycles to 1600 kilocycles', designated Figure 1–A, showing resultant skywave fields from an antenna of height H=0.311 wavelength radiating 100 milivolts per meter at the angle θ (theta) pertinent to transmission by one reflection, will be recognized as acceptable for use in lieu of the 10% skywave curve appearing in Appendix V of the North American Regional Broadcasting Agree-
55 Stat. 1027. ment, in computing signal intensities at the station receiving interference. It is further recognized that the 10% Skywave Signal Range Curves, 540 kilocycles to 1600 kilocycles, will be applied only to allocation matters on regional channels, and is not considered applicable to allocation matters as between Class II stations on clear channels, in which cases Appendix V will be controlling.

"2. Angles of Departure versus Transmission Range.

"(a) The attached family of curves entitled 'Angles of Departure versus Transmission Range' for use in the band 540

kilocycles to 1600 kilocycles will be recognized as acceptable for use concurrently with the 10% Skywave Signal Range Curves (Figure 1–A) for determining the value of an interfering signal to an existing station.

"(b) The antenna system's maximum theoretical radiated field which exists between the limits defined by curves 4 and 5 for the pertinent angle of departure Θ (theta) will be used to compute, from Figure 1–A, the interfering signal.

"3. 50% Root-Sum-Square.

"(a) Objectionable interference shall be deemed to exist to a station when the root-sum-square value of interfering field intensities, except in the case of Class IV stations on local channels, is increased to exceed that value obtained by considering the signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the root-sum-square value of the higher signals already included.

"(b) The root-sum-square value will not be considered to be increased when a new interfering signal is added which is less than 50% of the root-sum-square value of the interference from existing stations, and which at the same time is not greater than the smallest signal included in the root-sum-square value of interference from existing stations.

"(c) It is recognized that application of the above '50% exclusion' method of calculating root-sum-square interference may result in some cases in anomalies wherein the addition of a new interfering signal or the increase in value of an existing interfering signal will cause the exclusion of a previously included signal and may cause a decrease in the calculated root-sum-square value of interference. In such instances, the following alternate method for calculating the proposed root-sum-square values of interference will be employed wherever applicable.

"(d) In the cases where it is proposed to add a new interfering signal which is not less than 50% of the root-sum-square value of interference from existing stations or which is greater than the smallest signal already included to obtain this root-sum-square value, the root-sum-square limitation after addition of the new signal shall be calculated without excluding any signal previously included. Similarly, in cases where it is proposed to increase the value of one of the existing interfering signals which has been included in the root-sum-square value, the root-sum-square limitation after the increase shall be calculated without excluding interference from any source previously included.

"(e) If the new or increased signal proposed in such cases is ultimately accepted, the root-sum-square values of inter-

ference to other stations affected will thereafter be calculated by the '50% exclusion' method without regard to the alternate method of calculation.

"(f) The 50% root-sum-square rule is recognized as applicable between any and all Class III stations on regional channels and between only Class II stations on clear channels.

I suggest that, if an agreement in the sense of the foregoing paragraphs is acceptable to the Government of Canada, this note and your reply thereto in similar terms be regarded as constituting the terms of an understanding on the subject between the two Governments.

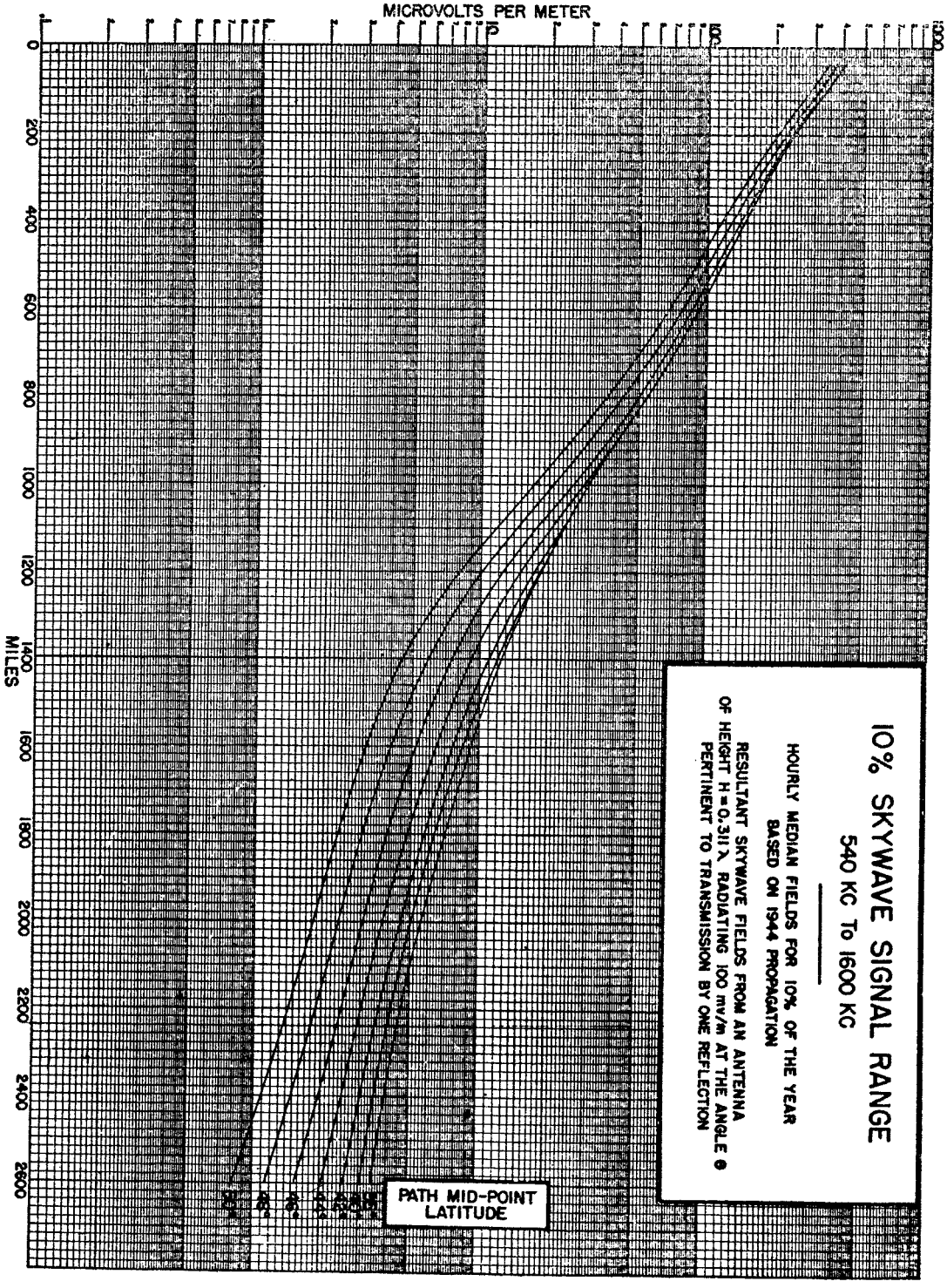
Accept, Excellency, the renewed assurances of my highest consideration.

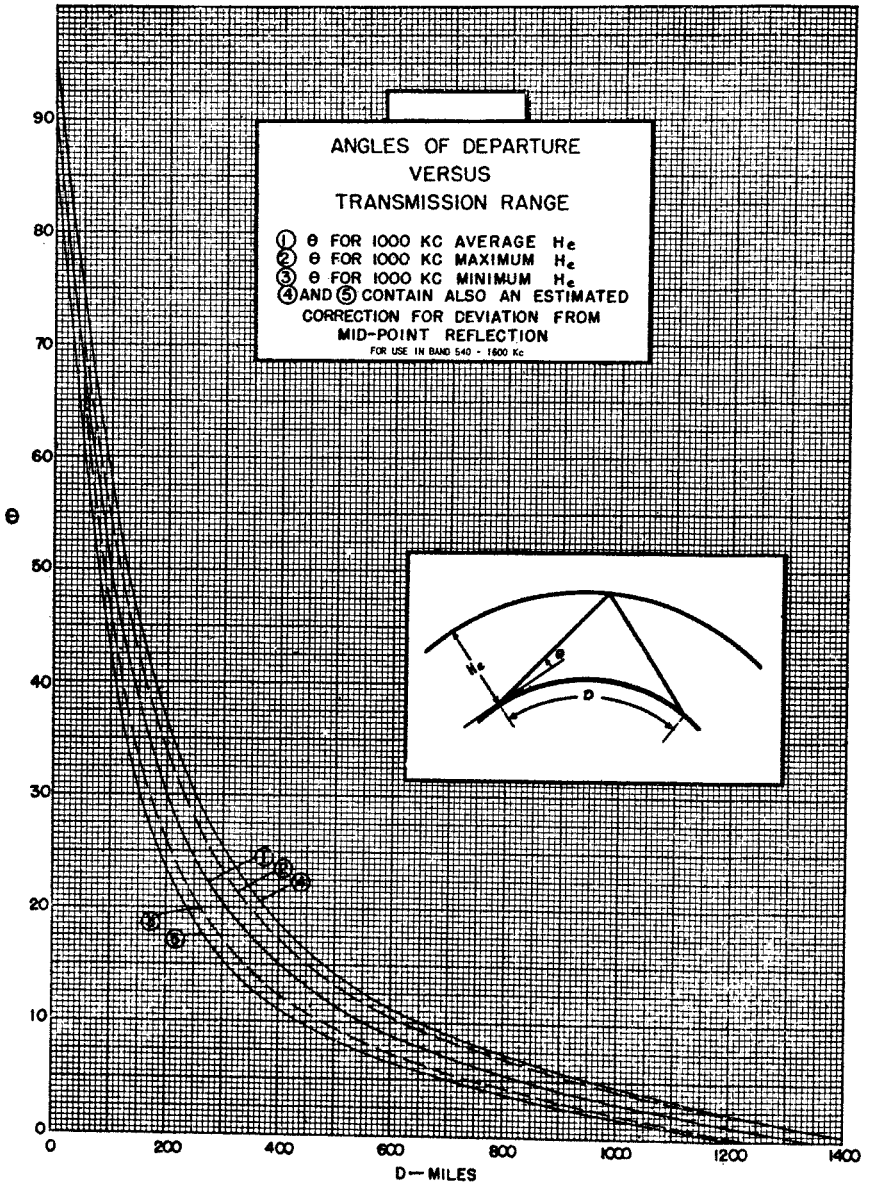
For the Acting Secretary of State:
GARRISON NORTON

Enclosures:
Two Graphs as follows:

1. "10% Skywave Signal Range, 540 kilocycles to 1600 kilocycles".
2. "Angles of Departure versus Transmission Range".

His Excellency
HUME WRONG,
Ambassador of Canada.


MICROVOLTS PER METER
0
200
400
600
800
1000
1200
1400
1600
1800
2000
2200
2400
2600
MILES
10% SKYWAVE SIGNAL RANGE
540 KC To 1600 KC
HOURLY MEDIAN FIELDS FOR 10% OF THE YEAR
BASED ON 1944 PROPAGATION
RESULTANT SKYWAVE FIELDS FROM AN ANTENNA
OF HEIGHT H = 0.311 λ RADIATING 100 mv/m AT THE ANGLE θ
PERTINENT TO TRANSMISSION BY ONE REFLECTION
PATH MID-POINT LATITUDE


ANGLES OF DEPARTURE
VERSUS
TRANSMISSION RANGE
① θ FOR 1000 KC AVERAGE H_e
② θ FOR 1000 KC MAXIMUM H_e
③ θ FOR 1000 KC MINIMUM H_e
④ AND ⑤ CONTAIN ALSO AN ESTIMATED CORRECTION FOR DEVIATION FROM MID-POINT REFLECTION
FOR USE IN BAND 540 - 1600 Kc
θ
90
80
70
60
50
40
30
20
10
0
0
200
400
600
800
1000
1200
1400
D — MILES
H_e
θ
D

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

No. 135

APRIL 1, 1948.

SIR:

I have the honour to refer to the note dated December 24th, 1947, and its enclosures, from the Acting Secretary of State concerning the matter of a mutual understanding between Representatives of the Government of the United States and Representatives of the Government of Canada as to engineering standards applicable to the allocation of standard broadcasting stations in the Band of frequencies extending from 540 to 1600 Kilocycles. *Ante*, p. 2652.

I am directed by my Government to inform you that an Agreement in the sense described in the Note under reference from the Acting Secretary of State is acceptable to it and that the note from the Acting Secretary of State and this reply be regarded as constituting the terms of an understanding on the subject, effective as of today's date, between the Government of the United States and the Government of Canada.

I have the honour to be, Sir,
Your obedient Servant.

H H WRONG

The Honourable GEORGE C. MARSHALL,
Secretary of State,
Washington, D.C.

July 19, 1948
[T. I. A. S. 1803]

Agreement between the United States of America and Yugoslavia, and accompanying aide-mémoire and notes respecting the settlement of pecuniary claims against Yugoslavia. Signed at Washington July 19, 1948; entered into force July 19, 1948.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA REGARDING PECUNIARY CLAIMS OF THE UNITED STATES AND ITS NATIONALS

The Government of the United States of America and the Government of the Federal People's Republic of Yugoslavia, being desirous of effecting an expeditious and equitable settlement of claims of the United States of America and of its nationals against Yugoslavia, have agreed upon the following articles:

Article 1

Payment by Yugoslavia.

(a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of $17,000,000 United States currency in full settlement and discharge of all pecuniary claims of the Government of the United States against the Government of Yugoslavia, other than those arising from Lend-Lease and civilian supplies furnished as military relief, arising between September 1, 1939 and the date hereof, and in full settlement and discharge of all claims of nationals of the United States against the Government of Yugoslavia on account of the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property, which occurred between September 1, 1939 and the date hereof.

(b) Such payment by the Government of Yugoslavia shall be made to the Secretary of State of the United States of America within forty-five days after the signing of this Agreement.

(c) If, upon adjudication made by the agency established or otherwise designated by the Government of the United States to adjudicate claims settled under this Agreement, it is found that the sum of $17,000,000 payable by the Government of Yugoslavia under the provisions of the Agreement is in excess of the total sum of the claims determined to be valid, exclusive of any interest on such claims for the period beginning on the date of the payment referred to in paragraph (a) of this Article, plus the costs of adjudication, if any, not borne by the claimants, the Government of the United States shall take the necessary steps to return such excess amount to the Government of Yugoslavia.

Article 2

Claims included.

The claims of nationals of the United States to which reference is made in Article 1 of this Agreement include those respecting property, and rights and interests in and with respect to property, which at the time of nationalization or other taking were:

(A) Directly owned by an individual who at such time was a national of the United States.

(B) Directly owned by a juridical person organized under the laws of the United States, or a constituent state or other political entity thereof, twenty percent or more of any class of the outstanding securities of which were at such time owned by individual nationals of the United States, directly, or indirectly through interests in one or more juridical persons of whatever nationality, or otherwise; or

(C) Indirectly owned by an individual within category (A) above, or by a juridical person within category (B) above, through interests, direct, or indirect in one or more juridical persons not within category (B) above, or otherwise.

Article 3

Claims excluded.

The claims of nationals of the United States to which reference is made in Article 1 of this Agreement do not include claims of individual nationals of the United States who did not possess such nationality at the time of the nationalization or other taking, which claims shall be subject to compensation by the Government of Yugoslavia, either by direct negotiations between that Government and the respective claimants or under compensation procedures prescribed by Yugoslav law.

Article 4

Non-waiver of Yugoslav claims against U. S. nationals.

(a) Nothing herein contained shall constitute or be construed to constitute a waiver or release by the Government of Yugoslavia of any claims it or any Yugoslav national may have against any national of the United States.

Claims against Yugoslavia respecting nationalization, etc., of enterprises.

(b) Claimants against the Government of Yugoslavia for compensation on account of the nationalization or other taking of enterprises, whose claims with respect to such nationalization or other taking are claims which are fully settled and discharged by this Agreement, receiving payment out of the funds to be paid by the Government of Yugoslavia under Article 1 of this Agreement shall be deemed to have undertaken to hold the Government of Yugoslavia, and the respective successor enterprises established by such Government, harmless against, and to have assumed, all debt obligations, including guarantees, of the enterprises of which such claimants were formerly the owners, to nationals of countries other than Yugoslavia, valid and subsisting as of the date hereof, incurred not for the benefit of such enterprises, but for the benefit of the owners thereof; but such assumption and undertaking shall be applicable only to such proportion of

such obligations as such claimants' interests in such enterprises, at the date of the nationalization or other taking thereof, bore to the total ownership interests therein. Debt obligations, including guarantees, owing to nationals of countries other than Yugoslavia, incurred prior to the time such claimants became nationals of the United States, shall be deemed subject to such assumption and undertaking in the absence of proof that such obligations, including guarantees, were incurred for the benefit of such enterprises.

(c) The Government of Yugoslavia recognizes the obligation of the successor enterprises created by it with respect to debts valid under Yugoslav law which were incurred prior to the nationalization or other taking, for the benefit of the enterprises nationalized or otherwise taken, provided, however, that there shall be deemed fully settled and discharged all debt obligations of enterprises, nationalized or otherwise taken, owing to nationals of the United States whose claims against the Government of Yugoslavia with respect to the nationalization or other taking of such enterprises are claims which are fully settled and discharged by this agreement; and further that all debt obligations of such enterprises to juridical persons through which the claims of such claimants are derived shall be deemed settled and discharged in the same proportion as such claimants' interests in such enterprises, at the date of the nationalization or other taking thereof, bore to the total ownership interests therein.

Article 5

Use, etc., of assets in Yugoslavia by U.S. nationals.

The Government of Yugoslavia agrees to accord to nationals of the United States lawfully continuing to hold, or hereafter acquiring assets in Yugoslavia, the rights and privileges of using and administering such assets and the income therefrom within the framework of the controls and regulations of the Government of Yugoslavia, on conditions not less favorable than the rights and privileges accorded to nationals of Yugoslavia, or of any other country, in accordance with the Convention of Commerce and Navigation between the United States of America and the Prince of Serbia, signed at Belgrade, October 2–14, 1881.

22 Stat. 963.

Article 6

Trademarks, etc.

The Government of Yugoslavia agrees not to employ or to permit the employment of trademarks, company names and trade names formerly used in Yugoslavia by enterprises, now nationalized, which were, at the time of such nationalization substantially owned, directly or indirectly, by nationals of the United States to the extent that such trademarks, company names and trade names are counterparts of trademarks, company names and trade names used elsewhere than in Yugoslavia by the former American owners of such enterprises, directly or through subsidiaries, or by their authority; provided, however, that nothing herein contained shall prejudice the right of the Government of Yugoslavia, or any national thereof, to employ such trademarks, company names and trade names with the consent of the former owners of such enterprises, or others authorized to permit the use thereof. The Government of Yugoslavia will take such measures as

may be necessary and appropriate to prevent the use of such trademarks, company names and trade names within Yugoslavia, except with such consent or in connection with products imported into Yugoslavia with respect to which the use of such trademarks, company names and trade names is permitted by or on behalf of the former owners of such enterprises, or others authorized to permit the use thereof. This Agreement does not affect in any way the rights, if any, of nationals of the United States with respect to trademarks, trade names and company names which were used in Yugoslavia by enterprises which have been taken other than by nationalization.

Article 7

Claims of U. S. nationals for war damage.

Claims of nationals of the United States for war damage to property which has not been nationalized or otherwise taken prior to the date hereof shall be treated not less favorably than those of nationals of Yugoslavia, but in no event less favorably than those of the nationals of any other country.

Article 8

Distribution of funds payable to U. S. Government.

The funds payable to the Government of the United States under Article 1 of this Agreement shall be distributed to the Government of the United States and among the several claimants, respectively, in accordance with such methods of distribution as may be adopted by the Government of the United States. Any determinations with respect to the validity or amounts of individual claims which may be made by the agency established or otherwise designated by the Government of the United States to adjudicate such claims shall be final and binding.

Article 9

Necessary evidence, depositions, etc.

(a) In the interests of an equitable distribution by the Government of the United States among the several claimants for participation in the amount to be paid by the Government of Yugoslavia in full settlement and discharge of claims in accordance with this Agreement, the Government of Yugoslavia will, upon the request of the Government of the United States, and to the extent possible, bearing in mind the wide-spread destruction of property and books and records in Yugoslavia caused by the war, furnish such information, including certified copies of books, records or other documents, as may be necessary or appropriate to support or refute, in whole or in part, any claim for participation in such amount, and to the same end will permit, in a manner consistent with Yugoslav law, the taking of depositions of such witnesses as may be requested by the Government of the United States.

Certified copies of submissions, etc.

(b) In the interest of protecting the Government of Yugoslavia from the possible assertion through third countries, or otherwise, of claims falling within the scope of this Agreement, the Government of the United States will supply to the Government of Yugoslavia, certified copies of such formal submissions as may be made by claimants to such agency as may be established or otherwise designated by the Government of the United States to adjudicate claims to participation

in the funds to be paid by the Government of Yugoslavia pursuant to this Agreement and of the corresponding awards of such agency with respect thereto. A certified copy of each such submission and award will be supplied to the Government of Yugoslavia within a reasonable time after its receipt or announcement. Subject to such rules and regulations as may be established with respect to proceedings of such agency, the Government of the United States further agrees to make available to the Government of Yugoslavia, upon its request, certified copies of transcripts of any proceedings before such agency and certified copies of documents submitted to such agency in support or in refutation, in whole or in part, of any claim submitted thereto.

Filing of briefs by Yugoslavia.

Subject to such rules and regulations, and with the consent of such agency, the Government of Yugoslavia may file briefs as *amicus curiae* with respect to any specific claims.

Article 10

Authorization by Yugoslavia for meeting of indebtedness.

(a) The Government of Yugoslavia shall authorize persons residing in Yugoslavia who are legally indebted to any individual, firm, or governmental agency in the United States, to meet such indebtedness on maturity.

(b) To the extent feasible, considering Yugoslav foreign exchange resources and regulations, and when necessary to effectuate the purposes of paragraph (a) of this Article, the Government of Yugoslavia shall permit the use of dollars by, or provide dollars to those Yugoslav residents legally owing dollar obligations arising from commercial transactions involving goods or services.

Article 11

Transfers of deposits in Yugoslav banks.

The Government of Yugoslavia agrees to give sympathetic consideration to applications for transfers to the United States of deposits in banks of Yugoslavia and other similar forms of capital owned by nationals of the United States, where the amounts involved are small but which, in view of the circumstances, are of substantial importance to the persons requesting the transfers.

Article 12

Entry into force.

The present Agreement shall come into force and effect upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Washington in duplicate this nineteenth day of July, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

G C MARSHALL
Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA:

OBREN BLAGOJEVIC.
Deputy Minister of Finance
of the Federal People's Republic of Yugoslavia

AIDE-MÉMOIRE

Issuance of licenses unblocking Yugoslav assets.

Upon the signature of the Agreement between the Governments of the United States of America and the Federal People's Republic of Yugoslavia regarding Pecuniary Claims of the United States and Its Nationals, the necessary licenses will be issued by the Government of the United States unblocking Yugoslav assets, public and private, and enabling the Yugoslav Government freely to use, transfer or export the gold and other assets on deposit with the Federal Reserve Bank of New York in the name of the Government of Yugoslavia in excess of the amount to be paid to the United States pursuant to such Agreement. Concurrently, the Secretary of State will certify to the Federal Reserve Bank of New York the authority of the Yugoslav Ambassador to receive, control and dispose of such assets.

Ante, p. 2658.

Upon the issuance of such licenses and certification, and in view of the assurances during the negotiations that the documents requested by the Federal Reserve Bank of New York, in its letter of November 30, 1945, [1] to the Yugoslav National Bank, will, in due course, be furnished by such Bank, the Federal Reserve Bank of New York will promptly execute the instructions of the Ambassador with respect to such assets.

All formalities with respect to the issuance of the necessary licenses and certification will be promptly accomplished, so that such assets will be at the free disposal of the Yugoslav Government for use, transfer or export within five days of the signature of the aforesaid Agreement.

JBK

DEPARTMENT OF STATE,
Washington, July 19, 1948

The Secretary of State to the Yugoslav Ambassador

Dollar bonds issued by predecessor Yugoslav governments.

The Secretary of State presents his compliments to His Excellency, the Ambassador of the Federal People's Republic of Yugoslavia and has the honor to inform the Ambassador that the United States Government understands from the Embassy's communication No. Pov. Br. 407 of April 2, 1946,[1] that the Government of the Federal People's Republic of Yugoslavia recognizes among its other international obligations the dollar bonds issued or guaranteed by predecessor Yugoslav governments; and inquires whether the Ambassador would confirm this interpretation.

JBK

DEPARTMENT OF STATE,
Washington, July 19, 1948

[1] Not printed.

The Yugoslav Ambassador to the Secretary of State

EMBASSY OF THE FEDERAL PEOPLE'S
REPUBLIC OF YUGOSLAVIA
WASHINGTON

Pov. br. 767

The Ambassador of the Federal People's Republic of Yugoslavia presents his compliments to the Honorable the Secretary of State and has the honor to acknowledge the note of July 19, 1948, from the Secretary of State in which it was stated that the United States Government understands from this Embassy's communication No. Pov. Br. 407 of April 2, 1946, that the Government of the Federal People's Republic of Yugoslavia recognizes among its other international obligations, the dollar bonds issued or guaranteed by predecessor Yugoslav governments.

In his note of July 19, 1948, the Secretary of State inquires whether the Ambassador would confirm this interpretation.

The Ambassador of the Federal People's Republic of Yugoslavia confirms the interpretation of the United States Government of this Embassy's communication No. Pov. Br, 407 of April 2, 1946, and states that his Government will consider means of discharging such obligations when Yugoslavia's economic condition, seriously injured by the ravages of war, and her foreign exchange position permit.

WASHINGTON, D. C., *July 19, 1948.*

The Honorable
THE SECRETARY OF STATE
Washington, D. C.

S. N. K.

The Secretary of State to the Yugoslav Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Federal People's Republic of Yugoslavia and has the honor to acknowledge the receipt of the Ambassador's note No. Pov. Br. 767, of July 19, 1948, reading as follows:

"The Ambassador of the Federal People's Republic of Yugoslavia presents his compliments to the Honorable the Secretary of State and has the honor to acknowledge the note of July 19, 1948 from the Secretary of State in which it was stated that the United States Government understands from this Embassy's communication No. Pov. Br. 407 of April 2, 1946, that the Government of the

Federal People's Republic of Yugoslavia recognizes among its other international obligations, the dollar bonds issued or guaranteed by predecessor Yugoslav governments.

"In his note of July 19, 1948, the Secretary of State inquires whether the Ambassador would confirm this interpretation.

"The Ambassador of the Federal People's Republic of Yugoslavia confirms the interpretation of the United States Government of this Embassy's communication No. Pov. Br. 407 of April 2, 1946, and states that his Government will consider means of discharging such obligations when Yugoslavia's economic condition, seriously injured by the ravages of war, and her foreign exchange position permit."

The Secretary of State has taken due note of the foregoing note of July 19, 1948, from the Ambassador of the Federal People's Republic of Yugoslavia.

JBK

DEPARTMENT OF STATE,
Washington, July 19, 1948

March 22, 24, 1948
[T. I. A. S. 1804]

Agreement between the United States of America and Venezuela respecting a civil aviation mission. Effected by exchange of notes signed at Caracas March 22 and 24, 1948; entered into force March 24, 1948.

The Venezuelan Minister of Foreign Relations to the American Chargé d'Affaires ad interim

ESTADOS UNIDOS DE VENEZUELA
MINISTERIO DE RELACIONES EXTERIORES
DIRECCION DE POLITICA INTERNACIONAL
SECCION DE RELACIONES INTERAMERICANAS

No. 1053

CARACAS, *22 de marzo de 1948*

SEÑOR ENCARGADO DE NEGOCIOS:

Con el fín de proveer asistencia técnica que contribuya al desarrollo de la aviación civil venezolana, y como resultado de las negociaciones efectuadas por los organismos competentes, los Gobiernos de los Estados Unidos de Venezuela y de los Estados Unidos de América han convenido en celebrar, por cambio de notas, el acuerdo contenido en las cláusulas siguientes:

1. – El Gobierno de los Estados Unidos de América enviará a Venezuela, según las disponibilidades de técnicos adecuados y fondos dedicados a este objeto, una Misión de Aeronáutica Civil destinada a asesorar a las autoridades competentes venezolanas en los aspectos técnicos de la aviación civil.

2. – El Gobierno de los Estados Unidos de América designará un Jefe de Misión que representará a la misma ante el Gobierno de Venezuela, y sus Miembros serán responsables ante dicho Jefe. Los integrantes de la Misión actuarán como asesores y no como agentes ejecutivos, y a solicitud del Ministerio de Comunicaciones suministrarán su opinión sobre los casos específicos que le sean presentados en consulta. También podrán, por su propia iniciativa emitir opinión sobre los casos que lo requieran; y sus dictámenes tendrán el caracter de meras recomendaciones.

3. – La duración del cargo de cada técnico será fijada de acuerdo con las necesidades propias de la misión que se le asigne, con la excepción de que los cargos podrán ser de duración indefinida, sujeta a revisión conjunta cuando esto sea posible legal y administrativamente.

4. – El Gobierno de los Estados Unidos de América acuerda otorgar la mayor consideración a cualesquiera solicitudes del Gobierno de Venezuela, para aumentar o disminuir el número de técnicos originalmente enviados, o para el nombramiento de técnicos en otros aspectos de la aviación civil.

5. – El Gobierno de los Estados Unidos de América pagará los salarios, compensaciones monetarias, viáticos y gastos de viaje desde los Estados Unidos de América hasta Venezuela y regreso y cualquiera

compensación adicional de los técnicos; y el Gobierno de Venezuela efectuará el reembolso parcial de esos gastos hasta tres mil dólares anuales por cada técnico.

El Gobierno de Venezuela efectuará el reembolso parcial a que se refiere el párrafo anterior al completarse cada período de seis meses a partir de la fecha del nombramiento. Sin embargo, por razones de contabilidad y procedimiento, no será necesario que el Gobierno de Venezuela efectue pago alguno al Gobierno de los Estados Unidos de América, hasta el momento en que reciba un estado de cuentas al respecto.

6. – El Gobierno de Venezuela costeará los gastos de viaje de los Miembros de la Misión cuando éstos deban ausentarse de Caracas en el desempeño de sus funciones, así como también los gastos de adquisición de equipos y materiales que la Misión crea necesario obtener; y siempre que sea menester usar transporte automotor en el ejercicio de las funciones de la Misión el Gobierno de Venezuela suministrará los vehículos requeridos con sujeción a las limitaciones impuestas por las condiciones locales.

7. – Los equipos y materiales que deban importarse para ser utilizados directamente en el Programa de fomento de la aviación civil se introducirán al país por órgano del Ministerio de Comunicaciones.

8. – Los Miembros de la Misión quedan exentos del impuesto sobre la renta por las sumas que en calidad de remuneración reciban del Gobierno de los Estados Unidos de América; y sus importaciones de uso conveniente para el mejor cumplimiento de sus funciones serán exoneradas de los correspondientes derechos de aduana.

9. – El Ministerio de Comunicaciones proveerá a la Misión de oficinas debidamente equipadas, con un personal idóneo de estenográfos biligües, además de los otros empleados necesarios, y pagará los gastos ocasionados por el funcionamiento de dichas oficinas y los sueldos de su personal.

10. – El personal de la Misión no podrá revelar ni divulgar en ninguna forma, durante el ejercicio de sus funciones ni después de éstas, los asuntos secretos y confidenciales que puedan llegar a su conocimiento en el ejercicio de sus labores.

11. – El Gobierno de Venezuela otorgará a los Miembros autorizados de la Misión su aprobación para efectuar vuelos en Venezuela en aviones de registro venezolano según se considere conveniente para el cumplimiento de sus funciones.

12. – Por medio de pólizas que se estimen adecuadas por ambas partes, el Gobierno de Venezuela asegurará a los Miembros de la Misión contra responsabilidad civil por daño o pérdida de propiedad, por daños personales y muertes causadas por cualquier Miembro de la Misión mientras actúe dentro de sus atribuciones.

13. – Este Acuerdo permanecerá en vigencia por un período de tres años contado desde la fecha de su celebración, y podrá ser modificado en su totalidad o en parte por cambio de notas entre los dos Gobiernos.

Cualquiera de las Partes Contratantes podrá denunciar el presente Acuerdo por medio de notificación escrita que solo tendrá efecto sesenta días despues de su presentación a la otra parte.

Esta comunicación y la respuesta de Vuestra Señoría en términos análogos, constituirán un Acuerdo sobre lo consignado en las cláusulas precedentes.

Con referencia a la cláusula 4 de este Acuerdo es entendido que el número inicial de Miembros de la Misión será determinado de conformidad con las indicaciones del Ministerio de Comunicaciones de Venezuela.

Válgome de esta oportunidad para renovar a Vuestra Señoría las seguridades de mi distinguida consideración.

ANDRÉS ELOY BLANCO

Al Honorable Señor
JOHN WILLARD CARRIGAN
Encargado de Negocios ad-interim
de los Estados Unidos de América.
Presente.

Translation

UNITED STATES OF VENEZUELA
MINISTRY OF FOREIGN RELATIONS
OFFICE OF INTERNATIONAL POLICY
SECTION OF INTER-AMERICAN RELATIONS

—

No. 1053 CARACAS, *March 22, 1948*

MR. CHARGÉ D'AFFAIRES:

For the purpose of providing technical assistance that will contribute to the development of Venezuelan civil aviation, and as a result of negotiations carried on between the competent agencies, the Government of the United States of Venezuela and the United States of America have agreed to conclude, by an exchange of notes, the agreement contained in the following clauses:

U. S. Civil Aeronautics Mission.

1. According to the availability of suitable technical experts and funds for this purpose, the Government of the United States of America will send to Venezuela a Civil Aeronautics Mission to advise the appropriate Venezuelan authorities on the technical aspects of civil aviation.

Chief of Mission, etc.

2. The Government of the United States of America will appoint a Chief of Mission who will represent the Mission before the Government of Venezuela, and its Members shall be responsible to that Chief. The members of the Mission shall act as technical advisers and not as executive agents, and at the request of the Ministry of Communications they will give their opinions on specific matters submitted to them. On their own initiative they may also give opinions on matters that so require; and their opinions shall have the character of recommendations only.

Duration of appointments.

3. The duration of the appointment of each technician shall be fixed in accordance with the requirements of the mission assigned to him, except that appointments may be of indefinite duration, subject to joint revision when this is legally and administratively possible.

4. The Government of the United States of America agrees to give the greatest consideration to any requests of the Government of Venezuela to increase or decrease the number of technicians originally sent, or to appoint technicians in other branches of civil aviation. *Post*, p. 2670.

U. S. payment of salaries, etc.

5. The Government of the United States of America will pay the salaries, compensation, per diem and traveling expenses from the United States of America to Venezuela and return, and any additional compensation of the technicians; and the Government of Venezuela will make partial reimbursement of those expenses up to three thousand dollars a year for each technician.

Partial reimbursement by Venezuela.

The Government of Venezuela will make the partial reimbursement referred to in the preceding paragraph at the end of each six-months period beginning with the date of the appointment. However, for reasons of accounting and procedure, it will not be necessary for the Government of Venezuela to make any payment to the Government of the United States of America until such time as a statement of account is received.

Expenses borne by Venezuela.

6. The Government of Venezuela will bear the traveling expenses of the Members of the Mission when the discharge of their duties requires them to absent themselves from Caracas, as well as the cost of equipment and materials which the Mission considers it necessary to obtain. Whenever it is necessary to use automobile transportation in the discharge of the Mission's duties, the Government of Venezuela will furnish the required vehicles, subject to the limitations imposed by local conditions.

Automobile transportation.

Imported equipment and material.

7. The equipment and material that must be imported for direct use in the civil aviation development program will be brought into the country through the Ministry of Communications.

Tax exemptions for Members.

8. The Members of the Mission are exempted from income tax on moneys they receive as remuneration from the Government of the United States of America; and their imports for use in the fulfillment of their functions shall be exempted from customs duties.

Offices, etc.

9. The Ministry of Communications will provide the Mission with properly equipped offices, with a competent staff of bilingual stenographers, and other necessary employees, and will bear the expenses of these offices and the salaries of their personnel.

Security.

10. The personnel of the Mission shall not reveal or divulge in any way, either during or after the exercise of their duties, the secret and confidential matters that may come to their knowledge in the process of carrying on their work.

Flights in airplanes of Venezuelan registry.

11. The Government of Venezuela will grant to the authorized Members of the Mission its approval for flights in Venezuela in airplanes of Venezuelan registry, as may be considered advisable for the fulfillment of their duties.

Insurance of Members against civil responsibilities.

12. By means of policies that are deemed suitable by both parties, the Government of Venezuela will insure the Members of the Mission against civil responsibility for damage or loss of property, for personal injuries and deaths caused by any Member of the Mission while he is acting in line of duty.

Duration, etc.

13. This Agreement shall remain in effect for a period of three years beginning with the date of its conclusion, and it may be modified in its entirety or in part by an exchange of notes between the two Governments.

Denunciation.

Either of the Contracting Parties may denounce the present Agreement by means of written notification, which shall become effective sixty days after its presentation to the other party.

This communication and Your Excellency's reply in analogous terms shall constitute an Agreement on the matters contained in the preceding clauses.

Ante, p. 2669.

With reference to clause 4 of this Agreement, it is understood that the initial number of Members of the Mission shall be determined in conformity with the suggestions of the Ministry of Communications of Venezuela.

I take this opportunity to renew to Your Excellency the assurances of my distinguished consideration.

ANDRÉS ELOY BLANCO

The Honorable
JOHN WILLARD CARRIGAN
Chargé d'Affaires ad interim
of the United States of America.
City.

The American Chargé d'Affaires ad interim to the Venezuelan Minister of Foreign Relations

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 75

CARACAS, *March 24, 1948.*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 1053 of March 22, 1948 in which Your Excellency submitted to this Embassy the text of the accord reached in negotiations between representatives of the Governments of the United States of America and of the United States of Venezuela regarding the assignment to Your Excellency's Government of a technical civil aviation mission of the Civil Aeronautics Administration of my Government and stated that this text was acceptable to Your Excellency's Government.

It had been agreed that an exchange of notes between Your Excellency's Government and my Government would constitute mutual acceptance of the text of this agreement by our respective Governments, and that the agreement would be effective immediately upon the completion of such exchange.

I have the honor to inform Your Excellency that the text of this agreement as contained in Your Excellency's note under reference

above is acceptable to my Government. It reads, quoting from Your Excellency's note:

[For the Spanish language text of this note, see p. 2666.]

The exchange of notes having been completed, I am informing my Government that the accord reached is effective as of today. Effective date.

I have the honor to express to Your Excellency in the name of those of my colleagues who participated in the conversations leading to the conclusion of this accord their sincere appreciation, which I heartily share, for the advice, guidance and collaboration given by those officers of Your Excellency's Ministry and of other Ministries of the Government of Venezuela who contributed so effectively to the successful outcome of these conversations.

Please accept, Excellency, the renewed assurances of my highest consideration.

JOHN W. CARRIGAN.

His Excellency
Dr. ANDRES ELOY BLANCO,
Minister of Foreign Relations,
Ministry of Foreign Relations,
Caracas.

May 13, 1948
T. I. A. S. 1805]

Agreement between the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France, and the Bank for International Settlements respecting the restitution of gold looted by Germany and transferred to the Bank for International Settlements. Effected by exchanges of letters signed at Washington May 13, 1948; entered into force May 13, 1948.

The Chairman of the Board of Directors, Bank for International Settlements, to the Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland

BANK FOR INTERNATIONAL SETTLEMENTS

THE CHAIRMAN
OF THE BOARD OF DIRECTORS

WASHINGTON, D. C.
May 13, 1948

GENTLEMEN:

Delivery of gold by Bank for International Settlements.

Representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France, on the one hand, and of the Bank for International Settlements on the other, have conferred in Washington on the subject of gold transferred by Germany to the Bank for International Settlements and have agreed that the Bank for International Settlements shall deliver in London to the three Governments upon demand 3740 kilograms of fine gold.

Respectfully yours,

MAURICE FRÈRE

To the REPRESENTATIVES OF THE GOVERNMENTS
of the United States of America,
the United Kingdom of Great Britain
and Northern Ireland, and France.

The Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Board of Directors, Bank for International Settlements

WASHINGTON, D. C.
May 13, 1948

DEAR MR. FRÈRE:

We are in receipt of your letter of this date as follows:

"Representatives of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France, on the one hand, and of the Bank for International Settlements on the other, have conferred in Washington on

the subject of gold transferred by Germany to the Bank for International Settlements and have agreed that the Bank for International Settlements shall deliver in London to the three Governments upon demand 3740 kilograms of fine gold."

The three Governments, acting in their own behalf and in behalf of all of the other governments signatory to the Paris Reparations Agreement of January 24, 1946, and of the banks of issue of the signatory governments, agree that, in accepting delivery of such amount of gold, they waive all claims against the Bank for International Settlements with regard to looted gold transferred to it by Germany. 61 Stat., Pt. 3, p. 3157.

Respectfully yours,

WILLARD L THORP.
On behalf of the Government of the United States of America

CHRISTIAN VALENSI
On behalf of the Government of France

J. E. CHADWICK
On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland

To: Mr. MAURICE FRÈRE,
Chairman of the Board of Directors,
Bank for International Settlements

The Chairman of the Board of Directors, Bank for International Settlements, to the Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland

BANK FOR INTERNATIONAL SETTLEMENTS

THE CHAIRMAN
OF THE BOARD OF DIRECTORS

WASHINGTON, D. C.
May 13, 1948

GENTLEMEN:

During the conferences on gold transferred by Germany to the Bank for International Settlements we advised you that 374.33436 kilograms of gold looted by Germany, and subsequently transferred by the German Reichsbank to the Bank for International Settlements, were thereafter transferred to the account of the National Bank of Hungary. Gold transferred to National Bank of Hungary.

We should appreciate being advised whether such gold was included in the calculations which led to the agreement contained in our letter of this date, that the Bank for International Settlements will deliver

in London upon demand 3740 kilograms of fine gold to the Governments of the United States, United Kingdom and France.

Respectfully yours,

MAURICE FRÈRE

To the REPRESENTATIVES OF THE GOVERNMENTS
of the United States of America,
the United Kingdom of Great Britain
and Northern Ireland, and France.

The Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Board of Directors, Bank for International Settlements

WASHINGTON, D. C.
May 13, 1948

DEAR MR. FRÈRE:

We are in receipt of your letter of this date in the following terms:

"During the conferences on gold transferred by Germany to the Bank for International Settlements we advised you that 374.33436 kilograms of gold looted by Germany, and subsequently transferred by the German Reichsbank to the Bank for International Settlements, were thereafter transferred to the account of the National Bank of Hungary.

"We should appreciate being advised whether such gold was included in the calculations which led to the agreement contained in our letter of this date, that the Bank for International Settlements will deliver in London upon demand 3740 kilograms of fine gold to the Governments of the United States, United Kingdom and France."

We hereby confirm that all such gold was included in the calculations which led to the agreement referred to in your letter.

Respectfully yours,

WILLARD L. THORP.
On behalf of the Government of the United States of America

CHRISTIAN VALENSI
On behalf of the Government of France

J. E. CHADWICK
On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland

To: Mr. MAURICE FRÈRE
Chairman of the Board of Directors
Bank for International Settlements

The Chairman of the Board of Directors, Bank for International Settlements, to the Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland

BANQUE DES REGLEMENTS INTERNATIONAUX

LE PRÉSIDENT
DU CONSEIL D'ADMINISTRATION

WASHINGTON, D. C.
Le 13 mai 1948.

MESSIEURS,

Les representants des Gouvernements des Etats-Unis d'Amerique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de la Republique Francaise, d'une part, et de la Banque des Reglements Internationaux, d'autre part, ont confere a Washington sur la question de l'or transfere par l'Allemagne a la Banque des Reglements Internationaux, et sont convenus que la Banque des Reglements Internationaux livrera a Londres aux trois Gouvernements, sur leur demande, 3740 kilogrammes d'or fin./.

Veuillez agreer, Messieurs, les assurances de ma haute consideration.

Le President du Conseil d'Administration:
MAURICE FRÈRE

A Messieurs les REPRESENTANTS DES GOUVERNEMENTS
des Etats-Unis d'Amerique,
du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et de la Republique Francaise.

The Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Board of Directors, Bank for International Settlements

WASHINGTON, D. C.
Le 13 mai 1948.

MONSIEUR LE PRESIDENT,

Nous avons l'honneur d'accuser reception de votre lettre de ce jour ainsi concue:

"Les representants des Gouvernements des Etats-Unis d'Amerique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de la Republique Francaise, d'une part, et de la Banque des Reglements Internationaux, d'autre part, ont confere a Washington sur la question de l'or transfere par l'Allemagne a la Banque des Reglements Internationaux, et sont convenus que la Banque des Reglements Internationaux livrera a Londres aux trois Gouvernements, sur leur demande, 3740 kilogrammes d'or fin./."

Nos trois Gouvernements, agissant en leur nom et au nom de tous les autres Gouvernements signataires de l'accord de Paris sur les Reparations en date du 24 janvier 1946, et des Banques d'emission des Gouvernements signataires, conviennent que, en acceptant la livraison de la quantite d'or en question, ils abandonnent toutes reclamations

a l'egard de la Banque des Reglements Internationaux au sujet de l'or pille qui lui a ete transfere par l'Allemagne./.

Veuillez agreer, Monsieur le President, l'assurance de notre haute consideration.

Pour le Gouvernement des Etats-Unis d'Amerique:
WILLARD L THORP.

Pour le Gouvernement de la Republique Francaise:
CHRISTIAN VALENSI

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
J. E. CHADWICK

Monsieur MAURICE FRERE,
President du Conseil d'Administration,
Banque des Reglements Internationaux.

The Chairman of the Board of Directors, Bank for International Settlements, to the Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland

BANQUE DES REGLEMENTS INTERNATIONAUX

LE PRÉSIDENT
DU CONSEIL D'ADMINISTRATION

WASHINGTON, D. C.
Le 13 mai 1948.

MESSIEURS,

Au cours des reunions sur l'or transfere par l'Allemagne a la Banque des Reglements Internationaux, nous vous avons fait savoir que 374,33436 kilogrammes d'or pille par l'Allemagne, et ulterieurement livre par la Deutsche Reichsbank a la Banque des Reglements Internationaux, ont ete ensuite transferes au compte de la Banque Nationale de Hongrie.

Nous vous serions obliges si vous pouviez nous faire savoir si cet or a ete compris dans les calculs qui ont abouti a l'accord contenu dans notre lettre en date de ce jour, et suivant lequel la Banque des Reglements Internationaux livrera a Londres aux Gouvernements des Etats-Unis d'Amerique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de la Republique Francaise, sur leur demande, 3740 kilogrammes d'or fin./.

Veuillez agreer, Messieurs, les assurances de ma haute consideration.

Le President du Conseil d'Administration:
MAURICE FRÈRE

A Messieurs les REPRESENTANTS DES GOUVERNEMENTS
des Etats-Unis d'Amerique,
du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et de la Republique Francaise.

The Government Representatives of the United States of America, France, and the United Kingdom of Great Britain and Northern Ireland to the Chairman of the Board of Directors, Bank for International Settlements

WASHINGTON, D. C.
Le 13 mai 1948.

MONSIEUR LE PRESIDENT,

Nous avons l'honneur d'accuser reception de votre lettre en date de ce jour dont le texte suit:

"Au cours des reunions sur l'or transfere par l'Allemagne a la Banque des Reglements Internationaux, nous vous avons fait savoir que 374,33436 kilogrammes d'or pille par l'Allemagne, et ulterieurement livre par la Deutsche Reichsbank a la Banque des Reglements Internationaux, ont ete ensuite transferes au compte de la Banque Nationale de Hongrie.

"Nous vous serions obliges si vous pouviez nous faire savoir si cet or a ete compris dans les calculs qui ont abouti a l'accord contenu dans notre lettre en date de ce jour, et suivant lequel la Banque des Reglements Internationaux livrera a Londres aux Gouvernements des Etats-Unis d'Amerique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de la Republique Francaise, sur leur demande, 3740 kilogrammes d'or fin./."

Nous vous confirmons par la presente que tout l'or en question a ete compris dans les calculs qui ont abouti a l'accord cite dans votre lettre./.

Veuillez agreer, Monsieur le President, l'assurance de notre haute consideration.

Pour le Gouvernement des Etats-Unis d'Amerique:
WILLARD L. THORP.

Pour le Gouvernement de la Republique Francaise:
CHRISTIAN VALENSI

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
J. E. CHADWICK

Monsieur MAURICE FRERE,
President du Conseil d'Administration,
Banque des Reglements Internationaux.

Constitution adopted by the United States of America and other governments respecting a World Health Organization. Opened for signature at New York July 22, 1946; instrument of acceptance deposited by the United States of America June 21, 1948; entered into force April 7, 1948; entered into force with respect to the United States of America June 21, 1948.

July 22, 1946
[T. I. A. S. 1808

CONSTITUTION

OF THE

WORLD HEALTH ORGANIZATION

Principles of Constitution.
59 Stat. 1031.

THE STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

ACCEPTING THESE PRINCIPLES, and for the purpose of co-operation among themselves and with others to promote and protect the health of all peoples, the contracting parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of The Charter of the United Nations.

59 Stat. 1046.

CHAPTER I

OBJECTIVE

Article 1

The objective of the World Health Organization (hereinafter called the Organization) shall be the attainment by all peoples of the highest possible level of health.

CHAPTER II

FUNCTIONS

Article 2

In order to achieve its objective, the functions of the Organization shall be:

(a) to act as the directing and co-ordinating authority on international health work;

(b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;

(c) to assist governments, upon request, in strengthening health services;

(d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of governments;

(e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;

(f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;

(g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;

(h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;

(i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;

(j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;

(k) to propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;

(l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;

(m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;

(n) to promote and conduct research in the field of health;

(o) to promote improved standards of teaching and training in the health, medical and related professions;

(p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques

affecting public health and medical care from preventive and curative points of view, including hospital services and social security;

(q) to provide information, counsel and assistance in the field of health;

(r) to assist in developing an informed public opinion among all peoples on matters of health;

(s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;

(t) to standardize diagnostic procedures as necessary;

(u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;

(v) generally to take all necessary action to attain the objective of the Organization.

CHAPTER III

MEMBERSHIP AND ASSOCIATE MEMBERSHIP

Article 3

Membership in the Organization shall be open to all States.

Article 4

Members of the United Nations may become Members of the Organization by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes.

Post, p. 2694.

Article 5

The States whose governments have been invited to send observers to the International Health Conference held in New York, 1946, may become Members by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes provided that such signature or acceptance shall be completed before the first session of the Health Assembly.

Post, p. 2694.

Article 6

Subject to the conditions of any agreement between the United Nations and the Organization, approved pursuant to Chapter XVI, States which do not become Members in accordance with Articles 4 and 5 may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

Post, p. 2692.

Article 7

If a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

Article 8

Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives of Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly.

CHAPTER IV

ORGANS

Article 9

The work of the Organization shall be carried out by:

(a) The World Health Assembly (herein called the Health Assembly);

(b) The Executive Board (hereinafter called the Board);

(c) The Secretariat.

CHAPTER V

THE WORLD HEALTH ASSEMBLY

Article 10

The Health Assembly shall be composed of delegates representing Members.

Article 11

Each Member shall be represented by not more than three delegates, one of whom shall be designated by the Member as chief delegate. These delegates should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member. Delegates.

Article 12

Alternates and advisers may accompany delegates.

Article 13

The Health Assembly shall meet in regular annual session and in such special sessions as may be necessary. Special sessions shall be convened at the request of the Board or of a majority of the Members. Sessions.

Article 14

The Health Assembly, at each annual session, shall select the country or region in which the next annual session shall be held, the Board subsequently fixing the place. The Board shall determine the place where a special session shall be held. Place of meeting.

Article 15

Date of meeting.

The Board, after consultation with the Secretary-General of the United Nations, shall determine the date of each annual and special session.

Article 16

Election of officers.

The Health Assembly shall elect its President and other officers at the beginning of each annual session. They shall hold office until their successors are elected.

Article 17

The Health Assembly shall adopt its own rules of procedure.

Article 18

Functions.

The functions of the Health Assembly shall be:

(a) to determine the policies of the Organization;

(b) to name the Members entitled to designate a person to serve on the Board;

(c) to appoint the Director-General;

(d) to review and approve reports and activities of the Board and of the Director-General and to instruct the Board in regard to matters upon which action, study, investigation or report may be considered desirable;

(e) to establish such committees as may be considered necessary for the work of the Organization;

(f) to supervise the financial policies of the Organization and to review and approve the budget;

(g) to instruct the Board and the Director-General to bring to the attention of Members and of international organizations, governmental or non-governmental, any matter with regard to health which the Health Assembly may consider appropriate;

(h) to invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly; but in the case of national organizations, invitations shall be issued only with the consent of the government concerned;

(i) to consider recommendations bearing on health made by the General Assembly, the Economic and Social Council, the Security Council or Trusteeship Council of the United Nations, and to report to them on the steps taken by the Organization to give effect to such recommendations;

(j) to report to the Economic and Social Council in accordance with any agreement between the Organization and the United Nations;

k) to promote and conduct research in the field of health by the personnel of the Organization, by the establishment of its own

institutions or by co-operation with official or non-official institutions of any Member with the consent of its government.

(l) to establish such other institutions as it may consider desirable.

(m) to take any other appropriate action to further the objective of the Organization.

Article 19

Adoption of conventions or agreements.

The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

Article 20

Acceptance of conventions or agreements.

Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

Post, p. 2691.

Article 21

Adoption of regulations.

The Health Assembly shall have authority to adopt regulations concerning:

(a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;

(b) nomenclatures with respect to diseases, causes of death and public health practices;

(c) standards with respect to diagnostic procedures for international use;

(d) standards with respect to the safety, purity and potency of biological, pharmaceutical and similar products moving in international commerce;

(e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

Article 22

Regulations adopted pursuant to Article 21 shall come into force for all Members after due notice has been given of their adoption by the Health Assembly except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice.

Article 23

Recommendations.

The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.

CHAPTER VI

THE EXECUTIVE BOARD

Article 24

Composition.

The Board shall consist of eighteen persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Article 25

Terms of Members.

These Members shall be elected for three years and may be re-elected; provided that of the Members elected at the first session of the Health Assembly, the terms of six Members shall be for one year and the terms of six Members shall be for two years, as determined by lot.

Article 26

Meetings.

The Board shall meet at least twice a year and shall determine the place of each meeting.

Article 27

Chairman.

The Board shall elect its Chairman from among its members and shall adopt its own rules of procedure.

Article 28

Functions.

The functions of the Board shall be:

(a) to give effect to the decisions and policies of the Health Assembly;

(b) to act as the executive organ of the Health Assembly;

(c) to perform any other functions entrusted to it by the Health Assembly;

(d) to advise the Health Assembly on questions referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;

(e) to submit advice or proposals to the Health Assembly on its own initiative;

(f) to prepare the agenda of meetings of the Health Assembly;

(g) to submit to the Health Assembly for consideration and approval a general programme of work covering a specific period;

(h) to study all questions within its competence;

(i) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action. In particular it may authorize the Director-General to take the necessary steps to combat epidemics, to participate in the organization of health relief to victims of a calamity and to undertake studies and research the urgency of which has been drawn to the attention of the Board by any Member or by the Director-General.

Article 29

The Board shall exercise on behalf of the whole Health Assembly the powers delegated to it by that body.

CHAPTER VII

THE SECRETARIAT

Article 30

The Secretariat shall comprise the Director-General and such technical and administrative staff as the Organization may require. Composition.

Article 31

The Director-General shall be appointed by the Health Assembly on the nomination of the Board on such terms as the Health Assembly may determine. The Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization. Director-General.

Article 32

The Director-General shall be *ex officio* Secretary of the Health Assembly, of the Board, of all commissions and committees of the Organization and of conferences convened by it. He may delegate these functions.

Article 33

The Director-General or his representative may establish a procedure by agreement with Members, permitting him, for the purpose of discharging his duties, to have direct access to their various departments, especially to their health administrations and to national health organizations, governmental or non-governmental. He may also establish direct relations with international organizations whose activities come within the competence of the Organization. He shall keep Regional Offices informed on all matters involving their respective areas.

Article 34

The Director-General shall prepare and submit annually to the Board the financial statements and budget estimates of the Organization.

Article 35

The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The paramount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible. Staff.

Article 36

The conditions of service of the staff of the Organization shall conform as far as possible with those of other United Nations organizations.

Article 37

In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

CHAPTER VIII

COMMITTEES

Article 38

The Board shall establish such committees as the Health Assembly may direct and, on its own initiative or on the proposal of the Director-General, may establish any other committees considered desirable to serve any purpose within the competence of the Organization.

Article 39

The Board, from time to time and in any event annually, shall review the necessity for continuing each committee.

Article 40

The Board may provide for the creation of or the participation by the Organization in joint or mixed committees with other organizations and for the representation of the Organization in committees established by such other organizations.

CHAPTER IX

CONFERENCES

Article 41

The Health Assembly or the Board may convene local, general, technical or other special conferences to consider any matter within the competence of the Organization and may provide for the representation at such conferences of international organizations and, with the consent of the government concerned, of national organizations, governmental or non-governmental. The manner of such representation shall be determined by the Health Assembly or the Board.

Article 42

The Board may provide for representation of the Organization at conferences in which the Board considers that the Organization has an interest.

CHAPTER X

HEADQUARTERS

Article 43

The location of the headquarters of the Organization shall be determined by the Health Assembly after consultation with the United Nations.

CHAPTER XI

REGIONAL ARRANGEMENTS

Article 44

(a) The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization.

(b) The Health Assembly may, with the consent of a majority of the Members situated within each area so defined, establish a regional organization to meet the special needs of such area. There shall not be more than one regional organization in each area.

Article 45

Each regional organization shall be an integral part of the Organization in accordance with this Constitution.

Article 46

Each regional organization shall consist of a Regional Committee and a Regional Office.

Article 47

Regional Committees shall be composed of representatives of the Member States and Associate Members in the region concerned. Territories or groups of territories within the region, which are not responsible for the conduct of their international relations and which are not Associate Members, shall have the right to be represented and to participate in Regional Committees. The nature and extent of the rights and obligations of these territories or groups of territories in Regional Committees shall be determined by the Health Assembly in consultation with the Member or other authority having responsibility for the international relations of these territories and with the Member States in the region.

Regional Committees. Composition.

Article 48

Regional Committees shall meet as often as necessary and shall determine the place of each meeting.

Meetings.

Article 49

Regional Committees shall adopt their own rules of procedure.

Article 50

The functions of the Regional Committee shall be:

Functions.

(a) to formulate policies governing matters of an exclusively regional character;

(b) to supervise the activities of the Regional Office;

(c) to suggest to the Regional Office the calling of technical conferences and such additional work or investigation in health matters as in the opinion of the Regional Committee would promote the objective of the Organization within the region;

(d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization;

(e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance;

(f) to recommend additional regional appropriations by the governments of the respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions;

(g) such other functions as may be delegated to the Regional Committee by the Health Assembly, the Board or the Director-General.

Article 51

Subject to the general authority of the Director-General of the Organization, the Regional Office shall be the administrative organ of the Regional Committee. It shall, in addition, carry out within the region the decisions of the Health Assembly and of the Board.

Article 52

The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee.

Article 53

The staff of the Regional Office shall be appointed in a manner to be determined by agreement between the Director-General and the Regional Director.

Article 54

Integration of certain existing organizations.

The Pan American sanitary organization represented by the Pan American Sanitary Bureau and the Pan American Sanitary Conferences, and all other inter-governmental regional health organizations in existence prior to the date of signature of this Constitution, shall in due course be integrated with the Organization. This integration shall be effected as soon as practicable through common action based on mutual consent of the competent authorities expressed through the organizations concerned.

CHAPTER XII

BUDGET AND EXPENSES

Article 55

Estimates.

The Director-General shall prepare and submit to the Board the annual budget estimates of the Organization. The Board shall con-

sider and submit to the Health Assembly such budget estimates, together with any recommendations the Board may deem advisable.

Article 56

Subject to any agreement between the Organization and the United Nations, the Health Assembly shall review and approve the budget estimates and shall apportion the expenses among the Members in accordance with a scale to be fixed by the Health Assembly.

Article 57

The Health Assembly or the Board acting on behalf of the Health Assembly may accept and administer gifts and bequests made to the Organization provided that the conditions attached to such gifts or bequests are acceptable to the Health Assembly or the Board and are consistent with the objective and policies of the Organization. Gifts and bequests.

Article 58

A special fund to be used at the discretion of the Board shall be established to meet emergencies and unforeseen contingencies. Special fund.

CHAPTER XIII

VOTING

Article 59

Each Member shall have one vote in the Health Assembly.

Article 60

(a) Decisions of the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and inter-governmental organizations and agencies in accordance with Articles 69, 70 and 72; amendments to this Constitution. *Post*, pp. 2692, 2693.

(b) Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

(c) Voting on analogous matters in the Board and in committees of the Organization shall be made in accordance with paragraphs (a) and (b) of this Article.

CHAPTER XIV

REPORTS SUBMITTED BY STATES

Article 61

Each Member shall report annually to the Organization on the action taken and progress achieved in improving the health of its people.

Article 62

Each Member shall report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations.

Article 63

Each Member shall communicate promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned.

Article 64

Each Member shall provide statistical and epidemiological reports in a manner to be determined by the Health Assembly.

Article 65

Each Member shall transmit upon the request of the Board such additional information pertaining to health as may be practicable.

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

CHAPTER XVI

RELATIONS WITH OTHER ORGANIZATIONS

Article 69

The Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. The agreement or agreements

59 Stat. 1046.

bringing the Organization into relation with the United Nations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 70

The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 71

The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

Article 72

Subject to the approval by a two-thirds vote of the Health Assembly, the Organization may take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

CHAPTER XVII

AMENDMENTS

Article 73

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to Members at least six months in advance of their consideration by the Health Assembly. Amendments shall come into force for all Members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the Members in accordance with their respective constitutional processes.

CHAPTER XVIII

INTERPRETATION

Article 74

The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic. Authentic texts.

Article 75

Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement. Questions or disputes. 59 Stat. 1055.

Article 76

Upon authorization by the General Assembly of the United Nations or upon authorization in accordance with any agreement between the Organization and the United Nations, the Organization may request the International Court of Justice for an advisory opinion on any legal question arising within the competence of the Organization.

Article 77

The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion. He shall make arrangements for the presentation of the case before the Court including arrangements for the argument of different views on the question.

CHAPTER XIX

ENTRY INTO FORCE

Article 78

Ante, p. 2682.

Subject to the provisions of Chapter III, this Constitution shall remain open to all States for signature or acceptance.

Article 79

(a) States may become parties to this Constitution by

(i) signature without reservation as to approval;

(ii) signature subject to approval followed by acceptance; or

(iii) acceptance.

(b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 80

This Constitution shall come into force when twenty-six Members of the United Nations have become parties to it in accordance with the provisions of Article 79.[1]

Article 81

Registration.
59 Stat. 1052.

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to approval on behalf of one State or upon deposit of the first instrument of acceptance.

Article 82

The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force.

[1] Entered into force Apr. 7, 1948; entered into force with respect to the United States June 21, 1948.

He will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned representatives having been duly authorized for that purpose, sign this Constitution.

DONE in the City of New York this twenty-second day of July 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the Governments represented at the Conference.

CONSTITUTION

DE

L'ORGANISATION MONDIALE DE LA SANTE

Les ETATS parties à cette Constitution déclarent, en accord avec la Charte des Nations Unies, que les principes suivants sont à la base du bonheur des peuples, de leurs relations harmonieuses et de leur sécurité:

La santé est un état de complet bien-être physique, mental et social, et ne consiste pas seulement en une absence de maladie ou d'infirmité.

La possession du meilleur état de santé qu'il est capable d'atteindre constitue l'un des droits fondamentaux de tout être humain, quelles que soient sa race, sa religion, ses opinions politiques, sa condition économique ou sociale.

La santé de tous les peuples est une condition fondamentale de la paix du monde et de la sécurité; elle dépend de la coopération la plus étroite des individus et des Etats.

Les résultats atteints par chaque Etat dans l'amélioration et la protection de la santé sont précieux pour tous.

L'inégalité des divers pays en ce qui concerne l'amélioration de la santé et la lutte contre les maladies, en particulier les maladies transmissibles, est un péril pour tous.

Le développement sain de l'enfant est d'une importance fondamentale; l'aptitude à vivre en harmonie avec un milieu en pleine transformation est essentielle à ce développement.

L'admission de tous les peuples au bénéfice des connaissances acquises par les sciences médicales, psychologiques et apparentées est essentielle pour atteindre le plus haut degré de santé.

Une opinion publique éclairée et une coopération active de la part du public sont d'une importance capitale pour l'amélioration de la santé des populations.

Les Gouvernements ont la responsabilité de la santé de leurs peuples; ils ne peuvent y faire face qu'en prenant les mesures sanitaires et sociales appropriées.

ACCEPTANT CES PRINCIPES, dans le but de coopérer entre elles et avec tous autres pour améliorer et protéger la santé de tous les peuples, les Parties contractantes acquiescent à ladite Constitution et établissent par les présentes l'Organisation mondiale de la santé comme une institution spécialisée aux termes de l'article 57 de la Charte des Nations Unies.

CHAPITRE I

BUT

Article 1

Le but de l'Organisation mondiale de la santé, (ci-après dénommée l'Organisation), est d'amener tous les peuples au niveau de santé le plus élevé possible.

CHAPITRE II

FONCTIONS

Article 2

L'Organisation, pour atteindre son but, exerce les fonctions suivantes:

(a) agir en tant qu'autorité directrice et coordinatrice, dans le domaine de la santé, des travaux ayant un caractère international;

(b) établir et maintenir une collaboration effective avec les Nations Unies, les institutions spécialisées, les administrations gouvernementales de la santé, les groupes professionnels, ainsi que telles autres organisations qui paraîtraient indiquées;

(c) aider les Gouvernements, sur leur demande, à renforcer leurs services de santé;

(d) fournir l'assistance technique appropriée et, dans les cas d'urgence, l'aide nécessaire, à la requête des Gouvernements ou sur leur acceptation;

(e) fournir ou aider à fournir, à la requête des Nations Unies, des services sanitaires et des secours à des groupements spéciaux tels que les populations des territoires sous tutelle;

(f) établir et entretenir tels services administratifs et techniques jugés nécessaires, y compris des services d'épidémiologie et de statistique;

(g) stimuler et faire progresser l'action tendant à la suppression des maladies épidémiques, endémiques et autres;

(h) stimuler, en coopérant au besoin avec d'autres institutions spécialisées, l'adoption de mesures propres à prévenir les dommages dus aux accidents;

(i) favoriser, en coopérant au besoin avec d'autres institutions spécialisées, l'amélioration de la nutrition, du logement, de l'assainissement, des loisirs, des conditions économiques et de travail, ainsi que de tous autres facteurs de l'hygiène du milieu;

(j) favoriser la coopération entre les groupes scientifiques et professionnels qui contribuent au progrès de la santé;

(k) proposer des conventions, accords et règlements, faire des recommandations concernant les questions internationales de santé et exécuter telles tâches pouvant être assignées de ce fait à l'Organisation et répondant à son but;

(l) faire progresser l'action en faveur de la santé et du bien-être de la mère et de l'enfant et favoriser leur aptitude à vivre en harmonie avec un milieu en pleine transformation;

(m) favoriser toutes activités dans le domaine de l'hygiène mentale, notamment celles se rapportant à l'établissement de relations harmonieuses entre les hommes;

(n) stimuler et guider la recherche dans le domaine de la santé;

(o) favoriser l'amélioration des normes de l'enseignement et celles de la formation du personnel sanitaire, médical et apparenté;

(p) étudier et faire connaître, en coopération au besoin avec d'autres institutions spécialisées, les techniques administratives et sociales concernant l'hygiène publique et les soins médicaux préventifs et curatifs, y compris les services hospitaliers et la sécurité sociale;

(q) fournir toutes informations, donner tous conseils et toute assistance dans le domaine de la santé;

(r) aider à former, parmi les peuples, une opinion publique éclairée en ce qui concerne la santé;

(s) établir et reviser, selon les besoins, la nomenclature internationale des maladies, des causes de décès et des méthodes d'hygiène publique;

(t) standardiser, dans la mesure où cela est nécessaire, les méthodes de diagnostic;

(u) développer, établir et encourager l'adoption de normes internationales en ce qui concerne les aliments, les produits biologiques, pharmaceutiques et similaires;

(v) d'une manière générale, prendre toute mesure nécessaire pour atteindre le but assigné à l'Organisation.

CHAPITRE III

MEMBRES ET MEMBRES ASSOCIES

Article 3

La qualité de membre de l'Organisation est accessible à tous les Etats.

Article 4

Les Etats Membres des Nations Unies peuvent devenir membres de l'Organisation en signant, ou en acceptant de toute autre manière, cette Constitution, conformément aux dispositions du Chapitre XIX et conformément à leurs règles constitutionnelles.

Article 5

Les Etats dont les Gouvernements ont été invités à envoyer des observateurs à la Conférence internationale de la santé, tenue à New-York en 1946, peuvent devenir membres en signant, ou en acceptant de toute autre manière, cette Constitution, conformément aux dispositions du Chapitre XIX et conformément à leurs règles constitutionnelles, pourvu que leur signature ou acceptation devienne définitive avant la première session de l'Assemblée de la santé.

Article 6

Sous réserve des conditions de tout accord à intervenir entre les Nations Unies et l'Organisation et qui sera approuvé conformément au Chapitre XVI, les Etats qui ne deviennent pas membres, conformément aux dispositions des articles 4 et 5, peuvent demander à devenir membres et seront admis, en cette qualité, lorsque leur demande aura été approuvée à la majorité simple par l'Assemblée de la santé.

Article 7

Lorsqu: un Etat Membre ne remplit pas ses obligations financières vis-à-vis de l'Organisation, ou dans d'autres circonstances exceptionnelles, l'Assemblée de la santé peut, aux conditions jugées par elle opportunes, suspendre les privilèges attachés au droit de vote et les services dont bénéficie l'Etat Membre. L'Assemblée de la santé aura pouvoir de rétablir ces privilèges afférents au droit de vote et ces services.

Article 8

Les territoires ou groupes de territoires n'ayant pas la responsabilité de la conduite de leurs relations internationales peuvent être admis en qualité de membres associés par l'Assemblée de la santé, sur la demande faite pour le compte d'un tel territoire ou groupe de territoires par l'Etat Membre ou par une autre autorité ayant la responsabilité de la conduite de leurs relations internationales. Les représentants des membres associés à l'Assemblée de la santé devraient être qualifiés par leur compétence technique dans le domaine de santé et devraient être choisis dans la population indigène.

La nature et l'étendue des droits et obligations des membres associés seront déterminés par l'Assemblée de la santé.

CHAPITRE IV

ORGANES

Article 9

Le fonctionnement de l'Organisation est assuré par:

(a) l'Assemblée mondiale de la santé (ci-après dénommée Assemblée de la santé);
(b) le Conseil exécutif (ci-après dénommé le Conseil);
(c) le Secrétariat.

CHAPITRE V

ASSEMBLEE MONDIALE DE LA SANTE

Article 10

L'Assemblée de la santé est composée de délégués représentant les Etats Membres.

Article 11

Chaque Etat Membre est représenté par trois délégués au plus, l'un d'eux étant désigné par l'Etat Membre comme chef de délégation. Ces délégués devraient être choisis parmi les personnalités les plus

qualifiées par leur compétence technique dans le domaine de la santé et qui, de préférence, représenteraient l'administration nationale de la santé de l'Etat Membre.

Article 12

Des suppléants et des conseillers sont admis à accompagner les délégués.

Article 13

L'Assemblée de la santé se réunit en session ordinaire annuelle et en autant de sessions extraordinaires que les circonstances peuvent l'exiger. Les sessions extraordinaires seront convoquées à la demande du Conseil ou d'une majorité des Etats Membres.

Article 14

L'Assemblée de la santé, lors de chaque session annuelle, choisit le pays ou la région dans lequel se tiendra sa prochaine session annuelle, le Conseil en fixant ultérieurement le lieu. Le Conseil détermine le lieu où se tiendra chaque session extraordinaire.

Article 15

Le Conseil, après consultation du Secrétaire général des Nations Unies, arrête la date de chaque session annuelle et de chaque session extraordinaire.

Article 16

L'Assemblée de la santé élit son Président et les autres membres du bureau au début de chaque session annuelle. Ils demeurent en fonctions jusqu'à l'élection de leurs successeurs.

Article 17

L'Assemblée de la santé adopte son propre règlement.

Article 18

Les fonctions de l'Assemblée de la santé consistent à:

(a) arrêter la politique de l'Organisation;

(b) élire les Etats appelés à désigner une personnalité au Conseil;

(c) nommer le Directeur général;

(d) étudier et approuver les rapports et les activités du Conseil et du Directeur général, donner au Conseil des instructions en des matières où certaines mesures, certaines études et recherches, ainsi que la présentation de rapports pourraient être considérées comme désirables;

(e) créer toute commission nécessaire aux activités de l'Organisation;

(f) contrôler la politique financière de l'Organisation, examiner et approuver son budget;

(g) donner des instructions au Conseil et au Directeur général pour appeler l'attention des Etats Membres et des organisations

internationales, gouvernementales ou non-gouvernementales, sur toute question concernant la santé que l'Assemblée de la santé pourra juger digne d'être signalée;

(h) inviter toute organisation internationale ou nationale, gouvernementale ou non gouvernementale, assumant des responsabilités apparentées à celles de l'Organisation, à nommer des représentants pour participer, sans droit de vote, à ses sessions ou à celles des commissions et conférences réunies sous son autorité, aux conditions prescrites par l'Assemblée de la santé; cependant, s'il s'agit d'organisations nationales, les invitations ne pourront être envoyées qu'avec le consentement du Gouvernement intéressé;

(i) étudier des recommandations ayant trait à la santé, émanant de l'Assemblée générale, du Conseil économique et social, des Conseils de sécurité ou de tutelle des Nations Unies et faire rapport à ceux-ci sur les mesures prises par l'Organisation en exécution de telles recommandations;

(j) faire rapport au Conseil économique et social, conformément aux dispositions de tout accord intervenu entre l'Organisation et les Nations Unies;

(k) encourager ou diriger tous travaux de recherches dans le domaine de la santé en utilisant le personnel de l'Organisation, ou en créant des institutions qui lui seront propres ou en coopérant avec des institutions officielles ou non officielles de chaque Etat Membre, avec le consentement de son Gouvernement;

(l) créer telles autres institutions jugées souhaitables;

(m) prendre toute autre mesure propre à réaliser le but de l'Organisation.

Article 19

L'Assemblée de la santé a autorité pour adopter des conventions ou accords se rapportant à toute question rentrant dans la compétence de l'Organisation. La majorité des deux tiers de l'Assemblée de la santé sera nécessaire pour l'adoption de ces conventions ou accords lesquels entreront en vigueur au regard de chaque Etat Membre lorsque ce dernier les aura acceptés conformément à ses règles constitutionnelles.

Article 20

Chaque Etat Membre s'engage à prendre, dans un délai de dix-huit mois après l'adoption d'une convention ou d'un accord par l'Assemblée de la santé, les mesures en rapport avec l'acceptation de telle convention ou de tel accord. Chaque Etat Membre notifiera au Directeur général les mesures prises et, s'il n'accepte pas cette convention ou cet accord dans le délai prescrit, il adressera une déclaration motivant sa non acceptation. En cas d'acceptation, chaque Etat Membre convient d'adresser un rapport annuel au Directeur général conformément au Chapitre XIV.

Article 21

L'Assemblée de la santé aura autorité pour adopter les règlements concernant:

(a) telle mesure sanitaire et de quarantaine ou toute autre procédure destinée à empêcher la propagation des maladies d'un pays à l'autre;

(b) la nomenclature concernant les maladies, les causes de décès et les méthodes d'hygiène publique;

(c) des standards sur les méthodes de diagnostic applicables dans le cadre international;

(d) des normes relatives à l'innocuité, la pureté et l'activité des produits biologiques, pharmaceutiques et similaires qui se trouvent dans le commerce international;

(e) des conditions relatives à la publicité et à la désignation des produits biologiques, pharmaceutiques et similaires qui se trouvent dans le commerce international.

Article 22

Les règlements adoptés en exécution de l'article 21 entreront en vigueur pour tous les Etats Membres, leur adoption par l'Assemblée de la santé ayant été dûment notifiée, exception faite pour tels Membres qui pourraient faire connaître au Directeur général, dans les délais prescrits par la notification, qu'ils les refusent ou font des réserves à leur sujet.

Article 23

L'Assemblée de la santé a autorité pour faire des recommandations aux Etats Membres en ce qui concerne toute question entrant dans la compétence de l'Organisation.

CHAPITRE VI

CONSEIL EXECUTIF

Article 24

Le Conseil est composé de dix-huit personnes, désignées par autant d'Etats Membres. L'Assemblée de la santé choisit, compte tenu d'une répartition géographique équitable, les Etats appelés à désigner un délégué au Conseil. Chacun de ces Etats enverra au Conseil une personnalité, techniquement qualifiée dans le domaine de la santé, qui pourra être accompagnée de suppléants et de conseillers.

Article 25

Ces membres sont élus pour trois ans et sont rééligibles; cependant en ce qui concerne les membres élus lors de la première session de l'Assemblée de la santé, la durée du mandat de six de ces membres sera d'une année et la durée du mandat de six autres membres sera de deux ans, la sélection étant déterminée par tirage au sort.

Article 26

Le Conseil se réunit au moins deux fois par an et détermine le lieu de chaque réunion.

Article 27

Le Conseil élit son Président parmi ses membres et adopte son propre règlement.

Article 28

Les fonctions du Conseil sont les suivantes:

(a) appliquer les décisions et les directives de l'Assemblée de la santé;

(b) agir comme organe exécutif de l'Assemblée de la santé;

(c) exercer toute autre fonction à lui confiée par l'Assemblée de la santé;

(d) donner des consultations à l'Assemblée de la santé sur les questions qui lui seraient soumises par cet organisme et sur celles qui seraient déférées à l'Organisation par des conventions, des accords et des règlements;

(e) de sa propre initiative, soumettre à l'Assemblée de la santé des consultations ou des propositions;

(f) préparer les ordres du jour des sessions de l'Assemblée de la santé;

(g) soumettre à l'Assemblée de la santé, pour examen et approbation, un programme général de travail s'étendant sur une période déterminée;

(h) étudier toutes questions relevant de sa compétence;

(i) dans le cadre des fonctions et des ressources financières de l'Organisation, prendre toute mesure d'urgence dans le cas d'événements exigeant une action immédiate. Il peut en particulier autoriser le Directeur général à prendre les moyens nécessaires pour combattre les épidémies, participer à la mise en oeuvre des secours sanitaires à porter aux victimes d'une calamité et entreprendre telles études ou recherches sur l'urgence desquelles son attention aura été attirée par un Etat quelconque ou par le Directeur général.

Article 29

Le Conseil exerce, au nom de l'Assemblée de la santé tout entière, les pouvoirs qui lui sont délégués par cet organisme.

CHAPITRE VII

SECRETARIAT

Article 30

Le Secrétariat comprend le Directeur général et tel personnel technique et administratif nécessaire à l'Organisation.

Article 31

Le Directeur général est nommé par l'Assemblée de la santé, sur proposition du Conseil et suivant les conditions que l'Assemblée de la santé pourra fixer. Le Directeur général, placé sous l'autorité du Conseil, est le plus haut fonctionnaire technique et administratif de l'Organisation.

Article 32

Le Directeur général est de droit Secrétaire de l'Assemblée de la santé, du Conseil, de toute commission et de tout comité de l'Organisation, ainsi que des conférences qu'elle convoque. Il peut déléguer ces fonctions.

Article 33

Le Directeur général, ou son représentant, peut mettre en oeuvre une procédure en vertu d'un accord avec les Etats Membres, lui permettant, pour l'exercice de ses fonctions, d'entrer directement en rapport avec leurs divers départements ministériels, spécialement avec leurs administrations de la santé et avec les organisations sanitaires nationales, gouvernementales ou non. Il peut de même entrer en relations directes avec les organisations internationales dont les activités sont du ressort de l'Organisation. Il doit tenir les bureaux régionaux au courant de toutes questions intéressant leurs zones respectives d'activité.

Article 34

Le Directeur général doit préparer et soumettre chaque année au Conseil les rapports financiers et les prévisions budgétaires de l'Organisation.

Article 35

Le Directeur général nomme le personnel du Secrétariat conformément au Règlement du personnel établi par l'Assemblée de la santé. La considération primordiale qui devra dominer le recrutement du personnel sera de pourvoir à ce que l'efficacité, l'intégrité et la représentation de caractère international du Secrétariat soient assurées au plus haut degré. Il sera tenu compte également de l'importance qu'il y a à recruter le personnel sur une base géographique la plus large possible.

Article 36

Les conditions de service du personnel de l'Organisation seront, autant que possible, conformes à celles des autres organisations des Nations Unies.

Article 37

Dans l'exercice de leurs fonctions, le Directeur général et le personnel ne devront solliciter ou recevoir d'instructions d'aucun Gouvernement ou d'aucune autorité étrangère à l'Organisation. Ils s'abstiendront de toute action qui puisse porter atteinte à leur situation de fonctionnaires internationaux. Chaque Etat Membre de l'Organisation s'engage, de son côté, à respecter le caractère exclusivement international du Directeur général et du personnel et à ne pas chercher à les influencer.

CHAPITRE VIII

COMMISSIONS

Article 38

Le Conseil crée telles commissions que l'Assemblée de la santé peut prescrire et, sur sa propre initiative ou sur la proposition du Directeur général, peut créer toutes autres commissions jugées souhaitables pour des fins ressortissant à l'Organisation.

Article 39

Le Conseil examine de temps en temps, et en tout cas une fois par an, la nécessité de maintenir chaque commission.

Article 40

Le Conseil peut procéder à la création de commissions conjointes ou mixtes avec d'autres organisations ou y faire participer l'Organisation; il peut assurer la représentation de l'Organisation dans des commissions instituées par d'autres organismes.

CHAPITRE IX

CONFERENCES

Article 41

L'Assemblée de la santé ou le Conseil peut convoquer des conférences locales, générales, techniques ou toute autre d'un caractère spécial pour étudier telle question rentrant dans la compétence de l'Organisation et assurer la représentation, à ces conférences, d'organisations internationales et, avec le consentement des Gouvernements intéressés, d'organisations nationales, les unes ou les autres pouvant être de caractère gouvernemental ou non. Les modalités de cette représentation sont fixées par l'Assemblée de la santé ou le Conseil.

Article 42

Le Conseil pourvoit à la représentation de l'Organisation dans les conférences où il estime que celle-ci possède un intérêt.

CHAPITRE X

SIEGE

Article 43

Le lieu du siège de l'Organisation sera fixé par l'Assemblée de la santé, après consultation des Nations Unies.

CHAPITRE XI

ARRANGEMENTS REGIONAUX

Article 44

(a) L'Assemblée de la santé, de temps en temps, détermine les régions géographiques où il est désirable d'établir une organisation régionale.

(b) L'Assemblée de la santé peut, avec le consentement de la majorité des Etats Membres situés dans chaque région ainsi déterminée, établir une organisation régionale pour répondre aux besoins particuliers de cette région. Il ne pourra y avoir plus d'une organisation régionale dans chaque région.

Article 45

Chacune des organisations régionales sera partie intégrante de l'Organisation, en conformité avec la présente Constitution.

Article 46

Chacune des organisations régionales comporte un comité régional et un bureau régional.

Article 47

Les comités régionaux sont composés de représentants des Etats Membres et des membres associés de la région en question. Les territoires ou groupes de territoires d'une région n'ayant pas la responsabilité de la conduite de leurs relations internationales et qui ne sont pas des membres associés ont le droit d'être représentés à ces comités régionaux et d'y participer. La nature et l'étendue des droits et des obligations de ces territoires ou groupes de territoires vis-à-vis des comités régionaux seront fixées par l'Assemblée de la santé, en consultation avec l'Etat Membre ou toute autre autorité ayant la responsabilité de la conduite des relations internationales de ces territoires et avec les Etats Membres de la région.

Article 48

Les comités régionaux se réunissent aussi souvent qu'il est nécessaire et fixent le lieu de chaque réunion.

Article 49

Les comités régionaux adoptent leur propre règlement.

Article 50

Les fonctions du comité régional sont les suivantes:

(a) formuler des directives se rapportant à des questions d'un caractère exclusivement régional;

(b) contrôler les activités du bureau régional;

(c) proposer au bureau régional la réunion de conférences techniques ainsi que tout travail ou toute recherche additionnels sur des questions de santé qui, de l'avis du comité régional, seraient susceptibles d'atteindre le but poursuivi par l'Organisation dans la région;

(d) coopérer avec les comités régionaux respectifs des Nations Unies et avec ceux d'autres institutions spécialisées ainsi qu'avec d'autres organisations internationales régionales possédant avec l'Organisation des intérêts communs;

(e) fournir des avis à l'Organisation, par l'intermédiaire du Directeur général, sur les questions internationales de santé d'une importance débordant le cadre de la région;

(f) recommander l'affectation de crédits régionaux supplémentaires par les Gouvernements des régions respectives si la part du budget central de l'Organisation allouée à cette région est insuffisante pour l'accomplissement des fonctions régionales;

(g) toutes autres fonctions pouvant être déléguées au comité régional par l'Assemblée de la santé, le Conseil ou le Directeur général.

Article 51

Sous l'autorité générale du Directeur général de l'Organisation, le bureau régional est l'organe administratif du comité régional. Il doit en outre exécuter, dans les limites de la région, les décisions de l'Assemblée de la santé et du Conseil.

Article 52

Le chef du bureau régional est le Directeur régional nommé par le Conseil en accord avec le comité régional.

Article 53

Le personnel du bureau régional est nommé conformément aux règles qui seront fixées dans un arrangement entre le Directeur général et le Directeur régional.

Article 54

L'Organisation sanitaire panaméricaine, représentée par le Bureau sanitaire panaméricain et les Conférences sanitaires panaméricaines, et toutes autres organisations régionales intergouvernementales de santé existant avant la date de la signature de cette Constitution, seront intégrées en temps voulu dans l'Organisation. Cette intégration s'effectuera dès que possible par une action commune, basée sur le consentement mutuel des autorités compétentes exprimé par les organisations intéressées.

CHAPITRE XII

BUDGET ET DEPENSES

Article 55

Le Directeur général prépare et soumet au Conseil les prévisions budgétaires annuelles de l'Organisation. Le Conseil examine ces prévisions budgétaires et les soumet à l'Assemblée de la santé, en les accompagnant de telles recommandations qu'il croit opportunes.

Article 56

Sous réserve de tel accord entre l'Organisation et les Nations Unies, l'Assemblée de la santé examine et approuve les prévisions budgétaires et effectue la répartition des dépenses parmi les Etats Membres, conformément au barème qu'elle devra arrêter.

Article 57

L'Assemblée de la santé, ou le Conseil agissant au nom de l'Assemblée de la santé, a pouvoir d'accepter et d'administrer des dons et legs faits à l'Organisation, pourvu que les conditions attachées à ces dons

ou legs paraissent acceptables à l'Assemblée de la santé ou au Conseil et cadrent avec les buts et la politique de l'Organisation.

Article 58

Un fond spécial, dont le Conseil disposera à sa discrétion, sera constitué pour parer aux cas d'urgence et à tous événements imprévus.

CHAPITRE XIII

VOTE

Article 59

Chaque Etat Membre aura droit à une voix dans l'Assemblée de la santé.

Article 60

(a) Les décisions de l'Assemblée de la santé à prendre sur des questions importantes sont acquises à la majorité des deux tiers des Etats Membres présents et votants.

Ces questions comprennent: l'adoption de conventions ou d'accords; l'approbation d'accords liant l'Organisation aux Nations Unies, aux organisations et aux institutions intergouvernementales, en application des articles 69, 70 et 72; les modifications à la présente Constitution.

(b) Les décisions sur d'autres questions, y compris la fixation de catégories additionnelles de questions devant être décidées par une majorité des deux tiers, sont prises à la simple majorité des Etats Membres présents et votants.

(c) Le vote, au sein du Conseil et des commissions de l'Organisation, sur des questions de nature similaire, s'effectuera conformément aux dispositions des paragraphes (a) et (b) du présent article.

CHAPITRE XIV

RAPPORTS SOUMIS PAR LES ETATS

Article 61

Chaque Etat Membre fait rapport annuellement à l'Organisation sur les mesures prises et les progres réalises pour améliorer la santé de sa population.

Article 62

Chaque Etat Membre fait rapport annuellement sur les mesures prises en exécution des recommandations que l'Organisation lui aura faites et en exécution des conventions, accords et règlements.

Article 63

Chaque Etat Membre communique rapidement à l'Organisation les lois, règlements, rapports officiels et statistiques importants concernant la santé et publiés dans cet Etat.

Article 64

Chaque Etat Membre fournit des rapports statistiques et épidémiologiques selon des modalités à déterminer par l'Assemblée de la santé.

Article 65

Sur requête du Conseil, chaque Etat Membre doit transmettre, dans la mesure du possible, toutes informations supplémentaires se rapportant à la santé.

CHAPITRE XV

CAPACITE JURIDIQUE, PRIVILEGES ET IMMUNITES

Article 66

L'Organisation jouira sur le territoire de chaque Etat Membre de la capacité juridique nécessaire pour atteindre son but et exercer ses fonctions.

Article 67

(a) L'Organisation jouira sur le territoire de chaque Etat Membre des privilèges et immunités nécessaires pour atteindre son but et exercer ses fonctions.

(b) Les représentants des Etats Membres, les personnes désignées pour faire partie du Conseil et le personnel technique et administratif de l'Organisation jouiront également des privilèges et immunités nécessaires au libre exercice de leurs fonctions se rapportant à l'Organisation.

Article 68

Cette capacité juridique, ces privilèges et immunités seront déterminés dans un arrangement séparé lequel devra être préparé par l'Organisation, en consultation avec le Secrétaire général des Nations Unies, et sera conclu entre les Etats Membres.

CHAPITRE XVI

RELATIONS AVEC D'AUTRES ORGANISATIONS

Article 69

L'Organisation est rattachée aux Nations Unies comme une des institutions spécialisées prévues par l'article 57 de la Charte des Nations Unies. Le ou les accords établissant les rapports de l'Organisation avec les Nations Unies doivent être approuvés à la majorité des deux tiers de l'Assemblée de la santé.

Article 70

L'Organisation doit établir des relations effectives et coopérer étroitement avec telles autres organisations intergouvernementales jugées souhaitables. Tout accord officiel conclu avec ces organisations doit être approuvé à la majorité des deux tiers de l'Assemblée de la santé.

Article 71

L'Organisation peut, en ce qui concerne les questions de son ressort, prendre toutes dispositions convenables pour se concerter et coopérer avec des organisations internationales non-gouvernementales et, avec

l'approbation du Gouvernement intéressé, avec des organisations nationales, gouvernementales ou non-gouvernementales.

Article 72

Sous réserve de l'approbation des deux tiers de l'Assemblée de la santé, l'Organisation peut reprendre à d'autres organisations ou institutions internationales, dont les buts et les activités rentrent dans le domaine de la compétence de l'Organisation, telles fonctions, ressources et obligations dont ladite Organisation serait chargée aux termes d'un accord international ou aux termes d'arrangements acceptables pour les deux parties et passés entre les autorités compétentes des organisations respectives.

CHAPITRE XVII

AMENDEMENTS

Article 73

Les textes des amendements proposes à cette Constitution seront communiqués par le Directeur general aux Etats Membres six mois au moins avant qu'ils ne soient examinés par l'Assemblee de la santé.

Les amendements entreront en vigueur à l'égard de tous les Etats Membres lorsqu'ils auront été adoptés par les deux tiers de l'Assemblée de la santé et acceptés par les deux tiers des Etats Membres conformément à leurs règles constitutionnelles respectives.

CHAPITRE XVIII

INTERPRETATION

Article 74

Les textes anglais, chinois, espagnol, français et russe de cette Constitution sont considérés comme également authentiques.

Article 75

Toute question ou différend concernant l'interprétation ou l'application de cette Constitution, qui n'aura pas été réglé par voie de négociation ou par l'Assemblée de la santé, sera déféré par les parties à la Cour Internationale de Justice conformément au statut de ladite Cour, à moins que les parties intéressées ne conviennent d'un autre mode de règlement.

Article 76

Sous le couvert de l'autorisation de l'Assemblée générale des Nations Unies ou sous le couvert de l'autorisation résultant de tout accord entre l'Organisation et les Nations Unies, l'Organisation pourra demander à la Cour Internationale de Justice un avis consultatif sur toute question juridique éventuelle du ressort de l'Organisation.

Article 77

Le Directeur général peut representer devant la Cour l'Organisation dans toute procédure se rapportant à toute demande d'avis consultatif. Il devra prendre les dispositions nécessaires pour soumettre l'affaire à la Cour, y compris celles nécessaires à l'exposé des arguments se rapportant aux vues différentes exprimées sur la question.

CHAPITRE XIX

ENTREE EN VIGUEUR

Article 78

Sous réserve des dispositions du Chapitre III, cette Constitution demeurera ouverte à signature ou à acceptation à tous les Etats.

Article 79

(a) Les Etats pourront devenir parties à cette Constitution par:
(i) la signature, sans réserve d'approbation;
(ii) la signature sous réserve d'approbation, suivie de l'acceptation;
(iii) l'acceptation pure et simple.

(b) l'acceptation deviendra effective par le dépôt d'un instrument officiel entre les mains du Secrétaire général des Nations Unies.

Article 80

Cette Constitution entrera en vigueur lorsque vingt-six Etats Membres des Nations Unies en seront devenus parties, conformément aux dispositions de l'article 79.

Article 81

Conformément à l'article 102 de la Charte des Nations Unies, le Secrétaire général des Nations Unies enregistrera cette Constitution lorsqu'elle aura été signée sans réserve d'approbation par un Etat ou au moment du dépôt du premier instrument d'acceptation.

Article 82

Le Secrétaire général des Nations Unies informera les Etats parties à cette Constitution de la date de son entrée en vigueur. Il les informera également des dates auxquelles d'autres Etats deviendront parties à cette Constitution.

EN FOI DE QUOI les Représentants soussignés, dûment autorisés à cet effet, signent la présente Constitution.

Fait en la Ville de New-York, ce vingt-deux juillet 1946, en un seul original établi en langues anglaise, chinoise, espagnole, française et russe, chaque texte étant également authentique.

Les textes originaux seront déposés dans les archives des Nations Unies. Le Secrétaire général des Nations Unies délivrera des copies certifiées conformes à chacun des Gouvernements représentés à la Conférence.

世界衛生組織

組織法

68706—52—PT. III——8

本組織法簽訂國，依據聯合國憲章，宣告下列各原則爲各民族幸福，和睦，與安全之基礎：

健康不僅爲疾病或羸弱之消除，而係體格，精神，與社會之完全健全狀態。

享受最高而能獲致之健康標準，爲人人基本權利之一，不因種族，宗教，政治信仰，經濟或社會情境各異，而分軒輊。

兒童之健全發育，實屬基要，使能於演變不息之整個環境中融洽生活，對兒童之健全發展實爲至要。

各民族之健康爲獲致和平與安全之基本，須賴個人間與國家間之通力合作。

任何國家促進及保護健康之成就，全人類實利賴之。

各國間對於促進衛生與控制疾病，進展程度參差，實爲共同之危險。而以控制傳染病程度不一爲害尤甚。

推廣醫學，心理學，及有關智識之利益於各民族，對於健康之得達完滿，實爲至要。

一般人士之衛生常識與積極合作，對人民衛生之改進，極爲重要。

促進人民衛生爲政府之職責；完成此職責，唯有實行適當之衛生與社會措施。

本組織法簽訂國接受以上各項原則，承認本組織法，以求彼此及與其他方面之合作，共同促進及保護各民族之健康。爲此依據聯合國憲章第五十七條之規定，特設一聯合國專門機關，定名世界衛生組織。

第一章

宗旨

第一條

世界衛生組織（以後簡稱本組織）之宗旨在求各民族企達衛生之最高可能水準。

第二章

職掌

第二條

爲企達此宗旨，本組織應有以下職掌：

（一）充任國際衛生工作之指導及調整機關；

（二）與聯合國，各專門機關，各政府衛生署，各專業團體，及其他適當組織成立幷維持有效之合作；

（三）遇有各政府請求，協助其加强衛生機構；

（四）遇有各政府請求，或願接受援助時，予以適當之技術協助，幷于緊急狀況下，予以必需之援助；

（五）經聯合國之請求，對特別團體，如託管領土人民，供應或協助供應衛生設施；

（六）設立幷維持所需要之行政與技術機構，此等機構包括流行病與統計機構在內；

（七）鼓勵幷促進，消除傳染病，地方病或其他疾病之工作；

（八）如有必要時，與其他專門機關合作，以謀防範意外傷害；

（九）如有必要時，與其他專門機關合作，提倡改進營養，居住，環境衛生，娛樂，經濟，及工作情形，以及其他有關環境衛生各点；

（十）對致力促進衛生之科學團體與專業團體，鼓勵其彼此間之合作；

（十一）提議公約，協約，及規章，幷作有關國際衛生諸項之建議，執行委付本組織而又與其宗旨相合之職責；

（十二）促進產婦與兒童之衛生與福利，以其能于演變不息之整個環境中融洽生活，蓋此對兒童之健全發育，至爲重要。

（十三）促進有關心理衛生之工作，尤其與人類關係和諧有影響者；

（十四）促進及指導衛生問題之研究；

（十五）提倡衛生，醫學，及有關專業之教學與訓練標準之改進；

（十六）如有必要時，與其他專門機關合作，從預防及治療觀点研究，及報告有關公共衛生與醫療事業之行政與社會技術，包括醫院供應與社會保障在內；

（十七）供給有關衛生之知識，諮詢及協助；

（十八）協助各民族造就有關衛生問題之有卓識之輿論；

(十九)有必要時，制定并修改有關疾病，死因，及公共衛生工作上之國際名詞；

(二十)有必要時，將檢驗方法加以標準化；

(廿一)發展，建立，并提倡糧食，藥物，生物及其他有關製品之國際標準；并

(廿二)採取適當一切必要行動，以求達成本組織之宗旨。

第三章

會員與副會員

第三條

各國均得爲本組織會員國。

第四條

聯合國會員國，依第十九章規定，并依其本國憲法程序，簽訂或以其他方法接受本組織法者，得爲本組織會員國。

第五條

凡被東道委派觀察員出席一九四六年於紐約舉行之國際衛生會議之國家，依第十九章規定并依其本國憲法程序，簽訂或以其他方法接受本組織者，得爲本組織會員國。但簽訂或接受本組織法應於衛生大會第一屆開會前爲之。

第六條

未依第四條與第五條規定加入爲會員國之國家，得申請加入。其申請經由衛生大會過半數票批准後，即得加入爲會員國。但以不違背根據第十六章業經通過之聯合國與本組織所訂之協定爲限。

第七條

如會員國未履行其對本組織所擔負之財政義務，或遇有其他特別情形，衛生大會認爲情形適當時，得停止該會員國所享有之選舉特權及便利。衛生大會并有權恢復此種選舉特權及便利。

第八條

領土或各組領土，其本身不負國際關係行爲責任者，經會員國或對各該領土負責之主管當局代表申請，得由衛生大會准其加入爲副會員。副會員出席衛生大會代表之資格，應爲衛生專門技術人才，并應爲該當地土著。副會員權利與義務之性質與範圍應由衛生大會予以決定。

第四章

機關

第九條

本組織工作應由下列機關執行之：一

（一）世界衛生大會（以後簡稱衛生大會）

（二）執行委員會（以後簡稱執委會）

（三）秘書處

第五章

世界衛生大會

第十條

衛生大會應由會員國代表組織之。

第十一條

每一會員國之代表不得超過三人，其中一人應由該會員國指定爲首席代表。各代表應由公共衛生界上具有相當專門技術人員中選擇之，尤以能代表該會員國政府之衛生署者爲佳。

第十二條

副代表及顧問得隨同代表出席。

第十三條

衛生大會每年舉行常會，并於必要時舉行特別會議。特別會議應由執委會或多數會員國之請求召集之。

第十四條

衛生大會每年常會時，應擇定一國家或一地域爲下屆年會開會所在地，然後由執委會指定地点。特別會議之開會地点應由執委會決定之。

第十五條

每年常會及特別會議之會期應由執委會與聯合國秘書長會商後決定之。

第十六條

衛生大會會長及其他職員應由每屆年會於其開始時選舉之。各該職員之任期應俟其繼任選出時爲止。

第十七條

衛生大會應自行擬定其議事規則。

第十八條

衛生大會之職掌規定如下：

（一）決定本組織之政策；

（二）推選各會員國其有權指派代表參加執委會者；

（三）任命秘書長；

（四）審該執委會及秘書長之報告與工作；並指示執委會對於各項問題所應採取之行動；

（五）設立與本組織工作有必要之各委員會；

（六）監督本組織之財政政策，並審核預算；

（七）指示執委會與秘書長對於衛生大會所認為適當衛生事宜，提請會員國及政府與非政府之國際組織之注意。

（八）邀請其職責與本組織職責相關之國際或國內政府或非政府之任何組織，指派代表依照衛生大會規定，參加大會或大會所召開之會議與委員會會議。各該代表無表決權惟東道國內組織參加時，須先得該國政府之同意。

（九）研究聯合國大會，經濟暨社會理事會，安全理事會或託管理事會對於有關衛生事宜之建議；并將本組織對於該建議之實施情形，向各該機關報告；

（十）依照本組織與聯合國所締結協定內之規定，向經濟暨社會理事會報告；

（十一）由本組織職員，或由本組織所設立之機關，或經會員國政府同意與其官方機關合作獎勵并指導有關衛生之研究；

（十二）設立其他適當之機關；

（十三）採取其他適宜行動，以求達成本組織之宗旨。

第十九條

衛生大會應有採定在本組織權限內任何事宜之國際協定或公約之權。此項公約及協定須經出席并投票會員國之三分二多數票之通過，並須經各該會員國憲法程序接受後，對於各該會員國始發生效力。

第二十條

每一會員國于衛生大會通過各該協定或公約後十八個月內採取步驟，對于該協定或公約是否接受。各會員國應將其所採步驟通知秘書長。如該會員國于所定期限內未能予以接受，則應以書面解釋其理由。如經接受，則每一會員國同意依據第十四章之規定，向秘書長造具年報。

第二十一條

衛生大會有權通過與下列有關之規章：

（一）預防疾病于國際間蔓延之環境衛生與檢疫之必需條件及其他方法；

（二）關于疾病，死因，及公共衛生工作之名稱；

（三）檢驗方法之國際通用標準；

（四）出售于各國市場之生物，藥物及其他類似製品之安全，純淨，及功效之標準；

（五）出售于各國市場之生物，藥物及其他類似製品之廣告與標簽。

第二十二條

上項依第二十一條訂定之規章經衛生大會通過，通知各會員國後即發生效力。如于通告中所規定期限內，會員國向秘書長作有不能接納之通知，或申明有保留條件者，不在此限。

第二十三條

衛生大會就本組織職權範圍以內之一應事項，有權向各會員國提出建議。

第六章

執行委員會

第二十四條

執行委員會由十八會員國各指派一委員組織之，衛生大會將勞地域上公勻分配原則推選有權指派委員之會員國。各該會員國經選定後，應任命于衛生專門技術著有資望者一人供職執行委員會。執行委員得有副代表及顧問隨同赴任。

第二十五條

執行委員任期三年，連選得連任；但於衛生大會第一屆會當選之執行委員中，應以抽籤決定六委員任期爲一年，另六委員任期爲二年。

第二十六條

執行委員會每年應至少舉行會議兩次，並應決定每次開會地點。

第二十七條

執行委員會應互選一人爲主席，幷制定議事規則。

第二十八條

執行委員會之職掌如下：一

（一）執行衛生大會之決議與政策；

（二）爲衛生大會之執行機關；

（三）執行衛生大會所委付之職務；

（四）就衛生大會提交之問題及公約，協約，規章劃交執委會主管之事項，向大會提供意見；

（五）自動擬具意見或提議提交衛生大會；

（六）草擬衛生大會會議之議事日程；

（七）擬具特定期間工作大綱提交衛生大會審核；

（八）研究其權限內之一切問題；

（九）於本組織職掌及財力範圍內，採取緊急措施，以應付必須立即採取行動之事態。於特殊情形下，執行委員會得授權秘書長採取必要步驟，以消滅流行疫症，參加救濟災民之衛生組織；幷研究任何執行委員或秘書長提請執行委員會注意之緊急問題。

第二十九條

執行委員會應代大會行使其託交執委會之權力。

第七章

祕書處

第三十條

祕書處設祕書長一人及本組織所需之技術與行政人員若干人。

第三十一條

祕書長經執行委員會之推選，由衛生大會任命之，其任命條例由衛生大會決定之。祕書長於執行委員會一般權力下，爲本組織之技術與行政首長。

第三十二條

祕書長爲衛生大會，執行委員會，本組織各委員會，小組委員會及本組織所召開各種會議之當然祕書。祕書長得委派人員代行此項職務。

第三十三條

祕書長或其代表爲執行職務，得與會員國商定致察程序，直接進入各該會員國之各機關，尤其是衛生機關，以及政府或非政府之全國衛生組織爲必要之致察，並得與其工作範圍關於本組織職權下之國際機關，取得直接聯絡。祕書長應隨時將一切有關各區域之事宜，通知各該管區域行政局。

第三十四條

祕書長應編造本組織常年財政收支報告及概算送交執行委員會。

第三十五條

祕書長應依照衛生大會所訂辦事人員條例之規定，委派祕書處辦事人員。辦事人員之僱用應以求達效率，忠誠及祕書處國際代表性之最高標準爲首要考慮。徵聘辦事人員時，應於可能範圍內充分注意地域上之普及。

第三十六條

本組織辦事人員之服務條例應儘可能求與聯合國其他機關之規定符合。

第三十七條

祕書長及其辦事人員執行職務，不得請求或接受本組織以外任何政府或其他當局之訓示，並應避免或足以妨害其國際官員地位之行動。本組織各會員國承諾尊重祕書長及其辦事人員之專屬國際性，亦不設法影響其行爲。

第八章

委員會

第三十八條

執行委員會應依大會之指示設立委員會，并得自行主張或經由祕書長建議，設置執行委員會認爲需要之其他委員會以處理本組織職權內之事項。

第三十九條

執行委員會應隨時爲所屬委員會應否繼續存在之審核。此項審核至少每年舉行一次。

第四十條

執行委員會得與其他各種組織會同設立聯合或混合委員會，或使本組織參加各該委員會會議，及遣派本組織代表出席其他各該組織所設立之委員會。

第九章

會議

第四十一條

衛生大會或執行委員會得召開地方會議，全體會議，技術會議，或其他特別會議以商討本組織職權範圍內之任何事項；派遣代表出席上述諸國際組織會議；如經關係政府之同意，並得遣派代表出席于政府或非政府之國內組織之會議。遣派代表辦法，由衛生大會或執行委員會決定之。

第四十二條

執行委員會得派遣代表出席經其認爲與本組織利益攸關之會議。

第十章

會所

第四十三條

本組織會所之地點應由衛生大會與聯合國會商後決定之。

第十一章

區域辦法

第四十四條

（一）衛生大會應視設立區域組織之需要，隨時劃定區域。

（二）衛生大會得經位於劃定區域內會員國過半數之同意，設立區域組織，以應該區域之特別需要。每一區域祇應有一個區域組織。

第四十五條

區域組織各應依照組織法之規定爲本組織之構成部分。

第四十六條

區域組織應設立區域委員會及區域行政局。

第四十七條

區域委員會由該管區域會員國及副會員之代表組織之。區域內無外交自主權而又非副會員之領土或各組領土，應有出席區域委員會之權。此項領土或各組領土出席區域委員會權利義務之性質範圍，應由衛生大會與負責辦理各該領土外交事務之會員國或其他當局及該區域內會員國協商後決定之。

第四十八條

區域委員會應視其需要，時常開會，並擇定每次開會地点。

第四十九條

區域委員會應自行制定議事規則。

第五十條

區域委員會之職權如下：

（一）就絕對有區域性之事項決定施政方針。

（二）監督區域行政局之工作。

（三）向區域行政局建議：(甲)召集技術會議，(乙)辦理其他經區域委員會認爲足以促進本組織在該區域境內目的有關衛生事項之工作或調查。

（四）與聯合國區域委員會，其他專門機關所屬區域委員會，及其他與本組織旨趣相同之國際機關所屬區域分所協力合作。

（五）就逾越區域範圍之國際衛生事項經由秘書長向本組織提供意見。

（六）如本組織總預算內撥交該區域之款項不敷應用，爲該區域內會員國政府增加撥款之建議。

（七）其他由衛生大會，執委會或秘書長授予區域委員會職權。

第五十一條

區域行政局爲區域委員會之執行機關，受本組織秘書長基於一般權力之指揮。區域行政局應於該管區域內執行衛生大會及執委會之決議。

第五十二條

區域行政局局長爲區域行政首長，由執委會商得區域委員會同意任命之。

第五十三條

區域行政局辦事人員之委派由秘書長與區域委員會協議決定之。

第五十四條

汎美衛生局及汎美衛生會議所代表之汎美衛生組織，及其他在本組織法簽字以前成立之國際區域衛生組織，應於相當時期內與世界衛生組織合併。此項合併應經由關係各組織主管當局之相互同意，於可行範圍內儘速完成。

第十二章

預算與費用

第五十五條

秘書長應編製本組織之常年預算概算提交執行委員會，執行委員會應審查此項預算概算，并附建議提交衛生大會。

第五十六條

以不違反本組織與聯合國之協定爲限，衛生大會應審核通過各項預算概算，并依照衛生大會所定之等級比例表，規定各會員國之費用分担額。

第五十七條

衛生大會，或執行委員會代衛生大會行使職權，得接受管理各方對本組織所爲之贈與。此項贈與所附條件須經衛生大會或執行委員會認許並須符合本組織宗旨政策。

第五十八條

爲應付緊急事項及意外變故起見，應設特別基金，備執行委員會斟酌動用。

第十三章

表決

第五十九條

衛生大會每一會員國應有一個投票權

第六十條

（一）衛生大會對於重要問題之決議，應以出席及投票會員國三分二之同意票爲之。此項問題應包括：公約或協約之締結；依照本組織法第六十九條第七十條第七十二條及修正案之規定；批准各種使本組織與聯合國及其他國際機關成立聯繫之協約。

（二）關於其他問題之決議，包括指定何種事項應以三分之二之多數票決定之問題，應以出席投票之會員國過半數之同意票爲之。

（三）執行委員會暨本組織各委員會表決相似事項應比照本條（一）（二）兩項之規定。

第十四章

各國提出之報告書

第六十一條

會員國應將改進人民健康辦法及成績向本組織提出常年報告。

第六十二條

會員國應就其依本組織建議暨公約，協約，與規章之規定所採辦法，逐年向本組織提出報告。

第六十三條

會員國應將有關衛生幷經在該國境內公佈發表之重要法令，規章，政府機關正式報告書及統計，立即通知本組織。

第六十四條

每一會員國應彙編各種統計與流行病報告書，其格式由衛生大會定之。

第六十五條

會員國經執行委員會之請求，應於可能範圍內將關於衛生之額外，情報提交執行委員會。

第十五章

法律行爲能力，特權及豁免

第六十六條

本組織於各會員國境內享有爲達成目的，行使職權所必需之法律行爲能力。

第六十七條

（一）本組織於各會國境內享有爲達成目的，行使職權所必需之特權與豁免。

（二）會員國代表，執行委員會職事人員，暨本組織專門及行政人員，亦享因公自由執行職務所必需之特權與豁免。

第六十八條

此項法律行爲能力，特權及豁免另以協約定之。此項協約由本組織草擬與聯合國秘書長商榷後，由會員國互訂之。

第十六章

與其他組織之關係

第六十九條

本組織應與聯合國發生聯繫，成爲聯合國憲章第五十七條所稱專門機關之一。使本組織與聯合國發生聯繫之協約，應由衛生大會三分二之同意票通過之。

第七十條

本組織認爲合宜時，應與其他政府間之組織建立有效之關係及密切之合作，與各該組織締結式正協定，應有衛生大會三分二之同意票。

第七十一條

本組織就其職權範圍內之事項，得採適當辦法，俾與非政府國際組織會商合作，如經有關國家之同意，並得與一國內之政府或非政府組織會商合作。

第七十二條

任何其他國際組織或機關，其宗旨及工作均在本組織範圍內者，本組織得依國際協約或經與各該組織之主管當局訂立彼此同意之辦法，承受該組織或機關之某項職務，資源及義務。此項國際協約或辦法之訂立，須有衛生大會三分二之同意票。

第十七章

修改

第七十三條

秘書長至遲應於衛生大會開始審查六個月前將組織法修正案全文分別送交會員國。修正案經衛生大會以三分二之會員國同意票制定，三分二之會員國各依其本國憲法程序接受，對所有會員國發生效力。

第十八章

解釋

第七十四條

本組織法之中，英，法，俄及西班牙文各本同一作準。

第七十五條

除當事國另有協議解決方法外，應依國際法院規約之規定，因解釋或適用本組織法而起之爭端或問題提交國際法院。

第七十六條

本組織得經聯合國大會之許可，或依照本組織與聯合國所訂協約規定之許可，就本組織主管事項之法律問題，請求國際法院發表諮詢意見。

第七十七條

遇因請求國際法院發表諮詢意見而須開庭審訊時，秘書長得代表本組織出庭。秘書長應擬具出庭申述原案及辯論對本問題各種意見之辦法。

第十九章

效力之發生

第七十八條

除依第四條之規定外，所有國家均得簽署或接受本組織法。

第七十九條

（一）國家得經由下列程序之一爲本組織法簽訂國：

（甲）無條件接受之簽署；

（乙）須經批准手續始生效力之簽署；

（丙）接受。

（二）接受須以正式文書送存聯合國秘書長。

第八十條

本組織法自聯合國二十六個會員國依照第七十九條規定成爲本組織法簽訂國之日起發生效力。

第八十一條

本組織法如經無條件接受簽署或單純接受，卽由聯合國秘書長依照聯合國憲章第一百零二條之規定爲必要之登記。

第八十二條

聯合國秘書長將本組織法發生效力之日期通知本組織法各簽訂國，并將其他國家成爲本組織法簽訂國之日期通知各簽訂國。

爲此下列代表各秉其本國政府正式授予簽字之權，謹簽字於本組織法，以昭信守。

公曆一九四六年七月二十二日簽訂於紐約州紐約市。並以五種正式文字各製成一本，同一作準。各該正本應留存於聯合國之檔庫。聯合國秘書長應將正式副本分送與各國政府。

УСТАВ (КОНСТИТУЦИЯ)

ВСЕМИРНОЙ ОРГАНИЗАЦИИ

ЗДРАВООХРАНЕНИЯ

ГОСУДАРСТВА, принявшие сообща настоящий Устав (Конституцию), в соответствии с Уставом Объединенных Наций, провозглашают, что нижеследующие принципы являются основными для счастья, гармоничных отношений между всеми народами и для их безопасности.

Здоровье является состоянием полного физического, душевного и социального благополучия, а не только отсутствием болезней или физических дефектов.

Обладание наивысшим достижимым уровнем здоровья является одним из основных прав всякого человека без различия расы, религии, политических убеждений, экономического или социального положения.

Здоровье всех народов является основным фактором в достижении мира и безопасности и зависит от самого полного сотрудничества отдельных лиц и государств.

Достижения любого государства в области улучшения и охраны здоровья представляют ценность для всех.

Неравномерное развитие в разных странах мер в области здравоохранения и борьбы с болезнями, в особенности с заразными болезнями, является общей опасностью.

Здоровое развитие ребенка является фактором первостепенной важности; способность жить гармонично в меняющихся условиях среды является основным условием такого развития.

Предоставление всем народам возможности пользования всеми достижениями медицины, психологии и родственных им наук является необходимым условием достижения высшего уровня здоровья.

Просвещенное общественное мнение и активное сотрудничество со стороны общества крайне важны для улучшения здоровья народа.

Правительства несут ответственность за здоровье своих народов, и эта ответственность требует принятия соответствующих мероприятий социального характера и в области здравоохранения.

ПРИЗНАВАЯ ЭТИ ПРИНЦИПЫ, в целях сотрудничества между собою и с другими в области улучшения и охраны здоровья всех народов, договаривающиеся стороны принимают настоящий Устав (Конституцию) и тем самым учреждают Всемирную Организацию Здравоохранения как специализированное учреждение Объединенных Наций, в соответствии с положениями статьи 57 Устава Объединенных Наций.

ГЛАВА I

ЦЕЛЬ

Статья 1

Целью Всемирной Организации Здравоохранения, в дальнейшем именуемой "Организация", является достижение всеми народами возможно высшего уровня здоровья.

ГЛАВА II

ФУНКЦИИ

Статья 2

Функциями Организации, ведущими к указанной цели, будет:

a) действовать в качестве руководящего и координирующего органа в международной работе по здравоохранению;

b) установить и поддерживать эффективное сотрудничество с Объединенными Нациями, со специализированными учреждениями, с правительственными учреждениями по здравоохранению, с профессиональными группами и с другими организациями, которые для этого окажутся подходящими;

c) помогать правительствам по их просьбе в укреплении обслуживания населения в области здравоохранения;

d) оказывать нужное техническое содействие и в экстренных случаях необходимую помощь по просьбе или с согласия соответствующего правительства;

e) обеспечивать или способствовать обеспечению, по требованию Объединенных Наций, обслуживание необходимыми для здравоохранения средствами специальных групп, как например населения территорий, находящихся под опекой;

f) устанавливать и поддерживать такое административное и техническое обслуживание, включая эпидемиологическое и статистическое, которое может потребоваться;

g) поощрять и развивать работу по борьбе с эпидемическими, эндемическими и другими болезнями;

h) в сотрудничестве, где это является необходимым, с другими специализированными учреждениями, способствовать предотвращению несчастных случаев;

i) в сотрудничестве, где это потребуется, с другими специализированными учреждениями, способствовать улучшению питания, жилищных условий, санитарных условий, условий отдыха, экономических условий или условий труда и других гигиенических условий окружающей обстановки;

j) способствовать сотрудничеству между научными и профессиональными группами, которые участвуют в развитии дела здравоохранения;

k) предлагать принятие конвенций, соглашений и правил и делать рекомендации по вопросам международного здравоохранения и исполнять те обязанности, которые в связи с этим могут быть возложены на Организацию и которые соответствуют ее целям;

l) способствовать развитию охраны материнства и детства и принимать меры, содействующие способности к гармоничной жизни в меняющихся общих условиях среды;

m) поощрять работу в области душевного здоровья, в особенности такую, которая имеет значение для гармонии человеческих отношений;

n) поощрять и проводить исследования в области здравоохранения;

o) способствовать улучшению стандартов обучения и подготовки в санитарной, медицинской и связанных с ними профессиях;

p) изучать, в сотрудничестве с другими специализированными учреждениями, когда это необходимо, административные и социальные вопросы, влияющие на общественное здравоохранение и медицинское обслуживание с точки зрения их превентивного и лечебного значения, включая госпитальное обслуживание и социальное обеспечение, и представлять о том доклады;

q) предоставлять информацию, советы и помощь в области здравоохранения;

r) способствовать созданию во всех странах осведомленного в вопросах здравоохранения общественного мнения;

s) устанавливать и по мере надобности пересматривать международную номенклатуру болезней, причин смерти и приемов общественного здравоохранения;

t) стандартизировать, где это необходимо, диагностические процедуры;

u) развивать, устанавливать и способствовать распространению международных стандартов для пищевых, биологических, фармацевтических и аналогичных продуктов;

v) вообще принимать все необходимые меры для достижения целей Организации.

ГЛАВА III

ЧЛЕНЫ ОРГАНИЗАЦИИ И ЧЛЕНЫ-СОТРУДНИКИ [1/]

Статья 3

Прием в Члены Организации открыт для всех государств.

Статья 4

Члены Объединенных Наций могут стать Членами Организации путем подписания настоящего Устава (Конституции) или принятия его каким-либо другим образом, предусмотренным в главе XIX и в соответствии с их конституционной процедурой.

Статья 5

Государства, правительства которых были приглашены прислать

1/ Это понятие в английском тексте выражается словами "Associate Members", во французском - "Membres Associes".

наблюдателей на Международную Конференцию по Здравоохранению, состоящуюся в Нью Йорке в 1946 г., могут стать Членами Организации путем подписания настоящего Устава (Конституции) или принятия его каким-либо другим образом, предусмотренным в главе XIX и в соответствии с их конституционной процедурой, при условии, что такое подписание или принятие состоится до первой сессии Ассамблеи Здравоохранения.

Статья 6

В соответствии с условиями любого соглашения между Объединенными Нациями и Организацией, утвержденными согласно главе XVI, государства, не ставшие Членами Организации в порядке, указанном в статьях 4 и 5, могут подавать заявления о приеме в Члены Организации и принимаются в Члены Организации по утверждении их заявлений Ассамблеей Здравоохранения простым большинством голосов.

Статья 7

В случае невыполнения Членом Организации своих финансовых обязательств по отношению к Организации, или при других исключительных обстоятельствах, Ассамблея Здравоохранения может, на тех условиях, которые она сочтет правильными, временно лишить Члена Организации принадлежащего ему права голоса и права на обслуживание. Ассамблея Здравоохранения полномочна восстанавливать означенные право голоса и право на обслуживание.

Статья 8

Территории или группы территорий, не ответственные за свои международные отношения, могут приниматься в качестве Членов-Сотрудников Ассамблеей Здравоохранения по подаче заявления, представляемого от имени такой территории или группы территорий, Членом Организации или иной властью, ответственной за их международные отношения. Представители Членов-Сотрудников в Ассамблее Здравоохранения должны обладать технической компетентностью в области здравоохранения и должны выбираться из туземного населения. Характер и объем прав и обязанностей Членов-Сотрудников определяются Ассамблеей Здравоохранения.

ГЛАВА IV

ОРГАНЫ

Статья 9

Работа Организации выполняется:

a) Всемирной Ассамблеей по Здравоохранению (именуемой в тексте "Ассамблея Здравоохранения");

b) Исполнительным Комитетом (в дальнейшем именуемым "Комитетом");

c) Секретариатом.

ГЛАВА V

ВСЕМИРНАЯ АССАМБЛЕЯ ЗДРАВООХРАНЕНИЯ

Статья 10

Ассамблея Здравоохранения состоит из делегатов, представляющих Государства-Члены Организации.

Статья 11

Каждый Член Организации представлен не более как тремя делегатами, из которых один, по назначению Члена Организации, является главным делегатом. Указанные делегаты должны подбираться из числа лиц, обладающих наивысшей технической компетентностью в области здравоохранения, предпочтительно представляющих национальную администрацию здравоохранения Члена Организации.

Статья 12

При делегатах могут состоять заместители и советники.

Статья 13

Ассамблея Здравоохранения собирается на очередные ежегодные сессии и, в случае надобности, на специальные сессии. Специальные сессии созываются по требованию Комитета или большинства Членов Организации.

Статья 14

Ассамблея Здравоохранения на каждой ежегодной сессии выбирает страну или область, в которой должна состояться следующая ежегодная сессия, причем Комитет затем определяет место съезда. Место проведения специальной сессии определяется Комитетом.

Статья 15

Комитет, после консультации с Генеральным Секретарем Объединенных Наций, определяет сроки созыва каждой ежегодной и специальной сессии.

Статья 16

Ассамблея Здравоохранения избирает своего Председателя и других членов президиума в начале каждой ежегодной сессии. Эти лица сохраняют свои полномочия впредь до избрания их преемников.

Статья 17

Ассамблея Здравоохранения устанавливает свои собственные правила процедуры.

Статья 18

Функциями Ассамблеи Здравоохранения являются:

a) определять направление деятельности Организации;

b) определять Государства-Члены Организации, которым предоставляется право назначать своих представителей в Комитет;

c) назначать Генерального Директора;

d) рассматривать и утверждать доклады и деятельность Комитета и Генерального Директора и давать указания Комитету по вопросам, по которым желательно предпринять действия, изучение, исследование или представление доклада;

e) создавать комитеты, которые могут оказаться нужными для работы Организации;

f) наблюдать за финансовой деятельностью Организации, рассматривать и утверждать бюджет;

g) давать указания Комитету и Генеральному Директору о необходимости обращать внимание Членов, а также международных организаций, как правительственных так и неправительственных, на любой вопрос, касающийся здравоохранения, который Ассамблея Здравоохранения признает требующим рассмотрения;

h) приглашать любую организацию, международную или национальную,

правительственную или неправительственную, задачи которой сходны с задачами Организации, назначать представителей для участия, без права голоса, на своих собственных заседаниях и заседаниях ее комитетов и созываемых ею конференций, на условиях, устанавливаемых Ассамблеей Здравоохранения; в отношении национальных организаций приглашения посылаются лишь с согласия соответствующего правительства;

i) рассматривать рекомедации, имеющие отношение к здравоохранению, сделанные Генеральной Ассамблеей, Экономическим и Социальным Советом, Советом Безопасности или Советом по Опеке Объединенных Наций и представлять им доклады о мерах, принятых Организацией в целях осуществления означенных рекомендаций;

j) представлять Экономическому и Социальному Совету доклады в соответствии с любым соглашением между Организацией и Объединенными Нациями;

k) способствовать проведению и проводить исследования в области здравоохранения силами персонала Организации, созданием своих собственных учреждений или путем сотрудничества с официальными или неофициальными учреждениями любого Члена с согласия его правительства;

l) создавать любые другие учреждения, которые будут признаны желательными;

m) принимать любые иные мероприятия, способствующие достижению целей Организации.

Статья 19

Ассамблея Здравоохранения имеет право принимать конвенции и соглашения по любому вопросу, входящему в компетенцию Организации. Для принятия такого рода конвенций и соглашений требуется большинство двух третей голосов Ассамблеи Здравоохранения, причем означенные конвенции или соглашения в отношении каждого отдельного Члена Организации входят в силу по принятии их им согласно порядку, предусмотренному его конституционной процедурой.

Статья 20

Каждый Член обязуется в восемнадцатимесячный срок со дня принятия Ассамблеей Здравоохранения конвенции или соглашения принять меры к утверждению такой конвенции или соглашения. Каждый Член уведомляет Генерального Директора о принятых им мерах или в случае непринятия им такой конвенции или соглашения в означенный срок сообщает о причинах непринятия. В случае принятия каждый Член соглашается представлять ежегодно Генеральному Директору доклад в соответствии с требованием главы XIV.

Статья 21

Ассамблея Здравоохранения имеет полномочия устанавливать правила, касающиеся:

a) санитарных и карантинных требований и иных мероприятий, направленных против международного распространения болезней;

b) номенклатуры болезней, причин смерти и приемов общественного здравоохранения;

c) стандартов диагностических методов исследования для их международного использования;

d) стандартов в отношении безвредности, чистоты и силы действия биологических, фармацевтических и подобных продуктов, имеющих обращение в международной торговле;

e) рекламы и ярлыков биологических, фармацевтических и подобных продуктов, имеющих обращение в международной торговле.

Статья 22

Правила, принимаемые в соответствии со статьей 21, становятся обязательными для всех Членов после того как будет сделано должным образом оповещение о их принятии Ассамблеей Здравоохранения, за исключением тех Членов Организации, которые известят Генерального Директора в указанный в оповещении срок об отклонении их или оговорках в отношении их.

Статья 23

Ассамблея Здравоохранения уполномачивается делать рекомендации Членам по любому вопросу, относящемуся к компетенции Организации.

ГЛАВА VI

ИСПОЛНИТЕЛЬНЫЙ КОМИТЕТ

Статья 24

Комитет состоит из восемнадцать лиц по назначению такого же числа Членов Организации. Принимая во внимание справедливое географическое распределение, Ассамблея Здравоохранения избирает тех Членов, которым предоставляется право назначать своих представителей в Комитет. Каждый из этих Членов должен назначать в Комитет лицо, технически квалифицированное в области здравоохранения, которое могут сопровождать заместители и советники.

Статья 25

Эти Члены избираются сроком на три года и могут быть переизбираемы, причем из числа Членов, избранных на первой сессии Ассамблеи Здравоохранения, шесть Членов сохраняют свои полномочия в продолжение одного года, шесть других - в продолжение двух лет - по жребию.

Статья 26

Комитет должен собираться не менее двух раз в год, каждый раз определяя место своего собрания.

Статья 27

Комитет избирает председателя из числа своих членов и утверждает свои собственные правила процедуры.

Статья 28

Функциями Комитета являются:

a) проводить в жизнь принципиальные решения Ассамблеи Здравоохранения;

b) действовать в качестве исполнительного органа Ассамблеи Здравоохранения;

c) выполнять любые иные функции, порученные ему Ассамблеей

Здравоохранения;

d) представлять Ассамблее Здравоохранения заключения по вопросам, переданным ему Ассамблеей или возникающих перед Организацией в связи с конвенциями, соглашениями и правилами;

e) представлять Ассамблее Здравоохранения по собственной инициативе советы и предложения;

f) подготовлять повестку дня заседаний Ассамблеи Здравоохранения;

g) представлять на рассмотрение и утверждение Ассамблее Здравоохранения общие программы работы на определенные периоды времени;

h) изучать все вопросы, входящие в его компетенцию;

i) в пределах круга ведения и финансовых возможностей принимать чрезвычайные меры в случаях, требующих немедленного действия; в частности, он может уполномочить Генерального Директора принимать необходимые меры по борьбе с эпидемиями, принимать участие в организации медицинской помощи жертвам народных бедствий и предпринимать изучение и исследование вопросов, на крайнюю срочность которых обращено внимание Комитета любым Членом Организации или Генеральным Директором.

Статья 29

Комитет, действуя от имени Ассамблеи Здравоохранения в целом, пользуется теми полномочиями, которые переданы ему ею.

ГЛАВА VII

СЕКРЕТАРИАТ

Статья 30

Секретариат состоит из Генерального Директора и такого технического и административного персонала, который может потребоваться Организации.

Статья 31

Генеральный Директор назначается Ассамблеей Здравоохранения по представлению Комитета на условиях, устанавливаемых Ассамблеей. Генеральный

Директор, подчиняясь руководству Комитета, является главным техническим и административным должностным лицом Организации.

Статья 32

Генеральный Директор по должности (ex officio) является Секретарем Ассамблеи Здравоохранения, Комитета, всех комиссий и комитетов Организации и конференций, созываемых ею. Он может поручать выполнение этих функций другим лицам.

Статья 33

По соглашению с Членами Генеральный Директор или его представитель может устанавливать процедуру, позволяющую ему для выполнения его обязанностей иметь непосредственный доступ к их различным правительственным учреждениям, особенно к их административным органам здравоохранения и национальным организациям здравоохранения, как правительственным, так и неправительственным. Он может также установить непосредственные сношения с международными организациями, деятельность которых относится к компетенции Организации. Он держит региональное бюро в курсе всех вопросов, касающихся их территорий.

Статья 34

Генеральный Директор ежегодно составляет и представляет Комитету финансовые отчеты и бюджетные сметы Организации.

Статья 35

Генеральный Директор назначает персонал Секретариата в соответствии с правилами, установленными Ассамблеей Здравоохранения. При найме персонала главным соображением должна являться необходимость обеспечить самый высокий уровень работоспособности, добросовестности и международно-представительного характера Секретариата. Должное внимание обращается на важность подбора персонала на возможно широкой географической основе.

Статья 36

Условия службы персонала Организации, насколько это возможно, должны быть аналогичны с условиями в других Организациях Объединенных Наций.

Статья 37

При исполнении своих обязанностей Генеральный Директор и персонал не должны запрашивать или получать указаний от какого бы то ни было правительства или власти, посторонней для Организации. Они должны воздерживаться от любых действий, которые могли бы отразиться на их положении, как международных должностных лиц. Каждый Член Организации, со своей стороны, обязуется уважать строго международный характер Генерального Директора и персонала и не пытаться оказывать на них влияние.

ГЛАВА VIII

КОМИТЕТЫ

Статья 38

Комитет учреждает по указанию Ассамблеи Здравоохранения такие комитеты, а также по собственной инициативе или по предложению Генерального Директора учреждает любые другие комитеты, существование которых будет найдено желательным для осуществления любых целей, соответствующих компетенции Организации.

Статья 39

Комитет время от времени, и во всяком случае ежегодно, пересматривает вопрос о необходимости дальнейшего существования каждого комитета.

Статья 40

Комитет может принимать решения о создании или участии Организации совместно с другими организациями в объединенных или смешанных комитетах, равно как и представлять Организацию в комитетах, которые будут образованы другими организациями.

ГЛАВА IX

КОНФЕРЕНЦИИ

Статья 41

Ассамблея Здравоохранения или Комитет могут созывать местные, общие, технические и иные специальные конференции для рассмотрения любого вопроса, относящегося к компетенции Организации, и могут обеспечивать представительство на таких конференциях международных организаций и национальных организаций, правительственных или неправительственных, с согласия соответствующего правительства. Характер такого представительства определяется Ассамблеей Здравоохранения или Комитетом.

Статья 42

Комитет может предусматривать представительство Организации на тех конференциях, в которых, по мнению Комитета, Организация заинтересована.

ГЛАВА X

МЕСТОНАХОЖДЕНИЕ

Статья 43

Местонахождение Организации определяется Ассамблеей Здравоохранения после обсуждения с Объединенными Нациями.

ГЛАВА XI

РЕГИОНАЛЬНЫЕ СОГЛАШЕНИЯ

Статья 44

a) Ассамблея Здравоохранения время от времени определяет географические области, в которых желательно учредить региональную организацию.

b) Ассамблея Здравоохранения может, с согласия большинства Членов, территории которых входят в каждую определенную таким образом область, учредить региональную организацию в целях удовлетворения специальных нужд данной области. В каждой данной области должно быть не более одной региональной организации.

Статья 45

Каждая региональная организация является неотъемлемой частью Организации в соответствии с настоящим Уставом.

Статья 46

Каждая региональная организация состоит из регионального комитета и регионального бюро.

Статья 47

Региональные комитеты состоят из представителей Членов-Государств и Членов-Сотрудников соответствующей географической области. Территории и группы территорий в пределах области, неправомочные в отношении своих международных отношений и которые не являются Членами-Сотрудниками, имеют право быть представленными и участвовать в региональных комитетах. Характер и объем прав и обязанностей этих территорий или групп территорий в региональных комитетах определяется Ассамблеей Здравоохранения по консультации с Членом Организации или иной властью, ответственной за международные отношения означенных территорий, и с Членами-Государствами данной области.

Статья 48

Региональные комитеты собираются по мере необходимости и сами определяют место каждого заседания.

Статья 49

Региональные комитеты принимают свои собственные правила процедуры.

Статья 50

Функциями регионального комитета является:

a) определять направление деятельности в вопросах исключительно регионального характера;

b) наблюдать за деятельностью регионального бюро;

c) делать региональному бюро рекомендации о созыве технических конференций и выполнении дополнительных заданий или производстве

исследований по вопросам здравоохранения, которое, по мнению регионального комитета, способствовали бы достижению целей Организации в пределах области;

d) сотрудничать с соответственными региональными комитетами Объединенных Наций и с комитетами других специализированных учреждений, а также с другими региональными международными организациями, имеющими общие интересы с Организацией;

e) через Генерального Директора давать советы Организации по вопросам международного здравоохранения, имеющим более широкое значение, чем региональное;

f) делать рекомендации правительствам соответствующих областей о дополнительных региональных ассигнованиях, если размер основного бюджета Организации, выделенного на данную область, недостаточен для выполнения региональных функций;

g) такие иные функции, какие могут быть поручены региональному комитету Ассамблеей Здравоохранения, Комитетом или Генеральным Директором.

Статья 51

Региональное бюро является административным органом Регионального Комитета, оставаясь под общим руководством Генерального Директора Организации. Кроме того, бюро в пределах области выполняет решения Ассамблеи Здравоохранения и Комитета.

Статья 52

Во главе регионального бюро стоит региональный директор, назначаемый Комитетом по соглашению с региональным комитетом.

Статья 53

Персонал регионального бюро назначается в порядке, определяемом по соглашению между Генеральным Директором и региональным директором.

Статья 54

Панамериканская Санитарная Организация, представляемая Панамериканским Санитарным Бюро и Панамериканскими Санитарными Конференциями, и все другие межправительственные региональные организации по здравоохранению, существовавшие до дня подписания настоящего Устава, должны быть своевременно включены в Организацию. Указанное включение должно быть осуществлено в возможно короткий срок путем совместных действий, основанных на взаимном согласии компетентных властей, выраженном через посредство соответствующих организаций.

ГЛАВА XII

БЮДЖЕТ И РАСХОДЫ

Статья 55

Генеральный Директор составляет и представляет на рассмотрение Комитета годовую бюджетную смету Организации. Комитет рассматривает и представляет Ассамблее Здравоохранения эти бюджетные сметы вместе с такими рекомендациями, какие Комитет полагает уместными.

Статья 56

С соблюдением всех соглашений между Организацией и Объединенными Нациями Ассамблея Здравоохранения рассматривает и утверждает бюджетные сметы и распределяет расходы между Членами в соответствии со шкалой, устанавливаемой Ассамблеей Здравоохранения.

Статья 57

Ассамблея Здравоохранения или Комитет, действующий от имени Ассамблеи Здравоохранения, могут принимать дары и посмертные отказы, передаваемые Организации, и управлять ими в случае, если эти отказы и дары переданы на условиях, приемлемых для Ассамблеи или Комитета и совместимых с задачами и общим направлением деятельности Организации.

Статья 58

Для экстренных случаев и непредвиденных положений учреждается

специальный фонд, который может быть использован по усмотрению Комитета.

ГЛАВА XIII

ГОЛОСОВАНИЕ

Статья 59

Каждый Член в Ассамблее Здравоохранения имеет один голос.

Статья 60

a) Решения Ассамблеи Здравоохранения по важным вопросам принимаются большинством в две трети голосов Членов, присутствующих и принимающих участие в голосовании. К числу этих вопросов относятся: принятие конвенций и соглашений; утверждение соглашений, устанавливающих связь Организации с Объединенными Нациями, межправительственными организациями и учреждениями в соответствии со статьями 69, 70 и 72; поправки к настоящему Уставу.

b) Решения по другим вопросам, включая определение дополнительных категорий вопросов, решаемых большинством в две трети голосов, принимаются большинством Членов, присутствующих и участвующих в голосовании.

c) Голосование по аналогичным вопросам в Комитете и в комитетах Организации производится в соответствии с параграфами a) и b) настоящей статьи.

ГЛАВА XIV

ДОКЛАДЫ ПРЕДСТАВЛЯЕМЫЕ ГОСУДАРСТВАМИ

Статья 61

Каждый Член ежегодно представляет Организации доклад относительно принятых им мер и достигнутых результатов в улучшении здоровья своего народа.

Статья 62

Каждый Член ежегодно представляет доклад относительно мер, принятых в отношении рекомендаций, сделанных ему Организацией, а также в отношении конвенции, соглашений и правил.

Статья 63

Каждый Член без промедления сообщает Организации о важных законах, правилах, официальных докладах и статистических данных, относящихся к здравоохранению, которые были опубликованы в данном государстве.

Статья 64

Каждый Член представляет статистические и эпидемиологические доклады в той форме, какая будет установлена Ассамблеей Здравоохранения.

Статья 65

Каждый Член по предложению Комитета передает дополнительные данные по вопросам здравоохранения, насколько это может оказаться практически выполнимым.

ГЛАВА XV

ПРАВОСПОСОБНОСТЬ, ПРИВИЛЕГИИ И ИММУНИТЕТЫ

Статья 66

На территории каждого из своих Членов Организация пользуется такой правоспособностью, какая может оказаться необходимой для достижения ее целей и выполнения ее функций.

Статья 67

a) На территории каждого из своих Членов Организация пользуется такими привилегиями и иммунитетами, какие могут оказаться необходимыми для достижения ее целей и выполнения ее функций.

b) Представители Членов, лица, состоящие Членами Комитета, и технический и административный персонал Организации пользуются равным образом такими привилегиями и иммунитетами, какие необходимы для независимого выполнения ими своих функций в связи с деятельностью Организации.

Статья 68

Указанные правоспособность, привилегии и иммунитеты устанавливаются особым соглашением, которое должно быть выработано Организацией по соглашению с Генеральным Секретарем Объединенных Наций и заключено между Членами

ГЛАВА XVI

ВЗАИМООТНОШЕНИЯ С ДРУГИМИ ОРГАНИЗАЦИЯМИ

Статья 69

Организация вступает в связь с Объединенными Нациями в качестве одного из специализированных учреждений, указанных в статье 57 Устава Объединенных Наций. Соглашение или соглашения, устанавливающие связь между Организацией и Объединенными Нациями, подлежат утверждению большинством в две трети голосов Ассамблеи Здравоохранения.

Статья 70

Организация устанавливает эффективную связь и тесное сотрудничество с такими другими межправительственными организациями, с которыми это может оказаться желательным. Всякое формальное соглашение, заключенное с этими организациями, подлежит утверждению большинством в две трети голосов Ассамблеи Здравоохранения.

Статья 71

По вопросам, входящим в круг ее компетенции, Организация может предпринимать соответствующие шаги в целях консультации и сотрудничества с международными неправительственными организациями, а также с согласия заинтересованного правительства, с национальными организациями, как правительственными так и неправительственными.

Статья 72

При условии одобрения большинством в две трети голосов Ассамблеи Здравоохранения Организация может принять от любой другой международной организации или учреждения, цели и деятельность которых соответствует компетенции Организации, такие функции, ресурсы и обязательства, какие могут быть переданы Организации международным соглашением или взаимно приемлемыми договорами, которые будут заключены между ответственными представителями соответствующих организаций.

ГЛАВА XVII

ПОПРАВКИ

Статья 73

Генеральный Директор сообщает текст предлагаемых поправок к настоящему Уставу Членам не позднее, чем за шесть месяцев до рассмотрения их Ассамблеей Здравоохранения. Поправки вступают в силу в отношении всех Членов после того, как они утверждены большинством двух третей голосов Ассамблеи Здравоохранения и приняты двумя третями Членов в соответствии с их конституционными процедурами.

ГЛАВА XVIII

ТОЛКОВАНИЕ

Статья 74

Китайский, английский, французский, русский и испанский тексты настоящего Устава признаются равно аутентичными.

Статья 75

Любой вопрос или спор относительно толкования или применения настоящего Устава, который не разрешен путем переговоров или Ассамблеей Здравоохранения, передается в Международный Суд в соответствии со Статутом этого Суда, если только заинтересованные стороны не придут к соглашению о разрешении спора другим способом.

Статья 76

С санкции Генеральной Ассамблеи Объединенных Наций или в соответствии с полномочиями, основанными на любом соглашении между Организацией и Объединенными Нациями, Организация может обращаться к Международному Суду за заключением по любому юридическому вопросу, возникающему в пределах компетенции Организации.

Статья 77

Генеральный Директор может выступать в Суде от имени Организации в связи с любым процессом, возникающим из такого обращения за заключением.

Он принимает меры для представления дела Суду, включая меры, обеспечивающие представление доводов для всестороннего освещения вопроса.

ГЛАВА XIX

ВСТУПЛЕНИЕ В СИЛУ

Статья 78

С соблюдением положений главы III, настоящий Устав остается открытым для подписи или принятия его всеми государствами.

Статья 79

а) Государства могут присоединиться к настоящему Уставу путем:

i) подписания без оговорок в отношении его утверждения;

ii) подписания под условием его утверждения с последующим принятием; или

iii) принятия.

b) Принятие осуществляется вручением формального документа Генеральному Секретарю Объединенных Наций.

Статья 80

Настоящий Устав вступит в силу, когда двадцать шесть Членов Объединенных Наций присоединятся к нему в соответствии со статьей 79.

Статья 81

В соответствии со статьей 102 Устава Объединенных Наций, Генеральный Секретарь Объединенных Наций зарегистрирует настоящий Устав после того, как он будет подписан без оговорок, касающихся утверждения, от имени одного государства или после передачи первого документа о принятии.

Статья 82

Генеральный Секретарь Объединенных Наций уведомит государства, присоединившиеся к настоящему Уставу, о дате вступления его в силу. Он также будет уведомлять их о датах, в которые другие государства присоединятся к этому Уставу.

В УДОСТОВЕРЕНИЕ ЧЕГО нижеподписавшиеся представители, будучи на то должным образом уполномочены, подписывают настоящий Устав (Конституцию).

СОСТАВЛЕНО в городе Нью-Йорке, июля, двадцать второго дня, тысяча девятьсот сорок шестого года, в одном экземпляре на китайском, английском, французском, русском и испанском языках, из которых каждый текст равно аутентичен. Оригинальный текст подлежит сдаче в архив Объединенных Наций. Генеральный Секретарь Объединенных Наций разошлет заверенные копии его каждому Правительству, представленному на Конференции.

CONSTITUCION

DE LA

ORGANIZACION MUNDIAL DE LA SALUD

Los ESTADOS partes de esta Constitución declaran, en conformidad con la Carta de las Naciones Unidas, que los siguientes principios son básicos para la felicidad, las relaciones armoniosas y la seguridad de todos los pueblos:

La salud es un estado de completo bienestar físico, mental y social, y no solamente la ausencia de afecciones o enfermedades.

El goce del grado máximo de salud que se pueda lograr es uno de los derechos fundamentales de todo ser humano sin distinción de raza, religión, ideología política o condición económica o social.

La salud de todos los pueblos es una condición fundamental para lograr la paz y la seguridad, y depende de la más amplia cooperación de las personas y de los Estados.

Los resultados alcanzados por cada Estado en el fomento y protección de la salud son valiosos para todos.

La desigualdad de los diversos países, en lo relativo al fomento de la salud y el control de las enfermedades, sobre todo las trasmisibles, constituye un peligro común.

El desarrollo saludable del niño es de importancia fundamental; la capacidad de vivir en armonía en un mundo que cambia constantemente, es indispensable para este desarrollo.

La extensión a todos los pueblos de los beneficios de los conocimientos médicos, psicológicos y afines, es esencial para alcanzar el más alto grado de salud.

Una opinión pública bien informada y una cooperación activa por parte del público son de importancia capital para el mejoramiento de la salud del pueblo.

Los gobiernos tienen responsabilidad en la salud de sus pueblos, la cual sólo puede ser cumplida mediante la adopción de medidas sanitarias y sociales adecuadas.

ACEPTANDO ESTOS PRINCIPIOS, con el fin de cooperar entre sí y con otras en el fomento y protección de la salud de todos los pueblos, *Las Partes Contratantes* convienen en la presente Constitución y por este acto establecen la Organización Mundial de la Salud como organismo especializado de conformidad con los términos del Artículo 57 de la Carta de las Naciones Unidas.

CAPITULO I

FINALIDAD

Artículo 1

La finalidad de la Organización Mundial de la Salud (llamada de ahora en adelante Organización) será alcanzar para todos los pueblos el grado más alto posible de salud.

CAPITULO II

FUNCIONES

Artículo 2

Para alcanzar esta finalidad, las funciones de la Organización serán:

(a) actuar como autoridad directiva y coordinadora en asuntos de sanidad internacional;

(b) establecer y mantener colaboración eficaz con las Naciones Unidas, los organismos especializados, las administraciones oficiales de salubridad, las agrupaciones profesionales y demás organizaciones que se juzgue convenientes;

(c) ayudar a los gobiernos, a su solicitud, a fortalecer sus servicios de salubridad;

(d) proporcionar ayuda técnica adecuada y, en casos de emergencia, prestar a los gobiernos la cooperación necesaria que soliciten, o acepten;

(e) proveer o ayudar a proveer, a solicitud de las Naciones Unidas, servicios y recursos de salubridad a grupos especiales, tales como los habitantes de los territorios fideicometidos;

(f) establecer y mantener los servicios administrativos y técnicos que sean necesarios, inclusive los epidemiológicos y de estadística;

(g) estimular y adelantar labores destinadas a suprimir enfermedades epidémicas, endémicas y otras;

(h) promover, con la cooperación de otros organismos especializados cuando fuere necesario, la prevención de accidentes;

(i) promover, con la cooperación de otros organismos especializados cuando fuere necesario, el mejoramiento de la nutrición, la habitación, el saneamiento, la recreación, las condiciones económicas y de trabajo, y otros aspectos de la higiene del medio;

(j) promover la cooperación entre las agrupaciones científicas y profesionales que contribuyan al mejoramiento de la salud;

(k) proponer convenciones, acuerdos y reglamentos y hacer recomendaciones referentes a asuntos de salubridad internacional, así como desempeñar las funciones que en ellos se asignen a la Organización y que estén de acuerdo con su finalidad;

(l) promover la salud y la asistencia maternal e infantil, y fomentar la capacidad de vivir en armonía en un mundo que cambia constantemente;

(m) fomentar las actividades en el campo de la higiene mental, especialmente aquellas que afectan las relaciones armónicas de los hombres;

(n) promover y realizar investigaciones en el campo de la salud;

(o) promover el mejoramiento de las normas de enseñanza y adiestramiento en las profesiones de salubridad, medicina y afines.

(p) estudiar y dar a conocer, con la cooperación de otros organismos especializados cuando fuere necesario, técnicas administrativas y sociales que afecten la salud pública y la asistencia médica desde los puntos de vista preventivo y curativo, incluyendo servicios hospitalarios y el seguro social;

(q) suministrar información, consejo y ayuda en el campo de la salud;

(r) contribuir a crear en todos los pueblos una opinión pública bien informada en asuntos de salud;

(s) establecer y revisar, según sea necesario, la nomenclatura internacional de las enfermedades, de causas de muerte y de las prácticas de salubridad pública;

(t) establecer normas uniformes de diagnóstico, según sea necesario;

(u) desarrollar, establecer y promover normas internacionales con respecto a productos alimenticios, biológicos, farmacéuticos y similares;

(v) en general, tomar todas las medidas necesarias para alcanzar la finalidad que persigue la Organización.

CAPITULO III

MIEMBROS Y MIEMBROS ASOCIADOS

Artículo 3

La calidad de miembro de la Organización es accesible a todos los Estados.

Artículo 4

Los Miembros de las Naciones Unidas pueden llegar a ser Miembros de la Organización firmando o aceptando en otra forma esta Constitución de conformidad con las disposiciones del Capítulo XIX y de acuerdo con sus respectivos procedimientos constitucionales.

Artículo 5

Los Estados cuyos gobiernos fueron invitados para enviar observadores a la Conferencia Internacional de Salubridad celebrada en Nueva York, en 1946, pueden llegar a ser Miembros firmando o aceptando en otra forma esta Constitución, de conformidad con las disposiciones del Capítulo XIX y de acuerdo con sus respectivos procedimientos constitucionales siempre que su firma o aceptación se completen antes de la primera sesión de la Asamblea de la Salud.

Artículo 6

Sujeto a las condiciones de todo acuerdo que se concierte entre las Naciones Unidas y la Organización, aprobado conforme al Capítulo XVI, los Estados que no lleguen a ser Miembros, según los Artículos 4 y 5, podrán hacer solicitud de ingreso como Miembros y serán admitidos como tales cuando sus solicitudes sean aprobadas por mayoría simple de votos de la Asamblea de la Salud.

Artículo 7

Si un Miembro deja de cumplir con las obligaciones financieras para con la Organización, o en otras circunstancias excepcionales, la Asamblea de la Salud podrá, en las condiciones que juzgue apropiadas, suspender los privilegios de voto y los servicios a que tenga derecho tal Miembro. La Asamblea de la Salud tendrá autoridad para restablecer tales privilegios de voto y servicios.

Artículo 8

Los territorios o grupos de territorios que no sean responsables de la dirección de sus relaciones internacionales podrán ser admitidos por la Asamblea de la Salud como Miembros Asociados a solicitud hecha en nombre de tal territorio o grupo de territorios por un Miembro u otra autoridad responsable de la dirección de sus relaciones internacionales. Los representantes de los Miembros Asociados en la Asamblea de la Salud debieran ser capacitados por su competencia técnica en el campo de la salubridad y elegidos entre la población nativa. La naturaleza y extensión de los derechos y obligaciones de los Miembros Asociados serán determinados por la Asamblea de la Salud.

CAPITULO IV

ORGANOS

Artículo 9

Los trabajos de la Organización serán llevados a cabo por:

(a) La Asamblea Mundial de la Salud (llamada en adelante la Asamblea de la Salud);

(b) El Consejo Ejecutivo (llamado en adelante el Consejo);

(c) La Secretaría.

CAPITULO V

LA ASAMBLEA MUNDIAL DE LA SALUD

Artículo 10

La Asamblea de la Salud estará compuesta por delegados representantes de los Miembros.

Artículo 11

Cada Miembro estará representado por no más de tres delegados, uno de los cuales será designado por el Miembro como Presidente de la delegación. Estos delegados deben ser elegidos entre las personas más capacitadas por su competencia técnica en el campo de la salubridad, y representando, de preferencia, la administración nacional de salubridad del Miembro.

Artículo 12

Los delegados podrán ser acompañados de suplentes y asesores.

Artículo 13

La Asamblea de la Salud se reunirá en sesiones anuales ordinarias y en sesiones extraordinarias cuando sea necesario. Las sesiones

extraordinarias serán convocadas a solicitud del Consejo o de la mayoría de los Miembros.

Artículo 14

La Asamblea de la Salud, en cada sesión anual, designará el país o región en el cual se celebrará la siguiente sesión anual; el Consejo fijará posteriormente el lugar. El Consejo designará el lugar en que se celebre cada sesión extraordinaria.

Artículo 15

El Consejo, previa consulta con el Secretario General de las Naciones Unidas, fijará la fecha de cada sesión anual o extraordinaria.

Artículo 16

La Asamblea de la Salud elegirá su Presidente y demás funcionarios al principio de cada sesión anual. Estos permanecerán en sus cargos hasta que se elijan sus sucesores.

Artículo 17

La Asamblea de la Salud adoptará su propio reglamento interno.

Artículo 18

Las funciones de la Asamblea de la Salud serán:

(a) determinar la política de la Organización;

(b) nombrar los Miembros que tengan derecho a designar una persona para el Consejo;

(c) nombrar el Director General;

(d) estudiar y aprobar los informes y actividades del Consejo y del Director General y dar instrucciones al Consejo sobre los asuntos en los cuales se considere conveniente acción, estudio, investigación o informe;

(e) establecer los comités que considere necesarios para el trabajo de la Organización;

(f) vigilar la política financiera de la Organización y estudiar y aprobar su presupuesto;

(g) dar instrucciones al Consejo y al Director General para llamar la atención de los Miembros y de las organizaciones internacionales, gubernamentales o no, sobre cualquier asunto relacionado con la salubridad que estime conveniente la Asamblea de la Salud;

(h) invitar a cualquier organización, internacional o nacional, gubernamental o no gubernamental, que tenga responsabilidades relacionadas con las de la Organización, a que nombre representantes para participar, sin derecho a voto, en sus reuniones o en las de comités y conferencias celebradas bajo sus auspicios, en las condiciones que prescriba la Asamblea de la Salud; pero en el caso de organizaciones nacionales, las invitaciones se harán solamente con el consentimiento del Gobierno interesado;

(i) considerar las recomendaciones sobre salubridad hechas por la Asamblea General, el Consejo Económico y Social, el Consejo de Seguridad o el Consejo de Administración Fiduciaria de las Naciones Unidas, e informarles sobre las medidas tomadas por la Organización para poner en práctica tales recomendaciones;

(j) informar al Consejo Económico y Social, conforme a los acuerdos que se concierten entre la Organización y las Naciones Unidas;

(k) promover y realizar investigaciones en el campo de la salubridad, mediante el personal de la Organización, por el establecimiento de sus propias instituciones, o en cooperación con instituciones oficiales o no oficiales de cualquier Miembro, con el consentimiento de su gobierno;

(l) establecer otras instituciones que considere conveniente;

(m) emprender cualquier acción apropiada para el adelanto de la finalidad de la Organización.

Artículo 19

La Asamblea de la Salud tendrá autoridad para adoptar convenciones o acuerdos respecto a todo asunto que esté dentro de la competencia de la Organización. Para la adopción de las convenciones y acuerdos se requiere el voto de aprobación de las dos terceras partes de la Asamblea de la Salud; las convenciones y acuerdos entrarán en vigor para cada Miembro al ser aceptados por éste de acuerdo con sus procedimientos constitucionales.

Artículo 20

Cada Miembro se compromete a que, dentro de los dieciocho meses después de la adopción por la Asamblea de la Salud de una convención o acuerdo, tomará acción relativa a la aceptación de tal convención o acuerdo. Cada Miembro notificará al Director General de la acción tomada y si no acepta dicha convención o acuerdo dentro del plazo fijado, suministrará una declaración de las razones de su no aceptación. En caso de aceptación, cada Miembro conviene en presentar un informe anual al Director General, de acuerdo con el Capítulo XIV.

Artículo 21

La Asamblea de la Salud tendrá autoridad para adoptar reglamentos referentes a:

(a) requisitos sanitarios y de cuarentena y otros procedimientos destinados a prevenir la propagación internacional de enfermedades;

(b) nomenclaturas de enfermedades, causas de muerte, y prácticas de salubridad pública;

(c) normas uniformes sobre procedimientos de diagnóstico de uso internacional;

(d) normas uniformes sobre la seguridad, pureza y potencia de productos biológicos, farmacéuticos y similares de comercio internacional;

(e) propaganda y rotulación de productos biológicos, farmacéuticos y similares de comercio internacional.

Artículo 22

Estas reglamentaciones entrarán en vigor para todos los Miembros después de que se haya dado el debido aviso de su adopción por la Asamblea de la Salud, excepto para aquellos Miembros que comuniquen al Director General que las rechazan o hacen reservas, dentro del período fijado en el aviso.

Artículo 23

La Asamblea de la Salud tendrá autoridad para hacer recomendaciones a los Miembros respecto a cualquier asunto que esté dentro de la competencia de la Organización.

CAPITULO VI

EL CONSEJO EJECUTIVO

Artículo 24

El Consejo estará integrado por dieciocho personas, designadas por igual número de Miembros. La Asamblea de la Salud, teniendo en cuenta una distribución geográfica equitativa, elegirá los Miembros que tengan derecho a designar a una persona para integrar el Consejo. Cada uno de los Miembros debe nombrar para el Consejo una persona técnicamente capacitada en el campo de la salubridad, que podrá ser acompañada por suplentes y asesores.

Artículo 25

Los Miembros serán elegidos por un período de tres años; y pueden ser reelegidos. Sin embargo, de los Miembros elegidos en la Primera Sesión de la Asamblea de la Salud, el período de seis de ellos durará un año, y el de otros seis será de dos años, determinándolos por sorteo.

Artículo 26

El Consejo se reunirá por lo menos dos veces al año y determinará el lugar de cada sesión.

Artículo 27

El Consejo elegirá entre sus Miembros su Presidente, y adoptará su reglamento interno.

Artículo 28

Las funciones del Consejo serán:

(a) llevar a efecto las decisiones y política de la Asamblea de la Salud;
(b) actuar como órgano ejecutivo de la Asamblea de la Salud;
(c) desempeñar toda otra función que la Asamblea de la Salud le encomiende;
(d) asesorar a la Asamblea de la Salud en asuntos que ésta le encomiende y en los que se asigne a la Organización por convenciones, acuerdos y reglamentos;

(e) asesorar y presentar propuestas a la Asamblea de la Salud por iniciativa propia;
(f) preparar el programa de las sesiones de la Asamblea de la Salud;
(g) someter a la Asamblea de la Salud, para su consideración y aprobación, un plan general de trabajo para un período determinado;
(h) estudiar todo asunto que esté dentro de su competencia;
(i) tomar medidas de emergencia, de conformidad con las funciones y recursos financieros de la Organización, para hacer frente a casos que requieran acción inmediata. En particular, podrá autorizar al Director General para tomar las medidas necesarias para combatir epidemias, participar en la organización de socorro sanitario para las víctimas de calamidades y emprender estudios e investigaciones cuya urgencia haya sido llevada a la atención del Consejo por cualquier Miembro o el Director General.

Artículo 29

El Consejo ejercerá, en nombre y representación de toda la Asamblea de la Salud, las funciones delegadas por ésta.

CAPITULO VII

SECRETARIA

Artículo 30

La Secretaría se compondrá del Director General y del personal técnico y administrativo que requiera la Organización.

Artículo 31

El Director General será nombrado por la Asamblea de la Salud, a propuesta del Consejo, en las condiciones que determine la Asamblea. Sujeto a la autoridad del Consejo, el Director General será el funcionario principal técnico y administrativo de la Organización.

Artículo 32

El Director General será Secretario *ex officio* de la Asamblea de la Salud, del Consejo, de todas las comisiones y comités de la Organización y de las conferencias que ésta convoque. Podrá delegar tales funciones.

Artículo 33

El Director General, o su representante, podrá establecer un procedimiento, mediante acuerdo con los Miembros, que le permita tener acceso directo, en el desempeño de sus funciones, a las diversas dependencias de estos últimos, especialmente a sus administraciones de salubridad y organizaciones nacionales de salubridad, ya sean gubernamentales o no. Podrá asimismo establecer relaciones directas con organizaciones internacionales cuyas actividades estén dentro de la competencia de la Organización. Mantendrá a las oficinas regionales informadas de todo asunto que concierna a las respectivas regiones.

Artículo 34

El Director General preparará y presentará anualmente al Consejo los balances y proyectos de presupuestos de la Organización.

Artículo 35

El Director General nombrará el personal de la Secretaría de acuerdo con el reglamento de personal que establezca la Asamblea de la Salud. La consideración primordial que se tendrá en cuenta al nombrar el personal será asegurar que la eficiencia, integridad y carácter internacionalmente representativo de la Secretaría se mantenga en el nivel más alto posible. Se dará debida consideración a la importancia de contratar el personal en forma de que haya la más amplia representación geográfica posible.

Artículo 36

Las condiciones de empleo para el personal de la Organización se ajustarán en lo posible a las de otras organizaciones de las Naciones Unidas.

Artículo 37

En el cumplimiento de sus deberes el Director General y el personal no solicitarán ni recibirán instrucciones de ningún gobierno ni de ninguna autoridad ajena a la Organización. Se abstendrán de actuar en forma alguna que sea incompatible con su condición de funcionarios internacionales. Cada uno de los Miembros de la Organización se compromete, por su parte, a respetar el carácter exclusivamente internacional del Director General y del personal y a no tratar de influir sobre ellos.

CAPITULO VIII

COMITES

Artículo 38

El Consejo establecerá los comités que la Asamblea de la Salud indique y, por iniciativa propia o propuesta del Director General, podrá establecer cualquier otro comité que considere conveniente para atender a todo propósito que esté dentro de la competencia de la Organización.

Artículo 39

El Consejo considerará periódicamente y, por lo menos anualmente, la necesidad de que continúe cada comité.

Artículo 40

El Consejo puede disponer la creación de comités conjuntos o mixtos con otras organizaciones o la participación en ellos de la organización, así como la representación de ésta en comités establecidos por otras organizaciones.

CAPITULO IX

CONFERENCIAS

Artículo 41

La Asamblea de la Salud o el Consejo pueden convocar conferencias locales, generales, técnicas u otras de índole especial para el estudio de cualquier asunto que esté dentro de la competencia de la Organización y pueden disponer la representación en dichas conferencias de organizaciones internacionales y, con el consentimiento del gobierno interesado, de organizaciones nacionales, gubernamentales o no gubernamentales. La Asamblea de la Salud o el Consejo determinarán la forma en que se efectúe tal representación.

Artículo 42

El Consejo puede disponer la representación de la Organización en conferencias que éste considere que sean de interés para la Organización.

CAPITULO X

SEDE

Artículo 43

La ubicación de la sede de la Organización será determinada por la Asamblea de la Salud previa consulta con las Naciones Unidas.

CAPITULO XI

ARREGLOS REGIONALES

Artículo 44

(a) La Asamblea de la Salud determinará periódicamente las regiones geográficas en las cuales sea conveniente establecer una organización regional.

(b) Con la aprobación de la mayoría de los Miembros comprendidos en cada región así determinada, la Asamblea de la Salud podrá establecer una organización regional para satisfacer las necesidades especiales de cada zona. En cada región no habrá más de una organización regional.

Artículo 45

De conformidad con esta Constitución, cada organización regional será parte integrante de la Organización.

Artículo 46

Cada organización regional constará de un Comité Regional y de una Oficina Regional.

Artículo 47

Los Comités Regionales estarán compuestos por representantes de los Estados Miembros y Miembros Asociados de la región de que se trate. Los territorios o grupos de territorios de la región que no sean responsables de la dirección de sus relaciones internacionales, y que

no sean Miembros Asociados, gozarán del derecho de representación y participación en los Comités Regionales. La naturaleza y extensión de los derechos y obligaciones de estos territorios o grupos de territorios en los Comités Regionales serán determinadas por la Asamblea de la Salud, en consulta con el Miembro u otra autoridad responsable de la dirección de las relaciones internacionales de dichos territorios y con los Estados Miembros de la región.

Artículo 48

Los Comités Regionales se reunirán con la frecuencia que consideren necesaria y fijarán el lugar para cada reunión.

Artículo 49

Los Comités Regionales adoptarán su propio reglamento interno.

Artículo 50

Las funciones del Comité Regional serán:

(a) formular la política que ha de regir los asuntos de índole exclusivamente regional;
(b) vigilar las actividades de la Oficina Regional;
(c) recomendar a la Oficina Regional que se convoquen conferencias técnicas y se lleven a cabo los trabajos o investigaciones adicionales en materia de salubridad que en opinión del Comité Regional promuevan en la región la finalidad de la Organización;
(d) cooperar con los respectívos Comités Regionales de las Naciones Unidas, con los de otros organismos especializados y con otras organizaciones internacionales regionales que tengan intereses comunes con la Organización;
(e) asesorar a la Organización, por conducto del Director General, en asuntos de salubridad internacional cuya importancia trascienda la esfera regional;
(f) recomendar contribuciones regionales adicionales por parte de los gobiernos de las respectivas regiones si la proporción del presupuesto central de la Organización asignada a la región es insuficiente para desempeñar las funciones regionales; y
(g) otras funciones que puedan ser delegadas al Comité Regional por la Asamblea de la Salud, el Consejo o el Director General.

Artículo 51

Bajo la autoridad general del Director General de la Organización, la Oficina Regional será el órgano administrativo del Comité Regional. Además, llevará a efecto, en la región, las decisiones de la Asamblea de la Salud y del Consejo.

Artículo 52

El jefe de la Oficina Regional será el Director Regional, nombrado por el Consejo de acuerdo con el Comité Regional.

Artículo 53

El personal de la Oficina Regional será nombrado de la manera que se determine mediante acuerdo entre el Director General y el Director Regional.

Artículo 54

La organización sanitaria panamericana representada por la Oficina Sanitaria Panamericana y las Conferencias Sanitarias Panamericanas y todas las demás organizaciones intergubernamentales regionales de salubridad que existan antes de la fecha en que se firme esta Constitución, serán integradas a su debido tiempo en la Organización. La integración se efectuará tan pronto como sea factible mediante acción común basada en el mutuo consentimiento de las autoridades competentes, expresado por medio de las organizaciones interesadas.

CAPITULO XII

PRESUPUESTO Y EROGACIONES

Artículo 55

El Director General preparará y someterá al Consejo el proyecto de presupuesto anual de la Organización. El Consejo considerará y someterá a la Asamblea de la Salud dicho proyecto de presupuesto con las recomendaciones que estime convenientes.

Artículo 56

Sujeta a los acuerdos que se concierten entre la Organización y las Naciones Unidas, la Asamblea de la Salud estudiará y aprobará los presupuestos y prorrateará su monto entre los Miembros de conformidad con la escala que fije la Asamblea de la Salud.

Artículo 57

La Asamblea de la Salud, o el Consejo en nombre y representación de ésta, puede aceptar y administrar las donaciones y legados que se hagan a la Organización siempre que las condiciones a que estén sujetos sean aceptables por la Asamblea de la Salud o por el Consejo y compatibles con la finalidad y política de la Organización.

Artículo 58

Se establecerá un fondo especial para ser utilizado a discreción del Consejo para hacer frente a emergencias y contingencias imprevistas.

CAPITULO XIII

VOTACIONES

Artículo 59

Cada Miembro tendrá un voto en la Asamblea de la Salud.

Artículo 60

(a) Las decisiones de la Asamblea de la Salud en asuntos importantes se tomarán por el voto de una mayoría de dos tercios de los Miembros presentes y votantes. Estos asuntos comprenderán: la adopción de convenciones o acuerdos; la aprobación de acuerdos que vinculen a la Organización con

las Naciones Unidas y organizaciones u organismos intergubernamentales de conformidad con los Artículos 69, 70 y 72, y las reformas a esta Constitución.

(b) Las decisiones sobre otros asuntos, incluso la determinación de categorías adicionales de asuntos que deban resolverse por mayoría de dos tercios, se tomarán por la mayoría de los Miembros presentes y votantes.

(c) Las votaciones sobre asuntos análogos se harán en el Consejo y en los comités de la Organización de conformidad con los párrafos (a) y (b) de este Artículo.

CAPITULO XIV

INFORMES PRESENTADOS POR LOS ESTADOS

Artículo 61

Cada Miembro rendirá a la Organización un informe anual sobre las medidas tomadas y el adelanto logrado en mejorar la salud de su pueblo.

Artículo 62

Cada Miembro rendirá un informe anual sobre las medidas tomadas respecto a las recomendaciones que le haya hecho la Organización, y respecto a convenciones, acuerdos y reglamentos.

Artículo 63

Cada Miembro transmitirá sin demora a la Organización las leyes, reglamentos, informes y estadísticas oficiales de importancia, pertinentes a la salubridad, que hayan sido publicados en el Estado.

Artículo 64

Cada Miembro transmitirá informes estadísticos y epidemiológicos en la forma que determine la Asamblea de la Salud.

Artículo 65

Cada Miembro transmitirá a petición del Consejo la información adicional concerniente a la salubridad que sea factible.

CAPITULO XV

CAPACIDAD JURIDICA, PRIVILEGIOS E INMUNIDADES

Artículo 66

La Organización gozará, en el territorio de cada Miembro, de la capacidad jurídica que sea necesaria para la realización de su finalidad y el ejercicio de sus funciones.

Artículo 67

(a) La Organización gozará, en el territorio de cada Miembro, de los privilegios e inmunidades que sean necesarios para la realización de su finalidad y el ejercicio de sus funciones.

(b) Los representantes de los Miembros, las personas designadas para el Consejo y el personal técnico y administrativo de la

Organización, gozarán, asimismo, de los privilegios e inmunidades que sean necesarios para desempeñar con independencia sus funciones en relación con la Organización.

Artículo 68

La capacidad jurídica, privilegios e inmunidades, se definirán en acuerdo aparte que preparará la Organización en consulta con el Secretario General de las Naciones Unidas y que se concertará entre los Miembros.

CAPITULO XVI

RELACIONES CON OTRAS ORGANIZACIONES

Artículo 69

La Organización será vinculada con las Naciones Unidas, como uno de los organismos especializados a que se refiere el Artículo 57 de la Carta de las Naciones Unidas. El acuerdo o los acuerdos por medio de los cuales se establezca la vinculación de la Organización con las Naciones Unidas estarán sujetos al voto de aprobación de las dos terceras partes de la Asamblea de la Salud.

Artículo 70

La Organización establecerá relaciones efectivas y cooperará estrechamente con otras organizaciones intergubernamentales cuando lo juzgue conveniente. Todo acuerdo formal que se concierte con tales organizaciones estará sujeto al voto de aprobación de las dos terceras partes de la Asamblea de la Salud.

Artículo 71

La Organización puede, en asuntos de su competencia, hacer arreglos apropiados para consultar y cooperar con organizaciones internacionales no gubernamentales, y, con el consentimiento del Estado interesado, con organizaciones nacionales, gubernamentales o no gubernamentales.

Artículo 72

La Organización puede, sujeta al voto de aprobación de las dos terceras partes de la Asamblea de la Salud, adquirir de cualquiera otra organización internacional u organismo cuyos propósitos y actividades estén dentro del campo de competencia de la Organización, las funciones, recursos y obligaciones que le puedan ser conferidos por acuerdos internacionales o por arreglos mutuamente aceptables concertados entre las autoridades competentes de las organizaciones respectivas.

CAPITULO XVII

REFORMAS

Artículo 73

Los textos de las reformas que se propongan para esta Constitución serán comunicados por el Director General a los Miembros por lo menos seis meses antes de su consideración por la Asamblea de la Salud. Las reformas entrarán en vigor para todos los Miembros

cuando hayan sido adoptadas por el voto de aprobación de las dos terceras partes de la Asamblea de la Salud y aceptadas por las dos terceras partes de los Miembros de conformidad con sus respectivos procedimientos constitucionales.

CAPITULO XVIII

INTERPRETACION

Artículo 74

Los textos en chino, español, francés, inglés y ruso de esta Constitución serán considerados igualmente auténticos.

Artículo 75

Toda divergencia o disputa respecto a la interpretación o aplicación de esta Constitución, que no sea resuelta por negociaciones o por la Asamblea de la Salud, será sometida a la Corte Internacional de Justicia, de conformidad con el Estatuto de la Corte, a menos que las partes interesadas acuerden otro medio de solucionarla.

Artículo 76

Con la autorización de la Asamblea General de las Naciones Unidas o con la autorización otorgada de acuerdo con algún convenio entre la Organización y las Naciones Unidas, la Organización puede pedir a la Corte Internacional de Justicia su opinión consultiva sobre cualquier cuestión legal que surja dentro de la competencia de la Organización.

Artículo 77

El Director General podrá comparecer ante la Corte en nombre y representación de la Organización en relación con todo procedimiento resultante de la solicitud de una opinión consultiva. El Director General hará los arreglos necesarios para presentar el caso a la Corte, incluyendo los arreglos para la argumentación de los diferentes puntos de vista sobre el caso.

CAPITULO XIX

ENTRADA EN VIGOR

Artículo 78

Sujeta a las disposiciones del Capítulo III, esta Constitución queda abierta para la firma o aceptación de todos los Estados.

Artículo 79

(a) Los Estados pueden llegar a ser partes de esta Constitución mediante:

(i) la firma, sin reservas en cuanto a su aprobación;

(ii) la firma sujeta a aprobación seguida por aceptación; o

(iii) la aceptación.

(b) La aceptación se efectuará mediante el depósito de un instrumento formal ante el Secretario General de las Naciones Unidas.

Artículo 80

Esta Constitución entrará en vigor cuando veintiséis Miembros de las Naciones Unidas hayan llegado a ser partes de ella de conformidad con las disposiciones del Artículo 79.

Artículo 81

De conformidad con el Artículo 102 de la Carta de las Naciones Unidas, el Secretario General de las Naciones Unidas registrará esta Constitución cuando haya sido firmada sin reservas respecto a su aprobación por un Estado o cuando se deposite el primer instrumento de aceptación.

Artículo 82

El Secretario General de las Naciones Unidas notificará a los Estados partes de esta Constitución la fecha en que entre en vigor y comunicará también la fecha en que otros Estados lleguen a ser partes de ella.

EN FE DE LO CUAL, los infrascritos representantes debidamente autorizados para tal objeto, firman esta Constitución.

Firmada en la ciudad de Nueva York, a los veintidós días del mes de julio de mil novecientos cuarenta y seis, en una sola copia en idiomas chino, español, francés, inglés y ruso, siendo cada texto igualmente auténtico. Los textos originales se depositarán en los archivos de las Naciones Unidas. El Secretario General de las Naciones Unidas enviará copias debidamente certificadas a cada uno de los Gobiernos representados en la Conferencia.

- - - -

For Argentina:
Pour l'Argentine:
阿根廷:
За Аргентину:
Por la Argentina:

ad referendum

For Australia:
Pour l'Australie:
澳大利亞:
За Австралию:
Por Australia:

Subject to approval and acceptance by Government of Commonwealth of Australia

For the Kingdom of Belgium:
Pour le Royaume de Belgique:
比利時王國:
За Королевство Бельгию:
Por el Reino de Bélgica:

Sous réserve de ratification

For Bolivia:
Pour la Bolivie:
玻利維亞:
За Боливию:
Por Bolivia:

Ad Referendum.

For Brazil:
Pour le Brésil:
巴西：
За Бразилию:
Por el Brasil:

Ad referendum.
Gialdino Gallet Soares

For Byelorussian Soviet Socialist Republic:
Pour la République Soviétique Socialiste de Bélorussie:
白俄羅斯蘇維埃社會主義共和國：
За Белорусскую Советскую Социалистическую Республику:
Por la República Socialista Soviética Bielorrusa:

С последующей ратификацией
Представителем
Н. Спиридонов

For Chile:
Pour le Chili:
智利：
За Чили:
Por Chile:

Con reserva de ratificacion Constitucional
Julio Bustos A

For Canada:
Pour le Canada:
加拿大：
За Канаду:
Por el Canadá:

Subject to approval
Arthur Chevrier
Brooke Claxton

For China:
Pour la Chine:
中華民國：
За Китай:
Por la China:

沈克非 Shen, J.K.
袁守謙 Yuan Shou Chien
施秉明 Kenneth Shih

For Columbia:
Pour la Colombie:
哥倫比亞：
За Колумбию:
Por Colombia:

Ad Referendum.
Carlos Uribe Echeverri.

For Costa Rica:
Pour Costa-Rica:
哥斯大黎加：
За Коста-Рику:
Por Costa Rica:

ad Referendum
Fabio Fernandez.

For Cuba:
Pour Cuba:
古巴：
За Кубу:
Por Cuba:

Ad. Referendum
D. Pedro Nogueira

For Czechoslovakia:
Pour la Tchécoslovaquie:
捷克斯拉夫：
За Чехословакию:
Por Checoeslovaquia:

Ad referendum
Josef Sainy.

For Denmark:
Pour le Danemark:
丹麦：
За Данию:
Por Dinamarca:

Ad referendum
J. Fenger.

For the Dominican Republic:
Pour la République Dominicaine:
多明尼加共和國：
За Доминиканскую Республику:
Por la República Dominicana:

Ad. referendum.

For Ecuador:
Pour l'Equateur:
厄瓜多：
За Эквадор:
Por el Ecuador:

Ad. referendum

For Egypt:
Pour l'Egypte:
埃及：
За Египет:
Por Egipto:

Subject to Ratification

Taha Ebayed Nasr bey
Royal Counsellor.

For El Salvador:
Pour le Salvador:
薩爾瓦多：
За Сальвадор:
Por El Salvador:
Aristides Marck (ad ref.)

For Ethiopia:
Pour l'Ethiopie:
阿比西尼亞：
За Эфиопию:
Por Etiopía:
Subject to ratification
G. Tesemma.

For France:
Pour la France:
法蘭西：
За Францию:
Por Francia:
ad referendum
Parisot

For Greece:
Pour la Grèce:
希臘：
За Грецию:
Por Grecia:
A/d Referendum
Dr Thrasivoulos Kapsaskis

For Guatemala:
Pour le Guatemala:
危地馬拉:
За Гватемалу:
Por Guatemala:

ad referendum -

For Haiti:
Pour Haïti:
海地:
За Гаити:
Por Haití:

ad referendum

For Honduras:
Pour le Honduras:
洪都拉斯:
За Гондурас:
Por Honduras:

ad referendum -

For India:
Pour l'Inde:
印度:
За Индию:
Por la India:

Subject to Ratification.

C. K. Lakshmanan I.M.S.

These signatures are appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with the Indian States.

For Iran:
Pour l'Iran:
伊朗:
За Иран:
Por Irán:

Subject to ratification by Iranian Parliament (Madjliss)
Ghassem Ghani (M.D.)

subject to ratification by Iranian Parliament (Madjless)
H. Hayek

For Iraq:
Pour l'Irak:
伊拉克
За Ирак:
Por Irak:

ad referendum
S. Ali Khan Dawnaji

For Lebanon:
Pour le Liban:
黎巴嫩：
За Ливан:
Por El Líbano:

ad referendum Georges Hakim
Dr Asfakhlaoui

For Liberia:
Pour le Libéria:
利比里亞：
За Либерию:
Por Liberia:

Ad referendum
Joseph Nagbe Togba, M.D.
John Bull, M.D.

For the Grand Duchy of Luxembourg:
Pour le Grand Duché de Luxembourg:
盧森堡大公國，
За Великое Герцогство Люксембург:
Por el Gran Ducado de Luxemburgo:

Sous réserve de ratification
H. Thorn

For Mexico:
Pour le Mexique:
墨西哥：
За Мексику:
Por México:

Ad Referendum

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas:
和蘭王國：
За Королевство Нидерландов:
Por el Reino de Holanda:

ad referendum

For New Zealand:
Pour la Nouvelle-Zélande:
紐西蘭：
За Новую Зеландию:
Por Nueva Zelandia:

Ad referendum

For Nicaragua:
Pour le Nicaragua:
尼加拉瓜：
За Никарагуа:
Por Nicaragua:
ad referendum

For the Kingdom of Norway:
Pour le Royaume de Norvège:
挪威王國：
За Королевство Норвегии:
Por el Reino de Noruega:
Ad referendum

For Panama:
Pour le Panama:
巴拿馬：
За Панаму:
Por Panamá:
Ad referendum

For Paraguay:
Pour le Paraguay:
巴拉圭:
За Парагвай:
Por el Paraguay:
ad referendum

For Peru:
Pour le Pérou:
秘魯:
За Перу:
Por el Perú:
Ad referendum

For the Republic of the Philippines:
Pour la République des Philippines:
菲力賓:
За Филиппины:
Por Filipinas:
ad referendum

For Poland:
Pour la Pologne:
波蘭:
За Польшу:
Por Polonia:

ad referendum
Edward Grzymowicz

For Saudi Arabia:
Pour l'Arabie Saoudite:
蘇地阿拉伯:
За Саудовскую Аравию:
Por Arabia Saudita:

reserve of objection ratification
Dr. Yahia Nasri
Dr. Amedhat Chekkebara

For Syria:
Pour la Syrie:
叙利亚:
За Сирию:
Por Siria:

Dr. O. Trafi subject to ratification

For Turkey:
Pour la Turquie:
土耳其:
За Турцию:
Por Turquía:

Subject to ratification
Hukumatim Kabul va Tasdikine bagli olarak imza ediyorum

For the Ukrainian Soviet Socialist Republic:
Pour la République Soviétique Socialiste d'Ukraine:
烏克蘭蘇維埃社會主義共和國：

За Украинскую Советскую Социалистическую Республику:
Por la República Socialista Soviética Ucraniana:

[signature]

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques Soviétiques Socialistes:
蘇維埃社會主義共和國聯邦：

За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

[signature]

For the United States of America:
Pour les Etats-Unis d'Amérique:

美利堅合衆國：

За Соединенные Штаты Америки:
Por los Estados Unidos de América:

Subject to Approval
Thomas Corcoran
Martha R. Eliot
Frank J. Boudreau

For the Union of South Africa:
Pour l'Union Sud-Africaine:

南非聯邦：

За Южноафриканский Союз:
Por la Unión Sudafricana:

ad referendum
- W. S. Gear.

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
英聯王國：
За Соединенное Королевство Великобритании:
Por el Reino Unido de la Gran Bretaña:

Melville D. Mackenzie

F. S. Yates

For Uruguay:
Pour l'Uruguay:
烏拉圭：
За Уругвай:
Por el Uruguay:

Ad-referendum

For Venezuela:
Pour le Venezuela:
委內瑞拉：
За Венесуэлу:
Por Venezuela:

Ad-referendum

For Yugoslavia:
Pour la Yougoslavie:
南斯拉夫 . with reservations as to ratification
За Югославию:
Por Yugoslavia:
M. Stanoyer

For Afghanistan:
Pour l'Afghanistan:
阿富汗:
За Афганистан:
Por Afganistán:

For Albania:
Pour l'Albanie:
阿班尼亞:
За Албанию:
Por Albania:
avec réserve
T. Jakova

For Austria:
Pour l'Autriche :
奧大利 :
За Австрию:
Por Austria:

For Bulgaria:
Pour la Bulgarie :
保加利亞：
За Болгарию:
Por Bulgaria:

Subject to ratification
P. P. Orahovats.

For Eire:
Pour l'Eire:
愛爾蘭：
За Ирландию:
Por Irlanda:

Subject to acceptance.
John D. Macbonnacht.

For Finland:
Pour la Finlande:
芬蘭：
За Финляндию:
Por Finlandia:

ad referendum
Osmo Turpeinen

For Hungary:
Pour la Hongrie:
匈牙利：
За Венгрию:
Por Hungría:

For Iceland:
Pour l'Islande:
冰島國:
За Исландию:
Por Islandia:

For Italy:
Pour l'Italie:
義大利:
За Италию:
Por Italia:
Subject to ratification
Ferruccio Montagna

For Portugal:
Pour le Portugal:
葡萄牙:
За Португалию:
Por Portugal:
Subject to ratification
Francisco José Lambertini

For Rumania:
Pour la Roumanie :
羅馬尼亞：
За Румынию:
Por Rumania:

For Siam:
Pour le Siam :
暹　羅：
За Сиам:
Por Siam:
Subject to approval
Sunliang Tamthai

For Sweden:
Pour la Suède :
瑞　典
За Швецию:
Por Suecia:

For Switzerland:
Pour la Suisse :
瑞 士 :
За Швейцарию:
Por Suiza:
sous réserve de ratification

For Transjordan:
Pour la Transjordanie:
泰蘭斯喬頓,
За Трансиорданию:
Por Transjordania:
Subject to Ratification

For Yemen:
Pour le Yémen:
葉 門 :
За Йемен:
Por Yemen:

The foregoing is a true copy of the Constitution of the World Health Conference, signed in New York, on July 22, 1946, in the Chinese, English, French, Russian, and Spanish languages, the original of which is deposited in the Archives of the United Nations.

Le texte qui précède est une copie exacte de la Constitution de l'Organisation Mondiale de la Santé, signée à New York, le 22 juillet 1946, en langues anglaise, chinoise, espagnole, française et russe, dont l'original a été déposé dans les archives des Nations Unies.

For the Secretary-General:
Pour le Sécretaire général:

J. Ivan Kerno

Assistant Secretary-General for Legal Affairs.
Sous-Sécretaire général pour les Affaires Juridiques.

The United States Representative to the United Nations to the Secretary-General of the United Nations

UNITED STATES MISSION
TO THE UNITED NATIONS

June 19, 1948

The United States Representative at the seat of the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to transmit herewith the acceptance on the part of the United States of America of the Constitution of the World Health Organization, which was signed for the United States of America, subject to approval, on July 22, 1946.

This acceptance was signed by the President of the United States of America on June 14, 1948, acting pursuant to the authority granted by the joint resolution of the Congress of the United States of America
62 Stat., Pt. 1, p. 441. approved on June 14, 1948 (Public Law 643, 80th Congress) and subject to the provisions of that joint resolution. A certified copy of the joint resolution is enclosed for your information.

Enclosures:

1. Instrument of acceptance.
2. Certified copy of Public Law 643, 80th Congress.

UN 2193

ACCEPTANCE ON THE PART OF THE UNITED STATES OF AMERICA

I, Harry S. Truman, President of the United States of America, acting pursuant to the authority granted by the joint resolution of the Congress of the United States of America approved June 14,
62 Stat., Pt. 1, p. 441. 1948 (Public Law 643, 80th Congress), and subject to the provisions of that joint resolution, hereby accept on behalf of the United States of America the Constitution of the World Health Organization, which was signed for the United States of America, subject to approval, on July 22, 1946.

Done at Washington this fourteenth day of June, 1948.

HARRY S TRUMAN

The Secretary-General of the United Nations to the Secretary of State

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK · FIELDSTONE 7-1100

REFERENCE: C. N. 100. 1948. TREATIES *16 July 1948*

SIR,

I have the honour to refer to my letter C. N. 88.1948. TREATIES of 30 June 1948 [1] concerning the acceptance of the Constitution of the World Health Organization by the United States of America.

I have now been informed by the Executive Secretary of the Interim Commission of the World Health Organization that on 2 July

[1] Not printed.

1948 the World Health Assembly unanimously approved the admission of the United States of America as a Member of the World Health Organization. It is accordingly to be considered that the United States of America has become party to the Constitution of the World Health Organization as from 21 June 1948, the date of deposit with the Secretary-General of the United Nations of its instrument of acceptance of the said Constitution.

The present notification is made in accordance with Article 82 of the Constitution. *Ante*, p. 2694.

I have the honour to be, Sir,
Your obedient Servant,

For the Secretary-General

Yuen-Li Liang
Director
Legal Department

The Honorable
GEORGE C. MARSHALL
Secretary of State
Department of State
Washington, 25, DC

Note by the Department of State

(a) Parties to the Constitution of the World Health Organization, June 21, 1948[1]

The following countries had accepted the Constitution of the World Health Organization by June 21, 1948, the date of acceptance by the United States of America. All, with the exception of those countries the names of which are preceded in each case by an asterisk (*), were members of the United Nations.

Country	*Date of deposit of acceptance*
UNITED STATES	June 21, 1948
Afghanistan	April 19, 1948
*Albania	May 26, 1947
Australia	February 2, 1948
*Austria	June 30, 1947
Brazil	June 2, 1948
*Bulgaria	June 9, 1948
Byelorussian Soviet Socialist Republic	April 7, 1948
Canada	August 29, 1946
China	July 22, 1946
Czechoslovakia	March 1, 1948
Denmark	April 19, 1948
Dominican Republic	June 21, 1948

[1] SOURCE: A list of "Members of the World Health Organization" issued on Sept. 16, 1948, by the World Health Organization.

Country	*Date of deposit of acceptance*
Egypt	December 16, 1947
Ethiopia	April 11, 1947
*Finland	October 7, 1947
France	June 16, 1948
Greece	March 12, 1948
Haiti	August 12, 1947
*Hungary	June 17, 1948
Iceland	June 17, 1948
India	January 12, 1948
Iran	November 23, 1946
Iraq	September 23, 1947
*Ireland	October 20, 1947
*Italy	April 11, 1947
Liberia	March 14, 1947
Mexico	April 7, 1948
New Zealand	December 10, 1946
Netherlands	April 25, 1947
Norway	August 18, 1947
Poland	May 6, 1948
*Portugal	February 13, 1948
*Rumania	June 8, 1948
Saudi Arabia	May 26, 1947
Siam	September 26, 1947
Sweden	August 28, 1947
*Switzerland	March 26, 1947
Syria	December 18, 1946
*Transjordan	April 7, 1947
Turkey	January 2, 1948
Ukrainian Soviet Socialist Republic	April 3, 1948
Union of South Africa	August 7, 1947
Union of Soviet Socialist Republics	March 24, 1948
United Kingdom	July 22, 1946
Yugoslavia	November 19, 1947

(b) Romanization of the Facsimile Signatures

FOR ARGENTINA:

ALBERTO ZWANCK

FOR AUSTRALIA:

A. H. TANGE

FOR THE KINGDOM OF BELGIUM:

Dr. M DE LAET.

FOR BOLIVIA:

LUIS V. SOTELO

FOR BRAZIL:

GERALDO PAULA SOUZA

FOR BYELORUSSIAN SOVIET SOCIALIST REPUBLIC:

N. EVSTAFIEV

FOR CHILE:

JULIO BUSTOS A

FOR CANADA:
BROOKE CLAXTON
BROCK CHISHOLM

FOR CHINA:
SHEN, J. K.
L. CHIN YUAN
SZEMING SZE.

FOR COLOMBIA:
CARLOS URIBE AGUIRRE.

FOR COSTA RICA:
JAIME BENAVIDES.

FOR CUBA:
Dr PEDRO NOGUEIRA
VICTOR SANTAMARINA

FOR CZECHOSLOVAKIA:
Dr JOSEF CANČIK.

FOR DENMARK:
J. OERSKOV.

FOR THE DOMINICAN REPUBLIC:
Dr L. F. THOMEN.

FOR ECUADOR:
R. NEVAREZ VÀSQUEZ

FOR EGYPT:
Dr. A. T CHOUCHA
TAHA ELSAYED NASR BEY
M S. ABAZA.

FOR EL SALVADOR:
ARÍSTIDES MOLL

FOR ETHIOPIA:
G. TESEMMA.

FOR FRANCE:
J PARISOT

FOR GREECE:
Dr PHOKION KOPANARIS

FOR GUATEMALA:
G MORÁN
J A MUÑOZ

FOR HAITI:
RULX LEÓN

FOR HONDURAS:
JUAN MANUEL FIALLOS

FOR INDIA:
C. K. LAKSHMANAN
C. MANI

FOR IRAN:
GHASSEME GHANI (M. D.)
H. HAFEZI

FOR IRAQ:
S AL-ZAHAWI
Dr IHSAN DOGRAMAJI

FOR LEBANON:
GEORGES HAKIM
Dr A MAKHLOUF

FOR LIBERIA:
JOSEPH NAGBE TOGBA, M. D.
JOHN B WEST, M. D.

FOR THE GRAND DUCHY OF LUXEMBOURG:
Dr. M DE LAET.

FOR MEXICO:
MONDRAGÓN.

FOR THE KINGDOM OF THE NETHERLANDS:
C BERG
C. BANNING.
W. A. TIMMERMAN

FOR NEW ZEALAND:
T. R. RITCHIE.

FOR NICARAGUA:
A. SEVILLA-SACASA

FOR THE KINGDOM OF NORWAY:
H. TH. SANDBERG.

FOR PANAMA:
J. J. VALLARINO.

FOR PARAGUAY:
ANGEL R GINÉS

FOR PERU:
CARLOS ENRIQUE PAZ SOLDÁN
ALB. TORANZO.

FOR THE REPUBLIC OF THE PHILIPPINES:
H LARA
WALFRIDO DE LEON

FOR POLAND:
EDWARD GRZEGORZEWSKI

FOR SAUDI ARABIA:
Dr. YAHIA NASRI
Dr. MEDHAT CHEIKH AL ARDH

FOR SYRIA:
Dr. C. TREFI

FOR TURKEY:
Z N BARKER

FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:
L. I MEDVED
I I KALTCHENKO

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:
F G. KROTKOV

FOR THE UNITED STATES OF AMERICA:
THOMAS PARRAN
MARTHA M. ELIOT
FRANK G BOUDREAU

FOR THE UNION OF SOUTH AFRICA:
H. S. GEAR.

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
MELVILLE D. MACKENZIE
G. E. YATES

FOR URUGUAY:
JOSÉ A. MORA
R RIVERO
CARLOS M. BARBEROUSSE

FOR VENEZUELA:
A ARREAZA GUZMÁN

FOR YUGOSLAVIA:
Dr A. STAMPAR

FOR AFGHANISTAN:

FOR ALBANIA:
T. JAKOVA.

FOR AUSTRIA:
Dr MARIUS KAISER.

FOR BULGARIA:
Dr D. P. ORAHOVATZ.

FOR EIRE:
JOHN D. MACCORMACK.

FOR FINLAND:
OSMO TURPEINEN

FOR HUNGARY:

FOR ICELAND:

FOR ITALY:
GIOVANNI ALBERTO CANAPERIA

FOR PORTUGAL:
FRANCISCO JOSE C CAMBOURNAC

FOR RUMANIA:

FOR SIAM:
BUNLIANG TAMTHAI

FOR SWEDEN:

FOR SWITZERLAND:
Dr J EUGSTER
A. SAUTER.

FOR TRANSJORDAN:
Dr. D P. TUTUNJI

FOR YEMEN:

Agreement between the United States of America and Brazil respecting reciprocal trade, rendering inoperative the agreements of February 2, 1935, and April 17, 1935, and supplementing the General Agreement on Tariffs and Trade of October 30, 1947. Effected by exchange of notes signed at Rio de Janeiro June 30, 1948; entered into force June 30, 1948, effective July 31, 1948.

June 30, 1948
[T. I. A. S. 1811]

The American Chargé d'Affaires ad interim to the Brazilian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Rio de Janeiro, Brazil, June 30, 1948.

No. 173

EXCELLENCY:

I have noted with pleasure that the Government of the United States of Brazil has signed today the protocol for the provisional application of the General Agreement on Tariffs and Trade dated October 30, 1947. [1]

61 Stat., Pt. 6, p. A2051.

In this connection I have the honor to refer to conversations between representatives of the Brazilian Government and the Government of the United States of America to the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment, with respect to the effect of the entry into force of the General Agreement on Tariffs and Trade between the United States of America and the United States of Brazil upon the trade agreement between our two Governments concluded in 1935.

49 Stat. 3808.

It is the understanding of the United States Government that it was then mutually agreed that the trade agreement between the United States of America and the United States of Brazil, signed February 2, 1935, except for those provisions of Art. XIV thereof providing for termination upon six months notice, the notes exchanged February 2, 1935, to accompany that agreement, and the supplementary agreement with accompanying exchange of notes signed April 17, 1935, shall be inoperative for such time as the United States of America and the United States of Brazil are both contracting parties to the General Agreement on Tariffs and Trade as defined in Art. XXXII of that agreement.

49 Stat. 3821.

49 Stat. 3837.

49 Stat. 3834.

61 Stat., Pt. 5, p. A75.

[1] See paragraph 3 of the protocol for the provisional application of the General Agreement on Tariffs and Trade dated Oct. 30, 1947, which reads:

"3. Any other Government signatory to this Protocol shall make effective such provisional application of the General Agreement, on or after January 1, 1948, upon the expiration of thirty days from the day of signature of this Protocol on behalf of such Government."

I shall be pleased to receive your Excellency's confirmation of the understanding set forth above.

Accept, Your Excellency, the assurances of my highest consideration.

Chargé d'Affaires ad interim
DAVID MCK. KEY

His Excellency Dr. RAUL FERNANDES,
Minister for Foreign Affairs.

The Brazilian Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DAS RELAÇÕES EXTERIORES,
RIO DE JANEIRO
DE/70/890.(42) (22) *Em 30 de junho de 1948.*

SENHOR ENCARREGADO DE NEGÓCIOS,

Tenho a honra de acusar o recebimento da nota de Vossa Senhoria, sob o nº 173, datada de hoje, em que propõe, de conformidade com o estabelecido anteriormente entre os Governos do Brasil e dos Estados Unidos da América, que o Acôrdo comercial em vigor entre ambos, firmado a 2 de fevereiro de 1935, tenha os seus efeitos suspensos – com exceção das provisões constantes do respectivo Artigo XIV – enquanto os dois países forem partes contratantes do Acôrdo Geral de Tarifas e Comércio, dentro da definição contida no Artigo XXXII do referido Acôrdo Geral.

2. Em resposta, cumpre-me comunicar a Vossa Senhoria que o Govêrno brasileiro aceita a proposta em aprêço, assumindo, em consequência, os compromissos dela decorrentes.

Aproveito a oportunidade para renovar a Vossa Senhoria os protestos da minha mui distinta consideração.

RAUL FERNANDES

Ao Senhor DAVID MCKENDREE KEY,
Encarregado de Negócios dos Estados Unidos da América

Translation

MINISTRY OF FOREIGN RELATIONS,
RIO DE JANEIRO.
DE/70/890.(42) (22) *June 30, 1948.*

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge receipt of your note No. 173 dated today, in which you propose, in accordance with what was previously determined by the Governments of Brazil and the United States of America, that the trade agreement in effect between the two Governments, signed on February 2, 1935, be suspended, with the exception of the provisions of Article XIV thereof, in as much as both countries are contracting parties to the General Agreement on

49 Stat. 3808.
49 Stat. 3821.

Tariffs and Trade, as defined in Article XXXII of the said General Agreement. 61 Stat., Pt. 5, p. A75.

2. In reply, I am to inform you that the Brazilian Government accepts the proposal under consideration and therefore assumes the obligations arising therefrom.

I avail myself of this opportunity to renew to you the assurances of my very distinguished consideration.

RAUL FERNANDES

Mr. DAVID MCKENDREE KEY,

Chargé d'Affaires of the United States of America

September 14, 1948
[T. I. A. S. 1812]

Agreement between the United States of America and New Zealand respecting a United States Educational Foundation in New Zealand. Signed at Wellington September 14, 1948; entered into force September 14, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF NEW ZEALAND FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF NEW ZEALAND ON SETTLEMENT FOR LEND-LEASE AND RECIPROCAL AID, SURPLUS WAR PROPERTY, AND CLAIMS, SIGNED AT WASHINGTON ON JULY 10, 1946.

The Government of the United States of America and the Government of New Zealand;

Desiring to promote further mutual understanding between the peoples of the United States of America and New Zealand by a wider exchange of knowledge and professional talents through educational contacts;

Considering that Section 32(b) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress, provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

60 Stat. 754.
50 U.S.C. app. § 1641 (b).

Considering that under the provisions of Section II of the Agreement between the Government of the United States of America and the Government of New Zealand on Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property, and Claims, signed at Washington on July 10, 1946 (hereinafter designated "the Settlement Agreement") it is provided that the Government of New Zealand, in consideration of the value of surplus noncombat lend-lease aircraft and related spares diverted to civilian use, and of other surplus property covered by the contract between the Government of the United States and the Government of New Zealand dated December 18, 1945, [1] as amended in the Settlement Agreement, and in order to further educational and cultural relationships between the two countries by means of scholarships or otherwise in a manner mutually agreeable, will pay to the Government of the United States the value of such aircraft and related spares and surplus property as provided in paragraphs 8 and 9 of the Settlement Agreement, by any of the

60 Stat. 1794.
60 Stat. 1791.
60 Stat. 1794.

[1] Not printed.

following methods (inter alia) or any combination thereof designated by the Government of the United States, employing in every case the rate of 3.2442 United States dollars to one New Zealand pound;

(a) by delivery of title to the Government of the United States by the Government of New Zealand of such real property and improvements to real property in New Zealand as may be selected and determined by agreement between the two Governments, aggregating in value not more than $1,200,000;

(b) by establishment of a fund in New Zealand pounds, equivalent to not more than the remaining amount due to the Government of the United States under the Settlement Agreement, for expenditure in accordance with agreement to be reached between the two Governments for carrying out educational and cultural programs of benefit to the two countries.

60 Stat. 1791.

Have agreed as follows:

Article 1

There shall be established a foundation to be known as the United States Educational Foundation in New Zealand (hereinafter designated "the Foundation"), which shall be recognised by the Government of the United States of America and the Government of New Zealand as an organisation created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of New Zealand under the terms of this agreement. Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and of New Zealand as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement.

United States Educational Foundation in New Zealand.

All of the funds made available by the Government of New Zealand, within the conditions and limitations hereinafter set forth, shall be used by the Foundation or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of New Zealand for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

Use of funds.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in New Zealand or of the nationals of New Zealand in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for nationals of New Zealand who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose

attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2

Powers of Foundation.

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purposes of the present agreement including the following:

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America.

(3) Disburse funds and make grants and advances of funds for the authorised purposes of the Foundation.

(4) Acquire, hold, and dispose of property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(6) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in New Zealand, and institutions of New Zealand qualified to participate in the program in accordance with the aforesaid Act.

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix the salaries and wages thereof.

Article 3

Annual budget.

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4

The Foundation shall not enter into any commitment or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold, or dispose of property except for the purposes authorised in the present agreement.

Article 5

Board of Directors.

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of eight Directors (hereinafter designated the "Board").

Honorary Chairman.

The principal officer in charge of the Diplomatic Mission of the United States of America to New Zealand (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. The members of the Board shall be as follows: (a) three officers of the United States Foreign Service Establishment in New Zealand, one of whom shall serve as Chairman and one of whom shall serve as Treasurer; (b) two citizens of the United States of America, preferably one representative of American business interests in New Zealand and preferably one representative of American educational interests in New Zealand; and (c) three nationals of New Zealand, one of whom shall be prominent in the field of education. The United States members shall be appointed and removed by the Chief of Mission; the New Zealand members by Chief of Mission after consultation and agreement with the Government of New Zealand. Vacancies by reason of resignations, transfers of residence outside of New Zealand, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

The five members specified in (b) and (c) of the last preceding paragraph shall be resident in New Zealand and, subject to removal as hereinbefore provided, shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment.

The Directors shall serve without compensation, but the Foundation is authorised to pay the necessary expenses of the Directors in attending meetings of the Board.

Article 6

By-laws, etc.

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

Article 7

Reports.

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Government of New Zealand.

Article 8

Principal office, etc.

The principal office of the Foundation shall be in Wellington, but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

Article 9

Executive Officer.

The Board may appoint an Executive Officer and determine his salary and term of service, provided however, that in the event it is

found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint a substitute for such time as it deems necessary or desirable.

Article 10

Decisions of the Board.

The decisions of the Board in all matters may in the discretion of the Secretary of State of the United States of America, be subject to his review.

Article 11

Availability of New Zealand currency.

The Government of New Zealand shall, as and when requested by the Government of the United States of America for the purposes of this agreement, make available to the Treasurer of the United States of America, amounts of currency of the Government of New Zealand up to an aggregate amount of the currency of the Government of New Zealand equivalent to $2,300,000 (United States currency). In accordance with the terms of Section II of the Settlement Agreement the rate of exchange between currency of the Government of New Zealand and United States currency to be used in determining the amount of currency of the Government of New Zealand to be made available from time to time hereunder shall, until July 10, 1949, be 3.2442 United States dollars to one New Zealand pound. After July 10, 1949, the rate shall be the rate available to the United States of America for its diplomatic and other official expenditures in New Zealand, on the respective days such amounts of currency are made available.

60 Stat. 1794.

The Secretary of State of the United States of America will make available to the Foundation currency of the Government of New Zealand in such amounts as may be required by the Foundation but in no event in excess of the budgetary limitations established pursuant to Article 3 of the present agreement.

Article 12

Tax exemption.

Furniture, equipment, supplies, and any other articles intended for official use of the Foundation shall be exempt in the territory of New Zealand from customs duties, excises, and surtaxes, and every other form of taxation.

All funds and other property used for the purposes of the Foundation, and all official acts of the Foundation within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of New Zealand.

Article 13

The Government of New Zealand shall extend to citizens of the United States of America residing in New Zealand and engaged in educational activities under the auspices of the Foundation such

privileges with respect to exemption from taxation and other burdens affecting the entry, travel, and residence of such persons, as are extended to New Zealand nationals residing in the United States of America engaged in similar activities.

Article 14

"Secretary of State of the United States of America."

Wherever, in the present agreement the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 15

Amendment of agreement.

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of New Zealand.

Article 16

Entry into force.

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present agreement.

DONE at Wellington this fourteenth day of September, 1948.

[SEAL] R. M. SCOTTEN
FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

[SEAL] P. FRASER.
FOR THE GOVERNMENT OF NEW ZEALAND:

October 6, 1948
[T. I. A. S. 1813

Agreement between the United States of America and Argentina respecting a military advisory mission to Argentina. Signed at Washington October 6, 1948; entered into force October 6, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF ARGENTINA

In conformity with the request of the Government of the Republic of Argentina to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and non-commissioned officers of the United States Army to serve as Military Advisers to the Argentine Army, under the conditions specified below:

TITLE I

Purpose and Duration

ARTICLE 1. The purpose of assigning the Advisers is to cooperate with the military authorities of the Argentine Army in the instruction of troops, in order to contribute, through their greater experience and professional knowledge, to increase the efficiency of the Argentine Army.

ARTICLE 2. This Agreement shall continue in force for a period of four (4) years from the date of the signing thereof by the accredited representatives of the Government of the United States of America and the Government of the Republic of Argentina unless previously terminated or extended as hereinafter provided. Any of the Advisers may be recalled by the Government of the

CONVENIO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LA REPUBLICA ARGENTINA

De conformidad con lo solicitado por el Gobierno de la República Argentina al Gobierno de los Estados Unidos de América, el Presidente de los Estados Unidos de América ha autorizado el nombramiento de oficiales y suboficiales del Ejército de los Estados Unidos para actuar como Asesores Militares del Ejército Argentino, de acuerdo con las condiciones que se estipulan a continuación:

TITULO I

Propósitos y Duración

ARTICULO 1. La asignación de los Asesores tiene por propósito cooperar con las autoridades militares del Ejército Argentino en la instrucción de las tropas, con el fin de contribuir, por su mayor experiencia y conocimientos profesionales, a aumentar la eficiencia del Ejército Argentino.

ARTICULO 2. Este convenio permanecerá en vigor por un período de cuatro (4) años a partir de la fecha en que lo firmen los representantes autorizados del Gobierno de los Estados Unidos de América y del Gobierno de la República Argentina, a menos que se dé por terminado con anterioridad o que se prorrogue según se dispone más adelante. Cualquiera de los Asesores podrá

United States of America after the expiration of two years of service, in which case another officer with suitable qualifications shall be furnished to replace him.

ARTICLE 3. If the Government of the Republic of Argentina should desire that the services of the Advisers be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Extension of services of Advisers.

ARTICLE 4. This Agreement may be terminated before the expiration of the four-year period prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

Termination prior to specified time.

(a) By either of the Governments, subject to three months' written notice to the other Government;

(b) By recall of the Advisers by the Government of the United States of America or by the Government of the Republic of Argentina, in the public interest of either of these two countries, without necessity of compliance with provision (a) of this Article.

ARTICLE 5. This Agreement is subject to cancellation upon the initiative of either the Government of the United States of America or the Government of the Republic of Argentina in case either country becomes involved in foreign or domestic hostilities.

Cancellation in case of hostilities.

TITLE II

Composition and Personnel

ARTICLE 6. The Advisers shall be such personnel of the United States Army as may be agreed upon by the Department of the Army of the United States of

ser retirado por el Gobierno de los Estados Unidos de América después de transcurridos dos años de servicio y, en tal caso, se suplirá en su lugar otro miembro de competencia satisfactoria.

ARTICULO 3. Si el Gobierno de la Argentina deseara que los servicios de los Asesores se prorrogasen más allá del período estipulado, presentará por escrito una solicitud a tal efecto seis meses antes del vencimiento de este Convenio.

ARTICULO 4. Este Convenio podrá extinguirse antes del vencimiento del término de cuatro años que dispone el Artículo 2, o antes de vencer la prórroga autorizada en el Artículo 3, de la manera siguiente:

(a) Por cualquiera de los dos Gobiernos, siempre que uno de ellos lo notifique al otro por escrito con tres meses de anticipación;

(b) Por el retiro de los Asesores por parte del Gobierno de los Estados Unidos de América o del Gobierno de la República Argentina, por el bien público de cualquiera de los dos países, sin necesidad de cumplir con el inciso (a) de este Artículo.

ARTICULO 5. Este Convenio está sujeto a cancelación por iniciativa, ya sea del Gobierno de los Estados Unidos de América o del Gobierno de la República Argentina en el caso de que cualquiera de los dos países se vea implicado en hostilidades intestinas o externas.

TITULO II

Integración y Personal

ARTICULO 6. Los Asesores serán los miembros del Ejército de los Estados Unidos que de mutuo acuerdo determinen el Departamento de Ejército de los Estados

America or its authorized representative, and by the Ministry of War of the Republic of Argentina through its authorized representative in Washington.

The individuals to be assigned shall be those agreed upon by the Department of the Army of the United States of America or its authorized representative, and by the Ministry of War of the Republic of Argentina or its authorized representative.

In the assignment of individuals, their professional ability or value from the standpoint of the specialty or mission which they will perform shall be taken primarily into consideration. If possible, the officer or non-commissioned officer appointed shall have had war experience with modern combat equipment. The knowledge of the Spanish language is highly desirable.

TITLE III

Duties, Rank, and Precedence

ARTICLE 7. The Advisers shall perform such duties as may be agreed upon between the Ministry of War of the Republic of Argentina (Office of the Commander in Chief of the Army) and the Chief Adviser.

Rank and uniform.

ARTICLE 8. The Advisers shall serve with the rank they hold in the United States Army and shall wear the uniform of their rank in the United States Army.

Due to their position as Advisers, they shall not have any command functions, except when specially granted to them, in each case, by the Office of the Commander in Chief of the Army (Office of the Inspector General of Instruction of the Army).

Unidos de América o su representante autorizado, y el Ministerio de Guerra de la República Argentina, por conducto de su representante autorizado en Washington.

Las personas que se asignen serán aquéllas que de mutuo acuerdo determinen el Departamento del Ejército de los Estados Unidos de América o su representante autorizado, y el Ministerio de Guerra de la República Argentina o su representante autorizado.

En la designación de las personas se tendrá en cuenta, en primer término, su capacidad o valor profesional desde el punto de vista de la especialidad o misión que deberá cumplir. En lo posible, el oficial o suboficial designado poseerá experiencia de guerra con los materiales de lucha modernos. El conocimiento del idioma español es altamente deseable.

TITULO III

Funciones, Grado y Precedencia

ARTICULO 7. Los Asesores desempeñarán las funciones que de mutuo acuerdo determinen el Ministerio de Guerra de la República Argentina (Comando en Jefe del Ejército) y el Jefe de los Asesores.

ARTICULO 8. Los Asesores prestarán sus servicios con el grado que tengan en el Ejército de los Estados Unidos y vestirán el uniforme correspondiente a su grado en el Ejército de los Estados Unidos.

Dado su carácter de Asesores, no tendrán atribuciones de mando, salvo cuando en forma especial se las otorgue, en cada caso, el Comando en Jefe del Ejército (Inspección General de Instrucción del Ejército).

As for precedence, they shall conform to the order established by civilian and military protocol, in each case, according to their rank and seniority.

Precedence.

ARTICLE 9. The Advisers shall serve under the Office of the Commander in Chief of the Army (Office of the Inspector General of Instruction of the Army) or under any other authority depending directly from the Ministry of War, through the Chief Adviser. In the performance of their mission in the Army organization in which they will serve, they shall advise directly the respective Commanding Officers, in accordance with Article 7, with no implication of their being subordinated to or dependent from said Commanding Officers.

ARTICLE 10. The Advisers shall be entitled to all benefits and privileges which the regulations of the Argentine Army provide for Argentine officers and non-commissioned officers, except in matters applicable to foreign officers and non-commissioned officers (pay and allowances, promotions and retirement, disciplinary functions, etc.).

Benefits and privileges.

ARTICLE 11. The Advisers, among themselves and with the Chief Adviser, shall be governed by the disciplinary regulations of the United States Army.

Disciplinary regulations.

TITLE IV

Compensation and Perquisites

ARTICLE 12. The Advisers shall receive from the Government of the Republic of Argentina such net annual compensation in pesos, legal Argentine national currency, as may be agreed upon for each Adviser between the Government

En cuanto a la precedencia, ocuparán el lugar que les acuerden, el protocolo civil y militar en cada caso, en concordancia con la jerarquía y años de antigüedad en el grado.

ARTICULO 9. Los Asesores estarán a órdenes del Comando en Jefe del Ejército (Inspección General de Instrucción del Ejército) o de cualquier otra autoridad con dependencia directa del Ministerio de Guerra, por intermedio del Jefe de los Asesores. En el desempeño de sus funciones en los organismos del Ejército en que presten sus servicios, asesorarán directamente a los Jefes respectivos en concordancia con lo establecido en el Artículo 7, sin que esto implique subordinación o dependencia de tales Jefes.

ARTICULO 10. Los Asesores tendrán derecho a todos los beneficios y prerrogativas que prescriben los reglamentos del Ejército Argentino para los oficiales y suboficiales argentinos, salvo en asuntos relacionados con su condición de oficiales y suboficiales extranjeros (sueldos y asignaciones, ascensos y retiros, atribuciones disciplinarias, etc.).

ARTICULO 11. Los Asesores entre sí y con el Jefe de los Asesores se regirán por el reglamento disciplinario del Ejército de los Estados Unidos.

TITULO IV

Remuneración y Obvenciones

ARTICULO 12. Los Asesores recibirán del Gobierno de la República Argentina la remuneración neta anual, en pesos moneda nacional de curso legal, que se establecerá para cada Asesor entre el Gobierno de los Estados Unidos

of the United States of America and the Government of the Republic of Argentina.

This compensation shall be paid in twelve (12) equal monthly installments, payable within the first five days of the month following the day it is due.

Tax exemption.

Such compensation, and any other they may receive from the Government of the United States of America, shall not be subject to any tax, now or hereafter in effect, of the Government of the Republic of Argentina or of any of its political or administrative subdivisions or agencies.

At the request of any Adviser, upon completing his assignment with the mission, the Government of the Republic of Argentina agrees to exchange for dollars, at the official rate of exchange, up to 50% of the total compensation received from the Government of the Republic of Argentina.

ARTICLE 13. The compensation agreed upon as indicated in the preceding Article shall commence upon the date of departure from the United States of America of each Adviser and, except as otherwise expressly provided in this Agreement, shall continue, following the termination of duty, for the return trip to the United States of America and thereafter for the period of any accumulated leave which may be due.

ARTICLE 14. The compensation due for the period of the return trip and accumulated leave shall be paid to a detached Adviser before his departure from the Republic of Argentina, and such payment shall be computed for travel by the shortest usually travelled route, regardless of the

de América y el Gobierno de la República Argentina.

Dicha remuneración se pagará en doce mensualidades iguales que se harán efectivas dentro de los cinco primeros días del mes subsiguiente al vencido.

Esta remuneración y la que reciban del Gobierno de los Estados Unidos, no estarán sujetas a impuesto alguno que al presente o en adelante impongan el Gobierno de la República Argentina o alguna de sus subdivisiones políticas o administrativas.

A solicitud de cualquiera de los Asesores, al tiempo de terminar sus servicios con la misión, el Gobierno de la República Argentina se compromete a convertirle en dólares, al tipo de cambio oficial, hasta un 50% del total de la remuneración que ha percibido del Gobierno Argentino.

ARTICULO 13. La remuneración que se convenga, según se indica en el Artículo precedente, comenzará a devengarse desde la fecha en que cada Asesor parta de los Estados Unidos de América y, salvo lo que expresamente se disponga de otro modo en este Convenio, continuará devengándose después de terminadas sus funciones, mientras dure el viaje de regreso a los Estados Unidos de América y, en adelante, por el período de licencia acumulada a que tenga derecho.

ARTICULO 14. La remuneración que debe dársele por el tiempo que dure el viaje de regreso y por la licencia acumulada se pagará al Asesor que se retire, antes de su partida de la República Argentina, y el pago se calculará a base del pasaje por la ruta más corta seguida generalmente, cualquiera

route and method of travel used by the Adviser.

ARTICLE 15. Each Adviser and his family shall be furnished by the Government of the Republic of Argentina with first-class accommodations for travel, via the shortest usually travelled route, required and performed under this Agreement, between the port of embarkation in the United States of America and his official residence in Argentina, both for the outward and for the return trip. The Government of the Republic of Argentina shall also pay all expenses of shipment of household effects, baggage, and automobile of each Adviser between the port of embarkation in the United States of America and his official residence in Argentina as well as all expenses incidental to the transportation of such household effects, baggage, and automobile from Argentina to the port of entry in the United States of America. Transportation of such household effects, baggage, and automobile shall be effected in one shipment, and all subsequent shipments shall be at the expense of the respective Adviser, except as otherwise provided in this Agreement or when such shipments are necessitated by circumstances beyond his control.

ARTICLE 16. If the services of any of the Advisers should be terminated for any reason whatsoever before the completion of two years of service, the Government of the Republic of Argentina shall not be obligated to pay the cost of the return to the United States of America of such Adviser, his family, household effects, and baggage, including automobile. Neither shall it be obligated to pay the cost of transporting the re-

que sea la ruta y el medio de transporte de que se sirva el Asesor.

Travel accommodations.

ARTICULO 15. El Gobierno de la Argentina proporcionará a cada Asesor y a su familia pasajes de primera clase por la ruta más corta generalmente empleada para el viaje que se requiera y que se efectúe de conformidad con este Convenio, entre el puerto de embarque en los Estados Unidos de América y su residencia oficial en la Argentina, tanto para el viaje de ida como para el de regreso. El Gobierno de la Argentina también pagará, además, todos los gastos de embarque de los efectos caseros, equipaje y automóvil de cada Asesor entre el puerto de embarque en los Estados Unidos de América y su residencia oficial en la Argentina, así como todos los gastos incidentales al transporte de dichos efectos caseros, equipaje y automóvil desde la Argentina hasta el puerto de entrada en los Estados Unidos de América. El transporte de dichos efectos caseros, equipaje y automóvil se efectuará en un solo embarque, y todo embarque subsiguiente será por cuenta del respectivo Asesor, salvo lo que se disponga de otro modo en este Convenio, o cuando dichos embarques sean necesarios por circunstancias ajenas a su voluntad.

Shipment of household effects, etc.

Termination of services prior to specified time, return expenses.

ARTICULO 16. Si antes de completarse dos años de servicio se terminaren por cualquier razón los servicios de algún Asesor, el Gobierno de la República Argentina no estará obligado a cubrir el costo del viaje de regreso a los Estados Unidos de América de dicho Asesor, su familia, efectos caseros y equipaje, incluso automóvil. Tampoco estará obligado a sufragar los gastos de transporte del que venga a reemplazar al

placement for the Adviser whose services are so terminated, his family, household effects, and baggage, including automobile.

Exemption from customs duties.

ARTICLE 17. The Government of the Republic of Argentina shall grant, upon request of the Advisers, exemption from customs duties on articles imported for the official use of the Advisers or the personal use of the Advisers and of members of their families, provided that their request for free entry has received the approval of the Ambassador of the United States of America or of the Chargé d'Affaires ad interim.

Travel on official business.

ARTICLE 18. Compensation for transportation and travelling expenses in the Republic of Argentina on official business of the Government of the Republic of Argentina shall be provided by the Government of the Republic of Argentina in accordance with the provisions of Article 10.

Ante, p. 2811.

Motor transportation.

ARTICLE 19. The Ministry of War of the Republic of Argentina (Office of the Commander in Chief of the Army) shall provide the Chief Adviser with an automobile with chauffeur for use on official business; the rest of the Advisers shall be provided, if possible, with motor transportation for the conduct of official business.

Office space, etc.

ARTICLE 20. The Ministry of War of the Republic of Argentina (Office of the Commander in Chief of the Army) shall provide suitable office space and the necessary working materials, for the conduct of the official business of the Advisers.

Death of Adviser or member of his family.

ARTICLE 21. If any of the Advisers, or any of his family, should die in the Republic of Argentina, the Government of the Republic of Argentina shall have the body transported to such place in the

Asesor cuyos servicios terminan, de su familia, efectos caseros y equipaje, incluso automóvil.

ARTICULO 17. A solicitud de los Asesores, el Gobierno de la República Argentina eximirá de derechos de aduana los artículos que se importen para el uso oficial de los Asesores, o para el uso personal de los Asesores y de los miembros de su familia, siempre que la solicitud de entrada libre de derechos haya recibido la aprobación del Embajador de los Estados Unidos de América o del Encargado de Negocios ad interim.

ARTICULO 18. De conformidad con las disposiciones del Artículo 10, el Gobierno de la República Argentina reembolsará los gastos de transporte y de viaje efectuados en la República Argentina, cuando se trate de asuntos oficiales del Gobierno de la República Argentina.

ARTICULO 19. El Ministerio de Guerra de la República Argentina (Comando en Jefe del Ejército) proveerá un automóvil con chófer al Jefe de los Asesores, para su empleo en las funciones del servicio; al resto de los Asesores se les facilitará, en lo posible, un medio de transporte automotor para asuntos del servicio.

ARTICULO 20. El Ministerio de Guerra de la República Argentina (Comando en Jefe del Ejército) proveerá locales adecuados para oficinas, así como los elementos de trabajo necesarios, para el desempeño de las funciones oficiales de los Asesores.

ARTICULO 21. Si alguno de los Asesores, o algún miembro de su familia, falleciere en la República Argentina, el Gobierno de la República Argentina hará trasladar el cuerpo hasta el lugar de

United States of America as the surviving members of the family may decide, but the cost to the Government of the Republic of Argentina shall not exceed the cost of transporting the remains from the place of decease to New York City. Should the deceased be an Adviser, his services with the Government of the Republic of Argentina shall be considered to have terminated fifteen (15) days after his death. Return transportation to New York City for the family of the deceased Adviser and for their baggage, household effects, and automobile shall be provided as prescribed in Article 15. All compensation due the deceased Adviser, including salary for fifteen (15) days subsequent to his death, and reimbursement for expenses and transportation due the deceased member for travel performed on official business of the Government of the Republic of Argentina, shall be paid to the widow of the deceased Adviser or to any other person who may have been designated in writing by the deceased while serving under the terms of this Agreement; but such widow or other person shall not be compensated for accrued leave due and not taken by the deceased. All compensations due the widow, or other person designated by the deceased, under the provisions of this Article, shall be paid within fifteen (15) days of the decease of the said Adviser.

los Estados Unidos de América que indiquen los miembros sobrevivientes de la familia; pero el costo para el Gobierno de la República Argentina no excederá del costo del traslado de los restos desde el lugar del fallecimiento hasta la ciudad de Nueva York. Si el extinto fuera uno de los Asesores se considerarán terminados sus servicios con el Gobierno de la República Argentina quince (15) días después de su muerte. Los gastos de regreso a la ciudad de Nueva York de la familia del Asesor fallecido, su equipaje, sus efectos caseros y su automóvil se sufragarán según se prescribe en el Artículo 15. Toda remuneración que se adeude al Asesor fallecido, incluso su sueldo por los quince (15) días siguientes a su muerte, y el reembolso de gastos de transporte que se adeuden al miembro fallecido por viajes realizados en asuntos oficiales del Gobierno de la República Argentina se hará a la viuda del Asesor fallecido o a la persona que el extinto hubiere designado por escrito mientras prestaba sus servicios conforme a los términos de este Convenio, pero no se compensará a la viuda ni a la otra persona por la licencia acumulada a que tuviere derecho el fallecido y que no hubiere disfrutado. Toda remuneración que de conformidad con las disposiciones de este Artículo se adeude a la viuda o a la otra persona designada por el extinto, se pagará dentro de quince (15) días después del fallecimiento de dicho Asesor.

Ante, p. 2813.

TITLE V

Requisites and Conditions

ARTICLE 22. It is established and agreed that so long as this Agreement or any extension there-

TITULO V

Requisitos y Condiciones

ARTICULO 22. Se establece y conviene que durante la vigencia del presente convenio o cualquiera

Services of personnel of other foreign governments, restriction.

of is in effect, the Ministry of War of the Republic of Argentina shall not use the services of any personnel of any other foreign government for the same purposes and duties as the ones performed by the Advisers, except when expressly agreed upon by the Government of the United States of America and the Government of the Republic of Argentina.

Secrecy requirement.

ARTICLE 23. Each Adviser shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as Adviser. This requirement shall continue in force after the termination of his service and after the expiration or cancellation of this Agreement or any extension thereof.

"Family."

ARTICLE 24. Throughout this Agreement the term "family" is limited to mean wife and dependent children.

Annual leave.

ARTICLE 25. Each Adviser shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as an Adviser.

ARTICLE 26. The leave specified in the preceding Article may be spent in the Republic of Argentina, in the United States of America, or in any other countries, but the expense of travel and transportation not otherwise provided for in this Agreement shall be borne by the Adviser taking such leave. All travel time shall count as leave and shall not be in addition to the

prórroga del mismo, el Ministerio de Guerra de la República Argentina no podrá utilizar los servicios de personal alguno de otro Gobierno extranjero para las mismas obligaciones y propósitos que se encuentren desempeñando los Asesores, fuera del caso en que ello sea expresamente convenido por el Gobierno de los Estados Unidos de América y el Gobierno Argentino.

ARTICULO 23. Cada uno de los Asesores se compromete a no divulgar ni revelar en manera alguna a ningún gobierno extranjero, o a ninguna persona, ningún secreto ni asunto confidencial que pueda llegar a su conocimiento en su calidad de Asesor. Esta obligación continuará en vigor después de terminar sus servicios y después del vencimiento o cancelación del presente Convenio o de su prórroga.

ARTICULO 24. En este Convenio se entenderá que el término "familia" sólo comprende a la esposa y a los hijos a quienes se deben alimentos.

ARTICULO 25. Cada uno de los Asesores tendrá derecho anualmente a un mes de licencia con sueldo, o a una parte proporcional de ella, con sueldo por la respectiva fracción del año. La parte de dicha licencia que no se use podrá acumularse de año en año mientras duren sus servicios de Asesor.

ARTICULO 26. Podrá disfrutarse de la licencia que se estipula en el Artículo precedente en la República Argentina, en los Estados Unidos de América, o en otros países; pero los gastos de viaje y transporte que no se fijen de ningún otro modo en este Convenio serán sufragados por los Asesores que tomen la licencia. Todo el tiempo que dure el viaje

time authorized in the preceding Article.

se contará como parte de la licencia y no se añadirá al tiempo que autoriza el Artículo precedente.

ARTICLE 27. The Ministry of War of the Republic of Argentina (Office of the Inspector General of Instruction of the Army) agrees to grant the leave specified in Article 25, upon receipt of written application to that effect, approved by the Chief Adviser with due consideration for the convenience of the Government of the Republic of Argentina.

ARTICULO 27. El Ministerio de Guerra de la República Argentina (Inspección General de Instrucción del Ejército) conviene en conceder la licencia estipulada en el Artículo 25 al recibir una solicitud por escrito con ese objeto, aprobada por el Jefe de los Asesores, con la debida consideración a la conveniencia del Gobierno de la República Argentina.

Termination of services of replaced Advisers.

ARTICLE 28. Advisers who may be replaced shall terminate their services only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

ARTICULO 28. Los Asesores que sean reemplazados terminarán sus servicios solamente al llegar quienes hayan de reemplazarlos, salvo cuando los dos Gobiernos lo acuerden de antemano de otro modo.

Medical attention.

ARTICLE 29. The Ministry of War of the Republic of Argentina shall provide suitable medical attention to the Advisers and their families in accordance with the provisions of the regulations of the Argentine Army with respect to its officers and non-commissioned officers. If any Adviser, or any of his family, desires medical attention other than that provided for above, he may obtain such attention, but in this event all expenses incurred shall be borne by the individual.

ARTICULO 29. El Ministerio de Guerra de la República Argentina suministrará atención médica a los Asesores y sus familiares, de acuerdo con lo que al efecto prescriben los reglamentos del Ejército Argentino para sus oficiales y suboficiales. Si alguno de los Asesores o sus familiares desearan apartarse de lo expuesto precedentemente podrá hacerlo, pero en tal caso los gastos correspondientes correrán a cargo del interesado.

Physical disability.

ARTICLE 30. Any Adviser unable to perform his duties by reason of long continued physical disability shall be replaced.

ARTICULO 30. El Asesor que no pueda desempeñar sus funciones a causa de prolongada incapacidad física será reemplazado.

IN WITNESS WHEREOF, the undersigned, Robert A. Lovett, Acting Secretary of State of the United States of America, and Dr. Jerónimo Remorino, Ambassador of the Republic of Argentina at Washington, duly authorized thereto, have signed this Agreement in duplicate, in the English

EN FE DE LO CUAL, los infrascritos, Robert A. Lovett, Secretario de Estado Interino de los Estados Unidos de América y Dr. Jerónimo Remorino, Embajador de la República Argentina en Wáshington, debidamente autorizados para ello, han subscrito este Convenio en duplicado, en los

and Spanish languages, at Washington, this sixth day of October one thousand nine hundred forty-eight.

idiomas inglés e español, en Washington, el día seis de octubre de mil novecientos cuarenta y ocho.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA:

ROBERT A LOVETT.

FOR THE GOVERNMENT OF THE REPUBLIC OF ARGENTINA:
POR EL GOBIERNO DE LA REPUBLICA ARGENTINA:

J. REMORINO

Agreement between the United States of America and the Republic of the Philippines respecting public and private claims against the United States. Signed at Manila August 27, 1948; entered into force August 27, 1948.

August 27, 1948
[T. I. A. S. 1814]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING THE PAYMENT OF PUBLIC AND PRIVATE CLAIMS.

WHEREAS, the Government of the United States of America has enacted Public Law 370, 79th Congress, approved April 30, 1946, known as the Philippine Rehabilitation Act of 1946, as amended, hereinafter called the "Act", which Act created the Philippine War Damage Commission, and

60 Stat. 128; 62 Stat., Pt. 1, pp. 4, 1224. 50 U. S. C. app. §§ 1751–1806.

WHEREAS, Title I of said Act provides for the payment of private claims for war damage in the Philippines under the terms and conditions of said Title I, and

60 Stat. 128; 62 Stat., Pt. 1, p. 4. 50 U. S. C. app. §§ 1751–1763.

WHEREAS, Section 304 of said Act provides that

60 Stat. 136. 50 U. S. C. app. § 1784.

"The Philippine War Damage Commission, within the limits of the appropriations allocated to it for carrying out the provisions of this section, is authorized to compensate the Commonwealth of the Philippines (or the Republic of the Philippines), the provincial governments, chartered cities, municipalities, and corporations wholly owned by the Commonwealth of the Philippines (or the Republic of the Philippines), in the Philippines, for physical loss of or damage to public property in the Philippines occurring after December 7, 1941 (Philippine time), and before October 1, 1945, as a result of the perils listed in section 102 (a) hereof, in any case in which compensation for such losses or the rebuilding, repair, or replacement of the lost or damaged property is not provided for by the transfer of surplus property under section 201 hereof, or provided for under the provisions of this title other than this section or otherwise provided for by the United States Government or any department or agency thereof. To the fullest extent practicable, the Commission shall require that any lost or damaged property for which it decides to award compensation under this section shall be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this section. The Commission in its discretion may request the Federal Works Agency or the Corps of Engineers of the United States Army to undertake, after consultation with the Philippine Government, the rebuilding, repair, or replacement of property for which the Commission awards compensation under this section, and, from the funds available for carrying out the provisions of this section, may transfer to such Agency or Corps of Engineers the funds necessary to pay for the work requested. The Federal Works Agency and the Corps of

60 Stat. 129. 50 U. S. C. app § 1752.

60 Stat. 134, 805. 50 U. S. C. app. § 1771.

Engineers are authorized to rebuild, repair, or replace property in accordance with any such request of the Commission and to expend the funds so transferred to them for such purpose. The Commission shall have full power to select, and fix the priority of, cases in which compensation will be awarded or property rebuilt, repaired, or replaced under this section, and to determine the amount of such compensation and the extent to which such property will be rebuilt, repaired, or replaced, taking into account the relative importance of various projects to the reconstruction and rehabilitation of the economy of the Philippines and such other factors as the Commission deems relevant";

and

WHEREAS, the Government of the Republic of the Philippines is desirous of availing itself of the benefits and facilities which are authorized by Title I and Section 304 of said Act;

60 Stat. 128, 136; 62 Stat., Pt. 1, p. 4. 50 U. S. C. app. §§ 1751–1763, 1784.

NOW, THEREFORE, the Government of the United States of America and the Government of the Republic of the Philippines have decided to conclude an agreement for the foregoing purposes and have agreed mutually as follows:

ARTICLE I

The "Commission."

The responsible agent of the Government of the United States of America for effectuating the provisions of this Agreement shall be the Philippine War Damage Commission, hereinafter called the "Commission", which may delegate to any duly authorized representative or representatives all or any part of its authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE II

"Secretary."

The responsible agent of the Government of the Republic of the Philippines for effectuating the provisions of this Agreement shall be the Secretary of Public Works and Communications, hereinafter called the "Secretary", who may delegate to any duly authorized representative or representatives all or any part of his authority and responsibility for effectuating the provisions of this Agreement.

ARTICLE III

Priority of public claim.

Funds authorized for rebuilding, etc., restriction.

In carrying out Section 304 of the Act, the Commission shall select, and fix the priority of, public claim for which compensation will be awarded or property rebuilt, repaired, or replaced from the list of approved public claims submitted by the Secretary. In all cases where the Commission authorizes funds for rebuilding, repairing, or replacing public property the funds shall be paid into the Treasury of the Republic of the Philippines to be kept separate and apart from all other public funds and used solely for each approved public claim. The rebuilding, repairing, or replacing of all public property for which funds have been made available by the Commission shall be the responsibility of the Secretary.

ARTICLE IV

Before undertaking the rebuilding, repairing, or replacing of any public building, the Secretary shall submit all plans and specifications thereof to the Commission for its approval. The Commission shall have the right to require reports or other data necessary for its purposes, including the right to inspect the work and all books or records maintained in connection therewith. Where the work is performed by contract, the Commission shall have the right to disapprove any unsatisfactory bid or contractor. In accordance with existing policies of the Republic of the Philippines, contractors who are citizens of the United States of America shall have equal rights with contractors who are citizens of the Republic of the Philippines on all rehabilitation projects financed by the Commission and no authorized funds shall be used to pay convict or other forced labor.

Approval of plans.

Rights of U. S. contractors.

Convict or forced labor.

ARTICLE V

Before undertaking any work for which funds have been authorized by the Commission, the Secretary shall assure himself that all the conditions of Section 304 of the Act have been met and that funds authorized by the Commission are sufficient to complete the work for which funds are authorized, or a useful unit thereof. After a project is initiated, if such funds are found to be in excess of the requirements, such excess shall be returned to the Commission, and if the funds are found to be insufficient the Government of the Republic of the Philippines shall complete the work, or a useful unit thereof, from its own funds. The Commission shall not be obligated to advance funds except as the work progresses and the Commission is satisfied that all the terms of this Agreement are being met.

60 Stat. 136.
50 U. S. C. app. § 1784.

Excess funds.

Insufficient funds.

ARTICLE VI

The Government of the Republic of the Philippines shall provide all lands, easements, and rights-of-way necessary for the execution of the public projects under the program set forth in Section 304 of the Act. No funds shall be used for the purchase of materials, equipment, or supplies which have been made available or shall be made available from surplus property provided for by Title II of the Act.

Purchase of surplus property, restriction.

60 Stat. 134.
50 U. S. C. app. §§ 1771–1776.

ARTICLE VII

The United States of America or the Commission shall have the right to undertake legal action in the Philippines to recover funds which the Commission is obligated to recover under the provisions set forth in Sections 107 and 108 of the Act, or other claims where the Commission is entitled to recover funds from private individuals or legal entities in the Philippines and no court costs or other charges shall be made in connection with such action.

Recovery of funds, etc.

60 Stat. 132.
50 U. S. C. §§ 1757, 1758.

ARTICLE VIII

The Government of the Republic of the Philippines shall cooperate with the Commission in providing necessary office space and facilities,

Office space, etc.

and adequate housing accommodations for its United States citizen personnel and their families at reasonable rates.

ARTICLE IX

Damage suits, etc.

The Government of the Republic of the Philippines shall save harmless all officers and employees of the Commission from damage suits or other civil actions arising out of the performance of their duties under this Agreement.

ARTICLE X

Free transit for U. S. personnel.

Officers, employees, and agents of the Government of the United States of America who are citizens of the United States and who are on duty or who may be assigned to duty in the Republic of the Philippines under the provisions of the present Agreement, and their families, shall be permitted to move freely into and out of the Republic of the Philippines, subject to existing visa and passport regulations. Gratis transit shall be extended to all officers, employees or agents of the Commission over all bridges, ferries, roads, and other facilities of the highways where tolls are collected for passage of vehicles or occupants.

ARTICLE XI

Tax exemption.

Pending the conclusion of negotiations now being considered by the United States of America and the Republic of the Philippines, no import, excise, consumption, or other tax, duty, or impost shall be levied on funds or property in the Republic of the Philippines owned by the Commission and used for the purposes of the present Agreement; or on funds, materials, supplies, and equipment imported into the Republic of the Philippines for use in connection with such purposes; nor shall any such tax, duty, or impost be levied on personal funds or property, not intended for resale, imported into the Republic of the Philippines for the use or consumption of Commission personnel who are United States citizens; nor shall any export or other tax be placed on any such funds or property, including United States Government property, in the event of its removal from the Republic of the Philippines.

ARTICLE XII

All commitments made in this Agreement on the part of the Government of the United States of America shall be subject to the availability of appropriated funds made by the Government of the United States of America.

ARTICLE XIII

Effective date, duration, etc.

This Agreement shall become effective on the date of its signature and continue in effect until June 30, 1950, for the purposes enumerated in Section 304 of the Act and until April 30, 1951, for the purposes of Title I of the Act. This Agreement may be extended, revised, amended, or changed in whole or in part with the approval of both parties as indicated and effected by an exchange of notes. Either party may terminate this Agreement by giving to the other party ninety days' notice in writing through diplomatic channels.

60 Stat. 136, 128; 62 Stat., Pt. I, p. 4. 50 U. S. C. app. §§ 1784, 1751-1763.

Termination.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement in duplicate at Manila, this 27th day of August, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

THOMAS H. LOCKETT
Charge d'Affaires ad interim of the
United States of America at Manila.

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES:

RICARDO NEPOMUCENO
Secretary of Public Works
and Communications.

December 11, 1947, March 3, 8, 10, 12, 1948
[T. I. A. S. 1815]

Agreement between the United States of America and Paraguay respecting a cooperative educational program in Paraguay. Effected by exchange of notes signed at Asunción December 11, 1947, and March 3, 1948; entered into force March 3, 1948. And agreement between Paraguay and the Institute of Inter-American Affairs. Signed at Asunción March 8, 1948; approved by exchange of notes signed at Asunción March 10 and 12, 1948; entered into force March 12, 1948.

The American Ambassador to the Paraguayan Minister of Foreign Relations and Worship

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 7

Asunción, December 11, 1947

EXCELLENCY:

I have the honor to refer to the agreement dated March 17, 1945, [1] entered into between the Republic of Paraguay and the Inter-American Educational Foundation, Inc., concerning the establishment of a cooperative education program in Paraguay. It will be recalled that my Government agreed to send a small staff of experts and technicians to Paraguay to cooperate with officials of the Paraguayan Government and, particularly, with the Minister of Public Education, in a specific program for the improvement of public education in Paraguay as set forth in the Agreement to which reference has been made. That program included, among other things, the establishment within the Ministry of Public Education of the Servicio Cooperativo Interamericano de Educación, through which the cooperative program has been administered.

In accordance with recent legislation passed by the Congress of the United States of America, all of the property, assets, functions, personnel, liabilities and restrictions of the Inter-American Educational Foundation, Inc., have been transferred to and assumed by The Institute of Inter-American Affairs, a corporate instrumentality of the United States created by such legislative action.

Additional funds.

I now have been informed by the Department of State in Washington that additional funds amounting to $22,000 U. S. Cy. have been made available by the Institute of Inter-American Affairs for the continuation of the joint education program in Paraguay to be expended over a period to be mutually agreed upon by the appropriate officials of the Paraguayan Government and a representative of The Institute of Inter-American Affairs. It has been suggested that the extension of the program cover the period from the expiration date of the present agreement, which is March 16, 1948, through June 30, 1948. It is proposed that the entire additional contribution of

[1] Not printed.

$22,000 U. S. Cy. to be made available by the Institute in connection with the continuation of the program shall be retained by the Institute for payment directly or on account of salaries and other expenses of members of the Institute field staff who are maintained by the Institute in Paraguay. It is also understood that your Government would contribute to the Servicio for expenditure by that entity not less than the equivalent in Guarani of $22,000 U. S. Cy., computed at the best rate of exchange which the Bank of Paraguay concedes, which amount would be in addition to amounts already required under the present agreement to be contributed to the program by your Government.

If Your Excellency agrees that the proposed agreement, as outlined above, is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the program may be worked out by the Ministry of Education and The Institute of Inter-American Affairs.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

FLETCHER WARREN

His Excellency
Doctor CÉSAR A. VASCONSELLOS,
Minister of Foreign Relations and Worship,
Asunción.

The Paraguayan Minister of Foreign Relations and Worship to the American Ambassador

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

D. P. y D.-
N° 287.-

ASUNCIÓN, *3 de marzo de 1948.*-

SEÑOR EMBAJADOR:

Tengo el agrado de dirigirme a Vuestra Excelencia, haciendo referencia a su nota n° 7 de fecha 11 de diciembre de 1947, sobre establecimiento de un programa cooperativo de educación en el Paraguay.-

En contestación, cábeme expresar a Vuestra Excelencia, que el Ministerio de Educación se ha dirigido a esta Cancillería, aceptando el acuerdo proyectado en la nota de referencia.-

Aprovecho la oportunidad para saludar a Vuestra Excelencia con mi consideración distinguida.-

CÉSAR A VASCONSELLOS

A Su Excelencia
El Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Hon. FLETCHER WARREN
Presente.-

Translation

MINISTRY OF FOREIGN RELATIONS
AND WORSHIP

D. P. y D.
N° 287.

ASUNCIÓN, *March 3, 1948.*–

MR. AMBASSADOR:

I have the honor to address Your Excellency with reference to your note No. 7 of December 11, 1947, on the establishment of a cooperative program of education in Paraguay.

In reply, I am to inform Your Excellency that the Ministry of Education has been in communication with this Ministry, and has accepted the agreement outlined in the note in reference.

I avail myself of this opportunity to present to Your Excellency the assurances of my distinguished consideration.

CÉSAR A VASCONSELLOS

His Excellency
FLETCHER WARREN
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Asunción.

EXTENSION AGREEMENT

The Republic of Paraguay (hereinafter referred to as the "Republic") represented by the Minister of Education (hereinafter referred to as the "Minister") of the Republic and the Institute of Inter-American Affairs (hereinafter referred to as the "Institute"), a corporate instrumentality of the Government of the United States of America and successor to the Inter-American Educational Foundation, Inc. (hereinafter referred to as the "Foundation"), represented by its Special Representative, Education Division, Mr. Frank E. Gilpin (hereinafter referred to as the "Special Representative"), have agreed to extend and modify, in the manner hereinafter set forth, the agreement executed by the Republic and the Foundation on March 17, 1945, providing for a cooperative education program in Paraguay (which agreement as approved by Decree Law No. 8,635, of May 10, 1945, is hereinafter referred to as the "Basic Agreement").

CLAUSE I

Extension period.

The cooperative education program in Paraguay hereby is extended for an additional period of approximately three and one-half months from the seventeenth day of March, 1948 through the thirtieth day of June, 1948.

CLAUSE II

Program objectives.

The objective of the cooperative education program in Paraguay shall continue to be, primarily, to assist in the development of vocational education within Paraguay, and to train personnel and to develop or acquire materials for that purpose and, secondarily, to develop such other projects in the field of education as may be of mutual interest to the Minister and the Special Representative of the Institute. The cooperative educational program is expected to continue to include:

(a) Furnishing by the Institute of a small field staff of educational specialists for service in Paraguay in carrying out the cooperative educational program and to interchange ideas and experience with Paraguayan educators;

(b) Grants to permit Paraguayan educators to go to the United States of America for specialized training, to lecture, to teach and to interchange ideas and experience with United States educators;

(c) Exploration and survey in Paraguay of local educational needs and resources for carrying out training projects;

(d) Development, adaptation, and exchange of suitable teaching materials.

CLAUSE III

Field staff.

The Republic recognizes the Institute as a corporate instrumentality of the Government of the United States of America and that the field staff in Paraguay constitutes a division or office of the Institute. The field staff of the Institute shall continue to be under the direction of an official of the Institute who shall have the title of "Special

Representative, Education Division, The Institute of Inter-American Affairs" who shall be the representative of the Institute in connection with the program to be carried out in accordance with this Extension Agreement. The Special Representative and other members of the field staff of the Institute shall be acceptable to the Minister.

CLAUSE IV

Servicio.

The special technical service created in the Ministry of Education of the Republic, pursuant to the Basic Agreement, under the name of "Servicio Cooperativo Interamericano de Educacion" (hereinafter called the "Servicio") shall continue to act as an intermediary between the Government of Paraguay and the Institute, and shall continue to carry out the cooperative education program. The Special Representative of the Institute shall continue to be the Director of the Servicio.

Director.

CLAUSE V

Projects.

The cooperative education program shall continue to consist of individual projects. The kind of work and the specific projects to be undertaken in the execution of this Extension Agreement and the allocation of funds therefor shall be agreed upon in writing by the Minister and the Special Representative, and shall be carried out by the Director of the Servicio in conformity with policies prescribed jointly by the Minister and the Special Representative. The Paraguayan educators to be sent to the United States and the terms of their scholarships or grants shall be mutually agreed upon in writing by the Minister and the Special Representative.

CLAUSE VI

Payment of salaries and other expenses of field staff.

The Institute shall determine and pay the salaries and other expenses payable directly to or on account of members of the Institute field staff, as well as such other expenses of any administrative nature as the Institute may incur in connection with the development of the program, in an amount not to exceed Twenty-Two Thousand Dollars ($22,000) U.S. Cy which shall be in addition to the One Hundred Thousand Dollars ($100,000) U.S. Cy allocated for such purpose in Paragraph (a) of Clause VII of the Basic Agreement and the additional Twenty Thousand Dollars ($20,000) U.S. Cy not required by the Basic Agreement but made available, nevertheless, by the Foundation on May 17, 1946, for such salaries and other expenses. The said additional Twenty-Two Thousand Dollars ($22,000) U.S. Cy shall be retained in the United States by the Institute, making a total of One Hundred Forty-two Thousand Dollars ($142,000) U.S. Cy which has been allocated by the Foundation and the Institute for such purposes and shall be in addition to the Seventy Thousand Dollars ($70,000) U.S. Cy which the Foundation agreed to deposit to the account of the Servicio pursuant to paragraph (b) of said Clause VII of the Basic Agreement, making a total aggregate amount of Two Hundred Twelve Thousand Dollars ($212,000) U.S. Cy allocated by the Foundation and the Institute for the cooperative education program in Paraguay.

Deposits.

The Republic shall deposit in a special bank account, in a Paraguayan bank mutually agreed upon by the Minister and the Special Representative of the Institute, to the account of the Servicio, the equivalent in Guaranies of the sum of Twenty-two Thousand Dollars ($22,000) U.S. Cy converted at the best rate of exchange which the Bank of Paraguay concedes. The deposit required to be made by the Republic hereby shall be deposited during the month of March 1948, and the said deposit shall be in addition to the Republic's regular budget for education and in addition to the total amount specified in Clause VIII of the Basic Agreement to be deposited by the Republic to the account of the Servicio.

Modification of dates of payments.

The deposits required by the Basic Agreement and by the preceding paragraph of this Extension Agreement to be made by the parties to such agreements shall be made as specified therein, provided that the dates of such payments may be accelerated or otherwise modified at any time by mutual written agreement of the Minister and the Special Representative.

Unmatched payments.

In the event, however, that any of the payments required to be made under the terms of the Basic Agreement or this Extension Agreement are made by either party and not matched by the other party within thirty (30) days of the corresponding due date of the payment required to be made by the other party the funds so deposited shall be forthwith returned to the contributor.

CLAUSE VII

Exemption of funds from taxes, etc.

All of the funds introduced into Paraguay by the Institute or the Foundation for the purpose of the cooperative education program shall be exempt from taxes, service charges, investment or deposit requirements and other currency controls and shall be converted into Guaranies at the best rate of exchange which the Bank of Paraguay concedes.

Conversion of currency.

Similarly where it is necessary to convert Guaranies into Dollars in connection with the cooperative education program in Paraguay including, but not limited to, the financing of grants or other expenditures in the United States of America, the Guaranies shall be converted into Dollars at the best rate of exchange which the Bank of Paraguay concedes and shall be exempt from Paraguayan taxes, service charges, investment or deposit requirements, and other currency controls.

CLAUSE VIII

Deposit of withheld funds.

Any funds heretofore withheld by the Foundation pursuant to agreements between the Minister and the Special Representative of the Foundation for the purchase of materials and supplies and other disbursements in the United States of America relating to the execution of the cooperative educational program in Paraguay and not expended or obligated therefor shall be deposited in the Servicio bank account at any time upon the mutual agreement of the Minister and the Special Representative.

CLAUSE IX

General policies and procedures.

All contracts necessary to carry out the terms of the projects mutually agreed to as herein provided shall be made in the name of

the Servicio and shall be signed by the Minister and the Director of the Servicio. Personnel to be paid out of program funds deposited in Paraguay to the account of the Servicio shall be selected by the Director of the Servicio subject to the approval of the Minister. The general policies and procedures for the execution of the Program and for the disbursement and accounting of funds, for the purchase, use, inventory, control and disposition of property and any other administrative matters, shall be determined or established by mutual agreement between the Minister and the Special Representative. Disbursements from the Servicio bank account shall be made by the Director of the Servicio, or his delegate but, if desired by the Minister, such disbursements shall also bear the countersignature of the Minister or his delegate. The books and records of the Servicio relating to the said cooperative educational program in Paraguay shall be open at all times for inspection by the representatives of the Republic and of the Institute, and the Director of the Servicio shall render financial reports to the Republic and to the Institute at such intervals as may be agreed upon between the Minister and the Special Representative.

CLAUSE X

Additional assistance.

The Institute shall continue to use its best efforts to obtain such assistance and cooperation of other agencies, both public and private, in the United States of America, as may be appropriate for the execution of the said cooperative education program in Paraguay. The Republic in addition to its cash contribution as provided herein, shall (a) appoint specialists, in agreement with the Director of the Servicio, to collaborate with the field staff of the Institute; (b) make available office space, furnishings and such other facilities, materials, equipment and supplies as it may conveniently provide for the said program, and (c) lend the general assistance thereto of the other Departments of the Republic.

CLAUSE XI

Availability of funds.

The funds payable by the Institute under the Basic Agreement or this Extension Agreement, or paid by the parties hereto into the said Servicio bank account, shall continue to be available for the said cooperative education program during the existence of this Extension Agreement, without regard to annual periods or fiscal years of wither of the parties.

Interest on funds.

Interest, if any, on funds of the Servicio, and income, if any upon investments of the Servicio, and any increment of assets of the Servicio of whatever nature or source shall be added to the resources of the Servicio and shall not be credited against the contributions of the Republic, the Foundation or the Institute.

Unobligated funds.

The Minister and the Special Representative shall determine by mutual agreement the disposition of any unobligated funds and of any other personal property remaining in the control of the Servicio upon the termination of this Extension Agreement.

CLAUSE XII

Surplus funds.

In the event that the Institute deems that the funds or any portion thereof which it has set aside for the payment of salaries or other expenses directly payable to, or on account of, members of the field staff, as provided in Clause VI hereof, will be more than is needed for that purpose, or for any other purpose of the Institute, the Institute will thereupon advise the Republic of the surplus which it can accordingly make available for projects under the program and such additional sum shall be paid into the Servicio bank account or be otherwise disposed of pursuant to this Agreement.

Ante, p. 2828.

CLAUSE XIII

Exemption of U. S. employees from double taxation, customs duties, etc.

All employees of the Institute who are citizens of the United States of America and are engaged in carrying out the objectives of the cooperative education program shall be exempt in Paraguay from all income taxes and social security taxes with respect to income on which they are obligated to pay income or social security taxes to the Government of the United States of America and from property taxes on personal property intended for their own use. Such employees and members of their families who reside with them in Paraguay shall be exempt, also, from payment of custom, port charges, or other duties on their personal effects and equipment, and supplies imported or exported for their own use and from investment and deposit requirements and from costs of foreign exchange conversions on funds brought into Paraguay for their normal living expenses.

CLAUSE XIV

Rights and privileges.

All rights and privileges which are enjoyed by governmental and official divisions or agencies of the Republic shall accrue to the Servicio. Such rights and privileges shall include, for example only, and not exclusively, free postal, telegraph and telephone service, special government rates made by transportation companies and, also freedom and immunity from excise, stamp, property income and all other taxes, as well as from consular charges and customs duties and port charges upon imports for the use of the Servicio in the cooperative education program. The Institute shall enjoy the same rights and exemptions with respect to its acts and property relating to the cooperative education program.

CLAUSE XV

Ownership of equipment.

All materials, equipment and supplies purchased with funds of the Servicio shall become and remain the property of the Republic and shall be devoted solely to the cooperative education program in Paraguay.

CLAUSE XVI

Delegation of power, etc.

Any rights, powers or duties conferred by this Extension Agreement upon either the Minister, the Special Representative, or the Director of the Servicio, may be delegated by the recipient thereof to representatives in writing, provided that such representatives are satisfactory

to the other parties. Regardless of the naming of said representatives, the Minister and the Special Representative shall have the right to refer any matter directly to one another for discussion and decision.

CLAUSE XVII

Enabling legislation.

The Executive Power of the Republic will take the necessary steps to obtain the legislation, decrees, orders or resolutions necessary to carry out the terms of this Extension Agreement.

CLAUSE XVIII

Effective date.

This Extension Agreement supersedes the Basic Agreement in all respects whatsoever and shall become effective [1] as soon as diplomatic notes confirming and accepting this Extension Agreement have been exchanged between the Ministry of Foreign Affairs of the Government of Paraguay and the Embassy of the United States of America to Paraguay.

IN WITNESS WHEREOF, the parties hereto have caused this Extension Agreement to be executed by their duly authorized representatives, in duplicate, in the English and Spanish languages, in the city of Asuncion, Paraguay, on this 8th day of March 1948.

FOR THE GOVERNMENT OF PARAGUAY

Dr. Mario Ferrario
MINISTER OF EDUCATION

FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS.

Frank E. Gilpin
SPECIAL REPRESENTATIVE

[1] Mar. 12, 1948, see *post*, p. 2839.

PROLONGACION DE CONVENIO

LA REPUBLICA DEL PARAGUAY (en adelante denominada la "República"), representada por el Ministro de Educación (en adelante denominado el "Ministro") de la República y el Instituto de Asuntos Interamericanos (en adelante denominado el "Instituto") una agencia incorporada al Gobierno de los Estados Unidos de Norteamérica, sucesora de la Fundación Educacional Interamericana (Inter-American Educational Foundation Inc.,), (en adelante denominada la "Fundación"), representada por su Representante Especial, División de Educación, Sr. Frank Gilpin (en adelante denominado el "Representante Especial") han convenido en prolongar y modificar en la forma que aquí se especifica, el convenio celebrado entre la República y la Fundación en fecha 17 de Marzo de 1945, que provee un programa cooperativo de educación en el Paraguay (cuyo convenio, aprobado por Decreto-Ley N° 8635 de fecha 10 de Mayo de 1945, es citado más adelante como el "Convenio Básico").

CLAUSULA I

El programa cooperativo educacional en el Paraguay se prolonga, por el presente convenio, por un período adicional aproximado de tres y medio meses a partir del día 17 de Marzo de 1948 hasta el 30 de Junio de 1948.

CLAUSULA II

Los fines del programa cooperativo de educación en el Paraguay continuarán siendo, principalmente, los de ayudar en el desarrollo de la educación vocacional en el Paraguay, de adiestrar personal y de producir o adquirir materiales para esos propósitos, y en segundo término facilitar el desenvolvimiento de otros proyectos en el campo de educación que puedan ser de mútuo interés para el Ministro y para el Representante Especial del Instituto. Se anticipa que el programa cooperativo de educación podrá continuar incluyendo lo siguiente:

a) El Instituto deberá suministrar un pequeño cuerpo de especialistas en educación para trabajar en el Paraguay en la realización del programa cooperativo educacional y cambiar ideas y experiencias con los educacionistas paraguayos;

b) Dará subvenciones que permitan a los educacionistas paraguayos trasladarse a los Estados Unidos de Norteamérica para adquirir un entrenamiento especializado; dar conferencias, enseñar y cambiar ideas y experiencias con los educacionistas de los Estados Unidos;

c) Explorará y estudiará los problemas educacionales y los recursos que posee el Paraguay para realizar los proyectos de entrenamiento;

d) Desarrollará, adaptará y facilitará el intercambio de materiales de enseñanza adecuados.

CLAUSULA III

La República reconoce al Instituto como una agencia incorporada al Gobierno de los Estados Unidos de Norteamérica y que el personal

asignado por el mismo al Paraguay, constituye una división u oficina del Instituto. El personal del Instituto continuará actuando bajo la dirección de un funcionario del Instituto, quien tendrá el cargo de "Representante Especial, Division de Educación, Instituto de Asuntos Interamericanos" y quien representará al Instituto en todo lo relativo al programa a desarrollarse de acuerdo con esta Prolongación del Convenio. El Representante Especial, así como también otros miembros del personal asignado al Paraguay por el Instituto, deberán ser aceptados por el Ministro.

CLAUSULA IV

El Servicio teçnico especial creado en el Ministerio de Educación de la República, en cumplimiento del Convenio Básico, denomiado "Servicio Cooperativo Interamericano de Educación" (en adelante denominado el "Servicio") continuará actuando como intermediario entre el Gobierno del Paraguay y el Instituto y proseguirá con el desarrollo del programa cooperativo de educación. El Representante Especial del Instituto continuará siendo Director del Servicio.

CLAUSULA V

El programa cooperativo de educación continuará consistiendo en proyectos individuales. La clase de actividades y los proyectos específicos a efectuarse en la ejecución de esta Prolongación de Convenio y la asignación de los fondos para los mismos serán convenidos por escrito entre el Ministro y el Representante Especial y serán ejecutados por el Director del Servicio, de conformidad con las normas y procedimientos establecidos conjuntamente por el Ministro y el Representante Especial. Los educacionistas paraguayos a enviarse a los Estados Unidos, así como las condiciones de sus subvenciones de entrenamiento, serán mutuamente convenidos por escrito entre el Ministro y el Representante Especial.

CLAUSULA VI

El Instituto determinará y abonará los sueldos y otros gastos abonables directamente a los miembros del Cuerpo de Especialistas del Instituto y también cualesquiera otros gastos administrativos en que incurra el Instituto y que tengan relación con el desarrollo del programa, cuyo monto no excederá de veinte y dos mil dólares (US$22,000.00) y que constituye una suma adicional a los cien mil dólares (US$100,000.00) asignada para tal propósito en el Párrafo (a) de la Cláusula VII del Convenio Básico y a la cantidad adicional de veinte mil dólares (US$20,000.00) no estipulada en el Convenio Básico, pero que no obstante la Fundación en fecha 17 de Mayo de 1946 hizo disponible para el pago de tales salarios y otros gastos. La citada cantidad adicional de veinte y dos mil dólares (US$22,000.00) será retenida en los Estados Unidos por el Instituto, formando un total de ciento cuarenta y dos mil dólares (US$142,000.00) asignado por la Fundación y el Instituto para tales propósitos y que constituirá una suma adicional a los setenta mil dólares (US$70,000.00) que la Fundación convino en depositar en la cuenta del Servicio en cumplimiento del párrafo (b) de la mencionada Cláusula VII del Convenio

Básico, formando en conjunto un total de doscientos doce mil dólares (US$212,000.00) asignada por la Fundación y el Instituto para el programa cooperativo de educación en el Paraguay.

La República depositará en una cuenta bancaria especial, en un banco paraguayo convenido mutuamente entre el Mijistro y el Representante Especial del Instituto, para la cuenta del Servicio, el equivalente en guaraníes de la suma de veinte y dos mil dólares (US$22,000.00) cuya conversión se hará al mejor tipo de cambio que el Banco del Paraguay conceda. El depósito que de acuerdo a la presente deberá efectuar la República, será hecho durante el mes de Marzo de 1948 y será adicional al presupuesto corriente de la República para educación, y adicional también a la cantidad especificada en la Cláusula VIII del Convenio Básico a depositarse por la República en la cuenta del Servicio.

Los depósitos requeridos por el Convenio Básico y por el párrafo precedente de esta Prolongación de Convenio y que deberán ser efectuados por las partes integrantes de dichos convenios, serán efectuados de acuerdo a las especificaciones contenidas en los mismos, a menos que tales pagos sean adelantados o en forma alguna modificados en cualquier momento mediante convenio por escrito entre el Ministro y el Representante Especial. En el caso, no obstante, de que cualquiera de los pagos requeridos de acuerdo a los términos del Convenio Básico o de la presente Prolongación de Convenio fuere hecho por una de las partes y no depositado por la otra dentro de los (30) días de la fecha fijada para el pago requerido por la otra parte, los fondos así depositados, serán inmediatamente devueltos al contribuyente.

CLAUSULA VII

Todos los fondos a ser introducidos en el Paraguay ya sea por el Instituto o la Fundación para los fines del programa cooperativo de educación estarán exentos de tasas, recargos por servicio, exigencias de inversión o depósito y otros controles de cambio y serán convertidos en guaraniés al mejor tipo de cambio que el Banco del Paraguay conceda. En igual forma, cuando sea necesario convertir Guaraníes a Dólares por motivos relacionados al programa cooperativo de educación en el Paraguay incluyendo, pero no exclusivamente, la financiación de becas y otros gastos en los Estados Unidos de América, el Guaraní será convertido en Dólares al mejor tipo de cambio que el Banco del Paraguay conceda por Dólar y estará exento de impuestos paraguayos, recargos por servicios, requerimientos de inversión o depósito y otros controles de cambio.

CLAUSULA VIII

Cualiesquier fondos ya retenidos por la Fundación de acuerdo al convenio entre el Ministro y el Representante Especial de la Fundación para la compra de materiales y suministros y otros gastos en los Estados Unidos de América relacionados con la ejecución del programa cooperativo de educación en el Paraguay y que no hayan sido erogados u obligados para ello, serán depositados en la cuenta bancaria del

Servicio en cualquier momento mediante acuerdo mútuo entre el Ministro y el Representante Especial.

CLAUSULA IX

Todos los contratos necesarios para llevar a cabo los proyectos mutuamente acordados, de conformidad con este convenio serán celebrados a nombre del Servicio y serán firmados por el Ministro y el Director del Servicio. El personal cuyos sueldos deban abonarse de los fondos del programa depositados en el Paraguay para la cuenta del Servicio, será seleccionado por el Director del Servicio, sujeto a la aprobación del Ministro. Las normas generales y procedimientos para la ejecución del programa y para el desembolso y contabilidad de los fondos; para la compra, uno, inventario, control y disposición de bienes y cualesquiera otros asuntos administrativos, serán determinados o establecidos por mútuo acuerdo entre el Ministro y el Representante Especial. No se hará ningún desembolso de la susodicha cuenta de banco del Servicio sin la autorización firmada del Director del Servicio o de su delegado, pero si el Ministro lo desea, tales desembolsos llevarán también su firma o la de su delegado. Los libros y los informes del Servicio relacionados con el programa cooperativo de educación estarán en todo tiempo disponibles para inspección por representantes de la República y del Instituto, y el Director del Servicio rendirá informes financieros a la República y al Instituto en los intérvalos que sean acordados entre el Ministro y el Representante Especial.

CLAUSULA X

El Instituto continuará haciendo uso de sus mejores esfuerzos a fin de lograr la ayuda y cooperación necesaria de otras agencias, tanto públicas como privadas, en los Estados Unidos de América, para la debida ejecución del citado programa cooperativo de educación en el Paraguay. La República, además de su contribución en efectivo aquí estipulado, (a) Nombrará, de acuerdo con el Director del Servicio, especialistas para colaborar con el Cuerpo de Especislistas del Instituto; (b) Suministrará locales para oficinas, así como también muebles y cualesquiera otras facilidades, materiales, equipos y suministros que pueda convenientemente aportar para tal programa, y (c) en general, prestará al programa la ayuda de las demás dependencias de la República.

CLAUSULA XI

Los fondos abonables por el Instituto de acuerdo al Convenio Básico o a la presente Prolongación de Convenio, o depositados por las partes que integran la presente a la citada cuenta bancaria del Servicio, continuarán siendo disponibles al mencionado programa cooperativo de educación durante la vigencia de esta Prolongación de Convenio, sin tomar en consideración un período determinado o años fiscales de cualesquiera de las partes.

Si hubiere intereses sobre los fondos del Servicio o ingresos sobre las inversiones del Servicio o algún aumento del capital del mismo, de cualquier naturaleza u origen, serán agregados a los fondos del Servicio y no cargados a las cuotas de la República ni del Instituto.

El Ministro y el Representante Especial determinarán, por acuerdo mútuo, la disposición de todo fondo no obligado o cualquier propiedad personal que permanezca bajo el control del Servicio, una vez terminada esta Prolongación de Convenio.

CLAUSULA XII

En caso de que el Instituto considere que los fondos o cualquier parte de ellos por él apartados para el pago de sueldos u otros gastos abonables a, o por cuenta de miembros del personal del Instituto en el Paraguay, de acuerdo a las provisiones de la Cláusula VI de este convenio, excedan a las necesidades para ese propósito o para cualquier otro propósito del Instituto, éste avisará entonces a la República del sobrante, el cual podrá transferirse para ser invertido en proyectos, debiendo ser depositados en la cuenta bancaria del Servicio o dispuestos de otra manera, de conformidad con este convenio.

CLAUSULA XIII

El personal del Instituto de nacionalidad norteamericana, encargado de llevar a cabo el mencionado programa cooperativo de educación, estará exento en el Paraguay del pago de todo impuesto a la renta y descuentos destinados al seguro social sobre los cuales ellos están obligados a pagar impuestos al Gobierno de los Estados Unidos y de impuestos a la propiedad sobre propiedad personal de su uso particular. Tales funcionarios estarán asimismo exentos del pago de derechos aduaneros, tasas portuarias y otros impuestos sobre sus efectos personales y sobre equipos y suministros importados o exportados para su propio uso y para los miembros de su familia residentes en el Paraguay, así como también exentos del pago de tasas sobre inversión y/o depósitos y del costo de conversión sobre moneda extranjera sobre fondos traídos al Paraguay para sus gastos normales de vida.

CLAUSULA XIV

El Servicio disfrutará de todos los derechos y privilegios de que gozan las dependencias y entidades gubernamentales y oficiales de la República. Tales derechos y privilegios incluirán, por ejemplo, unicamente y no en forma exclusiva, franquicia postal, telegráfica y telefónica, tarifas gubernamentales especiales en compañías de transporte y también exención e inmunidad de toda clase de impuestos al consumo, sellos, propiedad, renta y cualquiera otra tasa, así como de derechos consulares, impuestos aduaneros y tasas portuarias sobre importaciones destinadas al uso del Servicio en el programa cooperativo de educación. El Instituto gozará de los mismos derechos y exenciones con respecto a sus actos y bienes relacionados con el programa cooperativo.

CLAUSULA XV

Todos los materiales, equipos y suministros adquiridos por el Servicio pasarán a ser propiedad de la República y serán destinados exclusivamente al programa cooperativo de educación en el Paraguay.

CLAUSULA XVI

Todo derecho, poder u obligación conferido por medio de esta Prolongación de Convenio al Ministro, Representante Especial o al Director del Servicio podrá ser delegado por los mismos a representantes, siempre y cuando tales representantes sean aceptables a las otras partes. No obstante el nombramiento de tales representantes, el Ministro y el Representante Especial podrán tratar y resolver entre ellos directamente, cualquier asunto.

CLAUSULA XVII

El Poder Ejecutivo de la República tomará las medidas necesarias para la obtención de las leyes, decretos, disposiciones o resoluciones renecesarias para el cumplimiento de las estipulaciones de la presente Prolongación de Convenio.

CLAUSULA XVIII

La presente Prolongación de Convenio sustituye al Convenio Básico en todas sus partes y entrará en vigencia tan pronto como se hayan cambiado las notas diplomáticas de confirmación y aceptación entre el Ministro de Relaciones Exteriores y Culto del Paraguay y la Embajada de los Estados Unidos de Norteamérica en el Paraguay.

EN FE DE LO CUAL, las partes contratantes han celebrado, por duplicado, esta Prolongación de Convenio, en inglés y castellano, por medio de sus representantes debidamente autorizados en la ciudad de Asuncion, el día 8 del mes de marzo de 1948.

POR LA REPUBLICA DEL PARAGUAY

Dr. Mario Ferrario
MINISTRO DE EDUCACION

POR EL INSTITUTO DE ASUNTOS INTERAMERICANOS.

Frank E. Gilpin
REPRESENTANTE ESPECIAL

The American Ambassador to the Paraguayan Minister of Foreign Relations and Worship

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 26

Asunción, March 10, 1948.

EXCELLENCY:

I have the honor to refer to Your Excellency's note no. 287 dated March 3, 1948, in which Your Excellency informs me that the Ministry of Education accepted the agreement presented in this Embassy's note no. 7 of December 11, 1947, covering the establishment of a cooperative program of education in Paraguay. *Ante*, p. 2825. *Ante*, p. 2824.

The extension agreement referred to above was signed on March 8, 1948, by the Minister of Education and the Special Representative for the Institute of Inter-American Affairs, Education Division, authorizing the extension of the cooperative education program in Paraguay from March 17, 1948 through June 30, 1948.

Article XVIII of this instrument provides that it shall become effective as soon as diplomatic notes confirming and accepting this extension agreement have been exchanged between the Ministry of Foreign Relations and Worship of the Government of Paraguay and the Embassy of the United States of America in Paraguay. This Embassy, therefore, hereby confirms and accepts this extension agreement and respectfully requests that Your Excellency's Government confirm and accept it, by means of an appropriate note in accordance with the above-mentioned Article, on or before March 16, 1948, at which time the existing agreement becomes invalid. *Ante*, p. 2832.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

FLETCHER WARREN
American Ambassador

His Excellency
Doctor Don CÉSAR A. VASCONCELLOS,
Minister of Foreign Relations and Worship,
Asunción.

The Paraguayan Under-Secretary of State for Foreign Relations and Worship to the American Ambassador

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

D. P. y D.-
N° 332.-

ASUNCIÓN, *12 de Marzo de 1948.*-

SEÑOR EMBAJADOR:

Tengo el agrado de dirigirme a Vuestra Excelencia, acusando recibo de la nota N° 26, de fecha 9[1] de Marzo en curso, en la que confirma y acepta la extensión del acuerdo sobre el establecimiento de un programa cooperativo de educación en el Paraguay.-

[1] The correct date is Mar. 10.

Al respecto, me es grato comunicar a Vuestra Excelencia, que mi Gobierno acepta y confirma el acuerdo de extensión de acuerdo al artículo mencionado en la referida nota.–

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta consideración.–

Sub-Secretario de Estado de
Relaciones Exteriores y Culto

A Su Excelencia
El Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Hon. FLETCHER WARREN
Presente.–

Translation

MINISTRY OF FOREIGN RELATIONS
AND WORSHIP

D. P. y D.–
No. 332.–

ASUNCIÓN, *March 12, 1948.*–

Mr. AMBASSADOR:

I have the honor to address Your Excellency to acknowledge receipt of note No. 26 of March 9, in which you confirm and accept the extension of the agreement on the establishment of a cooperative program of education in Paraguay.

In this regard, I have the pleasure of informing Your Excellency that my Government accepts and confirms the extension agreement in accordance with the article mentioned in the note in question.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

AUGUSTO SALDIVAR
Under-Secretary of State for
Foreign Relations and Worship

His Excellency
FLETCHER WARREN
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Asunción.

Agreement between the United States of America, France, and Australia respecting "Marechal Joffre" claims. Signed at Washington October 19, 1948; entered into force October 19, 1948.

October 19, 1948
[T. I. A. S. 1816]

AGREEMENT RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

The Government of the United States of America, the Government of the French Republic, and the Government of the Commonwealth of Australia have reached agreement respecting the settlement of certain claims arising out of the requisitioning of the SS MARECHAL JOFFRE and the unloading of its cargo in Australia. The terms of agreement are set forth in the attached Memorandum of Understanding.

DONE in triplicate, in the English and French languages, at Washington this nineteenth day of October 1948.

ACCORD RELATIF A CERTAINES RECLAMATIONS CONCERNANT LE "MARECHAL JOFFRE"

Le Gouvernement des Etats-Unis d'Amérique, le Gouvernement de la République Française, et le Gouvernement du Commonwealth d'Australie ont abouti à un accord relatif au règlement de certaines réclamations résultant de la réquisition du navire MARECHAL JOFFRE et du déchargement de sa cargaison en Australie. Les termes de cet accord sont exposés dans le mémorandum d'accord ci-annexé.

FAIT en trois exemplaires, en langue anglaise et en langue française, à Washington, ce dix-neuvième jour d'octobre 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

ROBERT A LOVETT
Acting Secretary of State
of the United States of America
Sécretaire d'Etat par Intérim
des Etats-Unis d'Amérique

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:
POUR LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE:

H BONNET

Ambassador Extraordinary and Plenipotentiary
of the French Republic in Washington
Ambassadeur Extraordinaire et Plénipotentiaire
de la République Française à Washington

FOR THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA:
POUR LE GOUVERNEMENT DU COMMONWEALTH D'AUSTRALIE:

NORMAN J. O. MAKIN

Ambassador Extraordinary and Plenipotentiary
of the Commonwealth of Australia in Washington
Ambassadeur Extraordinaire et Plénipotentiaire
du Commonwealth d'Australie à Washington

MEMORANDUM OF UNDERSTANDING RESPECTING CERTAIN MARECHAL JOFFRE CLAIMS

1. With reference to the Annex of the Agreement of May 28, 1946 [1] between the Government of the United States and the Government of France concerning maritime claims, the French Government agrees to process and pay all cargo claims arising out of the requisitioning of the SS MARECHAL JOFFRE. Claims will be paid upon presentation of satisfactory proof by the claimant of ownership of and payment for the goods. A release and indemnity, running in favor of the Government of the United States, the Government of France and the Commonwealth of Australia, will be obtained from the claimant covering any claim he might have respecting the goods involved. A bond of indemnity issued by an established bonding company or, in cases where it is not practicable to obtain such a bond of indemnity, a similar indemnity issued by such persons or organizations as customarily issue such indemnities in the area involved, and indemnifying the three governments against loss arising out of the goods involved in the claim will be obtained in cases of payment of claims of individuals and corporations other than banks and insurance companies. Photostatic copies of the release and indemnity bonds will be furnished to the United States Government and the Commonwealth of Australia.

[1] Not printed.

MEMORANDUM D'ACCORD CONCERNANT CERTAINES RECLAMATIONS RELATIVES AU "MARECHAL JOFFRE"

1. Se référant à l'annexe de l'accord du 28 mai 1946 entre le Gouvernement des Etats-Unis et le Gouvernement français relatif aux créances maritimes, le Gouvernement français convient d'instruire et de régler toutes les réclamations concernant la cargaison du MARECHAL JOFFRE et résultant de la réquisition de ce navire. Les règlements des réclamations seront faits sur présentation par le réclamant de preuves suffisantes de sa qualité de propriétaire et du paiement par lui des marchandises. Le réclamant sera invité à donner décharge au Gouvernement des Etats-Unis, au Gouvernement français et au Commonwealth d'Australie, et à les garantir contre tout recours éventuel concernant les marchandises en cause. Un titre de garantie émis par une société de cautionnement régulièrement constituée, ou, au cas où il ne serait pas possible d'obtenir ce titre, une garantie semblable fournie par toute personne ou société donnant habituellement de telles garanties dans la zone considérée, devra être fourni en cas de règlement de réclamations de personnes physiques ou morales autres que des banques ou des compagnies d'assurances, à l'effet de garantir les trois gouvernements contre tout préjudice du fait des marchandises ayant donné lieu à réclamation. Des copies photostatiques de la décharge et du titre de garantie seront fournies au Gouvernement des Etats-Unis et au Commonwealth d'Australie.

Cargo claims.

Release and indemnity.

Bond of indemnity

Photostatic copies.

68706—52—PT. III——16

Payment to French Government by Australia.

2. The Commonwealth of Australia will pay in Australian currency to the Government of France the net proceeds realized upon disposition of cargo ex MARECHAL JOFFRE which was landed in Australia, and the Government of the United States hereby waives any claim to such proceeds. The Commonwealth of Australia hereby agrees that such net proceeds will, upon request of the Government of France, be deposited in sterling currency to the credit of the Number 1 account of the Bank of France in London.

U. S. waiver of claims.

Indemnification of Australia by France.

3. The French Government hereby indemnifies the Commonwealth of Australia against any loss arising out of claims for cargo ex MARECHAL JOFFRE. In view of the fact that the liability of the Commonwealth of Australia cannot extend beyond the cargo actually unloaded in Australia, and in view of the fact that a fairly substantial amount has been realized upon the disposal of these items, it is highly unlikely that there will be any significant amount of loss to which this indemnity applies.

Payments to U. S. citizens.

4. Payments made with respect to properly substantiated claims of United States citizens duly recognized by the Government of France will be paid by the Government of France in United States dollars.

Australian waiver of claim against U. S. Government.

5. The Commonwealth of Australia hereby waives any further claim against the Government of the United States arising out of the requisitioning of the MARECHAL JOFFRE and the unloading of the cargo in Australia.

2. Le Commonwealth d'Australie paiera en monnaie australienne au Gouvernement français le produit net de la vente de la cargaison du MARECHAL JOFFRE qui a été débarquée en Australie, et le Gouvernement des Etats-Unis abandonne par le présent acte tous droits sur ce produit. Le Commonwealth d'Australie se déclare d'accord pour que sur demande du Gouvernement français le montant de ce produit net soit déposé en monnaie sterling au crédit du compte No. 1 de la Banque de France à Londres.

3. Le Gouvernement français garantit par le présent acte le Commonwealth d'Australie contre tout préjudice résultant des réclamations relatives à la cargaison du MARECHAL JOFFRE. Etant donné que la responsabilité du Commonwealth d'Australie ne peut pas s'étendre au-delà de la valeur de la cargaison effectivement déchargée en Australie, et que la vente des marchandises a laissé un produit substantiel, il est extrêmement improbable qu'il résulte de cette garantie un risque appréciable.

4. Les paiements faits sur les réclamations convenablement justifiées de citoyens des Etats-Unis et dûment admises par le Gouvernement français seront effectués par le Gouvernement français en dollars des Etats-Unis.

5. Le Commonwealth d'Australie abandonne par le présent acte toute réclamation ultérieure contre le Gouvernement des Etats-Unis du fait de la réquisition du MARECHAL JOFFRE et du déchargement de sa cargaison en Australie.

Agreement between the United States of America and Portugal respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Lisbon September 28, 1948; entered into force September 28, 1948.

September 28, 1948
[T. I. A. S. 1817]

The American Ambassador to the Portuguese Minister for Foreign Affairs

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Portugal and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany and the Free Territory of Trieste, the Government of Portugal will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Commercial Agreement signed June 28, 1910, [1] or for such time as the Governments of the United States of America and Portugal may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Commercial Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Portugal.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such

[1] Treaty Series 514½; 1910 Foreign Relations 828.

undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany referred to in point 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Portugal to levy a countervailing duty on import of such goods equivalent to the estimated amount of such subsidization, where the Government of Portugal determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

LINCOLN MACVEAGH

LISBON, *September 28, 1948.*

His Excellency
Dr. JOSE CAEIRO DA MATTA,
Minister for Foreign Affairs,
Lisbon.

The Portuguese Minister for Foreign Affairs to the American Ambassador

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

LISBOA, *28 de Setembro de 1948.*

SENHOR EMBAIXADOR,

Em referência às conversações celebradas recentemente entre representantes dos nossos dois Governos àcerca da aplicação territorial dos acordos comerciais entre Portugal e os Estados Unidos da América, tenho a honra de confirmar o entendimento a que se chegou como resultado dessas conversações, como segue:

[1] Department of State publication 3117.

1. Durante o período em que o Governo dos Estados Unidos da América participar na ocupação ou fiscalização de quaisquer áreas da Alemanha Ocidental e do Território Livre de Trieste, o Governo Português aplicará ao comércio de mercadorias daquelas áreas as disposições relativas ao tratamento de nação mais favorecida que o Acordo Comercial assinado a 28 de Junho de 1910 estabelece para o comércio de mercadorias dos Estados Unidos da América ou aplicará ao mesmo comércio as disposições do Acordo Geral de Tarifas e Comércio de 30 de Outubro de 1947 relativas ao tratamento de nação mais favorecida, tal como agora se encontram ou depois de emendadas, enquanto os dois Governos forem partes contratantes do mesmo Acordo. Fica entendido que o compromisso assumido nos termos deste parágrafo, relativo à aplicação das disposições do Acordo Comercial sobre o tratamento da nação mais favorecida estará sujeito às excepções estabelecidas no Acordo Geral de Tarifas e Comércio que permitem a não aplicação do referido tratamento; devendo-se entender que na frase antecedente nada deverá ser interpretado como exigindo o cumprimento das regras especificadas no Acordo Geral no que respeita à aplicação de tais excepções.

2. O compromisso assumido no parágrafo primeiro não se aplicará ao comércio de mercadorias de qualquer área nele mencionada senão durante o período e na medida em que as ditas áreas concedam reciprocamente o tratamento de nação mais favorecida ao comércio de Portugal.

3. Os compromissos dos parágrafos primeiro e segundo acima são tomados tendo em consideração a inexistência actual de barreiras aduaneiras efectivas e reais postas às importações nas áreas aqui mencionadas. No caso em que as aludidas barreiras sejam estabelecidas, fica entendido que os mesmos compromissos não prejudicarão a aplicação dos princípios enunciados na Carta de Havana para a Organização do Comércio Internacional relativos à redução de tarifas numa base de mútuas vantagens.

4. Fica entendido que a ausência de uma taxa de câmbio uniforme para a moeda das áreas da Alemanha ocidental mencionadas no parágrafo primeiro acima indicado poderá ter o efeito de um subsídio indirecto às exportações das referidas áreas numa extensão difícil de calcular exactamente. Enquanto essas condições existirem, e se depois de consultado o Governo dos Estados Unidos da América não se chegar a acordo sobre a solução do problema, fica entendido que não será contrário ao compromisso tomado no parágrafo primeiro pelo Governo Português impôr um direito de compensação sobre as importações das referidas mercadorias que fosse o equivalente do montante avaliado de tal subsídio, no caso do Governo Português decidir que esse subsídio é de tal natureza que cause ou ameace causar prejuízos materiais a uma indústria nacional já instalada ou que impeça ou retarde materialmente a instalação de uma indústria nacional.

5. Os compromissos assumidos na presente nota manter-se-ão em vigor até 1 de Janeiro de 1951, e a não ser que qualquer dos dois Governos, seis meses pelo menos antes dessa data, tenha comunicado

ao outro por escrito a intenção de pôr termo a esses compromissos na referida data, prolongar-se-á a sua vigência até seis meses depois do dia em que tal intenção haja sido manifestada.

Aproeito a oportunidade para reiterar a V. Ex.ª, Senhor Embaixador, os protestos da minha mais alta consideração.

JOSÉ CAEIRO DA MATTA

Sua Excelência
Senhor LINCOLN MACVEAGH
Embaixador dos Estados Unidos da América
em Lisboa, Portugal.
etc., etc., etc.

Translation

MINISTRY OF FOREIGN AFFAIRS

LISBON, *September 28, 1948.*

MR. AMBASSADOR:

With reference to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of the commercial arrangements between Portugal and the United States of America, I have the honor to confirm the understanding reached as a result of these conversations, as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany and the Free Territory of Trieste, the Portuguese Government will apply to the merchandise trade of such areas the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Commercial Agreement signed June 28, 1910 or for such time as the two Governments may be contracting parties to the General Agreement on Tariffs and Trade dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Commercial Agreement shall be subject to the exceptions established in the General Agreement on Tariffs and Trade permitting departures from the application of the above-mentioned treatment; it being understood that nothing in the preceding sentence shall be construed to require compliance with the regulations specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

2. The undertaking assumed in paragraph 1 will apply to the merchandise trade of any area mentioned therein only for such time and to such extent as the said areas accord reciprocal most-favored-nation treatment to the trade of Portugal.

3. The undertakings in paragraphs 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas mentioned herein. In the event that such tariff barriers are established, it is recognized that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas of western Germany referred to in paragraph 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such conditions exist, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it shall be understood that it would not be inconsistent with the undertaking assumed in paragraph 1 for the Government of Portugal to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Portugal determines that the subsidization is such as to cause or threaten to cause material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless, at least six months before that date, either Government shall have given notice in writing to the other of intention to terminate those undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I avail myself of the opportunity to renew to Your Excellency, Mr. Ambassador, the assurances of my highest consideration.

JOSÉ CAEIRO DA MATTA

His Excellency
LINCOLN MACVEAGH
Ambassador of the United States of America
at Lisbon, Portugal.
etc., etc., etc.

September 16, 1948
[T. I. A. S. 1818]

Agreement between the United States of America and Czechoslovakia respecting mutual aid settlement. Signed at Praha September 16, 1948; entered into force September 16, 1948.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC ON SETTLEMENT FOR LEND-LEASE AND CERTAIN CLAIMS

The Government of the United States of America and the Government of the Czechoslovak Republic have reached agreement as set forth below regarding settlement for lend-lease and for certain financial claims arising as a result of World War II. Both Governments, in arriving at this settlement, have taken full cognizance of the benefits already received by them in the defeat of their common enemies, and of the aid furnished by each Government to the other in the course of the war.

"Lend-lease article."

1. Definition. The term "lend-lease article" as used in this Agreement means any article transferred by the Government of the United States of America under the Act of March 11, 1941,

55 Stat. 31.
22 U. S. C. §§ 411-419; Supp. I, § 412 *et seq.*

/a/ to the Government of the Czechoslovak Republic, or

/b/ to any other government and retransferred to the Government of the Czechoslovak Republic.

2. Lend-Lease

/a/ Transfer of Title. Except as otherwise provided in this paragraph 2, the Government of the Czechoslovak Republic receives full title to lend-lease articles in its possession.

/b/ Right of Recapture. The Government of the United States of America reserves the right of recapture of any lend-lease articles held by the Government of the Czechoslovak Republic of types essentially or exclusively for use in war or warlike exercises, but has indicated that it does not intend to exercise generally this right of recapture. The Government of the Czechoslovak Republic agrees that all such articles held by it will be used only for purposes compatible with the principles of international security and welfare set forth in the Charter of the United Nations.

/c/ Waiver of Payment. Except as provided in this Agreement, the Government of the Czechoslovak Republic will make no further payment to the Government of the United States of America for lend-lease articles.

/d/ Restrictions on Disposal. Disposals of lend-lease articles of types essentially or exclusively for use in war or warlike exercises, and disposals of other types of lend-lease articles except for use in Czechoslovak territory, will be made only with the consent of the

Government of the United States of America. All net proceeds of disposals requiring such consent will be paid to the Government of the United States of America.

3. Other Benefits. In liquidation of pre and post V-J Day transfers by the Government of the United States of America, to the Government of the Czechoslovak Republic amounting to approximately $2,762,075.67, the Government of the United States of America agrees to accept and the Government of the Czechoslovak Republic agrees to pay the total sum of Czech crowns 8,648,072.50 /or such sum in Czech crowns as may be equivalent to U. S. $172,961.45 at the official rate of exchange between Czech crowns and U. S. dollars, should such rate be other than 50 Czech crowns = 1 U. S. dollar upon date of payment/ not later than ten /10/ days after the execution of this agreement. Payment of the foregoing amount shall be made in Czech crowns to the American Embassy in the city of Prague. On the receipt by the American Embassy of the foregoing amount, the Government of the Czechoslovak Republic shall be released from any and all obligations except as otherwise specified in this agreement arising under the Act of Congress of the United States of America dated March 11, 1941, known as the "Lend-Lease Act" and under the Master Lend-Lease Agreement between the Government of the United States of America and the Government of the Czechoslovak Republic signed July 11, 1942, including transfers received by the Government of the Czechoslovak Republic from countries other than the United States of America. Any claim or claims that may be advanced against the Government of the Czechoslovak Republic by a government other than the Government of the United States of America arising out of either of the above mentioned Lend-Lease Act and Agreement may be referred by the Government of the Czechoslovak Republic to the Government of the United States of America for appropriate attention.

Payment by Czechoslovak Republic.

55 Stat. 31.
22 U. S. C. §§ 411-419; Supp. I, § 412 *et seq.*

56 Stat. 1562.

4. Other Claims Reserved. This Agreement does not affect claims or negotiations except those arising out of lend-lease or otherwise specifically disposed of by this Agreement.

5. Effective Date. This Agreement shall be effective upon signature.

Effective date.

DONE AT PRAHA, in duplicate, in the English and Czech languages, this 16 day of Septembre, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
LAURENCE A. STEINHARDT

FOR THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC
Dr RUDOLF BYSTRICKÝ

DOHODA MEZI VLÁDOU SPOJENÝCH STÁTŮ AMERICKÝCH A VLÁDOU ČESKOSLOVENSKÉ REPUBLIKY O ÚHRADĚ ZA DODÁVKY V RÁMCI PŮJČKY A PRONÁJMU A URČITÉ POHLEDÁVKY

Vláda Spojených států amerických a vláda Československé republiky se dohodly, jak níže uvedeno, o vyúčtování dodávek v rámci půjčky a pronájmu a určitých finančních pohledávek vyplynuvších z druhé světové války. Obě vlády, sjednavše tuto dohodu, jsou si plně vědomy výhod, kterých již se domohly porážkou svých společných nepřátel, i pomoci, kterou si obě navzájem poskytovaly v průběhu války.

1. Vymezení pojmu. Označení ''zboží z půjčky a pronájmu'', jak se ho užívá v této dohodě, znamená jakékoli zboží postoupené vládou Spojených států amerických podle zákona z 11.března 1941

/a/ vládě Československé republiky, nebo

/b/ kterékoliv jiné vládě a pak dále postoupené vládě Československé republiky.

2. Půjčka a pronájem.

/a/ Postup právního titulu. Kromě případů, o nichž platí jiné ustanovení uvedené v tomto 2.odstavci, vládě Československé republiky se dostává plného právního titulu ke zboží z půjčky a pronájmu, které je v jejím držení.

/b/ Právo zpětného vyžádání. Vláda Spojených států amerických si vyhrazuje právo zpětného vyžádání kteréhokoli zboží z půjčky a pronájmu, které je v držení vlády Československé republiky takových druhů, hodících se převážně nebo výhradně k váleč-

ném použití nebo k bojovému výcviku, naznačila však, že nezamýšlí toto právo zpětného vyžádání všeobecně uplatňovati. Vláda Československé republiky přivoluje k tomu, aby veškeré takové zboží v jejím držení bylo užíváno jen k účelům slučitelným se zásadami mezinárodní bezpečnosti a blaha, vytčenými v Chartě Spojených národů.

/c/ Zřeknutí se zaplacení. Pokud není jinak stanoveno v této dohodě, vláda Československé republiky nezaplatí žádnou další úhradu za zboží z půjčky a pronájmu vládě Spojených států.

/d/ Omezení odprodeje. Odprodeje zboží z půjčky a pronájmu, druhů hodících se převážně nebo výhradně k válečnému použití nebo k bojovému výcviku, a odprodeje jiných druhů zboží z půjčky a pronájmu k použití mimo československé území, budou se díti jen se souhlasem vlády Spojených států amerických. Celý ryzí výtěžek z odprodejů, vyžadujících takového souhlasu, bude vyplacen vládě Spojených států amerických.

3. Jiné výhody. Pro likvidaci převodů, prováděných přede dnem i po dni vítězství nad Japonskem vládou Spojených států amerických na vládu Československé republiky a činících přibližně $2,762.075.67, vláda Spojených států amerických souhlasí s přijetím a vláda Československé republiky souhlasí se zaplacením celkové částky Kčs8,648.072.50 /nebo takové částky v československých korunách, která by se rovnala 172,961.45 amerických dolarů při úředním kursu československé koruny a amerického dolaru, jestliže by v den placení

tento kurs byl jiný než Kčs 50.- za 1 americký dolar/, ne později než deset /10/ dnů po podepsání této dohody. Zaplacení této částky bude provedeno v československých korunách americkému velvyslanectví v městě Praze. Jakmile americké velvyslanectví přijme uvedenou částku, vláda Československé republiky bude zproštěna veškerých závazků, vyjma jak jinak stanoveno touto dohodou, vyplývajících z ustanovení zákona Kongresu Spojených států amerických ze dne 11.března 1941, označovaného názvem ''zákon o půjčce a pronájmu'' a na podkladě základní dohody o půjčce a pronájmu, podepsané 11.července 1942 mezi vládou Spojených států amerických a vládou Československé republiky včetně dodávek obdržených vládou Československé republiky od jiných zemí než od Spojených států amerických.Každá pohledávka, nebo pohledávky, které by mohly býti uplatňovány proti vládě Československé republiky některou jinou vládou než vládou Spojenych států amerických a které vyplývají buď z výše uvedeného zákona o půjčce a pronájmu, nebo ze základní dohody, mohou být oznámeny vládou Československé republiky vládě Spojených států amerických k příslušnému dalšímu řízení.

4. Jiné vyhrazené pohledávky. Tato dohoda nemá vlivu na pohledávky, nebo jednání kromě těch, jež vyplývají ze zákona o půjčce a pronájmu, nebo byly jinak touto dohodou výslovně řešeny.

5. Počátek účinnosti. Tato dohoda vstoupí v účinnost dnem podpisu.

DÁNO v PRAZE ve dvojím vyhotovení, v anglickém a českém jazyce, dne 16. měsíce září 1948.

ZA VLÁDU SPOJENÝCH STÁTŮ AMERICKÝCH

ZA VLÁDU ČESKOSLOVENSKÉ REPUBLIKY

[SEAL] [SEAL]

September 28, 1948
[T. I. A. S. 1819]

Agreement between the United States of America and Portugal respecting economic cooperation under Public Law 472, 80th Congress. Signed at Lisbon September 28, 1948; entered into force September 28, 1948.

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL

Preamble

The Governments of the United States of America and Portugal:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Portugal has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948[1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Portugal is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

62 Stat., Pt. 1, p. 137.

Taking note that the Government of Portugal has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

[1] Department of State publication 3145.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Portugal, and the measures which the two Governments will take individually and together in furthering the recovery of Portugal as an integral part of the joint program for European recovery;

62 Stat., Pt. 1, p. 137.

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to cooperate with the Government of Portugal in furthering the purposes set forth in the Preamble by facilitating the acquisition by Portugal of such commodities as it may require from the United States of America in carrying out the joint program for European recovery, and as may be agreed from time to time by the two Governments. This undertaking on the part of the Government of the United States of America is subject to all the terms, conditions and termination provisions of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder.

2. The Government of Portugal, acting individually and through the Organization for European Economic Cooperation consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Portugal reaffirms its intention to take action to carry out the provisions of the General Obligation of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Portugal and procured from areas outside the United States of America, its territories and possessions, the Government of Portugal will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Portugal will use its best endeavors:

Measures for practical use of resources. *Post*, p. 2864.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Portugal in support of the requirements of assistance to be furnished by the Government of the United States of America; and

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation;

Development of production.

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation;

Stimulation of trade.

c) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries, the Government of Portugal will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program. *Post*, p. 2864.

3. The Government of Portugal will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

[1] Department of State publication 3145.

Article III

(Guaranties)

1. The Governments of the United States of America and Portugal will, upon the request of either Government, consult respecting projects in Portugal proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111(b) (3) of the Economic Cooperation Act of 1948. 62 Stat., Pt. 1, p. 144.

2. The Government of Portugal agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any escudos, or credits in escudos, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America. *Post*, p. 2863.

Article IV

(Access to Materials)

1. The Government of Portugal will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Portugal which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Portugal, after due regard for the reasonable requirements of Portugal for domestic use and commercial export of such materials. The Government of Portugal will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Portugal, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Portugal will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph. *Post*, p. 2863. *Post*, p. 2864.

2. The Government of Portugal, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraph 1 of this Article in respect of materials originating outside of Portugal.

Article V

(Travel Arrangements and Relief Supplies)

1. The Government of Portugal will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Portugal will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under

appropriate safeguards) to facilitate the entry into Portugal of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Portugal.

Article VI

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Portugal will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Portugal:

Post, p. 2864.

a) detailed information of projects, programs and measures proposed or adopted by the Government of Portugal to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

Post, p. 2863.

3. The Government of Portugal will assist the Government of the United States of America to obtain information relating to the materials originating in Portugal referred to in Article IV which is necessary to the formulation and execution of the arrangements provided for in that Article.

Ante, p. 2859.

Article VII

(Publicity)

1. The Governments of the United States of America and Portugal recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Portugal will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Government of Portugal will make public in Portugal in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article VIII

(Missions)

1. The Government of Portugal agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Portugal under this Agreement.

Special Mission as part of U. S. Embassy. *Post*, p. 2864.

2. The Government of Portugal will, upon appropriate notification from the Ambassador of the United States of America in Portugal, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Portugal for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Portugal will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Portugal, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article IX

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and Portugal agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage

arising as a consequence of governmental measures (other than measures taken by the Government of the United States of America concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Portugal pursuant to this paragraph is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946.

Post, p. 2865.

61 Stat., Pt. 2, p. 1218.

Post, p. 2865.

2. The Governments of the United States of America and Portugal further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

4. The provisions of this Article shall be in all respects without prejudice to other rights of access, if any, of either Government, to the International Court of Justice or other arbitral tribunal or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

Article X

(Definitions)

As used in this Agreement:

Portugal, inclusion of dependent areas.

a) Portugal means the Republic of Portugal, (including the Azores Islands and the Madeira Islands) together with dependent areas under its administration, including the Cape Verde Islands, Portuguese Guinea, the fortress of Sao Joao Baptista de Ajuda, Sao Tome and Principe, Angola, Mozambique, Portuguese India (comprising Goa, Damao, Diu), Macao and Portuguese Timor.

"Participating country."

b) The term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration

[1] Department of State publication 2930.

or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XI

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Modification, etc.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate six months after the date of such notice of intention to terminate; provided, however, that Article IV and paragraph 3 of Article VI shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

Termination.

Ante, pp. 2859, 2860.

Subsidiary agreements, etc.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 2859.

Amendment.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

Registration.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Authentic language.

DONE at Lisbon, in duplicate, in the English and Portuguese languages, both texts authentic, this 28th day of September, 1948.

[SEAL] LINCOLN MACVEAGH

[SEAL] JOSÉ CAEIRO DA MATTA

ANNEX

Interpretative Notes

Ante, p. 2858.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2858.

2. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

c) discriminating against particular enterprises;

d) limiting production or fixing production quotas;

e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

g) such other practices as the two Governments may agree to include.

Ante, p. 2858.

3. It is understood that the Government of Portugal is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 2859.

4. It is understood that the phrase in Article IV "after due regard for the reasonable requirements of Portugal for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article IV might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, [1] in the event that stockpiles are liquidated.

Ante, p. 2860.

5. It is understood that the Government of Portugal will not be requested, under paragraph 2 (a) of Article VI, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2861

6. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article VIII would bear in mind the desirability of restricting, so

[1] Department of State publication 3117.

far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article VIII would, when necessary, be the subject of inter-governmental discussion.

7. It is understood that if the Government of Portugal should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article IX with provisions along the following lines: "It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court."

59 Stat. 1060.

Ante, p. 2862.

8. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article IX would be subject to ratification by the Senate of the United States of America.

Ante, p. 2862.

PREAMBULO

O Governo Português e o Governo dos Estados Unidos da América:

Reconhecendo que o restabelecimento ou a manutenção, nos países europeus, dos princípios de liberdade individual, das instituições livres e da verdadeira independência, assenta em grande parte na instauração de condições económicas sãs, de relações económicas internacionais estáveis e na consecução pelos países da Europa de uma economia saudável, independente da assistência externa de carácter excepcional;

Reconhecendo que uma economia europeia forte e próspera é essencial à prossecução dos objectivos das Nações Unidas;

Considerando que a obtenção de tais condições exige um Plano de Recuperação Europeia de esforço próprio e mutua cooperação, acessível a todas as nações que nele colaborem, baseado num vigoroso esforço de produção, na expansão do comércio externo, na criação ou manutenção de uma estabilidade financeira interna e no desenvolvimento da cooperação económica, incluindo todas as possíveis medidas a tomar tendentes a estabelecer e manter taxas de câmbio adequadas e a reduzir as barreiras aduaneiras;

Considerando que, para a aplicação destes princípios, o Governo Português se associou a outras nações animadas do mesmo espírito, por uma Convenção para a Cooperação Económica Europeia, assinada em Paris, a 16 de Abril de 1948, nos termos da qual os signatários daquela Convenção acordaram em proceder, como tarefa imediata, à elaboração e execução de um programa conjunto de recuperação, e que o Governo Português é um membro da Organização para a Cooperação Económica Europeia, criada de harmonia com as cláusulas da referida Convenção;

Considerando igualmente que, para a aplicação destes princípios, o Governo dos Estados Unidos da América promulgou a Lei de Cooperação Económica de 1948 que regula a assistência a prestar pelos Estados Unidos da América às nações que participam num programa de conjunto de recuperação europeia, com o fim de as habilitar, tanto pelos seus próprios esforços como pelos esforços de todas em conjunto, a tornarem-se independentes de qualquer auxílio económico externo de carácter excepcional;

Tomando nota de que o Governo Português deu já a sua adesão aos objectivos e aos princípios da Lei de Cooperação Económica de 1948;

Desejando concretizar os entendimentos que serviram de base à assistência a conceder pelo Governo dos Estados Unidos da América, nos termos da Lei de Cooperação Económica de 1948 e a aceitação dessa assistência por parte de Portugal, assim como as medidas que os dois Governos tomarão, individual e conjuntamente, para atender à

recuperação de Portugal como parte integrante do programa conjunto de recuperação europeia;

Acordaram no seguinte:

ARTIGO I

(Assistência e cooperação)

1. O Governo dos Estados Unidos da América propõe-se cooperar com o Governo Português na realização dos objectivos estabelecidos no Preambulo, facilitando a aquisição, por parte de Portugal, das mercadorias dos Estados Unidos da América de que aquele país possa necessitar na execução do programa conjunto de recuperação europeia e à medida que vá sendo acordado entre os dois Governos. Este compromisso por parte do Governo dos Estados Unidos da América fica sujeito a todos os termos, condições e disposições relativos à expiração da Lei de Cooperação Económica de 1948, bem como das leis que a modifiquem ou completem e das que respeitem à apropriação dela resultantes.

2. O Governo Português agindo por si e através da Organização para a Cooperação Económica Europeia, de harmonia com a Convenção Económica para a Cooperação Europeia, assinada em Paris a 16 de Abril de 1948, empregará, em comum com os demais países participantes, esforços continuos tendentes a conseguir ràpidamente por meio de um programa comum de recuperação as condições económicas na Europa essenciais à existência de uma paz e prosperidade duradoiras, e permitir aos países do continente europeu que participam naquele programa de recuperação, ficarem independentes da assistência económica externa de carácter excepcional, dentro do período de duração deste Acordo. O Governo Português reafirma a intenção de actuar de maneira a cumprir as disposições das Obrigações Gerais da Convenção para a Cooperação Económica Europeia, de continuar a participar activamente no trabalho da Organização para a Cooperação Económica Europeia e de manter a sua adesão aos objectivos e princípios da Lei de Cooperação Económica de 1948.

3. Em relação à assistência fornecida pelo Governo dos Estados Unidos da América a Portugal e obtida nas zonas situadas fora dos Estados Unidos, dos seus territórios e possessões, o Governo Português cooperará com o Governo dos Estados Unidos da América no sentido de que as compras se efectuem a preços e em termos razoáveis e de maneira a que os dolares, postos à disposição do país de onde a assistência foi obtida, sejam utilizados de harmonia com quaisquer entendimentos existentes entre o Governo dos Estados Unidos da América e o referido país.

ARTIGO II

(Compromissos Gerais)

1. Afim de conseguir o máximo de recuperação pelo emprego da assistência recebida do Governo dos Estados Unidos da América, o Governo Português envidará os seus melhores esforços no sentido de:

a) adoptar ou manter as medidas necessárias para garantir o emprego eficiente e prático de todos os recursos postos à sua disposição, incluindo:

(i) as medidas que se tornem necessárias para garantir que as mercadorias e serviços obtidos pela assistência concedida nos termos deste Acordo sejam aplicados aos fins conformes ao mesmo Acordo, e, na medida do possível aos objectivos de ordem geral apresentados pelo Governo Português nas listas que servem de base aos pedidos de assistência a ser fornecida pelo Governo dos Estados Unidos da América; e

(ii) a observação e verificação do emprego de tais recursos segundo um sistema eficaz de fiscalização, aprovado pela Organização para a Cooperação Económica Europeia;

b) fomentar a produção industrial e agrícola numa base económica racional; conseguir os objectivos de produção que possam vir a ser fixados através da Organização para a Cooperação Económica Europeia;

c) cooperar com os países participantes no sentido de facilitar e estimular um crescente intercâmbio de mercadorias e serviços entre os países participantes e outros países, e bem assim reduzir as barreiras ao comércio, quer públicas quer privadas, entre eles e outros países.

2. Tendo em conta o Artigo VIII da Convenção para a Cooperação Económica Europeia, visando o emprego completo e efectivo da mão de obra disponível nos países participantes, o Governo Português, reservará um acolhimento favorável às propostas feitas de acordo com a Organização Internacional para os Refugiados, no sentido de utilizar ao máximo a mão de obra eventualmente disponível em qualquer dos países participantes, de maneira a promover a realização dos objectivos deste acordo.

3. O Governo Português tomará as medidas que julgar apropriadas e cooperará com outros países participantes no sentido de evitar da parte de empresas comerciais públicas ou privadas, práticas ou entendimentos de natureza comercial, que afectando o comércio internacional, entravem a concorrência, restrinjam o acesso aos mercados ou auxiliem a fiscalização com carácter de monopólio, em todos os casos em que tais práticas ou entendimentos vão interferir na consecução do programa comum de recuperação europeia.

ARTIGO III

(Garantias)

1. O Governo dos Estados Unidos da América e o Governo Português consultar-se-ão, a pedido de qualquer das duas partes, sobre os projectos apresentados em Portugal por subditos dos Estados Unidos da América, e àcerca dos quais o mesmo Governo dos Estados Unidos da América pode consequentemente nos termos da secção III

(b) (3) da Lei de Cooperação Económica de 1948 conceder garantias de transferência de fundos.

2. O Governo Português concorda em que, se o Governo dos Estados Unidos da América efectuar pagamentos em dolares americanos a qualquer pessoa, ao abrigo das garantias acima indicadas, os escudos ou créditos em escudos, destinados ou transferidos para o Governo dos Estados Unidos da América em consequência do disposto naquela secção, serão reconhecidos como propriedade do Governo dos Estados Unidos da América.

ARTIGO IV

(Possibilidade de aquisição de certos produtos)

1. Com o fim da constituição de "stocks" ou qualquer outro, o Governo Português facilitará a transferência para os Estados Unidos da América de produtos originários de Portugal de que os Estados Unidos tenham necessidade motivada pela insuficiência efectiva ou eventual dos seus próprios recursos, em condições razoáveis de venda, de câmbio, de troca ou outras, durante um período e em quantidades a determinar, de comum acordo entre o Governo Português e o Governo dos Estados Unidos da América, tendo em conta as necessidades razoáveis de Portugal no que diz respeito ao consumo interno e ao comércio de exportação desses produtos. O Governo Português tomará as medidas apropriadas que se tornem necessárias à execução das disposições deste parágrafo, incluindo o fomento da produção em Portugal desses produtos e a supressão de todos os obstáculos que se oponham à sua transferência para os Estados Unidos da América. O Governo Português, quando o Governo dos Estados Unidos da América o solicitar, entrará em negociações sobre os acordos detalhados que se impuserem à execução das disposições deste parágrafo.

2. O Governo Português, quando o Governo dos Estados Unidos da América manifeste esse desejo, cooperará com êle sempre que para tanto houver lugar, no sentido de atingir os objectivos do parágrafo 1 deste Artigo, no que respeita aos produtos de origem não portuguesa.

ARTIGO V

(Disposições relativas às facilidades de viagem e aos fornecimentos de socorro)

1. O Governo Português cooperará com o Governo dos Estados Unidos da América no sentido de facilitar e animar as iniciativas e o desenvolvimento das viagens de cidadãos dos Estados Unidos da América com destino aos países participantes e dentro deles.

2. O Governo Português, quando o Governo dos Estados Unidos da América o desejar, entrará em negociações para acordos (incluindo a cláusula do tratamento da isenção de direitos sob reserva de garantias apropriadas) destinados a facilitar a entrada em Portugal de fornecimentos de mercadorias de socorro oferecidas pelas organizações voluntárias americanas de socorro sem fins lucrativos ou por elas compradas, assim como de volumes de socorro que forem enviados dos Estados Unidos da América a pessoas residentes em Portugal.

ARTIGO VI

(Consultas e transmissão de informações)

1. Os dois Governos consultar-se-ão, por iniciativa de um ou de outro, sobre qualquer assunto relativo à execução deste Acordo e bem assim quanto às operações efectuadas ou aos entendimentos levados a efeito em consequência deste mesmo Acordo.

2. O Governo Português depois de consultado pelo Governo dos Estados Unidos da América, comunicará a este na forma e nos períodos por êle indicados:

a) informações pormenorizadas dos projectos, programas e medidas propostas ou adoptadas pelo Governo Português para executar as disposições do presente Acordo e as Obrigações Gerais da Convenção para a Cooperação Económica Europeia;

b) relatos completos, elaborados trimestralmente, àcerca das operações efectuadas dentro deste Acordo, incluindo um sobre a utilização de fundos, mercadorias e serviços obtidos em virtude do mesmo Acordo;

c) informações respeitantes à sua economia, e quaisquer outras de importância, necessárias para completar a que pelo Governo dos Estados Unidos da América for obtida da Organização para a Cooperação Económica Europeia, de forma a habilitarem o mesmo Governo a determinar a natureza e o alcance das operações previstas na Lei de Cooperação Económica de 1948, e a avaliar da eficácia da assistência prestada ou projectada em virtude deste Acordo, e, de uma maneira geral os progressos do programa comum de recuperação.

3. O Governo Português auxiliará o Governo dos Estados Unidos da América a obter informações relativas aos produtos originários de Portugal a que se refere o Artigo IV, o que é necessário para a elaboração e execução dos entendimentos previstos naquele Artigo.

ARTIGO VII

(Publicidade)

1. O Governo Português e o Governo dos Estados Unidos da América reconhecem que é de interesse mutuo dar larga publicidade aos objectivos do programa comum de recuperação europeia, aos seus progressos e às medidas tomadas em execução do mesmo programa. Reconhecem igualmente que é desejável assegurar uma larga difusão de informações relativas aos progressos realizados na execução do referido programa afim de desenvolver o sentimento do esforço comum e o espírito de auxílio mutuo que são essenciais à realização dos objectivos que o programa tem em vista.

2. O Governo dos Estados Unidos da América animará a difusão de tais informações e pô-las-á à disposição dos organismos de informação do público.

3. O Governo Português animará a difusão dessas informações, quer directamente, quer por intermédio da Organização para a Cooperação Económica Europeia. Pô-las-á à disposição dos organismos de informação do público e tomará todas as possíveis medidas no sentido de assegurar que sejam dadas facilidades adequadas a essa difusão. Além disso fornecerá aos outros países participantes e à Organização para a Cooperação Económica Europeia as mais completas informações àcerca dos progressos efectuados na realização do programa de recuperação económica.

4. O Governo Português publicará cada trimestre em Portugal relatos completos das operações efectuadas dentro deste Acordo, incluindo informações sobre a utilização de fundos, mercadorias e serviços recebidos.

ARTIGO VIII

(Missões)

1. O Governo Português concorda em receber uma Missão Especial para a Cooperação Económica que assegurará o cumprimento das responsabilidades assumidas pelo Governo dos Estados Unidos da América em Portugal, nos termos do presente acordo.

2. O Governo Português, mediante a devida notificação do Embaixador dos Estados Unidos da América em Portugal, considerará a Missão Especial, os seus funcionários e o representante especial dos Estados Unidos da América na Europa, como fazendo parte da Embaixada dos Estados Unidos da América em Portugal para efeitos de privilégios e imunidades concedidas àquela Embaixada e ao seu pessoal de categoria equivalente. O Governo Português observará além disso em relação aos membros e pessoal da Comissão Mixta para a Cooperação Económica Estrangeira do Congresso dos Estados Unidos da América as devidas regras de cortezia, concedendo-lhes igualmente as facilidades e a assistência necessárias para o cumprimento efectivo das suas responsabilidades.

3. O Governo Português, directamente e através dos seus representantes na Organização para a Cooperação Económica, dará inteira colaboração à Missão Especial, ao Representante Especial dos Estados Unidos da América na Europa e seu pessoal, bem como aos membros e pessoal da Comissão Mixta. Esta colaboração abrangerá o fornecimento de todas as informações e facilidades necessárias à observação e exame do cumprimento do presente Acordo, incluindo a utilização da assistência fornecida nos seus termos.

ARTIGO IX

(Disposições que regulam as reclamações dos nacionais)

1. O Governo Português e o Governo dos Estados Unidos da América acordam em submeter ao Tribunal de Justiça Internacional as reclamações patrocinadas por um dos dois Governos em nome de qualquer dos seus nacionais contra o outro Governo, para compensação de prejuízos em consequência de medidas governamentais por ele tomadas depois de 3 de Abril de 1948 (excepto as respeitantes a pro-

priedades ou interesses inimigos estabelecidas pelo Governo dos Estados Unidos da América) e que afectem propriedades ou interesses desses nacionais incluindo contratos celebrados com as autoridades devidamente qualificadas do outro Governo ou concessões por elas feitas. Fica entendido que o compromisso do Governo dos Estados Unidos da América àcerca das reclamações patrocinadas pelo Governo Português em virtude deste parágrafo, é assumido conforme os termos e condições do reconhecimento pelos Estados Unidos da América da jurisdição compulsória do Tribunal de Justiça Internacional e pelos mesmos termos e condições limitado, segundo o Artigo 36 do Estatuto do Tribunal, como ficou estabelecido na Declaração do Presidente dos Estados Unidos da América de 14 de Agosto de 1946.

2. O Governo Português e o Governo dos Estados Unidos da América concordam além disso em que tais reclamações possam ser submetidas a qualquer tribunal arbitral mutuamente aceite, em vez de o serem ao Tribunal de Justiça Internacional.

3. Entender-se-á ainda que nenhum dos dois Governos patrocinará, nos termos deste artigo, reclamação alguma de um dos seus nacionais antes do mesmo haver esgotado os meios à sua disposição nos tribunais administrativos e judicias do país onde a reclamação teve origem.

4. As disposições deste Artigo de maneira alguma prejudicarão outros direitos de recurso, se os houver, de qualquer dos dois Governos, ao Tribunal de Justiça Internacional, ou a outro tribunal arbitral, ou o patrocínio e a apresentação de reclamações baseadas em violações invocadas por qualquer dos dois Governos de direitos e deveres que derivem de tratados, de acordos ou de princípios de direito internacional.

ARTIGO X

(Definições)

Nos termos do presente Acordo:

a) Portugal significa o território metropolitano da República Portuguesa (incluindo os Arquipélagos dos Açores e da Madeira) e os demais territórios sob a sua administração abrangendo o Arquipélago de Cabo Verde, a Guiné Portuguesa, a Fortaleza de S. João Baptista de Ajudá, São Tomé e Príncipe, Angola, Moçambique, India Portuguesa (Goa, Damão e Diu), Macau e a parte portuguesa da ilha de Timor.

b) A expressão "país participante" significa:

(i) qualquer país que assinou o Relatório da Comissão para a Cooperação Económica Europeia em Paris, a 22 de Setembro de 1947, incluindo os territórios de que assumiu responsabilidade de carácter internacional, e a que tenha sido aplicado o Acordo para a Cooperação Económica celebrado entre esse país e o Governo dos Estados Unidos da América, e

(ii) qualquer outro país (incluindo as zonas de ocupação da Alemanha, as áreas sob a administração ou fisca-

lização internacional e o Território Livre de Trieste ou qualquer das suas zonas) situado no todo ou em parte na Europa, com os territórios dele dependentes e sob a sua administração por tanto tempo quanto esse país for parte na Convenção para a Cooperação Económica Europeia e aderir a um programa conjunto de recuperação da Europa que tenha por objectivo os fins do presente Acordo.

ARTIGO XI

(Entrada em vigor, Emendas, Duração)

1. O Presente Acordo entrará em vigor nesta data. Sob reserva do disposto nos parágrafos 2 e 3 deste artigo, vigorará até 30 de Junho de 1953; e a não ser que um dos dois Governos tenha notificado o outro por escrito, pelo menos seis meses antes de 30 de Junho de 1953, da sua intenção de lhe pôr termo na referida data, manter-se-á em vigor até findo o prazo de seis meses a contar do dia em que a notificação tenha sido feita.

2. Se, durante a vigência do Acordo, qualquer dos dois Governos considerar que houve alteração fundamental nos princípios básicos em que o mesmo Acordo assenta, notificará por escrito o outro, consultando-se então mutuamente os dois Governos afim de convirem na emenda, modificação ou termo do Acordo. Se três meses depois da dita notificação os dois Governos não tiverem concordado sobre a acção a tomar nessas circunstâncias, qualquer deles poderá notificar por escrito o outro da intenção de por termo ao Acordo. Nesse caso, sob reserva das disposições do parágrafo 3 deste Artigo, o Acordo terminará seis meses após a dita notificação, considerando todavia que o Artigo IV e o parágrafo 3 do Artigo VI se manterão em vigor por um período de dois anos a contar da data da mesma notificação, mas nunca além de 30 de Junho de 1953.

3. Os acordos e os entendimentos complementares negociados em consequência do presente Acordo, podem continuar em vigor para além do termo deste, e a sua duração será a que êles próprios fixarem. O parágrafo 2 do Artigo III manter-se-á em vigor enquanto o Governo dos Estados Unidos da América realizar os pagamentos de garantia a que o mesmo artigo se refere.

4. O presente Acordo poderá ser rectificado em qualquer momento por decisão comum dos dois Governos.

5. O Anexo a este Acordo faz parte integrante dele.

6. O presente Acordo será registado pelo Secretário Geral das Nações Unidas.

EM TESTEMUNHO DO QUE os representantes dos dois Governos, devidamente autorizados para esse fim, assinaram o presente Acordo.

FEITO em Lisboa 28 de Setembro de 1948, em duplicado, nas línguas Portuguesa e Inglesa, valendo como autênticos os dois textos.

[SEAL] JOSÉ CAEIRO DA MATTA

[SEAL] LINCOLN MACVEAGH

ANEXO

Notas interpretativas

1. Fica entendido que as disposições do parágrafo 1 (a) do Artigo II quanto à adopção de medidas relativas ao emprego eficiente dos recursos, abrangem, no que respeita às mercadorias fornecidas nos termos deste Acordo, medidas eficazes para salvaguardar essas mesmas mercadorias e impedir o seu desvio para mercados ou ramos de comércio ilícitos ou irregulares.

2. Fica entendido que as práticas comerciais e os acordos comerciais estabelecidos no parágrafo 3 do Artigo II significam:

a) fixação de preços, termos ou condições a observar nas transacções com terceiros respeitantes à compra, venda ou locação de qualquer produto;

b) exclusão, atribuição ou divisão de empresas em qualquer mercado territorial ou campo de actividade comercial, distribuição da clientela, ou fixação das quotas de venda ou de compra;

c) discriminação em prejuízo de determinadas empresas;

d) limitação da produção ou fixação dos seus contingentes;

e) impedimento por via de acordo do desenvolvimento ou da aplicação de processos técnicos ou de invenções com ou sem patente;

f) extensão do uso dos direitos resultantes de patentes, marcas comerciais ou direitos de autor ou de reprodução concedidos por um dos dois países em matérias que, de acordo com as suas leis e regulamentos, não estejam incluídas no campo de tais garantias ou ainda a produtos ou condições de produção, utilização ou venda que de igual maneira não constituem objecto dessas garantias; e

g) quaisquer outras práticas que os dois Governos acordem em incluir.

3. Fica entendido que o Governo Português não se obriga a agir em casos especiais nos termos do parágrafo 3 do Artigo II senão depois de inquérito ou exame apropriados.

4. Fica entendido que a frase do Artigo IV "tendo em conta as necessidades razoáveis de Portugal no que diz respeito ao consumo interno" deve incluir a manutenção de stocks razoáveis das mercadorias em questão, e que a frase "comércio de exportação" pode abranger as operações de troca. Fica também entendido que os acordos negociados em virtude do Artigo IV poderão, de uma maneira apropriada, incluir normas de consulta em conformidade com os princípios do Artigo 32 da Carta de Havana para uma Organização Internacional de Comércio, no caso dos stocks de mercadorias estarem liquidados.

5. Fica entendido que o Governo Português não terá, no execução do parágrafo 2 (a) do Artigo VI, de fornecer informações pormenorizadas àcerca de projectos de pequena importância ou informações

comerciais ou técnicas de natureza confidencial cuja divulgação poderia atingir interesses comerciais legítimos.

6. Fica entendido que o Governo dos Estados Unidos da América ao fazer as notificações previstas no parágrafo 2 do Artigo VIII terá em consideração a necessidade de restringir quanto possível o número de funcionários em relação aos quais se solicitem privilégios diplomáticos. Fica também entendido que a aplicação pormenorizada do Artigo VIII será objecto, quando necessário, de conversações entre os dois Governos.

7. Fica entendido que se o Governo Português aceitar a jurisdição compulsória do Tribunal de Justiça Internacional, em conformidade com o Artigo 36 do respectivo Estatuto, em termos e condições convenientes, os dois Governos consultar-se-ão com o fim de substituir a segunda frase do parágrafo 1 do Artigo IX pela disposição do teor seguinte: "Fica entendido que o compromisso de cada Governo quanto às reclamações pelo outro patrocinadas em virtude deste parágrafo, é tomado no que diz respeito a cada um dos Governos, sob a autoridade e dentro dos limites marcados pelos termos e condições desse reconhecimento efectivo tal como até à data tem sido atribuído à jurisdição compulsória do Tribunal de Justiça Internacional, de harmonia com o Artigo 36 do Estatuto do Tribunal".

8. Fica entendido que quaisquer acordos que possam ser concluídos nos termos do parágrafo 2 do Artigo IX serão sujeitos a ratificação pelo Senado dos Estados Unidos da América.

July 2, 1948
[T. I. A. S. 1820]

Agreement between the United States of America and Austria respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Vienna July 2, 1948; entered into force July 2, 1948.

The American Minister to the Austrian Minister of Foreign Affairs

AMERICAN LEGATION
No. 56 *Vienna, Austria, July 2, 1948*

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two governments relating to the territorial application of commercial arrangements between the United States of America and Austria and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of Austria will apply to the merchandise trade of such area the provisions relating to the most favored nation treatment of the merchandise trade of the United States of America set forth in the Treaty of Friendship, Commerce and Consular Rights, signed at Vienna, June 19, 1928, and agreement supplemental thereto signed at Vienna, June 20, 1931, [1] or, for such time as the Governments of the United States of America and Austria may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that agreement, as now or hereafter amended, relating to the most favored nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most favored nation provisions of the Treaty of Friendship, Commerce and Consular Rights and agreement supplemental thereto shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most favored nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

47 Stat. 1876.
47 Stat. 1899.
61 Stat., Pts. 5 and 6.

2. The undertaking in point one above will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of Austria.

3. The undertakings in points one and two above are entered into in the light of the absence at the present time of effective tariff barriers to imports into the areas herein concerned. In the event that

[1] January 20, 1931.

such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point one above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point one for the Government of Austria to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Austria determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Duration.

Accept, Sir, the renewed assurances of my highest consideration.

JOHN G. ERHARDT

The Honorable
KARL GRUBER,
Minister of Foreign Affairs,
Vienna.

The Austrian Minister of Foreign Affairs to the American Minister

DER BUNDESMINISTER
FÜR DIE
AUSWÄRTIGEN ANGELEGENHEITEN

Wien, den
Vienna, July 2nd 1948.

SIR:

I have the honour to refer to the conversations which have recently taken place between representatives of our two governments relating to the territorial application of commercial arrangements between the United States of America and Austria and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern

[1] Department of State publication 3117.

Korea, the Government of Austria will apply to the merchandise trade of such area the provisions relating to the most favored nation treatment of the merchandise trade of the United States of America set forth in the Treaty of Friendship, Commerce and Consular Rights, signed at Vienna, June 19, 1928, and agreement supplemental thereto signed at Vienna, January 20, 1931, or for such time as the Governments of the United States of America and Austria may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that agreement, as now or hereafter amended, relating to the most favored nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most favoured nation provisions of the treaty of Friendship, Commerce and Consular Rights and agreement supplemental thereto shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most favoured nation treatment; provided that nothing in this sentence shall be constructed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

47 Stat. 1876.
47 Stat. 1899.
61 Stat., Pts. 5 and 6.

2. The undertaking in point one above will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favoured nation treatment to the merchandise trade of Austria.

3. The undertakings in points one and two above are entered into in the light of absence at the present time of effective tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point one above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point one for the Government of Austria to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Austria determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in

force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Sir, the assurance of my highest consideration.

GRÜBER

Mr. JOHN G. ERHARDT,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America,
Vienna.

July 2, 1948
[T. I. A. S. 1821]

Agreement between the United States of America and Belgium respecting application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Brussels July 2, 1948; entered into force July 2, 1948.

TEXT OF NOTES ON MOST FAVORED NATION TREATMENT EXCHANGED BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF THE KINGDOM OF BELGIUM

EXCELLENCY,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Kingdom of Belgium and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany and in the Free Territory of Trieste, the Government of Belgium will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade dated October 30, 1947, as now or hereafter amended, relating to most favored nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1 above will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation

ÉCHANGE DE LETTRES ENTRE LES GOUVERNEMENTS DES ÉTATS-UNIS D'AMÉRIQUE ET DU ROYAUME DE BELGIQUE AU SUJET DE L'EXTENSION DU TRAITEMENT DE LA NATION LA PLUS FAVORISÉE

EXCELLENCE,

J'ai l'honneur de me référer aux conversations qui viennent d'avoir lieu entre les représentants de nos deux Gouvernements au sujet de l'application territoriale des arrangements commerciaux existant entre les Etats-Unis d'Amérique et le Royaume de Belgique, et de confirmer comme résultat de ces conversations l'accord intervenu sur les points suivants:

1. Aussi longtemps que le Gouvernement des Etats-Unis participera à l'occupation ou au contrôle de tout territoire en Allemagne occidentale et dans le territoire de la ville libre de Trieste, le Gouvernement belge appliquera au commerce desdits territoires les dispositions de l'Accord Général sur les Tarifs et le Commerce daté du 30 octobre 1947, tel qu'il est ou sera amendé, relatives au traitement de la nation la plus favorisée.

2. L'engagement contracté au paragraphe ci-dessus ne s'appliquera à toutes zones soumises à l'occupation militaire que pendant la période et dans la mesure où lesdites zones accorderont récipro-

treatment to the merchandise trade of Belgium.

3. The undertakings in points 1 and 2 above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognised that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in point 1 above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Belgium to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Belgium determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

quement le traitement de la nation la plus favorisée au commerce belge.

3. Les engagements contractés aux paragraphes 1 et 2 ci-dessus sont pris en considération de l'absence actuelle de barrières douanières effectives aux importations dans les zones d'occupation ainsi définies. Dans le cas où de telles barrières douanières seraient établies, il est entendu que lesdits engagements ne préjugeraient en rien l'application des principes énoncés dans la Charte de La Havane pour une Organisation Internationale du Commerce, concernant la réduction des tarifs sur une base mutuellement avantageuse.

4. Il est reconnu que l'absence d'un taux de change uniforme pour la monnaie des zones d'Allemagne occidentale dont question au paragraphe 1 ci-dessus, pourrait avoir l'effet de subventionner indirectement les exportations de ces zones d'une façon qu'il serait difficile de calculer exactement. Aussi longtemps qu'une telle circonstance existera et si des consultations avec le Gouvernement des Etats-Unis ne permettent pas de résoudre ce problème d'un commun accord, il est entendu qu'il ne serait pas contraire aux engagements pris au paragraphe 1 par le Gouvernement belge, d'imposer un droit équivalent sur les importations de ces marchandises pour compenser le montant évalué de ces subventions, lorsque le Gouvernement belge déciderait que la subvention est telle qu'elle cause ou qu'elle menace de causer des dommages matériels à une industrie nationale ou qu'elle empêche ou retarde l'établissement d'une industrie nationale.

[1] Department of State publication 3117.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

ALAN G. KIRK [1]

5. Les engagements convenus dans cet échange de lettres demeureront en vigueur jusqu'au 1er janvier 1951, et, à moins que six mois au moins avant le 1er janvier 1951, l'un ou l'autre des Gouvernements ait donné à l'autre Gouvernement préavis par écrit de son intention de mettre fin à ces engagements à cette date, ceux-ci demeureront en vigueur jusqu'a l'expiration d'un délai de six mois à partir de la date à laquelle aura été signifiée l'intention d'y mettre fin.

Je saisis cette occasion de renouveler à Votre Excellence les assurances de ma plus haute considération.

P. H. SPAAK [1]

[1] Signed at Brussels July 2, 1948, at the time of the signing of the Economic Cooperation Agreement between the United States of America and Belgium (62 Stat., Pt. 2, p. 2173).

Agreement between the United States of America and Denmark respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Copenhagen June 29, 1948; entered into force July 2, 1948.

June 29, 1948
[T. I. A. S. 1822]

The American Ambassador to the Danish Minister for Foreign Affairs

AMERICAN EMBASSY,
No. 179 *Copenhagen, June 29, 1948.*

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Denmark and have the honor to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Denmark will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the General Convention of Friendship, Commerce and Navigation signed April 26, 1826, as amended by the Convention of April 11, 1857, or, for such time as the Governments of the United States of America and Denmark may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947 the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade.

8 Stat. 340.
11 Stat. 719.
61 Stat., Pts. 5 and 6.

It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the General Convention of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Denmark.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings

shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the area in western Germany referred to in point 1 above may have the effect of indirectly subsidizing the exports of such area to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Denmark to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Denmark determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Entry into force; duration.

5. The undertakings in this note will enter into force on the day on which the Government of Denmark notifies the Government of the United States of America that this note has been ratified [2] and shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

JOSIAH MARVEL JR.

His Excellency,
GUSTAV RASMUSSEN,
Royal Minister for Foreign Affairs,
Copenhagen.

The Danish Minister for Foreign Affairs to the American Ambassador

UDENRIGSMINISTERIET. Ø. P. I. Journal Nr. 73. D. 139.

COPENHAGEN, *June 29, 1948.*

SIR,

I have the honour to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between

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[1] Department of State publication 3117.

[2] Entered into force July 2, 1948, the date on which the Danish Chargé d'Affaires ad interim at Washington notified the Department of State of the ratification of this note by Denmark.

Denmark and the United States of America and have the honour to confirm, subject to ratification, the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany and the Free Territory of Trieste, the Government of Denmark will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the general Convention of Friendship, Commerce and Navigation signed April 26, 1826, as amended by the Convention of April 11, 1857, or for such time as the Governments of Denmark and the United States of America may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947 the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade.

8 Stat. 340; 11 Stat. 719.

61 Stat., Pts. 5 and 6.

It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the general Convention of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Denmark.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, referred to in point 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Denmark to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Denmark determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note will enter into force on the day on which the Government of Denmark notifies the Government of the United States of America that this note has been ratified and shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

GUSTAV RASMUSSEN

His Excellency
Ambassador JOSIAH M. MARVEL, Jr.,
The Embassy of the United States of America,
Copenhagen.

Agreement between the United States of America and France respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Paris June 28, 1948; entered into force June 28, 1948.

June 28, 1948
[T. I. A. S. 1823]

The American Ambassador to the French Minister for Foreign Affairs

No. 460

PARIS, *June 28, 1948.*

EXCELLENCY,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the French Republic and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as either the Government of the United States of America or the Government of the French Republic participates in the occupation of any areas in Western Germany or the Free Territory of Trieste, the other Government will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended, relating to most-favored-nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply on the part of the Government of the United States of America or the Government of the French Republic to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the United States of America or the French Republic, respectively.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in point 1 above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of France to levy a countervailing duty on imports of such goods equiva-

[1] Department of State publication 3117.

lent to the estimated amount of such subsidization, where the Government of France determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

His Excellency
Mr. GEORGES BIDAULT,
Minister for Foreign Affairs,
Paris.

The French Minister for Foreign Affairs to the American Ambassador

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

LIBERTÉ·ÉGALITÉ·FRATERNITÉ
RÉPUBLIQUE FRANÇAISE

Direction des Affaires
Economiques et Financières

PARIS, *le 28 Juin 1948*

MONSIEUR L'AMBASSADEUR,

Me référant aux conversations qui viennent d'avoir lieu entre nos deux Gouvernements au sujet de l'application territoriale des arrangements commerciaux existant entre la France et les Etats-Unis d'Amérique, j'ai l'honneur de confirmer comme résultat de ces conversations l'accord intervenu sur les points suivants:

I. Aussi longtemps que le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique participeront à l'occupation ou au contrôle de tous territoires en Allemagne occidentale ou dans le territoire de la ville libre de Trieste, l'autre Gouvernement appliquera au commerce des dits territoires les dispositions de l'Accord général sur les tarifs et le commerce, en date du 30 octobre, telles qu'elles sont ici ou ci-après amendées, relatives au traitement de la nation la plus favorisée.

2. L'engagement contracté par le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique au paragraphe ci-dessus ne s'appliquera au commerce des zones ci-dessus mentionnées que pendant la période et dans la mesure où lesdites zones accorderont réciproquement le traitement de la nation la plus favorisée au commerce de la France et des Etats-Unis d'Amérique.

3. Les engagements contractés aux paragraphes 1 et 2 ci-dessus sont pris en considération de l'absence actuelle de barrières douanières effectives et réelles aux importations dans les zones d'occupation militaire ainsi définies. Dans le cas où de telles barrières douanières seraient établies, il est entendu que lesdits engagements ne préjugeraient en rien l'application des principes énoncés dans la Charte de La Havane au sujet de la réduction des tarifs sur une base mutuellement avantageuse.

4. Il est reconnu que l'absence d'un taux de change uniforme dans les zones d'Allemagne occidentale pourrait avoir l'effet de subventionner indirectement les exportations de ces zones d'une façon qu'il serait difficile de calculer exactement. Aussi longtemps que ces circonstances existeront et si des consultations avec le Gouvernement des Etats-Unis ne permettent pas de résoudre ce problème d'un commun accord, il est entendu qu'il ne serait pas contraire aux engagements pris au paragraphe 1 par le Gouvernement français d'imposer un droit équivalent sur les importations de ces marchandises pour compenser le montant évalué de ces subventions, lorsque le Gouvernement français déciderait que la subvention est telle qu'elle cause ou qu'elle menace de causer des dommages matériels à une industrie nationale ou qu'elle empêche ou retarde l'établissement d'une industrie nationale".

5. Les engagements convenus dans cet échange de lettres demeureront en vigueur jusqu'au Ier janvier I95I, et à moins que six mois au moins avant le Ier janvier I95I l'un ou l'autre des Gouvernements ait donné à l'autre Gouvernement préavis par écrit de son intention de mettre fin à ces engagements à cette date, ceux-ci demeureront en vigueur jusqu'à l'expiration d'un délai de six mois à partir de la date à laquelle aura été signifiée l'intention d'y mettre fin./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

G BIDAULT

Son Excellence
l'Honorable JEFFERSON CAFFERY
Ambassadeur des Etats-Unis d'Amérique
à Paris

Translation

MINISTRY
OF
FOREIGN AFFAIRS

Office
of Economic and Financial Affairs

LIBERTY - EQUALITY - FRATERNITY
FRENCH REPUBLIC

PARIS, *June 28, 1948*

MR. AMBASSADOR:

Referring to the conversations which have recently taken place between our two Governments relating to the territorial application of commercial arrangements between France and the United States of

America, I have the honor to confirm the agreement reached as a result of these conversations as follows:

1. For such time as the Government of the French Republic and the Government of the United States of America participate in the occupation or the control of any territories in Western Germany or in the territory of the Free City of Trieste, the other Government will apply to the commerce of such areas the provisions of the General Agreement on Tariffs and Trade, dated October 30, as now or hereafter amended, relating to most-favored-nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking entered into by the Government of the French Republic and the Government of the United States of America in the foregoing subparagraph will apply to the trade of the aforesaid areas only for such time and to such extent as such areas accord reciprocal most-favored-nation treatment to the trade of France and the United States of America.

3. The undertakings entered into in subparagraphs 1 and 2, above, are adopted in consideration of the absence at the present time of effective or real customs barriers to imports into the military occupation areas thus defined. In the event that such customs barriers are established, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange in the areas of Western Germany may have the effect of indirectly subsidizing the exports of such areas in a manner which it would be difficult to calculate exactly. So long as such a condition exists, and if consultations with the Government of the United States fail to reach an agreed solution of this problem, it is understood that it would not be inconsistent with the undertakings entered into in subparagraph 1 by the French Government to levy a countervailing duty on imports of such goods to compensate the estimated amount of such subsidies, where the French Government decides that the subsidy is such as to cause or threaten material injury to a national industry or to prevent or retard the establishment of a national industry.

5. The undertakings entered into in this exchange of notes shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951 either Government shall have given notice in writing to the other Government of intention to terminate these undertakings on that date, they shall remain in force until the expiration of a period of six months from the date on which notice of intention to terminate shall have been given.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

G BIDAULT

His Excellency
The Honorable JEFFERSON CAFFERY
Ambassador of the United States of America
Paris

Agreement between the United States of America and the French Zone of Occupation of Germany respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Paris July 9, 1948; entered into force July 9, 1948.

July 9, 1948
[T. I. A. S. 1824]

The American Ambassador to the Chief of the Military Government of the French Zone of Occupation of Germany

PARIS, *July 9, 1948*

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of the Government of the United States of America and of the French Commander-in-Chief in Germany relating to the territorial application of commercial arrangements between the United States of America and the French Zone of Occupation of Germany and to confirm the understanding reached as a result of these conversations as follows:

1. The United States of America and the French Zone of Occupation of Germany shall each accord to the merchandise trade of the other, immediately and unconditionally, treatment no less favorable than that accorded to the merchandise trade of any third country, provided that departures from the application of such most-favored-nation treatment shall be permitted to the extent that they are in accord with the exceptions recognized in the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended. The provisions of this paragraph shall not be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

2. The provisions of paragraph 1 shall apply, with respect to the United States of America, to all territory under the sovereignty or authority of the United States of America. Moreover, with regard to any area in Western Germany, the Free Territory of Trieste, Japan, or Southern Korea in the occupation or control of which the Government of the United States of America participates, such Government shall, to the extent of its legal capacity, exercise its authority in such participation to make the treatment provided for in paragraph 1 applicable by such area to the merchandise trade of the French Zone of Occupation of Germany. That Zone shall accord the treatment provided for in paragraph 1 to the merchandise trade of such area for such time and such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the French Zone of Occupation of Germany.

3. The provisions of paragraphs 1 and 2 shall not derogate from such other obligations relative to the matters contained herein as may at

any time be in effect between the United States of America and the French Zone of Occupation of Germany.

Duration.

4. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either the Government of the United States of America or the French Commander-in-Chief in Germany shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Sir, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

General PIERRE KOENIG
Chief of the Military Government
of the French Zone of Occupation
of Germany.

The Chief of the Military Government of the French Zone of Occupation of Germany to the American Ambassador

COMMANDANT EN CHEF FRANÇAIS
EN ALLEMAGNE

LE GÉNÉRAL

PARIS, *le 9 Juillet 1948*

MONSIEUR L'AMBASSADEUR,

Me référant aux conversations qui viennent d'avoir lieu entre mes Représentants et ceux du Gouvernement des Etats-Unis d'Amérique au sujet de l'application territoriale des accords commerciaux conclus entre la zone française d'occupation en Allemagne et les Etats-Unis d'Amérique, j'ai l'honneur de vous confirmer l'accord intervenu, à la suite de ces négociations, sur les points suivants:

1/ La zone française d'occupation en Allemagne et les Etats-Unis d'Amérique accorderont chacun, immédiatement et inconditionnellement, au commerce de l'autre partie un traitement qui ne sera pas moins favorable que celui accordé au commerce de tout pays tiers étant entendu que les dérogations à l'application d'un tel traitement de la nation la plus favorisée seront autorisées à condition qu'elles soient conformes aux exceptions reconnues dans l'Accord Général sur les Tarifs et le Commerce, en date du 30 Octobre 1947, telles qu'elles sont ici ou ci-après amendées. Les dispositions de ce paragraphe ne seront pas interprétées comme exigeant que l'on se conforme aux procédures spécifiées dans l'Accord Général en ce qui concerne l'application de ces exceptions.

2/ Les dispositions du paragraphe 1 s'appliqueront, en ce qui concerne les Etats-Unis d'Amérique, à tous les territoires placés sous leur souveraineté ou leur autorité. De plus, en ce qui concerne toute région d'Allemagne occidentale, du Territoire libre de Trieste, du Japon ou de la Corée du Sud, à l'occupation ou contrôle de laquelle participe le Gouvernement des Etats-Unis d'Amérique, ce Gouvernement

exercera l'autorité qu'il détient aux termes d'une telle participation pour faire en sorte que le traitement prévu au paragraphe 1 soit accordé par une telle région au commerce de la zone française d'occupation en Allemagne. La zone française d'occupation en Allemagne accordera le traitement prévu au paragraphe 1 au commerce d'une telle région pendant la période et dans la mesure où cette région accordera réciproquement le traitement de la nation la plus favorisée au commerce de la zone française d'occupation en Allemagne.

3/ Les clauses des paragraphes 1 et 2 ne dérogeront pas aux autres obligations concernant les matières ici visées qui pourront à tout moment être en vigueur entre la zone française d'occupation en Allemagne et les Etats-Unis d'Amérique.

4/ Les engagements convenus dans le présent échange de lettres demeureront en vigueur jusqu'au Ier janvier I95I; et à moins que, six mois au moins avant le Ier janvier I95I, soit le Commandant en chef français en Allemagne, soit le Gouvernement des Etats-Unis d'Amérique n'ait donné à l'autre partie préavis par écrit de son intention de mettre à cette date un terme à ses engagements, ceux-ci demeureront en vigueur jusqu'à l'expiration d'un délai de six mois à partir de la date à laquelle une telle notification aura été faite.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances renouvelées de ma très haute considération./.

PAUL LEROY-BEAULIEU.
Pour le Général Koenig

Son Excellence
Monsieur JEFFERSON CAFFERY
Ambassadeur des Etats-Unis d'Amerique

Translation

FRENCH COMMANDER-IN-CHIEF
IN GERMANY

THE GENERAL

PARIS, *July 9, 1948*

MR. AMBASSADOR:

Referring to the conversations which have just taken place between my representatives and those of the Government of the United States of America concerning the territorial application of the commercial agreements concluded between the French Zone of Occupation in Germany and the United States of America, I have the honor to confirm to you the agreement reached upon the following points as a result of those negotiations:

1. The French Zone of Occupation in Germany and the United States of America will each accord to the trade of the other, immediately and unconditionally, treatment no less favorable than that accorded to the trade of any third country, it being understood that derogations from the application of such most-favored-nation treatment shall be authorized, provided that they are in conformity with

the exceptions recognized in the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended. The provisions of this paragraph shall not be construed as requiring compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

2. The provisions of paragraph 1 shall apply, with regard to the United States of America, to all territories placed under its sovereignty or authority. Furthermore, with regard to any area of Western Germany, of the Free Territory of Trieste, of Japan or Southern Korea in the occupation or control of which the Government of the United States of America participates, that Government will exercise the authority which it holds under the terms of such participation to have the treatment provided for in paragraph 1 accorded by such area to the trade of the French Zone of Occupation in Germany. The French Zone of Occupation in Germany will accord the treatment provided for in paragraph 1 to the trade of such area for such time and in so far as such area accords most-favored-nation treatment, on a basis of reciprocity, to the trade of the French Zone of Occupation in Germany.

3. The provisions of paragraphs 1 and 2 shall be without prejudice to such other obligations concerning the matters contemplated herein as may at any time be in force between the French Zone of Occupation in Germany and the United States of America.

4. The commitments made in the present exchange of letters shall remain in force until January 1, 1951; and, unless at least six months before January 1, 1951, and, either the French Commander-in-Chief in Germany or the Government of the United States of America gives notice in writing to the other party of intention to terminate the commitments on that date, they shall remain in force until the expiration of a period of six months from the date on which such notification is given.

Accept, Mr. Ambassador, the assurances of my very high consideration.

PAUL LEROY-BEAULIEU.
For General Koenig

His Excellency
JEFFERSON CAFFERY,
Ambassador of the United States of America

Agreement between the United States of America and the United States and the United Kingdom Zones of Occupation of Germany respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Berlin July 14, 1948; entered into force July 14, 1948.

July 14, 1948
[T. I. A. S. 1825]

The Military Governors for the United States and the United Kingdom Zones of Occupation of Germany to the United States Political Adviser for Germany

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of the Government of the United States of America and of the Military Governors of the United States and United Kingdom Zones of Occupation of Germany relating to the territorial application of commercial arrangements between those Zones and certain other countries and to confirm the understanding reached as a result of these conversations as follows:

1. The United States of America shall accord, immediately and unconditionally, to the merchandise trade of the United States/United Kingdom Zones of Occupation of Germany, treatment no less favorable than that accorded to the merchandise trade of any third country. Similarly, these Zones shall accord, immediately and unconditionally, to the merchandise trade of the United States of America and to the merchandise trade of each other country which has undertaken an obligation to apply most-favored-nation treatment to the merchandise trade of these Zones in an exchange of notes with the United States of America, treatment no less favorable than that accorded to the merchandise trade of any third country.

2. Departures from the application of the most-favored-nation treatment provided for in paragraph 1 shall be permitted to the extent that they are in accord with the exceptions recognized in the General Agreement on Tariffs and Trade. The provisions of this paragraph shall not be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

3. The provisions of paragraphs 1 and 2 shall apply, with respect to the United States of America, to all territory under its sovereignty or authority. Moreover, with regard to any area in the Free Territory of Trieste, in the occupation or control of which the Government of the United States of America participated, the Government of the United States of America shall, to the extent of its legal capacity, exercise its authority in such participation, to make the

treatment provided for in paragraphs 1 and 2 applicable by such area to the merchandise trade of the United States and United Kingdom Zones. Those Zones shall accord the treatment provided for in paragraphs 1 and 2 to the merchandise trade of such area for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of those Zones.

4. The provisions of paragraphs 1 and 2 shall not derogate from such other obligations relative to the matters contained herein as may at any time be in effect between the Government of the United States of America and the Military Governors of the United States and United Kingdom Zones of Occupation of Germany.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either the Government of the United States of America or the Military Governors of the United States and United Kingdom Zones of Occupation of Germany shall have given notice in writing to the other of intention to terminate these undertakings on that date, these undertakings shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

[1]

LUCIUS D. CLAY
General, U. S. Army
Military Governor
United States Zone

[1]

BRIAN H. ROBERTSON
General
Military Governor
British Zone

The Honorable
ROBERT D. MURPHY,
United States Political Adviser
For Germany.

The United States Political Adviser for Germany to the Military Governors for the United States and the United Kingdom Zones of Occupation of Germany

SIRS:

I have the honor to refer to the conversations which have recently taken place between representatives of the Government of the United States of America and of the Military Governors of the United States and United Kingdom Zones of Occupation of Germany relating to the territorial application of commercial arrangements between those Zones and certain other countries and to confirm the understanding reached as a result of these conversations as follows:

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[1] Signed at Berlin July 14, 1948.

1. The United States of America shall accord, immediately and unconditionally, to the merchandise trade of the United States/United Kingdom Zones of Occupation of Germany, treatment no less favorable than that accorded to the merchandise trade of any third country. Similarly, these Zones shall accord, immediately and unconditionally, to the merchandise trade of the United States of America and to the merchandise trade of each other country which has undertaken an obligation to apply most-favored-nation treatment to the merchandise trade of these Zones in an exchange of notes with the United States of America, treatment no less favorable than that accorded to the merchandise trade of any third country.

Exceptions.

2. Departures from the application of the most-favored-nation treatment provided for in paragraph 1 shall be permitted to the extent that they are in accord with the exceptions recognized in the General Agreement on Tariffs and Trade. The provisions of this paragraph shall not be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

Territorial application.

3. The provisions of paragraphs 1 and 2 shall apply, with respect to the United States of America, to all territory under its sovereignty or authority. Moreover, with regard to any area in the Free Territory of Trieste, in the occupation or control of which the Government of the United States of America participated, the Government of the United States of America shall, to the extent of its legal capacity, exercise its authority in such participation, to make the treatment provided for in paragraphs 1 and 2 applicable by such area to the merchandise trade of the United States and United Kingdom Zones. Those Zones shall accord the treatment provided for in paragraphs 1 and 2 to the merchandise trade of such area for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of those Zones.

4. The provisions of paragraphs 1 and 2 shall not derogate from such other obligations relative to the matters contained herein as may at any time be in effect between the Government of the United States of America and the Military Governors of the United States and United Kingdom Zones of Occupation of Germany.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either the Government of the United States of America or the Military Governors of the United States and United Kingdom Zones of Occupation of Germany shall have given notice in writing to the other of intention to terminate these undertakings on that date, these undertakings shall remain in force thereafter until the expira-

tion of six months from the date on which such notice shall have been given.

[1]
ROBERT D. MURPHY
United States Political Adviser
for Germany

BRIAN H. ROBERTSON
General
Military Governor
British Zone

LUCIUS D. CLAY
General, U. S. Army
Military Governor
United States Zone

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[1] Signed at Berlin July 14, 1948.

Agreement between the United States of America and Greece respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Athens July 2, 1948; entered into force July 2, 1948.

July 2, 1948
[T. I. A. S. 1826]

The American Chargé d'Affaires ad interim to the Greek Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY
Athens, Greece, July 2, 1948

No. 730

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Greece and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of Greece will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Provisional Commercial Agreement, signed November 15, 1938, or, for such time as the Governments of the United States of America and Greece may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Provisional Commercial Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

53 Stat. 2046.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Greece.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant

tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Greece to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Greece determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this Note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

K. L. RANKIN
Charge d'Affaires
ad interim

His Excellency
CONSTANTINE TSALDARIS,
Minister of Foreign Affairs,
Athens.

The Greek Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

ROYAUME DE GRÈCE

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

No. 6344

ATHENS, *July 2, 1948*

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating

[1] Department of State publication 3117.

to the territorial application of commercial arrangements between the United States of America and Greece and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of Greece will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Provisional Commercial Agreement, signed November 15, 1938, or, for such time as the Governments of the United States of America and Greece may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Provisional Commercial Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

53 Stat. 2046.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Greece.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Greece to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Greece determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this Note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Sir, the renewed assurances of my highest consideration.

C TSALDARIS
Deputy Prime Minister
and Minister for Foreign Affairs

K. L. RANKIN, Esquire,
Charge d'Affaires ad Interim,
American Embassy,
Athens.

Agreement between the United States of America and Iceland respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Reykjavik July 3, 1948; entered into force July 3, 1948.

July 3, 1948
[T. I. A. S. 1827]

The American Minister to the Icelandic Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN LEGATION
REYKJAVIK, ICELAND

NO. 78 *July 3, 1948*

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Iceland and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of Iceland will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Iceland signed August 27, 1943, or, for such time as the Governments of the United States of America and Iceland may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement signed August 27, 1943, shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

57 Stat. 1075

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Iceland.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the

event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Iceland to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Iceland determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Excellency, the renewed assurances of my highest consideration.

RICHARD P. BUTRICK.

His Excellency
BJARNI BENEDIKTSSON,
Minister for Foreign Affairs,
Reykjavik.

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[1] Department of State publication 3117.

The Icelandic Minister for Foreign Affairs to the American Minister

UTANRÍKISRÁÐUNEYTID
REYKJAVIK

hinn 3. júlí 1948.

Háttvirti sendiherra,

Eg leyfi mér að skírskota til viðræðna, sem nýlega hafa farið fram milli fulltrúa frá ríkisstjórnum okkar beggja, viðvíkjandi umráðasvæðum, sem viðskiptasamningar milli Íslands og Bandaríkja Ameríku skulu ná til og staðfesti, að samkvæmt þessum viðræðum hefur samkomulag náðst um eftirfarandi skilning:

1. Á meðan ríkisstjórn Bandaríkja Ameríku tekur þátt í hernámi eða gæzlu einhverra svæða í Vestur-Þýzkalandi, fríríkinu Trieste, Japan eða Suður-Koreu mun ríkisstjórn Íslands láta ákvæðin um beztukjarameðferð fyrir framleiðsluvörur Bandaríkja Ameríku í viðskiptasamningi, sem gerður var hinn 27. ágúst 1943 milli Íslands og Bandaríkja Ameríku, ná til framleiðsluvara slíkra svæða, og á meðan Ísland og Bandaríki Ameríku kunna bæði að vera samningsaðilar að hinum almenna samningi um tolla og viðskipti, sem gerður var hinn 30. október 1947, ákvæði þess samnings, er snerta beztukjarameðferð slíkra viðskipta, eins og þau eru nú eða verður síðar breytt.

Svo er til ætlazt, að loforð það, sem veitt er þessari málsgrein um beitingu beztukjaraákvæða samkvæmt viðskiptasamningnum, sem gerður var hinn 27. ágúst 1943, skuli háð þeim undantekningum, sem viðurkenndar eru í hinum almenna samningi um tolla og viðskipti, þar sem heimilað er að

víkja frá beitingu beztukjarameðferðar. Það er þó áskilið, að ekkert í þessum lið skuli skýrt þannig að fylgja beri þeim aðferðum, sem tilteknar eru í almenna samningnum með tilliti til beitingar slíkra undantekninga.

2. Loforðið í 1. málsgrein hér að framan skal einungis ná til framleiðsluvara þeirra landsvæða, sem þar eru talin, jafn lengi og að svo miklu leyti, sem þessi landsvæði veita framleiðsluvörum Íslands gagnkvæma beztukjarameðferð.

3. Gengið er að loforðum þeim, sem nefnd eru í 1. og 2. málsgrein hér að framan af því að engar tollahömlur, sem raunhæfar geta talizt eða þýðingu hafa, eru nú til varðandi innflutning til landsvæða þeirra, sem hér er um að ræða. Nú verða slíkar tollahömlur settar og skulu þá téð loforð ekki vera því til fyrirstöðu, að beitt verði meginreglum Havana sáttmálans um alþjóða viðskiptastofnun, varðandi lækkun tolla á gagnkvæmum hagstæðum grundvelli.

4. Það er viðurkennt að vegna þess, að samskonar gengi er ekki á landsvæðum Vestur-Þýzkalands, Japan eða Suður-Koreu, sem nefnd eru í 1. málsgrein, geti það haft þau áhrif að verðbæta óbeinlínis útflutning þessara landsvæða á þann hátt, sem erfitt getur orðið að reikna út nákvæmlega. Á meðan slíkt ástand ríkir, og ef ekki reynist unnt að leysa málið í samráði við Bandaríki Ameríku, er lítið svo á, að það mundi ekki vera í ósamræmi við loforðið í 1. málsgrein, að ríkisstjórn Íslands leggi gjald á innflutning slíks varnings, er nemi áætlaðri fjárhæð slíkrar verðuppbótar, og þar sem ríkisstjórn Íslands

ályktar, að verðuppbótin sé þess eðlis að geta valdið eða að hætt sé á, að hún hafi verulegt tjón í för með sér fyrir innlendar atvinnugreinar, sem fyrir hendi eru, eða geti hindrað eða tafið verulega fyrir því, að innlendum atvinnugreinum verði komið á fót.

5. Loforðin í þessu erindi skulu vera í gildi til 1. janúar 1951, og nema því aðeins að önnur hvor ríkisstjórnin hafi tilkynnt hinni skriflega með sex mánaða fyrirvara fyrir þann dag, að hún óski, að þau skuli ganga úr gildi, þá skulu þau halda gildi sínu þangað til sex mánuðir eru liðnir frá því, að slík tilkynning hefur verið gefin.

Ég leyfi mér, háttvirti sendiherra, að votta yður sérstaka virðingu mína.

Bjarni Benediktsson

Herra sendiherra
Richard P. Butrick,
Ameríska sendiráðið,
R e y k j a v í k.

Translation

MINISTRY OF FOREIGN AFFAIRS
REYKJAVIK
July 3, 1948.

MR. MINISTER:

I take the liberty of referring to the conversations which have recently taken place between representatives of our two Governments, relating to the territories to which the commercial agreements between Iceland and the United States of America shall apply, and to confirm that as a result of these conversations an understanding has been reached, as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of Iceland will apply to the products of such area the provisions relating to the most-favored-nation treatment for products of the United States of America in the trade agreement concluded on August 27, 1943 between Iceland and the United States of America, or for such time as Iceland and the United States of America may both be contracting parties to the General Agreement on Tariffs and Trade, concluded on October 30, 1947, the provisions of that Agreement, relating to the most-favored-nation treatment of such trade, as they now are or may hereafter be amended.

57 Stat. 1075.

61 Stat., Pts. 5 and 6.

It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions according to the Trade Agreement concluded on August 27, 1943, shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade, permitting departure from the application of most-favored-nation treatment. It is stipulated, however, that nothing in this section shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply only to the products of the areas referred to therein for such time and to such extent as such areas grant reciprocal most-favored-nation treatment to products of Iceland.

3. The undertakings in points 1 and 2, above, are entered into because no effective or significant tariff barriers now exist with respect to imports into the areas herein concerned. In the event that such tariff barriers are imposed, the undertakings will not interfere with the application of the principles of the Havana Charter for an International Trade Organization relating to reduction of tariffs on a mutually advantageous basis.

4. It is recognized that because there is no uniform rate of exchange in the areas of western Germany, Japan or southern Korea referred to in point 1, that may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition prevails, and if it does not prove possible to solve the problem in consultation with the United States

of America, it is understood that it would not be inconsistent with the undertakings in point 1 for the Government of Iceland to levy a duty on the importation of such goods, equivalent to the estimated amount of such subsidization, where the Government of Iceland determines that the subsidization is such that it may cause or there is danger that it may do material injury in and of itself to established domestic industries, or can prevent or materially retard the establishment of domestic industries.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless six months before that date either Government has announced in writing that it desires that they shall cease to be in effect, they shall remain in force thereafter until the expiration of six months from the date on which notification has been given.

I take the liberty, Mr. Minister, of expressing to you my special consideration.

BJARNI BENEDIKTSSON

Minister RICHARD P. BUTRICK,
American Legation,
Reykjavik.

June 28, 1948
[T. I. A. S. 1828]

Agreement between the United States of America and Ireland respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Dublin June 28, 1948; entered into force June 28, 1948.

The American Minister to the Irish Minister for External Affairs

No. 232 JUNE 28, 1948.

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Ireland and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of Ireland will extend to the merchandise trade of such areas the most favored nation treatment for the time being accorded to the merchandise trade of the United States of America. It is understood that the undertaking in this paragraph relating to the extension of most favored nation treatment shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most favored nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of Ireland.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition

[1] Department of State publication 3117.

exists, and if consultation with the Government of the United States of America fails to reach an agreed solution of the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Ireland to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Ireland determines that the subsidization is such as to cause or threaten material injury to an established domestic industry, or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Duration.

Please accept, Excellency, the renewed assurances of my highest consideration.

GEORGE A. GARRETT

His Excellency
SEAN MACBRIDE,
Minister for External Affairs
for the Government of Ireland,
Dublin.

The Irish Minister for External Affairs to the American Minister

ROINN GNOTHAI EACHTRACHA
DEPARTMENT OF EXTERNAL AFFAIRS

BAILE ÁTHA CLIATH
DUBLIN
28th June, 1948.

EXCELLENCY,

I have the honour to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Ireland, and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of Ireland will extend to the merchandise trade of such areas the most-favoured-nation treatment for the time being accorded to the merchandise trade of the United States of America. It is understood that the undertaking in this paragraph relating to the extension of most-favoured-nation treatment shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favoured-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified

in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favoured-nation treatment to the merchandise trade of Ireland.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Ireland to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Ireland determines that the subsidization is such as to cause or threaten material injury to an established domestic industry, or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this Note shall remain in force until January 1, 1951, and, unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Excellency, the renewed assurance of my highest consideration.

SEÁN MACBRIDE
Minister for External Affairs.

His Excellency GEORGE A. GARRETT,
Envoy Extraordinary and Minister
Plenipotentiary of the
United States of America,
Dublin.

Agreement between the United States of America and Italy respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Rome June 28, 1948; entered into force June 28, 1948.

June 28, 1948
[T. I. A. S. 1829]

The American Ambassador to the Italian Minister of Foreign Affairs

F. O. No. 1445

ROME, *June 28, 1948.*

EXCELLENCY,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Italy and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, Japan or southern Korea, the Government of Italy will apply to the merchandise trade of such areas the provisions relating to the most favored nation treatment of the merchandise trade of the United States of America set forth in the Treaty of Friendship, Commerce and Navigation, signed February 2, 1948 [1] (and, pending the entry into force of such Treaty, in the exchange of Notes on commercial policy of August 14, 1947), or, for such time as the Governments of the United States of America and Italy may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that agreement, as now or hereafter amended, relating to the most favored nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most favored nation provisions of the Treaty of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the general agreement on tariffs and trade permitting departures from the application of most favored nation treatment, and that the undertaking relating to the exchange of notes on commercial policy shall be subject to such exceptions and to the exceptions recognized in the Treaty of Friendship, Commerce and Navigation; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the general agreement with regard to the application of the exceptions in the general agreement.

61 Stat., Pt. 4, p. 3962.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1 above will apply to the trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of Italy.

[1] Treaties and Other International Acts Series 1965.

3. The undertakings in points 1 and 2 above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Habana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Italy to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Italy determines that the subsidization is such as to cause or to threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

His Excellency
Count CARLO SFORZA,
Minister of Foreign Affairs,
Rome.

The Italian Minister of Foreign Affairs to the American Ambassador

IL MINISTRO DEGLI AFFARI ESTERI

ROMA, *28 Giugno 1948.*

ECCELLENZA,

Con lettera in data odierna V. E. ha voluto comunicarmi quanto segue:

"I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the

[1] Department of State publication 3117.

United States of America and Italy and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, Japan or southern Korea, the Government of Italy will apply to the merchandise trade of such areas the provisions relating to the most favored nation treatment of the merchandise trade of the United States of America set forth in the Treaty of Friendship, Commerce and Navigation, signed February 2, 1948 (and, pending the entry into force of such Treaty, in the exchange of Notes on commercial policy of August 14, 1947), or, for such time as the Governments of the United States of America and Italy may both be contracting parties to the general agreement on tariffs and trade, dated October 30, 1947, the provisions of that agreement, as now or hereafter amended, relating to the most favored nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most favored nation provisions of the Treaty of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the general agreement on tariffs and trade permitting departures from the application of most favored nation treatment and that the undertaking relating to the exchange of notes on commercial policy shall be subject to such exceptions and to the exceptions recognized in that Treaty of Friendship, Commerce and Navigation; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the general agreement with regard to the application of the exceptions in the general agreement.

61 Stat., Pt. 4, p. 3962.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1 above will apply to the trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the marchandise trade of Italy.

3. The undertakings in points 1 and 2 above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Italy to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where

the Government of Italy determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given".

Ho l'onore di informarLa che il Governo italiano è d'accordo su quanto precede.

Mi è grata l'occasione, Eccellenza, per rinnovarLe l'espressione della mia più alta considerazione.

SFORZA

A S. E. JAMES CLEMENT DUNN
Ambasciatore degli Stati Uniti d'America
Roma

Translation

THE MINISTRY OF FOREIGN AFFAIRS

ROME, *June 28, 1948.*

EXCELLENCY:

In a letter dated today Your Excellency was so good as to communicate to me the following:

[For the English language text of the note, see p. 2914.]

I have the honor to inform you that the Italian Government is in accord with the foregoing.

I welcome the occasion, Excellency, to renew to you the assurances of my highest consideration.

SFORZA

His Excellency
JAMES CLEMENT DUNN
Ambassador of the United States of America
Rome

Agreement between the United States of America and Luxembourg respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Luxembourg July 3, 1948; entered into force July 3, 1948.

July 3, 1948
[T. I. A. S. 1830]

The American Chargé d'Affaires ad interim to the Luxembourg Minister of Foreign Affairs

No. 30

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Grand Duchy of Luxembourg and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany and in the Free Territory of Trieste, the Government of Luxembourg will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947 as now or hereafter amended, relating to most-favored nation treatment. 61 Stat., Pts. 5 and 6.

2. The undertaking in point one above will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored nation treatment to the merchandise trade of Luxembourg.

3. The undertakings in points one and two above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in point 1 above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Luxembourg to levy a countervailing duty on imports of such goods equivalent to the

[1] Department of State publication 3117.

estimated amount of such subsidization, where the Government of Luxembourg determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

GEORGE P. WALLER

LUXEMBOURG, *July 3, 1948*

The Luxembourg Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTÈRE
DES AFFAIRES ETRANGÈRES

LUXEMBOURG, *le 3 juillet 1948.*

MONSIEUR LE CHARGÉ D'AFFAIRES,

J'ai l'honneur de me référer aux conversations qui viennent d'avoir lieu entre les représentants de nos deux Gouvernements au sujet de l'application territoriale des arrangements commerciaux existant entre le Grand-Duché de Luxembourg et les Etats-Unis d'Amérique, et de confirmer comme résultat de ces conversations l'accord intervenu sur les points suivants:

I. Aussi longtemps que le Gouvernement des Etats-Unis participera à l'occupation ou au contrôle de tout territoire en Allemagne occidentale et dans le territoire de la ville libre de Trieste, le Gouvernement luxembourgeois appliquera au commerce desdits territoires les dispositions de l'Accord Général sur les Tarifs et le Commerce daté du 30 octobre 1947, tel qu'il est ou sera amendé, relatives au traitement de la nation la plus favorisée.

II. L'engagement contracté au paragraphe ci-dessus ne s'appliquera à toutes zones soumises à l'occupation militaire que pendant la période et dans la mesure où lesdites zones accorderont réciproquement le traitement de la nation la plus favorisée au commerce luxembourgeois.

III. Les engagements contractés aux paragraphes I et II ci-dessus sont pris en considération de l'absence actuelle de barrières douanières effectives aux importations dans les zones d'occupation ainsi définies. Dans le cas où de telles barrières douanières seraient établies, il est entendu que lesdits engagements ne préjugeraient en rien l'application des principes énoncés dans la Charte de La Havane pour une Organisation Internationale du Commerce, concernant la réduction des tarifs sur une base mutuellement avantageuse.

IV. Il est reconnu que l'absence d'un taux de change uniforme pour la monnaie des zones d'Allemagne occidentale dont question au

paragraphe I ci-dessus, pourrait avoir l'effet de subventionner indirectement les exportations de ces zones d'une façon qu'il serait difficile de calculer exactement. Aussi longtemps qu'une telle circonstance existera et si des consultations avec le Gouvernement des Etats-Unis ne permettent pas de résoudre ce problème d'un commun accord, il est entendu qu'il ne serait pas contraire aux engagements pris au paragraphe I par le Gouvernement luxembourgeois, d'imposer un droit équivalent sur les importations de ces marchandises pour compenser le montant évalué de ces subventions, lorsque le Gouvernement luxembourgeois déciderait que la subvention est telle qu'elle cause ou qu'elle menace de causer des dommages matériels à une industrie nationale ou qu'elle empêche ou retarde l'établissement d'une industrie nationale.

V. Les engagements convenus dans cet échange de lettres demeureront en vigueur jusqu'au Ier janvier I95I, et, à moins que six mois au moins avant le Ier janvier I95I, l'un ou l'autre des Gouvernements ait donné à l'autre Gouvernement préavis par écrit de son intention de mettre fin à ces engagements à cette date, ceux-ci demeureront en vigueur jusqu'à l'expiration d'un délai de six mois à partir de la date à laquelle aura été signifiée l'intention d'y mettre fin.

Je saisis cette occasion, Monsieur le Chargé d'Affaires, pour vous renouveler les assurances de ma considération la plus distinguée.

Pr. le Ministre des Affaires Etrangères,
Le Ministre d'Etat,
Président du Gouvernement,
P. DUPONG

Monsieur GEORGE P. WALLER,
Chargé d'Affaires a. i. des
Etats-Unis d'Amérique
à Luxembourg.–

Translation

MINISTRY OF FOREIGN AFFAIRS LUXEMBOURG, *July 3, 1948.*

Mr. CHARGÉ D'AFFAIRES:

I have the honor to refer to the conversations which have just taken place between the representatives of our two Governments on the subject of the territorial application of the trade agreements in force between the Grand Duchy of Luxembourg and the United States of America, and to confirm, as a result of those conversations, the agreement reached on the following points:

I. As long as the United States Government participates in the occupation or control of any territory in Western Germany or the territory of the free city of Trieste, the Luxembourg Government will apply to trade with the said territories the provisions of the General Agreement on Tariffs and Trade dated October 30, 1947, as it now stands or as it may be amended, relative to most-favored-nation treatment. 61 Stat., Pts. 5 and 6.

II. The commitment undertaken in the above paragraph shall apply to all zones subjected to military occupation only as long as and to the extent that the aforesaid zones grant, reciprocally, most-favored-nation treatment to trade with Luxembourg.

III. The commitments undertaken in paragraphs I and II hereinabove have been assumed in consideration of the present absence of customs barriers applying to imports into the occupation zones thus defined. In the event such customs barriers are established, it is understood that the aforesaid commitments shall not prejudice in any way the application of the principles expressed in the Havana Charter for an International Trade Organization concerning the reduction of tariffs on a mutually advantageous basis.

IV. It is recognized that the absence of a uniform rate of exchange for the currency of the zones of Western Germany mentioned in paragraph I hereinabove may have the effect of indirectly subsidizing exports from those zones in a manner which may be difficult to estimate exactly. As long as such a condition exists, and if consultations with the United States Government do not make it possible for this problem to be solved by common agreement, it is understood that it would not be contrary to the obligations assumed in paragraph I by the Luxembourg Government to impose an equivalent duty on imports of such goods in order to make up for the appraised amount of such subsidies, in case the Luxembourg Government should decide that the subsidy is such as to cause or threaten to cause material damage to a national industry, or such as to prevent or delay the establishment of a national industry.

V. The agreements reached in this exchange of letters shall remain in force until January 1, 1951, and, unless one of the Governments gives to the other Government, at least six months before January 1, 1951, written notice of its intention to terminate these commitments on that date, the said commitments shall remain in force until the expiration of a period of six months after the date on which the intention to terminate them has been notified.

I avail myself of this occasion, Mr. Chargé d'Affaires, to renew to you the assurances of my most distinguished consideration.

For the Minister of Foreign Affairs,
Prime Minister,
President of the Government,
P. DUPONG

MR. GEORGE P. WALLER,
Chargé d'Affaires ad interim of
The United States of America,
Luxembourg

Agreement between the United States of America and the Netherlands respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at The Hague July 2, 1948; entered into force July 2, 1948.

July 2, 1948
[T. I. A. S. 1831

The American Ambassador to the Netherlands Minister of Foreign Affairs

THE HAGUE, *July 2, 1948.*

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Kingdom of the Netherlands and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, the Government of the Netherlands will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended, relating to most-favored-nation treatment. 61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the Netherlands.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, referred to in point 1, above, may have the effect of indirectly subsiziding the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of the Netherlands to levy a countervailing duty on imports of such goods equivalent to the

[1] Department of State publication 3117.

estimated amount of such subsidization, where the Government of the Netherlands determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and, unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

HERMAN BENJAMIN BARUCH

His Excellency
Baron C. G. W. H. VAN BOETZELAER VAN OOSTERHOUT,
Minister of Foreign Affairs,
The Hague.

The Netherlands Minister of Foreign Affairs to the American Ambassador

THE HAGUE, *July 2, 1948.*

SIR,

I have the honour to acknowledge the receipt of your Excellency's Note of to-day's date, reading as follows:

" I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Kingdom of the Netherlands and to confirm the understanding reached as a result of these conversations as follows:

" 1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, the Government of the Netherlands will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended, relating to most-favored-nation treatment.

61 Stat., Pts. 5 and 6.

" 2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the Netherlands.

" 3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood

that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

" 4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of the Netherlands to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of the Netherlands determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

" 5. The undertakings in this note shall remain in force until January 1, 1951, and, unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I have the honour to inform your Excellency that the Netherlands Government agree with the contents of the above Note.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

W. v. BOETZELAER.

His Excellency
Dr. HERMAN B. BARUCH,
Ambassador Extraordinary
and Plenipotentiary of the
United States of America,
The Hague.

July 3, 1948
[T. I. A. S. 1832]

Agreement between the United States of America and Norway respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Oslo July 3, 1948; entered into force July 3, 1948.

The American Ambassador to the Norwegian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 607. OSLO, *July 3, 1948.*

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between the representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Norway and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Royal Norwegian Government will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended, relating to the most-favored-nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Norway.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it it understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization[1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America

[1] Department of State publication 3117.

fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Royal Norwegian Government to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Royal Norwegian Government determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Duration.

Please accept, Excellency, the renewed assurances of my highest consideration.

C. ULRICK BAY

His Excellency
Monsieur HALVARD M. LANGE,
Royal Norwegian Minister
for Foreign Affairs,
Oslo.

The Norwegian Minister for Foreign Affairs to the American Ambassador

Det Kgl. Utenriksdepartement Oslo, 3. juli 1948.

Herr Ambassadör,

Jeg har den ære å henvise til de samtaler som nylig har funnet sted mellom representanter for våre to regjeringer vedrörende den territoriale anvendelse av visse handelsbestemmelser gjeldende mellom Norge og Amerikas Forente Stater, og å bekrefte följende forståelse som en nådde frem til under de nevnte samtaler:

1. Den kgl. norske regjering vil så lenge som Amerikas Forente Staters regjering deltar i okkupasjonen eller kontrollen av noe område i Vest-Tyskland, det frie område Trieste, Japan eller Syd-Korea, gi varehandelen med vedkommende område bestevilkårsbehandling i samsvar med bestemmelsene i Generalavtalen om tolltariffer og handel, datert 30. oktober 1947, enten i sin nåværende eller i sin fremtidige endrede ordlyd.

2. De forpliktelser som följer av punkt 1 ovenfor, skal gjelde for vedkommende områdes varehandel bare for så lang tid og i den utstrekning som vedkommende område tilstår Norges varehandel gjensidig bestevilkårsbehandling.

3. De forpliktelser som följer av punkt 1 og 2 ovenfor, har partene påtatt seg i lys av det faktum at det for tiden ikke finnes effektiv eller nevneverdig tollbeskyttelse for importen i vedkommende område. For det tilfelle at slik tollbeskyttelse blir innfört, er det underforstått at disse forpliktelser ikke

skal være til hinder for anvendelse av de grunnsetninger som er fastlagt i Havanacharteret for en internasjonal handelsorganisasjon når det gjelder reduksjon av tollsatser på en gjensidig fordelaktig basis.

4. Det erkjennes at mangelen av en ensartet valutakurs for de områder i Vest-Tyskland, Japan og Syd-Korea som er omhandlet i punkt 1. ovenfor, kan medföre en indirekte subsidiering av eksporten fra slike områder i en grad som det vil være vanskelig å fastslå nöyaktig. Så lenge en slik situasjon er til stede, og hvis rådföring med Amerikas Forente Staters regjering ikke förer til en lösning av problemet som begge parter er enige om, er det underforstått at det ikke skal være uforenlig med forpliktelsene i punkt 1. om den kgl. norske regjering pålegger en særskilt avgift (countervailing duty) på importen av slike varer tilsvarende det antatte subsidieringsbelöp, når den kgl. norske regjering finner at subsidieringen er slik at den forårsaker eller truer med å forårsake alvorlig skade på en innarbeidet innenlandsk industri eller er av den art at den forhindrer eller alvorlig forsinker oppbyggingen av en innenlandsk industri.

5. De forpliktelser som följer av denne note, skal forbli i kraft inntil 1. januar 1951, og hvis ikke en av regjeringene minst 6 måneder för 1. januar 1951 har gitt den annen skriftlig underretning om at den har til hensikt å bringe til opphör disse forpliktelser på vedkommende dag, skal de forbli i kraft inntil utlöpet av 6 måneder fra den dag da slik underretning blir gitt.

Motta, herr Ambassadör, forsikringen om min mest utmerkede höyaktelse.

Halvard M. Lange

H. E. HERR CHARLES ULRICK BAY,
Amerikas Forente Staters Ambassadör,
etc., etc., etc.,
Oslo.

Translation

THE ROYAL DEPARTMENT FOR FOREIGN AFFAIRS

OSLO, *July 3, 1948.*

MR. AMBASSADOR:

I have the honor to refer to the conversations which recently took place between representatives of our two Governments regarding the territorial application of certain trade regulations in force between Norway and the United States of America, and to confirm the following agreement reached during the said conversations:

1. As long as the Government of the United States of America participates in the occupation or control of any territory in western Germany, the Free Territory of Trieste, Japan, or South Korea, the Royal Norwegian Government will accord trade with such territory most-favored-nation treatment in conformity with the provisions of the General Agreement of October 30, 1947 on Tariffs and Trade, whether it be in its present text or in a future, amended text.

61 Stat., Pts. 5 and 6.

2. The obligations under Point 1 above shall apply to the trade of such territory only for such a length of time and to such an extent as the said territory accords the trade of Norway reciprocal most-favored-nation treatment.

3. The obligations under Points 1 and 2 above have been assumed by the Parties in view of the fact that at present there is no effective or appreciable customs protection for imports in such territory. In case such customs protection is introduced, it is understood that these obligations shall not constitute any obstacle to the application of the principles laid down in the Havana Charter for an International Trade Organization when it is a question of reducing customs tariffs on a mutually advantageous basis.

4. It is realized that the lack of a uniform rate of exchange for the territories in western Germany, Japan, and South Korea, referred to under Point 1 above may result in an indirect subsidizing of exports from such territories to an extent which it will be difficult to determine exactly. As long as such a situation prevails, and if consultations with the Government of the United States of America do not lead to a solution of the problem agreeable to both Parties, it is understood that it shall not be held incompatible with the obligations under Point 1 if the Royal Norwegian Government imposes a special duty (countervailing duty) on the importation of such goods, corresponding to the estimated amount of the subsidy whenever the Royal Norwegian Government finds that the subsidizing is such as to cause or threaten to cause serious damage to an established domestic industry or is of such nature as to prevent or seriously delay the building up of a domestic industry.

The obligations under this note shall remain in force until January 1, 1951 and if neither Government shall have notified the other Government in writing at least six months before January 1, 1951 that

it intends to terminate these obligations on that date, they shall remain in force until six months after the date on which such notification is given.

Accept, Mr. Ambassador, the assurance of my highest consideration.

HALVARD M. LANGE

His Excellency
CHARLES ULRICK BAY,
Ambassador of the United States of America,
etc. etc. etc.,
Oslo.

July 3, 1948
[T. I. A. S. 1833]

Agreement between the United States of America and Sweden respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Stockholm July 3, 1948; entered into force July 3, 1948.

The American Ambassador to the Swedish Minister of Foreign Affairs

STOCKHOLM, *July 3, 1948*

No. 109

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Sweden and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Sweden will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Sweden signed May 25, 1935 (including, for its duration, the memoranda as to its application exchanged June 12, 1948), or, for such time as the Governments of the United States of America and Sweden may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement of 1935 shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

49 Stat. 3755.

Ante, p. 2647.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Sweden.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the

principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Sweden to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Sweden determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Duration.

Accept, Excellency, the renewed assurances of my highest consideration.

H. FREEMAN MATTHEWS

His Excellency
ÖSTEN UNDÉN,
Minister of Foreign Affairs,
Stockholm.

The Swedish Minister of Foreign Affairs to the American Ambassador

KUNGL. UTRIKES DEPARTEMENTET

STOCKHOLM, *July 3, 1948.*

MR. AMBASSADOR,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between Sweden and the United States of America and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Sweden

[1] Department of State publication 3117.

will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between Sweden and the United States of America signed May 25, 1935 (including, for its duration, the memoranda as to its application exchanged June 12, 1948), or, for such time as the Governments of Sweden and the United States of America may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement of 1935 shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

49 Stat. 3755.

Ante, p. 2647.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Sweden.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Sweden to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Sweden determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall

remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Mr. Ambassador, the renewed assurances of my highest consideration.

ÖSTEN UNDÉN

Mr. H. FREEMAN MATTHEWS,
Ambassador of the United States of America,
etc., etc., etc.
Stockholm.

July 4, 1948
[T. I. A. S. 1834]

Agreement between the United States of America and Turkey respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Ankara July 4, 1948; entered into force July 13, 1948.

The American Ambassador to the Turkish Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Ankara, Turkey
July 4, 1948

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Republic of Turkey and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Government of the Republic of Turkey will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Turkey, signed April 1, 1939, or, for such time as the Governments of the United States of America and the Republic of Turkey may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

54 Stat. 1870.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the Republic of Turkey. In this connection, the Government of the United States of America will seek arrangements whereby such areas will accord most-favored-nation treatment (including most-favored-nation treatment in the application

of quantitative restrictions in accordance with the principles of the General Agreement on Tariffs and Trade) to the merchandise trade of Turkey.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach any agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of the Republic of Turkey to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of the Republic of Turkey determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this Note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.[2] Duration.

Please accept, Excellency, the renewed assurances of my highest consideration.

EDWIN C. WILSON

His Excellency
NECMEDDIN SADAK
Minister of Foreign Affairs
Ankara.

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[1] Department of State publication 3117.

[2] Entered into force July 13, 1948, the date on which the Turkish Ministry of Foreign Affairs gave notice to the American Embassy at Ankara of ratification of the notes by the Grand National Assembly of Turkey.

The Turkish Minister of Foreign Affairs to the American Ambassador

TÜRKİYE CUMHURİYETİ
DIŞİŞLERİ BAKANLIĞI

Ankara, 4 Temmuz 1948

Ekselans,

Türkiye Cumhuriyeti ile Amerika Birleşik Devletleri arasındaki ticarî tertiplerin âtide mezkûr sahalar dahilinde tatbikine müteallik olarak iki Hükûmetimiz Mümessilleri beyninde ahiren cereyan etmiş bulunan mükâlemelere atıf yapmak ve işbu mükâlemeler neticesinde varılmış olan anlaşmayı aşağıda teyid etmekle şerefyabım :

1 - Amerika Birleşik Devletleri Garbî Almanya, Triyeste Serbest Toprağı, Japonya yahud Cenubî Kore'deki herhangi bir sahada işgale veya mürakabeye iştirak eylediği müddetçe Türkiye Cumhuriyeti Hükûmeti mezkûr sahaların emtia ticaretine, Türkiye ile Amerika Birleşik Devletleri arasında 1 Nisan 1939-da imza edilmiş olan Ticaret Anlaşmasında muharrer, Amerika Birleşik Devletleri emtia ticaretinin en fazla müsaadeye mazhar milletinki muamelesini görmesine müteallik hükümleri ve yahud, Türkiye Cumhuriyeti ve Amerika Birleşik Devletleri Hükûmetleri, 30 Ekim 1947 tarihli Gümrük Tarifeleri ve Ticaret hakkında Umumî Anlaşmaya âkid taraflar bulundukları müddetçe, mevzuubahs anlaşmanın, mezkûr ticaretin en fazla müsaadeye mazhar milletinki

muamelesini görmesine dair olan ve şimdiki veya bilâhara tadil edilecek anlaşmanın hükümlerini tatbik eyliyecektir. Ticaret Anlaşmasının en fazla müsaadeye mazhar millet muamelesi hükümlerinin tatbikine dair bu fıkrada mevcud teahhüdün Gümrük Tarifeleri ve Ticaret Umumî Anlaşmasında muharrer olup en fazla müsaadeye mazhar millet muamelesinin ademi tatbikine cevaz veren istisnalara tâbi olacağı kabul edilmektedir; şu kadar ki bu cümlede hiç bir şey, mezkûr istisnaların tatbiki hakkında Umumî Anlaşmada tasrih edilen muameleye ittibaı gerektirdiği şeklinde tefsir olunmıyacaktır.

2 - Yukarıdaki 1 numaralı fıkrada muharrer taahhüt; ancak mezkûr fıkrada adı geçen herhangi bir saha, Türkiye Cumhuriyeti emtia ticaretine mütekabilen en fazla müsaadeye mazhar millet muamelesi tatbik ettiği müddetçe ve ettiği nisbette o sahanın emtia ticareti hakkında hüküm ifade edecektir. Bu hususda, Amerika Birleşik Devletleri Hükûmeti (Tarifeler ve Ticarete dair Genel Anlaşmanın prensipleri gereğince kemmî tahdidatın tatbikinde en ziyade müsaadeye mazhar devlet muamelesi dahil olmak üzere) bu gibi mıntakaların Türkiye emtia ticaretine en ziyade müsaadeye mazhar devlet muamelesini temin etmeleri için icabını arayacakdır.

3 - Yukarıdaki 1 ve 2 numaralı fıkralarda muharrer taahhütlere, burada mevzuubahs olan sahalara ithalât yapmak hususunda elyevm tesirli veya ehemmiyetli gümrük maniaları mevcud bulunmadığı gözönünde tutularak girilmektedir. Bu gibi gümrük maniaları vazolunduğu takdirde mezkûr taahhütlerin, bir milletlerarası ticaret teşkilâtı tesisine müteallik Havana Beyannamesinde zikrolunan ve gümrük tarifelerini mütekabil menfaat esasına müsteniden tenkis etmekten bâhis bulunan umdelerin tatbikini haleldar etmemesi kabul olunmaktadır .

4 - Yukarıdaki 1 numaralı fıkrada mevzuubahs Gar-

bî Almanya, Japonya veya Cenubî Kore sahalarında geçen para için yeknasak bir kambiyo rayici olmamasının, bu sahaların ihracatına, dakik surette hesaplanması müşkil olan, bir bilvasıta prim verme tesirini yapabileceği takdir edilmektedir. Böyle bir hal devam ettiği müddetçe ve Amerika Birleşik Devletleri Hükûmetiyle yapılacak müşavere, meseleye, tarafeynin muvafakat edeceği, bir hal çaresi temin edemezse mevzuubahs prim vermenin Türkiye'de müesses sanayii maddeten zarardide ettiğini veya etmek tehlikesi gösterdiğini ve yahud millî sanayiin tesisine mani olacağını veya teessüsünü maddeten geciktireceğini Türkiye Cumhuriyeti Hükûmeti tesbit eylediği takdirde verilen primin muhammen mikdarını karşılayacak derecede bir muvazene vergisini bu gibi emtia üzerine tarheylemesinin 1 numaralı fıkradaki taahhütle mütebayin düşmediği kabul olunur.

5 - Bu Notadaki taahhütler 1 Ocak 1951 tarihine kadar meriyette kalacak ve her iki Hükûmetten biri diğerine bu taahhütleri o tarihte hitama erdirmek niyetinde olduğunu 1 Ocak 1951-den en az 6 ay evvel tahriren bildirmediği takdirde mezkûr taahhütler 1 Ocak 1951-den sonra vaki olabilecek tahrirî bir fesih ihbarı tarihinden itibaren 6 ay geçinceye kadar meriyette kalacakdır.

Yüksek saygılarımın lûtfen kabulünü rica ederim, Ekselans.

N. Yaşar

Ekselans
Edwin C. W I L S O N,
Amerika Birleşik Devletleri
Büyük Elçisi .
A n k a r a

Translation

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

ANKARA, *July 4, 1948*

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Republic of Turkey and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of the Republic of Turkey will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Turkey, signed April 1, 1939, or, for such time as the Governments of the United States of America and the Republic of Turkey may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947, the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

54 Stat. 1870.

61 Stat., Pts. 5 and

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of the Republic of Turkey. In this connection, the Government of the United States of America will seek arrangements whereby such areas will accord most-favored-nation treatment (including most-favored-nation treatment in the application of quantitative restrictions in accordance with the principles of the General Agreement on Tariffs and Trade) to the merchandise trade of Turkey.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade

Organization relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach any agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of the Republic of Turkey to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of the Republic of Turkey determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this Note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

N. SADAK

His Excellency
EDWIN C. WILSON,
Ambassador of the
United States of America.
Ankara

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at London July 6, 1948; entered into force July 6, 1948.

July 6, 1948
[T. I. A. S. 1835]

The American Ambassador to the British Secretary of State for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
London, July 6, 1948

No: 2582

SIR:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the United Kingdom and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as either the Government of the United States of America or the Government of the United Kingdom of Great Britain and Northern Ireland participates in the occupation or control of any areas in Western Germany or the Free Territory of Trieste, the other Government will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947, as now or hereafter amended, relating to most-favored-nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in paragraph 1, above, will apply on the part of the Government of the United States of America or the Government of the United Kingdom of Great Britain and Northern Ireland to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored nation treatment to the merchandise trade of the United States of America or the United Kingdom of Great Britain and Northern Ireland, respectively.

3. The undertakings in paragraphs 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. If such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization[1] relating to the reduction of tariffs on a mutually advantageous basis.

[1] Department of State publication 3117.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany referred to in paragraph 1 above may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in paragraph 1 for the Government of the United Kingdom to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of the United Kingdom determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

Duration.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS W. DOUGLAS

The Right Honorable
ERNEST BEVIN, M. P.,
Secretary of State for Foreign Affairs,
The Foreign Office,
Whitehall, S.W.1.

The British Secretary of State for Foreign Affairs to the American Ambassador

FOREIGN OFFICE,
S. W. 1.
6th July, 1948.

YOUR EXCELLENCY,

I have the honour to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the United Kingdom and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as either the Government of the United States of America or the Government of the United Kingdom of Great Britain and Northern Ireland participates in the occupation or control of any areas in Western Germany or the Free Territory of Trieste, the other Government will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated the 30th October, 1947, as now or hereafter amended, relating to most-favoured-nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in paragraph 1, above, will apply on the part of the Government of the United States of America or the Government of the United Kingdom of Great Britain and Northern Ireland to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favoured-nation treatment to the merchandise trade of the United States of America or the United Kingdom of Great Britain and Northern Ireland, respectively.

3. The Undertakings in paragraphs 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. If such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organisation relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognised that the absence of a uniform rate of exchange for the currency of the areas in Western Germany referred to in paragraph 1 above may have the effect of indirectly subsidising the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in paragraph 1 for the Government of the United Kingdom to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidisation, where the Government of the United Kingdom determines that the subsidisation is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until the 1st January, 1951, and unless at least six months before 1st January, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

ERNEST BEVIN

His Excellency
The Honourable
LEWIS W. DOUGLAS,
etc., etc., etc.,
1, Grosvenor Square,
W. 1.

Agreement between the United States of America and China respecting economic cooperation under Public Law 472, 80th Congress. Signed at Nanking July 3, 1948; entered into force July 3, 1948.

July 3, 1948
[T. I. A. S. 1837]

ECONOMIC AID AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA

ECONOMIC AID AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA

PREAMBLE.

The Government of the United States of America and the Government of the Republic of China:

Considering that it is the policy of the Government of the United States of America to extend economic assistance to the people and the Government of China in accordance with the provisions of the China Aid Act of 1948; and

62 Stat., Pt. 1, p. 158.

Considering that it is the policy of the Government of China to undertake a vigorous program of self help in order to create more stable economic conditions in China, and to improve commercial relations with other countries;

Have agreed as follows:

ARTICLE I.

Assistance requested by China.

The Government of the United States of America undertakes to assist China, by making available to the Government of China or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, limitations and conditions, of the China Aid Act of 1948 (other than Section 404 (b) thereof), acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of China only such commodities, services and other assistance as are authorized to be made available by such acts. The Government of the United States of America may suspend or terminate at any time the assistance under this Article.

62 Stat., Pt. 1, p. 158.

Suspension or termination of assistance.

ARTICLE II.

General undertakings by China.

1. In order to achieve the maximum improvement of economic conditions through the employment of assistance received from the Government of the United States of America, the Government of China undertakes

Post, p. 2954.

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of economic resources available to it, including

(1) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement;

(2) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of its efforts to improve economic conditions, in China, assets, and earnings therefrom which belong to nationals of China and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of China to dispose of such assets;

(b) to promote the development of industrial and agricultural production on a sound economic basis;

(c) to initiate and maintain financial, monetary, budgetary and administrative measures necessary for the creation of more stable currency conditions and for the promotion of production and marketing of goods for domestic consumption and export; and

(d) to cooperate with other countries in facilitating and stimulating an increasing interchange of goods and services with other countries and in reducing public and private barriers to trade with other countries.

2. The Government of China will take the measures which it deems appropriate to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which have the effect of interfering with the purposes and policies of this Agreement.

ARTICLE III.

Improvement of commercial relations with other countries.

1. The Government of China undertakes to make all practicable efforts to improve commercial relations with other countries, including measures to improve the conditions affecting the carrying on of foreign trade by private enterprises in China.

2. The Government of China, in carrying out the provisions of paragraph 1 of this Article, will, among other measures, administer such import and exchange controls as are, or may be, made necessary by the exigencies of China's international balance of payments and the foreign exchange resources available to the Government of China, in a uniform, fair and equitable manner.

3. The Government of the United States of America and the Government of China will consult, upon the request of either, regarding any matter relating to the application of the provisions of this Article.

ARTICLE IV.

Processing and distribution of commodities.

1. All commodities provided by the Government of the United States of America pursuant to this Agreement shall be processed and distributed by commercial enterprises or by private or Chinese Government agencies, and in accordance with terms and conditions, agreed upon from time to time between the Government of the United States of America and the Government of China.

2. The Government of China, in consultation with representatives of the United States of America, will take all appropriate

steps designed to achieve fair and equitable distribution within the areas under its control of commodities provided by the Government of the United States of America pursuant to this Agreement and of similar commodities imported into China with other funds or produced locally. To the extent that circumstances and supply availabilities permit, a distribution and price control system shall be inaugurated or maintained in urban centers of China with the intent of insuring that all classes of the population shall receive a fair share of imported or indigenously produced essential civilian supplies. In permitting expendable commodities made available under this Agreement to be utilized in support of the Chinese efforts to improve consumption and price controls, it is understood that the Government of the United States of America takes no responsibility for the success of these urban programs.

Pricing of U. S. supplies.

3. The prices at which supplies furnished by the United States of America pursuant to this Agreement will be sold in China shall be agreed upon between the Government of the United States of America and the Government of China.

ARTICLE V.

Local currency. *Post*, p. 2953.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis pursuant to this Agreement.

Special account; deposits.

2. The Government of China agrees to establish a special account in the Central Bank of China in the name of the Government of China (hereinafter called the special account) and to make deposits in Chinese currency to this account as follows:

(a) The unencumbered balance at the close of business on the day of the signature of this Agreement in that special account in the Central Bank of China in the name of the Government of China established pursuant to the Agreement between the Government of the United States of America and the Government of China made on October 27, 1947, and any further sums which may from time to time be required by such Agreement to be deposited in that special account. It is understood that subsection (E) of Section 114 of the Foreign Assistance Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance referred to in that Agreement, and

61 Stat., Pt. 4, p. 3374.

62 Stat., Pt. 1, p. 150.

(b) The unencumbered balances of the deposits made by the Government of China pursuant to the exchange of notes between the two Governments dated April 30, 1948.[1]

(c) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to China on a grant basis pursuant to this Agreement

[1] *Department of State Bulletin*, May 16, 1948, p. 647.

less, however, the amount of deposits made pursuant to the exchange of notes referred to in sub-paragraph (b). The Government of the United States of America shall from time to time notify the Government of China of the indicated dollar cost of any such commodities, services and technical information and the Government of China will deposit in the special account at such times as may be specified by the Government of the United States of America a commensurate amount of Chinese currency computed at a rate of exchange to be agreed upon between the Government of the United States of America and the Government of China. The Government of China will upon the request of the Government of the United States of America make advance deposits in the special account which shall be credited against subsequent notifications pursuant to this paragraph.

Special account; payments.
U. S. administrative expenditures.

3. The Government of the United States of America will from time to time notify the Government of China of its requirements for administrative expenditures in Chinese currency within China incident to operations under the China Aid Act of 1948 and the Government of China will thereupon make such sums available out of any balances in the special account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 158.

4. The Government of China will further make such sums of Chinese currency available out of any balances in the special account as may be required to cover: A. Expenditures required to carry out the purposes of the Joint Commission on Rural Reconstruction in China as provided for by Section 407 of the China Aid Act of 1948; and B. Costs (including port, storage, handling and similar charges) of transportation from any point of entry in China to the consignee's designated point of delivery in China of such relief supplies and packages as are referred to in Article VII.

Rural reconstruction.
62 Stat., Pt. 1, p. 159.

Transportation of relief supplies.

Disposition of balance; purposes.

5. The Government of China shall dispose of any remaining balance in the special account only for such purposes as may be agreed from time to time with the Government of the United States of America including in particular: A. Sterilization as a measure of monetary and financial stabilization; B. Expenditures incident to the stimulation of productive activity and the development of new sources of wealth including materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; C. Expenditures upon projects or programs the external costs of which are being covered in whole or in part by assistance rendered by the Government of the United States of America or by loans from the International Bank for Reconstruction and Development; or D. Expenditures upon uncompleted relief or work relief projects undertaken pursuant to the Agreement between the Governments of the United States of America and of China of October 27, 1947.

61 Stat., Pt. 4, p. 3374.

Maintenance of U. S. value of designated amounts.

6. The Government of China will maintain the value in terms of United States dollar equivalent of such amount of the special account as is: A. Indicated by the Government of the United States

of America as necessary for administrative expenditures referred to in paragraph 3 of this Article; B. Required for the purposes of paragraph 4 of this Article; and C. Agreed between the two Governments to be necessary to defray the expenses in Chinese currency associated with reconstruction projects or programs the external costs of which are met in whole or in part by assistance rendered by the Government of the United States of America pursuant to the Agreement. The Government of China will carry out this provision by depositing such additional amounts of Chinese currency as the Government of the United States of America may from time to time determine after consultation with the Government of China.

Unencumbered balance; disposition subject to approval by U. S. Congress.

7. Any unencumbered balance remaining in the special account on April 3, 1949, shall be disposed of within China for such purposes as may hereafter be agreed between the Governments of the United States of America and of China, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

ARTICLE VI.

Access to materials. *Post*, p. 2980.

1. The Government of China will facilitate the transfer to the United States of America for stockpiling or other purposes of materials originating in China which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources upon such reasonable terms of sale, exchange, barter or otherwise and in such quantities and for such period of time as may be agreed to between the Governments of the United States of America and of China after due regard for the reasonable requirements of China for domestic use and commercial export of such materials. The Government of China will take such specific measures as may be necessary to carry out the provisions of this paragraph. The Government of China will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of China will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of subsection 115 (B) of the Foreign Assistance Act of 1948 which relates to the development and transfer of materials required by the United States of America.

62 Stat., Pt. 1, p. 152.

3. The Government of China, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of China.

ARTICLE VII.

Relief packages.

The Government of China will, when so requested by the Government of the United States of America, enter into negotiations for agreements (including the provisions of duty free treatment under

appropriate safeguards) to facilitate the entry into China of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in China.

ARTICLE VIII.

Consultation and transmittal of information.

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of China will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of China:

(a) detailed information regarding projects, programs and measures proposed or adopted by the Government of China to carry out the provisions of this Agreement; *Post*, p. 2954.

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information which the Government of the United States of America may need to determine the nature and scope of operations, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement.

3. The Government of China will assist the Government of the United States of America to obtain information relating to the materials originating in China referred to in Article VI which is necessary to the formulation and execution of the arrangements provided for in that Article.

ARTICLE IX.

Information regarding progress.

1. The Government of China will keep the people of China fully informed of the progress achieved by the Government of China in implementing the undertakings contained in this Agreement designed to achieve more stable economic conditions in China, and it will provide continuously information to the people of China regarding the nature and extent of assistance furnished pursuant to this Agreement. It will make such information available to the media of public information and will take practicable steps to ensure that appropriate facilities are provided for the dissemination of such information.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

Quarterly statements of operations.

3. The Government of China will make public in China in each calendar quarter full statements of operations under this Agreement, including information as to the uses of funds, commodities and services received.

ARTICLE X.

Special Mission.

1. The Government of China agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in China under this Agreement.

Special Mission as part of U. S. Embassy.
Post, p. 2954.

2. The Government of China will, upon appropriate notification from the Ambassador of the United States of America in China, consider the Special Mission and its personnel as part of the Embassy of the United States of America in China for the purposes of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of China will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and will grant them the facilities and assistance necessary to the effective performance of their responsibilities.

Joint Committee.

3. The Government of China will extend full cooperation to the Special Mission and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

ARTICLE XI.

Settlement of claims of nationals.

1. The Governments of the United States of America and of China agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948 by the other Government and affecting property or interests of such national including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

59 Stat. 1060.

Post, p. 2979.

2. The Governments of the United States of America and of China further agree that such claims may be referred in lieu of the Court to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article unless the national concerned has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim exists.

ARTICLE XII.

1. This agreement shall become effective on this day's date. It shall remain in force until June 30, 1950 and, unless at least six months before June 30, 1950, either Government shall have given the other notice in writing of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Article V shall remain in effect until all the sums in the currency of China required to be disposed of in accordance with its own terms have been disposed of as provided in such Article.

Effective date; duration; termination.

Ante, p. 2948.

2. This Agreement may be amended at any time by agreement between the two Governments.

Amendment.

3. The Annex to this Agreement forms an integral part thereof.

4. This Agreement shall be registered with the Secretary-General of the United Nations.

Registration.

In witness whereof the respective representatives duly authorized for the purpose have signed the present Agreement.

Done at Nanking in duplicate in the English and Chinese languages, both texts authentic, this third day of July 1948, corresponding to the third day of the seventh month of the thirty-seventh year of the Republic of China.

Authentic texts.

J. Leighton Stuart [1]

For the Government of the United States of America.

Wang Shih-chieh [2]

For the Government of the Republic of China.

[1] J. Leighton Stuart.

[2] Wang Shih-chieh.

ANNEX.

Interpretative notes.

Ante, p. 2946.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 2951.

2. It is understood that the Government of China will not be requested, under paragraph 2 (a) of Article VIII to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Ante, p. 2952.

3. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article X would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article X would, when necessary, be the subject of intergovernmental discussion.

NANKING, *July 3, 1948*

J. Leighton Stuart [1]

Wang Shih-chieh [2]

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[1] J. Leighton Stuart.
[2] Wang Shih-chieh.

附　件

一、雙方了解：本協定第二條第一項(甲)款之規定，關於資源有效使用所採取之措施，在依照本協定所供給之貨物方面，將包括為保全此項貨物及防止其流入非法或不正當市場或貿易途徑之有效措施在內。

二、雙方了解：凡屬次要之方案或機密之商業或技術情報，其洩漏足以損及合法商業利益者，將不向中國政府聲請依照本協定第八條第二項(甲)款之規定，供給詳細情報。

三、雙方了解：美利堅合眾國政府於發出本協定第十條第二項所指之通知時，對於擬聲請給予充分外交優例之官員人數，儘可能允宜予以限制一層，加以注意。雙方又了解：關於第十條適用上之細節，必要時將由兩國政府舉行會商。

公曆一九四八年七月三日於南京

司徒雷登[1]

王世杰[2]

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[1] J. Leighton Stuart.
[2] Wang Shih-chieh.

雙方為締訂本協定而合法授權之代表，爰於本協定簽字，以昭信守。

本協定用英文及中文各繕兩份，英文本及中文本同一作準。

公曆一九四八年七月三日訂於南京

中華民國三十七年

司徒雷登[1]

王世杰[2]

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[1] J. Leighton Stuart.
[2] Wang Shih-chieh.

第十二條

一、本協定自本日起發生效力，並應繼續有效至一九五〇年六月三十日為止。倘在一九五〇年六月三十日至少六個月以前，未經任何一方政府以書面通知他方政府，聲明於該日廢止本協定之意旨時，本協定應於該日以後繼續有效，至上述通知發出之日起滿六個月為止。第五條在依照其規定應予處置之一切中國貨幣款項未經依照該條之規定全部處置以前，應繼續有效。

二、本協定得經兩國政府同意隨時修改之。

三、本協定之附件，作為本協定內容之一部分。

四、本協定應向聯合國秘書長登記。

二、美利堅合衆國政府與中國政府並同意：此項要求，得不提交國際法院而提交經雙方相互約定之任何公斷法庭解決之。

三、雙方並了解：任何一方政府，凡遇其本國人民提出要求，而該本國人民對於其要求所在地國家之行政法院及審判機關所設之救濟辦法未經利用至窮盡程度者，不得依照本條之規定，予以支持。

第十一條

一、美利堅合衆國政府及中國政府同意：凡遇此方人民，因彼方政府一九四八年四月三日以後所採措施（有關敵人財產或利益之措施，不在此限）影響其財產或利益，包括基於與彼方政府合法授權之官署所訂契約或此項官署所給予之特許權在內，向彼方政府要求損害賠償而經此方政府予以支持者，應將該項要求提交國際法院裁判。雙方了解：此方政府對於依照本項之規定經彼方政府支持之要求所承擔之義務，係以該此方政府對於國際法院根據國際法院規約第三十六條所具有之強制管轄權前此所予有效承認之內容及條件為基礎，並應受其限制。本項之規定，對於任何一方政府向國際法院起訴所享有之其他權利（如有此項權利時），或因任何一方政府違反條約、協定或國際法原則所規定之權利與義務而支持及提出要求之權利，無論在何方面，均不發生影響。

第十條

一、中國政府同意，對於為執行美利堅合眾國政府依照本協定在中國所負職責之經濟合作特別代表團，予以接待。

二、中國政府，於接到美利堅合眾國駐中國大使之有關通知後，對於該特別代表團及其所屬職員，將視為美利堅合眾國駐中國大使館之一部份，俾得享受該大使館及其同等職員所享受之優例及豁免。中國政府對於美利堅合眾國國會對外經濟合作聯合委員會之委員及職員，將予以相當之禮遇，並將予以為有效執行職務所必要之便利及協助。

三、中國政府將對該特別代表團及該聯合委員會之委員及職員，予以充分合作；此項合作，包括供給為對本協定之實施情形，以及依照本協定所予援助之運用情形，從事觀察及考核所必要之一切情報及便利在內。

第九條

一、中國政府對於實施本協定所載以在中國樹立更穩定之經濟狀況為目的之各事項，將以其所獲進展，充分告知中國人民，關於依照本協定所得援助之性質及範圍之情報，並將經常供給中國人民，中國政府將以此項情報供給公眾報導機構，並將採取可行步驟，以保證對於此項情報之傳佈，予以適當之便利。

二、美利堅合眾國政府對於此項情報之傳佈，將予以鼓勵，並將以此項情報供給公眾報導機構。

三、中國政府將以關於依照本協定進行工作情形之詳細報告，每季公佈一次，包括關於所得款項，貨物及服務之運用情形之情報在內。

三、中國政府將協助美利堅合眾國政府獲得與第六條所指之中國所產物資有關而為擬定及執行該條規定之辦法所必要之情報。

第八條

一、雙方政府同意，經任何一方之聲請，對於有關本協定之適用或有關依照本協定所實施之工作或辦法之各事項，將進行協商。

二、中國政府將以左列各事項通知美利堅合眾國政府，其方式及時期，由美利堅合眾國政府於與中國政府協商後決定之：

(甲)關於中國政府為實施本協定之規定所擬定或採取之各項方案、計劃及措施之詳細情形；

(乙)關於依照本協定進行工作情形之詳細報告，包括關於依照本協定所獲款項、貨物及服務之運用情形之報告在內，此項報告每季應提送一次；

(丙)關於中國經濟狀況之情報，及美利堅合眾國政府為決定各項工作之性質及範圍並為估計依照本協定所供給或擬議之援助之實效所需要之其他有關情報。

第七條

中國政府經美利堅合眾國政府之聲請，即將開始談判協定（包括關於在適當保障下給予免稅待遇之規定在內），對於贈給非牟利之美國志願救濟機關之物資或該項機關所購買之物資，以及自美國運交住居中國境內私人之救濟包裹之進入中國，予以便利。

於一切適當情況下，與其合作，以促進本條第一項及第二項之目的。

第六條

一、中國政府對美利堅合眾國因其本國資源中缺乏或可能缺乏而需要之中國所產物資移轉於美利堅合眾國，無論係為儲備或其他目的，將予以便利；此項移轉，應根據由美利堅合眾國政府與中國政府所商定合理之買賣、交換、易貨或其他方式移轉之條件，並應依其所商定之數量及期間；但對於此項物資在中國國內消費及商業輸出上之合理需要，應予以適當考慮。中國政府將採取必要之特定措施，以實施本項之規定。中國政府經美利堅合眾國政府之聲請，即將開始談判關於實施本項規定所必要之詳細辦法。

二、中國政府經美利堅合眾國政府之聲請，即將談判適當辦法，以實施一九四八年美國援外法案第一一五節(d)第九項關於美利堅合眾國所需物資之開發及移轉之規定。

三、中國政府經美利堅合眾國政府之聲請，對於來自中國境外之物資，將

一九四七年十月二十七日美利堅合眾國政府與中國政府間之協定所擔任而未完成之救濟或工賑方案之支出。

六、中國政府對於特別帳戶中之下列款項，應維持其相等之美元價值：(甲)經美利堅合眾國政府指定為支付本條第三項所指行政支出所必需之款項；(乙)為達成本條第四項規定之目的所必需之款項；(丙)經兩國政府同意認為以中國貨幣支付有關建設方案或計劃之費用所必需之款項，而該項建設方案或計劃之國外費用其全部或一部係以美利堅合眾國政府依照本協定所予援助支付者。中國政府為實施本規定，特以中國貨幣提存美利堅合眾國政府經與中國政府協商後所決定之類外款項。

七、一九四九年四月三日特別帳戶中任何純淨結餘，應按照今後美利堅合眾國政府與中國政府所同意之目的用於中國境內；但美利堅合眾國政府之同意須經美利堅合眾國國會之法案或兩院聯合決議之核准。

該項款項。

四、中國政府並將自特別帳戶之任何結餘中，提供所需中國貨幣，以充下列各費用：甲、為達成一九四八年援華法案第四〇乙款所規定之中國農村復興聯合委員會之目的所必要之支出；及乙、第乙條所指救濟物資及包裹自中國任何進口地點運至收貨人所指定在中國之交貨地點之運費（包括港口捐、堆棧費、搬運費及類似之費用）。

五、中國政府對於特別帳戶中之任何結餘，僅得依其與美利堅合眾國政府隨時商定之目的予以處置；此項目的，特別包括下列各項：甲、為謀幣制及財政穩定而採取之凍結；乙、因鼓勵生產活動及開發新富源（包括美利堅合眾國因其本國資源中缺乏或可能缺乏而需要之物資在內）所作之支出；丙、為推行方案或計劃之支出，而該項方案或計劃之國外費用其全部或一部係以美利堅合眾國政府之援助或國際復興開發銀行之貸款支付者；或丁、為推行依照

(丙)與美利堅合眾國政府依照本協定在贈與基礎上，供給中國之貨物、服務及技術情報(包括加工、儲藏、運輸、修理或因此所為其他服務之任何費用)所指明之美元費用同等之數額，但須減去依照上開(乙)項所指換文而存入之款項數額。美利堅合眾國政府應將任何該項貨物、服務及技術情報所指明之美元費用，隨時通知中國政府；中國政府於美利堅合眾國政府所指定之時間，將折合同等數額之中國貨幣存入特別帳戶內。此項折合率，由美利堅合眾國政府與中國政府商定之。中國政府經美利堅合眾國政府之聲請，得預存款項於特別帳戶內，以備嗣後依照本款所發通知予以抵銷。

三、美利堅合眾國政府依照一九四八年援華法案進行業務時，在中國境內所需行政費用之中國貨幣數額，將隨時通知中國政府；中國政府將依美利堅合眾國政府通知內所聲請之方式，即自特別帳戶內之任何結餘項下提供

第五條

一、本條各規定，應適用於美利堅合眾國政府依本協定在贈與基礎上所供給之援助。

二、中國政府同意，以中國政府之名義，在中國中央銀行立一特別帳戶（下稱特別帳戶），並將左列各項以中國貨幣存於該帳戶內：

(甲)本協定簽字日，在中國中央銀行以中國政府名義，依照一九四七年十月廿七日美利堅合眾國政府與中國政府間協定所立特別帳戶業務結束後之純淨結餘，及該協定所要求隨時存入特別帳戶之任何其他款項，雙方了解一九四八年美國援外法案第一一四款(戊)節構成美利堅合眾國政府對於該協定內所指此項結餘處置辦法之核准與決定。

(乙)中國政府依照一九四八年四月卅日中美兩國政府間換文所存款項之純淨結餘。

三、美利堅合衆國依本協定所供給之供應物在中國出售之價格，應由美利堅合衆國政府與中國政府商定之。

第四條

一、美利堅合眾國政府依本協定所供給之一切貨物，應由商務企業或由私人或中國政府機構，並依照美利堅合眾國政府與中國政府間隨時商定之條款及條件，予以加工及分配。

二、中國政府將與美利堅合眾國代表協商，採取一切適當步驟，務使在其控制區域內，凡由美利堅合眾國政府依本協定所供給之貨物，及以其他款項購運中國或當地出產之類似貨物，達到公正及平允之分配。就情勢及供應所容許之限度內，應在中國中心市區創設或維持一種分配及價格管制之制度，旨在保證各階層居民均得在所輸入或國內所出產之主要民用供應物中，獲一公允之配額。雙方了解，美利堅合眾國政府於允許依本協定所供給之使用貨物，用於支援中國改善其消費及價格管制之努力時，對於此項市區計劃之是否成功，並不負責。

第三條

一、中國政府承允從事一切可行之努力，以改善與他國間之商務關係，包括對於影響中國境內私人企業經營對外貿易之情況，予以改善之措施在內。

二、中國政府於實施本條第一項之規定時，除採取其他措施以外，因其在國際收支及現存外滙來源方面之危急狀況在現在或將來所必需之輸入管制及外滙管制，並將以劃一、公正及平允之方式，予以施行。

三、美利堅合眾國政府與中國政府，經任何一方之聲請，將協商關於本條各規定適用上之任何事項。

之任何義務；

(乙) 在健全經濟基礎上，促進工農生產之發展；

(丙) 發動並維持為創造較穩定之貨幣情況與促進供國內消費及輸出用途各項貨物之生產及運銷所必要之財政、幣制、預算及行政上之措施，以及

(丁) 與他國合作，藉以便利並鼓勵與他國間貨物及服務互易之增進，並減少與他國間貿易之公私障礙。

二、中國政府將採取其所認為適當之各項措施，以防止公私商務企業方面影響國際貿易而其結果足以妨礙本協定之目的及政策之營業辦法。

第二條

一、為運用受自美利堅合眾國政府之援助，俾經濟情況獲得最大改善起見，中國政府承允：

(甲)採取或維持必要措施，以保證有效及切實使用其可利用之經濟資源，此項措施包括：

(一)為保證由於本協定所規定之援助而獲致之貨物及服務，用於與本協定目的相符之用途所必要之措施，

(二)為查明、指認及適當使用在美利堅合眾國本部、領地或屬地內屬於中國人民之資產及由該項資產而獲致之收益，於可行範圍內所得採取之措施，藉以促進中國境內經濟情況所作之努力。本目之規定，對美利堅合眾國政府，並不加以協助執行此項措施之任何義務，對中國政府，亦不加以處置此項資產

第一條

美利堅合衆國政府承允援助中國，向中國政府或中國政府所指定之任何人、機關或組織提供中國政府所聲請及美利堅合衆國政府所核准之援助。美利堅合衆國政府將依照一九四八年援華法案（除該法案第四〇四款(d)外），對該法案予以修正及補充之各法案，以及依該法案所訂之各撥款法案之規定，並遵守各該法案之一切條款、限制及條件，供給此項援助，並將僅以各該法案所准許提供之貨物、服務及其他援助提供於中國政府。美利堅合衆國政府得於任何時間停止或終止本條所規定之援助。

美利堅合衆國政府與中華民國政府間關於經濟援助之協定

約 首

美利堅合衆國政府與中國政府，

鑒於美利堅合衆國政府之政策，乃在依照一九四八年援華法案之規定，對中國人民及政府，予以經濟援助，又

鑒於中國政府之政策，乃在推行一種有力之自助計劃，俾得在中國境內創造較為穩定之經濟情況，並改善其與他國間之商務關係；

爰議定條款如左：

美利堅合衆國政府與中華民國政府間關於經濟援助之協定

The American Ambassador to the Chinese Minister for Foreign Affairs

AMERICAN EMBASSY,
No. 491 *Nanking, July 3, 1948*

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments on the conclusion of a Bilateral Agreement relative to the American Aid to China, and to confirm the understanding that any agreements which might be arrived at pursuant to Paragraph 2 of Article XI would be subject to ratification by the Senate of the United States of America.

Ante, p. 2952.

Please accept, Excellency, the renewed assurance of my highest consideration.

J.L.S.

His Excellency
Dr. WANG SHIH-CHIEH,
Minister for Foreign Affairs,
Ministry of Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs to the American Ambassador

外 交 部

The Ministry of Foreign Affairs
Republic of China

NANKING, *July 3, 1948.*

EXCELLENCY:

I have the honor to acknowledge receipt of your Excellency's Note No. 491 reading as follows:

"I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments on the conclusion of a Bilateral Agreement relative to the American Aid to China, and to confirm the understanding that any agreements which might be arrived at pursuant to Paragraph 2 of Article XI would be subject to ratification by the Senate of the United States of America.

Ante, p. 2952.

"Please accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to confirm the above understanding.

Please accept, Excellency, the renewed assurances of my highest consideration.

WANG SHIH-CHIEH

His Excellency
Dr. J. LEIGHTON STUART,
Ambassador of the United States
of America to China,
Nanking.

The American Embassy to the Chinese Ministry of Foreign Affairs

No. 560

AIDE-MEMOIRE

With reference to Aide-Memoires numbered 530, 531 and 532 [1] of July 19, 1948, and subsequent discussions of the subjects treated therein between Dr. Tung Ling of the Ministry of Foreign Affairs and an officer of the Embassy, the Embassy reported to the Department of State the views of the Ministry as presented. In deference to the views of the Ministry of Foreign Affairs that the amendments requested in the Economic Aid Agreement and the annexed Note are unnecessary, the Department of State has now authorized the Embassy to withdraw its request for such amendments.

Ante, p. 2946.

Apart from the question of amendment, however, the Department of State has requested the Embassy to bring to the attention of the Ministry of Foreign Affairs the importance attached by the United States Government to the omission from paragraph 1 of Article VI of the language cited in the Embassy's Aide-Memoire No. 532 of July 19.[1] Accordingly the Embassy would appreciate confirmation from the Ministry of Foreign Affairs that it concurs in the interpretation of the United States Government that "specific measures as may be necessary to carry out the provisions of this paragraph", which sentence appears in paragraph 1 of Article VI of the Agreement, comprehends the promotion of the increased production of such materials in China and the removal of any hindrance to the transfer of such materials to the United States of America.

Ante, p. 2950.

NANKING, *July 27, 1948*

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[1] Not printed.

The Chinese Ministry of Foreign Affairs to the American Embassy

外 交 部

The Ministry of Foreign Affairs

Republic of China

AIDE-MEMOIRE

Reference is made to the Embassy's Aide-Memoire numbered 560 of July 27, 1948, which states, *inter alia*, that, according to the view of the United States Government, "specific measures as may be necessary to carry out the provisions of this paragraph", provided in Paragraph 1 of Article VI of the Sino-American Bilateral Aid Agreement of July 3, 1948, comprehends the promotion of the increased production of such materials in China and the removal of any hindrance to the transfer of such materials to the United States of America.

Ante, p. 2950.

In reply, the Ministry wishes to inform the Embassy that the Chinese Government concurs with the United States Government in the interpretation as stated above.

NANKING, *July 28, 1948.*

July 3, 1948
[T. I. A. S. 1839]

Agreement between the United States of America and China respecting the application of most-favored-nation treatment to areas under occupation or control. Effected by exchange of notes signed at Nanking July 3, 1948; entered into force July 3, 1948.

Note in the English and Chinese Languages From the American Ambassador to the Chinese Minister for Foreign Affairs

AMERICAN EMBASSY
Nanking, July 3, 1948

EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments on the conclusion of a bilateral agreement relative to the American Aid to China and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as either the Government of the United States of America or the Government of the Republic of China participates in the occupation or control of any areas in Western Germany or the Free Territory of Trieste, the other Government will apply to the merchandise trade of such areas the provisions of the General Agreement on Tariffs and Trade dated October 30, 1947, as now or hereafter amended, relating to most favored nation treatment.

61 Stat., Pts. 5 and 6.

2. The undertaking in point 1 above will apply on the part of the Government of the United States of America or the Government of China to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of the United States of America or China respectively.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth by the Havana Charter for an International Trade Organization [1] relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly.

[1] Department of State publication 3117.

As long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of China to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of China determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given. Duration.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency
Dr. WANG SHIH-CHIEH,
Minister for Foreign Affairs,
Ministry of Foreign Affairs,
Nanking.

照會

逕啓者：查關於美國援助中國之雙邊協定之締結，美利堅合衆國與中華民國兩國政府代表近曾舉行談判，結果成立如左諒解，玆特予以證實：

一、在美利堅合衆國政府或中華民國政府中之任何一方政府參加西德任何區域或脫里斯脫自由區之佔領或管制之期間內，他方政府對於各該區域之商品貿易，將適用一九四七年十月三十日所訂關稅暨貿易總協定所載有關最惠國待遇之現有或於將來修正之各條文。

二、上開第一項關於美利堅合衆國政府或中國政府之承允，將僅於該項所指之任何區域對於美利堅合衆國或中國分別給予互惠最惠國待遇之期間及限度內，始對該區域之商品貿易，予以適用。

美國駐華大使館

三、上開第一項及第二項所規定之承允，其成立係鑒於對該兩項內有關區域之輸入，目前並未設立有效或重要之關稅障礙。如其設立該項關稅障礙，則雙方了解，該項承允，應不妨礙適用國際貿易組織憲章所規定關於依互惠基礎減低關稅之原則。

四、雙方承認：在上開第一項所指之西德區域內，其通貨之缺乏一統一匯兌率，可能發生間接補貼該區域之輸出之作用，至難於確實估計之程度，在此項情況存在期間，又如與美利堅合衆國之協商未能就此問題獲致彼此同意之解決辦法，則雙方了解，如中國政府認爲該項補貼對其已設立之某一本國工業，勢將加以重大損害，或有此威脅，或勢將使此某一本國工業之設立，蒙受阻礙或重大稽延，因而對於此項商品

美國駐華大使館

之輸入，徵課足與該項補貼之估計數額相等之抵償稅時，此項措施，不得視爲與其在第一項規定下所爲之承允相抵觸。

五、本照會中之各項承允，應繼續有效至一九五一年一月一日爲止。倘在一九五一年一月一日至少六個月以前未經任何一方政府以書面通知他方政府聲明於該日終了此項承允之意旨時，各該項承允應於該日以後繼續有效，至上述通知發出之日起滿六個月爲止。

相應照請

查照爲荷。

本大使順向

貴部長表示崇高之敬意。

美國駐華大使館

此致

中華民國外交部部長王世杰閣下

司徒雷登（簽字）

公曆一九四八年七月三日於南京

美國駐華大使館

Note in the Chinese and English Languages From the Chinese Minister for Foreign Affairs to the American Ambassador

照會

逕啓者：接准本日貴大使照會內開：

「逕啓者：查關於美國援助中國之雙邊協定之締結，美利堅合衆國與中華民國兩國政府代表近曾舉行談判，結果成立如左諒解，茲特予以證實：

一、在美利堅合衆國政府或中華民國政府中之任何一方政府參加西德任何區域或脫里斯脫自由區之佔領或管制之期間內，他

方政府對於各該區域之商品貿易，將適用一九四七年十月三十日所訂關稅暨貿易總協定所載有關最惠國待遇之現有或於將來修正之各條文。

二、上開第一項關於美利堅合衆國政府或中國政府之承允，將僅於該項所指之任何區域對於美利堅合衆國或中國分別給予互惠最惠國待遇之期間及限度內，始對該區域之商品貿易，予以適用。

三、上開第一項及第二項所規定之承允，其成立係鑒於對該兩項

內有關區域之輸入，目前並未設立有效或重要之關稅障礙。

如其設立該項關稅障礙，則雙方了解：該項承允，應不妨礙適用國際貿易組織憲章所規定關於依互惠基礎減低關稅之原則。

四、雙方承認：在上開第一項所指之西德區域內，其通貨之缺乏一統一匯兌率，可能發生間接補貼該區域之輸出之作用，至難於確實估計之程度；在此項情況存在期間，又如與美利堅合衆國之協商未能就此問題獲致彼此同意之解決辦法，則雙

方了解：如中國政府認爲該項補貼對其已設立之某一本國工業，勢將加以重大損害，或有此威脅，或勢將使其某一本國工業之設立，蒙受阻礙或重大稽延，因而對於此項商品之輸入，徵課足與該項補貼之估計數額相等之抵償稅時，此項措施，不得視爲與其在第一項規定下所爲之承允相牴觸。

五、本照會中之各項承允，應繼續有效至一九五一年一月一日爲止。倘在一九五一年一月一日至少六個月以前未經任何一方政府以書面通知他方政府聲明於該日終了此項承允之意旨時

，各該項承允應於該日以後繼續有效至上述通知發出之日起滿六個月爲止。

相應照請

查照爲荷。」

等由；准此，本部長茲特證實上述了解。相應照復，即請查照爲荷。

本部長順向

貴大使表示崇高之敬意。

此致

美利堅合衆國駐中華民國特命全權大使司徒雷登閣下

[1]

中華民國三十七年七月三日於南京

[1] Wang Shih-chieh.

外 交 部

The Ministry of Foreign Affairs

Republic of China

NANKING, *July 3, 1948*

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's Note reading as follows:

"I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments on the conclusion of a bilateral agreement relative to the American Aid to China and to confirm the understanding reached as a result of these conversations as follows:

"1. For such time as either the Government of the United States of America or the Government of the Republic of China participates in the occupation or control of any areas in Western Germany or the Free Territory of Trieste, the other Government will apply to the merchandise trade of such areas the provisions of the General Agreement on Tariffs and Trade dated October 30, 1947, as now or hereafter amended, relating to most favored nation treatment.

61 Stat., Pts. 5 and 6.

"2. The undertaking in point 1 above will apply on the part of the Government of the United States of America or the Government of China to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of the United States of America or China respectively.

"3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth by the Havana Charter for an International Trade Organization relating to the reduction of tariffs on a mutually advantageous basis.

"4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such area to an extent which it would be difficult to calculate exactly. As long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of China to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of China determines that the

subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

"5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given."

I have the honor to confirm the above understandings.

Please accept, Excellency, the renewed assurances of my highest consideration.

王世杰 Wang Shih-chieh [1]

His Excellency,
Dr. J. LEIGHTON STUART,
Ambassador Extraordinary & Plenipotentiary
of the United States of America
to the Republic of China,
Nanking.

[1] Wang Shih-chieh.

October 21, 1948
[T. I. A. S. 1840]

Arrangement between the United States of America and the Republic of the Philippines respecting copyright. Effected by exchange of notes signed at Washington October 21, 1948; entered into force October 21, 1948.

The Philippine Ambassador to the Acting Secretary of State

EMBASSY OF THE PHILIPPINES
WASHINGTON
October 21, 1948

EXCELLENCY:

In accordance with instructions from my Government, I have the honor to invite your attention to section 10 (b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

Since section 10 (b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), it is the desire of my Government to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

61 Stat., Pt. 1, p. 655.
17 U. S. C., Supp. I, § 9 (b).
62 Stat., Pt. 2, p. 1568.

With a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which is enclosed herewith, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the above-mentioned Title 17 of the United States Code. This proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1 (e) thereof, but excepting the provisions embodied in the second paragraph of section 9 (b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

61 Stat., Pt. 1, p. 653.
17 U. S. C., Supp. I, § 1 (e).

The Government of the Republic of the Philippines is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and Your Excellency's reply to the same effect as establishing reciprocal copyright relations between the two Governments on this day.

Accept, Excellency, the renewed assurances of my distinguished consideration.

J M ELIZALDE

Enclosure:

Copy of Proclamation

His Excellency

ROBERT A. LOVETT

Acting Secretary of State

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 99

EXTENDING COPYRIGHT PRIVILEGES AND PROTECTION TO CITIZENS OF THE UNITED STATES.

WHEREAS, it is provided by an Act of the Philippine Legislature, Act No. 3134, entitled "An Act to Protect Intellectual Property", otherwise known as the Copyright Law of the Philippines, approved March 6, 1924, as amended by Republic Act No. 76, approved October 21, 1946, that the copyright secured by the Act shall extend to the work of a proprietor, who is not a citizen of the Philippines, only upon certain conditions set forth in Section 10 of the Act, to wit:

"(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

"(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of (the United States or of) the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this Act; or

"(c) When such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright and that (the United States or) the Philippine Islands may become a party thereto."

WHEREAS, the Act of Congress, approved July 30, 1947, (61 Stat. 652) entitled "An Act to Codify and Enact into Positive Law Title 17 of the United States Code, entitled 'Copyright' ", provides that the copyright secured by the said Act and the benefits under Section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in Section 9 of the Act, to wit:

17 U. S. C., Supp. I.
62 Stat., Pt. 1, pp. 202, 1009; Pt. 2, p. 1568.

61 Stat., Pt. 1, p. 655.
17 U. S. C., Supp. I, § 9.

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."

WHEREAS, satisfactory official assurances have been received that, on and after October 21, 1948, pursuant to the aforementioned Act of Congress, approved July 30, 1947, (61 Stat. 652), citizens of the Philippines are entitled to obtain copyright protection for their works in the United States which is substantially equal to the protection afforded by the copyright laws of the Philippines and which is afforded on substantially the same basis as to the citizens of the United States;

17 U. S. C., Supp. I, § 1 *et seq.*
62 Stat., Pt. 1, pp. 202, 1009; Pt. 2, p. 1568.

NOW, THEREFORE, I, ELPIDIO QUIRINO, President of the Philippines, do hereby declare and proclaim:

That on and after October 21, 1948, the conditions specified in section 10 (b) of the aforementioned Act No. 3134 of the Philippine Legislature of March 6, 1924, do exist and are fulfilled in respect of the citizens of the United States and that on and after October 21, 1948, citizens of the United States shall be entitled to all the benefits of the said Act;

Provided, That the enjoyment by any work of the rights and benefits conferred by the said Act shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the Philippines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

[SEAL]

ELPIDIO QUIRINO
President of the Philippines

By the President:
EMILIO ABELLO
Executive Secretary

The Acting Secretary of State to the Philippine Ambassador

DEPARTMENT OF STATE
WASHINGTON
October 21, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date in which you refer to section 10 (b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

You express the desire of the Government of the Republic of the Philippines, since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress approved July 30, 1947 (61 Stat. 652), to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

61 Stat., Pt. 1, p. 655. 17 U. S. C., Supp. I, § 9 (b). 62 Stat., Pt. 2, p. 1568.

You add that with a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which accompanies your note under acknowledgment, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided by section 1(e) of the aforementioned Title 17 of the United States Code.

Ante, p. 2997.

61 Stat., Pt. 1, p. 653. 17 U. S. C., Supp. I, § 1 (e).

You state that this proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1(e) thereof, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

You further state that the Government of the Republic of the Philippines is prepared, if this proposal should be accepted by the Government of the United States of America, to regard the note under acknowledgment and this Government's reply thereto to that effect as establishing reciprocal copyright relations between the two Governments on this day.

I have the honor to inform you that, with a view to giving effect to the commitment proposed in the note under acknowledgment, the President of the United States of America has issued today a proclamation, a copy of which is enclosed herewith, declaring and proclaiming, pursuant to the provisions of section 9 of the aforesaid Title 17 of the United States Code, on the basis of the assurances set forth in your note and the proclamation enclosed therewith, that on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of citizens of the Republic of the Philippines and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17, but excepting the provisions embodied in the second paragraph of section 9 (b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities. The proclamation imposes the conditions that (1) the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright law of the United States, and (2) the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published after July 1, 1909, and which have been reproduced for use on any contrivance by means of which the work may be mechanically performed.

62 Stat., Pt. 2, p. 1568.

61 Stat., Pt. 1, pp. 655, 653.
17 U. S. C., Supp. I, §§ 9 (b), 1 (e).

Mechanical reproduction of musical work; limited application.

Effective date.

The Government of the United States of America accordingly considers that reciprocal copyright relations have been established between the Republic of the Philippines and the United States of America and are in force as of today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT A. LOVETT
Acting Secretary of State

Enclosure:
Copy of proclamation.

His Excellency
JOAQUIN M. ELIZALDE,
Ambassador of the Philippines

Agreement between the United States of America and France respecting distribution and exhibition of American motion picture films in the French Union. Signed at Paris September 16, 1948; effective retroactively July 1, 1948.

September 16, 1948
[T. I. A. S. 1841]

JOINT DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON MOTION PICTURES

JOINT DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON MOTION PICTURES

The Government of the United States of America and the Government of the French Republic have, at the request of the latter, re-examined certain questions relating to the distribution and exhibition in the French Union of American motion picture films, and, in particular, the Franco-American Motion Picture Understanding of May 28, 1946.[1] During these conversations, the specific problems relating to the distribution and exhibition of American films in the French Union have been discussed in the light of the special conditions facing the French Government resulting from its external financial position and balance of payments and other postwar problems of economic adjustment. These conversations have taken place with due regard for the relevant provisions of the international conventions and agreements to which both Governments are parties.

I.

The French Government has informed the Government of the United States of America that in view of the current situation in the French film industry it is necessary to increase the screen time reserved to films of national origin. The Franco-American Motion Picture Understanding of May 28, 1946, having expired in accordance with the provisions therein, the French Government has decided, consistent with Article IV of the General Agreement on Tariffs and Trade of October 30, 1947, to reserve five weeks per quarter for the exhibition of French films, except as otherwise noted (Annex A).

61 Stat., Pt. 5, p. A20.

Post, p. 3004.

II.

The French Government has decided to make certain modifications in its administrative regulations regarding the two-year rule, fifteen-situations restriction, and allocation of raw stock (Annexes B, C and D).

Post, p. 3004.

III.

Distribution quota system.

In view of the current French external financial situation and balance of payments, the French Government has decided to institute a distribution quota system (applicable to imported films which are dubbed in France for distribution in the French Union) which it considers to be within the provisions of Articles XII and XIII of the General Agreement on Tariffs and Trade. Recognizing its obligations under the above-mentioned Articles of the General Agreement, the French Government undertakes to relax progressively the restriction

61 Stat., Pt. 5, pp. A34, A40.

[1] Not printed.

referred to in this paragraph as its balance of payments situation improves and to eliminate the restriction when conditions no longer justify its maintenance (Annex E).

Post, p. 3005.

The Government of the United States of America takes note of this decision of the French Government without prejudice to any rights which the United States Government may have under the General Agreement with respect to any action which the French Government may take to implement this decision.

IV.

The two Governments have reached a mutually satisfactory understanding with respect to the financial problems arising from the distribution and exhibition in the French Union of American films (Annex F).

Post, p. 3005.

V.

Entry into force; duration; modifications.

The arrangements outlined above shall enter into force retroactively on July 1, 1948, and shall remain in effect for four years from that date. Either party may request, within two months of the expiration of each annual period, a review of the provisions contained in any of the annexed documents, except as otherwise provided. This agreement, however, shall continue in full force and effect for four years except to the extent that both parties agree to modifications thereof.

DONE at Paris, in duplicate, in the English and French languages, this 16th day of September, 1948.

For the Government of the Republic of France:

SCHUMAN

[SEAL]

ROBERT LACOSTE

[SEAL]

For the Government of the United States of America:

JEFFERSON CAFFERY

[SEAL]

ANNEX A

Screen Quota

61 Stat., Pt. 5, p. A20.

Consistent with Article IV of the General Agreement on Tariffs and Trade of October 30, 1947, the French Government declares that it will increase to five weeks per quarter the screen quota established by the Decree of August 17, 1946, regarding the exhibition in the French Union of motion picture films.

Effective date.

The present provisions will be applicable from July 1, 1948. In order to facilitate the application of the screen quota during the period July 1 to December 31, 1948, the quota will be calculated on the basis of this six-month period, i. e., ten weeks out of twenty-six will therefore be reserved to the projection of French films.

ANNEX B

Two-year Dubbing Rule

The French Government declares that, consistent with the treatment it will accord to the films of other nations, it will grant, as of July 1, 1948, for American feature-length films, exceptions up to a maximum number of twenty-four per year, to Article 5, paragraph 3, of the Decree of July 3, 1945, according to which there may not be a delay of more than two years between the date of the first public presentation of a film in its country of origin and the date of the dubbing authorization. On the other hand, this rule will not be applied to shorts.

ANNEX C

Fifteen-Situations Restriction

The French Government declares that it will, as of July 1, 1948, place in force the following provisions concerning the exhibition of films in original version:

I. Films which are released in both original and dubbed versions may be exhibited in five theaters in the Department of the Seine and in ten theaters in the other Departments.

II. Films released exclusively in the original version and for which an agreement has been made not to dub may be exhibited in ten theaters in the Department of the Seine and in twenty theaters in the other Departments.

ANNEX D

Allocation of Raw Stock

In an effort to meet more adequately the raw stock needs of the motion picture industry in France, the French Government declares that it has placed in effect as of July 1, 1948, the following provisions concerning the allocation of different categories of raw stock:

I. Only positive and negative 35 mm raw stock and 35 mm sound track are subject to allocation. The sale of other categories of raw stock is free.

II. Official allocation will be effected in the following manner:

A. Positive raw stock:

The allocation is assured:

1. By the Centre National de la Cinematographie directly, with respect to the requirements of French production and miscellaneous requirements (needs of the public administration, film libraries, etc.);

2. In accordance with the advice of a Committee for the Allocation of Raw Stock for the requirements of news-reels, distribution of French and foreign films, and exports. It is understood that the Committee will evaluate the over-all needs of export, the sub-allocation being effected by the Centre National de la Cinematographie. The Committee is composed of representatives of the following professional categories: Production, Distribution, Laboratories.

B. Negative raw stock and sound track:

Same as paragraph A. above, except that only the priority needs of French production will be met by the Centre National de la Cinematographie directly.

ANNEX E

Distribution Quota

Taking into account the outlay of foreign exchange which the exhibition of foreign films in France involves and the condition of the French balance of payments, and

Taking into account the provisions of Articles XII and XIII of the General Agreement on Tariffs and Trade, 61 Stat., Pt. 5, pp. A34, A40.

The French Government has decided to take the following action:

Beginning July 1, 1948, the number of foreign feature-length films which will be authorized for distribution annually (during each year ending June 30) in the French Union in a version dubbed into the French language is fixed as follows:

Films originating in the United States of America: 121;
Films originating in other foreign countries: 65.

Whenever it appears that the French market is insufficiently supplied with films, there may be distributed a supplementary quota of imported films prorated on the basis of the figures given above.

ANNEX F

Financial Agreement

Reference is made to the exchange of letters between the Embassy of the United States of America and the Ministry of Finance, dated June 21, 1947, and July 1, 1947, [1] respectively, which established (a) the amount of money accruing to certain American motion picture companies prior to June 30, 1947, which the Ministry recognized as

[1] Not printed.

transferable, and (b) the rate of exchange at which these funds would be transferred. The Government of the French Republic agrees that the amount of those funds and the rate of exchange are hereby confirmed and are not subject to the provisions for annual review contained in Section V of the Joint Declaration.

Although existing economic conditions prevented the transfers being effected on the dates agreed to in the above-mentioned letters, the Government of the French Republic considers that it is now in a position to permit the conversion of a limited amount of francs into dollars for the purpose of satisfying the claims of distributors of American films. Consequently, the Government of the French Republic has decided to establish (a) a new schedule for the liquidation of blocked balances which accrued up to June 30, 1947, (b) a schedule for the transfer of earnings since July 1, 1947, and (c) the conditions under which any remaining blocked francs may be utilized.

To this end the Government of the French Republic proposes and the Government of the United States agrees that:

Transfers of receipts.

I. Transfers resulting from repatriation by the American companies of receipts realized by them in the French Union will be limited to $3,625,000 per year during a period of four years beginning July 1, 1948.

II. The annual transfer will be composed of two parts;

A. $2,438,205 will be subject to transfer from the remainder of the sum of $11,715,000 which the French Government agreed to transfer, against receipts accrued to the companies for the period ending June 30, 1947, in order that this remainder which amounts to $9,752,820 will be entirely transferred at the end of the four-year period.

B. $1,186,795 will be subject to transfer from receipts accruing to the companies for the period beginning July 1, 1947.

Annual remittance.

III. The annual remittance will be transferred in four equal installments, each of which will include one-fourth of that portion of the receipts accrued during the period ending June 30, 1947, which are subject to transfer annually, and one-fourth of that portion of the receipts accruing during the period beginning July 1, 1947, which are subject to transfer annually. Each quarterly payment will be made at the end of each budget quarter. The first transfer will take place on September 30, 1948. However, the sum of $609,551, corresponding to the first installment of the receipts accrued during the period prior to June 30, 1947, will, as a special exception, be paid in advance upon the signing of the present accord.

Exchange rate.

IV. Transfers of receipts accrued during the period ending June 30, 1947, will be made on the basis of the exchange rate of 119.30 francs per dollar. Transfers of receipts accruing during the period beginning July 1, 1947, will be made on the basis of the dollar exchange rate applicable to financial transfers on the date that the transfers take place.

V. The division of the quarterly payments on the amount accrued to the companies during the period ending June 30, 1947, will be effected on the basis of the allocation previously approved by the French Government. The division of the quarterly payments on amounts accruing to the companies during the period after July 1, 1947, will be made on the basis of the gross billings accruing to distributors of American films, as determined by a certified public accountant acceptable to the French Government and to the motion picture companies. Nevertheless, no individual company may transfer, either from receipts accrued before June 30, 1947, or accruing since July 1, 1947, more than the franc countervalue, as defined in Section IV above, of the funds it has on hand on the date the transfer takes place and provided those funds are recognized by the Office des Changes as transferable.

VI. The amounts in francs received by the companies during the period ending June 30, 1952, which have not been transferred under Sections I, II, III, IV and V above may be utilized as specified in Section VII.

VII. Upon application to the Office des Changes, companies will be permitted to use balances remaining in franc accounts for the following purposes within the franc zone: Use of balances.

A. Payment of transportation and other official expenses and salaries of employees of the companies, their affiliated production companies, companies or agents distributing their films, and the Motion Picture Association of America, who may be resident or visiting in the French Union. Salaries, etc., of employees.

B. Payment of any expense incurred incident to preparation of the companies' films for distribution wherever French language films are normally shown—such as expenses of dubbing, translating, subtitling, printing, advertising, and the purchase of any materials necessary for use in these operations.

C. Expenses incident to co-production in France of motion pictures, when approval has been first obtained from the Centre National de la Cinematographie; approval will not be unreasonably withheld. Revenue accruing from Franco-American co-production will be divided between the French partner and the United States partner on a percentage basis identical to that approved for the financing. Revenue accruing to the United States company outside the French Union will not be returnable to the account of the United States company in France, but will be freely disposable abroad by the United States company.

D. Purchase of any right to books, plays, and other literary or musical properties, and purchase of cinematographic patents, provided that any subsequent royalties due to the seller will be paid in the currency of the nation in which the royalties accrue.

E. Purchase of rights to motion pictures produced in France for distribution or sale throughout the world, excepting the franc zone, subject to the approval of the Centre National and the Office des Changes.

F. 1. Subject to the application of the existing French exchange regulations:

Purchase of long-term securities issued by the State or public bodies;

Purchase of French industrial securities, except securities connected with the cinematographic industry, unless special permission has been granted by the Centre National de la Cinematographie;

Investment in French industrial or commercial enterprises, except those connected with cinematographic industries, unless special permission has been granted by the Centre National de la Cinematographie;

Purchase, construction, renovation, leasing of developed or undeveloped real estate, except that purchase, leasing and building of theaters and laboratories, as well as the purchase and leasing of studios is excluded. However, construction of new studios will be authorized.

2. Income accruing from investments authorized in paragraph 1 above will be transferable to the United States.

3. In cases of eventual transfer, the capital invested will be subject to the general provisions of French exchange regulations.

4. The interested parties will be entitled, after having invested their franc assets in one of the categories mentioned in paragraph 1 above, to liquidate these investments and to reinvest the proceeds in one of the other categories. This new investment will be subject to the same regulations which governed the original one.

G. Purchase of goods and materials for export where such export is deemed by the French Government to be beneficial to the French economy.

H. Contributions to charities designed for French relief.

I. Any other purpose specifically authorized by the Office des Changes.

VIII. Balances remaining in franc accounts will be freely transferable between France and North Africa.

DECLARATION COMMUNE DU GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE ET DU GOUVERNEMENT DES ETATS-UNIS SUR LE CINEMA

DECLARATION COMMUNE DU GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE ET DU GOUVERNEMENT DES ETATS-UNIS. – SUR LE CINEMA

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française ont, à la demande de ce dernier, examiné à nouveau certaines questions ayant trait à la distribution et à la projection dans l'Union française de films américains, en particulier l'accord franco-américain sur le cinéma du 28 Mai 1946. Au cours de ces conversations, les problèmes concernant la distribution et la projection des films américains dans l'Union française ont été discutés compte tenu de la situation particulière dans laquelle se trouve la France en raison de sa situation financière extérieure, de l'état de sa balance des paiements et des difficultés qu'entraîne la réadaptation de son économie aux conditions d'après-guerre. Il a été tenu compte pendant ces conversations des clauses pertinentes contenues dans les conventions et accords internationaux auxquels les deux Gouvernements sont parties.

I

Le Gouvernement français a informé le Gouvernement des Etats-Unis d'Amérique que, étant donné la situation actuelle de l'industrie cinématographique française, il était nécessaire d'augmenter le temps de projection réservé aux films d'origine nationale. L'accord franco-américain sur le cinéma du 28 Mai 1946 étant arrivé à expiration aux termes de la clause de la révision de cet accord, le Gouvernement français a décidé, considérant que cette décision serait compatible avec l'Article IV de l'Accord Général sur les Tarifs douaniers et le Commerce du 30 Octobre 1947, de réserver cinq semaines par trimestre à la projection des films français, sous réserve des exceptions consignées plus loin (Annexe A).

II

Le Gouvernement français a décidé d'apporter certaines modifications à ses règlements administratifs concernant la règle dite des deux ans, celle des quinze salles et la répartition de la pellicule vierge (Annexe B, C et D).

III

Compte tenu de la situation financière extérieure de la France et de l'état de sa balance des paiements, le Gouvernement français a décidé d'instituer un système de contingentement de distribution (applicable aux films importés qui sont doublés en France pour être exploités dans l'Union Française) qu'il considère comme étant compatible avec les dispositions des Articles XII et XIII de l'Accord

Général sur les Tarifs douaniers et le Commerce. Reconnaissant les obligations que lui imposent ces Articles de l'Accord Général, le Gouvernement Français s'engage à assouplir progressivement les restrictions mentionnées dans ce paragraphe au fur et à mesure que s'améliorera sa balance des paiements et à les supprimer lorsque les circonstances n'en justifieront plus le maintien (Annexe E).

Le Gouvernement des Etats-Unis d'Amérique prend note de cette décision du Gouvernement français en réservant les droits qui, aux termes de l'Accord général, sont conférés au Gouvernement des Etats-Unis relativement à toutes mesures que le Gouvernement français pourrait prendre pour appliquer cette décision.

IV

Les deux Gouvernements ont abouti à un accord satisfaisant pour les deux parties sur les problèmes financiers que soulèvent la distribution et la projection des films américains dans l'Union française (Annexe F).

V

Les dispositions indiquées ci-dessus entreront rétroactivement en vigueur le 1er juillet 1948 et demeureront valables pendant quatre ans à compter de cette date. L'une des deux parties pourra demander, deux mois avant la date d'expiration de chaque période annuelle, une révision des dispositions contenues dans l'un quelconque des documents annexés, sous réserve des exceptions prévues dans ces documents. Cet accord demeurera néanmoins en vigueur pendant quatre ans sauf en ce qui concerne les modifications que les deux parties conviendront d'y apporter.

Fait à Paris, en double exemplaire, dans les langues anglaise et française, le 16 septembre 1948.

Pour le Gouvernement de la République Française:

SCHUMAN

[SEAL]

ROBERT LACOSTE

[SEAL]

Pour le Gouvernement des Etats-Unis d'Amérique:

JEFFERSON CAFFERY

[SEAL]

ANNEXE A

Contingent à l'écran

Le Gouvernement Français, considérant que cette décision est compatible avec l'article IV de l'Accord Général sur les Tarifs douaniers et le Commerce du 30 octobre I947, déclare qu'il portera au chiffre de cinq semaines par trimestre le contingent à l'écran institué par le décret du I7 août I946 relatif à l'exploitation dans l'Union Française des films impressionnés.

Les présentes dispositions seront applicables à compter du 1er juillet I948. Pour en faciliter l'application au cours de la période comprise entre le 1er Juillet et le 3I décembre I948, le contingent sera calculé sur l'ensemble de ce semestre; dix semaines sur vingt six seront donc réservées à la projection de films français.

ANNEXE B

Clause des deux ans

Le Gouvernement Français déclare qu'il est disposé, sans aller à l'encontre de sa politique à l'égard des films étrangers, à accorder à compter du 1er juillet I948, en faveur des films américains de long métrage, des dérogations dans la limite d'un nombre maximum de vingt quatre par an, à l'article 5 par. 3 du décret du 3 juillet I945, aux termes duquel il ne doit pas s'être écoulé un délai supérieur à deux ans entre la date de la première représentation en public d'un film dans son pays d'origine et celle de l'autorisation de doublage. D'autre part, cette règle ne sera pas appliquée en ce qui concerne les films de court métrage.

ANNEXE C

Clause des quinze salles

Le Gouvernement français déclare qu'il mettra en vigueur, à partir du 1er juillet I948, les dispositions suivantes touchant l'exploitation des films en version originale:

I – Les films appelés à faire l'objet d'une exploitation tant en version originale qu'en version doublée pourront être présentés dans cinq salles du département de la Seine et dans dix salles des autres départements.

II – Les films appelés à faire exclusivement l'objet d'une exploitation en version originale et pour lesquels serait pris l'engagement de ne pas les doubler, pourront être présentés dans dix salles du département de la Seine et vingt salles des autres départements.

ANNEXE D

Répartition de la Pellicule

Désireux de répartir la pellicule au mieux des intérêts de l'industrie cinématographique en France, le Gouvernement Français déclare

qu'il a mis en vigueur à partir du 1er juillet I948 les dispositions suivantes touchant la répartition des différentes catégories de pellicule:

I – Seules, la Positive 35 m/m, la Négative 35 m/m et la Pellicule Son 35 m/m sont soumises à répartition. La vente des autres catégories de pellicule est libre.

II – Les répartitions officielles sont opérées de la façon suivante:

A – Pellicule Positive –

La répartition est assurée:

1. Par le Centre National de la Cinématographie directement, en ce qui concerne les besoins de la production française et les tirages divers (commandes des administrations publiques, cinémathèques, etc. . .);

2. Sur l'avis conforme d'une commission de répartition de la pellicule pour les besoins des actualités, pour ceux de la distribution des films français et étrangers et pour ceux de l'exportation. Il est entendu que la commission évaluera globalement les besoins de l'exportation, la sous-répartition étant assurée par les services du Centre National de la Cinématographie. La commission est composée de représentants des branches professionnelles suivantes: Production, Distribution, Laboratoires.

B – Pellicule Négative et Pellicule Son:

Comme au paragraphe A, à cette exception près que les seuls besoins prioritaires de la production française seront couverts par le Centre National de la Cinématographie.

ANNEXE E

Contingent de distribution

Compte tenu des dépenses en devises étrangères qu'entraîne l'exploitation des films étrangers en France et la situation de la balance des paiements française, et

Compte tenu des dispositions des Articles XII et XIII de l'Accord Général sur les Tarifs douaniers et le Commerce,

Le Gouvernement Français a décidé de prendre les dispositions suivantes:

A compter du 1er juillet I948, le nombre de films étrangers de long métrage qui pourront recevoir, au cours de chaque année se terminant le 30 juin, l'autorisation de distribution en version doublée en langue française est fixé comme suit:

– Films en provenance des Etats-Unis d'Amérique: I2I par an
– Films en provenance des autres pays étrangers: 65 par an

Au cas où il apparaîtrait que le marché français est insuffisamment approvisionné, un contingent supplémentaire de films étrangers réparti au prorata des chiffres ci-dessus, pourra recevoir l'autorisation de distribution.

ANNEXE F

Arrangement financier.

Se référant aux échanges de lettres entre l'Ambassade des Etats-Unis d'Amérique et le Ministère des Finances, en date respectivement du 2I juin et du 1er juillet I947, qui ont déterminé:

a) le montant des recettes effectuées par certaines compagnies cinématographiques américaines pendant la période antérieure au 30 Juin I947, qui étaient considérées par le Ministère comme transférables, et

b) le taux de change auquel ces fonds devaient être transférés; le Gouvernement de la République Française confirme par les présentes le montant des fonds transférables, ainsi que le taux de change applicable à ces transferts et déclare qu'ils ne tombent ni l'un ni l'autre sous le coup des dispositions de la Section V de la Déclaration commune.

Bien que les conditions économiques aient à cette époque empêché que les transferts fussent effectués à la date convenue dans les lettres ci-dessus mentionnés, le Gouvernement de la République Française estime qu'il est maintenant en mesure d'autoriser le transfert en dollars d'un montant limité de francs afin de faire droit aux demandes des distributeurs de films américains. Le Gouvernement de la République Française a donc décidé d'arrêter:

a) un nouveau plan de liquidation des créances bloquées qui se sont accumulées dans la période antérieure au 30 Juin I947;

b) un plan de transfert des recettes encaissées depuis le 1er juillet 1947, et

c) les conditions d'utilisation des francs demeurés bloqués.

Dans ce but, le Gouvernement de la République Française propose, et le Gouvernement des Etats-Unis accepte, que:

I. Les transferts afférents au rapatriement par les Compagnies américaines des recettes réalisées par elles dans l'Union Française seront, pendant une période de quatre ans commençant le 1er juillet I948, limités à $3.625.000 par an.

II. Ce contingent annuel sera divisé en deux parts:

A. $2.438.205 seront affectés au transfert du reliquat de la somme de $11.7I5.000 que le Gouvernement Français s'est engagé à transférer au titre des recettes revenant aux compagnies pour la période antérieure au 30 juin I947, de telle sorte que ce reliquat, qui s'élève à $9.752.820 se trouve entièrement transféré à l'issue de la période de quatre ans.

B. $1.186.795 seront affectés au transfert des recettes revenant aux compagnies pour la période commençant le 1er juillet I947.

III. Le contingent annuel sera transféré en quatre fractions égales dont chacune comprendra un quart des sommes affectées annuellement au transfert des recettes encaissées au titre de la période anté-

rieure au 30 Juin I947 et un quart des sommes affectées annuellement au transfert des recettes encaissées au titre de la période commençant le 1er juillet I947. Chacune de ces quatre fractions sera transférée à la fin d'un trimestre civil. Le premier transfert interviendra le 30 septembre I948. Toutefois, une somme de $609.55I correspondant à la part qui, dans cette première échéance, est relative aux recettes afférentes à la période antérieure au 30 juin I947, sera, à titre exceptionnel, transférée par anticipation dès la signature du présent accord.

IV. Les transferts afférents aux recettes encaissées au titre de la période antérieure au 30 Juin I947 seront effectués sur la base du cours de Frs. II9,30 pour 1 dollar. Les transferts afférents aux recettes encaissées au titre de la période commençant le 1er juillet I947 seront effectués sur la base du cours du dollar applicable aux transferts financiers à la date à laquelle ils interviendront.

V. La répartition entre les compagnies des contingents trimestriels pendant la période antérieure au 30 Juin I947 sera effectuée conformément aux dispositions précédemment approuvées par le Gouvernement Français. La répartition des contingents trimestriels afférents à la période postérieure au 1er juillet I947 sera effectuée sur la base des recettes brutes revenant aux distributeurs de films américains, telles qu'elles auront été établies par un expert comptable agréé par le Gouvernement Français et les compagnies cinématographiques. Néanmoins, aucune compagnie considérée individuellement ne pourra transférer, soit au titre des recettes afférentes à la période antérieure au 30 juin I947, soit au titre des recettes afférentes à la période postérieure au 1er juillet I947, plus que la contrevaleur en francs calculée comme il est dit à la Section IV ci-dessus, des sommes dont elle disposera à chacun de ces titres au jour du transfert et auxquelles l'Office des Changes aura reconnu le caractère des recettes transférables.

VI. Les sommes en francs encaissées par les Compagnies au titre de la période se terminant le 30 juin I952 et qui n'auront pas été transférées en exécution des Sections I, II, III, IV et V ci-dessus, pourront être utilisées dans les conditions définies à la Section VII.

VII. Sur demande adressée à l'Office des Changes, les sociétés seront autorisées à utiliser le solde de leurs comptes en francs aux usages suivants à l'intérieur de la zone franc:

A – Paiement des frais de voyage et autres dépenses officielles ainsi que des salaires des personnes employées par les compagnies, leurs Sociétés de production affiliées, leurs compagnies ou agents de distribution, ainsi que par la Motion Picture Association of America, qui résident ou font un voyage dans l'Union Française.

B – Paiement de toute dépense afférente à la mise des films produits par les compagnies en état d'être distribués, partout où des films de langue française sont normalement projetés (par exemple frais de doublage, de traduction, de sous-titrage, d'impression, de publicité; achat de matériel nécessaire à ces opérations).

C– Dépenses afférentes à la co-production de films en France lorsque cette co-production aura obtenu l'accord du Centre National

de la Cinématographie; cet accord ne sera pas refusé sans raison. Les recettes résultant de l'exploitation des films produits en co-production franco-américaine seront partagées entre associés français et associés américains sur la base d'un pourcentage égal au pourcentage retenu pour le partage des dépenses de financement. La part des recettes en devises revenant aux associés américains pour l'exploitation de ces films dans des pays autres que ceux de l'Union Française ne sera pas reversée au compte en France des associés américains; ceux-ci pourront en disposer librement à l'étranger.

D – Acquisition de droits d'auteur sur livres, pièces de théâtre et autres propriétés littéraires ou musicales, achats de brevets cinématographiques, étant entendu que les redevances revenant ultérieurement au vendeur lui seront payées dans la monnaie du pays où ces redevances ont pris naissance.

E – Moyennant approbation du Centre National de la Cinématographie et de l'Office des Changes, achat du droit de distribuer ou de vendre sauf dans la zone franc des films produits en France.

F – 1. Sous réserve de l'application des dispositions de la règlementation française des changes;

– achat de titres à long terme émis par l'Etat ou les collectivités publiques;

– achat de valeurs industrielles françaises à l'exclusion, sauf accord particulier du Centre National de la Cinématographie, de valeurs intéressant l'industrie cinématographique;

– investissement dans des affaires industrielles ou commerciales françaises, à l'exclusion, sauf accord particulier du Centre National de la Cinématographie, des investissements dans des affaires intéressant l'industrie cinématographique;

– achat, construction, réparation, location de propriétés bâties ou non bâties, étant précisé qu'en ce qui concerne les immeubles et installations intéressant l'industrie cinématographique, sont exclus l'achat, la location, la construction de salles et de laboratoires, ainsi que l'achat et la location de studios; qu'au contraire sera autorisée la construction de nouveau studios.

2. Les revenus des investissements autorisés en vertu du par. 1 ci-dessus seront transférables aux Etats-Unis.

3. Les capitaux investis seront, en ce qui concerne leur transfert éventuel, soumis aux dispositions générales de la règlementation française des changes.

4. Les intéressés auront la faculté, après avoir utilisé leurs avoirs en francs à l'une des catégories de placements prévues au par. 1 ci-dessus, de liquider ces investissements et de remployer les fonds rendus disponibles dans une autre catégorie des dits placements. Ce remploi sera soumis aux mêmes règles que celles qui auraient été appliquées si le nouveau placement avait constitué le premier emploi des avoirs en francs existant initialement.

G – Achat, en vue de leur exportation, de marchandises et de matériel dans tous les cas où l'exportation de ces marchandises ou

matériel est considérée par le Gouvernement français comme avantageuse pour l'économie française.

H – Contribution à des oeuvres charitables destinées à secourir des Français.

I – Tout autre usage ayant fait l'objet d'une autorisation particulière de l'Office des Changes.

VIII. Les sommes existant dans les comptes en francs des compagnies seront librement transférables entre la France et l'Afrique du Nord.

July 8, 12, August 23, and September 21, 1948
[T. I. A. S. 1843]

Agreement between the United States of America and Ecuador modifying and extending the agreement of June 29, 1944, respecting a military mission to Ecuador. Effected by exchange of notes signed at Washington July 8 and 12, August 23, and September 21, 1948; entered into force September 21, 1948.

The Ecuadoran Ambassador to the Secretary of State

EMBAJADA DEL ECUADOR
WASHINGTON

No. 175 *8 de julio de 1948.*

EXCELENCIA:

Tengo a honra dirigirme a Vuestra Excelencia para manifestarle que la Cancillería del Ecuador me ha informado haber enviado el oficio No. 107–DDP, fechado el 29 de junio último, a la Embajada Americana en Quito, solicitándole realizar las gestiones necesarias, a fin de que sea prorrogado el Acuerdo sobre el establecimiento de una Misión Militar de los Estados Unidos en el Ecuador, el mismo que fuera suscrito en Washington entre los Representantes autorizados de los Gobiernos del Ecuador y de este país, el 29 de junio de 1944.

Añade la Cancillería ecuatoriana que el Representante diplomático americano, en contestación a la nota a que hago referencia, le ha manifestado que ese Departamento preferiría realizar en esta ciudad las negociaciones referentes a la prórroga y modificaciones del citado Acuerdo.

En caso de que siga siendo ese el criterio del Departamento de Estado, ruego a Vuestra Excelencia se sirva indicarme su resolución acerca de dicha prórroga, con las siguientes modificaciones que propone mi Gobierno:

1– Que al artículo 4, se le agregue un inciso que diga:

"(c) Al pedir el Gobierno del Ecuador el retiro de todo el personal de la Misión, en el interés público del Ecuador, sin necesidad de cumplir con el inciso (a) de este artículo."

2– Que el artículo 7 diga:

"Artículo 7.– El personal de la Misión desempeñará todas las tareas de colaboración profesional que fueran fijadas por el Ministerio de Defensa Nacional, con la opinión del Jefe de Estado Mayor de las Fuerzas Armadas."

3– Que el artículo 9 diga:

"Artículo 9.– Cada miembro de la Misión servirá en la Misión con el rango que tenga en el Ejército de los Estados Unidos y usará el uniforme de su rango en el Ejército de los Estados Unidos."

Válgome de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi consideración más alta y distinguida.

A. Dillon
Embajador del Ecuador

A Su Excelencia
el Señor GEORGE C. MARSHALL
Secretario de Estado
Washington, D.C.

Translation

EMBASSY OF ECUADOR
WASHINGTON

No. 175

JULY 8, 1948.

EXCELLENCY:

I have the honor to inform Your Excellency that the Chancelry of Ecuador has notified me that it has sent note No. 107–DDP, dated June 29 [1] last, to the Embassy of the United States at Quito, requesting it to take the necessary steps for the extension of the Agreement on the Establishment of a United States Military Mission to Ecuador, which Agreement was signed at Washington on June 29, 1944 by the authorized representatives of the Governments of Ecuador and of this country. 58 Stat. 1300.

The Ecuadoran Chancelry adds that the American diplomatic representative has informed him, in reply to the note in reference, that your Department would prefer to carry on in this city the negotiations concerning the extension and amendment of the aforesaid Agreement.

In the event that such is still the desire of the Department of State, I beg Your Excellency to be good enough to let me know your decision with regard to such extension, with the following changes proposed by my Government:

1. That the following clause be added to Article 4: 58 Stat. 1301.

"(c) Upon the request of the Government of Ecuador for the withdrawal of all the personnel of the Mission in the public interest of Ecuador, without its being necessary to comply with clause (a) of this Article."

2. That Article 7 read: 58 Stat. 1302.

"Article 7. The personnel of the Mission shall perform all such tasks of professional collaboration as may be set by the Ministry of National Defense, in consultation with the Chief of Staff of the Armed Forces."

[1] Not printed.

58 Stat. 1302.

3. That Article 9 shall read:

"Article 9. Each member of the Mission shall serve with the Mission with the rank that he holds in the United States Army and shall wear the uniform of his rank in the United States Army."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

A DILLON
A. DILLON
Ambassador of Ecuador

His Excellency
GEORGE C. MARSHALL
Secretary of State
Washington, D. C.

The Ecuadoran Ambassador to the Secretary of State

EMBAJADA DEL ECUADOR
WASHINGTON

No. 177

El Embajador del Ecuador saluda muy atentamente a Su Excelencia el señor Secretario de Estado y le es honroso referirse a su nota No. 175, fechada el 8 de los corrientes, para manifestarle que el Gobierno del Ecuador, a pedido del señor Ministro de Defensa, rectificando el contenido del párrafo quinto de la referida nota, vería con agrado que el Artículo 7 del Acuerdo del 29 de junio de 1944, sobre el establecimiento de una Misión Militar Norteamericana en el Ecuador, sea reformado, para los efectos de la prórroga de tal Acuerdo, en la forma siguiente:

"Artículo 7. – El personal de la Misión desempeñará todas las tareas de colaboración profesional que fueren fijadas por el Ministerio de Defensa Nacional."

WASHINGTON, D.C.
12 de julio de 1948.

Translation

EMBASSY OF ECUADOR
WASHINGTON

No. 177

The Ambassador of Ecuador presents his compliments to His Excellency the Secretary of State and has the honor to refer to his note No. 175 of the 8th instant to inform him that the Government of Ecuador, at the request of the Minister of Defense, correcting the tenor of the fifth paragraph of the aforesaid note, would like to have Article 7 of the Agreement of June 29, 1944 on the Establishment of a United States Military Mission in Ecuador amended as follows for the purposes of the extension of the Agreement in question:

Ante, p. 3018.

58 Stat. 1302.

"Article 7. The personnel of the Mission shall perform all such tasks of professional collaboration as may be set by the Ministry of National Defense."

WASHINGTON, D. C.
July 12, 1948.

The Secretary of State to the Ecuadoran Ambassador

DEPARTMENT OF STATE
WASHINGTON
Aug 23 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your notes Nos. 175 and 177, of July 8 and July 12, 1948, respectively, requesting on behalf of your Government the renewal, with modification, for a period of four years, of the agreement entered into on June 29, 1944, between the Government of the United States of America and the Republic of Ecuador, providing for the assignment of a United States Military Mission to Ecuador. Renewal of agreement. 58 Stat. 1300.

I am pleased to inform you that the proposed changes are acceptable to this Government with the exception of the proposed change in Title III, Article 7. The Department of the Army is of the opinion that the deletion of reference to the Chief of the Mission in the determination of mission duties is not in the best interests of the Mission. 58 Stat. 1302.

In the event that the above proposal is acceptable to your Government, I shall consider this note and your response to that effect as completing the agreement between the two governments for the renewal of the agreement of June 29, 1944.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
CHARLES E. BOHLEN

His Excellency
Senor Don AUGUSTO DILLON,
Ambassador of Ecuador.

The Ecuadoran Ambassador to the Secretary of State

EMBAJADA DEL ECUADOR
WASHINGTON

No. 237 *21 de septiembre de 1948.*

EXCELENCIA:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia, fechada el 23 de agosto último, relacionada con la prórroga del Acuerdo de 29 de junio de 1944 entre el Gobierno del Ecuador y el de este país, para manifestarle que mi país acepta la propuesta formulada en dicha

nota; debiéndose entender que, de acuerdo con la sugestión contenida en la misma, tal aceptación formaliza la prórroga del citado Acuerdo por un período de cuatro años, con las modificaciones que constan en los oficios de 8 y 12 de julio dirigidas por esta Embajada a ese Departamento, exceptuándose la relativa al Artículo 7° del Título III, cuyo texto será el mismo que el del Acuerdo primitivo.

Válgome de esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi consideración más alta y distinguida.

A. Dillon
Embajador del Ecuador

His Excellency
GEORGE MARSHALL
Secretary of State
Washington, D.C.

Translation

EMBASSY OF ECUADOR
WASHINGTON

No. 237

September 21, 1948.

EXCELLENCY:

I have the honor to refer to Your Excellency's courteous note of August 23rd last, in regard to the extension of the Agreement of June 29, 1944 between the Government of Ecuador and that of this country, to inform you that my country accepts the proposal contained in the said note, it being understood that, in accordance with the suggestion contained therein, this acceptance formally extends the said Agreement for a period of four years, with the modifications set forth in the official communications of July 8 and 12 addressed by this Embassy to your Department, with the exception of the modification relative to Article 7 of Title III, the text of which shall be the same as that of the original Agreement.

Ante, p. 3021.
58 Stat. 1300.
Ante, pp. 3018, 3020.
58 Stat. 1302.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

A DILLON
A. DILLON
Ambassador of Ecuador

His Excellency
GEORGE MARSHALL
Secretary of State
Washington, D.C.

Agreement between the United States of America and the Republic of the Philippines amending the agreement of November 16, 1946, respecting air transport services. Effected by exchange of notes signed at Manila August 27, 1948; entered into force August 27, 1948.

August 27, 1948
[T. I. A. S. 1844]

American Chargé d'Affaires ad interim to the Philippine Acting Secretary of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA,
Manila, August 27, 1948.

No. 1880

EXCELLENCY:

I have the honor to refer to the exchange of correspondence concerning the desire of your Government to have Guam designated as a traffic stop on the route served by the Philippine Air Lines and to confirm the understanding of the Government of the United States of America that it has been mutually agreed between the Government of the Republic of the Philippines and the Government of the United States of America that section "B" of the annex to the Air Transport Agreement between the two Governments signed on November 16, 1946, shall be amended to read as follows:

Designation of Guam as air traffic stop.

61 Stat., Pt. 3, p. 2483.

"B. Airlines of the Republic of the Philippines authorized under the present Agreement are accorded the rights of transit and non-traffic stop in United States territory, as well as the right to pick up and discharge international commercial traffic in passengers, cargo and mail at Guam, Honolulu and San Francisco on the route indicated below:

"From the Philippines to San Francisco and thence to points beyond over a reasonably direct route via intermediate points in the Pacific which are United States territory, including Guam and Honolulu, in both directions."

Amendment of agreement; entry into force.

Upon receipt of a note from Your Excellency indicating that your Government agrees to the amendment of the Air Transport Agreement between the Republic of the Philippines and the United States of America signed on November 16, 1946, as set forth herein, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments to this amendment, the agreement to enter into force on the date of Your Excellency's note.

61 Stat., Pt. 3, p. 2479.

Accept, Excellency, the renewed assurances of my highest consideration

THOMAS H. LOCKETT
THOMAS H. LOCKETT
Charge d'Affaires a. i.

His Excellency
BERNABE AFRICA,
Acting Secretary of Foreign Affairs,
Republic of the Philippines.

The Philippine Acting Secretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *August 27, 1948*

SIR:

I have the honor to acknowledge receipt of the note of the American Embassy of August 27, 1948, the substantive portion of which reads as follows:

"I have the honor to refer to the exchange of correspondence concerning the desire of your Government to have Guam designated as a traffic stop on the route served by the Philippine Air Lines and to confirm the understanding of the Government of the United States of America that it has been mutually agreed between the Government of the Republic of the Philippines and the Government of the United States of America that section 'B' of the annex to the Air Transport Agreement between the two Governments signed on November 16, 1946, shall be amended to read as follows:

61 Stat., Pt. 3, p. 2483.

'B. Airlines of the Republic of the Philippines authorized under the present Agreement are accorded the rights of transit and non-traffic stop in United States territory, as well as the right to pick up and discharge international commercial traffic in passengers, cargo and mail at Guam, Honolulu and San Francisco on the route indicated below:

'From the Philippines to San Francisco and thence to points beyond over a reasonably direct route via intermediate points in the Pacific which are United States territory, including Guam and Honolulu, in both directions.'

"Upon receipt of a note from Your Excellency indicating that your Government agrees to the amendment of the Air Transport Agreement between the Republic of the Philippines and the United States of America signed on November 16, 1946, as set forth herein, the Government of the United States of America will consider

61 Stat., Pt. 3, p. 2479.

that this note and your reply thereto constitute an agreement between the two Governments to this amendment, the agreement to enter into force on the date of Your Excellency's note."

In reply, I am pleased to state that my Government agrees to the above-quoted amendment and to its entering into force on the date of this note.

Accept, Sir, the renewed assurances of my high consideration.

BERNABE AFRICA
Acting Secretary

The Honorable
THOMAS H. LOCKETT
Chargé d'Affaires a.i.
United States Embassy
Manila

October 15, 1948
[T. I. A. S. 1845]

Agreement between the United States of America and the British/United States Zone, Free Territory of Trieste, respecting economic cooperation, under Public Law 472, 80th Congress. Signed at Trieste October 15, 1948; entered into force October 15, 1948.

ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE BRITISH/UNITED STATES ZONE, FREE TERRITORY OF TRIESTE.

Preamble

Principles of Agreement.

The Government of the United States of America and, on behalf of the British/United States Zone, Free Territory of Trieste, the Commander, British/United States Forces, Free Territory of Trieste:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European Economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Commander, on behalf of the UK/US Zone, has joined with other like-minded nations in the Convention for European Economic Cooperation signed at Paris on April 16, 1948 [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the UK/US Zone is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

62 Stat., Pt. 1, p. 137.

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

[1] Department of State publication 3145.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by the UK/US Zone, and the measures which the two parties will take individually and together in furthering the recovery of the UK/US Zone as an integral part of the joint program for European recovery; 62 Stat., Pt. 1, p.137.

Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist the UK/US Zone, by making available to the Commander or to any person, agency or organization designated by the latter such assistance as may be requested by him and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Commander only such commodities, services and other assistance as are authorized to be made available by such acts. 62 Stat., Pt. 1, p.137.

2. The Commander, acting directly and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Commander will take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to adhere to the purposes and policies of the Economic Cooperation Act of 1948. 62 Stat., Pt. 1, p. 137.

3. The Commander will carry out his obligations under this Agreement with due regard for his responsibilities under the relevant clauses of the Treaty of Peace with Italy signed at Paris February 10, 1947. 61 Stat., Pt. 2, p. 1245.

4. With respect to assistance furnished by the Government of the United States of America to the UK/US Zone and procured from areas outside the United States of America, its territories and possessions, the Commander will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

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Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Commander will use his best endeavors:

Measures for practical use of resources. *Post*, p. 3036.

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to the UK/US Zone, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Commander in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to citizens and juridical persons domiciled within the boundaries of the UK/US Zone and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Commander to dispose of such assets;

Development of production.

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Commander to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of steel and transportation facilities;

Maintenance of financial stability. *Post*, p. 3036.

c) to balance the governmental budget as soon as practicable and to create or maintain internal financial stability; and

Stimulation of trade.

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

Utilization of manpower.

2. Taking into account Article 8 of the Convention for European Economic Cooperation [1] looking toward the full and effective use of manpower available in the participating countries, the Commander, with due regard for the urgency and importance of the problems of surplus manpower in the UK/US Zone, will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

Prevention of practices interfering with achievement of program.
Post, p. 3036.

3. The Commander will take the measures which he deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III

(Guaranties)

1. The Government of the United States of America and the Commander will, upon the request of either party, consult respecting projects in the UK/US Zone proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section 111 (b) (3) of the Economic Cooperation Act of 1948.

62 Stat., Pt. 1, pp. 144, 1056.
Post, p. 3034.

2. The Commander agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Italian lire, or credits in Italian lire, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

Article IV

(Local Currency)

Post, p. 3034.

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

Special account in Banca d'Italia.

2. The Commander will establish a special account in the Banca d'Italia in the name of the Commander (hereinafter called the Special Account) and will make deposits in Italian lire to this account as follows:

(a) The unencumbered balance, at the close of business on the date of this Agreement, in the Special Account in the Banca d'Italia established in accordance with the provisions of Section 6 of Public Law 84, Eightieth Congress, and Section 103 (b) of the

61 Stat., Pt. 1, p. 128.
22 U. S. C., Supp. I, § 1416.

[1] Department of State publication 3145.

62 Stat., Pt. 1, p. 138.

Economic Cooperation Act of 1948, together with any further sums which may, from time to time, be required to be deposited in the Special Account. It is understood that subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance.

62 Stat., Pt. 1, p. 150.

(b) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to the UK/US Zone on a grant basis by any means authorized under the Economic Cooperation Act of 1948. The Government of the United States of America shall from time to time notify the Commander of the indicated dollar cost of any such commodities, services and technical information, and the Commander will thereupon deposit in the Special Account a commensurate amount of Italian lire computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into the UK/US Zone. If at the time of notification a par value for the Italian lira is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into the UK/US Zone or, if at the time of notification no par value for the Italian lira is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Commander and the Government of the United States of America. The Commander may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

62 Stat., Pt. 1, p. 137.

Availability of sums for U. S. administrative expenditures.

3. The Government of the United States of America will from time to time notify the Commander of its requirements for administrative expenditures in Italian lire within the UK/US Zone incident to operations under the Economic Cooperation Act of 1948, and the Commander will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

62 Stat., Pt. 1, p. 1054.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949, shall be allocated to the use of the Government of the United States of America for its expenditures in the UK/US Zone and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Commander will further make such sums of Italian lire available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar

charges) of transportation from any point of entry in the UK/US Zone to the consignee's designated point of delivery in the UK/US Zone of such relief supplies and packages as are referred to in Article V.

Withdrawals by Commander from special account.

6. The Commander may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Commander for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaing internal monetary and financial stabilization in the UK/US Zone and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within the UK/US Zone, including in particular:

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of the UK/US Zone and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development; and

62 Stat., Pt. 1, p. 137.

(b) effective retirement of public debt, especially debt held by banking institutions.

Disposition of unencumbered balance in special account; approval by U. S. Congress.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within the UK/US Zone for such purposes as may hereafter be agreed between the Governments of the United States of America and the Commander, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V

(Travel Arrangements and Relief Supplies)

1. The Commander will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Commander will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into the UK/US Zone of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in the UK/US Zone.

Article VI

(Consultation and Transmittal of Information)

1. Parties to this Agreement will, upon request of either of them, consult together regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Commander will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Commander:

Post, p. 3036.

(a) detailed information of projects, programs and measures proposed or adopted by the Commander to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding the economy of the UK/US Zone and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

62 Stat., Pt. 1, p. 137.

Article VII

(Publicity)

1. The Government of the United States of America and the Commander recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Commander will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. He will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. He will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

Quarterly statements of operations.

4. The Commander will make public in the UK/US Zone in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

Article VIII

(Missions)

1. The Commander agrees to receive a Special Mission for Economic Cooperation which shall conform to any administrative arrangements established by the President of the United States of America pursuant to Section 109 (d) of the Economic Cooperation Act of 1948 and which will discharge the responsibilities of the Government of the United States of America in the UK/US under this Agreement.

62 Stat., Pt. 1, p. 142.

Courtesies to U. S. Special Mission.

2. The Commander, upon appropriate notification from the Government of the United States of America, will accord appropriate courtesies to the Special Mission and its personnel, the United States Special Representative in Europe and his staff, and the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and will grant them the facilities and assistance necessary to the effective performance of their responsibilities to assure the accomplishment of the purposes of this Agreement.

3. The Commander, directly and through his representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article IX

(Definitions)

As used in this Agreement:

"UK/US Zone."

1. The "UK/US Zone" means that zone of the Free Territory of Trieste under the joint administration of the United Kingdom and United States military commands.

"Commander."

2. The "Commander" means the Commander, British-United States Forces, Free Territory of Trieste.

"Participating country."

3. The term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947,[1] and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or

[1] Department of State publication 2930.

control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article X

(Entry into Force, Amendment, Duration)

Effective date; duration.

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, or until the authority of the Commander with respect to the UK/US Zone shall have ceased, whichever is the earlier date.

Modification, etc.

2. If, during the life of this Agreement, either the Government of the United States of America or the Commander should consider there has been a fundamental change in the basic assumptions underlying this Agreement, the other shall be so notified in writing and the Government of the United States of America and the Commander will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, no agreement has been reached upon the action to be taken in the circumstances, either party may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

Termination.

(a) six months after the date of such notice of intention to terminate, or

(b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Commander are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice.

Ante, p. 3029.

3. Article IV shall remain in effect until all the sums in the currency of the UK/US Zone required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

Ante, p. 3029.

Amendment.

4. This Agreement may be amended at any time by agreement between the parties.

Registration.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present agreement.

Done at Trieste, in duplicate, both texts authentic, this 15th day of October 1948. Authentic texts.

T. S. AIREY

Major General T. S. AIREY, C.B., C.B.E.
Commander, British/United States Zone,
Free Territory of Trieste.

ROBERT P. JOYCE

ROBERT P. JOYCE, United States Political Adviser to the Commander, British/United States Zone, Free Territory of Trieste, and Ad Interim Representative for the Economic Cooperation Administration.

ANNEX

Interpretative Notes

Ante, p. 3028.

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

Ante, p. 3028.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the governmental budget as soon as practicable would not preclude deficits over a short period but would mean budgetary policy involving the balancing of the budget in the long run.

Ante, p. 3029.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trade marks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and

(g) such other practices as the two Governments may agree to include.

Ante, p. 3029.

4. It is understood that the Commander is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

Ante, p. 3032.

5. It is understood that the Commander will not be requested, under paragraph 2 (a) of Article VI, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

Constitution of the International Refugee Organization, adopted by the United States of America and other governments. Opened for signature at New York December 15, 1946; signed on behalf of the United States of America, subject to approval, December 16, 1946; instrument of acceptance deposited by the United States of America July 3, 1947; entered into force August 20, 1948.

December 16, 1946
[T. I. A. S. 1846]

CONSTITUTION

OF THE

INTERNATIONAL REFUGEE ORGANIZATION

UNITED NATIONS
Lake Success, New York
1946

CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

PREAMBLE

The Governments accepting this Constitution,

RECOGNIZING:

that genuine refugees and displaced persons constitute an urgent problem which is international in scope and character;

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime;

that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution;

Post, p. 3048.

that genuine refugees and displaced persons, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness; and

59 Stat., 1031.

that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them:

HAVE AGREED:

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish, a non-permanent organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations, and accordingly

HAVE ACCEPTED THE FOLLOWING ARTICLES:

ARTICLE 1

MANDATE

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

ARTICLE 2

FUNCTIONS AND POWERS

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be: the repatriation; the identification,

registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I. Such functions shall be exercised with a view:

(*a*) to encouraging and assisting in every way possible the early return to their country of nationality, or former habitual residence, of those persons who are the concern of the Organization, having regard to the principles laid down in the resolution on refugees and displaced persons adopted by the General Assembly of the United Nations on 12 February 1946 (Annex III) and to the principles set forth in the Preamble, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the auspices of the Organization; and the necessary clothing and means of transportation; and

(*b*) with respect to persons for whom repatriation does not take place under paragraph 1 (*a*) of this article to facilitating:

(i) their re-establishment in countries of temporary residence;

(ii) the emigration to, re-settlement and re-establishment in other countries of individuals or family units; and

(iii) as may be necessary and practicable, within available resources and subject to the relevant financial regulations, the investigation, promotion or execution of projects of group re-settlement or large-scale re-settlement. *Post*, p. 3048.

(*c*) with respect to Spanish Republicans to assisting them to establish themselves temporarily until the time when a democratic regime in Spain is established.

2. For the purpose of carrying out its functions, the Organization may engage in all appropriate activities, and to this end, shall have power:

(*a*) to receive and disburse private and public funds; *Post*, p. 3054.

(*b*) as necessary to acquire land and buildings by lease, gift, or in exceptional circumstances only, by purchase; and to hold such land and buildings or to dispose of them by lease, sale or otherwise;

(*c*) to acquire, hold and convey other necessary property;

(*d*) to enter into contracts, and undertake obligations; including contracts with Governments or with occupation or control authorities, whereby such authorities would continue, or undertake, in part or in whole, the care and maintenance of refugees and displaced persons in territories under their authority, under the supervision of the Organization;

(*e*) to conduct negotiations and conclude agreements with Governments;

(*f*) to consult and co-operate

with public and private organizations whenever it is deemed advisable, in so far as such organizations share the purpose of the Organization and observe the principles of the United Nations;

(*g*) to promote the conclusion of bilateral arrangements for mutual assistance in the repatriation of displaced persons, having regard to the principles laid down in paragraph (*c*) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III);

Post, p. 3054.

(*h*) to appoint staff, subject to the provisions of Article 9 of this Constitution;

Post, p. 3044.

(*i*) to undertake any project appropriate to the accomplishment of the purposes of this Organization;

(*j*) to conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary; and

(*k*) in general, to perform any other legal act appropriate to its purposes.

ARTICLE 3

RELATIONSHIP TO THE UNITED NATIONS

The relationship between the Organization and the United Nations shall be established in an agreement between the Organization and the United Nations as provided in Articles 57 and 63 of the Charter of the United Nations.

59 Stat. 1046, 1047.

ARTICLE 4

MEMBERSHIP

1. Membership in the Organization is open to Members of the United Nations. Membership is also open to any other peace-loving States, not members of the United Nations, upon recommendation of the Executive Committee, by a two-thirds majority vote of members of the General Council present and voting, subject to the conditions of the agreement between the Organization and the United Nations approved pursuant to article 3 of this Constitution.

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

3. Subject to the provisions of paragraph 1 of this article, those States, whose representatives have not signed the Constitution referred to in the previous paragraph, or which, having signed it, have not deposited the relevant instrument of acceptance within the following six months, may, however, be admitted as members of the Organization in the following cases:

(*a*) if they undertake to liquidate any outstanding contributions in accordance with the relevant scale; or

(*b*) if they submit to the Organization a plan for the admission to their territory, as immigrants, refugees or displaced persons in such numbers, and on such settlement conditions as shall, in the opinion of the Organization, require from the applicant State an expenditure or investment equivalent, or approximately equivalent, to the contribution that they would be called upon, in accordance with the relevant scale, to make to the budget of the Organization.

4. Those States which, on signing the Constitution, express their intention to avail themselves of clause (*b*) of paragraph 3 of this article may submit the plan referred to in that paragraph within the following three months, without prejudice to the presentation within six months of the relevant instrument of acceptance.

5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

6. Members of the Organization which are expelled from the United Nations shall automatically cease to be members of this Organization.

7. With the approval of the General Assembly of the United Nations, members of the Organization which are not members of the United Nations, and which have persistently violated the principles of the Charter of the United Nations may be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council.

8. A member of the Organization which has persistently violated the principles contained in the present Constitution, may be suspended from the rights and privileges of the Organization by the General Council, and with the approval of the General Assembly of the United Nations, may be expelled from the Organization.

9. A member of the Organization undertakes to afford its general support to the work of the Organization.

10. Any member may at any time give written notice of withdrawal to the Chairman of the Executive Committee. Such notice shall take effect one year after the date of its receipt by the Chairman of the Executive Committee.

ARTICLE 5

ORGANS

There are established as the principal organs of the Organization: a General Council, an Executive Committee and a Secretariat.

ARTICLE 6

THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.

2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being

59 Stat. 1031.

the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director-General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.

3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.

4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and a second Vice-Chairman, and such other officers as it may deem necessary.

ARTICLE 7

EXECUTIVE COMMITTEE

1. The Executive Committee shall perform such functions as may be necessary to give effect to the policies of the General Council, and may make, between sessions of the General Council, policy decisions of an emergency nature which it shall pass on to the Director-General, who shall be guided thereby, and shall report to the Executive Committee on the action which he has taken thereon. These decisions shall be subject to reconsideration by the General Council.

2. The Executive Committee of the General Council shall consist of the representatives of nine members of the Organization. Each member of the Executive Committee shall be elected for a two-year term by the General Council at a regular session of the Council. A member may continue to hold office on the Executive Committee during any such period as may intervene between the conclusion of its term of office and the first succeeding meeting of the General Council at which an election takes place. A member shall be at all times eligible for re-election to the Executive Committee. If a vacancy occurs in the membership of the Executive Committee between two sessions of the General Council, the Executive Committee may fill the vacancy by itself appointing another member to hold office until the next meeting of the Council.

3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members, the terms of office to be determined by the General Council.

4. Meetings of the Executive Committee shall be convened:

(*a*) at the call of the Chairman, normally twice a month;

(*b*) whenever any representative of a member of the Executive Committee shall request the convening of a meeting, by a letter addressed to the Director-General, in which case the meeting shall be convened within seven days of the date of the receipt of the request;

(*c*) in the case of a vacancy occurring in the Chairmanship, the Director-General shall convene a meeting at which the first item on the agenda shall be the election of a Chairman.

5. The Executive Committee may, in order to investigate the situation in the field, either as a body or through a delegation of

its members, visit camps, hostels or assembly points within the control of the Organization, and may give instructions to the Director-General in consequence of the reports of such visits.

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate. These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

ARTICLE 8

ADMINISTRATION

1. The chief administrative officer of the Organization shall be the Director-General. He shall be responsible to the General Council and the Executive Committee and shall carry out the administrative and executive functions of the Organization in accordance with the decisions of the General Council and the Executive Committee, and shall report on the action taken thereon.

2. The Director-General shall be nominated by the Executive Committee and appointed by the General Council. If no person acceptable to the General Council is nominated by the Executive Committee, the General Council may proceed to appoint a person who has not been nominated by the Committee. When a vacancy occurs in the office of the Director-General the Executive Committee may appoint an Acting Director-General to assume all the duties and functions of the office until a Director-General can be appointed by the General Council.

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

4. The staff of the Organization shall be appointed by the Director-General under regulations to be established by the General Council.

5. The Director-General shall be present, or be represented by one of his subordinate officers, at all meetings of the General Council, or the Executive Committee and of all other committees and sub-committees. He or his representatives may participate in any such meeting but shall have no vote.

6. (*a*) The Director-General shall prepare at the end of each half-year period a report on the work of the Organization. The report prepared at the end of each alternate period of six months shall relate to the work of the

Organization during the preceding year and shall give a full account of the activities of the Organization during that period. These reports shall be submitted to the Executive Committee for consideration, and thereafter shall be transmitted to the General Council together with any comments of the Executive Committee thereon, as provided by paragraph 6 of article 7 of this Constitution.

(*b*) At every special session of the General Council the Director-General shall present a statement of the work of the Organization since the last meeting.

ARTICLE 9

STAFF

1. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. A further consideration in the employment of the staff shall be adherence to the principles laid down in the present Constitution. Due regard shall be paid to the importance of recruiting staff on an appropriate geographical basis, and of employing an adequate number of persons from the countries of origin of the displaced persons.

2. No person shall be employed by the Organization who is excluded under Part II, other than paragraph 5, of Annex I to this Constitution, from becoming the concern of the Organization.

Post, p. 3052.

3. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 10

FINANCE

1. The Director-General shall submit, through the Executive Committee, to the General Council an annual budget, covering the necessary administrative, operational and large-scale re-settlement expenditures of the Organization, and from time to time such supplementary budgets as may be required. The Executive Committee shall transmit the budget to the General Council with any remarks it may deem appropriate. Upon final approval of a budget by the General Council, the total under each of these three headings—to wit, "administrative", "operational" and "large-scale re-settlement"—shall be allocated to the members in proportions for each heading to be determined from time to time by a two-thirds majority vote of the members of the General Council present and voting.

2. Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in kind or in such currency as may be provided for in a decision by the General Coun-

cil, having regard to currencies in which the anticipated expenditure of the Organization will be effected from time to time, regardless of the currency in which the budget is expressed.

3. Each member undertakes to contribute to the Organization its share of the administrative expenses as determined and allocated under paragraphs 1 and 2 of this article.

4. Each member shall contribute to the operational expenditures—except for large-scale re-settlement expenditures—as determined and allocated under paragraphs 1 and 2 of this article, subject to the requirements of the constitutional procedure of such members. The members undertake to contribute to the large-scale re-settlement expenditures on a voluntary basis and subject to the requirements of their constitutional procedure.

5. A member of the Organization, which, after the expiration of a period of three months following the date of the coming into force of this Constitution, has not paid its financial contribution to the Organization for the first financial year, shall have no vote in the General Council or the Executive Committee until such contribution has been paid.

6. Subject to the provisions of paragraph 5 of this article, a member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Council or the Executive Committee if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding one full year.

7. The General Council may, nevertheless, permit such members to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such members.

8. The administrative budget of the Organization shall be submitted annually to the General Assembly of the United Nations for such review and recommendation as the General Assembly may deem appropriate. The agreement under which the Organization shall be brought into relationship with the United Nations under article 3 of this Constitution may provide, *inter alia*, for the approval of the administrative budget of the Organization by the General Assembly of the United Nations.

Ante, p. 3040.

9. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 of this article, the following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(*a*) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

Post, p. 3052.

(*b*) the amounts to be contributed by the members shall be in the proportions set forth in Annex II to this Constitution.

ARTICLE 11

HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris or at Geneva, as the General Council shall decide, and all meetings of the General Council and the Executive Committee shall be held

at this headquarters, unless a majority of the members of the General Council or the Executive Committee have agreed, at a previous meeting or by correspondence with the Director-General to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations as may be necessary.

3. All offices and representations shall be established only with the consent of the Government in authority in the place of establishment.

ARTICLE 12

PROCEDURE

1. The General Council shall adopt its own rules of procedure, following in general, the rules of procedure of the Economic and Social Council of the United Nations, wherever appropriate, and with such modifications as the General Council shall deem desirable. The Executive Committee shall regulate its own procedure subject to any decisions of the General Council in respect thereto.

2. Unless otherwise provided in the Constitution or by action of the General Council, motions shall be carried by simple majority of the members present and voting in the General Council and the Executive Committee.

ARTICLE 13

STATUS, IMMUNITIES AND PRIVILEGES

1. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.

2. (*a*) The Organization shall enjoy in the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

(*b*) Representatives of members, officials and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such legal status, privileges and immunities shall be defined in an agreement to be prepared by the Organization after consultation with the Secretary-General of the United Nations. The agreement shall be open to accession by all members and shall continue in force as between the Organization and every member which accedes to the agreement.

ARTICLE 14

RELATIONS WITH OTHER ORGANIZATIONS

1. Subject to the provisions of the agreement to be negotiated with the United Nations, pursuant to article 3 of this Constitution, the Organization may establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume all or part of the functions, and acquire all or part of the resources, assets and liabilities of any inter-governmental organization or agency, the purposes and functions of which lie within the scope of the Organization. Such action may be taken either through mutually acceptable arrangements with the competent authorities of such organizations or agencies, or

pursuant to authority conferred upon the Organization by international convention or agreement.

ARTICLE 15

RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION OF REFUGEES AND DISPLACED PERSONS

The relationship of the Organization with the Governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such Governments or administrations in accordance with the terms of this Constitution.

ARTICLE 16

AMENDMENT OF CONSTITUTION

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to members at least three months in advance of their consideration by the General Council. Amendments shall come into effect when adopted by a two-thirds majority of the members of the General Council present and voting and accepted by two-thirds of the members in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for members shall come into force in respect of each member only on acceptance by it.

ARTICLE 17

INTERPRETATION

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice, any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice, unless the General Council or the parties to such dispute agree to another mode of settlement. 59 Stat. 1052. 59 Stat. 1059.

ARTICLE 18

ENTRY INTO FORCE

1. (*a*) States may become parties to this Constitution by:

(i) signature without reservation as to approval;

(ii) signature subject to approval followed by acceptance;

(iii) acceptance.

(*b*) acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. This Constitution shall come into force when at least fifteen States,[1] whose required contributions to Part I of the operational budget as set forth in Annex II of this Constitution amount to not less than seventy-five per cent of the total thereof, have become parties to it. *Post*, pp. 3132, 3133. *Post*, p. 3052.

3. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution, when it has been signed, without reservation as to approval, on behalf of one State or upon deposit of the first instrument of acceptance. 59 Stat. 1052.

4. The Secretary-General of the United Nations will inform States

[1] Entered into force Aug. 20, 1948.

parties to this Constitution, of the date when it has come into force; he will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned, duly authorized for that purpose, have signed this Constitution.

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six, in a single copy in the Chinese, English, French, Russian and Spanish languages. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies of the texts to each of the signatory Governments and, upon the coming into force of the Constitution and the election of a Director-General, to the Director-General of the Organization.

ANNEX I

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this Annex.

Post, pp. 3049, 3051.

(*a*) The main object of the Organization will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

(*b*) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (*c*) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

Post, p. 3054.

(*c*) As laid down in the resolution adopted by the Economic and Social Council on 16 February 1946,[1] no international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(*d*) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(*e*) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.

(*f*) On the other hand it should equally be the concern of the Organization to ensure that no *bona fide* and deserving

[1] United Nations. *Economic and Social Council, Official Records, First Year: First Session*, pp. 99–103. Church House, Westminster, London.

refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(*g*) The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows, some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946.

SECTION A—DEFINITION OF REFUGEES

1. Subject to the provisions of sections C and D and of Part II of this Annex, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories: *Post*, pp. 3050, 3051.

(*a*) victims of the nazi or fascist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(*b*) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(*c*) persons who were considered refugees before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in section B of this Annex, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the second world war, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality. *Post*, pp. 3050, 3051.

3. Subject to the provisions of section D and of Part II of this Annex, the term "refugee" also

Ante, p. 3039.

applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

Post, p. 3054.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.

SECTION B—DEFINITION OF DISPLACED PERSONS

The term "displaced person" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, section A, paragraph 1 (*a*) of this Annex has been deported from, or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with article 2, paragraph 1 (*a*) of this Constitution, and subject to the provision of paragraph (*c*), sub-paragraphs (ii) and (iii) of the General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III).

Post, p. 3051.

59 Stat. 1035.

SECTION C—CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in section A, paragraphs 1 (*b*) and 3 of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(*a*) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be "valid", as contem-

plated in paragraph 8 (*a*) [1] of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.

(iii) in the case of persons falling within the category mentioned in section A, paragraphs 1 (*a*) and 1 (*c*) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(*b*) The following shall normally be considered "adequate information": information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A paragraph 1 (*b*) of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in paragraph 1 (*a*) of this section.

SECTION D—CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

Ante, p. 3049.

(*a*) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or

(*b*) when they have acquired a new nationality; or

(*c*) when they have, in the determination of the Organization become otherwise firmly established; or

(*d*) when they have unreasonably refused to accept the proposals of the Organization for their re-settlement or repatriation; or

(*e*) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

Persons who will not be the concern of the Organization.

1. War criminals, quislings and traitors.

2. Any other persons who can be shown:

(*a*) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations; or

[1] *Paragraph 8 (a)*

"In answering the representative of Belgium, the Chairman stated that it was implied that the international body would judge what were, or what were not, 'valid objections'; and that such objections clearly might be of a political nature."

[Footnote in the original.]

(*b*) to have voluntarily assisted the enemy forces since the outbreak of the second world war in their operations against the United Nations.[1]

3. Ordinary criminals who are extraditable by treaty.

4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who:

(*a*) have been or may be transferred to Germany from other countries;

(*b*) have been, during the second world war, evacuated from Germany to other countries;

(*c*) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.

5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.

6. Persons who, since the end of hostilities in the second world war:

(*a*) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations; or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;

(*b*) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;

(*c*) at the time of application for assistance, are in the military or civil service of a foreign State.

[1] Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance." Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

[Footnote in the original.]

ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR

1. The provisional budget for the first financial year shall be the sum of 4,800,000 United States dollars for administrative expenses, and a sum of 151,060,500 United States dollars for operational expenses (except for large-scale re-settlement expenses), and a sum of 5,000,000 United States dollars for large-scale re-settlement expenses. Any unspent balance under these headings shall be carried over to the corresponding heading as a credit in the budget of the next financial year.

2. These sums, (except for large-scale re-settlement expenses), shall be contributed by the members in the following proportions:

A—FOR ADMINISTRATIVE EXPENSES

Country	Percentage
Afghanistan	0. 05
Argentina	1. 85
Australia	1. 97
Belgium	1. 35
Bolivia	0. 08
Brazil	1. 85
Byelorussian Soviet Socialist Republic	0. 22
Canada	3. 20
Chile	0. 45
China	6. 00
Colombia	0. 37
Costa Rica	0. 04
Cuba	0. 29
Czechoslovakia	0. 90
Denmark	0. 79
Dominican Republic	0. 05
Ecuador	0. 05
Egypt	0. 79
El Salvador	0. 05
Ethiopia	0. 08
France	6. 00
Greece	0. 17
Guatemala	0. 05
Haiti	0. 04
Honduras	0. 04
Iceland	0. 04
India	3. 95
Iran	0. 45
Iraq	0. 17
Lebanon	0. 06
Liberia	0. 04
Luxembourg	0. 05
Mexico	0. 63
Netherlands	1. 40
New Zealand	0. 50
Nicaragua	0. 04
Norway	0. 50
Panama	0. 05
Paraguay	0. 04
Peru	0. 20
Philippine Republic	0. 29
Poland	0. 95
Saudi Arabia	0. 08
Sweden	2. 35
Syria	0. 12
Turkey	0. 91
Ukrainian Soviet Socialist Republic	0. 84
Union of South Africa	1. 12
Union of Soviet Socialist Republics	6. 34
United Kingdom	11. 48
United States of America	39. 89
Uruguay	0. 18
Venezuela	0. 27
Yugoslavia	0. 33
	100. 00

B—FOR OPERATIONAL EXPENSES (EXCEPT FOR LARGE-SCALE RESETTLEMENT)

Country	Percentage
Afghanistan	0. 03
Argentina	1. 50
Australia	1. 76
Belgium	1. 00
Bolivia	0. 07
Brazil	1. 50
Byelorussian Soviet Socialist Republic	0. 16
Canada	3. 50
Chile	0. 39
China	2. 50
Colombia	0. 32
Costa Rica	0. 02
Cuba	0. 24
Czechoslovakia	0. 80
Denmark	0. 68
Dominican Republic	0. 04
Ecuador	0. 04
Egypt	0. 68
El Salvador	0. 03
Ethiopia	0. 07
France	4. 10
Greece	0. 15
Guatemala	0. 04
Haiti	0. 02
Honduras	0. 02
Iceland	0. 02
India	3. 66
Iran	0. 39
Iraq	0. 15
Lebanon	0. 05
Liberia	0. 02
Luxembourg	0. 04
Mexico	0. 54
Netherlands	0. 90
New Zealand	0. 44
Nicaragua	0. 02
Norway	0. 44
Panama	0. 04
Paraguay	0. 02
Peru	0. 17
Philippines	0. 24
Poland	0. 61
Saudi Arabia	0. 07
Sweden	2. 20
Syria	0. 10

Country	Percentage
Turkey	0. 88
Ukrainian Soviet Socialist Republic	0. 62
Union of South Africa	1. 00
Union of Soviet Socialist Republics	4. 69
United Kingdom	14. 75
United States of America	45. 75
Uruguay	0. 15
Venezuela	0. 23
Yugoslavia	0. 23
New Members	1. 92
	100. 00

Ante, p. 3045.

3. Contributions to large-scale re-settlement expenses shall be governed by the provisions of article 10, paragraph 4 of this Constitution.

ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 12 FEBRUARY 1946

(document A/45)

THE GENERAL ASSEMBLY,

RECOGNIZING that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons on the one hand, and the war criminals, quislings and traitors referred to in paragraph (*d*) below, on the other:

(*a*) DECIDES to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

(*b*) RECOMMENDS to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (*a*); and

(*c*) RECOMMENDS to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (*d*) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (*a*) and (*b*) above, except in cases where the Government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having

regard to the principles laid down in paragraph (*c*) (ii) above;

(*d*) CONSIDERS that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements;

(*e*) CONSIDERS that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration in so far as their situation may be decided by Allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

CONSTITUTION
DE L'ORGANISATION INTERNATIONALE POUR LES REFUGIES

NATIONS UNIES
Lake Success, New-York
1946

CONSTITUTION DE L'ORGANISATION INTERNATIONALE POUR LES REFUGIES

PRÉAMBULE

Les Gouvernements qui adhèrent à la présente Constitution,

RECONNAISSANT:

que les réfugiés et personnes déplacées authentiques constituent un problème urgent dont le caractère et la portée sont d'ordre international;

qu'en ce qui concerne les personnes déplacées, la principale tâche à accomplir doit être d'encourager et de seconder par tous les moyens possibles leur prompt retour dans leur pays d'origine;

que les réfugiés et personnes déplacées authentiques doivent recevoir une aide internationale afin de pouvoir retourner dans le pays dont ils ont la nationalité ou dans lequel ils avaient antérieurement leur résidence habituelle, ou trouver un nouveau foyer dans un autre lieu, dans les conditions prévues par la présente Constitution; ou, dans le cas des Républicains espagnols, de s'établir temporairement afin de pouvoir rentrer en Espagne lorsqu'un régime démocratique aura succédé au régime phalangiste actuel;

que la réinstallation et le rétablissement des réfugiés et des personnes déplacées ne doivent être envisagés que dans des cas tels que ceux qui sont nettement définis par la Constitution;

que les réfugiés et personnes déplacées authentiques, en attendant que leur rapatriement ou leur réinstallation et rétablissement soient effectivement terminés, doivent être protégés dans leurs droits et intérêts légitimes, recevoir aide et assistance et, dans toute la mesure du possible, être employés utilement, afin d'éviter les conséquences funestes et antisociales qu'entraîne l'oisiveté prolongée; et

que doivent être imputés, dans la mesure du possible, à l'Allemagne et au Japon les frais de rapatriement des personnes qui, du fait de ces deux Puissances, ont dû quitter les pays victimes de l'occupation;

ONT CONVENU:

pour atteindre aussi rapidement que possible les buts énoncés ci-dessus, d'établir, et établissent par les présentes, un organisme n'ayant pas de caractère permanent qui prendra le nom d'Organisation internationale pour les réfugiés et constituera une institution spécialisée qui devra être reliée à l'Organisation des Nations Unies; et en conséquence,

ONT ADOPTÉ LES ARTICLES SUIVANTS:

ARTICLE 1

MANDAT

Le mandat de l'Organisation s'étendra aux réfugiés et personnes déplacées, conformément aux principes, définitions et conditions figurant à l'Annexe I, qui est jointe à la Constitution et en fait partie intégrante.

ARTICLE 2

FONCTIONS ET POUVOIRS

1. L'Organisation doit, conformément aux buts et principes énoncés dans la Charte des Nations Unies, se charger du rapatriement; de l'identification, de l'inscription et du classement des personnes relevant de sa compétence, conformément aux dispositions de l'Annexe I; des soins et de l'assistance à leur fournir; de la protection juridique et politique à laquelle elles ont droit; de leur transport ainsi que de leur réinstallation et de leur réétablissement dans les pays qui peuvent et qui désirent les accueillir. Ces fonctions seront exercées en vue:

a) d'encourager et de seconder par tous les moyens possibles le prompt retour, dans le pays dont elles ont la nationalité ou dans lequel elles avaient autrefois leur résidence habituelle, des personnes qui relèvent de l'Organisation, en tenant compte des principes établis par la résolution sur les réfugiés et les personnes déplacées, adoptée par l'Assemblée générale des Nations Unies le 12 février 1946 (Annexe III), ainsi que des principes énoncés dans le Préambule, et d'aider à ces fins par tous les moyens, notamment en leur fournissant une aide matérielle, des vivres suffisants pour une période de trois mois à dater du moment où elles quittent leur résidence actuelle, à condition qu'elles retournent dans un pays souffrant encore des effets de l'occupation ennemie pendant la guerre, et que ces vivres soient distribués sous les auspices de l'Organisation, et en leur procurant également les vêtements et les moyens de transport nécessaires;

b) en ce qui concerne les personnes dont le rapatriement n'a pas lieu en vertu du paragraphe *a*) du présent article, de faciliter:

i) leur réétablissement dans les pays de résidence provisoire;

ii) l'émigration, la réinstallation et le réétablissement de personnes seules ou de familles dans d'autres pays; et

iii) dans la mesure où cela sera nécessaire et possible, selon les ressources disponibles et sous réserve des dispositions financières pertinentes, l'étude, l'établissement ou l'exécution de projets de réétablissement en groupe ou en grand.

c) dans le cas des Républicains espagnols, de les aider à s'établir temporairement jusqu'au moment où un régime démocratique sera établi en Espagne.

2. Pour s'acquitter de ces fonctions, l'Organisation peut se livrer à toutes les activités appropriées et, à cette fin, est habilitée:

a) à recevoir et à débourser des fonds privés et publics;

b) à se procurer, dans la mesure nécessaire, des terrains et des bâtiments, soit en les prenant à bail, soit en les acceptant comme dons, soit, dans des circonstances exceptionnelles seulement, en les achetant; et à détenir ces terrains et bâtiments ou à en disposer en les donnant à bail, en les vendant ou de toute autre façon;

c) à acquérir, à conserver et à

céder tous autres biens qui lui seront nécessaires;

d) à assumer des responsabilités et à passer des contrats, notamment des contrats soit avec des Gouvernements, soit avec des autorités de contrôle ou d'occupation, aux termes desquels lesdites autorités continueraient, ou se chargeraient, d'assurer en tout ou partie le soin et l'entretien des réfugiés et personnes déplacées se trouvant dans les territoires soumis à leur autorité, sous la surveillance de l'Organisation;

e) à mener des négociations et à conclure des accords avec des Gouvernements;

f) à entrer en consultation et à collaborer avec des organismes publics ou privés, chaque fois que cela paraît utile, dans la mesure où ces organismes poursuivent les mêmes buts que l'Organisation et se conforment aux principes de l'Organisation des Nations Unies;

g) à favoriser la conclusion d'accords bilatéraux d'assistance mutuelle dans l'œuvre de rapatriement des personnes déplacées, en tenant compte des principes énoncés au paragraphe *c*) ii) de la résolution adoptée par l'Assemblée générale des Nations Unies, le 12 février 1946, ayant trait à la question des réfugiés (Annexe III);

h) à recruter du personnel, conformément aux dispositions de l'article 9 de la présente Constitution;

i) à prendre toute initiative de nature à faciliter l'accomplissement des tâches de l'Organisation;

j) à conclure des accords avec les pays qui peuvent et qui désirent accueillir des réfugiés ou des personnes déplacées, en vue d'assurer dans la mesure nécessaire la protection de leurs droits et intérêts légitimes; et,

k) d'une manière générale, à se livrer à toutes autres activités légales conformes à ses buts.

ARTICLE 3

RELATIONS AVEC L'ORGANISATION DES NATIONS UNIES

Les relations entre l'Organisation internationale pour les réfugiés et l'Organisation des Nations Unies sont établies par un accord conclu entre les deux Organisations comme il est prévu aux Articles 57 et 63 de la Charte des Nations Unies.

ARTICLE 4

COMPOSITION

1. Les Membres de l'Organisation des Nations Unies peuvent devenir membres de l'Organisation internationale pour les réfugiés. Les autres Etats pacifiques qui ne sont pas Membres des Nations Unies peuvent également devenir membres de l'Organisation sur la recommandation du Comité exécutif, par un vote à la majorité des deux tiers des membres présents et votant du Conseil général, sous réserve des stipulations de l'accord conclu entre l'Organisation et l'Organisation des Nations Unies, approuvées conformément à l'article 3 de la présente Constitution.

2. Sous réserve des dispositions du paragraphe 1 du présent article, seront membres de l'Organisation les Etats dont le représentant dûment autorisé aura signé la Constitution sans formuler de réserves quant à son acceptation ultérieure, et les Etats qui auront

déposé leurs instruments d'acceptation auprès du Secrétaire général, après que leur représentant dûment autorisé aura signé cette Constitution en formulant une réserve sur ce point.

3. Sous réserve des dispositions du paragraphe 1 du présent article, les Etats dont les représentants n'auraient pas signé la Constitution mentionnée au paragraphe précédent ou qui, après l'avoir signée, n'auraient pas déposé dans les six mois leur instrument d'acceptation, pourront cependant être admis comme membres de l'Organisation dans les cas suivants:

a) s'ils s'engagent à verser leurs contributions arriérées conformément au barème prévu; ou

b) s'ils présentent à l'Organisation un plan pour l'accueil de réfugiés ou de personnes déplacées en qualité d'immigrants dans leurs territoires respectifs; dans ce cas, le nombre et les conditions d'établissement de ces immigrants devraient être tels qu'au jugement de l'Organisation ils imposent à l'Etat en question une dépense équivalente ou approximativement équivalente à la contribution au budget de l'Organisation qu'il devrait verser, conformément au barème des contributions prévu.

4. Les Etats qui, au moment où ils signeront la Constitution, exprimeront le désir de se prévaloir de la disposition *b*) du paragraphe 3 du présent article, pourront présenter dans les trois mois le plan prévu dans ce même paragraphe, sans préjudice du dépôt de leur instrument d'acceptation dans les six mois.

5. Les membres de l'Organisation qui sont suspendus de l'exercice de leurs droits et privilèges de Membres de l'Organisation des Nations Unies sont, sur demande de l'Organisation des Nations Unies, suspendus de leurs droits et privilèges de membres de l'Organisation internationale pour les réfugiés.

6. Les membres de l'Organisation qui sont exclus de l'Organisation des Nations Unies perdent automatiquement leur qualité de membre de l'Organisation.

7. Les membres de l'Organisation qui ne sont pas Membres de l'Organisation des Nations Unies et qui ont enfreint de façon persistante les principes de la Charte des Nations Unies, peuvent, sous réserve de l'approbation de l'Assemblée générale des Nations Unies, être suspendus des droits et privilèges de l'Organisation ou en être exclus par le Conseil général.

8. Tout membre de l'Organisation qui enfreint de manière réitérée les principes énoncés dans la présente Constitution peut, par décision du Conseil général, encourir la suspension des droits et privilèges attachés à la qualité de membre de l'Organisation et, avec l'assentiment de l'Assemblée générale de l'Organisation des Nations Unies, la perte de cette qualité.

9. Tout membre de l'Organisation s'engage à donner son appui général à l'œuvre de l'Organisation.

10. Tout membre peut à n'importe quel moment donner au Président du Comité exécutif un préavis de démission par écrit. Ce préavis prendra effet un an après la date à laquelle il aura été reçu par le Président du Comité exécutif.

ARTICLE 5

ORGANES

Les principaux organes de l'Organisation seront: le Conseil général, le Comité exécutif et le Secrétariat.

ARTICLE 6

CONSEIL GENERAL

1. La direction suprême de l'Organisation est assurée par le Conseil général, au sein duquel chaque membre aura un représentant et les suppléants et conseillers qu'il peut juger nécessaires. Chaque membre dispose d'une voix au Conseil général.

2. Le Conseil général est convoqué au moins une fois par an, en session ordinaire, par le Comité exécutif. Il est entendu toutefois que, au cours des trois premières années qui suivront la création de l'Organisation, il sera convoqué en session ordinaire au moins deux fois par an. Il peut être convoqué en session extraordinaire chaque fois que le Comité exécutif le jugera nécessaire; il sera convoqué en session extraordinaire par le Directeur général dans un délai de trente jours à compter de la date à laquelle le Directeur général aura reçu une demande à cet effet, formulée par un tiers des membres du Conseil.

3. Lors de la séance d'ouverture de chaque session du Conseil général, le Président du Comité exécutif exerce la présidence jusqu'à ce que le Conseil général ait élu un de ses membres comme Président de la session.

4. Le Conseil général élit ensuite parmi ses membres un premier Vice-Président et un second Vice-Président, ainsi que tous autres membres de son Bureau qu'il juge nécessaires.

ARTICLE 7

COMITE EXECUTIF

1. Le Comité exécutif exercera les fonctions qui pourront être nécessaires pour mettre à exécution les décisions du Conseil général sur la politique à suivre; il pourra, dans l'intervalle des sessions du Conseil général, prendre des décisions ayant un caractère d'urgence, qu'il communiquera au Directeur général. Ce dernier s'en inspirera et fera rapport au Comité exécutif au sujet des mesures qu'il aura prises pour appliquer lesdites décisions; ces décisions seront sujettes à un nouvel examen par le Conseil général.

2. Le Comité exécutif du Conseil général se compose des représentants de neuf membres de l'Organisation. Les membres du Comité exécutif sont élus pour deux ans par le Conseil général au cours d'une session ordinaire. Un membre peut continuer à exercer ses fonctions au sein du Comité exécutif pendant la période qui s'écoulera entre la date d'expiration de son mandat et la réunion suivante du Conseil général au cours de laquelle on procédera à une élection. Un membre est à tout moment rééligible au Comité exécutif. S'il se produit une vacance au Comité exécutif dans l'intervalle qui sépare deux sessions du Conseil général, le Comité exécutif peut y pourvoir en nommant lui-même un autre membre, qui l'occupera jusqu'à la prochaine séance du Conseil.

3. Le Comité exécutif choisit parmi ses membres un Président et un Vice-Président, dont la durée de mandat sera fixée par le Conseil général.

4. Le Comité exécutif se réunit:

a) sur convocation du Président, d'ordinaire deux fois par mois;

b) chaque fois que l'un des représentants d'un membre du Comité exécutif demande la convocation d'une réunion par lettre adressée au Directeur général; dans ce cas, la réunion sera convoquée dans un délai de sept jours à compter de la date de la réception de ladite demande;

c) si la présidence se trouve vacante, le Directeur général convoque une réunion dont l'ordre du jour comporte comme premier point l'élection d'un Président.

5. En vue de se rendre compte sur place de la situation, le Comité exécutif peut, soit en corps constitué, soit par une délégation de ses membres, visiter les camps, centres ou points de rassemblement relevant du contrôle de l'Organisation et donner au Directeur général les instructions que lui suggèrent les rapports rédigés à la suite de ces visites.

6. Le Comité exécutif reçoit les rapports du Directeur général, comme il est prévu au paragraphe 6 de l'article 8 de la présente Constitution; après en avoir pris connaissance, il invite le Directeur général à les transmettre au Conseil général, avec les commentaires que le Comité exécutif peut juger appropriés. Ces rapports et ces commentaires sont transmis à tous les membres du Conseil général avant la session ordinaire suivante de ce Conseil, et sont ensuite publiés. Le Comité exécutif peut demander au Directeur général de soumettre tous rapports supplémentaires qu'il peut juger nécessaires.

ARTICLE 8

ADMINISTRATION

1. Le plus haut fonctionnaire de l'Organisation est le Directeur général. Il est responsable devant le Conseil général et le Comité exécutif et il administre et dirige l'Organisation conformément aux décisions du Conseil général et du Comité exécutif; il fait un rapport sur les mesures prises pour appliquer ces décisions.

2. Le Directeur général est présenté par le Comité exécutif et nommé par le Conseil général. Si le Comité exécutif ne présente pas de candidat que le Conseil général puisse accepter, celui-ci peut nommer une personne qui n'a pas été présentée par le Comité. Si le poste de Directeur général devient vacant, le Comité exécutif peut nommer un Directeur général par intérim qui assumera toutes les charges et fonctions de ce poste jusqu'à ce que le Conseil général puisse nommer un Directeur général.

3. Le Directeur général remplit ses fonctions aux termes d'un contrat signé, au nom de l'Organisation, par le Président du Comité exécutif; ce contrat contiendra une clause de résiliation avec préavis de six mois valable pour les deux parties. Dans des circonstances exceptionnelles, et sous réserve de confirmation ultérieure de la part du Conseil général, le Comité exécutif a pouvoir de relever le Directeur général de ses fonctions, par un vote de la majorité des deux tiers des membres si, de l'avis du Comité, la conduite du Directeur général justifie une telle décision.

4. Le personnel de l'Organisation est nommé par le Directeur

général, selon les règles à établir par le Conseil général.

5. Le Directeur général assiste, ou se fait représenter par l'un de ses subordonnés, à toutes les réunions du Conseil général, du Comité exécutif et de tous les autres comités et sous-comités. Lui-même, ou son représentant, peut prendre part, sans droit de vote, à ces réunions.

6. *a*) Le Directeur général prépare à l'expiration de chaque semestre un rapport sur les activités de l'Organisation. Chaque année, le second de ces rapports semestriels devra porter sur les travaux de l'Organisation pour l'ensemble de l'année écoulée et fournir un compte rendu complet de ses activités au cours de cette période. Ces rapports sont soumis pour examen au Comité exécutif et transmis ensuite au Conseil général, accompagnés des commentaires du Comité exécutif, comme il est prévu au paragraphe 6 de l'article 7 de la présente Constitution.

b) Au cours de chaque session extraordinaire du Conseil général, le Directeur général présente un exposé des activités de l'Organisation depuis la réunion précédente.

ARTICLE 9

PERSONNEL

1. En recrutant le personnel et en fixant les conditions de travail, on tiendra compte, avant tout, de la nécessité de s'assurer les services de personnes possédant les plus hautes qualités d'expérience, de compétence et d'intégrité. On veillera en outre à ne pas s'écarter des principes énoncés dans la présente Constitution. On tiendra dûment compte de l'importance qu'il y a à recruter le personnel sur une base géographique équitable et à employer un nombre approprié de personnes appartenant aux pays d'origine des personnes déplacées.

2. L'Organisation ne pourra employer de personnes qui sont exclues de sa compétence aux termes de la deuxième partie de l'Annexe I de la présente Constitution (exception faite des dispositions du paragraphe 5 de cette partie).

3. Dans l'accomplissement de leurs devoirs, le Directeur général et le personnel ne solliciteront ou n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux qui ne sont responsables qu'envers l'Organisation. Chaque membre de l'Organisation s'engage à respecter le caractère exclusivement international des devoirs du Directeur général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

ARTICLE 10

FINANCES

1. Le Directeur général soumet au Conseil général, par l'entremise du Comité exécutif, un budget annuel pour couvrir les dépenses nécessaires d'administration et d'exécution de l'Organisation, ainsi que ses dépenses afférentes aux projets de réétablissement en grand, et, de temps à autre, les budgets supplémentaires nécessaires. Le Comité exécutif transmet le budget au Conseil général avec les observations qu'il estime appropriées. Après approbation définitive du budget par le Conseil général, le total des montants

figurant sous les trois rubriques indiquées ci-dessus—à savoir, "administration", "exécution", "projets de réétablissement en grand"—est réparti entre les membres et par rubrique, dans des proportions qui sont fixées de temps à autre par un vote de la majorité des deux tiers des membres du Conseil général présents et votant.

2. Les contributions sont payées, à la suite de négociations engagées, sur la demande des membres, entre l'Organisation et lesdits membres, en nature ou dans la monnaie qui sera fixée par une décision du Conseil général, en tenant compte des monnaies dans lesquelles il est à prévoir que les dépenses de l'Organisation seront effectuées de temps à autre, quelle que soit la monnaie dans laquelle le budget est exprimé.

3. Chaque membre s'engage à contribuer aux dépenses administratives de l'Organisation, dans la proportion qui lui aura été fixée et assignée conformément aux paragraphes 1 et 2 du présent article.

4. Chaque membre contribue aux dépenses d'exécution—les dépenses afférentes aux projets de réétablissement en grand exceptées—dans la proportion qui lui est assignée conformément aux paragraphes 1 et 2 du présent article et sous réserve des exigences de la procédure constitutionelle de ce membre. Les membres s'engagent à contribuer aux dépenses afférentes aux projets de réétablissement en grand sur une base volontaire et sous réserve des exigences de leur procédure constitutionnelle.

5. Tout membre de l'Organisation qui, après l'expiration d'un délai de trois mois à compter de la date de l'entrée en vigueur de la présente Constitution, n'aura pas versé sa contribution aux dépenses de l'Organisation pour la première année financière, ne pourra voter, ni au Conseil général, ni au Comité exécutif, avant d'avoir acquitté cette contribution.

6. Sous réserve des dispositions du paragraphe 5 du présent article, tout membre de l'Organisation qui est en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne pourra voter, ni au Conseil général, ni au Comité exécutif, si le montant de ses arriérés est égal ou supérieur au montant des contributions dues par ce membre pour l'année entière qui précède.

7. Le Conseil général peut, néanmoins, permettre à ces membres de voter, s'il arrive à la conclusion que le défaut de paiement est dû à des conditions indépendantes de la volonté de ces membres.

8. Le budget administratif de l'Organisation est présenté chaque année à l'Assemblée générale des Nations Unies afin que celle-ci l'examine et formule à son sujet les recommandations qu'elle jugera appropriées. L'accord par lequel l'Organisation sera reliée à l'Organisation des Nations Unies, conformément à l'article 3 de la présente Constitution, peut prévoir, entre autres, l'approbation du budget administratif de l'Organisation par l'Assemblée générale des Nations Unies.

9. Les dispositions exceptionnelles suivantes s'appliqueront à l'exercice financier au cours duquel la présente Constitution entrera en vigueur, sans préjudice des dispositions relatives aux budgets supplémentaires figurant au paragraphe 1 du présent article:

a) le budget sera le budget provisoire prévu dans l'Annexe II de la présente Constitution; et

b) le montant des contributions des membres correspondra au barème prévu dans l'Annexe II de la présente Constitution.

ARTICLE 11

SIEGE ET AUTRES BUREAUX

1. L'Organisation a son siège à Paris ou à Genève, suivant la décision du Conseil général, et toutes les réunions du Conseil général et du Comité exécutif ont lieu à ce siège, à moins que la majorité des membres du Conseil général ou du Comité exécutif n'ait décidé, au cours d'une réunion précédente ou à la suite de correspondance échangée avec le Directeur général, de se réunir ailleurs.

2. Le Comité exécutif peut établir tous les bureaux régionaux et autres, ainsi que toute forme de représentation, qu'il jugera nécessaire de créer.

3. Tous les bureaux et organes de représentation ne peuvent être établis qu'avec le consentement du Gouvernement qui exerce son autorité sur le territoire choisi pour son établissement.

ARTICLE 12

PROCEDURE

1. Le Conseil général adopte son propre règlement intérieur en s'inspirant dans l'ensemble, toutes les fois que cela sera opportun, du règlement intérieur du Conseil économique et social des Nations Unies, et en y apportant les modifications qu'il estime utiles. Le Comité exécutif fixe sa propre procédure, sous réserve des décisions que le Conseil général peut prendre à cet égard.

2. Sauf dispositions contraires contenues dans la Constitution ou décidées par le Conseil général, les motions sont adoptées à la simple majorité des membres présents et votant au Conseil général et au Comité exécutif.

ARTICLE 13

STATUT, IMMUNITES ET PRIVILEGES

1. L'Organisation jouira, sur le territoire de chaque Etat membre, de la capacité juridique nécessaire pour exercer ses fonctions et atteindre ses objectifs.

2. *a*) L'Organisation jouira, sur le territoire de chaque Etat membre, des privilèges et immunités nécessaires pour exercer ses fonctions et atteindre ses objectifs.

b) Les représentants des Etats membres, les fonctionnaires et les employés de l'Organisation jouiront également des privilèges et immunités nécessaires au libre exercice de leurs fonctions au service de l'Organisation.

3. Cette capacité juridique et ces privilèges et immunités seront déterminés par un accord qui devra être préparé par l'Organisation, en consultation avec le Secrétaire général des Nations Unies. Cet accord, auquel tous les membres pourront adhérer, aura force exécutoire à l'égard de l'Organisation et de chacun des membres qui y adhéreront.

ARTICLE 14

RAPPORTS AVEC LES AUTRES ORGANISATIONS

1. Sans préjudice des dispositions de l'accord à négocier avec l'Organisation des Nations Unies par application de l'article 3 de la présente Constitution, l'Organisa-

tion internationale pour les réfugiés peut établir avec les autres organisations internationales les relations qui lui paraissent utiles.

2. L'Organisation peut assumer tout ou partie des fonctions et acquérir tout ou partie des ressources, de l'actif et du passif de toute organisation ou institution intergouvernementale, dont les buts et fonctions rentrent dans le cadre de son activité. Ce transfert peut s'effectuer, soit en vertu de dispositions prises d'un commun accord avec les autorités compétentes desdites organisations ou institutions internationales, ou en vertu de pouvoirs conférés à l'Organisation par une convention ou un accord international.

ARTICLE 15

RAPPORTS AVEC LES AUTORITES DES PAYS OU SE TROUVENT LES REFUGIES ET PERSONNES DEPLACEES

Les rapports entre l'Organisation et les Gouvernements ou administrations des pays où se trouvent les réfugiés et personnes déplacées, ainsi que les conditions dans lesquelles l'Organisation exercera son activité dans lesdits pays, seront fixés par des accords à négocier entre l'Organisation et ces Gouvernements ou administrations, conformément aux termes de la présente Constitution.

ARTICLE 16

AMENDEMENTS A LA CONSTITUTION

Les textes des amendements proposés à cette Constitution seront communiqués par le Directeur général aux Etats membres, trois mois au moins avant qu'ils ne soient examinés par le Conseil général. Les amendements prendront effet lorsqu'ils auront été adoptés à la majorité des deux tiers des membres présents et votant du Conseil général, et acceptés par les deux tiers des Etats membres, conformément à leurs règles constitutionnelles respectives, à condition toutefois que les amendements entraînant de nouvelles obligations pour les membres ne prennent effet pour chacun de ces membres qu'une fois qu'il les aura acceptées.

ARTICLE 17

INTERPRETATION

1. Les textes anglais, chinois, espagnol, français et russe de la présente Constitution sont considérés comme également authentiques.

2. Sous réserve des dispositions de l'Article 96 de la Charte des Nations Unies et du Chapitre II du Statut de la Cour internationale de Justice, toute question ou tout différend concernant l'interprétation ou l'application de la présente Constitution sera soumis à la Cour internationale de Justice, à moins que le Conseil général et les parties au différend ne se mettent d'accord sur un autre mode de règlement.

ARTICLE 18

ENTREE EN VIGUEUR

1. *a*) Les Etats pourront devenir parties à cette Constitution par:

i) la signature sans réserve d'approbation;

ii) la signature sous réserve d'approbation, suivie de l'acceptation;

iii) l'acceptation.

b) l'acceptation sera acquise par le dépôt d'un instrument officiel auprès du Secrétaire général des Nations Unies.

2. La présente Constitution entrera en vigueur lorsqu'elle aura reçu l'adhésion d'au moins quinze Etats dont les contributions à la Partie I du budget d'exécution, telles qu'elles sont définies à l'Annexe II de la présente Constitution, ne seront pas inférieures à soixante-quinze pour cent de la totalité des contributions à ladite Partie I.

3. Conformément à l'Article 102 de la Charte des Nations Unies, le Secrétaire général des Nations Unies enregistrera cette Constitution lorsqu'elle aura été signée sans réserve d'approbation par un Etat, ou au moment du dépôt du premier instrument d'acceptation.

4. Le Secrétaire général des Nations Unies informera les Etats parties à cette Constitution de la date de son entrée en vigueur. Il les informera également des dates auxquelles d'autres Etats deviendront parties à cette Constitution.

EN FOI DE QUOI, les représentants soussignés, dûment autorisés à cet effet, ont signé la présente Constitution.

FAIT à Flushing Meadow, New-York, le quinze décembre mil neuf cent quarante-six, en un seul exemplaire, établi en langues anglaise, chinoise, espagnole, française et russe. Les textes originaux seront déposés aux archives des Nations Unies. Le Secrétaire général des Nations Unies en remettra une copie certifiée conforme à chacun des Gouvernements signataires et, au moment de l'entrée en vigueur de la Constitution et de l'élection d'un Directeur général, au Directeur général de l'Organisation.

ANNEXE I

DEFINITIONS—PRINCIPES GENERAUX

1. Les principes généraux énoncés ci-après font partie intégrante des définitions contenues aux première et deuxième parties de la présente Annexe.

a) L'Organisation aura pour principal objet de trouver au problème des réfugiés et des personnes déplacées *bona fide*, une solution rapide et positive, qui soit juste et équitable pour tous les intéressés.

b) La tâche essentielle en ce qui concerne les personnes déplacées, consiste à les encourager à retourner promptement dans leur pays d'origine et à aider leur retour, par tous les moyens possibles, en tenant compte des principes exposés au paragraphe *c*) ii) de la résolution adoptée le 12 février 1946 par l'Assemblée générale de l'Organisation des Nations Unies, concernant le problème des réfugiés (Annexe III).

c) Ainsi qu'il est stipulé dans la résolution adoptée le 16 février 1946 par le Conseil économique et social, aucune assistance internationale ne devra être accordée aux traîtres, quislings et criminels de guerre, et rien ne devra empêcher qu'ils ne soient livrés et punis.

d) L'Organisation devra s'assurer que son aide n'est pas exploitée pour encourager des activités subversives ou hostiles dirigées contre le Gouvernement de l'une quelconque des Nations Unies.

e) L'Organisation devra s'as-

surer que son aide n'est pas exploitée par des individus qui refusent manifestement de retourner dans leur pays d'origine, parce qu'ils préfèrent l'oisiveté aux rigueurs qu'ils auraient à supporter en participant à la reconstruction de leur pays, ou par des individus qui veulent se fixer dans d'autres pays pour des raisons purement économiques, et rentrent ainsi dans la catégorie des émigrants.

f) D'autre part, l'Organisation devra s'assurer qu'aucun réfugié ou personne déplacée *bona fide* et méritant ne soit privé de l'assistance qu'elle pourra être en mesure de lui offrir.

g) L'Organisation s'efforcera de remplir ses fonctions de manière à éviter de troubler les relations amicales entre nations. En cherchant à atteindre ce but, l'Organisation exercera une vigilance particulière dans les cas où l'on peut envisager le réétablissement ou la réinstallation de réfugiés ou de personnes déplacées soit dans des pays limitrophes de leurs pays d'origine, soit dans un territoire non autonome quelconque. L'Organisation tiendra dûment compte, entre autres éléments, de tout facteur qui pourrait révéler quelque crainte ou inquiétude légitime de la part soit du pays d'origine des personnes intéressées dans le premier cas, soit des populations autochtones dans le cas des territoires non autonomes.

2. Afin d'assurer l'application impartiale et équitable des principes ci-dessus, ainsi que des définitions ci-après, il conviendra d'instituer un organisme spécial de nature semi-judiciaire, qui recevra une constitution, une procédure et un mandat appropriés.

PREMIERE PARTIE

Réfugiés et personnes déplacées au sens de la résolution adoptée le 16 février 1946 par le Conseil économique et social de l'Organisation des Nations Unies.

SECTION A—DÉFINITION DU TERME "RÉFUGIÉ"

1. Sous réserve des dispositions des sections C et D et de celles de la deuxième partie ci-après, le terme "réfugié" s'applique à toute personne qui a quitté le pays dont elle a la nationalité, ou dans lequel elle avait auparavant sa résidence habituelle, ou qui se trouve en dehors de ce pays et, qu'elle ait ou non conservé sa nationalité, qui appartient à l'une des catégories suivantes:

a) Victimes des régimes nazi et fasciste, ou de régimes ayant pris part, aux côtés de ceux-ci, à la deuxième guerre mondiale, ou encore de régimes quislings ou analogues, qui ont aidé ces régimes dans leur lutte contre les Nations Unies, que ces personnes jouissent ou non d'un statut international de réfugié;

b) Républicains espagnols et autres victimes du régime phalangiste d'Espagne, jouissant ou non d'un statut international de réfugié;

c) Personnes considérées comme "réfugiés" avant le commencement de la deuxième guerre mondiale, pour des raisons de race, de religion, de nationalité ou d'opinion politique.

2. Sous réserve des dispositions des sections C et D et de celles de

la deuxième partie de la présente Annexe concernant l'exclusion de la compétence de l'Organisation des criminels de guerre, des quislings et des traîtres, le terme "réfugié" s'applique aussi à toute personne, autre qu'une personne déplacée (telle qu'elle est définie à la section B de la présente Annexe), qui se trouve en dehors du pays dont elle a la nationalité ou dans lequel elle avait auparavant sa résidence habituelle, et qui, par suite d'événements survenus après le début de la deuxième guerre mondiale, ne peut ou ne veut pas se réclamer de la protection du Gouvernement du pays dont elle a ou avait auparavant la nationalité.

3. Sous réserve des dispositions de la section D et de celles de la deuxième partie de la présente Annexe, le terme "réfugié" s'applique aussi aux personnes qui, ayant résidé en Allemagne ou en Autriche, et étant d'origine israélite, ou étrangères ou apatrides, ont été victimes des persécutions nazies et ont été retenues de force dans l'un de ces pays ou, obligées de s'enfuir, y ont été ramenées ultérieurement du fait de l'ennemi ou de circonstances créées par la guerre, et qui n'y sont pas encore réinstallées de façon stable.

4. Le terme "réfugié" s'applique aussi aux enfants non accompagnés qui sont orphelins de guerre ou dont les parents ont disparu, et qui se trouvent en dehors de leurs pays d'origine. Ces enfants, s'ils sont âgés de 16 ans ou de moins de 16 ans, recevront par priorité toute l'aide possible, y compris, en règle générale, l'aide au rapatriement qui sera accordée à ceux dont la nationalité peut être déterminée.

SECTION B—DÉFINITION DU TERME "PERSONNE DÉPLACÉE"

Le terme "personne déplacée" s'applique à toute personne, qui, par suite de l'action des autorités des régimes mentionnés au paragraphe 1 *a*) de la section A de la première partie de la présente Annexe, a été déportée du pays dont elle a la nationalité, ou dans lequel elle avait auparavant sa résidence habituelle, ou qui a été obligée de quitter ce pays, telles que les personnes qui ont été contraintes au travail obligatoire et qui ont été déportées du fait de leur race, de leur religion ou de leurs opinions politiques. Les personnes déplacées ne tomberont sous la compétence de l'Organisation que sous réserve des dispositions des sections C et D de la première partie et de celles de la deuxième partie de la présente Annexe. Si les raisons qui ont motivé leur déplacement ont cessé d'exister, ces personnes devront être rapatriées aussitôt que possible, conformément à l'article 2, paragraphe 1 *a*) de la présente Constitution, et sous réserve des dispositions des alinéas ii) et iii) du paragraphe *c*) de la résolution de l'Assemblée générale, en date du 12 février 1946, concernant le problème des réfugiés (Annexe III).

SECTION C—CONDITIONS DANS LESQUELLES LES "RÉFUGIÉS" OU "PERSONNES DÉPLACÉES" TOMBERONT SOUS LA COMPÉTENCE DE L'ORGANISATION

1. Pour toutes les catégories énoncées ci-dessus, à l'exception de celles qui sont mentionnées aux alinéas 1 *b*) et 3 de la section A de la présente Annexe, les personnes dont il s'agit tomberont sous la

compétence de l'Organisation, au sens de la résolution adoptée par le Conseil économique et social le 16 février 1946, si elles peuvent être rapatriées et si l'aide de l'Organisation est nécessaire pour assurer leur rapatriement ou si, en toute liberté, et après avoir eu pleinement connaissance de la situation et des renseignements fournis par le Gouvernement du pays dont elles ont la nationalité ou dans lequel elles avaient antérieurement leur résidence habituelle, elles ont finalement et définitivement fait valoir des raisons satisfaisantes pour ne pas y retourner.

a) Seront considérées comme raisons satisfaisantes:

i) la persécution ou la crainte fondée de persécutions du fait de la race, de la religion, de la nationalité ou des opinions politiques, à conditions que ces opinions ne soient pas en conflit avec les principes de l'Organisation des Nations Unies, énoncés au Préambule de la Charte des Nations Unies;

ii) les objections de nature politique jugées "satisfaisantes" par l'Organisation, ainsi qu'il est prévu au paragraphe 8 *a*)[1] du rapport de la Troisième Commission de l'Assemblée générale, adopté par l'Assemblée le 12 février 1946;

iii) dans le cas des personnes rentrant dans les catégories mentionnées aux alinéas 1 *a*) et 1 *c*) de la section A, des raisons de famille impérieuses tirant leur origine de persécutions antérieures, ou des raisons impérieuses de débilité ou de maladie.

b) Seront normalement considérés comme "renseignements suffisants": les renseignements sur les conditions régnant dans les pays auxquels appartiennent les réfugiés ou les personnes déplacées en question, fournis directement à ces réfugiés ou personnes déplacées par les représentants des Gouvernements de ces pays; on mettra à la disposition de ces derniers tous les moyens qui leur permettent de visiter les camps et centres de rassemblement des réfugiés et personnes déplacées afin de pouvoir leur communiquer les renseignements en question.

2. Dans le cas de tous les réfugiés visés par les dispositions de l'alinéa 1 *b*) de la section A de la présente Annexe, les personnes intéressées relèveront de la compétence de l'Organisation, au sens de la résolution adoptée le 16 février 1946 par le Conseil économique et social de l'Organisation des Nations Unies, tant que le régime phalangiste d'Espagne continuera d'exister. Au cas où ce régime serait remplacé par un régime démocratique, elles devront alors fournir, pour justifier leur refus de retourner en Espagne, des raisons satisfaisantes correspondantes à celles qui sont mentionnées au paragraphe 1 *a*) de la présente section.

[1] *Paragraphe 8 a):*

"En répondant au représentant de la Belgique, le Président a déclaré qu'il était sous-entendu que l'organisation internationale déciderait si les objections étaient ou n'étaient pas 'satisfaisantes' et qu'il était clair que de telles objections pourraient être de nature politique."

SECTION D—CONDITIONS DANS LESQUELLES LES RÉFUGIÉS ET PERSONNES DÉPLACÉES CESSERONT DE RELEVER DE LA COMPÉTENCE DE L'ORGANISATION

Cesseront de relever de la compétence de l'Organisation, les réfugiés et personnes déplacées:

a) qui seront retournés dans le pays dont ils ont la nationalité sur le territoire de l'une des Nations Unies, à moins que le lieu de leur ancienne résidence où ils désirent retourner ne se trouve en dehors de ce pays; ou

b) qui auront acquis une nouvelle nationalité; ou

c) qui se seront, au jugement de l'Organisation, établis d'une autre façon de manière stable; ou

d) qui auront, sans raison valable, refusé d'accepter les propositions de l'Organisation pour leur réinstallation ou leur rapatriement; ou

e) qui ne feront aucun effort sérieux pour gagner leur vie, tout en ayant la possibilité de le faire, ou profiteront indûment de l'aide fournie par l'Organisation.

DEUXIEME PARTIE

Personnes qui ne relèveront pas de la compétence de l'Organisation.

1. Les criminels de guerre, quislings et traîtres.

2. Toutes autres personnes dont on peut prouver:

a) qu'elles ont aidé l'ennemi à persécuter les populations civiles de pays qui sont Membres de l'Organisation des Nations Unies; ou

b) qu'elles ont, depuis le début de la deuxième guerre mondiale, volontairement aidé les forces ennemies dans leurs opérations contre les Nations Unies.[1]

3. Les criminels de droit commun tombant sous le coup des dispositions des traités d'extradition.

4. Les personnes d'origine allemande du point de vue ethnique (qu'il s'agisse de ressortissants allemands ou de personnes appartenant aux minorités allemandes dans d'autres pays) qui:

a) venant d'autres pays, ont été ou peuvent être transférées en Allemagne;

b) ont été évacuées d'Allemagne vers d'autres pays au cours de la deuxième guerre mondiale;

c) se sont enfuies d'Allemagne ou y sont revenues en fugitifs, ou qui ont quitté les lieux où elles résidaient pour s'enfuir dans des pays autres que l'Allemagne, afin d'éviter de tomber aux mains des armées alliées.

5. Les personnes qui bénéficient d'une aide financière et de la protection du pays dont elles ont la nationalité, à moins que ce pays ne demande l'assistance internationale à leur profit.

6. Les personnes qui, depuis la cessation des hostilités de la deuxième guerre mondiale:

[1] Le fait d'avoir simplement continué à remplir des fonctions normales et pacifiques, sans intention déterminée d'aider l'ennemi contre les Alliés ou contre les populations civiles des territoires occupés par l'ennemi, ne sera pas considéré comme constituant une "aide volontaire". Cette disposition s'appliquera également aux actes de caractère humanitaire, tels que l'assistance aux blessés et mourants, sauf dans les cas où une assistance de cette nature donnée à des nationaux d'un pays ennemi, aura été refusée à des nationaux alliés auxquels elle aurait pu être donnée.

a) ont fait partie d'une organisation quelconque dont l'un des buts était de renverser, par la force des armes, le Gouvernement de leur pays d'origine, si ce pays est Membre de l'Organisation des Nations Unies, ou le Gouvernement d'un autre Membre de l'Organisation des Nations Unies, ou qui ont fait partie d'une organisation terroriste quelconque;

b) ont été à la tête de mouvements hostiles au Gouvernement de leur pays d'origine, si ce pays est Membre de l'Organisation des Nations Unies, ou ont dirigé des mouvements qui recommandaient aux réfugiés de ne pas retourner dans leur pays d'origine;

c) appartiennent, au moment où elles sollicitent l'aide de l'organisation, aux forces armées ou aux cadres civils d'un pays étranger.

ANNEXE II

BUDGET ET CONTRIBUTIONS POUR LE PREMIER EXERCICE FINANCIER

1. Le budget provisoire pour le premier exercice financier s'élévera à 4.800.000 dollars des Etats-Unis en ce qui concerne le budget administratif, à 151.060.500 dollars des Etats-Unis en ce qui concerne le budget d'exécution (à l'exception des dépenses afférentes au réétablissement en grand) et à 5.000.000 de dollars des Etats-Unis pour les dépenses afférentes au réétablissement en grand. Tout solde non affecté inscrit sous ces rubriques sera reporté au crédit de la rubrique correspondante dans le budget de l'exercice financier suivant.

2. Ces sommes seront versées par les membres (à l'exception des frais de réétablissement en grand) conformément au barème ci-après.

A. DEPENSES ADMINISTRATIVES

Pays	*Pour cent*
Afghanistan	0, 05
Argentine	1, 85
Australie	1, 97
Belgique	1, 35
Bolivie	0, 08
Brésil	1, 85
République socialiste soviétique de Biélorussie	0, 22
Canada	3, 20
Chili	0, 45
Chine	6, 00
Colombie	0, 37
Costa-Rica	0, 04
Cuba	0, 29
Tchécoslovaquie	0, 90
Danemark	0, 79
République Dominicaine	0, 05
Equateur	0, 05
Egypte	0, 79
Salvador	0, 05
Ethiopie	0, 08
France	6, 00
Grèce	0, 17
Guatemala	0, 05
Haïti	0, 04
Honduras	0, 04
Islande	0, 04
Inde	3, 95
Iran	0, 45
Irak	0, 17
Liban	0, 06
Libéria	0, 04
Luxembourg	0, 05
Mexique	0, 63
Pays-Bas	1, 40
Nouvelle-Zélande	0, 50
Nicaragua	0, 04
Norvège	0, 50
Panama	0, 05
Paraguay	0, 04
Pérou	0, 20
République des Philippines	0, 29
Pologne	0, 95
Arabie saoudite	0, 08
Suède	2, 35
Syrie	0, 12
Turquie	0, 91

Pays	*Pour cent*
République socialiste soviétique d'Ukraine	0, 84
Union Sud-Africaine	1, 12
Union des Républiques socialistes soviétiques	6, 34
Royaume-Uni	11, 48
Etats-Unis d'Amérique	39, 89
Uruguay	0, 18
Venezuela	0, 27
Yougoslavie	0, 33
	100, 00

B. DEPENSES D'EXECUTION (A L'EXCEPTION DES DEPENSES AFFERENTES AU REETABLISSEMENT EN GRAND)

Pays	*Pour cent*
Afghanistan	0, 03
Argentine	1, 50
Australie	1, 76
Belgique	1, 00
Bolivie	0, 07
Brésil	1, 50
République socialiste soviétique de Biélorussie	0, 16
Canada	3, 50
Chili	0, 39
Chine	2, 50
Colombie	0, 32
Costa-Rica	0, 02
Cuba	0, 24
Tchécoslovaquie	0, 80
Danemark	0, 68
République Dominicaine	0. 04
Equateur	0, 04
Egypte	0, 68
Salvador	0, 03
Ethiopie	0, 07
France	4, 10
Grèce	0, 15
Guatemala	0, 04
Haïti	0, 02
Honduras	0, 02
Islande	0, 02
Inde	3, 66
Iran	0, 39
Irak	0, 15
Liban	0, 05
Libéria	0, 02
Luxembourg	0, 04
Mexique	0, 54
Pays-Bas	0, 90
Nouvelle-Zélande	0, 44
Nicaragua	0, 02
Norvège	0, 44
Panama	0, 04
Paraguay	0, 02
Pérou	0, 17
République des Philippines	0, 24
Pologne	0, 61
Arabie saoudite	0, 07
Suède	2, 20
Syrie	0, 10
Turquie	0, 88
République socialiste soviétique d'Ukraine	0, 62
Union Sud-Africaine	1, 00
Union des Républiques socialistes soviétiques	4, 69
Royaume-Uni	14, 75
Etats-Unis d'Amérique	45, 75
Uruguay	0, 15
Venezuela	0, 23
Yougoslavie	0, 23
Nouveaux membres	1, 92
	100, 00

3. Les contributions destinées à couvrir les frais du réétablissement en grand seront régies par les dispositions du paragraphe 4 de l'article 10 de la présente Constitution.

ANNEXE III

RESOLUTION ADOPTEE PAR L'ASSEMBLEE GENERALE LE 12 FEVRIER 1946

(document A/45)

L'ASSEMBLÉE GÉNÉRALE,

RECONNAISSANT que le problème des réfugiés et des personnes déplacées de toutes catégories revêt un caractère d'extrême urgence et reconnaissant la nécessité de faire une distinction nette entre les réfugiés authentiques et les personnes déplacées d'une part, et les criminels de guerre, les quislings et les traîtres dont il est question au paragraphe *d*) ci-dessous, d'autre part:

a) DÉCIDE de renvoyer ce problème au Conseil économique et social pour qu'il l'examine à fond, sous tous ses aspects, dans le cadre de la question

10 de l'ordre du jour de sa première session et fasse rapport à la deuxième partie de la première session de l'Assemblée générale;

b) RECOMMANDE au Conseil économique et social de créer un comité spécial chargé de l'examen et de l'élaboration rapide du rapport mentionné au paragraphe *a*):

c) RECOMMANDE au Conseil économique et social de tenir compte, en la matière, des principes suivants:

i) ce problème a une portée et un caractère internationaux;

ii) aucun réfugié ou personne déplacée qui, en toute liberté, aura finalement et définitivement, et après avoir eu pleinement connaissance de la situation et des renseignements fournis par le Gouvernement de son pays d'origine, fait valoir des raisons satisfaisantes pour ne pas retourner dans son pays, pourvu qu'il ne tombe pas sous le coup des dispositions énoncées au paragraphe *d*) ci-dessous, ne sera contraint de retourner dans son pays d'origine. L'avenir de ces réfugiés ou de ces personnes déplacées sera du ressort de l'organisme international qui pourrait être reconnu ou créé à la suite du rapport mentionné aux paragraphes *a*) et *b*) ci-dessus, sauf si le Gouvernement du pays où ils sont établis a conclu avec cet organisme un accord aux termes duquel il accepte de subvenir à tous les frais de leur entretien et de prendre la responsabilité de leur protection;

iii) la principale tâche envers les personnes déplacées consiste à les encourager et à les aider de toutes les manières possibles à retourner rapidement dans leur pays d'origine. Cette assistance peut revêtir la forme d'accords bilatéraux d'assistance mutuelle notamment en ce qui concerne le rapatriement de ces personnes, conformément aux principes énoncés dans le paragraphe *c*) ii) ci-dessus;

d) CONSIDÈRE qu'aucune action entreprise en application de la présente résolution ne devra faire obstacle de façon quelconque à la livraison et au châtiment des criminels de guerre, des quislings et des traîtres, conformément aux conventions et accords internationaux présents ou futurs;

e) CONSIDÈRE que les Allemands qui ont été transférés en Allemagne d'autres pays ou qui se sont enfuis vers d'autres pays, devant les troupes alliées, ne tombent pas sous le coup de la présente décision dans la mesure où leur situation pourra être réglée par les forces alliées d'occupation en Allemagne, d'accord avec les Gouvernements des pays respectifs.

國際難民組織

組織法

聯合國
紐約成功湖
公曆一九四六年

國際難民組織組織法

序 文

接受本組織法之各國政府承認：

眞正難民及失所人民之爲問題實至迫切，其範圍性質牽涉非止一國；

關於失所人民，本組織目前主要任務爲儘量鼓勵並協助其早日返回原居留國；

眞正難民及失所人民應依本組織法之規定以國際行動協助其返回本國或其原居留國或在他處另覓新住址；或如係西班牙共和黨人，應協助其暫獲寄居之所，俾於民主政權繼佛朗黨政權而成立時，彼輩得以返回西班牙；

於遇有合於本組織法明白規定之情形時始行考慮難民及失所人民之移殖或安頓問題；

此項眞正難民及失所人民，於其遣送回國或移殖或安頓未經切實辦完以前，其權利及合法利益應受保護，並應儘量令就有用之職業，以免長此賦閒，遺害社會；

凡自德國與日本前所佔領之國境內流亡在外之人民，其遣送回國所需費用，在可能範圍內應由該兩國負擔之；

爰同意：

設立一非常設組織，定名國際難民組織，俾於最短期間內完成上述目的；此項組織係一須與聯合國發生聯繫之專門機關；

並因此接受下列各條款：

第 一 條

職 權 範 圍

本組織職權範圍應依照附於本組織法之後而爲本組織法構成部分之附件一所列原則，定義及條件，包括難民及失所人民事宜。

第 二 條

職 務 及 權 力

一. 本組織依照聯合國憲章之目的及原則應辦之事務爲將依附件一各項規定爲本組織主管對象之各種人民遣送回國；舉辦其身份證明，登記及分類；予以照料及協助，以及法律及政治上之保證；管理其交通運輸；以及將其移殖並安頓於確能並願意容納此等人民之國家。本組織執行上述職務之目的在：

（子） 依照聯合國大會一九四六年二月十二日關於難民及失所人民決議案（附件三）所提示之原則，及依照序文所提供之原則，儘量鼓勵及協助凡屬本組織主管對象之人民早日返回其本國或其原居留國，並以各種可能辦法促成此事，尤應給予物質之援助，如該人民返回國家曾於戰時因敵軍佔領之故備受痛苦，應自其離開現居所之時起算，於本組織主辦之下，配予三個月口糧，此外並應給予所需衣服及交通之便利；

（丑） 對於本條（子）項未就其遣送回國有所規定之人民，設法：

（一）協助其於暫時寄居國另行安頓；

（二）將其個人或舉家移殖他國另行安頓；

（三）就本組織可利用之財源，並依照各有關財務規章，於必需及可行範圍內設法調查，促進並興辦集團或大規模移殖。

（寅） 對於西班牙共和黨人，在西班牙成立民主政權以前協助其暫獲寄居之所。

二. 本組織爲執行其職務起見，得從事各種適當活動，並爲此有權：

（子） 收受及支用公私基金；

（丑） 於必要時以租賃，受贈方式，如遇例外情形，並得以購買方式取得及佔有土地及房屋，或以出租，變賣或其他方式處分該項不動產；

（寅） 取得，佔有及讓與其他必要財產；

（卯） 訂立契約，擔承義務；包括與各國政府或與佔領或管治當局訂立契約，俾各該當局於其所管轄之領土內得局部或全部繼續或擔承難民與失所人民之照管與維持，而由本組織予以督導。

（辰） 與各國政府舉行談判，訂立協定；

（巳） 於認爲可行時，與各公私團體會商合作，但以各該團體宗旨與本組織符合並遵守聯合國之原則爲限；

（午） 依照聯合國大會一九四六年二月十二日關於難民問題之決議案（附件三）所提示之原則，促成雙邊協定之訂立，俾就遣送失所人民回籍事互相協助；

（未） 以不違背本組織法第九條之規定爲限，指派辦事人員；

（申） 興辦適於完成本組織目的之任何事業；

（酉） 於必要時與確能並願意容納難民及失所人民之國家訂立協定，俾該難民等之合法權益獲得確實保護；

（戌） 並爲完成其目的起見，得爲任何其他適當法律行爲。

第 三 條

與聯合國之關係

本組織與聯合國之關係，由本組織及聯合國依照聯合國憲章第五十七條及第六十三條之規定，另以協定定之。

第 四 條

會 員

一. 聯合國會員國得爲本組織會員國。其他愛好和平之國家，雖非聯合國會員國，但如經本組織執行委員會之推薦，全體大會出席及投票人數三分二之可決，亦得爲本組織會員國，但以不違背本組織與聯合國所訂協定中經依本組織法第三條加以核定之各項條件爲限。

二. 以不違背本條第一項之規定爲限，本組織會員國應爲下列兩種國家：（甲）該國政府正式授權其本國代表簽署本組織法，當時對於以後之批准手續並未附具保留者；（乙）該國政府正式授權其本國代表簽署本組織法，當時雖附具上述保留，但其後已將接受書送存聯合國秘書長者。

三. 以不違背本條第一項之規定爲限，凡其代表未簽署前項所稱之本組織法，或已簽署而未在以後六個月內送存有關之接受書之各國，仍得依下列條件之一爲本組織會員國：

（子）各該國承諾依照有關比額將未付之攤款付清；

（丑）各該國向本組織提具一容許難民及失所人民入境之方案，其人數及移殖條件在本組織視之勢須支出或墊付一款項，相當或大致相當於各該國依照有關比額應繳納本組織之攤款。

四. 凡於簽署本組織法時表示願採用本條第三項丑款所定方式之國家，得於簽署之日起三個月內，提具該款所稱之方案，但此舉不妨礙各該國於六個月內送存有關接受書。

五． 本組織會員國，其基於聯合國會員國資格所享有之權利及特權受停止處分時，本組織經聯合國之請求，應停止該會員國基於本組織會員國資格所享有之權利及特權。

六． 本組織會員國經聯合國除名者其本組織會員國之資格當然消失。

七． 本組織會員國原非聯合國會員國而又屢次違犯聯合國憲章之原則者，本組織全體大會得經聯合國大會之同意將其自本組織除名。

八． 本組織會員國屢次違犯本組織法所列原則者，得由全體大會停止其會員國權利及特權；並得經聯合國大會之同意將其自本組織除名。

九． 本組織會員國承諾對於本組織之工作予以一般之協助。

十． 會員國得隨時以書面通知執行委員會主席退出本組織。此項通知書自執行委員會主席收到之日起一年後發生效力。

第 五 條

機 關

茲設立本組織之主要機關如下：

全體大會，執行委員會及秘書處。

第 六 條

全 體 大 會

一． 全體大會爲本組織最後決定政策之機關。每一會員國應有代表一人，及必需之副代表及顧問若干人。全體大會每一會員國應有一個投票權。

二． 全體大會由執行委員會召集之，每年至少舉行常會一次。但在本組織成立後之三年期間內，全體大會每年至少應舉行常會兩次。全體大會特別會議得由執行委員會視需要召集之；如經全體大會會員國三分一之請求應由幹事長於接到請求後三十日內召集之。

三． 全體大會每次屆會之初次會議，於全體大會未互選代表一人爲該次屆會主席以前，由執行委員會主席任其主席。

四． 全體大會選出該次屆會主席以後，應即由代表互選一人爲第一副主席，一人爲第二副主席，並另選其認爲必要之其他職員。

第 七 條

執 行 委 員 會

一． 執行委員會應執行各種爲推行全體大會政策所必需之職務，並得於全體大會停會期間決定緊急性之政策，交由幹事長遵照辦理並就爲施行此項決定所採取之措施向執行委員會提出報告。此項決定仍須由全體大會覆核。

二． 全體大會執行委員會由本組織九會員國之代表組成之。執行委員會委員由全體大會於常會中選舉之，其任期二年。委員於其任期屆滿後至全體大會舉行選舉之下一次會議以前之期間內，得繼續留任。無論何時，執行委員會委員均得連選連任。執行委員會委員如於全體大會停會期間內出缺，得由執行委員會逕行指派另一會員國代表充任，其任期至全體大會下次集會時止。

三． 執行委員會應互選一人爲主席，另一人爲副主席，其任期由全體大會定之。

四． 執行委員會會議依下列方法召集之：

（子）由主席召集，通常爲每月兩次；

（丑）執行委員會一會員國之任何代表兩幹事長請求召集會議時，應於收到請求後七日內召集之；

（寅）遇主席出缺時，幹事長應召集會議，該次會議議事日程之第一項目應爲選舉主席。

五． 執行委員會爲就地調查情形起見，得以委員會全體資格或授權一代表團視察本組織管轄下之難民營，宿舍或集中地，並得根據視察報告向幹事長作各種指示。

六． 執行委員會收取幹事長依照本組織法第八條第六項之規定所提出之報告，並應於加以審議後請幹事長將該項報告連同執行委員會認爲適當之評語一併送交全體大會。此項報告及評語應於全體大會下次常會召開前分送全體大會各會員國並應予以公布。執行委員會認爲必要時得請幹事長另提其他報告。

第 八 條

行 政

一． 幹事長爲本組織行政首長，對全體大會及執行委員會負責，依照全體大會及執行委員會之決議執行一切行政職務，並就其所採措施提出報告。

二． 幹事長由執行委員會推選，全體大會任命。全體大會如認爲執行委員會所推選者並非適當人選，得自行任命未經執行委員會推選之人員。幹事長如有出缺，執行委員會得於全體大會任命新幹事長以前，任命代理幹事長以執行幹事長之職責。

三． 幹事長任職本組織應基於一雇傭契約關係。此項契約由執行委員會主席代表本組織簽字，並應規定契約當事人之一方得先期六個月預行通知他方，終止契約。如遇例外情形執行委員會認爲幹事長行爲不當，應予解職時，經委員三分二之可決有權解除幹事長之職務，但以事後經全體大會追認爲限。

四． 本組織辦事人員由幹事長依照全體大會制定之服務規程委派之。

五． 幹事長應列席或派其屬員代表列席全體大會，執行委員會及所有其他分組委員會及小組委員會會議。幹事長或其代表得參與每次會議，但無投票權。

六． （子）幹事長應於每六個月之期間終止時就本組織工作擬具報告。此項六個月一次之報告每隔一次必須敘明本組織上年度之工作概況，並詳載本組織於此期間內一切活動情形。此項報告應依照本組織法第七條第六項之規定先送由執行委員會審查，然後連同執行委員會評語送交全體大會。

（丑）全體大會舉行每次特別會議時，幹事長應就本組織自上次會議以後之工作情形，提出說明。

第 九 條

辦 事 人 員

一． 辦事人員之僱用及其服務條件之決定，應以必須達到最高標準之效率，才幹，及忠誠爲其首要考慮。僱用辦事人員之另一要件爲彼等應遵守本組織法所定各項原則。徵聘辦事人員時，應充分注意地域上之適宜分配，並於失所人民原居留國之國民中遴選相當人數。

二． 本組織法附件一第二部分各項（除第五項外）所稱不爲本組織主管對象者，本組織不得加以僱用。

三． 幹事長及辦事人員於執行職務時，不得請求或接受本組織以外任何政府或其他當局之指示，並應避免任何行動之足以妨礙其僅向本組織負責之國際官員地位者。本組織各會員國承諾尊重幹事長及辦事人員所負職責之純粹國際性，決不設法影響其責任之履行。

第十條
財政

一. 幹事長應就本組織所必需之行政費，事業費及大規模移殖費編造每年度預算，並隨時視需要所在，編造補充預算，交由執行委員會提出全體大會。執行委員會應將此項預算轉送全體大會，並得附具其認爲適當之意見。預算經全體大會核准後，其行政費，事業費及大規模移殖費三部門之個別總額應由各會員國分攤擔負，其每一部門攤款比額由全體大會隨時以出席及投票會員國三分二可決票決定之。

二. 攤款得以實物繳納，或以全體大會以決議案指定之貨幣繳納。全體大會於指定貨幣種類時，僅考慮本組織預期之支出將經常以何種貨幣爲之，不問預算中究以何種貨幣爲計算之單位。

三. 各會員國承諾依照本條第一二兩項所定比額分擔本組織行政費。

四. 各會員國應依照上列第一二兩項所定比額分擔事業費(大規模移殖費除外)，但以不違背各該本國憲法程序之規定者爲限。各會員國承諾在不違反各該本國憲法程序之範圍內，自動捐助大規模移殖經費。

五. 會員國如於本組織法發生效力之日起三個月滿期時尚未繳納其本組織第一財政年度內應負擔之攤款，在將該攤款付清以前，不得在全體大會或執行委員會投票。

六. 以不違反本條第五項之規定爲限，如會員國未付之攤款數額等於或超過其前一年全年應付之攤款數額時，即不得在全體大會或執行委員會投票。

七. 如全體大會認爲該會員國所以未付攤款確係由於其所不能控制之情勢時，得仍准許該會員國投票。

八. 本組織行政預算每年應送由聯合國大會加以其認爲適當之研究並提出建議。本組織日後爲取得聯繫關係而依照本組織法第三條與聯合國訂立協定時，得於其他事項以外規定本組織行政預算須經聯合國大會核准。

九. 以不妨礙本條第一項關於補充預算之規定爲限，下列各例外辦法適用於本組織法發生效力之財政年度：

(子)本組織法附件二所列之臨時預算爲本組織預算；

(丑)會員國應繳攤款數額依本組織法附件二所列之比額。

第十一條
會所及其他辦事處

一. 本組織會所設巴黎或日內瓦，應由全體大會決定之。除全體大會或執行委員會過半數會員國於上次會議中或用通訊方法與幹事長商議後，同意另於他處集會外，所有全體大會及執行委員會會議均應於會所舉行。

二. 執行委員會得因必要設立區域或其他辦事處或代表機關。

三. 設立辦事處或代表機關應得當地政府之同意。

第十二條
處理事務規程

一. 全體大會應自行制定議事規則，此項議事規則大體應依照經濟暨社會理事會之議事規則；但全體大會認爲適宜時，得酌改之。執行委員會應自定處理事務規程，但以不違背全體大會就此事所爲決議爲限。

二. 除本組織法另有規定或全體大會另有決定外，全體大會及執行委員會議案之表決應以其出席及投票會員國過半數之同意行之。

第十三條

地位，豁免及特權

一• 本組織於每一會員國之領土內，應享有爲執行其職務及達成其目的所必需之法律行爲能力。

二. （子）本組織於每一會員國之領土內，應享有爲執行其職務及達成其目的所必需之特權及豁免。

（丑）本組織會員國之代表，本組織之官員及行政人員亦應同樣享受爲其獨立執行關於本組織之職務所必需之特權與豁免。

三. 此項法律地位，特權及豁免，應由本組織與聯合國秘書長會商後另以協定定之。此項協定應准由所有會員國加入，並應於本組織及該協定加入國間繼續有效。

第十四條

與其他組織之關係

一. 以不違背依照本組織法第三條與聯合國所締協定之規定爲限，本組織得與其他國際組織成立所需之切實聯繫關係。

二. 目的與本組織相同，職務又屬於本組織事務範圍內之任何各國政府間組織或機關，其職務之一部或全部得由本組織擔承，其資源，財產及債務之一部或全部得由本組織承受。此項手續得由本組織與各該組織或機關當局訂立雙方均能接受之辦法行之，或經由國際公約或協定授權本組織行之。

第十五條

與難民及失所人民所在國當局之關係

本組織與難民及失所人民所在國政府或行政當局之關係與本組織在各該國行使職務之條件，應以本組織依本組織法之規定與各該政府或行政當局所訂之協定定之。

第十六條

本組織法之修正

本組織法之修正案提案全文應由幹事長至遲於全體大會審議是項修正案三個月以前送交所有會員國。修正案經全體大會出席及投票會員國三分二之可決，並經會員國三分二各依其本國憲法程序接受後，發生效力。但對於會員國設定新義務之修正案須經各該會員國接受後始對其發生效力。

第十七條

解釋

一. 本組織法之英，法，中，俄，西文各本同一作準。

二. 除全體大會或爭端當事國另行議定解決方法外，會員國應將關於本組織法之解釋或適用之任何問題或爭端提交國際法院處斷，但以不違背聯合國憲章第九十六條及國際法院規約第二章之規定者爲限。

第十八條

效力之發生

一. （子）各國得經下列程序之一爲本組織法簽訂國：

（一）對於批准不附保留，逕行簽署；

（二）簽署後仍須批准，然後接受；

（三）接受。

（丑）接受須以正式文書送存聯合國秘書長。

二. 本組織法於就本組織法附件二所列事業費第一部分總共負擔其攤款百分七十五以上之至少十五個國家，成爲本組織法簽訂國之日起，發生效力。

三. 一俟本組織法經由一國代表對於批

准不附保留，逕行簽署或一俟第一接受書送存之時，本組織法即由聯合國秘書長依照聯合國憲章第一百零二條予以登記。

四．聯合國秘書長日後將本組織法發生效力之日期通知本組織法各簽訂國，並將其他國家成爲本組織法簽訂國之日期通知各簽訂國。

爲此下列各代表各秉本國政府特爲此事正式授予之權，謹簽字於本組織法以昭信守。

公曆一千九百四十六年十二月十五日訂於紐約發拉星草場，以英，法，中，俄，西五種文字各作一本。各正本應交存聯合國檔庫。聯合國秘書長將以正式副本分送各簽字國政府，並於本組織法發生效力及幹事長選出後，送交本組織幹事長。

附件一

定義

一般原則

一、 下列之一般原則爲本附件第一第二兩部分中所列定義之要點。

（子）本組織之主要目的在爲眞正難民及失所人民問題獲一迅速積極之解決，並須使其對有關各方，俱能公正平允。

（丑）鑒於一九四六年二月十二日聯合國大會爲難民問題所通過決議案中（丙）節（二）款所列之原則（附件三）關於失所人民之主要任務，爲以各種可能之方法鼓勵並協助彼等及早返回其原居留之國家。

（寅）按照一九四六年二月十六日經濟暨社會理事會所通過之決議案，對於貳國叛徒，傀儡及戰犯，不應予以任何國際協助又對於彼等之引渡及遣處亦不應採取任何行動加以阻撓。

（卯）本組織應注意其所予之協助不得用於鼓勵對任何聯合國國家政府之破壞或敵對之行爲。

（辰）對於專係自甘閒散希圖避免爲協助其國家重行建設而忍受艱苦 因而不願回至其原居留國家者，或純爲經濟上之原因自願在他國居留，因而其備移民之資格者，本組織應注意其所予之協助不得受此等之利用。

（巳）同時，對於眞正及理應受惠之難民及失所人民，本組織亦須注意，凡爲本組織所能施予之協助，均不得加以剝奪。

（午）本組織執行其職務時應避免擾亂國際間之友好關係。爲達此目的，本組織如遇擬將難民及失所人民在其原居留國之領域或在非自治區家內移殖或安頓時，應予以特別注意。凡遇此二種情形，本組織於各項因素之中，尤應就各該難民等之原居留國或該非自治國家之本國人民對於此項移殖或安頓計劃所表示之眞正憂慮及關切，予以充分考慮。

二、爲保證上述各原則及下列定義中各項條款公正平允之實施起見，應成立一半司法性質之特種制度，附以適當之組織法，程序及任務規定。

第一部份

一九四六年二月十六日聯合國經濟暨社會理事會通過之決議案中所謂之難民及失所人民

甲節 難民之定義

一、 "難民"一詞，除本附件第二部分寅卯兩節中各款另有規定外，係指已離開其本國或其原居留國或已在其境外之人，且其人不論其曾否保留其國籍，又屬於下列各類之一者：

（子）納粹或法西斯政權下之被壓迫者，或於第二次世界大戰中與上述政權立於一方各政權下之被壓迫者，或協助上述政權與聯合國國家爲敵之傀儡或類似政權下之被壓迫者，不論其已否具有難民之國際身份；

（丑）西班牙共和黨人及佛朗蘇政權下之其他被壓迫者，不論其已否具有難民之國際身份；

（寅）因種族，宗教，國籍或政見上之關係，於第二次大戰爆發以前即已被視爲難民者。

二、 除本附件第二部分寅卯兩節關於拒絕某數類人等（包括戰犯，傀儡及貳國叛徒在內），使不得收受本組織所施利益，另有規定外，"難民"一詞，亦指不屬下列乙節所稱之失所人民，現在其本國或其原居留國國境以外，且又以第二次世界大戰爆發以後所引起各項事端之結果，不能或不願受其本國或前本國政府之保護者。

三、 除本附件第二部分丁節各款另有規定外，"難民"一詞，亦指曾在德國或奧國居住，種出猶太或爲外族或無國籍，因而受納粹之壓迫，並被扣留於該二國之內，或雖迫而出亡，但以敵軍行動之故，或由於戰爭情勢之結果，其後又被送回上述二國之一，而仍未在其地重被安置者。

四、 "難民"一詞又指無人看同照管之戰時孤兒，或其父母失踪，而其本人已不在其原居留國者。對於此類十六歲或十六歲以下兒童，應予各種可能之優先協助，其有國籍可查者，並應協助其返回本國。

乙節 失所人民之定義

"失所人民"一詞，係指受本附件第一部分甲節一項（子）款所稱統治當局之處置，因而被逐出或不得不離開其本國或其原居留國者，例如被迫從事強迫勞役及因種族，宗教及政見上之關係而被逐出境者皆屬之。凡失所人民，須在本附件第一部分內，丁兩節各項及第二部分各項規定之下，始得屬於本組織主管範圍之內。如彼等所以移徙之理由不復存在，應依照本組織法第二條一項（子）款，並在一九四六年二月十二日大會關於難民問題決議案（附件三）內項第（二）及第（三）分項所訂條款限制之下，儘速將彼等遣送回國。

丙節 "難民"及"失所人民"成爲本組織主管對象之條件

一、除本附件甲節第一項（丑）款及第三項所稱者外，

，以上所舉各類之人，皆應依一九四六年二月十六日經濟暨社會理事會所通過決議案之意義，成爲本組織主管之對象；但彼等須或爲可以遣送回國，而於遣送手續上必須獲得本組織之協助者，或則爲於得知全部事實之後，包括其本國或原居留國政府所發之確當情報，而又完全出於自願，切實表示正當之反對理由，不願回至上述之國家者：

（子）下列各點可認爲正當之反對理由：

（一）由於種族，宗教，國籍或政見關係而起之壓迫，而所謂政見又並不與聯合國憲章序文中所載聯合國原則相背謬者；或將遇此種壓迫之恐懼，而其恐懼係基於適當之理由者；

（二）政治性質之反對理由，經本組織斷爲"正當"，如一九四六年二月十二日大會通過之大會第三分組委員會報告書第八節（甲）項中所言慮及者。[1]

（三）凡屬甲節第一項（子）（寅）兩款所稱各類之人，則應具有因以上所受壓迫而起之急迫家庭理由，或身體衰弱或疾病等急迫理由。

（丑）下述一類之情報可以經常認爲"確當情報"：凡有關各該難民及失所人民本國狀況之情報，經各該國政府代表直接通知彼等者；此類代表應予各種便利，俾可訪問各難民及失所人民之營房及集合中心，向彼等傳達上述之情報。

二、關於與本附件甲節第一項（丑）款各種規定符合之難民，在西班牙佛朗哥政權繼佔當政期間，此類之人皆應依一九四六年二月十六日聯合國經濟暨社會理事會所通過決議案之意義，爲本組織主管之對象。惟於一民主政權繼上述政權成立時，則彼等須提出與本節第一項（子）款所列各點相類，所以不願回西班牙之正當反對理由。

丁節——難民及失所人民不復爲本組織主管對象之條件

下列各點爲難民及失所人民不復爲本組織主管對象之條件：

（子）如彼等已回至其爲聯合國會員國之本國領土者；但如其所願返回之原居址並不在其本國國境內者，則不在此限；

（丑）如彼等已取得新國籍者；

（寅）如彼等經本組織認爲已在其他情形下獲得確實安頓者；

（卯）並無理由，拒絕接受本組織關於將彼等移殖或遣送回國之建議者；

（辰）如彼等雖可有謀生之方而不作充分之努力者或利用本組織之協助便其私圖者。

第二部份

不爲本組織主管對象之人

一、 戰犯 傀儡及賣國叛徒。

二、 任何可證其具有下列行爲之一者：

（子）曾協助敵人，壓迫聯合國會員國之平民；

（丑）於第二次大戰爆發以後，對於敵軍用以對付聯合國所採之行動，曾自動加以協助。[2]

三、 可以根據條約加以引渡之通常罪犯。

四、 原出德國民種之人，不論爲德國國民或爲在其他國家之德種少數民族中之份子，而又具有下列情形者：

（子）已從或可從其他國家移送至德國者；

（丑）在第二次世界大戰期間從德國逃散至其他國家者；

（寅）從德國逃出，或逃入德國，或從其居所之地逃入德國以外之國家，藉以避免爲盟方軍隊所捕獲者。

五、 接受其本國金錢上之援助及保護者；但如經其本國爲彼等請求國際之協助者，則不在此限。

六、 於第二次世界大戰敵對行動告終以後，曾有下列行爲者：

（子）曾參加任何組織，其目的之一爲以武力推翻其原居留國之政府，而該國又爲聯合國會員國；或爲以武力推翻聯合國任何另一會員國之政府；或參加任何恐怖組織；

（丑）曾煽動對其原居留國之政府採取敵對行爲之運動，而該國又爲聯合國會員國；或曾發起該難民不回至其原居留國之運動；

（寅）於其申請援助時尚在爲一外國服軍役或公職。

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[1]該第八節（甲）項云：

『主席於答覆比利時代表云：此中有一涵義義，卽此項國際團體可以斷定何者爲「正當之反對理由」何者非「正當之反對理由」；而此類反對理由又明白屬於政治性質者。』

[2]如僅係職務執行其正常及平和之職責，並非專事協助敵人爲害盟國或敵人佔領國領土內之平民者，不應視爲"自動協助"。又一般之人道舉動，例如護視受傷或垂死之人，亦不應視爲"自動協助"，但如可同時予盟國國民以敵國國民所得之是類協助，而故意不爲此舉者，不在此限。

附 件 二

第一財政年度預算及攤款

一，第一財政年度臨時預算計爲行政費美金4,800,000圓，事業費（大規模移殖費除外）美金 151,060,500圓，及大規模移殖費美金 5,000,000圓。各該項下如有任何積餘應將其移爲次一財政年度預算中各該相同項下之存款。

二，上述各數（大規模移殖費除外）應由各會員國依照下列比額擔負之：

甲．行政費分攤比額表

國別	百分數
阿富汗	0.05
阿根廷	1.85
澳大利亞	1.97
比利時王國	1.35
玻利維亞	0.08
巴西	1.85
白俄羅斯蘇維埃社會主義共和國	0.22
加拿大	3.20
智利	0.45
中國	6.00
哥倫比亞	0.37
哥斯大黎加	0.04
古巴	0.29
捷克斯拉夫	0.90
丹麥	0.79
多明尼加共和國	0.05
厄瓜多	0.05
埃及	0.79
薩爾瓦多	0.05
阿比西尼亞	0.08
法蘭西	6.00
希臘	0.17
瓜地馬拉	0.05
海地	0.04
洪都拉斯	0.04
冰島	0.04
印度	3.95
伊朗	0.45
伊拉克	0.17
黎巴嫩	0.06
利比里亞	0.10
盧森堡大公國	0.05
墨西哥	0.63
荷蘭王國	1.40
紐西蘭	0.50
尼加拉瓜	0.04
那威王國	0.50
巴拿馬	0.05
巴拉圭	0.04
秘魯	0.20
菲律賓共和國	0.29
波蘭	0.95
蘇地亞拉伯	0.08
瑞典	2.35
敘利亞	0.12
土耳其	0.91
烏克蘭蘇維埃社會主義共和國	0.84
南非聯邦	1.12
蘇維埃社會主義共和國聯邦	6.34
英聯王國	11.48
美利堅合衆國	39.89
烏拉圭	0.18
委內瑞拉	0.27
南斯拉夫	0.33
	100.00

乙．事業費分攤比額表
（大規模移殖費除外）

國別	百分數
阿富汗	0.03
阿根廷	1.50
澳大利亞	1.76
比利時王國	1.00
玻利維亞	0.07
巴西	1.50
白俄羅斯蘇維埃社會主義共和國	0.16
加拿大	3.50
智利	0.39
中國	2.50
哥倫比亞	0.32
哥斯大黎加	0.02
古巴	0.24

捷克斯拉夫	0.80
丹麥	0.68
多明尼加共和國	0.04
厄瓜多	0.04
埃及	0.68
薩爾瓦多	0.03
阿比西尼亞	0.07
法蘭西	4.10
希臘	0.15
瓜地馬拉	0.04
海地	0.02
洪都拉斯	0.02
冰島	0.02
印度	3.66
伊朗	0.39
伊拉克	0.15
黎巴嫩	0.05
利比里亞	0.02
盧森堡大公國	0.04
墨西哥	0.54
荷蘭王國	0.90
紐西蘭	0.44
尼加拉瓜	0.02
那威王國	0.44
巴拿馬	0.04
巴拉圭	0.02
秘魯	0.17
菲律賓共和國	0.24
波蘭	0.61
蘇地亞拉伯	0.07
瑞典	2.20
敘利亞	0.10
土耳其	0.88
烏克蘭蘇維埃社會主義共和國	0.62
南非聯邦	1.00
蘇維埃社會主義共和國聯邦	4.69
英聯王國	14.75
美利堅合衆國	45.75
烏拉圭	0.15
委內瑞拉	0.23
南斯拉夫	0.23
新會員國	1.92
	100.00

三．關於大規模移殖費之分攤，應依本組織法第十條第四項之規定行之。

附件三

一九四六年二月十二日大會通過之決議案（A/45）

本大會，

鑒於各種難民及失所人民問題之迫切，又鑒於對真正難民及失所人民與下列丁項所稱戰犯，傀儡及賣國叛徒有加以明白區別之必要，特

（甲）決定將此問題交由經濟暨社會理事會，祇之該理事會第一屆會議事日程第十項下，就其各方面加以詳盡之審查，並向大會第一屆令第二期會議提出報告；

（乙）向經濟暨社會理事會建議成立一特別分組委員會，俾得迅速完成（甲）項所云之審查及報告；

（丙）又向經濟暨社會理事會建議於考慮此項問題之時，注意下列之原則：

（一）此一問題具有國際範圍及性質。

（二）凡難民及失所人民，於得知全部事實包括其原居留國政府所發之確當情報以後，並完全出於自願，切實表示正當之反對理由，不願回至其原居留國而又不屬下列（丁）項各款範圍以內者，即不應強迫其回至其原居留國。此類難民及失所人民之未來出路，應寫此後將依上列（甲）（乙）兩項所稱之報告而認可或成立之任何國際團體之主管對象；但如彼等所定居國家之政府，已與上述之團體商定辦法，擔任負責彼等之全部費用並負保護彼等之責任，則不在此限。

（三）關於失所人民之主要任務，寫用各種可能方法，鼓勵並協助彼等及早回至其原居留國，並鑒於上列內項（二）款中所列之原則，此種協助可採促其訂立雙邊辦法之方式，而於遣送此項人等回國一事；維得相互之協助。

（丁）認寫所有因本決議案而採取之行動，均不得以任何方式干涉依據現有及未來國際辦法或協定而執行之戰犯，傀儡及賣國叛徒之引渡及懲處。

（戊）認寫所有從他國移至德國或逃避盟方軍隊而至他國之德國人，如彼等之地位可由盟方駐德佔領軍各有關國家政府之同意加以決定，同皆不在本宣言處置範圍之內。

УСТАВ
МЕЖДУНАРОДНОЙ ОРГАНИЗАЦИИ
ПО ДЕЛАМ БЕЖЕНЦЕВ

ОБЪЕДИНЕННЫЕ НАЦИИ
ЛЕЙК САКСЕС, НЬЮ-ЙОРК
1946

УСТАВ МЕЖДУНАРОДНОЙ ОРГАНИЗАЦИИ ПО ДЕЛАМ БЕЖЕНЦЕВ

ВВЕДЕНИЕ

Правительства, принимающие настоящий Устав,

ПРИЗНАВАЯ что подлинные беженцы и перемещенные лица составляют проблему срочного характера, являющуюся, по объему и характеру, международной;

что в отношении перемещенных лиц главная подлежащая выполнению задача заключается в том, чтобы поощрять их скорое возвращение в страну их происхождения и содействовать этому возвращению всеми возможными способами;

что подлинным беженцам и перемещенным лицам следует оказывать содействие посредством мер международного характера или для возвращения в страны, гражданами которых они являются, или на прежние привычные места жительства, или же для приискания новых жилищ в других местах, на условиях, предусмотренных в настоящем Уставе; или, в отношении испанских республиканцев, для их временного устройства, с тем, чтобы дать им возможность возвратиться в Испанию, когда настоящий фалангистский режим будет заменен демократическим;

что переход на оседлое положение и возвращение к обычным условиям жизни беженцев и перемещенных лиц следует предусматривать в случаях, ясно указанных в Уставе;

что подлинные беженцы и перемещенные лица, до тех пор, пока не осуществится вполне их репатриация или переход на оседлое положение и возвращение к обычным условиям жизни, должны быть защищены в своих правах и законных интересах и должны быть обеспечены нужными заботами и помощью и, поскольку это возможно, должны быть обеспечены полезным трудом, в целях предотвращения вредных и антисоциальных последствий продолжительной праздности; и

что расходы по репатриации лиц, перемещенных Германией и Японией из занятых ими стран, должны быть отнесены в пределах возможности за счет этих держав;

ПРИШЛИ К СОГЛАШЕНИЮ,

для осуществления вышеуказанных целей, в возможно короткий срок, учредить и настоящим учреждают временную организацию под наименованием «Международная Организация по Делам Беженцев» — специализированное учреждение, которое должно быть поставлено в связь с Объединенными Нациями и, соответственно,

ПРИНИМАЮТ НИЖЕСЛЕДУЮЩИЕ СТАТЬИ:

СТАТЬЯ 1

МАНДАТ

Мандат Организации распространяется на беженцев и перемещенных лиц в соответствии с принципами, определениями и условиями, устанавливаемыми в Приложении I приложенном к настоящему Уставу и являющемся неотъемлемой частью последнего.

СТАТЬЯ 2

ФУНКЦИИ И ПОЛНОМОЧИЯ

1. Функциями Организации, подлежащими выполнению в соответствии с целями и принципами Устава Объединенных Наций, являются: репатриация; установление личности, регистрация и классификация лиц, которые, согласно положениям Приложения I, подлежат компетенции Организации; попечение о них и оказание им помощи; правовая и политическая защита их; перевозка, окончательное возвращение к обычным условиям и переселение в страны, могущие и готовые их принять. Такие функции выполняются, имея в виду:

(a) поощрение скорого возвращения в страны, гражданами которых они являются, или в страны прежнего обычного местожительства тех лиц, которые подлежат компетенции Организации, и содействие таковому всеми возможными способами, принимая во

внимание принципы, изложенные в резолюции по вопросу о беженцах и перемещенных лицах, принятой 12 февраля 1946 года Генеральной Ассамблеей Объединенных Наций (Приложение III) и принципы, изложенные в Введении; содействие таковому всеми возможными способами, в частности, предоставлением им материальной помощи и достаточного продовольствия на период времени в три месяца с момента отбытия их из их теперешнего местожительства, при условии, что они возвращаются в страну, испытывающую лишения в результате неприятельской оккупации во время войны, и что такое продовольствие будет распределяться от имени Организации; а также снабжение необходимой одеждой и транспортными средствами; и

(b) в отношении лиц, для которых репатриация не состоится согласно параграфу (a) настоящей статьи, облегчение:

(i) возвращения к обычным условиям в странах их временного местопребывания;

(ii) эмиграции в другие страны, перехода там на оседлое положение и возвращения к обычным условиям отдельных лиц и семей;

(iii) поскольку это может быть необходимо и осуществимо, в пределах имеющихся в распоряжении ресурсов, а также при условии соблюдения соответствующих финансовых правил — обследования, поощрения и выполнения проектов группового переселения или расселения в крупном масштабе.

(c) В отношении испанских республиканцев, содействие их временному устройству, пока в Испании не будет установлен демократический режим.

2. С целью осуществления своих функций Организация может предпринимать все соответствующие действия и, для этого, имеет право:

(a) получать и расходовать частные и общественные фонды;

(b) когда это необходимо, арендовать земли и строения и приобретать посредством дарения—и только в исключительных обстоятельствах путем покупки—земли и строения, владеть ими или распоряжаться ими, сдавая в наем, продавая или другими способами;

(c) приобретать другое необходимое имущество, владеть им и отчуждать его;

(d) вступать в договоры и принимать на себя обязательства, включая договоры с правительствами или с оккупационными, или контрольными властями там, где такие власти продолжают существовать, или принимать на себя, частью или полностью, заботу о беженцах и перемещенных лицах и их содержание на территориях, находящихся под их властью, под контролем Международной Организации по Делам Беженцев;

(e) вести переговоры и заключать соглашения с правительствами;

(f) консультировать и сотрудничать с общественными и частными организациями во всех тех случаях, когда это желательно, поскольку такие организации разделяют цели Организации и соблюдают принципы Объединенных Наций;

(g) способствовать заключению двусторонних соглашений о взаимном содействии при репатриации перемещенных лиц, принимая во внимание принципы, указанные в параграфе (c) (ii) резолюции, принятой 12 февраля 1946 г. Генеральной Ассамблеей Объединенных Наций, относительно проблемы о беженцах (Приложение III);

(h) назначать служебный персонал, с соблюдением положений статьи 9 настоящего Устава;

(i) предпринимать любой проект, соответствующий выполнению целей Организации;

(j) заключать соглашения со странами, могущими и готовыми принять беженцев и перемещенных лиц в целях обеспечения защиты их законных прав и интересов, поскольку это является необходимым;

(k) и вообще совершать любые действия

юридического характера, соответствующие ее целям.

СТАТЬЯ 3

ВЗАИМООТНОШЕНИЯ С ОБЪЕДИНЕННЫМИ НАЦИЯМИ

Взаимоотношения между Организацией и Объединенными Нациями устанавливаются соглашением между Организацией и Объединенными Нациями, как это предусмотрено статьями 57 и 63 Устава Объединенных Наций.

СТАТЬЯ 4

ЧЛЕНЫ ОРГАНИЗАЦИИ

1. Прием в члены Организации открыт для Членов Объединенных Наций. Прием в члены Организации также открыт для любых других миролюбивых государств, не являющихся Членами Объединенных Наций, по рекомендации Исполнительного Комитета, большинством двух третей голосов присутствующих и участвующих в голосовании членов Генерального Совета, с соблюдением условий соглашения между Организацией и Объединенными Нациями, утвержденного согласно статье 3 настоящего Устава.

2. С соблюдением положения параграфа 1 настоящей статьи, членами Организации являются государства, надлежащим образом уполномоченные представители которых подписывают настоящий Устав без оговорок относительно последующего принятия, и государства, которые вручают Генеральному Секретарю Объединенных Наций свои документы о принятии, после того, как их представители, уполномоченные на то надлежащим образом, подписали настоящий Устав с такой оговоркой.

3. С соблюдением положений параграфа 1 этой статьи те государства, представители которых не подписали Устава, упомянутого в предшествующем параграфе, или которые, подписав таковой, не вручили соответствующего документа о принятии в течение ближайших шести месяцев, могут, однако, быть приняты в Члены Организации в следующих случаях:

(a) Если они выразят готовность внести причитающиеся с них взносы, согласно соответствующей шкале;

(b) Если они представят Организации проект допущения на свою территорию, в качестве эмигрантов, беженцев или перемещенных лиц, в таком количестве и на таких условиях расселения, которые, по мнению Организации, потребуют от государства, подающего такое заявление, расходов, или вложения сумм, равных или приблизительно равных тому взносу, который от них потребовался бы согласно соответствующей шкале взносов, составляющих бюджет Организации.

4. Те государства, которые при подписании Устава, выразят свое намерение воспользоваться положением пункта (b) параграфа 3 этой статьи, могут представить, в течение ближайших трех месяцев, проект, о котором говорится в этом параграфе, не нарушая этим своего права представить в течение шести месяцев соответствующий документ о принятии.

5. Осуществление прав и привилегий членов настоящей Организации, принадлежащих им в качестве таковых, приостанавливается по требованию Организации Объединенных Наций, если было приостановлено осуществление прав и привилегий, принадлежащих им, как Членам Объединенных Наций.

6. Члены Организации, исключенные из Объединенных Наций, автоматически перестают быть членами настоящей Организации.

7. Осуществление прав и привилегий членов Организации, не состоящих Членами Объединенных Наций, систематически нарушающих принципы Устава Объединенных Наций, может быть приостановлено с утверждения Генеральной Ассамблеи Объединенных Наций, или такие члены могут быть исключены из числа Организации Генеральным Советом.

8. Осуществление прав и привилегий члена Организации, систематически нарушающего принципы, содержащиеся в настоящем Уставе, может быть приостановлено Генеральным Советом, или такой член Организации может быть исключен из Организации при условии утверждения этого исключения Генеральной Ассамблеей Объединенных Наций.

9. Каждый член Организации обязуется оказывать содействие общего характера работе Организации.

10. Любой член Организации может в любое время представить письменное уведомление о своем выходе из Организации Председателю Исполнительного Комитета. Такое уведомление становится действительным по истечении года со дня получения его Председателем Исполнительного Комитета.

СТАТЬЯ 5

ОРГАНЫ

В Качестве главных органов Организации учреждаются: Генеральный Совет, Исполнительный Комитет и Секретариат.

СТАТЬЯ 6

ГЕНЕРАЛЬНЫЙ СОВЕТ

1. Высшим Органом, определяющим политику Организации, является Генеральный Совет, в котором каждый член Организации имеет одного представителя, а также заместителей и советников, какие могут быть необходимы. Каждый член Генерального Совета имеет в последнем один голос.

2. Генеральный Совет созывается на очередную сессию не менее одного раза в год Исполнительным Комитетом, причем, однако, в течение трех лет после создания Организации, Генеральный Совет созывается на очередные сессии не менее двух раз в год. Он может созываться на специальную сессию во всех тех случаях, когда Исполнительный Комитет находит это необходимым; он также созывается на специальную сессию Генеральным Директором в течение тридцати дней после того, как Генеральным Директором получено требование об этом от одной трети членов Совета.

3. На первом заседании каждой сессии Генерального Совета председательствует Председатель Исполнительного Комитета до тех пор, пока Генеральный Совет не изберет одного из своих членов Председателем этой сессии.

4. После этого Генеральный Совет переходит к выборам из числа своих членов первого Товарища Председателя и второго Товарища Председателя, а также других должностных лиц, которых он сочтет необходимыми.

СТАТЬЯ 7

ИСПОЛНИТЕЛЬНЫЙ КОМИТЕТ

1. Исполнительный Комитет выполняет те функции, которые могут являться необходимыми для осуществления политики Генерального Совета, и может в промежутках между сессиями Генерального Совета, в случаях крайней необходимости, принимать руководящие решения, которые передаются Генеральному Директору. Последний обязан принять их к руководству и представить доклад Исполнительному Комитету о действиях, предпринятых им для выполнения этих решений. Эти решения подлежат пересмотру Советом.

2. Исполнительный Комитет Генерального Совета состоит из представителей девяти членов Организации. Каждый член Исполнительного Комитета избирается на двухгодичный срок Генеральным Советом на очередной сессии Совета. Член Организации может оставаться в должности в Исполнительном Комитете в течение периода времени между окончанием срока его полномочий и первым следующим заседанием Генерального Совета, на котором происходят выборы. Член Организации в любое время может быть переизбран в Исполнительный Комитет. Если в промежутке между

двумя сессиями Генерального Совета открывается вакансия на должность члена Исполнительного Комитета, Исполнительный Комитет может сам заполнить эту вакансию, назначив другого члена Организации для занятия должности до следующего заседания Совета.

3. Исполнительный Комитет избирает Председателя и Заместителя Председателя из числа своих членов, причем срок полномочий определяется Генеральным Советом.

4. Заседания Исполнительного Комитета созываются:

(a) Председателем, нормально два раза в месяц;

(b) когда какой-либо делегат или член Исполнительного Комитета письмом, адресованным Генеральному Директору, требует созыва заседания, в каковом случае заседание созывается в течение семи дней со дня получения требования;

(c) в случае, если должность Председателя оказывается вакантной, Генеральный Директор назначает заседание, на котором первым пунктом повестки дня являются выборы Председателя.

5. С целью исследования положения на местах, Исполнительный Комитет, или в своем полном составе или через посредство делегации, составленной из его членов, может посещать лагеря, общежития и сборные пункты, находящиеся под контролем организации и давать на основании отчетов о таких посещениях соответствующие инструкции Генеральному Директору.

6. Исполнительный Комитет получает доклады от Генерального Директора, как это предусмотрено параграфом 6 статьи 8 настоящего Устава и, по рассмотрении таковых, предлагает Генеральному Директору передать их Генеральному Совету с такими замечаниями, какие Исполнительный Комитет считает нужными. Эти доклады и такие замечания, рассылаются всем членам Генерального Совета до следующей очередной сессии и опубликовываются. Исполнительный Комитет может предлагать Генеральному Директору представлять такие дальнейшие доклады, какие Комитет считает необходимыми.

СТАТЬЯ 8

АДМИНИСТРАЦИЯ

1. Главным административным должностным лицом Организации является Генеральный Директор. Он является ответственным перед Генеральным Советом и Исполнительным Комитетом, выполняет административные и исполнительные функции Организации в соответствии с решениями Генерального Совета или Исполнительного Комитета и представляет доклады о принятых им соответственных действиях.

2. Кандидат в Генеральные Директора предлагается Исполнительным Комитетом и назначается на должность Генеральным Советом. Если Исполнительный Комитет не выставляет кандидатуры лица, приемлемого для Генерального Совета, Генеральный Совет может приступить к назначению лица, кандидатура которого не была указана Комитетом. Когда на должность Генерального Директора открывается вакансия, Исполнительный Комитет может назначить Исполняющего Обязанности Генерального Директора, принимающего на себя все обязанности и функции, связанные с должностью, до того времени, как Генеральный Директор сможет быть назначен Генеральным Советом.

3. Генеральный Директор выполняет свои функции согласно договору, подписываемому от имени Организации Председателем Исполнительного Комитета, и одним из условий такого договора должно быть, что любая сторона может сделать уведомление о прекращении договора за шесть месяцев. В исключительных обстоятельствах, Исполнительный Комитет, при условии последующего подтверждения Ге-

неральным Советом, имеет право освободить Генерального Директора от его обязанностей большинством двух третей голосов членов Совета, если, по мнению Комитета, его поведение таково, что оправдывает такую меру.

4. Служебный персонал Организации назначается Генеральным Директором, согласно правилам, которые должны быть установлены Генеральным Советом.

5. Генеральный Директор присутствует или является представленным одним из подчиненных ему должностных лиц на всех заседаниях Генерального Совета, Исполнительного Комитета и всех других комитетов и подкомитетов. Он, или его представитель, может принимать участие в любом таком заседании, но не имеет права голоса.

6. (a) Генеральный Директор к концу каждого шестимесячного периода изготовляет доклад о работе Организации. Доклад, изготовленный к концу каждого второго шестимесячного периода, должен касаться работы Организации в течение предыдущего года и заключать полный отчет о деятельности Организации в течение этого периода времени. Эти доклады представляются на рассмотрение Исполнительному Комитету, который передает их Генеральному Совету вместе со своими замечаниями, как предусмотрено параграфом 6 статьи 7 настоящего Устава.

(b) На каждой специальной Сессии Генерального Совета Генеральный Директор делает доклад о работе Организации со времени последнего заседания.

СТАТЬЯ 9

СЛУЖЕБНЫЙ ПЕРСОНАЛ

1. При приеме на службу и определении условий службы, следует руководствоваться, главным образом, необходимостью обеспечить высокий уровень работоспособности, компетентности и добросовестности. Другим соображением, принимаемым во внимание при приеме на службу, должны быть преданность принципам, установленным в настоящем Уставе. Должное внимание следует уделять важности подбора персонала по принципу географического распределения и на прием на службу достаточного числа сотрудников из стран происхождения перемещенных лиц.

2. Никакое лицо, исключенное, согласно части II Приложения I, (кроме параграфа 5) этого устава, из числа лиц, подлежащих компетенции Организации, не может быть принято Организацией на службу.

3. При исполнении своих обязанностей Генеральный Директор и служебный персонал не должны запрашивать или получать указаний от какого бы то ни было правительства или власти, посторонней для Организации. Они должны воздерживаться от любых действий, которые могли бы отразиться на их положении, как международных должностных лиц, ответственных только перед Организацией. Каждый член Организации обязуется уважать строго международный характер обязанностей Генерального Директора и служебного персонала и не пытаться оказывать на них влияние при исполнении ими своих обязанностей.

СТАТЬЯ 10

ФИНАНСЫ

1. Генеральный Директор представляет Генеральному Совету, через посредство Исполнительного Комитета, годовую бюджетную смету, покрывающую необходимые административные расходы, оперативные расходы и расходы Организации по расселению в широком масштабе, и от времени до времени дополнительные бюджетные сметы, которые могут потребоваться. Исполнительный Комитет передает бюджетную смету Генеральному Совету с такими замечаниями, которые он находит необходимыми. По окончательном утверждении бюджетной сметы Генеральным Советом, общий итог каждой из трех рубрик, а именно: «административные расходы», «оперативные расходы» и «расходы по расселению в широком масштабе» должен быть

распределен пропорционально между членами Организации в каждой рубрике, причем эта пропорция определяется от времени до времени большинством двух третей голосов членов Генерального Совета, которые присутствуют и принимают участие в голосовании.

2. Взносы производятся в результате переговоров, которые будут вестись по просьбе членов Организации между этими членами и Организацией, натурой или в той валюте, которая будет определена решением Генерального Совета относительно валют, в которых предполагаемые расходы Организации будут производиться от времени до времени, независимо от валюты, в которой бюджетная смета будет исчислена.

3. Каждый член Организации обязуется вносить в Организацию свою долю административных расходов, в соответствии с разверсткой, установленной в вышеприведенных параграфах 1 и 2 настоящей статьи.

4. Каждый член Организации делает взносы на оперативные расходы (за исключением расходов по расселению в широком масштабе), в соответствии с разверсткой, определенной согласно параграфам 1 и 2 настоящей статьи, и в соответствии с требованиями процедуры, установленной основными законами данного члена Организации. Члены Организации обязуются делать взносы на расходы по расселению в широком масштабе на добровольных началах и в соответствии с требованиями процедуры, установленной основными законами каждого члена Организации.

5. Член Организации, который по истечении трехмесячного срока после дня вступления в силу настоящего Устава, не сделает своих денежных взносов в Организацию за первый финансовый год, лишается права голоса в Генеральном Совете или в Исполнительном Комитете, пока он не сделает своего взноса.

6. С соблюдением положений вышеприведенного параграфа 5, член Организации, за которым числится задолженность по уплате Организации его денежных взносов, лишается права голоса в Генеральном Совете или Исполнительном Комитете, если сумма его задолженности равняется сумме взносов, причитающихся с него за один полный предыдущий год или превышает ее.

7. Генеральный Совет может, однако, разрешить таким членам Организации участвовать в голосовании, если он признает, что просрочка платежа произошла по независящим от них обстоятельствам.

8. Административный бюджет Организации ежегодно представляется Генеральной Ассамблее Объединенных Наций для рассмотрения и рекомендаций, которые Генеральная Ассамблея найдет нужным сделать. Соглашение, согласно которому Организация будет поставлена в связь с Объединенными Нациями, в соответствии со статьей 3 настоящего Устава, может обусловить, между прочим, что административный бюджет Организации утверждается Генеральной Ассамблеей Объединенных Наций.

9. Не нарушая положений, касающихся дополнительных бюджетов, в параграфе 1 настоящей статьи, следующие исключительные мероприятия должны быть применены в отношении того финансового года, в котором настоящий Устав вступит в силу:

(a) бюджет должен быть временным бюджетом, установленным в Приложении II к настоящему Уставу и

(b) размер денежных взносов членов Организации должен быть сделан в пропорции, установленной в Приложении II к настоящему Уставу.

СТАТЬЯ 11

МЕСТОНАХОЖДЕНИЕ ОРГАНИЗАЦИИ И ОТДЕЛЕНИЯ

1. Организация по Делам Беженцев устанавливает свое местонахождение в Париже, или в Женеве, согласно решению Генерального Совета и все заседания Генерального Совета и Исполнительного Комитета происходят там,

если только большинство членов Генерального Совета или Исполнительного Комитета не придут к соглашению на предшествующем заседании или путем переписки с Генеральным Директором о том, чтобы собраться в другом месте.

2. Исполнительный Комитет учреждает такие региональные и другие отделения и представительства, какие могут быть необходимы.

3. Все отделения и представительства учреждаются только с согласия правительств, власть которых распространяется на места их учреждения.

СТАТЬЯ 12

ПРОЦЕДУРА

1. Генеральный Совет устанавливает свои собственные правила процедуры, в общих чертах соответствующие правилам процедуры Экономического и Социального Совета Объединенных Наций, когда они являются подходящими, и с такими изменениями, которые Генеральный Совет сочтет желательными. Исполнительный Комитет регулирует свою собственную процедуру с соблюдением любых решений Генерального Совета, касающихся последней.

2. Кроме тех случаев, когда Уставом или постановлением Генерального Совета предусматривается иной порядок, предложения принимаются простым большинством голосов членов, присутствующих и участвующих в голосовании в Генеральном Совете и в Исполнительном Комитете.

СТАТЬЯ 13

СТАТУС, ИММУНИТЕТЫ И ПРИВИЛЕГИИ

1. На территории каждого из своих членов, Организация обладает правоспособностью, необходимой для выполнения ее функций и осуществления ее целей.

2. (a) На территории каждого из своих членов, Организация пользуется привилегиями и иммунитетами, необходимыми для выполнения ее функций и осуществления ее целей.

(b) Представители членов Организации, должностные лица и административный персонал Организации также пользуются привилегиями и иммунитетами, необходимыми для независимого выполнения их функций, связанных с Организацией.

3. Этот правовой статус, эти привилегии и иммунитеты определяются соглашениями, которые должны быть выработаны по консультации с Генеральным Секретарем Объединенных Наций. Возможность присоединения к этому соглашению предоставляется всем членам, соглашение же продолжает оставаться в силе между Организацией и каждым членом Организации, присоединившимся к нему.

СТАТЬЯ 14

ВЗАИМООТНОШЕНИЯ С ДРУГИМИ ОРГАНИЗАЦИЯМИ

1. С соблюдением положений соглашения, которое должно быть заключено с Объединенными Нациями, во исполнение статьи 3 настоящего Устава, Организация может установить такие эффективные отношения с другими международными организациями, какие могут оказаться желательными.

2. Организация может принимать на себя частично или полностью функции и приобретать частично или полностью ресурсы, активы и пассивы любой межправительственной организации или учреждения, цели и функции которых относятся к компетенции Организации. Это может быть осуществлено или посредством взаимно приемлемых соглашений с компетентными властями таких организаций или учреждений, или путем использования полномочий, представленных организации международной конвенцией или соглашением.

СТАТЬЯ 15

ВЗАИМООТНОШЕНИЯ С ВЛАСТЯМИ СТРАН, В КОТОРЫХ НАХОДЯТСЯ БЕЖЕНЦЫ ИЛИ ПЕРЕМЕЩЕННЫЕ ЛИЦА

Взаимоотношения Международной Организации по Делам Беженцев с правительствами или

администрацией стран, в которых находятся беженцы или перемещенные лица, и условия, на которых она будет действовать в таких странах, устанавливаются посредством соглашений, о которых Организация договаривается с таковыми правительствами или администрацией в соответствии с положением настоящего Устава.

СТАТЬЯ 16

ПОПРАВКИ К УСТАВУ

Тексты предлагаемых поправок к настоящему Уставу сообщаются членам Организации Генеральным Директором не позднее, чем за три месяца до рассмотрения их Генеральным Советом. Поправки вступают в силу по принятии большинством двух третей голосов присутствующих и участвующих в голосовании членов Генерального Совета и по утверждении двумя третями членов Организации в согласии с соответствующими порядками, предусмотренными в их основных законах, при условии, однако, что поправки, налагающие новые обязательства на членов Организации, вступают в силу в отношении каждого члена Организации только по принятии их таковым.

СТАТЬЯ 17

ТОЛКОВАНИЕ

1. Английский, испанский, китайский, русский и французский тексты настоящего Устава считаются равно аутентичными.

2. С соблюдением положений статьи 96 Устава Объединенных Наций и главы II Статута Международного Суда, любой вопрос или спор относительно толкования или применения настоящего Устава передается на решение Международного Суда, если Генеральный Совет или стороны в таком споре не согласились на другой способ его разрешения.

СТАТЬЯ 18

ВСТУПЛЕНИЕ В СИЛУ

1. (a) Государства могут становиться участниками настоящего Устава посредством:

(i) подписания без оговорок, относящихся к его утверждению;

(ii) подписания при условии его утверждения с последующим принятием;

(iii) принятие.

(b) Принятие совершается путем вручения формального документа Генеральному Секретарю Объединенных Наций.

2. Настоящий Устав вступит в силу, когда участниками его станут по крайней мере пятнадцать государств, взносы которых, причитающиеся по части I оперативного бюджета, как они установлены в Приложении II к данному Уставу, составляют не менее 75% его общей суммы.

3. Настоящий Устав регистрируется Генеральным Секретарем Объединенных Наций в соответствии со статьей 102 Устава Объединенных Наций, по подписании его без оговорок, относящихся к его утверждению, от имени одного государства или по вручении первого документа о принятии.

4. Генеральный Секретарь Объединенных Наций уведомляет государства, являющиеся участниками настоящего Устава, о дне вступления его в силу, а также уведомляет их о дне вступления других государств в число участников настоящего Устава.

В УДОСТОВЕРЕНИЕ ЧЕГО, нижеподписавшиеся, будучи надлежаще уполномочены для этой цели, подписали настоящий Устав.

СОСТАВЛЕНО в Флошинг Мэдоу, штат Нью-Йорк, пятнадцатого декабря, тысяча девятьсот сорок шестого года, в одном экземпляре на английском, испанском, китайском, русском и французском языках. Подлинный экземпляр хранится в архиве Объединенных Наций. Генеральный Секретарь Объединенных Наций рассылает заверенные копии текста всем подписавшим его правительствам и, по вступлении Устава в силу и избрании Генерального Директора, Генеральному Директору Организации.

ПРИЛОЖЕНИЕ I

ОПРЕДЕЛЕНИЯ

ОБЩИЕ ПРИНЦИПЫ

1. Следующие общие принципы остаются составляемую часть определений, установленных в нижеследующих частях I и II.

(a) Главная задача Организации заключается в том, чтобы осуществить быстрое и положительное разрешение проблемы подлинных беженцев и перемещенных лиц; разрешение этой проблемы должно быть правильным и справедливым в отношении всех, кого это касается.

(b) Главная задача в отношении перемещенных лиц заключается в том, чтобы поощрять их быстрое возвращение в страны их происхождения и всеми возможными способами содействовать этому возвращению, принимая во внимание принципы, изложенные в параграфе (c) (ii) резолюции по вопросу о беженцах, принятой 12 февраля 1946 г. Генеральной Ассамблеей Объединенных Наций. (Приложение III).

(c) Как установлено в резолюции, принятой 16 февраля 1946 года Экономическим и Социальным Советом, предателям, квислингам и военным преступникам не должно быть оказано никакой международной помощи и ничего не должно быть сделано, что могло бы препятствовать каким-либо образом их выдаче и наказанию.

(d) Организация должна заботиться об обеспечении того, чтобы оказываемая ею поддержка не была использована для поощрения подрывной или враждебной деятельности, направленной против правительства любой из Объединенных Наций.

(e) Организация должна заботиться об обеспечении того, чтобы оказываемая ею поддержка не была использована лицами, относительно которых совершенно ясно, что они не желают возвращаться в страны своего происхождения, потому что они предпочитают праздность трудностям, связанным с участием в деле восстановления их стран, а также лицами, которые намерены переселиться в другие страны по причинам чисто экономического характера и, таким образом, подпадают под определение эмигрантов.

(f) С другой стороны, Организация в равной мере должна обеспечить, чтобы никто из подлинных и заслуживающих поддержки беженцев и перемещенных лиц не был лишен той помощи, которую она может им оказать.

(g) Организация должна стараться выполнять свои функции так, чтобы избегать нарушений дружеских отношений между нациями. В преследовании этой цели Организация должна проявлять особую осторожность в тех случаях, в которых возвращение к обычным условиям жизни или переход на оседлое положение беженцев или перемещенных лиц может предполагаться в странах либо смежных с соответствующими странами происхождения этих лиц, либо в несамоуправляющихся территориях. Организация должна должным образом учесть, среди других факторов, всякое наличие подлинного опасения или беспокойства по отношению к таким планам, в первом случае — со стороны страны происхождения лиц, о которых идет речь, или, в последнем случае — туземного населения данной несамоуправляющейся страны.

2. Для обеспечения беспристрастного и справедливого применения вышеизложенных принципов и нижеследующих терминов определения, должен быть выработан какой-то специальный план полусудебного аппарата с соответствующим Уставом, процедурой и компетенцией.

ЧАСТЬ ПЕРВАЯ

Беженцы и перемещенные лица, согласно смыслу резолюции, принятой Экономическим и Социальным Советом 16 февраля 1946 года

РАЗДЕЛ A ОПРЕДЕЛЕНИЕ ТЕРМИНА «БЕЖЕНЦЫ»

1. С соблюдением положений разделов C и D и нижеследующей части II этого приложения, термин «беженец» применяется к лицу, которое покинуло страну, гражданином которой он является, или прежнее привычное место жительства, или к лицу, которое находится вне их пределов и которое, независимо от того, сохранило ли оно свое гражданство или нет, принадлежит к одной из следующих категорий:

(a) Жертвы нацистского или фашистского режимов, или режимов, принимавших участие во второй мировой войне на стороне фашистских режимов, или жертвы квислинговских или подобных им режимов, помогающих фашистским режимам в их борьбе против Объединенных Наций, независимо от того, пользуются ли они международным статусом, как беженцы, или нет;

(b) Испанские республиканцы и другие жертвы фалангистского режима в Испании, независимо от того, пользуются ли они международным статусом, как беженцы, или нет;

(c) Лица, которые рассматривались как беженцы до начала второй мировой войны, по причинам расового, религиозного или национального характера, или вследствие их политических убеждений.

2. С соблюдением положений разделов С и D и части II настоящего Приложения, относительно исключения известных категорий лиц, включая военных преступников, квислингов и предателей, от пользования преимуществами, предоставляемыми Организацией, термин «беженец» также применяется к лицу, которое, не будучи перемещенным лицом, согласно определению раздела В настоящего Приложения, находится вне страны его гражданства или прежнего привычного места жительства и которое в результате событий, последовавших за началом второй мировой войны, не может или не хочет пользоваться защитой правительства страны своего гражданства, или бывшего гражданства.

3. С соблюдением положений раздела D и нижеследующей части II термин «беженец» также применяется к лицам, которые, проживая в Германии и Австрии и будучи еврейского происхождения, или иностранцами, или лицами, не имеющими подданства, оказались жертвами нацистского преследования и были задержаны в одной из этих стран или были принуждены бежать из одной из них, и впоследствии были возвращены в одну из них, в результате действий неприятеля или обстоятельств войны, и которые еще не обосновались прочно в одной из этих стран.

4. Термин «беженец» также применяется к беспризорным детям, — которые являются военными сиротами, или родители которых исчезли, — находящимся вне страны их происхождения. Таким детям, в возрасте 16 лет и ниже, следует всячески оказывать содействие вне очереди, включая нормальное содействие репатриации тех, чье гражданство может быть установлено.

РАЗДЕЛ В. ОПРЕДЕЛЕНИЕ ТЕРМИНА «ПЕРЕМЕЩЕННЫЕ ЛИЦА»

Термин «перемещенные лица» применяется к лицам, которые, в результате действий властей режимов, упомянутых в параграфе 1 (a) раздела А, части I настоящего Приложения, были высланы из страны своего гражданства или прежнего обычного места жительства, или были вынуждены покинуть их, как например лица, которые были принуждены к насильственному труду, или которые были высланы по расовым, религиозным или политическим соображениям. Перемещенные лица подпадают под мандат Организации только с соблюдением положений разделов С и D части I и положений нижеследующей части II. Если причины, вызвавшие их перемещения, перестали существовать, то их следует репатриировать как можно скорее, согласно статье 2, параграф 1 (a) настоящего Устава и с соблюдением положений абзацев (ii) и (iii) параграфа (c) резолюции Генеральной Ассамблеи от 12 февраля 1946 года относительно проблемы о беженцах (Приложение III).

РАЗДЕЛ С. УСЛОВИЯ, ПРИ КОТОРЫХ «БЕЖЕНЦЫ» И «ПЕРЕМЕЩЕННЫЕ ЛИЦА» ПОДЛЕЖАТ КОМПЕТЕНЦИИ ОРГАНИЗАЦИИ

1. Лица, подпадающие под определения всех вышеуказанных категорий, за исключением упомянутых в параграфе 1 (b) и 3 раздела А настоящего Приложения, подлежат компетенции Организации, согласно смыслу резолюции, принятой Экономическим и Социальным Советом 16 февраля 1946 года, если они могут быть репатриированы, и требуется помощь Организации для того, чтобы обеспечить их репатриацию, или если они определенно, совершенно свободно и, после полного ознакомления с фактами, включая достаточную информацию от правительств стран их гражданства или прежнего обычного места жительства, заявили веские возражения против возвращения в эти страны;

(a) Рассматриваются как «веские возражения»:

(i) преследование, или обоснованный (по-французски: "Fondé", по-английски: "based on reasonable grounds") страх перед преследованиями за расовую принадлежность, или религию, национальность, политические убеждения, при условии, что эти убеждения не противоречат принципам Объединенных Наций, установленным в введении к Уставу Организации Объединенных Наций;

(ii) возражения политического характера, признанные Организацией «вескими», как предусмотрено в параграфе 8 (a)[1] Доклада Третьего Комитета Генеральной Ассамблеи, утвержденного Ассамблеей 12 февраля 1946 года;

(iii) в отношении лиц, входящих в категории, указанные в параграфах 1 (a) и 1 (c) раздела А, непреодолимые препятствия семейного характера, вытекающие из предшествовавших преследований, или непреодолимые препятствия, связанные с немощью или болезнью.

(b) Будет нормально рассматриваться как «достаточная информация».

информация относительно условий в странах гражданства тех беженцев и перемещенных лиц, которых это касается, переданная им непосредственно представителям правительств стран, которым следует предоставить всевозможные облегчения для посещения лагерей и сборных центров для беженцев и перемещенных лиц, в целях сообщения последним такой информации.

Параграф 8 (a):

[1]Делегат представителю Бельгии, председатель заявил, что международная организация должна будет установить, какие возражения являются «вескими возражениями», и что такие возражения несомненно могут быть политического характера».

2. Все беженцы, подпадающие под определение параграфа 1 (*b*) раздела А настоящего Приложения, подлежат компетенции Организации, согласно смыслу резолюции, принятой Экономическим и Социальным Советом Объединенных Наций 16 февраля 1946 года, до тех пор, пока будет продолжаться фалангистский режим в Испании. Если этот режим будет заменен демократическим режимом, они должны будут представить веские возражения против своего возвращения в Испанию, соответствующие возражениям, указанным в вышеприведенном параграфе 1 (a) настоящего Приложения.

РАЗДЕЛ D. ОБСТОЯТЕЛЬСТВА, ПРИ КОТОРЫХ БЕЖЕНЦЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА ПЕРЕСТАЮТ ПОДЛЕЖАТЬ КОМПЕТЕНЦИИ ОРГАНИЗАЦИИ

Беженцы или перемещенные лица перестают подлежать компетенции Организации:

(a) когда они вернулись в страны своего гражданства, находящиеся на территории Объединенных Наций, за исключением тех случаев, когда их прежние обычные места жительства, куда они желают возвратиться, находятся вне страны их гражданства; или

(b) когда они приобрели новое гражданство; или

(c) когда они, по определению Организации, каким-либо другим образом прочно обосновались; или

(d) когда они без достаточных к тому оснований, отказались принять предложения Организации о переселении или репатриации; или

(e) когда они не делают достаточных усилий зарабатывать себе на жизнь при наличии возможности заработка, или злоупотребляют вспомоществованием Организации.

ЧАСТЬ ВТОРАЯ

Лица, которые не подлежат компетенции Организации

1. Военные преступники, квислинги и предатели.

2. Любое другое лицо, в отношении которого может быть доказано, что оно:

(a) оказывало помощь неприятелю в преследовании гражданского населения стран, являющихся Членами Объединенных Наций; или

(b) добровольно оказывало помощь вооруженным силам неприятеля после начала второй мировой войны в их операциях против Объединенных Наций.[1]

3. Уголовные преступники, подлежащие выдаче по договору.

4. Лица немецкого этнического происхождения (будь то германские граждане или члены немецких меньшинств в других странах), которые:

(a) были или могут быть перевезены в Германию из других стран;

(b) были во время второй мировой войны эвакуированы из Германии в другие страны;

(c) бежали из Германии, или в Германию, или с места своего постоянного жительства в другие, кроме Германии, страны для того, чтобы не попасть в руки союзных армий.

5. Лица, пользующиеся финансовой поддержкой и защитой страны их гражданства, за исключением тех случаев, когда эта страна просит об оказании им международной помощи.

6. Лица, которые после окончания военных действий второй мировой войны:

(a) принимали участие в какой-либо организации, ставящей одной из своих целей свержение, при помощи вооруженной силы, правительства страны их происхождения, являющейся Членом Объединенных Наций, или свержение, при помощи вооруженной силы, правительства любого Члена Объединенных Наций; или принимали участие в какой-либо террористической организации;

(b) стали вожаками движений, враждебных правительству страны их происхождения, являющейся Членом Объединенных Наций, или инициаторами движений, поощряющих невозвращение беженцев в страну их происхождения;

(c) лица, которые в то время, когда они обращаются за помощью, состоят на военной или гражданской службе иностранного государства.

[1] Простое продолжение нормальных и мирных обязанностей, не исполняемых с определенной целью оказать прагу помощь противникам или против гражданского населения страны, находящейся под неприятельской оккупацией, не считается составляющей «добровольную помощь». Также не считается таковым акт гуманности общего характера, как например, оказание помощи раненым и умирающим, за исключением тех случаев, когда помощь такого рода, оказанная неприятельским гражданам, могла бы также успешно быть оказана союзным гражданам, но намеренно ими не оказывалась.

ПРИЛОЖЕНИЕ II

БЮДЖЕТНАЯ СМЕТА И ВЗНОСЫ ЗА ПЕРВЫЙ ФИНАНСОВЫЙ ГОД

1. Временная бюджетная смета на первый финансовый год предусматривает: 4 800 000 американских долларов на административные расходы, 151 060 500 американских долларов на оперативные расходы (за исключением расходов на расселение в большом масштабе) и 5 000 000 американских долларов на расселение в большом масштабе. Всякие неизрасходованные остатки по этим статьям будут занесены в кредит тех же статей в бюджете на следующий финансовый год.

2. Эти суммы (за исключением расходов на расселение в большом масштабе) будут вноситься Членами Объединенных Наций согласно следующему распределению:

A. НА АДМИНИСТРАТИВНЫЕ РАСХОДЫ

Страна	Процентами
Афганистан	0,05
Аргентина	1,85
Австралия	1,97
Бельгия	1.35
Боливия	0,08
Бразилия	1,85
Белорусская ССР	0,22
Канада	3,20
Чили	0,45
Китай	6,00
Колумбия	0,37
Коста-рика	0,04
Куба	0,29
Чехословакия	0,90
Дания	0,79
Доминиканская Республика	0,05
Эквадор	0,05
Египет	0,79
Сальвадор	0,05
Эфиопия	0,08
Франция	6,00
Греция	0,17
Гватемала	0,05
Гаити	0,04
Гондурас	0,04
Исландия	0,04
Индия	3,95
Иран	0,45
Ирак	0,17
Ливан	0,06
Либерия	0,04
Люксембург	0.05
Мексика	0,63
Нидерланды	1,40
Новая Зеландия	0,50
Никарагуа	0,04
Норвегия	0,50
Панама	0,05
Парагвай	0,04
Перу	0,20
Филиппины	0,29
Польша	0,95
Саудовская Аравия	0,08
Швеция	2,35
Сирия	0.12
Турция	0,91
Украинская ССР	0,84
Южноафриканский Союз	1,12
Союз Советских Социалистических Республик	6,34
Соединенное Королевство	11,48
Соединенные Штаты Америки	39,89
Уругвай	0,18
Венесуэла	0,27
Югославия	0,33
	100,00

B. НА ОПЕРАТИВНЫЕ РАСХОДЫ (ЗА ИСКЛЮЧЕНИЕМ РАССЕЛЕНИЯ В БОЛЬШОМ МАСШТАБЕ)

Страна	Процентами
Афганистан	0,03
Аргентина	1,50
Австралия	1,76
Бельгия	1,00
Боливия	0,07
Бразилия	1,50
Белорусская ССР	0,16
Канада	3,50
Чили	0,39
Китай	2,50
Колумбия	0,32
Коста-рика	0,02
Куба	0,24
Чехословакия	0,80
Дания	0,68
Доминиканская Республика	0,04
Эквадор	0,04
Египет	0,68
Сальвадор	0,03
Эфиопия	0,07
Франция	4,10
Греция	0,15
Гватемала	0,04
Гаити	0,02
Гондурас	0,02
Исландия	0,02
Индия	3,66
Иран	0,39
Ирак	0,15
Ливан	0,05
Либерия	0,02
Люксембург	0,04
Мексика	0,54
Нидерланды	0,90
Новая Зеландия	0,44
Никарагуа	0,02
Норвегия	0,44

Панама	0,04
Парагвай	0,02
Перу	0,17
Филиппины	0,24
Польша	0,61
Саудовская Аравия	0,07
Швеция	2,20
Сирия	0,10
Турция	0,88
Украинская ССР	0,62
Южноафриканский Союз	1,00
Союз Советских Социалистических Республик	4,69
Соединенное Королевство	14,75
Соединенные Штаты Америки	45.75
Уругвай	0,15
Венесуэла	0,23
Югославия	0.23
Новые члены	1,92
	100,00

3. Взносы на расходы по расселению в большом масштабе распределяются согласно положениям параграфа 4 статьи 10 Устава.

ПРИЛОЖЕНИЕ III

РЕЗОЛЮЦИЯ, ПРИНЯТАЯ ГЕНЕРАЛЬНОЙ АССАМБЛЕЕЙ 12 ФЕВРАЛЯ 1946 ГОДА

(Документ A/45)

ГЕНЕРАЛЬНАЯ АССАМБЛЕЯ,

ПРИЗНАВАЯ, что проблема беженцев и перемещенных лиц всех категорий является неотложной проблемой, и признавая необходимость ясного разграничения между подлинными беженцами и перемещенными лицами, с одной стороны, и военными преступниками, квислингами и предателями, упомянутыми ниже в параграфе (d) с другой стороны:

(a) РЕШАЕТ передать эту проблему Экономическому и Социальному Совету для тщательного и всестороннего изучения, включив ее пунктом 10-м в повестку дня первой сессии Совета и для доклада во второй части первой сессии Генеральной Ассамблеи;

(b) РЕКОМЕНДУЕТ Экономическому и Социальному Совету создать специальный комитет для быстрого проведения исследования вопроса и составления доклада, указанного в параграфе (a);

(c) РЕКОМЕНДУЕТ Экономическому и Социальному Совету при рассмотрении вопроса иметь ввиду следующие принципы:

(i) Эта проблема по своему масштабу и характеру является международной.

(ii) Беженцы или перемещенные лица, заявившие окончательно и определенно, совершенно свободно и по полном ознакомлении с фактами, в том числе с соответствующей информацией, сообщенной правительствами стран их происхождения. вские возражения против возвращения в страны своего происхождения, не будут принуждаться к возвращению на родину, поскольку они не подпадают под действие параграфа (d), приведенного ниже. Такими беженцами или перемещенными лицами будет заниматься тот международный орган, который будет признан или учрежден в результате доклада, упомянутого выше в параграфах (a) и (b), за исключением тех случаев, когда правительство страны, где обосновались беженцы, заключит соглашение с этим органом с тем, чтобы принять на себя все расходы по содержанию беженцев и ответственность за их защиту.

(iii) Главная задача в отношении перемещенных лиц заключается в том, чтобы поощрять их скорейшее возвращение в страны их происхождения и содействовать этому возвращению всеми возможными способами. Эта помощь может выражаться в содействии заключению двусторонних соглашений об оказании взаимной помощи по репатриации таких лиц, с соблюдением принципов, изложенных выше в абзацах (c) (ii).

(d) СЧИТАЕТ, что никакое действие, предпринятое в результате настоящей резолюции, не будет носить такого характера, чтобы в какой-либо мере препятствовать выдаче и наказанию военных преступников, квислингов и предателей, в соответствии с ныне действующими или будущими международными соглашениями и договорами;

(e) СЧИТАЕТ, что немцы, переводимые в Германию из других государств или бежавшие в другие государства от союзных войск, не подпадают под действие настоящей декларации, поскольку вопрос о них может разрешаться союзными оккупационными властями в Германии по соглашению с правительствами соответствующих стран.

CONSTITUCIÓN

DE LA

ORGANIZACIÓN INTERNACIONAL DE REFUGIADOS

NACIONES UNIDAS
Lake Success, Nueva York
1946

CONSTITUCIÓN DE LA ORGANIZACIÓN INTERNACIONAL DE REFUGIADOS

PREÁMBULO

Los Gobiernos que aceptan esta Constitución,

RECONOCIENDO que los verdaderos refugiados y personas desalojadas constituyen un problema urgente de carácter y finalidades internacionales;

que en lo concerniente a las personas desalojadas, la tarea principal a cumplir consiste en alentarlas y prestarles asistencia, en toda forma posible, para el pronto retorno a sus países de origen;

que los verdaderos refugiados y personas desalojadas deberían recibir ayuda por una acción internacional, sea para su regreso a sus países de origen o a sus anteriores lugares de residencia habitual, o bien para encontrar nuevos hogares en otras partes, de acuerdo con las condiciones estipuladas en esta Constitución; o, en el caso de los republicanos españoles, para establecerse temporalmente con el propósito de poder retornar a España en cuanto el actual régimen falangista sea reemplazado por un régimen democrático;

que la reinstalación y restablecimineto de los refugiados y personas desalojadas ha de considerarse sólo en casos semejantes a los claramente indicados en esta Constitución;

que los verdaderos refugiados y personas desalojadas, en tanto no se complete su efectiva repatriación o reinstalación y restablecimiento, deberán ser protegidos en sus derechos y legítimos intereses, recibir cuidado y ayuda y que, hasta donde sea posible, deberán tener trabajo útil para evitar las consecuencias malignas y antisociales de una prolongada desocupación; y

que los gastos de repatriación, dentro de límites factibles, deben correr por cuenta de Alemania y del Japón, en lo que se refiere a las personas desalojadas por esas potencias de los países que habían ocupado.

HAN ACORDADO

para la realización de las finalidades precitadas en el más corto tiempo posible, crear, como en efecto se crea, una Organización que será de carácter no permanente, que se denominará Organización Internacional de Refugiados, la cual será un organismo especializado que se mantendrá vinculado con las Naciones Unidas, y, por lo tanto,

HAN ACEPTADO LOS SIGUIENTES ARTÍCULOS:

ARTÍCULO 1

JURISDICCIÓN

La Organización tendrá jurisdicción sobre los refugiados y desalojados, de acuerdo con los principios, definiciones y condiciones señalados en el Anexo I, que se adjunta y forma parte integrante de esta Constitución.

ARTÍCULO 2

FUNCIONES Y FACULTADES

1. Las funciones de la Organización, que se deberán efectuar de

acuerdo con las finalidades y principios de la Carta de las Naciones Unidas, son las siguientes: la repatriación; identificación, registro y clasificación; la ayuda y el cuidado; la protección política y jurídica; el transporte y la colonización y reinstalación en países que puedan y quieran recibirlas, de personas encomendadas a la Organización, de conformidad con lo dispuesto en el Anexo I. Ejercerá dichas funciones con los objetivos siguientes:

(*a*) alentar y contribuir, de todas las maneras posibles, al pronto regreso, a su país de nacionalidad o residencia habitual, de las personas encomendadas a la Organización, tomando en consideración los principios señalados en la resolución sobre refugiados y personas desalojadas aprobada por la Asamblea General de las Naciones Unidas el 12 de febrero de 1946 (Anexo III), facilitando esto por todos los medios posibles y especialmente proporcionándoles ayuda material y alimentación adecuada para un período de tres meses, a partir de la fecha de salida del lugar donde se encuentren actualmente, siempre que regresen a un país que sufra como resultado de su ocupación por el enemigo durante la guerra, y teniendo en cuenta que dichos alimentos deberán ser distribuídos bajo la dirección de la Organización, suministrándoles la ropa necesaria y medios de transporte; y

(*b*) facilitar, en el caso de personas cuya repatriación no se pueda efectuar, según lo dispuesto en el párrafo (a) de este artículo:

(i) su reinstalación en países donde puedan residir temporalmente;

(ii) la emigración, reinstalación y restablecimiento de individuos o familias enteras en otros países; y

(iii) la investigación, promoción y ejecución de planes para la colonización en grupos, o en gran escala, según sea necesaria y se pueda llevar a cabo, de acuerdo con los medios de que se disponga y sujeta a la debida regulación fiscal.

(*c*) con respecto a los españoles republicanos, para ayudarles a establecerse temporalmente hasta que llegue el momento en que se establezca en España un régimen democrático.

2. Para poder desempeñar sus funciones, la Organización podrá dedicarse a cualquier actividad adecuada, y con este fin, tendrá las facultades siguientes:

(*a*) recibir y gastar fondos públicos y privados;

(*b*) adquirir, según sea necesario, mediante arriendo, donación o, en casos excepcionales únicamente, por medio de su compra, terrenos y edificios, reteniéndolos o enajenándolos por arrendamiento, venta o de otra manera;

(*c*) adquirir, retener y traspasar cualquiera otra propiedad que sea necesaria;

(*d*) celebrar contratos y contraer obligaciones, inclusive contratos con gobiernos o con autoridades de ocupación o fiscalización, por los cuales dichas autoridades podrían continuar o tomar a su cargo, parcialmente o en su conjunto,

el cuidado y manutención de los refugiados y personas desalojadas en los territorios bajo su autoridad, bajo la vigilancia de la Organización;

(*e*) entrar en negociaciones y concertar acuerdos con los gobiernos;

(*f*) consultar y cooperar con organizaciones públicas y privadas, cuando se estime conveniente y siempre que tales organizaciones tengan fines idénticos a los de la Organización y cumplan con los principios de las Naciones Unidas;

(*g*) fomentar el concierto de acuerdos bilaterales de mutua asistencia para la repatriación de personas desalojadas, observando los principios indicados en el párrafo (*c*) (ii) de la resolución aprobada por la Asamblea General de las Naciones Unidas el 12 de febrero de 1946, en relación con el problema de los refugiados (Anexo III);

(*h*) nombrar personal, sujeto a lo dispuesto en el artículo IX de esta Constitución;

(*i*) emprender cualquier plan adecuado para realizar la finalidad de esta Organización;

(*j*) firmar acuerdos con países que puedan y quieran recibir a los refugiados y personas desalojadas, con el fin de proteger sus legítimos derechos e intereses hasta donde sea necesario; y, en general

(*k*) realizar cualquier otro acto legal relacionado con el desempeño de sus funciones.

ARTÍCULO 3

RELACIÓN CON LAS NACIONES UNIDAS

La relación entre la Organización y las Naciones Unidas será establecida mediante un convenio entre la Organización y las Naciones Unidas, tal como se determina en los Artículos 57 y 63 de la Carta de las Naciones Unidas.

ARTÍCULO 4

MIEMBROS

1. Pueden ingresar en la Organización todos los Estados Miembros de las Naciones Unidas. También pueden ingresar los demás Estados amantes de la paz que no sean Miembros de las Naciones Unidas, a recommendación del Comité Ejecutivo y siempre que obtengan dos terceras partes del voto de los miembros del Consejo General presentes y que voten, y sujetos a las condiciones del convenio entre la Organización y las Naciones Unidas, aprobado de acuerdo con el artículo 3 de esta Constitución.

2. Serán miembros de la Organización los Estados que, de acuerdo con lo señalado en el párrafo 1 de este artículo, firmen esta Constitución sin reservas en cuanto a su aprobación posterior, y los Estados que depositen un instrumento formal de aceptación ante el Secretario General de las Naciones Unidas, después que sus representantes autorizados hayan firmado esta Constitución sujeta a dicha reserva.

3. De acuerdo con lo dispuesto en el párrafo 1 de este artículo los Estados cuyos representantes no hayan firmado la Constitución mencionada en el párrafo precedente, o que, habiéndola firmado, no hayan depositado el documento en que se dé fe de la aceptación dentro de un plazo de seis meses, podrán en todo caso ser aceptados, como miembros de la

Organización en los siguientes casos:

(*a*) si toman a su cargo la liquidación de todas las cuotas no pagadas, según la escala respectiva.

(*b*) si someten a la Organización un plan para la admisión, en sus territorios y en calidad de inmigrantes, de los refugiados y personas desalojadas en tales cantidades y condiciones de instalación que, en la opinión de la Organización, requieran del Estado solicitante un gasto o inversión equivalente, o aproximadamente equivalente, a la cuota que se le había pedido, de acuerdo con la escala respectiva, para el presupuesto de la Organización.

4. Aquellos Estados que, al firmar la Constitución, expresen su intención de hacer uso de los beneficios de la cláusula (b) del párrafo 3 de este artículo, deberán presentar el plan a que se refiere dicho párrafo dentro de los tres meses subsiguientes, sin perjuicio de presentar dentro de seis meses el respectivo instrumento de aceptación.

5. Los miembros de la Organización que hayan quedado en suspenso en el ejercicio de sus derechos y prerrogativas como Miembros de las Naciones Unidas quedarán en suspenso, si así lo piden las Naciones Unidas, en el ejercicio de sus deberes y prerrogativas en la Organización.

6. Los miembros de la Organización que sean expulsados de las Naciones Unidas cesarán automáticamente en su calidad de miembros de la Organización.

7. Los miembros de la Organización que no lo sean de las Naciones Unidas y que hayan insistentemente infringido los principios de la Carta de las Naciones Unidas, podrán ser suspendidos en el ejercicio de sus derechos y prerrogativas como miembros de la Organización o ser expulsados de ella por el Consejo General, si así lo aprueba la Asamblea General de las Naciones Unidas.

8. El Consejo General podrá suspender en el ejercicio de sus derechos y prerrogativas, o expulsar, contando con la aprobación de la Asamblea General de las Naciones Unidas, a cualquier miembro de la Organización que insistentemente viole los principios de esta Constitución.

9. Todo miembro de la Organización se compromete a prestar su apoyo general a la obra de ésta.

10. Todo miembro puede presentar, en cualquier momento, aviso por escrito de su renuncia al Presidente del Comité Ejecutivo. La renuncia será efectiva un año después de la fecha de su recibo por el Presidente del Comité Ejecutivo.

ARTÍCULO 5

ÓRGANOS

Los órganos principales de la Organización serán los siguientes: el Consejo General, el Comité Ejecutivo y la Secretaría.

ARTÍCULO 6

EL CONSEJO GENERAL

1. El Consejo General será el órgano más elevado de la Organización, encargado de determinar su política. Cada uno de los miembros de la Organización tendrá un representante en el Consejo General y los substitutos y consejeros que juzgue necesarios. Cada miembro tendrá un voto en el Consejo.

2. El Comité Ejecutivo convocará a sesiones al Consejo General, una vez al año cuando menos, entendiéndose que durante los tres años subsiguientes a la fecha de establecimiento de la Organización, el Consejo General tendrá que ser convocado a sesión por lo menos dos veces cada año. Podrá ser convocado a sesión especial cuando el Comité Ejecutivo lo estime conveniente; y tendrá que ser convocado a sesión especial por el Director General dentro de un plazo de treinta días, a partir de la fecha en que reciba una solicitud en tal sentido presentada por una tercera parte de los miembros del Consejo.

3. El Presidente del Comité Ejecutivo presidirá la primera reunión, en cada sesión, hasta que el Consejo General elija a uno de sus miembros para presidente.

4. El Consejo General procederá inmediatamente a elegir, entre sus miembros, al primer Vicepresidente, segundo Vicepresidente y otros funcionarios que juzgue necesario.

ARTÍCULO 7

EL COMITÉ EJECUTIVO

1. Entre sesiones del Consejo General, el Comité Ejecutivo quedará encargado de desempeñar las funciones necesarias para poner en efecto los acuerdos del Consejo General, y podrá hacer decisiones sobre asuntos de carácter urgente, las que transmitirá al Director General, quien se guiará por las mismas, dando cuenta al Comité Ejecutivo de su actuación. Estas decisiones quedarán sujetas a nuevo examen por el Consejo General.

2. Formarán el Comité Ejecutivo los representantes de nueve miembros de la Organización. El Consejo General, en una de sus reuniones anuales, elegirá a cada uno de los miembros del Comité Ejecutivo, para un período de dos años. Podrán continuar en el ejercicio de sus cargos durante el tiempo que transcurra entre la fecha en que termine el período para el cual el miembro hubiese sido electo y la siguiente reunión del Consejo General en que se haga nueva elección. Pueden ser reelectos en cualquiera ocasión. Si ocurre una vacante en el Comité Ejecutivo, entre dos sesiones del Consejo General, será cubierta de propio acuerdo por el Comité Ejecutivo, nombrando a otro miembro para ocupar el puesto hasta la próxima reunión del Consejo.

3. El Comité Ejecutivo elegirá a uno de sus miembros para Presidente y a otro para Vicepresidente, y el período de su incumbencia será determinado por el Consejo General.

4. Se convocará a reunión al Comité Ejecutivo de la manera siguiente:

(*a*) mediante convocatoria del Presidente, normalmente dos veces al mes.

(*b*) cuando quiera que lo solicite un delegado o un miembro del Comité Ejecutivo, en carta dirigida al Director General, en cuyo caso tendrá que hacerse dentro de un plazo de siete días a partir de la fecha en que se reciba la solicitud.

(*c*) cuando ocurra una vacante en la Presidencia, el Director General deberá convocar una reunión, en la cual el primer punto en el orden del día será la elección de Presidente.

5. A fin de poder investigar la situación sobre el terreno, el Comité Ejecutivo podrá visitar,

en pleno o por medio de una delegación formada por sus miembros, los campamentos, posadas o puntos de reunión a cargo de la Organización, y, como consecuencia de los informes presentados sobre dichas visitas, podrá transmitir las instrucciones del caso al Director General.

6. El Comité Ejecutivo recibirá los informes del Director General, tal como se dispone en el párrafo 6 del artículo 8 de esta Constitución, y, después de haberlos estudiado, pedirá al Director General que los transmita al Consejo General, acompañados de los comentarios que el Comité Ejecutivo juzgue apropiados. Se mandarán estos informes y comentarios a todos los miembros del Consejo General, antes de su próxima sesión regular, y serán también publicados. El Comité Ejecutivo podrá pedir al Director General que presente los informes adicionales que se estimen convenientes.

ARTÍCULO 8

ADMINISTRACIÓN

1. El Director General será el principal funcionario administrativo de la Organización. Será responsable ante el Consejo General y el Comité Ejecutivo y desempeñará las funciones administrativas y directivas de la Organización, de acuerdo con las decisiones del Consejo General y el Comité Ejecutivo, dando cuenta de la acción realizada.

2. El Director General será nombrado por el Consejo General, a propuesta del Comité Ejecutivo. Si el Comité Ejecutivo no ha propuesto el nombramiento de ninguna persona aceptable para el Consejo General, éste podrá nombrar a una que no haya sido propuesta por el Comité. Cuando ocurra una vacante en el puesto de Director General, el Comité Ejecutivo podrá designar un Director General interino, para que se haga cargo de todas las funciones y obligaciones del puesto hasta que el Consejo General pueda nombrar un nuevo Director General.

3. El Director General desempeñará su puesto bajo contrato, el cual será firmado por parte de la Organización por el Presidente del Consejo Ejecutivo, en una de cuyas cláusulas deberá estipularse que cualquiera de las partes puede dar aviso de cancelación del contrato con seis meses de anticipación. El Comité Ejecutivo podrá, en casos excepcionales y sujeto a la subsiguiente confirmación del acuerdo por el Consejo General, relevar del cargo al Director General, mediante el voto de dos terceras partes de sus miembros, siempre que, a juicio del Comité, la conducta del Director General justificara tal acción.

4. El Director General nombrará el personal de la Organización, de acuerdo con las reglas fijadas por el Consejo General.

5. El Director General deberá estar presente, o estar representado por uno de sus auxiliares, en todas las reuniones del Consejo General, del Comité Ejecutivo, y de todos los demás comités y subcomités. Tanto él como su representante podrán participar en las reuniones, pero no tendrán derecho a votar.

6. (*a*) Al fin de cada semestre el Director General deberá preparar un informe sobre la labor de la Organización. El informe preparado al fin de cada segundo semestre cubrirá las operaciones de la Organización durante el año precedente, dando cuenta exacta

de toda la labor realizada durante este período. Estos informes serán presentados al Comité Ejecutivo, para su consideración, y transmitidos después al Consejo General, acompañados de los comentarios que en relación con ellos haga el Comité Ejecutivo, tal como se señala en el párrafo 6 del artículo 7 de esta Constitución.

(*b*) El Director General deberá presentar, en cada sesión especial del Consejo General, una memoria sobre la labor desempeñada por la Organización desde la última reunión.

ARTÍCULO 9

PERSONAL

1. La consideración primordial que se tomará en cuenta al nombrar el personal y determinar las condiciones del servicio, consistirá en asegurar el más alto nivel de eficiencia, integridad y competencia. También habrá que tomar en consideración, al escoger el personal, los principios indicados en esta Constitución. Se dará debida consideración a la importancia de contratar el personal de manera que haya la más amplia representación geográfica y emplear una cantidad adecuada de personas procedentes de los países de origen de las personas desalojadas.

2. No podrá emplearse en la Organización a ninguna persona en quien, según la Parte II, exceptuando el párrafo 5 del Anexo I a esta Constitución, no pueda interesarse la Organización.

3. El Director General y el personal de la Organización no podrán pedir ni recibir instrucción alguna de ningún gobierno, o de cualquier autoridad ajena a la Organización, para el desempeño de sus funciones. Deberán abstenerse de cometer acto alguno que resulte en desdoro de su cargo como funcionarios internacionales, responsables únicamente ante la Organización. Cada miembro de la Organización se compromete a respetar el carácter exclusivamente internacional de los deberes del Director General y el personal, y a no tratar de ejercer influencia alguna sobre ellos en el desempeño de sus obligaciones.

ARTÍCULO 10

HACIENDA

1. El Director General deberá presentar al Consejo General, por medio del Comité Ejecutivo, el presupuesto anual de la Organización, detallando los gastos de administración, funcionamiento, y reinstalación en gran escala, y, cuando la ocasión lo requiera, los presupuestos extraordinarios necesarios. El Comité Ejecutivo pasará el presupuesto al Consejo General, acompañando cualesquiera recomendaciones que juzque convenientes. Después que el Consejo General apruebe definitivamente el presupesto, la cantidad global incluída en cada uno de los tres títulos siguientes: "administración", "funcionamiento" y "reinstalación en gran escala", será asignada a los miembros según la proporción, bajo cada título, que determine, de vez en cuando, el Consejo General, por el voto afirmativo de dos terceras partes de los miembros presentes que hayan votado.

2. El importe de las cuotas deberá ser pagado como resultado de negociaciones efectuadas, a petición de los miembros, entre la Organización y dichos miembros,

en especie o en la moneda indicada en la decisión del Consejo General anexa al presupuesto, tomando en consideración las monedas de los países en donde se efectuarán, de vez en cuando, los gastos de la Organización, prescindiendo de la moneda en que estén expresados los gastos en el presupuesto.

3. Cada miembro se compromete a contribuir su parte correspondiente de los gastos de administración de la Organización, según se señala y asigna en los párrafos 1 y 2 de este artículo.

4. Cada miembro deberá contribuir con la cantidad determinada y asignada, de acuerdo con los párrafos 1 y 2 de este artículo, para los gastos de funcionamiento excepto para los gastos dedicados a reinstalación en gran escala, sujeto al procedimiento constitucional de cada miembro. Los miembros se comprometen a contribuir voluntariamente a los gastos de reinstalación en gran escala y de acuerdo con su procedimiento constitucional.

5. El miembro de la Organización que, pasados tres meses de la fecha en que entrare en vigor esta Constitución, no haya pagado por completo su cuota a la Organización correspondiente al primer período, no tendrá voto en el Consejo General ni en el Comité Ejecutivo hasta que haya satisfecho el importe de dicha cuota.

6. De acuerdo con lo dispuesto en el párrafo 5 de este artículo cualquier miembro de la Organización que se haya demorado en el pago de su cuota a la Organización, no tendrá voto en el Consejo General ni en el Comité Ejecutivo, si la cantidad que debe es igual o excede a la suma debida sobre la cuota asignada al miembro correspondiente al año anterior completo.

7. Sin embargo, el Consejo General podrá permitir a dichos miembros votar, si cree que la demora en el pago obedece a condiciones que no podían evitar dichos miembros.

8. El presupuesto administrativo de la Organización deberá ser presentado anualmente a la Asamblea General de las Naciones Unidas, para las revisiones y recomendaciones que la Asamblea considere apropiadas. En el convenio en que se relacione a la Organización con las Naciones Unidas, de conformidad con el artículo 3 de esta Constitución podrá disponerse, entre otras cosas, que el presupuesto administrativo de la Organización tiene que ser aprobado por la Asamblea General de las Naciones Unidas.

9. Sin perjuicio a lo dispuesto en el párrafo 1 de este artículo, en relación con presupuestos extraordinarios, las siguientes disposiciones excepcionales regirán durante el año fiscal en que sea puesta en vigor esta Constitución:

(*a*) el presupuesto será el provisional indicado en el Anexo II de esta Constitución; y

(*b*) las cantidades que deberán contribuir los miembros estarán en la proporción indicada en el Anexo II de esta Constitución.

ARTÍCULO 11

OFICINA PRINCIPAL Y DEPENDENCIAS

1. La oficina principal de la Organización será establecida en París o en Ginebra según la decisión del Consejo General, y todas las reuniones del Consejo General y el Comité Ejecutivo deberán celebrarse en ésta, exceptuando aquellas ocasiones en que

la mayoría de los miembros del Consejo General o el Comité Ejecutivo hayan convenido en reunirse en otro lugar, ya sea por acuerdo en una sesión anterior o en correspondencia con el Director General.

2. El Comité Ejecutivo podrá establecer las oficinas regionales y otras oficinas y dependencias que estime necesarias.

3. Unicamente podrán establecerse las oficinas y dependencias con el consentimiento del Gobierno del país en donde se sitúen.

ARTÍCULO 12

PROCEDIMIENTO

1. El Consejo General adoptará su propio reglamento interior, siguiendo, en general, el reglamento del Consejo Económico y Social de las Naciones Unidas, siempre que sea adecuado y con las modificaciones que el Consejo General juzgue necesarias. El Comité Ejecutivo preparará su propio reglamento, sujetándose a lo que, en referencia con el mismo, pueda decidir el Consejo General.

2. Tanto en las reuniones del Consejo General como en las del Comité Ejecutivo, las mociones serán aprobadas por mayoría simple de los miembros presentes y que hayan votado, exceptuándose aquellos casos en que se haya señalado otro procedimiento en esta Constitución o por acuerdo del Consejo General.

ARTÍCULO 13

CAPACIDAD JURÍDICA, PRIVILEGIOS E INMUNIDADES

1. La Organización gozará, en el territorio de cada miembro, de la capacidad jurídica que sea necesaria para el ejercicio de sus funciones y la realización de sus objetivos.

2. (*a*) La Organización gozará, en el territorio de cada miembro, de los privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus objetivos.

(*b*) Los representantes de los miembros, los funcionarios y el personal de la Organización, gozarán, asimismo, de los privilegios e inmunidades que sean necesarios para desempeñar con independencia sus funciones en relación con la Organización.

3. La capacidad jurídica, privilegios e inmunidades se definirán en un acuerdo que preparará la Organización, después de consultar al Secretario General de las Naciones Unidas. Este acuerdo permanecerá abierto para aceptación de todos dos miembros y obligará a la Organización y a cada uno de los miembros que lo acepte.

ARTÍCULO 14

RELACIONES CON OTRAS ORGANIZACIONES

1. La Organización puede, sujeta a lo dispuesto en el convenio con las Naciones Unidas de acuerdo con el artículo 3 de esta Constitución, establecer relaciones efectivas con otras organizaciones internacionales, en la medida que se juzgue conveniente.

2. La Organización puede asumir, total o parcialmente, las funciones, recursos y obligaciones de cualquiera otra organización intergubernamental u organismo cuyos propósitos y funciones estén dentro del campo de competencia de la Organización. Tal acción puede consumarse ya sea mediante arreglos mutuamente aceptables concertados entre los funcionarios competentes de las organizaciones o por acuerdo o convención internacionales.

ARTÍCULO 15

RELACIONES CON LAS AUTORIDADES DE LOS PAÍSES EN QUE ESTÁN LOS REFUGIADOS Y LAS PERSONAS DESALOJADAS

Las relaciones entre la Organización y los Gobiernos de los países en donde se encuentran los refugiados y personas desalojadas, así como las condiciones a que se sujetará su actuación en esos países, se determinarán mediante acuerdos concertados entre la Organización y dichos Gobiernos o administraciones, de acuerdo con lo dispuesto en esta Constitución.

ARTÍCULO 16

ENMIENDAS A LA CONSTITUCIÓN

Los textos de las enmiendas que se propongan para esta Constitución serán comunicados por el Director General a los miembros, por lo menos tres meses antes de ser considerados por el Consejo General. Las enmiendas entrarán en vigor cuando hayan sido adoptadas por el voto de aprobación de las dos terceras partes de los miembros del Consejo General presentes y que hayan votado, y aceptadas por las dos terceras partes de los miembros, de conformidad con sus respectivos procedimientos constitucionales. Entendiéndose, sin embargo, que las reformas que signifiquen una nueva obligación para los miembros no entrarán en vigor, para cada miembro, hasta que éste las haya aceptado.

ARTÍCULO 17

INTERPRETACIÓN

1. Los textos en chino, español, francés, inglés y ruso de esta Constitución serán considerados igualmente auténticos.

2. Con sujeción a lo señalado en el Artículo 96 de la Carta de las Naciones Unidas y el Capítulo II del Estatuto de la Corte Internacional de Justicia, toda divergencia o disputa respecto a la interpretación o aplicación de esta Constitución será sometida a la Corte Internacional de Justicia, a menos que el Consejo General o las partes interesadas acuerden otro medio de solucionarla.

ARTÍCULO 18

VIGENCIA

1. (*a*) Los Estados pueden llegar a ser partes de esta Constitución mediante:

(i) la firma, sin reservas, en cuanto a su aprobación;

(ii) la firma, sujeta a aprobación seguida por aceptación, o

(iii) la aceptación.

(*b*) La aceptación se efectuará mediante el depósito de un instrumento oficial ante el Secretario General de las Naciones Unidas.

2. Esta Constitución entrará en vigor cuando quince Estados, por lo menos, cuyas cuotas obligatorias para la Parte I del presupuesto para gastos de operación, según se indica en el Anexo II a esta Constitución, representen, por lo menos, el setenta y cinco por ciento de su importe, hayan llegado a ser partes de ella.

3. De conformidad con el Artículo 102 de la Carta de las Naciones Unidas, el Secretario General de las Naciones Unidas registrará esta Constitución cuando haya sido firmada sin reservas respecto a su aprobación en nombre de un Estado, o cuando se deposite el primer instrumento de aceptación.

4. El Secretario General de las Naciones Unidas notificará a los Estados partes de esta Constitu-

ción la fecha en que entre en vigor y les comunicará también la fecha en que otros Estados lleguen a ser partes de ella.

EN FE DE LO CUAL, los infrascritos, debidamente autorizados para tal objeto, firman esta Constitución.

HECHA en Flushing Meadow, Nueva York, a los quince días del mes de diciembre de mil novecientos cuarenta y seis, en una sola copia en idiomas chino, español, francés, inglés y ruso. Los textos originales se depositarán en los archivos de las Naciones Unidas. El Secretario General de las Naciones Unidas enviará copias debidamente certificadas a cada uno de los Gobiernos firmantes y al Director General de la Organización cuando esta Constitución entre en vigor y sea electo el Director General.

ANEXO I

DEFINICIONES

PRINCIPIOS GENERALES

1. Los siguientes principios generales son parte integrante de las definiciones enumeradas en las partes I y II de este Anexo.

(*a*) El principal objetivo de la Organización será dar rápida y positiva solución al problema de los verdaderos refugiados y personas desalojados, justa y equitativamente para todos los interesados.

(*b*) La tarea principal, en relación con las personas desalojadas, es alentarlas y ayudarlas a regresar tan pronto como sea posible a sus países de origen, tomando en consideración los principios indicados en el párrafo (c) (ii) de la resolución aprobada por la Asamblea General de las Naciones Unidas, el día 12 de febrero de 1946, en relación con el problema de los refugiados (Anexo III).

(*c*) Tal como se determina en la resolución aprobada por el Consejo Económico y Social el 16 de febrero de 1946, no debe prestarse ayuda internacional alguna a los traidores, quislings y criminales de guerra, y no deberá darse paso alguno que tienda a impedir, de cualquiera manera, su entrega y castigo.

(*d*) La Organización debe cerciorarse de que esta ayuda no pueda aprovecharse para fomentar actos subversivos u hostiles en contra de cualquiera de los Gobiernos de las Naciones Unidas.

(*e*) La Organización debe cerciorarse de que no se explote esta ayuda por personas en cuyo caso pueda verse claramente que no desean regresar a sus países de origen porque prefieren la ociosidad a enfrentarse con la difícil tarea de coadyuvar a la reconstrucción de sus países, o por personas que quieran establecerse en otros países simplemente por razones económicas, y que por lo tanto son, en realidad, emigrantes.

(*f*) Por otra parte, la Organización debe también cerciorarse de que no haya ningún verdadero refugiado o persona desalojada a quien se prive de la ayuda que pueda impartírsele.

(*g*) La Organización deberá esforzarse, al desempeñar sus labores, en no perturbar las relaciones amistosas entre las na-

ciones. Con este objetivo en vista, la Organización debe preocuparse especialmente de tener sumo cuidado en casos en donde se tenga pensado reinstalar o restablecer a los refugiados y personas desalojadas en países contiguos a sus respectivos países de origen, o en países no autónomos. La Organización deberá estudiar cuidadosamente, entre otros factores, toda prueba de verdadera aprensión e inquietud sentidas en relación con dichos planes, en el primer caso por el país de origen de las personas afectadas o, en el segundo caso, por las poblaciones indígenas de los territorios no autónomos en cuestión.

2. Con el fin de asegurar la aplicación imparcial y equitativa de los principios antes mencionados y de las condiciones de las definiciones siguientes, es necesario establecer un sistema especial de mecanismo cuasi judicial, con constitución, reglamento y atribuciones adecuadas.

PARTE I

Refugiados y personas desalojadas en el sentido de la resolución aprobada por el Consejo Económico y Social de las Naciones Unidas el 16 de febrero de 1946.

SECCIÓN A—DEFINICIÓN DE REFUGIADOS

1. Sujeto a lo dispuesto en las secciones C y D y la Parte II de este Anexo, se designa con la palabra "refugiado" a la persona que ha dejado o está fuera de su país de nacionalidad o en el que antes residía habitualmente, y quien, tanto si ha retenido o no su anterior nacionalidad, pertenece a uno de los siguientes grupos:

(*a*) Víctimas de los regímenes nazi o fascista o de regímenes que tomaron parte a su lado en la segunda guerra mundial, o de regímenes de los quislings u otros similares que los ayudaron contra las Naciones Unidas, tanto si disfrutan o no, con carácter internacional, de la condición de refugiados;

(*b*) Los republicanos españoles y otras víctimas del régimen falangista en España, tanto si disfrutan o no internacionalmente de la condición de refugiados;

(*c*) Personas consideradas como refugiados antes de que estallara la segunda guerra mundial, a causa de su raza, religión, nacionalidad u opiniones políticas.

2. Sujeto a lo dispuesto en las secciones C y D y la Parte II de este Anexo, relacionadas con la exclusión de ciertas clases de personas, incluyéndose los criminales de guerra, quislings y traidores, de los beneficios impartidos por la Organización, la palabra "refugiado" se aplica también a cualquiera persona que no esté incluída en el sentido de la palabra desalojado, según se define en la sección B de este Anexo, que se encuentra fuera del país de que es nacional o en el que antes residía habitualmente, y quien, como resultado de acontecimientos ocurridos después de haber estallado la segunda guerra mundial, no puede, o no quiere, aprovecharse de la protección del Gobierno de su país de nacionalidad o anterior nacionalidad.

3. Sujeto a lo dispuesto en la sección D de la Parte II de este Anexo, se aplica también la palabra "refugiado" a personas que, habiendo residido en Alemania o

Austria, y siendo de origen judío, extranjeros o personas sin patria, fueron víctimas de la persecución de los Nazis, o se les detuvo en uno de aquellos países, o se vieron obligados a escapar de ellos y se les hizo volver después a los mismos, como resultado de la acción del enemigo o de las circunstancias de la guerra, y no han podido todavía volverse a establecer firmemente en ellos.

4. Se aplica también la palabra "refugiado" a niños abandonados que sean huérfanos de guerra o cuyos padres han desaparecido, y que estén fuera de sus países de origen. Debe darse a estos niños menores de 16 años la mayor prioridad posible en la distribución de auxilios, incluso, en el caso de aquellos cuya nacionalidad puede ser determinada, ayuda para la repatriación.

SECCIÓN B—DEFINICIÓN DEL TÉRMINO PERSONAS DESALOJADAS

El término "personas desalojadas" se aplica a aquellas que, como resultado de los actos de las autoridades de los regímenes mencionados en la Parte I, sección A, párrafo 1 (*a*) de este Anexo, han sido deportadas o se les ha obligado a salir de su país de nacionalidad o en el que antes residían habitualmente, y a aquellas a quienes se sujetó a trabajos forzados o a quienes se deportó por razón política, de raza o religiosa. La Organización tendrá que encargarse de las personas desalojadas únicamente de acuerdo con las secciones C y D de la Parte I y en conformidad con la Parte II de este Anexo. Si ha dejado de existir el motivo de su desalojamiento deberán ser repatriadas tan pronto como sea posible, de acuerdo con el artículo II, párrafo 1 (*a*) de esta Constitución, y con sujeción a lo dispuesto en el párrafo (*c*), subpárrafos (ii) y (iii) de la resolución de la Asamblea General del 12 de febrero de 1946, en relación con el problema de los refugiados (Anexo III).

SECCIÓN C—CONDICIONES BAJO LAS CUALES LA ORGANIZACIÓN SE ENCARGARÁ DE LOS "REFUGIADOS" Y DE LAS "PERSONAS DESALOJADAS"

1. En el caso de personas incluídas en todos los grupos antes mencionados, exceptuándose las indicadas en la sección A, párrafos 1 (*b*) y 3 de este Anexo es, la Organización deberá encargarse de ellas, en el sentido de la resolución aprobada el 16 de febrero de 1946 por el Consejo Económico y Social, si pueden ser repatriadas, y si se necesita de la ayuda de la Organización para efectuar su repatriación, o si con absoluta libertad y después de haberse enterado claramente de la situación, y habiendo recibido informes adecuados de los Gobiernos de los países de que son nacionales o en que residían habitualmente, han expresado razones válidas para no regresar a aquellos países.

(*a*) Se reconocerán como válidas las siguientes objeciones:

(i) la persecución, o el temor bien fundado, de persecución por motivos raciales, religiosos, de nacionalidad u opiniones políticas, siempre que estas opiniones no se opongan a los principios de las Naciones Unidas, según enunciados en el Preámbulo de la Carta de las Naciones Unidas;

(ii) objeciones de carácter político que la Organización considere "válidas", tal como se entiende en el párrafo 8 (*a*)[1] del informe del Tercer Comité a la Asamblea General, según fué aprobado por la Asamblea el 12 de febrero de 1946.

(iii) razones poderosas de carácter familiar, como resultado de persecución sufrida anteriormente, o por enfermedad o dolencia, en el caso de personas comprendidas en la sección A, párrafos 1 (*a*) y 1 (*c*).

(*b*) Normalmente serán considerados como "informes adecuados" los siguientes: informes relacionados con la situación en los países de que son nacionales los refugiados o personas desalojadas interesadas, que les hayan sido comunicados directamente por los representantes de los gobiernos de dichos países, a quienes debe darse amplias facilidades para visitar los campamentos y puntos de reunión de refugiados y personas desalojadas, para que puedan suministrarles dichos informes.

2. En el caso de refugiados comprendidos en la sección A, párrafo 1 (*b*) de este Anexo, la Organización deberá encargarse de ellos, en el sentido de la resolución adoptada por el Consejo Económico y Social de las Naciones Unidas el 16 de febrero de 1946, mientras dure en España el régimen falangista. Si dicho régimen es substituído por uno democrático tendrán que presentar objeciones válidas para no regresar a España, que correspondan a las indicadas en el párrafo 1 (*a*) de esta sección.

SECCIÓN D—CIRCUNSTANCIAS EN QUE LA ORGANIZACIÓN DEJARÁ DE HACERSE CARGO DE LOS REFUGIADOS Y PERSONAS DESALOJADAS

Los refugiados y personas desalojadas dejarán de estar al cuidado de la Organización:

(*a*) cuando hayan regresado a los países Miembros de las Naciones Unidas y de los cuales son nacionales, a menos que el lugar en que residían habitualmente y al que deseen regresar no esté dentro del país del cual son nacionales; o

(*b*) cuando hayan adquirido nueva nacionalidad; o

(*c*) cuando, según lo determine la Organización, se hayan establecido definitivamente de otra manera; o

(*d*) cuando hayan rehusado, sin razón, aceptar las propuestas que les haya hecho la Organización para su reestablecimiento; o

(*e*) cuando no hagan lo necesario para ganarse la vida siendo para ellos posible hacerlo, o cuando exploten la ayuda proporcionada por la Organización.

PARTE II

Personas en cuyo favor no se interesará la Organización

1. Criminales de guerra, quislings y traidores.

2. Todos aquellos de quienes se pueda demostrar que:

(*a*) han ayudado al enemigo a perseguir a la población civil

[1] *Párrafo 8* (a):

"Al responder al delegado de Bélgica, el Presidente manifestó que se sobrentendía que el cuerpo internacional determinaría las que eran 'objeciones válidas' y las que no lo eran, y que dichas objeciones podían claramente ser de carácter político".

de los países que son Miembros de las Naciones Unidas; o

(*b*) han ayudado voluntariamente a las fuerzas enemigas desde que estalló la segunda guerra mundial, en sus operaciones contra las Naciones Unidas.[1]

3. Criminales comunes, a quienes se puede aplicar la extradición según los tratados.

4. Aquellos que, siendo de origen alemán (tanto si son nacionales alemanes, como si pertenecen a las minorías alemanas en otros países):

(*a*) hayan sido o puedan ser transferidos a Alemania desde otros países;

(*b*) hayan sido evacuados desde Alemania a otros países durante la segunda guerra mundial;

(*c*) hayan huído de Alemania, o hayan escapado a Alemania, o hayan salido de cualquier otro país en donde residieran fuera de Alemania, para no caer en manos de los ejércitos aliados.

5. Aquellos que reciban ayuda económica y están bajo la protección del país de que son nacionales, a no ser que su país de nacionalidad solicite que se les ayude internacionalmente.

6. Aquellos que, desde el cese de hostilidades en la segunda guerra mundial:

(*a*) hayan participado en cualquiera organización que tuviese como objetivo el derrocamiento, por medio de las armas, del Gobierno de su país de origen, si se trataba de un Miembro de las Naciones Unidas, o el derrocamiento, por medio de las armas, del Gobierno de cualquier otro Miembro de las Naciones Unidas, o que hayan participado en cualquiera organización terrorista;

(*b*) se hayan puesto a la cabeza de movimientos hostiles contra el Gobierno de sus países de origen, si se trata de un Miembro de las Naciones Unidas, o que hayan patrocinado movimientos alentando a los refugiados a no regresar a sus países de origen;

(*c*) en el momento en que soliciten ayuda estuviesen empleados en el servicio militar o público de un país extranjero.

ANEXO II

PRESUPUESTO Y CUOTAS PARA EL PRIMER EJERCICIO

1. El presupuesto provisional para el primer año económico ascenderá a la suma de 4.800.000 dólares, moneda de los Estados Unidos, para gastos de administración, y a 151.060.500 dólares, moneda de los Estados Unidos, para gastos de funcionamiento (salvo gastos de reinstalación en gran escala), más 5.000.000 de dólares, moneda de los Estados Unidos, para gastos de reinstalación en gran escala. Todo saldo de estas partidas no invertido debe ser traspasado a la cor-

[1] La simple continuación de los quehaceres normales y pacíficos, no desempeñándolos con el exclusivo fin de ayudar al enemigo en contra de los aliados, o en contra de la población civil del territorio ocupado por el enemigo, no se clasificará como "ayuda voluntaria". Ni se considerarán en tal sentido actos simplemente humanitarios, como el auxilio a los heridos o moribundos, excepto en aquellos casos en que pudieran haberse proporcionado a los nacionales de los países aliados, auxilios iguales a los suministrados a los nacionales de países enemigos e intencionadamente se les negó tal auxilio.

respondiente partida, como haber para el presupuesto del siguiente año económico.

2. Estas sumas (salvo los gastos de reinstalación en gran escala) serán sufragadas mediante las cuotas de los miembros en las proporciones siguientes:

A—PARA GASTOS DE ADMINISTRACIÓN

País	*Porcentaje*
Afganistán	0. 05
Argentina	1. 85
Australia	1. 97
Bélgica	1. 35
Bolivia	0. 08
Brasil	1. 85
Bielorussia (República Socialista Soviética de)	0. 22
Canadá	3. 20
Chile	0. 45
China	6. 00
Colombia	0. 37
Costa Rica	0. 04
Cuba	0. 29
Checoslovaquia	0. 90
Dinamarca	0. 79
República Dominicana	0. 05
Ecuador	0. 05
Egipto	0. 79
El Salvador	0. 05
Etiopía	0. 08
Francia	6. 00
Grecia	0. 17
Guatemala	0. 05
Haití	0. 04
Honduras	0. 04
Islandia	0. 04
India	3. 95
Irán	0. 45
Irak	0. 17
Líbano	0. 06
Liberia	0. 04
Luxemburgo	0. 05
México	0. 63
Holanda	1. 40
Nueva Zelandia	0. 50
Nicaragua	0. 04
Noruega	0. 50
Panamá	0. 05
Paraguay	0. 04
Perú	0. 20
Filipinas	0. 29
Polonia	0. 95
Arabia Saudita	0. 08
Suecia	2. 35
Siria	0. 12
Turquía	0. 91
Ucrania (República Socialista Soviética de)	0. 84
Sudáfrica	1. 12
Unión de las Repúblicas Socialistas Soviéticas	6. 34
Reino Unido	11. 48
Estados Unidos de América	39. 89
Uruguay	0. 18
Venezuela	0. 27
Yugoslavia	0. 33
	100. 00

B—PARA GASTOS DE FUNCIONAMIENTO (SALVO GASTOS DE REINSTALACIÓN EN GRAN ESCALA)

País	*Porcentaje*
Afganistán	0. 03
Argentina	1. 50
Australia	1. 76
Bélgica	1. 00
Bolivia	0. 07
Brasil	1. 50
Bielorussia (República Socialista Soviética de)	0. 16
Canadá	3. 50
Chile	0. 39
China	2. 50
Colombia	0. 32
Costa Rica	0. 02
Cuba	0. 24
Checoslovaquia	0. 80
Dinamarca	0. 68
República Dominicana	0. 04
Ecuador	0. 04
Egipto	0. 68
El Salvador	0. 03
Etiopía	0. 07
Francia	4. 10
Grecia	0. 15
Guatemala	0. 04
Haití	0. 02
Honduras	0. 02
Islandia	0. 02
India	3. 66
Irán	0. 39
Irak	0. 15
Líbano	0. 05
Liberia	0. 02
Luxemburgo	0. 04
México	0. 54
Holanda	0. 90
Nueva Zelandia	0. 44
Nicaragua	0. 02
Noruega	0. 44
Panamá	0. 04
Paraguay	0. 02

País	*Porcentaje*	*País*	*Porcentaje*
Perú	0. 17	Uruguay	0. 15
Filipinas	0. 24	Venezuela	0. 23
Polonia	0. 61	Yugoslavia	0. 23
Arabia Saudita	0. 07	Nuevos Miembros	1. 92
Suecia	2. 20		
Siria	0. 10		100. 00
Turquía	0. 88		
Ucrania (República Socialista Soviética de)	0. 62		
Sudáfrica	1. 00		
Unión de las Repúblicas Socialistas Soviéticas	4. 69		
Reino Unido	14. 75		
Estados Unidos de América	45. 75		

3. Las cuotas para los gastos de reinstalación en gran escala se regirán por las disposiciones del Artículo X, párrafo 4, de estos Estatutos.

ANEXO III

RESOLUCIÓN APROBADA POR LA ASAMBLEA GENERAL EL 12 DE FEBRERO DE 1946

(documento A/45)

LA ASAMBLEA GENERAL,

RECONOCIENDO que es de inmediata urgencia el problema de los refugiados y personas desalojadas de todas clases, y reconociendo la necesidad de hacer una distinción clara entre los verdaderos refugiados y personas desalojadas, por un lado, y los criminales de guerra, quislings y traidores mencionados en el siguiente párrafo (*d*), por el otro lado:

(*a*) DECIDE referir este problema al Consejo Económico y Social, para que lo estudie detenidamente, en todos sus aspectos, según el punto número 10 de su programa para la primera sesión del Consejo y para que presente el informe correspondiente a la Asamblea General, durante la segunda parte de su primera sesión;

(*b*) RECOMIENDA al Consejo Económico y Social que designe un comité especial para llevar a cabo, tan pronto como se pueda, el examen del asunto y preparación del informe mencionado en el párrafo (*a*); y

(*c*) RECOMIENDA al Consejo Económico y Social que al estudiar este asunto tome en consideración los siguientes principios:

(i) el carácter y alcance internacional de este problema.

(ii) que no se podrá obligar a regresar a su país de origen a ningún refugiado o persona desalojada que, final y definitivamente con absoluta libertad y después de habérsele dado a conocer completamente la situación, incluyendo informes adecuados por el gobierno de su país de origen, exprese objeciones válidas y no esté incluído en lo dispuesto en el párrafo (*d*) subsiguiente. El organismo internacional que se reconozca o establezca como resultado del informe mencionado en los párrafos (*a*) y (*b*) precedentes, se hará cargo del futuro de dichos refugiados o personas desalojadas, exceptuando aquellos casos en que el Gobierno del país en que están establecidos haga arreglos con este organismo para hacerse cargo del costo de su sustento y responsable de su protección;

(iii) que la tarea principal, en relación con las personas desalojadas, consiste en alentar-

las y ayudarlas, por todos los medios posibles, a regresar pronto a sus países de origen. Puede impartirse dicha ayuda mediante el concierto de convenios bilaterales de ayuda mutua para la repatriación de dichas personas, observándose los principios señalados en el párrafo (*c*) (ii) precedente;

(*d*) CONSIDERA que ningún acto llevado a cabo como resultado de esta resolución obstaculizará en forma alguna la entrega y castigo de los criminales de guerra, quislings y traidores, de conformidad con los acuerdos o convenciones internacionales presentes y futuros;

(*e*) CONSIDERA que los alemanes transferidos a Alemania desde otros Estados para no caer en manos de las tropas aliadas, no están incluídos en los efectos de esta declaración, puesto que su situación puede ser resuelta por las fuerzas aliadas de ocupación en Alemania en convenios con los Gobiernos de sus respectivos países.

FOR AFGHANISTAN:
POUR L'AFGHANISTAN:
阿富汗：
За Афганистан:
POR EL AFGANISTÁN:

FOR THE KINGDOM OF BELGIUM:
POUR LE ROYAUME DE BELGIQUE:
比利時王國：
За Королевство Бельгии:
POR EL REINO DE BÉLGICA:

FOR ARGENTINA:
POUR L'ARGENTINE:
阿根廷：
За Аргентину:
POR LA ARGENTINA:

FOR BOLIVIA:
POUR LA BOLIVIE:
玻利維亞：
За Боливию:
POR BOLIVIA:

FOR AUSTRALIA:
POUR L'AUSTRALIE:
澳大利亞：
За Австралию:
POR AUSTRALIA:

FOR BRAZIL:
POUR LE BRÉSIL:
巴西：
За Бразилию:
POR EL BRASIL:

68706—52—PT. III——33

FOR THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC:
POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE:
白俄羅斯蘇維埃社會主義共和國：
За Белорусскую Советскую Социалистическую Республику:
POR LA REPÚBLICA SOCIALISTA SOVIÉTICA BIELORUSA:

FOR CANADA:
POUR LE CANADA:
加拿大：
За Канаду:
POR EL CANADÁ:

Subject to approval[1]
Paul MARTIN
Dec. 16, 1946

FOR CHINA:
POUR LA CHINE:
中國：
За Китай:
POR LA CHINA:

FOR CHILE:
POUR LE CHILI:
智利：
За Чили:
POR CHILE:

FOR COLOMBIA:
POUR LA COLOMBIE:
哥倫比亞：
За Колумбию:
POR COLOMBIA:

Traduction du Secrétariat des Nations Unies:
[1]Sous réserve d'approbation.

FOR COSTA RICA:
POUR COSTA-RICA:
哥斯大黎加：
За Коста-Рику:
POR COSTA RICA:

FOR CUBA:
POUR CUBA:
古巴：
За Кубу:
POR CUBA:

FOR THE DOMINICAN REPUBLIC:
POUR LA RÉPUBLIQUE DOMINICAINE:
多明尼加共和國：
За Доминиканскую Республику:
POR LA REPÚBLICA DOMINICANA:

Firmado bajo reserva de su ratificacion por el Congreso de la Republica Dominicana[1]
Emilio GARCIA GODOY
Diciembre 17, 1946

FOR CZECHOSLOVAKIA:
POUR LA TCHÉCOSLOVAQUIE:
捷克斯拉夫：
За Чехословакию:
POR CHECOESLOVAQUIA:

FOR ECUADOR:
POUR L'EQUATEUR:
厄瓜多：
За Эквадор:
POR EL ECUADOR:

FOR DENMARK:
POUR LE DANEMARK:
丹麥：
За Данию:
POR DINAMARCA:

FOR EGYPT:
POUR L'EGYPTE:
埃及：
За Египет:
POR EGIPTO:

Translation by the Secretariat of the United Nations:
[1]Signed subject to its ratification by the Congress of the Dominican Republic.
Traduction du Secrétariat des Nations Unies:
[1]Signé sous réserve de sa ratification par le Congrès de la République Dominicaine.

FOR EL SALVADOR:
POUR LE SALVADOR:
薩爾瓦多：
За Сальвадор:
POR EL SALVADOR:

FOR GREECE:
POUR LA GRÈCE:
希臘：
За Грецию:
POR GRECIA:

FOR ETHIOPIA:
POUR L'ETHIOPIE:
阿比西尼亞：
За Эфиопию:
POR ETIOPÍA:

FOR GUATEMALA:
POUR LE GUATEMALA:
瓜地馬拉：
За Гватемалу:
POR GUATEMALA:

Firma ad referendum[1]
Jorge Garcia GRANADOS
16 de Diciembre de 1946

FOR FRANCE:
POUR LA FRANCE:
法蘭西：
За Францию:
POR FRANCIA:

FOR HAITI:
POUR HAÏTI:
海地：
За Гаити:
POR HAITÍ:

Sous réserve d'approbation[1]
Alexandre PARODI
17 décembre 1946

Translation by the Secretariat of the United Nations;
[1] Subject to approval.

Translation by the Secretariat of the United Nations:
[1] Signed *ad referendum*.
Traduction du Secrétariat des Nations Unies:
[1] Signé *ad referendum*.

FOR HONDURAS:
POUR LE HONDURAS:
洪都拉斯：
За Гондурас:
POR HONDURAS:

FOR IRAN:
POUR L'IRAN:
伊朗：
За Иран:
POR IRÁN:

Ad referendum
Tiburcio CARIAS, Jr.
18 de Diciembre 1946

FOR ICELAND:
POUR L'ISLANDE:
冰島：
За Исландию:
POR ISLANDIA:

FOR IRAQ:
POUR L'IRAK:
伊拉克：
За Ирак:
POR IRAK:

FOR INDIA:
POUR L'INDE:
印度：
За Индию:
POR LA INDIA:

FOR LEBANON:
POUR LE LIBAN:
黎巴嫩：
За Ливан:
POR EL LÍBANO:

FOR LIBERIA:
POUR LE LIBÉRIA:
利比里亞：
За Либерию:
POR LIBERIA:

FOR THE KINGDOM OF THE NETHERLANDS:
POUR LE ROYAUME DES PAYS-BAS:
荷蘭王國：
За Королевство Нидерландов:
POR EL REINO DE HOLANDA:

Subject to ratification[2]
C. Abayomi CASSELL
31 December 1946

FOR THE GRAND DUCHY OF LUXEMBOURG:
POUR LE GRAND-DUCHÉ DE LUXEMBOURG:
盧森堡大公國：
За Великое Герцогство Люксембург:
POR EL GRAN DUCADO DE LUXEMBURGO:

FOR NEW ZEALAND:
POUR LA NOUVELLE-ZÉLANDE:
紐西蘭：
За Новую Зеландию:
POR NUEVA ZELANDIA:

FOR MEXICO:
POUR LE MEXIQUE:
墨西哥：
За Мексику:
POR MÉXICO:

FOR NICARAGUA:
POUR LE NICARAGUA:
尼加拉瓜：
За Никарагуа:
POR NICARAGUA:

Traduction du Secrétariat des Nations Unies:
[2]Sous réserve de ratification.

FOR THE KINGDOM OF NORWAY:
POUR LE ROYAUME DE NORVÈGE:
那威王國：
За Королевство Норвегии:
POR EL REINO DE NORUEGA:

FOR PERU:
POUR LE PÉROU:
秘魯：
За Перу:
POR EL PERÚ:

FOR PANAMA:
POUR LE PANAMA:
巴拿馬：
За Панаму:
POR PANAMÁ:

FOR THE PHILIPPINE REPUBLIC:
POUR LA RÉPUBLIQUE DES PHILIPPINES:
菲律賓共和國：
За Филиппинскую Республику:
POR LA REPÚBLICA DE FILIPINAS:

Subject to approval[1]
Carlos P. ROMULO
December 18, 1946

FOR PARAGUAY:
POUR LE PARAGUAY:
巴拉圭：
За Парагвай:
POR EL PARAGUAY:

FOR POLAND:
POUR LA POLOGNE:
波蘭：
За Польшу:
POR POLONIA:

Traduction du Secrétariat des Nations Unies:
[1]Sous réserve d'approbation.

FOR SAUDI ARABIA:
POUR L'ARABIE SAOUDITE:
蘇地亞拉伯：
За Сауди Арабию:
POR ARABIA SAUDITA:

FOR TURKEY:
POUR LA TURQUIE:
土耳其：
За Турцию:
POR TURQUÍA:

FOR SWEDEN:
POUR LA SUÈDE:
瑞典：
За Швецию:
POR SUECIA:

FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:
POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE:
烏克蘭蘇維埃社會主義共和國：
За Украинскую Советскую Социалистическую Республику:
POR LA REPÚBLICA SOCIALISTA SOVIÉTICA UCRANIANA:

FOR SYRIA:
POUR LA SYRIE:
叙利亞：
За Сирию:
POR SIRIA:

FOR THE UNION OF SOUTH AFRICA:
POUR L'UNION SUD-AFRICAINE:
南非聯邦：
За Южноафриканский Союз:
POR LA UNIÓN SUDAFRICANA:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:
POUR L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES:
蘇維埃社會主義共和國聯邦：
За Союз Советских Социалистических Республик:
POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

FOR URUGUAY:
POUR L'URUGUAY:
烏拉圭：
За Уругвай:
POR EL URUGUAY:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:
大不列顛及北愛爾蘭聯合王國：
За Соединенное Королевство Великобритании и Северной Ирландии:
POR EL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE:

FOR VENEZUELA:
POUR LE VENEZUELA:
委內瑞拉：
За Венесуэлу:
POR VENEZUELA:

FOR THE UNITED STATES OF AMERICA:
POUR LES ETATS-UNIS D'AMÉRIQUE:
美利堅合衆國：
За Соединенные Штаты Америки:
POR LOS ESTADOS UNIDOS DE AMÉRICA:

FOR YUGOSLAVIA:
POUR LA YOUGOSLAVIE:
南斯拉夫：
За Югославию:
POR YUGOSLAVIA:

Subject to approval[1]
Warren R. AUSTIN
December 16, 1946

Traduction du Secrétariat des Nations Unies:
[1]Sous réserve d'approbation.

Certified true copy.
For the Secretary-General:

Copie certifiée conforme.
Pour le Secrétaire général:

DR IVAN KERNO
Assistant Secretary-General in charge of the Legal Department.
Secrétaire général adjoint chargé du Département juridique.

68706—52—PT. III——34

Instrument of acceptance on behalf of the United States of America of the Constitution of the International Refugee Organization

ACCEPTANCE ON THE PART OF THE UNITED STATES OF AMERICA

I, Harry S. Truman, President of the United States of America, pursuant to the authority granted by the joint resolution of the Congress of the United States of America approved July 1, 1947 (Public Law 146, 80th Congress), hereby accept, on behalf of the United States of America, the Constitution of the International Refugee Organization, which was signed for the United States of America, subject to approval, on December 16, 1946.

61 Stat. 214.
22 U. S. C., Supp. I, §§ 289–289d.

The above-mentioned joint resolution reads in part as follows:

"*Provided, however*, That this authority is granted and the approval of the Congress of the acceptance of membership of the United States in the International Refugee Organization is given upon condition and with the reservation that no agreement shall be concluded on behalf of the United States and no action shall be taken by any officer, agency, or any other person and acceptance of the constitution of the Organization by or on behalf of the Government of the United States shall not constitute or authorize action (1) whereby any person shall be admitted to or settled or resettled in the United States or any of its Territories or possessions without prior approval thereof by the Congress, and this joint resolution shall not be construed as such prior approval, or (2) which will have the effect of abrogating, suspending, modifying, adding to, or superseding any of the immigration laws or any other laws of the United States."

Done at Washington this first day of July 1947.

HARRY S TRUMAN

The Secretary-General of the United Nations to the Secretary of State

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK FIELDSTONE 7-1100

LEG 73/02/AL *28 August 1948*

REFERENCE: CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

SIR,

Entry into force.

I have the honour to inform you that, Denmark having signed without reservation as to approval the Constitution of the International Refugee Organization on 20 August 1948, the Constitution has now come into force, since the conditions laid down by Article 18, paragraph 2, have been fulfilled.

Ante, p. 3047.

The fifteen States shown on the attached list, whose contributions to Part 1 of the operational budget amounts to 75.96% of the total thereof have become parties to the said Constitution.

I have the honour to be, Sir,
Your obedient Servant,

For the Secretary-General
H. Saba
Director
Legal Department

The Honorable,
THE SECRETARY OF STATE,
Department of State,
Washington 25, D. C.

UNITED NATIONS NATIONS UNIES

STATES PARTIES TO THE
INTERNATIONAL REFUGEE ORGANIZATION

United Kingdom	signature without reservation as to approval	5 February	1947
New Zealand	" " "	17 March	1947
China	" " "	29 April	1947
Iceland	" " "	12 May	1947
Australia	" " "	13 May	1947
United States of America	deposit of an instrument of acceptance	3 July	1947
Guatemala	" " "	28 July	1947
Canada	" " "	7 August	1947
Netherlands	" " "	11 August	1947
Norway	" " "	18 August	1947
Dominican Republic	" " "	22 October	1947
France	" " "	3 March	1948
Belgium	" " "	30 March	1948
Luxembourg	acceptance	4 August	1948 [1]
Denmark	signature without reservation as to approval	20 August	1948

[1] Should read "5 August 1948", according to note Leg. 73/02/SK, dated Oct. 26, 1948, from the Acting Director of the Legal Department of the United Nations to the Secretary of State.

August 21, 1947,
January 27, 1948
[T. I. A. S. 1847]

Agreement between the United States of America and Cuba amending and extending the agreement of July 17 and August 2, 1944, respecting a cooperative program for weather stations in Cuba. Effected by exchange of notes dated at Habana August 21, 1947, and January 27, 1948; entered into force January 27, 1948, effective retroactively July 1, 1947.

The American Embassy to the Cuban Ministry of State

No. 561

The Embassy of the United States of America presents its compliments to the Minister of State of the Republic of Cuba, and has the honor to refer to the Embassy's note No. 632 of July 17, 1944 and the Ministry's note No. 1927 of August 2, 1944 in connection with the establishment and operation for a period of approximately three years of a radiosonde station in Habana.

61 Stat., Pt. 4, p. 4084.
61 Stat., Pt. 4, p. 4087.

This agreement expired on June 30, 1947 and the Embassy, therefore, has the honor to submit for the Cuban Government's consideration and approval an amended Memorandum Agreement covering the continued operation of the station in Habana and an additional station to be located at Camaguey for a further period of three years from June 30, 1947.

In view of the vital importance to both countries of accurate and reliable weather information, my Government trusts that the Cuban Government may give the enclosed Memorandum Agreement concerning this cooperative radiosonde project urgent consideration and inform it at the earliest possible moment as to its acceptability.

The Embassy avails itself of this opportunity to renew to the Ministry of State the assurance of its highest consideration.

AMERICAN EMBASSY,
Habana, August 21, 1947.

MEMORANDUM AGREEMENT

Exchange of meteorological data.

The Government of the United States, through the United States Weather Bureau, proposes to cooperate with the Government of Cuba, through the Cuban Meteorological Service, in continuing the regular exchange of meteorological data, subject to the following understanding:

1. To cooperate in the continued operation of the radiosonde observation station in Habana, and in the establishment of an additional station at Camaguey.
2. To provide for the daily exchange of upper-air weather observations between the United States Weather Bureau and the Cuban Meteorological Service for the use of each country,

especially in serving the needs of aviation, and to render it possible for the Government of the United States and the Government of Cuba to assist in the development of an exchange of weather information, forecasts, and warnings.

Action by U. S. Weather Bureau.

To attain the foregoing objectives, the United States Weather Bureau, which has already supplied the necessary equipment for the Habana station, agrees to:

a) Provide and install the ground equipment necessary for making radiosonde observations at a station to be situated at Camaguey, and pay the cost of necessary repairs at both stations, and

b) Authorize one of its technicians to visit the observation stations to repair the ground equipment, whenever such equipment becomes inoperative and repairs cannot be made locally.

c) Provide the necessary radiosondes, balloons, parachutes, helium gas, meteorological forms and other accessories required for the observations at both stations.

Action by Cuban Meteorological Service.

The Government of Cuba, through the Cuban Meteorological Service, agrees to:

(a) Assign a minimum of one observer and one assistant at the stations for the purpose of making the following observations, in accordance with standard practice and procedure:

(1) Two observations daily at 0400 and 1600 GCT at Habana, to include rawins (winds-aloft observations by radio direction-finding methods.

(2) One observation daily at 0400 GCT at Camaguey.

(b) Supply the necessary office quarters and office equipment, including heat, light and electric power.

(c) Provide adequate ground space and shed for the balloon inflation shelter, as may be necessary.

(d) Arrange for the prompt transmission of the radiosonde observation reports made pursuant to this Agreement to a point in the United States to be designated by the United States Weather Bureau.

(e) Make available the recorder records to the United States Weather Bureau for reference purposes, and to supply that Bureau with copies of the Weather Bureau forms which will be used for all radiosonde observations made at the stations; and

(f) Arrange for entry into Cuba, duty free, of all meteorological equipment and supplies shipped from the United States for use in this cooperative radiosonde project.

Expenditures.

I. All expenditures incurred by the United States Weather Bureau shall be paid direct by that organization, and all expenditures incident to the obligations assumed by the Government of Cuba shall be paid direct by that Government.

Title to property.

II. Title to all property supplied by the Cuban Government shall remain vested in that Government, and likewise the title to all property supplied by the Government of the United States shall remain vested therein.

Effective date; duration.

This Agreement shall come into effect, retroactive to July 1, 1947, on the day on which it is accepted by the Government of Cuba, and shall continue in effect until June 30, 1950, or for an additional period if mutually agreed upon in writing, unless the Congress of either country shall fail to make available the funds necessary for its execution, in which case it may be terminated on sixty days' advance written notice by the Government of either country.

The Cuban Ministry of State to the American Embassy

REPUBLICA DE CUBA
MINISTERIO DE ESTADO
200

El Ministerio de Estado presenta sus respetos a la Embajada de los Estados Unidos de América, y en relación con correspondencia anterior acerca de su atenta nota verbal número 816, de 17 de diciembre último, referente a Acuerdo-Memorandum sobre establecimiento de estaciones Meteorologicas Radiosondas, tiene el honor de remitirle, con la presente, copia de la comunicación número 1354, de 21 del mes actual, del señor Ministro de Defensa Nacional, en que se traslada escrito del señor Comodoro Jefe de Estado Mayor General de la Marina de Guerra, sobre la materia.

El Ministerio de Estado reitera a la Embajada de los Estados Unidos de América la segurudad de su más alta consideración.

La Habana, *27 de enero de 1948.*

[SEAL]

ASUNTOS NAVALES

LA HABANA, *Enero 21 de 1948.*

SR. SUBSECRETARIO DE ESTADO,
Ministerio de Estado,
Ciudad.

No. 1354 "URGENTE"

SEÑOR:

El Comodoro Jefe de Estado Mayor General de la Marina de Guerra, en escrito de fecha 19 del actual, dice a este Centro lo siguiente:

" "Tengo el honor de acusar recibo a su comunicación urgente de fecha 15 del actual, registro de salida número 798, y en relación con su contenido, tengo a bien informarle que este Estado Mayor General encuentra aceptable en todas sus partes el proyecto con las condiciones establecidas en el Memorándum-Convenio anexo a la Nota No. 561 de 1947, de la Embajada de los Estados Unidos de

Norteamérica en Cuba, sobre la continuación del funcionamiento de la estación de radiosonda de La Habana, de acuerdo con el anterior Convenio del año 1944, así como para la situación de análogo servicio en la ciudad de Camagüey, recomendándose, por tanto, se le haga saber al Sr. Subsecretario de Estado, a los efectos de los trámites necesarios para que dicho Convenio entre en vigor con la brevedad solicitada" ".

Lo que me complazco en transcribir a usted, en relación con su atento escrito de fecha 10 del actual, Registro de Salida número 494, de carácter urgente, para su conocimiento y efectos procedentes.

De usted atentamente,

SMV.

SALVADOR MENÉNDEZ VILLOCH, M. N. y M.
Ministro de Defensa Nacional.

Translation

REPUBLIC OF CUBA
MINISTRY OF STATE
200

The Ministry of State presents its compliments to the Embassy of the United States of America and, with reference to previous correspondence concerning the Embassy's courteous note verbale No. 816 of December 17 last,[1] referring to a Memorandum-Agreement on the establishment of radiosonde meteorological stations, has the honor to transmit herewith a copy of communication No. 1354 of the 21st instant from the Minister of National Defense, containing the text of a written statement of the Commodore Chief of the General Staff of the Navy concerning the matter.

The Ministry of State renews to the Embassy of the United States of America the assurance of its highest consideration.

Habana, *January 27, 1948.*

[SEAL]

NAVAL AFFAIRS

HABANA, *January 21, 1948*

THE UNDER SECRETARY OF STATE,
Ministry of State,
City.

No. 1354 "URGENT"

SIR:

The Commodore Chief of the General Staff of the Navy, in a written communication dated the 19th instant, informs this Office as follows:

"I have the honor to acknowledge receipt of your urgent communication dated the 15th instant, outgoing file number 798, and, with reference to its contents, I am happy to inform you that the General Staff considers acceptable in all respects the project and the conditions laid down in the Memorandum-Agreement annexed to Note No. 561

Ante, p. 3134.

[1] Not printed.

of 1947 of the Embassy of the United States of America in Cuba, with regard to continuing operation of the radiosonde station of Habana, in accordance with the preceding Agreement of the year 1944, as well as for the location of a similar service in the city of Camagüey, and it is therefore recommended that the Under Secretary of State be informed thereof in order that the necessary steps may be taken, to the end that the said Agreement may enter into force at the early date requested."

61 Stat., Pt. 4, p. 4084.

I take pleasure in giving you the text of the foregoing with reference to your courteous communication of the 10th instant, outgoing file number 494, urgent, for your information and further action.

Very truly yours,

S.M.V.

SALVADOR MENÉNDEZ VILLOCH, M. N. Y M.

Minister of National Defense.

Agreement between the United States of America and China respecting a Joint Commission on Rural Reconstruction in China. Effected by exchange of notes signed at Nanking August 5, 1948; entered into force August 5, 1948.

August 5, 1948
[T. I. A. S. 1848]

Note in the English and Chinese Languages From the American Ambassador to the Chinese Minister for Foreign Affairs

AMERICAN EMBASSY,
Nanking, August 5, 1948

EXCELLENCY:

I have the honor to refer to Section 407 of the China Aid Act of 1948 enacted by the Government of the United States of America (hereinafter referred to as the Act), which provides, among other things, for the conclusion of an agreement between China and the United States of America establishing a Joint Commission on Rural Reconstruction in China. In pursuance of the general principles laid down in the Act, and in particular Section 407 thereof, I have the honor to bring forward the following proposals regarding the organization of the Joint Commission and related matters:

Joint Commission on Rural Reconstruction in China.
62 Stat., Pt. 1, p. 159.

(1) There shall be established a Joint Commission on Rural Reconstruction in China (hereinafter referred to as the Commission), to be composed of two citizens of the United States of America appointed by the President of the United States of America and three citizens of the Republic of China to be appointed by the President of China. The Commission shall elect one of the Chinese members as Chairman.

Establishment.

(2) The functions and authority of the Commission shall, subject to the provisions of the above-mentioned Section of the Act, be as follows:

Functions and authority.

(a) To formulate and carry out through appropriate Chinese Government agencies, and international or private agencies in China a coordinated program for reconstruction in rural areas of China (hereinafter referred to as the Program);

Formulation of Program, etc.

(b) To conclude arrangements with the agencies referred to in the preceding paragraph establishing a basis for their cooperation;

(c) To recommend to the Governments of the United States of America and of China, within the limits prescribed by the Act, the allocation of funds and other assistance to the Program, and to recommend to the Government of China the allocation of such other funds and assistance as are deemed essential to the success of the Program;

(d) To establish standards of performance for implementation of the Program, including the qualifications, type and number of personnel to be used by cooperating agencies in the Program, and to maintain a constant supervision of all phases of the Program, with authority to recommend changes in or stoppage of any phase of the Program;

(e) To appoint such executive officers and administrative staff as the Commission deems necessary to carry out the Program, it being understood that the chief executive officer shall be a citizen of China. Salaries, expenses of travel and other expenses incident to the administrative functions of the Commission itself shall be paid from funds made available under Section 407 (b) of the Act.

62 Stat., Pt. 1, p. 159.

Program activities.

(3) In its Program the Commission may include the following types of activity to be carried out in agreement with the agencies referred to in paragraph (2) (a);

(a) A coordinated extension-type program in agriculture, home demonstration, health and education, for initiation in a selected group of *hsien* in several provinces to include a limited number of subsidiary projects suited to conditions in the areas where the program is developed, in such fields as agricultural production, marketing, credit, irrigation, home and community industries, nutrition, sanitation, and education of a nature which will facilitate the promotion of all projects being undertaken;

(b) Consultation with the Chinese Government concerning ways and means of progressively carrying out land reform measures;

(c) Subsidiary projects in research, training and manufacturing, to be carried out in suitable locations to provide information, personnel and materials required by the Program;

(d) Projects to put into effect over a wider area than provided for in the coordinated extension-type program specified in (a), any of the above lines of activity which can be developed soundly on a larger scale, of which examples might be the multiplication and distribution of improved seeds, the control of rinderpest of cattle, the construction of irrigation and drainage facilities, and the introduction of health and sanitation measures;

(e) Related measures, in line with the general objectives of this Program;

(f) The distribution of the assistance in this Program, on the principle of giving due attention to strengthening rural improvement in areas where selected projects can be progressively developed and where their development will contribute most effectively to the achievement of purposes for which this Program is undertaken, but that the principle

of distributing aid will not be controlled by proportionate or geographical consideration per se.

(4) In respect of any decision of the Commission, the approval of the Government of China shall be obtained prior to its execution if the Commission or its Chairman, with the concurrence of the Chinese members, deems it necessary. Decisions of the Commission.

(5) The Commission shall publish in China and transmit to the Government of the United States of America and the Government of China, in such form and at such times as may be requested by either of the two Governments, full statements of operations, including a statement on the use of funds, supplies and services received, and will transmit to the two Governments any other matter pertinent to operations as requested by either of the two Governments. The Government of China will keep the people of China fully informed of the intended purpose and scope of the Program and of the progress achieved by the Commission in implementing the Program, including the nature and extent of the assistance furnished by the Government of the United States of America. Statements of operations.

(6) The Government of China will upon appropriate notification of the Ambassador of the United States of America in China consider the United States members and personnel of the Commission as part of the Embassy of the United States of America in China for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. It is understood that the Ambassador of the United States of America in China in making the notification will bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges and immunities would be requested. It is also understood that the detailed application of this paragraph would, when necessary, be a subject of inter-governmental discussion. Commission as part of U. S. Embassy.

(7) All supplies imported into China for use in the Program shall be free of Customs duties, Conservancy dues and other charges imposed by the Government of China on similar supplies which are imported through regular commercial channels. Free importation of designated supplies.

(8) The Government of the United States of America and the Government of China will consult with respect to problems incident to the interpretation, implementation and possible amendment of the terms of the agreement embodied in this exchange of notes whenever either of the two Governments considers such action appropriate. Consultation.

(9) The Government of the United States of America reserves the right at any time to terminate or suspend its assistance, or any part thereof, provided under this exchange of notes. Assistance furnished by the Government of the United States of America under Section 407 of the Act and pursuant to this exchange of notes shall not be construed as an express or implied Termination of assistance.

62 Stat., Pt. 1, p. 159.

assumption by the Government of the United States of America of any responsibility for making any further contributions to carry out the purposes of Section 407 of the Act or of this exchange of notes.

Effectivity.
Post, p. 3153.

(10) This note and Your Excellency's reply accepting the above proposals on behalf of the Government of China will constitute an agreement between the two Governments in the sense of Section 407 of the Act. Subject to the provisions of paragraphs (8) and (9), this exchange of notes will remain in force until June 30, 1949, or, upon the request of either Government transmitted to the other Government at least two months before June 30, 1949, until the date of termination of the Economic Aid Agreement between the two Governments concluded on July 3, 1948.

62 Stat., Pt. 1, p. 159.
Duration.

Ante, p. 2945.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency
Dr. WANG SHIH-CHIEH,
Minister for Foreign Affairs,
Ministry of Foreign Affairs,
Nanking.

照會

逕啓者：查美利堅合衆國政府制定之一九四八年援華法案（以下簡稱法案）第四〇七款，除其他事項外，並規定中國與美利堅合衆國締結一協定，以設立中國農村復興聯合委員會。茲依該法案尤其該法案第四〇七款所規定之一般原則，就該聯合委員會之組織及有關事項，提出左列建議：

㈠設立中國農村復興聯合委員會（以下簡稱委員會），由美利堅合衆國總統委派美利堅合衆國公民二人，中國總統委派中華民國公民三人組成之。該委員會應選中國委員一人爲主席。

㈡委員會之職權，在該法案上述條款所規定之範圍內，應如左列：

(甲)擬訂復興中國農村區域之配合計劃（以下簡稱計劃），並經由適當的中國政府機構及在中國之國際或私人機構，予以實施；

(乙)與上項所稱之機構訂立辦法，以建立彼此合作之基礎；

(丙)在該法案所規定之限度內，向美利堅合衆國政府及中國政府建議該計劃之資金及他項援助之撥與，並向中國政府建議爲該計劃成功所認爲必需之其他資金及援助之撥與；

(丁)訂立實施該計劃之工作標準，包括該計劃中合作之各機構所用人

員之資格，種類及數目在內，並在該計劃各方面保持經常督察，且有權建議對該計劃任何方面予以變更或停止；

(戊)任命委員會爲執行該計劃所認爲必要之執行官吏及行政人員；雙方了解：執行長應爲一中國公民。所有薪金、旅費以及委員會本身在行政職掌上所需之其他費用，應由該法案第四〇七款(乙)所供應之款項內撥付之。

(己)委員會得將左列各種工作包括於其計劃之內，與上開第(己)款(甲)項所稱之機構協議實施之；

(甲)在若干省內，選擇若干縣，創辦關於農業、家庭示範、衛生及教育之一配合而具有推廣性之計劃，包括與推行此一計劃之地區內環境相適應之若干輔助方案，如關於農業生產、銷售、信用、灌溉、家庭與鄉村工業、營養、衛生以及教育之方案，而其性質將促進凡所從事之一切方案之實施者；

(乙)與中國政府諮商關於逐步實施各項土地改革措施之途徑及方法；

(丙)在適當地點，實施關於研究、訓練及製造之輔助方案，藉以供給該計劃所需要之情報、人員及物資；

(丁)就任何上述方式之工作之得以較大規模健全發展者，擬成方案，實施於較(甲)項所指之配合而具有推廣性計劃所有括地區爲尤大之

地區，例如改良種籽之繁殖及分配，牲畜瘟疫之控制，灌溉及排水設備之建設以及衛生措施之倡辦；

(戊)與該計劃一般目的相符之有關措施；

(己)在能便擇定之方案逐步發展之地區內及此項方案之發展對於達到該計劃之目的將作最有力貢獻之地區內，依照對於農村改良應予適當注意之原則，分配該計劃下之援助，但分配援助之原則，不受純屬比例性或地理性考慮之限制。

(庚)關於委員會之任何決定，如委員會中其主席經徵獲中國委員之同意，認爲必要時，在執行之前，應先得中國政府之核可。

(辛)委員會依美利堅合衆國政府或中國政府任何一方所請求之方式及時間，應在中國發表詳細工作報告，包括關於所得資金、物資及服務之報告，送達兩國政府，並依兩國政府任何一方之請求，將有關工作之任何其他事項，報告兩國政府。中國政府對於該計劃之目的及範圍與委員會實施該計劃所獲進展，包括美利堅合衆國政府所供給之援助之性質及範圍，將使中國人民充分知悉。

(壬)中國政府，於接到美利堅合衆國駐中國大使之有關通知後，對於委員會之美國委員及職員，將視爲美利堅合衆國駐中國大使館之一部分，俾其享受該大使館及其同等職員所享受之優例及豁免。雙方了

解：美利堅合衆國駐中國大使於發出此項通知時，對於援經請給予充分外交優例及豁免之官員人數，儘可能允宜予以限制一層，將加以注意。雙方又了解：關於本項適用上之細節，必要時將由兩國政府舉行會商。

(七)爲該計劃使用而輸入中國之一切物資，應免除中國政府對於經由正常商務途徑輸入之類似物資所徵收之關稅、滯港捐及其他稅捐。

(八)美利堅合衆國政府與中國政府，將於兩國政府之任何一方認爲適當時，對於因解釋、實施及可能修改本換文所載協定條款而引起之問題，舉行會商。

(九)美利堅合衆國政府保留隨時終止或暫停本換文所規定之援助或其任何一部分之權。美利堅合衆國政府依照該法案第四〇七款及本換文所供給之援助，不能解釋爲美利堅合衆國政府明示或暗示負有任何責任，對於實施該法案第四〇七款或本換文之目的，將另作任何貢獻。

(十)本照會與貴部長代表中國政府接受上述建議之覆照，將構成該法案第四〇七款所指之兩國政府間協定。除受第(八)及第(九)兩款規定之限制外，本換文將繼續有效，直至一九四九年六月三十日爲止，或經任何一國

政府之請求而其請求至少在一九四九年六月三十日之前兩個月送至於他方政府時，將繼續有效，直止一九四八年七月三日兩國政府所締結之經濟援助協定終了之日爲止。

本大使順頌

貴部長重表崇高之敬意。

此致

中華民國外交部部長王世杰閣下

公曆一九四八年八月五日於南京

Note in the Chinese and English Languages From the Chinese Minister for Foreign Affairs to the American Ambassador

外交部

The Ministry of Foreign Affairs
Republic of China

[SEAL]

照會

逕啓者：接准

貴大使本日照會內開：

「逕啓者：查美利堅合衆國政府制定之一九四八年援華法案（以下簡稱法案）第四〇七款，除其他事項外，並規定中國與美利堅合衆國締結一協定，以設立中國農村復興聯合委員會。茲依該法案尤其該法案第四〇七款所規定之一般原則，就該聯合委員會之組織及有關事項，提出左列建議：

㈠設立中國農村復興聯合委員會（以下簡稱委員會），由美利堅合衆國總統委派美利堅合衆國公民二人，中國總統委派中華民國公民三人組成之。該委員會應選中國委員一人爲主席。

㈡委員會之職權，在該法案上述條款所規定之範圍內，應如左列：

㈠擬訂復興中國農村區域之配合計劃（以下簡稱計劃），並經由適當的中國政府機構及任中國之國際或私人機構，予以實施；

㈡與上項所稱之機構訂立辦法，以建立彼此合作之基礎；

㈢在該法案所規定之限度內，向美利堅合衆國政府及中國政府建議該計劃之資金及他項援助之撥與，並向中國政府建議爲該計劃成功所認爲必需之其他資金及援助之撥與；

(丁)訂立實施該計劃之工作標準，包括該計劃中合作之各機構所用人員之資格、種類及數目在內，並在該計劃各方面保持經常督察，且有權建議對該計劃任何方面予以變更或停止；

(戊)任命委員會爲執行該計劃所認爲必要之執行官吏及行政人員；雙方了解：執行長應爲一中國公民。所有薪俸、旅費以及委員會本身在行政職掌上所需之其他費用，應由該法案第四〇七款(乙)所供應之款項內撥付之。

(三)委員會得將左列各種工作包括於其計劃之內，與上開第(二)款(甲)項所構之機構協議實施之：

(甲)在若干省內，選擇若干縣，舉辦關於農業、家庭示範、衛生及教育之一配合而具有推廣性之計劃，包括與推行此一計劃之地區內環境相適應之若干輔助方案，如關於農業生產、銷售、信用、灌溉、家庭與鄉村工業、營養、衛生以及教育之方案，而其性質將促進凡所從事之一切方案之實施者；

(乙)與中國政府商關於逐步實施各項土地改革措施之途徑及方法；

(丙)在適當地點，實施關於研究、訓練及製造之輔助方案，藉以供給該計劃所需要之情報、人員及物資；

(丁)就任何上述方式之工作之得以較大規模健全發展者，製成方案，實施於較(甲)項所指之配合而具有推廣性計劃所包括地區爲尤大之地區，例如改良種籽之繁殖及分配，牲畜接種之計

制，灌溉及排水設備之建造以及衞生措施之倡辦；

(戊)與該計劃一般目的相符之有關措施；

(己)在能使擇定之方案逐步發展之地區內及此項方案之發展對於達到該計劃之目的將作最有力貢獻之地區內，依照對於農村改良應予適當注意之原則，分配該計劃下之援助，但分配援助之原則，不受純屬比例性或地理性考慮之限制。

(四)關於委員會之任何決定，如委員會或其主席經徵獲中國委員之同意，認爲必要時，在執行之前，應先得中國政府之核可。

(五)委員會依美利堅合衆國政府或中國政府任何一方所請求之方式及時間，應任中國發表詳細工作報告，包括關於所得資金、物資及服務之報告，送達兩國政府，並依兩國政府任何一方之請求，將有關工作之任何其他事項，報告兩國政府。中國政府對於該計劃之目的及範圍與委員會實施該計劃所獲進展，包括美利堅合衆國政府所供給之援助之性質及範圍，將使中國人民充分知悉。

(六)中國政府，於接到美利堅合衆國駐中國大使之有關通知後，對於委員會之美國委員及職員，將視爲美利堅合衆國駐中國大使館之一部分，俾其享受該大使館及其同等職員所享受之慣例及豁免。雙方了解：美利堅合衆國駐中國大使於發出此項通知時，對於擬經請給予充分外交優例及豁免之官員人數，儘可能加以注意。雙方又了解：關於本項適用上宜予以限制一層，將

之細節，必要時將由兩國政府舉行會商。

(七)為該計劃使用而輸入中國之一切物資，應免除中國政府對於經由正常商務途徑輸入之類似物資所徵收之關稅、滯港捐及其他稅捐。

(八)美利堅合衆國政府與中國政府，將於兩國政府之任何一方認為適當時，對於因解釋、實施及可能修改本換文所載協定條款而引起之問題，舉行會商。

(九)美利堅合衆國政府保留隨時終止或暫停本換文所規定之援助或其任何一部分之權。美利堅合衆國政府依照該法案第四〇七款及本換文所供給之援助，不能解釋為美利堅合衆國政府明示或默示負有任何責任，對於實施該法案第四〇七款或本換文之目的，將另作任何貢獻。

(十)本照會與貴部長代表中國政府接受上述建議之照會，將構成該法案第四〇七款所指之兩國政府間協定。除受第(八)及第(九)兩款規定之限制外，本換文將繼續有效，直至一九四九年六月三十日為止，或經任何一國政府之請求而其請求至少在一九四九年六月三十日之前兩個月送達於他方政府時，將繼續有效，直至一九四八年七月三日兩國政府所締結之經濟援助協定終止之日為止。

等由；

本部長茲代表中國政府接受上開照會內所載之建議。

鑒於該計劃至關重要，因其為達到一九四八年七月三日中國政府

與美利堅合衆國政府所締結之經濟援助協定內兩國政府共同期求之目標的主要方法之一，中國政府承允對於該計劃之執行，予以充分支持，並令知中國政府合作之機構，包括有關地方官吏，給予爲使該計劃成功所必需之援助及便利。

本部長順向

貴大使重表崇高之敬意。

此致

美利堅合衆國駐中華民國特命全權大使司徒雷登閣下。

中華民國三十七年八月五日於南京

王世杰[1]

[1] Wang Shih-chieh.

外 交 部

The Ministry of Foreign Affairs

Republic of China

[SEAL]

NANKING, *August 5, 1948*

EXCELLENCY:

I have the honor to acknowledge receipt of your note of today's date which reads as follows:

"I have the honor to refer to Section 407 of the China Aid Act of 1948 enacted by the Government of the United States of America (hereinafter referred to as the Act), which provides, among other things, for the conclusion of an agreement between China and the United States of America establishing a Joint Commission on Rural Reconstruction in China. In pursuance of the general principles laid down in the Act, and in particular Section 407 thereof, I have the honor to bring forward the following proposals regarding the organization of the Joint Commission and related matters: 62 Stat., Pt. 1, p. 159.

(1) There shall be established a Joint Commission on Rural Reconstruction in China (hereinafter referred to as the Commission), to be composed of two citizens of the United States of America appointed by the President of the United States of America and three citizens of the Republic of China to be appointed by the President of China. The Commission shall elect one of the Chinese members as Chairman.

(2) The functions and authority of the Commission shall, subject to the provisions of the above-mentioned Section of the Act, be as follows:

(a) To formulate and carry out through appropriate Chinese Government agencies, and international or private agencies in China a coordinated program for reconstruction in rural areas of China (hereinafter referred to as the Program);

(b) To conclude arrangements with the agencies referred to in the preceding paragraph establishing a basis for their cooperation;

(c) To recommend to the Governments of the United States of America and of China, within the limits prescribed by the Act, the allocation of funds and other assistance to the Program, and to recommend to the Government of China the allocation of such other funds and assistance as are deemed essential to the success of the Program;

(d) To establish standards of performance for implementation of the Program, including the qualifications, type and number of personnel to be used by cooperating agencies in the Program, and to maintain a constant supervision

of all phases of the Program, with authority to recommend changes in or stoppage of any phase of the Program;

(e) To appoint such executive officers and administrative staff as the Commission deems necessary to carry out the Program, it being understood that the chief executive officer shall be a citizen of China. Salaries, expenses of travel and other expenses incident to the administrative functions of the Commission itself shall be paid from funds made available under Section 407 (b) of the Act.

62 Stat., Pt. 1, p. 159

(3) In its Program the Commission may include the following types of activity to be carried out in agreement with the agencies referred to in paragraph (2) (a):

(a) A coordinated extension-type program in agriculture, home demonstration, health and education, for initiation in a selected group of *hsien* in several provinces to include a limited number of subsidiary projects suited to conditions in the areas where the program is developed, in such fields as agricultural production, marketing, credit, irrigation, home and community industries, nutrition, sanitation, and education of a nature which will facilitate the promotion of all projects being undertaken;

(b) Consultation with the Chinese Government concerning ways and means of progressively carrying out land reform measures;

(c) Subsidiary projects in research, training and manufacturing, to be carried out in suitable locations to provide information, personnel and materials required by the Program;

(d) Projects to put into effect over a wider area than provided for in the coordinated extension-type program specified in (a), any of the above lines of activity which can be developed soundly on a larger scale, of which examples might be the multiplication and distribution of improved seeds, the control of rinderpest of cattle, the construction of irrigation and drainage facilities, and the introduction of health and sanitation measures;

(e) Related measures, in line with the general objectives of this Program;

(f) The distribution of the assistance in this Program, on the principle of giving due attention to strengthening rural improvement in areas where selected projects can be progressively developed and where their development will contribute most effectively to the achievement of purposes for which this Program is undertaken, but that the principle of distributing aid will not be controlled by proportionate or geographical consideration per se.

(4) In respect of any decision of the Commission, the approval of the Government of China shall be obtained prior to its execution

if the Commission or its Chairman, with the concurrence of the Chinese members, deems it necessary.

(5) The Commission shall publish in China and transmit to the Government of the United States of America and the Government of China, in such form and at such times as may be requested by either of the two Governments, full statements of operations, including a statement on the use of funds, supplies and services received, and will transmit to the two Governments any other matter pertinent to operations as requested by either of the two Governments. The Government of China will keep the people of China fully informed of the intended purpose and scope of the Program and of the progress achieved by the Commission in implementing the Program, including the nature and extent of the assistance furnished by the Government of the United States of America.

(6) The Government of China will upon appropriate notification of the Ambassador of the United States of America in China consider the United States members and personnel of the Commission as part of the Embassy of the United States of America in China for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. It is understood that the Ambassador of the United States of America in China in making the notification will bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges and immunities would be requested. It is also understood that the detailed application of this paragraph would, when necessary, be a subject of inter-governmental discussion.

(7) All supplies imported into China for use in the Program shall be free of Customs duties, Conservancy dues and other charges imposed by the Government of China on similar supplies which are imported through regular commercial channels.

(8) The Government of the United States of America and the Government of China will consult with respect to problems incident to the interpretation, implementation and possible amendment of the terms of the agreement embodied in this exchange of notes whenever either of the two Governments considers such action appropriate.

(9) The Government of the United States of America reserves the right at any time to terminate or suspend its assistance, or any part thereof, provided under this exchange of notes. Assistance furnished by the Government of the United States of America under Section 407 of the Act and pursuant to this exchange of notes shall not be construed as an express or implied assumption by the Government of the United States of America of any responsibility for making any further contributions to carry out the purposes of Section 407 of the Act or of this exchange of notes. 62 Stat., Pt. 1, p. 159.

(10) This note and Your Excellency's reply accepting the above proposals on behalf of the Government of China will constitute an agreement between the two Governments in the sense of Section 407 of the Act. Subject to the provisions of paragraphs (8) and (9), this exchange of notes will remain in force until June 30, 1949, or, upon the request of either Government transmitted to the other Government at least two months before June 30, 1949, until the date of termination of the Economic Aid Agreement between the two Governments concluded on July 3, 1948."

62 Stat., Pt. 1, p. 159.

Ante, p. 2945.

On behalf of the Government of China, I have the honor to accept the proposals contained in the note quoted above.

In recognition of the importance of the Program as one of the essential means of achieving the objectives in which the Governments of China and of the United States of America unite in seeking under the Economic Aid Agreement between the two Governments concluded on July 3, 1948, the Government of China undertakes to afford to the execution of the Program the full weight of its support and to direct cooperating agencies of the Government of China, including the local officials concerned, to give such assistance and facilities as are essential to the success of their undertakings under the Program.

Ante, p. 2945.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency
J. LEIGHTON STUART,
Ambassador of the United States of America to China,
Nanking.

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[1] Wang Shih-chieh.

Convention, final protocol, regulations, air-mail provisions, and final protocol to the air-mail provisions between the United States of America and other governments respecting a Universal Postal Union, revising the Universal Postal Convention of May 23, 1939. Signed at Paris July 5, 1947; ratified and approved by the Postmaster General of the United States of America June 1, 1948; approved by the President of the United States of America June 9, 1948; entered into force July 1, 1948.

July 5, 1947
[T. I. A. S. 1850]

UNION POSTALE UNIVERSELLE

DOCUMENTS DU CONGRÈS DE PARIS

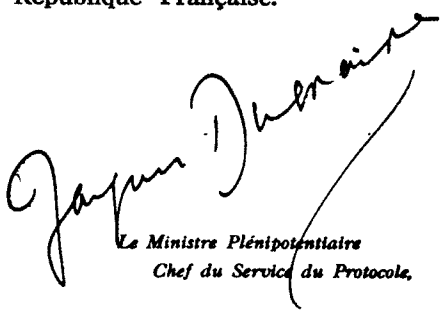
1947

TEXTE DE LA

CONVENTION POSTALE UNIVERSELLE

SIGNÉE À PARIS

La présente copie est certifiée conforme à l'exemplaire unique de la Convention de l'Union Postale Universelle, rédigée en langue française, signée à Paris le cinq juillet mil-neuf-cent-quarante-sept et déposée dans les Archives de la République Française.



Le Ministre Plénipotentiaire
Chef du Service du Protocole,

JACQUES DUMAINE.

UNION POSTALE UNIVERSELLE

DOCUMENTS

DU CONGRÈS DE

PARIS

1947

TEXTE DE LA

CONVENTION POSTALE UNIVERSELLE

SIGNÉE À PARIS

L'acte authentique de cette Convention est conservé au Ministère des Affaires Etrangères de France qui a reconnu la conformité de la présente copie avec cet original.

Note. — Les textes imprimés en caractères *italiques* indiquent les modifications apportées par le Congrès de Paris aux Actes précédents de Buenos Aires 1939.

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CONVENTION POSTALE UNIVERSELLE

CONCLUE ENTRE

L'AFGHANISTAN, L'UNION DE L'AFRIQUE DU SUD, *LA RÉPUBLIQUE POPULAIRE D'*ALBANIE, L'ALLEMAGNE, LES ÉTATS-UNIS D'AMÉRIQUE, L'ENSEMBLE DES POSSESSIONS DES ÉTATS-UNIS D'AMÉRIQUE, LE ROYAUME DE L'ARABIE SAOUDITE, LA RÉPUBLIQUE ARGENTINE, *LE* COMMONWEALTH DE L'AUSTRALIE, *L'AUTRICHE*, LA BELGIQUE, LA COLONIE DU CONGO BELGE, *LA RÉPUBLIQUE SOVIÉTIQUE SOCIALISTE DE BIÉLORUSSIE*, LA BOLIVIE, LE BRÉSIL, LA *RÉPUBLIQUE POPULAIRE DE* BULGARIE, LE CANADA, LE CHILI, LA CHINE, LA RÉPUBLIQUE DE COLOMBIE, *LA CORÉE*, LA RÉPUBLIQUE DE COSTA-RICA, LA RÉPUBLIQUE DE CUBA, LE DANEMARK, *LA* RÉPUBLIQUE DOMINICAINE, L'ÉGYPTE, LA RÉPUBLIQUE DE EL SALVADOR, L'ÉQUATEUR, L'ESPAGNE, L'ENSEMBLE DES COLONIES ESPAGNOLES, *L'ÉTHIOPIE*, LA FINLANDE, LA FRANCE, L'ALGÉRIE, *L'*INDOCHINE, L'ENSEMBLE DES AUTRES *TERRITOIRES D'OUTRE-MER DE LA RÉPUBLIQUE FRANÇAISE ET DES TERRITOIRES ADMINISTRÉS COMME TELS*, LE ROYAUME-UNI DE LA GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD, L'ENSEMBLE DES *TERRITOIRES* BRITANNIQUES D'OUTRE-MER, Y COMPRIS LES *COLONIES*, LES PROTECTORATS ET LES TERRITOIRES SOUS MANDAT OU SOUS *TUTELLE EXERCÉ PAR LE GOUVERNEMENT DU ROYAUME-UNI DE LA GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD*, LA GRÈCE, LE GUATÉMALA, LA RÉPUBLIQUE D'HAÏTI, LA RÉPUBLIQUE DU HONDURAS, LA HONGRIE, *L'INDE*, L'IRAN, L'IRAQ, L'IRLANDE, *LA RÉPUBLIQUE D'*ISLANDE, L'ITALIE, *LE* JAPON, *LE LIBAN*, LA RÉPUBLIQUE DE LIBÉRIA, LE LUXEMBOURG, LE MAROC (À L'EXCLUSION DE LA ZONE ESPAGNOLE), LE MAROC (ZONE ESPAGNOLE), LE MEXIQUE, LE NICARAGUA, LA NORVÈGE, LA NOUVELLE-ZÉLANDE, LA RÉPUBLIQUE DE PANAMA, LE PARAGUAY, LES PAYS-BAS, CURAÇAO ET SURINAM, LES INDES NÉERLANDAISES, LE PÉROU, LA *RÉPUBLIQUE* DES PHILIPPINES, LA POLOGNE, LE PORTUGAL, LES COLONIES PORTUGAISES DE L'AFRIQUE OCCIDENTALE, LES COLONIES PORTUGAISES DE L'AFRIQUE ORIENTALE, DE L'ASIE ET DE L'OCÉANIE, LA ROUMANIE, LA RÉPUBLIQUE DE SAINT-MARIN, LE SIAM, LA SUÈDE, LA CONFÉDÉRATION SUISSE, *LA SYRIE*, LA TCHÉCOSLOVAQUIE, *LE ROYAUME HACHÉMITE DE TRANSJORDANIE*, LA TUNISIE, LA TURQUIE, *LA RÉPUBLIQUE SOVIÉTIQUE SOCIALISTE D'UKRAINE*, L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES, LA RÉPUBLIQUE *ORIENTALE* DE L'URUGUAY, L'ÉTAT DE LA CITÉ DU VATICAN, LES ÉTATS-UNIS DE VÉNÉZUÉLA, L'YÉMEN ET *LA RÉPUBLIQUE FÉDÉRATIVE POPULAIRE* DE YOUGOSLAVIE.

Les soussignés, Plénipotentiaires des Gouvernements des Pays ci-dessus énumérés, s'étant réunis en Congrès à *Paris*, en vertu de l'article 13 de la Convention postale universelle conclue à *Buenos Aires* le *23 mai 1939*, ont, d'un commun accord et sous réserve de ratification, revisé ladite Convention conformément aux dispositions suivantes:

TITRE I.

De l'Union postale universelle.

CHAPITRE I.

Organisation et ressort de l'Union.

ARTICLE PREMIER.

Constitution *et but* de l'Union.

1. — Les Pays entre lesquels est conclue la présente Convention forment, sous la dénomination d'Union postale universelle, un seul territoire postal pour l'échange réciproque des correspondances.

2. — L'Union *a pour but* d'assurer l'organisation et le perfectionnement des divers services postaux *et de favoriser, dans ce domaine, le développement de la collaboration internationale.*

ARTICLE 2.

Relations avec les Nations Unies.

L'Union est mise en relation avec les Nations Unies suivant les termes de l'accord dont le texte est annexé à la présente Convention.

ARTICLE *3.*

Nouvelles adhésions. Procédure.

1. — Tout Pays *souverain peut demander* à adhérer en tout temps à la Convention.

2. — *La demande* d'adhésion *est adressée* par *la* voie diplomatique au Gouvernement de la Confédération Suisse, et par *ce dernier* aux *membres* de l'Union.

3. — *Le Pays intéressé est considéré comme admis en qualité de membre si sa demande est approuvée par les deux tiers au moins des Pays qui composent l'Union.*

4. — *Les Pays consultés qui n'auraient pas répondu dans le délai de quatre mois sont considérés comme s'étant abstenus.*

5. — *L'admission en qualité de membre est notifiée par le Gouvernement de la Confédération Suisse aux Gouvernements de tous les Pays de l'Union.*

ARTICLE *4.*

Convention et Arrangements de l'Union.

1. — Le service de la poste aux lettres est réglé par les dispositions de la Convention.

2. — D'autres services, tels que ceux des lettres et des boîtes avec valeur déclarée, des colis postaux, *des envois contre remboursement*, des mandats de poste, des virements postaux, des *recouvrements* et des abonnements aux journaux et écrits périodiques, font l'objet d'Arrangements entre Pays de l'Union. Ces Arrangements ne sont obligatoires que pour les Pays qui y ont adhéré.

3. — L'adhésion à un ou plusieurs de ces Arrangements est *notifiée selon les* dispositions de l'article *3, § 2.*

ARTICLE *5.*

Règlements d'exécution.

Les Administrations postales des Pays de l'Union arrêtent d'un commun accord, dans des Règlements d'exécution, les mesures d'ordre et de détail nécessaires à l'exécution de la Convention et des Arrangements.

ARTICLE 6.

Unions restreintes. Arrangements spéciaux.

1. — Les Pays de l'Union et, pour autant que leur législation ne s'y oppose pas, les Administrations, peuvent établir des Unions restreintes et prendre entre eux des arrangements spéciaux concernant les objets traités dans la Convention et dans son Règlement, à la condition toutefois de ne pas y introduire des dispositions moins favorables, pour le public, que celles qui sont prévues par ces Actes.

2. — La même faculté est accordée aux Pays qui participent aux Arrangements et, le cas échéant, à leurs Administrations, en ce qui concerne les objets visés par ces Actes et leurs Règlements.

ARTICLE 7.

Législation intérieure.

Les stipulations de la Convention et des Arrangements de l'Union ne portent pas atteinte à la législation de chaque Pays dans tout ce qui n'est pas expressément prévu par ces Actes.

ARTICLE 8.

Colonies, Protectorats, etc.

Sont considérés comme formant un seul Pays ou une seule Administration de l'Union, suivant le cas, au sens de la Convention et des Arrangements en ce qui concerne, notamment, leur droit de vote aux Congrès, aux Conférences et dans l'intervalle entre les réunions ainsi que leur contribution aux dépenses du Bureau international de l'Union postale universelle:

1° l'Ensemble des Possessions des Etats-Unis d'Amérique comprenant Hawaï, Porto-Rico, Guam et les Iles Vierges des Etats-Unis d'Amérique;

2° la Colonie du Congo belge;

3° l'Ensemble des Colonies espagnoles;

4° l'Algérie;

5° l'Indochine;

6° l'Ensemble des autres *Territoires d'Outre-mer de la République française et des Territoires administrés comme tels;*

7° l'Ensemble des *Territoires* britanniques d'Outre-mer, *y compris les Colonies, les Protectorats et les Territoires sous mandat ou sous tutelle exercé par le Gouvernement du Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord;*

8° Curaçao et Surinam;

9° les Indes néerlandaises;

10° les Colonies portugaises de l'Afrique occidentale;

11° les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie.

ARTICLE 9.

Application de la Convention aux Colonies, Protectorats, etc.

1. — Toute Partie contractante peut déclarer, soit au moment de sa signature, de sa ratification ou de son adhésion, soit ultérieurement, que l'acceptation par elle de la présente Convention comprend toutes ses Colonies, tous ses Territoires d'outre-mer, Protectorats ou Territoires sous suzeraineté ou sous mandat ou certains d'entre eux seulement. Ladite déclaration, à moins qu'elle ne soit faite au moment de la signature de la Convention, devra être adressée au Gouvernement de la Confédération Suisse.

2. — La Convention ne s'appliquera qu'aux Colonies, Territoires d'outre-mer, Protectorats ou Territoires sous suzeraineté ou sous mandat au nom desquels des déclarations auront été faites en vertu du § 1.

3. — Toute Partie contractante peut en tout temps adresser au Gouvernement de la Confédération Suisse une notification en vue de dénoncer l'application de la Convention à toute Colonie, tout Territoire d'outre-mer, Protectorat ou Territoire sous suzeraineté ou sous mandat au nom duquel cette Partie a fait une déclaration en vertu du § 1. Cette notification produira ses effets un an après la date de sa réception par le Gouvernement de la Confédération Suisse.

4. — Le Gouvernement de la Confédération Suisse communiquera à toutes les Parties contractantes copie de chaque déclaration ou notification reçue en vertu des §§ 1 à 3.

5. — Les dispositions du présent article ne s'appliquent à aucune Colonie, aucun Territoire d'outre-mer, aucun Protectorat ou Territoire sous suzeraineté ou sous mandat qui figure dans le préambule de la Convention.

ARTICLE 10.

Ressort de l'Union.

Sont considérés comme appartenant à l'Union postale universelle:

a) les bureaux de poste établis par des Pays de l'Union dans des territoires non compris dans l'Union;

b) *les autres territoires qui, sans être membres de l'Union, sont compris dans celle-ci parce qu'ils relèvent, au point de vue postal, de Pays de l'Union*[1]).

ARTICLE *11.*

Relations exceptionnelles.

Les Administrations qui desservent des territoires non compris dans l'Union sont tenues d'être les intermédiaires des autres Administrations. Les dispositions de la Convention et de son Règlement sont applicables à ces relations exceptionnelles.

ARTICLE *12.*

Arbitrages.

1. — En cas de dissentiment entre deux ou plusieurs membres de l'Union relativement à l'interprétation de la Convention et des Arrangements ainsi que de leurs Règlements d'exécution ou de la responsabilité dérivant, pour une Administration, de l'application de ces Actes, la question en litige est réglée par jugement arbitral. A cet effet, chacune des Administrations en cause choisit un autre membre de l'Union qui n'est pas directement intéressé dans l'affaire.

2. — Au cas où l'une des Administrations en désaccord ne donne pas suite à une proposition d'arbitrage dans le délai de six mois, ou de neuf mois pour les Pays éloignés, le Bureau international, si la demande lui en est faite, provoque à son tour la désignation d'un arbitre par l'Administration défaillante ou en désigne un lui-même, d'office.

3. — La décision des arbitres est donnée à la majorité absolue des voix.

4. — En cas de partage des voix, les arbitres choisissent, pour trancher le différend, une autre Administration également désintéressée dans le litige. A défaut d'une entente sur le choix, cette Administration est désignée par le Bureau international parmi les membres de l'Union non proposés par les arbitres.

5. — S'il s'agit d'un différend concernant l'un des Arrangements, les arbitres ne peuvent être désignés en dehors des Administrations qui exécutent cet Arrangement.

ARTICLE *13.*

Sortie de l'Union. Cessation de participation aux Arrangements.

Chaque Partie contractante a la faculté de se retirer de l'Union ou de cesser sa participation *à l'un ou plusieurs des* Arrangements moyennant avertissement donné un an à l'avance par voie diplomatique au Gouvernement de la Confédération Suisse et par celui-ci aux Gouvernements des Pays contractants.

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[1]) La liste de ces territoires sera insérée dans le Recueil officiel des renseignements d'intérêt général concernant l'exécution de la Convention et de son Règlement, publié par le Bureau international en exécution de l'article 173, § 2, du Règlement.

CHAPITRE II.

Congrès. Conférences. Commissions.

ARTICLE *14*.

Congrès.

1. — Les délégués des Pays de l'Union se réunissent en Congrès au plus tard cinq ans après la date de mise à exécution des Actes du Congrès précédent, en vue de soumettre ces Actes à revision ou de les compléter, s'il y a lieu.

2. — Chaque Pays se fait représenter au Congrès par un ou plusieurs délégués plénipotentiaires munis, par leur Gouvernement, des pouvoirs nécessaires. Il peut, au besoin, se faire représenter par la délégation d'un autre Pays. Toutefois, il est entendu qu'une délégation ne peut *représenter qu'un seul Pays autre que le sien.*

3. — Dans les délibérations, chaque Pays dispose d'une seule voix.

4. — Chaque Congrès fixe le lieu de réunion du Congrès suivant. Celui-ci est convoqué par les soins du Gouvernement du Pays dans lequel il doit avoir lieu, après entente avec le Bureau international. Ce Gouvernement est également chargé de la notification à tous les Gouvernements des Pays de l'Union des décisions prises par le Congrès.

ARTICLE *15*.

Ratifications. Mise à exécution et durée des Actes des Congrès.

1. — Les Actes des Congrès sont ratifiés aussitôt que possible et les ratifications sont communiquées au Gouvernement du Pays, siège du Congrès, et par ce Gouvernement aux Gouvernements des Pays contractants.

2. — Dans le cas où une ou plusieurs des Parties contractantes ne ratifieraient pas l'un ou l'autre des Actes signés par elles, ceux-ci n'en seraient pas moins valables pour les Etats qui les auront ratifiés.

3. — Ces Actes sont mis à exécution simultanément et ont la même durée.

4. — Dès le jour fixé pour la mise à exécution des Actes adoptés par un Congrès, tous les Actes du Congrès précédent sont abrogés.

ARTICLE *16*.

Congrès extraordinaires.

1. — Lorsque la demande en est faite ou approuvée par les deux tiers au moins des Pays contractants, un Congrès extraordinaire est réuni après entente avec le Bureau international.

2. — Les règles édictées aux articles *14* et *15* sont applicables aux délégations, aux délibérations et aux Actes des Congrès extraordinaires.

ARTICLE *17*.

Règlement des Congrès.

Chaque Congrès arrête le règlement nécessaire à ses travaux et à ses délibérations.

ARTICLE *18*.

Commission exécutive et de liaison. Composition. Attributions. Fonctionnement.

1. — *Dans l'intervalle des Congrès, une Commission exécutive et de liaison assure la continuité des travaux de l'Union postale universelle conformément aux dispositions de la Convention et des Arrangements.*

2. — *Le siège de la Commission est à Berne; en principe, les réunions se tiennent au siège de la Commission.*

3. — La Commission se compose de dix-neuf membres qui exercent leurs fonctions durant la période qui sépare deux Congrès successifs.

4. — Les Pays membres de la Commission sont nommés par le Congrès. La moitié au moins des membres devra être renouvelée à l'occasion de chaque Congrès; aucun Pays ne peut être choisi successivement par trois Congrès. Le Directeur du Bureau international exerce les fonctions de Secrétaire général de la Commission.

5. — Le représentant de chacun des Pays membres de la Commission est désigné par l'Administration des postes du Pays intéressé. Les représentants des Pays membres de la Commission doivent être des fonctionnaires qualifiés de l'Administration des postes.

6. — Dans sa première réunion, qui est convoquée par le Président du dernier Congrès, la Commission élit, parmi ses membres, un Président et quatre Vice-Présidents et arrête le Règlement nécessaire à ses travaux et à ses délibérations.

7. — Les fonctions des membres de la Commission sont gratuites. Les frais de fonctionnement de la Commission sont à la charge de l'Union postale universelle. Les représentants des Pays d'outre-mer peuvent obtenir le remboursement d'un billet de voyage aller et retour par air ou par mer.

8. — Les dépenses prévues au § 7 ne peuvent dépasser 100 000 francs par an; elles s'ajoutent à celles que le Bureau international est autorisé à engager en vertu de l'article 27 de la Convention.

9. — La Commission se réunit en session régulière, en principe une fois par an sur convocation du Président.

10. — La Commission peut inviter à participer, sans droit de vote, à ses réunions, tout représentant d'un organisme international ou toute autre personne qualifiée qu'elle désire associer à ses travaux. Des Sous-Commissions consultatives peuvent être constituées pour l'étude de questions spéciales.

11. — Les attributions de la Commission sont les suivantes:

a) maintenir les contacts les plus étroits avec les Pays membres de l'Union en vue de perfectionner le service postal international;

b) étudier les questions techniques de toute nature intéressant le service postal international et communiquer le résultat de ces études aux Pays membres de l'Union;

c) prendre les contacts utiles avec l'Organisation des Nations Unies, ses Conseils et ses Commissions ainsi qu'avec les Institutions spécialisées et autres Organismes internationaux pour les études et la préparation des rapports à soumettre à l'approbation des membres de l'Union. Envoyer, le cas échéant, un de ses membres pour représenter l'Union et participer au nom de celle-ci aux séances de tous ces organismes internationaux;

d) formuler s'il y a lieu des propositions qui seront soumises à l'approbation des Pays contractants selon les dispositions des articles 22 et 23 de la Convention;

e) dans le cadre de la Convention et de son Règlement, assurer le contrôle de l'activité du Bureau international dont elle nomme, le cas échéant, et sur proposition du Gouvernement de la Confédération Suisse, le Directeur ainsi que le reste du personnel hors classe; approuver, sur la proposition du Directeur du Bureau, les nominations des autres agents et autoriser l'utilisation du personnel supplémentaire jugé nécessaire; établir, sur la gestion du Bureau, un rapport annuel qu'elle communique aux membres de l'Union.

12. — La Commission adresse, pour information, à l'Administration des postes de tous les Pays de l'Union, un compte rendu analytique à l'issue de chaque session de la Commission.

13. — La Commission fait au Congrès un rapport sur l'ensemble de son activité et le transmet aux Pays contractants au moins deux mois avant l'ouverture du Congrès.

ARTICLE *19.*

Conférences.

1. — Des Conférences chargées de l'examen de questions purement administratives peuvent être réunies à la demande ou avec l'assentiment des deux tiers au moins des Administrations de l'Union. Elles sont convoquées après entente avec le Bureau international.

2. — Chaque Conférence arrête son règlement.

ARTICLE *20*.

Commissions.

Les Commissions chargées par un Congrès ou une Conférence de l'étude d'une ou de plusieurs questions déterminées sont convoquées par le Bureau international après entente, le cas échéant, avec l'Administration du Pays où ces Commissions doivent se réunir.

CHAPITRE III.

Propositions dans l'intervalle des réunions.

ARTICLE *21*.

Introduction des propositions.

1. — Dans l'intervalle des réunions, toute Administration a le droit d'adresser aux autres Administrations, par l'intermédiaire du Bureau international, des propositions concernant la Convention, son Protocole final et son Règlement.

2. — Le même droit est accordé aux Administrations des Pays participant aux Arrangements en ce qui concerne ces Arrangements, leurs Règlements et leurs Protocoles finals.

3. — Pour être mises en délibération, toutes les propositions introduites par une Administration dans l'intervalle des réunions doivent être appuyées par au moins deux autres Administrations. Ces propositions restent sans suite lorsque le Bureau international ne reçoit pas, en même temps, le nombre nécessaire de déclarations d'appui.

ARTICLE *22*.

Examen des propositions.

1. — Toute proposition est soumise à la procédure suivante: Un délai de *deux* mois est laissé aux Administrations pour examiner la proposition et, le cas échéant, pour faire parvenir leurs observations au Bureau international. Les amendements ne sont pas admis. Les réponses sont réunies par les soins du Bureau international et communiquées aux Administrations avec invitation de se prononcer pour ou contre. Celles qui n'ont pas fait parvenir leur vote dans un délai de *deux* mois sont considérées comme s'abstenant. Les délais précités comptent à partir de la date des circulaires du Bureau international.

2. — Si la proposition concerne un Arrangement, son Règlement ou leurs Protocoles finals, seules les Administrations ayant adhéré à cet Arrangement peuvent prendre part aux opérations indiquées *au § 1*.

ARTICLE *23*.

Conditions d'approbation.

1. — Pour devenir exécutoires, les propositions doivent réunir:

a) L'unanimité des suffrages, s'il s'agit de l'addition de nouvelles dispositions ou de la modification des dispositions des Titres I et II et des articles *35* à *39*, *57* à *63*, *65* à *74* de la Convention, de tous les articles de son Protocole final et des articles 101, 105, *117*, *152*, *163* et *184* de son Règlement;

b) Les deux tiers des suffrages, s'il s'agit de la modification des dispositions autres que celles qui sont mentionnées *sous lettre a)*;

c) La majorité absolue, s'il s'agit de l'interprétation des dispositions de la Convention, de son Protocole final et de son Règlement, hors le cas de dissentiment à soumettre à l'arbitrage prévu à l'article *12*.

2. — Les Arrangements fixent les conditions auxquelles est subordonnée l'approbation des propositions qui les concernent.

ARTICLE *24*.

Notification des résolutions.

1. — Les additions et les modifications apportées à la Convention, aux Arrangements et aux Protocoles finals de ces Actes sont consacrées par une déclaration diplomatique que le Gouvernement de la Confédération Suisse est chargé d'établir et de transmettre, à la demande du Bureau international, aux Gouvernements des Pays contractants.

2. — Les additions et les modifications apportées aux Règlements et à leurs Protocoles finals sont constatées et notifiées aux Administrations par le Bureau international. Il en est de même des interprétations visées à l'article *23*, § 1, lettre *c)*.

ARTICLE *25*.

Exécution des résolutions.

Toute addition ou modification adoptée n'est exécutoire que trois mois, au moins, après sa notification.

CHAPITRE IV.

Du Bureau international.

ARTICLE *26*.

Attributions générales.

1. — Un Office central, fonctionnant à Berne sous la dénomination de Bureau international de l'Union postale universelle, et placé sous la haute surveillance de l'Administration des postes suisses, sert d'organe de liaison, d'information et de consultation aux Pays de l'Union.

2. — Ce Bureau est chargé, notamment, de réunir, de coordonner, de publier et de distribuer les renseignements de toute nature qui intéressent le service international des postes; d'émettre, à la demande des Parties en cause, un avis sur les questions litigieuses; d'instruire les demandes en modification des Actes du Congrès; de notifier les changements adoptés et, en général, de procéder aux études et aux travaux de rédaction ou de documentation que la Convention, les Arrangements et leurs Règlements lui attribuent ou dont il serait saisi dans l'intérêt de l'Union.

3. — Il intervient, à titre d'office de compensation, dans la liquidation des comptes de toute nature relatifs au service international des postes, entre les Administrations qui réclament cette intervention.

ARTICLE *27*.

Dépenses du Bureau international.

1. — Chaque Congrès arrête le chiffre maximum que peuvent atteindre annuellement les dépenses ordinaires du Bureau international. Ces dépenses, ainsi que les frais extraordinaires auxquels donne lieu la réunion d'un Congrès, d'une Conférence ou d'une Commission, et les frais que pourraient entraîner des travaux spéciaux confiés à ce Bureau sont supportés en commun par tous les Pays de l'Union.

2. — Ceux-ci sont divisés, à cet effet, en 7 classes, dont chacune contribue au payement des dépenses dans la proportion ci-après:

1re classe,	25 unités	5e classe,	5 unités
2e »	20 »	6e »	3 »
3e »	15 »	7e »	1 unité.
4e »	10 »		

3. — En cas d'adhésion nouvelle, le Gouvernement de la Confédération Suisse détermine, d'un commun accord avec le Gouvernement du Pays intéressé, la classe dans laquelle celui-ci doit être rangé au point de vue de la répartition des frais du Bureau international.

TITRE II.

Règles d'ordre général.

CHAPITRE UNIQUE.

ARTICLE *28.*

Liberté de transit.

1. — La liberté de transit est garantie dans le territoire entier de l'Union.

2. — La liberté du transit des colis postaux à acheminer par les voies terrestres et maritimes est limitée au territoire des Pays participant à ce service.

3. — La liberté du transit des colis-avion est garantie dans le territoire entier de l'Union. Toutefois, les Administrations qui n'ont pas adhéré à l'Arrangement concernant les colis postaux ne peuvent être obligées de participer à l'acheminement, par les voies terrestres et maritimes, des colis-avion.

4. — Les Administrations qui ont adhéré à l'Arrangement concernant les colis postaux sont tenues d'assurer le transit des colis contre remboursement, même si elles n'admettent pas ces envois dans leur service ou si le montant du remboursement dépasse le maximum fixé pour leur propre trafic[1]).

5. — Les envois avec valeur déclarée peuvent transiter en dépêches closes par le territoire des Pays qui n'assurent pas le service des envois de l'espèce ou par des services maritimes pour lesquels la responsabilité des valeurs n'est pas acceptée par les Pays, mais la responsabilité de ces Pays est limitée à celle qui est prévue pour les envois recommandés.

ARTICLE *29.*

Interdiction de taxes non prévues.

Il est interdit de percevoir des taxes postales, de quelque nature que ce soit, autres que celles qui sont prévues par la Convention et les Arrangements.

ARTICLE *30.*

Suspension temporaire de services.

Lorsque, par suite de circonstances extraordinaires, une Administration se voit obligée de suspendre temporairement et d'une manière générale ou partielle l'exécution de services, elle est tenue d'en donner immédiatement avis, au besoin par télégraphe, à l'Administration ou aux Administrations intéressées.

ARTICLE *31.*

Monnaie-type.

Le franc pris comme unité monétaire dans les dispositions de la Convention et des Arrangements est le franc-or à 100 centimes d'un poids de 10/31e de gramme et d'un titre de 0,900.

ARTICLE *32.*

Equivalents.

Dans chaque Pays de l'Union, les taxes sont établies d'après une équivalence correspondant aussi exactement que possible, dans la monnaie de ce Pays, à la valeur du franc.

[1]) Transfert du § 7 de l'article 29 de l'Arrangement de Buenos Aires concernant les colis postaux.

ARTICLE *33.*

Formules. Langue.

1. — Les formules à l'usage des Administrations pour leurs relations réciproques doivent être rédigées en langue française, avec ou sans traduction interlinéaire dans une autre langue, à moins que les Administrations intéressées n'en disposent autrement par une entente directe.

2. — Les formules à l'usage du public doivent comporter une traduction interlinéaire en langue française, lorsqu'elles ne sont pas imprimées en cette langue.

3. — Les textes, couleurs et dimensions des formules dont il est question aux §§ 1 et 2 doivent être ceux que prescrivent les Règlements de la Convention et des Arrangements.

4. — Les Administrations peuvent s'entendre au sujet de la langue à employer pour la correspondance de service dans leurs relations réciproques.

ARTICLE *34.*

Cartes d'identité *postales.*

1. — Chaque Administration peut délivrer, aux personnes qui en font la demande, des cartes d'identité *postales* valables comme pièces justificatives pour toutes les transactions effectuées par les bureaux de poste des Pays qui n'auraient pas notifié leur refus de les admettre.

2. — L'Administration qui fait délivrer une *carte est* autorisée à percevoir, de ce chef, une taxe qui ne peut être supérieure à 70 centimes.

3. — Les Administrations sont dégagées de toute responsabilité lorsqu'il est établi que la livraison d'un envoi postal ou le payement d'un mandat a eu lieu sur la présentation d'une *carte régulière.* Elles ne sont pas, non plus, responsables des conséquences que peuvent entraîner la perte, la soustraction ou l'emploi frauduleux d'une *carte régulière.*

4. — La *carte est* valable pendant trois ans à partir du jour de son émission.

TITRE III.

Dispositions concernant les correspondances postales.

CHAPITRE I.

Dispositions générales.

ARTICLE *35.*

Objets de correspondance.

La dénomination d'objets de correspondance s'applique aux lettres, aux cartes postales simples et avec réponse payée, aux papiers d'affaires, aux imprimés, aux impressions en relief à l'usage des aveugles, aux échantillons de marchandises, aux petits paquets et aux envois dits «*Phonopost*».

ARTICLE *36.*

Taxes et conditions générales.

1. — Les taxes d'affranchissement pour le transport des objets de correspondance dans toute l'étendue de l'Union, y compris leur remise au domicile des destinataires dans les Pays où le service de distribution est ou sera organisé, ainsi que les limites de poids et de dimensions sont fixées conformément aux indications du tableau ci-après:

Objets 1	Unités de poids 2	Taxes 3	Limites de poids 4	Limites de dimensions 5
	g	c		
Lettres:				Longueur, largeur et épaisseur additionnées: 90 cm., sans que la plus grande dimension puisse dépasser 60 cm.; en rouleaux: longueur et deux fois le diamètre: 100 cm., sans que la plus grande dimension puisse dépasser 80 cm.
1er échelon de poids . . .	20	20	2 kg	
par échelon supplémentaire		12		
Cartes postales:				
simples	—	12	—	Maxima: 15×10,5 cm.
avec réponse payée . . .	—	24	—	Minima: 10×7 cm.
Papiers d'affaires	50	—	2 kg	
1er échelon de poids . . .	—	*8*		
par échelon supplémentaire	—	*4*		
Minimum de taxe	—	20		
Imprimés	50	—	*3* kg	
1er échelon de poids . . .	—	*8*	*(5 kg s'il*	
par échelon supplémentaire	—	*4*	*s'agit d'un seul volume)*	Comme pour les lettres.
Impressions en relief pour les aveugles	1000	2	7 kg	Les imprimés expédiés à découvert sous forme de cartes pliées ou non pliées sont soumis aux mêmes limites minima que les cartes postales.
Echantillons de marchandises	50	—	500 g	
1er échelon de poids . . .	—	*8*		
par échelon supplémentaire	—	*4*		
Petits paquets	50	8	1 kg	
Minimum de taxe	—	40		
Envois «Phonopost»:				
1er échelon de poids . . .	20	15	60 g	Longueur, largeur et épaisseur additionnées: 60 cm., sans que la plus grande dimension puisse dépasser 26 cm.
par échelon supplémentaire		10		

2. — Les limites de poids et de dimensions fixées au § 1 ne s'appliquent pas aux correspondances relatives au service postal, dont il est question à l'article *52*, § 1, ci-apres.

3. — *Chaque* Administration a la faculté de concéder aux journaux et écrits périodiques publiés dans son Pays une réduction de 50 % sur le tarif général des imprimes, tout en se réservant le droit de limiter cette réduction aux journaux et écrits périodiques expédiés directement par les éditeurs ou leurs mandataires *ou de ne l'accorder qu'aux journaux et écrits périodiques qui remplissent les conditions requises par la réglementation interne, pour circuler au tarif des journaux*. Sont exclus de la réduction, quelle que soit la régularité de leur publication, les imprimés commerciaux tels que catalogues, prospectus, prix courants, etc.

4. — Les Administrations peuvent *également concéder* la même réduction, quels que soient les expéditeurs, aux livres et brochures, aux papiers de musique et aux cartes géographiques qui ne contiennent aucune publicité ou réclame autre que celle qui figure sur la couverture ou les pages de garde de ces envois.

5. — *Les* Administrations expéditrices qui ont admis en principe la réduction de 50 % se réservent la faculté de fixer, pour les envois visés aux *§§ 3 et 4* ci-dessus, un minimum de perception qui, tout en restant dans les limites des 50 % de réduction, ne soit pas inférieur à la taxe applicable aux mêmes objets dans leur service interne.

6. — Les envois autres que les lettres recommandées sous enveloppe close ne peuvent renfermer des pièces de monnaie, des billets de banque, des billets de monnaie ou des valeurs quelconques au porteur, du platine, de l'or ou de l'argent, manufacturés ou non, des pierreries, des bijoux et autres objets précieux.

7. — Les Administrations des Pays d'origine et de destination ont la faculté de traiter, selon leur législation interne, les lettres qui contiennent des documents ayant le caractère de correspondance actuelle et personnelle à l'adresse de personnes autres que le destinataire ou les personnes habitant avec ce dernier.

8. — Sauf les exceptions prévues au Règlement, les papiers d'affaires, les imprimés, les impressions à l'usage des aveugles, les échantillons de marchandises et les petits paquets:

a) doivent être conditionnés de manière à pouvoir être facilement vérifiés;

b) ne peuvent porter aucune annotation ni contenir aucun document ayant le caractère de correspondance actuelle et personnelle;

c) ne peuvent contenir aucun timbre-poste, aucune formule d'affranchissement, oblitérés ou non, ni aucun papier représentatif d'une valeur.

9. — *Les échantillons* de marchandises ne peuvent renfermer aucun objet ayant une valeur marchande.

10. — Le service *des petits paquets et celui* des envois «Phonopost» *sont limités* aux Pays qui se sont déclarés d'accord pour échanger ces envois, soit dans leurs relations réciproques, soit dans un seul *sens*.

11. — La réunion en un seul envoi d'objets de correspondance de catégories différentes (objets groupés) est autorisée dans les conditions fixées par le Règlement.

12. — Sauf les exceptions prévues par la Convention et son Règlement, il n'est pas donné cours aux envois qui ne remplissent pas les conditions requises par le présent article et par les articles correspondants du Règlement. Les objets qui auraient été admis à tort doivent être renvoyés à l'Administration d'origine. Toutefois, l'Administration de destination est autorisée à les remettre aux destinataires. Dans ce cas, elle leur applique, s'il y a lieu, les taxes et surtaxes prévues pour la catégorie de correspondances dans laquelle les font placer leur contenu, leur poids ou leurs dimensions. En ce qui concerne les envois dépassant les limites de poids maxima fixées au § 1, ils peuvent être taxés d'après leur poids réel.

ARTICLE *37.*

Affranchissement.

1. — En règle générale, tous les envois désignés à l'article *35* doivent être complètement affranchis par l'expéditeur.

2. — Il n'est pas donné cours aux envois non ou insuffisamment affranchis autres que les lettres et les cartes postales simples, ni aux cartes postales avec réponse payée dont les deux parties ne sont pas entièrement affranchies au moment du dépôt.

3. — *Lorsque des lettres ou des cartes postales simples, non ou insuffisamment affranchies, sont expédiées en grand nombre, l'Administration du Pays de dépôt a la faculté de les rendre à l'expéditeur.*

ARTICLE *38.*

Taxe en cas d'absence ou d'insuffisance d'affranchissement.

1. — En cas d'absence ou d'insuffisance d'affranchissement et sauf les exceptions prévues par l'article *57, § 6,* pour les envois recommandés et par l'article *136,* §§ 3, 4 et 5, du Règlement pour certaines catégories d'envois réexpédiés, les lettres et les cartes postales simples sont passibles, à la charge des destinataires, d'une taxe double du montant de l'affranchissement manquant, sans que cette taxe puisse être inférieure à 5 centimes.

2. — Le même traitement peut être appliqué, dans les cas précités, aux autres objets de correspondance qui auraient été transmis à tort au Pays de destination.

ARTICLE *39.*

Surtaxes.

1. — Pour tout objet transporté par des services extraordinaires donnant lieu à des frais spéciaux, il peut être perçu, en sus des taxes fixées par l'article *36,* une surtaxe en rapport avec ces frais.

2. — Lorsque le tarif d'affranchissement de la carte postale simple comprend la surtaxe autorisée par le § *1,* ce même tarif est applicable à chacune des parties de la carte postale avec réponse payée.

ARTICLE *40*.

Taxes spéciales.

1. — Les Administrations sont autorisées à frapper d'une taxe additionnelle, selon les dispositions de leur législation, les objets remis à leurs services d'expédition en dernière limite d'heure.

2. — Les objets adressés poste restante peuvent être frappés par les Administrations des Pays de destination de la taxe spéciale qui serait prévue par leur législation pour les objets de même nature du régime interne.

3. — Les Administrations des Pays de destination sont autorisées à percevoir une taxe spéciale de 40 centimes au maximum pour chaque petit paquet remis au destinataire. Cette taxe peut être augmentée de 20 centimes au maximum en cas de remise à domicile.

ARTICLE *41*.

Objets passibles de droits de douane.

1. — Les petits paquets et les imprimés passibles de droits de douane sont admis.

2. — Il en est de même des lettres et des échantillons de marchandises contenant des objets passibles de droits de douane lorsque le Pays de destination a donné son consentement. *Toutefois, chaque Administration a le droit de limiter aux lettres recommandées le service des lettres contenant des objets passibles de droits de douane.*

3. — Les envois de sérums et de vaccins, bénéficiant de l'exception stipulée à l'article *124* du Règlement, sont admis dans tous les cas.

ARTICLE *42*.

Contrôle douanier.

L'Administration du Pays destinataire est autorisée à soumettre au contrôle douanier les envois cités à l'article *41* et, le cas échéant, à les ouvrir d'office.

ARTICLE *43*.

Droit de dédouanement.

Les envois soumis au contrôle douanier dans le Pays de destination peuvent être frappés de ce chef, au titre postal, d'un droit de dédouanement de 40 centimes au maximum par envoi.

ARTICLE *44*.

Droits de douane et autres droits non postaux.

Les Administrations sont autorisées à percevoir, sur les destinataires des envois, les droits de douane et tous autres droits non postaux éventuels.

ARTICLE *45*.

Envois francs de droits.

1. — Dans les relations entre les Pays qui se sont déclarés d'accord à cet égard, les expéditeurs peuvent prendre à leur charge, moyennant déclaration préalable au bureau de départ, la totalité des droits postaux et non postaux dont les envois sont grevés à la livraison. Dans ce cas, les expéditeurs doivent s'engager à payer les sommes qui pourraient être réclamées par le bureau destinataire et, le cas échéant, verser des arrhes suffisantes.

2. — L'Administration destinataire est autorisée à percevoir un droit de commission qui ne peut dépasser 40 centimes par envoi. Ce droit est indépendant de celui qui est prévu à l'article *43*.

3. — Toute Administration a le droit de limiter le service des envois francs de droits aux objets recommandés.

ARTICLE *46*.

Annulation des droits de douane et autres droits non postaux.

Les Administrations s'engagent à intervenir auprès des services intéressés de leur Pays pour que les droits de douane et autres droits non postaux soient annulés sur les envois renvoyés au Pays d'origine, détruits pour cause d'avarie complète du contenu ou réexpédiés sur un tiers Pays.

ARTICLE *47*.

Envois exprès.

1. — Les objets de correspondance sont, à la demande des expéditeurs, remis à domicile par porteur spécial immédiatement après l'arrivée, dans les Pays dont les Administrations consentent à se charger de ce *service*.

2. — Ces envois, qualifiés «exprès», sont soumis, en sus du port ordinaire, à une taxe spéciale s'élevant, au minimum, au montant de l'affranchissement d'une lettre ordinaire de port simple et au maximum à 60 centimes. Cette taxe doit être acquittée complètement à l'avance.

3. — Lorsque le domicile du destinataire se trouve en dehors du rayon de distribution locale du bureau de destination, la remise par exprès peut donner lieu à la perception, *par l'Administration de destination*, d'une taxe complémentaire jusqu'à concurrence de celle qui est fixée pour les objets de même nature du régime interne. La remise par exprès n'est toutefois pas obligatoire dans ce cas.

4. — Les objets exprès non complètement affranchis pour le montant total des taxes payables à l'avance sont distribués par les moyens ordinaires, à moins qu'ils n'aient été traités comme exprès par le bureau d'origine. Dans ce dernier cas, les envois sont taxés d'après les dispositions de l'article *38*.

5. — Il est loisible aux Administrations de s'en tenir à un seul essai de remise par exprès. Si cet essai est infructueux, l'objet peut être traité comme un envoi ordinaire.

ARTICLE *48*.

Envois à remettre en main propre.

Dans les relations avec les Administrations qui ont donné leur consentement, les objets de correspondance recommandés et accompagnés d'un avis de réception sont, à la demande de l'expéditeur, remis au destinataire en main propre.

ARTICLE *49*.

Interdictions.

1. — L'expédition des objets visés dans la colonne 1 du tableau ci-après est interdite. Lorsque les envois qui contiennent ces objets ont été admis à tort à l'expédition, ils doivent subir le traitement indiqué dans la colonne 2.

Objets	Traitement des envois admis à tort
a) les objets qui, par leur nature ou leur emballage, peuvent présenter du danger pour les agents, salir ou détériorer les correspondances;	à traiter selon les règlements intérieurs de l'Administration qui en constate la présence; toutefois, les objets visés sous *c)* ne sont en aucun cas ni acheminés à destination, ni délivrés aux destinataires, ni renvoyés à l'origine;
b) les objets passibles de droits de douane (sauf les exceptions prévues à l'article *41*) ainsi que les échantillons expédiés en nombre en vue d'éviter la perception de ces droits;	
c) l'opium, la morphine, la cocaïne et autres stupéfiants;	
d) les objets dont l'admission ou la circulation est interdite dans le Pays de destination;	
e) les animaux vivants, à l'exception:	
1° des abeilles, des sangsues et des vers à soie;	
2° des parasites et des destructeurs d'insectes nocifs destinés au contrôle de ces insectes et échangés entre les institutions officiellement reconnues;	
f) les matières explosibles, inflammables ou dangereuses;	à détruire sur place par l'Administration qui en constate la présence.
g) les objets obscènes ou immoraux;	

2. — Dans les cas où des envois admis à tort à l'expédition ne seraient ni renvoyés à l'origine, ni remis au destinataire, l'Administration expéditrice doit être informée, d'une manière précise, du traitement appliqué à ces envois.

3. — Est d'ailleurs réservé le droit de tout Pays de ne pas effectuer, sur son territoire, le transport en transit à découvert des objets autres que les lettres et les cartes postales, à l'égard desquels il n'a pas été satisfait aux dispositions légales qui règlent les conditions de leur publication ou de leur circulation dans ce Pays. Ces objets doivent être renvoyés à l'Administration d'origine.

ARTICLE *50.*

Modalités d'affranchissement.

1. — L'affranchissement est opéré, soit au moyen de timbres-poste valables dans le Pays d'origine pour la correspondance des particuliers, soit au moyen d'empreintes de machines à affranchir, officiellement adoptées et fonctionnant sous le contrôle immédiat de l'Administration ou, en ce qui concerne les imprimés, au moyen d'empreintes à la presse d'imprimerie ou par un autre procédé lorsqu'un tel système d'impression est autorisé par les règlements intérieurs de l'Administration d'origine.

2. — Sont considérés comme dûment affranchis: les cartes-réponse portant, imprimés ou collés, des timbres-poste du Pays d'émission de ces cartes, les envois régulièrement affranchis pour leur premier parcours et dont le complément de taxe a été acquitté avant leur réexpédition, ainsi que les journaux ou paquets de journaux et écrits périodiques dont la suscription porte la mention «Abonnements-poste» et qui sont expédiés en vertu de l'Arrangement concernant les abonnements aux journaux et écrits périodiques.

ARTICLE *51.*

Affranchissement des correspondances à bord des navires.

Les correspondances déposées en pleine mer dans la boîte d'un navire ou entre les mains des agents des postes embarqués ou des commandants de navires peuvent être affranchies, sauf arrangement contraire entre les Administrations intéressées, au moyen de timbres-poste et d'après le tarif du Pays auquel appartient ou dont dépend ledit navire. Si le dépôt à bord a lieu pendant le stationnement aux deux points extrêmes du parcours ou dans l'une des escales intermédiaires, l'affranchissement n'est valable que s'il est effectué au moyen de timbres-poste et d'après le tarif du Pays dans les eaux duquel se trouve le navire.

ARTICLE *52.*

Franchise postale.

1. — Sont exonérées de toutes taxes postales les correspondances relatives au service postal échangées entre les Administrations des postes, entre ces Administrations et le Bureau international, entre les bureaux de poste des Pays de l'Union, et entre ces bureaux et les Administrations ainsi que celles dont le transport en franchise est expressément prévu par les dispositions de la Convention, des Arrangements et de leurs Règlements.

2. — Sauf lorsqu'ils sont grevés de remboursement, les envois destinés aux prisonniers de guerre ou expédiés par eux sont également exonérés de toutes taxes postales, aussi bien dans les Pays d'origine et de destination que dans les Pays intermédiaires.

3. — Il en est de même des correspondances concernant les prisonniers de guerre, expédiées ou reçues, soit directement, soit à titre d'intermédiaire, *par l'Agence centrale de renseignements sur les prisonniers de guerre prévue à l'article 79 de la Convention internationale de Genève du 27 juillet 1929 ou* par les bureaux de renseignements qui seraient établis éventuellement pour ces personnes dans des Pays belligérants ou dans les Pays neutres ayant recueilli des belligérants sur leur territoire.

4. — Les belligérants recueillis et internés dans un Pays neutre, *ainsi que les civils de nationalité ennemie retenus dans des camps ou dans des prisons civiles,* sont assimilés aux prisonniers de guerre proprement dits en ce qui concerne l'application des dispositions ci-dessus.

ARTICLE *53*.

Coupons-réponse *internationaux*.

1. — Des coupons-réponse *internationaux* sont mis en vente dans les Pays de l'Union.

2. — Le prix de vente en est déterminé par les Administrations intéressées, mais ne peut être inférieur à 28 centimes ou à l'équivalent dans la monnaie du Pays de débit.

3. — Chaque coupon est échangeable dans tout Pays contre un timbre ou des timbres représentant l'affranchissement d'une lettre ordinaire de port simple originaire de ce Pays à destination de l'étranger.

4. — Est, en outre, réservée à chaque Pays la faculté d'exiger le dépôt simultané des *coupons et* des envois de correspondance à affranchir en échange de ces coupons.

ARTICLE *54*.

Retrait. Modification d'adresse.

1. — L'expéditeur d'un objet de correspondance peut le faire retirer du service ou en faire modifier l'adresse tant que cet objet n'a pas été livré au destinataire, *qu'il ne tombe pas, s'il y a lieu, sous le coup des prescriptions de l'article 49, ou que l'intervention de la douane ne révèle aucune irrégularité.*

2. — La demande à formuler à cet effet est transmise, par voie postale ou par voie télégraphique, aux frais de l'expéditeur qui doit payer, pour *chaque* demande *une taxe de 40 centimes au maximum. Si la demande doit être transmise par voie aérienne ou par voie télégraphique, l'expéditeur doit payer en outre la surtaxe aérienne ou la taxe télégraphique.*

3. — *Pour chaque* demande de retrait ou de modification d'adresse *concernant* plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire, *il n'est perçu qu'une seule des taxes ou surtaxes prévues au § 2.*

4. — *Une simple correction d'adresse (sans modification du nom ou de la qualité du destinataire) peut être demandée directement par l'expéditeur au bureau destinataire, c'est-à-dire sans l'accomplissement des formalités et sans le payement des taxes prévues aux §§ 2 et 3.*[1])

ARTICLE *55*.

Réexpédition. Rebuts.

1. — En cas de changement de résidence du destinataire, les objets de correspondance lui sont réexpédiés, à moins que l'expéditeur n'ait interdit la réexpédition par une annotation portée sur la suscription en une langue connue dans le Pays de destination.

2. — Les correspondances tombées en rebut doivent être renvoyées immédiatement au Pays d'origine.

3. — Le délai de conservation des correspondances gardées en instance à la disposition des destinataires ou adressées poste restante est fixé par les règlements du Pays de destination. Toutefois, ce délai ne peut dépasser, en règle générale, *un* mois, sauf dans des cas particuliers où l'Administration de destination juge nécessaire de le prolonger jusqu'à *deux* mois au maximum. Le renvoi au Pays d'origine doit avoir lieu dans un délai plus court, si l'expéditeur l'a demandé par une annotation portée sur la suscription en une langue connue dans le Pays de destination.

4. — Les imprimés dénués de valeur ne sont pas renvoyés, sauf si l'expéditeur en a demandé le retour par une annotation portée sur l'envoi *en une langue connue dans le Pays de destination.* Les imprimés recommandés doivent toujours être renvoyés.

5. — La réexpédition d'objets de correspondance de Pays à Pays ou leur renvoi au Pays d'origine ne donne lieu à la perception d'aucun supplément de taxe, sauf les exceptions prévues au Règlement.

6. — Les objets de correspondance qui sont réexpédiés ou tombés en rebut sont livrés aux destinataires ou aux expéditeurs contre payement des taxes dont ils ont été grevés au départ, à l'arrivée ou en cours de route par suite de réexpédition au-delà du premier parcours, sans préjudice du remboursement des droits de douane ou autres frais spéciaux dont le Pays de destination n'accorde pas l'annulation.

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[1]) Transfert de la disposition de l'article 151 du Règlement d'exécution de la Convention de Buenos Aires 1939.

7. — En cas de réexpédition sur un autre Pays ou de non-remise, la taxe de poste restante, le droit de dédouanement, le droit de commission, la taxe complémentaire d'exprès et le droit spécial de remise aux destinataires des petits paquets sont annulés.

ARTICLE *56*.

Réclamations et demandes de renseignements.

1. — La réclamation ou la demande de renseignements concernant tout envoi peut donner lieu à la perception d'un droit de 40 centimes au maximum. *Lorsqu'une réclamation ou une demande de renseignements doit, sur la demande de l'intéressé, être transmise par la voie aérienne, elle donne lieu à la perception du même droit augmenté de la surtaxe aérienne correspondante ou du double de cette surtaxe, si la réponse doit être renvoyée par la même voie. Si l'emploi de la voie télégraphique est demandé, la taxe du télégramme est perçue en plus du droit prescrit.*

2. — Pour chaque réclamation ou demande de renseignements concernant plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire, il n'est perçu qu'une seule des taxes ou surtaxes prévues au § 1.

3. — En ce qui concerne les envois recommandés, aucun droit n'est perçu si l'expéditeur a déjà acquitté le droit spécial pour un avis de réception.

4. — Les réclamations ne sont admises que dans le délai d'un an à compter du lendemain du dépôt de l'envoi. Chaque Administration est, toutefois, tenue de donner suite aux simples demandes de renseignements, introduites après ce délai, dont elle est saisie par une autre Administration au sujet d'envois expédiés depuis moins de deux ans.

5. — Chaque Administration est obligée d'accepter les réclamations et les demandes de renseignements concernant des envois déposés sur le territoire d'autres Administrations.

6. — Lorsqu'une réclamation ou une demande de renseignements a été motivée par une faute de service, le droit perçu de ce chef est restitué.

CHAPITRE II.

Envois recommandés.

ARTICLE *57*.

Taxes.

1. — Les objets de correspondance désignés à l'article *35* peuvent être expédiés sous recommandation.

2. — La taxe de tout envoi recommandé doit être acquittée à l'avance. Elle se compose:

a) du port ordinaire de l'envoi, selon sa nature;

b) d'un droit fixe de recommandation de 10 centimes au maximum.

3. — Le droit fixe de recommandation afférent à la partie «Réponse» d'une carte postale ne peut être valablement acquitté que par l'expéditeur de cette partie.

4. — Un récépissé doit être délivré gratuitement, au moment du dépôt, à l'expéditeur d'un envoi recommandé.

5. — Les Pays disposés à se charger des risques pouvant dériver du cas de force majeure sont autorisés à percevoir une taxe spéciale de 40 centimes au maximum pour chaque envoi recommandé.

6. — Les envois recommandés non ou insuffisamment affranchis qui auraient été transmis à tort au Pays de destination sont passibles, à la charge des destinataires, d'une taxe égale au montant de l'affranchissement manquant.

ARTICLE *58*.

Avis de réception.

1. — L'expéditeur d'un envoi recommandé peut demander un avis de réception en payant, au moment du dépôt, un droit fixe de 30 centimes au maximum.

2. — L'avis de réception peut être demandé postérieurement au dépôt de l'envoi dans le délai d'un an et moyennant *le droit prévu* à l'article *56* pour les réclamations.

ARTICLE *59*.

Etendue de la responsabilité.

1. — Sauf les cas prévus à l'article *60* ci-après, les Administrations répondent de la perte des envois recommandés.

2. — L'expéditeur a droit, de ce chef, à une indemnité dont le montant est fixé à *25* francs par objet.

3. — Les Administrations n'assument aucune responsabilité pour les envois saisis par la *douane*.

ARTICLE *60*.

Exceptions au principe de la responsabilité.

Les Administrations sont dégagées de toute responsabilité pour la perte d'envois recommandés:

a) en cas de force majeure; toutefois, la responsabilité subsiste à l'égard de l'Administration expéditrice qui a accepté de couvrir les risques de force majeure (art. *57*, § *5*). Le Pays responsable de la perte doit, suivant sa législation intérieure, décider si cette perte est due à des circonstances constituant un cas de force majeure; *celles-ci sont portées à la connaissance du Pays d'origine, à titre d'information;*

b) lorsque, la preuve de leur responsabilité n'ayant pas été administrée autrement, elles ne peuvent rendre compte des envois par suite de la destruction des documents de service résultant d'un cas de force majeure;

c) lorsqu'il s'agit d'envois dont le contenu tombe sous le coup des interdictions prévues aux articles *36*, §§ *6* et *8*, lettre *c)*, et *49*, § 1;

d) lorsque l'expéditeur n'a formulé aucune réclamation dans le délai d'un an prévu à l'article *56*.

ARTICLE *61*.

Cessation de la responsabilité.

Les Administrations cessent d'être responsables des envois recommandés dont elles ont effectué la remise dans les conditions prescrites par leur règlement intérieur pour les envois de même nature.

ARTICLE *62*.

Détermination de la responsabilité.

1. — Jusqu'à preuve du contraire, la responsabilité pour la perte d'un envoi recommandé incombe à l'Administration qui, ayant reçu l'objet sans faire d'observation et étant mise en possession de tous les moyens réglementaires d'investigation, ne peut établir ni la délivrance au destinataire ni, s'il y a lieu, la transmission régulière à l'Administration suivante.

2. — Une Administration intermédiaire ou destinataire est, jusqu'à preuve du contraire, dégagée de toute responsabilité:

a) lorsqu'elle a observé les dispositions de l'article *150*, § *4*, du Règlement;

b) lorsqu'elle peut établir qu'elle n'a été saisie de la réclamation qu'après la destruction des documents de service relatifs à l'envoi recherché, le délai de garde prévu à l'article *169* du Règlement étant expiré; cette réserve ne porte pas atteinte aux droits du réclamant.

3. — Toutefois, si la perte a eu lieu en cours de transport sans qu'il soit possible d'établir sur le territoire ou dans le service de quel Pays le fait s'est accompli, les Administrations en cause supportent le dommage par parts égales.

4. — Lorsqu'un objet recommandé a été perdu dans des circonstances de force majeure, l'Administration sur le territoire ou dans le service de laquelle la perte a eu lieu n'en est responsable envers l'Administration expéditrice que si les deux Pays se chargent des risques dérivant du cas de force majeure.

5. — Les droits de douane et autres dont l'annulation n'a pu être obtenue tombent à la charge des Administrations responsables de la perte.

6. — L'Administration qui a effectué le payement de l'indemnité est subrogée, jusqu'à concurrence du montant de cette indemnité, dans les droits de la personne qui l'a reçue, pour tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

7. — En cas de découverte ultérieure d'un envoi recommandé *ou d'une partie de cet envoi*, considéré comme perdu, *l'expéditeur et le destinataire sont mis au courant de ce fait.*

8. — *L'expéditeur est en outre informé qu'il peut en* prendre *livraison pendant une période de trois mois*, contre *remboursement* du montant de l'indemnité *reçue. Si, dans ce délai, cet expéditeur ne réclame pas l'envoi, le destinataire est avisé qu'il peut en prendre livraison pendant une période de même durée, moyennant payement du montant versé à l'expéditeur.*

9. — *Si l'expéditeur ou le destinataire prend livraison de l'envoi moyennant remboursement du montant de l'indemnité, ce montant est restitué à l'Administration ou, s'il y a lieu, aux Administrations qui ont supporté le dommage.*

10. — *Si l'expéditeur et le destinataire renoncent à prendre livraison de l'envoi, ce dernier est considéré comme tombé en rebut.*

ARTICLE *63.*

Payement de l'indemnité.

L'obligation de payer l'indemnité incombe à l'Administration dont relève le bureau *de dépôt* de l'envoi, sous réserve de son droit de recours contre l'Administration responsable.

ARTICLE *64.*

Délai de payement de l'indemnité.

1. — Le payement de l'indemnité doit avoir lieu le plus tôt possible et, au plus tard, dans le délai de six mois à compter du lendemain du jour de la réclamation. Ce délai est porté à neuf mois dans les relations avec les Pays éloignés.

2. — L'Administration *de dépôt de l'envoi* qui n'accepte pas de se charger des risques dérivant du cas de force majeure peut différer le règlement de l'indemnité au-delà du délai prévu *au § 1* lorsque la question de savoir si la perte de l'envoi est due à un cas de l'espèce n'est pas tranchée.

3. — L'Administration d'origine est autorisée à désintéresser l'expéditeur pour le compte de l'Administration intermédiaire ou destinataire qui, régulièrement saisie, a laissé s'écouler trois mois *ou* six mois dans les relations avec les Pays éloignés, sans donner de solution à l'affaire. *Un* délai *plus long est admis si la perte paraît due à un cas de force majeure; en tout état de cause, ce fait doit être porté à la connaissance de l'Administration d'origine.*

ARTICLE *65.*

Remboursement de l'indemnité à l'Administration expéditrice.

1. — L'Administration responsable ou pour le compte de laquelle le payement est effectué en conformité de l'article *64* est tenue de rembourser à l'Administration expéditrice, dans un délai de *six* mois à compter de l'envoi de la notification du payement, le montant de l'indemnité effectivement payée à l'expéditeur. *Ce délai est porté à neuf mois dans les relations avec les Pays éloignés.*

2. — Si l'indemnité doit être supportée par plusieurs Administrations en conformité de l'article *62*, l'intégralité de l'indemnité due doit être versée à l'Administration expéditrice, dans le délai mentionné *au § 1*, par la première Administration qui, ayant dûment reçu l'envoi réclamé, ne peut en établir la transmission régulière au service correspondant. Il appartient à cette Administration de récupérer sur les autres Administrations responsables la quote-part éventuelle de chacune d'elles dans le dédommagement de l'ayant droit.

3. — Le remboursement à l'Administration créancière s'effectue sans frais pour cette Administration, soit au moyen d'un mandat de poste, d'un chèque ou d'une traite payable à vue sur la capitale ou sur une place commerciale du Pays créancier, soit en espèces ayant cours dans ce Pays.

4. — Lorsque la responsabilité a été reconnue, de même que dans le cas prévu à l'article *64*, § *3*, le montant de l'indemnité peut également être repris d'office sur le Pays responsable par la voie d'un décompte quelconque, soit directement, soit par l'intermédiaire d'une Administration qui échange régulièrement des décomptes avec l'Administration responsable.

5. — Passé le délai de *six* mois, la somme due à l'Administration expéditrice est productive d'intérêt à raison de 5 % l'an à compter du jour de l'expiration dudit délai. *Ce délai est porté à neuf mois dans les relations avec les Pays éloignés.*

6. — L'Administration d'origine ne peut réclamer le remboursement de l'indemnité à l'Administration responsable que dans le délai d'un an à compter de l'envoi de la notification de la perte, ou, s'il y a lieu, du jour de l'expiration du délai prévu à l'article *64*, § *3*.

7. — L'Administration dont la responsabilité est dûment établie et qui a tout d'abord décliné le payement de l'indemnité doit prendre à sa charge tous les frais accessoires résultant du retard non justifié apporté au payement.

8. — Les Administrations peuvent s'entendre pour liquider périodiquement les indemnités qu'elles ont payées aux expéditeurs et dont elles ont reconnu le bien-fondé.

CHAPITRE *III.*

Attribution des taxes. Frais de transit.

ARTICLE *66.*

Attribution des taxes.

Sauf les cas expressément prévus par la Convention, chaque Administration garde en entier les taxes qu'elle a percues.

ARTICLE *67.*

Frais de transit.

1. — Les correspondances échangées en dépêches closes entre deux Administrations, au moyen des services d'une ou de plusieurs autres Administrations (services tiers), sont soumises, au profit de chacun des Pays traversés ou dont les services participent au transport, aux frais de transit indiqués dans le tableau suivant:

	Par kilogramme	
	de lettres et de cartes postales	d'autres objets
	Fr. c.	Fr. c.
1° Parcours territoriaux:		
Jusqu'à 1000 km.	—.60	—.08
Au-delà de 1000 jusqu'à 2000 km.	—.80	—.12
» » 2000 » 3000 km.	1.20	—.16
» » 3000 » 6000 km.	2.—	—.24
» » 6000 » 9000 km.	2.80	—.32
» » 9000 km.	3.60	—.40
2° Parcours maritimes:		
Jusqu'à 300 milles marins	—.60	—.08
Au-delà de 300 jusqu'à 1500 milles marins	1.60	—.20
Entre l'Europe et l'Amérique du Nord	2.40	—.32
Au-delà de 1500 jusqu'à 6000 milles marins	3.20	—.40
Au-delà de 6000 milles marins	4.80	—.60

2. — Les frais de transit pour le transport maritime sur un trajet n'excédant pas 300 milles marins sont fixés au tiers des sommes prévues au § 1, si l'Administration intéressée reçoit déjà, du chef des dépêches transportées, la rémunération afférente au transit territorial.

3. — En cas de transport maritime effectué par deux ou plusieurs Administrations, les frais du parcours maritime total ne peuvent pas dépasser 4 francs 80 par kilogramme de lettres et de cartes postales et 60 centimes par kilogramme d'autres objets. Le cas échéant, ces montants maxima sont répartis entre les Administrations participant au transport, au prorata des distances parcourues.

4. — Sont considérés comme services tiers, à moins d'arrangement contraire, les transports maritimes effectués directement entre deux Pays au moyen de navires de l'un d'eux ainsi que les transports effectués entre deux bureaux d'un même Pays par l'intermédiaire de services d'un autre Pays.

5. — Sont considérés comme autres objets, en ce qui concerne le transit, les petits paquets, les journaux ou paquets de journaux et écrits périodiques expédiés en vertu de l'Arrangement concernant les abonnements aux journaux et écrits périodiques ainsi que les boîtes avec valeur déclarée expédiées en vertu de l'Arrangement concernant les lettres et les boîtes avec valeur déclarée

6. — Les dépêches mal dirigées sont considérées, en ce qui concerne le payement des frais de transit, comme si elles avaient suivi leur voie normale.

ARTICLE *68*.

Exemption de frais de transit.

Sont exempts de tous frais de transit territorial ou maritime, les correspondances en franchise postale mentionnées à l'article *52*, les cartes postales-réponse renvoyées au Pays d'origine, les envois réexpédiés, les rebuts, les avis de réception, les mandats de poste et tous autres documents relatifs au service postal, notamment les plis concernant les virements postaux.

ARTICLE *69*.

Services extraordinaires.

Les frais de transit spécifiés à l'article *67* ne s'appliquent pas au transport au moyen de services extraordinaires spécialement créés ou entretenus par une Administration sur la demande d'une ou de plusieurs autres Administrations. Les conditions de cette catégorie de transports sont réglées de gré à gré entre les Administrations intéressées.

ARTICLE *70*.

Payements et décomptes.

1. — Les frais de transit sont à la charge de l'Administration du Pays d'origine.

2. — Le décompte général de ces frais a lieu d'après les données de relevés statistiques établis, une fois tous les trois ans, pendant une période de quatorze jours. Cette période est portée à vingt-huit jours pour les dépêches échangées moins de six fois par semaine par les services d'un Pays quelconque. Le Règlement détermine la période et la durée d'application des statistiques.

3. — Lorsque le solde annuel entre deux Administrations ne dépasse pas 25 francs, l'Administration débitrice est exonérée de tout payement.

4. — Toute Administration est autorisée à soumettre à l'appréciation d'une Commission d'arbitres les résultats d'une statistique qui, d'après elle, différeraient trop de la réalité. Cet arbitrage est constitué ainsi qu'il est prévu à l'article *12*.

5. — Les arbitres ont le droit de fixer en bonne justice le montant des frais de transit à payer.

ARTICLE *71*.

Echange de dépêches closes avec des bâtiments de guerre.

1. — Des dépêches closes peuvent être échangées entre les bureaux de poste de l'un des Pays contractants et les commandants de divisions navales ou bâtiments de guerre de ce même Pays en station à l'étranger, ou entre le commandant d'une de ces divisions navales ou d'un de ces bâtiments

de guerre et le commandant d'une autre division ou d'un autre bâtiment du même Pays, par l'intermédiaire des services territoriaux ou maritimes d'autres Pays.

2. — Les correspondances de toute nature comprises dans ces dépêches doivent être exclusivement à l'adresse ou en provenance des états-majors et des équipages des bâtiments destinataires ou expéditeurs des dépêches; les tarifs et conditions d'envoi qui leur sont applicables sont déterminés, d'après ses règlements intérieurs, par l'Administration des postes du Pays auquel appartiennent les bâtiments.

3. — Sauf arrangement *contraire, l'Administration du Pays dont relèvent les bâtiments de guerre est redevable,* envers les Administrations intermédiaires, *des* frais de transit *des dépêches* calculés conformément aux dispositions de l'article *67*.

Dispositions diverses.

ARTICLE *72*.

Inobservation de la liberté de transit.

Lorsqu'un Pays n'observe pas les dispositions de l'article *28* concernant la liberté de transit, les Administrations ont le droit de supprimer le service postal avec ce Pays. Elles doivent donner préalablement avis de cette mesure par télégramme aux Administrations intéressées.

ARTICLE *73*.

Engagements relatifs aux mesures pénales.

Les Pays contractants s'engagent à prendre, ou à proposer à leurs pouvoirs législatifs respectifs, les mesures nécessaires:

a) pour punir la contrefaçon des timbres-poste, *même retirés de la circulation,* des coupons-réponse internationaux et des cartes d'identité postales;

b) pour punir l'usage ou la mise en circulation:

1° de timbres-poste contrefaits *(même retirés de la circulation)* ou ayant déjà servi, ainsi que d'empreintes contrefaites ou ayant déjà servi de machines à affranchir ou de presses d'imprimerie;

2° de coupons-réponse internationaux contrefaits;

3° de cartes d'identité postales contrefaites;

c) pour punir l'emploi frauduleux de cartes d'identité *postales* régulières;

d) pour interdire et réprimer toutes opérations frauduleuses de fabrication et de mise en circulation de vignettes et timbres en usage dans le service postal, contrefaits ou imités de telle manière qu'ils pourraient être confondus avec les vignettes et timbres émis par l'Administration d'un des Pays contractants;

e) pour empêcher et, le cas échéant, punir l'insertion d'opium, de morphine, de cocaïne ou d'autres stupéfiants, *de même que des matières explosibles ou facilement inflammables,* dans des envois postaux en faveur desquels cette insertion ne serait pas expressément autorisée par la Convention et les Arrangements.

Dispositions finales.

ARTICLE *74*.

Mise à exécution et durée de la Convention.

La présente Convention sera mise à exécution le *1er juillet 1948* et demeurera en vigueur pendant un temps indéterminé.

En foi de quoi, les Plénipotentiaires des Gouvernements des Pays ci-dessus énumérés ont signé la présente Convention en un exemplaire qui restera déposé aux Archives du Gouvernement de la République *Française* et dont une copie sera remise à chaque Partie.

Fait à *Paris*, le *5 juillet 1947*.

68706 O—51—PT. III——37

Pour
L'AFGHANISTAN:

Pour
LA RÉPUBLIQUE POPULAIRE D'ALBANIE:

Pour
L'ALLEMAGNE:

Pour
L'UNION DE L'AFRIQUE DU SUD:

Pour
LES ÉTATS-UNIS D'AMÉRIQUE:

Pour
L'ENSEMBLE DES POSSESSIONS DES ÉTATS-UNIS D'AMÉRIQUE:

Pour
LE ROYAUME DE L'ARABIE SAOUDITE:

Pour
LE COMMONWEALTH DE L'AUSTRALIE:

Pour
LA RÉPUBLIQUE ARGENTINE:

Pour
L'AUTRICHE:

Pour
LA BELGIQUE:

Pour
LA COLONIE DU CONGO BELGE:

Pour
LA RÉPUBLIQUE POPULAIRE
DE BULGARIE:

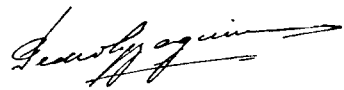
Pour
LA RÉPUBLIQUE SOVIÉTIQUE SOCIALISTE
DE BIÉLORUSSIE:

Pour
LE CANADA:

Pour
LA BOLIVIE:

Pour
LE BRÉSIL:

Pour
LE CHILI:



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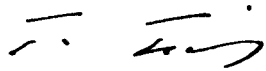

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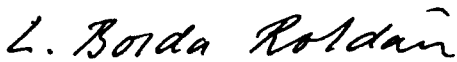
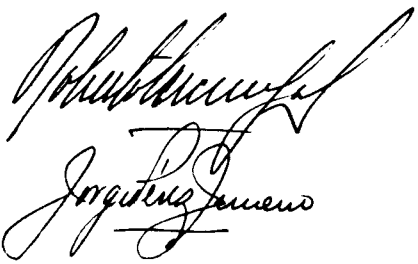
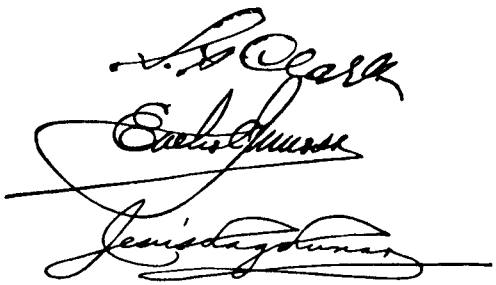




Pour
LA CORÉE:

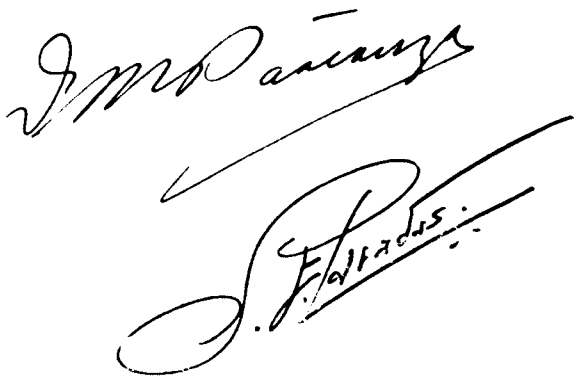
Pour
LA RÉPUBLIQUE DE COSTA-RICA:

Pour
LA RÉPUBLIQUE DE CUBA:



Pour
LE DANEMARK:

Pour
LA RÉPUBLIQUE DOMINICAINE:



Pour
L'ÉGYPTE:

Pour
LA FRANCE:

Pour
LA RÉPUBLIQUE DE EL SALVADOR:

Pour
L'ÉQUATEUR:

Pour
L'ESPAGNE:

Pour
L'ENSEMBLE DES COLONIES ESPAGNOLES:

Pour
L'ÉTHIOPIE:

Pour
LA FINLANDE:

Pour
L'ALGÉRIE:

Pour

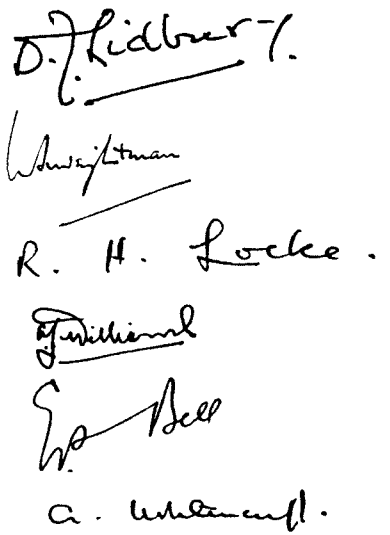
L'INDOCHINE:

Pour

L'ENSEMBLE DES AUTRES TERRITOIRES D'OUTRE-MER DE LA RÉPUBLIQUE FRANÇAISE ET DES TERRITOIRES ADMINISTRÉS COMME TELS:

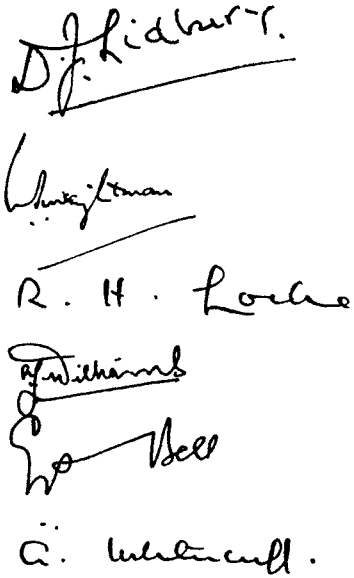
Pour

LE ROYAUME-UNI DE LA GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD:



Pour

L'ENSEMBLE DES TERRITOIRES BRITANNIQUES D'OUTRE-MER, Y COMPRIS LES COLONIES, LES PROTECTORATS ET LES TERRITOIRES SOUS MANDAT OU SOUS TUTELLE EXERCÉ PAR LE GOUVERNEMENT DU ROYAUME-UNI DE LA GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD:



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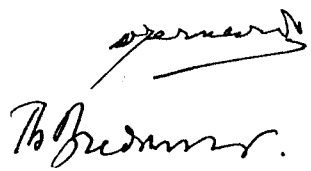
LA GRÈCE:



Pour

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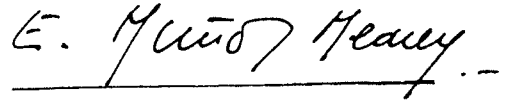

Pour
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Pour
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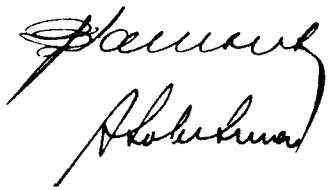

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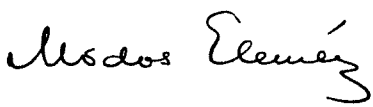

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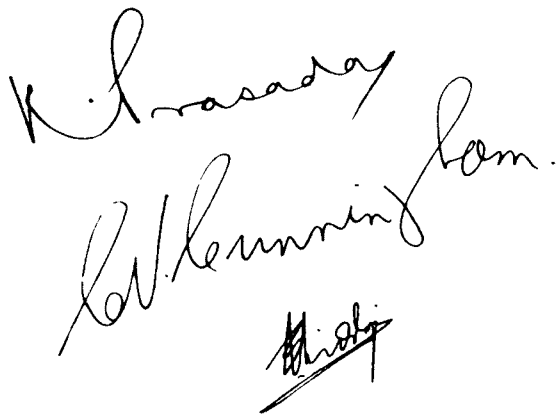

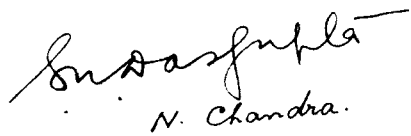

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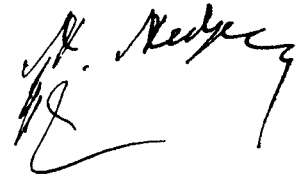

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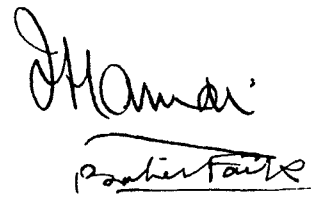

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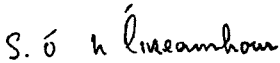
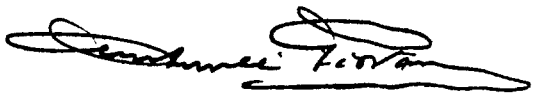
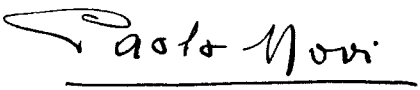


Pour
LA RÉPUBLIQUE D'ISLANDE:

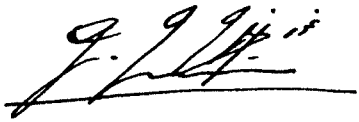
Pour
L'ITALIE:





Pour
LE JAPON:

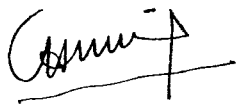
Pour
LE LIBAN:



Pour
LA RÉPUBLIQUE DE LIBÉRIA:

Pour
LE LUXEMBOURG:

Pour
LE MAROC (À L'EXCLUSION DE LA ZONE ESPAGNOLE):



Pour
LE MAROC (ZONE ESPAGNOLE):

Pour
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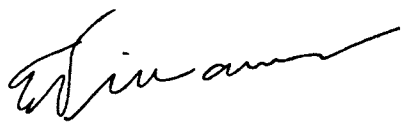


Pour
LE NICARAGUA:

Pour
LA NORVÈGE:

Pour
LES PAYS-BAS:

Pour
LA NOUVELLE-ZÉLANDE:

Pour
CURAÇAO ET SURINAM:

Pour
LA RÉPUBLIQUE DE PANAMA:

Pour
LES INDES NÉERLANDAISES:

Pour
LE PARAGUAY:

Pour Oscar L. Nicolini

Pour
LE PÉROU:

Pour Arturo Garcia-Salazar
Carlos Mackehenie
Carlos Mackehenie

Pour
LA RÉPUBLIQUE DES PHILIPPINES:

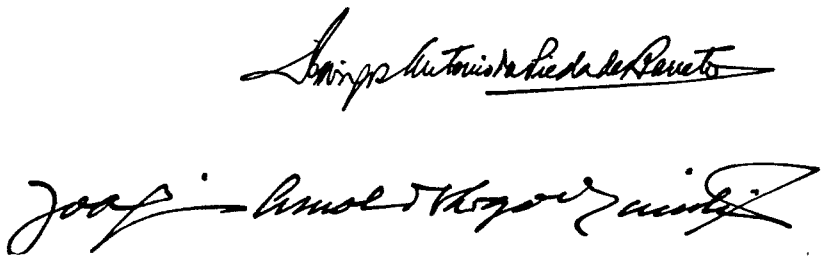
F. Cuaderno
(BELARMINO P. NAVARRO)

Pour
LE PORTUGAL:

Pour
LA POLOGNE:

T. Jarón
M. Herrich

Pour
LES COLONIES PORTUGAISES DE L'AFRIQUE OCCIDENTALE:



Pour
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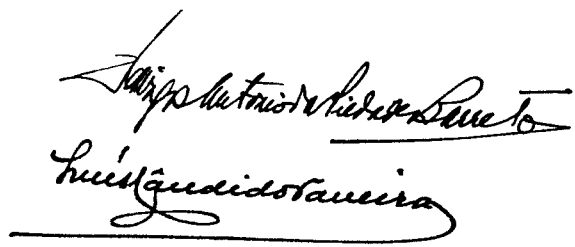
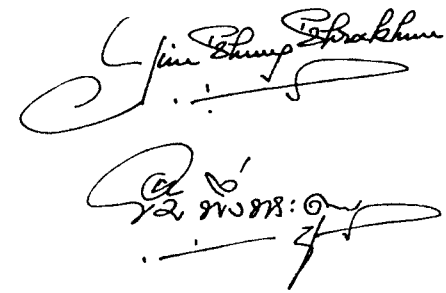
DE L'ASIE ET DE L'OCÉANIE:



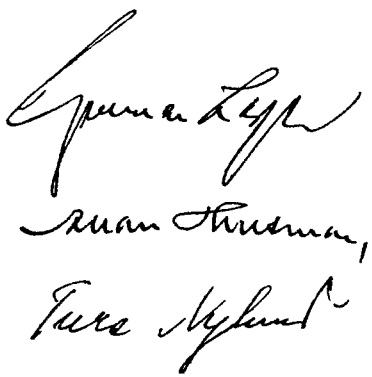
Pour
LA ROUMANIE:

Pour
LE SIAM:



Pour
LA RÉPUBLIQUE DE SAINT-MARIN:

Pour
LA SUÈDE:



Pour
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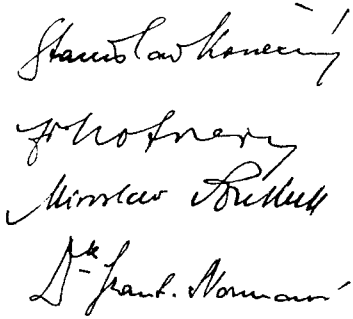
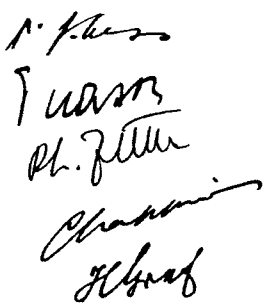


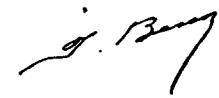
Pour
LE ROYAUME HACHÉMITE DE
TRANSJORDANIE:

Pour
LA CONFÉDÉRATION SUISSE:

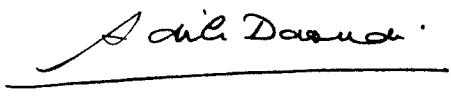


Pour
LA TUNISIE:

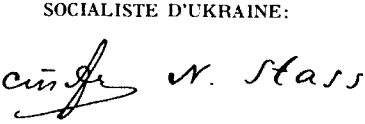
Pour
LA TURQUIE:



Pour
LA SYRIE:



Pour
LA RÉPUBLIQUE SOVIÉTIQUE
SOCIALISTE D'UKRAINE:



Pour
L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES:

1. N. Saratovkin — P. Saratovkin
2. [illegible] — N. Stass
3. [illegible] — N. Bouchouev
4. D. Epurun — D. Erigunine

Pour
LA RÉPUBLIQUE ORIENTALE DE L'URUGUAY:

[illegible]

Pour
L'ÉTAT DE LA CITÉ DU VATICAN:

[illegible]

[illegible]

Pour
LES ÉTATS-UNIS DE VÉNÉZUÉLA:

[illegible]

[illegible]

Pour
L'YÉMEN:

Pour
LA RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE YOUGOSLAVIE:

Vladimir Simić

PROTOCOLE FINAL DE LA CONVENTION

Au moment de procéder à la signature de la Convention postale universelle conclue à la date de ce jour, les Plénipotentiaires soussignés sont convenus de ce qui suit:

I.

Retrait. Modification d'adresse.

Les dispositions de l'article *54* ne s'appliquent pas à la Grande-Bretagne, ni à ceux des Dominions, Colonies et Protectorats britanniques dont la législation intérieure ne permet pas le retrait ou la modification d'adresse de correspondances à la demande de l'expéditeur.

II.

Equivalents. Limites maxima et minima.

1. — Chaque Pays a la faculté de majorer de 40 % ou de réduire de 20 % au maximum les taxes prévues à l'article *36*, § 1, conformément aux indications du tableau ci-après:

	Limites inférieures	Limites supérieures
	Centimes	Centimes
Lettres — premier échelon	16	28
Lettres — par échelon supplémentaire	9,6	16,8
Cartes postales — simples	9,6	16,8
Cartes postales — avec réponse payée	19,2	33,6
Papiers d'*affaires* — *1er échelon de poids*	*6,4*	*11,2*
Papiers d'*affaires* — *par échelon supplémentaire*	*3,2*	*5,6*
Papiers d'*affaires* — Minimum de taxe	16	28
Impressions en relief pour les aveugles, par 1000 grammes	1,6	2,8
Imprimés — *1er échelon de poids*	*6,4*	*11,2*
Imprimés — *par échelon supplémentaire*	*3,2*	*5,6*
Echantillons de *marchandises* — *1er échelon de poids*	*6,4*	*11,2*
Echantillons de *marchandises* — *par échelon supplémentaire*	*3,2*	*5,6*
Petits paquets, par 50 grammes	6,4	11,2
Minimum de taxe	32	56
Envois «Phonopost» — premier échelon	12	21
Envois «Phonopost» — par échelon supplémentaire	8	14

2. — Les taxes choisies doivent, autant que possible, être entre elles dans les mêmes proportions que les taxes de base, chaque Administration ayant la faculté d'arrondir ses taxes en plus ou en moins selon le cas et suivant les convenances de son système monétaire.

3. — Le tarif adopté par un Pays s'applique aux taxes à percevoir à l'arrivée par suite d'absence ou d'insuffisance d'affranchissement.

III.

Exception à l'application du tarif des papiers d'affaires, des imprimés et des échantillons de marchandises.

Par dérogation aux dispositions de l'article 36, les Pays ont le droit de ne pas appliquer aux papiers d'affaires, aux imprimés et aux échantillons la taxe fixée pour le premier échelon de poids et de maintenir pour cet échelon la taxe de 4 centimes, avec un minimum de 8 centimes pour les échantillons de marchandises.

IV.

Once avoirdupois.

Il est admis, par mesure d'exception, que les Pays qui, à cause de leur régime intérieur, ne peuvent adopter le type de poids métrique décimal, ont la faculté d'y substituer l'once avoirdupois (28,3465 grammes) en assimilant 1 once à 20 grammes pour les lettres et les envois dits «Phonopost» et 2 onces à 50 grammes pour les papiers d'affaires, imprimés, impressions en relief à l'usage des aveugles, échantillons et petits paquets.

V.

Dépôt de correspondances à l'étranger.

Aucun Pays n'est tenu d'acheminer, ni de distribuer aux destinataires, les envois que des expéditeurs quelconques domiciliés sur son territoire déposent ou font déposer dans un Pays étranger, en vue de bénéficier des taxes plus basses qui y sont établies. La règle s'applique sans distinction, soit aux envois préparés dans le Pays habité par l'expéditeur et transportés ensuite à travers la frontière, soit aux envois confectionnés dans un Pays étranger. L'Administration intéressée a le droit, ou de renvoyer les objets en question à l'origine, ou de les frapper de ses taxes intérieures. Les modalités de la perception des taxes sont laissées à son choix.

VI.

Coupons-réponse *internationaux*.

Les Administrations ont la faculté de ne pas se charger du débit des coupons-réponse *internationaux ou d'en limiter la vente.*

VII.

Droit de recommandation.

Les Pays qui ne peuvent pas fixer à 40 centimes le droit de recommandation prévu à l'article *56*, § 2, sont autorisés à percevoir un droit pouvant s'élever jusqu'à 50 centimes ou éventuellement jusqu'au taux fixé pour leur service intérieur.

VIII.

Services aériens.

1. — Les dispositions concernant le transport de la poste aux lettres par voie aérienne sont annexées à la Convention postale universelle et sont considérées comme faisant partie intégrante de celle-ci et de son Règlement.

2. — Toutefois, par dérogation aux dispositions générales de la Convention, la modification de ces dispositions peut être envisagée de temps à autre par une Conférence comprenant les représentants des Administrations directement intéressées.

3. — Cette Conférence peut être convoquée par l'intermédiaire du Bureau international à la demande de trois au moins de ces Administrations.

4. — L'ensemble des dispositions proposées par cette Conférence devra être soumis, par l'intermédiaire du Bureau international, au vote des Pays de l'Union. La décision sera prise à la majorité des voix exprimées.

IX.

Exception à la liberté du transit des petits paquets.

Par dérogation aux dispositions de l'article *28*, *l'Administration* des postes de l'Union des Républiques Soviétiques Socialistes est autorisée à ne pas admettre les petits paquets en transit par ses territoires, étant entendu que cette restriction s'appliquera indistinctement à tous les Pays de l'Union.

X.

Frais spéciaux de transit par le Transsibérien et le Transandin.

1. — Par dérogation aux dispositions de l'article *67*, § 1 (Tableau), l'Administration postale de l'Union des Républiques Soviétiques Socialistes est autorisée à percevoir les frais de transit par la voie du Transsibérien pour les deux directions (Mandchourie ou Vladivostok), à raison de 4 francs 50 par kilogramme de lettres et de cartes postales et de 50 centimes par kilogramme d'autres objets, pour les distances dépassant 6000 kilomètres.

2. — L'Administration de la République Argentine est autorisée à percevoir un supplément de 30 centimes sur les frais de transit mentionnés à l'article *67*, § 1, chiffre 1°, de la Convention, pour chaque kilogramme de correspondance de toute nature transportée en transit par la section argentine du «Ferrocarril Trasandino».

XI.

Conditions spéciales de transit pour l'Afghanistan.

Par dérogation aux dispositions de l'article 67, § 1, l'Administration de l'Afghanistan est autorisée provisoirement, en raison des difficultés particulières qu'elle rencontre en matière de moyens de transport et de communication, à effectuer le transit des dépêches closes et des correspondances à découvert à travers son Pays, à des conditions spécialement convenues entre elle et les Administrations intéressées.

XII.

Frais d'entrepôt spéciaux à Aden.

A titre exceptionnel, l'Administration d'Aden est autorisée à percevoir une taxe de 40 centimes par sac pour toutes les dépêches entreposées à Aden, pourvu que cette Administration ne reçoive aucun droit de transit territorial ou maritime pour ces dépêches.

XIII.

Frais spéciaux de transbordement.

Exceptionnellement, l'Administration portugaise est autorisée à percevoir 40 centimes par sac pour toutes les dépêches transbordées au port de Lisbonne.

XIV.

Protocole laissé ouvert aux Pays non représentés.

Le Protocole reste ouvert aux Pays de l'Union, non représentés au Congrès, pour leur permettre d'adhérer à la Convention et aux Arrangements qui y ont été conclus, ou seulement à l'un ou à l'autre d'entre eux.

XV.

Protocole laissé ouvert aux Pays représentés pour signatures et adhésions.

Le Protocole demeure ouvert en faveur des Pays dont les représentants n'ont signé aujourd'hui que la Convention ou un certain nombre seulement des Arrangements arrêtés par le Congrès, à l'effet de leur permettre d'adhérer aux autres Arrangements signés ce jour, ou à l'un ou à l'autre d'entre eux.

XVI.

Délai pour la notification des adhésions.

Les adhésions prévues aux articles *XIV* et *XV* devront être notifiées, en la forme diplomatique, par les Gouvernements intéressés au Gouvernement de la République *Française* et par celui-ci aux autres Etats de l'Union. Le délai accordé auxdits Gouvernements pour cette notification expirera le *1er juillet 1948.*

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XVII.

Protocole laissé ouvert aux Pays momentanément empêchés d'adhérer à la Convention et aux Arrangements.

1. — L'Espagne, le Maroc (Zone espagnole) et l'Ensemble des Colonies espagnoles, momentanément empêchés d'adhérer à la Convention et aux Arrangements, comme suite à une décision du XIIe Congrès postal universel prise conformément à la résolution de l'Assemblée générale des Nations Unies du 12 décembre 1946, pourront, sans se soumettre aux formalités prévues à l'article 3, adhérer à ces Actes dès que cette résolution sera rapportée ou sera devenue sans objet.

2. — L'Allemagne, le Japon et la Corée, momentanément empêchés d'adhérer à la Convention et aux Arrangements pourront, sans se soumettre aux formalités prévues à l'article 3, adhérer à ces Actes au moment jugé opportun par l'autorité responsable.

3. — Les adhésions prévues aux §§ 1 et 2 devront être notifiées, en la forme diplomatique, par les Gouvernements intéressés au Gouvernement de la République Française et par celui-ci aux autres Etats de l'Union.

En foi de quoi, les Plénipotentiaires ci-dessous ont dressé le présent Protocole, qui aura la même force et la même valeur que si ses dispositions étaient insérées dans le texte même de la Convention, et ils l'ont signé en un exemplaire qui restera déposé aux archives du Gouvernement de la République *Française* et dont une copie sera remise à chaque Partie.

Fait à *Paris*, le *5 juillet 1947*.

Signatures.
(Les mêmes qu'aux pages 29 et suivantes.) [1]

DÉCLARATION

FAITE AU MOMENT DE LA SIGNATURE, AU SENS DE L'ARTICLE 9 DE LA CONVENTION CONCERNANT L'APPLICATION DE LADITE CONVENTION AUX COLONIES, PROTECTORATS, ETC.

La délégation de l'Union de l'Afrique du Sud déclare que l'acceptation par elle de la présente Convention comprend le Territoire sous mandat de l'Afrique du Sud-Ouest.

Paris, le 5 juillet 1947.

L. C. BURKE.

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[1] For signatures, see p. 3188; for romanization, see p. 3416.

Annexe

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ACCORD

entre

L'ORGANISATION DES NATIONS UNIES ET L'UNION POSTALE UNIVERSELLE.

Préambule.

Vu les obligations qui incombent à l'Organisation des Nations Unies selon l'Article 57 de la Charte des Nations Unies, l'Organisation des Nations Unies et l'Union postale universelle conviennent de ce qui suit:

ARTICLE I.

L'Organisation des Nations Unies reconnaît l'Union postale universelle (désignée ci-dessous sous le nom de «l'Union») comme étant l'institution spécialisée chargée de prendre toutes les mesures conformes à son acte constitutif pour atteindre les buts qu'elle s'est fixés dans cet acte.

ARTICLE II.

Représentation réciproque.

1. — Des représentants de l'Organisation des Nations Unies seront invités à assister aux congrès, conférences administratives et commissions de l'Union, et à participer, sans droit de vote, aux délibérations de ces réunions.

2. — Des représentants de l'Union seront invités à assister aux réunions du Conseil économique et social des Nations Unies (désigné ci-dessous sous le nom de «le Conseil»), de ses commissions ou comités et à participer, sans droit de vote, aux délibérations de ces organes, lorsque seront traitées les questions inscrites à l'ordre du jour auxquelles l'Union serait intéressée.

3. — Des représentants de l'Union seront invités à assister, à titre consultatif, aux réunions de l'Assemblée générale au cours desquelles des questions qui sont de la compétence de l'Union doivent être discutées, et à participer, sans droit de vote, aux délibérations des commissions principales de l'Assemblée générale traitant des questions auxquelles l'Union serait intéressée.

4. — Le Secrétariat de l'Organisation des Nations Unies effectuera la distribution de toutes communications écrites présentées par l'Union aux Membres de l'Assemblée générale, du Conseil et de ses organes ainsi que du Conseil de tutelle, selon le cas. De même, des communications écrites présentées par l'Organisation des Nations Unies seront distribuées par l'Union à ses membres.

ARTICLE III.

Inscription de questions à l'ordre du jour.

Sous réserve des consultations préliminaires qui pourraient être nécessaires, l'Union inscrira à l'ordre du jour de ses congrès, conférences administratives ou commissions ou, le cas échéant, soumettra à ses membres suivant la procédure prévue par la Convention postale universelle, les questions portées devant elle par l'Organisation des Nations Unies. Réciproquement, le Conseil, ses commissions et comités, de même que le Conseil de tutelle, inscriront à leur ordre du jour les questions qui leur seront soumises par l'Union.

ARTICLE IV.

Recommandations de l'Organisation des Nations Unies.

1. — L'Union prendra toutes mesures pour soumettre aussitôt que possible, à toutes fins utiles, à ses congrès, conférences administratives et commissions ou à ses membres, suivant la procédure prévue par la Convention postale universelle, toute recommandation officielle que l'Organisation des Nations Unies pourrait lui adresser. Ces recommandations seront adressées à l'Union et non directement à ses membres.

2. — L'Union procédera à des échanges de vues avec l'Organisation des Nations Unies sur sa demande, au sujet de ces recommandations, et fera rapport en temps opportun à l'Organisation sur la suite donnée par l'Union ou par ses membres, auxdites recommandations ou sur tous autres résultats qui auraient suivi la prise en considération de ces recommandations.

3. — L'Union coopérera à toute autre mesure nécessaire pour assurer la coordination effective des activités des institutions spécialisées et de l'Organisation des Nations Unies. En particulier, elle collaborera avec tout organe que le Conseil pourrait créer en vue de favoriser cette coordination et pour fournir les informations nécessaires à l'accomplissement de cette tâche.

ARTICLE V.

Echange d'informations et de documents.

1. — Sous réserve des mesures nécessaires à la sauvegarde du caractère confidentiel de certains documents, l'échange le plus complet et le plus rapide d'informations et de documents sera effectué entre l'Organisation des Nations Unies et l'Union.

2. — Sans porter préjudice au caractère général des dispositions de l'alinéa précédent:

a) L'Union fournira à l'Organisation des Nations Unies un rapport de gestion annuel;

b) L'Union donnera suite, dans toute la mesure du possible, à toute demande de rapports spéciaux, d'études ou d'informations que l'Organisation des Nations Unies pourrait lui adresser sous réserve des dispositions de l'article XI du présent accord;

c) L'Union donnera des avis écrits sur des questions de sa compétence qui pourraient lui être demandés par le Conseil de tutelle;

d) Le Secrétaire général de l'Organisation des Nations Unies procédera avec le Directeur du Bureau international de l'Union, à la demande de celui-ci, à des échanges de vues susceptibles de fournir à l'Union des informations présentant pour elle un intérêt particulier.

ARTICLE VI.

Assistance à l'Organisation des Nations Unies.

1. — L'Union convient de coopérer avec l'Organisation des Nations Unies, ses organes principaux et subsidiaires, et de leur prêter son concours dans la mesure compatible avec les dispositions de la Convention postale universelle.

2. — En ce qui concerne les Membres de l'Organisation des Nations Unies, l'Union reconnaît que, conformément aux dispositions de l'Article 103 de la Charte, aucune disposition de la Convention postale universelle ou de ses Arrangements connexes ne peut être invoquée comme faisant obstacle ou apportant une limitation quelconque à l'observation par un Etat de ses obligations envers l'Organisation des Nations Unies.

ARTICLE VII.

Arrangement concernant le personnel.

L'Organisation des Nations Unies et l'Union coopéreront, dans la mesure nécessaire, pour assurer autant d'uniformité que possible aux conditions d'emploi du personnel et éviter la concurrence dans son recrutement.

ARTICLE VIII.

Services de statistiques.

1. — L'Organisation des Nations Unies et l'Union conviennent de coopérer en vue d'assurer la plus grande efficacité et l'usage le plus étendu des informations et des données statistiques.

2. — L'Union reconnaît que l'Organisation des Nations Unies constitue l'organisme central chargé de recueillir, analyser, publier, unifier et améliorer les statistiques servant aux buts généraux des organisations internationales.

3. — L'Organisation des Nations Unies reconnaît que l'Union est l'organisme qualifié pour recueillir, analyser, publier, unifier et améliorer les statistiques relevant de son domaine propre, sans préjudice de l'intérêt que l'Organisation des Nations Unies peut avoir à ces statistiques, en tant qu'elles sont essentielles à la réalisation de son propre but et au développement des statistiques à travers le monde.

ARTICLE IX.

Services administratifs et techniques.

1. — L'Organisation des Nations Unies et l'Union reconnaissent que, afin d'employer au mieux leur personnel et leurs ressources, il est souhaitable d'éviter la création de services qui se font concurrence ou font double emploi.

2. — L'Organisation des Nations Unies et l'Union prendront toutes dispositions utiles pour l'enregistrement et le dépôt des documents officiels.

ARTICLE X.

Dispositions budgétaires.

Le budget annuel de l'Union sera communiqué à l'Organisation des Nations Unies et l'Assemblée générale aura la faculté de faire à son sujet des recommandations au Congrès de l'Union.

ARTICLE XI.

Couverture des frais de services spéciaux.

Si l'Union avait à faire face à des dépenses extraordinaires importantes, en suite de rapports spéciaux, d'études ou d'informations demandées par l'Organisation des Nations Unies en vertu de l'article V ou de toute autre disposition du présent accord, un échange de vues aurait lieu pour déterminer la manière la plus équitable de couvrir ces dépenses.

ARTICLE XII.

Accords entre institutions.

L'Union informera le Conseil de la nature et de la portée de tout accord qu'elle conclurait avec une autre institution spécialisée ou avec toute autre organisation intergouvernementale; en outre, elle informera le Conseil de la préparation de tels accords.

ARTICLE XIII.

Liaison.

1. — En convenant des dispositions ci-dessus, l'Organisation des Nations Unies et l'Union expriment l'espoir qu'elles contribueront à assurer une liaison efficace entre les deux organisations. Elles affirment leur intention de prendre d'un commun accord les mesures nécessaires à cet effet.

2. — Les dispositions relatives aux liaisons prévues dans le présent accord s'appliqueront, dans la mesure souhaitable, aux relations de l'Union avec l'Organisation des Nations Unies y compris ses services annexes et régionaux.

ARTICLE XIV.

Exécution de l'accord.

Le Secrétaire général de l'Organisation des Nations Unies et le Président de la Commission exécutive et de liaison de l'Union peuvent conclure tous arrangements complémentaires, en vue d'appliquer le présent accord, qui peuvent paraître souhaitables à la lumière de l'expérience des deux organisations.

ARTICLE XV.

Entrée en vigueur.

Le présent accord est annexé à la Convention postale universelle conclue à Paris en 1947. Il entrera en vigueur après approbation par l'Assemblée générale des Nations Unies et au plus tôt en même temps que cette Convention.

ARTICLE XVI.

Revision.

Après un préavis de six mois donné par l'une ou l'autre des parties, le présent accord pourra être revisé par voie d'entente entre l'Organisation des Nations Unies et l'Union.

Paris, le 4 juillet 1947.

(Signé) J. J. LE MOUËL
Président du XIIe Congrès
de l'Union postale universelle.

(Signé) JAN PAPANEK
Président par intérim du Comité du
Conseil économique et social
chargé des négociations avec les institutions
spécialisées.

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RÈGLEMENT D'EXÉCUTION DE LA CONVENTION POSTALE UNIVERSELLE

Les soussignés, vu l'article *5* de la Convention postale universelle conclue à *Paris*, le *5 juillet 1947*, ont, au nom de leurs Administrations respectives, arrêté, d'un commun accord, les mesures suivantes pour assurer l'exécution de ladite Convention:

TITRE I.

Dispositions générales.

CHAPITRE UNIQUE.

ARTICLE 101.

Transit en dépêches closes et transit à découvert.

1. — Les Administrations peuvent s'expédier réciproquement, par l'intermédiaire d'une ou de plusieurs d'entre elles, tant des dépêches closes que des correspondances à découvert, suivant les besoins du trafic et les convenances du service.

2. — La transmission des correspondances à découvert à une Administration intermédiaire doit se limiter strictement aux cas où la confection de dépêches closes, soit pour le Pays de destination même, soit pour un Pays plus proche de ce dernier, ne se justifie pas.

ARTICLE 102.

Echange en dépêches closes.

1. — L'échange des correspondances en dépêches closes est réglé d'un commun accord entre les Administrations intéressées.

2. — Il est obligatoire de former des dépêches closes toutes les fois qu'une des Administrations intermédiaires en fait la demande, se basant sur le fait que le nombre de correspondances à découvert est de nature à entraver ses opérations.

3. — Les Administrations par l'intermédiaire desquelles des dépêches closes sont à expédier doivent être prévenues en temps opportun.

4. — En cas de changement dans un service d'échange en dépêches closes établi entre deux Administrations par l'intermédiaire d'un ou de plusieurs Pays tiers, l'Administration d'origine de la dépêche en donne connaissance aux Administrations de ces Pays.

5. — S'il s'agit d'une modification dans la voie d'acheminement des dépêches, la nouvelle voie à suivre doit être indiquée aux Administrations qui effectuaient précédemment le transit, tandis que l'ancienne voie est signalée, pour mémoire, aux Administrations qui assureront désormais ce transit.

ARTICLE 103.

Acheminement des correspondances.

1. — Chaque Administration est obligée d'acheminer, par les voies les plus rapides qu'elle emploie pour ses propres envois, les dépêches closes et les correspondances à découvert qui lui sont livrées par une autre Administration.

2. — Lorsqu'une dépêche se compose de plusieurs sacs, ceux-ci doivent, autant que possible, rester réunis et être acheminés par le même courrier.

3. — Les objets de toute nature mal dirigés sont, sans aucun délai, réexpédiés sur leur destination par la voie la plus prompte.

4. — L'Administration du Pays d'origine a la faculté d'indiquer la voie à suivre par les dépêches closes qu'elle expédie, pourvu que l'emploi de cette voie n'entraîne pas, pour une Administration intermédiaire, des frais spéciaux. Sous la même réserve, les Administrations intervenant dans le transport doivent tenir compte de la voie à suivre portée par l'expéditeur sur les envois qui leur sont transmis à découvert.

5. — Les Administrations qui usent de la faculté de percevoir des taxes supplémentaires, en représentation des frais extraordinaires afférents à certaines voies, sont libres de ne pas diriger par ces voies les correspondances non ou insuffisamment affranchies.

ARTICLE 104.

Pays éloignés.

1. — Sont considérés comme Pays éloignés les Pays entre lesquels la durée des transports par la voie de terre ou de mer la plus rapide est de plus de dix jours, ainsi que ceux entre lesquels la fréquence moyenne des courriers est inférieure à deux voyages par mois.

2. — Sont assimilés aux Pays éloignés, en ce qui concerne les délais prévus par la Convention et les Arrangements, les Pays de très grande étendue ou dont les voies de communication intérieures sont peu développées, pour les questions où ces facteurs jouent un rôle prépondérant.

3. — Le Bureau international dresse la liste des Pays visés aux §§ 1 et 2.

ARTICLE 105.

Fixation des équivalents.

1. — Les Administrations fixent les équivalents des taxes et droits prévus par la Convention et les Arrangements après entente avec l'Administration des postes suisses, à laquelle il appartient de les faire notifier par l'intermédiaire du Bureau international. La même procédure est suivie en cas de changement d'équivalents.

2. — Les équivalents ou les changements d'équivalents ne peuvent entrer en vigueur que le premier d'un mois et, au plus tôt, quinze jours après leur notification par le Bureau international.

3. — Ce Bureau dresse un tableau indiquant, pour chaque Pays, les équivalents des taxes et droits mentionnés au § *1*, et renseignant, le cas échéant, sur le pourcentage de la majoration ou de la réduction de taxe appliquée en vertu de l'article II du Protocole final de la Convention.

4. — Les fractions monétaires résultant du complément de taxe applicable aux correspondances insuffisamment affranchies peuvent être arrondies par les Administrations qui en effectuent la perception. La somme à ajouter de ce chef ne peut excéder la valeur de 5 centimes.

5. — Chaque Administration notifie directement au Bureau international l'équivalent fixé par elle pour l'indemnité prévue à l'article *59* de la Convention.

ARTICLE 106.

Timbres-poste et empreintes d'affranchissement.

1. — Les timbres-poste représentant les taxes-type de l'Union ou leurs équivalents dans la monnaie de chaque Pays sont confectionnés dans les couleurs suivantes:

en bleu, le timbre représentant la taxe d'une lettre *ordinaire* de port simple;

en rouge, le timbre représentant la taxe d'une carte postale *ordinaire;*

en vert, le timbre représentant la taxe d'un imprimé *ordinaire* de port simple.

2. — Les empreintes produites par les machines à affranchir doivent être de couleur rouge vif, quelle que soit la valeur qu'elles représentent.

3. — Les timbres-poste et les empreintes d'affranchissement doivent porter, autant que possible en caractères latins, l'indication du Pays d'origine et mentionner leur valeur d'affranchissement d'après

le tableau des équivalents adoptés. L'indication du nombre d'unités ou de fractions de l'unité monétaire, servant à exprimer cette valeur, est faite en chiffres arabes.

4. — En ce qui concerne les imprimés affranchis au moyen d'empreintes obtenues à la presse d'imprimerie ou par un autre procédé d'impression (article *50* de la Convention), les indications du Pays d'origine et de la valeur d'affranchissement peuvent être remplacées par le nom du bureau d'origine et la mention «Taxe perçue», «Port payé» ou une expression analogue. Cette mention peut être libellée en français ou dans la langue du Pays d'origine; elle peut aussi revêtir une forme abrégée, par exemple «T. P.» ou «P. P.». Dans tous les cas, l'indication adoptée doit être encadrée ou soulignée d'un fort trait.

5. — Les timbres-poste commémoratifs ou de charité, pour lesquels un supplément de taxe est à payer indépendamment de la valeur d'affranchissement, doivent être confectionnés de façon à éviter tout doute au sujet de cette valeur.

6. — Les timbres-poste peuvent être marqués à l'emporte-pièce de perforations distinctives selon les conditions fixées par l'Administration qui les a émis.

TITRE II.

Conditions d'acceptation des objets de correspondance.

CHAPITRE I.

Dispositions applicables à toutes les catégories d'envois.

ARTICLE 107.

Conditionnement et adresse.

1. — Les Administrations doivent recommander au public:

a) de libeller l'adresse en caractères latins et de la mettre dans le sens de la longueur de façon à ménager la place nécessaire pour les mentions ou étiquettes de service;

b) d'indiquer en capitales les noms de la localité et du Pays de destination;

c) d'indiquer l'adresse d'une manière précise et complète, afin que l'acheminement de l'envoi et sa remise au destinataire puissent avoir lieu sans recherches;

d) d'appliquer les timbres-poste ou les empreintes d'affranchissement à l'angle droit supérieur du côté de la suscription;

e) d'indiquer le nom et le domicile de l'expéditeur, soit au recto *et du* côté gauche de façon à ne nuire ni à la clarté de l'adresse, ni à l'application des mentions ou étiquettes de service, soit au verso;

f) d'utiliser pour les envois de toute nature des enveloppes dont les dimensions ne soient pas inférieures à 10 cm. en longueur et 7 cm. en largeur;

g) de conditionner solidement leurs envois, particulièrement s'ils sont destinés à des Pays éloignés;

h) d'ajouter le mot «Lettre» du côté de l'adresse des lettres qui, en raison de leur volume ou de leur conditionnement, pourraient être prises pour d'autres envois;

i) en ce qui concerne les envois expédiés à la taxe réduite, d'indiquer, par des annotations telles que «Papiers d'affaires», «Imprimés», «Echantillon», «Petit paquet», etc., la catégorie à laquelle ils appartiennent.

2. — Les envois de toute nature, dont le côté réservé à l'adresse a été divisé, en tout ou en partie, en plusieurs cases destinées à recevoir des adresses successives, ne sont pas admis.

3. — Les timbres non postaux et les vignettes de bienfaisance ou autres susceptibles d'être confondus avec les timbres-poste, ne peuvent être appliqués du côté de la suscription. Il en est de même des empreintes de timbres qui pourraient être confondues avec les empreintes d'*affranchissement.*

ARTICLE *108.*

Envois expédiés en franchise postale.

1. — Les correspondances du service postal expédiées en franchise de port doivent porter, *à l'angle gauche supérieur du* recto, *la mention* «Service des postes» ou une mention analogue.

2. — Les correspondances jouissant de la franchise postale prévue à l'article 52, §§ 2 à 4, doivent porter à l'angle gauche supérieur du recto, selon le cas, la mention «Service des prisonniers de guerre» ou «Service des prisonniers civils».

3. — Les indications prevues aux §§ 1 et 2 peuvent être suivies d'une traduction dans une autre langue.

ARTICLE *109.*

Envois poste restante.

L'adresse des envois expédiés poste restante doit indiquer le nom du destinataire. L'emploi d'initiales, de chiffres, de simples prénoms, de noms supposés ou de marques conventionnelles quelconques n'est pas admis pour ces envois.

ARTICLE *110.*

Envois sous enveloppe à panneau.

1. — Les envois sous enveloppe à panneau transparent sont admis aux conditions suivantes:

a) le panneau doit être disposé parallèlement à la plus grande dimension, de façon que l'adresse du destinataire apparaisse dans le même sens et que l'application du timbre à date ne soit pas entravée;

b) la transparence du panneau doit assurer une parfaite lisibilité de l'adresse, même à la lumière artificielle, et ne pas empêcher l'application d'une écriture; les enveloppes à panneau dont la partie vitrifiée provoque des reflets à la lumière artificielle sont exclues;

c) seuls les nom et adresse du destinataire doivent apparaître à travers le panneau; le contenu de l'enveloppe doit être plié de façon que l'adresse ne puisse se trouver masquée, en tout ou en partie, par suite de glissement;

d) l'adresse doit être indiquée, d'une façon bien lisible, à *l'encre*, à la machine à écrire *ou par un procédé d'impression, avec des caractères de couleur foncée;* les envois dont l'adresse est écrite au crayon ou au crayon-encre ne sont pas admis.

2. — Les envois sous enveloppe entièrement transparente ou à panneau ouvert ne sont pas admis.

ARTICLE *111.*

Envois soumis au contrôle douanier.

1. — Les envois à soumettre au contrôle douanier doivent être revêtus, au recto, d'une étiquette verte, conforme au modèle C 1 ci-annexé. En ce qui concerne les petits paquets, l'apposition de cette étiquette est obligatoire dans tous les cas.

2. — Si le Pays de destination l'exige ou si l'expéditeur le préfère, les envois visés *au § 1* sont, en outre, accompagnés de déclarations en douane séparées, conformes au modèle C 2 ci-annexé et au nombre prescrit; ces déclarations sont reliées à l'envoi extérieurement et d'une manière solide par un croisé de ficelle ou insérées dans l'envoi même. Dans ce cas, la partie supérieure de l'étiquette C 1 est seule apposée sur l'envoi.

3. — En ce qui concerne les imprimés et les envois de sérums et de vaccins, l'absence de l'étiquette C 1 ne peut entraîner le renvoi de ces objets au bureau d'origine.

4. — Les Administrations n'assument aucune responsabilité du chef des déclarations en douane, sous quelque forme qu'elles soient faites.

ARTICLE *112.*

Envois francs de droits.

1. — Les envois à remettre aux destinataires francs de tous droits doivent porter sur le recto l'en-tête très apparent «Franc de droits» ou une mention analogue dans la langue du Pays d'origine.

Ces envois sont pourvus, du côté de la suscription, d'une étiquette de couleur jaune portant également, en gros caractères, l'indication «Franc de droits».

2. — Tout envoi expédié franc de droits est accompagné d'un bulletin d'affranchissement conforme au modèle C 3 ci-annexé, confectionné en carton de couleur jaune et dont le recto est rempli par le bureau expéditeur. Le bulletin d'affranchissement est solidement attaché à l'envoi.

CHAPITRE II.

Dispositions spéciales applicables à chaque catégorie d'envois.

ARTICLE *113*.

Lettres.

Aucune condition de forme ou de fermeture n'est exigé pour les lettres, sous réserve de l'observation des prescriptions de l'article *110*. La place nécessaire au recto pour l'affranchissement, l'adresse et les mentions ou étiquettes de service doit être laissée entièrement libre.

ARTICLE *114*.

Cartes postales simples.

1. — Les cartes postales doivent être confectionnées en carton ou en papier assez consistant pour ne pas entraver la manipulation.

2. — Sont assimilées aux cartes postales les feuilles de papier repliées dont les deux faces internes ont été collées complètement l'une sur l'autre, de sorte que d'autres objets ne risquent pas de s'y fourvoyer.

3. — Les cartes postales doivent porter, en tête du recto, le titre «Carte postale» en français ou l'équivalent de ce titre dans une autre langue. Ce titre n'est pas obligatoire pour les cartes émanant de l'industrie privée.

4. — Les cartes postales doivent être expédiées à découvert, c'est-à-dire sans bande ni enveloppe.

5. — La moitié droite au moins du recto est réservée à l'adresse du destinataire et aux mentions ou étiquettes de service; les timbres-poste ou empreintes d'affranchissement doivent être appliqués au recto et, autant que possible, sur la partie droite de la carte. L'expéditeur dispose du verso et de la partie gauche du recto, sous réserve des dispositions du § *6* ci-après.

6. — Il est interdit de joindre ou d'attacher aux cartes postales des échantillons de marchandises ou des objets analogues. Toutefois, des vignettes, des photographies, des timbres de toute espèce, des étiquettes et des coupures de toute sorte, en papier ou autre matière très mince, de même que des bandes d'adresse ou des feuilles à replier, peuvent y être collés, à condition que ces objets ne soient pas de nature à altérer le caractère des cartes postales et qu'ils soient complètement adhérents à la carte. Ces objets ne peuvent être collés que sur le verso ou sur la partie gauche du recto des cartes postales, sauf les bandes ou étiquettes d'adresse qui peuvent occuper tout le recto. Quant aux timbres de toute espèce, susceptibles d'être confondus avec les timbres d'affranchissement, ils ne sont admis qu'au verso.

7. — Les cartes postales ne remplissant pas les conditions prescrites pour cette catégorie d'envois sont traitées comme lettres, à l'exception, toutefois, de celles dont l'irrégularité résulte seulement de l'application de l'affranchissement au verso. Ces dernières sont considérées comme non affranchies et traitées en conséquence, selon la catégorie à laquelle elles appartiennent d'après leur texte ou leurs dimensions.

ARTICLE *115*.

Cartes postales avec réponse payée.

1. — Les cartes postales avec réponse payée doivent présenter au recto, en langue française, comme titre sur la première partie: «Carte postale avec réponse payée»; sur la seconde partie: «Carte postale-réponse.» Les deux parties doivent d'ailleurs remplir, chacune, les autres conditions imposées

à la carte postale simple; elles sont repliées l'une sur l'autre de façon que le pli forme le bord supérieur et ne peuvent être fermées d'une manière quelconque.

2. — L'adresse de la carte-réponse doit se trouver à l'intérieur de l'envoi.

3. — Il est loisible à l'expéditeur d'indiquer son nom et son adresse au recto de la partie «Réponse».

4. — L'expéditeur est également autorisé à faire imprimer au verso de la carte-réponse un questionnaire destiné à être rempli par le destinataire; *celui-ci peut, en outre, renvoyer la partie «Demande» adhérente à la partie «Réponse». Dans ce cas, l'adresse de la carte «Demande» doit être barrée et se trouver à l'intérieur de l'envoi.*

5. — L'affranchissement de la partie «Réponse» au moyen de timbres-poste du Pays qui a émis la carte n'est valable que si les deux parties de la carte postale avec réponse payée sont parvenues adhérentes du Pays d'origine et si la partie «Réponse» est expédiée du Pays où elle est parvenue par la poste à destination dudit Pays d'origine. Si ces conditions ne sont pas remplies, elle est traitée comme carte postale non affranchie.

ARTICLE *116*.

Papiers d'affaires.

1. — Sont considérés comme papiers d'affaires, à condition qu'ils n'aient pas le caractère d'une correspondance actuelle et personnelle, toutes les pièces et tous les documents écrits ou dessinés en tout ou partie, tels que les correspondances — lettres ouvertes et cartes postales — de date ancienne qui ont déjà atteint leur but primitif, et leurs copies, les pièces de procédure, les actes de tout genre dressés par les officiers ministériels, les lettres de voiture ou connaissements, les factures, certains documents des compagnies d'assurance, les copies ou extraits d'actes sous seing privé écrits sur papier timbré ou non timbré, les partitions ou feuilles de musique manuscrites, les manuscrits d'ouvrages ou de journaux expédiés isolément, les devoirs originaux et corrigés d'élèves, à l'exclusion de toute indication ne se rapportant pas directement à l'exécution du travail.

2. — Ces documents peuvent être accompagnés de fiches de rappel ou bordereaux d'envoi portant les mentions suivantes ou des indications analogues: énumération des pièces composant l'envoi, références à une correspondance échangée entre l'expéditeur et le destinataire, telles que: «Annexe à notre lettre du ... à M ... Notre référence ... Références du client .....

3. — Les correspondances de date ancienne peuvent être munies des timbres-poste oblitérés ou des empreintes qui ont servi à leur affranchissement primitif.

4. — Sont également considérés comme papiers d'affaires, même quand ils revêtent le caractère d'une correspondance actuelle et personnelle, tous les envois contenant des objets de correspondance échangés entre élèves d'écoles, à condition que ces envois empruntent l'intermédiaire des directeurs des écoles intéressées.

5. — Les papiers d'affaires sont soumis, en ce qui concerne la forme et le conditionnement, aux dispositions prescrites à l'article *120* ci-après pour les imprimés.

ARTICLE *117*.

Imprimés.

1. — Sont considérés comme imprimés, les journaux et ouvrages périodiques, les livres, les brochures, les papiers de musique, les cartes de visite, les cartes-adresse, les épreuves d'imprimerie, les gravures, les photographies et les albums contenant des photographies, les images, les dessins, plans, cartes géographiques, patrons à découper, catalogues, prospectus, annonces et avis divers, imprimés, gravés, lithographiés ou autographiés, et, en général, toutes les impressions ou reproductions obtenues sur papier ou autre matière assimilable au papier, sur parchemin ou sur carton, au moyen de la typographie, de la gravure, de la lithographie et de l'autographie, ou de tout autre procédé mécanique facile à reconnaître, hormis le décalque, les timbres à caractères mobiles ou non et la machine à écrire.

2. — La taxe des imprimés n'est pas applicable aux imprimés qui portent des signes quelconques susceptibles de constituer un langage conventionnel, ni, sauf les exceptions explicitement autorisées par les articles *118* et *119* ci-après, à ceux dont le texte a été modifié après tirage.

3. — Les films cinématographiques, les disques pour gramophones ainsi que les papiers perforés destinés à être adaptés à des instruments de musique automatiques ne sont pas admis au tarif des imprimés. Il en est de même des articles de papeterie proprement dits, dès l'instant où il apparaît clairement que la partie imprimée n'est pas l'essentiel de l'objet.

4. — Les cartes portant le titre: «Carte postale» ou l'équivalent de ce titre dans une langue quelconque sont admises au tarif des imprimés, pourvu qu'elles répondent aux conditions générales applicables aux imprimés. Celles qui ne remplissent pas ces conditions sont traitées comme cartes postales ou éventuellement comme lettres, par application des dispositions de l'article *114*, § *7*.

ARTICLE *118*.

Objets assimilés aux imprimés.

Sont assimilées aux imprimés, en tant qu'elles sont déposées dans les conditions prescrites par les règlements intérieurs de l'Administration d'origine, les reproductions, par un procédé mécanique de polygraphie, chromographie, etc., d'une copie-type faite à la plume ou à la machine à écrire. Chacune de ces reproductions peut recevoir les annotations autorisées pour les imprimés.

ARTICLE *119*.

Imprimés. Annotations et annexes autorisées.

1. — Il est permis, à l'extérieur et à l'intérieur de tous les envois d'imprimés:

a) d'indiquer les nom, qualité, profession, raison sociale et adresse de l'expéditeur et du destinataire, la date d'expédition, la signature, le numéro d'appel au téléphone *et le réseau téléphonique de raccordement*, l'adresse et le code télégraphiques, le compte courant postal ou bancaire de l'expéditeur ainsi qu'un numéro d'ordre ou d'immatriculation se rapportant exclusivement à l'envoi;

b) de corriger les fautes d'impression;

c) de *barrer*, de souligner ou d'encadrer, au moyen de traits, certains mots ou certaines parties du texte imprimé, à moins que ces opérations ne soient faites dans le dessein de constituer une correspondance.

2. — Il est, en outre, permis d'indiquer ou d'ajouter:

a) sur les avis concernant les départs et les arrivées des navires: les dates et heures des départs et arrivées ainsi que les noms des navires et des ports de départ, d'escale et d'arrivée;

b) sur les avis de passage: le nom du voyageur, la date, l'heure et le nom de la localité par laquelle il compte passer ainsi que l'endroit où il descend;

c) sur les bulletins de commande, de souscription ou d'offre, relatifs à des ouvrages de librairie, livres, journaux, gravures, morceaux de musique: les ouvrages et le nombre des exemplaires demandés ou offerts, le prix de ces ouvrages ainsi que des annotations représentant des éléments constitutifs du prix, le mode de payement, l'édition, les noms des auteurs et des éditeurs, le numéro du catalogue et les mots «broché», «cartonné» ou «relié»;

d) sur les formules utilisées par les services de prêts des bibliothèques: les titres des ouvrages, le nombre des exemplaires demandés ou envoyés, les noms des auteurs et des éditeurs, les numéros du catalogue, le nombre de jours accordés pour la lecture, le nom de la personne désirant consulter l'ouvrage ainsi que d'autres indications sommaires se référant aux ouvrages en question;

e) sur les cartes illustrées, les cartes de visite imprimées ainsi que sur les cartes de Noël et de nouvel an: des souhaits, félicitations, remerciements, compliments de condoléance ou autres formules de politesse exprimés en cinq mots ou au moyen de cinq initiales conventionnelles, au maximum;

f) sur les épreuves d'imprimerie: les changements et additions qui se rapportent à la correction, à la forme et à l'impression ainsi que des mentions telles que «Bon à tirer», «Vu-Bon à tirer» ou toutes autres analogues se rapportant à la confection de l'ouvrage. En cas de manque de place, les additions peuvent être faites sur des feuilles spéciales;

g) sur les images de mode, les cartes géographiques, etc.: les couleurs;

h) sur les listes de prix courants, les offres d'annonces, les cotes de bourse et de marché, les circulaires de commerce et les prospectus: des chiffres; toutes autres annotations représentant des éléments constitutifs des prix;

i) sur les livres, brochures, journaux, photographies, gravures, papiers de musique et, en général, sur toutes les productions littéraires ou artistiques imprimées, gravées, lithographiées ou autographiées: une dédicace consistant en un simple hommage et, sur les photographies ou gravures, une légende explicative très succincte ainsi que d'autres indications sommaires se référant à la photographie ou à la gravure elle-même;

j) sur les passages découpés de journaux et publications périodiques: le titre, la date, le numéro et l'adresse de la publication dont l'article est extrait;

k) sur les avis de changement d'adresse: la nouvelle adresse de l'expéditeur et la date à laquelle le changement prend cours ou encore l'ancienne adresse et la date à laquelle le changement a été réalisé.

3. — Les additions et les corrections prévues aux §§ 1 et 2 peuvent être faites à la main ou par un procédé mécanique quelconque.

4. — Il est, enfin, permis de joindre:

a) aux épreuves d'imprimerie corrigées ou non: le manuscrit s'y rapportant;

b) aux envois des catégories mentionnées sous § 2, lettre *i):* la facture ouverte se rapportant à l'objet envoyé, réduite à ses énonciations constitutives;

c) aux envois visés à l'article 36, §§ 3 et 4, de la Convention, une formule de versement portant la désignation imprimée d'un compte courant postal;

d) à tous les imprimés: une carte, une enveloppe ou une bande, munie de l'adresse de l'expéditeur de l'envoi et affranchie pour le retour au moyen de timbres-poste du Pays de destination de l'envoi.

ARTICLE *120.*

Imprimés. Conditionnement des envois.

1. — Les imprimés doivent être, soit placés sous bande, sur rouleau, entre des cartons, dans un étui ouvert ou dans une enveloppe non fermée munie, s'il y a lieu, de fermoirs faciles à enlever et à replacer et n'offrant aucun danger, soit entourés d'une ficelle facile à dénouer.

2. — Les imprimés présentant la forme et la consistance d'une carte peuvent être expédiés à découvert sans bande, enveloppe ou lien. Le même mode d'expédition est admis pour les imprimés pliés de façon qu'ils ne puissent se déplier pendant le transport.

3. — La moitié droite au moins du recto des imprimés expédiés sous forme de cartes, y compris les cartes illustrées bénéficiant de la taxe réduite, est réservée à l'adresse du destinataire et aux mentions ou étiquettes de service. Les timbres-poste ou empreintes d'affranchissement doivent être appliqués au recto et, autant que possible, sur la partie droite de la carte.

4. — Dans tous les cas, les envois doivent être conditionnés de façon que d'autres objets ne risquent pas de s'y fourvoyer.

ARTICLE *121.*

Objets assimilés aux impressions en relief à l'usage des aveugles.

Les clichés portant des signes de la cécographie sont assimilés aux impressions en relief à l'usage des aveugles. Il en est de même des enregistrements sonores destinés uniquement à l'usage des aveugles, à condition qu'ils soient expédiés par un institut pour aveugles officiellement reconnu ou adressés à un tel institut.

ARTICLE *122.*

Echantillons. Annotations autorisées.

Il est permis d'indiquer à la main ou par un procédé mécanique, à l'extérieur ou à l'intérieur des envois d'échantillons et, dans ce dernier cas, sur l'échantillon même ou sur une feuille spéciale y relative, les nom, qualité, profession, raison sociale et adresse de l'expéditeur et du destinataire ainsi que la date d'expédition, la signature, le numéro d'appel au téléphone *et le réseau téléphonique de raccor-*

dement, l'adresse et le code télégraphiques, le compte courant postal ou bancaire de l'expéditeur, une marque de fabrique ou de marchand, une indication sommaire relative au fabricant et au fournisseur de la marchandise ou concernant la personne à laquelle l'échantillon est destiné, ainsi que des numéros d'ordre ou d'immatriculation, des prix et toutes autres annotations représentant des éléments constitutifs des prix, des indications relatives au poids, au métrage et à la dimension ainsi qu'à la quantité disponible et celles qui sont nécessaires pour préciser la provenance et la nature de la marchandise.

ARTICLE *123*.

Echantillons. Conditionnement des envois.

1. — Les échantillons de marchandises doivent être placés dans des sacs, des boîtes ou des enveloppes mobiles.

2. — Les objets en verre ou autres matières fragiles, les envois de liquides, huiles, corps gras, poudres sèches, colorantes ou non, ainsi que les envois qui contiennent des abeilles vivantes, des sangsues, des graines de vers à soie ou des parasites visés à l'article *49*, § 1, de la Convention sont admis au transport comme échantillons de marchandises, pourvu qu'ils soient conditionnés de la manière suivante:

a) les objets en verre ou autres matières fragiles doivent être emballés solidement (boîtes en métal, en bois ou en carton ondulé de qualité solide), de manière à prévenir tout danger pour les agents et les correspondances;

b) les liquides, huiles et corps facilement liquéfiables doivent être insérés dans des récipients hermétiquement fermés. Chaque récipient doit être placé dans une boîte spéciale en métal, en bois résistant ou en carton ondulé de qualité solide garnie de sciure de bois, de coton ou de matière spongieuse en quantité suffisante pour absorber le liquide en cas de bris du récipient. Le couvercle de la boîte doit être fixé de manière qu'il ne puisse se détacher facilement;

c) les corps gras difficilement liquéfiables, tels que les onguents, le savon mou, les résines, etc., ainsi que les graines de vers à soie, dont le transport offre moins d'inconvénients, doivent être enfermés sous une première enveloppe (boîte, sac en toile, parchemin, etc.), placée elle-même dans une seconde boîte en bois, en métal ou en cuir fort et épais;

d) les poudres sèches colorantes, telles que le bleu d'aniline, etc., ne sont admises que dans des boîtes en fer-blanc résistant, placées à leur tour dans des boîtes en bois avec de la sciure entre les deux emballages. Les poudres sèches non colorantes doivent être placées dans des boîtes en métal, en bois ou en carton; ces boîtes doivent être elles-mêmes enfermées dans un sac en toile ou en parchemin;

e) les abeilles vivantes, les sangsues et les parasites doivent être enfermés dans des boîtes disposées de façon à éviter tout danger.

3. — Les objets qui se gâteraient s'ils étaient emballés d'après les règles générales, *ainsi que les échantillons placés dans un emballage transparent permettant la vérification de leur contenu*, peuvent, exceptionnellement, être admis sous un emballage hermétiquement fermé. Il en est de même pour les échantillons de produits industriels et végétaux mis à la poste sous un emballage fermé par la fabrique ou scellés par une autorité de vérification du Pays d'origine. Dans ces cas, les Administrations intéressées peuvent exiger que l'expéditeur ou le destinataire facilite la vérification du contenu, soit en ouvrant quelques-uns des envois désignés par elles, soit d'une autre manière satisfaisante.

4. — Il n'est pas exigé d'emballage pour les objets d'une seule pièce, tels que pièces de bois, pièces métalliques, etc., qu'il n'est pas dans les usages du commerce d'emballer.

5. — L'adresse du destinataire doit être indiquée, autant que possible, sur l'emballage ou sur l'objet lui-même. Si l'emballage ou l'objet ne se prête pas à l'inscription de l'adresse et des indications de service ou à l'application des timbres-poste, il doit être fait usage d'une étiquette volante, de préférence en parchemin, attachée solidement. Il en est de même lorsque le timbrage est susceptible de provoquer la détérioration de l'envoi.

ARTICLE *124*.

Objets assimilés aux échantillons.

Sont admis au tarif des échantillons: les clichés d'imprimerie, les patrons découpés isolés, les clefs isolées, les fleurs fraîches coupées, les objets d'histoire naturelle (animaux et plantes séchés ou

conservés, spécimens géologiques, etc.), tubes de sérum ou de vaccin et objets pathologiques rendus inoffensifs par leur mode de préparation et d'emballage. Ces objets, à l'exception des tubes de sérum et de vaccin expédiés dans un intérêt général par les laboratoires ou institutions officiellement reconnus, ne peuvent être envoyés dans un but commercial. Leur emballage doit être conforme aux prescriptions générales concernant les échantillons de marchandises.

ARTICLE *125*.

Objets groupés.

1. — La réunion dans un seul envoi d'objets de correspondance de catégories différentes est limitée aux papiers d'affaires, aux imprimés, à l'exception des impressions en relief à l'usage des aveugles, et aux échantillons de marchandises sous réserve:

a) que chaque objet pris isolément ne dépasse pas les limites qui lui sont applicables quant au poids et aux dimensions;

b) que le poids total ne dépasse pas 2 kilogrammes par envoi;

c) que la taxe payée soit au moins la taxe minimum des papiers d'affaires si l'envoi contient des papiers d'affaires, et la taxe minimum des échantillons s'il se compose d'imprimés et d'échantillons.

2. — Ces dispositions ne sont applicables qu'aux objets soumis à la même taxe unitaire. Lorsqu'une Administration constate la réunion dans un même envoi d'objets passibles de taxes différentes, cet envoi est frappé pour son poids total de la taxe afférente à la catégorie dont le tarif est le plus élevé.

ARTICLE *126*.

Petits paquets.

1. — Les petits paquets sont soumis aux dispositions prescrites pour les échantillons de marchandises en ce qui concerne le conditionnement et l'emballage.

2. — Il est permis d'y insérer une facture ouverte, réduite à ses énonciations constitutives, ainsi qu'une simple copie de la suscription de l'objet avec mention de l'adresse de l'expéditeur.

3. — Les nom et adresse des expéditeurs doivent figurer à l'extérieur des envois.

ARTICLE *127*.

Envois «Phonopost».

1. — Sous réserve des dispositions expressément prévues pour les envois «Phonopost», ceux-ci sont régis par les prescriptions applicables aux lettres.

2. — Les disques phonographiques expédiés comme envois «Phonopost» doivent être protégés par une enveloppe solide non fermée.

3. — L'expéditeur doit mentionner en caractères très apparents, sur le recto de l'enveloppe, outre les indications ordinaires, le mot «Phonopost». Il est loisible d'imprimer au recto, en une ou plusieurs langues, une notice relative à la manière de reproduction sonore de l'enregistrement du disque.

4. — Il est permis d'insérer dans l'envoi, convenablement protégées, des aiguilles devant servir à obtenir la reproduction de l'enregistrement.

TITRE III.

Envois recommandés. Avis de réception.

CHAPITRE UNIQUE.

ARTICLE *128*.

Envois recommandés.

1. — Les envois recommandés doivent porter au recto l'en-tête très apparent «Recommandé» ou une mention analogue dans la langue du Pays d'origine.

2. — Sauf les exceptions ci-après, aucune condition spéciale de forme, de fermeture ou de libellé de l'adresse n'est exigée pour ces envois.

3. — Les objets de correspondance qui portent une adresse écrite au crayon ou constituée par des initiales ne sont pas admis à la recommandation. Toutefois, l'adresse des envois autres que ceux qui sont expédiés sous enveloppe à panneau transparent peut être écrite au crayon-encre.

4. — Les envois recommandés doivent être revêtus, à l'angle gauche de la suscription, d'une étiquette conforme au modèle C 4 ci-annexé, avec l'indication en caractères latins de la lettre «R», du nom du bureau d'origine et du numéro d'ordre de l'envoi. Toutefois, il est permis aux Administrations dont le régime intérieur s'oppose actuellement à l'emploi des étiquettes d'ajourner la mise à exécution de cette mesure et d'employer pour la désignation des envois recommandés des timbres «Recommandé» ou «R», à côté desquels doivent figurer l'indication du bureau d'origine et celle du numéro d'ordre. Ces timbres doivent être apposés également à l'angle gauche de la suscription.

5. — Aucun numéro d'ordre ne doit être porté au recto des objets recommandés par les Administrations intermédiaires.

ARTICLE *129*.

Avis de réception.

1. — Les envois dont l'expéditeur demande un avis de réception doivent porter, au recto, l'annotation très apparente «Avis de réception» ou l'empreinte d'un timbre «A. R.». L'expéditeur doit indiquer à l'extérieur de l'envoi son nom et son adresse en caractères latins.

2. — Ils sont accompagnés d'une formule de la consistance d'une carte postale, de couleur rouge clair, conforme au modèle C 5 ci-annexé; cette formule est établie par le bureau d'origine ou par tout autre bureau à désigner par l'Administration expéditrice et réunie à l'objet extérieurement et d'une manière solide. Si elle ne parvient pas au bureau de destination, celui-ci dresse d'office un nouvel avis de réception.

3. — Il n'est pas tenu compte du poids de la formule de l'avis de réception pour le calcul de la taxe d'affranchissement.

4. — Le bureau de destination renvoie la formule C 5, dûment remplie, dans le courrier ordinaire, à découvert et en franchise de port, à l'adresse de l'expéditeur de l'objet.

5. — Lorsque l'expéditeur réclame un avis de réception qui ne lui est pas parvenu dans les délais voulus, il est procédé conformément aux règles tracées à l'article *130* ci-après. Dans ce cas, il n'est pas perçu une deuxième taxe et le bureau d'origine inscrit en tête de la formule C 5 la mention «Duplicata de l'avis de réception, etc.».

ARTICLE *130*.

Avis de réception demandé postérieurement au dépôt.

1. — Lorsque l'expéditeur demande un avis de réception postérieurement au dépôt de l'envoi, le bureau d'origine remplit une formule C 5.

2. — La formule C 5 est attachée à une réclamation C *9* mentionnée à l'article *141* ci-après; cette réclamation, après avoir été revêtue d'un timbre-poste représentant la taxe due, est traitée selon

les prescriptions dudit article *141*, sauf que, en cas de distribution régulière de l'envoi, le bureau de destination retire la formule C *9* et renvoie la formule C 5 à l'origine de la manière prescrite à l'article *129*, § *4*.

3. — Les dispositions particulières adoptées par les Administrations en vertu de l'article *141* ci-après, pour la transmission des réclamations d'envois recommandés, sont applicables aux demandes d'avis de réception formulées postérieurement au dépôt.

ARTICLE *131*.

Envois à remettre en main propre.

1. — Les envois à remettre en main propre doivent porter, soulignée en rouge, la mention «A remettre en main propre» ou la mention équivalente dans une langue connue dans le Pays de destination.

2. — Les Administrations sont tenues de faire deux essais de remise de ces envois.

TITRE *IV*.

Opérations au départ et à l'arrivée.

CHAPITRE UNIQUE.

ARTICLE *132*.

Application du timbre à date.

1. — Les correspondances sont frappées au recto par le bureau d'origine d'un timbre indiquant, autant que possible en caractères latins, le lieu d'origine et la date du dépôt à la poste. Dans les localités pourvues de plusieurs bureaux de poste, le timbre doit indiquer quel est le bureau de dépôt.

2. — L'application du timbre prévu *au § 1* n'est pas obligatoire pour les correspondances affranchies au moyen d'empreintes de machines à affranchir si l'indication du lieu d'origine et de la date du dépôt à la poste figure dans ces empreintes. L'application du timbre dont il s'agit n'est pas non plus exigée pour les objets à tarif réduit non recommandés, à condition que le lieu d'origine soit indiqué sur ces envois.

3. — Tous les timbres-poste valables doivent être oblitérés.

4. — A moins que les Administrations n'aient prescrit l'annulation au moyen d'une griffe spéciale, les timbres-poste non oblitérés par suite d'erreur ou d'omission dans le service d'origine doivent être *barrés* d'un fort *trait par* le bureau qui constate l'irrégularité. *Ces timbres* ne sont *en aucun cas* frappés du timbre à date.

5. — Les correspondances mal dirigées, sauf les objets à tarif réduit non recommandés, doivent être frappées de l'empreinte du timbre à date du bureau auquel elles sont parvenues par erreur. Cette obligation incombe non seulement aux bureaux sédentaires, mais aussi aux bureaux ambulants, dans la mesure du possible. L'empreinte doit être apposée au verso des objets quand il s'agit de lettres et au recto lorsqu'il s'agit de cartes postales.

6. — Le timbrage des correspondances déposées sur les navires incombe à l'agent des postes ou à l'officier du bord chargé du service ou, à leur défaut, au bureau de poste de l'escale auquel ces correspondances sont livrées à découvert. Dans ce cas, le bureau les frappe de son timbre à date et y appose la mention «Navire», «Paquebot» ou toute autre analogue.

7. — Le bureau destinataire d'une carte postale avec réponse payée peut appliquer son timbre à date du côté gauche du recto de la partie «Réponse».

ARTICLE *133.*

Envois exprès.

Les envois à remettre par exprès sont *pourvus à* côté de l'indication du lieu de destination, d'une étiquette imprimée, de couleur rouge foncé *ou d'une inscription qui en tient lieu*, portant en gros caractères le mot «Exprès».

ARTICLE *134.*

Envois non affranchis ou insuffisamment affranchis.

1. — Les correspondances pour lesquelles une taxe quelconque doit être perçue postérieurement au dépôt, soit sur le destinataire, soit sur l'expéditeur, en cas de mise en rebut, sont frappées du timbre T (taxe à payer) à l'angle droit supérieur du recto; l'indication en francs et centimes du montant à percevoir est inscrite en chiffres très lisibles, à côté de ce timbre.

2. — L'application du timbre T ainsi que l'indication du montant à percevoir incombent à l'Administration d'origine ou, en cas de réexpédition ou de mise en rebut, à l'Administration réexpéditrice. Toutefois, s'il s'agit d'envois provenant de Pays qui appliquent des taxes réduites dans les relations avec l'Administration réexpéditrice, le montant à percevoir est indiqué par l'Administration qui effectue la distribution.

3. — L'Administration de distribution frappe l'envoi de la taxe à percevoir.

4. — Tout envoi ne portant pas le timbre T est considéré comme dûment affranchi et traité en conséquence, sauf erreur évidente.

5. — Il n'est pas tenu compte des timbres-poste et des empreintes d'affranchissement non valables pour l'affranchissement. Dans ce cas, le chiffre zéro (0) est placé à côté de ces timbres-poste ou de ces empreintes, qui doivent être encadrés au crayon.

ARTICLE *135.*

Renvoi des bulletins d'affranchissement. Récupération des droits avancés.

1. — Après la livraison au destinataire d'un envoi franc de droits, le bureau qui a fait l'avance des frais de douane ou autres pour le compte de l'expéditeur complète, en ce qui le concerne, les indications qui figurent au verso du bulletin d'affranchissement et transmet ce dernier, accompagné des pièces justificatives, au bureau d'origine de l'envoi; cette transmission a lieu sous enveloppe fermée, sans indication du contenu.

2. — Toutefois, chaque Administration a le droit de faire effectuer, par des bureaux spécialement désignés, le renvoi des bulletins d'affranchissement grevés de frais et de demander que les bulletins soient transmis à un bureau déterminé.

3. — Le nom du bureau auquel les bulletins doivent être renvoyés est inscrit, dans tous les cas, par le bureau expéditeur de l'envoi au recto du bulletin d'affranchissement.

4. — Lorsqu'un envoi qui porte l'indication «Franc de droits» parvient au service destinataire sans bulletin d'affranchissement, le bureau chargé du dédouanement établit un duplicata du bulletin sur lequel il mentionne le nom du Pays d'origine et, autant que possible, la date du dépôt de l'envoi.

5. — Lorsque le bulletin d'affranchissement est perdu après livraison de l'envoi, un duplicata est établi dans les mêmes conditions.

6. — Les bulletins d'affranchissement afférents aux envois qui, pour un motif quelconque, sont renvoyés à l'origine doivent être annulés par les soins de l'Administration destinataire.

7. — A la réception d'un bulletin d'affranchissement indiquant les frais déboursés par le service destinataire, l'Administration d'origine convertit le montant de ces frais dans sa propre monnaie à un taux qui ne doit pas être supérieur au taux fixé pour l'émission des mandats de poste à destination du Pays correspondant. Le résultat de la conversion est indiqué dans le corps de la formule et sur le coupon latéral. Après avoir recouvré le montant des frais, le bureau d'origine remet à l'expéditeur le coupon du bulletin et, le cas échéant, les pièces justificatives.

ARTICLE *136*.

Envois réexpédiés.

1. — Les correspondances adressées à des destinataires ayant changé de résidence sont considérées comme adressées directement du lieu d'origine au lieu de la nouvelle destination.

2. — Les envois non ou insuffisamment affranchis pour leur premier parcours sont frappés de la taxe qui leur aurait été appliquée s'ils avaient été adressés directement du point d'origine au lieu de la destination nouvelle.

3. — Les envois régulièrement affranchis pour leur premier parcours, et dont le complément de taxe afférent au parcours ultérieur n'a pas été acquitté avant leur réexpédition, sont frappés d'une taxe égale à la différence entre le prix d'affranchissement déjà acquitté et celui qui aurait été perçu si les envois avaient été expédiés primitivement sur leur nouvelle destination.

4. — Les envois primitivement adressés à l'intérieur d'un Pays et dûment affranchis selon le régime intérieur sont considérés comme des envois régulièrement affranchis pour leur premier parcours.

5. — Les envois ayant circulé primitivement en franchise postale dans l'intérieur d'un Pays sont frappés de la taxe qu'ils auraient dû acquitter s'ils avaient été adressés directement du point d'origine au lieu de la destination nouvelle.

6. — Lors de la réexpédition, le bureau réexpéditeur applique son timbre à date au recto des envois sous forme de cartes et au verso de toutes les autres catégories de correspondances.

7. — Les correspondances ordinaires ou recommandées qui sont renvoyées aux expéditeurs pour qu'ils en complètent ou en rectifient l'adresse, ne sont pas considérées, lors de leur remise dans le service, comme des correspondances réexpédiées; elles sont traitées comme de nouveaux envois et deviennent, par suite, passibles d'une nouvelle taxe.

8. — Les droits de douane et les autres droits non postaux dont l'annulation n'a pu être obtenue à la réexpédition ou au renvoi à l'origine (art. *138* ci-après) sont recouvrés, par voie de remboursement, sur l'Administration de la nouvelle destination. Dans ce cas, l'Administration de la destination primitive joint à l'envoi une note explicative et un mandat de remboursement (modèle *R 3 de l'Arrangement concernant les envois contre remboursement*). Si le service de remboursement n'existe pas dans les relations entre les Administrations intéressées, les droits en cause sont recouvrés par voie de correspondance.

9. — Dans le cas où l'essai de remise d'un objet exprès à domicile par un porteur spécial est resté infructueux, le bureau réexpéditeur doit *barrer* l'étiquette ou la mention «Exprès» par deux forts traits transversaux.

ARTICLE *137*.

Enveloppes de réexpédition et enveloppes collectrices.

1. — Les objets de correspondance ordinaires à réexpédier à une même personne ayant changé de résidence peuvent être insérés dans des enveloppes spéciales conformes au modèle C *6* ci-annexé, fournies par les Administrations et sur lesquelles doivent seuls être inscrits le nom et la nouvelle adresse du destinataire.

2. — Il ne peut être inséré dans ces enveloppes des envois à soumettre au contrôle douanier, ni des objets dont la forme, le volume et le poids risqueraient d'occasionner des déchirures; le poids global d'une enveloppe et de son contenu ne doit en aucun cas dépasser 500 grammes.

3. — L'enveloppe doit être présentée ouverte au bureau réexpéditeur pour lui permettre de percevoir, s'il y a lieu, les compléments de taxe dont les objets qu'elle contient pourraient être passibles ou d'indiquer sur ces objets la taxe à percevoir à l'arrivée, lorsque le complément d'affranchissement n'est pas acquitté. Après vérification, le bureau réexpéditeur ferme l'enveloppe et y applique, le cas échéant, le timbre T avec l'indication, en francs et centimes, du montant total des taxes à percevoir.

4. — A l'arrivée à destination, l'enveloppe peut être ouverte et son contenu vérifié par le bureau distributeur, qui perçoit, s'il y a lieu, les compléments de taxe non acquittés.

5. — Les objets de correspondance ordinaires adressés, soit aux marins et passagers embarqués sur un même navire, soit à des personnes prenant part en commun à un voyage, peuvent être traités également d'après les dispositions des §§ 1 à 4. Dans ce cas, les enveloppes collectrices doivent être revêtues de l'adresse du navire, de l'agence de navigation ou de voyage, etc., à qui elles doivent être remises.

ARTICLE *138*.

Envois tombés en rebut.

1. — Avant de renvoyer à l'Administration d'origine les correspondances non distribuées pour un motif quelconque, le bureau de destination doit indiquer d'une manière claire et concise, en langue française, *et, autant que possible,* au *recto* de ces objets, la cause de la non-remise sous la forme suivante: inconnu, refusé, en voyage, parti, non réclamé, décédé, etc. En ce qui concerne les cartes postales et les imprimés sous forme de cartes, la cause de la non-remise est indiquée sur la moitié droite du recto.

2. — Cette indication est fournie par l'application d'un timbre ou l'apposition d'une étiquette. Chaque Administration a la faculté d'ajouter la traduction, dans sa propre langue, de la cause de la non-remise et les autres indications qui lui conviennent.

3. — Le bureau de destination doit *barrer* les indications de lieu qui le concernent et porter au recto de l'objet la mention Retour» à côté de l'indication du bureau d'origine. Il doit, en outre, appliquer son timbre à date au verso des lettres et au recto des cartes postales.

4. — Le renvoi des correspondances tombées en rebut se fait, soit isolément, soit en une liasse spéciale étiquetée «Rebuts».

5. — Les correspondances recommandées tombées en rebut sont renvoyées au bureau d'échange du Pays d'origine comme s'il s'agissait de correspondances recommandées à diriger sur ce Pays.

6. — Les correspondances du régime intérieur qui tombent en rebut et doivent, pour restitution aux expéditeurs, être envoyées à l'étranger, sont traitées d'après les dispositions de l'article *136*.

7. — Les correspondances pour les marins et autres personnes, adressées aux soins d'un Consul et rendues par celui-ci au bureau de poste comme non réclamées, doivent être traitées comme rebuts. Le montant des taxes perçues sur ces correspondances doit être restitué.

ARTICLE *139*.

Retrait. Modification d'adresse.

1. — Les demandes de retrait de correspondances ou de modification d'adresse donnent lieu à l'établissement, par l'expéditeur, d'une formule conforme au modèle C *7* ci-annexé; une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire. En remettant cette demande au bureau de poste, l'expéditeur doit justifier de son identité et produire, s'il y a lieu, le bulletin de dépôt. Après la justification, dont l'Administration du Pays d'origine assume la responsabilité, il est procédé de la manière suivante:

a) si la demande est destinée à être transmise par voie postale, la formule, accompagnée d'un fac-similé parfait de l'enveloppe ou de la suscription de l'envoi, est expédiée directement, sous pli recommandé, au bureau destinataire;

b) si la demande doit être faite par voie télégraphique, la formule est déposée au service télégraphique chargé d'en transmettre les termes au bureau de poste destinataire. Le télégramme est rédigé en langue française.

2. — A la réception de la formule C *7* ou du télégramme en tenant lieu, le bureau destinataire recherche la correspondance signalée et donne à la demande la suite nécessaire.

3. — Si la recherche est infructueuse, si l'envoi a déjà été remis au destinataire ou si la demande par voie télégraphique n'est pas assez explicite pour permettre de reconnaître sûrement l'envoi, le fait est signalé immédiatement au bureau d'origine, qui en prévient le réclamant. *Il en est de même lorsque l'intervention de la douane révèle une irrégularité.*

4. — Toute Administration peut demander, par une notification adressée au Bureau international, que l'échange des demandes, en ce qui la concerne, soit effectué par l'entremise de son Administration centrale ou d'un bureau spécialement désigné.

5. — Dans les cas où l'échange des demandes s'effectue par l'entremise des Administrations centrales, il doit être tenu compte des demandes expédiées directement par les bureaux d'origine aux bureaux de destination, dans ce sens que les correspondances y relatives sont exclues de la distribution jusqu'à l'arrivée de la demande de l'Administration centrale.

6. — Les Administrations qui usent de la faculté prévue au § *4* prennent à leur charge les frais que peut entraîner la transmission, dans leur service intérieur, par voie postale ou télégraphique, des communications à échanger avec le bureau destinataire. Le recours à la voie télégraphique est obligatoire lorsque l'expéditeur a lui-même fait usage de cette voie et que le bureau destinataire ne peut pas être prévenu en temps utile par la voie postale.

ARTICLE *140*.

Réclamations. Envois ordinaires.

1. — Toute réclamation relative à un envoi ordinaire donne lieu à l'établissement d'une formule conforme au modèle C *8* ci-annexé, *qui doit être accompagnée, autant que possible, d'un fac-similé de l'enveloppe ou de la suscription de l'envoi*.

2. — Le bureau qui reçoit la réclamation transmet directement cette formule, sans lettre d'envoi et sous enveloppe fermée, au bureau correspondant. Celui-ci, après avoir recueilli les renseignements nécessaires auprès du destinataire ou de l'expéditeur, selon le cas, renvoie la formule de la même manière au bureau qui l'a dressée.

3. — Si la réclamation est reconnue fondée, ce dernier bureau fait parvenir la formule à son Administration centrale en vue des investigations ultérieures.

4. — Une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire.

5. — Toute Administration peut demander, par une notification adressée au Bureau international, que les réclamations qui concernent son service soient transmises à son Administration centrale ou à un bureau spécialement désigné.

6. — La formule C *8* doit être renvoyée à l'Administration d'origine de l'envoi réclamé selon les conditions prévues à l'article *141*, § *8*, ci-après.

ARTICLE *141*.

Réclamations. Envois recommandés.

1. — Toute réclamation relative à un envoi recommandé est établie sur une formule conforme au modèle C *9* ci-annexé qui doit être accompagnée, autant que possible, d'un fac-similé de l'enveloppe ou de la suscription de l'envoi.

2. — Si la réclamation concerne un envoi contre remboursement, elle doit être accompagnée, en outre, d'un duplicata de mandat *R 3 de l'Arrangement concernant les envois contre remboursement* ou d'un bulletin de versement, selon le cas.

3. — Une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire.

4. — La réclamation est, en règle générale, envoyée directement par le bureau d'origine au bureau de destination; cette transmission a lieu sans lettre d'envoi et sous enveloppe fermée. Si le bureau destinataire est en état de fournir les renseignements sur le sort définitif de l'envoi, il complète la formule et la retourne au bureau d'origine.

5. — Lorsque le sort de l'envoi ne peut être établi par le bureau de destination, celui-ci constate le fait sur la formule et la réexpédie au bureau d'origine en y ajoutant, autant que possible, une déclaration du destinataire constatant qu'il n'a pas reçu l'envoi. Dans ce cas, l'Administration d'origine complète la formule en y indiquant les données de la transmission à la première Administration intermédiaire. Elle l'adresse ensuite à cette dernière Administration, qui y consigne ses observations et la transmet éventuellement à l'Administration suivante. La réclamation passe ainsi d'une Administration à l'autre jusqu'à ce que le sort de l'envoi réclamé soit établi. L'Administration qui a effectué la remise au destinataire, ou qui, le cas échéant, ne peut établir ni la remise, ni la transmission régulière à une autre Administration, constate le fait sur la formule et la renvoie à l'Administration d'origine.

6. — Toutefois, si l'Administration d'origine ou l'Administration de destination le demande, la réclamation est transmise de prime abord de bureau à bureau en suivant la même voie d'achemine-

ment que l'envoi. Dans ce cas, les recherches se poursuivent depuis l'Administration d'origine jusqu'à l'Administration de destination en observant la procédure visée au § *5*.

7. — Toute Administration peut demander, par une notification adressée au Bureau international, que les réclamations qui concernent son service soient transmises à son Administration centrale ou à un bureau spécialement désigné.

8. — La formule C *9* et les pièces y annexées doivent, dans tous les cas, faire retour à l'Administration d'origine de l'envoi réclamé, dans le plus bref délai possible et au plus tard dans un délai de trois mois à partir de la date de la réclamation. Ce délai est porté à six mois dans les relations avec les Pays éloignés.

9. — Les dispositions qui précèdent ne s'appliquent pas aux cas de spoliation de dépêche, manque de dépêche ou autres cas semblables qui comportent une correspondance plus étendue entre les Administrations.

ARTICLE *142*.

Demandes de renseignements.

Les demandes de renseignements relatives à des envois ordinaires ou recommandés sont traitées suivant les règles fixées respectivement aux articles *140* et *141*.

ARTICLE *143*.

Réclamations et demandes de renseignements concernant des envois déposés dans un autre Pays.

1. — Dans les cas prévus à l'article *56*, § *5*, de la Convention, les formules C *8* et C *9* concernant les réclamations ou les demandes de renseignements sont transmises à l'Administration d'origine. La formule C *9* doit être accompagnée du récépissé de dépôt.

2. — L'Administration d'origine doit être mise en possession de la formule dans les délais prévus à l'article *56* de la Convention.

ARTICLE *144*.

Emploi de timbres-poste présumés frauduleux ou d'empreintes contrefaites de machines à affranchir ou de presses d'imprimerie.

1. — Sous réserve expresse des dispositions que comporte la législation de chaque Pays, la procédure ci-après est suivie pour la constatation de l'emploi, pour l'affranchissement, de timbres-poste frauduleux ou d'empreintes contrefaites de machines à affranchir ou de presses d'imprimerie:

a) lorsque la présence, sur un envoi quelconque, d'un timbre-poste frauduleux (contrefait ou ayant déjà servi) ou d'empreintes contrefaites de machines à affranchir ou de presses d'imprimerie est constatée au départ, la figurine n'est altérée d'aucune façon et l'envoi, accompagné d'un avis conforme au modèle C *10* ci-annexé, est adressé sous enveloppe recommandée d'office au bureau destinataire. Un exemplaire de cet avis est transmis, pour information, aux Administrations des Pays d'origine et de destination;

b) l'envoi n'est remis au destinataire, convoqué pour constater la contravention, que s'il paie le port dû, fait connaître le nom et l'adresse de l'expéditeur et met à la disposition de la poste, après avoir pris connaissance du contenu, soit l'envoi entier s'il est inséparable du corps du délit, soit la partie de l'envoi (enveloppe, bande, portion de lettre, etc.) qui contient la suscription et l'empreinte ou le timbre signalé comme frauduleux. Le résultat de la convocation est constaté par un procès-verbal conforme au modèle C *11* ci-annexé, signé par l'agent des postes et par le destinataire. Le refus éventuel de ce dernier est constaté sur ce document.

2. — Le procès-verbal est transmis, avec pièces à l'appui, sous recommandation d'office, à l'Administration du Pays d'origine, qui y donne la suite que comporte sa législation.

3. — Les Administrations dont la législation ne permet pas la procédure prévue au § *1*, lettres *a)* et *b)* ci-dessus doivent en informer le Bureau international aux fins de notification aux autres Administrations.

TITRE V.

Echange des envois.

CHAPITRE UNIQUE.

ARTICLE *145.*

Feuilles d'avis.

1. — Les feuilles d'avis accompagnant les dépêches sont conformes au modèle C *12* ci-annexé. Elles sont placées sous des enveloppes de couleur bleue portant en gros caractères l'indication «Feuille d'avis».

2. — Le bureau expéditeur remplit la feuille d'avis avec tous les détails qu'en comporte la contexture et en tenant compte des dispositions suivantes:

a) Tableau I: la présence d'envois ordinaires à faire remettre par exprès est signalée par un trait soulignant la mention correspondante;

b) Tableau II: sauf arrangement contraire, les bureaux expéditeurs numérotent les feuilles d'avis d'après une série annuelle pour chaque bureau de destination lorsque les dépêches ne sont pas formées tous les jours. Chaque dépêche prend, dans ce cas, un numéro distinct, même s'il s'agit d'une dépêche supplémentaire empruntant la même voie ou le même navire que la dépêche ordinaire. A la première expédition de chaque année, la feuille doit porter, outre le numéro d'ordre de la dépêche, celui de la dernière dépêche de l'année précédente. Le nom du navire qui emporte la dépêche est indiqué lorsque le bureau expéditeur est à même de le connaître;

c) Tableau III: il peut être fait usage d'une ou de plusieurs listes spéciales conformes au modèle C *13* ci-annexé, soit pour remplacer le tableau V, soit pour servir comme feuille d'avis supplémentaire. L'emploi exclusif de listes spéciales est obligatoire si l'Administration de destination en fait la demande. Les listes dont il s'agit doivent indiquer le même numéro d'ordre que celui qui est mentionné sur la feuille d'avis de la dépêche correspondante. Lorsque plusieurs listes sont employées, elles doivent être numérotées. Le nombre des envois recommandés qui peuvent être inscrits sur une seule et même liste spéciale est limité à 60;

d) Tableau IV: le cas échéant, le nombre des sacs vides appartenant à une Administration autre que celle à laquelle la dépêche est adressée doit être mentionné séparément avec indication de cette Administration. Sont, en outre, mentionnées au tableau IV les lettres de service ouvertes et les communications ou recommandations diverses du bureau expéditeur ayant trait au service d'échange;

e) Tableau V: ce tableau est destiné à l'inscription des envois recommandés lorsqu'il n'est pas exclusivement fait usage de listes spéciales. Dans le cas où les Administrations correspondantes se sont entendues pour l'inscription globale des objets recommandés sur les feuilles d'avis, le nombre total de ces objets doit être indiqué en chiffres et en toutes lettres. Lorsque la dépêche ne contient pas d'envois recommandés, la mention «Néant» est portée au tableau V.

3. — Les Administrations peuvent s'entendre pour créer d'autres tableaux ou rubriques sur la feuille d'avis lorsqu'elles le jugent nécessaire. Elles peuvent, notamment, disposer les tableaux V et VI conformément à leurs besoins.

4. — Lorsqu'un bureau d'échange n'a aucun objet à livrer à un bureau correspondant, et que, dans les relations entre les Administrations intéressées, les feuilles d'avis ne sont pas numérotées par application du § 2, lettre *b)*, ce bureau se borne à envoyer une feuille d'avis négative dans la prochaine dépêche.

5. — Quand les dépêches closes doivent être transmises au moyen de navires que l'Administration intermédiaire dont ils dépendent n'utilise pas régulièrement pour ses propres transports, le poids des lettres et autres objets doit être indiqué sur l'adresse de ces dépêches lorsque l'Administration chargée d'assurer l'embarquement le demande.

ARTICLE *146*.

Transmission des envois recommandés.

1. — Les envois recommandés et, s'il y a lieu, les listes spéciales prévues à l'article *145*, § 2, sont réunis en un ou plusieurs paquets ou sacs distincts qui doivent être convenablement enveloppés ou fermés et cachetés ou plombés de manière à en préserver le contenu. Les envois recommandés sont classés dans chaque paquet d'après leur ordre d'inscription. Quand on emploie plusieurs listes spéciales, chacune d'elles est enliassée avec les objets recommandés auxquels elle se rapporte *et placée après le premier objet de la liasse.*

2. — Sous réserve d'entente entre les Administrations intéressées et lorsque le volume des envois recommandés le permet, ces envois peuvent être insérés dans l'enveloppe spéciale contenant la feuille d'avis. Cette enveloppe doit être cachetée.

3. — En aucun cas, les envois recommandés ne peuvent être confondus avec les correspondances ordinaires.

4. — Sous réserve d'entente entre les Administrations, les A. O. recommandés, expédiés dans des sacs distincts, peuvent être accompagnés de listes spéciales sur lesquelles ils sont inscrits globalement.

5. Autant que possible, un même sac ne doit pas comprendre plus de 600 envois recommandés.

6. — Au paquet d'envois recommandés est attachée extérieurement, par un croisé de ficelle, l'enveloppe spéciale contenant la feuille d'avis; lorsque les envois recommandés sont renfermés dans un sac, ladite enveloppe est fixée au col de ce sac.

7. — S'il y a plus d'un paquet ou sac d'envois recommandés, chacun des paquets ou sacs supplémentaires est muni d'une étiquette indiquant la nature du contenu.

ARTICLE *147*.

Transmission des envois exprès.

1. — Les envois exprès ordinaires sont réunis en une liasse spéciale munie d'une étiquette portant en gros caractères la mention «Exprès» et insérés, par les bureaux d'échange, dans l'enveloppe contenant la feuille d'avis qui accompagne la dépêche.

2. — Toutefois, si cette enveloppe doit être fixée au col du sac des envois recommandés (art. *146*, § *6*), la liasse des envois exprès est placée dans le sac extérieur. La présence, dans la dépêche, des correspondances de l'espèce est alors annoncée par une fiche placée dans l'enveloppe contenant la feuille d'avis. La même procédure est suivie lorsque les envois exprès n'ont pu être joints à la feuille d'avis en raison de leur nombre, de leur forme ou de leurs dimensions.

3. — Les envois exprès recommandés sont classés, à leur ordre, parmi les autres envois recommandés et la mention «Exprès» est portée dans la colonne «Observations» du tableau V de la feuille d'avis ou des listes spéciales, en regard de l'inscription de chacun d'eux. En cas d'inscription globale, la présence d'envois recommandés à remettre par exprès est signalée simplement par la mention «Exprès» au tableau V de la feuille d'avis.

ARTICLE *148*.

Confection des dépêches.

1. — En règle générale, les objets sont classés et enliassés par nature de correspondances, les lettres et les cartes postales étant comprises dans la même liasse et les journaux et écrits périodiques devant faire l'objet de liasses distinctes de celles des imprimés ordinaires. Les liasses sont désignées par des étiquettes portant l'indication du bureau destinataire ou réexpéditeur des envois insérés dans les liasses. Les objets de correspondance susceptibles d'être enliassés doivent être disposés dans le sens de l'adresse. Les objets affranchis sont séparés de ceux qui ne le sont pas ou le sont insuffisamment et les étiquettes de liasses d'objets non ou insuffisamment affranchis sont frappées du timbre T.

2. — Les lettres portant des traces d'ouverture, de détérioration ou d'avarie doivent être munies d'une mention du fait et frappées du timbre à date du bureau qui l'a constaté.

3. — Les mandats de poste expédiés à découvert sont réunis en une liasse distincte, qui doit être insérée dans un paquet ou sac contenant des objets recommandés et éventuellement dans le paquet

ou sac avec valeurs déclarées. Si la dépêche ne comprend ni objets recommandés ni valeurs déclarées, les mandats sont placés dans l'enveloppe contenant la feuille d'avis ou enliassés avec celle-ci.

4. — Les dépêches sont renfermées dans des sacs convenablement clos, cachetés ou plombés et étiquetés. Lorsqu'il est fait usage de ficelle, elle doit être passée deux fois autour du col avant d'être nouée. Les empreintes des cachets ou des plombs doivent reproduire, en caractères latins très lisibles, le nom du bureau d'origine ou une indication suffisante pour permettre de déterminer ce bureau.

5. — Les étiquettes des dépêches doivent être en toile, carton fort, parchemin ou en papier collé sur une planchette; dans les relations entre bureaux limitrophes, il peut être fait usage d'étiquettes en papier fort. Les étiquettes sont confectionnées dans les couleurs suivantes:

a) en rouge vermillon, pour les sacs contenant des envois recommandés;

b) en blanc, pour les sacs ne contenant que des lettres et des cartes postales ordinaires;

c) en bleu clair, pour les sacs contenant exclusivement d'autres objets ordinaires;

d) en vert, pour les sacs contenant seulement des sacs vides renvoyés à l'origine.

6. — Sauf avis contraire des Administrations de transit ou de destination, il peut aussi être utilisé des étiquettes blanches barrées obliquement sur les deux faces d'une bande de deux centimètres de large dont la couleur correspond au contenu du sac.

7. Les sacs contenant de la correspondance ordinaire mixte (lettres, cartes postales et autres objets) doivent être munis de l'étiquette blanche.

8. — L'emploi d'étiquettes de couleur rouge vermillon, blanche et bleu clair est obligatoire; en revanche, les étiquettes vertes sont utilisées seulement si l'Administration de destination l'exige.

9. — Les étiquettes portent l'indication imprimée en petits caractères latins du nom du bureau expéditeur et, en caractères latins gras, du nom du bureau destinataire, précédés respectivement des mots «de» et «pour». Dans les échanges entre les Pays éloignés non effectués par des services maritimes directs, ces indications sont complétées par la mention de la date d'expédition, du numéro de l'envoi et, le cas échéant, du port de débarquement si l'Administration intéressée le demande.

10. — Les sacs doivent indiquer d'une façon lisible, en caractères latins, le bureau ou le Pays d'origine et porter la mention «Postes» ou toute autre analogue les signalant comme dépêches postales.

11. — Les bureaux intermédiaires ne doivent porter aucun numéro d'ordre sur les étiquettes des sacs ou paquets de dépêches closes en transit.

12. — Sauf arrangement contraire, les dépêches peu volumineuses ou négatives sont simplement enveloppées de papier fort de manière à éviter toute détérioration du contenu, puis ficelées et cachetées ou plombées. En cas de plombage, ces dépêches doivent être conditionnées de telle façon que la ficelle ne puisse pas être détachée. Lorsqu'elles ne contiennent que des correspondances ordinaires, elles peuvent être fermées au moyen de cachets gommés portant l'indication imprimée du bureau ou de l'Administration expéditrice. Les suscriptions des paquets doivent correspondre, en ce qui concerne les indications imprimées et les couleurs, aux prescriptions prévues au §§ *4 à 11* pour les étiquettes des sacs de correspondances.

13. — Lorsque le nombre ou le volume des envois exige l'emploi de plus d'un sac, des sacs distincts doivent, autant que possible, être utilisés:

a) pour les lettres et cartes postales;

b) pour les autres objets; le cas échéant, des sacs distincts doivent encore être utilisés pour les petits paquets; les étiquettes de ces derniers sacs portent la mention «Petits paquets».

14. — Le paquet ou sac des envois recommandés, réuni avec la feuille d'avis de la façon prévue à l'article *146*, § *6*, est placé dans un des sacs de lettres ou dans un sac spécial; le sac extérieur doit porter, en tout cas, l'étiquette rouge. Lorsqu'il y a plus d'un sac d'envois recommandés, les sacs *supplémentaires peuvent* être expédiés à découvert munis de l'étiquette rouge.

15. — L'étiquette du sac ou paquet renfermant la feuille d'avis, même si celle-ci est négative, est toujours revêtue de la lettre F tracée d'une manière apparente.

16. — Conformément aux dispositions du § 5, une étiquette rouge ne doit être employée que si le sac contient des envois recommandés.

17. — Le poids de chaque sac ne doit pas dépasser 30 kilogrammes.

18. — Les bureaux d'échange insèrent autant que possible, dans leurs propres dépêches pour un bureau déterminé, toutes les dépêches de petites dimensions (paquets ou sacs) qui leur parviennent pour ce bureau.

19. — Sauf avis contraire de la part de l'Administration de destination, tous les paquets d'imprimés à l'adresse du même destinataire et pour la même destination peuvent être renfermés dans un ou plusieurs sacs spéciaux. Dans ce cas, en plus des indications réglementaires, on doit mentionner, sur l'étiquette, les renseignements concernant le destinataire des envois. Lorsqu'il s'agit d'envois recommandés, ceux-ci sont inscrits sur une liste spéciale C 13 et séparés des autres envois compris dans la dépêche.

ARTICLE *149*.

Remise des dépêches.

1. — La remise des dépêches entre deux bureaux correspondants s'effectue suivant les dispositions prises par les Administrations intéressées.

2. — Seuls les sacs et paquets signalés par des étiquettes rouges doivent, au moment de la livraison, être soumis à une vérification complète de leur fermeture et de leur conditionnement. Quant aux autres sacs et paquets, la vérification en est facultative et ils sont toujours remis globalement.

3. — Les dépêches doivent être livrées en bon état. Cependant, une dépêche ne peut pas être refusée pour cause d'avarie. Lorsqu'une dépêche est reçue en mauvais état par un bureau intermédiaire, elle doit être mise telle quelle sous nouvel emballage. Le bureau qui effectue le *remballage* doit porter les indications de l'étiquette originale sur la nouvelle étiquette et apposer sur celle-ci une empreinte de son timbre à date, précédée de la mention «*Remballé* à .....».

ARTICLE *150*.

Vérification des dépêches.

1. — Lorsqu'un bureau intermédiaire doit procéder au *remballage* d'une dépêche, il en vérifie le contenu s'il présume que celui-ci n'est pas resté intact. Il dresse un bulletin de vérification conforme au modèle C *14* ci-annexé en se conformant aux dispositions *des §§ 4 à 6* ci-après. Ce bulletin est envoyé au bureau d'échange d'où la dépêche a été reçue; une copie en est adressée au bureau d'origine et une autre est insérée dans la dépêche *remballée*.

2. — Le bureau destinataire vérifie si la dépêche est au complet et si les inscriptions de la feuille d'avis et, le cas échéant, des listes spéciales d'envois recommandés sont exactes. En cas de manque d'une dépêche ou d'un ou plusieurs sacs en faisant partie, d'objets recommandés, d'une feuille d'avis, d'une liste spéciale d'envois recommandés, ou lorsqu'il s'agit de toute autre irrégularité, le fait est constaté immédiatement par deux agents. Ceux-ci font les rectifications nécessaires sur les feuilles ou listes en ayant soin de biffer les indications erronées de manière à laisser reconnaître les inscriptions primitives. A moins d'une erreur évidente, les rectifications prévalent sur la déclaration originale.

3. — Lorsqu'un bureau reçoit des feuilles d'avis ou des listes spéciales qui ne lui sont pas destinées, il envoie ces documents au bureau de destination ou, si ses règlements internes le prescrivent, des copies certifiées conformes.

4. — Les faits constatés sont signalés, au moyen d'un bulletin de vérification, au bureau d'origine de la dépêche et, en cas de manquant réel, au dernier bureau intermédiaire, par le premier courrier utilisable après vérification complète de la dépêche. Les indications de ce bulletin doivent spécifier aussi exactement que possible de quel sac, paquet ou objet il s'agit.

5. — Un duplicata du bulletin de vérification est envoyé, dans les mêmes conditions que l'original, à l'Administration dont relève le bureau d'origine de la dépêche, lorsque cette Administration l'exige. Lorsqu'il s'agit d'irrégularités importantes permettant de présumer une perte ou une spoliation, l'enveloppe ou le sac ainsi que la ficelle et le cachet ou plomb de fermeture du paquet ou du sac des envois recommandés sont, *à moins d'impossibilité motivée*, joints au bulletin de vérification destiné au bureau d'origine. Il en est de même de l'enveloppe ou du sac extérieurs, avec leur ficelle, leur étiquette, leur cachet ou plomb de *fermeture*. *Dans* l'échange avec les Administrations qui exigent l'envoi d'un duplicata, les pièces justificatives mentionnées ci-dessus sont annexées au duplicata.

6. — Dans les cas prévus aux §§ *1 à 3*, le bureau d'origine et, le cas échéant, le dernier bureau d'échange intermédiaire peuvent, en outre, être avisés par télégramme aux frais de l'Administration qui expédie celui-ci. Un avis télégraphique doit être émis toutes les fois que la dépêche présente des traces évidentes de spoliation, afin que le bureau expéditeur ou intermédiaire procède sans aucun retard à l'instruction de l'affaire et, le cas échéant, avise également par télégramme l'Administration précédente pour la continuation de l'enquête.

7. — Lorsque l'absence d'une dépêche est le résultat d'un défaut de coïncidence des courriers ou lorsqu'elle est dûment expliquée sur le bordereau de remise, l'établissement d'un bulletin de vérification n'est nécessaire que si la dépêche ne parvient pas au bureau destinataire par le plus prochain courrier.

8. — L'envoi du duplicata prévu au § *5* peut être différé si l'on présume que le manque de la dépêche provient d'un retard ou d'une fausse direction.

9. — Dès la rentrée d'une dépêche dont l'absence avait été signalée au bureau d'origine et, le cas échéant, au dernier bureau d'échange intermédiaire, il y a lieu d'adresser à ces bureaux un second bulletin de vérification annonçant la réception de cette dépêche.

10. — Les bureaux auxquels sont adressés les bulletins de vérification les renvoient le plus promptement possible après les avoir examinés et y avoir mentionné leurs observations, s'il y a lieu. Si ces bulletins ne sont pas renvoyés à l'Administration d'origine dans le délai de deux mois à compter de la date de leur expédition, ils sont considérés, jusqu'à preuve du contraire, comme dûment acceptés par les bureaux auxquels ils ont été adressés. Ce délai est porté à quatre mois dans les relations avec les Pays éloignés.

11. — Lorsqu'un bureau réceptionnaire auquel la vérification de la dépêche incombait n'a pas fait parvenir au bureau d'origine et, le cas échéant, au dernier bureau d'échange intermédiaire, par le premier courrier utilisable après la vérification, un bulletin constatant des irrégularités quelconques, il est considéré, jusqu'à preuve du contraire, comme ayant reçu la dépêche et son contenu. La même présomption existe pour les irrégularités dont la mention a été omise ou signalée d'une manière incomplète dans le bulletin de vérification; *il en est ainsi lorsque les prescriptions du présent article concernant les formalités à remplir n'ont pas été observées.*

12. — Les bulletins de vérification et les duplicata sont transmis sous pli recommandé.

ARTICLE *151.*

Renvoi des sacs vides.

1. — Sauf arrangement contraire entre les Administrations correspondantes, les sacs doivent être renvoyés vides, par le prochain courrier, dans une dépêche directe pour le Pays auquel ces sacs appartiennent. Le nombre des sacs renvoyés par chaque dépêche doit être inscrit sous la rubrique «Indications de service» de la feuille d'avis.

2. — Le renvoi est effectué entre les bureaux d'échange désignés à cet effet.

3. — Les sacs vides doivent être roulés en paquets convenables; le cas échéant, les planchettes à étiquettes ainsi que les étiquettes en toile, parchemin ou autre matière solide doivent être placées à l'intérieur des sacs. Les paquets doivent être revêtus d'une étiquette indiquant le nom du bureau d'échange d'où les sacs ont été reçus, chaque fois qu'ils sont renvoyés par l'intermédiaire d'un autre bureau d'échange.

4. — Si les sacs vides à renvoyer ne sont pas trop nombreux, ils peuvent être placés dans les sacs contenant la correspondance; dans le cas contraire, ils doivent être placés à part dans des sacs cachetés, étiquetés au nom des bureaux d'échange. Les étiquettes doivent porter la mention «Sacs vides».

5. — Dans le cas où le contrôle exercé par une Administration sur le renvoi des sacs qui lui appartiennent démontrerait que 10 % du nombre total des sacs utilisés pendant une année pour la confection des dépêches n'ont pas été renvoyés avant la fin de cette année, l'Administration qui ne peut établir le renvoi des sacs vides est tenue de rembourser à l'Administration expéditrice la valeur des sacs manquants. Le remboursement doit également avoir lieu si le nombre des sacs manquants n'atteint pas 10 % mais excède 50 unités.

6. — Chaque Administration fixe, périodiquement et uniformément pour toutes les espèces de sacs qui sont utilisés par ses bureaux d'échange, une valeur moyenne en francs et la communique aux Administrations intéressées par l'intermédiaire du Bureau international.

TITRE *VI.*

Dispositions concernant les frais de transit.

CHAPITRE I.

Opérations de statistique.

ARTICLE *152.*

Statistique des frais de transit.

1. — Les frais de transit exigibles en exécution des articles *67* et suivants de la Convention sont établis sur la base de statistiques dressées une fois tous les trois ans et alternativement pendant les quatorze ou vingt-huit premiers jours du mois de mai ou pendant les quatorze ou vingt-huit premiers jours qui suivent le 14 octobre.

2. — La statistique est dressée pendant la deuxième année de chaque période triennale.

3. — Les dépêches confectionnées à bord des navires sont comprises dans les statistiques lorsqu'elles sont débarquées pendant la période de statistique.

4. — Les payements des frais de transit afférents à la période du mois de septembre 1939 au 31 décembre 1948 seront effectués sur la base du poids réel des courriers transportés aux conditions fixées par les arrangements particuliers conclus entre les Pays intéressés. La statistique de mai 1949 s'appliquera aux années 1949 et 1950; celle d'octobre-novembre 1952 aux années 1951, 1952 et 1953.

5. — Les payements annuels des frais de transit à effectuer en raison d'une statistique doivent être continués provisoirement, jusqu'à ce que les comptes établis d'après la statistique suivante soient approuvés ou considérés comme admis de plein droit (art. *161* ci-après). A ce moment, il est procédé à la régularisation des payements effectués à titre provisoire.

6. — Lorsqu'il se produit une modification importante dans l'acheminement des correspondances d'un Pays pour un autre et si cette modification affecte une période ou des périodes s'élevant à un total d'au moins douze mois, chaque Administration intéressée peut demander une revision des comptes de frais de transit. Dans ce cas, les sommes à payer par les Administrations expéditrices sont déterminées d'après les services intermédiaires réellement employés, mais les poids totaux qui servent de base aux nouveaux comptes doivent normalement être les mêmes que ceux des dépêches expédiées pendant la période de statistique mentionnée *aux §§ 1 à 3.* Lorsqu'une entente sur le mode de répartition ne peut être obtenue, une statistique spéciale doit être dressée pour régler le partage de ces poids entre les divers services empruntés. Aucune modification dans l'acheminement des correspondances pour un Pays déterminé n'est considérée comme importante si elle n'affecte pas de plus de 5000 francs par an les comptes entre l'Administration d'origine et l'Administration intermédiaire intéressée. Si la modification dépasse cette somme, elle a sa répercussion sur les décomptes de l'Administration d'origine avec les Administrations qui ont effectué le transit antérieurement et les Administrations qui l'assurent postérieurement à la modification survenue, même lorsque la réduction des comptes n'atteint pas pour certaines Administrations le minimum fixé. La demande d'une revision des comptes et, le cas échéant, d'une statistique spéciale peut être faite lorsque la modification dans l'acheminement des correspondances dont il s'agit a duré au moins neuf mois. Toutefois, les données de cette statistique ne sont prises en considération que si la période de douze mois est réellement accomplie.

7. — Si, lors d'une statistique spéciale, il est établi que les poids totaux des courriers échangés entre deux Administrations et transportés par une tierce Administration ont augmenté de 100 % ou diminué de 50 % par rapport aux données de la dernière statistique périodique et que le compte de la tierce Administration subirait de ce chef une modification de plus de 5000 francs par an, les nouveaux poids constatés doivent servir de base pour les frais de transit dus à cette Administration.

8. — De même, lorsqu'une Administration intermédiaire constate, dans les six mois qui suivent la statistique, qu'il existe entre les expéditions faites par une autre Administration pendant la période de statistique et le trafic normal une différence de 20 % au moins sur les poids totaux du transport,

l'Administration intéressée peut exiger l'établissement d'une nouvelle statistique si les comptes entre deux Administrations sont affectés d'une modification de plus de 5000 francs par an.

ARTICLE *153*.

Confection et désignation des dépêches closes pendant la période de statistique.

1. — Pendant chaque période de statistique, l'échange des correspondances en dépêches closes à travers le territoire ou au moyen des services d'une ou de plusieurs Administrations intermédiaires donne lieu à l'utilisation de sacs distincts pour les «lettres et les cartes postales» et pour les autres «objets».

2. — Le nombre des sacs utilisés pour la confection d'une dépêche doit être réduit au strict minimum.

3. — L'obligation de former des sacs distincts pour les «lettres et cartes postales» et pour les «autres objets» ne s'applique pas aux dépêches dont le poids brut total n'est pas supérieur à 3 kilogrammes, c'est-à-dire au poids moyen mis en compte pour les sacs légers en vertu de l'article *161* ci-après. Chaque Administration a donc la faculté, en pareil cas, de réunir tous les objets en un seul sac qui est alors compté comme sac «L. C.». Il est bien entendu qu'une telle dépêche ne peut comprendre aucun autre sac donnant lieu au payement de frais de transit.

4. — Lorsque le volume des dépêches le permet, les sacs distincts d'objets de toutes catégories (L. C. et A. O.), pour une même destination, doivent être réunis dans un seul sac collecteur.

5. — Par dérogation aux dispositions des articles *146* et *147*, chaque Administration a la faculté, pendant la période de statistique, de comprendre les objets recommandés et les envois exprès, autres que les lettres et les cartes postales, dans un des sacs destinés aux autres objets, en faisant mention de ce fait sur la feuille d'avis; mais si, conformément aux articles *146* et *147*, ces objets sont compris dans un sac de lettres, ils sont considérés comme lettres en ce qui concerne la statistique.

6. — Pendant la période de statistique, toutes les dépêches échangées en transit doivent être munies en dehors des étiquettes ordinaires, d'une étiquette spéciale portant en gros caractères la mention «Statistique», suivie de l'indication «5 kilogrammes», «15 kilogrammes» ou «30 kilogrammes» selon la catégorie de poids (art. *154*, § 1, ci-après). L'étiquette «Statistique» doit porter en outre la mention «L. C.» ou «A. O.», suivant le cas.

7. — En ce qui concerne les sacs qui ne contiennent que des sacs vides ou des correspondances exemptes de tous frais de transit (art. *68* de la Convention), la mention «Statistique» est suivie du mot «Exempt».

8. — Lorsque des sacs composant la dépêche sont réunis dans un sac collecteur, celui-ci doit être pourvu de l'étiquette spéciale «Statistique», sur laquelle la mention «S. C.» est ajoutée. Les indications concernant la statistique qui figurent sur les sacs intérieurs ne sont pas répétées sur le sac collecteur.

ARTICLE *154*.

Constatation du nombre de sacs et du poids des dépêches closes.

1. — En ce qui concerne les dépêches qui donnent lieu au payement de frais de transit, le bureau d'échange expéditeur fait usage d'une feuille d'avis spéciale conforme au modèle C *15* ci-annexé. Il inscrit à cette feuille d'avis le nombre de sacs en les répartissant, le cas échéant, dans les catégories suivantes:

Description des sacs	Nombre de sacs dont le poids brut		
	ne dépasse pas 5 kg (sacs légers)	dépasse 5 kg sans excéder 15 kg (sacs moyens)	dépasse 15 kg sans excéder 30 kg (sacs lourds)
1	2	3	4
L. C.			
A. O.			
Nombre de sacs exempts de frais de transit:			

2. — Le nombre de sacs exempts de frais de transit doit être le total de ceux qui portent l'indication «Statistique-Exempt», d'après les prescriptions de l'article *153*, § *7*.

3. — Les indications des feuilles d'avis sont vérifiées par le bureau d'échange destinataire. Si ce bureau constate une erreur dans les nombres inscrits, il rectifie la feuille et signale immédiatement l'erreur au bureau d'échange expéditeur au moyen d'un bulletin de vérification conforme au modèle C *16* ci-annexé. Toutefois, en ce qui concerne le poids d'un sac, l'indication du bureau d'échange expéditeur est tenue pour valable, à moins que le poids réel ne dépasse de plus de 250 grammes le poids maximum de la catégorie dans laquelle ce sac a été inscrit.

ARTICLE *155*.

Confection des relevés des dépêches closes.

1. — Aussitôt que possible après la clôture des opérations de statistique, les bureaux destinataires dressent en autant d'expéditions qu'il y a d'Administrations intéressées, y compris celle du lieu de départ, des relevés conformes au modèle C *17* ci-annexé et transmettent ces relevés aux bureaux d'échange de l'Administration expéditrice pour être revêtus de leur acceptation. Ces bureaux, après avoir accepté les relevés, les transmettent à leur Administration centrale qui les répartit entre les Administrations intéressées.

2. — Si les relevés C *17* ne sont pas parvenus aux bureaux d'échange de l'Administration expéditrice ou leur sont parvenus en nombre insuffisant dans le délai de trois mois (quatre mois dans les échanges avec les Pays éloignés), à compter du jour de l'expédition de la dernière dépêche à comprendre dans la statistique, ces bureaux dressent eux-mêmes lesdits relevés, en nombre suffisant, d'après leurs propres indications et en inscrivant sur chacun d'eux la mention: «Les relevés C *17* du bureau destinataire ne sont pas parvenus dans le délai réglementaire.» Ils les transmettent ensuite à leur Administration centrale qui les répartit entre les Administrations en cause.

ARTICLE *156*.

Liste des dépêches closes échangées en transit.

1. — Aussitôt que possible et, au plus tard, dans un délai de trois mois après chaque période de statistique, sauf le cas où la voie d'acheminement n'a pu être constatée dans ce délai, les Administrations qui ont expédié des dépêches en transit envoient, sur formule conforme au modèle C *18* ci-annexé, la liste de ces dépêches aux différentes Administrations dont elles ont emprunté l'intermédiaire.

2. — Si cette liste indique des dépêches en transit qui, d'après les dispositions de l'article *153*, ne donnent pas lieu à l'établissement d'un relevé C *17*, elle doit porter une mention explicative, telle que «Sacs vides», «Correspondances exemptes».

ARTICLE *157*.

Dépêches closes échangées avec des bâtiments de guerre.

1. — Il incombe aux Administrations des Pays dont relèvent des bâtiments de guerre de dresser les relevés C *17* relatifs aux dépêches expédiées ou reçues par ces bâtiments. Les dépêches expédiées, pendant la période de statistique, à l'adresse des bâtiments de guerre doivent porter, sur des étiquettes, la date d'expédition.

2. Dans le cas où ces dépêches sont réexpédiées, l'Administration réexpéditrice en informe l'Administration du Pays dont le bâtiment relève.

ARTICLE *158*.

Bulletin de transit.

1. — Lorsque la route à suivre et les services de transport à utiliser pour les dépêches expédiées pendant la période de statistique sont inconnus ou incertains, l'Administration d'origine doit, à la demande de l'Administration destinataire, préparer pour chaque dépêche un bulletin de couleur verte conforme au modèle C *19* ci-annexé. L'Administration d'origine peut également expédier ce bulletin sans une demande formelle de l'Administration destinataire, si les circonstances paraissent l'exiger.

2. — Les feuilles d'avis des dépêches qui donnent lieu à l'établissement dudit bulletin doivent être revêtues, en tête, de l'annotation très apparente «Bulletin de transit». La même mention soulignée au crayon rouge est portée sur les étiquettes spéciales «Statistique» dont il est question à l'article *153*.

3. — Le bulletin de transit doit être transmis à découvert avec les dépêches auxquelles il se rapporte, aux différents services qui participent à leur transport. Dans chaque Pays intéressé, les bureaux d'échange d'entrée et de sortie, à l'exclusion de tout autre bureau intermédiaire, consignent sur le bulletin les renseignements concernant le transit effectué par eux. Le dernier bureau d'échange intermédiaire transmet le bulletin C *19* au bureau de destination. Le bulletin est renvoyé ensuite par ce bureau au bureau d'origine à l'appui du relevé C *17*. Lorsqu'un bulletin de transit dont l'expédition a été demandée ou est annoncée en tête de la feuille d'avis fait défaut, le bureau de destination est tenu de le réclamer sans aucun retard.

ARTICLE *159*.

Dérogations aux articles *154*, *155* et *158*.

1. — Chaque Pays a la faculté de notifier aux autres Pays, par l'intermédiaire du Bureau international, que les bulletins de vérification modèle C *16*, les relevés modèle C *17* et les bulletins de transit modèle C *19* doivent être adressés à son Administration centrale.

2. — Cette dernière est, dans ce cas, substituée aux bureaux d'échange pour l'établissement des relevés C *17* conformément aux prescriptions de l'article *155*, § 2.

ARTICLE *160*.

Services extraordinaires.

Sont seuls considérés comme services extraordinaires donnant lieu à des frais de transit spéciaux, le service entretenu pour le transport territorial accéléré de la Malle dite des Indes et les services spéciaux automobiles Palestine ou Syrie-Iraq.

CHAPITRE II.

Comptabilité. Règlement des comptes.

ARTICLE *161*.

Compte des frais de transit.

1. — Pour l'établissement des comptes de transit, les sacs légers, moyens ou lourds, tels qu'ils sont définis à l'article *154*, sont portés en compte respectivement pour les poids moyens de 3, 12 ou 24 kilogrammes.

2. — *Les montants totaux de l'avoir pour les dépêches closes sont multipliés* par 26 ou 13, selon le cas, et le produit sert de base à des comptes particuliers établissant en francs les sommes annuelles revenant à chaque Administration.

3. — Dans le cas où le multiplicateur 26 ou 13 ne répond pas au trafic normal, les Administrations intéressées s'entendent pour l'adoption d'un autre multiplicateur qui vaut pendant les années auxquelles s'applique la statistique.

4. — Le soin de dresser les comptes incombe à l'Administration créancière qui les transmet à l'Administration débitrice.

5. — Afin de tenir compte du poids des sacs et de l'emballage ainsi que des catégories de correspondances exemptes de tous frais de transit en conformité des dispositions de l'article *68* de la Convention, le montant total du compte des dépêches closes est réduit de 10 %.

6. — Les comptes particuliers sont dressés en double expédition, sur formule conforme au modèle C *20* ci-annexé, et d'après les relevés C *17*. Ils sont transmis à l'Administration expéditrice aussitôt que possible et, au plus tard, dans un délai de dix mois suivant l'expiration de la période de statistique, accompagnés des relevés C *17* y relatifs.

7. — Si l'Administration qui a envoyé le compte particulier n'a reçu aucune observation rectificative dans un intervalle de quatre mois à compter de l'envoi, ce compte est considéré comme admis de plein droit.

ARTICLE *162.*

Décompte général annuel. Intervention du Bureau international.

1. — *Le* décompte général comprenant les frais de transit est établi annuellement par le Bureau international; *exceptionnellement, les Administrations peuvent, si elles le jugent utile, convenir de régler leurs comptes directement entre elles.*

2. — Aussitôt que les comptes particuliers entre deux Administrations sont approuvés ou considérés comme admis de plein droit (art. *161,* § *7*), chacune de ces Administrations transmet sans retard, au Bureau international, un relevé conforme au modèle C *21* ci-annexé et indiquant les montants totaux de ces comptes. En même temps, une copie du relevé est adressée à l'Administration *intéressée.*

3. — Dans le solde, il est fait abandon des centimes.

4. — En cas de différences entre les indications correspondantes fournies par deux Administrations, le Bureau international les invite à se mettre d'accord et à lui indiquer les sommes définitivement arrêtées.

5. — Lorsqu'une Administration seulement a fourni le relevé C *21,* les indications de cette Administration font *foi.*

6. — Dans le cas prévu à l'article *161,* § *7,* les relevés doivent porter la mention «Aucune observation de l'Administration débitrice n'est parvenue dans le délai réglementaire».

7. — Si deux Administrations se mettent d'accord pour faire un règlement spécial, leurs relevés C *21* portent la mention «Compte réglé à part — à titre d'information» et ne sont pas compris dans le décompte général annuel.

8. — Le Bureau international établit, à la fin de chaque année, sur la base des relevés qui lui sont parvenus jusque-là et qui sont considérés comme admis de plein droit, un décompte général annuel des frais de transit. Le cas échéant, il se conforme à la règle fixée à l'article *152,* § *5,* pour les payements annuels.

9. — Le décompte indique:

a) le Doit et l'Avoir de chaque Administration;

b) le solde débiteur ou le solde créditeur de chaque Administration;

c) les sommes à payer par les Administrations débitrices;

d) les sommes à recevoir par les Administrations créancières.

10. — Le Bureau international procède par voie de compensation, de manière à restreindre au minimum le nombre des payements à effectuer.

11. — Les décomptes généraux annuels doivent être transmis aux Administrations par le Bureau international, aussitôt que possible et, au plus tard, avant l'expiration du premier trimestre de l'année qui suit celle de leur établissement.

ARTICLE *163.*

Liquidation des frais de transit.

1. — Le solde résultant du décompte général annuel du Bureau international ou des règlements spéciaux, y compris, le cas échéant, la régularisation prévue à l'article *152,* § *5,* est payé par l'Administration débitrice à l'Administration créancière de l'une des manières suivantes:

a) au choix de l'Administration débitrice, en or ou au moyen de chèques ou de traites répondant aux conditions prévues au § 2 ci-après et payables à vue sur la capitale ou sur une place commerciale du Pays créancier;

b) suivant accord entre les deux Administrations, par l'intermédiaire d'une banque utilisant le service des virements de la Banque des Règlements Internationaux à Bâle ou par tout autre moyen;

c) conformément aux dispositions des accords spéciaux monétaires qui peuvent exister entre les Pays dont relèvent les Administrations en question.

2. — En cas de payement au moyen de chèques ou traites, *conformément à la lettre a) du § 1*, ces chèques ou traites sont exprimés en monnaie d'un Pays où la banque centrale d'émission ou une autre institution officielle d'émission achète et vend de l'or ou des devises-or contre la monnaie nationale à des taux fixes déterminés par la loi ou en vertu d'un arrangement avec le Gouvernement. Si les monnaies de plusieurs Pays répondent à ces conditions, c'est au Pays créancier de désigner la monnaie qui lui convient. *Les pertes ou les gains éventuels provenant d'une baisse ou d'une hausse imprévues de la parité-or de la monnaie en cause se produisant jusqu'au jour inclus de la réception du chèque ou de la traite, sont partagés également entre les deux Administrations. Toutefois, au cas de retard dans l'envoi du chèque ou de la traite délivrés, l'Administration débitrice est responsable des pertes entraînées par le délai injustifié qui a pu s'écouler entre la délivrance par la banque et l'expédition; la moitié des gains effectifs réalisés doit également lui être bonifiée. Dans tous ces cas, les différences ne dépassant pas 5 % sont négligées, les conditions de payement fixées par le présent article sont observées pour le règlement des différences et les délais de règlement courent du jour de la réception du chèque ou de la traite.*

3. — Lorsque les deux Pays se sont mis d'accord à ce sujet, les chèques ou traites peuvent être exprimés aussi en monnaie du Pays créancier, même si cette monnaie ne répond pas aux conditions prévues au § 2. Dans ce cas, le solde est converti au pair des monnaies d'or en monnaie d'un Pays répondant aux conditions prévues au § 2. Le résultat obtenu est ensuite converti dans la monnaie du Pays débiteur et de celle-ci dans la monnaie du Pays créancier, *respectivement d'après les cours de vente et d'achat officiels dans le Pays débiteur, le jour ou la veille de* l'achat du chèque ou de la traite. *Le Pays créancier peut également spécifier que la conversion du solde exprimé en or sera effectuée d'après la valeur-or fixée pour sa monnaie par le Fonds monétaire international. Lorsqu'une variation notable du pair ou des cours ayant servi de bases à la conversion s'est produite, les règles indiquées au § 2, phrases 3 et suivantes, sont appliquées, sauf s'il s'agit d'une hausse ou d'une baisse résultant d'une réévaluation ou d'une dévaluation de la monnaie du Pays créancier.*

4. — Lorsque le montant du solde dépasse 5000 *francs*, la date de l'envoi d'un chèque ou d'une traite, la date de son achat et son montant doivent, si l'Administration créditrice le demande, lui être notifiés par télégramme et à ses frais.

5. — Les frais de payement sont supportés par l'Administration débitrice à l'exception des frais extraordinaires, tels les frais de clearing, imposés par le Pays créditeur.

6. — Le payement précité doit être effectué dans le plus bref délai possible et, au plus tard, avant l'expiration d'un délai de quatre mois à partir de la date d'envoi du décompte par le Bureau international ou de l'invitation à payer, adressée par l'Administration créancière à l'Administration débitrice, quand il s'agit d'un compte réglé à part. Ce délai peut être porté à cinq mois dans les relations entre Pays éloignés. Passé ces délais, les sommes dues sont productives d'intérêt à raison de 5 % l'an, à compter du jour d'expiration desdits délais.

7. — Si le payement n'est pas effectué un an après l'expiration des délais fixés au § 6, il est loisible à l'Administration créancière, en ce qui concerne les sommes dont le décompte est établi par le Bureau international, d'en informer ledit Bureau lequel invite l'Administration débitrice à payer dans un délai qui ne doit pas dépasser quatre mois.

8. — Si le payement des sommes prévues *au § 7* n'est pas effectué à l'expiration de ce nouveau délai, le Bureau international les fait figurer dans le décompte général annuel suivant, à l'Avoir de l'Administration créancière. Dans ce cas, des intérêts composés sont dus, c'est-à-dire que l'intérêt est ajouté au capital à la fin de chaque année jusqu'au moment du payement.

9. — En cas d'application des dispositions *du § 8*, le décompte général dont il s'agit et ceux des quatre années qui suivent ne doivent, autant que possible, pas contenir, dans les soldes *résultant du tableau de compensation*, des sommes à payer par l'Administration défaillante à l'Administration créancière intéressée.

TITRE *VII.*

Dispositions diverses.

CHAPITRE UNIQUE.

ARTICLE *164.*

Coupons-réponse *internationaux.*

1. — Les coupons-réponse *internationaux* sont conformes au modèle C *22* ci-annexé. Ils sont imprimés, sur papier portant en filigrane les lettres UPU en grands caractères, par les soins du Bureau international qui les livre aux Administrations au prix coûtant.

2. — Chaque Administration a la faculté:

a) de donner aux *coupons une* perforation distinctive qui ne nuise pas à la lecture du texte et ne soit pas de nature à entraver la vérification de ces valeurs;

b) de modifier, à la main ou au moyen d'un procédé d'impression, le prix de vente indiqué sur les coupons.

3. — Dans les décomptes entre Administrations, la valeur des *coupons est* calculée à raison de 28 centimes par unité.

4. — Sauf entente contraire, les coupons échangés sont envoyés annuellement, au plus tard dans un délai de trois mois après expiration de l'année, aux Administrations qui les ont émis, avec l'indication globale de leur nombre et de leur valeur *sur un relevé conforme au modèle C 23 ci-annexé.*

5. — Aussitôt que deux Administrations se sont mises d'accord sur le nombre des coupons échangés dans leurs relations réciproques, elles dressent chacune et transmettent au Bureau international un relevé conforme au modèle C *24* ci-annexé indiquant le solde débiteur ou créditeur, si ce solde dépasse 25 francs et si un règlement spécial n'a pas été prévu entre les deux Pays. *En même temps, une copie du relevé C 24 est adressée à l'Administration intéressée.* A défaut d'accord dans un délai de six mois, l'Administration créancière établit son décompte et l'envoie au Bureau international.

6. — Dans le cas où l'une des Administrations seulement fournit son relevé, les indications de celui-ci font foi.

7. — Le solde, *dans lequel il est fait abandon des centimes,* est compris par le Bureau international dans un décompte annuel et le payement a lieu dans les conditions prévues à l'article *163.*

8. — *Lorsque le* solde *annuel entre* deux Administrations ne dépasse pas 25 francs, l'Administration débitrice est exonérée de tout payement.

ARTICLE *165.*

Cartes d'identité *postales.*

1. — Chaque Administration désigne les bureaux ou les services qui délivrent les cartes d'identité *postales.*

2. — Ces cartes sont établies sur des formules conformes au modèle C *25* ci-annexé. Ces formules sont fournies, au prix coûtant, par le Bureau international.

3. — Au moment de la demande, le requérant remet sa photographie et justifie de son identité. Les Administrations édictent les prescriptions nécessaires pour que les cartes ne soient délivrées qu'après examen minutieux de l'identité du requérant.

4. — L'agent inscrit cette demande sur un registre, remplit à l'encre et en caractères latins *à la main ou à la machine à écrire, sans ratures ni surcharges,* toutes les indications que comporte la formule de carte, *et* fixe sur celle-ci la photographie à l'endroit désigné, applique mi-partie sur cette photographie et mi-partie sur la carte un timbre-poste représentant la taxe perçue et annule cette figurine au moyen d'une empreinte bien nette du timbre à date. Il appose ensuite de nouveau l'empreinte de

ce timbre ou de son sceau officiel, de manière qu'elle porte à la fois sur la partie supérieure de la photographie et sur la carte, puis reproduit cette empreinte à la troisième page de la carte, signe celle-ci et la remet à l'intéressé après avoir recueilli sa signature.

5. — Lorsque la physionomie du titulaire s'est modifiée au point qu'elle ne réponde plus à la photographie ou au signalement, la carte doit être renouvelée.

6. — Chaque Pays conserve la faculté de délivrer les *cartes du* service international selon les règles appliquées pour les cartes en usage dans son service intérieur.

7. — Les Administrations peuvent ajouter, à la formule C *25*, un feuillet destiné à recevoir des annotations spéciales pour les besoins de leur service interne.

ARTICLE *166.*

Dépêches échangées avec des bâtiments de guerre.

1. — L'établissement d'un échange, en dépêches closes, entre une Administration postale et des divisions navales ou des bâtiments de guerre de même nationalité, ou entre une division navale ou un bâtiment de guerre et une autre division navale ou un autre bâtiment de guerre de même nationalité, doit être notifié, autant que possible à l'avance, aux Administrations intermédiaires.

2. — La suscription de ces dépêches est rédigée comme suit:

Du bureau de .....

Pour { la division navale (nationalité) de (désignation de la division) a ..... | (Pays)
{ le bâtiment (nationalité) le (nom du bâtiment) à ..... |

ou

De la division navale (nationalité) de (désignation de la division) à ..... |
Du bâtiment (nationalité) le (nom du bâtiment) à ..... | (Pays)
Pour le bureau de ..... |

ou

De la division navale (nationalité) de (désignation de la division) à ..... |
Du bâtiment (nationalité) le (nom du bâtiment) à ..... | (Pays)

Pour { la division navale (nationalité) de (désignation de la division) à ..... | (Pays)
{ le bâtiment (nationalité) le (nom du bâtiment) à ..... |

3. — Les dépêches à destination ou provenant de divisions navales ou de bâtiments de guerre sont acheminées, sauf indication d'une voie spéciale sur l'adresse, par les voies les plus rapides et dans les mêmes conditions que les dépêches échangées entre bureaux de poste.

4. — Le capitaine d'un paquebot postal qui transporte des dépêches à destination d'une division navale ou d'un bâtiment de guerre les tient à la disposition du commandant de la division ou du bâtiment destinataire en prévision du cas où celui-ci viendrait lui en demander la livraison en route.

5. — Si les bâtiments ne se trouvent pas au lieu de destination quand les dépêches à leur adresse y parviennent, ces dépêches sont conservées au bureau de poste jusqu'à leur retrait par le destinataire ou leur réexpédition sur un autre point. La réexpédition peut être demandée, soit par l'Administration postale d'origine, soit par le commandant de la division navale ou du bâtiment destinataire, soit enfin par un Consul de même nationalité.

6. — Celles des dépêches dont il s'agit qui portent la mention «Aux soins du Consul d..» sont consignées au Consulat indiqué. Elles peuvent ultérieurement, à la demande du Consul, être réintégrées dans le service postal et réexpédiées sur le lieu d'origine ou sur une autre destination.

7. — Les dépêches à destination d'un bâtiment de guerre sont considérées comme étant en transit jusqu'à leur remise au commandant de ce bâtiment, alors même qu'elles auraient été primitivement adressées aux soins d'un bureau de poste ou à un Consul chargé de servir d'agent de transport intermédiaire; elles ne sont donc pas considérées comme étant parvenues à leur adresse tant qu'elles n'ont pas été livrées au bâtiment de guerre destinataire.

ARTICLE *167*.

Bulletins d'affranchissement. Décompte des frais de douane, etc.

1. — Le décompte relatif aux frais de douane, etc., déboursés par chaque Administration pour le compte d'une autre, est effectué au moyen de comptes particuliers mensuels conformes au modèle C *26* ci-annexé, qui sont établis par l'Administration débitrice dans la monnaie du Pays créancier. Les bulletins d'affranchissement sont inscrits par ordre alphabétique des bureaux qui ont fait l'avance des frais et suivant l'ordre numérique qui leur a été donné.

2. — Si les deux Administrations intéressées assurent également le service des colis postaux dans leurs relations réciproques, elles peuvent comprendre, sauf avis contraire, dans les décomptes des bulletins d'affranchissement de ce dernier service, ceux de la poste aux lettres.

3. — Le compte particulier, accompagné des bulletins d'affranchissement, est transmis à l'Administration créancière au plus tard à la fin du mois qui suit celui auquel il se rapporte. Il n'est pas dressé de compte négatif.

4. — La vérification des comptes a lieu dans les conditions fixées par le Règlement des mandats de poste.

5. — Les décomptes donnent lieu à une liquidation spéciale. Chaque Administration peut, toutefois, demander que ces comptes soient annexés aux comptes des mandats de poste ou aux comptes CP *16* des colis postaux *ou R 5 des remboursements*.

ARTICLE *168*.

Formules à l'usage du public.

En vue de l'application des dispositions de l'article *33*, § 2, de la Convention, sont considérées comme formules à l'usage du public les formules:

C 1 (Etiquette de douane),
C 2 (Déclaration en douane),
C 3 (Bulletin d'affranchissement),
C 5 (Avis de réception),
C *6* (Enveloppe de réexpédition),
C *7* (Demande de { retrait, / modification d'adresse, / modification du montant du remboursement),
C *8* (Réclamation d'un envoi ordinaire non parvenu),
C *9* (Réclamation d'un envoi recommandé, etc.),
C *22* (Coupon-réponse *international*),
C *25* (Carte d'identité postale).

ARTICLE *169*.

Délai de garde des documents.

Les documents du service international doivent être conservés pendant une période minimum de deux ans à partir du lendemain de la date à laquelle ces documents se réfèrent.

ARTICLE *170*.

Adresse télégraphique.

1. — Les Administrations font usage, pour les communications télégraphiques qu'elles échangent entre elles, de l'adresse télégraphique «Postgen», suivie de l'indication de la ville où se trouve le siège de l'Administration centrale.

2. — Pour les communications adressées à des bureaux autres que l'Administration centrale du Pays de destination, l'adresse télégraphique doit être «Postbur», suivie de l'indication de la ville à laquelle le télégramme est adressé.

TITRE *VIII.*

Bureau international.

CHAPITRE UNIQUE.

ARTICLE *171.*

Congrès et Conférences.

1. — Le Bureau international prépare les travaux des Congrès et des Conférences. Il pourvoit aux impressions et à la distribution des documents nécessaires.

2. — Le Directeur de ce Bureau assiste aux séances des Congrès et des Conférences et prend part aux discussions, sans voix délibérative.

ARTICLE *172.*

Renseignements. Demandes de modification des Actes.

1. — Le Bureau international doit se tenir en tout temps à la disposition *de la Commission exécutive et de liaison et* des membres de l'Union pour leur fournir, sur les questions relatives au service, les renseignements dont ils pourraient avoir besoin.

2. — Il instruit les demandes de modification ou d'interprétation des dispositions qui régissent l'Union et notifie les résultats des consultations.

ARTICLE *173.*

Publications.

1. — Le Bureau international rédige, à l'aide des documents qui sont mis à sa disposition, un journal spécial en *langues* anglaise, *arabe, chinoise,* espagnole, française *et russe.*

2. — Il publie, d'après les informations fournies en vertu des prescriptions de l'article *181* ci-après, un recueil officiel de tous les renseignements d'intérêt général concernant l'exécution de la Convention et *de son* Règlement dans chaque Pays.

3. — Des recueils analogues concernant l'exécution des Arrangements sont publiés sur la demande des Administrations participant à ces Arrangements.

4. — Le Bureau international publie également, au moyen des éléments fournis par les Administrations:

a) un recueil de renseignements sur l'organisation des Administrations de l'Union et sur leurs services internes;

b) un recueil des taxes appliquées par les Administrations dans leur service interne;

c) une liste des objets interdits;

d) une liste des lignes de paquebots;

e) une liste des distances kilométriques afférentes aux parcours territoriaux;

f) une liste des Pays éloignés et assimilés;

g) un tableau des équivalents.

5. — Les modifications éventuelles apportées aux divers documents énumérés aux §§ 2 *à 4* sont notifiées par circulaire, *bulletin ou par tout moyen convenable.*

6. — Les documents publiés par le Bureau international sont distribués aux Administrations dans la proportion du nombre d'unités contributives assignées à chacune d'elles par application de l'article *27* de la Convention. Les exemplaires supplémentaires de ces documents qui seraient réclamés par les Administrations sont payés à part, d'après leur prix de revient.

7. — Le Bureau international est chargé de publier un dictionnaire alphabétique de tous les bureaux de poste du monde, *complété par des renseignements généraux rédigés dans les langues énumérées au § 1 et indiquant entre autres les services auxquels chaque Pays participe.* Ce dictionnaire est tenu au courant au moyen de suppléments ou de toute autre manière que le Bureau international juge convenable. Le dictionnaire est distribué aux Administrations à raison de 10 exemplaires par unité contributive assignée à chacune d'elles par application de l'article *27* de la Convention. Les exemplaires supplémentaires demandés par les Administrations sont payés à part, d'après leur prix de revient.

8. — Le dictionnaire peut être vendu au public par les soins du Bureau international, à un prix commercial à fixer par ce dernier.

ARTICLE *174.*

Rapport annuel.

Le Bureau international fait sur sa gestion un rapport annuel *qu'il transmet à la Commission exécutive et de liaison pour être* communiqué *par celle-ci* à toutes les Administrations.

ARTICLE *175.*

Langue officielle du Bureau international.

La langue officielle du Bureau international est la langue française.

ARTICLE *176.*

Coupons-réponse *internationaux*. Cartes d'identité *postales*.

Le Bureau international est chargé de faire confectionner les coupons-réponse *internationaux* et les cartes d'identité *postales* et d'en approvisionner, sur leur demande, les Administrations.

ARTICLE *177.*

Balance et liquidation des comptes.

1. — Le Bureau international est chargé d'opérer la balance et la liquidation des comptes de toute nature relatifs au service international des postes entre les Administrations qui déclarent vouloir emprunter son intermédiaire. Celles-ci se concertent, à cet effet, entre elles et avec ce Bureau.

2. — Sur la demande des Administrations intéressées, les décomptes télégraphiques peuvent aussi être indiqués au Bureau international pour entrer dans la compensation des soldes.

3. — Chaque Administration conserve le droit d'établir à son choix des décomptes spéciaux pour diverses branches du service et d'en opérer à sa convenance le règlement avec ses correspondants, sans employer l'intermédiaire du Bureau international, auquel elle se borne à indiquer pour quelles branches de service et pour quels Pays elle réclame ses offices.

4. — Les Administrations qui empruntent l'intermédiaire du Bureau international pour la balance et la liquidation des décomptes peuvent cesser d'user de cet intermédiaire trois mois après en avoir donné avis.

ARTICLE *178.*

Etablissement des comptes.

1. — Lorsque les comptes particuliers ont été débattus et arrêtés d'un commun accord, les Administrations débitrices transmettent aux Administrations créancières, pour chaque nature d'opérations, une reconnaissance, établie en francs et centimes, du montant de la balance des deux comptes particuliers, avec l'indication de l'objet de la créance et de la période à laquelle elle se rapporte.

2. — Sauf entente contraire, l'Administration qui désire, pour sa comptabilité intérieure, avoir des comptes généraux, doit les établir elle-même et les soumettre à l'acceptation de l'Administration correspondante.

3. — Les Administrations peuvent s'entendre pour pratiquer un autre système dans leurs relations.

4. — Chaque Administration adresse au Bureau international mensuellement ou trimestriellement, si des circonstances spéciales le rendent désirable, un tableau indiquant son Avoir du chef des décomptes particuliers ainsi que le total des sommes dont elle est créancière envers chacune des Administrations contractantes; chaque créance figurant dans ce tableau doit être justifiée par une reconnaissance de l'Administration débitrice.

5. — Ce tableau doit parvenir au Bureau international le 19 de chaque mois ou du premier mois de chaque trimestre au plus tard. A défaut, il n'est compris que dans la liquidation du mois ou du trimestre suivant.

6. — Le Bureau international examine, en rapprochant les reconnaissances, si les tableaux sont exacts. Toute rectification nécessaire est notifiée aux Administrations intéressées.

7. — Le Doit de chaque Administration envers une autre est reporté dans un tableau récapitulatif; l'addition des sommes portées dans les diverses colonnes de ce tableau forme le solde débiteur global de chaque Administration.

ARTICLE *179.*

Balance générale.

1. — Le Bureau international réunit les tableaux et les récapitulations en une balance générale indiquant:

a) le total du Doit et de l'Avoir de chaque Administration;

b) le solde débiteur ou le solde créditeur de chaque Administration;

c) les sommes à payer par les Administrations débitrices et la répartition de ces sommes entre les Administrations créancières.

2. — Il veille, dans la mesure du possible, à ce que chaque Administration n'ait à effectuer, pour se libérer, qu'un ou deux payements distincts.

3. — Toutefois, l'Administration qui se trouve habituellement à découvert envers une autre Administration d'une somme supérieure à 50 000 francs a le droit de réclamer des acomptes.

4. — Ces acomptes sont inscrits, tant par l'Administration créancière que par l'Administration débitrice, au bas des tableaux à adresser au Bureau international.

5. — Les reconnaissances transmises au Bureau international avec les tableaux sont classées par Administration. Elles servent de base pour l'établissement de la liquidation des comptes de chacune des Administrations intéressées. Dans cette liquidation doivent figurer:

a) les sommes afférentes aux comptes spéciaux portant sur les divers échanges;

b) le total des sommes résultant de tous les comptes spéciaux par rapport à chacune des Administrations intéressées;

c) les totaux des sommes dues à toutes les Administrations créancières pour chaque branche du service ainsi que leur total général. Ce total doit être égal au total du Doit qui figure dans la récapitulation.

6. Au bas du bordereau de liquidation, la balance est établie entre le Doit et l'Avoir résultant des tableaux adressés par les Administrations au Bureau international. Le montant net du Doit ou de l'Avoir doit être égal au solde débiteur ou au solde créditeur porté dans la balance générale. En outre, le bordereau indique les Administrations en faveur desquelles le payement doit être effectué par l'Administration débitrice.

7. — Les bordereaux de liquidation doivent être transmis aux Administrations intéressées, par le Bureau international, au plus tard le 22 de chaque mois.

ARTICLE *180.*

Payement.

1. — Le payement des sommes dues, en vertu d'une liquidation, par une Administration à une autre Administration, doit être effectué aussitôt que possible et au plus tard quinze jours après la réception du bordereau de liquidation par l'Administration débitrice. Les dispositions de l'article *163*, § 1, sont applicables, en ce qui concerne les autres conditions de payement. Les dispositions du § 6 dudit article font règle en cas de non-payement du solde dans le délai fixé.

2. — Les soldes débiteurs ou créditeurs n'excédant pas 500 francs peuvent être reportés à la liquidation du mois suivant, à la condition toutefois que les Administrations intéressées soient en rapport mensuel avec le Bureau international. Il est fait mention de ce report dans les récapitulations et dans les liquidations pour les Administrations créancières et débitrices. L'Administration débitrice fait parvenir, le cas échéant, à l'Administration créancière, une reconnaissance de la somme due, pour être portée au prochain tableau.

ARTICLE *181.*

Communications à adresser au Bureau international.

1. — Les Administrations se transmettent, par l'intermédiaire du Bureau international, la collection en trois exemplaires de leurs timbres-poste et des impressions-types de leurs machines à affranchir, avec indication de la date à partir de laquelle les timbres-poste des émissions antérieures cessent d'avoir cours.

2. — Elles doivent, en outre, communiquer au Bureau international:

a) la mention qu'elles ont adoptée, par application de l'article 106, § *4*, comme équivalent de l'expression «Taxe perçue» ou «Port payé»;

b) les taxes *réduites* qu'elles ont adoptées en vertu de l'article *6* de la Convention et l'indication des relations auxquelles ces taxes sont applicables;

c) l'indication des surtaxes qu'elles perçoivent pour frais de transport extraordinaire en vertu des articles *39* et *69* de la Convention ainsi que la nomenclature des Pays auxquels s'appliquent ces surtaxes et, s'il y a lieu, la désignation des services qui en motivent la perception;

d) tous les renseignements utiles concernant les prescriptions douanières ou autres ainsi que les interdictions ou restrictions réglant l'importation et le transit des envois postaux dans leurs services;

e) le nombre de déclarations en douane éventuellement exigé pour les envois soumis au contrôle douanier à destination de leur Pays et les langues dans lesquelles ces déclarations peuvent être rédigées;

f) l'indication qu'elles admettent ou non, dans les envois affranchis au tarif des lettres ou des échantillons, des objets passibles de droits de douane;

g) la liste des distances kilométriques pour les parcours territoriaux suivis dans leur Pays par les dépêches en transit;

h) la liste des lignes de paquebots en partance de leurs ports et utilisées pour le transport des dépêches avec indication des parcours, des distances et des durées de parcours entre le port d'embarquement et chacun des ports d'escale successifs, de la périodicité du service et des Pays auxquels les frais de transit maritime, en cas d'utilisation des paquebots, doivent être payés;

i) leur liste des Pays éloignés et assimilés;

j) leur décision au sujet de la faculté d'appliquer ou non certaines dispositions générales de la Convention et du Règlement;

k) les renseignements utiles sur leur organisation et leurs services internes;

l) leurs taxes postales intérieures.

3. — Toute modification aux renseignements visés au § 2 doit être notifiée sans retard.

4. — Les Administrations doivent fournir au Bureau international deux exemplaires des documents qu'elles publient, tant sur le service intérieur que sur le service international.

ARTICLE *182.*

Statistiques postales.

1. — Sur la base des renseignements recueillis par le moyen de questionnaires qui sont transmis aux Administrations 4 mois au moins avant le commencement de l'année à laquelle ils se réfèrent, le Bureau international publie:

a) tous les 3 ans:

1° une «Statistique complète des services postaux», comprenant 5 parties: I. Généralités; II. Organisation des postes; III. Trafic; IV. Correspondances-rebut et V. Résultat financier;

2° une «Statistique des Expéditions dans le Service postal international»;

b) chaque année intermédiaire, où les publications mentionnées sous a) ne paraissent pas, une «Statistique réduite des services postaux», qui ne porte que sur les parties III. Trafic et V. Résultat financier.

2. — Les opérations de service qui donnent lieu à enregistrement font l'objet de relevés périodiques, d'après les écritures effectuées.

3. — Pour toutes les autres opérations, il est procédé chaque année à un comptage des objets de toute nature, sans distinction entre les lettres, cartes postales, papiers d'affaires, imprimés, échantillons de marchandises et petits paquets et, au moins tous les trois ans, à un dénombrement des différentes catégories de correspondances. Chaque Administration fixe elle-même l'époque et la durée de ces comptages.

4. — Dans l'intervalle qui s'écoule entre les statistiques spéciales, le dénombrement des différentes catégories est fait d'après les chiffres proportionnels tirés de la précédente statistique spéciale.

5. — Le Bureau international *établit* et distribue les *questionnaires statistiques* à remplir par chaque Administration. Il fournit aux Administrations qui en font la demande toutes les indications nécessaires sur les règles à suivre pour assurer l'uniformité des opérations de statistique.

ARTICLE *183.*

Dépenses du Bureau international.

1. — Les dépenses ordinaires du Bureau international ne doivent pas dépasser, par année, la somme de *500 000* francs.

2. — L'Administration des postes suisses surveille les dépenses du Bureau international, fait les avances nécessaires et établit le compte annuel qui est communiqué aux autres Administrations.

3. — Les sommes avancées par l'Administration des postes suisses, suivant le § 2, doivent être remboursées par les Administrations débitrices dans le plus bref délai possible, et au plus tard avant le 31 décembre de l'année d'envoi du compte. Passé ce délai, les sommes dues sont productives d'intérêt au profit de ladite Administration à raison de 5 % l'an, à compter du jour d'expiration dudit délai.

4. — Les Pays de l'Union sont classés ainsi qu'il suit en vue de la répartition des frais:

1re classe: Union de l'Afrique du Sud, Allemagne, Etats-Unis d'Amérique, République Argentine, Commonwealth de l'Australie, *Brésil*, Canada, Chine, Espagne, France, Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord, *Inde*, Italie, Japon, *Nouvelle-Zélande*, *Union* des Républiques Soviétiques Socialistes;

2e classe: —;

3e classe: Ensemble des Possessions des Etats-Unis d'Amérique, Belgique, Egypte, Algérie, *Indochine*, Ensemble des autres *Territoires d'Outre-mer de la République Française et des Territoires administrés comme tels*, Ensemble des *Territoires* britanniques *d'Outre-mer*, y compris les *Colonies*, les Protectorats et les Territoires *sous mandat ou sous tutelle exercé par le Gouvernement du Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord*, Mexique, Pays-Bas, Indes néerlandaises, *Pologne*, Roumanie, Suède, Confédération Suisse, Tchécoslovaquie, Turquie, *République Soviétique Socialiste d'Ukraine*, *République Fédérative Populaire de Yougoslavie;*

4e classe: *Corée*, Danemark, Finlande, Hongrie, Irlande, Norvège, Portugal, Colonies portugaises de l'Afrique occidentale, Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie;

5e classe: *Autriche*, *République Soviétique Socialiste de Biélorussie*, *République Populaire de* Bulgarie, Chili, République de *Colombie*, *Grèce*, *Iran*, *Maroc* (à l'exclusion de la Zone espagnole), Maroc (Zone espagnole), Pérou, Tunisie;

6e classe: Afghanistan, *République Populaire* d'Albanie, Bolivie, République de Costa-Rica, République de *Cuba*, *République* Dominicaine, République de El Salvador, Equateur, *Ethiopie*, Guatémala, République d'Haïti, République du *Honduras*, *Luxembourg*, Nicaragua, République de Panama, Paraguay, Curaçao et Surinam, Siam, République *Orientale* de l'Uruguay, Etats-Unis de Vénézuéla;

7e classe: Royaume de l'Arabie Saoudite, Colonie du Congo belge, Ensemble des Colonies espagnoles, Iraq, *République d'Islande*, *Liban*, République de Libéria, *République* des Philippines, République de Saint-Marin, *Syrie*, *Royaume Hachémite de Transjordanie*, Etat de la Cité du Vatican, Yémen.

Dispositions finales.

ARTICLE *184.*

Mise à exécution et durée du Règlement.

1. — Le présent Règlement sera exécutoire à partir du jour de la mise en vigueur de la Convention postale universelle.

2. — Il aura la même durée que cette Convention, à moins qu'il ne soit renouvelé d'un commun accord entre les Parties intéressées.

Fait à *Paris*, le *5 juillet 1947.*

Signatures.
(Les mêmes qu'aux pages 29 et suivantes.) [1]

[1] For signatures, see p. 3188; for romanization, see p. 3416.

ANNEXE

FORMULES

C 1
(Règl., art. *111*, § 1)

DOUANE

(peut être ouvert d'office)

A remplir seulement en cas d'absence de déclaration séparée; sinon à détacher.

Nature de la marchandise: .....

.....

Poids net: .....

Valeur: .....

.....

(Dimensions: 44 × 62 mm., couleur verte)

C 4
(Règl., art. *128*, § 4)

R LAUSANNE 1
Nº 460

(Dimensions: 37 × 13 mm.)

C 2
(Régl., art. *111*, § 2)

LIEU D'EXPÉDITION

LIEU DE DESTINATION .....

ADMINISTRATION DES POSTES d .....

DÉCLARATION EN DOUANE

ENVOIS		DÉSIGNATION DU CONTENU	VALEUR avec indication précise de l'unité monétaire employée	POIDS		OBSERVATIONS
Nombre	Espèces			Brut Grammes	Net Grammes	
1	2.	3	4	5	6	7
Pays d'origine ou de fabrication de la marchandise:						

A .....

(Rue et numéro) *(Lieu de destination)*

(Pays de destination)

....., le ..... 19..... L'expéditeur

(Dimensions: 125 × 176 ou 148 × 210 mm.)

C 3 (Recto)
(Régl., art. *112.* § 2)

COUPON

Timbre du bureau d'origine

L'expéditeur d..... *)

N° .....

avec valeur déclarée de .....

déposé à .....

.....

pour M .....

à .....

a payé les droits indiqués au verso.

PAYS D'ORIGINE .....

Timbre du bureau d'origine

BULLETIN D'AFFRANCHISSEMENT

L..... *) N° ..... de ..... avec valeur déclarée de Fr. ..... , expédié par .....

à .....

à l'adresse de .....

Rue et numéro .....

Lieu de destination .....

Pays de destination .....

doit être remis franc ..... de tous droits.

(Signature de l'expéditeur)

A renvoyer au bureau d .....

(Indiquer le nom du bureau chargé du recouvrement des frais ou, le cas échéant, celui du bureau auquel la formule doit être renvoyée.)

*) Indiquer la nature de l'objet.

(Dimensions: 148 × 105 mm., couleur jaune)

(Doit être imprimé en sens inverse du recto)

C 3 (Verso)

DÉTAIL DES DROITS DUS
(dans la monnaie du Pays destinataire)

Droit de commission		
Droits de douane		
Droit de dédouanement		
Autres frais		
Total		

soit *) .....

Timbre du bureau recouvrant

*) Dans la monnaie du Pays d'origine de l'envoi.

TOTAL DES FRAIS DÉBOURSÉS
(Voir le détail sur le coupon)

en chiffres arabes

(dans la monnaie du Pays de destination de l'envoi)

Timbre du bureau qui a fait l'avance des frais

en chiffres arabes

soit

(à convertir par l'Administration d'origine de l'envoi)

Date de l'avance	N° du registre	Bureau qui a fait l'avance	Signature de l'agent

Registre d'arrivée

N° .....

Converti par
(Signature de l'agent)

Timbre du bureau recouvrant

C 5 (Recto)
(Règl., art. *129*, § 2)

ADMINISTRATION DES POSTES

d .....

(A remplir par le bureau d'origine)

Envoi recommandé (.....) [1] [2]

Lettre / Boîte / Colis } avec valeur déclarée de ..... [2]

Mandat de poste de ..... [2]

déposé ... au bureau de poste d .....

.....

le ..... 19 ..... sous le n° .....

expédié ... par M .....

et adressé ... à M .....

à .....

[1] Indiquer dans la parenthèse la nature de l'envoi (lettre, imprimé, etc.).
[2] Biffer les indications inutiles.

Timbre du bureau renvoyant l'avis

AVIS DE { RÉCEPTION / PAYEMENT } [2]

(A remplir par l'expéditeur qui mentionnera ci-dessous son adresse complète)

M .....

.....

.....

(Rue et numéro)

à .....

(Lieu de destination, en gros caractères)

.....

(Pays de destination)

SERVICE DES POSTES

(Dimensions: 148×105 mm., couleur rouge clair)

C 5 (Verso)

Le soussigné déclare que l'envoi / le mandat mentionné d'autre part

a été dûment livré / payé le 19 .

Timbre du bureau destinataire

Signature [1]

du destinataire:

de l'agent du bureau destinataire:

.....

[1] Cet avis doit être signé par le destinataire ou, si les règlements du Pays de destination le comportent, par l'agent du bureau destinataire et renvoyé par le premier courrier directement à l'expéditeur.

C 6 (Recto)
(Règl., art. 137, § 1)

Peut être ouvert par le bureau distributeur
Montant des taxes à percevoir ....

Timbre à date

SERVICE DES POSTES

M .....
(Nom du destinataire ou nom du navire, de l'agent du bureau de voyage, etc.)

Aux soins de .....

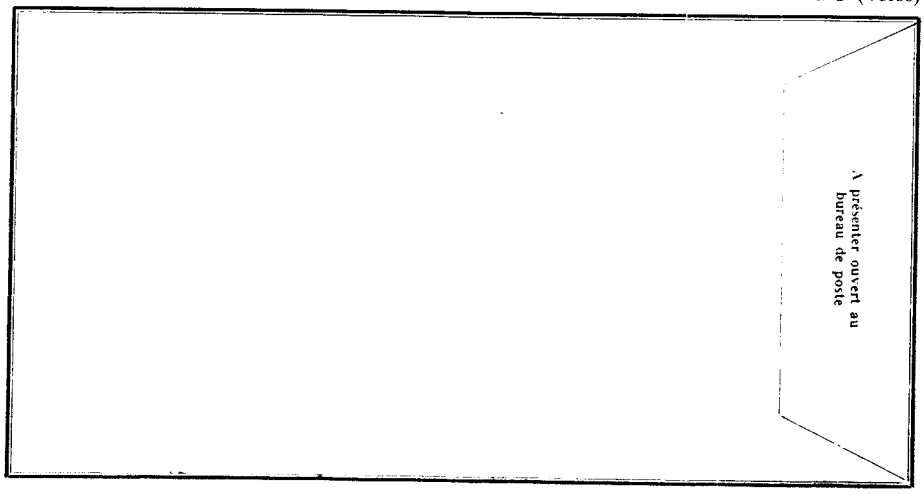
(Rue et numéro) .....

.....
(Bureau de destination)

.....
(Pays de destination)

(Dimensions: 229 × 162 mm.)

C 6 (Verso)



C 7 (Recto)
(Régl., art. 139, § 1)

ADMINISTRATION DES POSTES

d .....

BUREAU d .....

DEMANDE [1]) DE { RETRAIT [2]) / MODIFICATION D'ADRESSE [2]) / MODIFICATION DU MONTANT DU REMBOURSEMENT [2])

adressée à .....

DEMANDE PAR VOIE POSTALE

(Note à transmettre sous pli recommandé et aux frais du requérant)

I. DEMANDE DE RETRAIT [2])

Prière de renvoyer au bureau d ..... *(d'origine)*

pour être remis à l'expéditeur l ..... *(nature de l'objet)*

numéro ..... adressé ..... à votre bureau le ..... 19 ..... et

dont la suscription est conforme au fac-similé ci-joint.

II. DEMANDE DE MODIFICATION D'ADRESSE [2])

Prière de substituer ..... *(telle indication)*

à ..... *(telle autre indication)* sur la suscription

de l ..... *(nature de l'objet)* numéro .....

adressé à votre bureau le ..... 19 ..... du bureau d

..... et dont la suscription est conforme au fac-similé ci-joint.

III. DEMANDE D'ANNULATION OU DE MODIFICATION DU MONTANT DU REMBOURSEMENT [2])

Prière [3]) { d'annuler / de réduire à / de porter à } *(montant, les unités en toutes lettres)* le remboursement grevant

l ..... numéro ..... du bureau d

(nature de l'objet)

adressé le ..... 19 ..... à .....

(adresse exacte du destinataire)

.....

et dont la suscription est conforme au fac-similé ci-joint.

Ci-joint le mandat de remboursement rectifié [3]).

..... , le ..... 19 , le 19

Timbre du bureau

Le Chef de bureau d'où émane la demande:

Signature de l'expéditeur:

.....

[1]) Biffer le recto ou le verso, suivant le cas.
[2]) Biffer les indications inutiles.
[3]) Biffer l'indication, s'il y a lieu.

(Dimensions: 210 × 297 mm.)

C 7 (Verso)

DEMANDE PAR VOIE TÉLÉGRAPHIQUE

(Télégramme aux frais du réclamant)

I. DEMANDE DE RETRAIT [1]

Renvoyer *(tel objet)* ..... *(numéro)* .....
adressé ..... le ..... 19..... à *(adresse exacte du destinataire)*
.....
.....
(Description: Indication éventuelle de l'expéditeur, format et couleur de l'envoi, cachet éventuel, annotations et signes de toute nature) .....
.....
.....

Postes
(Sans signature)

II. DEMANDE DE MODIFICATION D'ADRESSE [1] [2]

Substituer *(telle indication)* ..... à *(telle autre indication)* ..... sur *(nature de l'objet, bordereau d'un envoi avec valeurs à recouvrer)* .....
..... *(numéro)* .....
adressé ..... le ..... 19..... à *(adresse exacte du destinataire)*
.....
.....
(Description: Indication éventuelle de l'expéditeur, format et couleur de l'envoi, cachet éventuel, annotations et signes de toute nature) .....
.....
.....

Postes
(Sans signature)

III. DEMANDE D'ANNULATION OU DE MODIFICATION DU MONTANT DU REMBOURSEMENT [1] [2]

1) { Annuler remboursement
Réduire à ..... remboursement
Porter à *(montant, les unités en toutes lettres)*

(nature de l'objet) ..... numéro
adressé le ..... 19 à *(adresse exacte du destinataire)*
.....
.....

Postes
(Sans signature)

....., le ..... 19 ....., le ..... 19.....

Timbre du bureau

Le chef du bureau
d'où émane la demande:
.....

Signature de l'expéditeur:

[1] Biffer les indications inutiles.
[2] Il ne peut être satisfait, le cas échéant, à cette demande qu'après réception du fac-similé par la poste.

C 8 (Recto)
(Régl., art. *140*, § 1)

ADMINISTRATION DES POSTES

d .....

BUREAU d .....

Timbre du bureau expéditeur de la demande

RÉCLAMATION D'UN ENVOI ORDINAIRE NON PARVENU

I. RENSEIGNEMENTS À FOURNIR PAR LE RÉCLAMANT (EXPÉDITEUR OU DESTINATAIRE)

Demandes 1	Réponses 2
a) Nature de l'envoi *(lettre, carte postale, papiers d'affaires, journal ou autre imprimé, échantillon ou petit paquet)*	
b) Adresse portée sur l'envoi.	
c) Quelle est l'adresse exacte du destinataire?	
d) L'envoi était-il volumineux?	
e) Que renfermait-il? *(Signalement aussi exact et complet que possible.)*	
f) Date précise ou approximative du dépôt à la poste.	
g) Nom et domicile de l'expéditeur.	
h) En cas de recherches fructueuses, à qui, de l'expéditeur ou du destinataire, doit-on faire parvenir l'envoi réclamé?	

II. RENSEIGNEMENTS À FOURNIR PAR L'EXPÉDITEUR

i) L'envoi était-il affranchi et, dans l'affirmative, quelle était la valeur des timbres-poste apposés?	
j) Date et heure du dépôt à la poste.	
k) Le dépôt a-t-il eu lieu au guichet ou à la boîte? Dans ce dernier cas, à quelle boîte?	
l) Le dépôt a-t-il été effectué par l'expéditeur lui-même ou par un tiers? Dans ce dernier cas, par quelle personne?	

m) Renseignements particuliers du bureau d'origine .....

La présente formule doit être renvoyée à .....

(Dimensions: 210×297 mm.)

C 8 (Verso)

III. RENSEIGNEMENTS À FOURNIR PAR LE DESTINATAIRE EN CAS DE RÉCLAMATION D'UN ENVOI ORDINAIRE NON PARVENU

Demandes 1	Réponses 2
n) L'envoi est-il parvenu au destinataire ?	
o) Les correspondances sont-elles d'ordinaire retirées au bureau de poste ou distribuées à domicile ?	
p) A qui sont-elles confiées dans le premier cas ?	
q) Dans le second cas, sont-elles remises directement au destinataire ou à une personne attachée à son service, ou bien déposées dans une boîte particulière ? Le cas échéant, cette boîte est-elle bien fermée et régulièrement levée ?	
r) La perte de correspondances s'est-elle déjà produite souvent ? Dans l'affirmative, indiquer la provenance des correspondances perdues.	
s) Renseignements particuliers du bureau de destination.	

La présente formule doit être renvoyée à

C 9 (Recto)
(Règl., art. 141, § 1)

ADMINISTRATION DES POSTES

d .....

BUREAU d .....

Timbre du bureau d'origine

RÉCLAMATION

A remplir dans le service d'origine

d'un envoi recommandé (.....) *(a)* remboursement (.....)
ou d'une $\frac{\text{lettre}}{\text{boîte}}$ de valeur déclarée de (.....) *(b)* remboursement (.....)
contenant (.....) *(c)*
déposé par M ..... le ..... 19....
sous le N° ..... au bureau d ..... à l'adresse suivante:
.....
.....
..... *(d)*
et faisant l'objet d'une demande d'avis de réception ..... *(e)*

A remplir dans le service de destination

en cas de distribution

Le soussigné déclare que l'envoi susmentionné a été dûment livré à l'ayant droit le ..... 19.....
Le montant du remboursement a été transmis à l'expéditeur de l'envoi par le mandat N° ..... le ..... 19.....
Le montant du remboursement a été transmis au bureau de chèques postaux d ..... par le mandat N° ..... le ..... 19.....
Le montant de remboursement a été mis en compte courant postal le ..... 19.....

Timbre du bureau distributeur

Le Chef du bureau distributeur:

.....

en cas de non-distribution

Le soussigné déclare que l'envoi susmentionné .....
est encore en instance au bureau d .....
a été renvoyé au bureau d'origine le 19
a été réexpédié le ..... 19 ..... à ..... *(f)*
n'est pas parvenu au bureau de destination. La déclaration du destinataire est ci-jointe.

Timbre du bureau distributeur

Le Chef du bureau distributeur:

(a) Lettre, imprimé, échantillon, etc.
(b) Montant de la valeur déclarée.
(c) Description du contenu, autant que possible.
(d) Cadre à remplir par l'expéditeur ou, à défaut, par le bureau d'origine; mentionner l'adresse exacte et complète.
(e) Biffer, le cas échéant.
(f) Indiquer l'adresse exacte et complète.

(Dimensions: 210×297 mm.)

C 9 (Verso)

À REMPLIR SEULEMENT DANS LE CAS OÙ LE SORT DE L'ENVOI N'A PU ÊTRE ÉTABLI PAR LES RECHERCHES PRÉVUES AU RECTO

A remplir dans le service d'origine.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d .....
du ..... 19 ..... (....e envoi) pour le bureau d'échange d .....

Il a été inscrit sous le N° ..... du tableau V de la feuille d'avis ou de la liste spéciale. / de la feuille d'envoi.

Timbre du bureau

Signature:

.....

A remplir dans les services intermédiaires.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d .....
du ..... 19 ..... (....e envoi) pour le bureau d'échange d .....

Il a été inscrit sous le N° ..... du tableau V de la feuille d'avis ou de la liste spéciale. / de la feuille d'envoi.

Timbre du bureau

Signature:

.....

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d .....
du ..... 19 ..... (....e envoi) pour le bureau d'échange d .....

Il a été inscrit sous le N° ..... du tableau V de la feuille d'avis ou de la liste spéciale. / de la feuille d'envoi.

Timbre du bureau

Signature:

.....

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d .....
du ..... 19 ..... (....e envoi) pour le bureau d'échange d .....

Il a été inscrit sous le N° ..... du tableau V de la feuille d'avis ou de la liste spéciale. / de la feuille d'envoi.

Timbre du bureau

Signature:

.....

RÉPONSE DÉFINITIVE

de l'Administration destinataire ou, le cas échéant, de l'Administration intermédiaire qui ne peut établir la transmission régulière de l'envoi réclamé à l'Administration suivante.

C *10*
(Régl., art. *144*, § *1*, lettre *a*)

ADMINISTRATION DES POSTES

d

BUREAU d

Timbre du bureau expéditeur

AVIS DE L'ENVOI

sous recommandation d'office, de l'objet de correspondance décrit ci-après paraissant revêtu d'un timbre-poste frauduleux ou d'une empreinte contrefaite de { machine à affranchir [1]). / presse d'imprimerie [1]).

Nature de l'objet 1	Bureau d'origine et date d'expédition 2	Copie textuelle de l'adresse 3	Indication de l'irrégularité présumée 4	Observations 5

[1]) Biffer la mention inutile.

Le Chef du bureau:

(Dimensions: 148 × 210 mm.)

ADMINISTRATION DES POSTES

d .....

C 11
(Régl., art. *144*, § *1*, lettre *b*)

Timbre du bureau de destination

PROCÈS-VERBAL

dressé à ..... par application de l'article *73* de la Convention postale universelle et de l'article *144* de son Règlement.

Emploi d'un timbre-poste frauduleux ou d'une empreinte contrefaite de { machine à affranchir [1]). / presse d'imprimerie [1]).

[1]) Biffer, suivant le cas, l'une ou l'autre de ces indications.

L'an mil neuf cent ....., le ..... 19.....

Nous soussigné, ... des postes à ....., agissant en vertu de l'article *73* de la Convention postale universelle et de l'article *144* de son Règlement et assistant à la vérification d .....

[2]) Nature de l'envoi (lettre, papiers d'affaires, imprimé, échantillon, etc.).

..... [2]) expédié ..... le ..... 19.....

d ..... à l'adresse de M .....,

à ....., pesant ..... et affranchi

à raison de ....., avons constaté que cet envoi

était revêtu [1]) { d'un timbre-poste présumé frauduleux, / d'une empreinte contrefaite de machine à affranchir, / d'une empreinte contrefaite de presse d'imprimerie,

ce qui constitue la contravention prévue par l'article *73* de la Convention.

[3]) Nom et adresse du contrevenant (s'il habite une grande ville, indiquer la rue et le numéro de la maison).

Le destinataire nous a déclaré [1]) { que l'expéditeur est M [3]) ..... / ..... / que l'expéditeur lui est inconnu. / qu'il refusait de faire connaître l'expéditeur.

En conséquence,

[1]) { nous lui avons remis ..... / nous avons saisi ..... / ..... / à l'effet de l.... transmettre à l'Administration des postes d .....

De quoi nous avons dressé le présent procès-verbal en simple expédition pour qu'il y soit donné suite conformément à l'article *73* de la Convention et à l'article *144* du Règlement susmentionnés.

Signature du destinataire ou de son fondé de pouvoir:

Signature de l'agent du bureau de destination:

.....

(Dimensions: 148 × 210 ou 210 × 297 mm.)

C 12
(Régl., art. 145, § 1)

PAYS D'ORIGINE ..... PAYS DE DESTINATION .....

Timbre du bureau expéditeur

FEUILLE D'AVIS

Timbre du bureau destinataire

Dépêche (e envoi) du bureau d'échange d .....
pour le bureau d'échange d .....
expédiée le ..... 19..., à ..... h. ..... m.

I. Envois ordinaires
par exprès [1] par avion [1]
[1]) Souligner la mention valable.

II. Numéro de la dépêche et nombre des sacs

Numéro d'ordre de la dépêche	
Paquebot	
Via	
L. C. sacs	
A. O. sacs	
S. C. sacs	
S. V. sacs (contenant des sacs vides)	
Total des sacs	

III. Récapitulation des envois inscrits

	Nombre
Sacs / Paquets } contenant des envois recommandés	
Listes spéciales d'objets recommandés	
Total des envois recommandés	
Sacs / Paquets } contenant des envois avec valeur déclarée	
Feuilles d'envoi d'objets avec valeur déclarée	
Total des envois avec valeur déclarée	

IV. Indications de service

	Nombre
Sacs utilisés pour la confection de la dépêche appartenant à l'Administration **expéditrice**, y compris les sacs pour les objets recommandés et ceux qui sont réunis dans des sacs collecteurs	
Sacs vides en retour appartenant à l'Administration **destinataire**	

V. Liste des envois recommandés
(S'il n'y a pas d'objets recommandés, porter la mention «Néant»)

N° d'ordre 1	Bureau d'origine 2	N° d'ordre de l'envoi 3	Observations 4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

VI. Dépêches closes insérées dans la présente dépêche

Bureau d'origine 1	Bureau de destination 2	Nombre des sacs ou paquets 3

L'agent du bureau d'échange expéditeur: L'agent du bureau d'échange destinataire:

(Dimensions: 210 × 297 mm.)

C *13*
(Règl., art. *145*, § 2, lettre c)

PAYS D'ORIGINE PAYS DE DESTINATION

LISTE SPÉCIALE N°

Timbre du bureau expéditeur

Timbre du bureau destinataire

des envois recommandés de la dépêche N° ..... (.....e envoi)

d ..... pour .....

N° d'ordre 1	Bureau d'origine 2	Numéro d'ordre de l'envoi 3	Observations 4	N° d'ordre 1	Bureau d'origine 2	Numéro d'ordre de l'envoi 3	Observations 4
1				31			
2				32			
3				33			
4				34			
5				35			
6				36			
7				37			
8				38			
9				39			
10				40			
11				41			
12				42			
13				43			
14				44			
15				45			
16				46			
17				47			
18				48			
19				49			
20				50			
21				51			
22				53			
23				53			
24				54			
25				55			
26				56			
27				57			
28				58			
29				59			
30				60			

L'agent du bureau d'échange expéditeur: L'agent du bureau d'échange destinataire:

(Dimensions: 210 × 297 mm.)

C *14*
(Régl., art. *150*, § 1)

ADMINISTRATION DES POSTES

d .....

BUREAU d .....

CORRESPONDANCE AVEC L'ADMINISTRATION

d .....

BULLETIN DE VÉRIFICATION

Timbre du bureau expéditeur du bulletin

Timbre du bureau destinataire du bulletin

pour la constatation et la rectification des erreurs et irrégularités de toute nature reconnues dans la dépêche N° .....

du bureau d'échange d .....

pour le bureau d'échange d .....

e expédition du ..... 19 , à ..... h.

ERREURS OU IRRÉGULARITÉS DIVERSES

(Manque de la dépêche, manque d'envois recommandés ou de la feuille d'avis, dépêche spoliée, sac déchiré ou en mauvais état, etc.)

, le 19

Les agents du bureau d'échange destinataire de la dépêche:

..... , le 19

Vu et accepté:
Le Chef du bureau d'échange expéditeur de la dépêche:

(Dimensions: 148 × 210 mm.)

C 15
(Régl., art. *154*, § 1)

PAYS D'ORIGINE ..... PAYS DE DESTINATION .....

Timbre du bureau expéditeur

FEUILLE D'AVIS

Timbre du bureau destinataire

Dépêche (e envoi) du bureau d'échange d .....
pour le bureau d'échange d .....
expédiée le ..... 19 ..... , à ..... h. ..... m.

	Description des sacs	Nombre de sacs dont le poids brut ne dépasse pas 5 kg (sacs légers)	dépasse 5 kg sans excéder 15 kg (sacs moyens)	dépasse 15 kg sans excéder 30 kg (sacs lourds)
Transit en dépêches closes	L. C.			
	A. O.			
	Nombre de sacs exempts de frais de transit			

I. Envois ordinaires
par exprès [1] par avion [1]
[1]) Souligner la mention valable.

II. Numéro de la dépêche et nombre des sacs

Numéro d'ordre de la dépêche .....
Paquebot .....
Via .....
L. C. sacs .....
A. O. sacs .....
S. C. sacs .....
S. V. sacs (contenant des sacs vides) .....
Total des sacs .....

III. Récapitulation des envois inscrits

	Nombre
Sacs / Paquets } contenant des envois recommandés	
Listes spéciales d'objets recommandés.	
Total des envois recommandés . . . . . dont « A.O. » et « Exempt » dans les sacs « ad hoc » [1]	
Sacs / Paquets } contenant des envois avec valeur déclarée	
Feuille d'envoi d'objets avec valeur déclarée. . . .	
Total des envois avec valeur déclarée	

[1]) Ne remplir que lorsque les envois recommandés « A.O. » et « Exempt » (art. *68* de la Convention) ont été insérés dans les sacs « ad hoc » (art. *153*, § *5*, du Règlement de la Convention).

IV. Indications de service

	Nombre
Sacs utilisés pour la confection de la dépêche appartenant à l'Administration **expéditrice**, y compris les sacs pour les objets recommandés et ceux qui sont réunis dans des sacs collecteurs	
Sacs en retour appartenant à l'Administration **destinataire** . . .	

V. Liste des envois recommandés
(S'il n'y a pas d'objets recommandés, porter la mention « Néant »)

N° d'ordre 1	Bureau d'origine 2	Numéro de l'envoi 3	Observations 4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

VI. Dépêches closes insérées dans la présente dépêche

Bureau d'origine 1	Bureau de destination 2	Nombre des sacs ou paquets 3

L'agent du bureau d'échange expéditeur: L'agent du bureau d'échange destinataire:

(Dimensions: 210 × 297 mm.)

68706 O—51—PT. III——42

ADMINISTRATION DES POSTES

d

BUREAU d

C 16
(Règl., art. 154, § 3)

STATISTIQUE DE TRANSIT

BULLETIN DE VÉRIFICATION

Timbre du bureau expéditeur

Timbre du bureau destinataire

pour la constatation et la rectification des erreurs et irrégularités reconnues dans la dépêche

du bureau d'échange d .....

pour le bureau d'échange d .....

..... e expédition du ..... 19 ..... à ..... h. .....

Transit en dépêches closes.	Nombre de sacs	
	d'après la déclaration du bureau expéditeur 1	d'après la constatation du bureau destinataire 2
a) L. C. Sacs légers		
Sacs moyens		
Sacs lourds		
b) A. O. Sacs légers		
Sacs moyens		
Sacs lourds		
c) Sacs exempts de tous frais de transit		

OBSERVATIONS

Prière de renvoyer ce bulletin après examen et acceptation au bureau de poste d .....

, le 19

Les agents du bureau d'échange destinataire:

, le 19

Vu et accepté:
Le Chef du bureau d'échange expéditeur:

(Dimensions: 210 × 297 mm.)

ADMINISTRATION DES POSTES
d .....

C 17
(Règl., art. 155, § 1)

BUREAU d .....

Administration expéditrice:

Administration destinataire:

TRANSIT EN DÉPÊCHES CLOSES

Dépêches du bureau d'échange d .....

pour le bureau d'échange d .....

expédiées par l'intermédiaire d .....

et par des paquebots d .....

Date	Première dépêche expédiée à ..... h. du						Deuxième dépêche expédiée à ..... h. du					
	Lettres et cartes postales			Autres objets			Lettres et cartes postales			Autres objets		
	Nombre de sacs						Nombre de sacs					
	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg
	Sacs légers	Sacs moyens	Sacs lourds	Sacs légers	Sacs moyens	Sacs lourds	Sacs légers	Sacs moyens	Sacs lourds	Sacs légers	Sacs moyens	Sacs lourds
1	2	3	4	5	6	7	8	9	10	11	12	13
Totaux												

....., le 19 ....., le ..... 19 .....

Vu et accepté:

Le Chef du bureau d'échange destinataire:

Le Chef du bureau d'échange expéditeur:

.....

(Dimensions: 210 × 297 mm.)

C *18*
(Régl., art. *156*, § 1)

ADMINISTRATION EXPÉDITRICE . . . . . .

LISTE DES DÉPÊCHES CLOSES

expédiées par l'intermédiaire de l'Administration d . . . . . .

pendant la période de statistique du . . . . . .

Bureau		Date d'expédition	Voie de transmission	Observations
expéditeur	destinataire			
1	2	3	4	5

(Dimensions: 210 × 297 mm.)

C *19*
(Règl., art. *158*, § 1)

Avis. — A transporter à découvert simultanément avec la dépêche à laquelle ce bulletin se rapporte et à remplir avant la remise.

ADMINISTRATION EXPÉDITRICE ..... ADMINISTRATION DESTINATAIRE .....

Timbre du bureau d'origine

BULLETIN DE TRANSIT DES DÉPÊCHES

Bureau de destination: .....

N° de la dépêche: ..... Nombre de sacs: .....

Attention! Chaque Administration ne dispose que d'une seule rangée de cases pour les indications concernant le transit territorial et d'une seule rangée pour le transit maritime éventuel.

Les renseignements concernant le transit doivent être indiqués successivement par le bureau d'échange d'entrée et le bureau d'échange de sortie de chaque Administration intermédiaire, à l'exclusion de tout autre bureau, en commençant par le premier bureau d'échange d'entrée. Le dernier bureau d'échange de sortie doit transmettre le bulletin directement au bureau de destination qui le renvoie au bureau d'origine joint au relevé C *17* respectif.

	Timbre du bureau d'échange d'entrée	Timbre du bureau d'échange de sortie	Services utilisés (En cas de transit territorial, indiquer T. t. et la route suivie. En cas de transit maritime, indiquer T. m., la route suivie, le nom du paquebot et celui de la ligne de paquebot)	Pays auquel les frais de transit doivent être payés
1	2	3	4	5
Premier parcours . . .				
Deuxième parcours. . .				

Pour les parcours additionnels, utiliser le verso de ce bulletin.

(Dimensions: 210 × 297 mm., couleur verte)

ADMINISTRATION DES POSTES

d .....

C 20
(Régl., art. 161, § 6)

TRANSIT EN DÉPÊCHES CLOSES

Compte des sommes dues à l'Administration d ..... pour le transport des dépêches closes expédiées par l'Administration d ..... en transit par les services ..... pendant l'année 19 .....

Bureau d'origine	Bureau de destination	Dépêches expédiées pendant la période de la statistique												Observations
		Lettres et cartes postales						Autres objets						
		Nombre de sacs du poids moyen de			Poids totaux	Prix de transit par kg	Avoir de	Nombre de sacs du poids moyen de			Poids totaux	Prix de transit par kg	Avoir de	
		3 kg	12 kg	24 kg				3 kg	12 kg	24 kg				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
					kg	Fr. c.	Fr. c.				kg	c.	Fr. c.	
Total des lettres et des cartes postales								Total des autres objets						
Report du total des lettres et des cartes postales														
Total														
Multiplié par 26 (ou 13) A déduire 10 %														
Total à reporter au relevé (Formule C 21)														

....., le ..... 19 .....

..... , le ..... 19 .....

Vu et accepté:

(Dimensions: 210 × 297 mm.)

C 21
(Règl., art. 162, § 2)

ADMINISTRATION DES POSTES

d

FRAIS DE TRANSIT ORDINAIRES

RELEVÉ

indiquant les montants totaux des comptes particuliers réciproques entre les Administrations des postes

d ..... et d .....

Sommes dues pour chacune des années ..... sur la base de la statistique d 1	Avoir de l'Administration	
	d 2	d 3
	Fr.	Fr.
Dépêches closes		
Envois d		
Envois d		
Totaux		
Déduction		
Solde au crédit de l'Administration d		

....., le ..... 19.....

Signature:

.....

(Dimensions: 148 × 210 ou 210 × 297 mm.)

C 22
(Règl., art. 164, § 1)

COUPON-RÉPONSE INTERNATIONAL

a) .....

b) .....

c)

(Dessin)

Timbre du bureau d'origine

Timbre du bureau d'échange

d) Ce coupon est échangeable dans tous les Pays de l'Union postale universelle contre un timbre-poste ou des timbres-poste représentant le montant de l'affranchissement d'une lettre ordinaire de port simple à destination de l'étranger.

(Nom du Pays d'émission)

a) Traduction de l'en-tête dans la langue du Pays d'émission.

b) Cet espace est occupé par une traduction du texte *d)* dans la langue du Pays d'émission.

c) Prix de vente dans le Pays d'émission.

d) Cette explication est répétée au verso dans les langues de plusieurs Pays.

(Dimensions: 105 × 74 mm.)

C 23
(Règl., art. 164, § 4)

ADMINISTRATION DES POSTES

d .....

COUPONS-RÉPONSE

RELEVÉ

des coupons émis par l'Administration d .....

et échangés en ..... *pendant l'année 19*.....

	Nombre	*Montant*	
		Fr.	*c.*
Coupons à 28 c.			

, le *19* .....

Vu et accepté:

(Dimensions: 148 × 210 mm.)

C 24
(Régl., art. 164, §5)

ADMINISTRATION DES POSTES
d .....

COUPONS-RÉPONSE

RELEVÉ

des coupons échangés dans les relations réciproques entre les Administrations d .....

et d ..... pendant ..... 19 .....

1	2	3	
	Nombre	Valeur calculée à 28 c. par unité	
		Fr.	c.
Coupons émis par ..... et échangés contre des timbres-poste d			
Coupons émis par ..... et échangés contre des timbres-poste d			
Solde au { crédit / débit } de l'Administration d			

, le 19 ...

.....

(Dimensions: 148 × 210 mm.)

C 25
(Règl., art. *165*, § 2)

SIGNALEMENT[1])

Date de naissance: .....

Lieu de naissance:

Taille: .....

Cheveux: .....

Yeux: .....

Teint: .....

Marques particulières: .....

.....

.....

.....

.....

[1]) Les indications du signalement doivent, le cas échéant, porter une traduction interlinéaire en langue française.

1

UNION POSTALE UNIVERSELLE
Administration des Postes

d .....

CARTE D'IDENTITÉ POSTALE

1. Cette carte est reconnue comme pièce justificative d'identité pour les opérations postales.
2. Les cartes d'identité sont délivrées exclusivement par le service des postes. Elles sont valables pendant trois ans.

   Toutefois si, pendant cette période, la physionomie du titulaire s'est modifiée au point de ne plus répondre à la photographie ou au signalement, la carte doit être renouvelée.
3. Les Administrations des postes ne sont pas responsables des conséquences que peuvent entraîner la perte, la soustraction ou l'emploi frauduleux de la présente carte.

(Dimensions: *148* × *105* mm.)

2

Photographie

Timbre-poste

(La moitié sur la photographie)

Signature du titulaire:

2

CARTE D'IDENTITÉ POSTALE

N°

valable jusqu'au ..... 19.....

Titulaire

Nom:

Prénoms:

Profession:

Nationalité:

Domicile: .....

Délivrée par le bureau ou le service

d

le 19.....

Le Chef de service:

Timbre à date ou sceau officiel

C 26
(Règl., art. 167, § 1)

ADMINISTRATION DES POSTES

d .....

COMPTE

des frais de douane, etc., payés par l'Administration d .....

pour le compte de l'Administration d .....

Mois d ..... 19.....

Numéro d'ordre 1	Date des avances 2	Numéro du bulletin d'affranchissement 3	BUREAU qui a fait l'avance 4	Montant de chaque bulletin d'affranchissement 5	Observations 6
			TOTAL		

(Dimensions: 210 × 297 mm.)

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des

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DISPOSITIONS CONCERNANT LE TRANSPORT DE LA POSTE AUX LETTRES PAR VOIE AÉRIENNE

CHAPITRE I.

Dispositions générales.

ARTICLE PREMIER.

Objets de correspondance admis au transport aérien.

1. — Sont admis au transport aérien, sur tout ou partie du parcours, tous les objets désignés à l'article *35* de la Convention ainsi que les mandats de poste, les valeurs à recouvrer et les abonnements-poste. Ces envois *qui* prennent, dans ce cas, la dénomination de «Correspondances-avion», *se répartissent en envois pour lesquels une surtaxe spéciale de transport aérien est perçue (envois surtaxés) et en envois pour lesquels pareille taxe n'est pas due (envois non surtaxés).*

2. — Les objets mentionnés à l'article *35* de la Convention peuvent être soumis à la formalité de la recommandation et grevés de remboursement.

3. — Les lettres et les boîtes avec valeur déclarée peuvent être également transportées par la voie de l'air dans les relations entre Pays qui admettent d'échanger des objets de l'espèce par cette voie.

4. — Les correspondances-avion *surtaxées* doivent porter au recto la mention très apparente «Par avion» ou une mention analogue dans la langue du Pays d'origine.

ARTICLE 2.

Liberté de transit.

La liberté de transit prévue à l'article *28* de la Convention est garantie aux correspondances-avion dans le territoire entier de l'Union, que les Administrations intermédiaires prennent part ou non au réacheminement des correspondances.

ARTICLE 3.

Acheminement des correspondances-avion.

1. — Les Administrations qui se servent des communications aériennes pour le transport de leurs propres correspondances-avion *surtaxées* sont tenues d'acheminer, par ces mêmes communications, les correspondances-avion *surtaxées* qui leur parviennent des autres Administrations. *Il en est de même des correspondances-avion non surtaxées, à condition que la capacité disponible des appareils le permette.*

2. — Les Administrations qui ne disposent pas d'un service aérien acheminent les correspondances-avion par les voies les plus rapides utilisées par la poste. Il en est de même si, pour une raison quelconque, l'acheminement par ces autres voies offre des avantages sur une voie aérienne existante.

3. — Le cas échéant, il est tenu compte des indications de voie d'acheminement portées sur les correspondances-avion *surtaxées* par les expéditeurs, sous réserve que la voie demandée soit normalement utilisée pour les transports postaux sur le parcours intéressé et que l'acheminement par cette voie n'entraîne pas une perte de temps considérable dans l'arrivée à destination de l'envoi.

4. — Les dépêches-avion closes doivent être acheminées par la voie demandée par l'Administration du Pays d'origine, sous réserve que cette voie soit utilisée par l'Administration du Pays de transit pour la transmission de ses propres dépêches.

5. — Dans le but d'établir le parcours le plus convenable, le bureau d'origine peut adresser au bureau destinataire de la dépêche un bulletin d'essai conforme au modèle AV 1 ci-annexé; ce bulletin doit être inséré dans la dépêche et joint à la feuille d'avis. Le bulletin d'essai, dûment rempli, doit être renvoyé au bureau d'origine par le premier courrier aérien.

6. — Lorsque, par suite d'un accident survenu en cours de route, un avion ne peut poursuivre son voyage et livrer le courrier aux escales prévues, le personnel du bord doit remettre les dépêches au bureau de poste le plus proche du lieu de l'accident ou le plus qualifié pour le réacheminement du courrier. *En cas d'empêchement du personnel, ce bureau, ayant été mis au courant de l'accident, fait son possible pour prendre, sans délai, livraison du courrier. Les dépêches doivent être dirigées sur les bureaux destinataires par les voies les plus rapides après constatation de l'état et, éventuellement, remise en état des correspondances endommagées.*

7. — Les circonstances de l'accident et les constatations faites sont signalées par bulletin de vérification aux bureaux destinataires des dépêches accidentées; une copie du bulletin est adressée au bureau d'origine des dépêches. *En outre, l'Administration du Pays dont dépend la compagnie aérienne doit fournir par télégramme aux Administrations intéressées tous les détails relatifs au sort du courrier.*

ARTICLE 4.

Acheminement par la voie aérienne sur une partie seulement du parcours.

1. — A moins de difficultés d'ordre pratique, l'expéditeur peut demander que sa correspondance *surtaxée* soit expédiée par la voie aérienne sur une partie seulement du parcours.

2. — Lorsqu'il use de cette faculté, l'expéditeur doit porter sur sa correspondance *surtaxée* l'annotation, en langue du Pays d'origine et en langue française: «Par avion de... à....» A la fin de la transmission aérienne, les étiquettes «Par avion» mentionnées à l'article 24 ci-après ainsi que les annotations spéciales doivent être *barrées* d'office par deux forts traits transversaux.

ARTICLE 5.

Taxes et conditions générales d'admission des correspondances-avion.

1. — Les correspondances-avion *surtaxées* acquittent, en sus des taxes postales réglementaires, une surtaxe spéciale de transport aérien dont il appartient à l'Administration du Pays d'origine de fixer le montant. *Sous réserve de ce qui est dit au § 7, la* surtaxe aérienne est due également pour les correspondances-avion qui *jouissent de la franchise postale en vertu des* dispositions de l'article *52, §§ 2 à 4,* de la Convention.

2. — Dans les relations considérées comme services *de la catégorie A* (art. 14, § 9, ci-après), *les lettres et les cartes postales, avec ou sans recommandation et grevées ou non de remboursement ainsi que les mandats de poste et les recouvrements, sont transportés par voie aérienne et sans perception de surtaxe de transport aérien si le parcours aérien à effectuer ne dépasse pas 2000 kilomètres et que leur distribution se trouve utilement accélérée par l'emploi de la voie aérienne. Les Administrations se notifient les Pays pour lesquels les envois susmentionnés sont transportés par la voie aérienne.*

3. — Dans les relations entre les Pays d'Europe, la surtaxe s'élève, *le cas échéant,* au maximum à 7½ centimes par 20 grammes, quelle que soit la distance.

4. — *Les montants maxima des surtaxes de transport aérien à percevoir pour chaque échelon de poids de 20 grammes et pour chaque parcours aérien de 1000 kilomètres sont mentionnés ci-après:*

Echelons de distances 1	*Lettres, cartes postales, mandats de poste et recouvrements* 2	*Autres objets de correspondance non mentionnés dans la colonne 2* 3
SERVICE AÉRIEN DE LA CATÉGORIE A		
Jusqu'à 2000 kilomètres	. . . . .	*7½ centimes*
Au-dessus de 2000 kilomètres	*7½ centimes*	*7½ centimes*
SERVICE AÉRIEN DE LA CATÉGORIE B		
Toutes distances	*15 centimes*	*15 centimes*

5. — *Les surtaxes fixées conformément au § 4 doivent être uniformes pour tout le territoire d'un Pays de destination, quel que soit l'acheminement utilisé.*

6. — Pour les objets autres que les lettres, cartes postales, mandats de poste et valeurs à recouvrer, les surtaxes perçues par application des §§ 2 *à 5* peuvent être réduites à un cinquième au minimum.

7. — Les Administrations ont la faculté de ne percevoir aucune surtaxe de transport aérien, sous réserve d'information à donner au Pays de destination et d'un accord préalable avec les Pays de transit.

8. — Les surtaxes doivent être acquittées au départ.

9. — La surtaxe d'une carte postale avec réponse payée est perçue pour chaque partie séparément, au point de départ de chacune de ces parties.

10. — Les correspondances-avion sont affranchies dans les conditions prévues par *les articles 50 et 51* de la Convention. Toutefois, et sans égard à la nature de ces correspondances, l'affranchissement peut être représenté par une mention manuscrite, en chiffres, de la somme perçue, exprimée en monnaie du Pays d'origine sous la forme, *par exemple:* «Taxe perçue: *Dollars cents.*» Cette mention peut, soit figurer dans une griffe spéciale ou sur une figurine ou étiquette spéciale, soit encore être simplement portée, par un procédé quelconque, du côté de la suscription de l'objet. Dans tous les cas, la mention doit être appuyée du timbre à date du bureau d'origine.

ARTICLE 6.

Correspondances-avion non affranchies ou insuffisamment affranchies.

1. — En cas d'absence totale d'affranchissement, les correspondances-avion sont traitées conformément aux dispositions des articles *37* et *38* de la Convention. Les objets dont l'affranchissement postal n'est pas obligatoire au départ sont transmis par les voies ordinaires.

2. — En cas d'insuffisance d'affranchissement, les correspondances-avion *surtaxées* sont transmises par la voie de l'air lorsque les taxes acquittées représentent au moins le montant de la surtaxe aérienne. Les Administrations d'origine ont la faculté de transmettre ces correspondances par la voie de l'air lorsque les taxes acquittées représentent 25 % au moins du montant de la surtaxe aérienne.

3. — Les dispositions de l'article *38* de la Convention sont applicables en ce qui concerne la perception des taxes non acquittées au départ.

4. — Lors de la transmission par voie ordinaire des envois *surtaxés visés au § 2*, le bureau de dépôt ou le bureau d'échange doit *barrer au moyen de deux forts traits transversaux l'étiquette «Par avion» et* toute annotation relative au transport aérien et indiquer brièvement les motifs de la transmission par voie ordinaire.

ARTICLE 7.

Distribution des correspondances-avion.

1. — Les correspondances-avion sont distribuées dans les meilleures conditions de rapidité possibles et doivent au moins être comprises dans la première distribution qui suit leur arrivée au bureau de distribution.

2. — Les expéditeurs ont la faculté de demander la remise à domicile par porteur spécial immédiatement après l'arrivée, en acquittant la taxe spéciale d'exprès prévue par l'article *47* de la Convention. Cette faculté n'existe que dans les relations entre Pays qui ont organisé le service des envois exprès dans leurs relations réciproques.

3. — Lorsque le règlement du Pays de destination le permet, les destinataires peuvent demander au bureau chargé de la distribution que les correspondances-avion parvenant à leur adresse leur soient remises dès leur arrivée. Dans ce cas, les Administrations destinataires sont autorisées à percevoir, au moment de la distribution, un droit spécial qui ne pourra être supérieur à la taxe d'exprès prévue par l'article *47* de la Convention.

4. — Moyennant rémunération supplémentaire, les Administrations peuvent, après entente, procéder à la remise à domicile par des moyens spéciaux, notamment par utilisation des tubes pneumatiques.

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ARTICLE 8.

Réexpédition et renvoi des correspondances-avion.

1. — Les correspondances-avion adressées à des destinataires ayant changé de résidence sont réexpédiées sur la nouvelle destination par les moyens de transport *normalement utilisés*, à moins que le destinataire n'ait demandé expressément la réexpédition par la voie aérienne et n'ait payé d'avance au bureau réexpéditeur la surtaxe aérienne du nouveau parcours. Les correspondances tombées en rebut sont renvoyées à l'origine par la voie *normalement utilisée.*

2. — Si la réexpédition ou le renvoi *des correspondances surtaxées* a lieu par les moyens ordinaires de la poste, l'étiquette «Par avion» et toute annotation se rapportant à la transmission par la voie aérienne doivent être *barrées* d'office au moyen de deux forts traits transversaux.

CHAPITRE II.

Envois recommandés ou avec valeur déclarée.

ARTICLE 9.

Envois recommandés.

Les envois recommandés *pour lesquels une surtaxe spéciale de transport aérien a été perçue* sont soumis aux taxes postales et conditions générales d'admission prévues par la Convention. Ils acquittent, en outre, les mêmes surtaxes aériennes que les envois ordinaires.

ARTICLE 10.

Avis de réception.

Chaque Administration est autorisée à tenir compte du poids de la formule de l'avis de réception pour le calcul de la surtaxe aérienne.

ARTICLE 11.

Responsabilité.

Les Administrations assument à l'égard des envois recommandés acheminés par voie aérienne la même responsabilité que pour les autres envois recommandés.

ARTICLE 12.

Envois avec valeur déclarée.

1. — Les Administrations qui admettent les envois avec valeur déclarée au transport aérien sont autorisées à percevoir du chef de ces envois un droit spécial d'assurance dont elles fixent le montant. Le total du droit d'assurance ordinaire et du droit spécial ne doit pas dépasser le double de la limite fixée par l'article 3, lettre *c)*, de l'Arrangement concernant les lettres et les boîtes avec valeur déclarée.

2. — En ce qui concerne les envois avec valeur déclarée qui transitent en dépêches closes par le territoire de Pays non adhérents à l'Arrangement concernant les envois de l'espèce ou qui transitent par des services aériens pour lesquels les Pays en cause n'acceptent pas la responsabilité des valeurs, la responsabilité de ces Pays est limitée à celle qui est prévue pour les envois recommandés.

CHAPITRE III.

Attribution des surtaxes aériennes. Frais de transport.

ARTICLE 13.

Attribution des surtaxes.

Chaque Administration garde en entier les surtaxes aériennes qu'elle a perçues.

ARTICLE 14.

Frais de transport aérien des dépêches closes.

1. — Les dispositions de l'article *67* de la Convention, concernant les frais de transit, ne s'appliquent aux correspondances-avion que pour leurs parcours territoriaux ou maritimes éventuels.

2. — Les frais de transport aérien des correspondances-avion expédiées en dépêches closes sont à la charge de l'Administration du Pays d'origine.

3. — Chaque Administration qui assure le transport des correspondances-avion par la voie aérienne comme Administration intermédiaire a droit, de ce chef, à une bonification de frais de transport. Ces frais sont calculés d'après la longueur effective des lignes sur lesquelles la dépêche ou les envois ont été transportés. Si l'avion fait escale à plusieurs aéroports, la bonification est due jusqu'à l'aéroport où le déchargement a lieu.

4. — Des frais de transport doivent être bonifiés également pour le transport dans l'intérieur du Pays de destination. Ces bonifications doivent être uniformes pour tous les parcours effectués dans le réseau intérieur; elles sont calculées d'après la distance moyenne de tous les parcours effectués sur le réseau intérieur et leur importance pour le trafic international.

5. — Les frais de transport afférents à un même parcours aérien sont uniformes pour toutes les Administrations qui font emploi de ce service sans participer aux frais d'exploitation.

6. — Sauf les exceptions prévues aux §§ *7 et 8* ci-après, les frais de transport aérien sont payables à l'Administration des postes du Pays où se trouve l'aéroport dans lequel les dépêches ont été prises en charge par le service aérien.

7. — L'Administration qui remet à une entreprise de transport aérien des dépêches destinées à emprunter successivement plusieurs services aériens distincts peut, si elle est d'accord avec les Administrations intermédiaires, régler directement avec cette entreprise les frais de transport pour la totalité du parcours. Les Administrations intermédiaires ont, de leur côté, le droit de demander l'application pure et simple des dispositions du § *6*.

8. — Par dérogation aux stipulations des §§ *6* et *7*, est réservé à chaque Administration dont dépend un service aérien le droit de percevoir directement de chaque Administration qui utilise ce service les frais de transport afférents à la totalité du parcours.

9. — *Les tarifs* de base à appliquer aux règlements de compte entre les Administrations du chef des transports *aériens sont fixés* par kilogramme de poids brut et par kilomètre, *comme il suit:*

a) Services aériens européens et autres services dont les frais d'exploitation sont semblables (catégorie A): 3 millièmes de franc au maximum;

b) Services dont l'entretien nécessite des frais plus élevés (catégorie B): 6 millièmes de franc au maximum.

10. — *Les tarifs spécifiés au § 9 sont appliqués* proportionnellement aux fractions de kilogramme. Les dépêches ou correspondances transportées dans le service interne des Pays *de destination* sont soumises au *tarif applicable aux services de la catégorie A*, à moins que les Pays correspondants ne se soient mis d'accord pour ne percevoir aucune bonification du chef de ce transport.

11. — Les frais de transport précités sont dus aussi pour les correspondances exemptes de frais de transit. Les dépêches ou correspondances mal dirigées ou détournées sont considérées, en ce qui concerne le payement des frais de transport, comme si elles avaient suivi leur voie normale. Cependant, pour le transport de dépêches à réexpédier par des services *de la catégorie B*, l'Administration inter-

médiaire peut exiger la restitution des frais de transport. Le compte des frais de transport aérien s'effectue alors selon l'article 21, §§ 1 et 3, des Dispositions.

12. — Les Administrations des Pays survolés n'ont droit à aucune rémunération pour les dépêches transportées par voie aérienne au-dessus de leur territoire.

ARTICLE 15.

Frais de transport des correspondances-avion à découvert.

1. — Les frais de transport des correspondances-avion qui sont échangées à découvert entre deux Administrations doivent être calculés d'après les dispositions de l'article 14, §§ 1 à *5* et *9* à *11*. *Toutefois, lorsque le territoire du Pays de destination de ces correspondances est desservi par une ligne comportant plusieurs escales sur ce territoire, les frais de transport sont calculés sur la base d'un tarif moyen évalué en fonction du tonnage du courrier débarqué à chaque escale.*

2. — Pour déterminer les frais de transport, le poids net de ces envois est majoré de 10 %.

3. — L'Administration qui remet des correspondances-avion en transit à découvert à une autre Administration doit lui payer en entier les frais de transport calculés pour tout le parcours aérien ultérieur.

CHAPITRE IV.

Bureau international.

ARTICLE 16.

Communications à adresser au Bureau international et aux Administrations.

1. — Les Administrations doivent communiquer au Bureau international, *sur les formules qui leur sont envoyées par celui-ci*, les renseignements utiles concernant *l'exécution du service postal aérien. Ces renseignements comportent notamment:*

a) L'indication des lignes du service intérieur et du service international qui sont à la disposition des autres Administrations pour des transports de correspondances-avion en dépêches closes ou à découvert (numéro et parcours, longueur en kilomètres, pour les lignes du service intérieur distance moyenne calculée selon l'article 14, § 4, services de la catégorie A ou B, entreprise, etc.);

b) Les frais de transport par kilogramme dus par les Administrations qui recourent à l'emploi de ces lignes;

c) Les surtaxes aériennes perçues par chaque Administration pour les différentes catégories de correspondances-avion et pour les différents Pays;

d) Les décisions de chaque Administration au sujet de la faculté d'appliquer ou non certaines dispositions concernant le transport de la poste aux lettres par voie aérienne.

2. — *Le Bureau international publie une fois par an, au mois de juin, d'après les informations ainsi recueillies, une liste générale de renseignements concernant les services aéropostaux, qui est répartie entre les Administrations. Toutes modifications à apporter aux renseignements fournis ou à la liste générale doivent être communiquées sans retard au Bureau international par voie aérienne.*

3. — Le Bureau international est chargé également de dresser *et de répartir* des cartes indiquant les lignes postales de communications aériennes intérieures et internationales de tous les Pays, *ainsi qu'une liste indiquant les horaires des lignes aériennes des réseaux intérieur et international de chaque Pays et les heures-limites auxquelles doivent arriver les avions dans les aéroports pour que le courrier puisse être compris dans les distributions de la journée.*

4. — *Les modifications éventuelles aux publications mentionnées aux §§ 2 et 3 sont communiquées aux Administrations par voie de suppléments.*

5. — *Indépendamment de ce qui précède, les Administrations peuvent s'entendre pour se communiquer directement, avant chaque période d'horaire et à titre de renseignement provisoire, les informations et les horaires des lignes aériennes qui les intéressent plus spécialement.*

6. — *Les Administrations qui utilisent des communications aériennes pour le transport de leurs propres courriers ordinaires doivent en informer les autres Administrations de l'Union par l'intermédiaire du Bureau international en leur communiquant en même temps la date à partir de laquelle ces communications sont utilisées, les relations ouvertes ainsi que toutes les modifications qui y sont apportées.*

CHAPITRE V.

Comptabilité. Règlement des comptes.

ARTICLE 17.

Statistique de décompte.

1. — *Sauf dérogation motivée par les circonstances, le* décompte général des frais de transport aérien a lieu d'après des relevés statistiques établis dans les sept jours qui suivent le 14 *mai* et le 14 novembre de chaque année. Les données de la statistique de *mai* forment la base des bonifications dues pour *les mois de mai à octobre;* celles de novembre comptent pour *les mois de novembre à avril.*

2. — Les statistiques concernant des services qui ne fonctionnent pas pendant les périodes de statistique régulières sont établies après entente entre les Administrations intéressées.

3. — En ce qui concerne les services *de la catégorie B,* l'Administration chargée du transport par voie aérienne a la faculté de demander que les règlements de compte aient lieu *mensuellement ou* trimestriellement, sur la base du poids brut des dépêches ou du poids net majoré de 10 % des envois à découvert transportés réellement pendant la période envisagée. Dans ce cas, les dispositions des articles 19, 21 et 22 ci-après sont appliquées à la constatation du poids et à l'établissement des comptes, étant entendu que les relevés AV 3 et AV 4 doivent être établis mensuellement pour tous les transports aériens effectués, *compte tenu de la date d'expédition indiquée par le bureau d'origine.*

ARTICLE 18.

Confection des dépêches ordinaires ou des dépêches-avion pendant les périodes de statistique des frais de transport aérien.

Les dispositions de l'article *153* du Règlement d'exécution de la Convention ne s'appliquent pas aux statistiques biannuelles pour l'évaluation des frais du transport aérien. Toutefois, pendant la période de ces statistiques, les étiquettes ou suscriptions de dépêches qui contiennent des correspondances-avion doivent porter, d'une manière apparente, la mention «Statistique-avion».

ARTICLE 19.

Constatation du poids des dépêches-avion et des correspondances-avion.

1. — Pendant les périodes de statistique, la date d'*expédition, le* poids brut *et le numéro* de la dépêche sont indiqués sur l'étiquette ou sur la suscription extérieure de la dépêche. L'insertion de dépêches-avion entrantes dans une autre dépêche de même nature est interdite.

2. — Si les lettres et les cartes postales ainsi que les autres objets sont réunis dans une dépêche transportée sur des lignes pour lesquelles un tarif réduit de transport s'applique aux A. O., le poids de chacune des deux catégories doit être indiqué en outre du poids total sur l'étiquette ou sur la suscription extérieure de la dépêche. Dans ce cas, le poids de l'emballage extérieur (sac ou paquet) est ajouté au poids des autres objets. En cas d'emploi d'un sac collecteur, le poids de ce sac est négligé.

3. — Dans le cas où des correspondances à découvert, destinées à être réacheminées par voie aérienne, sont comprises dans une dépêche ordinaire ou dans une dépêche-avion, ces correspondances, réunies en une liasse spéciale étiquetée «Par avion», sont accompagnées *de bordereaux conformes* au modèle AV 2 ci-annexé, *dont un pour les envois ordinaires et un autre pour les envois recommandés.* Le poids des correspondances en transit à découvert est indiqué séparément pour chaque Pays de destination *ou groupes de Pays pour lesquels les frais de transport sont uniformes.* Dans les relations entre les Pays qui se sont mis d'accord pour ne percevoir aucune bonification du chef du réacheminement par la voie aérienne dans leur réseau interne, le poids des correspondances à découvert pour le Pays de destination même n'est pas indiqué. La feuille d'avis est revêtue de la mention «Bordereau AV 2». Les Pays de transit ont la faculté de demander l'emploi de bordereaux spéciaux AV 2 mentionnant dans un ordre fixe les Pays et les lignes aériennes les plus importants. *Lorsque le décompte des frais de transport aérien ne s'effectue pas d'après les relevés statistiques (services de la catégorie B, circons-*

tances exceptionnelles), les bordereaux AV 2 doivent être soumis à une numérotation spéciale suivant une série annuelle continue.

4. — Ces indications sont vérifiées par le bureau d'échange destinataire. Si ce bureau constate que le poids réel des dépêches diffère de plus de 100 grammes et celui des correspondances à découvert de plus de 20 grammes du poids annoncé, il rectifie l'étiquette ou le bordereau AV 2 et signale immédiatement l'erreur au bureau d'échange expéditeur par bulletin de vérification. Lorsqu'il s'agit de dépêches closes, une copie de ce bulletin est adressée à chaque Administration intermédiaire. Si les différences de poids constatées restent dans les limites précitées, les indications du bureau expéditeur sont tenues pour valables.

5. — L'absence de bordereau AV 2 n'autorise pas le Pays de transit à réexpédier les envois-avion par voie de surface. La retransmission par voie aérienne doit être assurée. Le cas échéant, le bordereau AV 2 est dressé d'office et l'irrégularité fait l'objet d'un bulletin C 14 à charge du bureau d'origine.

ARTICLE 20.

Liste des dépêches-avion closes.

Aussitôt que possible et, en tout cas, dans un délai d'un mois après chaque période de statistique, les Administrations qui ont expédié des dépêches-avion closes envoient, sur une formule C *18* appropriée, la liste de ces dépêches aux différentes Administrations dont elles ont emprunté les services aériens, y compris, le cas échéant, celle de destination.

ARTICLE 21.

Compte des frais de transport aérien réglés sur la base des statistiques.

1. — Pendant les périodes de statistique, les Administrations intermédiaires prennent note, dans un relevé conforme au modèle AV 3 ci-annexé, des poids indiqués sur les étiquettes ou suscriptions extérieures des dépêches-avion qu'elles ont réacheminées par la voie aérienne, soit dans leur réseau interne, soit au-delà des frontières de leur Pays. En ce qui concerne les correspondances-avion à découvert qui leur parviennent des autres Administrations et qu'elles réacheminent par la voie aérienne, un relevé conforme au modèle AV 4 ci-annexé est dressé d'après les indications figurant sur les bordereaux AV 2. Les correspondances-avion contenues dans les dépêches ordinaires sont soumises au même procédé. Des relevés séparés sont dressés pour chaque bureau d'échange expéditeur de dépêches-avion ou de correspondances-avion à découvert.

2. — Les Administrations de destination qui assurent le réacheminement de dépêches-avion ou de correspondances-avion par la voie aérienne dans leur réseau interne procèdent de la même manière.

3. — Aussitôt que possible et, au plus tard, *trois* semaines après la clôture des opérations de statistique, les relevés AV 3 et AV 4 sont transmis en double expédition aux bureaux d'échange expéditeurs pour être revêtus de leur acceptation. Ces bureaux, après avoir accepté les relevés, les transmettent à leur tour à leur Administration centrale qui en fait parvenir un exemplaire à l'Administration centrale créancière.

4. — Si l'Administration créancière n'a reçu aucune observation rectificative dans un intervalle de *deux* mois à compter de l'envoi, les relevés sont considérés comme admis de plein droit. Dans les relations entre Pays éloignés, ce délai est porté à *trois* mois.

ARTICLE 22.

Compte des frais de transport aérien.

1. — Les poids bruts des dépêches et les poids nets majorés de 10 % des envois à découvert, figurant dans les relevés AV 3 ou AV 4, sont multipliés par un chiffre établi d'après la fréquence des services d'été et d'hiver; les produits ainsi obtenus servent de base à des comptes particuliers *dressés sur la formule conforme au modèle AV 5 ci-annexé et* établissant en francs les prix de transport revenant à chaque Administration pour le semestre en cours.

2. — Le soin de dresser ces comptes incombe à l'Administration créancière qui les transmet à l'Administration débitrice.

3. — Les comptes particuliers sont dressés en double expédition et transmis aussitôt que possible à l'Administration débitrice. Si l'Administration créancière n'a reçu aucune observation rectificative dans un intervalle de *deux* mois à compter de l'envoi, ce compte est considéré comme admis de plein droit. Dans les relations entre Pays éloignés, ce délai est porté à *trois* mois.

ARTICLE 23.

Décompte général.

Sauf entente contraire entre les Administrations intéressées, le décompte général des frais de transport aérien est établi deux fois par an par le Bureau international d'après les règles fixées pour le décompte des frais de transit.

CHAPITRE VI.

Dispositions diverses.

ARTICLE 24.

Signalisation des correspondances-avion.

Les correspondances-avion *surtaxées* sont revêtues, au départ, d'une étiquette spéciale ou d'une empreinte de couleur bleue comportant les mots «Par avion» avec traduction facultative dans la langue du Pays d'origine.

ARTICLE 25.

Signalisation des dépêches-avion.

1. — Lorsque les correspondances-avion donnent lieu à la formation de dépêches distinctes, celles-ci doivent être confectionnées avec du papier bleu ou au moyen de sacs, soit entièrement bleus, soit portant de larges bandes bleues.

2. — *Les Administrations intéressées se mettent d'accord sur la mention spéciale à porter sur les étiquettes des sacs des dépêches closes contenant des correspondances-avion non surtaxées.*

ARTICLE 26.

Mode d'expédition des correspondances-avion.

1. — Les dispositions des articles *145*, § 2, lettre *a)*, et *147* du Règlement d'exécution de la Convention s'appliquent, par analogie, aux correspondances-avion insérées dans des dépêches ordinaires. Les étiquettes des liasses doivent porter l'annotation «Par avion».

2. — En cas d'insertion de correspondances-avion recommandées dans des dépêches ordinaires, la mention «Par avion» doit être portée à la place prescrite au § *3* dudit article *147* pour la mention «Exprès».

3. — S'il s'agit de correspondances-avion avec valeur déclarée insérées dans des dépêches ordinaires, la mention «Par avion» est portée dans la colonne «Observations» des feuilles d'envoi en regard de l'inscription de chacune d'elles.

4. — Les correspondances-avion expédiées en transit à découvert dans une dépêche-avion ou dans une dépêche ordinaire et qui doivent être réacheminées par voie aérienne par le Pays destinataire de la dépêche, sont réunies en une liasse spéciale étiquetée «Par avion».

5. — Le Pays de transit peut demander la formation de liasses spéciales par Pays de destination. Dans ce cas, chaque liasse est revêtue d'une étiquette portant la mention «Par avion pour...».

ARTICLE *27*.

Bordereaux de chargement et de livraison des dépêches.

1. — *Les dépêches à remettre à l'aéroport sont accompagnées d'un bordereau de chargement de couleur jaune et d'un bordereau de livraison de couleur blanche conformes aux modèles AV 6 et AV 7 ci-annexés.*

2. — Un exemplaire du bordereau de chargement signé par le représentant de la compagnie aérienne est conservé par le bureau expéditeur; un deuxième exemplaire, remis au pilote, accompagne les dépêches.

3. — Un bordereau de livraison, dressé pour chacune des escales aériennes, est inséré dans un portefeuille à compartiments, le premier étant réservé aux bordereaux de chargement postal, les autres, à raison d'un par escale, aux bordereaux de livraison de chaque escale.

ARTICLE *28.*

Transbordement des dépêches-avion.

Sauf entente contraire entre les Administrations intéressées, le transbordement en cours de route, dans un même aéroport, des dépêches qui empruntent successivement plusieurs services aériens distincts, se fait par l'intermédiaire de l'Administration du Pays où a lieu le transbordement. Cette règle ne s'applique pas lorsque ce transbordement a lieu entre les appareils assurant les sections successives d'un même service.

ARTICLE *29.*

Annotations à porter sur les feuilles d'avis, sur les feuilles d'envoi et sur les étiquettes des dépêches-avion.

Les feuilles d'avis et les feuilles d'envoi accompagnant des dépêches-avion doivent être revêtues dans leur en-tête de l'étiquette «Par avion» ou de l'empreinte visée à l'article 24. La même étiquette ou empreinte est appliquée sur les étiquettes ou suscriptions de ces dépêches. *Le numéro des dépêches doit être indiqué sur les étiquettes ou suscriptions de ces dépêches.*

ARTICLE *30.*

Dédouanement des correspondances passibles de droits de douane.

Les Administrations prennent des mesures pour accélérer autant que possible le dédouanement des correspondances-avion passibles de droits de douane.

ARTICLE *31.*

Renvoi des sacs-avion vides.

1. — Les sacs-avion doivent être renvoyés vides à l'Administration d'origine par voie de surface. Dès que leur nombre est au moins égal à dix, ils donnent lieu à la formation de dépêches spéciales entre bureaux d'échange-avion désignés à cet effet; ces dépêches sont étiquetées «Sacs vides» et numérotées suivant une série annuelle. La feuille d'avis indique le nombre de sacs renvoyés au Pays d'origine.

2. — Les dispositions des §§ 5 et 6 de l'article 151 du Règlement de la Convention sont applicables aux sacs-avion vides.

ARTICLE *32.*

Application des dispositions de la Convention et des Arrangements.

Les dispositions de la Convention et des Arrangements ainsi que de leurs Règlements, exception faite de l'Arrangement des colis postaux et de son Règlement, sont applicables en tout ce qui n'est pas expressément réglé par les articles précédents.

ARTICLE *33.*

Mise à exécution et durée des Dispositions adoptées.

1. — Les présentes Dispositions seront exécutoires à partir du jour de la mise en vigueur de la Convention.

2. — Elles auront la même durée que cette Convention, à moins qu'elles ne soient renouvelées d'un commun accord entre les Parties intéressées.

Fait à *Paris*, le *5 juillet 1947*.

Signatures.

(Les mêmes qu'aux pages 29 et suivantes.) [1]

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[1] For signatures, see p. 3188; for romanization, see p. 3416

PROTOCOLE FINAL DES DISPOSITIONS CONCERNANT LE TRANSPORT DE LA POSTE AUX LETTRES PAR VOIE AÉRIENNE

I.

Frais de transport aérien des dépêches closes.

A titre exceptionnel, les Administrations *ont* la faculté, *sous réserve d'en aviser les Administrations intéressées, d'appliquer les tarifs de la catégorie B pour chaque parcours de leur réseau aérien interne.*

II.

Faculté de réduire l'échelon de poids unitaire des correspondances-avion.

Les Administrations dont le système de poids le permet ont la faculté d'adopter des échelons d'un poids inférieur à celui de 20 grammes prévu à l'article 5. Dans ce cas, la surtaxe est fixée suivant l'échelon de poids adopté.

III.

Surtaxes exceptionnelles.

1. — A titre d'exception, les Administrations ont la faculté d'appliquer aux correspondances-avion visées à l'article 5, § 2, une surtaxe spéciale de transport aérien qui ne doit pas dépasser 7½ centimes par 20 grammes et par 1000 kilomètres.

2. — Les Administrations d'Europe *faisant usage de la faculté prévue au § 1 et* qui, par suite de la situation géographique de leurs Pays, éprouvent des difficultés à adopter une surtaxe uniforme pour toute l'Europe sont autorisées à percevoir des surtaxes proportionnelles aux distances, suivant les dispositions de l'article 5, § *4.*

3. — Cette faculté est accordée également aux autres Pays d'Europe pour leur trafic avec les Pays mentionnés *au § 2.*

4. — En raison de la situation géographique spéciale de l'U. R. S. S., l'Administration de ce Pays se réserve le droit d'appliquer une surtaxe uniforme sur tout le territoire de l'U. R. S. S., pour tous les Pays du monde. Cette surtaxe ne dépassera pas les frais réels occasionnés par le transport de la correspondance par voie aérienne.

Fait à *Paris,* le *5 juillet 1947.*

Signatures.
(Les mêmes qu'aux pages 29 et suivantes.) [1]

[1] For signatures, see p. 3188; for romanization, see p. 3416.

ANNEXE

FORMULES

AV 1
(Art. 3, § 5)

PAYS D'ORIGINE: . . . . . *PAYS DE DESTINATION:* . . . . . .

BULLETIN D'ESSAI

1re Partie

Dépêche aérienne du bureau

d . . . . . .

pour . . . . . .

du . . . . . .

acheminée sur la ligne aérienne . . . . . .

Le Chef de bureau:

2e Partie

La dépêche en question a été reçue par le bureau

d . . . . . .

le . . . . . *à* . . . . *heure*

Les correspondances non en transit y insérées ont été livrées aux destinataires le

Le Chef de bureau:

A restituer au bureau d

(Dimensions: 210×297 mm.)

AV 2
(art. 19, § 3)

ADMINISTRATION EXPÉDITRICE
DE LA DÉPÊCHE:

ADMINISTRATION DESTINATAIRE
DE LA DÉPÊCHE:

Timbre du bureau expéditeur

Timbre du bureau destinataire

BORDEREAU

DES POIDS DES CORRESPONDANCES-AVION

contenues dans la dépêche $\frac{\text{ordinaire}}{\text{-avion}}$ N°

du bureau d'échange d

pour le bureau d'échange d

expédiée le ..... 19 à h. m.

Numéro d'ordre 1	Noms des Pays de destination des correspondances-avion 2	Poids net Grammes 3	Observations 4

(Dimensions: 210 × 297 mm.)

AV 3
(art. 21, § 1)

ADMINISTRATION EXPÉDITRICE
DE LA DÉPÊCHE:

ADMINISTRATION RÉACHEMINANT
LA DÉPÊCHE:

.....

TRANSPORT AÉRIEN DE DÉPÊCHES-AVION CLOSES

Relevé des poids bruts des dépêches-avion réacheminées par le bureau d'échange d ..... pendant la période de la statistique [1]) du ..... au ..... 19.....

Numéro d'ordre	Date d'expédition du bureau d'origine	Bureau d'origine	N° de la dépêche	Bureau de destination	La dépêche a été réacheminée par voie aérienne d..... à	N° de la ligne aérienne utilisée	Poids brut de la dépêche Grammes	Observations
1	2	3	4	5	6	7	8	9
						Total		

..... , le 19

Le Chef du bureau transitaire:

..... , le 19

Vu et accepté:
Le Chef du bureau d'origine:

.....

[1]) Lorsque le décompte a lieu sur la base des poids réellement transportés, le relevé est établi par mois.

(Dimensions: 210 × 297 mm.)

AV 4
(art. 21, § 1)

ADMINISTRATION EXPÉDITRICE
DE LA DÉPÊCHE: .....

ADMINISTRATION DESTINATAIRE
DE LA DÉPÊCHE: .....

TRANSPORT AÉRIEN DE CORRESPONDANCES-AVION

Relevé du poids net des correspondances-avion contenues dans les dépêches $\frac{\text{-avion}}{\text{ordinaires}}$

du bureau d'échange d ..... pour le bureau d'échange d .....

expédiées pendant la période de la statistique [1]) du ..... au ..... 19.....

N° d'ordre	N° de la dépêche	Date d'expédition du bureau d'origine	N° de la ligne aérienne utilisée	Poids des correspondances-avion destinées au Pays de réception de la dépêche [2]) Grammes	Poids net des correspondances-avion destinées à d'autres Pays		Pays de destination	Observations
					Parcours aériens intermédiaires Grammes	Parcours aérien dans le Pays de destination [2]) Grammes		
1	2	3	4	5	6	7	8	9
			Total					

[1]) Lorsque le décompte a lieu sur la base des poids réellement transportés, le relevé est établi par mois.

[2]) Les colonnes 5 et 7 ne sont remplies que dans le cas où le Pays de destination des correspondances-avion se charge de leur réacheminement par la voie aérienne à l'intérieur de son territoire. Les correspondances-avion destinées à la localité de l'aéroport de réception d'une dépêche-avion n'entrent pas dans le calcul de poids.

....., le ..... 19.....

Le Chef du bureau transitaire:

..... , le ..... 19.....

Vu et accepté:
Le Chef du bureau d'origine:

.....

(Dimensions: 210 × 297 mm.)

83566 O - 49 - 10

AV 5
(art. 22, § 1)

ADMINISTRATION EXPÉDITRICE DES DÉPÊCHES:

ADMINISTRATION DESTINATAIRE/ RÉEXPÉDITRICE DES DÉPÊCHES

FRAIS DE TRANSPORT AÉRIEN

Services $\frac{\textit{de la catégorie A.}}{\textit{de la catégorie B.}}$

Compte des sommes dues à l'Administration d pour le transport aérien des correspondances expédiées par l'Administration d pendant la période de la statistique du au 19

Bureaux d'origine	*Bureaux destinataires / réexpéditeurs*	*Pays de destination des envois*	*N° de la ligne aérienne utilisée*	*Poids brut / net*	*Durée de l'exploitation*	*Multiplié par*	*Poids pour la saison*	*Taux de bonification par kg*		*Avoir de*		*Observations*
1	2	3	4	5	6	7	8	9		10		11
				g			*g*	*Fr.*	*c.*	*Fr.*	*c.*	
		Majoration de 10% sur le total du transit à découvert:										
								Total				

, le 19

Le Chef du bureau destinataire réexpéditeur:

Vu et accepté:

Le Chef du bureau d'origine:

(Dimensions: 210 × 297 mm.)

Timbre du bureau expéditeur

AV 6
(art. 27, § 1)

BORDEREAU DE CHARGEMENT

pour le vol nº ..... du .....

..... Titre de la compagnie aérienne

Nombre des sacs, etc., à remettre	*Contenant des*			*Aéroport de déchargement*	*Poids brut des sacs, etc., de*			*Observations*
	correspondances	*colis*	*journaux*		*correspondances*	*colis*	*journaux*	
1	2	3	4	5	6	7	8	9
					kg g	kg g	kg g	
				Totaux				

Signature de l'agent postal cédant:

Signature de l'agent compétant de l'aéroport:

(Dimensions: 210 × 297 mm. *couleur jaune.*)

Timbre du bureau expéditeur

BORDEREAU DE LIVRAISON

des dépêches aériennes

AV 7
(art. 27, § 1)
Timbre du bureau destinataire

pour le bureau d .....

Aéroport de déchargement

Départ le *19* ..... *à* *h.*
(de l'aéroport)

No de la dépêche 1	*Bureau d'origine* 2	*Bureau destinataire* 3	*Sacs ou plis de correspondances* 4	*Colis ou sacs de colis* 5	*Sacs ou paquets de journaux* 6	*Poids brut des sacs, etc., de*			*Observations* 10
						correspondances 7	*colis* 8	*journaux* 9	
						kg g	kg g	kg g	
		Totaux							

Signature du bureau expéditeur:

Signature du bureau destinataire:

(Dimensions: 210×297 mm. *couleur blanche.*)

68706 O—51—PT. III——44

Having examined and considered the provisions of the foregoing Convention, with its Final Protocol, Regulations, Air-Mail Provisions, and Final Protocol to the Air-Mail Provisions, signed at Paris on the 5th day of July, 1947, revising the Universal Postal Convention which was concluded at Buenos Aires on the 23rd day of May, 1939; the same are by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

54 Stat. 2049.

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°) of the aforementioned Convention signed at Paris on the 5th day of July, 1947, and to Samoa and the Panama Canal Zone.

Ante, p. 3168; *Post*, p. 3310.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 1st day of June 1948.

[SEAL]

Postmaster General.

I hereby approve the above-mentioned Convention, with its Final Protocol, Regulations, Air-Mail Provisions, and Final Protocol to the Air-Mail Provisions, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

By the President:

Secretary of State.

[SEAL]

Washington, June 9, 1948.

Translation prepared by the Post Office Department

UNIVERSAL POSTAL UNION

DOCUMENTS OF THE PARIS CONGRESS

1947

TEXT OF THE
UNIVERSAL POSTAL CONVENTION
SIGNED AT PARIS

This copy is certified to be a true copy of the sole copy of the Convention of the Universal Postal Union, drawn up in French, signed in Paris on July Fifth, Nineteen Hundred Forty-seven, and deposited in the archives of the French Republic.

JACQUES DUMAINE
The Minister Plenipotentiary
Chief of the Protocol Service,
JACQUES DUMAINE.

UNIVERSAL POSTAL UNION

DOCUMENTS OF THE PARIS CONGRESS
1947

TEXT OF THE
UNIVERSAL POSTAL CONVENTION
SIGNED AT PARIS

The authentic instrument of this Convention is kept in the Ministry of Foreign Affairs of France, which has acknowledged the conformity of the present copy with that original.

Note.—The portions of the text printed in italics [in the French text, but not in this translation] indicate the changes made by the Paris Congress in the preceding Acts of Buenos Aires 1939.

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UNIVERSAL POSTAL UNION

UNIVERSAL POSTAL CONVENTION

CONCLUDED BETWEEN

AFGHANISTAN, the UNION OF SOUTH AFRICA, the PEOPLE'S REPUBLIC OF ALBANIA, GERMANY, the UNITED STATES OF AMERICA, the whole of the POSSESSIONS OF THE UNITED STATES OF AMERICA, the KINGDOM OF SAUDI ARABIA, the ARGENTINE REPUBLIC, the COMMONWEALTH OF AUSTRALIA, AUSTRIA, BELGIUM, the COLONY OF THE BELGIAN CONGO, the SOVIET SOCIALIST REPUBLIC OF BYELORUSSIA, BOLIVIA, BRAZIL, the PEOPLE'S REPUBLIC OF BULGARIA, CANADA, CHILE, CHINA, the REPUBLIC OF COLOMBIA, KOREA, the REPUBLIC OF COSTA RICA, the REPUBLIC OF CUBA, DENMARK, the DOMINICAN REPUBLIC, EGYPT, the REPUBLIC OF EL SALVADOR, ECUADOR, SPAIN, the whole of the SPANISH COLONIES, ETHIOPIA, FINLAND, FRANCE, ALGERIA, INDOCHINA, the whole of the other OVERSEAS TERRITORIES OF THE FRENCH REPUBLIC AND TERRITORIES ADMINISTERED AS SUCH, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, the whole of the BRITISH OVERSEAS TERRITORIES, including the COLONIES, the PROTECTORATES and the TERRITORIES UNDER MANDATE OR UNDER TRUSTEESHIP EXERCISED BY THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, GREECE, GUATEMALA, the REPUBLIC OF HAITI, the REPUBLIC OF HONDURAS, HUNGARY, INDIA, IRAN, IRAQ, IRELAND, the REPUBLIC OF ICELAND, ITALY, JAPAN, LEBANON, the REPUBLIC OF LIBERIA, LUXEMBOURG, MOROCCO (EXCEPT THE SPANISH ZONE), MOROCCO (SPANISH ZONE), MEXICO, NICARAGUA, NORWAY, NEW ZEALAND, the REPUBLIC OF PANAMA, PARAGUAY, the NETHERLANDS, CURAÇAO AND SURINAM, the NETHERLANDS INDIES, PERU, the REPUBLIC OF THE PHILIPPINES, POLAND, PORTUGAL, the PORTUGUESE COLONIES IN WEST AFRICA, the PORTUGUESE COLONIES IN EAST AFRICA, IN ASIA AND OCEANIA, RUMANIA, the REPUBLIC OF SAN MARINO, SIAM, SWEDEN, the SWISS CONFEDERATION, SYRIA, CZECHOSLOVAKIA, the HASHIMITE KINGDOM OF TRANS-JORDAN, TUNISIA, TURKEY, the SOVIET SOCIALIST REPUBLIC OF UKRAINE, the UNION OF SOVIET SOCIALIST REPUBLICS, the ORIENTAL REPUBLIC OF URUGUAY, the VATICAN CITY STATE, the UNITED STATES OF VENEZUELA, YEMEN, and the PEOPLE'S FEDERATIVE REPUBLIC OF YUGOSLAVIA.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Paris by virtue of Article 13 of the Universal Postal Convention concluded at Buenos Aires on May 23, 1939, have, by common consent and subject to ratification, revised the said Convention to read as follows:

54 Stat. 2056.

TITLE I.

Universal Postal Union

CHAPTER I.

Organization and extent of jurisdiction of the Union.

ARTICLE 1.

Constitution and aims of the Union.

1. The countries between which the present Convention is concluded form, under the name of *Universal Postal Union*, a single postal territory for the reciprocal exchange of correspondence.

2. The purpose of the Postal Union is to assure the organization and improvement of the various postal services and to encourage in this sphere the development of international co-operation. Purpose.

ARTICLE 2.

Relations with the United Nations.

The Union is placed in relationship with the United Nations under the terms of the agreement whose text is appended to the present Convention. *Post*, p. 3342.

ARTICLE 3.

New adhesions. Procedure.

1. Any sovereign country may make at any time a request to adhere to the Convention.

2. The request for adherence is transmitted through diplomatic channels to the Government of the Swiss Confederation and by the latter to the members of the Union.

3. The country concerned is considered as admitted to membership if the request is approved by at least two thirds of the countries forming the Union.

4. The countries consulted which may not have replied in a period of four months are considered as having abstained.

5. The admission to membership is made known by the government of the Swiss Confederation to the Governments of all the countries of the Union.

ARTICLE 4.

Convention and Agreements of the Union.

1. The regular-mail service is governed by the provisions of the Convention.

2. Other services, such as those of insured letters and boxes, parcel post, collect-on-delivery articles, money orders, postal checks, collection orders, and subscriptions to newspapers and periodicals, form the subject of Agreements between countries of the Union. Such Agreements are binding only upon countries which have adhered to them.

3. Notice of adhesion to one or more of those agreements is given in accordance with the provisions of Article 3, Section 2.

ARTICLE 5.

Regulations of Execution.

The Postal Administrations of the countries of the Union draw up, by mutual agreement, in the form of Regulations of Execution, the measures of procedure and detail necessary for the execution of the Convention and the Agreements.

ARTICLE 6.

Restricted Unions. Special Agreements.

1. The countries of the Union and, insofar as their legislation is not opposed to it, the Administrations, may establish restricted Unions and make special agreements among themselves concerning the subjects dealt with in the Convention and its Regulations, on the condition, however, that they do not introduce therein any provisions less favorable, for the public, than those which are provided for by those Acts.

2. The same option is granted to the countries which participate in the Agreements and, should the occasion arise, to their Administrations, in regard to the subjects contemplated by those Acts and their Regulations.

ARTICLE 7.

Domestic legislation.

The provisions of the Convention and Agreements of the Union do not prejudice the legislation of any country concerning anything which is not expressly provided for by those Acts.

ARTICLE 8.

Colonies, Protectorates, etc.

The following are considered as forming a single country or a single Administration of the Union, as the case may be, in the sense of the Convention and Agreements, particularly in regard to their right to vote in Congresses and Conferences and in the interval between meetings, as well as their contribution to the expenses of the International Bureau of the Universal Postal Union:

1° The whole of the Possessions of the United States of America, comprising Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States of America;

2° The Colony of the Belgian Congo;

3° The whole of the Spanish Colonies;

4° Algeria;

5° Indochina;

6° The whole of the other Overseas Territories of the French Republic and Territories administered as such;

7° The whole of the British Overseas Territories, including the Colonies, the Protectorates and the Territories under Mandate or under Trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland;

8° Curaçao and Surinam;

9° The Netherlands Indies;

10° The Portuguese Colonies in West Africa;

11° The Portuguese Colonies in East Africa, Asia and Oceania.

ARTICLE 9.

Application of the Convention to Colonies, Protectorates, etc.

1. Any contracting party may declare, either at the time of its signature, ratification or adhesion, or subsequently, that its acceptance of the present Convention includes all its colonies, overseas territories, protectorates or territories under suzerainty or mandate, or certain of them only. The said declaration, unless made at the time of signing the Convention, shall be addressed to the Government of the Swiss Confederation.

2. The Convention will apply only to the colonies, overseas territories, protectorates or territories under suzerainty or mandate in whose name declarations have been made by virtue of Section 1.

3. Any contracting party may at any time address to the Government of the Swiss Confederation a notification with a view to denouncing the application of the Convention to any colony, overseas territory, protectorate or territory under suzerainty or mandate in the name of which that party has made a declaration by virtue of Section 1. Such notification will become effective one year after the date of its receipt by the Government of the Swiss Confederation.

4. The Government of the Swiss Confederation will transmit to all the contracting parties a copy of every declaration or notification received by virtue of Sections 1 to 3.

5. The provisions of the present Article do not apply to any colony, overseas territory, protectorate or territory under suzerainty or mandate enumerated in the Preamble of the Convention.

ARTICLE 10.

Extent of Jurisdiction of the Union.

The following are considered as belonging to the Universal Postal Union:

(a) The post offices established by countries of the Union in territories not included in the Union;

(b) The other territories which, without being members of the Union, are included in it because they are dependent upon countries of the Union from a postal viewpoint.[1]

[1] The list of these territories will be included in the Official Digest of Information of General Interest Concerning the Execution of the Convention and its Regulations, published by the International Bureau in compliance with Article 173, § 2, of the Regulations.

ARTICLE 11.

Exceptional relations.

Administrations which serve territories not included in the Union are bound to act as intermediaries for the other Administrations. The provisions of the Convention and its Regulations are applicable to such exceptional relations.

ARTICLE 12.

Arbitration.

1. In case of disagreement between two or more members of the Union as to the interpretation of the Convention and Agreements, as well as of their Regulations of Execution, or of the responsibility imposed upon an Administration by the application of those Acts, the question in dispute is settled by arbitration. To that end, each of the Administrations concerned chooses another member of the Union which is not directly interested in the matter.

2. If one of the Administrations involved in the dispute does not take any action on a proposal for arbitration within a period of six months, or nine months in the case of distant countries, the International Bureau, if asked to do so, calls upon the defaulting Administration to appoint an arbitrator, or appoints one itself without further formality.

3. The decision of the arbitrators is made on an absolute majority of votes.

4. In case of a tie vote, the arbitrators, for the purpose of settling the difference, choose another Administration which likewise has no interest in the dispute. In case of disagreement as to a choice, that Administration is designated by the International Bureau from among the members of the Union not proposed by the arbitrators.

5. If it is a question of a dispute concerning one of the Agreements, only such Administrations as execute that Agreement may be designated as arbitrators.

ARTICLE 13.

Withdrawal from the Union. Termination of participation in the Agreements.

Any contracting party has the option of withdrawing from the Union or of ceasing to participate in one or more of the Agreements by notice given one year in advance through diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of the contracting countries.

CHAPTER II.

Congresses. Conferences. Committees.

ARTICLE 14.

Congresses.

1. Delegates from the countries of the Union meet in Congress not later than five years after the effective date of the Acts of the preceding Congress, with a view to revising or completing those Acts, if necessary.

2. Each country is represented at the Congress by one or more plenipotentiary delegates, provided with the necessary powers by their government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may represent only one country besides its own.

3. In the deliberations, each country has but one vote. Votes.

4. Each Congress fixes the meeting-place of the next Congress. The latter is called together by the government of the country in which it is to be held, after agreement with the International Bureau. That government is likewise charged with notifying all the governments of the countries of the Union of the decisions made by the Congress. Subsequent meeting place.

ARTICLE 15.

Ratifications. Entry into force and duration of the Acts of Congresses.

1. The Acts of Congresses are ratified as soon as possible, and the ratifications are communicated to the government of the country where the Congress was held, and by that government to the governments of the contracting countries.

2. In the event that one or more of the contracting countries should not ratify one or another of the Acts signed by them, the latter would nevertheless be valid for the countries which have ratified them.

3. Those Acts are put into effect simultaneously and have the same duration.

4. As of the date fixed for the entry into force of the Acts adopted by a Congress, all the Acts of the preceding Congress are abrogated.

ARTICLE 16.

Extraordinary Congresses.

1. An extraordinary Congress is called together by agreement with the International Bureau when a request to that effect is made or approved by at least two-thirds of the contracting countries.

2. The rules laid down by Articles 14 and 15 are applicable to the delegations, the deliberations, and the Acts of extraordinary Congresses. Rules applicable.

ARTICLE 17.

Regulations for Congresses.

Each Congress draws up the necessary regulations for its work and deliberations.

ARTICLE 18.

Executive and Liaison Committee.

Composition. Functions. Operation.

1. In the interval between Congresses, an Executive and Liaison Committee assures the continuance of the work of the Universal Postal Union in accordance with the provisions of the Convention and the Agreements.

2. The headquarters of the Committee are at Berne; meetings are generally held at the Committee's headquarters.

3. The Committee is composed of 19 members, who carry on their functions during the period between two successive Congresses.

4. The member countries of the Committee are selected by the Congress. At least half of the members must be renewed at each Congress; no country may be chosen by three Congresses in succession. The Director of the International Bureau performs the duties of General Secretary of the Committee.

5. The representative of each of the member countries of the Committee is designated by the Postal Administration of the country concerned. The representatives of the member countries of the Committee must be qualified officials of the Postal Administrations.

6. At the first meeting, which is convened by the President of the last Congress, the Committee elects among its members a Chairman and four Vice-Chairmen, and draws up the necessary regulations for its activities and deliberations.

7. The services of the Committee members are gratuitous. The operating costs are charged to the Universal Postal Union. The representatives of overseas countries may obtain reimbursement for a round-trip airplane or steamship ticket.

8. The expenses provided for in Section 7 may not exceed 100,000 francs per year; they are added to those which the International Bureau is authorized to defray under Article 27 of the Convention.

Post, p. 3317.

9. The Committee holds regular meetings, generally once a year at the call of the Chairman.

10. The Committee may invite any representative of an international organization, or other qualified person whom it desires to include in its activities, to take part in its meetings without the right to vote. Consultative subcommittees may be formed for the study of special questions.

Functions.

11. The functions of the Committee are as follows:

(a) Maintaining closest possible contact with member countries of the Union with a view to improving the international postal service;

(b) Studying technical questions of every nature which are of interest to the international postal service, and informing the member countries of the Union as to the results of such studies;

(c) Keeping appropriate contact with the United Nations Organization, its Councils and its Committees, as well as with specialized institutions and other international organizations, for studies and for the preparation of reports to be submitted for the approval of the members of the Union. Sending one of its members when necessary to represent the Union and attend meetings of all such international organizations in its name;

(d) If necessary, formulating the proposition to be submitted for the approval of the contracting countries in accordance with Articles 22 and 23 of the Convention;

(e) Within the framework of the Convention and its Regulations, checking the operations of the International Bureau, whose

Director as well as other unclassified personnel it names when necessary upon the recommendation of the Government of the Swiss Confederation; approving on the recommendation of the Director of the Bureau the appointments of other employees; and authorizing the use of additional personnel considered necessary; preparing an annual report on the operations of the Bureau which it sends to the members of the Union.

12. At the close of each meeting, the Committee sends an analytical report to the Administrations of the countries of the Union as information. Reports.

13. The Committee makes a report to the Congress on all of its activities, and sends it to the contracting countries at least two months before the opening of the Congress.

ARTICLE 19.

Conferences.

1. Conferences charged with the examination of purely administrative questions may be called together at the request or with the consent of at least two-thirds of the Administrations of the Union. They are called together after agreement with the International Bureau.

2. Each Conference draws up its own regulations. Regulations.

ARTICLE 20.

Committees.

Committees charged by a Congress or a Conference with the study of one or more particular questions are called together by the International Bureau, after agreement, if necessary, with the Administration of the country where such Committees are to meet.

CHAPTER III.

Propositions in the Interval Between Meetings.

ARTICLE 21.

Introduction of propositions.

1. In the interval between meetings any Administration has the right to address to the other Administrations, through the intermediary of the International Bureau, propositions concerning the Convention, its Final Protocol, and its Regulations.

2. The same right is accorded to the Administrations of the countries participating in the Agreements in regard to those Agreements, their Regulations, and their Final Protocols.

3. In order to be considered, all propositions introduced by an Administration in the interval between meetings must be supported by at least two other Administrations. Such propositions are ignored when the International Bureau does not receive, at the same time, the necessary number of declarations of support.

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ARTICLE 22.

Examination of propositions.

1. Every proposition is submitted to the following procedure: A period of two months is allowed for the Administrations to examine the propositions and send their observations, if any, to the International Bureau. Amendments are not accepted. The replies are assembled by the International Bureau and communicated to the Administrations, with an invitation to pronounce themselves for or against. Those which have not sent in their votes within a period of two months are considered as abstaining. The periods above mentioned are counted from the dates of the circulars of the International Bureau.

2. If the proposition concerns an Agreement, its Regulations, or their Final Protocols, only the Administrations which have adhered to that Agreement may take part in the procedure indicated in Section 1.

ARTICLE 23.

Conditions of approval.

1. In order to become effective, the propositions must obtain:

Ante, p. 3309; *post*, p. 3318. *Post*, p. 3319 *et seq.* *Post*, p. 3337. *Post*, p. 3350 *et seq.*

(a) Unanimity of votes, if it is a question of adding new provisions or modifying the provisions of Titles I and II or of Articles 35 to 39, 57 to 63, 65 to 74 of the Convention, of any of the Articles of its Final Protocol and of Articles 101, 105, 117, 152, 163, and 184 of its Regulations;

(b) Two-thirds of the votes, if it is a question of modifying provisions other than those mentioned under letter (a);

(c) An absolute majority, if it is a question of interpreting the provisions of the Convention, its Final Protocol or its Regulations, except in the case of disagreement to be submitted to arbitration as provided for by Article 12.

Ante, p. 3312.

2. The Agreements fix the conditions to which the approval of propositions concerning them is subject.

ARTICLE 24.

Notification of decisions.

1. Additions to and modifications of the Convention, the Agreements and the Final Protocols of those Acts are sanctioned by a diplomatic declaration which the Government of the Swiss Confederation is charged with preparing and transmitting, at the request of the International Bureau, to the governments of the contracting countries.

2. Additions to and modifications of the Regulations and their Final Protocols are recorded and communicated to the Administrations by the International Bureau. The same applies to the interpretations contemplated in Article 23, Section 1, letter (c).

ARTICLE 25.

Effective date of decisions.

No addition or modification adopted is effective until at least three months after its notification.

CHAPTER IV.

International Bureau.

ARTICLE 26.

General functions.

1. A central Office, operating at Berne under the name of *International Bureau of the Universal Postal Union*, and placed under the supervision of the Swiss Postal Administration, serves as an organ of liaison, information and consultation for the countries of the Union.

2. That Bureau is charged, in particular, with assembling, coordinating, publishing and distributing information of all kinds concerning the international postal service; with giving, at the request of the interested parties, an opinion on questions in dispute; with examining requests for modification of the Acts of the Congress; with giving notice of the changes adopted; and, in general, with undertaking such studies and work of editing and of documentation as the Convention, the Agreements and their Regulations may assign to it, or which may be entrusted to it in the interests of the Union.

Settlement of postal accounts.

3. It acts as a clearing-house for the settlement of accounts of all kinds relative to the international postal service, between Administrations requesting such intervention.

ARTICLE 27.

Expenses of the International Bureau.

1. Each Congress fixes the maximum figure for the ordinary annual expenses of the International Bureau. Those expenses, as well as the extraordinary expenses arising from the meeting of a Congress, a Conference or a Committee, and the expenses resulting from special work entrusted to that Bureau, are shared by all the countries of the Union.

Proportionate contributions.

2. The latter are divided, for that purpose, into 7 classes, each of which contributes to the payment of the expenses in the following proportion:

1st	class,	25	units
2d	"	20	"
3d	"	15	"
4th	"	10	"
5th	"	5	"
6th	"	3	"
7th	"	1	unit

New adherences.

3. In case of a new adhesion, the Government of the Swiss Confederation determines, by mutual agreement with the government of the country concerned, the class in which the latter is to be placed for the apportionment of the expenses of the International Bureau.

TITLE II.

General Regulations.

SOLE CHAPTER.

ARTICLE 28.

Freedom of transit.

1. Freedom of transit is guaranteed throughout the entire territory of the Union.

Limitation.

2. Freedom of transit for parcel post to be sent by the land and sea routes is limited to the territory of countries participating in that service.

Air-mail parcels

3. Freedom of transit for air-mail parcels is guaranteed throughout the entire territory of the Union. However, the Administrations which have not adhered to the Agreement concerning parcel post may not be obliged to participate in the transmission of air-mail parcels by the land and sea routes.

C. O. D. parcels.

4. The Administrations which have adhered to the Agreement concerning parcel post are obliged to assure the transit of C. O. D. parcels, even if they do not accept such parcels in their service or if the amount to be collected exceeds the maximum fixed for their own traffic.[1]

Insured articles.

5. Insured articles may be sent in transit in closed mails through the territory of countries which do not provide such service, or by maritime services where responsibility for insured articles is not accepted by the countries, but the responsibility of those countries is limited to that prescribed for registered articles.

ARTICLE 29.

Prohibition against unauthorized charges.

It is forbidden to collect postal charges of any kind whatever other than those prescribed by the Convention and Agreements.

ARTICLE 30.

Temporary suspension of services.

When, as a result of exceptional circumstances, an Administration finds itself obliged to suspend the execution of services temporarily, in whole or in part, it is bound to give notice thereof immediately, by telegraph if necessary, to the Administration or Administrations concerned.

ARTICLE 31.

Monetary standard.

The franc used as the monetary unit in the provisions of the Convention and Agreements is the gold franc of 100 centimes weighing 10/31 of a gram and having a fineness of 0.900.

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[1] Transfer of § 7 of Article 29 of the Buenos Aires Agreement concerning Parcel Post.

ARTICLE 32.

Equivalents.

In each country of the Union, the postage rates are fixed according to equivalents corresponding as exactly as possible to the value of the franc in the money of that country.

ARTICLE 33.

Forms. Language.

1. The forms used by the Administrations in their reciprocal relations shall be drawn up in the French language, with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.

2. The forms used by the public shall include an interlinear translation in the French language when they are not printed in that language.

3. The texts, colors and dimensions of the forms mentioned in Sections 1 and 2 shall be those prescribed by the Regulations of the Convention and of the Agreements.

4. Administrations may agree as to the language to be employed for official correspondence in their reciprocal relations.

ARTICLE 34.

Postal identity cards.

1. Any Administration may issue, to persons who apply for them, postal identity cards valid as proof of identity for all post-office business in the countries which have not given notice of their refusal to admit them. Issuance.

2. The Administration issuing a card is authorized to collect a charge therefor not exceeding 70 centimes. Charge.

3. Administrations are released from all responsibility when it is proved that a mail article was delivered or a money order paid upon presentation of a valid card. Neither are they responsible for the consequences of loss, theft or fraudulent use of a valid card. Release from responsibility.

4. The card is valid for three years from the date of issue. Validity.

TITLE III.

Provisions Concerning Postal Correspondence.

CHAPTER I.

General Provisions.

ARTICLE 35.

Articles of correspondence.

The term *articles of correspondence* applies to letters, single and reply-paid post cards, commercial papers, prints, raised print for the blind, samples of merchandise, small packets, and *Phonopost* articles.

ARTICLE 36.

Postage rates and general conditions.

1. The postage rates for the transportation of articles of correspondence throughout the entire extent of the Union, including their delivery at the residence of the addressees in countries where the delivery service is or may be established, and the limits of weight and dimensions, are fixed in accordance with the following table:

Articles	Units of weight	Rates	Limits of—	
			Weight	Dimensions
1	2	3	4	5
Letters:	g	c		Length, breadth, and thickness combined, 90 cm.; but greatest length, 60 cm.; in rolls: length and twice the diameter, 100 cm.; but greatest length, 80 cm.
First unit of weight	20	20	2 kg	
Each additional unit		12		
Post cards:				
Single	------	12	----------	Maximum 15 by 10.5 cm; minimum 10 by 7 cm.
With reply paid	------	24	----------	
Commercial papers	50	----	2 kg	
First unit of weight	------	8	----------	
Each additional unit	------	4	----------	
Minimum charge	------	20	----------	
Prints	50	----	3 kg. (5 kg. for single volumes)	As for letters. Prints sent open in the form of folded or unfolded cards are subject to the same minimum limits as post cards.
First unit of weight	------	8	----------	
Each additional unit	------	4	----------	
Raised print for the blind	1,000	2	7 kg	
Samples of merchandise	50	----	500 g	
First unit of weight	------	8	----------	
Each additional unit	------	4	----------	
Small packets	50	8	1 kg	
Minimum charge	------	40	----------	
Phonopost articles:				Length, breadth, and thickness combined, 60 cm.; but the greatest dimension may not exceed 26 cm.
First unit of weight	20	15	60 g	
Each additional unit		10		

2. The limits of weight and dimensions fixed by Section 1 do not apply to the correspondence relative to the postal service mentioned in Article 52, Section 1, hereafter.

Post, p. 3326.

Newspapers and periodicals.

3. Each Administration has the option of granting to newspapers and periodicals published in its country a reduction of 50 per cent in

the general rate for prints, while reserving the right to limit that reduction to newspapers and periodicals sent directly by the publishers or their representatives, or to grant it only to newspapers and periodicals which comply with the conditions imposed by the domestic regulations for acceptance at the newspaper rate. There are excluded from the reduction, regardless of the regularity of their publication, commercial prints such as catalogs, prospectuses, price lists, etc.

Catalogs, etc.

4. Administrations may also grant the same reduction, irrespective of the senders, to books and pamphlets, sheet-music and maps which do not contain any publicity or advertising other than that appearing on the covers or fly-leaves of these articles.

Books, sheet-music, etc.

5. The Administrations of origin which have accepted in principle the reduction of 50 percent, reserve the right to fix, for the articles contemplated in Sections 3 and 4 above, a minimum charge which, while remaining within the limits of the reduction of 50 percent, is not lower than the charge applicable to the same articles in their domestic service.

6. Articles other than registered letters in sealed envelopes may not contain coins, banknotes, paper money or any instruments of value payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

Restriction on enclosures.

7. The Administrations of the countries of origin and destination have the option of treating, in accordance with their domestic legislation, letters which contain documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

Enclosures for other than addressee.

8. With the exceptions provided for in the Regulations, commercial papers, prints, prints for the use of the blind, samples of merchandise, and small packets shall:

Commercial papers, etc.

(a) be made up in such a way as to be able to be easily inspected;

(b) not bear any notation or contain any document having the character of actual personal correspondence;

(c) not contain any postage stamp or form of prepayment, canceled or uncanceled, or any paper representing a value.

9. Samples of merchandise may not contain any article having a salable value.

Samples of merchandise.

10. The services of small packets and of *Phonopost* articles are limited to the countries which have agreed to exchange such articles, either in their reciprocal relations or in one direction only.

Phonopost service limitation.

11. The inclusion in a single package of articles of correspondence of different classes (grouped articles) is authorized under the conditions fixed by the Regulations.

Grouped articles.

12. With the exceptions provided for by the Convention and its Regulations, articles which do not fulfill the conditions prescribed by the present Article and the corresponding Articles of the Regulations are not dispatched. Articles which have been wrongly accepted shall be returned to the country of origin. However, the Administration of destination is authorized to deliver them to the addressees. In

Articles not dispatched.

Wrongly accepted articles.

such a case, it applies to them, if need be, the rates and surcharges prescribed for the class of correspondence in which they have to be placed because of their contents, weight or dimensions. As for articles exceeding the maximum weight-limits fixed by Section 1, they may be rated in accordance with their actual weight.

Articles exceeding weight limits.

ARTICLE 37.

Prepayment.

Ante, p. 3319.

1. As a general rule, all the articles designated in Article 35 must be fully prepaid by the sender.

2. Articles other than letters and single post cards which are unprepaid or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid at the time of mailing, are not dispatched.

3. When a large number of letters or single post cards is mailed unprepaid or insufficiently prepaid, the Administration of the country of origin has the option of returning them to the sender.

ARTICLE 38.

Charge on unprepaid or insufficiently prepaid correspondence.

Post, p. 3329.
Post, p. 3367.

1. With the exceptions provided for by Article 57, Section 6, for registered articles, and by Article 136, Sections 3, 4, and 5 of the Regulations for certain classes of redirected articles, letters and single post cards not prepaid or insufficiently prepaid are liable to a charge equal to double the amount of the missing postage, to be paid by the addressee; but that charge may not be lower than 5 centimes.

2. The same treatment may be applied, in the cases above contemplated, to other articles of correspondence which have been improperly dispatched to the country of destination.

ARTICLE 39.

Surcharges.

1. There may be collected, in addition to the rates fixed by Article 36, for every article transported by extraordinary services involving special expenses, a surcharge proportionate to those expenses.

2. When the rate of prepayment of the single post card includes the surcharge authorized by Section 1, the same rate is applicable to each half of the reply-paid post card.

ARTICLE 40.

Special charges.

1. The Administrations are authorized to charge an additional fee in accordance with the provisions of their own legislation for articles posted in their services for dispatch after the mails have closed.

2. Articles addressed to general delivery may be subjected by the Administrations of the countries of destination to such special charge as may be prescribed by their legislation for articles of the same kind in the domestic service.

3. The Administrations of the countries of destination are authorized to collect a special charge of 40 centimes at most for each small packet delivered to the addressee. That charge may be increased by 20 centimes at most in case of delivery at the addressee's residence.

ARTICLE 41.

Dutiable articles.

1. Small packets and prints liable to customs duty are accepted.

2. The same applies to letters and samples of merchandise containing dutiable articles when the country of destination has given its consent. However, each Administration has the right to limit the service of letters containing dutiable articles to registered letters.

3. Shipments of serums and vaccines, benefiting by the exception stipulated by Article 124 of the Regulations, are accepted in all cases. *Post*, p. 3362.

ARTICLE 42.

Customs inspection.

The Administration of the country of destination is authorized to submit the articles mentioned in Article 41 to customs inspection and, if necessary, to open them without further formality.

ARTICLE 43.

Customs-clearance fee.

Articles submitted to customs inspection in the country of destination may be charged on that account, by the postal service, with a customs-clearance fee of 40 centimes at most per article.

ARTICLE 44.

Customs duties and other non-postal charges.

The Administrations are authorized to collect from the addressees of mail articles the customs duties and all other non-postal charges which may be due.

ARTICLE 45.

Articles free of charges.

1. In relations between countries which have come to an agreement to that effect, senders may, by means of a previous declaration at the office of mailing, assume payment of all the postal and non-postal charges with which the articles are assessed on delivery. In such a case, senders must promise to pay such amounts as may be claimed by the office of destination, and, if need be, post a sufficient deposit.

2. The Administration of destination is authorized to collect a commission fee which may not exceed 40 centimes per article. This fee is independent of the one provided for by Article 43.

3. Any Administration has the right to limit this prepayment service to registered articles.

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ARTICLE 46.

Cancellation of customs duty and other non-postal charges.

The Administrations undertake to make representations to the services which are concerned of their countries with a view to having the customs duties and other non-postal charges annulled on articles returned to the country of origin, destroyed because of complete deterioration of the contents, or forwarded to a third country.

ARTICLE 47.

Special-delivery articles.

1. Articles of correspondence are, at the request of the senders, delivered to the addressees by special messenger immediately after their arrival, in countries whose Administrations agree to undertake that service.

Fee.

2. Such articles, known as *special-delivery articles*, are liable, in addition to the regular postage, to a special fee amounting at least to the postage on an ordinary single-rate letter, and at most to 60 centimes. This fee must be fully prepaid.

Special messenger fee.

3. When the addressee's residence is situated outside the local delivery zone of the office of destination, delivery by special messenger may give rise to the collection of a supplementary charge by the Administration of destination, not exceeding that collected in the domestic service for articles of the same kind. However, special delivery is not obligatory in such cases.

Unprepaid articles.

4. Special-delivery articles upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means, unless they have been treated as special-delivery articles by the office of origin. In the latter case, the articles are rated in accordance with the provisions of Article 38.

Ante, p. 3322.

Unsuccessful delivery attempts.

5. It is permissible for Administrations to make only one attempt to deliver by special messenger. If such attempt is unsuccessful, the article may be treated as an ordinary article.

ARTICLE 48.

Articles to be delivered to the addressee only.

In relations with Administrations which have given their consent, registered articles of correspondence accompanied by a return receipt are delivered, at the sender's request, to the addressee only.

ARTICLE 49.

Prohibitions.

1. The sending of the articles mentioned in Column 1 of the table below is prohibited. When mail articles containing them have been wrongly accepted for mailing, they shall undergo the treatment indicated in Column 2.

Articles 1	Treatment of articles wrongly accepted 2
(a) Articles which, by their nature or packing, may expose postal employees to danger, or soil or damage the mails; (b) Articles liable to customs duty (with the exceptions provided for by Article 41), as well as samples sent in quantities for the purpose of avoiding the collection of such duty; (c) Opium, morphine, cocaine, and other narcotics; (d) Articles whose acceptance or circulation is prohibited in the country of destination; (e) Live animals, with the exception of: 1° Bees, leeches and silkworms; 2° Parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies;	To be treated in accordance with the domestic regulations of the Administration which discovers their presence; however, the articles mentioned under (c) are in no case either forwarded to destination, delivered to the addressees or returned to origin;
(f) Explosive, inflammable or dangerous substances; (g) Obscene or immoral articles.	To be destroyed on the spot by the Administration which discovers their presence.

Ante, p. 3323.

2. In cases where articles wrongly accepted for mailing are neither returned to origin nor delivered to the addressee, the dispatching Administration shall be notified, in a precise manner, of the disposal made of such articles. Notification of disposal.

3. Moreover, the right is reserved for any country not to convey in transit in open mail over its territory articles other than letters and post cards in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed. Such articles shall be returned to the country of origin. Reservation.

ARTICLE 50.

Methods of prepayment.

1. Prepayment of postage is effected either by means of postage stamps valid in the country of origin for the correspondence of private individuals, or by means of impressions of stamping machines officially adopted and operating under the immediate control of the Administration; or, in the case of prints, by means of impressions, printed or otherwise obtained, when such a system of indicia is authorized by the domestic regulations of the Administration of origin.

2. The following are considered as duly prepaid: Reply post cards bearing printed or adhesive postage stamps of the country of issue of such cards; articles regularly prepaid for their first transmission on which the additional postage has been paid before their redirection; as well as newspapers or packages of newspapers and periodicals whose Items considered prepaid.

address bears the words *Abonnements-poste* (Subscription by mail) which are sent under the Agreement concerning subscriptions to newspapers and periodicals.

ARTICLE 51.

Prepayment of correspondence on board ships.

Correspondence mailed on the high seas, in the box on board a vessel, or handed to postal agents on board or to the commanders of vessels, may be prepaid, barring contrary agreement between the Administrations concerned, by means of the postage stamps and according to the postage rates of the country to which the said vessel belongs or by which it is maintained. If the mailing on board takes place during the stay at one of the two terminal points of the voyage or at one of the intermediate ports of call, the prepayment is valid only if it is effected by means of the postage stamps and according to the postage rates of the country in whose waters the vessel happens to be.

ARTICLE 52.

Franking privilege.

1. Correspondence relating to the postal service exchanged between Postal Administrations, between those Administrations and the International Bureau, between post offices of countries of the Union, and between those offices and the Administrations, as well as that for which the franking privilege is expressly provided by the provisions of the Convention, the Agreements and their Regulations, is exempt from all postal charges.

Prisoners - of - war mail articles.

2. Except when they bear C. O. D. charges, mail articles addressed to prisoners of war or mailed by them are likewise exempt from all postal charges, not only in the countries of origin and destination but also in the intermediary countries.

3. The same is true of correspondence concerning prisoners of war, sent or received either directly or as intermediary by the Central Information Office for Prisoners of War, as provided for in Article 79 of the International Convention of Geneva of July 27, 1929, or by information offices which may be established for the benefit of such persons in belligerent countries or in neutral countries which have received belligerents in their territory.

47 Stat. 2058.

4. Belligerents received and interned in a neutral country, as well as civilians of enemy nationality detained in civilian camps or prisons, are assimilated to prisoners of war properly so called, insofar as the application of the provisions mentioned above is concerned.

ARTICLE 53.

International reply coupons.

1. International reply coupons are placed on sale in the countries of the Union.

2. Their selling-price is determined by the Administrations concerned, but may not be less than 28 centimes or the equivalent in money of the country selling them.

3. Each coupon is exchangeable in any country for a stamp or stamps representing the postage on a single-rate ordinary letter originating in that country and addressed to a foreign country.

4. Moreover, the right is reserved for any country to require that the coupons and the articles of correspondence for the prepayment of which they are to be exchanged be presented at the same time.

ARTICLE 54.

Withdrawal. Change of address.

1. The sender of an article of correspondence may cause it to be withdrawn from the mails or have its address changed, provided that such article has not been delivered to the addressee, that it does not come within the scope of the provisions contained in Article 49, or that the customs examination does not reveal any irregularity.

Ante, p. 3324.

2. The request to be made to that effect is transmitted by mail or by telegraph at the expense of the sender, who shall pay for each request a fee of 40 centimes at the most. If the request has to be transmitted by air mail or by telegraph, the sender shall pay, in addition, the air mail surcharge or telegraph charges.

Charge.

3. For each request for withdrawal or change of address relating to several articles mailed simultaneously at the same office by the same sender to the same addressee, only one fee or surcharge as mentioned in Section 2 shall be collected.

4. A simple correction of address (without changing the name or the title of the addressee) may be requested of the office of destination directly by the sender, that is, without complying with the formalities and paying the charges mentioned in Sections 2 and 3.[1]

ARTICLE 55.

Forwarding. Undelivered correspondence.

1. In case of change of residence by the addressee, articles of correspondence are forwarded to him, unless the sender has forbidden the forwarding by a notation placed on the address side in a language known in the country of destination.

2. Correspondence which is undeliverable shall be returned immediately to the country of origin.

3. The period of retention for correspondence held at the disposal of the addressees or addressed to general delivery is fixed by the regulations of the country of destination. However, such period may not exceed one month as a general rule, except in particular cases where the Administration of destination deems it necessary to extend it to two months at most. The return to the country of origin must take place within a shorter period, if the sender has so requested by a notation placed on the address side in a language known in the country of destination.

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[1] Transfer of the provision of Article 151 of the Regulations of Execution of the Buenos Aires Convention, 1939.

4. Prints without value are not returned, unless the sender has requested their return by a notation placed on the article in a language known in the country of destination. Registered prints shall always be returned.

5. The forwarding of articles of correspondence from country to country, or their return to the country of origin, does not give rise to the collection of any additional charge, apart from the exceptions provided for by the Regulations.

6. Forwarded or returned articles of correspondence are delivered to the addressees or senders upon payment of the charges due on them on departure, on arrival or in the course of transmission, as a result of redirection after the first transmission, without prejudice to the repayment of the customs duties or other special charges which the country of destination does not agree to cancel.

7. In case of forwarding to another country, or of non-delivery, the general-delivery fee, the customs-clearance fee, the commission fee, the additional special-delivery fee, and the special fee for the delivery of small packets to the addressees, are canceled.

ARTICLE 56.

Inquiries and requests for information.

Fee.

1. An inquiry or request for information as to the disposal made of any article may give rise to the collection of a fee of 40 centimes at most. When, at the request of the party concerned, an inquiry or request for information must be sent by air mail, this fee plus the air mail surcharge, or double this surcharge if the reply is to be returned in the same manner, must be collected. In the event that telegraph service is requested, the telegraph charge is collected in addition to the prescribed fee.

2. For each inquiry or request for information relating to several articles mailed simultaneously at the same office by the same sender to the same addressee, only one charge or surcharge as mentioned in Section 1 shall be collected.

3. As for registered articles, no fee is collected if the sender has already paid the special fee for a return receipt.

Time limit.

4. Inquiries are accepted only within the period of one year, counting from the day following the date of mailing of the article. However, every Administration is bound to comply with simple requests for information presented after that period which it receives from another Administration regarding articles mailed less than two years previously.

Acceptance of inquiries, etc.

5. Every Administration is obliged to accept inquiries and requests for information concerning articles mailed in the territory of other Administrations.

Return of fee.

6. When an inquiry or a request for information has been made necessary through a fault of the service, the fee collected therefor is returned.

CHAPTER II.

Registered Articles.

ARTICLE 57.

Charges.

1. The articles of correspondence designated in Article 35 may be sent under registration. *Ante*, p. 3319.

2. The postage on all registered articles must be paid in advance. It consists of:

(a) The ordinary postage on the article, according to its class;

(b) A fixed registration fee of 40 centimes at most.

3. The fixed registration fee applicable to the reply half of a post card cannot be legally paid by anyone but the sender of that half.

4. A receipt shall be delivered without charge to the sender of a registered article at the time of mailing. Receipt.

5. Countries disposed to assume risks arising from *force majeure* (causes beyond control) are authorized to collect a special charge of 40 centimes at most for each registered article.

6. Unprepaid or insufficiently prepaid registered articles which have been wrongly sent to the country of destination are liable, at the expense of the addressees, to a charge equal to the amount of the missing postage. Missing postage.

ARTICLE 58.

Return receipts.

1. The sender of a registered article may request a return receipt by paying, at the time of mailing, a fixed charge of 30 centimes at most.

2. The return receipt may be requested after the mailing of the article, within the period of one year and upon payment of the charge prescribed by Article 56 for inquiries.

ARTICLE 59.

Extent of responsibility.

1. With the exceptions provided for by Article 60 following, Administrations are responsible for the loss of registered articles.

2. The sender is entitled, on that account, to indemnity, the amount of which is fixed at 25 francs per article.

3. Administrations assume no responsibility for articles seized by the customs.

ARTICLE 60.

Exceptions to the principle of responsibility.

Administrations are released from all responsibility for loss of registered articles:

(a) In case of *force majeure;* however, responsibility is maintained with regard to an Administration of origin which has under-

Ante, p. 3329.

taken to cover risks of *force majeure* (Article 57, Section 5). The country responsible for the loss must decide, in accordance with its domestic legislation, whether such loss is due to circumstances constituting a case of *force majeure;* these circumstances shall be brought to the attention of the country of origin, for its information;

(b) When, proof of their responsibility not having been furnished otherwise, they cannot account for articles as a result of destruction of service records due to a case of *force majeure;*

(c) When it is a question of articles whose contents fall within the scope of the prohibitions laid down by Articles 36, Sections 6 and 8, letter (c), and 49, Section 1;

Ante, pp. 3321, 3324.

(d) When the sender has not made any inquiry within the period of one year contemplated by Article 56.

Ante, p. 3328.

ARTICLE 61.

Termination of responsibility.

Administrations cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations for articles of the same nature.

ARTICLE 62.

Fixing of responsibility.

1. Until the contrary is proved, responsibility for the loss of a registered article falls on the Administration which, having received the article without making any observations, and, being furnished all particulars of inquiry prescribed by the regulations, cannot establish either delivery to the addressee or regular transmission to the next Administration, as the case may be.

Release from responsibility.

2. An intermediary Administration or one of destination is, until the contrary is proved, released from all responsibility:

Post, p. 3378.

(a) When it has observed the provisions of Article 150, Section 4, of the Regulations;

(b) When it can establish that it did not receive the inquiry until after the destruction of the service records relating to the article sought, the retention-period prescribed by Article 169 of the Regulations having expired; this reservation does not prejudice the rights of the claimant.

Post, p. 3392.

Undeterminable responsibility.

3. However, if the loss has taken place in the course of transmission, without its being possible to determine the country in whose territory or service the loss occurred, the Administrations concerned bear the loss in equal shares.

Loss by *force majeure*.

4. When a registered article has been lost under circumstances of *force majeure*, the Administration in whose territory or in whose service the loss took place is not responsible therefor to the Administration of origin unless both countries undertake risks arising from cases of *force majeure*.

5. The customs duties and other charges whose cancellation it has been impossible to obtain are charged to the Administrations responsible for the loss. Customs duties, etc.

6. The Administration which has effected payment of the indemnity is subrogated in the rights of the person who has received it up to the amount thereof, for eventual recourse against the addressee, the sender, or third parties. Subrogation.

7. In case of subsequent recovery of a registered article considered as lost, or part of such article, the sender and the addressee shall be informed to that effect. Recovery of lost article.

8. In addition, the sender shall be informed that he may obtain possession of the article within a period of three months upon repayment of the amount of the indemnity received. If, during such period, the sender does not claim the article, the addressee shall be advised that he may obtain possession of it within a similar period by paying the amount awarded to the sender.

9. If the sender or the addressee obtains possession of the article by repaying the amount of the indemnity, this amount shall be refunded to the Administration or Administrations which paid for the loss.

10. If the sender and the addressee waive delivery of the article, the latter is considered as undeliverable.

ARTICLE 63.

Payment of indemnity.

The obligation of paying indemnity falls upon the Administration to which the mailing office of the article belongs, subject to its right to file a claim against the responsible Administration.

ARTICLE 64.

Period for payment of indemnity.

1. Payment of indemnity must take place as soon as possible, and at the latest within the period of six months, counting from the day following the date of the inquiry. That period is extended to nine months in relations with distant countries.

2. The Administration of mailing of the article which does not accept risks arising from *force majeure* may postpone settlement for the indemnity beyond the period prescribed by Section 1 when the question of knowing whether the loss of the article was due to a case of that kind has not yet been settled. Postponement.

3. The Administration of origin is authorized to settle with the sender on behalf of an intermediate Administration or one of destination which, duly notified, has let pass three months or six months in relations with distant countries, without settling the matter. A longer period is granted if the loss appears due to a case of *force majeure;* in any event, such fact must be brought to the attention of the Administration of origin.

ARTICLE 65.

Repayment of the indemnity to the Administration of origin.

1. The Administration which is responsible, or on whose behalf payment is made in accordance with Article 64, is bound to reimburse the Administration of origin, within a period of six months, counted from the sending of the notification of payment, for the amount of indemnity actually paid to the sender. This period is extended to nine months in relations with distant countries.

2. If the indemnity must be paid by several Administrations in conformity with article 62, the entire indemnity due must be turned over to the Administration of origin, within the period mentioned in Section 1, by the first Administration which, having duly received the article inquired about cannot establish its regular transmission to the corresponding service. It is incumbent upon that Administration to recover from the other responsible Administrations whatever contribution is due from them individually toward the indemnity paid to the rightful claimant.

Method of, reimbursement.

3. The reimbursement of the creditor Administration is effected without expense for that Administration by means of either a money order, a check or a draft payable at sight on the capital or a commercial city of the creditor country, or in coin current in that country.

4. When responsibility has been acknowledged, as well as in the case contemplated by Article 64, Section 3, the amount of indemnity may likewise be recovered from the responsible country officially through any account, either directly or through the intermediary of an Administration which regularly exchanges accounts with the responsible Administration.

5. At the expiration of the period of six months, the sum due to the Administration of origin bears interest at the rate of 5 per cent a year, counting from the date of expiration of the said period. This period is extended to nine months in relations with distant countries.

Time limit.

6. The Administration of origin may claim repayment of the indemnity from the responsible Administration only within the period of one year, counting from the date of sending the notification of the loss, or, if occasion arises, from the date of expiration of the period contemplated by Article 64, Section 3.

Delay in payment; penalty.

7. An Administration whose responsibility is duly established and which has at first declined to pay the indemnity must bear all the additional expenses resulting from the unjustified delay in making payment.

Periodical settlements.

8. Administrations may agree among themselves to make periodical settlements of the indemnities which they have paid to the senders and the justness of which they have recognized.

CHAPTER III.

Allocation of Postage. Transit Charges.

ARTICLE 66.

Allocation of postage.

Except in cases expressly provided for by the Convention, each Administration retains all of the postage which it collects.

ARTICLE 67.

Transit charges.

1. Articles of correspondence exchanged in closed mails between two Administrations, by means of the services of one or more other Administrations (third services), are liable, for the benefit of each of the countries traversed or whose services participate in the conveyance, to the transit charges indicated in the following table:

	Per kilogram	
	of letters and post cards	of other articles
1° Territorial transit:	Fr. c.	Fr. c.
Up to 1,000 km	0. 60	0. 08
From 1,000 to 2,000 km	0. 80	0. 12
From 2,000 to 3,000 km	1. 20	0. 16
From 3,000 to 6,000 km	2. 00	0. 24
From 6,000 to 9,000 km	2. 80	0. 32
Over 9,000 km	3. 60	0. 40
2° Maritime transit:		
Up to 300 nautical miles	0. 60	0. 08
From 300 to 1,500 nautical miles	1. 60	0. 20
Between Europe and North America	2. 40	0. 32
From 1,500 to 6,000 nautical miles	3. 20	0. 40
Over 6,000 nautical miles	4. 80	0. 60

2. The transit charges for maritime conveyance on a route not exceeding 300 nautical miles are fixed at one-third the amounts set forth in Section 1, if the Administration concerned already receives, on account of the mails transported, compensation for territorial transit.

3. In the case of maritime transit effected by two or more Administrations, the total maritime transit charges may not exceed 4 francs 80 centimes per kilogram of letters and post cards or 60 centimes per kilogram of other articles. When occasion arises, those maximum amounts are divided between the Administrations taking part in the transportation in proportion to the distances traversed.

4. Barring contrary agreement, maritime transportation effected directly between two countries by means of ships of one of them, as well

as conveyance effected between two offices of one and the same country through the intermediary of services of another country, is considered as a third service.

5. Small packets, newspapers or packages of newspapers and periodicals sent by virtue of the Agreement concerning subscriptions to newspapers and periodicals, as well as insured boxes sent by virtue of the Agreement concerning insured letters and boxes, are considered as *other articles* in regard to transit.

6. Missent dispatches are considered, in regard to the payment of transit charges, as if they had followed their normal route.

ARTICLE 68.

Exemption from transit charges.

The following are exempt from all territorial or maritime transit charges: The correspondence sent free of postage mentioned in Article 52; reply post cards returned to the country of origin; redirected articles; returned undeliverable articles; return receipts; money orders; and all other documents relating to the postal service, particularly correspondence relative to postal checks.

Ante, p. 3326.

ARTICLE 69.

Extraordinary services.

The transit charges specified in Article 67 do not apply to transportation by means of extraordinary services specially created or maintained by one Administration at the request of one or more other Administrations. The conditions for that class of conveyance are fixed by mutual agreement between the Administrations concerned.

ARTICLE 70.

Payments and accounts.

1. The cost of transit is borne by the Administration of the country of origin.

2. The general accounting for such charges is effected on the basis of statistics taken once every three years, during a period of fourteen days. That period is extended to twenty-eight days for dispatches exchanged less than six times a week through the services of any country. The Regulations fix the period and the duration of the application of the statistics.

3. When the annual balance between two Administrations does not exceed 25 francs, the debtor Administration is exempted from any payment.

4. Any Administration is authorized to submit to a board of arbitrators for consideration the results of statistics which, in its opinion, differ too greatly from reality. Such arbitration is effected in accordance with the provisions of Article 12.

Ante, p. 3312.

5. The arbitrators are authorized to determine the proper amount of transit charges to be paid.

ARTICLE 71.

Exchange of closed mails with warships.

1. Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanding officers of naval divisions or warships of the same country stationed abroad, or between the commanding officer of one of those naval divisions or warships and the commanding officer of another division or ship of the same country, through the intermediary of land or sea services of other countries.

2. Correspondence of all kinds comprised in such dispatches shall be exclusively addressed to or sent by the officers and crews of the ships of destination or origin of the mails; the rates and conditions of dispatch applicable to them are determined, according to its domestic regulations, by the Postal Administration of the country to which the ships belong.

3. Barring contrary agreement, the Administration of the country to which the warships belong is indebted to the intermediary Administrations for the transit charges of the dispatches calculated in accordance with the provisions of Article 67. *Ante*, p. 3333.

Miscellaneous Provisions.

ARTICLE 72.

Failure to observe freedom of transit.

When a country does not observe the provisions of Article 28 concerning freedom of transit, Administrations have the right to discontinue postal service with that country. They must give advance notice of that measure by telegraph to the Administrations concerned. *Ante*, p. 3318.

ARTICLE 73.

Obligations relative to penal measures.

The contracting countries undertake to adopt, or to propose to their respective legislative bodies, the necessary measures:

(a) To punish the counterfeiting of postage stamps, even if withdrawn from circulation, international reply coupons, and postal identity cards; Counterfeiting of postage stamps, etc.

(b) To punish the use or placing in circulation of

(1) counterfeit postage stamps (even if withdrawn from circulation) or used stamps, as well as counterfeit or used impressions of stamping machines or of printing presses;
(2) counterfeit international reply coupons;
(3) counterfeit postal identity cards;

(c) To punish the fraudulent use of regular postal identity cards; Postal identity cards.

(d) To prohibit and suppress all fraudulent operations of manufacture and placing in circulation of embossed or adhesive stamps in use in the postal service, which are counterfeited or Embossed or adhesive stamps.

imitated in such a way that they could be confused with embossed or adhesive stamps issued by one of the contracting countries;

Narcotics, inflammable substances, etc.

(e) To prevent, and, if occasion arises, to punish the insertion of opium, morphine, cocaine or other narcotics, as well as explosive or easily inflammable substances in mail articles in which such insertion is not expressly authorized by the Convention and Agreements.

Final Provisions.

ARTICLE 74.

Effective date and duration of the Convention.

The present Convention will become effective on July 1, 1948, and will remain in force for an indefinite period.

In testimony whereof, the plenipotentiaries of the Governments of the countries above enumerated have signed the present Convention in one copy, which will be filed in the Archives of the Government of the French Republic, and a copy of which will be delivered to each party.

Done at Paris, July 5, 1947.

[For signatures, see French text, p. 3188; for romanization, see p. 3416.]

FINAL PROTOCOL OF THE CONVENTION

At the moment of proceeding to sign the Universal Postal Convention concluded on the present date, the undersigned plenipotentiaries have agreed as follows:

I.

Withdrawal. Change of address.

The provisions of Article 54 do not apply to Great Britain, nor to those British Dominions, Colonies and Protectorates whose domestic legislation does not permit the withdrawal or change of address of correspondence at the request of the sender.

Provisions not applicable to Great Britain, etc. *Ante*, p. 3327.

II.

Equivalents. Maximum and minimum limits.

1. Each country has the option of increasing by 40 percent, or of decreasing by 20 percent, at most, the postage rates fixed by Article 36, Section 1, in accordance with the indications of the following table: *Ante*, p. 3320.

	Minimum limits	Maximum limits
	Centimes	Centimes
Letters: First unit	16	28
Letters: Each additional unit	9. 6	16. 8
Post cards: Single	9. 6	16. 8
Post cards: With reply paid	19. 2	33. 6
Commercial papers: First unit	6. 4	11. 2
Commercial papers: Each additional unit	3. 2	5. 6
Commercial papers: Minimum charge	16	28
Raised print for the blind, each 1,000 grams	1. 6	2. 8
Printed matter: First unit	6. 4	11. 2
Printed matter: Each additional unit	3. 2	5. 6
Samples of merchandise: First unit	6. 4	11. 2
Samples of merchandise: Each additional unit	3. 2	5. 6
Small packets, each 50 grams	6. 4	11. 2
Minimum charge	32	56
"*Phonopost*" articles: First unit	12	21
"*Phonopost*" articles: Each additional unit	8	14

2. The rates chosen shall, as far as possible, be in the same proportion among themselves as the basic rates, each Administration having the option of rounding off its rates higher or lower as the case may be, in order to suit the convenience of its monetary system. Proportional basis of rates chosen.

3. The rates adopted by a country are applicable to the charges to be collected upon arrival as a result of absence or insufficiency of prepayment. Unpaid or insufficient postage.

III.

Exception to the application of the rates for commercial papers, prints and samples of merchandise.

Ante, p. 3320.

As an exception to the provisions of Article 36, the countries have the right not to apply the rate fixed for the first unit of weight to commercial papers, prints, and samples and to preserve the rate of 4 centimes for this unit, with a minimum of 8 centimes for samples of merchandise.

IV.

Avoirdupois ounce.

It is agreed, as an exceptional measure, that countries which, on account of their domestic legislation, cannot adopt the decimal metric system of weights, have the option of substituting therefor the avoirdupois ounce (28.3465 grams), assimilating one ounce to 20 grams for letters and *Phonopost* articles, and 2 ounces to 50 grams for commercial papers, prints, raised print for the use of the blind, samples and small packets.

V.

Mailing of correspondence in another country.

No country is bound to forward or deliver to addressees articles which any senders domiciled on its territory mail or cause to be mailed in a foreign country with a view to profiting by lower rates which are established there. The rule applies, without distinction, either to articles prepared in the country inhabited by the sender and subsequently transported across the border, or to articles prepared in a foreign country. The Administration concerned has the right either to return the articles in question to origin or to charge them with its domestic postage rates. The methods of collecting the charges are left to its discretion.

VI.

International reply coupons.

Administrations have the option of not undertaking the sale of international reply coupons or of limiting their sale.

VII.

Registration fee.

Ante, p. 3328.

Countries which cannot fix at 40 centimes the registration fee contemplated by Article 56[1], Section 2, are authorized to collect a fee which may amount to as much as 50 centimes, or their domestic registration fee.

[1] This should be 57 but is 56 in the certified copy.

VIII.

Air services.

Provisions considered part of Convention, etc.

1. The provisions concerning the transportation of regular mails by air are appended to the Universal Postal Convention and are considered as forming an integral part thereof and of its Regulations.

Modifications.

2. However, by exception to the general provisions of the Convention, the modification of those provisions may be taken under consideration from time to time by a Conference comprising the representatives of the Administrations directly concerned.

Calling of Conference.

3. The Conference may be called together through the intermediary of the International Bureau, at the request of at least three of the Administrations.

Submission of proposals.

4. All the provisions proposed by the Conference shall be submitted, through the medium of the International Bureau, to the other countries of the Union, to be voted upon. The decision will be made on a majority of the votes cast.

IX.

Exception to freedom of transit for small packets.

Ante, p. 3318.

U. S. S. R.

By exception to the provisions of Article 28, the Postal Administration of the Union of Soviet Socialist Republics is authorized to refuse the transit of small packets over its territories, with the understanding that this restriction will apply indiscriminately to all the countries of the Union.

X.

Special transit charges for the Trans-Siberian and Trans-Andean routes.

Ante, p. 3333.

Trans-Siberian Railway.

1. By exception to the provisions of Article 67, Section 1 (Table), the Postal Administration of the Union of Soviet Socialist Republics is authorized to collect transit charges for the Trans-Siberian Railway for both routes (Manchuria or Vladivostok) at the rate of 4 francs 50 centimes per kilogram of letters and post cards and 50 centimes per kilogram of other articles, for distances exceeding 6,000 kilometers.

Trans-Andean Railway.

2. The Administration of the Argentine Republic is authorized to collect a charge of 30 centimes in addition to the transit charges mentioned in Article 67, Section 1, Figure 1°, of the Convention, for each kilogram of correspondence of any kind carried in transit over the Argentine section of the Trans-Andean Railway.

Ante, p. 3333.

XI.

Special transit conditions for Afghanistan.

Ante, p. 3333.

By exception to the provisions of Article 67, Section 1, the Administration of Afghanistan is authorized temporarily, because of the special difficulties facing it as regards transportation and communication facilities, to effect the transit of closed mails and correspondence in open mail through its country under special conditions agreed to between itself and the interested Administrations.

XII.

Special warehousing charges at Aden.

As an exceptional measure, the Administration of Aden is authorized to collect a charge of 40 centimes per sack for all dispatches warehoused at Aden, provided the said Administration does not receive any territorial or maritime transit charges for such dispatches.

XIII.

Special charges for transshipment.

Port of Lisbon.

As an exceptional measure, the Portuguese Administration is authorized to collect 40 centimes per sack for all mails transshipped at the port of Lisbon.

XIV.

Protocol left open to the countries not represented.

The Protocol remains open to the countries of the Union which were not represented at the Congress, in order to permit them to adhere to the Convention and Agreements concluded there, or merely to one or another of them.

XV.

Protocol left open to the countries represented for signatures and adhesions.

The Protocol remains open to those countries whose representatives have today signed only the Convention or only a certain number of the Agreements drawn up by the Congress, for the purpose of permitting them to adhere to the other Agreements signed on this date, or to one or another of them.

XVI.

Period for notification of adhesions.

The adhesions contemplated in Articles XIV and XV shall be communicated by the Governments concerned, through diplomatic channels, to the Government of the French Republic, and by the latter to the other States of the Union. The period which is allowed to the said Governments to make such notification will expire on July 1, 1948.

XVII.

Protocol left open to countries momentarily prevented from adhering to the Convention and to the Agreements.

1. Spain, Morocco (Spanish Zone), and the Whole of the Spanish Colonies, momentarily prevented from adhering to the Convention and to the Agreements, due to a decision of the XII Universal Postal Congress adopted in conformity with the Resolution passed by the General Assembly of the United Nations on December 12, 1946,[1] may

[1] United Nations. *Resolutions adopted by the General Assembly during the Second Part of its First Session from 23 October to 15 December 1946*, pp. 63, 64. Lake Success, 1947.

adhere to these Acts, without submitting to the formalities prescribed in Article 3, as soon as that Resolution shall be repealed or become inoperative. *Ante*, p. 3309.

2. Germany, Japan, and Korea, momentarily prevented from adhering to the Convention and the Agreements, may adhere to these Acts, without submitting to the formalities prescribed in Article 3, when the responsible authorities consider it opportune.

Adherences.

3. The adhesions contemplated in Sections 1 and 2 must be made known, through diplomatic channels, by the interested Governments to the Government of the French Republic and by the latter to the other States of the Union.

Force and validity of Protocol.

In testimony whereof, the undersigned plenipotentiaries have drawn up the present Protocol, which will have the same force and validity as if its provisions were included in the text of the Convention itself, and they have signed it in one copy, which will be filed in the Archives of the Government of the French Republic, and a copy of which will be delivered to each party.

Done at Paris, July 5, 1947.

Signatures

[For signatures, see French text, p. 3188; for romanization, see p. 3416.]

DECLARATION MADE AT THE MOMENT OF SIGNING, AS PRESCRIBED BY ARTICLE 9 OF THE CONVENTION CONCERNING THE APPLICATION OF THE SAID CONVENTION TO COLONIES, PROTECTORATES, ETC. *Ante*, p. 3311.

The delegation of the Union of South Africa declares that the acceptance by it of the present Convention comprises the Mandated Territory of South-West Africa.

PARIS, *July 5, 1947.*

L. C. BURKE

ANNEX

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNIVERSAL POSTAL UNION

PREAMBLE

59 Stat. 1046.

In consideration of the obligations placed upon the United Nations by Article 57 of the Charter of the United Nations, the United Nations and the Universal Postal Union agree as follows:

Article I

United Nations recognition.

The United Nations recognizes the Universal Postal Union (hereinafter called the Union) as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

Article II

RECIPROCAL REPRESENTATION

1. Representatives of the United Nations shall be invited to attend all the Union's congresses, administrative conferences and commissions, and to participate, without vote, in the deliberations of these meetings.

Participation in meetings of Economic and Social Council.

2. Representatives of the Union shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council), of its commissions and committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

Participation in meetings of General Assembly.

3. Representatives of the Union shall be invited to attend the meetings of the General Assembly during which questions within the competence of the Union are under discussion, for purposes of consultation, and to participate, without vote, in the deliberations of the main committees of the General Assembly with respect to items concerning the Union.

Distribution of written statements.

4. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Council and its commissions, and the Trusteeship Council, as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

Article III

PROPOSAL OF AGENDA ITEMS

Subject to such preliminary consultation as may be necessary, the Union shall include in the agenda of its congresses, administrative conferences or commissions, or, as the case may be, shall submit to its

members in accordance with the provisions of the Universal Postal Convention, items proposed to it by the United Nations. Similarly, the Council, its commissions and committees, and the Trusteeship Council shall include in their agenda items proposed by the Union.

Article IV

RECOMMENDATIONS OF THE UNITED NATIONS

1. The Union agrees to arrange for the submission as soon as possible, for appropriate action, to its congresses or its administrative conferences or commissions, or to its members, in conformity with the provisions of the Universal Postal Convention, of all formal recommendations which the United Nations may make to it. Such recommendations will be addressed to the Union and not directly to its members.

2. The Union agrees to enter into consultation with the United Nations, upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it will co-operate with any body which the Council may establish for the purpose of facilitating such co-ordination and will furnish such information as may be required for the carrying out of this purpose.

Article V

EXCHANGE OF INFORMATION AND DOCUMENTS

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Union.

2. Without prejudice to the generality of the provisions of the preceding paragraph:

(*a*) The Union shall submit to the United Nations an annual report on its activities;

(*b*) The Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XI; *Post*, p. 3345.

(*c*) The Union shall furnish written advice on questions within its competence as may be requested by the Trusteeship Council;

(*d*) The Secretary-General of the United Nations shall, upon request, consult with the Director of the International Bureau of the Union regarding the provision to the Union of such information as may be of special interest to it.

Article VI

ASSISTANCE TO THE UNITED NATIONS

The Union agrees to co-operate with and to give assistance to the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

59 Stat. 1053.

As regards the Members of the United Nations, the Union agrees that in accordance with Article 103 of the Charter no provision in the Universal Postal Convention or related agreements shall be construed as preventing or limiting any State in complying with its obligations to the United Nations.

Article VII

PERSONNEL ARRANGEMENTS

The United Nations and the Union agree to co-operate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel, and to avoid competition in the recruitment of personnel.

Article VIII

STATISTICAL SERVICES

1. The United Nations and the Union agree to co-operate with a view to securing the greatest possible usefulness and utilization of statistical information and data.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

Article IX

ADMINISTRATIVE AND TECHNICAL SERVICES

1. The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding the establishment of competitive or overlapping services.

Registration and deposit of official documents.

2. Arrangements shall be made between the United Nations and the Union with regard to the registration and deposit of official documents.

Article X

BUDGETARY ARRANGEMENTS

The annual budget of the Union shall be transmitted to the United Nations, and the General Assembly may make recommendations thereon to the Congress of the Union.

Article XI

FINANCING OF SPECIAL SERVICES

In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or information in accordance with article V or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

Ante, p. 3343.

Article XII

INTER-AGENCY AGREEMENTS

The Union will inform the Council of the nature and scope of any agreement between the Union and any specialized agency or other inter-governmental organization, and further agrees to inform the Council of the preparation of any such agreements.

Article XIII

LIAISON

1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking in agreement whatever measures may be necessary to this end.

2. The liaison arrangements provided for in this agreement shall apply, as far as is appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

Article XIV

IMPLEMENTATION OF THE AGREEMENT

The Secretary-General of the United Nations and the President of the Executive and Liaison Commission of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of operating experience of the two organizations.

Article XV

ENTRY INTO FORCE

This agreement is annexed to the Universal Postal Convention concluded in Paris in 1947. It will come into force after approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.

Ante, p. 3308.

Article XVI

REVISION

On six months' notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Union.

Paris, 4 July 1947.

(*Signed*) JAN PAPANEK
Acting Chairman of the Committee of the Economic and Social Council on Negotiations with Specialized Agencies

(*Signed*) J. J. LE MOUËL
Chairman of the XIIth Congress of the Universal Postal Union

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[1] See French text, pp. 3251–3278.

REGULATIONS OF EXECUTION OF THE UNIVERSAL POSTAL CONVENTION

Ante, p. 3310.

The undersigned, in view of Article 5 of the Universal Postal Convention concluded at Paris on July 5, 1947, have, in the name of their respective Administrations, drawn up, by common consent, the following measures to assure the execution of the said Convention:

TITLE I.

General Provisions.

SOLE CHAPTER.

ARTICLE 101.

Transit in closed mails and transit in open mail.

1. Administrations may send reciprocally, through the intermediary of one or more of them, both closed mails and correspondence in open mail, in accordance with the needs of the traffic and the requirements of the service.

2. The transmission of correspondence in open mail to an intermediate Administration must be limited strictly to cases where the preparation of closed mails, either for the country of destination itself or for a country nearer the latter, is not justified.

ARTICLE 102.

Exchange in closed mails.

1. The exchange of correspondence in closed mails is governed by mutual agreement between the Administrations concerned.

2. It is obligatory to make up closed mails whenever one of the intermediate Administrations so requests, basing its request on the fact that the number of articles in open mail is such as to hinder its operations.

3. The Administrations through whose intermediary closed mails are to be dispatched shall be duly notified in advance.

4. In case of alteration in an exchange of closed mails established between two Administrations through the intermediary of one or more third countries, the Administration of origin of the dispatch gives notice thereof to the Administrations of those countries.

5. If it is a question of a change in the routing of the dispatches, the new route to be followed shall be indicated to the Administrations which have previously effected the transit, while the former route is indicated, as information, to the Administrations which will subsequently perform such transit.

ARTICLE 103.

Routing of mails.

1. Each Administration is bound to forward, by the most rapid routes which it employs for its own dispatches, the closed mails and articles in open mail which are delivered to it by another Administration.

2. When a mail is composed of several sacks, they shall, as far as possible, remain together and be forwarded in the same dispatch.

Missent articles.

3. Missent articles of all kinds are forwarded without any delay to their destination by the most rapid route.

Optional routes.

4. The Administration of the country of origin has the option of indicating the route to be followed by the closed mails which it dispatches, provided that the employment of that route does not involve special expenses for an intermediate Administration. With the same reservation, the Administrations intervening in the transportation shall take account of the route to be followed which has been indicated by the sender on articles sent to them in open mail.

Unprepaid or insufficient postage.

5. Administrations which make use of the option of collecting supplementary charges, representing the extraordinary expenses pertaining to certain routes, are at liberty not to send unprepaid or insufficiently prepaid correspondence by those routes.

ARTICLE 104.

Distant countries.

1. Countries between which the shortest transit time by land or sea exceeds ten days, as well as those between which the average frequency of the mails is less than two trips a month, are considered as distant countries.

2. Countries of very great extent, or those whose internal routes of communication are but little developed, for questions where those factors play a decisive part, are assimilated to distant countries, in regard to the periods prescribed by the Convention and Agreements.

3. The International Bureau prepares a list of the countries mentioned in Sections 1 and 2.

ARTICLE 105.

Fixing of equivalents.

1. Administrations fix the equivalents of the rates and fees contemplated by the Convention and Agreements by agreement with the Swiss Postal Administration, which latter Administration shall give notice of the equivalents through the intermediary of the International Bureau. The same procedure is followed in case of change of equivalents.

Entry into force.

2. The equivalents or changes of equivalents cannot enter into force except on the first of a month, and at the earliest fifteen days after their notification by the International Bureau.

Tables.

3. That Bureau makes up a table indicating, for each country, the equivalents of the rates and fees mentioned in Section 1, showing the percentage of increase or reduction, if any, made in the rates by virtue of article II of the Final Protocol of the Convention.

Ante, p. 3337.

Monetary fractions.

4. Monetary fractions resulting from the additional charge applicable to shortpaid correspondence may be rounded off by the Administrations which collect such charge. The sum to be added on that account may not exceed the amount of 5 centimes.

Equivalent for indemnity.

5. Each Administration notifies the International Bureau directly of the equivalent fixed by it for the indemnity contemplated by Article 59 of the Convention.

Ante, p. 3329.

ARTICLE 106.

Postage stamps and postage-paid impressions.

Colors.

1. The postage stamps representing the basic rates of the Union or their equivalents in the money of each country are made up in the following colors:

The stamp representing the postage on a single-rate ordinary letter, in blue;

The stamp representing the rate for an ordinary post card, in red;

The stamp representing the postage on a single-rate ordinary print, in green.

2. Impressions produced by stamping machines shall be bright red, whatever value they represent.

Lettering.

3. Postage stamps and postage-paid impressions shall bear, in Latin characters as far as possible, the indication of the country of origin, and mention their postage value in accordance with the table of equivalents adopted. The number of monetary units or fractions of the unit serving to express that value is indicated in Arabic figures.

Prepaid prints.

Ante, p. 3325.

4. As for prints prepaid by means of indicia, printed or otherwise obtained (Article 50 of the Convention), the indication of the country of origin and the postage value may be replaced by the name of the office of origin and the note *Taxe perçue* (postage collected), *Port payé* (postage paid), or a similar expression. That note may be worded in French or in the language of the country of origin; it may also be abbreviated, e. g.: *T. P.* or *P. P.* In all cases, the indication adopted shall be boxed or underscored with a heavy line.

Commemorative, etc., stamps.

5. Commemorative or charity stamps, for which an additional charge is to be paid in addition to the postage value, shall be made up in such a way as to avoid any doubt as to that value.

Perforations.

6. Postage stamps may be marked with distinctive perforations, under the conditions fixed by the Administration which has issued them.

TITLE II.

Conditions for Acceptance of Articles of Correspondence.

CHAPTER I.

Provisions Applicable to all Classes of Articles.

ARTICLE 107.

Preparation and address.

1. The Administrations shall advise the public:

(a) To address mail articles in Latin characters, and to place the address lengthwise, in such a way as to leave the necessary space for the service notations or labels;

(b) To indicate the names of the locality and country of destination in capital letters;

(c) To indicate the address in a precise and complete manner, so that the dispatch of the article and its delivery to the addressee may be effected without research;

(d) To place postage stamps or postage-paid impressions in the upper right-hand corner of the address side;

(e) To indicate the name and address of the sender, either on the front and at the left side, in such a way as not to affect either the clarity of the address or the application of the service notations or labels, or on the back;

(f) To use, for articles of all kinds, envelopes whose dimensions are not less than 10 centimeters in length and 7 centimeters in width;

(g) To make up their articles securely, particularly if they are addressed to distant countries;

(h) To add the word *Lettre* (letter) on the address side of letters which, by reason of their volume or packing, may be mistaken for other articles;

(i) On articles sent at the reduced rate, to indicate, by annotations such as: *Papiers d'affaires* (commercial papers), *Imprimés* (prints), *Echantillon* (sample), *Petit paquet* (small packet), etc.; the class to which they belong.

2. Articles of any kind whose address side has been wholly or partly divided into several spaces intended to receive successive addresses are not accepted.

3. Non-postage stamps and charity or other stamps capable of being mistaken for postage stamps may not be affixed to the address side. The same applies to imprints of stamps which might be confused with postage-paid impressions.

ARTICLE 108.

Articles mailed under franking privilege.

1. Correspondence of the postal service mailed under franking privilege shall bear, in the upper left-hand corner of the front, the notation *Service des postes* (postal service), or a similar notation.

2. Correspondence admitted to the franking privilege as contemplated in Sections 2 to 4 of Article 52, shall bear in the upper left-hand corner of the front, the notation *Service des prisonniers de guerre* (Prisoners of war mail) or *Service des prisonniers civils* (Mail for civilian prisoners), as the case may be.

Ante, p. 3326.

3. The indications contemplated in Sections 1 and 2 may be followed by a translation in another language.

ARTICLE 109.

General-delivery articles.

The address of articles sent to general delivery shall indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind, is not permitted for such articles.

ARTICLE 110.

Articles in panel envelopes.

1. Articles in transparent-panel envelopes are accepted under the following conditions:

(a) The panel shall lie parallel to the longest dimension, so that the address of the addressee appears in the same direction and the application of the date stamp is not hindered;

(b) The transparency of the panel shall assure perfect legibility of the address, even by artificial light, and shall not interfere with the application of a written note; panel envelopes whose vitrified part causes reflection of artificial light are excluded;

(c) Only the name and address of the addressee shall appear through the panel; the contents of the envelope shall be folded in such a way that the address cannot be wholly or partly covered as a result of slipping;

(d) The address shall be indicated legibly, in ink, in typewriting, or by printing, in dark colored letters; articles whose addresses are written in ordinary or indelible pencil are not accepted.

Entirely transparent, etc., envelopes.

2. Articles in entirely transparent envelopes or open-panel envelopes are not accepted.

ARTICLE 111.

Articles subject to customs inspection.

1. Articles to be submitted to customs inspection shall bear on the front a green label conforming to Form C 1 hereto appended. In regard to small packets, the affixing of the label is obligatory in all cases.

Ante, p. 3251.

2. If the country of destination requires it or if the sender prefers, the articles mentioned in Section 1 are also accompanied by the prescribed number of separate customs declarations conforming to Form C 2 hereto appended, attached securely to the outside of the article by a crossed string or inserted within the article itself. In this case, only the upper part of the label C 1 is affixed to the article. *Ante*, p. 3252.

3. In regard to prints, and shipments of serums and vaccines, the absence of the label C 1 cannot involve the return of those articles to the office of origin. Prints, serums, and vaccines.

4. The Administrations do not assume any responsibility for the customs declarations, regardless of the form in which they are made up. Customs declarations.

ARTICLE 112.

Articles free of charges.

1. Articles to be delivered to the addressees free of all charges shall bear at the top of the address side the conspicuous heading *Franc de droits* (free of charges) or a similar notation in the language of the country of origin. Such articles shall bear, on the address side, a yellow label also bearing in large letters the notation *Franc de droits* (free of charges).

2. Every article sent free of charges is accompanied by a prepayment bulletin conforming to Form C 3 hereto appended, made of yellow cardboard, the front of which is filled in by the office of mailing. The prepayment bulletin is securely attached to the article. *Ante*, p. 3253.

CHAPTER II.

Special Provisions Applicable to Each Class of Articles.

ARTICLE 113.

Letters.

No condition of form or sealing is required for letters, provided the stipulations of Article 110 are observed. The necessary space must be left absolutely free on the front for the prepayment, the address, and the service notes or labels.

ARTICLE 114.

Single post cards.

1. Post cards shall be made of cardboard, or of paper strong enough not to hinder manipulation.

2. Folded sheets of paper whose two inner faces have been glued completely one over the other, so that other articles do not run the risk of slipping inside, are assimilated to post cards.

3. Post cards shall bear, at the top of the address side, the heading *Carte postale* (post card) in French or the equivalent of that heading in another language. That heading is not obligatory for cards of private manufacture.

4. Post cards shall be sent uninclosed, i. e., without wrapper or envelope. Uninclosed.

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Reserved spaces.

5. At least the right half of the front is reserved for the address of the addressee and the service notes or labels; the postage stamps or postage-paid impressions shall be applied to the front, and, as far as possible, to the right half of the card. The sender may use the back and the left half of the front, subject to the provisions of Section 6 following.

Approved attachments.

6. It is forbidden to join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be affixed thereto, on condition that such articles are not of such a nature as to alter the character of the post cards, and that they adhere completely to the card. Such articles may be affixed only on the back or on the left half of the address side of the post card, except address labels or slips, which may occupy the entire front. As for stamps of any kind likely to be mistaken for postage stamps, they may be placed only on the back.

7. Post cards not fulfilling the conditions laid down for that class of articles are treated as letters with the exception, however, of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly, depending upon the classification to which they belong, based on the text which they contain or their dimensions.

ARTICLE 115.

Post cards with reply paid.

1. Post cards with reply paid shall have on the front, in the French language, as the heading of the first part: *Carte Postale avec réponse payée* (post card with reply paid), and *Carte postale-réponse* (reply post card) on the second part. Each of the two halves shall, moreover, fulfill the other conditions laid down for a single post card; they are folded, one over the other, so that the fold forms the upper edge, and may not be fastened in any manner.

2. The address of the reply card shall be on the inside of the article.

3. It is permissible for the sender to indicate his name and address on the front of the reply half.

4. The sender is also authorized to have printed on the back of the reply card a questionnaire to be filled in by the addressee; the latter may also return the inquiry half attached to the reply portion. In this case, the address of the inquiry card shall be crossed out and placed on the inside of the article.

5. The prepayment of the reply half by means of postage stamps of the country which has issued the card is valid only if both halves of the post card with reply card have arrived joined together from the country of origin and if the reply half is sent from the country where it was received by mail and is addressed to the said country of origin. If those conditions are not fulfilled, it is treated as an unprepaid post card.

ARTICLE 116.

Commercial papers.

1. The following are considered as commercial papers, on condition that they do not have the character of actual personal correspondence: All papers and documents, wholly or partly written or drawn; such as out-of-date articles of correspondence (opened letters and post cards) which have already reached their original destination, and copies thereof; papers of legal procedure; documents of all kinds drawn up by ministerial officers; waybills or bills of lading; invoices; certain documents of insurance companies; copies of or extracts from documents under private seal written on stamped or unstamped paper; scores or sheets of music in manuscript; manuscripts of works or newspapers sent separately; original and corrected exercises of students, but without any notes not relating directly to the execution of the work.

Reference slips, notations.

2. Such documents may be accompanied by reference slips or invoices bearing the following or similar notations: Enumeration of the pieces composing the shipment, references to correspondence exchanged between the sender and the addressee, such as: "Inclosure for our letter of . . . . . addressed to M. . . . . Our reference . . . . . Customer's reference . . . . . "

3. Out-of-date correspondence may bear canceled postage stamps or postage-paid impressions which have served to pay the original postage.

4. The following are also considered as commercial papers, even when they have the character of actual and personal correspondence: All articles containing correspondence exchanged between students in schools, provided that such articles are sent through the intermediary of the heads of the schools concerned.

Form and makeup.

5. Commercial papers are subject, in regard to form and make-up, to the provisions laid down by Article 120 hereafter for prints.

ARTICLE 117.

Prints.

1. The following are considered as prints: Newspapers and periodicals, books, pamphlets, sheet-music, visiting cards, address cards, printing proofs, engravings, photographs and albums containing photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

Exclusions from print rate.

2. The print rate does not apply to prints which bear any marks capable of constituting a conventional language, or, with the exceptions specifically authorized by Articles 118 and 119 hereafter, to those whose text has been modified after printing.

Motion-picture films, etc.

3. Motion-picture films, phonograph records, as well as perforated papers intended to be used on automatic musical instruments, are not accepted at the print rate. The same applies to articles of stationery properly so called, when it appears clearly that the printed text is not the essential part of the article.

Post cards.

4. Cards bearing the heading *Carte postale* (post card) or the equivalent of that heading in any language are admitted at the print rate, provided that they fulfill the general conditions applicable to prints. Those which do not fulfill such conditions are treated as post cards, or, if occasion arises, as letters, by application of the provisions of Article 114, Section 7.

Ante, p. 3356.

ARTICLE 118.

Articles assimilated to prints.

Reproductions, by a mechanical process of polygraphy, chromography, etc., of a manuscript or typewritten original, are assimilated to prints, provided they are mailed under the conditions prescribed by the domestic regulations of the Administration of origin. Each such reproduction may receive the annotations authorized for prints.

ARTICLE 119.

Prints. Authorized annotations and inclosures.

1. It is permissible, on the outside and inside of all print articles:

Sender's and addressee's names, etc.

(a) To indicate the name, title, profession, firm and address of the sender and the addressee, the date of mailing, the signature, telephone number and the telephone exchange, the telegraphic address and code, and current postal-check or bank account of the sender, as well as a serial or entry number relating exclusively to the article;

Corrections.

(b) To correct mistakes in printing;

Reference by marks, etc.

(c) To strike out, underline or inclose by means of marks certain words or passages in the printed text, unless that is done with the intention of constituting correspondence.

2. It is also permissible to indicate or add:

Maritime movements.

(a) On notices concerning the departure and arrival of ships: The dates and hours of such departures and arrivals, as well as the names of the ships and the ports of departure, call and arrival;

Travelers' announcements.

(b) On travelers' announcements: The name of the traveler, the date, hour and name of the place through which he contemplates passing, as well as the place where he intends to stop;

Order blanks, etc.

(c) On order, subscription or offer blanks for publications, books, newspapers, engravings and pieces of music: The works and the number of copies ordered or offered, the price of such works, as well as annotations representing price factors, the method of payment, the edition, the names of the authors and publishers, the catalog number and the words *broché* (stitched or paper-bound), *cartonné* (boards), or *relié* (bound);

(d) On forms used in connection with loans from libraries: The titles of the books, number of copies requested or sent, names of authors and publishers, catalog numbers, number of days permitted for reading, name of the person desiring to consult the book, as well as other brief indications relating to the works in question; Library forms.

(e) On illustrated cards, printed visiting cards, as well as on Christmas and New Year cards: Good wishes, congratulations, thanks, condolences or other forms of politeness expressed in five words or by means of five conventional initials at most; Illustrated, etc., cards.

(f) On printing proofs: Such changes and additions as relate to corrections, form and printing, as well as notes such as *Bon à tirer* (ready for printing), *Vu-Bon à tirer* (O. K. for printing), or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets; Printing proofs.

(g) On fashion plates, maps, etc.: Colors; Fashion plates, maps, etc.

(h) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: Figures; any other notations representing price factors; Current price lists, etc.

(i) On books, pamphlets, newspapers, photographs, engravings, sheet-music, and, in general, on all printed, engraved, lithographed or autographed literary or artistic productions: A dedication consisting of a simple tribute; and, on photographs or engravings, a very concise explanatory legend and other summary information concerning the photograph or engraving itself; Books, etc.

(j) On passages cut from newspapers and periodicals: The name, date, number and address of the publication from which the article is taken; Press clippings.

(k) On advices of change of address: The new address of the sender and the effective date thereof, or the old address and the date of the change. Change of address.

3. The additions and corrections contemplated in Sections 1 and 2 may be made by hand or by any mechanical process. Additions and corrections.

4. Finally, it is permissible to attach:

(a) To corrected or uncorrected printing proofs: The manuscript belonging thereto; Proofs; manuscript.

(b) To articles of the classes mentioned under Section 2, letter (i): An open invoice covering the article sent, reduced to its essential terms; Invoice of article sent.

(c) To articles mentioned in Article 36, Sections 3 and 4 of the Convention: A transfer form bearing the printed designation of a current postal account; *Ante*, p. 3320.

(d) To all prints: A card, envelope or wrapper bearing the address of the sender of the article and prepaid for the return by means of postage stamps of the country of destination of the article. Prepaid reply card, etc.

ARTICLE 120.

Prints. Preparation of articles.

1. Prints shall be placed either under wrapper, in rolls, between boards, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which is easily untied.

2. Prints in the shape and consistency of a card may be sent open, without wrapper, envelope or fastening. The same mode of dispatch is allowed for prints folded in such a way that they cannot become unfolded en route.

3. At least the right half of the front of prints sent in the form of cards, including illustrated post cards benefiting by the reduced rate, is reserved for the address of the addressee and the service notations or labels. The postage stamps or postage-paid impressions shall be applied to the front and, in so far as possible, to the right half of the card.

4. In all cases, the articles shall be made up in such a way that other articles do not run the risk of becoming lost within them.

ARTICLE 121.

Articles assimilated to raised print for the blind.

Plates bearing characters for the use of the blind are assimilated to raised prints for the blind. The same applies to sound recordings intended only for the use of the blind, provided that they are sent by an officially recognized institution for the blind or addressed to such an institution.

ARTICLE 122.

Samples. Authorized annotations.

It is permissible to indicate, by hand or by a mechanical process, on the outside or inside of packages of samples, and, in the latter case, on the sample itself or on a special sheet relative thereto, the name, title, profession, firm and address of the sender and of the addressee, as well as the date of mailing, the signature, telephone number and telephone exchange, the telegraphic address and code, current postal-check or bank account of the sender, a manufacturer's mark or trade-mark, a brief indication concerning the manufacturer and the supplier of the merchandise or concerning the person to whom the sample is addressed, as well as serial or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurements and size, as well as the quantity available, and such as are necessary to determine the origin and character of the merchandise.

ARTICLE 123.

Samples. Preparation of articles.

Packing.

1. Samples of merchandise shall be placed in sacks, boxes or removable envelopes.

2. Articles of glass or other fragile materials, articles containing liquids, oils, fatty substances, dry powders (whether dyes or not), as well as articles containing live bees, leeches and silkworm eggs, or the parasites mentioned in Article 49, Section 1 of the Convention, are accepted for transmission as samples of merchandise, provided that they are packed in the following manner:

Ante, p. 3324.

(a) Articles of glass or other fragile materials shall be securely packed (in boxes of metal, wood or strong corrugated pasteboard), so as to avoid all danger to postal employees and the mails; Glass, etc.

(b) Liquids, oils and substances which easily liquefy shall be inclosed in hermetically sealed containers. Each receptacle shall be placed in a separate box of metal, strong wood or strong corrugated pasteboard containing sawdust, cotton or spongy material in sufficient quantity to absorb the liquid in case of breakage of the receptacle. The lid of the box shall be fastened in such a way that it cannot be easily detached; Liquids, etc.

(c) Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, shall be inclosed in an inside cover (box, bag of linen or parchment, etc.), which shall itself be placed in a second box of wood, metal or stout, thick leather; Fatty substances.

(d) Dry powdered dyes such as aniline blue, etc., are not accepted unless inclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings. Dry non-coloring powders shall be placed in boxes of metal, wood or pasteboard; the boxes themselves shall be inclosed in a bag of linen or parchment; Dry powdered dyes, etc.

(e) Live bees, leeches and parasites shall be inclosed in boxes so constructed as to avoid all danger. Live bees, leeches, etc.

3. Articles which would deteriorate if packed in accordance with the general rules, as well as samples placed in a transparent container permitting verification of their contents, may, as an exception, be accepted in a hermetically sealed container. The same applies to samples of industrial or vegetable products mailed under seal by the manufacturer or sealed by the inspection authorities of the country of origin. In such cases, the Administrations concerned may require the sender or the addressee to facilitate inspection of the contents, either by opening certain articles indicated by them, or in some other satisfactory manner. Hermetically sealed containers.

4. No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not the custom of the trade to pack. Single articles.

5. The address of the addressee shall be indicated, as far as possible, on the wrapper or on the article itself. If the packing or the article is not suitable for the inscription of the address and service information, or for the application of the postage stamps, use shall be made Addressing, etc.

of a tag, preferably of parchment, to be securely attached. The same applies when stamping is likely to damage the article.

ARTICLE 124.

Articles assimilated to samples.

The following are admitted at the sample rate: Electrotypes, cut out patterns sent singly, keys sent singly, fresh cut flowers, articles of natural history (dried or preserved animals and plants, geological specimens, etc.), tubes of serum or vaccine and pathological objects rendered inoffensive by their mode of preparation and packing. Such articles, with the exception of tubes of serum and vaccine sent in the general interest by laboratories or institutions officially recognized, may not be sent for commercial purposes. Their packing shall be in accordance with the general regulations concerning samples of merchandise.

ARTICLE 125.

Grouped articles.

1. The inclusion in a single packet of articles of correspondence of different classes is limited to commercial papers, to prints other than raised print for the blind, and to samples of merchandise, on condition:

(a) That each article taken singly does not exceed the limits which are applicable to it in regard to weight and dimensions;

(b) That the total weight does not exceed 2 kilograms per article;

(c) That the postage paid is at least the minimum charge for commercial papers if the article contains commercial papers, and the minimum charge for samples if it is composed of prints and samples.

2. These provisions are applicable only to articles subject to the same rate per unit. When an Administration detects the inclusion in one and the same article of objects liable to different rates, that article is charged, for its total weight, with the rate applicable to the class for which the rate is highest.

ARTICLE 126.

Small packets.

1. Small packets are subject to the provisions laid down for samples of merchandise in regard to preparation and packing.

2. It is permissible to inclose therein an open invoice, reduced to its essential elements, as well as a simple copy of the address of the article with mention of the address of the sender.

3. The names and addresses of the senders shall appear on the outside of the packets.

ARTICLE 127.

"Phonopost" articles.

1. Subject to the provisions specially fixed for *Phonopost* articles, these shall be governed by the regulations applicable to letters.

2. Phonograph records mailed as *Phonopost* articles shall be inclosed in strong unsealed envelopes.

3. The sender shall mention in conspicuous characters on the front of the envelope, in addition to the ordinary annotations, the word *Phonopost*. It is permissible to print on the front, in one or more languages, an explanatory notice concerning the manner of reproducing the record.

4. It is permitted to inclose, adequately protected, the necessary needles for the reproduction of the record.

TITLE III.

Registered Articles. Return Receipts.

SOLE CHAPTER.

ARTICLE 128.

Registered articles.

1. Registered articles shall bear on the address side the conspicuous notation *Recommandé* (registered), or a similar notation in the language of the country of origin.

2. With the exceptions below, no special conditions as to form, sealing or wording of the address are required for such articles.

3. Articles of correspondence which bear an address written in pencil or consisting of initials are not accepted for registration. However, the address of articles other than those which are sent in transparent-panel envelopes may be written with indelible pencil.

4. Registered articles shall bear, in the left-hand corner of the address side, a label conforming to Form C 4 hereto appended, with indication in Latin characters of the letter *R*, the name of the office of origin and the serial number of the article. However, it is permissible for Administrations whose domestic legislation at present opposes the use of labels to defer the adoption of this measure and to use, for the designation of registered articles, stamps reading *Recommandé* (registered) or *R*, beside which shall appear the indication of the office of origin and that of the serial number. Such stamps shall likewise be applied in the left-hand corner of the address side.

Ante, p. 3251.

5. No serial number shall be placed on the front of registered articles by the intermediate Administrations.

ARTICLE 129.

Return receipt.

Marking of return receipts.

1. Articles for which the sender requests a return receipt shall bear, on the front, the conspicuous notation: *Avis dé réception* (return receipt); or the imprint of a stamp: *A. R.* The sender shall inscribe his name and address on the outside of the article, in Latin characters.

Prescribed form.

2. They are accompanied by a form of the consistency of a post card, light red in color, conforming to Form C 5 hereto appended;

Ante, p. 3254.

that form is made up by the office of origin or any other office to be designated by the Administration of origin, and fastened securely to the outside of the article. If it does not reach the office of destination, the latter makes up a new return receipt.

3. The weight of the return-receipt form is not considered in calculating the postage.

Return to sender. *Ante*, p. 3254.

4. The office of destination returns the Form C 5, duly completed, in the ordinary mail, without cover and free of postage, to the address of the sender of the article.

Failure to return to sender.

5. When the sender makes inquiry about a return receipt which has not reached him within the proper period, the procedure set forth in Article 130 hereafter is followed. In such a case, a second fee is not collected, and the office of origin enters at the top of the Form C 5 the note: *Duplicata de l'avis de réception etc.* (duplicate return receipt requested, etc.).

ARTICLE 130.

Return receipt requested after mailing.

Ante, p. 3254.

1. When the sender requests a return receipt after mailing the article, the office of origin fills out a Form C 5.

Ante, p. 3260.

Post, p. 3370.

2. The Form C 5 is attached to a tracer, Form C 9, mentioned in Article 141 hereafter; that tracer, after having been provided with a postage stamp representing the fee payable, is treated in accordance with the provisions of the said Article 141, except that, in case of regular delivery of the article, the office of destination removes the Form C 9 and returns the Form C 5 to origin in the manner prescribed by Article 129, Section 4.

3. The special provisions adopted by the Administrations by virtue of Article 141 hereafter, for the transmission of inquiries for registered articles, are applicable to requests for return receipts made after mailing.

ARTICLE 131.

Articles to be delivered to the addressee only.

1. Articles to be delivered to the addressee only shall bear, underlined in red, the notation *A remettre en main propre* (To be delivered to the addressee only) or an equivalent notation in a language known in the country of destination.

2. The Administrations must make two attempts to deliver such articles.

TITLE IV.

Operations Upon Departure and Arrival.

SOLE CHAPTER.

ARTICLE 132.

Application of the date stamp.

1. Correspondence is postmarked on the front by the office of origin with a stamp indicating, in Latin characters as far as possible, the place

of origin and the date of mailing. In localities having several post offices, the stamp shall indicate which is the office of mailing.

Prepaid correspondence.

2. The application of the stamp contemplated in Section 1 is not obligatory for correspondence prepaid by means of impressions of stamping machines if the indication of the place of origin and date of mailing appears in such impressions. Neither is the application of the stamp in question required for unregistered articles at the reduced rate, on condition that the place of origin is indicated on such articles.

Unregistered articles.

Cancellation of valid stamps.

3. All valid postage stamps shall be canceled.

4. Unless the Administrations have prescribed cancellation by means of a special marking, postage stamps not canceled through error or oversight on the part of the service of origin shall be canceled with a heavy line by the office which detects the irregularity. In no case shall these stamps be marked with the date stamp.

Missent correspondence.

5. Missent correspondence, except unregistered articles at reduced rate, shall be struck with the impression of the date stamp of the office at which it arrives through error. This obligation is imposed not only upon fixed post offices, but also upon traveling post offices as far as possible. The impression shall be placed on the back in the case of letters, and on the front in the case of post cards.

Correspondence mailed on board ship.

6. The postmarking of correspondence mailed on board ships is incumbent upon the postal agent or the officer on board in charge of the service, or in their absence upon the post office at the port of call where such correspondence is delivered in open mail. In such a case, the office marks the articles with its date stamp and places on them the note *Navire* (ship), *Paquebot* (mail steamer), or a similar notation.

Reply-paid post cards.

7. The office of destination of a reply-paid post card may apply its date stamp on the left side of the front of the reply half.

ARTICLE 133.

Special-delivery articles.

Articles to be specially delivered shall have affixed beside the indication of the place of destination, a printed label of dark red color, or in place of it an inscription bearing in large letters the word *Exprès* (special delivery).

ARTICLE 134.

Unprepaid or insufficiently prepaid articles.

1. Articles of correspondence on which any charge is to be collected after mailing, either from the addressee, or from the sender in the case of return as undeliverable, are marked with the T-stamp (postage due) in the upper right-hand corner of the front; the indication in francs and centimes of the amount to be collected is entered in very legible figures beside the stamp.

2. The application of the T-stamp, as well as the indication of the amount to be collected, is incumbent upon the Administration of origin, or, in case of reforwarding or return as undeliverable, upon the redispatching Administration. However, if it is a question of articles coming from countries which apply reduced rates in relations with the

redispatching Administration, the amount to be collected is indicated by the Administration which effects delivery.

3. The delivering Administration marks the article with the amount of postage to be collected.

4. Every article not bearing the T-stamp is considered as duly prepaid and treated accordingly, save in case of obvious error.

5. Account is not taken of postage stamps or postage-paid impressions not valid for prepayment. In such a case, the figure zero (0) is placed beside such stamps or impressions, which shall be boxed with pencil.

ARTICLE 135.

Return of prepayment bulletins. Recovery of charges advanced.

1. After the delivery to the addressee of an article free of charges, the office which has advanced the customs or other charges on behalf of the sender completes, in regard to itself, the indications which appear on the back of the prepayment bulletin, and transmits the latter, accompanied by the supporting papers, to the office of origin of the article; such transmission is effected in a sealed envelope, without indication of the contents.

2. However, each Administration has the right to cause the return of prepayment bulletins bearing charges by offices specially designated, and to request that the bulletins be sent to a certain office.

3. The name of the office to which the bulletins are to be returned is indicated, in all cases, by the office of origin of the article on the front of the prepayment bulletin.

Duplicate bulletins.

4. When an article bearing the notation *Franc de droits* (free of charges) reaches the office of destination without any prepayment bulletin, the office charged with the customs clearance issues a duplicate bulletin, on which it mentions the name of the country of origin, and, as far as possible, the date of mailing of the article.

5. When the prepayment bulletin is lost after the delivery of the article, a duplicate is prepared under the same conditions.

Cancellation on return of articles.

6. Prepayment bulletins belonging to articles which are returned to origin for any reason shall be canceled by the Administration of destination.

Currency conversion.

7. On receipt of a prepayment bulletin indicating the charges paid by the service of destination, the Administration of origin converts the amount of those charges into its own money at a rate which shall not be higher than the rate fixed for the issuance of money orders destined for the corresponding country. The result of the conversion is indicated in the body of the form and on the lateral coupon. After having recovered the amount of the charges, the office of origin delivers the coupon of the bulletin, and, if need be, the supporting papers, to the sender.

ARTICLE 136.

Forwarded articles.

Change of address.

1. Correspondence addressed to persons who have changed their residence is considered as addressed directly from the place of origin to the place of new destination.

Unprepaid, etc., articles.

2. Articles which are not prepaid, or which are insufficiently prepaid for the first part of their journey, are marked with the charge which would have been applied to them if they had been addressed directly from the point of origin to the place of new destination.

Articles prepaid for part of journey.

3. Articles regularly prepaid for the first part of their journey and on which the additional charge for their subsequent transmission has not been paid before their redirection are marked with a charge equal to the difference between the amount of postage already paid and that which would have been collected if the articles had originally been sent to their new destination.

Articles for interior delivery.

4. Articles originally addressed to the interior of a country and duly prepaid in accordance with the domestic rates are considered as articles regularly prepaid for their first transmission.

5. Articles originally sent free of postage in the domestic service of a country are marked with the charge to which they would have been liable if they had been addressed directly from the point of origin to the place of new destination.

Date stamp locations.

6. At the time of forwarding, the redispatching office applies its date stamp on the front in the case of articles in the form of cards, and on the back for all other classes of mail.

7. Ordinary or registered articles which are returned to the senders for completion or correction of the address are not considered as redirected correspondence when returned to the service; they are treated as new correspondence, and are therefore liable to new postage charges.

Customs duties, etc.; C.O.D. service.

8. The customs duties and other non-postal charges whose cancelation it has been impossible to obtain upon redirection or return to origin (Article 138 hereafter) are recovered, through the C. O. D. service, from the Administration of new destination. In that case, the Administration of original destination attaches to the article an explanatory note and a C. O. D. money order (Form R 3 of the Agreement concerning collect-on-delivery articles). If the C. O. D. service is not in operation between the Administrations concerned, the charges in question are recovered through correspondence.

Unsuccessful delivery by special messenger.

9. In the event that the attempt to deliver an article at the addressee's residence by special messenger has been unsuccessful, the redispatching office shall cross out the label or the notation *Exprès* (special delivery) by means of two heavy transverse lines.

ARTICLE 137.

Forwarding envelopes and collective envelopes.

1. Articles of ordinary correspondence to be forwarded to one and the same person who has changed his residence may be inclosed in special envelopes conforming to Form C 6 hereto appended, furnished by the Administrations, on which shall be written only the name and new address of the addressee.

Ante, p. 3255.

Exclusions.

2. Articles subject to customs examination or articles whose form, volume or weight gives rise to risks of tearing may not be included in such envelopes; the total weight of an envelope and its contents shall in no case exceed 500 grams.

3. The envelope shall be presented open to the reforwarding office, to permit it to collect such additional charges, if any, as may be due on the articles which it contains, or to indicate on such articles the charges to be collected on arrival when the additional postage has not been prepaid. After verification, the forwarding office seals the envelope and applies the T-stamp to it if necessary, indicating in francs and centimes the total amount of the charges to be collected.

Verification of contents.

4. On arrival at destination, the envelope may be opened and its contents verified by the office of delivery, which collects the additional charges not already paid, if any.

Ship mail.

5. Ordinary articles of correspondence addressed either to seamen and passengers on board one and the same ship, or to persons taking part in a joint voyage, may likewise be treated in accordance with the provisions of Sections 1 to 4. In that case, the collective envelopes shall be marked with the address of the ship, navigation or travel agency, etc., to which they are to be delivered.

ARTICLE 138.

Undeliverable articles.

Indication of cause of non-delivery.

1. Before returning to the Administration of origin correspondence which has not been delivered for any reason, the office of destination shall indicate in a clear and concise manner, in the French language, and when possible on the front of such articles, the cause of the non-delivery, in the following form: *Inconnu* (unknown), *Refusé* (refused), *En voyage* (traveling), *Parti* (removed), *Non réclamé* (unclaimed), *Décédé* (deceased), etc. In the case of post cards and prints in the form of cards, the reason for the non-delivery is indicated on the right half of the front.

2. That indication is furnished by applying a stamp or affixing a label. Each Administration has the option of adding a translation in its own language of the cause of non-delivery, and any other indications which may be convenient for it.

3. The office of destination shall cross out the indications of place which concern it, and place on the front of the article the note *Retour* (return), beside the indication of the office of origin. It shall also apply its date stamp to the back of letters and the front of post cards.

Return.

4. Undelivered articles are returned either singly or in a special bundle labeled *Rebuts* (undeliverable mail matter).

5. Registered articles which are undeliverable are returned to the exchange office of the country of origin as if it were a question of registered correspondence to be sent to that country.

Correspondence of domestic service.

6. Correspondence of the domestic service which is undeliverable and must, for return to the senders, be sent to a foreign country, is treated in accordance with the provisions of Article 136.

Correspondence addressed in care of a Consul.

7. Correspondence for seamen and other persons addressed in care of a Consul and returned by him to the post office as unclaimed shall be treated as undeliverable. The amount of the charges collected on such correspondence shall be refunded.

ARTICLE 139.

Withdrawal. Change of address.

Form of request.

1. Requests for withdrawal of correspondence or for change of address give rise to the preparation, by the sender, of a form in conformity with Form C 7 hereto appended; a single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee. In submitting the request to the post office, the sender shall prove his identity and produce the certificate of mailing, if necessary. After he has proved his identity, for which the Administration of the country of origin assumes responsibility, the procedure is as follows:

Ante, p. 3256.

Request by mail.

(a) If the request is intended to be sent by mail, the form, accompanied by a perfect facsimile of the envelope or address of the article, is sent directly, under registered cover, to the office of destination;

Request by telegraph.

(b) If the request is to be made by telegraph, the form is turned over to the telegraph service, which is charged with transmitting the terms thereof to the post office of destination. The telegram is worded in the French language.

Searches.
Ante, p. 3256.

2. On receipt of the Form C 7 or the telegram taking its place, the office of destination searches for the correspondence in question and takes the necessary action.

3. If the search is fruitless, if the article has already been delivered to the addressee, or if the telegraphic request is not explicit enough to permit the article to be surely recognized, the fact is reported at once to the office of origin, which advises the applicant accordingly. The same applies when the customs examination reveals an irregularity.

Exchange of requests.

4. Any Administration may request, by a notification addressed to the International Bureau, that the exchange of requests concerning it be effected through the intermediary of its central Administration or an office specially designated.

5. In the event that the exchange of requests is effected through the intermediary of the central Administrations, account shall be taken of requests sent directly by the offices of origin to the offices of destination, to the extent that the correspondence in question is withheld from delivery pending the arrival of the request from the central Administration.

Expenses.

6. Administrations which avail themselves of the option provided for by Section 4 assume any expense which may be incurred by the transmission, in their domestic service, by mail or telegraph, of the communications to be exchanged with the office of destination.

Telegraph service.

Employment of the telegraph service is obligatory when the sender himself has made use of that service, and when the office of destination cannot be advised in time by mail.

ARTICLE 140.

Inquiries. Ordinary articles.

Ante, p. 3258.

1. Every inquiry relative to an ordinary article gives rise to the preparation of a form in conformity with Form C 8 hereto appended, which must be accompanied, whenever possible, by a facsimile of the envelope or of the address of the article.

2. The office which receives the inquiry sends that form directly, without letter of transmittal, in a sealed envelope, to the corresponding office. The latter, after having obtained the necessary information from the addressee or from the sender, as the case may be, returns the form in the same manner to the office which has prepared it.

3. If the inquiry is seen to be well founded, the latter office sends the form to its central Administration, for purposes of further investigation.

4. A single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee.

5. Any Administration may request, by a notification addressed to the International Bureau, that inquiries concerning its service be transmitted to its central Administration or an office specially designated.

6. Form C 8 shall be returned to the Administration of origin of the article inquired about in accordance with the provisions of Article 141, Section 8, hereafter.

ARTICLE 141.

Inquiries. Registered articles.

Ante, p. 3260.

1. Every inquiry relative to a registered article is made on a form in conformity with Form C 9 hereto appended, which shall be accompanied, as far as possible, by a facsimile of the envelope or address of the article.

C.O.D. articles.

2. If the inquiry concerns a C. O. D. article, it shall also be accompanied by a duplicate of the money order R 3 of the Agreement concerning collect-on-delivery articles, or by a transfer bulletin, as the case may be.

Single form.

3. A single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee.

Procedure.

4. The inquiry is, as a general rule, sent directly by the office of origin to the office of destination; such transmission takes place without letter of transmittal and in a sealed envelope. If the office of destination is in a position to furnish information as to the final disposal made of the article, it completes the form and returns it to the office of origin.

5. When the disposal of the article cannot be established by the office of destination, the latter states the fact on the form and returns it to the office of origin, attaching thereto, whenever possible, a

declaration of the addressee stating that he has not received the article. In that case, the Administration of origin completes the form by indicating thereon the particulars of dispatch to the first intermediate Administration. It then transmits it to the latter Administration, which enters its observations thereon and transmits it to the next Administration, if any. The inquiry thus passes from one Administration to another until the disposal of the article inquired about is established. The Administration which has effected delivery to the addressee, or which cannot prove either delivery or regular transmission to another Administration, as the case may be, shows the fact on the form and returns it to the Administration of origin.

6. However if the Administration of origin or of destination requests it, the inquiry is transmitted from the very first from office to office, following the same route as the article. In that case, the investigations are continued from the Administration of origin as far as the Administration of destination, observing the procedure indicated in Section 5.

Transmittal of inquiries.

7. Any Administration may request, by a notification addressed to the International Bureau, that inquiries concerning its service be transmitted to its central Administration or an office specially designated.

Ante, p. 3260.

8. The Form C 9 and the papers attached thereto shall in all cases be returned to the Administration of origin of the article inquired about within the shortest period possible, and at the latest within a period of three months, counting from the date of the inquiry. That period is extended to six months in relations with distant countries.

9. The foregoing provisions do not apply to cases of rifling of mails, shortage of a dispatch or other similar cases which involve more extended correspondence between the Administrations.

ARTICLE 142.

Requests for information.

Requests for information concerning ordinary or registered articles are treated in accordance with the provisions fixed by Articles 140 and 141, respectively.

ARTICLE 143.

Inquiries and requests for information concerning articles mailed in another country.

Ante, p. 3328.

Ante, pp. 3258, 3260.

In the case contemplated by Article 56, Section 5, of the Convention, the forms C 8 and C 9 concerning inquiries or requests for information are transmitted to the Administration of origin. The Form C 9 shall be accompanied by the certificate of mailing.

2. The Administration of origin shall be put in possession of the form within the periods prescribed by Article 56 of the Convention.

ARTICLE 144.

Employment of postage stamps presumed to be fraudulent or of counterfeit impressions of stamping machines or printed indicia.

1. Subject expressly to the provisions of the legislation of each country, the following procedure is followed for establishing the use, for the prepayment of postage, of fraudulent postage stamps or counterfeit impressions of stamping machines or printed indicia:

(a) When the presence on any article of a fraudulent stamp (counterfeit or already used) or of counterfeit impressions of stamping machines or printed indicia is detected upon dispatch, the stamp or impression is not altered in any way, and the article, accompanied by a form in conformity with Form C 10 hereto appended, is addressed under official registered cover to the office of destination. A copy of the form is transmitted to the Administrations of the countries of origin and destination, for their information.

Ante, p. 3262.

(b) The article is not delivered to the addressee, who is summoned to establish the violation, unless he pays the postage due, makes known the name and address of the sender, and places at the disposal of the post office, after having taken note of the contents, either the entire article, if it is inseparable from the evidence of the violation, or the part of the article (envelope, wrapper, part of letter, etc.) which contains the address and the impression or stamp reported as fraudulent. The result of the summons is set forth in a report of proceedings conforming to Form C 11 hereto appended, signed by the postal agent and the addressee. If the latter refuses, the fact is stated in that document.

Report of proceedings.

Ante, p. 3263.

Transmittal to country of origin.

2. The report is transmitted, with supporting papers, under official registration, to the Administration of the country of origin, which takes the necessary action thereon in accordance with its legislation.

3. Administrations whose legislation does not permit the procedure contemplated in Section 1, letters (a) and (b) above shall give notice of the fact to the International Bureau for the information of the other Administrations.

TITLE V.

Exchange of Mails.

SOLE CHAPTER.

ARTICLE 145.

Letter bills.

1. The letter bills accompanying the dispatches are in conformity with Form C 12 hereto appended. They are placed in blue envelopes bearing in large characters the indication *Feuille d'avis* (letter bill).

Ante, p. 3264.

Details required.

2. The dispatching office fills in the letter bill with all the details called for by the text, observing the following provisions:

(a) Table I: The presence of ordinary articles to be specially delivered is indicated by a line underscoring the corresponding notation;

(b) Table II: Barring contrary agreement, the dispatching offices number the letter bills according to an annual series for each office of destination, when the dispatches are not made up every day. In that case, each dispatch takes a separate number, even if it is a question of a supplementary dispatch taking the same route or the same ship as the ordinary dispatch. For the first dispatch of each year, the bill shall bear, in addition to the serial number of the dispatch, that of the last dispatch of the preceding year. The name of the ship which carries the dispatch is indicated when the dispatching office is in a position to know it;

(c) Table III: Use may be made of one or more special lists conforming to Form C 13 hereto appended, either to replace Table V or to serve as a supplementary letter bill. The exclusive use of special lists is obligatory if the Administration of destination so requests. The lists in question shall indicate the same serial number as the one mentioned on the letter bill of the corresponding dispatch. When more than one list is employed, they shall be numbered. The number of registered articles which may be entered in one and the same special list is limited to 60; *Ante*, p. 3265.

(d) Table IV: If occasion arises, the number of empty sacks belonging to an Administration other than the one to which the dispatch is addressed shall be mentioned separately, with indication of the Administration. The open letters on official business and the various communications or recommendations of the dispatching office relative to the exchange service are also mentioned in Table IV;

(e) Table V: This Table is set aside for the entry of the registered articles when exclusive use is not made of special lists. In the event that the corresponding Administrations have agreed upon the bulk billing of registered articles in the letter bills, the total number of such articles shall be indicated in figures and spelled out in full. When the dispatch does not contain any registered articles, the note *Néant* (nil) is entered in Table V.

Creation of additional tables, etc.

3. Administrations may come to an agreement to create other tables or headings in the letter bill, when they deem it necessary. They may, in particular, arrange Tables V and VI in accordance with their requirements.

Negative letter bills.

4. When an exchange office has no articles to deliver to a corresponding office, and when, in relations between the Administrations concerned, the letter bills are not numbered, by application of Section 2, letter (b), that office merely sends a negative letter bill in the next dispatch.

Closed mails.

5. When closed mails must be sent by means of ships which the intermediate Administration to which they belong does not regularly utilize for the transportation of its own mails, the weight of the letters and other articles shall be indicated in the address of such mails when the Administration charged with assuring the embarkation so requests.

ARTICLE 146.

Transmission of registered articles.

Separate packets for registered articles, etc.

1. Registered articles, and, if occasion arises, the special lists mentioned in Article 145, Section 2, are made up into one or more separate packets or sacks, which shall be suitably wrapped or inclosed and sealed with wax or lead in such a manner as to protect the contents. The registered articles are arranged in each packet according to their entry numbers. When several special lists are used, each of them is tied up with the registered articles to which it relates, and placed after the first article in the bundle.

Inclusion in envelope containing letter bill.

2. Subject to agreement between the Administrations concerned, and when the volume of registered articles permits it, such articles may be included in the special envelope containing the letter bill. The envelope shall be sealed.

3. In no case may registered articles be mixed with ordinary correspondence.

4. Subject to agreement between the Administrations, registered "A. O." (articles other than letters and post cards) which are sent in separate sacks may be accompanied by special lists upon which they are entered in bulk.

5. Whenever possible, not more than 600 registered articles shall be placed in a single sack.

6. To the outside of the packet of registered articles is attached, by means of a crossed string, the special envelope containing the letter bill; when the registered articles are contained in a sack, the said envelope is tied to the neck of such sack.

Labeling of supplementary sacks.

7. If there is more than one packet or sack of registered articles, each of the supplementary packets or sacks is provided with a label indicating the nature of the contents.

ARTICLE 147.

Transmission of special-delivery articles.

Ordinary articles.

1. Ordinary special-delivery articles are tied together in a special bundle having a label bearing the note *Exprès* (special delivery) in large characters and inserted by the exchange offices in the envelope containing the letter bill which accompanies the dispatch.

2. However, if the envelope must be affixed to the neck of the sack of registered articles (Article 146, Section 6), the bundle of special-delivery articles is placed in the outside sack. The presence in the dispatch of articles of that kind is then announced by a slip placed inside the envelope containing the letter bill. The same procedure is followed when it has not been possible to inclose the special-delivery articles with the letter bill because of their number, form or dimensions.

Registered articles.

3. Registered special-delivery articles are arranged in order among the other registered articles, and the note *Exprès* (special delivery) is placed in the *Observations* column of Table V of the letter bill or of the special lists, opposite the entry concerning each of them. In case of bulk billing, the presence of registered articles to be specially delivered is indicated simply by the note *Exprès* (special delivery) in Table V of the letter bill.

Ante, pp. 3264, 3373.

ARTICLE 148.

Preparation of dispatches.

Sorting; bundles.

1. As a general rule, articles are sorted and tied in bundles according to the nature of the correspondence, letters and post cards being included in the same bundle, and newspapers and periodicals being made up into packets, apart from those containing ordinary prints. The bundles are designated by labels bearing the indication of the office of destination or redispatch of the articles contained in the bundles. Articles of correspondence capable of being tied in bundles shall be faced in the same direction. Prepaid articles are separated from those which are unprepaid or shortpaid, and the labels of bundles of articles which are unprepaid or shortpaid are marked with the T-stamp.

Damaged, etc., letters.

2. Letters bearing traces of opening, deterioration or damage shall be marked with a mention of the fact and be marked with the date stamp of the office which has detected it.

Money orders.

3. Money orders sent uninclosed are tied in a separate bundle, which shall be included in a packet or sack containing registered articles and, should the occasion arise, in the packet or sack of insured articles. If the dispatch does not contain either registered or insured articles, the orders are placed in the envelope containing the letter bill or tied up with the latter.

Closing, etc., of sacks.

4. Dispatches are inclosed in sacks suitably closed, sealed with wax or lead, and labeled. When use is made of string, it shall be passed twice around the neck of the sack before being tied. The imprints on the wax or lead seals shall reproduce, in very legible Latin characters, the name of the office of origin or an indication sufficient to permit that office to be determined.

Labels, etc.

5. The labels of the dispatches shall be of cloth, strong cardboard, parchment, or paper pasted on a wooden block; in relations between adjacent offices, use may be made of labels of strong paper. The labels are made up in the following colors:

Color designations.

(a) In vermillion red, for sacks containing registered articles;

(b) In white, for sacks containing only ordinary letters and post cards;

(c) In light blue, for sacks containing only ordinary *other articles;*

(d) In green, for sacks containing only empty sacks returned to origin.

6. Unless the Administration of transit or of destination advises to the contrary, it is also permissible to use white labels with an

oblique stripe two centimeters wide on each side, whose color corresponds with the contents of the sack.

7. Sacks containing mixed ordinary correspondence (letters, post cards and other articles) shall bear the white label.

8. The use of vermillion red, white and light blue labels is obligatory; on the other hand, green labels are used only if the Administration of destination so demands.

Label data.

9. The labels bear the indication, printed in small Latin characters, of the name of the dispatching office, and, in heavy Latin characters, the name of the office of destination, preceded by the words *de* (from) and *pour* (for) respectively. In exchanges between distant countries not effected by direct maritime services, the indications are completed by the mention of the date of dispatch, the number of the mail, and the port of debarkation, if the Administration concerned so requests.

10. The sacks shall indicate legibly, in Latin characters, the office or country of origin, and shall bear the note *Postes* (posts) or some other similar note characterizing them as postal dispatches.

11. Intermediate offices shall not place any serial number on labels of sacks or packets of closed mails in transit.

Small or negative dispatches.

12. Barring contrary agreement, dispatches of small size or negative dispatches are simply wrapped in strong paper in such a manner as to avoid all harm to the contents, then tied and sealed with wax or lead. In case of lead sealing, such dispatches shall be prepared in such a way that the string cannot be detached. When they contain nothing but ordinary correspondence, they may be fastened by means of gummed seals bearing the printed indication of the dispatching office or Administration. The addresses of the packets shall comply, in regard to the printed indications and the colors, with the provisions laid down by Sections 4 to 11 for the labels of sacks of mail.

13. When the number or volume of the mails requires the employment of more than one sack, separate sacks shall be used, as far as possible:

(a) For letters and post cards;

(b) For other articles; if occasion arises, separate sacks shall also be used for small packets; the labels of these latter sacks bear the note *Petits paquets* (small packets).

Registered articles.

Ante, p. 3374.

14. The packet or sack of registered articles, tied together with the letter bill in the manner prescribed by Article 146, Section 6, is placed in one of the letter sacks or in a separate sack; the outside sack shall in any case bear the red label. When there is more than one sack of registered articles, the additional sacks furnished with the red label, may be sent uninclosed.

15. The label of the sack or packet containing the letter bill, even if the latter is negative, is always marked with the letter *F*, traced in a conspicuous manner.

16. In accordance with the provisions of Section 5, a red label shall not be used unless the sack contains registered articles.

Weight limit.

17. No sack shall exceed 30 kilograms in weight.

18. As far as possible, the exchange offices insert in their own dispatches for a given office, all dispatches of small dimensions (packets or sacks) which reach them for that office.

19. Unless the Administration of destination advises to the contrary, all packages of prints for the same addressee and for the same address may be placed in one or more special sacks. In this case, besides the regular indications, the label should indicate the addressee of the articles. When registered articles are involved, they should be entered on a special list C 13 and separated from the other articles included in the dispatch.

Ante, p. 3265.

ARTICLE 149.

Delivery of dispatches.

1. The delivery of dispatches between two corresponding offices is effected in accordance with the conditions prescribed by the Administrations concerned.

2. Only the sacks and packets designated by red labels need, at the time of delivery, be subjected to complete verification of their closing and condition. As for the other sacks and packets, their verification is optional and they are always delivered in bulk.

Damaged dispatches.

3. Dispatches shall be delivered in good condition. However, a dispatch may not be refused because of damage. When a dispatch is received in bad condition by an intermediate office, it shall be placed, just as it is, under new packing. The office which effects the repacking shall enter the indications of the original label on the new label and place on the latter an imprint of its date stamp, preceded by the note *Remballé à* . . . . . (repacked at . . . . . .).

ARTICLE 150.

Verification of dispatches.

Intermediate office.

1. When an intermediate office must proceed to repack a dispatch, it verifies the contents thereof if it presumes that they have not remained intact. It makes up a bulletin of verification conforming to Form C 14 hereto appended, complying with the provisions of Sections 4 to 6 hereafter. The bulletin is sent to the exchange office from which the dispatch was received; a copy thereof is addressed to the office of origin and another is inserted in the repacked dispatch.

Ante, p. 3266.

Office of destination.

2. The office of destination verifies whether the dispatch is intact, and whether the entries on the letter bill, and on the special lists of registered articles, if any, are correct. In case of shortage of a dispatch, or of one or more sacks forming part thereof, of registered articles, of a letter bill, of a special list of registered articles, or when it is a question of any other irregularity, the fact is established at once by two employees. The latter make the necessary corrections on the bills or lists, taking care to strike out the erroneous items in such a manner as to allow the original entries to be recognized. Except in case of obvious error, the corrections prevail over the original statement.

3. When an office receives letter bills or special lists which are not intended for it, it sends those documents to the office of destination, or, if its domestic regulations so prescribe, certified copies thereof.

Bulletin of verification.

4. The facts established are reported by means of a bulletin of verification to the office of origin of the dispatch, and, in case of actual shortage, to the last intermediate office, by the first mail available after complete verification of the dispatch. The indications of the bulletin shall specify as exactly as possible what sack, packet or article is involved.

Duplicate of bulletin of verification.

5. A duplicate of the bulletin of verification is sent, under the same conditions as the original, to the Administration to which the office of origin of the dispatch belongs, when that Administration so demands. When it is a question of important irregularities giving rise to the presumption of loss or rifling, the envelope or sack as well as the string and the wax or lead seal which fastens the packet or sack of registered articles are, except in case of proven impossibility, attached to the bulletin of verification addressed to the office of origin. The same applies to the outer envelope or sack, with its string, label and wax or lead seal. In the exchange with Administrations which require the sending of a duplicate, the exhibits mentioned above are attached to the duplicate.

Telegraphic notices.

6. In the cases contemplated by Sections 1 to 3, the office of origin, and the last intermediate exchange office, if any, may also be advised by telegram at the expense of the Administration sending the telegram.

Traces of rifling, etc.

Telegraphic notice shall be given whenever the dispatch shows evident traces of rifling, in order that the dispatching or intermediate office may proceed without any delay to investigate the matter, and, if need be, recommend to the preceding Administration, likewise by telegram, that the investigation be continued.

When bulletin is unnecessary.

7. When the absence of a dispatch is the result of a failure of mails to connect, or when it is duly explained on the waybill, the preparation of a bulletin of verification is not necessary, unless the dispatch does not reach the office of destination by the next mail.

8. The sending of the duplicate provided for by Section 5 may be postponed if it is presumed that the shortage of the dispatch is due to delay or misdirection.

9. Upon receipt of a dispatch, the absence of which had been reported to the office of origin, and to the last intermediate exchange office, if any, it is necessary to send a second bulletin of verification to the said offices announcing the receipt of that mail.

Return of bulletin.

10. The offices to which the bulletins of verification are addressed return them as promptly as possible after having examined them, and after having entered thereon their observations, if any. If the bulletins are not returned to the Administration of origin within the period of two months, counting from the date of their issue, they are considered, until the contrary is proved, as duly accepted by the offices to which they were addressed. The period is extended to four months in relations with distant countries.

11. When a receiving office upon which the verification of the dispatch was incumbent has not sent to the office of origin, and to the last intermediate exchange office, if any, by the first mail available after verification, a bulletin reporting any irregularities, it is considered, until the contrary is proved, as having received the dispatch and its contents. The same presumption exists in the case of irregularities which have not been mentioned, or which have been reported in an incomplete manner, in the bulletin of verification; and the same applies when the provisions of this Article concerning the formalities to be observed have not been fulfilled. Presumption of correctness.

12. The bulletins of verification and the duplicates are transmitted under registered cover. Transmittal of bulletins.

ARTICLE 151.

Return of empty sacks.

1. Barring contrary agreement between the corresponding Administrations, sacks shall be returned empty, by the next mail, in a direct dispatch for the country to which such sacks belong. The number of sacks returned by each mail shall be entered under the *Service Information* heading of the letter bill.

2. The return is effected between the exchange offices designated for that purpose.

3. The empty sacks shall be rolled up in suitable bundles; the label blocks, as well as the labels of cloth, parchment or other strong material, if any, shall be placed inside the sacks. The bundles shall be provided with a label indicating the name of the exchange office from which the sacks were received, whenever they are returned through the intermediary of another exchange office.

4. If the empty sacks to be returned are not too numerous, they may be placed inside the sacks containing the correspondence; otherwise, they shall be placed in separate sealed sacks labeled with the names of the exchange offices. The labels shall bear the note *Sacs vides* (empty sacks).

5. In the event that the check made by an Administration on the return of sacks belonging to it shows that 10 percent of the total number of sacks used during a year for the preparation of dispatches have not been returned before the end of that year, the Administration which cannot prove the return of the empty sacks is bound to reimburse the dispatching Administration for the value of the missing sacks. Reimbursement shall also be effected if the number of missing sacks does not reach 10 percent but exceeds 50 sacks. Reimbursement for unreturned sacks.

6. Each Administration fixes, periodically, and uniformly for all kinds of sacks which are used by its exchange offices, an average value in francs, and communicates it to the Administrations concerned through the intermediary of the International Bureau. Average value.

TITLE VI.

Provisions Concerning Transit Charges.

CHAPTER I.

Statistical Operations.

ARTICLE 152.

Transit statistics.

Computation of transit charges. *Ante*, p. 3333.

1. The transit charges collectible under Articles 67 and following of the Convention are computed on the basis of statistics taken once every three years, and alternately during the first fourteen or twenty-eight days of the month of May or during the first fourteen or twenty-eight days following the 14th of October.

2. The statistics are taken during the second year of each triennial period.

3. Dispatches made up on board ships are included in the statistics when they are unloaded during the statistical period.

4. The payments of transit charges for the period from the month of September 1939 to December 31, 1948, shall be made on the basis of the actual weight of the mails conveyed according to the conditions fixed by special Agreements concluded between the countries concerned. The statistics of May 1949 shall apply to the years 1949 and 1950; those of October–November 1952, to the years 1951, 1952, and 1953.

Provisional annual payments.

5. The annual payments of transit charges to be made on the basis of a set of statistics shall be continued provisionally, until the accounts made up in accordance with the following statistics are approved or considered as automatically accepted (Article 161 hereafter). The adjustment of the payments made provisionally is undertaken at that time.

Post, p. 3385.

Revision of transit-charge accounts.

6. When an important modification takes place in the routing of correspondence from one country to another, and if such modification affects a period or periods amounting to a total of at least twelve months, any Administration concerned may request a revision of the transit-charge accounts. In that case, the sums to be paid by the dispatching Administrations are determined in accordance with the intermediate services actually employed, but the total weights which serve as the basis for the new accounts shall normally be the same as those of the dispatches sent during the statistical period mentioned in Sections 1 to 3. When an agreement as to the manner of division cannot be reached, special statistics shall be taken in order to adjust the apportionment of those weights among the various services employed. No modification in the routing of correspondence for a given country is considered as important unless it affects the accounts between the Administration of origin and the intermediate Administration concerned by more than 5,000 francs a year. If the modification exceeds that amount it has its effect on the accounts of the Administration of origin with the Administrations which have

performed the transit previously and the Administrations which perform it subsequent to the modification which has occurred, even when the reduction of the accounts does not attain the prescribed minimum for certain Administrations. The request for a revision of the accounts, and, if need be, for special statistics, may be made when the modification in the routing of the correspondence in question has lasted at least nine months. However, the results of those statistics are not taken into consideration unless the period of twelve months is actually completed.

Basis for charges in special cases.

7. If, when special statistics are taken, it is found that the total weights of the mails exchanged between two Administrations and transported by a third Administration have increased by 100 per cent or diminished by 50 per cent as compared with the results of the last statistical period, and that the account of the third Administration would undergo, for that reason, a modification of more than 5,000 francs a year, the new weights established shall serve as the basis for the transit charges due to that Administration.

Demand for new statistics; condition.

8. Likewise, when an intermediate Administration establishes, during the six months following the statistics, that a difference of 20 per cent at least in the total weights conveyed exists between the dispatches sent by another Administration during the statistical period and the normal traffic, the Administration concerned may demand the taking of new statistics, if the accounts between two Administrations are affected by a modification of more than 5,000 francs a year.

ARTICLE 153.

Preparation and designation of closed mails during the statistical period.

1. During each statistical period, the exchange of correspondence in closed mails across the territory or by means of the services of one or more intermediate Administrations gives rise to the employment of separate sacks for *letters and post cards* and for *other articles*.

2. The number of sacks utilized for the preparation of a dispatch must be reduced to the strict minimum.

3. The obligation of preparing separate sacks for *letters and post cards* and for *other articles* does not apply to dispatches whose total gross weight does not exceed 3 kg., i. e., the average weight considered in the accounts for light sacks by virtue of Article 161 hereafter. Each Administration therefore has the option, in such cases, of including all the articles in a single sack, which is then counted as an *L. C.* sack. It is understood, however, that such a dispatch may not contain any other sack giving rise to the payment of transit charges.

4. When the volume of the mails permits, the separate sacks of articles of all kinds (*L. C.* and *A. O.*) for one and the same destination shall be inclosed in a single collective sack.

Ante, p. 3374.

Optional inclusions.

5. By exception to the provisions of Articles 146 and 147, every Administration has the option, during the statistical period, of including registered and special-delivery articles other than letters and post cards in one of the sacks intended for *other articles*, mentioning

Ante, p. 3374.

that fact on the letter bill; but if, in accordance with Articles 146 and 147, such articles are included in a sack of letters, they are considered as letters insofar as the statistics are concerned.

Statistical label.

6. During the statistical period all dispatches exchanged in transit shall bear, in addition to the ordinary labels, a special label bearing in large letters the note *Statistique* (statistics), followed by the indication *5 kilograms, 15 kilograms*, or *30 kilograms*, according to the division of weight (Article 154, Section 1, hereafter). The statistical label shall also bear the note *L. C.* or *A. O.*, as the case may be.

Empty sacks, etc.

Ante, p. 3334.

7. In regard to sacks which contain nothing but empty sacks, or correspondence exempt from all transit charges (Article 68 of the Convention), the note *Statistique* is followed by the word *Exempt*.

Collective sack.

8. When the sacks composing the dispatch are inclosed in a collective sack, the latter shall be provided with the special *Statistique* label, on which the note *S. C.* is added. The indications concerning the statistics which appear on the inside sacks are not repeated on the collective sack.

ARTICLE 154.

Fixing the number of sacks and weight of closed mails.

Ante, p. 3267.

1. For dispatches which give rise to the payment of transit charges, the dispatching exchange office makes use of a special letter bill conforming to Form C 15 hereto appended. It enters on that letter bill the number of sacks, dividing them, if occasion arises, into the following classes:

Description of the sacks	Number of sacks whose gross weight		
	does not exceed 5 kg. (light sacks)	exceeds 5 kg. but not 15 kg. (medium sacks)	exceeds 15 kg. but not 30 kg. (heavy sacks)
1	2	3	4
L. C.			
A. O.			
Number of sacks exempt from transit charges			

Number exempt from transit charges.

2. The number of sacks exempt from transit charges shall be the total of those bearing the indication *Statistique—Exempt* in accordance with the provisions of Article 153, Section 7.

Verification.

3. The entries in the letter bills are verified by the exchange office of destination. If that office finds an error in the numbers entered, it corrects the bill and immediately reports the error to the dispatching exchange office by means of a bulletin of verification conforming to Form C 16 hereto appended. However, in regard to the weight of a sack, the statement of the dispatching exchange office is considered as valid unless the actual weight exceeds the maximum weight of the class in which that sack has been entered by more than 250 grams.

Ante, p. 3268.

ARTICLE 155.

Preparation of statements for closed mails.

1. As soon as possible after the close of statistical operations, the offices of destination prepare, in as many copies as there are Administrations concerned, including that of the country of origin, statements conforming to Form C 17 hereto appended, and transmit such statements to the exchange offices of the dispatching Administration to be indorsed with their acceptance. Such offices, after having accepted the statements, transmit them to their central Administration, which distributes them among the Administrations concerned.

Ante, p. 3269.

2. If the Forms C 17 have not reached the exchange offices of the Administration of origin, or if they have not arrived there in sufficient numbers, within a period of three months (four months in exchanges with distant countries), counting from the date of dispatch of the last mail to be included in the statistics, the offices themselves make up the said forms in sufficient numbers in accordance with their own records, and enter on each one of them the note: *Les relevés C 17 du bureau destinataire ne sont pas parvenus dans le délai réglementaire* (The Forms C 17 from the office of destination did not arrive within the prescribed period). They then transmit them to their central Administration, which distributes them among the Administrations concerned.

Procedure if forms not received, etc.

Ante, p. 3269.

ARTICLE 156.

List of closed mails exchanged in transit.

1. As soon as possible, and at the latest within a period of three months after each statistical period, except in cases where the route could not be determined within that period, the Administrations which have sent dispatches in transit send a list of such dispatches on a form conforming to Form C 18 hereto appended to the various Administrations whose intermediary they have employed.

Exchange of lists.

Ante, p. 3270.

2. If the list indicates dispatches in transit which, in accordance with the provisions of Article 153, do not give rise to the preparation of a Form C 17, it shall bear an explanatory note, such as: *Sacs vides* (empty sacks), *Correspondances exemptes* (correspondence exempt from transit charges).

Explanatory notes.

ARTICLE 157.

Closed mails exchanged with warships.

1. It is incumbent upon the Administrations of countries to which warships belong to make up the Forms C 17 relative to the mails dispatched or received by such vessels. Mails dispatched during the statistical period and destined for warships shall bear, on labels, the date of dispatch.

Ante, p. 3269.

2. In case that such dispatches are forwarded, the forwarding Administration so advises the Administration of the country to which the vessel belongs.

ARTICLE 158.

Transit bulletin.

1. When the route to be followed and the transportation services to be utilized for mails dispatched during the statistical period are unknown or uncertain, the Administration of origin shall, at the request of the Administration of destination, prepare for each dispatch a bulletin, green in color, conforming to Form C 19 hereto appended. The Administration of origin may also send such bulletin without a formal request from the Administration of destination, if circumstances appear to require it.

Ante, p. 3271.

2. The letter bills of the dispatches which give rise to the preparation of the said bulletin shall be marked at the top with the conspicuous notation: *Bulletin de transit* (transit bulletin). The same notation, underlined in red pencil, is entered on the special *Statistique* (statistical) labels mentioned in Article 153.

Ante, p. 3381.

Sending of bulletin.

3. The transit bulletin shall be sent in open mail, together with the dispatches to which it relates, to the different services which participate in their transportation. In each country concerned, the exchange offices of entry and departure, to the exclusion of all other intermediate offices, enter on the bulletin the information concerning the transit effected by them. The last intermediate exchange office sends the bulletin C 19 to the office of destination. The bulletin is then returned by that office to the office of origin in support of the Form C 17. When a transit bulletin whose issuance was requested or is announced at the top of the letter bill is missing, the office of destination is bound to make inquiry about it without any delay.

Ante, p. 3269.

ARTICLE 159.

Exceptions to Articles 154, 155, and 158.

1. Each country has the option of notifying the other countries, through the intermediary of the International Bureau, that the bulletins of verification, Form C 16, the statements, Form C 17, and the transit bulletins, Form C 19, are to be addressed to its central Administration.

Ante, p. 3268 *et seq.*

2. The latter, in that case, takes the place of the exchange offices for the preparation of the statements C 17, in conformity with the provisions of Article 155, Section 2.

ARTICLE 160.

Extraordinary services.

The service maintained for the accelerated land conveyance of the so-called India Mail, and the special motor services from Palestine or Syria to Iraq, are alone considered as extraordinary services giving rise to special transit charges.

CHAPTER II.

Accounting. Adjustment of Accounts.

ARTICLE 161.

Transit-charge account.

1. For the preparation of transit accounts, the light, medium or heavy sacks, as defined by Article 154, are considered in the accounts as having their average weights of 3, 12 or 24 kilograms respectively. *Ante*, p. 3382.

2. The total amounts of credit for the closed mails are multiplied by 26 or 13, as the case may be, and the product serves as the basis for individual accounts showing, in francs, the annual payments due to each Administration. Basis for individual accounts.

3. In the event that the multiplier 26 or 13 does not correspond to the normal traffic, the Administrations concerned come to an agreement for the adoption of another multiplier which is valid for the years to which the statistics apply.

4. The duty of making up the accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

5. In order to take account of the weight of the sacks and packing, as well as of the classes of correspondence exempt from all transit charges in accordance with the provisions of Article 68 of the Convention, the total amount of the account for closed mails is reduced by 10 percent. *Ante*, p. 3334.

6. The individual accounts are prepared in duplicate on forms in conformity with Form C 20 hereto appended, on the basis of the statements C 17. They are sent to the dispatching Administration as soon as possible, and at the latest within a period of ten months following the expiration of the statistical period, accompanied by the relative statements C 17. Accounts in duplicate. *Ante*, p. 3272. *Ante*, p. 3269.

7. If the Administration which has sent the individual account has not received any corrective observation within an interval of four months, counting from the date of transmission, that account is considered as automatically accepted. Automatic acceptance.

ARTICLE 162.

General annual account. Intervention of the International Bureau.

1. The general account covering transit charges is prepared annually by the International Bureau; exceptionally, the Administrations may, should they deem it advisable, agree to settle their accounts directly between themselves.

2. As soon as the individual accounts between two Administrations are approved or considered as automatically accepted (Article 161, Section 7), each of the Administrations transmits without delay, to the International Bureau, an account conforming to Form C 21 hereto appended and indicating the total amounts of such accounts. At the same time, a copy of the account is addressed to the Administration concerned. Transmission. *Ante*, p. 3273.

3. Centimes are ignored in the balances.

4. In case of difference between the corresponding items furnished by two Administrations, the International Bureau invites them to come to an agreement and to communicate to it the sums definitely arrived at.

5. When only one of the Administrations has furnished the Form C 21, the amounts indicated by that Administration are valid.

6. In the case provided for by Article 161, Section 7, the accounts shall bear the note: *Aucune observation de l'Administration débitrice n'est parvenue dans le délai réglementaire* (No observation received from the debtor Administration within the prescribed period).

7. If two Administrations agree to make a special settlement, their Forms C 21 bear the note: *Compte réglé à part—à titre d'information* (Account settled separately—for purposes of information); and are not included in the general annual account.

8. The International Bureau prepares, at the end of each year, on the basis of the forms which have reached it up to that time and which are considered as automatically accepted, a general annual account of transit charges. If occasion arises, it complies with the rule laid down by Article 152, Section 5, for annual payments.

Ante, p. 3380.

9. The account indicates:

(a) The debit and credit of each Administration;

(b) The debit or credit balance of each Administration;

(c) The sums to be paid by the debtor Administrations;

(d) The sums to be received by the creditor Administrations.

10. The International Bureau proceeds by way of compensation in such a manner as to restrict to the minimum the number of payments to be made.

Transmission.

11. The general annual accounts shall be transmitted to the Administrations by the International Bureau as soon as possible, and at the latest before the expiration of the first quarter of the year following that of their preparation.

ARTICLE 163.

Settlement of transit charges.

1. The balance resulting from the general annual account of the International Bureau or from special settlements, including, if occasion arises, the adjustment provided for in Article 152, Section 5, is paid by the debtor Administration to the creditor Administration in one of the following manners:

Ante, p. 3380.

(a) At the choice of the debtor Administration, in gold or by means of checks or drafts fulfilling the conditions prescribed by Section 2 hereafter and payable at sight in the capital or in a commercial city of the creditor country; or

(b) Following agreement between the two Administrations, through the intermediary of a bank utilizing the transfer service of the Bank for International Settlements at Basel, or by any other means;

(c) According to the provisions of special monetary agreements which may exist between the countries to which the Administrations in question belong.

Payment.

2. In case of payment by means of checks or drafts, according to Section 1 (a), such checks or drafts are issued in money of a country where the central bank of issue or other official issuing institution buys and sells gold or gold currency for national money at fixed rates determined by law or by virtue of an agreement with the Government. If the moneys of several countries fulfill those conditions, it is incumbent upon the creditor country to designate the money which is convenient for it. Any losses or profits arising from an unforeseen fall or rise in the gold parity of the currency in question occurring up to and including the date of receipt of the check or draft are shared equally by the two Administrations. However, in case of delay in sending the check or draft issued, the debtor Administration is responsible for losses resulting from any unjustified lapse of time between the issue by the bank and the mailing of the check or draft; likewise half the actual profits realized shall be credited to that Administration. In all such cases, differences not exceeding 5 per cent are ignored, the conditions of payment fixed by the present Article apply to the settlement of differences, and the periods allowed for settlement begin with the date when the check or draft is received.

3. When two countries have come to an agreement on the subject, checks or drafts may also be issued in the money of the creditor country, even when such money does not meet the conditions set forth in Section 2. In that case, the balance is converted at the gold par rate into the money of a country which meets the conditions set forth in Section 2. The result thus obtained is then converted into the money of the debtor country and thence into the money of the creditor country according to the official buying and selling rates respectively prevailing in the debtor country on the day of purchase of the check or draft, or on the preceding day. The creditor country may also specify that the conversion of the balance expressed in gold shall be made in accordance with the gold value fixed for its currency by the International Monetary Fund. When an important variation occurs in the par or market prices which were used as basis for the conversion, the provisions set forth in Section 2, third and following sentences, shall apply, except in case of a rise or fall due to a revaluation or devaluation of the money of the creditor country.

4. When the amount of the balance exceeds 5000 francs, the date of sending of a check or draft, the date of its purchase and its amount shall, if the creditor Administration so requests, be communicated to it by telegram at its own expense.

Expenses of payment.

5. The expenses of payment are borne by the debtor Administration, with the exception of extraordinary expenses, such as the clearing fees, imposed by the creditor country.

Period of payment.

6. The payment above mentioned shall be made as soon as possible, and at the latest before the expiration of a period of four months, counting from the date of transmission of the account by the Inter-

national Bureau, or of the invitation to pay sent by the creditor Administration to the debtor Administration when it is a question of accounts settled separately. That period may be extended to five months in relations between distant countries. After those periods have expired, the sums due bear interest at the rate of 5 percent a year, counting from the date of expiration of the said periods.

Arrearage.

7. If payment has not been effected one year after the expiration of the periods fixed by Section 6, it is permissible for the creditor Administration, in the case of sums for which the account is made up by the International Bureau, to so advise the said Bureau, which invites the debtor Administration to pay within a period which shall not exceed four months.

8. If payment of the sums contemplated in Section 7 is not effected at the expiration of that new period, the International Bureau enters them in the following general annual account, to the credit of the creditor Administration. In this case, compound interest is due; i. e., the interest is added to the principal at the end of each year, until the time of payment.

9. In the event of application of the provisions of Section 8, the general annual account in question and those for the four years following, shall not, insofar as possible, contain, in the balances shown on the compensation table, any amounts to be paid by the defaulting Administration to the creditor Administration concerned.

TITLE VII.

Various Provisions.

SOLE CHAPTER.

ARTICLE 164.

International reply coupons.

Ante, p. 3274.

1. International reply coupons conform to Form C 22 hereto appended. They are printed, on paper having in the watermark the letters *UPU* in large characters, through the good offices of the International Bureau, which furnishes them to the Administrations at cost.

Options.

2. Each Administration has the option:

(a) Of giving the coupons a distinctive perforation which does not interfere with the reading of the text and is not of such a nature as to hinder verification of the coupons;

(b) Of modifying, by hand or by means of a printing process, the selling price indicated on the coupons.

Value.

3. In accounts between Administrations, the value of the coupons is calculated at the rate of 28 centimes per unit.

Annual settlement.

4. Barring contrary agreement, exchanged coupons are sent annually, at the latest within a period of three months after the expiration of the year, to the Administrations which have issued them, with an indication of their total number and value on a statement in accordance with Form C 23 hereto appended.

Ante, p. 3275.

Procedure.

5. As soon as two Administrations have come to an agreement as to the number of coupons exchanged in their reciprocal relations, they each make up and transmit to the International Bureau a statement conforming to Form C 24 hereto appended, indicating the debit or credit balance, if such balance exceeds 25 francs and if special settlement has not been provided for between the two countries. At the same time, a copy of Form C 24 is sent to the Administration concerned. If no agreement is reached within a period of six months, the creditor Administration prepares its account and sends it to the International Bureau.

Ante, p. 3276.

6. In the event that only one of the Administrations furnishes its statement, the indications of the latter are considered as valid.

7. The balance in which centimes are ignored, is included by the International Bureau in an annual account and payment takes place under the conditions prescribed by Article 163.

Small balances.

8. When the annual balance between two Administrations does not exceed 25 francs, the debtor Administration is released from all payment.

ARTICLE 165.

Postal identity cards.

1. Each Administration designates the offices or services which issue postal identity cards.

2. Such cards are made up on forms in conformity with Form C 25 hereto appended. The forms are furnished at cost by the International Bureau.

Ante, p. 3277.

Requirements.

3. At the time of application, the applicant submits his photograph and proves his identity. The Administrations fix the necessary requirements so that cards may not be issued until after careful investigation as to the identity of the applicant.

4. The employee enters the application in a register; fills in with ink, and in Latin characters, by hand or typewriter and without erasures or writing over, all the information required to complete the card and affixes the photograph to it in the designated place; applies, half on the photograph and half on the card, a postage stamp representing the charge collected; and cancels that stamp by means of a very clear impression of the date stamp. He then also applies an impression of the stamp or his official seal in such a manner that it appears both on the upper part of the photograph and on the card, then reproduces that impression on the third page of the card, signs the latter, and delivers it to the party concerned after obtaining his signature.

5. When the appearance of the holder becomes changed to such an extent that it no longer agrees with the photograph or description, the card shall be renewed.

6. Each country reserves the right to issue cards for the international service in accordance with the rules applicable to cards used in its domestic service.

7. Administrations may attach a leaflet to Form C 25 to receive such special annotations as may be required in the domestic service.

ARTICLE 166.

Mails exchanged with warships.

1. Notice shall be given, as far as possible in advance, to the intermediate Administrations, of the establishment of an exchange of closed mails between a Postal Administration and naval divisions or warships of the same nationality, or between one naval division or warship and another naval division or warship of the same nationality.

Wording of address.

2. The address of such dispatches is worded as follows:

From the office of .....

For { the ..... (nationality) naval division of ..... (name of division) at ..... } (Country)
{ the ..... (nationality) ship ..... (name of ship) at ..... }

or

From the ..... (nationality) naval division of ..... (name of division) at ..... From the ..... (nationality) ship ..... (name of ship) at ..... For the office of ..... } (Country)

or

From the ..... (nationality) naval division of ..... (name of division) at ..... From the ..... (nationality) ship ..... (name of ship) at ..... } (Country)

For { the ..... (nationality) naval division of ..... (name of division) at ..... the ..... (nationality) ship ..... (name of ship) at ..... } (Country)

Forwarding, etc.

3. Dispatches addressed to or coming from naval divisions or warships are forwarded, in the absence of any indication of a special route in the address, by the most rapid routes, and under the same conditions as dispatches exchanged between post offices.

4. The captain of a mail steamer carrying mails addressed to a naval division or warship holds them at the disposal of the commanding officer of the division or vessel of destination, in case the latter should request their delivery en route.

Retention, etc.

5. If the ships are not at the place of destination when the dispatches addressed to them arrive there, such dispatches are held at the post office until they are withdrawn by the addressee or forwarded to another point. Redirection may be requested either by the Postal Administration of origin or by the commanding officer of the naval division or vessel of destination; or, finally, by a Consul of the same nationality.

Dispatches in care of Consul.

6. Those of the dispatches in question which bear the note: *Aux soins du Consul d* _____ (in care of the Consul of _____) are delivered to the Consulate indicated. Later on, they may, at the request of the Consul, be turned back to the postal service and returned to the place of origin or forwarded to another destination.

Dispatches addressed to a warship.

7. Dispatches addressed to a warship are considered as being in transit up to their delivery to the commanding officer of the ship, even if they were originally addressed in care of a post office or to a Consul charged with serving as intermediate forwarding agent; they are not, therefore, considered as having arrived at their address as long as they have not been delivered to the warship of destination.

ARTICLE 167.

Prepayment bulletins. Accounting for customs charges, etc.

1. The accounting for customs charges, etc., paid out by each Administration on behalf of another, is effected by means of individual monthly accounts conforming to Form C 26 hereto appended, which are made up by the debtor Administration in currency of the creditor country. The prepayment bulletins are entered in the alphabetical order of the offices which have advanced the charges, and in the numerical order which has been given them.

Ante, p. 3278.

Inclusion of regular-mail service.

2. If the two Administrations concerned also assure the parcel-post service in their reciprocal relations, they may, in the absence of contrary notification, include in the accounts of prepayment bulletins relative to the latter service those relative to the regular-mail service.

Transmission of accounts.

3. The individual account, accompanied by the prepayment bulletins, is transmitted to the creditor Administration, at the latest by the end of the month following the one to which it relates. No negative accounts are prepared.

Verification.

4. Verification of the accounts takes place under the conditions fixed by the Regulations of the Agreement concerning money orders.

Settlement.

5. The accounts give rise to a special settlement. Each Administration may, however, request that such accounts be appended either to the money-order accounts or to the parcel-post accounts C P 16 or the collect-on-delivery accounts R 5.

ARTICLE 168.

Forms for the use of the public.

Ante, p. 3319. In view of the application of the provisions of Article 33, Section 2, of the Convention, the following Forms are considered as forms for the use of the public:

Ante, p. 3251 *et seq.*

C 1 (customs label),
C 2 (customs declaration),
C 3 (prepayment bulletin),
C 5 (return receipt),
C 6 (forwarding envelope),
C 7 (request for return, change of address, or modification of C. O. D. charge),
C 8 (inquiry about an ordinary article not received),
C 9 (inquiry about a registered article, etc.),
C22 (international reply coupon),
C25 (postal identity card).

ARTICLE 169.

Period for retention of documents.

The records of the international service shall be kept for a minimum period of two years, counting from the day following the date to which such documents refer.

ARTICLE 170.

Telegraphic address.

1. Administrations make use, for telegraphic communications which they exchange among themselves, of the telegraphic address *Postgen*, followed by the name of the city in which the central Administration is located.

2. For communications addressed to offices other than the Central Administration in the country of destination, the telegraphic address shall be *Postbur*, followed by the name of the city to which the telegram is addressed.

TITLE VIII.

International Bureau.

SOLE CHAPTER.

ARTICLE 171.

Congresses and Conferences.

1. The International Bureau prepares the agenda for Congresses and Conferences. It provides for the printing and distribution of the necessary documents.

Director of Bureau. 2. The director of the Bureau attends the sessions of Congresses and Conferences and takes part in the discussions, without the power of voting.

ARTICLE 172.

Information. Requests for modification of the Acts.

1. The International Bureau shall hold itself at all times at the disposal of the Executive and Liaison Committee and of the members of the Union, to furnish them, on questions relative to the service, such information as they may require.

2. It examines requests for modification or interpretation of the provisions governing the Union, and makes known the results of consultations.

ARTICLE 173.

Publications.

1. The International Bureau publishes, with the aid of the documents which are placed at its disposal, a special journal in the English, Arabic, Chinese, Spanish, French, and Russian languages. Special journal.

2. It publishes, in accordance with the information furnished under the provisions of Article 181 hereafter, an official digest of all information of general interest concerning the execution of the Convention and its Regulations in each country. Official digest of information. *Post*, p. 3396.

3. Similar digests concerning the execution of the Agreements are published at the request of the Administrations participating in the Agreements.

4. The International Bureau also publishes, with the aid of the information furnished by the Administrations: Other publications.

(a) A digest of information concerning the organization of the Administrations of the Union and their domestic services;

(b) A digest of the rates applied by the Administrations in their domestic services;

(c) A list of prohibited articles;

(d) A list of steamship lines;

(e) A list of distances in kilometers on land routes;

(f) A list of distant countries and countries assimilated thereto;

(g) A table of equivalents.

5. Any modifications made in the various documents enumerated in Sections 2 to 4 are communicated by circular, bulletin or any suitable means. Communication of modifications.

6. The documents published by the International Bureau are distributed among the Administrations in proportion to the number of contributive units assigned to each of them by application of Article 27 of the Convention. Additional copies of the documents requested by Administrations are paid for separately, at cost price. Distribution of documents. *Ante*, p. 3317.

7. The International Bureau is charged with publishing an alphabetical gazeteer of all the post offices in the world, supplemented by general information printed in the languages listed in Section 1 and mentioning, among other items, the services in which each country Postal gazetteer of world.

participates. The gazeteer is kept up to date by means of supplements, or in any other manner which the International Bureau deems convenient. The gazeteer is distributed among the Administrations at the rate of 10 copies for each contributive unit assigned to each of them by application of Article 27 of the Convention. Additional copies requested by Administrations are paid for separately, at cost price.

8. The gazeteer may be sold to the public by the International Bureau, at a commercial price to be established by the latter.

ARTICLE 174.

Annual report.

The International Bureau makes an annual report of its operations, which it forwards to the Executive and Liaison Committee, to be sent by the latter to all the Administrations.

ARTICLE 175.

Official language of the International Bureau.

The official language of the International Bureau is the French language.

ARTICLE 176.

International reply coupons. Postal identity cards.

The International Bureau is charged with arranging for the manufacture of international reply coupons and postal identity cards, and with supplying them to the Administrations on request.

ARTICLE 177.

Balancing and settlement of accounts.

1. The International Bureau is charged with effecting the balancing and settlement of accounts of all kinds relating to the international postal service between Administrations which express their desire to use its intermediary. The latter come to an agreement to that effect between themselves and with the Bureau.

Telegraphic accounts.

2. At the request of the Administrations concerned, telegraphic accounts may also be transmitted to the International Bureau, to be included in the striking of balances.

Special accounts.

3. Each Administration reserves the right to make up, at its option, special accounts for various branches of the service, and to settle them, at its convenience, with its correspondents, without employing the intermediary of the International Bureau, to which it merely gives notice of those branches of the service and the countries for which it requests its offices.

Use of intermediary.

4. Administrations which employ the intermediary of the International Bureau in balancing and settling accounts may cease to use that intermediary three months after having given notice thereof.

ARTICLE 178.

Preparation of accounts.

Transmission of acknowledgment of balance.

1. When the individual accounts have been examined and agreed upon, the debtor Administrations transmit to the creditor Administrations, for each class of operations, an acknowledgment, stated in francs and centimes, of the amount of the balance of the two detailed accounts, with indication of the subject of the credit and the period to which it relates.

General accounts.

2. Barring contrary agreement, an Administration which desires, for its own accounting purposes, to have general accounts, shall make them up itself, and submit them to the corresponding Administration for acceptance.

3. Administrations may agree to apply another system in their relations.

Credit tables.

4. Each Administration addresses to the International Bureau monthly, or quarterly, if special circumstances render it desirable, a table indicating its credit resulting from the detailed accounts, as well as the total of the sums due to it by each of the contracting Administrations; each credit figuring in the table shall be justified by an acknowledgment from the debtor Administration.

5. The table shall reach the International Bureau by the 19th of each month or of the first month of each quarter at the latest. Otherwise, it is included only in the settlement of the following month or quarter.

Examination by Bureau.

6. The International Bureau ascertains, by comparing the acknowledgments, whether the tables are correct. Notice of any necessary correction is given to the Administrations concerned.

7. The debit of each Administration to another is carried over to a recapitulatory table; the sum of the amounts entered in the various columns of the table constitutes the total debit balance of each Administration.

ARTICLE 179.

General balance sheet.

1. The International Bureau assembles the tables and recapitulations into a general balance sheet indicating:

(a) The total debit and credit of each Administration;

(b) The debit or credit balance of each Administration;

(c) The sums to be paid by the debtor Administrations, and the distribution of those sums among the creditor Administrations.

2. As far as possible, it sees that each Administration does not have to make more than one or two separate payments in order to settle its obligations.

3. However, an Administration which habitually finds a sum exceeding 50,000 francs due to it by another Administration has the right to claim payments on account.

4. Such remittances are entered, by both the creditor and the debtor Administrations, at the bottom of the tables which they address to the International Bureau.

Classification of acknowledgments.

5. The acknowledgments transmitted to the International Bureau with the tables are classified according to Administrations. They serve as the basis for settlement of the accounts of each of the Administrations concerned. In the balance sheet shall appear:

(a) The sums relative to the special accounts concerning the various exchanges;

(b) The total of the sums resulting from all the special accounts relating to each of the Administrations concerned;

(c) The totals of the sums due to all the creditor Administrations for each branch of the service, as well as their grand total. The latter must be equal to the debit appearing in the recapitulation.

6. At the bottom of the balance sheet, the balance is struck between the debit and the credit resulting from the tables addressed by the Administrations to the International Bureau. The net amount of the debit or credit must be equal to the debit or credit balance carried into the general balance sheet. Moreover, the sheet indicates the Administrations in favor of which the payment is to be effected by the debtor Administration.

7. The balance sheets shall be sent to the Administrations concerned by the International Bureau by the 22d of each month at the latest.

ARTICLE 180.

Payment.

1. Payment of the sums due, by virtue of a settlement, by one Administration to another Administration, shall be made as soon as possible, and at the latest fifteen days after receipt of the balance sheet by the debtor Administration. The provisions of Article 163, Section 1, are applicable in regard to the other conditions of payment. The provisions of Section 6 of the said Article govern in case of nonpayment of the balance within the period fixed.

Ante, p. 3386.

Small balances.

2. Debit or credit balances not exceeding 500 francs may be carried over to the settlement for the following month; provided the Administrations concerned are in monthly communication with the International Bureau. Mention is made of such carrying over in the recapitulations and in the settlement accounts for the creditor and debtor Administrations. The debtor Administration, should occasion arise, sends the creditor Administration an acknowledgment of the sum due, to be carried over to the next table.

ARTICLE 181.

Communications to be addressed to the International Bureau.

1. Administrations shall communicate to one another, through the intermediary of the International Bureau, a triplicate collection of their postage stamps and specimen impressions of their stamping

machines, with indication of the date from which postage stamps of previous issues cease to be valid.

2. They shall also communicate to the International Bureau:

(a) The annotation which they have adopted, by application of Article 106, Section 4, as the equivalent of the expression *Taxe perçue* or *Port payé;* *Ante*, p. 3352.

(b) The reduced rates which they have adopted by virtue of Article 6 of the Convention, and an indication of the relations to which such rates are applicable; *Ante*, p. 3310.

(c) An indication of the surcharges which they collect as extraordinary transportation charges by virtue of Articles 39 and 69 of the Convention, as well as a list of the countries to which such surcharges apply, and, if necessary, a designation of the services which give rise to their collection; *Ante*, pp. 3322, 3334.

(d) All necessary information concerning their customs or other regulations, as well as the prohibitions or restrictions concerning the importation and transit of mail articles in their services;

(e) The number of customs declarations, if any, required for articles subject to customs examination addressed to their countries, and the languages in which such declarations may be worded;

(f) Information as to whether or not they admit, in articles prepaid at the letter or sample rate, articles liable to customs duty;

(g) A list of distances in kilometers on land routes followed in their countries by dispatches in transit;

(h) A list of the steamship lines whose ships leave their ports and are used for the conveyance of mails, with indication of the routes, distances, transit times between the port of embarkation and each of the subsequent ports of call, frequency of the service, and the countries to which the maritime transit charges are to be paid if use is made of the steamships;

(i) Their list of distant countries and countries assimilated thereto;

(j) Their decision in regard to the option of applying or not applying certain general provisions of the Convention and Regulations;

(k) Pertinent information concerning their organization and domestic services;

(l) Their domestic postage rates.

3. Notice of any modification in the information contemplated in Section 2 shall be given without delay. Notice of change.

4. Administrations shall furnish the International Bureau with two copies of the documents which they publish, in regard to both the domestic and the international services. Documents to be furnished Bureau.

ARTICLE 182.

Postal statistics.

1. On the basis of information collected by means of questionnaires which are transmitted to the Administrations at least four months

before the beginning of the year to which they relate, the International Bureau publishes:

(a) Every three years:

(1) A "Complete Postal Service Statistics" consisting of five parts: I. General; II. Organization of the Postal Service; III. Traffic; IV. Undeliverable Correspondence; and V. Financial Statement;

(2) A "Statistics of Dispatches in the International Postal Service";

(b) Every intermediate year, when the publications mentioned under (a) do not appear: An "Abridged Postal Statistics," dealing only with Part III. Traffic, and Part V. Financial Statement.

Periodical statements.

2. Service operations which give rise to recording form the subject of periodical statements based on the actual records.

Counting of articles.

3. For all other operations, a count is made each year of articles of all kinds, without distinction between letters, post cards, commercial papers, prints, samples of merchandise, and small packets; and, at least once every three years, a count is made of the different classes of correspondence. Each Administration itself fixes the time and duration of such counts.

Intermediate estimate.

4. In the interval which elapses between special statistics, the numbers of the different classes are estimated in accordance with proportional figures taken from the preceding special statistics.

Questionnaires.

5. The International Bureau prepares and distributes the statistical questionnaires to be filled in by each Administration. It furnishes, to Administrations which so request, all necessary information concerning the rules to be followed in order to assure uniformity in statistical operations.

ARTICLE 183.

Expenses of the International Bureau.

Limitation.

1. The ordinary expenses of the International Bureau shall not exceed the sum of 500,000 francs a year.

Supervision.

2. The Swiss Postal Administration supervises the expenses of the International Bureau, makes the necessary advances, and makes up the annual account which is communicated to the other Administrations.

Repayments.

3. The sums advanced by the Swiss Postal Administration in accordance with Section 2 shall be repaid by the debtor Administrations as soon as possible, and at the latest before the 31st of December of the year in which the account is sent out. After that period, the sums due bear interest, payable to the said Administration, at the rate of 5 per cent a year, counting from the date of expiration of the said period.

Classification of countries.

4. The countries of the Union are classified as follows, in view of the distribution of the expenses:

1st class: Union of South Africa, Germany, United States of America, Argentine Republic, Commonwealth of Australia, Brazil, Canada, China, Spain, France, United Kingdom of Great Britain and Northern Ireland, India, Italy, Japan, New Zealand, Union of Soviet Socialist Republics;

2d class:—

3d class: Whole of the Possessions of the United States of America; Belgium, Egypt, Algeria, Indochina, Whole of the other Overseas Territories of the French Republic and Territories administered as such, Whole of the British Overseas Territories, including the Colonies, the Protectorates and the Territories under Mandate or under Trusteeship exercised by the Government of the United Kingdom of Great Britain and Northern Ireland, Mexico, Netherlands, Netherlands Indies, Poland, Rumania, Sweden, Swiss Confederation, Czechoslovakia, Turkey, Soviet Socialist Republic of Ukraine, People's Federative Republic of Yugoslavia;

4th class: Korea, Denmark, Finland, Hungary, Ireland, Norway, Portugal, Portuguese Colonies in West Africa, Portuguese Colonies in East Africa, Asia and Oceania;

5th class: Austria, Soviet Socialist Republic of Byelorussia, People's Republic of Bulgaria, Chile, Republic of Colombia, Greece, Iran, Morocco (except the Spanish Zone), Morocco (Spanish Zone), Peru, Tunisia;

6th class: Afghanistan, People's Republic of Albania, Bolivia, Republic of Costa Rica, Republic of Cuba, Dominican Republic, Republic of El Salvador, Ecuador, Ethiopia, Guatemala, Republic of Haiti, Republic of Honduras, Luxembourg, Nicaragua, Republic of Panama, Paraguay, Curaçao and Surinam, Siam, Oriental Republic of Uruguay, United States of Venezuela;

7th class: Kingdom of Saudi Arabia, Colony of the Belgian Congo, Whole of the Spanish Colonies, Iraq, Republic of Iceland, Lebanon, Republic of Liberia, Republic of the Philippines, Republic of San Marino, Syria, Hashimite Kingdom of Transjordan, Vatican City State, Yemen.

Final Provisions.

ARTICLE 184.

Effective date and duration of the Regulations.

1. The present Regulations will be in force from the effective date of the Universal Postal Convention. *Ante*, p. 3336.

2. They will have the same duration as the Convention, unless they are renewed by mutual agreement between the parties concerned.

Done at Paris, July 5, 1947.

Signatures

[For signatures, see French text, p. 3188; for romanization, see p. 3416.]

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[1] See French text, pp. 3293–3299.

PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

CHAPTER I.

General Provisions.

ARTICLE 1.

Articles of correspondence admitted to air transportation.

Ante, p. 3319.

1. There are admitted to air transportation, over all or part of the route, all the articles designated in Article 35 of the Convention, as well as money orders, collection orders, and subscriptions by mail. Such articles which, in that case, are known as *air-mail correspondence*, are divided into articles for which a special air-transportation surcharge is collected (surcharged articles), and those for which such a charge is not due (unsurcharged articles).

Registration, etc.

2. The articles mentioned in Article 35 of the Convention may be submitted to the formality of registration and be sent C. O. D.

Insured letters and boxes.

3. Insured letters and boxes may also be transported by air in relations between countries which agree to exchange articles of that kind by that route.

Marking.

4. Surcharged air-mail articles shall be marked very clearly on the front with the words *"Par Avion"* or a similar indication in the language of the country of origin.

ARTICLE 2.

Freedom of transit.

Ante, p. 3318.

The freedom of transit provided for in Article 28 of the Convention is guaranteed to air-mail correspondence throughout the territory of the Union, whether or not the intermediate Administrations take part in the forwarding of the correspondence.

ARTICLE 3.

Forwarding of air-mail correspondence.

1. Administrations which make use of communications by air for the transportation of their own surcharged air-mail correspondence are bound to forward by those same routes the surcharged air-mail correspondence received by them from other Administrations. The same applies to unsurcharged air-mail correspondence, provided the available capacity of the planes permits it.

Administrations without air service.

2. Administrations having no air service forward air-mail correspondence by the most rapid means utilized by the mails. The same applies if, for any reason, forwarding by such other means offers advantages over an existing air route.

3. If occasion arises, account is taken of the indications of routing placed on surcharged air-mail articles by the senders, provided the routing asked for is normally utilized for the transportation of mails on the stretch concerned, and that dispatch by such route does not result in considerable delay in the arrival of the articles at destination. Routing.

4. Closed air-mail dispatches shall be sent by the route requested by the Administration of the country of origin, provided that such route is utilized by the Administration of the transit country for the transmission of its own dispatches.

5. In order to establish the most suitable route, the office of origin may send to the office of destination of the dispatch a trial bulletin in accordance with Form AV 1 hereto appended; the bulletin must be included in the dispatch and attached to the letter bill. The trial bulletin, duly filled out, shall be returned to the office of origin by the first available air mail.

6. When, as the result of an accident occurring en route, a plane can not continue its trip and deliver the mail at the stops scheduled, the personnel on board shall deliver the dispatches to the post office nearest to the place of the accident or the one best qualified to reforward the mails. If the personnel is prevented from doing this, the post office concerned, after being informed of the accident, shall make every possible effort without delay to take delivery of the mail. The dispatches must be forwarded to the offices of destination by the most rapid means after determining the condition of the correspondence and reconditioning it if damaged. Accidents.

7. The circumstances of the accident and the facts determined shall be reported by bulletin of verification to the offices of destination of the dispatches involved; a copy of the bulletin shall be sent to the office of origin of the dispatches. In addition, the Administration of the country to which the air line belongs shall advise the Administrations concerned by telegram of all the particulars of the disposal of the mail.

ARTICLE 4.

Air transportation over part of the route only.

1. Unless practical difficulties would result therefrom, the sender may request that his surcharged correspondence be dispatched by air over only a part of the route.

2. When he exercises this option, the sender shall indicate on his surcharged correspondence in the language of the country of origin and in French: "*Par avion de* _____ *à* _____" (By air mail from _____ to _____). At the end of the air transmission, the "*Par Avion*" labels mentioned in Article 24 hereafter, as well as the special notations, shall be crossed out by means of two heavy transverse lines. *Post*, p. 3412.

ARTICLE 5.

Rates and general conditions for acceptance of air-mail correspondence.

1. Surcharged air-mail articles are liable, in addition to the regular postage rates, to a special surcharge for air transportation, the amount Aerial surcharges.

of which shall be fixed by the Administration of the country of origin. Subject to the provisions of Section 7, the aerial surcharge is also due for air-mail articles which enjoy the franking privilege by virtue of Article 52, Sections 2 to 4 of the Convention.

Ante, p. 3326.

2. In relations considered as services of class A (Article 14, Section 9, hereafter), letters and post cards, with or without registration or C. O. D. charges, as well as money orders and collection orders, are transported by air without collection of air surcharges if the route to be traversed does not exceed 2,000 kilometers and if their delivery will be advantageously accelerated by air dispatch. The Administrations shall advise one another of the countries for which the dispatches mentioned are sent by air.

Post, p. 3407.

3. In relations between countries of Europe, in appropriate cases, the surcharge amounts to 7½ centimes per 20 grams at most regardless of the distance.

4. The maximum amounts of air-transportation surcharges due for each unit of weight of 20 grams and for each air distance of 1,000 kilometers are shown below:

Distances 1	Letters, post cards, money orders and collection orders 2	Other articles of correspondence not mentioned in Column 2 3
CLASS A AIR-MAIL SERVICE		
Up to 2,000 kilometers		7½ centimes
Over 2,000 kilometers	7½ centimes	7½ centimes
CLASS B AIR-MAIL SERVICE		
All distances	15 centimes	15 centimes

5. The surcharges fixed according to Section 4 shall be uniform for all the territory of a country of destination, regardless of the route used.

Articles other than letters, etc.

6. For articles other than letters, post cards, money orders and collection orders, the surcharges collected by application of Sections 2 to 5 may be reduced to a minimum of one-fifth.

Optional collection of surcharge.

7. Administrations have the option of not collecting any surcharge for air transportation, on condition that they inform the country of destination and that a previous agreement has been made with the transit countries.

Prepayment.

8. The surcharges shall be prepaid at the time of mailing.

9. The surcharge for a reply post card is collected separately for each half at the place of mailing of each of those halves.

10. Air-mail correspondence is prepaid under the conditions fixed by Articles 50 and 51 of the Convention. However, regardless of the nature of such correspondence, the prepayment may be represented by a handwritten notation, in figures, of the sum collected, expressed in money of the country of origin, in the following form, for example: "*Taxe perçue* (postage collected): Dollars cents"

Ante, p. 3325.

That notation may appear either in a special hand-stamp impression or on a special adhesive stamp or label, or, even, it may be simply indicated on the address side of the article by any process whatever. In all cases, the notation shall be supported by the date stamp of the office of origin.

ARTICLE 6.

Unprepaid or insufficiently prepaid air-mail correspondence.

1. In case of total lack of prepayment, air-mail correspondence is treated in accordance with the provisions of Articles 37 and 38 of the Convention. Articles whose prepayment at the time of mailing is not obligatory are sent by the ordinary means. *Ante*, p. 3322

2. In case of insufficient prepayment, surcharged air-mail correspondence is sent by air when the postage paid represents at least the amount of the air-mail surcharge. The Administrations of origin have the option of sending such correspondence by air when the postage paid represents at least 25 percent of the amount of the air surcharge.

3. The provisions of Article 38 of the Convention are applicable in regard to the collection of charges not paid at the time of mailing.

4. When surcharged articles mentioned in Section 2 are sent by ordinary means, the office of mailing or the exchange office shall cross out by means of two heavy transverse lines the *Par Avion* label and all notations relative to the air transportation, and indicate briefly the reason for transmission by the ordinary means.

ARTICLE 7.

Delivery of air-mail correspondence.

1. Air-mail correspondence is delivered as rapidly as possible, and shall at least be included in the first delivery following its arrival at the office of destination.

2. Senders have the option of requesting delivery at the addressee's residence by special carrier immediately after arrival, by paying the special-delivery fee provided for by Article 47 of the Convention. That option exists only in relations between countries which have organized the special-delivery service in their reciprocal relations. Special-carrier service. *Ante*, p. 3324.

3. When the regulations of the country of destination permit, addressees may ask the office charged with the delivery to have air-mail correspondence addressed to them delivered to them upon arrival. In that case, the Administrations of destination are authorized to collect, at the time of delivery, a special fee which may not be higher than the special-delivery fee provided for by Article 47 of the Convention.

4. For additional compensation, Administrations may, after agreement, undertake delivery at the residence of the addressee by special means; for example, by the use of pneumatic tubes. Special means.

ARTICLE 8.

Redirection and return of air-mail correspondence.

1. Air-mail correspondence addressed to persons who have changed their residence is forwarded to the new destination by means ordinarily employed, unless the addressee has expressly requested redirection by air mail and has paid the forwarding office the aerial surcharge for the new route in advance. Undeliverable correspondence is returned to origin by means ordinarily employed.

2. If redirection or return of surcharged correspondence is effected by the ordinary means, the *Par avion* label and all notations relative to transmission by the air route shall be crossed out by means of two heavy transverse lines.

CHAPTER II.

Registered or Insured Articles.

ARTICLE 9.

Registered articles.

Registered articles for which a special surcharge for air conveyance has been collected are subject to the postage rates and general conditions for acceptance provided for by the Convention. They are also liable to the same air surcharges as ordinary articles.

ARTICLE 10.

Return receipt.

Each Administration is authorized to consider the weight of the return receipt form in computing the air surcharge.

ARTICLE 11.

Responsibility.

Administrations assume, in regard to registered articles sent by the air route, the same responsibility as for other registered articles.

ARTICLE 12.

Insured articles.

1. Administrations which accept insured articles for transportation by air mail are authorized to collect, on account of such articles, a special insurance fee, the amount of which they are to fix. The sum of the ordinary insurance fee and the special fee shall not exceed double the limit fixed by Article 3, letter (c), of the Agreement concerning insured letters and boxes.

2. As for insured articles passing in transit in closed mails through the territory of countries not adhering to the aforesaid Agreement, or passing in transit through air services for which the countries concerned do not accept responsibility for insured articles, the responsibility of those countries is limited to that provided for registered articles.

CHAPTER III.

Allocation of Air Surcharges. Transportation Charges.

ARTICLE 13.

Allocation of surcharges.

Each Administration retains the whole of the air surcharges which it has collected.

ARTICLE 14.

Air-transportation charges for closed mails.

1. The provisions of Article 67 of the Convention concerning transit charges apply to air-mail correspondence only for its transmission, if any, by land or sea. *Ante*, p. 3333.

2. The air-transportation charges for air-mail articles sent in closed dispatches are collectible from the Administration of the country of origin.

Intermediate Administrations; transportation charges.

3. Every Administration which assures the transportation of air-mail correspondence by the air route, as intermediate Administration, is entitled, on that account, to payment of transportation charges. Such charges are computed in accordance with the actual length of the routes over which the dispatch or the articles have been carried. If the plane stops at several airports, the payment is due as far as the airport where the unloading takes place.

Internal transportation charges.

4. Transportation charges must also be paid for transportation within the country of destination. The payments must be uniform for all the routes traversed in the domestic service; they are computed in accordance with the average length of all the routes traversed in the domestic service and their importance for the international service.

Uniform charges.

5. The transportation charges relative to one and the same air route are uniform for all Administrations using that service without participating in the operating costs.

Administration to which charges are payable.

6. With the exceptions provided for in Sections 7 and 8 following, the air-transportation charges are payable to the Postal Administration of the country in which the airport where the dispatches have been taken in charge by the air service is located.

Direct settlements.

7. An Administration which delivers to an air-transport enterprise mails intended for conveyance by several separate air services in succession may, if it has so agreed with the intermediate Administrations, settle directly with that enterprise for the transportation charges for the whole route. The intermediate Administrations, for their part, have the right to request the application pure and simple of the provisions of Section 6.

8. By exception to the provisions of Sections 6 and 7, every Administration maintaining an air service is entitled to collect directly from each Administration utilizing such service the transportation charges for the whole route.

Basic rates.

9. The basic rates to be applied in the settlement of accounts between Administrations for air transportation are fixed per gross kilogram and per kilometer as follows:

(a) European air services and other services whose operating costs are similar (class A): 3 thousandths of a franc at most;

(b) Services whose maintenance requires higher costs (class B): 6 thousandths of a franc at most.

Domestic-service rates.

10. The transportation rates specified in Section 9 are applied proportionally to fractions of a kilogram. The dispatches or articles conveyed by the domestic service of the countries of destination are subject to the rate applicable to class A services, unless the corresponding countries agree not to collect any payment for such transportation.

Charges for articles exempt from transit charges.

11. The transportation charges mentioned are also payable for articles which are exempt from transit charges. Misdirected or missent dispatches or articles are considered, for purposes of payment of transportation charges, as having followed their normal route. However, for the conveyance of dispatches to be forwarded by services of class B, the intermediate Administration may require reimbursement of the transportation charges. The accounting for the air-transportation charges then takes place according to Article 21, Sections 1 and 3, of the Provisions.

Post, p. 3411.

No payment to countries flown over.

12. Administrations of countries flown over have no right to any compensation for dispatches transported by air over their territory.

ARTICLE 15.

Transportation charges for air-mail correspondence in open mail.

1. The transportation charges for air-mail correspondence exchanged in open mail between two Administrations shall be calculated in accordance with the provisions of Article 14, Sections 1 to 5 and 9 to 11. However, when the territory of the country of destination of such correspondence is served by an air route making several stops on that territory, the transportation charges are calculated on the basis of an average rate proportionate to the tonnage of mail unloaded at each stop.

2. In order to determine the transportation charges, the net weight of such articles is increased by 10 per cent.

3. An Administration which delivers air-mail correspondence in transit in open mail to another Administration shall pay it the entire amount of the transportation charges calculated for all the subsequent air distance.

CHAPTER IV.

International Bureau.

ARTICLE 16.

Communications to be addressed to the International Bureau and to the Administrations.

Operation information.

1. The Administrations shall communicate to the International Bureau, on the forms sent to them by the latter, the necessary information concerning the operation of the air-mail service. This information includes particularly:

(a) The listing of domestic and international lines which are at the disposal of other Administrations for the conveyance of air-mail articles in closed or open mails (number and route, length in kilometers, the average distance based on Article 14, Section 4 for the domestic lines, class A or B services, company, etc.);

Ante, p. 3407.

(b) Transportation charges per kilogram due from the Administrations making use of such lines;

(c) Air surcharges collected by each Administration for the various classes of air-mail correspondence and for the various countries;

(d) The decisions of each Administration relative to the option whether or not certain of the Air Mail Provisions should be applied.

General information list.

2. The International Bureau publishes once a year, in June, a general list of information concerning the air-mail services from the facts thus collected, which is distributed among the Administrations. Any modifications to be made in the information furnished or in the general list shall be communicated to the International Bureau by air mail without delay.

Maps.

3. The International Bureau is also charged with the preparation and distribution of maps showing the lines of domestic and international air-mail communications of all countries, as well as a list showing the schedules of each country's domestic and international air lines and the deadline by which the planes should arrive at the airports to permit mail to be delivered that day.

Supplements.

4. Any modifications in the publications mentioned in Sections 2 and 3 are communicated to the Administrations by means of Supplements.

Schedules, etc.

5. Regardless of the foregoing, the Administrations may agree to advise each other directly, in advance of each schedule period, as to the facts and schedules concerning the air lines which particularly interest them, as provisional information.

6. Administrations which utilize air-mail communications for the transportation of their own ordinary mails shall so inform the other Administrations of the Union through the intermediary of the International Bureau, advising them at the same time of the effective date when use of such communications is inaugurated, the connections thus made available, as well as all changes made therein.

CHAPTER V.

Accounting. Settlement of Accounts.

ARTICLE 17.

Accounting statistics.

Method, etc.

1. Unless exception is made due to circumstances, the general accounting for air-transportation charges is effected in accordance with statistical tables prepared during the seven days following the 14th of May and the 14th of November of each year. The results of the May statistics form the basis for the payments due for the months from May to October; those of November are used for the months from November to April.

Special cases.

2. Statistics concerning services which do not operate during the regular statistical periods are prepared after agreement between the Administrations concerned.

Class B services.

3. As concerns services of class B, the Administration charged with the transportation by air has the option of requesting that the settlement of accounts be made monthly or quarterly, on the basis of the gross weight of the dispatches, or the net weight increased by 10 percent of the articles in open mail, actually transported during the period in question. In such a case, the provisions of Articles 19, 21 and 22 hereafter are applied to the ascertainment of weight and preparation of accounts, with the understanding that the statements A V 3 and A V 4 are to be made up monthly for all air transportation effected, taking account of the date of dispatch indicated by the office of origin.

Ante, p. 3295.

ARTICLE 18.

Preparation of ordinary or air-mail dispatches during the statistical periods for air-mail transportation charges.

Ante, p. 3381.

The provisions of Article 153 of the Regulations of Execution of the Convention do not apply to the semiannual statistics for the fixing of air-transportation charges. However, during such statistical periods, the labels or addresses of dispatches containing air-mail correspondence shall bear the conspicuous notation *Statistique-avion* (air-mail statistics).

ARTICLE 19.

Fixing the weight of air-mail dispatches and correspondence.

Date and weight indication.

1. During the statistical periods, the date of dispatch, the gross weight and the number of the mail are indicated on the label or outside address of the dispatch. The inclusion of air-mail dispatches in another dispatch of the same kind is prohibited.

2. If the letters and post cards, as well as the other articles, are combined in a dispatch carried by routes for which a reduced transportation charge is applied to A. O., the weight of each of the two classes must be shown in addition to the total weight on the label or outer address of the dispatch. In such case, the weight of the outer wrapping (sack or package) is added to the weight of the other articles. If a collector sack is used, its weight is ignored.

Redispatched mail.

3. In the event that open-mail correspondence intended to be redispatched by the air route is included in an ordinary or air-mail dispatch, such correspondence, made up into a special bundle labeled *Par avion* (by air mail), is accompanied by bills conforming to Form A V 2 hereto appended, one for the ordinary articles and another for the registered articles. The weight of the correspondence in transit in open mail is indicated separately for each country of destination or for groups of countries for which the transportation charges are uniform. In relations between countries which have agreed not to collect any payment for redispatch by their domestic air service, the weight of the articles in open mail for the country of destination itself is not indicated. The letter bill is marked *"Bordereau A V 2"*.

Ante, p. 3294.

Transit countries have the option of requesting the use of special bills A V 2 showing the most important countries and air lines in a fixed order. When the accounts for the air transport charges are not prepared on the basis of the statistical statements (services of class B, exceptional circumstances), the bills A V 2 shall be numbered specially in a continuous annual series.

Verification.

4. The entries are verified by the exchange office of destination. If that office finds that the actual weight of the dispatches differs by more than 100 grams, and that of the open mail articles by more than 20 grams, from the weight announced, it corrects the label or the bill A V 2 and immediately reports the error to the dispatching exchange office by bulletin of verification. When it is a question of closed mails, a copy of the bulletin is addressed to each intermediate Administration. If the differences in weight detected remain within the limits above mentioned, the entries of the dispatching office are considered valid.

5. The absence of bill A V 2 does not authorize the transit country to redispatch the air-mail articles by surface means. Retransmission by air must be assured. If necessary, the bill A V 2 is prepared and the irregularity is reported by a bulletin C 14 drawn against the office of origin.

Ante, p. 3266.

ARTICLE 20.

List of closed air mails.

As soon as possible, and in any case within a period of one month after each statistical period, the Administrations which have dispatched closed air mails send a list of such dispatches, on an appropriate Form C 18, to the different Administrations whose air services they have used, including that of destination, if occasion arises.

Ante, p. 3270.

ARTICLE 21.

Account of air-transportation charges settled on the basis of statistics.

1. During the statistical periods, the intermediate Administrations take note, on a form conforming to Form A V 3 hereto appended, of the weights indicated on the labels or outside addresses of the air-mail dispatches which they have forwarded by the air route, either within the limits of their domestic network or beyond the frontiers of their countries. As concerns air-mail articles in open mail which reach them from other Administrations and which they forward by air, a statement conforming to Form A V 4 hereto appended is prepared in accordance with the indications appearing on the bills A V 2. Air-mail articles contained in ordinary dispatches are subjected to the same procedure. Separate statements are prepared for each dispatching exchange office of air dispatches or air-mail articles in open mail.

Ante, p. 3295.

Ante, p. 3296.

Ante, p. 3294.

2. The Administrations of destination which assure the forwarding of air dispatches or of air-mail articles by air in their domestic services proceed in the same manner.

Forwarding of statements.

3. As soon as possible, and at the latest three weeks after the close of statistical operations, the statements A V 3 and A V 4 are sent in

duplicate to the dispatching exchange offices for acceptance. The offices, after accepting the statements, send them in turn to their central Administration, which forwards a copy to the central Administration of the creditor country.

Presumption of acceptance.

4. If the creditor Administration has not received any statement of differences within an interval of two months, counting from the date of transmittal, the statements are considered as automatically accepted. In relations between distant countries, the period is extended to three months.

ARTICLE 22.

Air-transportation account.

Basis for accounts.

1. The gross weights of the dispatches, and the net weights increased by 10 per cent of the articles in open mail, shown in the statements A V 3 or A V 4, are multiplied by a figure determined by the frequency of the summer and winter services; the products thus obtained serve as the basis for individual accounts prepared on a form in accordance with Form A V 5 hereto appended and showing, in francs, the transportation charges due to each Administration for the current six-month period.

Ante, p. 3297.

Preparation and transmission.

2. The duty of preparing the accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

Presumption of acceptance.

3. The individual accounts are made up in duplicate and transmitted as soon as possible to the debtor Administration. If the creditor Administration has not received any statement of differences within an interval of two months, counting from the date of transmittal, such accounts are considered as automatically accepted. In relations between distant countries, this period is extended to three months.

ARTICLE 23.

General account.

In the absence of contrary agreement between the Administrations concerned, the general account of air-transportation charges is prepared twice a year by the International Bureau, in accordance with the rules fixed for the transit-charge account.

CHAPTER VI.

Miscellaneous Provisions.

ARTICLE 24.

Designation of air-mail correspondence.

Surcharged air-mail correspondence is provided, at the time of mailing, with a special blue label or imprint bearing the words *Par avion* (by air mail), with an optional translation into the language of the country of origin.

ARTICLE 25.

Designation of air-mail dispatches.

1. When the air-mail articles give rise to the formation of separate dispatches, the latter shall be made up with blue paper or by means of sacks either entirely blue or bearing wide blue stripes.

2. The Administrations concerned agree as to the special notation to be placed on the sack labels of the closed mails containing unsurcharged air-mail articles.

ARTICLE 26.

Method of dispatching air-mail correspondence.

Ordinary dispatches.
Ante, pp. 3373, 3374.

1. The provisions of Articles 145, Section 2, letter (a), and 147 of the Regulations of Execution of the Convention are applied, by analogy, to air-mail correspondence included in ordinary dispatches. The labels of the bundles shall bear the notation *Par avion* (by air mail).

Registered articles.

2. In case of inclusion of registered air-mail articles in ordinary dispatches, the note *Par avion* shall be entered in the place prescribed by Section 3 of the aforesaid Article 147 for the note *Exprès* (special delivery).

Insured articles.

3. If it is a question of insured air-mail articles included in ordinary dispatches, the note *Par avion* is entered in the *Observations* column of the insured bills, opposite the entry of each of them.

Forwarded articles.

4. Air-mail articles sent in transit in open mail in an air-mail or ordinary dispatch, which are to be forwarded by the air route by the country of destination of the dispatch, are tied in a special bundle labeled *Par avion*.

Formation of separate bundles.

5. The transit country may request the formation of separate bundles by countries of destination. In that case, each bundle is provided with a label bearing the note: *Par avion pour* ---------- (by air mail for ----------).

ARTICLE 27.

Waybills and delivery lists of dispatches.

1. Dispatches to be delivered to the airport shall be accompanied by a yellow waybill and a white delivery list, in accordance with Forms A V 6 and A V 7 hereto appended.

Ante, pp. 3298, 3299.

2. One copy of the waybill signed by the representative of the air company is kept by the dispatching office; a second copy, delivered to the pilot, accompanies the dispatches.

3. A delivery list, prepared for each stop on the route, is placed in a folder with compartments, the first compartment being reserved for the postal waybill and the others for the delivery lists, one for each stop in their proper sequence.

ARTICLE 28.

Transfer of air-mail dispatches.

Barring contrary agreement between the Administrations concerned, the transfer en route, in one and the same airport, of mails

which employ several separate air services in succession, is effected through the intermediary of the Administration of the country where the transshipment takes place. The rule does not apply when the transfer is made between aircraft covering the successive sections of one and the same service.

ARTICLE 29.

Notations to be made on the letter bills, insured bills, and labels of air-mail dispatches.

The letter bills and insured bills accompanying air-mail dispatches shall be provided, in their headings, with the *Par avion* label or the imprint mentioned in Article 24. The same label or imprint is affixed to the labels or addresses of such dispatches. The number of the dispatches shall be shown on the labels or addresses of such dispatches.

Ante, p. 3412.

ARTICLE 30.

Customs clearance of dutiable correspondence.

The Administrations take steps to accelerate, as far as possible, the customs clearance of dutiable air-mail correspondence.

ARTICLE 31.

Return of empty air-mail sacks.

1. Air-mail sacks shall be returned empty to the Administration of origin by surface means. When there are as many as ten at least, special dispatches thereof shall be prepared between air-mail exchange offices designated for that purpose; such dispatches shall be labeled "*Sacs vides*" (Empty sacks) and numbered according to an annual series. The letter bill shows the number of sacks returned to the country of origin.

Labels.

2. The provisions of Sections 5 and 6 of Article 151 of the Regulations of the Convention shall apply to empty air-mail sacks.

Ante, p. 3379.

ARTICLE 32.

Application of the provisions of the Convention and Agreements.

The provisions of the Convention and Agreements, as well as of their Regulations, with the exception of the Parcel Post Agreement and its Regulations, are applicable as regards everything which is not expressly regulated by the foregoing Articles.

ARTICLE 33.

Effective date and duration of the Provisions adopted.

1. The present Provisions will be put into force from the effective date of the Convention.

Ante, p. 3336.

2. They will have the same duration as the Convention, unless they are renewed by mutual agreement between the parties concerned.

Done at Paris, July 5, 1947.

Signatures.

[For signature, see French text, p. 3188; for romanization, see p. 3416.]

FINAL PROTOCOL OF THE PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

I.

Air-transportation charges for closed mails.

Exceptionally, the Administrations have the option of applying the rates of Class B for each segment of their domestic air-mail network, provided that the Administrations concerned are informed thereof.

II.

Option of reducing the weight unit for air-mail correspondence.

Administrations whose system of weights permits it have the option of adopting units of weight lower than that of 20 grams provided for in Article 5. In that case, the surcharge is fixed in accordance with the unit of weight adopted.

Ante, p. 3403.

III.

Exceptional surcharges.

1. Exceptionally, the Administrations have the option of applying to the air correspondence mentioned in Article 5, Section 2, a special air surcharge which may not exceed 7½ centimes per 20 grams and per 1,000 kilometers.

Ante, p. 3404.

2. European Administrations which take advantage of the option provided in Section 1 and which, due to the geographical position of their countries, find it difficult to adopt a uniform surcharge for all of Europe, are authorized to collect surcharges in proportion to the distances, in accordance with the provisions of Article 5, Section 4.

3. That option is also granted to other European countries for their relations with the countries mentioned in Section 2.

4. In consideration of the special geographical position of the Union of Soviet Socialist Republics, the Administration of that country reserves the right to apply a uniform surcharge over the entire territory of the Union of Soviet Socialist Republics, for all the countries of the world. The surcharge shall not exceed the actual costs occasioned by the transportation of the correspondence by air.

Done at Paris, July 5, 1947.

Signatures.

[For signatures, see French text, p. 3188; for romanization, see p. 3416.]

Note by the Department of State

Ante, p. 3188.

The following list of persons who signed the Universal Postal Convention at Paris July 5, 1947, has been furnished by the French Ministry of Foreign Affairs:[1]

Pays	*Signataires*
Afghanistan	M. M. ISLAM BAY KHAN ABDUL KAYOUM KHAN
Afrique du Sud	LÉONARD CECIL BURKE
Albanie	KAHREMAN YLLI
Amérique (Etats-Unis)	JOHN J. GILLEN Pour FRANK PACE, JR.: JOHN J. GILLEN EDWARD J. MAHONEY FREDERICK E. BATRUS
Ensemble des Possessions des Etats-Unis d'Amérique	d°
Arabie Saoudite	S. E. El Sheikh HAFIZ WAHBA
Argentine (Rép.)	Pour OSCAR L. NICOLINI: D. B. CANALLE. M. M. DOMINGO B. CANALLE ROQUE DE ZERBI
Australie	L. B. FANNING Le Colonel W. G. WRIGHT
Autriche	Le Dr RUDOLF KUHN
Belgique	A. H. A. J. STAPPAERTA O. J. SCHOCKAERT A. J. J. J. CARÊME
Congo belge	L. WÉRY
Biélorussie	W. A. KOSSOV
Bolivie	S. E. le Dr ADOLFO COSTA DU RELS

[1] In this printing minor changes have been made in the French list.

Pays	*Signataires*
Brésil	M. M. le Colonel RAUL DE ALBUQUERQUE CARLOS LUIS TAVEIRA MOACYR RIBEIRO BRIGGA JULIO SANCHEZ PEREZ
Bulgarie	ASSENE GHEORGHIEFF AVRAM COHENOV
Canada	W. J. TURNBULL E. J. UNDERWOOD LUDOVIC GERMAIN
Chili	EYZAGUIRRE
Chine	S. E. Le Dr. TSIEN TAI
Colombie	M. M. LÉOPOLD BORDA ROLDAN ROBERTO ARCINIEGAS-SCHLEISINGER JORGE PÉREZ JIMENO
Cuba	SERGIO I. CLARK DIAZ EVELIO C. JUNOSA PUJOL JESÚS LAGO LUNAR
Danemark	Le Dr ARNE KROG Le Dr J. E. T. ANDERSEN
Dominicaine (Rép.)	S. E. Le Dr MANUEL PASTORIZA VALVERDE M. M. SALVADOR E. PARADAS.
Egypte	AHMED MAMDOUH MOUSI BEY MOAWAD KHALIL BISHAI Le Dr ANOUAR BAKIR
El Salvador	RAMON ARTURO BUSTAMANTE A. SOLER-SERRA
Equateur	S. E. ANTONIO PARRA VELASCO
Ethiopie	S. E. ATO TESFAIE TEGUEGN
Finlande	M. M. JOHAN HELO URHO AATTO TALVITIE TAUNO AARRE PUOLANNE

Pays	*Signataires*
France	M. M. JOSEPH JEAN LE MOUËL ALBERT LAMARLE MARIUS VICTOR USCLAT ERNEST GABRIEL BERNARD MICHEL JEAN RENÉ DESMARAIS MARCEL DROUET GEORGES ANDRÉ JOSEPH BOURTHOMIEUX
Algérie	ANDRÉ LABROUSSE HENRI GRAS
Indochine	EDMOND SKINAZI
Ensemble des autres territoires d'Outre-Mer de la République française et des territoires administrés comme tels	EDMOND SKINAZI
Grande-Bretagne et Irlande du Nord	D. J. LIDBURY W. H. WEIGHTMAN R. H. LOCKE A. L. WILLIAMS E. P. BELL A. WOLSTENCROFT
Ensemble des territoires britanniques d'Outre-Mer	Mêmes signatures pour la Grande-Bretagne
Grèce	DEMETRE VERNARDOS THEODORE BREDIMAS
Guatémala	S. E. ENRIQUE MUNOZ MEANY
Haïti	S. E. PLACIDE DAVID
Honduras (représenté par la Délégation salvadorienne)	M. M. RAMON ARTURO BUSTAMANTE A. SOLER-SERRA
Hongrie	ELEMER MODOS
Inde	KRISHNA PRASADA C. V. CUNNINGHAM Le Lieutenant CEL S. A. SIDDIQI S. N. DAS GUPTA RAI SAHIB N. CHANDRA
Iran	M. M. HASSAN HEDJAZI ISSA PARSA
Iraq	SAYED JAMIL HAMDI SAYED BAHER FAIK

Pays	*Signataires*
Irlande	S. S. PUIRSEAL S. O. HEIRAMHOIN
Islande	MAGNUS JOCHUMSSON
Italie	Le Dr GIOVANNI MUSUMECI Le Dr ANTONIO PANNETTA PAOLO NOVI
Liban	GEMIL NAMMOUR
Luxembourg	Le Dr EMILE RAUS
Maroc (à l'exclusion de la zone espagnole)	LOUIS PERNOT MAURICE HUMBERTCLAUDE
Mexique	EDUARDO VILLASENOR LAURO F. RAMIREZ UMANA
Norvège	STEN HAUG INGVALD LID HÅKON ERIKSEN
Nouvelle-Zélande	P. N. CRYER
Panama	C. ARROCHA GRAELL ELIGIO OCAÑA VIETO
Paraguay (représenté par la délégation argentine)	Pour OSCAR L. NICOLINI: D. B. CANALLE DOMINGO B. CANALLE ROQUE DE ZERBI.
Pays-Bas	W. R. VAN GOOR F. A. HOFMAN
Curaçao et Surinam	W. R. VAN GOOR F. A. HOFMAN
Indes Néerlandaises	M. M. P. DIFKWEL C. C. VAN DILLEWIJN
Pérou	Pour ARTURO GARCIA SALAZAR: CARLOS MACKEHENIE CARLOS MACKEHENIE ERNESTO CACERES
Philippines	FELIPE CUADERNO BELARMINO P. NAVARRO

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Pays	*Signataires*
Pologne	BRONISLAW BLAZEK TADEUSZ JAROŃ MAKSYMILIAN HERWICH
Portugal	DUARTE PINTO BASTO DE GUSMÃO CALHEIROS JORGE BRAGA A. M. BASTOS GAVIÃO J. C. QUADRIO MORÃO
Colonies portugaises de l'Afrique Occidentale	DOMINGOS ANTONIO DA PIEDADE BARRETO JOAQUIM ARNALDO ROGADO QUINTINO
Colonies portugaises de l'Afrique Orientale de l'Asie & de l'Océanie.	DOMINGOS ANTONIO DA PIEDADE BARRETO LUIS CANDIDO TAVEIRA
Roumanie	RENÉ BOSCA IOAN NICOLAU
Saint-Marin	EUDATON RIZZIERI-FACCHIN
Siam	NAI YIM PHUNG PHRAKHUM
Suède	G. F. E. LAGER G. A. HULTMAN T. S. NYLUND
Suisse	FRITZ HESS VICENTE TUASON PHILIPPE ZUTTER CHARLES SHAPPUIS HANS GRAF
Syrie	M. M. ADIB DAOUDI
Tchécoslovaquie	STANISLAV KONECNY FRANTISEK HOFNER MIROSLAV SOUKUP Le Dr FRANTISEK NORMAN
Tunisie	PAUL MACHABEY
Turquie	IBRAHIM BESEN
Ukraine	N. D. STASS

Pays	*Signataires*
U. R. S. S.	P. A. SARATOVKINE N. D. STASS N. K. BOUCHOUEF D. D. ERIGUINE
Uruguay	Le Dr MIGUEL AGUERRE ARISTEGUY
Vatican	Mgr. EGIDIO VAGNOZZI M. ADIEN SELME
Vénézuela	M. M. Le Dr PABLO CASTRO BECERRA Le Dr FRANCISCO VELEZ SALAS
Yougoslavie	VLADIMIR SENK.

September 11, 1948
[T. I. A. S. 1851]

Agreement and supplement thereto between the United States of America and Korea respecting an initial financial and property settlement. Signed at Seoul September 11, 1948; entered into force September 20, 1948.

INITIAL FINANCIAL AND PROPERTY SETTLEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

Preamble

The Government of the United States of America and the Government of the Republic of Korea, in view of the note of August 9, 1948[1] from the President of the Republic of Korea to the Commanding General, United States Army Forces in Korea, the note of August 11, 1948,[1] from the Commanding General, United States Army Forces in Korea to the Pres' ent of the Government of the Republic of Korea, and in view of the desirability of concluding an initial financial and property settlement between the Government of the United States of America and the Government of the Republic of Korea, the undersigned, being duly authorized by their respective Governments for that purpose, agree as follows:

ARTICLE I

Transfer by U.S. of property, equipment, etc.

The Government of the United States of America hereby transfers to the Government of the Republic of Korea all right, title, and interest held by the United States of America to all property classified as national property in the land and buildings ledgers, and map books of the district tax offices and the land and buildings registers

[1] Not printed.

美國政府及大韓民國政府間의 財政及財產에關한 最初協定

序文

美國政府及大韓民國政府는, 大韓民國大統領의, 在韓美國陸軍司令官에게發送한 一九四八年八月九日의通牒及在韓美國陸軍司令官의 大韓民國大統領에게發送한 一九四八年八月十一日의通牒에鑑하여, 또는, 大韓民國政府及美國政府間에, 財政及財產에關한 最初協定의締結을要하여, 下記署名人은, 該目的으로各自政府가, 職與한權限에依하여, 左와如히協定한다。

第一條

美國政府는, 左記財產에對하여, 美國의保有하는一切의權利, 名義及利益을大韓民國政府에移讓한다。右의左記財產이라함은, 地方稅務署不動產台帳及圖面, 또는, 法院不動產登記簿에國有財產으로記載된바, 在朝鮮美軍政廳及南朝鮮過渡政府의一切財產,

of the courts, together with all improvements on and additions to such property, all cash and bank deposits of the United States Army Military Government in Korea and of the South Korean Interim Government, all equipment, supplies, and other property held by the departments, offices and agencies of the United States Army Military Government in Korea and of the South Korean Interim Government, including all relief and rehabilitation supplies heretofore furnished to the Korean economy by the Government of the United States of America. Military property of the Government of the United States of America furnished to the Korean Constabulary, Police, or Coast Guard will be transferred to the Government of the Republic of Korea from time to time as authority for such transfer is given by the Government of the United States of America to its representative in Korea. Such transfers of military property shall be accomplished through the Office of the Foreign Liquidation Commissioner of the United States Department of State and in accordance with separate agreements to be entered into between said Foreign Liquidation

該財産에加한一切의改良, 一切의現金及銀行預金, 또는現在까지美國政府가韓國經濟에提供한一切의救助物資及再建物資를包含하며, 南朝鮮過渡政府各部處及代行機關에保有한一切의設備, 物資及其他財産을指稱한다。美國政府가韓國防警備隊, 警察又는海岸警備隊에提供한軍用財産은, 時々로, 美國政府가在韓美國代表에게移讓權을賦與하는바로此를大韓民國政府에移讓한다。如斯한軍用財産의移讓은, 美國國務省海外物資清算委員會를通하며此를行하며, 此移讓은, 美國國務省海外物資清算委員會及大韓民國政府間에締結될別個의合約에依하여此를行한다。

Military property.

Foreign Liquidation Commissioner.

Commissioner and the Government of the Republic of Korea. The Government of the Republic of Korea agrees that property retained for use by or under the control of the United States Army Forces in Korea during the period of troop withdrawal shall be made available for the use of the Government of the United States of America and maintained without charge to the Government of the United States of America during the period of troop withdrawal. The Government of the Republic of Korea agrees that properties specified in Exhibit A shall be made available for the temporary use of the Government of the United States under free leaseholds, and further agrees that it will bear all costs in Korean currency for the repair and maintenance of such properties. The Government of the Republic of Korea hereby assumes and relieves the Government of the United States of America of all liability for the South Korean Interim Government overdraft account at the Bank of Chosun, commitments under loans guaranteed by the United States Army Military Government in Korea, its agencies and instrumentalities, and by the South

Post, p. 3446.

Liability for obligations and future claims, etc.

大韓民國政府는, 在韓美國陸軍이 撤退期間中에 使用目的으로 保留하거나, 又는 管理하는 財産은, 該撤退期間中, 美國政府로 하여금 此를 使用하게 하며 美國政府에 負擔없이 此를 保存케 것을 協約함。大韓民國政府는 附錄甲에 特記된 財産을, 美國政府로 하여금, 臨時로 無償借用하게 된 것을 協約하며, 同時에, 大韓民國政府는, 該財産의 修繕及保存에 要하는 一切費用을 韓國通貨로 負擔한 것을 協約함。大韓民國政府는, 南朝鮮過渡政府가 朝鮮銀行에서 引出한 當座債越金에 對한 一切責任, 在朝鮮美軍政廳, 그 代行機關及南朝鮮過渡政府가 保證한 貸付下의 債務, 또는, 在朝鮮美軍政廳及南朝鮮過渡政府가

Korean Interim Government, and all other obligations incurred by the United States Army Military Government in Korea and by the South Korean Interim Government, including present and future claims of every kind and description.

This section shall be effective until an agreement comes into effect between the Government of the United States of America and the Government of the Republic of Korea on aid to the Government of the Republic of Korea. To the extent that relief and rehabilitation supplies still on hand or hereafter received are transferred to the Government of the Republic of Korea by the Government of the United States of America, such transfer shall be made in a progressive and orderly manner, and the Government of the Republic of Korea shall assume responsibility for the receipt, allocation, distribution and accounting for American-financed supplies. Net won proceeds and accounts receivable derived from the sales of relief and rehabilitation supplies by the United States Military Government in Korea or by the South Korean Interim Government, shall be turned over

및 급 기타 일체의 채무를 현재 및 장래의 일체 소송 중에 대한 책임까지 포함하여 미국 정부로부터 승계하며, 미국 정부로 하여금 그 책임을 면케 한다.

Relief and rehabilitation supplies.

본 항은 미국 정부 및 대한민국 정부 간에 대한민국 정부의 원조에 관한 협정이 유효하게 될 때까지 시행한다. 현재 재고 중인 구호 및 부흥 물자 및 장래 수령할 구호 및 부흥 물자를 미국 정부가 대한민국 정부에 이양하는 범위 내에서 점차적으로 질서 있게 시행한다. 이양은 점차적으로 질서 있게 이를 시행하며, 대한민국 정부는 미국 원조 물자의 접수, 할당, 분배 및 회계에 대한 책임을 인수한다. 재조선 미군정청 및 남조선 과도 정부가 남겨 놓은 구호 및 부흥 물자의 판매로 인한 순 원화 수입금 및 수취 계정은 이를 대한민국 정부에 이양한다. 대한민국 정부는 점차

to the Government of the Republic of Korea. The Government of the Republic of Korea agrees to deposit these proceeds in a special account in its name in the Bank of Chosun. The Government of the Republic of Korea further agrees to deposit in this special account the proceeds of all sales of relief and rehabilitation supplies which have been or may be transferred by the Government of the United States of America to the Government of the Republic of Korea. Disbursement from this special account will be

한 賣上金은, 朝鮮銀行의 特別當座에 大韓民國 政府 名義로 預金하기로 協約함. 大韓民國政府는 美國政府가 大韓民國政府에 移讓한 救助再建物資 又는, 今後에 移讓할 救助再建物資의 一切拂下에 依한 賣上金을 本特別當座에 預金하기로 協約함. 該當座에서의 支出은,

made only for such purposes as are agreed upon between the senior representative of the Government of the United States of America and the Government of the Republic of Korea.

Net proceeds in Korean currency and accounts receivable derived from sales of certain property declared surplus to the Office of the Foreign Liquidation Commissioner of the United States Department of State and heretofore furnished to the Korean economy are hereby transferred to the Government of the Republic of Korea.

大韓民國政府及在韓美國最高代表間에 同意한 目的을 爲한 境遇에 限함.

美國國務省海外物資淸算委員會에 依, 過剩財産으로 認定하고, 現在까지 韓國經濟에 提供한 財産의 賣下에 依한 韓國圓貨純賣上金及受取計定은, 玆에 此를 大韓民國政府에 移讓함.

ARTICLE II

Korean trade with Japan.

The Government of the United States of America agrees to effect settlement for all imports from Japan for the Korean economy delivered between September 9, 1945, and the effective date of this agreement, less the value of Korean exports shipped to Japan during such period.

第二條

美國政府는 一九四五年九月九日부터 本協定有效期日까지의 期間에, 韓國人民經濟를 爲하야 日本으로부터 輸入한 一切의 物資와 該期間中, 日本에 輸出한 韓國物資와의 差額에 關하야 淸算을 完了할 것을 協約함.

ARTICLE III

German owned property.

The Government of the United States of America hereby transfers from its custody to the custody of the Government of the Republic of Korea any property in Korea which may have been owned or controlled, directly or indirectly, in whole or in part, on or since August 9, 1945,

第三條

美國政府는, 一九四五年八月九日以後, 獨逸, 又는 獨逸人, 獨逸會社, 組合, 協會又는 其他獨逸團体가, 直接又는 間接으로, 全体的又는 部分的으로, 所有又는 管理하였든

by Germany; or by any German nationals, corporations, societies, associations, or any other German organization. The Government of the Republic of Korea agrees to take all necessary measures to facilitate such transfers of German assets in Korea as may be determined by the United States of America in consultation with the Republic of France and the United Kingdom of Great Britain and Northern Ireland.

Consultation with France and U. K.

在韓國財產을 말함. 美國政府管下로부터 大韓民國政府管下로 移管함. 大韓民國政府는 美國이 佛蘭西共和國 및 英國과 協議하여 決定하는 대로, 在韓國獨逸財產의 移管을 促進하기 위해 必要한 一切 手段을 取할 것을 協約함.

ARTICLE IV

제 四 條

Korean Foreign Exchange Bank.

The Government of the United States of America hereby transfers to the Government of the Republic of Korea the Korean Foreign Exchange Bank shares presently owned and held by the United States Army Military Government in Korea, together with all the assets and liabilities of said Bank. The Government of the United States of America hereby transfers to the Government of the Republic of Korea the net residual balances of foreign exchange now standing to the credit of the South Korean Interim Government in said Bank, subject to allocation and use only after consultation with and concurrence of the senior representative in Korea of the Government of the United States of America. Pending

Consultation with U. S. senior representative.

Foreign exchange controls.

美國政府는, 在朝鮮美軍政廳이 現在 所有 保管하고 있는, 朝鮮換金銀行株式을, 該銀行의 全資産 및 債務와 함께, 大韓民國政府에 讓渡함. 美國政府는, 現在 該銀行에, 南朝鮮過渡政府의 債權이라고 하는 外國換金의 純殘高를 大韓民國政府에 移讓함.
但, 該金額은 在韓美國政府最高代表와 協議하여, 同意한 後에 하며, 此는, 割當하고, 使用하는 것을 得함.

further agreement between the Government of the United States of America and the Government of the Republic of Korea, existing foreign exchange controls shall be retained by the Government of the Republic of Korea.

ARTICLE V

The Government of the Republic of Korea recognizes and ratifies such disposition of former Japanese public and private property vested under Ordinance Number 33 of the United States Army Military Government in Korea as has already been effected by the United States Army Military Government in Korea. Except for the reservations in respect to the acquisition and use of property by the Government of the United States of America contained in Articles I and IX of this agreement, the remaining vested but unsold property, the net unexpended proceeds from rentals and sales of vested property, together with all accounts receivable and sales contracts, shall be transferred to the Government of the Republic of Korea in the following way:

(a) All cash, bank deposits or other liquid assets are hereby transferred as of the effective date of this agreement;

現行外國換金管理는, 大韓民國政府及美國政府間에다시協定이以는때까지此는大韓民國政府가擔當한다。

第 五 條

大韓民國政府는, 在朝鮮美軍政廳法令第三十三號에依하야歸屬된前日本人公有又는私有財産에対하야, 在朝鮮美軍政廳이, 이미行한處分을承認하고批准한다。

本協定第一條及第九條에依하야, 美國政府가取得又는使用한財産에關한保留件을除外하고는, 現在까지留下되는歸屬財産, 歸屬財産의貸貸借及賃下에依한純收入金의消費되지않은金額은, 一切의受取計定及貸貸契約과함께, 此로, 左와如히, 大韓民國政府에移讓한다。

(가) 一切의現金, 銀行預金, 又는其他流動財産은, 本協定有效期日附로此로移讓한다。

Former Japanese property.

Ante, p. 3422; *post*, p. 3435.

(b) All other vested property that is to be transferred, together with all available inventories, maps, deeds, or other evidences of ownership, will be turned over progressively to the Government of the Republic of Korea, supported by balance sheets, operating statements, and other financial records relating to vested property, as rapidly as an orderly transfer can be effected. The Government of the Republic of Korea agrees to establish a separate governmental agency to receive and administer for the benefit of the Korean people the property, heretofore vested under Ordinance No. 33, which is or will be transferred to the Government of the Republic of Korea under the provisions of this Article.

The Government of the Republic of Korea will respect, preserve and protect the rights and interests, direct or indirect, of nationals of countries at war with Japan, in former Japanese property in Korea acquired by the Government of the Republic of Korea in accordance with this Article provided such rights and interests were legally acquired by bona fide transfer prior to the effective date of Ordinance No. 33.

The Government of the Republic of

(나) 其他一切의 移讓할 歸屬財産, 一切의 入手可能한 財産目錄, 圖面, 證書 又는 其他 所有證據, 貸借對照表, 運營明細書 及其他 歸屬財産에 關한 財政記錄에 依하여 確證되는 대로, 秩序있는 移讓이 可能한 限, 可及的速히, 此를 大韓民國政府에 漸次로 移讓한다. 大韓民國政府는, 韓國人民의 福利를 爲하여, 右記財産을 接受 及 管理할 別個의 政府機關을 設置하기로 協約한다. 右에 左記財産이라 함은, 法令第三十三號에 依하여 現在까지 歸屬되어, 本條規定下에 大韓民國政府에 移讓되는 財産, 또는, 今後에 移讓될 財産을 指稱한다.

大韓民國政府는, 日本과 對戰한 國家의 國民이, 本條에 依하여 大韓民國政府에 移讓된 韓國內의 前日本人 財産上에 有하는, 直接 又는 間接의 權利 及 利益을 尊重, 保全 及 保護하되, 但, 如斯한 權利 及 利益은 法令第三十三號 有效期日 前에, 善意로 移轉에 依하여 合法的으로 取得된 것이어야 함을 要한다.

Korea hereby relieves the United States of America of all liability, including all current and future claims arising out of the vesting, administration and disposal of the property referred to in this Article.

ARTICLE VI

Property in Korea of United Nations nationals, which was seized, confiscated or sequestered by the Imperial Japanese Government under its wartime regulations, together with property in Korea of other persons which was treated by the Imperial Japanese Government as enemy property, and which is transferred to the Government of the Republic of Korea under the provisions of Article V, will be protected and preserved by the Government of the Republic of Korea pending its return to its rightful owners, provided such owners request the return of the property within a reasonable period. The Government of the Republic of Korea undertakes to return all such identifiable property, if not otherwise provided for by mutual agreement between the owner and the Government of the Republic of Korea. Continuing the policy initiated by the United States Army Military Government in Korea, the Government of

大韓民國政府는, 本條에 言及된 財産의 歸屬, 管理 及 處分에 關하여 發生된, 一切의 現在 及 未來의 訴請에 對한 責任을 免除하며, 또한 因한 一切의 責任을 該 美國으로 하여금 引受하게 하며, 美國은 그 責任을 免한다.

第 六 條

Property seized by Imperial Japanese Government.

戰時規定下에 日本政府가 押收, 沒收, 又는 假差押한 在韓國 聯合國 國民財産 及, 日本政府가 敵産으로 取扱한 其他人의 在韓國財産으로서, 第五條 規定下에 大韓民國政府에 移讓된 財産은, 正當한 所有者가 適當한 期間內에 返還을 請求하므로, 該 所有者에 對한 返還時까지 大韓民國政府가 此를, 保護 及 保存한다. 大韓民國政府는, 所有者 及 大韓民國政府間의 相互 協定에 依하여, 別途 處理를 規定한 境遇를 除하고, 所有者가 證明한 合法的인 一切의 財産을 返還하기로 公約한다. 大韓民國政府는, 在朝鮮美軍政廳의 樹立한 政策을 繼承하며, 右記 財産의

Ante, p. 3429.

the Republic of Korea undertakes to compensate the owners for damage or loss to such property during the period that it was not under the control of such owners, to the same degree as compensation is paid by the Government of the Republic of Korea for loss or damage to Korean property seized, confiscated or sequestered for war purposes by the Imperial Japanese Government, its agencies, instrumentalities, or its nationals. The Government of the Republic of Korea hereby relieves the Government of the United States of America from liability for any claim arising out of the administration of property referred to in this Article prior to the effective date of this agreement.

該所有者의管理下에 있지 아니한 期間中에, 該財產에 發生한 損害又는 喪失에 対한 賠償을 所有者에게 支拂한 것을 公約하되, 그 範圍는, 日本帝國政府, 그 代行機關 又는 그 國民이 戰爭目的으로, 押收, 沒收, 又는 假差押한, 韓人財產에 發生한 損害又는 喪失에 対하여, 大韓民國政府가 支拂하는 賠償과 同程度임을 要한다。大韓民國政府는 本協定 有效期日前, 本條에 言及한 財產의 行政에 依하여 發生한 一切 訴請에 対한 責任을 美國政府로부터, 該에 引受하며, 美國政府는 그 責任을 免한다。

ARTICLE VII

U. S. liquidation of debt for power furnished by Soviet authorities.

The Government of the United States of America and the Government of the Republic of Korea agree to collaborate in arranging a satisfactory settlement of any unpaid debt owing to the Soviet authorities in Korea for power furnished for the Korean economy from September 9, 1945, to the effective date of this Agreement. The Government of the United States of America further agrees to liquidate this debt, whenever a fair value of the unpaid debt has been

第 七 條

美國政府及大韓民國政府는, 一九四五年九月九日부터, 本協定 有效期日까지에 韓國經濟를 爲하여 提供된 電力에 対하여, 在韓國蘇聯當局에게 支拂한 未拂債務의 額을 決定한 것을 條件으로 協力한다。

美國政府는, 언제나

agreed upon by the representatives of the Soviet and United States authorities.

ARTICLE VIII

Claims resulting from occupation by U. S. troops.

The Government of the United States of America, through the United States Army Military Government in Korea, has reimbursed Korea at a fair dollar value for all goods, services and facilities provided for and to the United States Army Forces in Korea from the Korean economy for the period from September 9, 1945, through June 30, 1948, inclusive; and for all claims of every kind and description against the Government of the United States of America, its officials, employees, or agencies and instrumentalities, raised or which may be raised by the Government of the Republic of Korea, its nationals, or other individuals and organizations, as a result of the occupation of Korea by the United States Army Forces in Korea during such period.

The Government of the Republic of Korea agrees that this payment constitutes full, final and complete settlement for all goods and services used by or provided to the United States Army Forces in Korea during the aforementioned period, and for all claims of every kind

米軍債務의公正한代價에關하야 蘇聯及美國當局의代表者間에合意가成立되면該債務를清算하기로協約함。

第 八 條

美國政府는, 一九四五年九月九日부터, 一九四八年六月三十日까지의期間中, 韓國經濟로부터, 在朝鮮美國陸軍에提供한 一切의物資, 奉仕, 及設備에対하야 公正한美貨代價를, 在朝鮮美軍政廳을通하야, 韓國에辨償하였고, 該期間中, 在朝鮮美國陸軍의韓國에對한結果로, 大韓民國政府, 그國民, 又는 其他個人及團体가, 美國政府, 그職員 又는 代行機關을 相対로, 提起한, 又는, 今後에, 提起한 各種各樣의訴請件에対하야, 公正한美貨代價를, 在朝鮮美軍政廳을通하야, 韓國에辨償하기로合意함。

大韓民國政府는, 前記期間中, 在朝鮮美國陸軍의使用하거나, 又는 提供한 一切의物資及奉仕에対하야, 또는, 一九四五年九月九日부터一九四八年六月三十日까지의期間中,

and description against the Government of the United States of America, its officials, employees, or agencies and instrumentalities, raised or which may be raised by the Government of the Republic of Korea, its instrumentalities, nationals, or other individuals or organizations as a result of the occupation of Korea by the United States Army Forces for the period from September 9, 1945, through June 30, 1948. The Government of the Republic of Korea further discharges and agrees to save harmless, the Government of the United States of America, its officials, employees, or agencies and instrumentalities, its nationals or other individuals and organizations, from all claims of every kind and description arising as a result of the occupation of Korea by the United States Army Forces in Korea during the period prior to July 1, 1948. The Government of the Republic of Korea hereby recognizes and ratifies the agreement under which the above-mentioned payment to Korea was effected.

美國陸軍이, 韓國에駐屯한結果로 大韓民國政府, 그代行機關, 그國民, 又는其他個人及團体가, 美國政府, 그職員, 又는代行機關을相对로 提起한, 又는今後에提起한各種各樣의訴請件에対하야. 前記支拂이完全且充足한最終淸算을構成한것으로協約함. 大韓民國政府는一九四八年七月一日前의期間中, 在朝鮮美國陸軍이韓國에駐屯한結果로發生하는各種各樣의訴請件에対한, 責任을, 美國政府, 그職員, 代行機關, 國民又는其他個人及團体로부터引受하며, 後者로하여금 그責任을免케한것을協約함.

大韓民國政府는, 韓國에対한前記支拂이遂行된것을規定한協定을茲에承認且批准함.

Bank of Chosun, funding account.

大韓民國政府는, 在朝鮮美軍政廳運用資金이라稱하는朝鮮銀行債務當座에付使用한

from the overdraft account at the Bank of Chosun entitled "United States Army Military Government in Korea Funding Account." The Government of the Republic of Korea agrees that the Commanding General, United States Army Forces in Korea shall continue to draw won from the overdraft account at the Bank of Chosun presently entitled "United States Army Military Government in Korea Funding Account No. 2" and the Government of the United States of America hereby agrees to pay to the Government of the Republic of Korea in dollars or other United States assets, the fair dollar value of all goods and services procured in the Korean economy with won drawn from such account.

ARTICLE IX

a. In consideration for certain property heretofore furnished to the Korean economy by the Government of the United States of America through the Office of the Foreign Liquidation Commissioner of the United States Department of State and the United States Army Military Government in Korea, including the net proceeds in Korean currency arising from the sale of such property,

資金에 対하야, 一切債務를 美國政府로부터 引受하야, 美國政府로하여금, 그 責任을 免케 함。 大韓民國政府는, 在韓美國陸軍司令官이 現在 在朝鮮美軍政廳運用資金第二라 稱하는 朝鮮銀行貸越當座에서 圓貨를 繼續引出할 것을 協約하며, 同時에, 美國政府는 韓國經濟로부터 取得한 一切의 物資及奉仕, 또는 該當座에서 引出한 圓貨에 対하야 公正한 美貨代價를 美貨又는 其他 美國財物로 代支拂하기로, 玆에 協約함。

第九條

(가) 大韓民國政府는, 美國政府가 美國國務省海外物資清算委員會及在朝鮮美軍政廳을 通하야 現在까지, 韓國經濟에 提供한 財産及該財産의 賣下에 依한 圓貨純賣上金을 받았으므로, 此에 対하야 該財産의 公正한 代價를, 本條에 規定한 方法에 依하야,

Payment for U. S. furnished property.
Post, p. 3443.

the Government of the Republic of Korea agrees to pay to the Government of the United States of America in the manner provided in the terms of this Article, the fair value of said property, not to exceed the equivalent of $25,000,000 as shown on the records of said Foreign Liquidation Commissioner, covering the transfer of such property to the United States Army Military Government in Korea. Interest shall accrue at the rate of 2-3/8 per centum per annum from July 1, 1948, on the unpaid balance of the total fair value of said property, and shall be due and payable in Korean currency on July 1, of each year, the first payment to be made on July 1, 1949.

b. At such times and in such amounts as shall be specified by the Government of the United States of America, the Government of the Republic of Korea shall pay in Korean currency all or part of the balance then due under the indebtedness set forth in this Article, including interest due and unpaid, if any, less any credits made for property as provided in paragraph d of this Article, and the Government of the United States of America shall credit the balance due under such indebtedness with the

美國政府에 支拂하기로 協約하되, 該金額은 二千五百萬弗의 該當額을 超過치 아니함。但此金額은, 在朝鮮美軍政廳에 該財産을 移轉한 海外物資調達委員會의 記錄에 表示된 바와 如함。該財産의 公正한 代價總額의 未拂差額에 對하여는, 一九四八年七月一日부터 年二-3/8分의 割率로써 利息을 計算하고, 每年七月一日에 此를, 韓國通貨로 支拂할 것이며, 第一次 支拂期日은, 一九四九年七月一日로 定함。

(나) 美國政府가 指定한 期日에, 그 指定한 金額으로써, 大韓民國政府는 本條에 規定한 債務中에서, 當時滿期된 差額의 全部 又는 一部와, 滿期된 未拂利息을, 韓國通貨로 支拂하되, 本條 (라)項 規定에 依한 財産의 代價를 減하며, 美國政府는, 該債務中에서, 該差額을 該通貨의 美貨該當

United States dollar equivalent of such currency. Any currency so received by the Government of the United States of America shall be used in accordance with the provisions set forth in paragraph c of this Article.

額으로써, 貸方에記入함。美國政府가右와如히受取한通貨一切은, 本條(다)項規定에依하여, 此를使用함。

c. The Government of the United States of America and the Government of the Republic of Korea agree that the Korean currency to be received by the Government of the United States of America as provided in paragraph b of this Article, as well as the Korean currency to be received by the Government of the United States of America as interest provided in paragraph a of this Article, shall be expended in Korea and may be used for the payment of any or all expenditures in Korea of the Government of the United States of America, including expenditures for:

(다) 大韓民國政府及美國政府는左와如히協約함。本條(나)項에依하여, 美國政府가受取한韓國通貨及本條(가)項에規定한利息으로써美國政府가受取한韓國通貨는, 韓國內에서 此를使用한다는意味로, 美國政府의韓國內費用一切의支拂에, 此를使用함을得함。但, 其費用은左에對한費用을包含함。

Korean currency payments expendable in Korea.

Ante, p. 3435.

(1) Such educational programs as may be mutually agreed upon by the two Governments, and

(甲) 兩政府가相互協定한敎育費。

(2) the acquisition of property located in Korea, either real or personal, tangible or intangible, including improvements to any property in which the Government of the United States of America has an interest. Such property

(乙) 動産又는不動産, 有体又는無体를不論하고, 美國政府가關心을가진, 在韓國財産及그改良物의取得。

Post, p. 3443.

shall include initially the property listed in the Supplement to this Agreement.

d. At the request of the Government of the United States of America, the Government of the Republic of Korea shall deliver title to such property as may, by mutual agreement, be acquired by the Government of the United States of America in accordance with the terms of this Article. Upon the delivery of title to such property by the Government of the Republic of Korea to the Government of the United States of America, the Government of the United States of America shall credit the account of the Government of the Republic of Korea under this Article with the agreed-upon fair-dollar value of such property.

e. Except as may be provided by special agreement between the two Governments, the Government of the United States of America shall not request the Government of the Republic of Korea to make payment in Korean currency or to deliver title to property located in Korea, as provided in paragraphs b and d of this Article, the combined total amount of which exceeds in any single fiscal year beginning July 1, the equivalent value of $5,000,000 plus

該財產은 最初에, 本協定의 補充에 列擧된 財產을 包含한다。

(라) 大韓民國政府는 本條 條件下에, 美國政府가 相互協定으로써 取得한 수 있는 財產의 所有權을, 美國政府의 要求에 應하여, 讓渡한다。

如斯한 財產의 所有權을 大韓民國政府가 美國政府에 讓渡한 時에는, 美國政府는 該財產에 對하여 協定한 公正한 貨價格을, 本條에 依한 大韓民國政府의 債權으로 計算한다。

(마) 兩政府間의 特別協定에 依한 別途規定이 없는 限, 美國政府가 大韓民國政府에게 本條 (나)項 及 (라)項에 規定한 대로, 韓國通貨에 依한 支拂을 하든가, 在韓國財產의 所有權讓渡를 要求하는 境遇에, 以上兩者의 總額은, 七月一日에 始作하는 一會計年度에 있어서

interest due and payable as provided in paragraph a of this Article.

f. The won equivalent of the dollar obligations assumed by the Government of the Republic of Korea under the terms of this Agreement shall be calculated by mutual agreement between the Government of the Republic of Korea and the Government of the United States of America, such calculations to be made immediately prior to each payment. The won equivalent in any case shall be no less favorable to the Government of the United States of America than the conversion rate legally available to any third party at the time of each transaction.

ARTICLE X

The Government of the Republic of Korea hereby agrees that it will not permit the re-export or diversion of equipment, supplies and other property furnished to it by the Government of the United States of America under the terms of this Agreement unless such re-export or diversion is approved by a duly authorized representative of the Government of the United States of America.

Prohibition of re-export of supplies, etc., furnished by U.S.

第 拾 條

大韓民國政府는本協定條件下에美國政府가提供한機具, 物資, 及其他財産의再輸出又는轉換을防止하기爲하여協約한다. 但, 美國政府의正當한代表가如此한再輸出又는轉換을認准한境遇에는此限에不在한다。

ARTICLE XI

Continuation of existing laws.

The Government of the Republic of Korea agrees to continue in full force and effect all existing laws, ordinances, public acts, and regulations of the United States Army Military Government in Korea and/or of the South Korean Interim Government until repealed or amended by the Government of the Republic of Korea.

ARTICLE XII

Rights and privileges of U. N. nationals and firms.

Pending negotiation of mutually satisfactory treaties of amity and commerce, it is agreed by the contracting parties that the rights and privileges now enjoyed by United Nations nationals and firms engaged in lawful pursuits in Korea shall be respected and affirmed.

ARTICLE XIII

Time limit for transfer of control.

Administrative control over the accounts, properties, and operating facilities transferred to the Government of the Republic of Korea under the terms of this Agreement shall be turned over in a progressive and orderly manner to the authorized officials of the Government of the Republic of Korea within 30 days from the effective date of this Agreement, or as rapidly as the Government of the Republic of Korea is prepared to assume such operations and

第拾壹條

大韓民國政府는, 在朝鮮美軍政廳 또는, 南朝鮮過渡政府의 一切의 現行法律, 法令及規則을 全的으로 繼續施行할 것을 協約함。

但, 大韓民國政府가 此를 廢止 又는 改正하는 時는 此限에 不在함。

第拾貳條

相互間에 滿足할수있는 親善條約及通商條約의 交涉이 있을때까지, 韓國에서 現在, 合法的으로 享有하는 聯合國國民及會社의 權利及特典은, 此를 尊重하고, 確認할것을 協約함。

第拾參條

本協定條件下에, 大韓民國政府에 移讓되는 會計, 財産及運營設備의 行政的管理는, 本協定有效期日부터 三十日以內에, 又는, 大韓民國政府가, 如斯한 運營及責任을 引受할 準備가 되는대로, 可及的 速히, 此를, 大韓民國政府當局에 漸次로 秩序있게 移讓함。 但,

responsibilities, except that administrative control over vested properties and over relief and rehabilitation supplies shall be turned over not later than 90 days from the effective date of this Agreement, or as rapidly as the Government of the Republic of Korea is prepared to assume such operations and responsibilities.

歸屬財產及救助再建物資의行政的管理七, 本協定有效期日早의九十日以內에, 又七, 大韓民國政府가如斯히此運營及責任을引受할準備가되七대로, 可及的速히, 此를移讓할。

ARTICLE XIV

第拾四條

Transportation, etc., for U. S. Army.

Until such time as the United States Army Forces in Korea are withdrawn from Korea, the Government of the United States of America and the Government of the Republic of Korea agree that they shall be bound by, and shall respect all agreements previously made between the United States Army Forces in Korea and the several Departments of the United States Army Military Government in Korea concerning the use of certain transportation, communication, and other facilities and services by the United States Army Forces in Korea.

在韓美國陸軍의韓國에서撤退할時까지, 大韓民國政府及美國政府七, 在韓美國陸軍에依하야特定運輸, 通信, 其他設備及奉仕의利用에關하야, 在韓美國陸軍及在朝鮮美軍政廳右部間에이미締結된一切의協定에, 羈束되며, 此를尊重할것을協約할。

Effective date.

The present Agreement shall become effective with the formal notification to the Government of the United States of America that the Korean National Assembly has consented to this Agreement. [1]

本協定은大韓民國國會에서, 本協定에同意하였다七次를, 美國政府에正式으로通牒함과同時에有效할。

[1] By note of Sept. 20, 1948, the Korean Minister of Foreign Affairs notified the American Ambassador at Seoul that ". . . the agreement which has been signed between our two delegates was duly rectified [ratified] by the National Assembly of Korea on the 18th of September 1948."

Prevailing text.

Done in duplicate, in the English and Korean languages at Seoul, Korea, this 11th day of September 1948. The English and the Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

一九四八年九月拾壹日韓國서울에서 英文及韓國文으로本書貳通을作成함。英語本文及韓國語本文은同樣의效力이有하나, 相異가있을境遇에는, 英語本文에依함。

For the Government of the United States of America:

[1]

美國代表

For the Government of the Republic of Korea:

[2]

[SEAL]

[3]

大韓民國代表

張澤相

[SEAL]

---

[1] John J. Muccio.
[2] Lee, Bumsuk.
[3] T. S. Chang.

SUPPLEMENT TO THE INITIAL FINANCIAL AND PROPERTY SETTLEMENT

This Agreement between the Government of the United States of America, hereinafter called "United States," and the Government of the Republic of Korea, hereinafter called "Korea" is supplemental to the "Initial Financial and Property Settlement," Article IX, this date, and covers the transfer of real property in return for surplus property furnished Korea.

Witnesseth:

Whereas, the "Initial Financial and Property Settlement" between Korea and the United States provides in Article IX that at the request of the United States, Korea shall deliver title to such property located in Korea in which the United States has an interest, and

Whereas, Korea has agreed in Section d of the Article of the Agreement above referred to, to make available property desired by the United States at prices to be agreed upon by the Governments, and

Whereas, the United States has already selected certain properties which it desires to receive under the terms of the Agreement referred to above,

Now, therefore, it is agreed:

財政及財産에關한最初協定의補充

北美合衆國(以下"美國"이라略稱함)政府及大韓民國(以下"韓國"이라略稱함)政府間의本協定은, 本日附, "財政及財産에關한最初協定" 第九條의補充이며, 韓國이提供한過剩財産의代償이되는, 不動産讓渡를規定한다.

記

韓國及美國間의"財政及財産에關한最初協定" 第九條에依하면, 韓國은, 美國의要求에應하야美國이關心을가지는在韓國財産의所有權을讓渡할것이며, *Ante*, p. 3435.

右에言及한協定의同條(라)項에依하면, 韓國은, 美國이願하는財産을兩政府間에協定된價格으로讓渡할것을協約하였으며 *Ante*, p. 3438.

美國은, 右에言及한協定의條件下에讓受키願하는財産을이미選擇하였으므로, 玆에, 左와如히協定함.

Transfer of properties.

1. That Korea transfer, on or about the sixtieth day from the effective date of this Agreement, to the United States, at prices to be specified in dollars and to be determined by three recognized appraisers, one of whom shall be nominated by Korea, one by the United States, and the Chairman by the two appraisers first chosen, properties including but not limited to the following:

(A) Dependent House & Lot No. 10
1-39 Chong Dong
1,362 Pyung

(B) Russian No. 1
1-39 Chong Dong
720 Pyung

(C) Vacant lot west of present U. S. Consulate
1-9 Chong Dong
1,414 Pyung

(D) Vacant lots south of present U. S. Consulate; part of the road now running beside the U.S. Consulate leading to the property of the Seoul Club
8-1, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, and 8-17
Chong Dong
535.40 Pyung

(E) Triangular lot directly east of DH No. 10 and Russian No. 1, together with one warehouse, three houses and other buildings thereon
1-39 Chong Dong
Sawdai Moon Koo
1,675 Pyung

(F) All of former Military Government Area #2, consisting of approximately 43 houses, miscellaneous other buildings,

(一) 韓國은 本協定有效期日부터 六十日前後에, 左記財産을, 左記價格으로 美國에 讓渡한다. 價格은 認定된 評定官三人이 此를 決定하며 此中一人은 韓國이 指名하고 一人은 美國이 指名하고 兩評定官이 最初에 選定한 委員長으로 構成한다. 財産은, 左記財産을 包含하나, 此에 局限되지 아니한다.

(가) 美軍家族住宅第拾號 및 垈地
貞洞一의三九
一三六二坪

(나) 露西亞人家屋第一號
貞洞一의三九
七二〇坪

(다) 現在美國領事館
西便空地
貞洞一의九
一四一四坪

(라) 現在美國領事館南便空地
付屬根據韓國財産에 이르기까지
現在美國領事館길으로通한
通路의一部
貞洞八의一, 八의三, 八의四, 八의五, 八의六, 八의七, 八의八, 八의九, 八의十, 及八의七.
五三五.四〇坪

(마) 美軍家族住宅第十號 및 露西亞人家屋第一號正東便에 있는 三角地形空地 및 그 地上에 있는 倉庫一棟家屋三棟 및 其他建物.
西大門區貞洞一의三九
一六七五坪

(바) 前軍政廳事二地區全部 및 其垈地上에 있는, 約四十三棟의 家屋 및 其他建物.

and the land on which situated. This is intended to include all property owned by the Siksan Bank in this area. All of 49-1 Song Hyun Dong, and all of 96, 97-2, 98, 99, 102, 103-1, 104-1 and 104-2 of Sakan Dong together with all buildings thereon. 9,915 Pyung, more or less.

此七, 此地域에以七殖産銀行所有財産全体是包含站。
松峴洞四九의一全部. 司諫洞九六, 九七의二, 九八, 九九, 一〇二, 一〇三의一, 一〇四의一, 及一〇四의二, 及其空地上의其他建物.
約九,九一五坪

(G) Banto Hotel and adjacent parking lot to East
180-2 Ulchi-Ro
Chongno Koo
1,944 Pyung

(가) 半島호텔及其東便에連接한駐車場.
鐘路區乙支路一八〇의二.
一,九四四坪.

In witness whereof the undersigned, duly authorized by their respective governments, have signed the present agreement in the English and Korean languages at Seoul, Korea, on the 11th day of September 1948.

右證據로서, 下記署名人은, 各自政府가 賦與한 權限에依하야 一九四八年 九月拾壹日韓國서울에서 英文及韓國文의本協定에 署名함.

The English and Korean texts shall have equal force, but in case of divergence, the English text shall prevail.

英語本文及韓國語本文은 同樣의效力이有하나, 相異가있을 境遇에는, 英語本文에依함. Prevailing text.

For the Government of the United States of America:

美國代表.

[1]

For the Government of the Republic of Korea:

大韓民國代表.

[2]

[SEAL]

[3]

[1] John J. Muccio.
[2] Lee, Bumsuk.
[3] T. S. Chang.

Properties for temporary U. S. use.

EXHIBIT A

Properties to be made available by the Government of the Republic of Korea for the temporary use of the Government of the United States under free leaseholds, will include but will not be limited to the following:

(A) Specified 51 houses and lots in the three military areas #1, #2 and #7.

(B) DH #9, DH #109, DH #143, DH #218, DH #221, Billet #5, Billet #10 and Billet #11 in scattered areas.

(C) Mitsui Building and lot opposite Banto Hotel.

(D) OCI Information Center and lot (former Metropolitan Police building).

(E) Special Troops area.

(F) 216th Quartermaster concrete warehouse in area near South Gate.

(G) 56 houses and lots in 7th Division area (Camp Sobingo).

(H) 57 housing units in Capitol grounds area.

(I) Billet #32 (Kookje Hotel) and Billet #24 (Sudo Hotel).

(J) Billet #23 (Nai Ja Apartments) comprising three buildings.

(K) Billet #38 (Plaza Hotel)

(L) Yong Dong Po dependent housing area #1, consisting of 8 usable houses and 15 apartments.

附錄甲

大韓民國政府가美國政府로하여금臨時로無償借用케한財産之左記財産을包含하나此에局限되지않음。

(가) 軍用地第一第二及第七號內에있는特定家屋五棟及空地。

(나) 各洞에散在한美人家族住宅第九號第一〇九號第一四三號第二八號第二一號及美軍宿舍第五號第拾號及第一一號。

(다) 半島호텔越便에있는三井빌딩及空地。

(라) 美公報館及空地。(前首都廳빌딩)

(마) 第二十四軍團特務隊地區。

(바) 南大門近處에있는第二支隊給養用곡물倉庫。

(사) 美軍第七師團地區(西氷庫)에있는五大棟의家屋及空地。

(아) 中央廳地區內에있는五七棟의家屋。

(자) 美軍宿舍第二二號(國際호텔)及美軍宿舍第二四號(首都호텔)

(차) 美軍宿舍第一二號(內資아파트)의三棟建物。

(카) 美軍宿舍第三八號(플라자호텔)

(타) 永登浦美人家族住宅地帶第一地區의使用家屋八棟及給五棟의아파一동。

Agreement between the United States of America and Paraguay respecting a cooperative educational program in Paraguay, extending the agreement of March 8, 1948, between Paraguay and the Institute of Inter-American Affairs. Effected by exchange of notes signed at Asunción June 30, 1948; entered into force August 2, 1948.

June 30, 1948
[T. I. A. S. 1856]

The American Ambassador to the Paraguayan Minister of Foreign Relations and Worship

No. 60

ASUNCIÓN, *June 30, 1948.*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Republic of Paraguay and The Institute of Inter-American Affairs dated March 8, 1848 which provided for the continuation of the cooperative education program in Paraguay theretofore undertaken by the Government of Paraguay and the Inter-American Educational Foundation, Inc., the predecessor of The Institute of Inter-American Affairs. I also refer to the telegram dated June 14, 1948 from His Excellency the Provisional President of Paraguay, Dr. Juan Manuel Frutos, to President Harry S. Truman, suggesting the consideration by our respective Governments of a further extension of that Basic Agreement.

Ante, p. 2827.

Extension of agreement.

As Your Excellency knows, the agreement of March 8, 1948, provides that the cooperative education program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Paraguay that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $26,224 U. S. Cy. to the Servicio Cooperativo Interamericano de Educación for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of ₲220,680. The Institute would also be willing during the same extension period to make available an amount not exceeding $61,557 U. S. Cy. to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Education Division Field Staff, who are maintained by the Institute in Paraguay. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

Ante, p. 2827.

Duration.

Additional funds.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Education and The Institute of Inter-American Affairs.

Entry into force.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two Governments, which will come into force on the date of signature [1] of an agreement by the Minister of Education of Paraguay and by a representative of the Institute of Inter-American Affairs embodying the above mentioned technical details.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

FLETCHER WARREN
American Ambassador

His Excellency
VÍCTOR MORÍNIGO,
Minister of Foreign Relations and Worship,
Asunción.

The Paraguayan Minister of Foreign Relations and Worship to the American Ambassador

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

D. P. y D. –
N°. 667.—

ASUNCIÓN, *30 de Junio de 1948.* –

SEÑOR EMBAJADOR:

Tengo el honor de dirigirme a Vuestra Excelencia, acusando recibo de la nota N° 60, fechada el día de hoy, en la que al hacer referencia al Acuerdo Básico celebrado entre la República del Paraguay y el Instituto de Asuntos Interamericanos fechado el 8 de Marzo de 1948, en el cual se dispuso la continuación del programa de educación en el Paraguay y la Fundación Interamericana de Educación, Inc., predecesora del Instituto de Asuntos Interamericanos y al telegrama fechado el 14 de Junio de 1948 de Su Excelencia, el Presidente Provisional del Paraguay, Dr. Juan Manuel Frutos, al Presidente Harry S. Truman, sugiriendo la deliberación por nuestros Gobiernos respectivos de una prórroga adicional de ese Acuerdo Básico, Vuestra Excelencia expresa que considerando los beneficios mútuos que ambos gobiernos obtienen del programa, su Gobierno acuerda con el Gobierno del Paraguay que una prórroga de tal programa sería deseable. –

Al respecto, me es grato llevar a conocimiento de Vuestra Excelencia

[1] Aug. 2, 1948.

que transmitida la citada nota al Ministerio de Educación, esa Secretaría de Estado ha comunicado a esta Cancillería, que está conforme en prorrogar el citado Acuerdo Básico. –

Aprovecho la oportunidad para saludar a Vuestra Excelencia con mi consideración distinguida. –

VÍCTOR MORÍNIGO

A Su Excelencia
El Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Honor. FLETCHER WARREN
Presente. –

Translation

MINISTRY OF FOREIGN RELATIONS AND WORSHIP

D. P. y D. –
No. 667. –

ASUNCIÓN, *June 30, 1948.*–

MR. AMBASSADOR:

I have the honor to address Your Excellency in order to acknowledge receipt of Note No. 60, of this date, in which, with reference to the Basic Agreement concluded between the Republic of Paraguay and the Institute of Inter-American Affairs, dated March 8, 1948, in which Agreement provisions were made for the continuation of the educational program in Paraguay and the Inter-American Educational Foundation, Inc., the predecessor of the Institute of Inter-American Affairs, and in referring to the telegram, dated June 14, 1948, from His Excellency Juan Manuel Frutos, Provisional President of Paraguay, to President Harry S. Truman, suggesting the consideration by our respective Governments of an additional extension of that Basic Agreement, Your Excellency states that, in view of the mutual benefits which both Governments are obtaining from that program, your Government agrees with the Government of Paraguay that an extension of that program would be desirable.

Ante, p. 3447.

Ante, p. 2827.

With reference thereto, I take pleasure in informing Your Excellency that when the above-mentioned note had been transmitted to the Ministry of Education, that Ministry informed this Chancelry that it is agreeable to an extension of the above-mentioned Basic Agreement.

I avail myself of the opportunity to renew to Your Excellency the assurances of my distinguished consideration.

VÍCTOR MORÍNIGO

His Excellency
FLETCHER WARREN,
Ambassador Extraordinary and Plenipotentiary of
The United States of America,
City. –

Agreement between the United States of America and Belgium and Luxembourg respecting a United States Educational Foundation in Belgium. Signed at Brussels October 8, 1948; entered into force October 8, 1948.

October 8, 1948
[T. I. A. S. 1860]

ACCORD
POUR LE FINANCEMENT D'UN PROGRAMME CULTUREL ET EDUCATIF ENTRE LES ETATS-UNIS D'AMERIQUE, D'UNE PART, ET LA BELGIQUE ET LE GRAND-DUCHE DE LUXEMBOURG, D'AUTRE PART, SIGNE A BRUXELLES, LE 8 OCTOBRE 1948.

AGREEMENT
FOR THE FINANCING OF A CULTURAL AND EDUCATIONAL PROGRAMME BETWEEN THE UNITED STATES OF AMERICA, ON THE ONE HAND, AND BELGIUM AND THE GRAND DUCHY OF LUXEMBOURG, ON THE OTHER HAND, SIGNED IN BRUSSELS ON OCTOBER 8th 1948.

ACCORD ENTRE LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE D'UNE PART ET LES GOUVERNEMENTS BELGE ET LUXEMBOURGEOIS D'AUTRE PART POUR L'UTILISATION DES FONDS RENDUS DISPONIBLES AUX TERMES DU PARAGRAPHE 2A (2) DE LA CONVENTION SUR LE REGLEMENT DE PRET-BAIL, AIDE RECIPROQUE, PLAN A, STOCKS EXCEDENTAIRES ET RECLAMATIONS, DU 24 SEPTEMBRE 1946.

Post, p. 3965.

Le Gouvernement des Etats-Unis d'Amérique d'une part et les Gouvernements belge et luxembourgeois, d'autre part:

Désirant favoriser davantage encore l'entente entre les peuples des Etats-Unis d'Amérique, de la Belgique, du Congo Belge et du Luxembourg par un échange plus étendu de connaissances et de compétences professionnelles dans les domaines éducatifs;

Considérant que la section 32 (b) de la loi de 1944 sur les stocks excédentaires américains, amendée par la "Public Law" n° 584, 79e Congrès, prévoit que le Secrétaire d'Etat des Etats-Unis d'Amérique peut conclure des accords avec des Gouvernements étrangers pour l'utilisation de fonds ou de crédits libellés en la monnaie de ces Gouvernements étrangers, acquis à la suite de la liquidation de

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE ONE HAND AND THE GOVERNMENTS OF BELGIUM AND LUXEMBOURG ON THE OTHER HAND FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH PARAGRAPH 2A (2) OF THE MEMORANDUM OF UNDERSTANDING REGARDING SETTLEMENT FOR LEND LEASE, RECIPROCAL AID, PLAN A, SURPLUS PROPERTY, AND CLAIMS OF SEPTEMBER 24, 1946.

The Government of the United States of America on the one hand and the Governments of Belgium and Luxembourg on the other hand:

Desiring to promote further mutual understanding between the peoples of the United States of America and Belgium, the Belgian Congo, and Luxembourg by a wider exchange of knowledge and professional talents in the field of education;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended by Public Law N° 584, 79th Congress, provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies, or credits for currencies, of such foreign government, acquired as a result of surplus property dis-

stocks excédentaires, à de certaines activités d'ordre éducatif; et

Considérant qu'en vertu des dispositions de la Convention conclue entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement belge sur le règlement de prêt-bail, aide réciproque, Plan A, stocks excédentaires et réclamations, signée à Washington le 24 septembre 1946, lorsque le Gouvernement des Etats-Unis en fera la demande, le Gouvernement belge réservera des francs belges jusqu'à concurrence d'une valeur de $3.000.000, qui seront utilisés exclusivement à la réalisation de programmes d'ordre culturel et éducatif,

Sont convenus de ce qui suit:

Article 1.

Il sera créé une fondation appelée "United States Educational Foundation in Belgium" (appelée dans le présent accord, la "Foundation") qui sera reconnue par le Gouvernement des Etats-Unis d'Amérique et par les Gouvernements belge et luxembourgeois comme une organisation créée et établie en vue de faciliter l'exécution du programme d'éducation à financer au moyen de fonds fournis par le Gouvernement belge aux termes du présent accord. Sous réserve des dispositions de l'article 3 du présent accord, la Fondation ne sera pas soumise à la législation nationale et locale des Etats-Unis d'Amérique et des Gouvernements belge et luxembourgeois en ce qui concerne l'utilisation des fonds et crédits aux fins prévues par le présent accord. Tous les fonds fournis par le Gouvernement belge, dans les conditions et limites spécifiées ci-après, seront utilisés par la Fondation ou tout autre organisme dont conviendraient le

posals, for certain educational activities; and

Considering that under the provisions of the Memorandum of Understanding between the Government of the United States of America and the Government of Belgium regarding settlement for Lend Lease, Reciprocal Aid, Plan A, Surplus Property, and claims, signed at Washington on September 24, 1946, it is provided that as and when requested by the United States Government, the Belgian Government will provide Belgian francs up to an aggregate value of $3,000,000, which will be used exclusively to carry out cultural and educational programs,

Post, p. 3984.

Have agreed as follows:

Article 1.

There shall be established a foundation to be known as the United States Educational Foundation in Belgium (hereinafter designated "the Foundation") which shall be recognized by the Government of the United States of America and the Governments of Belgium and Luxembourg as an organization created and established to facilitate the administration of the Educational program to be financed by funds made available by the Government of Belgium under the terms of the present agreement. Except as provided in Article 3 hereof the Foundation shall be exempt from the domestic and local laws of the United States of America and the Governments of Belgium and Luxembourg as they relate to the use and expenditures of currencies, and credits for currencies, for the purposes set forth in the present agreement. All of the funds made available by the Government of Belgium, within the conditions

United States Educational Foundation in Belgium.

Post, p. 3456.

Use of funds.

Gouvernement des Etats-Unis d'Amérique et le Gouvernement belge, aux fins suivantes, ainsi qu'il est prévu à la section 32 (b) de la loi des Etats-Unis sur les stocks excédentaires, de 1944, amendée:

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

(1) Financement d'études, de recherches, d'enseignement et autres activités d'ordre éducatif, de citoyens des Etats-Unis dans des écoles et instituts supérieurs situés en Belgique, au Congo Belge et au Luxembourg, ou de nationaux de Belgique, du Congo Belge et du Luxembourg dans des écoles et instituts supérieurs américains situés en dehors des Etats-Unis continentaux, des Iles Hawaï, de l'Alaska (y compris les Iles Aléoutiennes), de Porto Rico et des Iles Vierges, y compris le payement des frais de transport, des frais d'enseignement, de l'entretien et autres frais inhérents à l'activité scolaire; ou

(2) transport des nationaux de Belgique, du Congo Belge et du Luxembourg qui désirent fréquenter des écoles et instituts supérieurs des Etats-Unis situés dans les Etats-Unis continentaux, les Iles Hawaï, l'Alaska (y compris les Iles Aléoutiennes), Porto Rico et les Iles Vierges et dont l'admission, dans ces écoles et instituts ne privera pas des citoyens des Etats-Unis d'Amérique de la possibilité d'y être admis eux-mêmes.

and limitations hereinafter set forth, shall be used by the Foundation or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of Belgium for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Belgium, the Belgian Congo, and Luxembourg or of the nationals of Belgium, the Belgian Congo, and Luxembourg in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or

(2) furnishing transportation for nationals of Belgium, the Belgian Congo, and Luxembourg who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2.

Pour atteindre les objectifs dont il est question plus haut, la Fondation peut, sous réserve des dispositions de l'article 10 du présent accord, exercer tous les pouvoirs nécessaires à la réalisation des fins du présent accord et notamment:

(1) recevoir des fonds;

(2) ouvrir et utiliser, au nom de la Fondation, des comptes auprès d'une ou de plusieurs banques à désigner par le Secrétaire d'Etat des Etats-Unis d'Amérique;

(3) débourser des fonds et accorder des subventions et avances de fonds aux fins autorisées de la Fondation;

(4) acquérir, détenir et disposer de biens au nom de la Fondation lorsque le Conseil d'administration de la Fondation le juge nécessaire ou désirable, à la condition, cependant, que l'acquisition de biens immobiliers soit préalablement approuvée par le Secrétaire d'Etat des Etats-Unis;

(5) élaborer, adopter et exécuter des programmes en conformité avec les buts visés à la section 32 (b) de la loi des Etats-Unis sur les stocks excédentaires, 1944, amendée, et avec les buts du présent accord;

(6) recommander auprès du "Board of Foreign Scholarships" prévu à la loi des Etats-Unis sur les stocks excédentaires, 1944, amendée, des étudiants, des professeurs, des savants se livrant à des recherches scientifiques résidant en Belgique, au Congo Belge, au Luxembourg, ainsi que des

Article 2.

In furtherance of the aforementioned purpose, the Foundation may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purposes of the present agreement including the following:

Powers of Foundation.

Post, p. 3459.

(1) Receive funds.

(2) Open and operate bank accounts in the name of the Foundation in a depository or depositories to be designated by the Secretary of State of the United States of America;

(3) Disburse funds and make grants and advances of funds for the authorized purposes of the Foundation.

(4) Acquire, hold, and dispose of property in the name of the Foundation as the Board of Directors of the Foundation may consider necessary or desirable, provided however, that the acquisition of any property shall be subject to the prior approval of the Secretary of State of the United States of America.

(5) Plan, adopt, and carry out programs in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

(6) Recommend to the Board of Foreign Scholarships provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Belgium, the Belgian Congo, and Luxembourg, and institutions of Belgium, the Belgian Congo, and Luxembourg qual-

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

institutions de Belgique, du Congo Belge et du Luxembourg qui ont les qualités requises pour participer à l'exécution des programmes conformément à la loi précitée;

(7) recommander au "Board of Foreign Scholarships" désigné ci-dessus, en vue du choix des personnes appelées à participer à l'exécution des programmes, les titres que la Fondation jugera nécessaires aux fins et objectifs de la Fondation;

(8) veiller à la vérification périodique des comptes de la Fondation selon les instructions des vérificateurs désignés par le Secrétaire d'Etat des Etats-Unis d'Amérique;

(9) engager le personnel administratif, fixer ses émoluments et les payer.

Article 3.

Annual budget.

Toutes les dépenses de la Fondation seront imputées à un budget annuel à approuver par le Secrétaire d'Etat des Etats-Unis d'Amérique, conformément aux instructions qu'il pourra prescrire.

Article 4.

La Fondation ne souscrira aucun engagement et ne contractera aucune obligation qui engageraient la Fondation au delà des fonds réellement disponibles et elle n'acquerra, détiendra ou disposera de biens qu'aux seules fins autorisées par le présent accord.

Article 5.

Board of Directors.

L'administration et la direction des affaires de la Fondation seront assurées par un Conseil d'administration composé de huit administrateurs (appelé "Conseil" dans la suite du présent accord).

ified to participate in the programs in accordance with aforesaid Act.

(7) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Foundation.

(8) Provide for periodic audits of the accounts of the Foundation as directed by the auditors selected by the Secretary of State of the United States of America.

(9) Engage administrative and clerical staff and fix and pay the salaries and wages thereof.

Article 3.

All expenditures by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4.

The Foundation shall not enter into any commitment or create any obligation which shall bind the Foundation in excess of the funds actually on hand nor acquire, hold, or dispose of property except for the purposes authorized in the present agreement.

Article 5.

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of eight directors (hereinafter designated the "Board").

Le membre principal en fonctions de la Mission Diplomatique des Etats-Unis en Belgique (appelé "Chef de Mission" dans la suite de l'accord) sera Président Honoraire du Conseil. Il pourra nommer et démettre les membres du Conseil, sous réserve qu'aucun autre membre que les citoyens américains faisant partie du Conseil, ne pourra être démis sans consultation préalable du Ministre belge de l'Instruction Publique.

Honorary Chairman.

The principal officer in charge of the Diplomatic Mission of the United States of America to Belgium (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board, except that no members, other than the United States citizens on the Board, shall be removed without prior consultation with the Belgian Minister of Education.

Les membres du Conseil seront les suivants: (a) trois membres du personnel de l'Ambassade, dont un sera président et dont un sera trésorier; (b) deux citoyens des Etats-Unis d'Amérique dont l'un représentera le monde américain des affaires en Belgique et l'autre les intérêts américains en matière d'éducation en Belgique; et (c) trois citoyens belges ou luxembourgeois dont l'un sera une personalité éminente en matière d'enseignement.

Members of Board.

The members of the Board shall be as follows: (a) Three members of the Embassy staff, one of whom shall serve as Chairman, and one of whom shall serve as Treasurer; (b) two citizens of the United States of America, one representative of American business interests in Belgium, and one representative of American educational interests in Belgium, and (c) three citizens of Belgium, or of Luxembourg, one of whom shall be prominent in the field of education.

Les cinq membres désignés sous (b) et (c) du dernier paragraphe précédent résideront en Belgique ou au Luxembourg et exerceront leurs fonctions depuis la date de leur nomination jusqu'au 31 décembre suivant cette nomination. Leur mandat pourra être renouvelé. Les membres américains seront nommés par le Chef de la Mission; les membres belges ou luxembourgeois seront choisis par le Chef de la Mission parmi les personnalités figurant sur une liste présentée par le Gouvernement belge. Il sera pourvu selon les modalités précitées aux vacances résultant de démission, de transfert de résidence en dehors de la Belgique ou du Luxembourg, d'ex-

The five members specified in (b) and (c) of the last preceding paragraph shall be resident in Belgium or Luxembourg and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Belgian or Luxembourg members by the Chief of Mission from a list of names submitted by the Government of Belgium. Vacancies by reason of resignations, transfers of residence outside of Belgium or Luxembourg, expiration of term of service, or otherwise shall be filled in accordance

piration du mandat ou d'une autre raison.

Les administrateurs ne seront pas rétribués, mais la Fondation est autorisée à rembourser les dépenses occasionnées aux administrateurs par leur présence aux réunions du Conseil.

with this procedure.

The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board.

Article 6.

By-laws, etc.

Le Conseil prescrira tels réglements et nommera telles commissions qui pourraient être jugés nécessaires pour l'administration de la Fondation.

Article 6.

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

Article 7.

Reports.

Les rapports sur l'activité de la Fondation prescrits par le Secrétaire d'Etat des Etats-Unis d'Amérique seront adressés chaque année au Secrétaire d'Etat des Etats-Unis d'Amérique et aux Gouvernements belge et luxembourgeois.

Article 7.

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Governments of Belgium and Luxembourg.

Article 8.

Principal office, etc.

Le bureau principal de la Fondation sera établi a Bruxelles, mais les réunions du Conseil et de ses Commissions pourront avoir lieu en d'autres villes que désignera le Conseil, et l'activité de l'un ou de l'autre agent ou employé de la Fondation pourra, avec le consentement du Conseil, être exercée en n'importe quelle localité.

Article 8.

The principal office of the Foundation shall be in Brussels, but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

Article 9.

Executive Officer.

Le Conseil pourra nommer un agent d'exécution et fixer ses appointements et la durée de son mandat, sous réserve, toutefois, que si le Conseil se trouve dans l'impossibilité de désigner un titulaire ayant l'agrément du Président, le Gouvernement des Etats-Unis d'Amérique pourra nommer un agent d'exécution et des adjoints en nombre nécessaire pour

Article 9.

The Board may appoint an Execative Officer and determine his salary and term of service, provided however, that in the event it is found to be impracticable for the Board to secure an appointee acceptable to the Chairman, the Governement of the United States of America may provide an Executive Officer and such assistants as may be deemed

assurer la bonne exécution du programme. L'agent d'exécution sera responsable de la direction et de la surveillance des programmes et activités du Conseil conformément aux résolutions et directives du Conseil. En cas d'absence ou de maladie de l'agent d'exécution, le Conseil peut désigner un remplaçant pour telle durée qui sera estimée nécessaire ou désirable.

necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives. In his absence or disability, the Board may appoint substitute for such time as it deems necessary or desirable.

Article 10.

Le Secrétaire d'Etat des Etats-Unis d'Amérique peut, à son gré, procéder à l'examen des décisions du Conseil en toutes matières.

Article 10.

Review of Board decisions.

The décisions of the Board in all matters may, in the discretion of the Secretary of State of the United States of America, be subject to his review.

Article 11.

Le Gouvernement belge mettra à la disposition de la Trésorerie des Etats-Unis, sur demande du Gouvernement des Etats-Unis, des montants en monnaie belge n'excédant pas l'équivalent de 150.000 dollars (monnaie des Etats-Unis), pour chaque année civile, et jusqu'à concurrence d'un montant équivalent à 3.000.000 de dollars (monnaie des Etats-Unis).

Le cours du change entre la monnaie belge et celle des Etats-Unis à appliquer pour la détermination du montant à deposer en monnaie belge aux époques fixées, sera établi conformément au paragraphe 2A (3) du Mémorandum of Understanding.

Article 11.

Deposits.

The Government of Belgium shall deposit with the Treasury of the United States, upon demand of the United States Government, amounts of Belgium currency not to exceed the equivalent of $150.000 (United States Currency) during any calendar year, and in the aggregate totalling the equivalent of $3.000.000 (United States currency).

The rate of exchange between currency of the Government of Belgium and United States currency to be used in determining the amount of currency of the Government of Belgium to be deposited from time to time hereunder, shall be determined in accordance with paragraph 2A (3) of the Memorandum of Understanding.

Post, p. 3985.

Le Secrétaire d'Etat des Etats-Unis mettra à la disposition de la Fondations les montants en monnaie belge qui seront requis par la Fondation pour couvrir ses dépenses, mais, en aucun cas, ces montants ne pourront excéder les limites budgétaires établies con-

The Secretary of State of the United States of America will make available for expenditure by the Foundation currency of the Government of Belgium in such amounts as may be required by the Foundation but in no event in excess of the budgetary limitation

Ante, p. 3456.

formément à l'article 3 du présent accord.

established pursuant to Article 3 of the present agreement.

Article 12.

Article 12.

"Secretary of State of the United States of America."

Le terme "Secrétaire d'Etat des Etats-Unis d'Amérique", où qu'il apparaisse dans le présent accord, signifie le Secrétaire d'Etat des Etats des Etats-Unis d'Amérique ou tout fonctionnaire ou agent du Gouvernement des Etats-Unis d'Amérique désigné par lui pour agir en son nom.

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 13.

Article 13.

Amendment of agreement.

Le présent accord pourra être amendé par l'échange de notes diplomatiques entre les Gouvernements des Etats-Unis, de la Belgique et du Luxembourg.

The present agreement may be amended by the exchange of diplomatic notes between the Governments of the United States of America, Belgium, and Luxembourg.

Article 14.

Article 14.

Entry into force.

Le présent accord entrera en vigueur à la date de sa signature.

The present agreement shall come into force upon the date of signature.

En foi de quoi, les soussignés, dûment autorisés par leurs Gouvernements respectifs ont signé le présent accord.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

Fait à Bruxelles, en langues anglaise et française, ce 8 octobre 1948.

Done at Brussels, in the English and French languages this 8th day of October, 1948.

POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

ALAN G. KIRK.

POUR LE GOUVERNEMENT BELGE:

FOR THE GOVERNMENT OF BELGIUM:

CAM. HUYSMANS.

POUR LE GOUVERNEMENT LUXEMBOURGEOIS:

FOR THE GOVERNMENT OF LUXEMBOURG:

J. KREMER.

Agreement between the United States of America and the Republic of the Philippines respecting certain rights of priority in filing applications for patents. Effected by exchange of notes dated at Washington February 12, August 4 and 23, 1948; entered into force August 23, 1948.

February 12, and August 4, 23, 1948
[T. I. A. S. 1861]

The Secretary of State to the Philippine Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Philippines and has the honor to refer to the problem of the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

The United States Patent Law, R.S. 4887 (title 15, [1] USC Sec. 32), contains a clause similar to one found in Section 15 of the Philippine Patent Law, Republic Act 165. In both cases the law provides that the right of priority is accorded to ". . . a foreign country which, by treaty, convention, or law, affords similar privileges . . ." It is felt that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity. A statement by the appropriate Philippine officials to the effect that Section 15 of the Philippine Patent Law applies to United States citizens will be considered sufficient for the United States to recognize that Section 32 of the United States Patent Law is applicable to citizens of the Philippines.

Assuming that the procedure outlined above is satisfactory, the question of the war-caused delay in the use of the right of priority arises. Section 76 of the Philippine Patent Law extends the right of priority for the filing of patents which accrued during the war period on a reciprocal basis with countries according substantially the same privileges to citizens of the Philippines. The Boykin Act (United States Public Law 690, 79th Congress) contains substantially the same provisions and, upon a statement by the appropriate Philippine officials indicating that Section 76 of the Philippine Patent Law is applicable to citizens of the United States, the United States Patent Office could apply Section 1 of the Boykin Act to citizens of the Philippines. It should be noted, however, that the present expiration date of the extension of the right of priority under the Boykin Act is February 29, 1948. Unless a further extension of time is provided for by Congressional action, benefits of the Act will apply only to cases filed before February 29, 1948.

60 Stat. 940.
35 U. S. C. §§ 101-114; Supp. I, §§ 101, 103, 113 notes.

DEPARTMENT OF STATE,
Washington, February 12 1948

R V

[1] The reference should be to "title 35".

The Secretary of State to the Philippine Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of the Philippines and has the honor to refer to the Department's note of February 12, 1948 concerning the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

This problem has again been brought to the attention of the Department of State by nationals of the United States seeking to obtain patents in the Philippines based upon original filings in the United States. In attempting to secure a filing date for the Philippine application equivalent to the United States filing date, these United States nationals have been informed that the right of priority in filing patent applications can be extended to them only when proof of reciprocity in the United States for Philippine nationals has been communicated to the Philippine Government.

35 U. S. C. § 32.

As stated in the Department's note of February 12, the United States Patent Law, R. S. 4887 (title 15, USC Sec. 32), contains a clause similar to one embodied in Section 15 of the Philippine Patent Law, Republic Act 165. In each instance the respective laws provide that the right of priority is accorded to ". . . a foreign country which, by treaty, convention, or law, affords similar privileges . . ." It is the view of this Government that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity. A statement by the appropriate officer of the Philippines to the effect that Section 15 of the Philippine Patent Law applies to United States citizens will be considered sufficient to enable the United States to recognize that Section 32 of the United States Patent Law is applicable to citizens of the Philippines.

This Government is of the further view that the course of action suggested above will work to the mutual advantage of both nations by eliminating the burdensome requirement of proof of reciprocity in the case of each individual patent application. Accordingly, this Government trusts that the course of action suggested will meet with the approval of the Government of the Philippines.

DEPARTMENT OF STATE,
Washington, August 4, 1948.

R P T

The Philippine Ambassador to the Secretary of State

EMBASSY OF THE PHILIPPINES
WASHINGTON
August 23, 1948

EXCELLENCY:

I have the honor to refer to the notes of the Department of State dated February 12 and August 4, 1948 concerning the application to United States citizens of certain rights of priority in the filing of patent applications under the Philippine Patent Law.

It is stated in the Department's note of February 12, 1948 and reiterated in its note of August 4, 1948, that the United States Patent Law, R.S. 4887 (title 15, USC Sec. 32) contains a clause similar to one found in Section 15 of the Philippine Patent Law, Republic Act 165, that in both cases the law provides that the right of priority is accorded to "x x x a foreign country which, by treaty, convention, or law affords similar privileges x x x," and that it is felt that the presence of similar provisions in the patent laws of the United States and the Philippines satisfies the requirement of reciprocity. 35 U. S. C. § 32.

It is further stated in the notes under reference that it is the view of the United States Government that a statement by the appropriate Philippine officials to the effect that Section 15 of the Philippine Patent Law applies to United States citizens would be considered sufficient for the United States to recognize that Section 32 of the United States Patent Law is applicable to the citizens of the Philippines.

I am pleased to inform Your Excellency that my Government has instructed me to convey to your Government that the following text of the 3rd indorsement of the Director of the Philippines Patent Office, dated May 26, 1948 and concurred in by the Department of Commerce and Industry of my Government, represents the official position of the Philippine Government on the matter:

> Respectfully returned, thru the Honorable, the Secretary of Commerce and Industry, to the Honorable, the Secretary of Foreign Affairs, Manila.
>
> In view of the statement of the Honorable, the Secretary of State of the United States that, under the U. S. Patent Law, R. S. 4887 (Title 15, USC Sec. 32), the Government of the United States accords to citizens of the Philippines the same privileges as those which Section 15 of the Philippine Patent Law (Rep. Act No. 165, approved June 20, 1947) accords to foreigners, the Philippines Patent Office will consider the said Section 15 of the Philippine Patent Law applicable to citizens of the United States effective as of June 20, 1947. 35 U. S. C. § 32.
>
> In view of the statement of the Honorable, the Secretary of State of the United States that the U. S. Patent Office could consider the United States Boykin Act (which grants to foreigners substantially the same patent prior rights as those which Section 76 of the Philippine Patent Law accords to foreigners) applicable to citizens of the Philippines up to February 29, 1948, the Philippines Patent Office will likewise regard Section 76 of the Philippine Patent Law (Rep. Act No. 165) applicable to citizens of the United States whose patent applications were received at the Philippines Patent Office between June 20, 1947 and February 29, 1948, both dates inclusive. 60 Stat. 940. 35 U. S. C. §§ 101-114; Supp. I, §§ 101, 103, 113 notes.

It is the understanding of my Government that the aforesaid note of February 12, 1948 of the Department of State, as reiterated by its note of August 4, 1948, and this note signifying my Government's assent thereto shall constitute an agreement between the Republic of the Philippines and the United States on patents. *Ante*, p. 3461. *Ante*, p. 3462.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

J M ELIZALDE

His Excellency
GEORGE C. MARSHALL
Secretary of State

Agreement between the United States of America and Italy respecting an American Commission for Cultural Exchange with Italy. Signed at Rome December 18, 1948; entered into force December 18, 1948.

December 18, 1948
[T. I. A. S. 1864]

AGREEMENT

between the Government of the United States of America and the Government of the Italian Republic for financing certain educational exchange programs

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ACCORDO

fra il Governo della Repubblica Italiana ed il Governo degli Stati Uniti d'America per finanziare alcuni programmi di scambi culturali

AGREEMENT

between the Government of the United States of America and the Government of the Italian Republic for financing certain educational exchange programs.

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF THE ITALIAN REPUBLIC

Desiring to promote further mutual understanding between the peoples of the United States of America and of Italy by a wider exchange of knowledge and professional talents;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from currencies or credits for currencies acquired pursuant to the Memorandum of Agreement dated September 9, 1946, [1] or any supplement or modification thereof (hereinafter collectively referred to as the *Memorandum*).

Have agreed as follows:

Article 1

Deposits.

The Government of the Italian Republic shall deposit, subsequent to 30 days from December 18th 1948, with the Treasurer of the United States of America on such dates as the Government of the United States of America shall specify, amounts of Italian currency until an aggregate amount of Italian currency equivalent to $ 5.000.000 (United States currency) shall have been so deposited, provided, however, that in no event shall a total amount of Italian currency in excess of the equivalent of $ 1.000.000 (United States currency) be deposited during any single calendar year. The amount of currency so deposited shall reduce the amount that would otherwise be payable in dollars by the Government of the Italian Republic to the Government of the United States of America in accordance with the *Memorandum*.

The rate of exchange between Italian currency and United States currency to be used in determining the amount of Italian currency to be deposited from time to time pursuant to this agreement shall be determined in accordance with the *Memorandum*, or any supplement or modification thereof.

[1] Not printed.

ACCORDO

fra il Governo della Repubblica Italiana ed il Governo degli Stati Uniti d'America per finanziare alcuni programmi di scambi culturali.

Il GOVERNO DELLA REPUBBLICA ITALIANA ed il GOVERNO DEGLI STATI UNITI D'AMERICA,

Desiderosi di promuovere un più largo sviluppo dello spirito di comprensione reciproca fra i popoli dell'Italia e degli Stati Uniti d'America mediante l'incremento degli scambi di conoscenze scientifiche, tecniche e professionali;

Considerando che il Segretario di Stato degli Stati Uniti d'America ha facoltà di stipulare un accordo per finanziare alcuni programmi di scambi culturali mediante fondi o crediti derivanti dalle disposizioni del *Memorandum of Agreement* del 9 settembre 1946 e successive modificazioni (d'ora innanzi citati complessivamente come *Memorandum*).

Hanno convenuto quanto segue:

Art. 1

Il Governo della Repubblica Italiana depositerà, successivamente al decorso di 30 giorni dal 18 dicembre 1948 presso il Tesoriere degli Stati Uniti d'America, alle date indicate dal Governo degli Stati Uniti d'America, somme in valuta italiana fino a che sia stato in tal modo depositato un ammontare complessivo di valuta italiana equivalente a $ 5.000.000 (valuta statunitense). Tuttavia l'ammontare complessivo di valuta italiana da depositarsi entro un singolo anno solare non sarà in alcun caso superiore all'equivalente di $ 1.000.000. Le somme in valuta così depositate ridurranno l'ammontare complessivo che sarebbe altrimenti pagabile in dollari dal Governo della Repubblica Italiana al Governo degli Stati Uniti d'America, in conformità con il *Memorandum*.

Il tasso di cambio tra la valuta italiana e quella statunitense, che dovrà essere adottato nel fissare la quantità di valuta italiana da depositarsi di volta in volta a norma del presente accordo, sarà stabilito secondo le disposizioni del *Memorandum*, integrazioni o modificazioni del medesimo.

Article 2

Use of funds.

The amounts thus made available to the Treasurer of the United States of America shall not be subject to the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement, and shall be considered as property constituted pursuant to a transaction entered into in accordance with the *Memorandum* and are therefore not subject in the Italian Republic to any tax, duty, or other assessment under paragraph 8 of the *Memorandum*. Such amounts shall be used for the purposes of:

1. Financing studies, research, instruction and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in the Italian Republic or of citizens of the Italian Republic in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico and the Virgin Islands, including payment for transportation, maintenance, tuition and other expenses, incident to scholastic activities; or

2. Furnishing transportation for citizens of the Italian Republic who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico and the Virgin Islands, and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 3

American Commission for Cultural Exchange with Italy.

In order to promote the integrated development of the educational program, there shall be established a joint Commission, to be known as the American Commission for Cultural Exchange with Italy (hereinafter designated «the Commission») which will receive funds made available to the Government of the United States of America under the *Memorandum*. The funds so made available shall be placed at the disposal of the Commission by deposit in the Italian Republic in the name of the Treasurer of the Commission.

Article 4

Powers of the Commission.

The Commission shall exercise all powers necessary for carrying out the educational program, including the following:

(*a*) authorize the disbursement of the funds and the making of grants and advances therefrom;

(*b*) plan, adopt and carry out programs which, in the territory of the Italian Republic, shall be executed in collaboration with the Government of the Italian Republic;

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(*c*) recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, teachers professors, research scholars, resident in the Italian Republic, and institutions situated in the Italian Republic, qualified in the opinion of the Commission to participate in the programs in accordance with the aforesaid Act;

Art. 2

Le somme messe in tal modo a disposizione del Tesoriere degli Stati Uniti d'America non saranno soggette alle leggi nazionali e locali degli Stati Uniti d'America in quanto queste si riferiscono all'impiego di somme e crediti per i fini stabiliti nel presente accordo ; esse saranno considerate come beni costituiti in conseguenza di un accordo stipulato in relazione al *Memorandum*, e non saranno perciò assoggettate nella Repubblica Italiana ad alcuna imposta, tassa o ad alcun altro contributo, a norma del paragrafo 8 dello stesso *Memorandum*. Tali somme saranno impiegate per gli scopi qui appresso indicati :

1° finanziare studi e ricerche nonchè l'istruzione ed altre attività di carattere culturale a favore di cittadini statunitensi presso scuole ed istituti di istruzione superiore situati nella Repubblica Italiana, oppure a favore di cittadini italiani in scuole ed istituti di istruzione superiore statunitensi situati fuori degli Stati Uniti continentali, Hawai, Alaska (comprese le Isole Aleutine), Porto Rico ed Isole Vergini, ivi incluso il pagamento del trasporto, del mantenimento, dell'insegnamento e delle altre spese inerenti all'attività scolastica ; oppure

2° provvedere al trasporto di cittadini italiani i quali desiderino frequentare o visitare scuole ed istituti di istruzione superiore statunitensi negli Stati Uniti continentali, Hawai, Alaska (comprese le isole Aleutine), Porto Rico ed Isole Vergini, purchè la frequenza da parte dei cittadini suddetti non pregiudichi ai cittadini statunitensi la possibilità di frequentare tali scuole ed istituti.

Art. 3

Allo scopo di promuovere un completo sviluppo del programma culturale sarà creata una Commissione mista che prenderà il nome di Commissione Americana per gli Scambi Culturali con l'Italia (d'ora innanzi indicata come « la Commissione »), la quale riceverà i fondi posti a disposizione del Governo degli Stati Uniti d'America secondo il *Memorandum*. I fondi stanziati saranno messi a disposizione della Commissione mediante un deposito costituito nella Repubblica Italiana a nome del Tesoriere della Commissione.

Art. 4

La Commissione eserciterà tutti i poteri necessari per l'attuazione del programma culturale, ivi compresi i seguenti :

a) autorizzare il pagamento dei fondi, l'assegnazione di sovvenzioni e dei relativi anticipi ;

b) progettare, adottare e attuare programmi, i quali, nel territorio della Repubblica Italiana, saranno attuati in collaborazione col Governo Italiano ;

c) proporre al Consiglio delle Borse di Studio all'estero (previsto nell'*United States Surplus Property* Act del 1944 e successive modificazioni) studenti, insegnanti, professori, esperti in ricerche residenti nella Repubblica Italiana ed istituti situati nella Repubblica Italiana, che siano in possesso dei requisiti richiesti a giudizio della Commissione per partecipare ai programmi a norma della legge su citata ;

(*d*) recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary;

(*e*) provide for periodic audits of the accounts of the Commission as directed by auditors selected by the Secretary of State of the United States of America;

(*f*) engage an executive officer, administrative and clerical staff and fix and authorize the payment of salaries and wages thereof out of the funds made available.

Article 5

Expenditures.

All expenditures authorized by the Commission shall be made in accordance with budgets to be approved by the Secretary of State of the United States of America pursuant to such regulations he may prescribe, and the Commission shall not authorize any commitments or create any obligation in excess of the part of the funds actually placed at its disposal at the time of the authorization.

Article 6

Membership.

The Commission shall consist of twelve members, six of whom shall be citizens of the United States of America, six of whom shall be citizens of the Italian Republic.

Of the citizens of the United States of America, a minimum of three shall be officers of the United States Foreign Service Establishments in the Italian Republic; one of them shall serve as Treasurer. The principal officer in charge of the Diplomatic Mission of the United States of America in the Italian Republic shall be Honorary Chairman of the Commission. He shall have the power of appointment and removal of the United States citizens on the Commission, and deciding vote in case of tie. The citizens of the Italian Republic on the Commission shall be appointed and may be removed by the Government of the Italian Republic. A Chairman with voting power shall be elected by the Commission from among its members.

The members shall serve from the time of their appointment until one year from the following December 31st, and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the territory of the Italian Republic, expiration of term of service or otherwise, shall be filled in accordance with the above procedure. The members shall serve without compensation, but the Commission may authorize the payment of the necessary expenses of the members in attending the meetings of the Commission.

Rules and committees.

The Commission shall adopt such rules and appoint such committees as it deems necessary for the conduct of its affairs.

Article 7

Reports.

Reports shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of the Italian Republic. Such reports shall be submitted in such form and detail as may be required by the Secretary of State.

d) proporre al suddetto Consiglio delle Borse di Studio all'estero i requisiti necessari per la scelta dei partecipanti ai programmi stabiliti;

e) provvedere a controlli periodici dei conti della Commissione nel modo disposto da agenti di controllo designati dal Segretario di Stato degli Stati Uniti d'America;

f) assumere un funzionario con funzioni direttive e personale con funzioni amministrative e d'ordine; fissare l'ammontare ed autorizzare il pagamento dei relativi stipendi e paghe da prelevarsi dai fondi messi a disposizione.

Art. 5

Tutte le spese autorizzate dalla Commissione dovranno essere fatte in conformità di bilanci da sottoporre all'approvazione del Segretario di Stato degli Stati Uniti d'America in ottemperanza a quelle disposizioni che egli potrà emanare; la Commissione non autorizzerà qualsiasi impegno e non assumerà qualsiasi obbligazione che possa eccedere la parte dei fondi effettivamente posti a sua disposizione al momento dell'autorizzazione.

Art. 6

La Commissione sarà composta di dodici membri, sei dei quali cittadini degli Stati Uniti d'America e sei cittadini della Repubblica Italiana.

Tra i membri cittadini statunitensi almeno tre dovranno essere funzionari appartenenti alla Rappresentanza Diplomatica od ai Consolati degli Stati Uniti nella Repubblica Italiana. Uno di essi sarà il Tesoriere della Commissione. Il funzionario più elevato in grado della Missione Diplomatica degli Stati Uniti in Italia sarà il Presidente onorario della Commissione. Egli avrà il potere di nominare e revocare i membri della Commissione che siano cittadini statunitensi ed avrà voto prevalente in caso di parità di voti. I membri della Commissione cittadini italiani saranno nominati e revocati dal Governo della Repubblica Italiana. La Commissione eleggerà un presidente scelto tra i propri membri, il quale avrà voto alla pari degli altri membri.

I membri rimarranno in carica per la durata di un anno a partire dal 31 dicembre successivo alla loro nomina e potranno essere confermati. I posti che si rendessero vacanti a causa di dimissioni, trasferimenti di residenza fuori del territorio della Repubblica Italiana, scadenza del periodo di carica od altra causa, saranno ricoperti adottando la procedura sopra indicata. I membri presteranno servizio senza emolumenti; la Commissione potrà tuttavia autorizzare il pagamento delle spese incontrate dai membri per partecipare alle sedute della Commissione.

La Commissione adotterà quei regolamenti e designerà quei comitati che riterrà necessari per l'espletamento della sua attività.

Art. 7

Ogni anno saranno presentati al Segretario di Stato degli Stati Uniti d'America ed al Governo della Repubblica Italiana dei rapporti sulle attività della Commissione. Detti rapporti saranno redatti nella forma e con le modalità che potranno essere disposte dal Segretario di Stato.

Article 8

Principal office, etc.

The principal office of the Commission shall be in Rome, but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the Commission officers or staff may be carried on at such places as may be approved by the Commission, within the limit of any rules, regulations and restrictions in force in territories under the authority of the Italian Republic.

Article 9

"Secretary of State of the United States of America."

Wherever in the present agreement, the term « Secretary of State of the United States of America » is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act on his behalf.

Article 10

Exchange of persons programs.

The Government of the United States of America and the Government of the Italian Republic shall make every effort to facilitate the exchange of persons programs authorized in this agreement and to resolve problems which may arise in the operation thereof.

Article 11

Entry into force.

The present agreement shall enter into force on the date of its signature. It shall be reviewed at the expiration of a period of three years. It may also be reviewed at any prior time at the instance of one or the other Government.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

Authentic texts.

DONE in Rome, this 18th day of December 1948 in duplicate in the English and Italian languages both equally authentic.

For the Government of the United States of America

For the Italian Government

Art. 8

La sede principale della Commissione sarà stabilita in Roma, tuttavia potranno tenersi riunioni della Commissione e di qualsiasi sotto-commissione in qualunque altro luogo fissato dalla Commissione. L'attività di qualsiasi funzionario o dipendente della Commissione potrà svolgersi in ogni luogo designato da qnesta nei limiti previsti dalle leggi e dai regolamenti vigenti nei territori sotto l'autorità della Repubblica Italiana.

Art. 9

Ogni volta che nella presente Convenzione è usata l'espressione «Segretario di Stato degli Stati Uniti d'America» si intenderà che essa indica il Segretario di Stato degli Stati Uniti o qualsiasi funzionario o impiegato del Governo degli Stati Uniti d'America da lui designato per agire in suo nome.

Art. 10

Il Governo della Repubblica Italiana ed il Governo degli Stati Uniti d'America faciliteranno in ogni modo l'attuazione dei programmi di scambio di persone autorizzati dalla presente Convenzione nonchè la risoluzione di qualsiasi problema relativo a detti programmi.

Art. 11

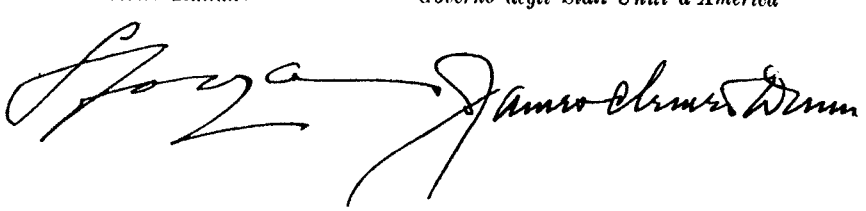
Il presente Accordo entrerà in vigore alla data della sua firma e sarà riveduto alla scadenza di un periodo di tre anni. Esso potrà anche essere riveduto in qualsiasi momento prima di detta data su richiesta dell'uno o dell'altro Governo.

IN FEDE DI CHE i sottoscritti, debitamente autorizzati dai rispettivi Governi, hanno firmato il presente Accordo.

FATTO a Roma il 18 dicembre 1948, in duplice originale, in lingua italiana ed inglese, facenti entrambe ugualmente fede.

Per il
Governo Italiano

Per il
Governo degli Stati Uniti d'America



April 21, 1942, and March 17, June 1, 1948
[T. I. A. S. 1866]

Agreement between the United States of America and Peru respecting an agricultural experiment station at Tingo María. Effected by exchange of notes signed at Lima March 17 and June 1, 1948; entered into force June 1, 1948. And memorandum of agreement between the United States Department of Agriculture and Peru, signed at Washington April 21, 1942; entered into force April 21, 1942.

The American Ambassador to the Peruvian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 912

LIMA, *March 17, 1948.*

EXCELLENCY:

I have the honor to refer to the Memorandum of Agreement for cooperation between my Government and the Government of the Republic of Perú in the establishment and operation of an agricultural experiment station at Tingo María. The Agreement was drafted in the English language and signed on April 21, 1942 at Washington, D. C., by Claude R. Wickard, Secretary of Agriculture, on behalf of my Government, and by David Dasso, Minister of Finance, on behalf of the Government of the Republic of Perú.

Post, p. 3477.

I am informed that upon the request of the Ministry of Agriculture, the appropriate Ministries of Your Excellency's Government have agreed to grant free entry into Perú for the property of personnel of the United States Department of Agriculture assigned to the station at Tingo María, and that it is desirable accordingly to amend the Agreement by inserting an additional paragraph after the final sentence in Section 4, to contain the following language:

Post, p. 3478.

Section 4 . . . . . .

"The United States personnel assigned to the Station will not be obligated to pay to Perú any direct tax or contribution for purposes of social security or retirement on salaries or income when they are subject to such taxes or contributions in the United States of America. The Government of Perú shall extend free entry or shall pay the corresponding charges for material and equipment necessary for the professional use of United States personnel assigned to this Station. In like manner the Government of Perú shall either grant free entry or pay corresponding duties on personal effects of the United States personnel assigned to this Station, according to the limitations covering members of the Diplomatic Corps accredited to the Government of Perú; for the purposes of this agreement the United States personnel assigned to the Agricultural Experiment Station at Tingo María shall be considered as having the same free entry privileges as

First Secretaries in the Diplomatic Service. Duties exceeding these limits shall be paid by the personnel concerned."

If the text of the amendment set forth above is acceptable to the Government of Perú, I should appreciate being informed by Your Excellency that it may be considered an integral part of the Memorandum of Agreement of April 21, 1942.

Post, p. 3477.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

PRENTICE COOPER

His Excellency
General ARMANDO REVOREDO IGLESIAS,
Minister for Foreign Affairs,
Lima.

The Peruvian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

Nº: (D)-6-3/28 LIMA, *1º de junio de 1948.*

SEÑOR EMBAJADOR:

Tengo el honor de informar a Vuestra Excelencia, en respuesta a su atenta nota Nº 912, de 17 de marzo último, que el Gobierno del Perú no tiene inconveniente en aceptar el texto del artículo que se propone, para ser incorporado al Convenio de 21 de abril de 1942, relativo al establecimiento y administración de la Estación Agrícola Experimental de Tingo María, que a la letra dice:

"Sección 4

El personal de los Estados Unidos asignado a la Estación no estará obligado a pagar en el Perú ningún impuesto directo o contribución por concepto de seguro social o sobre jubilaciones o renta, por cuanto, ellos están sujetos a tales impuestos o contribuciones en los Estados Unidos de América. El Gobierno del Perú concederá libre ingreso o pagará los derechos correspondientes por el material y equipo necesario para el uso profesional del personal de los Estados Unidos asignado a esa Estación. Asimismo, el Gobierno del Perú concederá libre ingreso o pagará los derechos correspondientes por los efectos personales del personal de los Estados Unidos asignado a esa Estación, de conformidad a las limitaciones que comprenden a los miembros del Cuerpo Diplomático acreditado ante el Gobierno del Perú; para los efectos de este Convenio el personal de los Estados Unidos destinado a la Estación Experimental Agrícola de Tingo María será considerado como que goza de iguales privilegios de libre ingreso que los Primeros Secretarios en el Servicio Diplomático. Los derechos que excedan de estos límites serán pagados por el personal interesado."

Aprovecho la oportunidad para reiterarle, Señor Embajador, las seguridades de mi más alta y distinguida consideración.

A REVOREDO I

Al Excelentísimo Señor PRENTICE COOPER,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Ciudad.–

Translation

MINISTRY FOR FOREIGN AFFAIRS AND WORSHIP

No: (D)–6–3/28

LIMA, *June 1, 1948.*

MR. AMBASSADOR:

I have the honor to inform Your Excellency, in reply to your courteous note No. 912, of March 17 last, that the Government of Peru does not find any objection to accepting the text of the proposed article, to be incorporated in the Agreement of April 21, 1942, relative to the establishment and administration of the Agricultural Experiment Station at Tingo María, which is couched in the following terms:

Ante, p. 3474.

Post, p. 3477.

"Section 4

The United States personnel assigned to the Station will not be obliged to pay to Peru any direct tax or contribution for purposes of social security or retirement on salaries or income when they are subject to such taxes or contributions in the United States of America. The Government of Peru shall extend free entry or shall pay the corresponding charges for material and equipment necessary for the professional use of the United States personnel assigned to this Station. In like manner, the Government of Peru shall either grant free entry or pay corresponding duties on the personal effects of the United States personnel assigned to this Station, according to the limitations covering members of the Diplomatic Corps accredited to the Government of Peru; for the purposes of this Agreement the United States personnel assigned to the Agricultural Experiment Station at Tingo María shall be considered as having the same free entry privileges as First Secretaries in the Diplomatic Service. Duties exceeding these limits shall be paid by the personnel concerned."

I avail myself of this opportunity to renew to you, Mr. Ambassador, the assurances of my highest consideration.

A REVOREDO I

His Excellency
Mr. PRENTICE COOPER,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
Lima.–

Memorandum of Agreement between the United States Secretary of Agriculture and the Peruvian Minister of Finance

MEMORANDUM OF AGREEMENT

Purpose of agreement.

The Government of the United States of America, through the United States Department of Agriculture, and the Government of Peru desiring to cooperate in the establishment and operation of an agricultural experiment station at Tingo Maria, Peru, for the purpose of promoting the production of basic and strategic tropical products have reached the following agreement:

Functions of station.

1. The general functions of the station shall include: (a) agronomic production investigations necessary to permanent agriculture in the Tingo Maria region and in general over the whole of the Peruvian Amazon basin with complementary products, particularly rubber, as the cash crops; (b) extension of approved agricultural practices by the operation of demonstration farms, and by agricultural extension work as liaison between the station and the private farms; (c) the propagation and distribution of planting material to farmers; and (d) cooperation with other agricultural institutions of the Western Hemisphere in the promotion of tropical agriculture through consultation and the exchange of scientific information and personnel.

Availability of Peruvian land, etc.

2. The Government of Peru will make available all land necessary to conduct investigations and demonstration work designed to promote the profitable production of export crops, such as rubber, fibers, insecticides, medicinals, et cetera, and increase the income and foreign trade of the people of Peru. Such land shall be selected by the director of the station in cooperation with the appropriate governmental agency of Peru, and the Government of Peru shall permit the continued use of the land by the experiment station free of charge. The land shall include a minimum of 500 hectares in the vicinity of the central station at Tingo Maria, and at least three other parcels with a minimum of 50 hectares each which shall be representative of various natural land divisions of the Amazonas.

Construction of buildings, etc.

3. The Government of Peru also agrees to construct: (a) residences, complete with furnishings, for the North American and Peruvian members of the staff, except stoves and refrigerators not manufactured in Peru; (b) a laboratory, office and library building for technical work; and (c) service buildings, including repair shops, one or more buildings for the preparation and propagation of plant material, a building for the storage of equipment and plant material, and such buildings as may be needed for studies in livestock production and the housing of pilot plants for processing agricultural production for shipment.

Furnishings, services, etc.

4. The Peruvian Government shall provide: (a) complete furnishings, services, and equipment, except scientific equipment and apparatus not produced or manufactured in Peru, for the laboratory, office, and library building; (b) an adequate and pure water supply; (c) recreational facilities such as tennis courts, swimming pool, et

cetera; (d) a graduate medical doctor and surgeon at the existing hospital at Tingo Maria; (e) agricultural publications, necessary to the proper functioning of the station, including reference books, noncurrent journals, and all journals and bulletins published outside of the United States, as well as the binding of journals; and (f) the funds necessary for the preparation, printing and distribution of four types of publications to be issued by the station, as follows:

(1) A popular Spanish periodical written for the farm family and containing articles by the staff and other qualified persons on such subjects as health, hygiene, community organization, information on the Amazonas region, aims of the experiment station, treatment of agricultural practices and methodology,

(2) farm circulars written in Spanish and issued as required, dealing with specific farm practices or products,

(3) technical bulletins in English or Spanish dealing with the results of specific scientific investigation at the station, and

(4) an annual report in Spanish, covering the work of the station performed during the year, and the status of agriculture in the region;

(g) the services of at least one Peruvian scientist to cooperate with the scientists detailed to Peru by the United States Department of Agriculture, and the services of technologists qualified in the fields of land-surveying, topography, drainage, drafting, minor construction, botany, entomology, chemical analysis, and library management; (h) stenographers, clerks, mechanics, machinists, field plot and laboratory assistants, and such unskilled labor as may be necessary to conduct the work of the experiment station; and (i) the transportation expenses incurred by Peruvian and United States members of the station staff for travel on station business within Peru. The Peruvian Government also undertakes, when possible, to maintain Peruvian students in graduate study in each of the fields of agriculture in colleges or universities in the United States.

Ante, p. 3474.

Services, etc., provided by U. S.

5. The Government of the United States of America, through the United States Department of Agriculture, and subject to the availability of funds for the purpose, agrees to provide; (a) the services of scientists to perform the functions of director of the station, agronomist, plant geneticist and breeder, pedologist, animal husbandman, rubber specialist, and agricultural extension specialist; (b) current scientific journals on plant and animal science published in the United States; (c) scientific equipment and apparatus not produced or manufactured in Peru; (d) stoves and refrigerators not manufactured in Peru, for the residences of the staff; (e) hand and mechanical tools for the station shops; (f) hospital equipment for the treatment of emergency cases; and (g) for the designing of all buildings, ininclding residences for the Peruvian and North American members of the staff.

Governing commission, etc.

6. The Government of the United States of America and the Government of Peru mutually agree: (a) that the agricultural experi-

ment station shall be governed by a commission composed of one representative of each of the two Governments; that the commission shall have authority to make all appointments after approval by the Peruvian Government, and to direct and supervise the work and in general have full responsibility and authority in all matters necessary to the proper functioning of the station, provided that the governing commission may delegate to the Director of the station such of its functions as it may deem fit; (b) that the United States Department of Agriculture shall provide the services of an executive secretary to assist the governing commission; (c) that, exclusive of salaries of the scientists made available to the station by the United States Department of Agriculture, the obligations of the United States Government shall not exceed $60,000 the first year, nor more than $40,000 in any one fiscal year thereafter; (d) that the furnishing of the items described under clauses (c), (d), (e) and (f) of numbered paragraph 5, of this Agreement shall be contingent upon the availability of supplies of such items in the United States; and (e) that the obligations assumed by the Government of Peru under numbered paragraph 3, and clauses (a), (b) and (c) of numbered paragraph 4, shall not be construed to commit the Peruvian Government to an additional expenditure in excess of 1,000,000 soles.

Peruvian obligations, limitation.

7. This Agreement shall come in force on the day of signature and shall continue in force for a period of ten years, unless the Congress of either country shall fail to appropriate the funds necessary for its execution in which event it may be terminated on sixty days written notice by either Government.

Entry into force; duration.

For the United States of America
CLAUDE R. WICKARD
Secretary of Agriculture

For the Republic of Peru
DAVID DASSO
Minister of Finance

WASHINGTON, D. C.
April 21, 1942

September 28, 29, 1948
[T. I. A. S. 1867]

Agreement between the United States of America and Italy respecting passport visas. Effected by exchange of notes verbales dated at Rome September 28 and 29, 1948; entered into force September 29, 1948.

The Italian Ministry of Foreign Affairs to the American Embassy

Ministero degli Affari Esteri
D.G.E. - Stranieri

'04165/30

NOTA VERBALE

Il Ministero degli Affari Esteri ha l'onore di comunicare all'Ambasciata degli Stati Uniti d'America che il Governo Italiano ha deciso di abolire - a partire dal 1° novembre p.v. - il visto ai passaporti dei cittadini statunitensi che intendano transitare per l'Italia o soggiornarvi per un periodo non superiore a tre mesi continuativi. Le competenti autorità di Pubblica Sicurezza potranno accordare proroghe del permesso di soggiorno, a richiesta degli interessati, per un periodo massimo di tre mesi.

I cittadini statunitensi che intendano trattenersi in Italia per un più lungo soggiorno o a tempo indeterminato dovranno munirsi, prima di intraprendere il viaggio, di un visto che sarà rilasciato dalle rappresentanze italiane all'estero dopo aver consultato la competente autorità centrale.

Il Ministero degli Affari Esteri è stato lieto di apprendere dal pro-memoria dell'Ambasciata degli Stati Uniti d'America N. 308 del 27 giugno 1947 e da ulteriori comunicazioni, che il suo Governo è disposto a concedere, ai sudditi italiani che intendano recarsi in visita temporanea negli Stati Uniti, visti per non-immigranti validi per la presentazione ad un porto di sbarco una o più volte nel periodo di due anni. Tale visto avrà la validità del passaporto su cui è apposto, entro il termine massimo di due anni.

L'autorità centrale italiana farà conoscere la propria decisione in merito alle domande di lungo soggiorno dei cittadini statunitensi entro due mesi dal ricevimento delle singole domande. Si gradirebbe che, entro lo stesso termine, i Consolati degli Stati Uniti d'America si impegnassero ad accettare le domande dei cittadini italiani desiderosi di ottenere un visto quali "non-immigranti" od a far conoscere il motivo dell'eventuale rifiuto.

Il Ministero degli Affari Esteri ha l'onore di pregare l'Ambasciata degli Stati Uniti d'America di far conoscere le sue vedute in merito alle disposizioni di cui sopra e di comunicarne la data di entrata in vigore.

Roma, li 28 SET 1948

MINISTERO AFFARI ESTERI

ALL'AMBASCIATA DEGLI STATI UNITI D'AMERICA
ROMA

Translation

MINISTRY OF FOREIGN AFFAIRS
D.G.E. – Aliens
04165/30

NOTE VERBALE

The Ministry of Foreign Affairs has the honor to communicate to the Embassy of the United States of America that the Italian Government has decided to abolish, beginning November 1 next, the visa on passports of American citizens who intend to pass through Italy or sojourn there for a period not exceeding three consecutive months. The competent authorities of the Security Police may grant extensions of the residence permit, at the request of the persons concerned, for a maximum period of three months.

United States citizens who intend to remain in Italy for a longer or indefinite period must provide themselves, before beginning the trip, with a visa which will be granted by Italian representatives abroad after consultation with the competent central authority.

The Ministry of Foreign Affairs was pleased to learn from the American Embassy's pro memoria, no. 308 of June 27, 1947, and from subsequent communications, that its Government is prepared to grant to Italian citizens intending to go to the United States for a temporary stay non-immigrant visas valid for presentation at a port of disembarkation one or more times in a two-year period. Such visa will have the validity of the passport on which it is placed for a maximum period of two years.

The Italian central authorities will make their decision known with reference to the applications of United States citizens for a long stay within two months after receipt of the respective applications. It would be appreciated if, within the same period, the consuls of the United States of America would undertake to accept the applications of Italian citizens desiring to obtain a non-immigrant visa or make known their reasons in case of refusal.

The Ministry of Foreign Affairs has the honor to request the Embassy of the United States of America to make its views known with respect to the provisions alluded to above and to communicate the date of entry into force.

ROME, *September 28, 1948*

MINISTRY OF FOREIGN AFFAIRS

The Embassy of the
United States of America
Rome

The American Embassy to the Italian Ministry of Foreign Affairs

F. O. No. 1887

NOTE VERBALE

Waiver by Italy of designated visas to U. S. citizens.

Ante, p. 3481.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs, and has the honor to acknowledge with pleasure the Ministry's Note No. 04165/30 of September 28, 1948 regarding the decision of the Italian Government to waive from November 1, 1948 visas on passports of United States citizens who intend to transit through Italy or stay in Italy for not exceeding three consecutive months, with the privilege of extension for a maximum period of three months.

Grant by U. S. of non-immigrant visas to Italian subjects.

43 Stat. 154. 8 U. S. C. § 203 (2). 62 Stat., Pt. 1, p. 7.

American consular offices are being instructed by the Department of State, effective November 1, 1948, to grant non-immigrant visas valid for 24 months to Italian subjects classified as temporary visitors under Section 3(2) of the United States Immigration Act of 1924, as amended, as long as visa requirements are waived for American citizens proceeding to Italy for a visit, or in transit. The 24 months' period of validity will apply only to temporary visitors classified under Section 3(2) of the Act; visas issued to government officials and members of international organizations under Sections 3(1) and 3(7) of the Act, will continue to be issued valid for twelve months. The waiver of passport visa fees for non-immigrant temporary visitors is continued.

43 Stat. 154; 59 Stat. 672. 8 U. S. C. § 203 (1), (7).

In considering the period of validity for two years it should be understood that the visas granted would be valid for presentation at a port of entry at any time, or any number of times, during the two-year period. It would have no relation to the period of stay in the country which may be granted to the bearer of such a visa if he is admitted into the country after inspection at the port of entry. In accordance with existing procedure, the immigration officials at the port of entry would continue to specify the authorized length of stay of an alien for each visit. In general the passport of an alien must be valid for a period of at least 60 days beyond the period of the alien's contemplated stay in the United States.

No visa granted for a period of two years would be valid for such period unless the passport or other acceptable travel document of the bearer is valid for such period. However, if the passport or travel document is not valid for the full period of two years at the time the visa is granted the passport or travel document may be extended by the issuing authority for the full period of two years or more, in which event the visa would be considered as valid for the full period of two years.

Italian action respecting longer sojourns of U. S. citizens.

The Embassy notes that the Italian authorities will take action on applications for longer sojourns of United States citizens within two months and agrees, insofar as possible within the limits of American

law, to act on applications for visas submitted by Italian citizens within the same period of time.

ROME, *September 29, 1948.*

HMB

To the
Ministry of Foreign Affairs,
Rome.

Constitution of the International Labor Organization Instrument of Amendment adopted at Montreal, October 9, 1946, by the General Conference of the International Labor Organization. Acceptance by the United States of America deposited with the International Labor Office August 2, 1948.

August 2, 1948
[T. I. A. S. 1868]

THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946

ADOPTED BY THE CONFERENCE
AT ITS TWENTY-NINTH SESSION
MONTREAL, 9 OCTOBER 1946

INSTRUMENT D'AMENDEMENT A LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL, 1946

ADOPTÉS PAR LA CONFÉRENCE
A SA VINGT-NEUVIÈME SESSION
MONTRÉAL, 9 OCTOBRE 1946

INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946; and

Having decided upon the adoption of certain amendments to the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session,

adopts, this ninth day of October of the year one thousand nine hundred and forty-six, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1946:

Article 1

Effective date.

As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation, of which the text at present in force is set forth in the first column of the Annex to this Instrument, shall have effect as amended in the second column of the said Annex.

Post, p. 3490.

Article 2

Authenticated and certified copies, disposition.

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

59 Stat. 1052.

Article 3

Notification of ratifications or acceptances.

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

Entry into force.

2. This Instrument of Amendment will come into force in accordance with the provisions of Article 36 of the Constitution of the Organisation.

Post, p. 3550.

INSTRUMENT POUR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Montréal par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie, le 19 septembre 1946, en sa vingt-neuvième session,

Après avoir décidé d'adopter certaines propositions d'amendement à la Constitution de l'Organisation internationale du Travail, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

adopte, ce neuvième jour d'octobre mil neuf cent quarante-six, l'instrument ci-après pour l'amendement à la Constitution de l'Organisation internationale du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946:

Article 1

A partir de la date de l'entrée en vigueur du présent instrument d'amendement, la Constitution de l'Organisation internationale du Travail, dont le texte actuellement en vigueur est reproduit dans la première colonne de l'annexe au présent instrument, aura effet dans la forme amendée qui figure à la deuxième colonne de ladite annexe.

Article 2

Deux exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, et l'autre entre les mains du Secrétaire général des Nations Unies aux fins d'enregistrement conformément aux termes du l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

Article 3

1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur général du Bureau international du Travail, qui en informera les Membres de l'Organisation.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 de la Constitution de l'Organisation internationale du Travail.

Notification of entry into force.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.[1]

[1] By letter, dated May 7, 1948, the Director-General of the International Labor Office at Geneva, notified the Under Secretary of Labor, Department of Labor, at Washington as follows: " . . . the requisite number of ratifications and acceptances having been communicated to me, the Constitution of the International Labour Organisation Instrument of Amendment, 1946, came into force on 20 April 1948, the date on which the thirty-seventh ratification or acceptance was received by the International Labour Office." See *post*, p. 3573, for a list showing, as of Aug. 10, 1948, the countries which have formally communicated to the International Labor Office their respective instruments of ratification or acceptance of the Instrument.

3. Dès l'entrée en vigueur du présent instrument, le Directeur général du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail, le Secrétaire général des Nations Unies et tous les Etats signataires de la Charte des Nations Unies.

ANNEX

THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Text in force on 9 October 1946	Amended Text
SECTION I	PREAMBLE
ORGANISATION OF LABOUR	
Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;	Whereas universal and lasting peace can be established only if it is based upon social justice;
And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;	And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;
Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way	Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way

ANNEXE

CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

Texte en vigueur le 9 octob re 1946	Texte amendé
SECTION 1	PRÉAMBULE
ORGANISATION DU TRAVAIL	
Attendu que la Société des Nations a pour but d'établir la paix universelle, et qu'une telle paix ne peut être fondée que sur la base de la justice sociale;	Attendu qu'une paix universelle et durable ne peut être fondée que sur la base de la justice sociale ;
Attendu qu'il existe des conditions de travail impliquant pour un grand nombre de personnes l'injustice, la misère et les privations, ce qui engendre un tel mécontentement que la paix et l'harmonie universelles sont mises en danger, et attendu qu'il est urgent d'améliorer ces conditions : par exemple, en ce qui concerne la réglementation des heures de travail, la fixation d'une durée maximum de la journée et de la semaine de travail, le recrutement de la main-d'oeuvre, la lutte contre le chômage, la garantie d'un salaire assurant des conditions d'existence convenables, la protection des travailleurs contre les maladies générales ou professionnelles et les accidents résultant du travail, la protection des enfants, des adolescents et des femmes, les pensions de vieillesse et d'invalidité, la défense des intérêts des travailleurs occupés à l'étranger, l'affirmation du principe de la liberté syndicale, l'organisation de l'enseignement professionnel et technique et autres mesures analogues;	Attendu qu'il existe des conditions de travail impliquant pour un grand nombre de personnes l'injustice, la misère et les privations, ce qui engendre un tel mécontentement que la paix et l'harmonie universelles sont mises en danger, et attendu qu'il est urgent d'améliorer ces conditions: par exemple, en ce qui concerne la réglementation des heures de travail, la fixation d'une durée maximum de la journée et de la semaine de travail, le recrutement de la main-d'œuvre, la lutte contre le chômage, la garantie d'un salaire assurant des conditions d'existence convenables, la protection des travailleurs contre les maladies générales ou professionnelles et les accidents résultant du travail, la protection des enfants, des adolescents et des femmes, les pensions de vieillesse et d'invalidité, la défense des intérêts des travailleurs occupés à l'étranger, l'affirmation du principe «à travail égal, salaire égal», l'affirmation du principe de la liberté syndicale, l'organisation de l'enseignement professionnel et technique et autres mesures analogues;
Attendu que la non-adoption par une nation quelconque d'un régime de travail réellement	Attendu que la non-adoption par une nation quelconque d'un régime de travail réellement

of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following Constitution of the International Labour Organisation:

CHAPTER I—ORGANISATION

Article 1

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

Post, p. 3554.

Members.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director of the International Labour Office its formal acceptance of the obligations of the Constitu-

of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organisation:

CHAPTER I — ORGANISATION

Article 1

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the

humain fait obstacle aux efforts des autres nations désireuses d'améliorer le sort des travailleurs dans leurs propres pays;

LES HAUTES PARTIES CONTRACTANTES, mues par des sentiments de justice et d'humanité aussi bien que par le désir d'assurer une paix mondiale durable, approuvent la présente Constitution de l'Organisation internationale du Travail:

CHAPITRE PREMIER. — ORGANISATION

Article 1

1. Il est fondé une organisation permanente chargée de travailler à la réalisation du programme exposé dans le préambule.

2. Les Membres de l'Organisation internationale du Travail seront les Etats qui étaient Membres de l'Organisation au 1er novembre 1945 et tous autres Etats qui deviendraient Membres conformément aux dispositions des paragraphes 3 et 4 du présent article.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qualité de Membre des Nations Unies par décision de l'Assemblée générale conformément aux dispositions de la Charte peut devenir Membre de l'Organisation internationale du Travail en communiquant au Directeur du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de

humain fait obstacle aux efforts des autres nations désireuses d'améliorer le sort des travailleurs dans leurs propres pays;

LES HAUTES PARTIES CONTRACTANTES, mues par des sentiments de justice et d'humanité aussi bien que par le désir d'assurer une paix mondiale durable, et en vue d'atteindre les buts énoncés dans ce préambule, approuvent la présente Constitution de l'Organisation internationale du Travail:

CHAPITRE PREMIER. — ORGANISATION

Article 1

1. Il est fondé une organisation permanente chargée de travailler à la réalisation du programme exposé dans le préambule de la présente Constitution et dans la Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail qui a été adoptée à Philadelphie le 10 mai 1944 et dont le texte figure en annexe à la présente Constitution.

2. Les Membres de l'Organisation internationale du Travail seront les Etats qui étaient Membres de l'Organisation au 1er novembre 1945 et tous autres Etats qui deviendraient Membres conformément aux dispositions des paragraphes 3 et 4 du présent article.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qualité de Membre des Nations Unies par décision de l'Assemblée générale conformément aux dispositions de la Charte peut devenir Membre de l'Organisation internationale du Travail en communiquant au Directeur général du Bureau international du Travail son acceptation formelle des obligations découlant de la Consti-

tion of the International Labour Organisation.

Admission.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the Session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

Withdrawal.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

Readmission.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut également admettre des Membres dans l'Organisation à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants. Cette admission deviendra effective lorsque le gouvernement du nouveau Membre aura communiqué au Directeur du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra s'en retirer sans avoir donné préavis de son intention au Directeur du Bureau international du Travail. Ce préavis portera effet deux ans après la date de sa réception par le Directeur, sous réserve que le Membre ait à cette date rempli toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un Membre aura ratifié une convention internationale du travail, ce retrait n'affectera pas la validité, pour la période prévue par la convention, des obligations résultant de la convention ou y relatives.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa réadmission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

Article 2

L'Organisation permanente comprendra:

tution de l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut également admettre des Membres dans l'Organisation à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants. Cette admission deviendra effective lorsque le gouvernement du nouveau Membre aura communiqué au Directeur général du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra s'en retirer sans avoir donné préavis de son intention au Directeur général du Bureau international du Travail. Ce préavis portera effet deux ans après la date de sa réception par le Directeur général, sous réserve que le Membre ait à cette date rempli toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un Membre aura ratifié une convention internationale du travail, ce retrait n'affectera pas la validité, pour la période prévue par la convention, des obligations résultant de la convention ou y relatives.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa réadmission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

Article 2

L'Organisation permanente comprendra:

General Conference.

1. A General Conference of Representatives of the Members and

Governing Body.

2. An International Labour Office controlled by the Governing Body described in Article 7.

International Labour Office.

(a) a General Conference of representatives of the Members;

(b) a Governing Body composed as described in Article 7; and

(c) an International Labour Office controlled by the Governing Body.

Article 3

Article 3

Meetings.

1. The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

Advisers to Delegates.

2. Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

(a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and

1. une Conférence générale des représentants des Membres;

2. un Bureau international du Travail sous la direction du Conseil d'administration prévu à l'article 7.

Article 3

1. La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et, au moins, une fois par an. Elle sera composée de quatre représentants de chacun des Membres, dont deux seront les délégués du gouvernement et dont les deux autres représenteront respectivement, d'une part, les employeurs, d'autre part, les travailleurs ressortissant à chacun des Membres.

2. Chaque délégué pourra être accompagné par des conseillers techniques, dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session. Quand des questions intéressant spécialement des femmes doivent venir en discussion à la Conférence, une au moins parmi les personnes désignées comme conseillers techniques devra être une femme.

a) une Conférence générale des représentants des Membres;

b) un Conseil d'administration composé comme il est dit à l'article 7;

c) un Bureau international du Travail sous la direction du Conseil d'administration.

Article 3

1. La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et, au moins, une fois par an. Elle sera composée de quatre représentants de chacun des Membres, dont deux seront les délégués du gouvernement et dont les deux autres représenteront respectivement, d'une part, les employeurs, d'autre part, les travailleurs ressortissant à chacun des Membres.

2. Chaque délégué pourra être accompagné par des conseillers techniques dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session. Quand des questions intéressant spécialement des femmes doivent venir en discussion à la Conférence, une au moins parmi les personnes désignées comme conseillers techniques devra être une femme.

3. Tout Membre responsable des relations internationales de territoires non métropolitains pourra désigner comme conseillers techniques supplémentaires pour accompagner chacun de ses délégués:

a) des personnes désignées par lui comme représentants d'un tel territoire pour certaines questions entrant dans le cadre de la compétence propre des autorités dudit territoire;

	(b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.
	4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.
3. The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.	5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.
4. Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.	6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.
5. A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.	7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.
6. The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.	8. The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.
Credentials of Delegates and advisers. 7. The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.	9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

b) des personnes désignées par lui pour assister ses délégués au sujet des questions intéressant des territoires qui ne se gouvernent pas eux-mêmes.

4. S'il s'agit d'un territoire placé sous l'autorité conjointe de deux ou plusieurs Membres, des personnes pourront être désignées pour assister les délégués de ces Membres.

3. Les Membres s'engagent à désigner les délégués et conseillers techniques non gouvernementaux d'accord avec les organisations professionnelles les plus représentatives soit des employeurs, soit des travailleurs du pays considéré, sous la réserve que de telles organisations existent.

5. Les Membres s'engagent à désigner les délégués et conseillers techniques non gouvernementaux d'accord avec les organisations professionnelles les plus représentatives soit des employeurs, soit des travailleurs du pays considéré, sous la réserve que de telles organisations existent.

4. Les conseillers techniques ne seront autorisés à prendre la parole que sur la demande faite par le délégué auquel ils sont adjoints et avec l'autorisation spéciale du Président de la Conférence; ils ne pourront prendre part aux votes.

6. Les conseillers techniques ne seront autorisés à prendre la parole que sur la demande faite par le délégué auquel ils sont adjoints et avec l'autorisation spéciale du Président de la Conférence; ils ne pourront prendre part aux votes.

5. Un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant, et ledit suppléant, en cette qualité, pourra prendre part aux délibérations et aux votes.

7. Un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant, et ledit suppléant, en cette qualité, pourra prendre part aux délibérations et aux votes.

6. Les noms des délégués et de leurs conseillers techniques seront communiqués au Bureau international du Travail par le gouvernement de chacun des Membres.

8. Les noms des délégués et de leurs conseillers techniques seront communiqués au Bureau international du Travail par le gouvernement de chacun des Membres.

7. Les pouvoirs des délégués et de leurs conseillers techniques seront soumis à la vérification de la Conférence, laquelle pourra, par une majorité des deux tiers des suffrages exprimés par les délégués présents, refuser d'admettre tout délégué ou tout conseiller technique qu'elle ne jugera pas avoir été désigné conformément aux termes du présent article.

9. Les pouvoirs des délégués et de leurs conseillers techniques seront soumis à la vérification de la Conférence, laquelle pourra, par une majorité des deux tiers des suffrages exprimés par les délégués présents, refuser d'admettre tout délégué ou tout conseiller technique qu'elle ne jugera pas avoir été désigné conformément aux termes du présent article.

	Article 4	*Article 4*
Voting rights.	1. Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.	1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.
	2. If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.	2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.
Ante, p. 3496.	3. If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.	3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.
	Article 5	*Article 5*
Place of meeting.	The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two thirds of the votes cast by the Delegates present.	The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.
	Article 6	*Article 6*
Seat of International Labour Office.	The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.	Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.
	Article 7	*Article 7*
Governing Body.	1. The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons: Sixteen representing Governments, Eight representing the Employers, and Eight representing the Workers.	1. The Governing Body shall consist of thirty-two persons: Sixteen representing Governments, Eight representing the employers, and Eight representing the workers.

Article 4

1. Chaque délégué aura le droit de voter individuellement sur toutes les questions soumises aux délibérations de la Conférence.

2. Dans le cas où l'un des Membres n'aurait pas désigné l'un des délégués non gouvernementaux auquel il a droit, l'autre délégué non gouvernemental aura le droit de prendre part aux discussions de la Conférence, mais n'aura pas le droit de voter.

3. Au cas où la Conférence, en vertu des pouvoirs que lui confère l'article 3, refuserait d'admettre l'un des délégués d'un des Membres, les stipulations du présent article seront appliquées comme si ledit délégué n'avait pas été désigné.

Article 5

Les sessions de la Conférence se tiendront au siège de la Société des Nations ou en tout autre lieu qui aura pu être fixé par la Conférence, dans une session antérieure, à la majorité des deux tiers des suffrages exprimés par les délégués présents.

Article 6

Le Bureau international du Travail sera établi au siège de la Société des Nations et fera partie de l'ensemble des institutions de la Société.

Article 7

1. Le Bureau international du Travail sera placé sous la direction d'un Conseil d'administration composé de trente-deux personnes:

Seize représentant les gouvernements,
Huit représentant les patrons, et
Huit représentant les ouvriers.

Article 4

1. Chaque délégué aura le droit de voter individuellement sur toutes les questions soumises aux délibérations de la Conférence.

2. Dans le cas où l'un des Membres n'aurait pas désigné l'un des délégués non gouvernementaux auquel il a droit, l'autre délégué non gouvernemental aura le droit de prendre part aux discussions de la Conférence, mais n'aura pas le droit de voter.

3. Au cas où la Conférence, en vertu des pouvoirs que lui confère l'article 3, refuserait d'admettre l'un des délégués d'un des Membres, les stipulations du présent article seront appliquées comme si ledit délégué n'avait pas été désigné.

Article 5

Les sessions de la Conférence se tiendront, sous réserve de toute décision qu'aurait pu prendre la Conférence elle-même au cours d'une session antérieure, au lieu fixé par le Conseil d'administration.

Article 6

Tout changement du siège du Bureau international du Travail sera décidé par la Conférence à la majorité des deux tiers des suffrages exprimés par les délégués présents.

Article 7

1. Le Conseil d'administration sera composé de trente-deux personnes:

Seize représentant les gouvernements,
Huit représentant les employeurs et
Huit représentant les travailleurs.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.

3. Any question as to which are the Members of chief industrial importance shall be decided by the Council of the League of Nations.

4. The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' Delegates and the Workers' Delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented, six shall be non-European States.

3. The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

2. Sur les seize personnes représentant les gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et huit seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés. Sur les seize Membres représentés, six devront être des Etats extra-européens.

3. Les contestations éventuelles sur la question de savoir quels sont les Membres ayant l'importance industrielle la plus considérable seront tranchées par le Conseil de la Société des Nations.

4. Les personnes représentant les patrons et les personnes représentant les ouvriers seront élues respectivement par les délégués patronaux et les délégués ouvriers à la Conférence. Deux représentants des patrons et deux représentants des ouvriers devront appartenir à des Etats extra-européens.

2. Sur les seize personnes représentant les gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et huit seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés. Sur les seize Membres représentés, six devront être des Etats extra-européens.

3. Le Conseil d'administration déterminera, chaque fois qu'il y aura lieu, quels sont les Membres ayant l'importance industrielle la plus considérable et établira des règles en vue d'assurer l'examen, par un comité impartial, de toutes questions relatives à la désignation des Membres ayant l'importance industrielle la plus considérable avant que le Conseil d'administration ne prenne une décision à cet égard. Tout appel formé par un Membre contre la déclaration du Conseil d'administration arrêtant quels sont les Members ayant l'importance industrielle la plus considérable sera tranché par la Conférence, mais un appel interjeté devant la Conférence ne suspendra pas l'application de la déclaration tant que la Conférence ne se sera pas prononcée.

4. Les personnes représentant les employeurs et les personnes représentant les travailleurs seront élues respectivement par les délégués des employeurs et les délégués des travailleurs à la Conférence. Deux représentants des employeurs et deux représentants des travailleurs devront appartenir à des Etats extra-européens.

Period of office.

5. The period of office of the Governing Body shall be three years.

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

Filling vacancies etc.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

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Chairman; Vice-Chairmen.

7. The Governing Body shall, from time to time, elect one of its number to act as its Chairman, shall regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

7. The Governing Body shall, from time to time, elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers, and one a person representing the workers.

Procedure; times of meeting.

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

Article 8

Article 8

Director-General.

1. There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director or his deputy shall attend all meetings of the Governing Body.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

5. Le Conseil sera renouvelé tous les trois ans.

6. La manière de pourvoir aux sièges vacants, la désignation des suppléants et les autres questions de même nature pourront être réglées par le Conseil sous réserve de l'approbation de la Conférence.

7. Le Conseil d'administration élira un président dans son sein et établira son règlement. Il se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que douze personnes faisant partie du Conseil auront formulé une demande écrite à cet effet.

Article 8

1. Un Directeur sera placé à la tête du Bureau international du Travail; il sera désigné par le Conseil d'administration de qui il recevra ses instructions et vis-à-vis de qui il sera responsable de la bonne marche du Bureau ainsi que de l'exécution de toutes autres tâches qui auront pu lui être confiées.

2. Le Directeur ou son suppléant assisteront à toutes les séances du Conseil d'administration.

5. Le Conseil sera renouvelé tous les trois ans. Si pour une raison quelconque, les élections au Conseil d'administration n'ont pas lieu à l'expiration de cette période, le Conseil d'administration restera en fonction jusqu'à ce qu'il soit procédé à ces élections.

6. La manière de pourvoir aux sièges vacants, la désignation des suppléants et les autres questions de même nature pourront être réglées par le Conseil sous réserve de l'approbation de la Conférence.

7. Le Conseil d'administration élira dans son sein un président et deux vice-présidents. Parmi ces trois personnes l'une sera une personne représentant un gouvernement, et les deux autres seront respectivement des personnes représentant les employeurs et les travailleurs.

8. Le Conseil d'administration établira son règlement et se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que douze personnes faisant partie du Conseil auront formulé une demande écrite à cet effet.

Article 8

1. Un Directeur général sera placé à la tête du Bureau international du Travail; il sera désigné par le Conseil d'administration de qui il recevra ses instructions et vis-à-vis de qui il sera responsable de la bonne marche du Bureau ainsi que de l'exécution de toutes autres tâches qui auront pu lui être confiées.

2. Le Directeur général ou son suppléant assisteront à toutes les séances du Conseil d'administration.

Article 9

Staff.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

Article 9

1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

Responsibilities.

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

5. Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10

Functions

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a

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1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with

Article 9

Le personnel du Bureau international du Travail sera choisi par le Directeur. Le choix fait devra porter, dans toute la mesure compatible avec le souci d'obtenir le meilleur rendement, sur des personnes de différentes nationalités. Un certain nombre de ces personnes devront être des femmes.

Article 9

1. Le personnel du Bureau international du Travail sera choisi par le Directeur général conformément aux règles approuvées par le Conseil d'administration.

2. Le choix fait par le Directeur général devra porter, dans toute la mesure compatible avec le souci d'obtenir le meilleur rendement, sur des personnes de différentes nationalités.

3. Un certain nombre de ces personnes devront être des femmes.

4. Les fonctions du Directeur général et du personnel auront un caractère exclusivement international. Dans l'accomplissement de leurs devoirs, le Directeur général et le personnel ne solliciteront n'y n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux qui ne sont responsables qu'envers l'Organisation.

5. Chaque Membre de l'Organisation s'engage à respecter le caractère exclusivement international des fonctions du Directeur général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

Article 10

1. Les fonctions du Bureau international du Travail comprendront la centralisation et la distribution de toutes informations concernant la réglementation internationale de la condition des travailleurs et du régime du travail et, en particulier, l'étude des questions qu'il est proposé de soumettre aux discussions de la

Article 10

1. Les fonctions du Bureau international du Travail comprendront la centralisation et la distribution de toutes informations concernant la réglementation internationale de la condition des travailleurs et du régime du travail et, en particulier, l'étude des questions qu'il est proprosé de soumettre aux discussions de la Conférence

view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

2. It will prepare the agenda for the meetings of the Conference.

3. It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

Publications.

4. It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

5. Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

Article 11

The Government Departments of any of the Members which deal with questions of industry

a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office will—

(a) prepare the documents on the various items of the agenda for the meetings of the Conference;

(b) accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;

(c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;

(d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Article 11

The Government departments of any of the Members which deal with questions of industry

Conférence en vue de la conclusion des conventions internationales, ainsi que l'exécution de toutes enquêtes spéciales prescrites par la Conférence.

2. Il sera chargé de préparer l'ordre du jour des sessions de la Conférence.

3. Il s'acquittera, en conformité des stipulations de la présente Partie du présent Traité, des devoirs qui lui incombent en ce qui concerne tous différends internationaux.

4. Il rédigera et publiera en français, en anglais et dans telle autre langue que le Conseil d'administration jugera convenable, un bulletin périodique consacré à l'étude des questions concernant l'industrie et le travail et présentant un intérêt international.

5. D'une manière générale il aura, en sus des fonctions indiquées au présent article, tous autres pouvoirs et fonctions que la Conférence jugera à propos de lui attribuer.

Article 11

Les ministères des Membres qui s'occupent des questions ouvrières pourront communiquer directe-

en vue de la conclusion des conventions internationales, ainsi que l'exécution de toutes enquêtes spéciales prescrites par la Conférence ou par le Conseil d'administration.

2. Sous réserve des directives que pourrait lui donner le Conseil d'administration, le Bureau:

a) préparera la documentation sur les divers points à l'ordre du jour des sessions de la Conférence;

b) fournira aux gouvernements, sur leur demande et dans la mesure de ses moyens, toute aide appropriée pour l'élaboration de la législation sur la base des décisions de la Conférence, ainsi que pour l'amélioration de la pratique administrative et des systèmes d'inspection;

c) s'acquittera, en conformité des stipulations de la présente Constitution, des devoirs qui lui incombent en ce qui concerne l'observation effective des conventions;

d) rédigera et fera paraître dans telles langues que le Conseil d'administration jugera appropriées des publications traitant des questions concernant l'industrie et le travail qui présentent un intérêt international.

3. D'une manière générale, il aura tous autres pouvoirs et fonctions que la Conférence ou le Conseil d'administration jugeront à propos de lui attribuer.

Article 11

Les ministères des Membres qui s'occupent des questions ouvrières pourront communiquer directe-

and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

Cooperation with other organizations.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

Article 13

Financial and budgetary arrangements.

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any

and employment may communicate directly with the Director-General through the representative of their Government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

1. The International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

2. The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations, including international organisations of employers, workers, agriculturists and co-operators.

Article 13

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any

ment avec le Directeur par l'intermédiaire du représentant de leur gouvernement au Conseil d'administration du Bureau international du Travail, ou, à défaut de ce représentant, par l'intermédiaire de tel autre fonctionnaire dûment qualifié et désigné à cet effet par le gouvernement intéressé.

Article 12

Le Bureau international du Travail pourra demander le concours du Secrétaire général de la Société des Nations pour toutes questions à l'occasion desquelles ce concours pourra être donné.

Article 13

1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtraient appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un

ment avec le Directeur général par l'intermédiaire du représentant de leur gouvernement au Conseil d'administration du Bureau international du Travail, ou, à défaut de ce représentant, par l'intermédiaire de tel autre fonctionnaire dûment qualifié et désigné à cet effet par le gouvernement intéressé.

Article 12

1. L'Organisation internationale du Travail collaborera, dans le cadre de la présente Constitution, avec toute organisation internationale générale chargée de coordonner les activités d'organisations de droit international public ayant des tâches spécialisées et avec les organisations de droit international public ayant des tâches spécialisées dans des domaines connexes.

2. L'Organisation internationale du Travail pourra prendre des dispositions appropriées pour que les représentants des organisations de droit international public participent, sans droit de vote, à ses délibérations.

3. L'Organisation internationale du Travail pourra prendre toutes dispositions utiles pour consulter, selon qu'il lui paraîtra désirable, des organisations internationales non gouvernementales reconnues, y compris des organisations internationales d'employeurs, de travailleurs, d'agriculteurs et de coopérateurs.

Article 13

1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtraient appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un

time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

Expenses.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 *(c)* of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the

time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 *(c)* of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body,

moment quelconque, il n'en est pas qui soient en vigueur:

a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;

b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le Directeur du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;

c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1 ou du paragraphe 2, *c)* du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote de la Conférence, au Conseil d'administration ou à toute commission, ou aux élections de membres du Conseil d'admi-

moment quelconque, il n'en est pas qui soient en vigueur:

a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;

b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le Directeur général du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;

c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1 ou du paragraphe 2, *c)* du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote à la Conférence, au Conseil d'administration ou à toute commission, ou aux élections de membres du Conseil d'administra-

amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II— PROCEDURE

Article 14

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3.

Ante, p. 3496.

Article 15

Director-General as Secretary-General.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-

if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II— PROCEDURE

Article 14

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3, or by any public international organisation.

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Article 15

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and,

nistration, si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le Directeur du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

CHAPITRE II. — FONCTIONNEMENT

Article 14

Le Conseil d'administration établira l'ordre du jour des sessions de la Conférence après avoir examiné toutes propositions faites par le gouvernement d'un des Membres ou par toute autre organisation visée à l'article 3 au sujet des matières à inscrire à cet ordre du jour.

Article 15

Le Directeur remplira les fonctions de Secrétaire de la Conférence, et devra faire parvenir l'ordre du jour de chaque session, quatre mois avant l'ouverture de cette session, à chacun des Mem-

tion, si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins par un vote à la majorité des deux tiers des suffrages émis par les délégués présents autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le Directeur général du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

CHAPITRE II. — FONCTIONNEMENT

Article 14

1. Le Conseil d'administration établira l'ordre du jour des sessions de la Conférence après avoir examiné toutes propositions faites par le gouvernement d'un des Membres, par tout organisation représentative visée à l'article 3, ou par toute organisation de droit international public, au sujet des matières à inscrire à cet ordre du jour.

2. Le Conseil d'administration établira des règles pour assurer une sérieuse préparation technique et une consultation appropriée des Membres principalement intéressés, par une conférence préparatoire technique ou par tout autre moyen, avant l'adoption d'une convention ou d'une recommandation par la Conférence.

Article 15

1. Le Directeur général remplira les fonctions de Secrétaire général de la Conférence, et devra faire parvenir l'ordre du jour de chaque session, quatre mois avant l'ouverture de cette session, à

Government Delegates when appointed.

through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Article 16

Article 16

Objections to inclusion of item in agenda.

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two thirds of the votes cast by the Delegates present is in favour of considering them.

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3. If the Conference decides (otherwise than under the preceding paragraph) by two thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

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Article 17

Article 17

President and Vice-Presidents.

1. The Conference shall regulate its own procedure, shall elect its own President, and may ap-

1. The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents

bres, et, par l'intermédiaire de ceux-ci, aux délégués non gouvernementaux, lorsque ces derniers auront été désignés.

chacun des Membres, et, par l'intermédiaire de ceux-ci, aux délégués non gouvernementaux, lorsque ces derniers auront été désignés.

2. Les rapports sur chacun des points à l'ordre du jour seront transmis de façon à atteindre les Membres à temps pour leur permettre de procéder à un examen approprié de ces rapports avant la Conférence. Le Conseil d'administration formulera les règles faisant porter effet à cette disposition.

Article 16

1. Chacun des gouvernements des Membres aura le droit de contester l'inscription, à l'ordre du jour de la session, de l'un ou plusieurs des sujets prévus. Les motifs justifiant cette opposition devront être exposés dans un mémoire explicatif adressé au Directeur, lequel devra le communiquer aux Membres de l'Organisation permanente.

2. Les sujets auxquels il aura été fait opposition resteront néanmoins inclus à l'ordre du jour si la Conférence en décide ainsi à la majorité des deux tiers des suffrages exprimés par les délégués présents.

3. Toute question au sujet de laquelle la Conférence décide, à la même majorité des deux tiers, qu'elle doit être examinée (autrement que prévu dans l'alinéa précédent) sera portée à l'ordre du jour de la session suivante.

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Article 17

1. La Conférence formulera les règles de son fonctionnement; elle élira son Président; elle pourra

Article 17

1. La Conférence élira un président et trois vice-présidents. Les trois vice-présidents seront

point committees to consider and report on any matter.	shall be a Government delegate, one an employers' delegate and one a workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.
Decision by majority vote. 2. Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.	2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.
Ante, p. 3510.	
3. The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.	3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.
Article 18	*Article 18*
Technical experts. The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.	The Conference may add to any committees which it appoints technical experts without power to vote.
Article 19	*Article 19*
Adoption of proposals. *Post*, p. 3534. 1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: *(a)* of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or *(b)* of a draft international convention for ratification by the Members.	1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: *(a)* of an international Convention, or *(b)* of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.
2. In either case a majority of two thirds of the votes cast by the	2. In either case a majority of two thirds of the votes cast by the

nommer des commissions chargées de présenter des rapports sur toutes questions qu'elle estimera devoir mettre à l'étude.

2. La simple majorité des suffrages exprimés par les membres présents à la Conférence décidera dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la présente Partie du présent Traité.

3. Aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session.

Article 18

La Conférence pourra adjoindre aux commissions qu'elle constitue des conseillers techniques qui auront voix consultative mais non délibérative.

Article 19

1. Si la Conférence se prononce pour l'adoption de propositions relatives à un objet à l'ordre du jour, elle aura à déterminer si ces propositions devront prendre la forme: *a)* d'une «recommandation» à soumettre à l'examen des Membres, en vue de lui faire porter effet sous forme de loi nationale ou autrement; *b)* ou bien d'un projet de convention internationale à ratifier par les Membres.

2. Dans les deux cas, pour qu'une recommandation ou qu'un

respectivement un délégué gouvernemental, un délégué des employeurs et un délégué des travailleurs. La Conférence formulera les règles de son fonctionnement; elle pourra nommer des commissions chargées de présenter des rapports sur toutes questions qu'elle estimera devoir mettre à l'étude.

2. La simple majorité des suffrages exprimés par les membres présents de la Conférence décidera dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la présente Constitution ou par toute convention ou autre instrument conférant des pouvoirs à la Conférence ou par les arrangements financiers ou budgétaires adoptés en vertu de l'article 13.

3. Aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session.

Article 18

La Conférence pourra adjoindre aux commissions qu'elle constitue des conseillers techniques qui n'auront pas voix délibérative.

Article 19

1. Si la Conférence se prononce pour l'adoption de propositions relatives à un objet à l'ordre du jour, elle aura à déterminer si ces propositions devront prendre la forme: *a)* d'une convention internationale; *b)* ou bien d'une recommandation, lorsque l'objet traité ou un de ses aspects ne se prête pas à l'adoption immédiate d'une convention.

2. Dans les deux cas, pour qu'une convention ou qu'une re-

Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

3. In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Convention.

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities

delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

5. In the case of a Convention—

(a) the Convention will be communicated to all Members for ratification;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later

projet de convention soient adoptés au vote final par la Conférence, une majorité des deux tiers des voix des délégués présents est requise.

3. En formant une recommandation ou un projet de convention d'une application générale, la Conférence devra avoir égard aux pays dans lesquels le climat, le développement incomplet de l'organisation industrielle ou d'autres circonstances particulières rendent les conditions de l'industrie essentiellement différentes, et elle aura à suggérer telles modifications qu'elle considérerait comme pouvant être nécessaires pour répondre aux conditions propres à ces pays.

4. Un exemplaire de la recommandation ou du projet de convention sera signé par le Président de la Conférence et le Directeur et sera déposé entre les mains du Secrétaire général de la Société des Nations. Celui-ci communiquera une copie certifiée conforme de la recommandation ou du projet de convention à chacun des Membres.

5. Chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence) la recommandation ou le projet de convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la

commandation soient adoptées au vote final par la Conférence, une majorité des deux tiers des voix des délégués présents est requise.

3. En formant une convention ou une recommandation d'une application générale, la Conférence devra avoir égard aux pays dans lesquels le climat, le développement incomplet de l'organisation industrielle ou d'autres circonstances particulières rendent les conditions de l'industrie essentiellement différentes, et elle aura à suggérer telles modifications qu'elle considérerait comme pouvant être nécessaires pour répondre aux conditions propres à ces pays.

4. Deux exemplaires de la convention ou de la recommandation seront signés par le Président de la Conférence et par le Directeur général. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail et l'autre entre les mains du Secrétaire général des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de la convention ou de la recommandation à chacun des Membres.

5. S'il s'agit d'une convention:

a) la convention sera communiquée à tous les Membres en vue de sa ratification par ceux-ci;

b) chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de

within whose competence the matter lies, for the enactment of legislation or other action.

6. In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

7. In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

8. If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

(c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by

transformer en loi ou de prendre des mesures d'un autre ordre.

6. S'il s'agit d'une recommandation, les Membres informeront le Secrétaire général des mesures prises.

7. S'il s'agit d'un projet de convention, le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes communiquera sa ratification formelle de la convention au Secrétaire général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention.

8. Si une recommandation n'est pas suivie d'un acte législatif ou d'autres mesures de nature à rendre effective cette recommandation ou bien si un projet de convention ne rencontre pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation.

la Conférence), la convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre,

c) les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la convention à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;

d) le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes communiquera sa ratification formelle de la convention du Directeur général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention;

e) si une convention n'obtient pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation, si ce n'est qu'il devra faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de sa législation et sur sa pratique concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toute

legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

Recommendation.

6. In the case of a Recommendation—

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

(c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) apart from bringing the Recommendation before the said

disposition de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie, et en exposant quelles difficultés empêchent ou retardent le ratification d'une telle convention.

6. S'il s'agit d'une recommandation:

a) la recommandation sera communiquée à tous les Membres pour examen, en vue de lui faire porter effet sous forme de loi nationale ou autrement;

b) chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans le délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence), la recommandation à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre;

c) les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la recommandation à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;

d) sauf l'obligation de soumettre la recommandation à l'autorité

competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

9. In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

7. In the case of a federal State, the following provisions shall apply:

(a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;

(b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

(i) make, in accordance with its Constitution and the Consti-

ou aux autorités compétentes, les Membres ne seront soumis à aucune autre obligation, si ce n'est qu'ils devront faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de leur législation et sur leur pratique concernant la question qui fait l'objet de la recommandation en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toutes dispositions de la recommandation et en indiquant les modifications de ces dispositions qui semblent ou pourront sembler nécessaires pour leur permettre de l'adopter ou de l'appliquer.

9. Dans le cas où il s'agit d'un Etat fédératif dont le pouvoir d'adhérer à une convention sur des objets concernant le travail est soumis à certaines limitations, le gouvernement aura le droit de considérer un projet de convention auquel s'appliquent ces limitations comme une simple recommandation et les dispositions du présent article en ce qui regarde les recommandations s'appliqueront dans ce cas.

7 Dans le cas où il s'agit d'un Etat fédératif, les dispositions suivantes seront appliquées:

a) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action fédérale est appropriée, les obligations de l'Etat fédératif seront les mêmes que celles des Membres qui ne sont pas des Etats fédératifs;

b) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action de la part des Etats constituants, des provinces ou des cantons est, sur tous les points ou sur certains points, plus appropriée qu'une action fédérale, ledit gouvernement devra:

i) conclure, en conformité avec sa constitution et les constitu-

tutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action;

(ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;

(iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, State, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

(iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International

tions des Etats constituants, des provinces ou des cantons intéressés, des arrangements effectifs pour que ces conventions ou recommandations soient, au plus tard dans les dix-huit mois suivant la clôture de la session de la Conférence, soumises aux autorités appropriées fédérales, ou à celles des Etats constituants, des provinces ou des cantons en vue d'une action législative ou de toute autre action;

ii) prendre des mesures, sous réserve de l'accord des gouvernements des Etats constituants, des provinces ou des cantons intéressés, pour établir des consultations périodiques, entre les autorités fédérales d'une part et les autorités des Etats constituants, des provinces ou des cantons d'autre part, en vue de développer à l'intérieur de l'Etat fédératif une action coordonnée destinée à donner effet aux dispositions de ces conventions et recommandations;

iii) informer le Directeur général du Bureau international du Travail des mesures prises en vertu du présent article pour soumettre ces conventions et recommandations aux autorités appropriées fédérales, des Etats constituants, des provinces ou des cantons, en lui communiquant tous renseignements sur les autorités considérées comme autorités appropriées et sur les décisions de celles-ci;

iv) au sujet de chacune de ces conventions qu'il n'aura pas ratifiées, faire rapport au Directeur général du Bureau in-

Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

(v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

10. The above Article shall be interpreted in accordance with the following principle:

11. In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the work-

ternational du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil d'administration, sur l'état de la législation et de la pratique de la fédération et des Etats constituants, des provinces ou des cantons concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie;

v) au sujet de chacune de ces recommandations, faire rapport au Directeur général du Bureau international du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil d'administration, sur l'état de la législation et de la pratique de la fédération et de ses Etats constituants, de ses provinces ou de ses cantons concernant la question qui fait l'objet de la recommandation, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la recommandation et en indiquant quelles modifications de ces dispositions semblent ou pourront sembler nécessaires pour les adopter ou les appliquer.

10. L'article ci-dessus sera interprété en conformité du principe suivant:

8. En aucun cas, l'adoption d'une convention ou d'une recommandation par la Conférence, ou la ratification d'une convention par un Membre ne devront être considérées comme affectant toute loi, toute sentence, toute coutume ou tout accord qui assurent des

11. En aucun cas il ne sera demandé à aucun des Membres, comme conséquence de l'adoption par la Conférence d'une recom-

protection afforded by its existing legislation to the workers concerned.

Article 20

Registration of ratified Conventions.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

59 Stat. 1052.

Article 21

1. If any convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Registration of Conventions otherwise adopted.

2. Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

59 Stat. 1052.

Article 22

Annual report by members.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars

ers concerned than those provided for in the Convention or Recommendation.

Article 20

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Article 21

1. If any Convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the Governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such

mandation ou d'un projet de convention, de diminuer la protection déjà accordée par sa législation aux travailleurs dont il s'agit.

Article 20

Toute convention ainsi ratifiée sera enregistrée par le Secrétaire général de la Société des Nations, mais ne liera que les Membres qui l'ont ratifiée.

Article 21

1. Tout projet qui, dans le scrutin final sur l'ensemble, ne recueillera pas la majorité des deux tiers des suffrages exprimés par les Membres présents peut faire l'objet d'une convention particulière entre ceux des Membres de l'Organisation permanente qui en ont le désir.

2. Toute convention particulière de cette nature devra être communiquée par les gouvernements intéressés au Secrétaire général de la Société des Nations, lequel la fera enregistrer.

Article 22

Chacun des Membres s'engage à présenter au Bureau international du Travail un rapport annuel sur les mesures prises par lui pour mettre à exécution les conventions auxquelles il a adhéré. Ces rapports seront rédigés sous la forme indiquée par le

conditions plus favorables aux travailleurs intéressés que celles prévues par la convention ou la recommandation.

Article 20

Toute convention ainsi ratifiée sera communiquée par le Directeur général du Bureau international du Travail au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'article 102 de la Charte des Nations Unies, mais ne liera que les Membres qui l'ont ratifiée.

Article 21

1. Tout projet qui, dans le scrutin final sur l'ensemble, ne recueillera pas la majorité des deux tiers des suffrages exprimés par les Membres présents peut faire l'objet d'une convention particulière entre ceux des Membres de l'Organisation qui en ont le désir.

2. Toute convention ainsi conclue sera communiquée par les gouvernements intéressés au Directeur général du Bureau international du Travail et au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'article 102 de la Charte des Nations Unies.

Article 22

Chacun des Membres s'engage à présenter au Bureau international du Travail un rapport annuel sur les mesures prises par lui pour mettre à exécution les conventions auxquelles il a adhéré. Ces rapports seront rédigés sous la forme indiquée par le Conseil d'adminis-

as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

particulars as the Governing Body may request.

Article 23

Summary of information and reports.

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.

Ante, p. 3518.

2. Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.

Ante, p. 3496.

Article 23

Nonobservance of Conventions; representations.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Article 24

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 25

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Conseil d'administration et devront contenir les précisions demandées par ce dernier. Le Directeur présentera un résumé de ces rapports à la plus prochaine session de la Conférence.

tration et devront contenir les précisions demandées par ce dernier.

Article 23

1. Le Directeur général présentera à la plus prochaine session de la Conférence un résumé des informations et rapports qui lui auront été communiqués par les Membres en application des articles 19 et 22.

2. Chaque Membre communiquera aux organisations représentatives reconnues telles aux fins de l'article 3, copie des informations et rapports transmis au Directeur général en application des articles 19 et 22.

Article 23

Toute réclamation adressée au Bureau international du Travail par une organisation professionnelle ouvrière ou patronale, et aux termes de laquelle l'un quelconque des Membres n'aurait pas assuré d'une manière satisfaisante l'exécution d'une convention à laquelle ledit Membre a adhéré, pourra être transmise par le Conseil d'administration au gouvernement mis en cause et ce gouvernement pourra être invité à faire sur la matière telle déclaration qu'il jugera convenable.

Article 24

Toute réclamation adressée au Bureau international du Travail par une organisation professionnelle des travailleurs ou des employeurs, et aux termes de laquelle l'un quelconque des Membres n'aurait pas assuré d'une manière satisfaisante l'exécution d'une convention à laquelle ledit Membre a adhéré, pourra être transmise par le Conseil d'administration au gouvernement mis en cause et ce gouvernement pourra être invité à faire sur la matière telle déclaration qu'il jugera convenable.

Article 24

Si aucune déclaration n'est reçue du gouvernement mis en cause dans un délai raisonable, ou si la déclaration reçue ne parait pas satisfaisante au Conseil d'administration, ce dernier aura le droit de rendre publique la réclamation reçue et, le cas échéant, la réponse faite.

Article 25

Si aucune déclaration n'est reçue du gouvernement mis en cause dans un délai raisonnable, ou si la déclaration reçue ne paraît pas satisfaisante au Conseil d'administration, ce dernier aura le droit de rendre publique la réclamation reçue et, le cas échéant, la réponse faite.

Article 25

Complaints.

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 23.

Commission of Enquiry.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

5. When any matter arising out of Articles 24 or 25 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 25

1. Chacun des Membres pourra déposer une plainte au Bureau international du Travail contre un autre Membre qui, à son avis, n'assurerait pas d'une manière satisfaisante l'exécution d'une convention que l'un et l'autre auraient ratifiée en vertu des articles précédents.

2. Le Conseil d'administration peut, s'il le juge à propos, et avant de saisir une Commission d'enquête selon la procédure indiquée ci-après, se mettre en rapport avec le gouvernement mis en cause de la manière indiquée à l'article 23.

3. Si le Conseil d'administration ne juge pas nécessaire de communiquer la plainte au gouvernement mis en cause, ou si cette communication ayant été faite, aucune réponse ayant satisfait le Conseil d'administration n'a été reçue dans un délai raisonnable, le Conseil pourra provoquer la formation d'une Commission d'enquête qui aura mission d'étudier la question soulevée et de déposer un rapport à ce sujet.

4. La même procédure pourra être engagée par le Conseil, soit d'office, soit sur la plainte d'un délégué à la Conférence.

5. Lorsqu'une question soulevée par l'application des articles 24 ou 25 viendra devant le Conseil d'administration, le gouvernement mis en cause, s'il n'a pas déjà un représentant au sein du Conseil d'administration, aura le droit de désigner un délégué pour prendre part aux délibérations du Conseil relatives à cette affaire. La date à laquelle ces discussions doivent avoir lieu sera notifiée en temps utile au gouvernement mis en cause.

Article 26

1. Chacun des Membres pourra déposer une plainte au Bureau international du Travail contre un autre Membre qui, à son avis, n'assurerait pas d'une manière satisfaisante l'exécution d'une convention que l'un et l'autre auraient ratifiée en vertu des articles précédents.

2. Le Conseil d'administration peut, s'il le juge à propos, et avant de saisir une Commission d'enquête selon la procédure indiquée ci-après, se mettre en rapport avec le gouvernement mis en cause de la manière indiquée à l'article 24.

3. Si le Conseil d'administration ne juge pas nécessaire de communiquer la plainte au gouvernement mis en cause, ou si cette communication ayant été faite, aucune réponse ayant satisfait le Conseil d'administration n'a été recue dans un délai raisonnable, le Conseil pourra former une Commission d'enquête qui aura pour mission d'étudier la question soulevée et de déposer un rapport à ce sujet.

4. La même procédure pourra être engagée par le Conseil, soit d'office, soit sur la plainte d'un délégué à la Conférence.

5. Lorsqu'une question soulevée par l'application des articles 25 ou 26 viendra devant le Conseil d'administration, le gouvernement mis en cause, s'il n'a pas déjà un représentant au sein du Conseil d'administration, aura le droit de désigner un délégué pour prendre part aux délibérations du Conseil relatives à cette affaire. La date à laquelle ces discussions doivent avoir lieu sera notifiée en temps utile au gouvernement mis en cause.

Article 26

1. The Commission of Enquiry shall be constituted in accordance with the following provisions:

2. Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

3. The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

4. Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 25, they will each, whether directly con-

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 26, they will each, whether directly concerned in the

Article 26

1. La Commission d'enquête sera constituée de la manière suivante:

2. Chacun des Membres s'engage à désigner, dans les six mois qui suivront la date de mise en vigueur du présent Traité, trois personnes compétentes en matières industrielles, la première représentant les patrons, la deuxième représentant les travailleurs, et la troisième indépendante des uns et des autres. L'ensemble de ces personnes formera une liste sur laquelle seront choisis les membres de la Commission d'enquête.

3. Le Conseil d'administration aura le droit de vérifier les titres desdites personnes et de refuser, à la majorité des deux tiers des suffrages exprimés par les représentants présents, la nomination de celles dont les titres ne satisferaient pas aux prescriptions du présent article.

4. Sur la demande du Conseil d'administration, le Secrétaire général de la Société des Nations désignera trois personnes respectivement choisies dans chacune des trois catégories de la liste pour constituer la Commission d'enquête et désignera, en outre, l'une de ces trois personnes pour présider ladite Commission. Aucune des trois personnes ainsi désignées ne pourra relever d'un des Membres directement intéressés à la plainte.

Article 27

Dans le cas où une plainte serait renvoyée, en vertu de l'article 25, devant une Commission d'enquête, chacun des Membres, qu'il soit ou non directement intéressé à

Article 27

Dans le cas où une plainte serait renvoyée, en vertu de l'article 26, devant une Commission d'enquête, chacun des Membres, qu'il soit ou non directement

cerned in the complaint or not, place at the disposal of the Commission all the information in their possessoin which bears upon the subject matter of the complaint.

Article 28

Report.

1. When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

2. It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

Article 29

1. The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Article 28

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Enquiry to the Governing Body and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

la plainte, s'engage à mettre à la disposition de la Commission toute information qui se trouverait en sa possession relativement à l'objet de la plainte.	intéressé à la plainte, s'engage à mettre à la disposition de la Commission toute information qui se trouverait en sa possession relativement à l'objet de la plainte.
Article 28	*Article 28*
1. La Commission d'enquête, après un examen approfondi de la plainte, rédigera un rapport dans lequel elle consignera ses constatations sur tous les points de fait permettant de préciser la portée de la contestation, ainsi que les recommandations qu'elle croira devoir formuler quant aux mesures à prendre pour donner satisfaction au gouvernement plaignant et quant aux délais dans lesquels ces mesures devraient être prises.	La Commission d'enquête, après un examen approfondi de la plainte, rédigera un rapport dans lequel elle consignera ses constatations sur tous les points de fait permettant de préciser la portée de la contestation, ainsi que les recommandations qu'elle croira devoir formuler quant aux mesures à prendre pour donner satisfaction au gouvernement plaignant et quant aux délais dans lesquels ces mesures devraient être prises.
2. Ce rapport indiquera également, le cas échéant, les sanctions d'ordre économique contre le gouvernement mis en cause que la Commission jugerait convenables et dont l'application par les autres gouvernements lui paraitrait justifiée.	
Article 29	*Article 29*
1. Le Secrétaire général de la Société des Nations communiquera le rapport de la Commission d'enquête à chacun des gouvernements intéressés dans le différend, et en assurera la publication.	1. Le Directeur général du Bureau international du Travail communiquera le rapport de la Commission d'enquête au Conseil d'administration et à chacun des gouvernements intéressés dans le différend, et en assurera la publication.
2. Chacun des gouvernements intéressés devra signifier au Secrétaire général de la Société des Nations, dans le délai d'un mois, s'il accepte ou non les recommandations contenues dans le rapport de la Commission, et, au cas où il ne les accepte pas, s'il désire soumettre le différend à la Cour permanente de Justice internationale de la Société des Nations.	2. Chacun des gouvernements intéressés devra signifier au Directeur général du Bureau international du Travail, dans le délai de trois mois, s'il accepte ou non les recommandations contenues dans le rapport de la Commission et, au cas où il ne les accepte pas, s'il désire soumettre le différend à la Cour internationale de Justice.

Article 30

In the event of any Member failing to take the action required by Article 19, with regard to a recommendation or draft convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

Ante, p. 3518.

Article 30

In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (i) of Article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Article 31

Final decision.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 or Article 30 shall be final.

Article 31

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Article 32

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decisions indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any.

Article 33

Action in case of noncompliance.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Article 30

Dans le cas où l'un des Membres ne prendrait pas, relativement à une recommandation ou à un projet de convention, les mesures prescrites à l'article 19, tout autre Membre aura le droit d'en référer à la Cour permanente de Justice internationale.

Article 30

Dans le cas où l'un des Membres ne prendrait pas, relativement à une convention ou à une recommandation, les mesures prescrites aux paragraphes 5 *b)*, 6 *b)* ou 7 *b)* i) de l'article 19 tout autre Membre aura le droit d'en référer au Conseil d'administration. Au cas où le Conseil d'administration trouverait que le Membre n'a pas pris les mesures prescrites, il en fera rapport à la Conférence.

Article 31

La décision de la Cour permanente de Justice internationale concernant une plainte ou une question qui lui aurait été soumise conformément aux articles 29 ou 30 ne sera pas susceptible d'appel.

Article 31

La décision de la Cour internationale de Justice concernant une plainte ou une question qui lui aurait été soumise conformément à l'article 29 ne sera pas susceptible d'appel.

Article 32

Les conclusions ou recommandations éventuelles de la Commission d'enquête pourront être confirmées, amendées, ou annulées par la Cour permanente de Justice internationale, laquelle devra, le cas échéant, indiquer les sanctions d'ordre économique qu'elle croirait convenable de prendre à l'encontre d'un gouvernement en faute, et dont l'application par les autres gouvernements lui paraîtrait justifiée.

Article 32

Les conclusions ou recommandations éventuelles de la Commission d'enquête pourront être confirmées, amendées ou annulées par la Cour internationale de Justice.

Article 33

Si un Membre quelconque ne se conforme pas dans le délai prescrit aux recommandations éventuellement contenues soit dans le rapport de la Commission d'enquête, soit dans la décision de la Cour permanente de Justice internationale, tout autre Membre pourra appliquer audit Membre les sanctions d'ordre économique que le rapport de la Commission ou la décision de la Cour auront déclarées applicables en l'espèce.

Article 33

Si un Membre quelconque ne se conforme pas dans le délai prescrit aux recommandations éventuellement contenues soit dans le rapport de la Commission d'enquête, soit dans la décision de la Cour internationale de Justice, selon le cas, le Conseil d'administration pourra recommander à la Conférence telle mesure qui lui paraîtra opportune pour assurer l'exécution de ces recommandations.

Article 34

Compliance; discontinuance of action.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

Ante, p. 3538.

CHAPTER III — GENERAL

Article 35

Territorial application of ratified Conventions.

1. The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

Article 34

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or the decision of the International Court of Justice is in favour of the defaulting Government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.

CHAPTER III — GENERAL

Article 35

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

Article 34

Le gouvernement en faute peut, à tout moment, informer le Conseil d'administration qu'il a pris les mesures nécessaires pour se conformer soit aux recommandations de la Commission d'enquête, soit à celles contenues dans la décision de la Cour permanente de Justice internationale, et peut demander au Conseil de bien vouloir faire constituer par le Secrétaire général de la Société des Nations une Commission d'enquête chargée de vérifier ses dires. Dans ce cas, les stipulations des articles 26, 27, 28, 29, 31 et 32 s'appliqueront, et si le rapport de la Commission d'enquête ou la décision de la Cour permanente de Justice internationale sont favorables au gouvernement en faute, les autres gouvernements devront aussitôt rapporter les mesures d'ordre économique qu'ils auront prises à l'encontre dudit Etat.

Article 34

Le gouvernement en faute peut, à tout moment, informer le Conseil d'administration qu'il a pris les mesures nécessaires pour se conformer, soit aux recommandations de la Commission d'enquête, soit à celles contenues dans la décision de la Cour internationale de Justice, et peut lui demander de bien vouloir faire constituer une Commission d'enquête chargée de vérifier ses dires. Dans ce cas, les stipulations des articles 27, 28, 29, 31 et 32 s'appliqueront, et si le rapport de la Commission d'enquête ou la décision de la Cour internationale de Justice sont favorables au gouvernement qui était en faute, le Conseil d'administration devra aussitôt recommander que les mesures prises conformément à l'article 33 soient rapportées.

CHAPITRE III. — PRESCRIPTIONS GÉNÉRALES

Article 35

1. Les Membres s'engagent à appliquer les conventions auxquelles ils auront adhéré, conformément aux stipulations de la présente Partie du présent Traité, à celles de leurs colonies ou possessions et à ceux de leurs protectorats qui ne se gouvernent pas pleinement eux-mêmes, cela sous les réserves suivantes:

1° Que la convention ne soit pas rendue inapplicable par les conditions locales;

2° Que les modifications qui seraient nécessaires pour adapter la convention aux conditions locales puissent être introduites dans celle-ci.

CHAPITRE III. — PRESCRIPTIONS GÉNÉRALES

Article 35

1. Les Membres s'engagent à appliquer les conventions qu'ils auront ratifiées, conformément aux dispositions de la présente Constitution, aux territoires non métropolitains dont ils assurent les relations internationales, y compris tous territoires sous tutelle pour lesquels ils seraient l'autorité chargée de l'administration, à moins que les questions traitées par la convention ne rentrent dans le cadre de la compétence propre des autorités du territoire, ou que la convention ne soit rendue inapplicable par les conditions locales, ou sous réserve des modifications qui seraient nécessaires pour adapter les conventions aux conditions locales.

2. And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office —

2. Chacun des Membres devra notifier au Bureau international du Travail la décision qu'il se propose de prendre en ce qui concerne chacune de ses colonies ou possessions ou chacun de ses protectorats ne se gouvernant pas pleinement eux-mêmes.

2. Chaque Membre qui ratifie une convention doit, dans le plus bref délai possible après sa ratification, communiquer au Directeur général du Bureau international du Travail une déclaration faisant connaître, en ce qui concerne les territoires autres que ceux dont il s'agit aux paragraphes 4 et 5 ci-dessous, dans quelle mesure il s'engage à ce que les dispositions de la convention soient appliquées, et donnant tous les renseignements prescrits par ladite convention.

3. Chaque Membre qui aura communiqué une déclaration en vertu du paragraphe précédent pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure et faisant connaître la situation concernant les territoires visés au paragraphe ci-dessus.

4. Lorsque les questions traitées par la convention entrent dans le cadre de la compétence propre des autorités d'un territoire non métropolitain, le Membre responsable des relations internationales de ce territoire devra communiquer dans le plus bref délai possible la convention au gouvernement dudit territoire, afin que ce gouvernement puisse promulguer une législation ou prendre d'autres mesures. Par la suite, le Membre, en accord avec le gouvernement de ce territoire, pourra communiquer au Directeur général du Bureau international du Travail une déclaration d'acceptation des obligations de la convention au nom de ce territoire.

5. Une déclaration d'acceptation des obligations d'une convention peut être communiquée au Directeur général du Bureau international du Travail.

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

59 Stat. 1031.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modifications of the provisions of the Convention as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in

a) par deux ou plusieurs Membres de l'Organisation pour un territoire placé sous leur autorité conjointe;

b) par toute autorité internationale responsable de l'administration d'un territoire en vertu des dispositions de la Charte des Nations Unies ou de toute autre disposition en vigueur, à l'égard de ce territoire.

6. L'acceptation des obligations d'une convention en vertu des paragraphes 4 et 5 devra comporter l'acceptation, au nom du territoire intéressé, des obligations découlant des termes de la convention et des obligations qui, aux termes de la Constitution de l'Organisation, s'appliquent aux conventions ratifiées. Toute déclaration d'acceptation peut spécifier les modifications aux dispositions de la convention qui seraient nécessaires pour adapter la convention aux conditions locales.

7. Chaque Membre ou autorité internationale qui aura communiqué une déclaration en vertu des paragraphes 4 ou 5 du présent article pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure ou dénonçant l'acceptation des obligations de toute convention au nom du territoire intéressé.

8. Si les obligations d'une convention ne sont pas acceptées au nom d'un territoire visé par les paragraphes 4 ou 5 du présent article, le Membre ou les Membres ou l'autorité internationale feront rapport au Directeur général du Bureau international du Travail sur la législation et la pratique de ce territoire à l'égard des questions

regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Article 36

Amendments.

Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Ante, p. 3502.

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Article 37

Question or dispute.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

Article 37

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accord-

traitées dans la convention, et le rapport montrera dans quelle mesure il aura été ou sera donné effet à toute disposition de la convention, par la législation, les mesures administratives, les contrats collectifs ou toutes autres mesures, et le rapport déclarera de plus les difficultés qui empêchent ou retardent l'acceptation de cette convention.

Article 36

Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

Article 37

Toutes questions ou difficultés relatives à l'interprétation de la présente Partie du présent Traité et des conventions ultérieurement conclues par les Membres, en vertu de ladite Partie, seront soumises à l'appréciation de la Cour permanente de Justice internationale.

Article 36

Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

Article 37

1. Toutes questions ou difficultés relatives à l'interprétation de la présente Constitution et des conventions ultérieurement conclues par les Membres, en vertu de ladite Constitution, seront soumises à l'appréciation de la Cour internationale de Justice.

2. Nonobstant les dispositions du paragraphe 1 du présent article, le Conseil d'administration pourra formuler et soumettre à la Conférence pour approbation des règles pour l'institution d'un tribunal en vue du prompt règlement de toute question ou difficulté relatives à l'interpretation d'une convention, qui pourront être portées devant le tribunal par le Conseil d'ad-

ance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

Article 38

Regional conferences and agencies.

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV — MISCELLANEOUS PROVISIONS

Article 39

Full juridical personality of ILO.

The International Labour Organisation shall possess full juridical personality and in particular the capacity —

(*a*) to contract;
(*b*) to acquire and dispose of immovable and movable property;
(*c*) to institute legal proceedings.

Article 40

Privileges and immunities.

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as

ministration ou conformément aux termes de ladite convention. Tous arrêts ou avis consultatifs de la Cour internationale de Justice lieront tout tribunal institué en vertu du présent paragraphe. Toute sentence prononcée par un tel tribunal sera communiquée aux Membres de l'Organisation et toute observation de ceux-ce sera présentée à la Conférence.

Article 38

1. L'Organisation internationale du Travail pourra convoquer telles conférences régionales et établir telles institutions régionales qui lui paraîtront utiles pour atteindre les buts et objectifs de l'Organisation.

2. Les pouvoirs, fonctions et procédure des conférences régionales seront régis par des règles formulées par le Conseil d'administration et présentées par lui à la Conférence générale pour confirmation.

CHAPITRE IV. — MESURES DIVERSES

Article 39

L'Organisation internationale du Travail doit posséder la personnalité juridique; elle a notamment, la capacité:

a) de contracter;
b) d'acquérir des biens meubles et immeubles, de disposer de ces biens;
c) d'ester en justice.

Article 40

1. L'Organisation internationale du Travail jouit, sur le territoire de chacun de ses Membres, des privilèges et immunités qui lui sont

are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.

ANNEX

Declaration concerning the aims and purposes of the International Labour Organisation.

Adoption of Declaration.

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

Principles.

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

(a) labour is not a commodity;

(b) freedom of expression and of association are essential to sustained progress;

(c) poverty anywhere constitutes a danger to prosperity everywhere;

(d) the war against want requires to be carried on with unrelenting vigour within each nation,

nécessaires pour atteindre ses buts.

2. Les délégués à la Conférence, les membres du Conseil d'administration ainsi que le Directeur général et les fonctionnaires du Bureau jouissent également des privilèges et immunités qui leur sont nécessaires pour exercer, en toute indépendance, leurs fonctions en rapport avec l'Organisation.

3. Ces privilèges et immunités seront précisés dans un accord séparé qui sera préparé par l'Organisation en vue de son acceptation par les Etats Membres.

ANNEXE

Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail.

La Conférence générale de l'Organisation internationale du Travail, réunie à Philadelphie en sa vingt-sixième session, adopte, ce dixième jour de mai 1944, la présente Déclaration des buts et objectifs de l'Organisation internationale du Travail, ainsi que des principes dont devrait s'inspirer la politique de ses Membres.

I

La Conférence affirme à nouveau les principes fondamentaux sur lesquels est fondée l'Organisation, à savoir notamment:

a) le travail n'est pas une marchandise;

b) la liberté d'expression et d'association est une condition indispensable d'un progrès soutenu;

c) la pauvreté, où qu'elle existe, constitue un danger pour la prospérité de tous;

d) la lutte contre le besoin doit être menée avec une inlassable

and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

énergie au sein de chaque nation, et par un effort international continu et concerté dans lequel les représentants des travailleurs et des employeurs, coopérant sur un pied d'égalité avec ceux des gouvernements, participent à de libres discussions et à des décisions de caractère démocratique en vue de promouvoir le bien commun.

II

Convaincue que l'expérience a pleinement démontré le bien-fondé de la déclaration contenue dans la Constitution de l'Organisation internationale du Travail, et d'après laquelle une paix durable ne peut être établie que sur la base de la justice sociale, la Conférence affirme que:

a) tous les êtres humains, quels que soient leur race, leur croyance ou leur sexe, ont le droit de poursuivre leur progrès matériel et leur développement spirituel dans la liberté et la dignité, dans la sécurité économique et avec des chances égales;

b) la réalisation des conditions permettant d'aboutir à ce résultat doit constituer le but central de toute politique nationale et internationale;

c) tous les programmes d'action et mesures prises sur le plan national et international, notamment dans le domaine économique et financier, doivent être appréciés de ce point de vue et acceptés seulement dans la mesure où ils apparaissent de nature à favoriser, et non à entraver, l'accomplissement de cet objectif fondamental;

d) il incombe à l'Organisation internationale du Travail d'examiner et de considérer à la lumière de cet objectif fondamental, dans le domaine international, tous les programmes d'action et mesures d'ordre économique et financier;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the

e) en s'acquittant des tâches qui lui sont confiées, l'Organisation internationale du Travail, après avoir tenu compte de tous les facteurs économiques et financiers pertinents, a qualité pour inclure dans ses décisions et recommandations toutes dispositions qu'elle juge appropriées.

III

La Conférence reconnaît l'obligation solennelle pour l'Organisation internationale du Travail de seconder la mise en oeuvre, parmi les différentes nations du monde, de programmes propres à réaliser:

a) la plénitude de l'emploi et l'élévation des niveaux de vie;

b) l'emploi des travailleurs à des occupations où ils aient la satisfaction de donner toute la mesure de leur habileté et de leurs connaissances et de contribuer le mieux au bien-être commun;

c) pour atteindre ce but, la mise en œuvre, moyennant garanties adéquates pour tous les intéressés, de possibilités de formation et de moyens propres à faciliter les transferts de travailleurs, y compris les migrations de main-d'œuvre et de colons;

d) la possibilité pour tous d'une participation équitable aux fruits du progrès en matière de salaires et de gains, de durée du travail et autres conditions de travail, et un salaire minimum vital pour tous ceux qui ont un emploi et ont besoin d'une telle protection;

e) la reconnaissance effective du droit de négociation collective et la coopération des employeurs et de la main-d'œuvre pour l'amélioration continue de l'organisation de la production, ainsi que la collaboration des travailleurs et des employeurs à l'élaboration

preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

et à l'application de la politique sociale et économique;

f) l'extension des mesures de sécurité sociale en vue d'assurer un revenu de base à tous ceux qui ont besoin d'une telle protection, ainsi que des soins médicaux complets;

g) une protection adéquate de la vie et de la santé des travailleurs dans toutes les occupations;

h) la protection de l'enfance et de la maternité;

i) un niveau adéquat d'alimentation, de logement, et de moyens de récréation et de culture;

j) la garantie de chances égales dans le domaine éducatif et professionnel.

IV

Convaincue qu'une utilisation plus complète et plus large des ressources productives du monde, nécessaire à l'accomplissement des objectifs énumérés dans la présente Déclaration, peut être assurée par une action efficace sur le plan international et national, et notamment par des mesures tendant à promouvoir l'expansion de la production et de la consommation, à éviter des fluctuations économiques graves, à réaliser l'avancement économique et social des régions dont la mise en valeur est peu avancée, à assurer une plus grande stabilité des prix mondiaux des matières premières et denrées, et à promouvoir un commerce international de volume élevé et constant, la Conférence promet l'entière collaboration de l'Organisation internationale du Travail avec tous organismes internationaux auxquels pourra être confiée une part de responsabilité dans cette grande tâche, ainsi que dans l'amélioration de la santé, de l'éducation et du bien-être de tous les peuples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

CHAPTER IV — TRANSITORY PROVISIONS

Article 38

1. The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

2. Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

3. The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

V

La Conférence affirme que les principes énoncés dans la présente Déclaration sont pleinement applicables à tous les peuples du monde, et que, si, dans les modalités de leur application, il doit être dûment tenu compte du degré de développement social et économique de chaque peuple, leur application progressive aux peuples qui sont encore dépendants, aussi bien qu'à ceux qui ont atteint le stade où ils se gouvernent eux-mêmes, intéresse l'ensemble du monde civilisé.

CHAPITRE IV. — MESURES TRANSITOIRES

Article 38

1. La première session de la Conférence aura lieu au mois d'octobre 1919. Le lieu et l'ordre du jour de la session sont arrêtés dans l'annexe ci-jointe.

2. La convocation et l'organisation de cette première session seront assurées par le gouvernement désigné à cet effet dans l'annexe susmentionnée. La gouvernement sera assisté, en ce qui concerne la préparation des documents, par une commission internationale dont les membres seront désignés à la même annexe.

3. Les frais de cette première session et de toute session ultérieure jusqu'au moment où les crédits nécessaires auront pu être inscrits au budget de la Société des Nations, à l'exception des frais de déplacement des délégués et des conseillers techniques, seront répartis entre les Membres dans les proportions établies pour le Bureau international de l'Union postale universelle.

Article 39

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

Article 40

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX

FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919

1. The place of meeting will be Washington.

2. The Government of the United States of America is requested to convene the Conference.

3. The International Organising Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

4. Agenda:

(1) Application of principle of the 8-hours day or of the 48-hours week.

Article 39

Jusqu'à ce que la Société des Nations ait été constituée, toutes communications qui devraient être adressées, en vertu des articles précédents, au Secrétaire général de la Société, seront conservées par le Directeur du Bureau international du Travail, lequel en donnera connaissance au Secrétaire général.

Article 40

Jusqu'à la création de la Cour permanente de Justice internationale, les différends qui doivent lui être soumis en vertu de la présente Partie du présent Traité seront déférés à un tribunal formé de trois personnes désignées par le Conseil de la Société des Nations.

ANNEXE

PREMIÈRE SESSION DE LA CONFÉRENCE INTERNATIONALE DU TRAVAIL, 1919

1. Le lieu de la Conférence sera Washington.

2. Le gouvernement des Etats-Unis d'Amérique sera prié de convoquer la Conférence.

3. Le Comité international d'organisation sera composé de sept personnes désignées respectivement par les gouvernements des Etats-Unis, de la Grande-Bretagne, de la France, de l'Italie, du Japon, de la Belgique et de la Suisse. Le Comité pourra, s'il le juge nécessaire, inviter d'autres Membres à se faire représenter dans son sein.

4. L'ordre du jour sera le suivant:

1° Application du principe de la journée de 8 heures ou de la semaine de 48 heures.

(2) Question of preventing or providing against unemployment.

(3) Women's employment:

(a) Before and after childbirth, including the question of maternity benefit;

(b) During the night;

(c) In unhealthy processes.

(4) Employment of children:

(a) Minimum age of employment;

(b) During the night;

(c) In unhealthy processes.

(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II

GENERAL PRINCIPLES

Article 41

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I, and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions

2° Questions relatives aux moyens de prévenir le chômage et de remédier à ses conséquences.

3° Emploi des femmes:

a) avant ou après l'accouchement (y compris la question de l'indemnité de maternité);

b) pendant la nuit;

c) dans les travaux insalubres.

4° Emploi des enfants:

a) âge d'admission au travail;

b) travaux de nuit;

c) travaux insalubres.

5° Extension et application des conventions internationales adoptées à Berne en 1906 sur l'interdiction du travail de nuit des femmes employées dans l'industrie et l'interdiction de l'emploi du phosphore blanc (jaune) dans l'industrie des allumettes.

SECTION II

PRINCIPES GÉNÉRAUX

Article 41

Les Hautes Parties Contractantes, reconnaissant que le bien-être physique, moral et intellectuel des travailleurs salariés est d'une importance essentielle au point de vue international, ont établi, pour parvenir à ce but élevé, l'organisme permanent prévu à la section I et associé à celui de la Société des Nations.

Elles reconnaissent que les différences de climat, de mœurs et d'usages, d'opportunité économique et de tradition industrielle rendent difficile à atteindre, d'une manière immédiate, l'uniformité absolue dans les conditions du travail. Mais, persuadées qu'elles sont que le travail ne doit pas être considéré simplement comme un article de commerce, elles pensent

which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect

qu'il y a des méthodes et des principes pour la réglementation des conditions du travail que toutes les communautés industrielles devraient s'efforcer d'appliquer, autant que les circonstances spéciales dans lesquelles elles pourraient se trouver le permettraient.

Parmi ces méthodes et principes, les suivants paraissent aux Hautes Parties Contractantes être d'une importance particulière et urgente:

1er—Le principe dirigeant ci-dessus énoncé que le travail ne doit pas être considéré simplement comme une marchandise ou un article de commerce.

2me—Le droit d'association en vue de tous objets non contraires aux lois, aussi bien pour les salariés que pour les employeurs.

3me—Le paiement aux travailleurs d'un salaire leur assurant un niveau de vie convenable tel qu'on le comprend dans leur temps et dans leur pays.

4me—L'adoption de la journée de 8 heures ou de la semaine de 48 heures comme but à atteindre partout où il n'a pas encore été obtenu.

5me—L'adoption d'un repos hebdomadaire de 24 heures au minimum, qui devrait comprendre le dimanche toutes les fois que ce sera possible.

6me—La suppression du travail des enfants et l'obligation d'apporter au travail des jeunes gens des deux sexes les limitations nécessaires pour leur permettre de continuer leur éducation et d'assurer leur développement physique.

7me—Le principe du salaire égal, sans distinction de sexe, pour un travail de valeur égale.

8me—Les règles édictées dans chaque pays au sujet des condi-

to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage earners of the world.

tions du travail devront assurer un traitement économique équitable à tous les travailleurs résidant légalement dans le pays.

9me—Chaque Etat devra organiser un service d'inspection qui comprendra des femmes, afin d'assurer l'application des lois et règlements pour la protection des travailleurs.

Sans proclamer que ces principes et ces méthodes sont ou complets ou définitifs, les Hautes Parties Contractantes sont d'avis qu'ils sont propres à guider la politique de la Société des Nations, et que, s'ils sont adoptés par les communautés industrielles qui sont Membres de la Société des Nations, et s'ils sont maintenus intacts dans la pratique par un corps approprié d'inspecteurs, ils répandront des bienfaits permanents sur les salariés du monde.

68706—52—PT. III——61

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, duly adopted by the General Conference of the International Labour Organisation on the ninth day of October one thousand nine hundred and forty-six in the course of its Twenty-ninth Session, which was held at Montreal.

Authoritative texts.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

Le texte qui précède est le texte authentique de l'instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946, dûment adopté par la Conférence générale de l'Organisation internationale du Travail le neuf octobre mil neuf cent quarante-six, au cours de sa vingt-neuvième session, qui s'est tenue à Montréal.

Les versions française et anglaise du texte du présent instrument d'amendement font également foi.

EN FOI DE QUOI ont apposé leurs signatures, ce premier jour de novembre 1946.

The President of the Conference,
Le Président de la Conférence,
HUMPHREY MITCHELL.

The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,
EDWARD PHELAN.

The Director-General of the International Labor Organization to the American Consul

BNATIONAL DU TRAVAIL
GENÈVE

INTERNATIONAL LABOUR OFFICE
GENEVA

23 Août. 1948

Dans la réponse, prière de rappeler le:
When replying, please quote reference:
No.

SIR,

I have the honour to acknowledge the receipt by the International Labour Office on 2 August 1948 of the instrument of acceptance by the United States of America of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, adopted by the 29th Session of the International Labour Conference at Montreal on 9 October 1946.

Ante, p. 3486.

I should be grateful if you would transmit to the Secretary of State my deep appreciation of the communication of this instrument, as a result of which all of the States Members of chief industrial importance have now ratified or accepted the Constitution as amended.

I enclose for your information a list of the forty-three Members of the Organisation which have communicated their ratification or acceptance up to the present date.

I have the honour to be,

Sir,

Your obedient servant,

Edward Phelan
Director-General

HARRY L. TROUTMAN, Esq.,
Consul,
American Consulate,
Geneva.

LIST OF MEMBERS OF THE INTERNATIONAL LABOUR ORGANISATION WHICH HAVE COMMUNICATED THEIR FORMAL RATIFICATION OR ACCEPTANCE OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946, WITH DATES OF RECEIPT OF THE COMMUNICATIONS

(Position as at 10 August 1948)

Afghanistan	ratification	4. 6. 1947
Australia	acceptance	21. 4. 1948
Austria	acceptance	24. 6. 1947
○ Belgium	ratification	15. 1. 1948
Bolivia	ratification	22. 5. 1947
Brazil	ratification	13. 4. 1948
Burma	acceptance	18. 5. 1948
○ Canada	ratification	31. 7. 1947
Ceylon	acceptance	28. 6. 1948
○ China	ratification	4. 8. 1947
Colombia	acceptance	7. 5. 1947
Denmark	ratification	28. 6. 1947
Dominican Republic	ratification	29. 8. 1947
Ecuador	acceptance	15. 5. 1947
Ethiopia	ratification	31. 7. 1947
Finland	ratification	28. 6. 1947
○ France	ratification	20. 1. 1948
Greece	ratification	11. 12. 1947
Guatemala	ratification	1. 10. 1947
Iceland	ratification	17. 4. 1948
○ India	ratification	17. 11. 1947
Iran	acceptance	30. 4. 1947
Iraq	acceptance	9. 9. 1947
Ireland	ratification	14. 6. 1947
Italy	ratification	11. 12. 1947
Mexico	ratification	20. 4. 1948

○ Member represented on the Governing Body as a Member of chief industrial importance.

O Netherlands	ratification	15. 1. 1948
New Zealand	ratification	8. 7. 1947
Norway	ratification	27. 11. 1947
Pakistan	acceptance	31. 10. 1947
Philippines	acceptance	15. 6. 1948
Poland	ratification	11. 12. 1947
Portugal	ratification	11. 12. 1947
Salvador	ratification	21. 6. 1948
Siam	ratification	25. 2. 1947
Sweden	ratification	29. 5. 1947
Switzerland	ratification	22. 8. 1947
Syria	acceptance	4. 12. 1947
Turkey	ratification	23. 2. 1948
Union of South Africa	ratification	19. 6. 1947
O United Kingdom of Great Britain and Northern Ireland	ratification	28. 5. 1947
O United States of America	acceptance	2. 8. 1948
Venezuela	ratification	13. 6. 1947

O Member represented on the Governing Body as a Member of chief industrial importance.

Agreement between the United States of America and Mexico respecting a fisheries mission, further extending the agreement effected by exchanges of communications dated April 17, May 22, July 22 and 27, and October 24, 1942. Effected by exchange of notes signed at Washington September 15 and October 6, 1948; entered into force October 6, 1948.

September 15, and October 6, 1948
[T. I. A. S. 1869]

The Secretary of State to the Mexican Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON
Sep 15 1948

SIR:

I refer to the Embassy's note no. 2807 of May 28, 1948 [1] and to the Department's note of June 30, 1948 [1] in reply, concerning the request of the Government of Mexico for the extension, beginning October 23, 1948, of the Fisheries Mission to Mexico, headed by Mr. Milton J. Lindner.

It is a pleasure to inform you that it will be possible to extend the Memorandum Agreement [2] establishing the Mission in reference under similar conditions as those obtaining in the extension effected by note no. 414 of September 23, 1946 from the American Ambassador at Mexico, D. F. to the Mexican Secretary for Foreign Relations and the note of October 22, 1946 from the Ministry of Foreign Affairs of Mexico to the American Ambassador in reply.

61 Stat., Pt. 3, p. 2903.

61 Stat. Pt. 3, p. 2904.

That is to say, the agreement can be extended for another two-year period, or to October 23, 1950, on the understanding that the Fish and Wildlife Service reserves the privilege of withdrawing Mr. Lindner from time to time for temporary duty not related to the Mission's work and that this Government's participation in the Mission is subject to the availability of appropriated funds for the purpose after June 30, 1949, the end of the current fiscal year.

If the foregoing proposal is acceptable to the Government of Mexico, and if you will inform this Department to that effect, your note of approval will be considered as consummation of the extension of the Memorandum Agreement which will otherwise expire on October 23, 1948.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:
GEORGE V. ALLEN

The Honorable
Señor Don RAFAEL DE LA COLINA,
Minister Plenipotentiary,
Charge d'Affaires ad interim of Mexico.

[1] Not printed.

[2] The phrase "memorandum agreement" was used in communication 3041 of Sept. 7, 1944, from the American Embassy to describe an agreement "effected by the exchange of notes between the Embassy and the Ministry, particularly the Embassy's communications no. 138 and no. 269 of April 17 and May 22, 1942, and the Ministry's note no. 58807 of October 24, 1942." (See 58 Stat. 1554.)

The Mexican Chargé d'Affaires ad interim to the Secretary of State

EMBAJADA DE MEXICO
4796 WASHINGTON, D. C. *a 6 de octubre de 1948*

SEÑOR SECRETARIO:

Tengo el honor de hacer referencia a la nota de Su Excelencia fechada el 15 de septiembre próximo pasado, relacionada con la petición de mi Gobierno para que fuese prorrogada la permanencia en México de la Misión Americana de Pesca que preside el señor Milton J. Lindner, biólogo y carcinólogo del Fish and Wildlife Service del Departamento del Interior.

Mi Gobierno está de acuerdo en que la prórroga se lleve a cabo por un período de dos años, a partir del 23 de octubre de 1948, de acuerdo con las condiciones que se establecieron en la nota número 414 del 23 de septiembre de 1946, dirigida por la Embajada de los Estados Unidos de América en México a la Secretaría de Relaciones Exteriores, y por la nota fechada el 22 de octubre de 1946, dirigida por la Secretaría de Relaciones Exteriores a la citada Misión Diplomática.

Aprovecho esta ocasión para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

RAFAEL DE LA COLINA
Encargado de Negocios a.i.

Excelentísimo Señor ROBERT LOVET,
Secretario de Estado en Funciones
Washington, D. C.

Translation

EMBASSY OF MEXICO
4796 WASHINGTON, D. C., *October 6, 1948.*

MR. SECRETARY:

I have the honor to refer to Your Excellency's note dated September 15 last, relative to my Government's request for an extension of the stay in Mexico of the American Fisheries Mission which is headed by Mr. Milton J. Lindner, biologist and carcinologist of the Fish and Wildlife Service, Department of the Interior.

My Government agrees to an extension of two years from October 23, 1948, in accordance with the terms stipulated in note No. 414 of September 23, 1946, addressed by the Embassy of the United States of America to the Department of Foreign Relations, and in the note of October 22, 1946, addressed by the Department of Foreign Relations to the said Diplomatic Mission.

61 Stat., Pt. 3, p. 2903.

61 Stat., Pt. 3, p. 2904.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

RAFAEL DE LA COLINA
Chargé d'Affaires ad interim

The Honorable
ROBERT LOVETT,
Acting Secretary of State
Washington, D. C.

Agreement and exchange of notes between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting a United States Educational Commission in the United Kingdom. Signed at London September 22, 1948; entered into force September 22, 1948.

September 22, 1948
[T. I. A. S. 1870]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE TERMS OF THE JOINT STATEMENT REGARDING SETTLEMENT FOR LEND-LEASE, RECIPROCAL AID, SURPLUS WAR PROPERTY AND CLAIMS MADE BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON 6th DECEMBER, 1945.

60 Stat. 1564.

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to promote further mutual understanding between the peoples of the United States and of the United Kingdom and the Colonial Dependencies by a wider exchange of knowledge and professional talents;

Considering that Section 32 (*b*) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress, provides that the Secretary of State of the United States may enter into an agreement for certain educational activities with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals; and

60 Stat. 754.
50 U. S. C. app. § 1641 (b).

Considering that paragraph 6 of the Joint Statement Regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by the Government of the United States and the Government of the United Kingdom on 6th December, 1945 (hereinafter designated "the Joint Statement"), provides for acquisition by the Government of the United States from the Government of the United Kingdom of a sum in pounds sterling to an aggregate dollar value not in excess of $50,000,000 for the purpose, *inter alia*, of carrying out educational programmes in accordance with agreements to be concluded between the two Governments;

60 Stat. 1565.

Having accordingly agreed as follows:—

ARTICLE 1

(*a*) There shall be established a joint Commission to be known as the United States Educational Commission in the United Kingdom (hereinafter designated "the Commission"), which shall be recognised

United States Educational Commission in the United Kingdom.

by the Government of the United States and the Government of the United Kingdom as an organisation created and established to facilitate the administration of the educational programme to be financed by funds made available by the Government of the United Kingdom in accordance with the terms of the present Agreement.

(*b*) Except as provided in Article 5 hereof, the Commission in the exercise of its powers under the present Agreement shall be exempt from the domestic and local laws of the United States so far as they relate to the use and expenditure of currencies and credits for currencies.

ARTICLE 2

Deposits. 60 Stat. 1565.

(*a*) Pursuant to the provisions of paragraph 6 of the Joint Statement, the Government of the United Kingdom, within 30 days from the date of signature of the present Agreement, shall make funds available for the purposes of the present Agreement by deposit in the United Kingdom in the name of the Treasurer of the United States a sum in pounds sterling equivalent to the sum of $1,000,000 in United States currency.

(*b*) The rate of exchange to be used in determining the sum in pounds sterling to be so deposited shall be the rate which, on the day of deposit, is available to the Government of the United States for its diplomatic and other similar official expenditures in the United Kingdom.

(*c*) The funds made available by the Government of the United Kingdom under paragraph (*a*) of this Article (hereinafter designated "the funds") shall be placed at the disposal of the Commission as required for the purposes of the present Agreement by deposit in the United Kingdom in the name of the Treasurer of the Commission, or of such other employee of the Commission as it shall designate, in accounts with one or more banks to be selected by the Secretary of State of the United States.

(*d*) The funds shall be regarded in the United Kingdom as the property of a foreign government.

ARTICLE 3

Use of funds.

Subject to the provisions of the present Agreement, the funds shall be used by the Commission for the purposes of—

(*a*) financing studies, research, instruction, and other educational activities of or for citizens of the United States in schools and institutions of higher learning located in the United Kingdom or the Colonial Dependencies or of the citizens of the United Kingdom and Colonies in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incidental to scholastic activities; or

(*b*) furnishing transportation for citizens of the United Kingdom and Colonies who desire to attend United States schools and

institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and whose attendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions;

provided, however, that as regards expenditure on travel or education abroad the transfer of funds by the Commission shall be subject to the foreign exchange regulations in force from time to time in the United Kingdom or to such special conditions as may be agreed between the Commission and the United Kingdom authorities.

The attendance of citizens of the United States at schools and institutions of higher learning located in the United Kingdom or the Colonial Dependencies shall not deprive citizens of the United Kingdom and Colonies of an opportunity to attend such schools and institutions.

ARTICLE 4

The Commission may exercise all powers necessary for carrying out the above-mentioned purposes, including the following:— Powers of the Commission.

(*a*) Subject to the provisions of Articles 5 and 6, authorise the disbursement of the funds and the making of grants and advances therefrom.

(*b*) Plan, adopt, and carry out programmes.

(*c*) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944 as amended, students, teachers, professors, research scholars, resident in the United Kingdom or the Colonial Dependencies, and institutions of the United Kingdom or the Colonial Dependencies qualified in the opinion of the Commission to participate in the programmes in accordance with the aforesaid Act. 60 Stat. 754. 50 U. S. C. app. § 1641 (b).

(*d*) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programmes as it may deem necessary.

(*e*) Provide for periodic audits of the accounts of the Commission as directed by auditors selected by the Secretary of State of the United States.

(*f*) Engage an Executive Officer, administrative and clerical staff and fix and authorize the payment of salaries and wages thereof out of the funds.

ARTICLE 5

All expenditures authorized by the Commission shall be made in accordance with budgets to be approved by the Secretary of State of the United States pursuant to such regulations as he may prescribe. Expenditures.

ARTICLE 6

The Commission shall not authorize any commitments or create any obligation in excess of the part of the funds actually placed at its disposal at the time of the authorization.

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ARTICLE 7

Membership.

(*a*) The Commission shall consist of twelve members, seven of whom shall be citizens of the United States, five of whom shall be citizens of the United Kingdom and Colonies.

(*b*) Of the citizens of the United States a minimum of three shall be officers of the United States Foreign Service establishment in the United Kingdom.

"Chief of Mission."

(*c*) The principal officer in charge of the Diplomatic Mission of the United States to the United Kingdom (hereinafter designated the "Chief of Mission") shall be Honorary Chairman of the Commission.

ARTICLE 8

Powers.

(*a*) The Chief of Mission shall have the power of appointment and removal of the United States citizens on the Commission.

(*b*) The members of the Commission who are citizens of the United Kingdom and Colonies shall be nominated by the Chief of Mission from a list of names submitted to him by the Government of the United Kingdom, and shall be appointed by the Secretary of State for Foreign Affairs of the United Kingdom.

(*c*) The members of the Commission shall serve from the time of their appointment until one year from the following 31st December and shall be eligible for reappointment.

(*d*) Vacancies by reason of resignations, transfers or permanent residence outside of the United Kingdom or the Colonial Dependencies, expiration of terms of service, or otherwise, shall be filled in accordance with the procedure provided in paragraphs (*a*) and (*b*) of this Article.

ARTICLE 9

The members of the Commission shall serve without compensation, but the Commission may authorize the payment of necessary expenses of members in attending meetings of the Commission.

ARTICLE 10

Rules.

The Commission shall adopt such rules and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission. All rules adopted by the Commission shall become effective upon approval by the Secretary of State of the United States and the Secretary of State for Foreign Affairs of the United Kingdom.

ARTICLE 11

Reports.

Reports acceptable in form and content to the Secretary of State of the United States and to the Secretary of State for Foreign Affairs of the United Kingdom shall be made annually on the activities of the Commission to the Secretary of State of the United States and the Government of the United Kingdom.

ARTICLE 12

Principal office, etc.

The principal office of the Commission shall be in London: but the meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the officers or staff of the Commission may be carried on at such places as may be approved by the Commission.

ARTICLE 13

Executive Officer.

The Executive Officer shall be responsible for the direction and supervision of the programmes and activities of the Commission in accordance with the resolutions and directives of the Commission.

ARTICLE 14

In the present Agreement:

"Secretary of State of the United States."

(*a*) The term "Secretary of State of the United States," wherever used, shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States designated by him to act in his behalf;

"United Kingdom."

(*b*) The term "United Kingdom" shall mean the United Kingdom of Great Britain and Northern Ireland, and the term "Colonial Dependencies" shall mean the territories to which the present Agreement may have been extended under Article 17; and

"Citizens of the United Kingdom and Colonies."

(*c*) The term "citizens of the United Kingdom and Colonies" shall mean (i) citizens of the United Kingdom and Colonies as defined in legislation in force in the United Kingdom from time to time, and (ii) other persons belonging to the Colonial Dependencies.

ARTICLE 15

Review; amendment.

The present Agreement shall be reviewed by representatives of the contracting Governments before 31st December, 1951, and may be amended at any time by exchange of notes between the contracting Governments.

ARTICLE 16

Entry into force.

The present Agreement shall come into force upon the date of signature.

ARTICLE 17

Extension to certain territories.

(*a*) The Government of the United Kingdom may at the time of signature or at any time thereafter by notification given to the Government of the United States declare that the present Agreement shall extend to any of the territories for whose international relations it is responsible, and the Agreement shall, from the date of receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(*b*) The Government of the United Kingdom at any time may by notification given to the Government of the United States declare that the Agreement shall cease to extend to any territory named in the notification, and the Agreement shall from the date of receipt of the notification, or from such other date as may be specified therein, cease to extend to such territory.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at London in duplicate, this 22nd day of September, 1948.

For the Government of the United States of America:

DON C. BLISS

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ERNEST BEVIN

The American Chargé d'Affaires to the British Secretary of State for Foreign Affairs

September 22, 1948.
London.

SIR,

I have the honor to propose that, notwithstanding Paragraph (A) of Article 2 of the Agreement signed this day between our two governments providing for the establishment of the United States Educational Commission in the United Kingdom in pursuance of certain of the provisions of Paragraph 6 of the Joint Statement regarding settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by our two governments on the 6th. December, 1945, deposit of the total sum in sterling mentioned in that paragraph shall be made by the government of the United Kingdom of Great Britain and Northern Ireland in such amounts and at such times during the currency of the Agreement as the Government of the United States may request.

Ante, p. 3578.

60 Stat. 1565.

If the government of the United Kingdom are prepared to accept this proposal, I have the honor to suggest that the present note and your reply shall be regarded as placing their acceptance on record.

I have the honor to be, Sir,

Your most obedient servant,

DON C. BLISS,
Charge d'Affairs.

The Rt. Hon. ERNEST BEVIN, M. P.,
H. M. Secretary of State for Foreign Affairs,
Foreign Office,
London.

The British Secretary of State for Foreign Affairs to the American Chargé d'Affaires

FOREIGN OFFICE
S. W. 1.
22nd September, 1948.

SIR,

In your note of today's date you proposed that, notwithstanding paragraph (a) of Article 2 of the Agreement signed this day between our two Governments providing for the establishment of the United States Educational Commission in the United Kingdom in pursuance of certain of the provisions of paragraph 6 of the Joint Statement regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by our two Governments on the 6th December, 1945, deposit of the total sum in sterling mentioned in that paragraph shall be made by the Government of the United Kingdom of Great Britain and Northern Ireland in such amounts and at such times during the currency of the Agreement as the Government of the United States may request.

Ante, p. 3578.

60 Stat., Pt. 2, p. 1565.

2. In reply I have the honour to state that the Government of the United Kingdom accept this proposal, and agree to regard your note and this reply as placing their acceptance on record.

I have the honour to be, with high consideration, Sir,

Your obedient Servant,

ERNEST BEVIN

Mr. DON C. BLISS, Jr.
etc., etc., etc.,
1 Grosvenor Square,
W. 1.

June 28, and July 8, 1948
[T. I. A. S. 1872]

Agreement between the United States of America and Peru respecting a cooperative food production program in Peru, extending the agreement of May 19 and 20, 1943, as modified and extended. Effected by exchange of notes signed at Lima June 28 and July 8, 1948; entered into force July 9, 1948.

The American Ambassador to the Peruvian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 1022 *Lima, June 28, 1948.*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of Peru and the Institute of Inter-American Affairs, dated May 19, 1943, as later modified and extended, which provided for the initiation and execution of the existing cooperative food production program in Peru. I also refer to Your Excellency's note of June 26, 1948 [1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

57 Stat. 1405.

As Your Excellency knows, the Agreement of May 19, 1943, as amended, provides that the cooperative food production program will terminate on June 30, 1948. However, considering the mutual benefits which both Governments are deriving from the program, my Government agrees with the Government of Peru that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948 through June 30, 1949. It would be understood that, during such period of extension the Institute would make a contribution of $100,000 in United States currency to the Servicio Cooperativo Interamericano de Producción de Alimentos for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of S/. 3,149,600. The Institute would also be willing during the same extension period to make available an amount not exceeding $200,000 United States currency to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Food Supply Field Staff who are maintained by the Institute in Peru. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, the Government of the United

[1] Not printed.

States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature [1] of an agreement by the Minister of Agriculture of Peru and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details. Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

PRENTICE COOPER

His Excellency
General ARMANDO REVOREDO IGLESIAS,
Minister for Foreign Affairs,
Lima.

The Peruvian Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

N°: (D) 6-3/51

LIMA, *8 de julio de 1948.*

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo a honra avisar recibo a Vuestra Señoría de la atenta nota de esa Embajada N° 1022, de 28 de junio último, relativa a la prórroga del Programa Cooperativo de Producción de Alimentos hasta el 30 de junio de 1949.

Cumplo con expresar a Vuestra Señoría que, debidamente consultado el Ministerio de Agricultura, éste me ha trasmitido su aprobación a las condiciones que para la prórroga se establecen en la nota de esa Embajada que contesto; quedando, por tanto, el presente cambio de notas como un convenio entre ambos gobiernos para entrar en vigor en la fecha en que se suscriba la prórroga del Programa por el Ministro de Agricultura y el Instituto de Asuntos Interamericanos.

Aprovecho la oportunidad para reiterar a Vuestra Señoría las seguridades de mi distinguida consideración.

A REVOREDO I

Al Honorable señor RICHARD M. DE LAMBERT,
Encargado de Negocios a. i. de los
Estados Unidos de América.
Ciudad.-

Translation

MINISTRY OF FOREIGN AFFAIRS
AND WORSHIP

No: (D) 6-3/51

LIMA, *July 8, 1948.*

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge to you the receipt of your Embassy's courteous note No. 1022, dated June 28, last, relative to the

[1] July 9, 1948.

extension of the Cooperative Food Production Program to June 30, 1949.

I hereby inform you that, after I had duly consulted with the Ministry of Agriculture, that agency transmitted to me its approval of the conditions for such extension, as set forth in the note from your Embassy to which I reply. The present exchange of notes therefore constitutes an agreement between our two Governments, to come into force on the date on which the extension of the Program is signed by the Minister of Agriculture and the Institute of Inter-American Affairs.

I avail myself of the opportunity to renew to you the assurances of my distinguished consideration.

A REVOREDO I

The Honorable
RICHARD M. DE LAMBERT,
Chargé d'Affaires ad interim of the
United States of America,
City. –

Agreement between the United States of America and France respecting duty-free entry and payment of transportation charges on relief supplies and packages for France. Signed at Paris December 23, 1948; entered into force December 23, 1948.

December 23, 1948
[T. I. A. S. 1873]

AGREEMENT
BETWEEN THE GOVERNMENT
OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE
FRENCH REPUBLIC
FOR FREE ENTRY AND FREE INLAND
TRANSPORTATION
OF RELIEF SUPPLIES AND PACKAGES

The Government of the United States of America and the Government of the French Republic, desirous of giving effect to Article VI, Paragraph 2, and Article IV, Paragraph 5, of the Economic Cooperation Agreement between France and the United States of America, signed on June 28, 1948, agree as follows:

62 Stat., Pt. 2, pp. 2230, 2228.

ARTICLE I

DUTY-FREE ENTRY

The French Government shall accord duty-free entry into Metropolitan France of:

1. Supplies of Relief Goods and Standard Packs donated to or purchased by United States voluntary nonprofit relief agencies qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to such charitable organizations (including French branches of these agencies), as have been or hereafter shall be approved by the French Government;
2. Relief Packages from residents of the United States sent by parcel post or other commercial channels to individuals residing in Metropolitan France whether privately packed or by order placed with a commercial firm;
3. Standard Packs put up by United States voluntary nonprofit relief agencies, or their agents, qualified under ECA regulations, for the account of persons residing in the United States and addressed to individuals residing in Metropolitan France.

ARTICLE II

CONTENTS OF DUTY-FREE SHIPMENTS

1. Relief Packages and Standard Packs, as referred to in Article I, shall contain only non-perishable food; clothing and shoes for every day use; clothes-making and shoe-making materials; mailable medical and health supplies the admission of which is permitted under French regulations and household supplies and utensils: expressly excluding
   (a) tobacco, cigars and cigarettes
   (b) alcohol and alcoholic beverages
   (c) luxury clothing; hides, furs, textiles of silk or nylon, gloves or other articles of like nature

   and, furthermore, any goods which are not qualified for ocean freight subsidy under the ECA act and regulations issued by the Administrator thereunder.

62 Stat., Pt. 1, p. 137.

Such Relief Packages and Standard Packs shall not exceed, in any case, 44 lbs. in weight and shall be intended only for the personal use of the addressee and his immediate family.

2. Relief Goods, as referred to in paragraph 1 of Article I, may include products and articles permitted in Relief Packages and Standard Packs and also, upon special authorization of the French Customs Administration at the request of the charitable organizations (including French branches of United States voluntary nonprofit relief agencies) to which such goods are consigned, may include any product or article which is not expressly specified in sub-paragraphs (a), (b), and (c) of paragraph 1 above.

ARTICLE III

FURTHER PROVISIONS REGARDING DUTY-FREE ENTRY

1. The French Government may limit the quantities of any product or article which may be included in any Relief Package or Standard Pack and the number of Relief Packages or Standard Packs which any one addressee may receive free of duty in any month. Relief Packages and Standard Packs containing quantities of any product or article in excess of such limitations or those for any one addressee in excess of the maximum monthly number or quantity so prescribed will not be entitled to duty-free entry. The French Government will give reasonable notice to the ECA Special Mission to France of any such proposed limitations. Limitation of quantity.

2. Relief Packages, as referred to in paragraph 2 of Article I, must be accompanied by detailed description of contents and declaration of value and shall be labelled "U.S.A. Gift Parcel."

3. Recipients of Relief Packages and Standard Packs must be able to furnish proof, at the request of the French Customs Administration, that no person residing in France has directly or indirectly made payment therefor in France or abroad.

4. The French Customs Administration may exclude from the benefit of this agreement all Relief Packages forwarded by commercial firms which accept unlawful settlement in payment therefor or which, in France, advertise or take other steps to obtain orders for Relief Packages to be paid for by French addressees.

ARTICLE IV

REIMBURSEMENT OF TRANSPORTATION COSTS

Costs of transportation in Metropolitan France (as defined in Paragraph 5 of Article IV of the Economic Cooperation Agreement) of shipments which are accorded duty-free entry in accordance with the above provisions will be reimbursed under the following conditions: 62 Stat., Pt. 2, p. 2228.

1. The cost of transportation of packages sent by United States parcel post will be computed by the French Postal Administration in conformity with the agreements, rules and regulations of

the International Postal System in effect at the time of forwarding. Such costs will be reimbursed to the French Postal Administration out of the special account provided for in Article IV of the Economic Cooperation Agreement (hereinafter referred to as the Special Account) and no claim for such costs will be made against the United States Government.

62 Stat., Pt. 2, p. 2227.

2. The cost of transportation of Relief Goods and Standard Packs despatched from the United States by any normal commercial channel and forwarded in France to the final addressee by an agent (approved by the shipper and by the French Government) by means of a French public or contract carrier or by other means of transport arranged by such agent will be reimbursed to such agent by the French Government out of the Special Account upon presentation of adequate documentation.

3. The cost of transportation of Relief Goods and Standard Packs as referred to in paragraph 1 of Article I dispatched from a country other than the United States by any normal commercial channel and forwarded in France to the final addressee by an agent (approved by the shipper and by the French Government) by means of a French public or contract carrier (other than the French Postal Administration) or by other means of transport arranged by such agent will be reimbursed to such agent by the French Government out of the Special Account upon presentation of adequate documentation.

Ante, p. 3588.

4. If, in the case of any such shipments as are referred to in paragraphs 2 and 3 next preceding, the carrier, by arrangement with the shipper or such agent, has forwarded such shipments without requiring payment of the cost of transportation, the French Government will reimburse the carrier for the cost thereof out of the Special Account upon presentation of adequate documentation, including verification by such agent.

ARTICLE V

AUDITING OF REIMBURSEMENTS

Monthly statements.

The French Government, when reimbursements provided for in Article IV have been made, will submit to the ECA Special Mission to France, with a copy to the Controller, ECA Washington, monthly statements of the amounts so expended, in form mutually satisfactory to the French Government and said Mission. Each such statement shall at least show the total weight carried and the charges therefor, and adjustments shall be made to the Special Account if shown to be required by ECA audit.

ARTICLE VI

PERIOD OF AGREEMENT

This agreement shall come into effect

1. Immediately, insofar as the provisions with regard to duty-free entry are concerned;

2. As of June 28, 1948, insofar as the provisions for the reimbursement of costs of transportation of Relief Goods and Standard Packs as referred to in paragraphs 1 and 3 of Article I are concerned; and immediately insofar as the provisions for the reimbursement of costs of transportation of Relief Packages as referred to in paragraph 2 of Article I are concerned;

Ante, p. 3588.

and shall remain in force, subject to such prior termination or modification as may be agreed upon between the Government of the United States and the Government of France, for the same period as the Economic Cooperation Agreement of June 28, 1948.

62 Stat., Pt. 2, p. 2223.

In witness thereof the respective plenipotentiaries have affixed their signatures and seals to the present agreement.

Done, at Paris, in duplicate, in the English and French languages, both texts authentic, this 23d day of December, 1948.

Authentic texts.

For the Government of the United States of America	For the Government of the French Republic
JEFFERSON CAFFERY [SEAL]	SCHUMAN [SEAL]
DAVID K. E. BRUCE. [SEAL]	

ACCORD

ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE ET LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE RELATIF A L'ENTREE EN FRANCHISE ET AU TRANSPORT INTERIEUR GRATUIT DES APPROVISIONNEMENTS ET PAQUETS DE SECOURS

Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique, désireux de donner application aux Articles VI (paragraphe 2) et IV (paragraphe 5) de l'Accord de Coopération Economique entre la France et les Etats-Unis signé le 28 Juin 1948, sont convenus de ce qui suit:

ARTICLE I

EXONERATION DES DROITS DE DOUANE

Le Gouvernement français accordera l'entrée en franchise sur le territoire de la France métropolitaine:

1°) aux approvisionnements de secours et aux colis-type donnés à des entreprises américaines charitables dûment qualifiées en vertu des règlements de l'Administration de Coopération Economique (appelée ci-après ECA) ou achetés par elles et adressés à des organisations charitables (y compris les branches françaises des entreprises susvisées) qui ont été ou seront ultérieurement agréées par le Gouvernement français.

2°) aux paquets de secours provenant de particuliers résidant aux Etats-Unis et expédiés par colis postal ou par d'autres voies commerciales à des personnes résidant en France métropolitaine qu'ils soient confectionnés par ces particuliers ou expédiés sur leur commande par une maison de commerce;

3°) aux colis-type confectionnés pour le compte de particuliers résidant aux Etats-Unis pardes entreprises américaines charitables ou par leurs agents, dûment qualifiés en vertu des règlements de l'E.C.A. et adressés à des personnes résidant en France métropolitaine.

ARTICLE II

CONTENU DES ENVOIS EXONERES

1°) Les paquets de secours et les colis type visés à l'Article I devront contenir seulement des produits alimentaires non périssables, des vêtements ou des chaussures d'usage courant ou des produits pouvant servir à les confectionner, des produits médicaux et d'hygiène susceptibles d'être expédiés par poste et dont l'entrée est autorisée par les règlements français, ainsi que des produits et ustensiles de ménage.

En sont exclus:

– expressément:

a) les tabacs, cigares et cigarettes,

b) les alcools et les boissons alcoolisées,

c) les vêtements de luxe, les peaux, les fourrures, les textiles de soie ou de nylon, les gants ou autres articles de même nature.

– d'une façon générale:

toutes les marchandises dont le transport par mer n'est pas susceptible d'être subventionné en vertu de la loi de l'ECA et des règlements édictés par l'Administrateur à ce titre.

Ces paquets de secours et ces colis type ne dépasseront en aucun cas un poids de 44 livres anglaises.

Ils devront être destinés uniquement à l'usage personnel du destinataire et de ses proches.

2°) Les approvisionnements de secours visés à l'Article I, paragraphe (1) pourront comprendre tous les produits et articles autorisés dans les colis de secours et les colis-type.

En outre, ils pourront comprendre sur autorisation spéciale accordée par l'Administration française des Douanes, à la demande des organisations charitables bénéficiaires (y compris les branches françaises des entreprises américaines) tous produits et articles qui ne sont pas visés aux alinéas (a) (b) et (c) du paragraphe (1°) ci-dessus.

ARTICLE III

AUTRES DISPOSITIONS CONCERNANT L'ENTREE EN FRANCHISE

1°) Le Gouvernement français pourra règlementer les quantités de chaque produit ou article susceptibles d'être comprises dans chaque paquet de secours et colis-type qu'un même destinataire pourra recevoir en franchise par mois.

Les paquets de secours et colis-type contenant un produit ou article en quantité supérieure aux limites prévues ou ceux envoyés à un destinataire en nombre ou en quantité excédant le maximum mensuel prévu ne bénéficieront pas de l'admission en franchise.

Le Gouvernement français donnera un préavis raisonnable à la Mission spéciale de l'E.C.A. en France de toute règlementation qu'il envisagera de prendre en application du présent paragraphe.

2°) Les paquets de secours visés à l'article I paragraphe 2 seront obligatoirement accompagnés d'une description détaillée du contenu ainsi que d'une déclaration de valeur et seront étiquetés en anglais "colis don des Etats-Unis".

3°) Les bénéficiaires des paquets de secours et des colis-type devront pouvoir faire la preuve, à la requête de l'Administration française des Douanes, qu'aucune personne résidant en France n'a fait directement ou indirectement de paiement à ce titre, soit en France, soit à l'étranger.

4°) L'Administration française des Douanes pourra exclure du bénéfice de cet accord tous paquets de secours expédiés par les maisons de commerce qui accepteraient en paiement des règlements illicites ou qui feraient en France de la publicité ou du démarchage pour recueillir des commandes de paquets de secours payables par des destinataires français.

ARTICLE IV

REMBOURSEMENT DES FRAIS DE TRANSPORT

Les frais de transport en France métropolitaine (tels qu'ils sont définis au paragraphe 5 de l'article IV de l'Accord de Coopération Economique) des envois exonérés en vertu des dispositions ci-dessus seront remboursés dans les conditions suivantes:

1°) Les frais de transport des envois expédiés des Etats-Unis par colis postal seront calculés par l'Administration française des Postes conformément aux accords, dispositions et règlements du système postal international en vigueur au moment de l'expédition. Ils lui seront remboursés par le débit du compte spécial prévu à l'Article IV de l'Accord de Coopération Economique appelé ci-après compte spécial et aucune réclamation afférente à ces frais ne pourra être adressée au Gouvernement des Etats-Unis.

2°) Les frais de transport des approvisionnements de secours et des colis-type dont l'expédition est assurée au départ des Etats-Unis par une voie commerciale normale quelconque, et qui en France sont acheminés jusqu'au destinataire final par les soins d'un agent agréé de l'expéditeur et du Gouvernement français ayant traité avec un transporteur français public ou contractuel ou organisant lui-même le transport seront remboursés par le Gouvernement français au dit agent par le débit du compte spécial au vu des pièces adéquates.

3°) Les frais de transport des approvisionnements de secours et des colis-type visés au paragraphe (1) de l'Article I, dont l'expédition est assurée au départ d'un pays autre que les Etats-Unis par une voie commerciale normale quelconque, et qui en France sont acheminés jusqu'au destinataire final par les soins d'un agent agréé de l'expéditeur et du Gouvernement français ayant traité avec un transporteur français public ou contractuel (à l'exclusion de l'Administration française des Postes) ou organisant lui-même le transport seront remboursés par le Gouvernement français au dit agent par le débit du compte spécial au vu des pièces adéquates.

4°) Dans les cas visés aux paragraphes 2°) et 3°) ci-dessus, si aux termes d'un accord avec l'expéditeur ou son agent, le transporteur a acheminé les envois sans faire payer les frais correspondants, le Gouvernement français remboursera le dit transporteur par le débit du compte spécial et au vu des pièces adéquates visées par l'agent agréé.

ARTICLE V

CONTROLE DES REMBOURSEMENTS

Le Gouvernement français, lorsque seront effectués les remboursements prévus à l'article IV, présentera à la Mission spéciale de l'E.C.A. en France dans une forme satisfaisante à la fois pour le Gouvernement français et pour la Mission un état mensuel des sommes ainsi dépensées dont une copie sera adressée au Contrôleur de l'E.C.A. à Washington. Chacun de ces états indiquera au moins le poids total

transporté et les frais correspondants. Si les vérifications effectuées par l'E.C.A. en montrent la nécessité, les écritures du compte spécial seront modifiées en conséquence.

ARTICLE VI

DUREE DE LA CONVENTION

Cette convention entrera en vigueur:

1) immédiatement en ce qui concerne les dispositions relatives à l'admission en franchise.

2) A la date du 28 Juin 1948, en ce qui concerne les dispositions relatives au remboursement des frais de transport des approvisionnements de secours et colis-type visés aux paragraphes (1) et (3) de l'Article I, et immédiatement en ce qui concerne les dispositions relatives au paiement des frais de transport des paquets de secours visés au paragraphe (2) de l'Article I.

Elle restera en vigueur, sous réserve de toute terminaison anticipée ou de toute modification sur lesquelles le Gouvernement de la République française et le Gouvernement des Etats-Unis pourront se mettre d'accord, pour la même durée que l'Accord de Coopération Economique du 28 Juin 1948.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Accord et y ont apposé leurs sceaux.

Fait en double exemplaire, en langues française et anglaise, les deux textes faisant également foi,

à PARIS, le 23 Décembre 1948

Pour le Gouvernement des Etats-Unis d'Amérique:

JEFFERSON CAFFERY [SEAL]
DAVID K. E. BRUCE. [SEAL]

Pour le Gouvernement de la République Française:

SCHUMAN [SEAL]

September 30, 1948
[T. I. A. S. 1874]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting allocations of ferrous scrap for export. Effected by exchange of notes signed at Washington September 30, 1948; entered into force September 30, 1948.

The British Ambassador to the Acting Secretary of State

BRITISH EMBASSY,
WASHINGTON, D. C.
September 30th, 1948.

No. 518
Ref. 1652/152/48

SIR,

I have the honour to refer to the discussions which have taken place between representatives of His Majesty's Government in the United Kingdom and the Government of the United States of America on the subject of ferrous scrap exports, and to inform you that the matters agreed upon in the course of these discussions have received the approval of my Government. These matters are set forth in the following Memorandum:–

MEMORANDUM ON FERROUS SCRAP

I. Proposal to OEEC Countries on Allocation Machinery

A proposal will be put before the members of the Organization of European Economic Cooperation that an ad hoc Committee be established in Paris consisting of representatives of OEEC members and the United States as a full member. It is proposed that this Committee, although outside the jurisdiction of the OEEC Council, should work in close cooperation with it and its committees. The functions of the Committee shall be to make recommendations to the Governments of the countries participating in the OEEC, including the Bizonal Area of Germany and the French Zone, on the distribution of scrap exports from those countries. Final decisions with respect to exports will be made, however, by the Governments of the exporting countries. In the Bizonal Area decisions will be made by the U.S. and U.K. Military Governors, subject to the provisions of Article III of this Agreement.

Post, p. 3600.

II. Instructions to Military Governors

Identical instructions shall be sent to the U.S. and U.K. Military Governors in Germany as follows:–

1. It is the desire of the Governments of the United States and United Kingdom that the total collection and export of scrap from the Bizonal Area, after providing for the legitimate requirements of the German steel industry, be maximized.

Initial Authorizations Outside of Future Allocations

2. The existing authorization (approved May 13, 1948) of 600,000 tons (namely 200,000 tons to the United States, 300,000 tons to the United Kingdom and 100,000 tons to other countries) is confirmed.

3. In addition there will be the following supplementary authorizations:—

(a) 100,000 tons to the United States, to bring the United States share to parity with the above-mentioned United Kingdom share of 300,000 tons;

(b) 75,000 tons to the United Kingdom as a final shipment of booty scrap without payment;

(c) 75,000 tons to the United States, to correspond to (b) above, but not free of payment.

4. The above total authorizations of 375,000 tons to the United States, 375,000 tons to the United Kingdom and 100,000 tons to other countries shall not be charged to future allocations, and the two Military Governors shall implement these authorizations immediately.

Export Availabilities from Bizonal Area

5. The U.S. and U.K. Military Governors shall inform the ad hoc Committee, promptly after its establishment and from time to time thereafter, of the anticipated volume of scrap exports from the Bizonal Area. It is hoped that this figure for the year ending October 1, 1949, will be 1,000,000 tons or more, over and above the 850,000 tons authorized above outside of future allocations.

Interim Authorizations Chargeable against Future Allocations

6. As an advance against contemplated early allocations within the framework of the regular allocating procedure, there shall also be authorized a further 125,000 tons to the United States, 125,000 tons to the United Kingdom and 125,000 tons to other countries, such quantities to be charged against future allocations. The two Military Governors shall also implement these authorizations immediately.

7. In the event that no recommendation is made by the ad hoc Committee before October 31, 1948, further interim authorizations shall be made on that date and on the last day of each month thereafter in the ratio of 2–2–1 for the United States, United Kingdom and other countries respectively, until such time as the regular allocation procedure is in operation.

Implementation of Allocations

8. In implementing this Agreement, the U.S. and U.K. Military Governors shall determine among other matters:–

(a) whether to implement allocations by control over contracts or control over exports or both;

(b) whether, if control over exports is adopted, the Joint Export-Import Agency may approve contracts within agreed limitations in excess of the total outstanding allocations of any country;

(c) whether, in appropriate cases, contracts shall provide for delivery of scrap within specified short periods in order to prevent undue tying up of allocations in individual long-term contracts;

(d) whether and in what manner to instruct JEIA to take precautions to satisfy itself as to the competence of contracting parties to implement the terms of the contract.

Effective Date of Foregoing Authorizations

9. All scrap exported subsequent to the date of this Agreement shall be charged against the foregoing authorizations.

Booty Scrap

10. There shall be no further exports of booty scrap after the date of this Agreement except for the 75,000 tons authorized under paragraph II 3 (b) above.

Price

11. The price of scrap with appropriate differentials for loading points, quality of scrap, etc., shall be uniform for all foreign buyers, and shall be set from time to time by the U.S. and U.K. Military Governors under such procedures as they may establish.

Special Measures

12. If the U.S. and U.K. Military Governors consider that adequate quantities of exportable scrap cannot be obtained without special measures, they are authorized to approve the recovery of scrap by such measures. Scrap recovery under such arrangements, if approved, may be outside regular allocations but subject to such special allocations as the U.S. and U.K. Military Governors may determine after consultation with the ad hoc Committee.

Direct Recovery of Scrap

13. Nothing in this Agreement shall preclude operations by non-German organizations for the recovery of scrap from disarmament and other sources not readily accessible to German scrap merchants provided such operations are carried on in a manner acceptable to the U.S. and U.K. Military Governors and that all recoveries of scrap (other than the 75,000 tons of booty scrap mentioned above) are paid for at prices established by the U.S. and U.K. Military Governors and are within either the regular or the special allocations determined by the U.S. and U.K. Military Governors.

U.S.–U.K. Scrap Control Authority

14. The U.S. and U.K. Military Governors shall set up a U.S.–U.K. scrap control authority in which each shall appoint a coordinator to supervise and control the collection and export of ferrous scrap. This control authority shall be subject, through whatever organization the Military Governors may determine, to the jurisdiction of the Bipartite Board.

III. Reservation of Fusion Agreement

Nothing in this Agreement shall be deemed to modify the arrangements set forth in the Fusion Agreement of December 2, 1946 as

61 Stat., Pt. 3, p. 2475.

amended by the Agreement of December 17, 1947. Questions which may arise with respect to scrap exports under the present Agreement will be resolved as contemplated in paragraph 5 of the Agreement of December 17, 1947, having regard also to the provisions of paragraph 3 (a) of the latter Agreement.

61 Stat., Pt. 4, p. 3608.

61 Stat., Pt. 4, pp. 3612, 3610.

. . . . . .

Upon receipt of a note from you indicating your Government's approval of the terms of the above Memorandum, my Government will consider that this note and your reply constitute an Agreement between the two Governments effective from the date of your reply.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

OLIVER FRANKS.

The Honourable
ROBERT A. LOVETT,
Acting Secretary of State,
United States Department of State,
Washington, D. C.

The Acting Secretary of State to the British Ambassador

DEPARTMENT OF STATE
WASHINGTON
September 30, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 518 of September 30, 1948 proposing that an Agreement be entered into between the Government of the United States of America and His Majesty's Government in the United Kingdom on the subject of ferrous scrap exports. The terms of the proposed Agreement are set forth in the following Memorandum:

Ante, p. 3598.

MEMORANDUM ON FERROUS SCRAP

I. Proposal to OEEC Countries on Allocation Machinery

A proposal will be put before the members of the Organization of European Economic Cooperation that an ad hoc Committee be established in Paris consisting of representatives of OEEC members and the United States as a full member. It is proposed that this Committee, although outside the jurisdiction of the OEEC Council, should work in close cooperation with it and its committees. The functions of the Committee shall be to make recommendations to the Governments of the countries participating in the OEEC, including the Bizonal Area of Germany and the French Zone, on the distribution of scrap exports from those countries. Final decisions with respect to exports will be made, however, by the Governments of the exporting countries. In the Bizonal Area decisions will be made by the US and

Ad hoc Committee

Post, p. 3604.

UK Military Governors subject to the provisions of Article III of this Agreement.

II. Instructions to Military Governors

Identical instructions shall be sent to the US and UK Military Governors in Germany as follows:

1. It is the desire of the Governments of the United States and the United Kingdom that the total collection and export of scrap from the Bizonal Area, after providing for the legitimate requirements of the German steel industry, be maximized.

Initial Authorizations Outside of Future Allocations

2. The existing authorization (approved May 13, 1948) of 600,000 tons (namely 200,000 tons to the United States, 300,000 tons to the United Kingdom, and 100,000 tons to other countries) is confirmed.

Supplementary authorizations.

3. In addition there shall be the following supplementary authorizations:

(a) 100,000 tons to the United States, to bring the United States share to parity with the above-mentioned United Kingdom share of 300,000 tons;

(b) 75,000 tons to the United Kingdom as a final shipment of booty scrap without payment;

(c) 75,000 tons to the United States, to correspond to (b) above, but not free of payment.

4. The above total authorizations of 375,000 tons to the United States, 375,000 tons to the United Kingdom, and 100,000 tons to other countries shall not be charged to future allocations, and the two Military Governors shall implement these authorizations immediately.

Export Availabilities from the Bizonal Area

5. The US and UK Military Governors shall inform the ad hoc Committee, promptly after its establishment and from time to time thereafter, of the anticipated volume of scrap exports from the Bizonal Area. It is hoped that this figure for the year ending October 1, 1949 will be 1,000,000 tons or more, over and above the 850,000 tons authorized above outside of future allocations.

Interim Authorizations Chargeable Against Future Allocations

6. As an advance against contemplated early allocations within the framework of the regular allocating procedure, there shall also be authorized a further 125,000 tons to the United States, 125,000 tons to the United Kingdom, and 125,000 tons to other countries, such quantities to be charged against future allocations. The two Military Governors shall also implement these authorizations immediately.

7. In the event that no recommendation is made by the ad hoc Committee before October 31, 1948, further interim authorizations shall be made on that date and on the last day of each month thereafter in the ratio of 2–2–1 for the United States, the United Kingdom, and

other countries, respectively, until such time as the regular allocation procedure is in operation.

Implementation of Allocations

8. In implementing this Agreement, the US and UK Military Governors shall determine among other matters:

(a) whether to implement allocations by control over contracts or control over exports or both;

(b) whether, if control over exports is adopted, the Joint Export-Import Agency may approve contracts within agreed limitations in excess of the total outstanding allocations of any country;

(c) whether, in appropriate cases, contracts shall provide for delivery of scrap within specified short periods in order to prevent undue tying up of allocations in individual long-term contracts;

(d) whether and in what manner to instruct JEIA to take precautions to satisfy itself as to the competence of contracting parties to implement the terms of the contract.

Effective Date of Foregoing Authorizations

9. All scrap exported subsequent to the date of this Agreement shall be charged against the foregoing authorizations.

Booty Scrap

10. There shall be no further exports of booty scrap after the date of this Agreement except for the 75,000 tons authorized under paragraph II–3–(b) above.

Price

11. The price of scrap with appropriate differentials for loading points, quality of scrap, etc., shall be uniform for all foreign buyers, and shall be set from time to time by the US and UK Military Governors under such procedures as they may establish.

Special Measures

12. If the US and UK Military Governors consider that adequate quantities of exportable scrap cannot be obtained without special measures, they are authorized to approve the recovery of scrap by such measures. Scrap recovery under such arrangements, if approved, may be outside regular allocations but subject to such special allocations as the US and UK Military Governors may determine after consultation with the ad hoc Committee. Scrap recovery.

Direct Recovery of Scrap

13. Nothing in this Agreement shall preclude operations by non-German organizations for the recovery of scrap from disarmament and other sources not readily accessible to German scrap merchants provided such operations are carried on in a manner acceptable to the US and UK Military Governors and that all recoveries of scrap (other than the 75,000 tons of booty scrap mentioned above) are paid

for at prices established by the US and UK Military Governors and are within either the regular or the special allocations determined by the US and UK Military Governors.

US–UK Scrap Control Authority

14. The US and UK Military Governors shall set up a US–UK scrap control authority in which each shall appoint a coordinator to supervise and control the collection and export of ferrous scrap. This control authority shall be subject, through whatever organization the Military Governors may determine, to the jurisdiction of the Bipartite Board.

III. Reservation of Fusion Agreement

61 Stat., Pt. 3, p. 2475.
61 Stat., Pt. 4, p. 3608.

Nothing in this Agreement shall be deemed to modify the arrangements set forth in the Fusion Agreement of December 2, 1946 as amended by the Agreement of December 17, 1947. Questions which may arise with respect to scrap exports under the present Agreement will be resolved as contemplated in paragraph 5 of the Agreement of December 17, 1947, having regard also to the provisions of subparagraph 3 (a) of the latter Agreement.

61 Stat., Pt. 4, pp. 3612, 3610.

Effective date.

This proposal and the foregoing Memorandum are acceptable to the Government of the United States of America. As proposed in Your Excellency's note, therefore, your note and the present reply are regarded as constituting an Agreement between the two Governments, effective on the date of this note.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT A. LOVETT
Acting Secretary of State

His Excellency
The Right Honorable
Sir OLIVER SHEWELL FRANKS, K.C.B., C.B.E.,
British Ambassador.

Agreement between the United States of America and Ecuador respecting an agricultural experiment station in Ecuador, superseding the memorandum of understanding of August 12, 1942. Effected by exchange of notes signed at Quito January 26 and April 16, 1948; entered into force April 16, 1948.

January 26, and April 16, 1948
[T. I. A. S. 1875

The American Ambassador to the Ecuadoran Minister for Foreign Affairs

No. 26

QUITO, *January 26, 1948*

EXCELLENCY:

With reference to conversations between representatives of the Government of the United States of America and representatives of the Government of Ecuador with regard to the desirability of completing the establishment and continuing the operation of a cooperative agricultural station in Ecuador, I have the honor to inform Your Excellency that the Government of the United States of America is prepared to give effect to an agreement in the following terms:

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ECUADOR REGARDING THE ESTABLISHMENT AND OPERATION OF A COOPERATIVE AGRICULTURAL STATION IN ECUADOR

Ecuadoran Agricultural Station.

In conformity with the desire of the Government of Ecuador that the Government of the United States of America continue to cooperate with the Government of Ecuador in completing the establishment and continuing the operation of an agricultural station program in Ecuador, henceforth known as the Ecuadoran Agricultural Station (hereinafter referred to as the Station), for the purpose of promoting the production of basic and strategic agricultural products, the Government of the United States of America and the Government of Ecuador have reached the following understanding:

Functions of Station.

1. The general functions of the Station shall continue to be: (a) agronomic production investigations necessary to permanent agriculture in Ecuador with complementary products, particularly cacao, rubber, barbasco, pyrethrum, and cinchona as cash crops; (b) assistance in the establishment of approved agricultural practices by agricultural extension work as liaison between the Station and private farmers; (c) the propagation of planting material for distribution to farmers; (d) cooperation with other agricultural institutions of the Western Hemisphere in the promotion of tropical agriculture through consultation and exchange of propagating material, scientific information, and personnel; and (e) cooperation with public health, colonization, and agricultural rehabilitation agencies of the United States of America, Ecuador, and the Western Hemisphere in the development of agriculture in Ecuador.

Availability of Ecuadoran land, etc.

2. The Government of Ecuador will make available all land necessary to conduct investigations and demonstration work designed (a) to promote the profitable production of agricultural crops, with special emphasis on such export crops as cacao, rubber, fibers, insecticides, medicinals, and vegetable oils, and (b) to increase the income and foreign trade of the people of Ecuador. The Government of Ecuador shall continue to make available all lands described in Circular No. 435, dated October 18, 1946, of the Ministry of Economy, whereby a certain block of land was transferred to the Station from the Hacienda Pichilingue, which shall hereinafter be known as the Tropical Agricultural Station of Ecuador. The Station shall also continue to use, as long as deemed necessary, the properties known as La Favorita (Saloya) and Granja Escolar de Tumbaco. Such other lands as may be necessary shall be assigned to the Station, provided the Government of Ecuador considers it feasible, upon request of the Station Director.

Tropical Agricultural Station.

Use of funds.
Post, p. 3608.

3. It is agreed that all products derived from experimental and demonstrational plots and from other sources within the properties of the Station shall be the property of the Station and may be used or disposed of at the discretion of the Station Director. All funds derived from such disposal shall be used to help defray the expenses of the Station program.

Types of publications; services.
Post, p. 3609.

4. The Government of Ecuador shall also supply the funds necessary for (a) the preparation, printing, and distribution of four types of publications to be issued by the Station, as follows:

(1) popular Spanish circulars or articles written for the farm family by the staff and other qualified persons on such subjects as health, hygiene, community organization, information on the Pacific region, aims of the Station, treatment of agricultural practices and methodology;

(2) farm circulars written in Spanish and issued as required, dealing with specific farm practices or products;

(3) technical bulletins in English or Spanish dealing with the results of specific scientific investigations by the Station; and

(4) an annual report in Spanish, covering the work of the Station performed during the year, and the status of agriculture in the region;

(b) the services of Ecuadoran scientists to cooperate with each scientist detailed to the Station by the United States Department of Agriculture, and the services, as needed, of technologists qualified in the fields of land-surveying, topography, drainage, drafting, minor construction, chemical analysis, and library management; (c) stenographers, clerks, mechanics, machinists, field plot and laboratory assistants, and such unskilled labor as may be necessary to conduct the work of the Station; and (d) the transportation expense incurred by United States and Ecuadoran members of the staff for travel on Station business within Ecuador.

Duty-free entry for supplies, equipment, etc.

5. The Government of Ecuador shall provide:

(a) entry free of custom duties for

(1) supplies and equipment for the Station, and

(2) supplies, clothes, foodstuffs, and personal belongings of the United States members of the Station staff whose salaries are paid by the Government of the United States;

Exemption from taxes.

(b) exemption from all Ecuadoran taxes based upon salaries for those United States members of the Station staff whose salaries are paid by the Government of the United States of America; and (c) when possible, Ecuadoran students in graduate study in various fields of agriculture in colleges or universities in the United States, who will return to Ecuador to work in the agricultural development program of their Government.

Construction of buildings, etc.

6. With reference to the Tropical Agricultural Station of Ecuador, the Government of Ecuador agrees (a) to construct or complete

(1) residences complete with furnishings for the United States and Ecuadoran members of the staff,

(2) houses for the Station laborers and semi-technical force,

(3) a hospital, with complete furnishings, services, and equipment (it is recommended that this hospital should be taken over by some other agency of the Government of Ecuador and operated to serve the entire region), and

(4) service buildings, including repair shops and adequate buildings for storage of equipment and plant material, and

Facilities, etc.

(b) to provide

(1) such buildings as may be needed for studies in livestock production and the housing of pilot plants for processing agricultural production for shipment,

(2) an adequate pump for providing a plentiful water supply,

(3) an electric plant adequate to satisfy the lighting and power needs of the Station,

(4) recreational facilities, including tennis courts and a football field and other facilities, and

(5) a graduate medical doctor and nurse for the hospital.

It is agreed that every effort shall be made by the Government of Ecuador to complete the above building program on or before December 31, 1948. Funds for the above purposes shall not come from the regular operational budget of the Station, but shall be provided for separately, since these are obligations which have been assumed from the Ecuadoran Development Corporation by the Ministry of Economy and the Ministry of the Treasury, by Executive Decree number 1526–a, of July 31, 1946 (*Registro Oficial* number 663, of August 19, 1946). An estimate of the necessary expenditures under this paragraph is attached hereto. These funds shall be assigned to the Station, which shall direct and administer the above provisions.

Post, p. 3610.

7. It is declared that all constructions, machinery, vehicles, laboratories, tools, equipment, and any other properties, produce, or other materials, heretofore acquired for the use of or by reason of the operation of the Station, including such property acquired as the result of contribution of the three signatories to the Memorandum of Under-

56 Stat. 1787.
Post, p. 3610.

standing dated August 12, 1942 (which, in accordance with the provisions of paragraph 17 hereof, is superseded by the present Memorandum of Understanding), shall be exclusively available to the Station during the life of the present Memorandum of Understanding. It is likewise declared that the properties, laboratories, and other materials, which are at present in the possession of the Station, shall be available for the exclusive use of the Station during the life of the present Memorandum of Understanding.

Ownership and disposal of property.
Ante, p. 3606.

8. No property which is now in the possession of the Station, or which at any future time shall come into its possession, except as provided in paragraph 3 of the present Memorandum of Understanding, may be disposed of or sold to any private or public institution or to any individual, until such property has been declared by the Station Director to be surplus property, and then the method of sale or disposal must be in accordance with the regulations of the Government which holds title to the said property. The ownership of all properties and equipment of the Station shall pass to the Department of Agriculture of the Government of Ecuador at such time as the present Memorandum of Understanding is legally terminated, except that the equipment belonging to and provided by the Government of the United States of America shall remain the property of that Government to be disposed of according to its rules and regulations pertaining thereto.

Post, p. 3609.

9. The Government of Ecuador also agrees to provide (a) agricultural publications necessary to the proper functioning of the Station, including reference books, and journals and bulletins published outside the United States, as well as the binding of journals, et cetera, (b) necessary launches and vehicles for water and land transportation, (c) all equipment and machinery and repair parts, except those to be furnished by the United States of America in accordance with the provisions of paragraph 11, and (d) the purchase of seed and planting stock for experimental and commercial use.

10. The Government of the United States of America and the Government of Ecuador mutually agree that all nonexpendable property purchased for the use of the Station shall be received and receipted for by (a) the United States Director of the Station or a United States technician designated by him, for purchases made with funds of the Government of the United States of America, and (b) the ranking Ecuadoran employee of the Station for purchases made with funds of the Government of Ecuador.

Services, etc., provided by U. S.

11. The Government of the United States of America, through the United States Department of Agriculture, and subject to the availability of funds for the purpose, agrees to provide (a) the services of scientists to perform the functions of direction of the Station and agronomic investigation, (b) current scientific journals on plant and animal science published in the United States of America, (c) scientific equipment not produced or manufactured in Ecuador for use by the agronomic laboratories, and (d) assistance in designing all buildings, including residences for the United States and Ecuadoran members of the staff.

12. The Government of the United States of America and the Government of Ecuador mutually agree:

Agricultural Station Commission.

(a) In order to provide joint supervision over the cooperative aspects of the project and in order to furnish a ready means for consultation between the two Governments in regard thereto, there shall be established an Agricultural Station Commission of two members, consisting of one representative of the United States Department of Agriculture and the Director or Acting Director of the Department of Agriculture of Ecuador; that the Commission, subject to the approval of the Government of Ecuador, shall have authority to establish the qualifications and propose candidates for positions at the Station; that the Commission may delegate to the Director of the Station such of its functions as it may deem fit.

Transportation, allowances, etc., furnished by U. S.

(b) The Government of the United States of America shall furnish transportation to and from Ecuador for the United States scientists and their families and for their household equipment, and shall furnish them certain living allowances, and certain laboratory equipment and periodicals published in the United States of America. Exclusive of the salaries of the scientists made available to the Station by the United States Department of Agriculture, the expenses listed above shall not exceed $25,000 in any one fiscal year after the date of entry into force of this Memorandum of Understanding.

(c) The obligation of the Government of the United States of America to furnish the supplies listed under (b) and (c) of paragraph 11 shall be contingent upon the availability of such supplies in the United States of America.

Annual budget.
Ante, pp. 3606, 3608.

(d) In conformity with paragraphs 4 and 9 the Government of Ecuador, through the Department of Agriculture, Ministry of Economy, shall make available to the Station annually the necessary funds for the operation of all its services, including payment of salaries and payment of per diem and travel expenses within and outside the country to the technical and clerical Ecuadoran members of the staff while traveling on official business of the Station, wages to unskilled labor, travel expenses within the country to United States members of the staff exclusive of per diem while on official business of the Station, purchase in Ecuador or abroad of machinery, vehicles, agricultural tools, construction materials, and any other equipment not furnished by the Government of the United States of America in accordance with this Memorandum of Understanding. The amount budgeted for the fiscal year 1948 shall be 840,000 sucres (Ecuadoran currency) and the amount budgeted shall be no less than this amount for any one fiscal year during the time in which this Memorandum of Understanding remains in force, plus an annual increase which shall be allocated by the Ministry of Economy in accordance with the increase of the Station program, the increase of living and material costs, and as recommended by the Station Director and agreed upon by the

Agricultural Station Commission. This annual budget shall include the amount the Government of Ecuador agreed to allocate annually for cinchona work and no separate budget shall be provided for the said cinchona work.

(e) The Government of Ecuador shall make available to the Station (through the Ministry of Economy) on or before the 15th day of January of each year in which this Memorandum of Understanding remains in force one-sixth of the amount budgeted annually for the Station, and thereafter on the first day of each succeeding month one-twelfth the annual budget shall be likewise made available until the total annual budget has been made available.

Financial statement.

13. The Station shall present to the Minister of Economy, not later than the 15th day of each month, a financial statement of the Station for the preceding month.

14. All financial obligations assumed under this Memorandum of Understanding by the Government of Ecuador are understood and agreed to be subject to appropriations of the Ecuadoran Congress.

15. Likewise, all financial obligations assumed under this Memorandum of Understanding by the Government of the United States of America are understood and agreed to be subject to appropriations made for this purpose by the Congress of the United States of America.

Assistant Director.

16. There shall be appointed by the Agricultural Station Commission, with the approval of the Minister of Economy of Ecuador, an Ecuadoran to be Assistant Director of the Station, whose duties shall be to assist the Director in handling the general administration of the Station, and such other functions as may be assigned to him by the Director or by the Agricultural Station Commission.

Entry into force; duration.
56 Stat. 1787.

17. The present Memorandum of Understanding shall supersede the Memorandum of Understanding of August 12, 1942, between the Government of the United States of America, the Government of Ecuador, and the Ecuadoran Development Corporation. It shall be brought into force by an exchange of diplomatic notes and shall enter into force on the day indicated in such notes. It shall continue in force for a period of ten years from that date. In the event, however, that either Government desires to terminate this Memorandum of Understanding prior to the aforesaid expiration date, it may do so by giving sixty days' written notice thereof to the other Government.

Post, p. 3618.

Termination.

ESTIMATED BUDGET FOR THE COMPLETION OF THE BUILDING PROGRAM AT THE TROPICAL AGRICULTURAL STATION OF ECUADOR

1. Completion of:

(a) Hospital building	S/140, 000	
(b) Brick house No. 2	25, 000	
(c) Frame houses Nos. 3, 4, 5, and 6 Ea. S/16,000	64, 000	
(d) Cacao House and propagators	10, 000	S/239, 000

2. Construction of five houses for laborers---------- Ea. S/6,000		30, 000
3. Purchase of:		
(a) Electric plant----------	150, 000	
(b) Water pump----------	50, 000	
(c) Furnishings----------	20, 000	220, 000
Total		S/489, 000

If agreeable to the Government of Ecuador, the Government of the United States of America will consider the agreement, in the terms of the above memorandum of understanding, to be concluded and in effect on the date of a corresponding note from Your Excellency indicating that the Government of Ecuador is prepared to give effect to such agreement in accordance with the foregoing terms. Effective date.

Accept, Excellency, the assurances of my most distinguished consideration.

JOHN F. SIMMONS
American Ambassador

His Excellency
Doctor ANTONIO PARRA VELASCO,
Minister for Foreign Affairs,
Quito.

The Ecuadoran Minister for Foreign Affairs to the American Ambassador

REPÚBLICA DEL ECUADOR
MINISTERIO DE RELACIONES EXTERIORES

N• 64-DDP

DEPARTAMENTO DIPLOMATICO

QUITO, *a 16 de abril de 1948.*

SEÑOR EMBAJADOR:

Tengo a honra avisar a Vuestra Excelencia recibo de la atenta nota número 26, de 26 de enero de 1948, sobre el establecimiento y funcionamiento de una estación agrícola cooperativa en el Ecuador y de informarle que el Gobierno del Ecuador acepta el acuerdo al respecto en los siguientes términos:

"MEMORANDUM DE ENTENDIMIENTO ENTRE EL GOBIERNO DEL ECUADOR Y EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA, RELACIONADO CON EL ESTABLECIMIENTO Y FUNCIONAMIENTO DE UNA ESTACION AGRICOLA COOPERATIVA EN EL ECUADOR.

De conformidad con el deseo del Gobierno del Ecuador de que el Gobierno de los Estados Unidos de América continúe cooperando con el Gobierno del Ecuador para completar la instalación y continuar el funcionamiento de un programa de Estaciones Agrícolas en el Ecuador, que en adelante se conocerá como Estación Agrícola del Ecuador, y se le denominará en este Memorándum como Estación, con el objeto de estimular el cultivo de productos agrícolas básicos y estratégicos, el

Gobierno de los Estados Unidos de América y el Gobierno del Ecuador han llegado al siguiente entendimiento:

1. Las funciones generales de la Estación continuarán siendo: (a) investigaciones de la producción agronómica necesarias para una agricultura permanente en el Ecuador con productos complementarios, especialmente cacao, caucho, barbasco, piretro y cinchona como cultivos para la venta; (b) ayuda en el establecimiento de prácticas agrícolas aprobadas, por medio de trabajos de extensión agrícola como lazo entre la Estación y los Agricultores particulares; (c) la propagación de material de plantación para distribución a los agricultores; (d) cooperación con otras instituciones agrícolas del Hemisferio Occidental, en el fomento de la agricultura tropical mediante consultas e intercambio de material de propagación, información científica, y personal técnico; y (e) cooperación con agencias de salud pública, colonización y rehabilitación agrícola de los Estados Unidos de América, Ecuador y el Hemisferio Occidental, en el desarrollo de la agricultura en el Ecuador.

2. El Gobierno del Ecuador proporcionará todos los terrenos necesarios para realizar las investigaciones y el trabajo de demostración encaminado (a) a estimular la producción lucrativa de cultivos agrícolas, con énfasis especial en cultivos de exportación tales como el cacao, caucho, fibras, insecticidas, medicinales y aceites vegetales y (b) aumentar los ingresos y el comercio exterior del pueblo del Ecuador. El Gobierno del Ecuador continuará proporcionando todos los terrenos descritos en la Circular Nº 435, de fecha 18 de Octubre de 1946, del Ministerio de Economía, por la cual se transfirió a la Estación una cierta extensión de terrenos de la Hacienda Pichilingue la que se conocerá en adelante como la Estación Agrícola Tropical del Ecuador. Se dará también a la Estación el uso continuado, por el tiempo que se estime necesario, de las propiedades conocidas como 'La Favorita' (Saloya) y Granja Escolar de Tumbaco. A pedido del Director de la Estación se asignarán a ésta otros terrenos que sean necesarios, siempre que el Gobierno del Ecuador lo considere factible.

3. Se conviene en que todos los productos ya sea de los lotes experimentales y de demostración o de otras fuentes de producción comprendidas en las propiedades de la Estación pertenecerán a ésta y podrán usarse o disponerse a discreción del Director de la misma. Todos los fondos provenientes de esta fuente se emplearán para ayudar a sufragar los gastos del programa de la Estación.

4. El Gobierno del Ecuador proporcionará también los fondos necesarios para (a) la preparación, impresión y distribución de cuatro tipos de publicaciones que emitirá la Estación, como sigue:

1) Circulares o artículos populares en español, escritos para la familia agrícola, por el personal de la Estación y otras personas calificadas, sobre temas tales como la salud, higiene, organización de la comunidad, información sobre la región del Pacífico, propósitos de la Estación, tratado de las prácticas y metodología agrícolas;

2) Circulares agrícolas escritas en español que se emitirán según sea necesario, que traten de métodos y productos agrícolas específicos;

3) Boletines técnicos en inglés o español que traten de los resultados de determinadas investigaciones científicas en la Estación;

4) Un informe anual en español que cubra el trabajo realizado por la Estación durante el año y el estado de la agricultura en la región;

(b) los servicios de científicos ecuatorianos que cooperen con cada científico designado para la Estación por el Departamento de Agricultura de los Estados Unidos, y los servicios de técnicos calificados en los ramos de reconocimiento de terrenos, topografía, drenaje, dibujo, construcciones menores, análisis químico y administración de bibliotecas, según sean necesarios; (c) mecanógrafos, oficinistas, mecánicos, maquinistas, ayudantes de campo y de laboratorio, y los peones que sean necesarios para realizar los trabajos de la Estación; y (d) los gastos de transporte que se ocasionen en viajes oficiales dentro del Ecuador de los miembros ecuatorianos y norteamericanos del personal de la Estación.

5. El Gobierno del Ecuador suministrará:

(a) entrada libre de derechos de aduana para:

1) provisiones y equipo para la Estación; y

2) provisiones, ropa, alimentos y efectos personales de los miembros norteamericanos del personal de la Estación cuyos sueldos son pagados por el Gobierno de los Estados Unidos;

(b) exención de todos los impuestos ecuatorianos sobre la renta de aquellos miembros norteamericanos del personal de la Estación cuyos sueldos son pagados por el Gobierno de los Estados Unidos de América; y

(c) cuando sea posible, estudiantes ecuatorianos en estudios de graduación en los varios campos de la agricultura, en colegios o universidades de los Estados Unidos de América, quienes regresarán al Ecuador a trabajar en el programa de fomento agrícola del Gobierno.

6. Con referencia a la Estación Agrícola Tropical del Ecuador, el Gobierno del Ecuador conviene, (a) en construir o concluir,

1) residencias completas con muebles, para los miembros norteamericanos y ecuatorianos del personal,

2) casas para los peones de la Estación y para el personal semi-técnico,

3) un hospital con muebles, servicios y equipo completos, (se recomienda que este hospital sea transferido a otro departamento del Gobierno del Ecuador y se lo ponga al servicio de toda la región) y

4) edificios para servicios, inclusive talleres de reparación, casas apropiadas para el almacenaje de equipo y material de plantación, y

(b) en proveer,

1) los edificios que se necesiten para estudios de la producción ganadera, y para la instalación de plantas guías para la preparación de los productos agrícolas para la exportación,

2) una bomba apropiada para proveer de agua abundante,

3) una planta eléctrica apropiada para abastecer las necesidades de luz y fuerza de la Estación,

4) facilidades de recreación tales como canchas de tenis, campo de footbal, etc., y

5) un médico y enfermera graduados para el hospital. Se conviene en que el Gobierno del Ecuador hará todo esfuerzo para completar el programa de construcciones detallado arriba, hasta el 31 de diciembre de 1948 o antes. Los fondos para los fines que anteceden no serán tomados del presupuesto regular de funcionamiento de la Estación, sino que se proveerán por separado, toda vez que estas son las obligaciones de la Corporación Ecuatoriana de Fomento que han sido asumidas por el Ministerio de Economía y el Ministerio del Tesoro, por Decreto Ejecutivo N° 1526–a) de 31 de julio de 1946 (Registro Oficial N° 663, de 19 de agosto de 1946). Se acompaña a este Memorándum de Entendimiento un presupuesto de los gastos necesarios para las construcciones de que habla este párágrafo. Estos fondos se asignarán a la Estación, la cual dirigirá y administrará los trabajos arriba estipulados.

7. Se declara que están a disposición exclusiva de la Estación durante la vigencia del presente Memorándum de Entendimiento, todas las construcciones, maquinarias, vehículos, laboratorios, herramientas, equipos y otras propiedades, productos, etc., adquiridos hasta ahora para el uso de la Estación o por razón del funcionamiento de la misma inclusive las pertenencias adquiridas como resultado de la contribución de las tres partes signatarias del Memorándum de Entendimiento de 12 de agosto de 1942, (el mismo que queda sustituído por el presente Memorándum de Entendimiento, de acuerdo con lo estipulado en la cláusula 17). Se declara asimismo que las pertenencias, laboratorios, etc., que se hallan actualmente en posesión de la Estación estarán a disposición exclusiva de la misma durante le vigencia del presente Memorándum de Entendimiento.

8. Ninguna de las pertenencias que son ahora de propiedad de la Estación o que pasen a serlo en el futuro, podrán venderse a ninguna persona o institución pública o privada, con excepción de lo estipulado en la cláusula 3, hasta que tales propiedades hayan sido declaradas

excedente por el Director de la Estación, y en este caso el método de venta o de disposición debe estar de acuerdo con los Reglamentos del Gobierno al cual pertenece dicha propiedad. La propiedad de todas las pertenencias y equipo de la Estación pasará al Departamento de Agricultura del Gobierno del Ecuador en cualquier momento en que este contrato se termine legalmente, con la excepción del equipo proporcionado por el Gobierno de los Estados Unidos de América, el que seguirá siendo propiedad de este Gobierno para disponerlo de acuerdo con sus reglamentos pertinentes.

9. El Gobierno del Ecuador conviene también en suministrar, (a) Las publicaciones agrícolas necesarias para el funcionamiento apropiado de la Estación, incluyendo libros de referencia, revistas y boletines publicados fuera de los Estados Unidos, así como el empastado de revistas, etc., (b) lanchas y vehículos necesarios para el transporte por agua y tierra, (c) equipo, maquinaria y repuestos, excepto aquellos que deben proporcionar los Estados Unidos de América, de acuerdo con lo estipulado en la cláusula 11 y (d) la compra de semillas y material de plantación para uso experimental y comercial.

10. El Gobierno de los Estados Unidos de América, y el Gobierno del Ecuador convienen mutuamente en que todas las pertenencias no fungibles compradas para el uso de la Estación las recibirá y estarán a cargo de (a) el Director Americano de la Estación o un técnico americano designado por él, cuando se trate de compras hechas con fondos del Gobierno de los Estados Unidos y (b) el empleado ecuatoriano de mayor categoría de la Estación en cuestión, cuando se trate de compras hechas con fondos del Gobierno del Ecuador.

11. El Gobierno de los Estados Unidos de América, por medio del Departamento de Agricultura de los Estados Unidos, y con sujeción a la disponibilidad de fondos para este fin, conviene en suministrar, (a) los servicios de científicos para desempeñar las funciones de Dirección de la Estación y las investigaciones agronómicas, (b) periódicos científicos actuales sobre las ciencias animal y vegetal publicados en los Estados Unidos de América, (c) equipo científico para los laboratorios agronómicos no producidos o manufacturados en el Ecuador, y (d) ayuda en el diseño de todos los edificios, inclusive las residencias para los miembros ecuatorianos y americanos del personal.

12. El Gobierno de los Estados Unidos de América y el Gobierno del Ecuador convienen mutuamente en que,

a) Con el objeto de proveer la supervisión conjunta a los aspectos cooperativos del proyecto, y a fin de facilitar los medios directos de consulta entre los dos Gobiernos en relación con tales aspectos, se establecerá una comisión de la Estación, compuesta de dos miembros, un representante del Departamento de Agricultura de los Estados Unidos y el Director o encargado de la Dirección del Departamento de Agricultura del Ecuador; la Comisión sujeta a la aprobación del Gobierno del Ecuador tendrá autoridad para establecer los requisitos y proponer candidatos para los

cargos que hubiere en la Estación; la Comisión puede delegar al Director de la Estación aquellas de sus funciones que estime conveniente:

b) El Gobierno de los Estados Unidos de América suministrará transporte para los científicos norteamericanos y sus familias inclusive manaje de casa, a y desde el Ecuador, y les proporcionará ciertas asignaciones para subsistencias, y cierto equipo de laboratorio y periódicos publicados en los Estados Unidos de América. Con exclusión de los sueldos de los científicos destinados a la Estación por el Departamento de Agricultura de los Estados Unidos, los gastos que anteceden no excederán de $25.000 en ningún año fiscal después de la fecha de este Memorándum de Entendimiento;

c) La obligación de los Estados Unidos de América de suministrar los implementos enumerados en los subtítulos b) y c) de la cláusula 11 dependerá de la disponibilidad de dichos implementos en los Estados Unidos de América;

d) De conformidad con las cláusulas 4 y 9 el Gobierno del Ecuador, por intermedio de la Dirección Técnica de Agricultura del Ministerio de Economía, conviene en entregar anualmente a la Estación los fondos necesarios para el funcionamiento de todos sus servicios, inclusive el pago de sueldos y el de viáticos y gastos de viaje dentro y fuera del país, al personal ecuatoriano técnico y administrativo, cuando viaje por asuntos oficiales de la Estación, jornales de peones, gastos de viaje, exclusive viáticos, a los técnicos norteamericanos del personal cuando viajen dentro del país por asuntos oficiales de la Estación, compra en el Ecuador o en el Exterior de maquinaria, vehículos, herramientas agrícolas, materiales de construcción y cualquier otro equipo no proporcionado por el Gobierno de los Estados Unidos de América de acuerdo a este Memorándum de Entendimiento. La suma presupuestada para el año fiscal de 1948 es la de 840.000 sucres (moneda ecuatoriana) y no será menor durante ningún otro año, mientras este Memorándum de Entendimiento esté en vigencia, más un aumento anual que será asignado por el Ministerio de Economía de acuerdo con el incremento del programa de la Estación y el aumento de los costos de vida y de los materiales, por recomendación del Director de la Estación presentada de acuerdo con la Comisión de la misma. Este presupuesto anual incluirá la cantidad que el Gobierno del Ecuador convino en asignar anualmente para los trabajos de cinchona y no se expedirá ningún presupuesto separado para dichos trabajos de cinchona; y,

e) Se conviene además en que el Gobierno del Ecuador pondrá a disposición de la Estación (por medio del Ministerio de

Economía) el 15 de enero de cada año en que este Memorándum de Entendimiento esté en vigencia o antes, una sexta parte de la suma anual presupuestada para la Estación, y de ahí en adelante el primero de cada mes siguiente, una doceava parte del presupuesto anual será, asimismo, puesta a disposición de la Estación hasta que se haya hecho efectivo todo el presupuesto anual.

13. La Estación presentará al Ministro de Economía, antes del 15 de cada mes, un estado de cuentas de la Estación por el mes anterior.

14. Todas las obligaciones económicas asumidas en este Memorándum de Entendimiento por el Gobierno del Ecuador, se entiende y se conviene que están sujetas a las asignaciones del Congreso del Ecuador.

15. De la misma manera, todas las obligaciones económicas asumidas en este Memorándum de Entendimiento por el Gobierno de los Estados Unidos de América, se entiende y conviene que están sujetas a las asignaciones hechas para el objeto por el Congreso de los Estados Unidos de América.

16. La comisión de la Estación, con la aprobación del Ministro de Economía nombrará a un ecuatoriano como Sub-director de la Estación, cuyos deberes serán los de ayudar al Director en la administración general de la Estación, y todos los otros deberes que pueda asignarle el Director o la Comisión de la Estación.

17. El Presente Memorándum de Entendimiento sustituirá y reemplazará al Memorándum de Entendimiento de agosto 12 de 1942, entre el Gobierno de los Estados Unidos de América, el Gobierno del Ecuador y la Corporación Ecuatoriana de Fomento. Se hará efectivo mediante el intercambio de notas diplomáticas y entrará en vigencia el día indicado en tales notas. Continuará en vigencia por un período de diez años a contarse desde esa fecha. Sin embargo, en caso de que cualquier Gobierno desee dar por terminado este Memorándum de Entendimiento antes de la fecha de expiración indicada, puede hacerlo, para lo cual comunicará su deseo al otro Gobierno por escrito y con sesenta días de anticipación."

2. El Gobierno del Ecuador conviene en que, conforme a lo establecido en el Memorándum preinserto, empezará éste a regir en la fecha de la presente comunicación.

Válgome de la oportunidad para renovar a Vuestra Excelencia, las seguridades de mi más alta y distinguida consideración.

JOSÉ M GARCÍA MORENO
JOSE M. GARCIA MORENO,
Ministro de Ecudacion Publica, Encargado de la Cartera de Relaciones Exteriores

Al Excelentísimo Señor Don JOHN F. SIMMONS,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de America,
Presente.–

Translation

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN RELATIONS

DIPLOMATIC DEPARTMENT

No. 64 - DDP

QUITO, *April 16, 1948.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of your courteous note No. 26 of January 26, 1948, concerning the establishment and operation of a cooperative agricultural station in Ecuador and to inform you that the Government of Ecuador accepts the agreement thereon in the following terms:

Ante, p. 3605.

[For the English language text of the Memorandum of Understanding, except the material relating to the estimated budget omitted from the quoted portion of this note, see pp. 3605 ff.

For material relating to the estimated budget omitted from the quoted portion of this note, see pp. 3619 ff.]

2. The Government of Ecuador agrees that, in conformity with the provisions of the Memorandum herein inserted, the latter shall become effective on the date of the present communication.

Effective date.
Ante, p. 3610.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

JOSÉ M. GARCÍA MORENO
JOSÉ M. GARCÍA MORENO
Minister of Public Education,
Charged with the Portfolio of
Minister of Foreign Relations.

His Excellency
JOHN F. SIMMONS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
City.

The Ecuadoran Minister for Foreign Affairs to the American Ambassador

REPÚBLICA DEL ECUADOR
MINISTERIO DE RELACIONES EXTERIORES

DEPARTAMENTO DIPLOMATICO

N°79 - DDP

QUITO, *a 14 May 1948*

SEÑOR EMBAJADOR:

Tengo a honra dirigirme a Vuestra Excelencia y como alcance a lo manifestado en mi nota número 64–DDP, de 16 de abril último, me es grato remitirle junto a la presente un Proyecto de Presupuesto para la terminación del programa de construcciones de la Estación de Agricultura Tropical del Ecuador, el mismo que agradeceré se sirva considerarlo debidamente Vuestra Excelencia y hacerlo constar como parte del "Memorándum de Entendimiento entre los Gobiernos del Ecuador y el Gobierno de los Estados Unidos de América, relacionado

con el establecimiento y funcionamiento de una Estación Agrícola Cooperativa en el Ecuador" transcrito en la nota de mi referencia.

Válgome de la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Por el Ministro, el Subsecretario:
J A BAQUERO
JOSÉ ANTONIO BAQUERO.

ANEXO.

Al Excelentísimo Señor Don JOHN F. SIMMONS,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de Norte América.
Presente.

PROYECTO DE PRESUPUESTO PARA TERMINAR EL PROGRAMA DE CONSTRUCCIONES DE LA ESTACION DE AGRICULTURA TROPICAL DEL ECUADOR

1.–Terminación de:		
(a)–Edificio del hospital	S/.140.000	
(b)–Casa de ladrillo número 2	S/.25.000	
(c)–Casas de madera números 3, 4, 5 y 6 (cada una S/.16.000)	S/.64.000	
(d)–Casas para el cacao y propagadores	S/.10.000	
		S/.239.000
2.–Construcción de cinco casas para obreros (cada una S/.6.000)	S/.	S/.30.000
3.–Compra de:		
(a)–Planta eléctrica	S/.150.000	
(b)–Bomba de Agua	S/.50.000	
(c)–Muebles	S/.20.000	
		S/.220.000
SUMAN		S/.489.000

Translation

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN RELATIONS

No. 79-DDP.

DIPLOMATIC DEPARTMENT

QUITO, *May 14, 1948*

MR. AMBASSADOR:

I have the honor to address Your Excellency and, with reference to the content of my note No. 64–DDP of April 16 last, I take pleasure in transmitting herewith a proposed budget for the completion of the Building Program at the Tropical Agricultural Station in Ecuador. I shall appreciate it if Your Excellency will be good enough to give due consideration to this budget and to have it entered as a part of the "Memorandum of Understanding between the Government of Ecuador and the Government of the United States of America regarding the Establishment and Operation of a Cooperative Agricultural

Ante, p. 3611.

Station in Ecuador," the text of which is given in the aforesaid note.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

For the Minister:

J A BAQUERO

JOSÉ ANTONIO BAQUERO.
Under Secretary

Enclosure:

His Excellency
JOHN F. SIMMONS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
City.

PROPOSED BUDGET FOR THE COMPLETION OF THE BUILDING PROGRAM AT THE TROPICAL AGRICULTURAL STATION OF ECUADOR

1. Completion of:		
(a) Hospital building	S/ 140, 000	
(b) Brick house No. 2	25, 000	
(c) Frame houses Nos. 3, 4, 5, and 6 Ea. S/16,000	64, 000	
(d) Houses for cacao and propagators	10. 000	
		S/ 239, 000
2. Construction of five houses for laborers Ea. S/6,000		30. 000
3. Purchase of:		
(a) Electric plant	150, 000	
(b) Water pump	50, 000	
(c) Furnishings	20, 000	
		220, 000
Total		S/ 489. 000

Agreement between the United States of America and France respecting military obligations of certain persons having dual nationality, superseding the agreement of February 25, 1948. Effected by exchange of notes signed at Paris December 22, 1948; entered into force December 22, 1948.

December 22, 1948
[T. I. A. S. 1876]

The French Minister of Foreign Affairs to the American Ambassador

PARIS, *le 22 décembre 1948.*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de vous faire connaître que, désireux de mettre fin aux difficultés que rencontrent, du fait de leurs obligations militaires dans nos deux pays, ceux de nos ressortissants respectifs qui possèdent également la nationalité de l'autre pays, le Gouvernement français estime désirable et opportun de conclure un arrangement sur les bases suivantes:

1° – Les ressortissants des Etats-Unis d'Amérique, qui possèdent également la nationalité française, seront considérés comme ayant satisfait à leurs obligations militaires en France pendant les guerres de 1914–1918 et de 1939–1945, s'ils ont satisfait à ces mêmes obligations dans les forces armées américaines et en justifient par la production d'un document officiel des autorités américaines.

2° – Les ressortissants français, qui possèdent également la nationalité américaine, seront considérés comme ayant satisfait à leurs obligations militaires aux Etats-Unis pendant les guerres de 1914–1918 et de 1939–1945, s'ils ont satisfait à ces mêmes obligations dans les forces armées françaises et en justifient par la production d'un document officiel des autorités françaises.

3° – Un délai de deux ans, à compter de la mise en vigueur du présent accord, sera accordé aux intéressés pour qu'ils puissent, par la production du certificat susmentionné, régulariser leur situation.

4° – Chacun des deux Gouvernements délivrera aux ressortissants de l'autre qui auront volontairement pris du service dans ses forces armées, pendant les guerres de 1914–1918 et de 1939–1945, une attestation officielle destinée à leur permettre de régulariser leur situation à l'égard de leur pays.

5° – Les conditions dans lesquelles tout service effectué dans un intérêt national pendant les guerres de 1914–1918 et de 1939–1945 pourra être assimilé au service militaire seront laissées à l'appréciation commune des deux Gouvernements. Un certificat précisant la nature du service rendu sera, le cas échéant, délivré à l'intéressé, suivant les modalités prévues aux articles précédents.

6°. – Les dispositions du présent arrangement ne touchent en rien à la condition juridique des intéressés en matière de nationalité.

7°. – Le présent arrangement, qui remplace celui de 25 février 1948, entrera immédiatement en vigueur et le demeurera jusqu'à l'expiration du délai de deux ans prévu à l'article 3.

La présente note et la réponse qu'y donnera votre Excellence, au cas où ces propositions auraient l'agrément du Gouvernement des Etats-Unis, constitueront l'accord des deux Gouvernements sur la question./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

SCHUMAN

Son Excellence
l'honorable JEFFERSON CAFFERY
Ambassadeur des Etats-Unis
d'Amerique
à Paris.

Translation

PARIS, *December 22, 1948.*

MR. AMBASSADOR:

I have the honor to inform you that, desirous of resolving the difficulties which persons who are nationals of both countries encounter as a result of their military obligations in our two countries, the French Government considers that it would be desirable and opportune to conclude an agreement in the following terms:

1. It will be considered that citizens of the United States of America who are also French citizens have fulfilled their military obligations in France during the wars of 1914–1918 and 1939–1945 if they have fulfilled the same obligations in the armed forces of the United States and can prove the fact by an official document from United States authorities.

2. It will be considered that French citizens who are also citizens of the United States of America have fulfilled their military obligations to the United States during the wars of 1914–1918 and 1939–1945 if they have fulfilled the same obligations in the French armed forces and can prove the fact by an official document from French authorities.

3. Interested persons will be granted a period of two years from the date on which this agreement comes into force in which to clarify their status by producing the above-mentioned document.

4. Each of the two Governments will deliver to the citizens of the other government who have volunteered in its armed forces during the wars of 1914–1918 and 1939–1945, an official certificate designed to permit them to clarify their status in regard to their own country.

5. The conditions under which any service rendered in the national interest during the wars of 1914–1918 and 1939–1945 can be considered military service will be left to the joint decision of the two governments. A certificate specifying the nature of the services rendered will be delivered to the interested party when the question arises by the means provided in the preceding paragraphs.

6. The provisions of the present agreement in no way affect the legal position of interested parties in the matter of nationality.

7. The present agreement, which supersedes the agreement of February 25, 1948 will become effective immediately, and will remain in effect until the expiration of the period of two years mentioned in paragraph 3. 62 Stat., Pt. 2, p. 1950.

The present note and Your Excellency's reply, if these proposals are acceptable to the Government of the United States, will constitute the agreement between the two governments on this question.

Please accept, Mr. Ambassador, the assurances of my very high consideration.

SCHUMAN

His Excellency
JEFFERSON CAFFERY
Ambassador of the United States of America
Paris.

The American Ambassador to the French Minister of Foreign Affairs

No. 1358 PARIS, *December 22, 1948*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of December 22, 1948, informing me that the French Government, desirous of resolving the difficulties which those persons who are nationals of both countries encounter as a result of their military obligations in our two countries, considers that it would be both desirable and opportune to conclude an agreement in the following terms:

Fulfillment of military obligations to France.

1. It will be considered that citizens of the United States of America who are also French citizens have fulfilled their military obligations in France during the wars of 1914–1918 and 1939–1945 if they have fulfilled the same obligations in the armed forces of the United States and can prove the fact by an official document from the United States authorities.

Fulfillment of military obligations to U. S.

2. It will be considered that French citizens who are also citizens of the United States of America have fulfilled their military obligations to the United States during the wars of 1914–1918 and 1939–1945 if they have fulfilled the same obligations in the French armed forces and can prove the fact by an official document from the French authorities.

Period for clarification of status.

3. Interested persons will be granted a period of two years from the date on which this agreement is concluded in which they may clarify their status by the production of the above-mentioned documents.

4. Each of the two governments will deliver to the citizens of the other government who have volunteered in its armed forces during the wars of 1914–1918 and 1939–1945 a certificate designed to permit them to clarify their status in regard to their country.

5. The conditions under which any service rendered in the national interest during the wars of 1914–1918 and 1939–1945 can be considered

military service will be left to the joint decision of the two governments. A certificate specifying the nature of the services rendered will be delivered to the interested party when the question arises by the means provided in the preceding paragraphs.

6. The provisions of this present agreement in no way affect the legal position of interested parties in the matter of nationality.

Effective date; duration. 62 Stat., Pt. 2, p. 1950.

7. The present agreement, which supersedes the agreement of February 25, 1948, will become effective immediately, and will remain in effect until the expiration of the period of two years mentioned in paragraph 3.

These proposals are acceptable to my Government, and Your Excellency's proposal and this reply will constitute the agreement between the two governments on this question.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

JEFFERSON CAFFERY

His Excellency
Monsieur ROBERT SCHUMAN,
Minister of Foreign Affairs,
Paris

Agreement between the United States of America and France respecting a United States Educational Commission for France. Signed at Paris October 22, 1948; entered into force November 18, 1948.

October 22, 1948
[T. I. A. S. 1877]

CONVENTION

ENTRE LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE ET LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE EN VUE DE FINANCER CERTAINS PROGRAMMES D'ECHANGES DANS LE DOMAINE DE L'ENSEIGNEMENT.

-ooOoo-

The Government of the United States of America
and
The Government of the French Republic;

desiring to promote further mutual understanding between the peoples of the United States of America and the French Republic by a wider exchange of knowledge and professional talents;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from currencies or credits for currencies acquired pursuant to the Memorandum of Understanding dated May 28, 1946 and the supplements thereto;

61 Stat., Pt. 4, p. 4175.

Have agreed as follows:

Article 1.

United States Educational Commission for France.

There shall be established a Commission to be known as the United States Educational Commission for France (hereinafter designated "The Commission"), which shall be recognized by the Government of the United States of America and the Government of the French Republic as an organization created and established to facilitate the administration of an educational program financed by funds made available in accordance with the Memorandum of Understanding dated May 28, 1946 and the supplement thereto. Except as hereinafter provided, the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement. The funds shall enjoy on the part of the Government of the French Republic the exemption and immunities accorded to the property of a foreign government.

Use of funds.

Funds made available under the present agreement, within the conditions and limitations hereinafter set forth, shall be placed at the disposal of the Commission for the purposes of:

1. Financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in France and Territories of the French Union, or of the nationals of France in the United States schools and institutions of higher learning located outside the continental United States, Hawai, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for trans-

Le Gouvernement des Etats-Unis d'Amérique
et
Le Gouvernement de la République Française;

désireux de développer l'esprit de compréhension réciproque entre les peuples des Etats-Unis d'Amérique et de la République Française par l'accroissement des échanges de connaissances scientifiques, techniques et professionnelles;

Considérant que le Secrétaire d'Etat des Etats-Unis d'Amérique est à même de conclure un accord en vue de financer certains programmes d'échanges concernant l'enseignement au moyen de fonds ou de crédits obtenus en vertu du Mémorandum d'Accord en date du 28 mai 1946 et des additifs à ce texte;

Sont convenus des dispositions suivantes:

Article 1.

Il sera créé une Commission qui portera le nom de Commission américaine d'échanges universitaires avec la France (ci-après désignée par le terme "la Commission"); laquelle Commission sera reconnue par le Gouvernement des Etats-Unis d'Amérique et par le Gouvernement de la République Française comme une organisation créée et établie en vue de faciliter la mise en oeuvre d'un programme culturel financé au moyen de fonds accordés conformément au Mémorandum d'Accord en date du 28 Mai 1946 et aux additifs à ce texte. Sauf en ce qui concerne les dispositions arrêtées ci-dessous, la Commission ne sera pas soumise aux dispositions de la législation intérieure et locale des Etats-Unis d'Amérique qui ont trait à l'utilisation et à la dépense de fonds et de crédits aux fins définies dans la présente Convention. Les fonds bénéficieront de la part du Gouvernement de la République Française de l'exonération et des immunités accordées aux biens d'un Gouvernement étranger.

Les fonds accordés en vertu de la présente Convention, conformément aux conditions et limitations définies ci-après, seront mis à la disposition de la Commission aux fins suivantes:

1. Financer des études, recherches, enseignements et autres activités du domaine de l'enseignement effectuées par des citoyens des Etats-Unis d'Amérique ou à leur intention, dans des écoles et instituts d'études supérieures situés en France et dans les territoires de l'Union Française, ou effectués par des ressortissants français dans les écoles et instituts américains d'études supérieures, situés hors du territoire continental des Etats-Unis, des Hawaï, de l'Alaska (y compris les

portation, tuition, maintenance, and other expenses incident to scholastic activities;

or

2. Furnishing transportation for nationals of France who may be chosen to attend United States schools and institutions of higher learning in the continental United States, Hawai, Alaska (including the Aleutian Islands) and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2.

Powers of The Commission.

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present agreement, exercise all powers necessary to the carrying out of the purposes of this agreement, including the following:

60 Stat. 754. 50 U. S. C. app. § 1641 (b).

1. Plan, adopt and carry out programs in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of this agreement;

2. Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in France and the Territories of the French Union, and institutions of France and the Territories of the French Union qualified in the opinion of the Commission to participate in the educational program in accordance with the aforesaid Act.

3. Recommend to the aforesaid Board of Foreign scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Commission;

4. Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State and he shall deposit funds received in a depository or depositories designated by the Secretary of State;

5. Subject to the conditions and limitations as set forth herein, authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the Commission;

6. Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America;

Iles Aléoutiennes), de Porto-Rico et des Iles Vierges, ledit financement devant comprendre les frais de transport, d'enseignement et d'entretien, ainsi que les autres dépenses accessoires afférentes aux études;

ou bien

2. Fournir des moyens de transport aux ressortissants français qui pourront être choisis en vue de fréquenter des écoles et instituts américains d'études supérieures situés sur le territoire continental des Etats-Unis, dans les Hawaï ou en Alaska (y compris les Iles Aléoutiennes) et dont la présence ne privera pas les citoyens des Etats-Unis d'Amérique de la possibilité de fréquenter lesdits instituts et écoles.

Article 2.

Dans la poursuite des objectifs indiqués ci-dessus la Commission pourra, sous réserve des dispositions de la présente Convention, exercer tous pouvoirs nécessaires pour mettre à exécution le programme prévu par ladite Convention, notamment les suivants:

1. Etablir, adopter et exécuter des programmes conformes aux objectifs de l'article 32 (b) de la loi américaine de 1944 sur les Surplus, modifiée, et à ceux de la présente Convention;

2. Recommander au Comité des Bourses pour étrangers prévu par la loi américaine de 1944 sur les Surplus, modifiée, des étudiants, des professeurs, des chercheurs résidant en France et dans les territoires de l'Union Française, ainsi que des Etablissements de France et de l'Union Française, qualifiés, de l'avis de la Commission, pour participer au programme établi en conformité avec ladite loi;

3. Faire des recommandations audit Comité des Bourses pour étrangers en ce qui concerne les conditions dans lesquelles s'exercera le choix des personnes appelées à bénéficier de l'exécution de ce programme, selon qu'il sera jugé nécessaire pour atteindre les buts et objectifs de la Commission;

4. Autoriser le Trésorier de la Commission ou toute autre personne que la Commission pourra désigner à recevoir des fonds qui devront être déposés à des comptes en banque au nom du Trésorier de la Commission ou de toute autre personne habilitée à cette fin. La nomination du Trésorier ou de la personne ainsi désignée sera approuvée par le Secrétaire d'Etat et le Trésorier déposera les fonds reçus dans un ou plusieurs dépôts choisis par le Secrétaire d'Etat;

5. Sous réserve des conditions et limitations définies dans la présente Convention, autoriser le paiement de sommes et l'attribution de dons et d'avances de fonds aux fins approuvées par la Commission;

6. Prévoir l'apurement périodique des comptes du Trésorier de la Commission conformément aux instructions qui seront données par les Commissaires aux comptes choisis par le Secrétaire d'Etat des Etats-Unis d'Amérique;

7. Engage an Executive Officer, administrative and clerical staff, and fix and authorize the payment of salaries and wages thereof out of the funds made available.

Article 3.

Expenditures.
Post, p. 3632.

All commitments, obligations and expenditures authorized by the Commission shall be made pursuant to budgets to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4.

Members.

The Commission shall consist of twelve members, six of whom shall be citizens of the United States of America, six of whom shall be citizens of France. Of the citizens of the United States a minimum of three shall be officers of the United States Foreign Service Establishment in France. The principal officer in charge of the Diplomatic Mission of the United States of America to France (hereinafter designated as the "Chief of Mission"), shall be Honorary Chairman of the Commission and may cast the deciding vote in the event of a tie vote by the Commission. He shall have the power of appointment and removal of the United States citizens on the Commission. The citizens of the French Republic on the Commission shall be designated by the Government of the French Republic. A Chairman with voting power shall be selected by the Commission from among its members.

"Chief of Mission."

Chairman.

The members shall serve from the time of their appointment until one year from the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside France, expiration of term of service or otherwise shall be filled in accordance with this procedure. The members shall serve without compensation, but the Commission may authorize the payment of the necessary expenses of the members in attending the meetings of the Commission.

Article 5.

Rules.

The Commission shall adopt such rules and appoint such committees as it shall deem necessary for the conduct of its affairs.

Article 6.

Reports.

Reports acceptable in form and content to the Department of State of the United States shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of the French Republic.

Article 7.

Principal office, etc.

The principal office of the Commission shall be in Paris, but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the

7. Engager un fonctionnaire exécutif, du personnel d'administration et de bureau, en fixer les traitements et salaires et autoriser le paiement desdits traitements et salaires sur les fonds disponibles.

Article 3.

Toutes les dépenses, obligations et charges financières autorisées par la Commission seront engagées dans le cadre du budget qui sera approuvé par le Secrétaire d'Etat des Etats-Unis d'Amérique, conformément à tous règlements que ce dernier pourra prescrire.

Article 4.

La Commission se composera de douze membres, dont six seront des citoyens des Etats-Unis d'Amérique et six des citoyens français. Parmi les citoyens des Etats-Unis, trois au minimum seront des fonctionnaires du Service américain des Affaires Etrangères en France. Le fonctionnaire principal responsable de la mission diplomatique des Etats-Unis d'Amérique en France (ci-après désigné par l'expression "le Chef de mission") sera Président d'honneur de la Commission et aura voix prépondérante en cas de partage égal des suffrages à la Commission. Il aura le pouvoir de nommer et de révoquer les membres américains de la Commission. Les membres français de la Commission seront désignés par le Gouvernement de la République Française. La Commission élira un Président choisi parmi ses membres et ayant voix délibérative au même titre que les autres membres.

Les membres exerceront leurs fonctions depuis l'époque de leur désignation jusqu'au 31 décembre de l'année suivante et leur mandat pourra être renouvelé. Les postes vacants pour cause de démission, d'établissement de résidence hors de France, d'expiration de mandat ou pour tout autre motif seront pourvus d'un titulaire conformément à la même procédure. Les membres ne seront pas rétribués mais la Commission pourra autoriser le remboursement des dépenses qu'ils auront été dans l'obligation d'engager pour assister aux réunions de la Commission.

Article 5.

La Commission adoptera tels règlements et désignera telles sous-commissions nécessaires pour assurer la marche de ses affaires.

Article 6.

Des rapports présentés dans la forme et dans le fond conformément aux règles prévues par le Département d'Etat des Etats-Unis seront établis chaque année sur les activités de la Commission et adressés au Secrétaire d'Etat des Etats-Unis d'Amérique et au Gouvernement de la République Française.

Article 7.

Le siège principal de la Commission sera établi à Paris, mais des réunions de la Commission et de l'une quelconque de ses sous-commissions pourront se tenir en tous autres lieux fixés par la Commission

activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Commission, within the limit of any rules, regulations and restrictions in force in territories under the authority of the French Republic.

Article 8.

Executive Officer.

In the event it is found to be impracticable for the Commission to engage an Executive Officer, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program.

Article 9.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission currency of the Government of the French Republic in an amount not to exceed the equivalent of five million dollars nor in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Ante, p. 3630.

Article 10.

"Secretary of State of the United States of America."

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 11.

Review.

The present agreement shall be reviewed by representatives of the two governments before December 31st, 1951.

Changes in agreement.

However, the two governments may, on the request of either, come to an earlier understanding on changes in the present agreement.

Article 12.

The Government of the United States of America and the Government of the French Republic shall make every effort to facilitate the exchange of persons programs authorized in this agreement and to resolve problems which may arise in the operation thereof.

Article 13.

Entry into force.

The present agreement shall come into force on the day on which notice of its ratification by the Government of the French Republic is given to the Government of the United States of America.[1]

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[1] Entered into force Nov. 18, 1948, the date on which the French Embassy at Washington notified the Department of State of the ratification of this agreement by France.

et les activités de l'un quelconque des agents ou employés de la Commission pourront s'exercer en tous lieux choisis par celle-ci, dans les limites prévues par les lois et règlements en vigueur dans les territoires relevant de l'autorité de la République Française.

Article 8.

Dans le cas où il s'avérerait impossible pour la Commission d'engager un fonctionnaire exécutif, le Gouvernement des Etats-Unis d'Amérique pourra désigner un fonctionnaire exécutif et des assistants dont les services seraient jugés nécessaires pour assurer la bonne exécution du programme.

Article 9.

En vue de couvrir les dépenses autorisées par la Commission, le Secrétaire d'Etat des Etats-Unis d'Amérique mettra à la disposition de celle-ci des sommes en monnaie du Gouvernement de la République Française dont le montant ne devra pas excéder l'équivalent de cinq millions de dollars, ni outrepasser les limites du budget établi conformément à l'article 3 de la présente Convention.

Article 10.

Toutes les fois que, dans la présente Convention, l'expression "le Secrétaire d'Etat des Etats-Unis d'Amérique" est employée, elle sera réputée désigner le Secrétaire d'Etat des Etats-Unis d'Amérique ou tout fonctionnaire ou employé du Gouvernement des Etats-Unis d'Amérique désigné par lui pour agir en son nom.

Article 11.

Des représentants des deux Gouvernements procèderont à un examen de la présente Convention avant le 31 décembre 1951.

Toutefois, les deux Gouvernements pourront, sur la demande de l'un d'entre eux, se concerter avant cette échéance en vue d'apporter des modifications au présent accord.

Article 12.

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française feront tous leurs efforts pour faciliter les programmes d'échanges de personnes autorisées par la présente Convention, et pour résoudre les problèmes que posera l'exécution desdits programmes.

Article 13.

La présente Convention entrera en vigueur à la date du jour où sa ratification par le Gouvernement Français sera notifiée au Gouvernement des Etats-Unis d'Amérique.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Paris the 22nd October 1948 in duplicate, in the English and French language.

JEFFERSON CAFFERY [SEAL] SCHUMAN [SEAL]

YVON DELBOS [SEAL]

En foi de quoi les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé la présente Convention.

FAIT à Paris le 22 Octobre 1948 en double exemplaire, en langues anglaise et française, les deux textes faisant également foi.

JEFFERSON CAFFERY [SEAL] SCHUMAN [SEAL]

YVON DELBOS [SEAL]

November 26, 1948
[T. I. A. S. 1880]

Agreement between the United States of America and Brazil respecting a cooperative mineral resources survey program in Brazil. Effected by exchange of notes signed at Rio de Janeiro November 26, 1948; entered into force November 26, 1948.

The American Ambassador to the Brazilian Acting Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 303

Rio de Janeiro, November 26, 1948.

EXCELLENCY:

I have the honor to refer to conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of the United States of Brazil regarding the desirability of continuing the cooperative program established in 1940 for the study of Brazilian mineral resources by means of geological investigations, prospecting, beneficiation tests and related projects and for the purpose of furthering scientific collaboration between geologists, engineers, and metallurgists of the two countries in various projects relating to the mining economies of the two countries.

It is my understanding that these conversations have resulted in agreement upon a program for the joint study of Brazilian mineral resources to be carried on by the Bureau of Mines and the Geological Survey of the Department of the Interior on behalf of the Government of the United States of America and by the Departamento Nacional da Produção Mineral do Ministério da Agricultura on behalf of the Government of the United States of Brazil, in accordance with the following principles and procedures:

1. *General Purposes* – The Government of the United States of America, through the Bureau of Mines and the Geological Survey of the Department of the Interior, and the Government of the United States of Brazil, through the Departamento Nacional da Produção Mineral do Ministério da Agricultura, agree:

(a) To make appraisals of the mineral resources of Brazil by means of geological and mineralogical studies, with special emphasis upon the principal minerals which form part of the trade between the United States of America and Brazil and upon those minerals, not yet produced in great quantity in Brazil, which may enter into such trade in the future.

(b) To lay the scientific basis for the development of those resources, including the preparation of such geologic, topographic and other maps as may be necessary.

(c) To promote the interchange of scientific knowledge and special techniques between the two countries, with special reference to aerial geologic mapping, topographic mapping, economic geology, and ground water and mineralogical investigations.

(d) To make technological investigations relating to the industrial use of Brazilian ores for internal consumption and for purposes of export.

(e) To study in detail the problems connected with prospecting, research, mining, beneficiation, and combustion of Brazilian coals.

2. *Assignment of Scientists* – The Government of the United States of America, through the Bureau of Mines and the Geological Survey, will assign scientists to undertake the studies referred to in the preceding paragraph, both in the United States of America and in Brazil.

The Government of the United States of Brazil, through the Departamento Nacional da Produção Mineral, will assign capable scientists to work in the United States of America and in Brazil in collaboration with the scientists assigned by the Bureau of Mines and the Geological Survey.

The two Governments shall provide ample facilities to those scientists in order that they may carry out their respective task in either country.

3. *Projects* – As used in the present agreement, the term "project" shall signify an investigation to be carried out within a specified period.

Specific projects will be agreed upon through consultation between representatives of the Embassy of the United States of America in Brazil and the Director General of the Departamento Nacional da Produção Mineral.

Such projects will be drawn up in flexible form in order to permit such modifications in scope and methods as may be required to satisfy local conditions as the work develops. Major revisions shall be agreed upon through consultation between the representatives of the Embassy of the United States of America in Brazil and the Director General of the Departamento Nacional da Produção Mineral. Each project will not be drawn up upon an annual basis but will continue for such period of time as may be necessary for its completion.

4. *Reports* – The investigations made in accordance with the present agreement will be reported for publication by the Bureau of Mines and the Geological Survey or by the Departamento Nacional da Produção Mineral, or by all the agencies concerned. The reports will be restricted to the exclusive use of the respective Governments until both Governments have given their consent to the publication thereof.

When such consent has been given, announcement shall be made of the place or places at which such reports may be available for examination or the reports shall be published.

For the exclusive use of interested agencies of the two Governments, brief memoranda-reports relating to mineral deposits or particular problems may be prepared and furnished by the Bureau of Mines and the Geological Survey or by the Departamento Nacional da Produção Mineral.

Reports shall normally be prepared under the authorship of the collaborating scientists. Such reports may be prepared in either the United States of America or in Brazil. Laboratory and office facilities shall be furnished in the United States of America by the Bureau of Mines and the Geological Survey and in Brazil by the Departamento Nacional da Produção Mineral.

The Bureau of Mines and the Geological Survey shall be responsible for the distribution of reports to the appropriate agencies of the Government of the United States of America and to the public in that country. The Departamento Nacional da Produção Mineral shall be responsible for the distribution of reports to the appropriate agencies of the Government of the United States of Brazil and to the public of that country.

5. *Financial Conditions* – The salaries and expenses of scientists of the Bureau of Mines and the Geological Survey shall be defrayed by those agencies.

The salaries and expenses of scientists of the Departamento Nacional da Produção Mineral and of the Brazilian assistants such as draftsmen, rod men, axe men, guides, camp helpers, chauffeurs, mechanics, and laboratory assistants who may be required for any project shall be defrayed by that agency.

The Departamento Nacional da Produção Mineral shall bear the cost of transportation by common carrier within Brazil of United States personnel assigned to Brazil in accordance with the provisions of the present agreement.

Laboratory expenses incurred in the United States of America in connection with necessary investigations carried on at the Bureau of Mines or the Geological Survey shall be defrayed by those agencies.

6. *Specific Undertakings on the Part of the Government of the United States of Brazil* – The Government of the United States of Brazil agrees:

(a) To provide for the free entry into Brazil of scientists of the Bureau of Mines and the Geological Survey assigned to work on projects undertaken in accordance with the provisions of the present agreement.

(b) To provide for the entry free of duty and for the exemption from consumption and other taxes and charges of supplies, materials, and equipment for the professional and personal use of scientists of the Bureau of Mines and the Geological Survey who may be assigned to Brazil in accordance with the provisions of the present agreement and for the personal effects, clothing, foodstuffs, and supplies of those scientists.

(c) To grant to scientists of the Bureau of Mines and the Geological Survey exemption from all Brazilian taxes based upon salaries.

(d) To permit the exportation free of taxes or other official charges of any supplies, materials, equipment, and effects brought into Brazil with the approval of the Departamento Nacional da Produção Mineral, in accordance with the provisions of the present agreement.

(e) To permit the exportation free of taxes or other official charges of any equipment purchased in Brazil with the approval of the Departmento Nacional da Produção Mineral and paid for by the Bureau of Mines and the Geological Survey.

(f) To permit the exportation free of taxes of geological specimens and samples intended for study at the Bureau of Mines and the Geological Survey in connection with projects undertaken in accordance with the provisions of the present agreement.

(g) To obtain exemption from all taxes imposed by the State Governments of Brazil on the forwarding of samples and the returning of equipment intended for use in connection with studies contemplated by the present agreement.

(h) To make available, within the limits imposed by local conditions, the use of automotive and air transportation facilities necessary or desirable in connection with projects undertaken in accordance with the provisions of the present agreement.

Duration; termination.

7. *Term* – The present agreement shall remain in effect for a period of ten years from the date of its entry into force and may be continued in force for an additional period by written agreement to that effect by the two Governments, but either Government may terminate the present agreement by giving to the other Government notice in writing sixty days in advance.

It is understood, of course, that participation by the Bureau of Mines and the Geological Survey on behalf of the Government of the United States of America, and of the Departamento Nacional da Produção Mineral on behalf of the Government of Brazil, in the projects contemplated by the agreement, will depend upon the availability of funds appropriated by the Congress of the United States of America and the Congress of the United States of Brazil.

Entry into force.

Upon the receipt of a note from Your Excellency indicating that the foregoing principles and procedures are acceptable to the Government of the United States of Brazil, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of Your Excellency's note.

Accept, Excellency, the renewed assurances of my highest consideration.

HERSCHEL V. JOHNSON

His Excellency
Ambassador HILDEBRANDO P. P. ACCIOLY,
Acting Minister for Foreign Affairs,
Rio de Janeiro.

The Brazilian Acting Minister for Foreign Affairs to the American Ambassador

MINISTERIO DAS RELAÇÕES EXTERIORES,
RIO DE JANEIRO.

DAI/DE/144/592.6 (00) *Em 26 de novembro de 1948.*

SENHOR EMBAIXADOR,

Tenho a honra de acusar o recebimento da nota nº 303, desta mesma data, na qual Vossa Excelência se refere às conversações realizadas entre as autoridades brasileiras e os representantes do Govêrno dos Estados Unidos da América, a respeito do prosseguimento do programa de cooperação, estabelecido em 1940, para o estudo dos recursos minerais do Brasil, por meio de pesquisas geológicas, localização das jazidas, ensaios de beneficiamento e projetos correlatos, e com o fim de impulsionar a colaboração científica entre geólogos, engenheiros e metalurgistas brasileiros e americanos, nos diversos projetos relacionados com a economia mineira dos dois países.

2. Observa Vossa Excelência que das mencionadas conversações resultou mútuo acôrdo sôbre o estabelecimento de um programa de estudo conjunto dos recursos minerais do Brasil, a ser levado a efeito por intermédio do Departamento Nacional da Produção Mineral do Ministério da Agricultura, por parte do Govêrno dos Estados Unidos do Brasil, e por intermédio do "Bureau of Mines", e do "Geological Survey" do departamento do Interior, por parte do Govêrno dos Estados Unidos da América, de conformidade com os seguintes princípios e processos:

1. *Objetivos Gerais.* O Govêrno dos Estados Unidos do Brasil, por meio do Departamento Nacional da Produção Mineral do Ministério da Agricultura, e o Govêrno dos Estados Unidos da América, por meio do "Bureau of Mines" e do "Geological Survey" do Departamento do Interior, acordam em:

(a) fazer estimativas das reservas minerais do Brasil, por meio de estudos geológicos e mineralógicos, e, com especial relêvo, as dos principais minerais que fazem parte do comércio entre o Brasil e os Estados Unidos da América, e dos minerais que, embora não produzidos, até o presente, em grande quantidade, no Brasil, possam vir a ser incluídos nêsse comércio, no futuro;

(b) estabelecer as bases científicas para o desenvolvimento daqueles recursos, inclusive o preparo de mapas geológicos, topográficos e outros que se tornem necessários;

(c) promover a troca de conhecimentos científicos e de técnicas especiais entre os dois países, sobretudo no que se refere ao levantamento geológico aéreo, ao levantamento topográfico, à geologia econômica e às pesquisas mineralógicas e sôbre água subterrânea;

(d) fazer pesquisas técnicas relativas à utilização industrial dos minérios brasileiros destinados ao consumo interno e à exportação;

(e) estudar, em seus pormenores, os problemas ligados à localização das jazidas, à pesquisa, à mineração, ao beneficiamento e à combustão dos carvões brasileiros.

2. *Designação de Técnicos.* O Govêrno dos Estados Unidos do Brasil por intermédio do Departamento Nacional da Produção Mineral, designará técnicos habilitados para trabalhar nos Estados Unidos da América e no Brasil, em colaboração com os técnicos indicados pelo "Bureau of Mines" e pelo "Geological Survey".

O Govêrno dos Estados Unidos da América, por intermédio do "Bureau of Mines" e do "Geological Survey", designará técnicos habilitados para realizar, quer no Brasil, quer nos Estados Unidos da América, os estudos a que se refere o paragráfo 1.

Ambos os Governos proporcionarão amplas facilidades àqueles técnicos, a fim de que os mesmos possam realizar suas respectivas tarefas, em cada um dos dois países.

3. *Projetos.* O termo "projeto", tal como é empregado no presente acôrdo, significará uma investigação a ser levada a efeito, dentro de um prazo determinado.

Os projetos específicos serão acordados mediante consultas entre o Diretor Geral do Departamento Nacional da Produção Mineral e representantes da Embaixada dos Estados Unidos da América no Brasil.

Tais projetos serão traçados de forma flexível, capaz de permitir as modificações de objetivo e de métodos que se tornem necessárias para satisfazer às condições locais, na medida em que se desenvolverem os trabalhos. As revisões de maior importância serão acordadas por meio de consultas entre o Diretor Geral do Departamento Nacional da Produção Mineral e os representantes da Embaixada dos Estados Unidos da América no Brasil. Os projetos não serão elaborados em base anual, mas continuarão pelo período de tempo necessário ao seu término.

4. *Relatórios.* As investigações feitas de conformidade com o presente acôrdo serão comunicadas para efeito de publicação pelo Departamento Nacional da Produção Mineral, pelo "Bureau of Mines" e pelo "Geological Survey" ou por qualquer dos orgãos interessados. Os relatórios em questão destinar-se-ão ao uso exclusivo dos respectivos Governos até que ambos os Governos consintam na mencionada publicação.

Dado êsse consentimento, serão anunciados os locais ou o local no qual tais relatórios poderão ser examinados, ou onde terão sido publicados.

O Departamento Nacional da Produção Mineral, o "Bureau of Mines" e o "Geological Survey" prepararão e fornecerão, para o uso exclusivo dos órgãos interessados dos dois Governos, relatórios-memoranda sucintos sôbre depósitos minerais ou determinadas questões de feição especial.

Os relatórios serão normalmente preparados, em colaboração, pelos técnicos dêles encarregados. Poderão ser preparados no Brasil ou nos Estados Unidos da América. Os meios de trabalho de laboratório e de escritório serão proporcionados, no Brasil, pelo Departamento Nacional da Produção Mineral, e, nos Estados Unidos da América, pelo "Bureau of Mines" e pelo "Geological Survey".

A distribuição de relatórios aos órgãos oficiais competentes do Govêrno dos Estados Unidos do Brasil e ao público dêste país estará a cargo do Departamento Nacional da Produção Mineral.

A distribuição de relatórios aos órgãos oficiais competentes do Govêrno dos Estados Unidos da América e ao público do mesmo país estará a cargo do "Bureau of Mines" e do "Geological Survey".

5. *Condições Financeiras.* Os salários e as despesas dos técnicos do Departamento Nacional da Produção Mineral e de seus assistentes brasileiros, tais como desenhistas, balizadores, machadeiros, guias, ajudantes de campo, motoristas, mecânicos e assistentes de laboratório que possam ser necessários à execução de qualquer projeto, serão pagos por aquele órgão.

As despesas e os salários dos técnicos do "Bureau of Mines" e do "Geological Survey" serão pagos por êsses órgãos.

O Departamento Nacional da Produção Mineral custeará o transporte, pelos meios comuns, dentro do Brasil, do pessoal dos Estados Unidos da América designado para o Brasil, nos têrmos do presente acôrdo.

As despesas de laboratório feitas nos Estados Unidos da América e ligadas às pesquisas necessárias levada a efeito no "Bureau of Mines" e no "Geological Survey" serão pagas por êsses órgãos.

6. *Compromissos especificos assumidos pelo Govêrno dos Estados Unidos do Brasil.* O Govêrno dos Estados Unidos do Brasil concorda em:

(a) conceder a livre entrada no Brasil dos técnicos do "Bureau of Mines" e do "Geological Survey" designados para trabalhar nos projetos empreendidos nos têrmos do presente acôrdo;

(b) conceder a entrada livre de direitos e a isenção do imposto de consumo e outros impostos ou taxas, dos petrechos, materiais e equipamento de uso profissional e pessoal dos técnicos do "Bureau of Mines" e do "Geological Survey" que forem designados para o Brasil, nos têrmos do presente acôrdo, e dos objetos de uso pessoal, vestuário, víveres e suprimentos dêsses técnicos;

(c) conceder aos técnicos do "Bureau of Mines" e do "Geological Survey" isenção de todos os impostos brasileiros que incidam sôbre salários;

(d) permitir, livre de impostos ou de quaisquer outros tributos oficiais, a exportação de petrechos, materiais, equipamento e objetos de uso pessoal, trazidos para o Brasil com a aprovação do Departamento Nacional da Produção Mineral, nos têrmos do presente acôrdo;

(e) permitir, livre de impostos ou de quaisquer outros tributos oficiais, a exportação de equipamentos adquiridos no Brasil com a aprovação do Departamento Nacional de Produção Mineral e pagos pelo "Bureau of Mines" e pelo "Geological Survey";

(f) permitir, livre de impostos, a exportação de espécimes e amostras geológicas destinadas a estudos no "Bureau of Mines" e no "Geological Survey", em conexão com os projetos empreendidos nos têrmos do presente acôrdo;

(g) obter isenção de todos os tributos impostos pelos Governos estaduais sôbre a remessa de amostras e sôbre o retôrno do equipamento destinado a ser usado em conexão com os estudos compreendidos no presente acôrdo;

(h) Prover, dentro dos limites impostos pelas condições locais, a utilização dos meios de transporte aéreo ou por automóvel que sejam necessários ou aconselháveis em relação aos projetos empreendidos nos têrmos do presente acôrdo.

7. *Duração.* O presente acôrdo vigorará pelo prazo de dez anos, a partir da data de sua entrada em vigor e poderá permanecer em vigor por um prazo adicional mediante acôrdo escrito, entre os dois Governos. Qualquer dêstes poderá, porem, denunciá-lo por meio de notificação escrita dirigida ao outro Govêrno, com sessenta dias de antecedência.

Fica entendido que a participação do Departamento Nacional de Produção Mineral, por parte do Governo dos Estados Unidos do Brasil, do "Bureau of Mines" e do "Geological Survey", por parte do Govêrno dos Estados Unidos da America, nos projetos de que trata êste acôrdo, dependerão dos recursos orçamentários autorizados pelo Congresso dos Estados Unidos do Brasil e pelo Congresso dos Estados Unidos da América.

3. Em resposta, cabe-me levar ao conhecimento de Vossa Excelência que o Govêrno brasileiro concorda com os princípios e processos acima estabelecidos, constituindo, em consequência, esta nota e a de Vossa Excelência, a que a princípio me reporto, acôrdo entre os dois Governos, sôbre êste assunto, acôrdo que entrará em vigôr nesta data.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

HILDEBRANDO ACCIOLY

A Sua Excelência o Senhor HERSCHEL V. JOHNSON,
Embaixador dos Estados Unidos da América.

Translation

MINISTRY OF FOREIGN RELATIONS,
RIO DE JANEIRO.

DAI/DE/144/592.6 (00)

November 26, 1948.

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of note No. 303, dated today, in which Your Excellency refers to the conversations which have taken place between the Brazilian authorities and representatives of the Government of the United States of America with respect to the continuation of the cooperative program established in 1940 for the study of the mineral resources of Brazil by means of geological investigations, prospecting, benefication tests and related projects and for the purpose of furthering scientific collaboration between Brazilian and American geologists, engineers and metallurgists in

Ante, p. 3636.

various projects relating to the mining economies of the two countries.

2. Your Excellency observed that these conversations have resulted in a mutual agreement on the establishment of a program of joint study of the mineral resources of Brazil, to be carried out by the Departamento Nacional da Produção Mineral do Ministério da Agricultura on behalf of the Government of the United States of Brazil, and by the Bureau of Mines and the Geological Survey of the Department of Interior on behalf of the Government of the United States of America, in accordance with the following principles and procedures:

[For the English language text of these principles and procedures, see p. 3636.]

3. In reply, I am to inform Your Excellency that the Brazilian Government is in agreement with the principles and procedures established above. Consequently, this note and Your Excellency's note to which I referred at the beginning will constitute an agreement between the two Governments on this subject, that agreement to enter into force on this date.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

HILDEBRANDO ACCIOLY

His Excellency
HERSCHEL V. JOHNSON,
Ambassador of the
United States of America.

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting economic fusion of American and British Zones of Occupation in Germany, extending the agreement of December 2, 1946, as amended. Effected by exchange of notes signed at Washington December 31, 1948; entered into force December 31, 1948.

December 31, 1948
[T. I. A. S. 1883]

The British Ambassador to the Secretary of State

BRITISH EMBASSY,
WASHINGTON, D. C.
December 31, 1948.

Ref. 90/137/48

12442

SIR,

I have the honour to refer to the discussions which have taken place between His Majesty's Government in the United Kingdom and the Government of the United States of America on the subject of the extension of the Agreement between the two Governments concerning the British and American Zones of Occupation in Germany.

His Majesty's Government has had under consideration the obligation assumed by the United States Government and His Majesty's Government in the United Kingdom under paragraph 11 (b) of the revised Fusion Agreement signed at Washington on December 17, 1947, to consult together before December 1, 1948 to consider the terms and conditions of a new agreement.

61 Stat., Pt. 4 p. 3616.

His Majesty's Government had hoped that it would be possible to replace the existing Fusion Agreement on January 1, 1949 by a new Agreement to which the French Government would be a party, providing for the economic fusion of the Three Western Zones of Occupation. It now seems clear, however, that until the new arrangements relating to Germany arising out of the six-power talks held last spring in London have matured, it would be desirable to extend the terms of the Bizonal Agreement, as amended, rather than attempt to negotiate a new agreement to include France. His Majesty's Government believe that extension of the agreement for a three-months' period with the understanding that it can sooner be terminated by mutual agreement, is a more practical arrangement in the circumstances than an attempt to conclude a Trizonal Fusion Agreement at this time.

In these circumstances, I have the honour to submit the following proposals for the consideration of the United States Government:–

(A) The Fusion Agreement, as amended by the Agreement signed in Washington on December 17, 1947, shall be extended to March 31, 1949, unless sooner terminated by mutual agreement

61 Stat., Pt. 3, p. 2475.
61 Stat., Pt. 4 p. 3608.

or by the conclusion of a Trizonal Fusion Agreement. The two Governments shall consult together before March 1, 1949, to consider the terms and conditions of a new agreement for a further period.

(B) During the period for which the existing Fusion Agreement is extended, His Majesty's Government will continue their contribution of supplies and services to Germany at the existing basic rate of 17½ million pounds per annum (approximately the equivalent of 70 million dollars).

(C) Separate discussions will take place as to the nature of goods and services to be provided by His Majesty's Government for the first three months of 1949, if as a result of seasonal or other factors it proves impossible or difficult to supply precisely one-quarter of the quantities of the goods and services specified in the Annex to the Agreement of December 17, 1947, amending the Fusion Agreement.

61 Stat., Pt. 4, p. 3617.

(D) As soon as possible the Joint Export-Import Agency shall enter into negotiations with representatives of His Majesty's Government of the nature indicated in paragraph 3 (a) of the Agreement of December 17, 1947, amending the Fusion Agreement.

61 Stat., Pt. 4, p. 3610.

(E) Provisions of the Fusion Agreement as amended relating to Joint Foreign Exchange Agency Accounts shall be applicable to such accounts transferred to the Bank Deutscher Laender.

Should these proposals commend themselves to the United States Government, I have the honour to suggest that this note and your reply should constitute an Agreement between our two Governments.

I avail myself of this opportunity to renew to you the assurance of my highest consideration,

OLIVER FRANKS.

The Honourable
GEORGE C. MARSHALL,
Secretary of State,
United States Department of State,
Washington, D. C.

The Acting Secretary of State to the British Ambassador

DEPARTMENT OF STATE
WASHINGTON
Dec 31 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, the terms of which are as follows:

"SIR,

"I have the honour to refer to the discussions which have taken place between His Majesty's Government in the United Kingdom

and the Government of the United States of America on the subject of the extension of the Agreement between the two Governments concerning the British and American Zones of Occupation in Germany.

"His Majesty's Government has had under consideration the obligation assumed by the United States Government and His Majesty's Government in the United Kingdom under paragraph 11(b) of the revised Fusion Agreement signed at Washington on December 17, 1947, to consult together before December 1, 1948 to consider the terms and conditions of a new agreement. 61 Stat., Pt. p. 3616.

"His Majesty's Government had hoped that it would be possible to replace the existing Fusion Agreement on January 1, 1949 by a new Agreement to which the French Government would be a party, providing for the economic fusion of the Three Western Zones of Occupation. It now seems clear, however, that until the new arrangements relating to Germany arising out of the six-power talks held last spring in London have matured, it would be desirable to extend the terms of the Bizonal Agreement, as amended, rather than attempt to negotiate a new agreement to include France. His Majesty's Government believe that extension of the agreement for a three-months' period with the understanding that it can sooner be terminated by mutual agreement, is a more practical arrangement in the circumstances than an attempt to conclude a Trizonal Fusion Agreement at this time.

"In these circumstances, I have the honour to submit the following proposals for the consideration of the United States Government:

"(A) The Fusion Agreement, as amended by the Agreement signed in Washington on December 17, 1947, shall be extended to March 31, 1949, unless sooner terminated by mutual agreement or by the conclusion of a Trizonal Fusion Agreement. 61 Stat., Pt. 3 p. 2475. 61 Stat., Pt. 4, p. 3608.

The two Governments shall consult together before March 1, 1949, to consider the terms and conditions of a new agreement for a further period.

"(B) During the period for which the existing Fusion Agreement is extended, His Majesty's Government will continue their contribution of supplies and services to Germany at the existing basic rate of 17½ million pounds per annum (approximately the equivalent of 70 million dollars).

"(C) Separate discussions will take place as to the nature of goods and services to be provided by His Majesty's Government for the first three months of 1949, if as a result of seasonal or other factors it proves impossible or difficult to supply precisely one-quarter of the quantities of the goods and services specified in the Annex to the Agreement of December 17, 1947, amending the Fusion Agreement. 61 Stat., Pt. 4 p. 3617.

"(D) As soon as possible the Joint Export-Import Agency shall enter into negotiations with representatives of His Majesty's Gov-

ernment of the nature indicated in paragraph 3(a) of the Agreement of December 17, 1947, amending the Fusion Agreement.

61 Stat., Pt. 4, p. 3610.

"(E) Provisions of the Fusion Agreement as amended relating to Joint Foreign Exchange Agency Accounts shall be applicable to such accounts transferred to the Bank Deutscher Laender.

"Should these proposals commend themselves to the United States Government, I have the honour to suggest that this note and your reply should constitute an Agreement between our two Governments."

In reply, I have the honor to inform your Excellency that the Government of the United States accepts the proposals set forth in your note and, in accordance with the suggestion contained therein, your Excellency's note and this reply will be regarded as constituting an Agreement between our two Governments in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT A LOVETT
Acting Secretary of State

His Excellency
The Right Honorable
Sir OLIVER SHEWELL FRANKS, K.C.B., C.B.E.,
British Ambassador

Agreement between the United States of America and Norway respecting waiver of passport visas for American citizens proceeding to Spitsbergen, Jan Mayen, and certain Norwegian dependencies. Effected by exchange of notes dated at Washington September 10 and October 19, 1948; entered into force October 19, 1948.

September 10, and October 19, 1948
[T. I. A. S. 1884]

The Norwegian Chargé d'Affaires ad interim to the Secretary of State

NORWEGIAN EMBASSY
WASHINGTON 7, D. C.

No. : 257

The Charge d'Affaires ad interim of Norway presents his compliments to His Excellency the Secretary of State and, acting upon instructions from the Norwegian Ministry of Foreign Affairs, has the honor to inform the Secretary that notwithstanding the exchange of notes of the 7th and the 29th of July, 1947, according to which a visa is required for American citizens proceeding to Norwegian territory outside continental Norway, a visa will not be required for American citizens travelling to Svalbard (Spitsbergen).

61 Stat., Pt. 3, p. 3101.

Further the Secretary is informed that visa-requirements for American citizens proceeding to Jan Mayen, and the Norwegian Dependencies Bouvet Island, Peter I's Island and Queen Maud Land are temporarily suspended.[1]

WASHINGTON, D. C., *September 10, 1948.*

The Acting Secretary of State to the Norwegian Chargé d'Affaires ad interim

The Acting Secretary of State presents his compliments to the Chargé d'Affaires ad interim of Norway and acknowledges the receipt of the Embassy's note No. 257 of September 10, 1948, wherein it is stated that visas will not be required for American citizens proceeding to Svalbard (Spitsbergen), and that visa requirements for American citizens proceeding to Jan Mayen, and the Norwegian Dependencies Bouvet Island, Peter I's Island and Queen Maud Land are temporarily suspended.

HJL

DEPARTMENT OF STATE,
Washington, October 19, 1948.

[1] The Norwegian Embassy, Sept. 30, 1948, informed the Department of State that the term "temporarily suspended" means "temporarily waived".

December 30, 1948
[T. I. A. S. 1885]

Agreement between the United States of America and Italy respecting assistance to the people of Italy under Public Law 389, 80th Congress, extending the agreement of January 3, 1948. Effected by exchange of notes verbales dated at Rome December 30, 1948; entered into force December 30, 1948.

The Italian Ministry of Foreign Affairs to the American Embassy

Ministero degli Affari Esteri
D.G.A.E. - Uff. IV

N. 44/8860/698

Nota Verbale

Il Ministero degli Affari Esteri ha l'onore di far riferimento al paragrafo 2 dell'art. III dell'Accordo firmato in data 3 gennaio 1948 fra il Governo degli Stati Uniti d'America ed il Governo Italiano, relativo all'assistenza all'Italia in base al "Foreign Aid Act of 1947" (Legge del 1947 sugli Aiuti all'estero), il quale stabilisce che l'Accordo rimanga in vigore sino al 31 dicembre 1948.

In seguito a conversazioni intervenute fra i rappresentanti dei due Governi è stato ritenuto opportuno di prorogare l'Accordo stesso sino al 30 giugno 1949.

Il Governo Italiano è d'accordo circa tale proroga e la considererà effettiva qualora riceva, prima della scadenza dell'Accordo, una Nota Verbale dell'Ambasciata Americana che comunichi l'assenso del Governo degli Stati Uniti d'America alla proroga suddetta.

Roma, li 30 dicembre 1948

MINISTERO DEGLI AFFARI ESTERI

ALL'AMBASCIATA DEGLI STATI UNITI D'AMERICA

ROMA

Translation

MINISTRY OF FOREIGN AFFAIRS
D. G. A. E.-Uff. IV
N. 44/8860/698

NOTE VERBALE

The Ministry of Foreign Affairs has the honor to refer to paragraph 2 of Article III of the Agreement signed on January 3, 1948 between the Government of the United States of America and the Italian Government concerning assistance to Italy under the Foreign Aid Act of 1947, which establishes that the Agreement is to remain in effect until December 31, 1948.

62 Stat., Pt. 2 p. 1810.

61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note. 62 Stat., Pt. 1, p. 138.

As a result of conversations which took place between the representatives of the two Governments, it has been considered advisable to extend the said Agreement to June 30, 1949.

The Italian Government agrees to such an extension, and will consider it to be in effect upon the receipt, before the expiration of the Agreement, of a Note Verbale from the American Embassy communicating the assent of the Government of the United States of America to the above-mentioned extension.

ROME, *December 30, 1948*

MINISTRY OF FOREIGN AFFAIRS

The EMBASSY OF THE
UNITED STATES OF AMERICA,
Rome.

The American Embassy to the Italian Ministry of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 2256

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note Verbale No. 44/8860/698 of December 30, 1948, with reference to the extension of the Agreement signed on January 3, 1948, between the Government of the United States of America and the Government of Italy, providing assistance to Italy under the Foreign Aid Act of 1947.

62 Stat., Pt. 2, p. 1807.

61 Stat., Pt. 1, p. 934. 22 U. S. C., Supp. I, § 1411 note. 62 Stat., Pt. 1, p. 138.

The Embassy is pleased to inform the Ministry that the extension of the abovementioned Agreement until June 30, 1949 is acceptable to the Government of the United States of America.

ROME, *December 30, 1948.*

Embassy of the United States of America
ROME

To the
MINISTRY OF FOREIGN AFFAIRS,
Rome.

Agreement between the United States of America and other governments respecting the application of most-favored-nation treatment to areas of Western Germany under occupation or control. Dated at Geneva September 14, 1948; entered into force, with respect to the United States, October 14, 1948.

September 14, 1948
[T. I. A. S. 1886]

AGREEMENT ON MOST-FAVOURED-NATION TREATMENT FOR AREAS OF WESTERN GERMANY UNDER MILITARY OCCUPATION

signed at Geneva, on 14 September 1948

ACCORD CONCERNANT L'APPLICATION DE LA CLAUSE DE LA NATION LA PLUS FAVORISEE AUX ZONES DE L'ALLEMAGNE OCCIDENTALE SOUMISES A L'OCCUPATION MILITAIRE

signé à Genève, le 14 septembre 1948

AGREEMENT ON MOST-FAVOURED-NATION TREATMENT FOR AREAS OF WESTERN GERMANY UNDER MILITARY OCCUPATION

Being desirous of facilitating to the fullest extent possible the reconstruction and recovery of the world from the destruction wrought by the recent war,

Believing that one of the most important steps towards such reconstruction and recovery on a sound basis is the restoration of international trade in accordance with the principles of the Havana Charter for an International Trade Organization, [1] and

Considering that the application of reciprocal most-favoured-nation treatment to the trade of the areas of Western Germany under military occupation will contribute to the foregoing objectives,

The signatories agree to the following provisions:

ARTICLE I

Post, p. 3656.

For such time as any signatory of this Agreement participates in the occupation or control of any area in Western Germany, each of the signatories shall accord to the merchandise trade of such area the treatment provided for in the most-favoured-nation provisions of the General Agreement on Tariffs and Trade, dated 30 October 1947, as now or hereafter amended.

61 Stat., Pts. 5 and 6.

ARTICLE II

Post, p. 3656.

The undertaking by a signatory provided for in Article I shall apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favoured-nation treatment to the merchandise trade of the territory of such signatory.

ARTICLE III

The undertaking in Article I is entered into in the light of the absence, on the date of this Agreement, of effective or significant tariff barriers to imports into the areas referred to therein. In the event that effective or significant tariff barriers are thereafter imposed in any such area, such undertaking shall be without prejudice to the application by any signatory of the principles relating to the reduction of tariffs on a mutually advantageous basis which are set forth in the Havana Charter for an International Trade Organization.

ARTICLE IV

The rights and obligations established by this Agreement are to be understood as entirely independent of any rights or obligations which

[1] Department of State publication 3117.

are or may be established by the General Agreement on Tariffs and Trade or by the Havana Charter. 61 Stat., Pts. 5 and 6.

ARTICLE V

1. This Agreement shall be open for signature at Geneva on this day and shall remain open for signature thereafter at the Headquarters of the United Nations. The Agreement shall enter into force for each signatory upon the expiration of thirty days from the day on which such signatory signs the Agreement. Open for signature. Entry into force.

2. The undertakings in this Agreement shall remain in force until 1 January 1951, and, except for any signatory which at least six months before 1 January 1951 shall have deposited with the Secretary-General of the United Nations a notice in writing of intention to withdraw from this Agreement on that date, they shall remain in force thereafter subject to the right of any signatory to withdraw upon the expiration of six months from the date on which such a notice shall have been so deposited. Duration.

3. On the request of any three signatories to this Agreement, and in any event not later than 1 January 1951, the Government of the Kingdom of the Netherlands shall promptly convene a meeting of all signatories with a view to reviewing the operation of the Agreement and agreeing upon such revisions as may be appropriate. Review.

ARTICLE VI

1. The interpretative notes to this Agreement which are contained in the Annex shall constitute an integral part thereof.

2. The original of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall send a certified copy thereof to each member of the United Nations and to each country which participated in the United Nations Conference on Trade and Employment, and he is authorized to effect registration thereof pursuant to paragraph 1 of Article 102 of the Charter of the United Nations. Deposit of original; registration. 59 Stat. 1052.

3. The Secretary-General shall notify each signatory of the date of each signature of this Agreement subsequent to the date of the Agreement or of any notice of intention to withdraw pursuant to paragraph 2 of Article V.

IN WITNESS WHEREOF, the respective representatives, duly authorized, have signed this Agreement.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this fourteenth day of September 1948. Authentic texts.

ANNEX

INTERPRETATIVE NOTES

1. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in Article I may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the appropriate authorities fails to result within a reasonable time in an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in Article I for any signatory to levy a countervailing duty on imports of such goods, equivalent to the estimated amount of such subsidization, where such signatory determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry. In circumstances of special urgency, where delay would cause damage which it would be difficult to repair, action may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

Ante, p. 3654.

2. The reference to the most-favoured-nation provisions of the General Agreement is understood to cover all the provisions of the General Agreement relevant to most-favoured-nation treatment as well as Article I.

3. The standard of the treatment to be accorded is set by all the most-favoured-nation provisions of the General Agreement (including the exceptions) and accordingly, under the reciprocity clause of Article II of this Agreement, the same standard would be used to measure the treatment received. If in the judgment of a signatory, that signatory was not actually receiving the most-favoured-nation treatment conforming to the standard, it would not consider itself obligated to grant treatment in accordance with the standard. Differences of view between signatories would naturally, however, be the subject of consultation.

Ante, p. 3654.

4. The reference in Article III to "the principles relating to the reduction of tariffs on a mutually advantageous basis which are set forth in the Havana Charter", is designed to permit a signatory to withhold most-favoured-nation treatment in the event of the failure of an area under occupation—assuming that significant or effective tariffs were to be imposed by such area—to negotiate in accordance with the principles of Article 17 of the Havana Charter and in conformity with the established procedure for tariff negotiations.

ACCORD CONCERNANT L'APPLICATION DE LA CLAUSE DE LA NATION LA PLUS FAVORISEE AUX ZONES DE L'ALLEMAGNE OCCIDENTALE SOUMISES A L'OCCUPATION MILITAIRE

Désireux de faciliter dans la plus large mesure possible la reconstruction et le relèvement du monde après les destructions qu'a amenées la dernière guerre,

Persuadés que pour donner un caractère rationnel à cette reconstruction et à ce relèvement, une des mesures les plus importantes consiste à rétablir le mouvement des échanges internationaux, selon les principes définis par la Charte de La Havane instituant une Organisation internationale du Commerce,

Considérant que l'application réciproque de la clause de la nation la plus favorisée au commerce des zones de l'Allemagne occidentale soumises à l'occupation militaire permettra d'atteindre plus facilement les buts envisagés,

Les signataires sont convenus des dispositions suivantes:

ARTICLE PREMIER

Aussi longtemps qu'un signataire du présent Accord participera à l'occupation ou au contrôle d'un territoire de l'Allemagne occidentale, chaque signataire appliquera au commerce d'un tel territoire les dispositions de l'Accord général sur les tarifs douaniers et le commerce, en date du 30 octobre 1947, telles qu'elles sont maintenant ou telles qu'elles seront ultérieurement amendées, relatives au traitement de la nation la plus favorisée.

ARTICLE II

L'engagement contracté par un signataire en vertu de l'article premier ne s'appliquera au commerce des zones ci-dessus mentionnées que pendant la période et dans la mesure où lesdites zones accorderont réciproquement le traitement de la nation la plus favorisée au commerce du territoire de ce signataire.

ARTICLE III

L'engagement contracté à l'article premier est pris en considération du fait qu'à la date du présent Accord, il n'existe pas de barrières douanières effectives ou de réelle importance qui s'opposeraient aux importations dans les zones ainsi définies. Dans le cas où de telles barrières viendraient à y être établies, ledit engagement ne préjugerait en rien l'application, par l'un quelconque des signataires, des principes énoncés dans la Charte de La Havane, instituant une Organisation internationale du Commerce au sujet de la réduction des tarifs sur une base d'avantages mutuels.

ARTICLE IV

Les droits et obligations établis en vertu du présent Accord doivent être considérés comme étant entièrement indépendants de tous droits et obligations qui sont ou peuvent être établis aux termes de l'Accord général sur les tarifs douaniers et le commerce ou de la Charte de La Havane.

ARTICLE V

1. Le présent Accord sera ouvert ce jour à la signature à Genève. Il pourra ensuite être signé à tout moment au siège des Nations Unies. Il entrera en vigueur pour chacun des signataires à l'expiration d'un délai de trente jours à compter de la date à laquelle ce signataire y aura apposé sa signature.

2. Les engagements convenus dans le présent Accord demeureront en vigueur jusqu'au 1er janvier 1951 et, sauf à l'égard de tout signataire qui aurait, six mois au moins avant le 1er janvier 1951, donné au Secrétaire général des Nations Unies préavis par écrit de son intention de se retirer du présent Accord à cette date, ils demeureront en vigueur sous réserve du droit, pour tout signataire, de cesser d'y participer à l'expiration d'un délai de six mois à partir de la date à laquelle aura été signifiée son intention.

3. A la demande de trois signataires du présent Accord, et en tout cas le 1er janvier 1951 au plus tard, le Gouvernement du Royaume des Pays-Bas convoquera sans délai une réunion de tous les signataires à l'effet d'examiner le fonctionnement du présent Accord et de convenir des revisions qui sembleraient appropriées.

ARTICLE VI

1. Les notes interprétatives du présent Accord qui figurent à l'annexe font partie intégrante dudit Accord.

2. L'original de l'Accord sera déposé auprès du Secrétaire général de l'Organisation des Nations Unies. Celui-ci adressera une copie certifiée conforme à tous les Etats Membres des Nations Unies et à tous les autres pays qui ont participé à la Conférence des Nations Unies sur le commerce et l'emploi. Le Secrétaire général est autorisé à procéder à l'enregistrement du présent Accord conformément au paragraphe premier de l'Article 102 de la Charte des Nations Unies.

3. Le Secrétaire général notifiera à tout signataire du présent Accord la date de toute signature postérieure à la date du présent Accord ainsi que tout préavis de retrait adressé en vertu des dispositions du paragraphe 2 de l'article V ci-dessus.

EN FOI DE QUOI, les représentants soussignés, dûment autorisés, ont signé le présent Accord.

FAIT à Genève en un seul exemplaire rédigé dans les langues française et anglaise, les deux textes faissant également foi, le quatorze septembre 1948.

ANNEXE

NOTES INTERPRÉTATIVES

1. Il est reconnu que l'absence d'un taux de change uniforme dans les zones d'Allemagne occidentale visées à l'article premier pourrait avoir l'effet de subventionner indirectement les exportations de ces zones d'une façon qu'il serait difficile de calculer exactement. Aussi longtemps que ces circonstances existeront, et si des consultations avec les autorités compétentes ne permettent pas de résoudre ce problème d'un commun accord dans un délai raisonnable, il est entendu qu'il ne serait pas contraire aux engagements pris à l'article premier qu'un signataire frappe les importations de ces marchandises d'un droit compensateur équivalent au montant estimé de cette subvention, lorsque ledit signataire juge que cette subvention est telle qu'elle cause ou qu'elle menace de causer des dommages importants à une industrie nationale existante, ou qu'elle empêche ou retarde sensiblement l'établissement d'une industrie nationale. En cas d'urgence particulière, alors que tout délai risquerait d'entraîner des dommages difficiles à réparer, des décisions d'un caractère provisoire, prises sans procéder à des consultations préalables, seront admises, étant entendu que des consultations auront lieu immédiatement après que ces décisions auront été prises.

2. Il est entendu que la mention des dispositions de l'Accord général relatives au traitement de la nation la plus favorisée vise toutes les dispositions de l'Accord général se rapportant au traitement de la nation la plus favorisée aussi bien que l'article premier.

3. La norme du traitement à accorder résulte de l'ensemble des dispositions de l'Accord général relatives au traitement de la nation la plus favorisée (y compris les exceptions) et, en conséquence, conformément à la clause de réciprocité de l'article II du présent Accord, la même norme servira à apprécier le traitement reçu. Si, de l'avis de l'un des signataires, celui-ci ne reçoit pas effectivement le traitement de la nation la plus favorisée conformément à la norme, il ne se considérera pas comme obligé d'accorder un traitement conforme à la norme. Toutefois, les divergences de vues entre les signataires feront naturellement l'objet de consultations.

4. La mention, à l'article III, des "principes énoncés dans la Charte de La Havane instituant une Organisation internationale du Commerce au sujet de la réduction des tarifs sur une base d'avantages mutuels" a pour objet de permettre à un signataire de refuser d'accorder le traitement de la nation la plus favorisée dans le cas où un territoire occupé—à supposer que ce territoire veuille imposer des tarifs effectifs ou de réelle importance—ne négocierait pas conformément aux principes de l'article 17 de la Charte de La Havane et suivant la procédure établie pour les négociations tarifaires.

For the Kingdom of Norway

TORFINN OFTEDAL

Pelos Estados Unidos do Brasil

Ad referendum

Para ter efeito trinta dias após a notificação ao Secretario Geral das Nações Unidas

JOÃO CARLOS MUNIZ

For Pakistan

S. HASNIE

For Ceylon

Ad referendum

Signature to be effective thirty days after notification to Secretary-General of U.N. [1]

O. GOONETILLEKE

For India

Ad referendum

Signature to be effective thirty days after notification to Secretary-General of U.N. [2]

C. DESAI

For the United Kingdom

R. SHACKLE

For the United States of America

LEROY D. STINEBOWER

Pour la République française

ANDRÉ PHILIP

For the Kingdom of the Netherlands

E. DE VRIES

Pour la Belgique

M. SUETENS

Pour le Grand-Duché de Luxembourg

J. WOULBROUN

For Canada

E. D. WILGRESS

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[1] Instrument of acceptance was deposited with the Secretary-General of the United Nations on Dec. 9, 1948.

[2] Instrument of acceptance was deposited with the Secretary-General of the United Nations on Nov. 1, 1948.

For the Union of South Africa

Ad referendum

Signature to be effective thirty days after notification to Secretary-General of U.N.

L. C. STEYN

14 October 1948 [1]

Certified true copy.

For the Secretary-General:

Copie certifiée conforme.

Pour le Secrétaire général:

Dr I. KERNO

Assistant Secretary-General in charge of the Legal Department

Secrétaire général adjoint chargé du Département juridique

[1] Date on which the agreement was signed on behalf of the Union of South Africa.

Multilateral protocol for the accession of signatories of the Final Act of October 30, 1947, General Agreement on Tariffs and Trade. Signed at Geneva September 14, 1948; entered into force September 14, 1948.

September 14, 1948
[T. I. A. S. 1887]

PROTOCOL
FOR
THE ACCESSION OF SIGNATORIES
OF THE
FINAL ACT OF 30 OCTOBER 1947

PROTOCOLE
POUR
L'ADHESION DES SIGNATAIRES
DE
L'ACTE FINAL DU 30 OCTOBRE 1947

PROTOCOL FOR THE ACCESSION OF SIGNATORIES OF THE FINAL ACT OF 30 OCTOBER 1947

61 Stat., Pt. 6, p. A2051.

Considering the fact that the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, which by its terms remained open for signature until 30 June 1948, was not by that date signed by all the Governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment,

61 Stat., Pt. 5, p. A7.

Considering the resolution of the second session of the CONTRACTING PARTIES that such a Government shall not be considered to be a "party" to the General Agreement within the meaning of article XXXIII thereof, and

61 Stat., Pt. 5, p. A75.

Considering the desirability of affording an additional opportunity for the provisional application between such a Government and the contracting parties of the provisions of the General Agreement which was concluded at the second session of the Preparatory Committee and authenticated on 30 October 1947,

It is agreed with regard to the terms upon which such a Government, by signature of the present Protocol, may accede under article XXXIII of the General Agreement:

61 Stat., Pt. 5, p. A69.

1. Any such Government shall, without prejudice to its right to accept the General Agreement under article XXVI, apply the General Agreement, as amended and rectified, provisionally in accordance with the provisions of paragraphs 1 (*a*), 1 (*b*), and 5 of the Protocol of Provisional Application. Such Government shall also have the right of election provided for in subparagraph (*d*) of paragraph 1 of article XIV of the General Agreement as if it had signed the Protocol of Provisional Application before 1 July 1948; *Provided* the written notice of such election is communicated to the CONTRACTING PARTIES before 1 January 1949 or before the day on which such Government becomes a contracting party, whichever is the later.

61 Stat., Pt. 6, pp. A2051, A2052.

61 Stat., Pt. 5, p. A45.

Effective date.

2. Such provisional application shall take effect for any such Government on the thirtieth day after the signature hereof by such Government; *Provided* such signature is affixed before 17 February 1949; and *Provided* further that this Protocol has on the day of such signature been signed by two-thirds of the Governments then contracting parties to the General Agreement. Upon signature of this Protocol by two-thirds of the contracting parties it shall constitute a decision for the purpose of article XXXIII of the General Agreement.

61 Stat., Pt. 5, p. A75.

Deposit of original; registration.

3. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, where it will remain open for signature. The Secretary-General is authorized to effect registration of the Protocol.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol. *Post*, p. 3668.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September, 1948. Authentic texts.

PROTOCOLE POUR L'ADHESION DES SIGNATAIRES DE L'ACTE FINAL DU 30 OCTOBRE 1947

Considérant que le Protocole d'application provisoire de l'Accord général sur les tarifs douaniers et le commerce qui, en vertu de ses stipulations, est resté ouvert à la signature jusqu'au 30 juin 1948, n'avait pas, à cette date, été signé par tous les Gouvernements signataires de l'Acte final de la deuxième session de la Commission préparatoire de la Conférence des Nations Unies sur le commerce et l'emploi,

Eu égard à la résolution de la deuxième session des PARTIES CONTRACTANTES aux termes de laquelle un Gouvernement qui n'a pas signé le Protocole d'application provisoire à cette date ne doit pas être considéré comme "partie" à l'Accord général aux termes de l'article XXXIII dudit Accord,

Considérant qu'il est souhaitable de fournir à un Gouvernement se trouvant dans ce cas une nouvelle occasion d'appliquer provisoirement, dans ses relations avec les parties contractantes, les dispositions de l'Accord général conclu à l'issue de la deuxième session de la Commission préparatoire et authentiqué le 30 octobre 1947,

Il est convenu, en ce qui concerne les conditions dans lesquelles un Gouvernement se trouvant dans ce cas pourra, en signant le présent Protocole, adhérer conformément aux dispositions de l'article XXXIII de l'Accord général:

1. Que tout Gouvernement se trouvant dans ce cas devra, sans préjudice du droit qu'il possède d'accepter les dispositions de l'Accord général en vertu de l'article XXVI, appliquer provisoirement l'Accord général, tel qu'il a été amendé et rectifié, conformément aux dispositions des paragraphes 1 *a*), 1 *b*) et 5 du Protocole d'application provisoire. Ledit Gouvernement aura également le droit de choisir les dispositions applicables, qui est prévu à l'alinéa *d*) du paragraphe 1 de l'article XIV de l'Accord général, comme s'il avait signé le Protocole d'application provisoire avant le 1er juillet 1948; *à condition, toutefois*, que la notification écrite de ce choix soit communiquée aux PARTIES CONTRACTANTES avant le 1er janvier 1949 ou avant la date à laquelle ledit Gouvernement deviendra partie contractante si cette dernière date est postérieure.

2. Ladite application provisoire prendra effet, à l'égard de tout Gouvernement se trouvant dans ce cas, le trentième jour qui suivra la signature du présent Protocole par ledit Gouvernement, *à condition que* cette signature soit déposée avant le 17 février 1949 et *à condition*, en outre, que le présent Protocole ait, à la date de cette signature, été signé par les deux tiers des Gouvernements alors parties contractantes à l'Accord général. La signature du présent Protocole par les deux

tiers des parties contractantes constituera une décision aux fins de l'article XXXIII de l'Accord général.

3. Le texte original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies et il y restera ouvert à la signature. Le Secrétaire général est habilité à faire enregistrer le présent Protocole.

EN FOI DE QUOI les représentants soussignés, dûment autorisés, ont signé le présent Protocole.

FAIT à Genève, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi, le 14 septembre mil neuf cent quarante-huit.

For the Commonwealth of Australia: *Pour le Commonwealth d'Australie:*

JOHN A. TONKIN

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*

M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*

JOÃO CARLOS MUNIZ

For Burma: *Pour la Birmanie:*

SAW OHN TIN

For Canada: *Pour le Canada:*

L. D. WILGRESS

For Ceylon: *Pour Ceylan:*

O. E. GOONETILLEKE

For the Republic of China: *Pour la République de Chine:*

WUNSZ KING

For the Republic of Cuba: *Pour la République de Cuba:*

S. CLARK

For the Czechoslovak Republic: *Pour la République tchécoslovaque:*

For the French Republic: *Pour la République française:*

ANDRÉ PHILIP

For India: *Pour l'Inde:*

C. DESAI

For Lebanon: *Pour le Liban:*

M. MOBARAK

For the Grand Duchy of Luxembourg: *Pour le Grand-Duché de Luxembourg:*

J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*

E. DE VRIES

For New Zealand: *Pour la Nouvelle-Zélande:*

L. S. NICOL

For the Kingdom of Norway: *Pour le Royaume de Norvège:*

TORFINN OFTEDAL

For Pakistan: *Pour le Pakistan:*

S. A. HASNIE

For Southern Rhodesia: [1] *Pour la Rhodésie du Sud:*

For Syria: *Pour la Syrie:*

H. DJEBBARA

For the Union of South Africa:[2] *Pour l'Union Sud-Africaine:*

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*

R. SHACKLE

For the United States of America: *Pour les Etats-Unis d'Amérique:*

LEROY D. STINEBOWER

For the Republic of Chile:[3] *Pour la République du Chili:*

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[1] Signed Feb. 8, 1949.
[2] Signed Feb. 16, 1949.
[3] Signed Feb. 14, 1949.

Second multilateral protocol of rectifications to the General Agreement on Tariffs and Trade of October 30, 1947. Signed at Geneva September 14, 1948; entered into force September 14, 1948.

September 14, 1948
[T. I. A. S. 1888]

SECOND
PROTOCOL OF RECTIFICATIONS
TO THE
GENERAL AGREEMENT
ON
TARIFFS AND TRADE

DEUXIEME
PROTOCOLE DE RECTIFICATION
DE
L'ACCORD GENERAL SUR LES TARIFS
DOUANIERS ET LE COMMERCE

SECOND PROTOCOL OF RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade, and

61 Stat., Pts. 5 and 6.

The Government of the Republic of Chile, acting in its capacity of signatory of the Final Act adopted at the conclusion of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

61 Stat., Pt. 5, p. A7.

Having noted that certain further rectifications should be made in the authentic texts of the Schedules forming part of the General Agreement on Tariffs and Trade,

61 Stat., Pt. 5, p. A91 *et seq.*

Hereby agree that the following rectifications shall be made in the Schedule to the General Agreement on Tariffs and Trade:

SCHEDULE XVIII—UNION OF SOUTH AFRICA

(This schedule is authentic only in the English language.)

PART I

Most-favoured-nation Tariff

Item 224 ex (d)

61 Stat., Pt. 5, p. A1059.

In the English text of item 224 ex (*d*) the description of products shall read:

"Caffeine, theobromine, emetine and natural methol"

SCHEDULE XX—UNITED STATES OF AMERICA

(This schedule is authentic only in the English language.)

PART I

Most-favoured-nation Tariff

Item 708 (a)

61 Stat., Pt. 5, p. A1227.

In the English text of item 708 (*a*) the principal description shall be:

"Milk, condensed or evaporated:"

Item 1110

In the English text of item 1110 the rate of duty shall be: 61 Stat., Pt. 5, p. A1275.

"33c per lb. and 25% ad val."

Item 1503 (third)

In the English text of the third item 1503 the proviso shall read: 61 Stat., Pt. 5, p. A1298.

"*Provided*, That for the purpose only of applying the second proviso to paragraph 1503, Tariff Act of 1930, to articles provided for in this item, each rate of duty "existing" (within the meaning of Section 350, Tariff Act of 1930, as amended by the Act of 5 July 1945) on 1 January 1945, shall be reduced by 50 per centum of such rate." 46 Stat. 658. 19 U. S. C. § 1001. 59 Stat. 410. 19 U. S. C. § 1351; Supp. I, § 1351 note. 62 Stat., Pt. 1, p. 1053.

The provisions of this Protocol shall on and after this day constitute an integral part of the General Agreement on Tariffs and Trade, dated 30 October 1947, and the rectifications included herein shall be applied as if they had formed a part of said Agreement on that date. 61 Stat., Pts. 5 and 6.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof. Deposit of original; registration.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol. *Post*, p. 3676.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September, 1948. Authentic texts.

DEUXIEME PROTOCOLE DE RECTIFICATION DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

Les Gouvernements du Commonwealth d'Australie, du Royaume de Belgique, de la Birmanie, des Etats-Unis du Brésil, du Canada, de Ceylan, de la République de Chine, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, de l'Inde, du Liban, du Grand-Duché de Luxembourg, de la Norvège, de la Nouvelle-Zélande, du Pakistan, du Royaume des Pays-Bas, de la Rhodésie du Sud, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Syrie, de la République tchécoslovaque et de l'Union Sud-Africaine, agissant en leur qualité de parties contractantes à l'Accord général sur les tarifs douaniers et le commerce,

Le Gouvernement de la République du Chili, agissant en sa qualité de signataire de l'Acte final adopté à l'issue de la deuxième session de la Commission préparatoire de la Conférence des Nations Unies sur le commerce et l'emploi, lequel a rendu authentique le texte de l'Accord général sur les tarifs douaniers et le commerce,

Ayant constaté que d'autres rectifications doivent être apportées aux textes authentiques des listes faisant partie de l'Accord général sur les tarifs douaniers et le commerce,

Conviennent par les présentes d'apporter aux listes faisant partie de l'Accord général sur les tarifs douaniers et le commerce, les rectifications suivantes:

LISTE XVIII—UNION SUD-AFRICAINE
(Seul fait foi le texte anglais de cette liste.)

PREMIÈRE PARTIE

Tarif de la nation la plus favorisée

Position 224 ex (d)

Dans le texte anglais de la position 224 ex (*d*), la désignation des produits est la suivante:

"caféine, théobromine, émétine, émenthol naturel".

LISTE XX—ETATS-UNIS D'AMÉRIQUE

(Seul fait foi le texte anglais de cette liste.)

PREMIÈRE PARTIE

Tarif de la nation la plus favorisée

Position 708 (a)

Dans le texte anglais de la position 708 (*a*), la désignation principale des produits est la suivante:

"lait condensé ou évaporé".

Position 1110

Dans le texte anglais de la position 1110, "le droit est fixé à 0,33 par livre et à 25% *ad val.*".

Position 1503 (troisième)

Dans le texte anglais de la troisième position 1503, le texte de la disposition est le suivant:

"*Toutefois*, uniquement en vue d'appliquer la deuxième disposition du No 1503 de la loi de 1930 sur les tarifs aux articles dénommés sous la présente position, chaque droit "existant" (au sens où l'entend la section 350 de la loi de 1930 sur les tarifs modifiée par la loi du 5 juillet 1945) à la date du 1er janvier 1945 sera réduit de 50%."

A partir de la date du présent Protocole, les dispositions du présent Protocole feront partie intégrante de l'Accord général sur les tarifs douaniers et le commerce, en date du 30 octobre 1947, et les rectifications qu'il contient devront être appliquées comme si elles avaient figuré dans ledit Accord général à la date précitée.

Le texte original du présent Protocole sera déposé auprès du Secrétaire général des Nations Unies qui est autorisé à procéder à son enregistrement.

EN FOI DE QUOI les représentants dûment autorisés des Gouvernements susmentionnés ont signé le présent Protocole.

FAIT à Genève, en un seul exemplaire, rédigé dans les langues française et anglaise, les deux textes faisant également foi, le 14 septembre 1948.

68706—52—PT. III——68

For the Commonwealth of Australia: *Pour le Commonwealth d'Australie:*

JOHN A. TONKIN

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*

M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*

JOÃO CARLOS MUNIZ

For Burma: *Pour la Birmanie:*

SAW OHN TIN

For Canada: *Pour le Canada:*

L. D. WILGRESS

For Ceylon: *Pour Ceylan:*

O. E. GOONETILLEKE

For the Republic of Chile: *Pour la République du Chili:*

F. GARCIA OLDINI

For the Republic of China: *Pour la République de Chine:*

WUNSZ KING

For the Republic of Cuba: *Pour la République de Cuba:*

S. CLARK

For the Czechoslovak Republic: *Pour la République tchécoslovaque:*

Z. AUGENTHALER

For the French Republic: *Pour la République française:*

ANDRÉ PHILIP

For India: *Pour l'Inde:*

C. DESAI

For Lebanon: *Pour le Liban:*

M. MOBARAK

For the Grand Duchy of Luxembourg: *Pour le Grand-Duché de Luxembourg:*

J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*

E. DE VRIES

For New Zealand: *Pour la Nouvelle-Zélande:*

L. S. NICOL

For the Kingdom of Norway: *Pour le Royaume de Norvège:*

TORFINN OFTEDAL

For Pakistan: *Pour le Pakistan:*

S. A. HASNIE

For Southern Rhodesia: *Pour la Rhodésie du Sud:*

R. SHACKLE

For Syria: *Pour la Syrie:*

H. DJEBBARA

For the Union of South Africa: *Pour l'Union Sud-Africaine:*

A. J. NORVAL

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*

R. SHACKLE

For the United States of America: *Pour les Etats-Unis d'Amérique:*

LEROY D. STINEBOWER

Multilateral protocol modifying part II and article XXVI of the General Agreement on Tariffs and Trade of October 30, 1947. Signed at Geneva September 14, 1948; entered into force December 14, 1948.

September 14, 1948
[T. I. A. S. 1890]

PROTOCOL
MODIFYING PART II AND ARTICLE XXVI
OF THE
GENERAL AGREEMENT
ON
TARIFFS AND TRADE

PROTOCOLE
PORTANT MODIFICATION
DE LA
PARTIE II ET DE L'ARTICLE XXVI
DE
L'ACCORD GENERAL SUR LES TARIFS
DOUANIERS ET LE COMMERCE

PROTOCOL MODIFYING PART II AND ARTICLE XXVI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade [1] (hereinafter referred to as the Agreement),

61 Stat., Pts. 5 and 6.

Desiring to effect an amendment to the Agreement, pursuant to the provisions of article XXX thereof,

61 Stat., Pt. 5, p. A74.

Hereby agree as follows:

1. The texts of articles III, VI, XIII, XV, XVIII and XXVI of the Agreement and certain related provisions in Annex I shall be modified as follows:

A

61 Stat., Pt. 5, p. A18.

The text of article III shall read:

"ARTICLE III

"National Treatment on Internal Taxation and Regulation

Post, p. 3689.

"1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production.

Post, p. 3690.

"2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.

"3. With respect to any existing internal tax which is inconsistent with the provisions of paragraph 2 but which is specifically authorized under a trade agreement, in force on 10 April 1947, in which the

[1] Dated Oct. 30, 1947.

import duty on the taxed product is bound against increase, the contracting party imposing the tax shall be free to postpone the application of the provisions of paragraph 2 to such tax until such time as it can obtain release from the obligations of such trade agreement in order to permit the increase of such duty to the extent necessary to compensate for the elimination of the protective element of the tax.

"4. The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

"5. No contracting party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, no contracting party shall otherwise apply internal quantitative regulations in a manner contrary to the principles set forth in paragraph 1. *Post*, p. 3690.

"6. The provisions of paragraph 5 shall not apply to any internal quantitative regulation in force in the territory of any contracting party on 1 July 1939, 10 April 1947, or 24 March 1948, at the option of that contracting party; provided that any such regulation which is contrary to the provisions of paragraph 5 shall not be modified to the detriment of imports and shall be treated as a customs duty for the purpose of negotiation.

"7. No internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply.

"8. (*a*) The provisions of this article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

"(*b*) The provisions of this article shall not prevent the payment of subsidies exclusively to domestic producers, including payments to domestic producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this article and subsidies effected through governmental purchases of domestic products.

"9. The contracting parties recognize that internal maximum price control measures, even though conforming to the other provisions of

this article, can have effects prejudicial to the interests of contracting parties supplying imported products. Accordingly, contracting parties applying such measures shall take account of the interests of exporting contracting parties with a view to avoiding to the fullest practicable extent such prejudicial effects.

"10. The provisions of this article shall not prevent any contracting party from establishing or maintaining internal quantitative regulations relating to exposed cinematograph films and meeting the requirements of article IV."

61 Stat., Pt. 5, p. A20.

B

61 Stat., Pt. 5, p. A23.

The text of article VI shall read:

"ARTICLE VI

"*Anti-dumping and Countervailing Duties*

Post, p. 3690.

"1. The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. For the purposes of this article, a product is to be considered as being introduced into the commerce of an importing country at less than its normal value, if the price of the product exported from one country to another

"(*a*) Is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or,

"(*b*) In the absence of such domestic price, is less than either

"(i) The highest comparable price for the like product for export to any third country in the ordinary course of trade, or

"(ii) The cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

"Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

Post, p. 3690.

"2. In order to offset or prevent dumping, a contracting party may levy on any dumped product an anti-dumping duty not greater in amount than the margin of dumping in respect of such product. For the purposes of this article, the margin of dumping is the price difference determined in accordance with the provisions of paragraph 1.

Post, p. 3690.

"3. No countervailing duty shall be levied on any product of the territory of any contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation, including any special subsidy to the transportation of a particular product. The term "counter-

vailing duty" shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or export of any merchandise.

"4. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to anti-dumping or countervailing duty by reason of the exemption of such product from duties or taxes borne by the like product when destined for consumption in the country of origin or exportation, or by reason of the refund of such duties or taxes.

"5. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or export subsidization.

"6. No contracting party shall levy any anti-dumping or countervailing duty on the importation of any product of the territory of another contracting party unless it determines that the effect of the dumping or subsidization, as the case may be, is such as to cause or threaten material injury to an established domestic industry, or is such as to retard materially the establishment of a domestic industry. The CONTRACTING PARTIES may waive the requirements of this paragraph so as to permit a contracting party to levy an anti-dumping or countervailing duty on the importation of any product for the purpose of offsetting dumping or subsidization which causes or threatens material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party.

"7. A system for the stabilization of the domestic price or of the return to domestic producers of a primary commodity, independently of the movements of export prices, which results at times in the sale of the commodity for export at a price lower than the comparable price charged for the like commodity to buyers in the domestic market, shall be presumed not to result in material injury within the meaning of paragraph 6 if it is determined by consultation among the contracting parties substantially interested in the commodity concerned that:

"(*a*) The system has also resulted in the sale of the commodity for export at a price higher than the comparable price charged for the like commodity to buyers in the domestic market, and

"(*b*) The system is so operated, either because of the effective regulation of production, or otherwise, as not to stimulate exports unduly or otherwise seriously prejudice the interests of other contracting parties."

C

The phrase "and to any internal regulation or requirement under paragraphs 3 and 4 of article III" in paragraph 5 of article XIII shall be deleted. 61 Stat., Pt. 5, p. A43.

D

The opening clause of paragraph 9 of article XV shall read: 61 Stat., Pt. 5, p. A51.

"9. Nothing in this Agreement shall preclude:"

E

61 Stat., Pt. 5, p. A53. The text of article XVIII shall read:

"ARTICLE XVIII

"Governmental Assistance to Economic Development and Reconstruction

"1. The contracting parties recognize that special governmental assistance may be required to promote the establishment, development or reconstruction of particular industries or branches of agriculture, and that in appropriate circumstances the grant of such assistance in the form of protective measures is justified. At the same time they recognize that an unwise use of such measures would impose undue burdens on their own economies and unwarranted restrictions on international trade, and might increase unnecessarily the difficulties of adjustment for the economies of other countries.

"2. The CONTRACTING PARTIES and the contracting parties concerned shall preserve the utmost secrecy in respect of matters arising under this article.

"A

Post, p. 3691. "3. If a contracting party, in the interest of its economic development or reconstruction, or for the purpose of increasing a most-favoured-nation rate of duty in connexion with the establishment of a new preferential agreement in accordance with the provisions of 61 Stat., Pt. 5, p. A13. paragraph 3 of article I, considers it desirable to adopt any non-discriminatory measure affecting imports which would conflict with an obligation which the contracting party has assumed under article 61 Stat., Pt. 5, p. A14. II of this Agreement, but which would not conflict with other provisions in this Agreement, such contracting party

61 Stat., Pt. 5, p. A91. "(*a*) Shall enter into direct negotiations with all the other contracting parties. The appropriate Schedules to this Agreement shall be amended in accordance with any agreement resulting from such negotiations; or

"(*b*) Shall initially or may, in the event of failure to reach agreement under sub-paragraph (*a*), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall determine the contracting party or parties materially affected by the proposed measure and shall sponsor negotiations between such contracting party or parties and the applicant contracting party with a view to obtaining expeditious and substantial agreement. The CONTRACTING PARTIES shall establish and communicate to the contracting parties concerned a time schedule for such negotiations, following as far as practicable any time schedule which may have been proposed by the applicant contracting party. The contracting parties shall commence and proceed continuously with such negotiations in accordance with the time schedule established by the CONTRACTING PARTIES. At the request of a contracting party, the CONTRACTING PARTIES may, where they concur in princi-

ple with the proposed measure, assist in the negotiations. Upon substantial agreement being reached, the applicant contracting party may be released by the CONTRACTING PARTIES from the obligation referred to in this paragraph, subject to such limitations as may have been agreed upon in the negotiations between the contracting parties concerned.

"4. (*a*) If as a result of action initiated under paragraph 3 there should be an increase in imports of any product concerned, including products which can be directly substituted therefor, which if continued would be so great as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with the provisions of this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, provided that such measures do not restrict imports more than necessary to offset the increase in imports referred to in this sub-paragraph; except in unusual circumstances, such measures shall not reduce imports below the level obtaining in the most recent representative period preceding the date on which the contracting party initiated action under paragraph 3.

"(*b*) The CONTRACTING PARTIES shall determine, as soon as practicable, whether any such measure should be continued, discontinued or modified. It shall in any case be terminated as soon as the CONTRACTING PARTIES determine that the negotiations are completed or discontinued.

"(*c*) It is recognized that the relationships between contracting parties under article II of this Agreement involve reciprocal advantages, and therefore any contracting party whose trade is materially affected by the action may suspend the application to the trade of the applicant contracting party of substantially equivalent obligations or concessions under this Agreement provided that the contracting party concerned has consulted the CONTRACTING PARTIES before taking such action and the CONTRACTING PARTIES do not disapprove. 61 Stat., Pt. 5, p. A14.

"B

"5. In the case of any non-discriminatory measure affecting imports which would apply to any product in respect of which the contracting party has assumed an obligation under article II of this Agreement and which would conflict with any other provision of this Agreement, the provisions of sub-paragraph (*b*) of paragraph 3 shall apply; provided that before granting a release the CONTRACTING PARTIES shall afford adequate opportunity for all contracting parties which they determine to be materially affected to express their views. The provisions of paragraph 4 shall also be applicable in this case.

"C

"6. If a contracting party in the interest of its economic development or reconstruction considers it desirable to adopt any non-discriminatory measure affecting imports which would conflict with the provisions of this Agreement other than article II, but which would not apply to any product in respect of which the contracting party has assumed an obligation under article II, such contracting party shall notify the CONTRACTING PARTIES and shall transmit to the CONTRACTING PARTIES a written statement of the considerations in support of the adoption, for a specified period, of the proposed measure.

61 Stat., Pt. 5, p. A14.

"7. (*a*) On application by such contracting party the CONTRACTING PARTIES shall concur in the proposed measure and grant the necessary release for a specified period if, having particular regard to the applicant contracting party's need for economic development or reconstruction, it is established that the measure

"(i) Is designed to protect a particular industry established between 1 January 1939 and 24 March 1948, which was protected during that period of its development by abnormal conditions arising out of the war; or

"(ii) Is designed to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, when the external sales of such commodity have been materially reduced as a result of new or increased restrictions imposed abroad; or

"(iii) Is necessary in view of the possibilities and resources of the applicant contracting party to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, or for the processing of a by-product of such industry, which would otherwise be wasted, in order to achieve a fuller and more economic use of the applicant contracting party's natural resources and manpower and, in the long run, to raise the standard of living within the territory of the applicant contracting party, and is unlikely to have a harmful effect, in the long run, on international trade; or

"(iv) Is unlikely to be more restrictive of international trade than any other practicable and reasonable measure permitted under this Agreement, which could be imposed without undue difficulty, and is the one most suitable for the purpose having regard to the economies of the industry or branch of agriculture concerned and to the applicant contracting party's need for economic development or reconstruction.

"The foregoing provisions of this sub-paragraph are subject to the following conditions:

"(1) Any proposal by the applicant contracting party to apply any such measure, with or without modification, after the end of the initial period, shall not be subject to the provisions of this paragraph; and

"(2) The CONTRACTING PARTIES shall not concur in any measure under the provisions of (i), (ii) or (iii) above, which is likely to cause serious prejudice to exports of a primary commodity on which the economy of the territory of another contracting party is largely dependent.

"(*b*) The applicant contracting party shall apply any measure permitted under sub-paragraph (*a*) in such a way as to avoid unnecessary damage to the commercial or economic interests of any other contracting party.

"8. If the proposed measure does not fall within the provisions of paragraph 7, the contracting party *Ante*, p. 3686.

"(*a*) May enter into direct consultations with the contracting party or parties which, in its judgment, would be materially affected by the measure. At the same time, the contracting party shall inform the CONTRACTING PARTIES of such consultations in order to afford them an opportunity to determine whether all materially affected contracting parties are included within the consultations. Upon complete or substantial agreement being reached, the contracting party interested in taking the measure shall apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly examine the application to ascertain whether the interests of all the materially affected contracting parties have been duly taken into account. If the CONTRACTING PARTIES reach this conclusion, with or without further consultations between the contracting parties concerned, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as the CONTRACTING PARTIES may impose, or

"(*b*) May initially, or in the event of failure to reach complete or substantial agreement under sub-paragraph (*a*), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly transmit the statement submitted under paragraph 6 to the contracting party or parties which are determined by the CONTRACTING PARTIES to be materially affected by the proposed measure. Such contracting party or parties shall, within the time limits prescribed by the CONTRACTING PARTIES, inform them whether, in the light of the anticipated effects of the proposed measure on the economy of the territory of such contracting party or parties, there is any objection to the proposed measure. The CONTRACTING PARTIES shall, *Ante*, p. 3686.

"(i) If there is no objection to the proposed measure on the part of the affected contracting party or parties, immediately release the applicant contracting party from its obligations under the relevant provision of this Agreement; or

"(ii) If there is objection, promptly examine the proposed measure, having regard to the provisions of this Agreement, to the considerations presented by the applicant contracting party and its need for economic development or reconstruction, to the views of the contracting party or parties determined to be materially affected, and to the effect which the proposed measure, with or without modification, is likely to have, immediately and in the long run, on international trade, and, in the long run, on the standard of living within the territory of the applicant contracting party. If, as a result of such examination, the CONTRACTING PARTIES concur in the proposed measure, with or without modification, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as they may impose.

Ante, p. 3686.

"9. If, in anticipation of the concurrence of the CONTRACTING PARTIES in the adoption of a measure referred to in paragraph 6, there should be an increase or threatened increase in the imports of any product concerned, including products which can be directly substituted therefor, so substantial as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, pending a decision by the CONTRACTING PARTIES on the contracting party's application; provided that such measures do not reduce imports below the level obtaining in the most recent representative period preceding the date on which notification was given under paragraph 6.

"10. The CONTRACTING PARTIES shall, at the earliest opportunity but ordinarily within fifteen days after receipt of an application under the provisions of paragraph 7 or sub-paragraphs (*a*) or (*b*) of paragraph 8, advise the applicant contracting party of the date by which it will be notified whether or not it is released from the relevant obligation. This shall be the earliest practicable date and not later than ninety days after receipt of such application; provided that, if unforeseen difficulties arise before the date set, the period may be extended after consultation with the applicant contracting party. If the applicant contracting party is not so notified by the date set, it may, after informing the CONTRACTING PARTIES, institute the proposed measure.

Ante, pp. 3686, 3687.

"11. Any contracting party may maintain any non-discriminatory

protective measure affecting imports in force on 1 September 1947 which has been imposed for the establishment, development or reconstruction of a particular industry or branch of agriculture and which is not otherwise permitted by this Agreement; provided that notification has been given to the other contracting parties not later than 10 October 1947 of such measure and of each product on which it is to be maintained and of its nature and purpose.

"12. Any contracting party maintaining any such measure shall within sixty days of becoming a contracting party submit to the CONTRACTING PARTIES a statement of the considerations in support of the maintenance of the measure and the period for which it wishes to maintain it. The CONTRACTING PARTIES shall, as soon as possible, but in any case within twelve months from the date on which such contracting party becomes a contracting party, examine and give a decision concerning the measure as if it had been submitted to the CONTRACTING PARTIES for their concurrence under paragraphs 1 to 10 inclusive of this article.

Ante, pp. 3684-3688.

"13. The provisions of paragraphs 11 and 12 of this article shall not apply to any measure relating to a product in respect of which the contracting party has assumed an obligation under article II of this Agreement.

61 Stat., Pt. 5, p. A14.

"14. In cases where the CONTRACTING PARTIES decide that a measure should be modified or withdrawn by a specified date, they shall have regard to the possible need of a contracting party for a period of time in which to make such modification or withdrawal."

F

Sub-paragraph (*b*) and the designation "(*a*)" in paragraph 5 of article XXVI shall be deleted.

61 Stat., Pt. 5, p. A70.

G

(i) The following shall be inserted in Annex I immediately after the interpretative notes relating to article II:

61 Stat., Pt. 5, p. A86.

"AD ARTICLE III

"Any internal tax or other internal charge, or any law, regulation or requirement of the kind refered to in paragraph 1 which applies to an imported product and to the like domestic product and is collected or enforced in the case of the imported product at the time or point of importation, is nevertheless to be regarded as an internal tax or other internal charge, or a law, regulation or requirement of the kind referred to in paragraph 1, and is accordingly subject to the provisions of article III.

Ante, p. 3680.

"*Paragraph 1*

"The application of paragraph 1 to internal taxes imposed by local governments and authorities within the territory of a contracting party is subject to the provisions of the final paragraph of article XXIV. The term 'reasonable measures' in the last-mentioned para-

Ante, p. 3680.

61 Stat., Pt. 5, p. A67.

graph would not require, for example, the repeal of existing national legislation authorizing local governments to impose internal taxes which, although technically inconsistent with the letter of article III are not in fact inconsistent with its spirit, if such repeal would result in a serious financial hardship for the local governments or authorities concerned. With regard to taxation by local governments or authorities which is inconsistent with both the letter and spirit of article III, the term 'reasonable measures' would permit a contracting party to eliminate the inconsistent taxation gradually over a transition period, if abrupt action would create serious administrative and financial difficulties.

"*Paragraph 2*

"A tax conforming to the requirements of the first sentence of paragraph 2 would be considered to be inconsistent with the provisions of the second sentence only in cases where competition was involved between, on the one hand, the taxed product and on the other hand, a directly competitive or substitutable product which was not similarly taxed.

Ante, p. 3680.

"*Paragraph 5*

"Regulations consistent with the provisions of the first sentence of paragraph 5 shall not be considered to be contrary to the provisions of the second sentence in any case in which all of the products subject to the regulations are produced domestically in substantial quantities. A regulation cannot be justified as being consistent with the provisions of the second sentence on the ground that the proportion or amount allocated to each of the products which are the subject of the regulation constitutes an equitable relationship between imported and domestic products."

Ante, p. 3681.

(ii) The texts of the interpretative notes to article VI in Annex I shall read:

61 Stat., Pt. 5, p. A86.

"AD ARTICLE VI

"*Paragraph 1*

"Hidden dumping by associated houses (that is, the sale by an importer at a price below that corresponding to the price invoiced by an exporter with whom the importer is associated, and also below the price in the exporting country) constitutes a form of price dumping with respect to which the margin of dumping may be calculated on the basis of the price at which the goods are resold by the importer.

Ante, p. 3682.

"*Paragraphs 2 and 3*

"Note 1

"As in many other cases in customs administration, a contracting party may require reasonable security (bond or cash deposit) for the payment of anti-dumping or countervailing duty pending final determination of the facts in any case of suspected dumping or subsidization.

Ante, p. 3682.

"Note 2

"Multiple currency practices can in certain circumstances constitute a subsidy to exports which may be met by countervailing duties

under paragraph 3 or can constitute a form of dumping by means of a partial depreciation of a country's currency which may be met by action under paragraph 2. By 'multiple currency practices' is meant practices by Governments or sanctioned by Governments."

Ante, p. 3682.

Ante, p. 3682.

(iii) The following shall be inserted in Annex I immediately after the interpretative notes relating to article XVII:

61 Stat., Pt. 5, p. A89.

"AD ARTICLE XVIII

"Paragraph 3

"The clause referring to the increasing of a most-favoured-nation rate in connexion with a new preferential agreement will only apply after the insertion in article I of the new paragraph 3 by the entry into force of the amendment provided for in the Protocol Modifying Part I and article XXIX of the General Agreement on Tariffs and Trade, dated 14 September 1948.

"Paragraph 7 (a) (ii) and (iii)

"The word 'processing', as used in these sub-paragraphs, means the transformation of a primary commodity or of a by-product of such transformation into semi-finished or finished goods but does not refer to highly developed industrial processes."

Deposit.

2. This Protocol shall, following its signature at the close of the second session of the CONTRACTING PARTIES, be deposited with the Secretary-General of the United Nations.

3. The deposit of this Protocol will, as from the date of deposit,[1] constitute the deposit of the instrument of acceptance of the amendment set out in paragraph 1 of this Protocol by any contracting party the representative of which has signed this Protocol without any reservation.

Ante, p. 3680.

Instruments of acceptance.

4. The instruments of acceptance of those contracting parties which have not signed this Protocol, or which have signed it with a reservation as to acceptance, will be deposited with the Secretary-General of the United Nations.

Ante, p. 3680.

5. The amendment set out in paragraph 1 of this Protocol shall, upon the deposit of instruments of acceptance pursuant to paragraphs 3 and 4 of this Protocol by two-thirds of the Governments which are at that time contracting parties, enter into force in accordance with the provisions of article XXX of the Agreement.

61 Stat., Pt. 5, p. A74.

6. The Secretary-General of the United Nations will inform all interested Governments of each acceptance of the amendment set out in this Protocol and of the date upon which such amendment enters into force.[2]

[1] Deposited Sept. 23, 1948.

[2] Entered into force Dec. 14, 1948. In a communication of Jan. 14, 1949, from the Secretary-General of the United Nations to the Secretary of State it was stated that the following signatory countries, which signed the Protocol with reservations as to acceptance, had deposited their instruments of acceptance: Canada, Dec. 1, 1948; Ceylon, Oct. 13, 1948; China, Dec. 14, 1948; India, Dec. 9, 1948; and the United Kingdom of Great Britain and Northern Ireland, Dec. 13, 1948.

7. The Secretary-General is authorized to effect registration of this Protocol at the appropriate time.

Post, p. 3705.

IN WITNESS WHEREOF the respective representatives, duly authorized to that effect, have signed the present Protocol.

Authentic texts.

DONE, at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September one thousand nine hundred and forty-eight.

PROTOCOLE PORTANT MODIFICATION DE LA PARTIE II ET DE L'ARTICLE XXVI DE L'ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

Les Gouvernements du Commonwealth d'Australie, du Royaume de Belgique, de la Birmanie, des Etats-Unis du Brésil, du Canada, de Ceylan, de la République de Chine, de la République de Cuba, des Etats-Unis d'Amérique, de la République française, de l'Inde, du Liban, du Grand-Duché de Luxembourg, du Royaume de Norvège, de la Nouvelle-Zélande, du Pakistan, du Royaume des Pays-Bas, de la Rhodésie du Sud, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Syrie, de la République tchécoslovaque et de l'Union Sud-Africaine, agissant en qualité de parties contractantes à l'Accord général sur les tarifs douaniers et le commerce (désigné ci-après sous le nom d'Accord),

Désireux d'apporter un amendement à l'Accord conformément aux dispositions de l'article XXX dudit Accord,

Conviennent de ce qui suit:

1. Le texte des articles III, VI, XIII, XV, XVIII et XXVI de l'Accord et de certaines dispositions connexes figurant à l'Annexe I sera modifié comme suit:

A

Le texte de l'article III sera le suivant:

"ARTICLE III

"Traitement national en matière d'impositions et de réglementation intérieures

"1. Les parties contractantes reconnaissent que les taxes et autres impositions intérieures, ainsi que les lois, règlements et prescriptions affectant la vente, la mise en vente, l'achat, le transport, la distribution ou l'utilisation de produits sur le marché intérieur et les réglementations quantitatives intérieures prescrivant le mélange, la transformation ou l'utilisation en quantités ou en proportions déterminées de certains produits ne devront pas être appliqués aux produits importés ou nationaux de manière à protéger la production nationale.

"2. Les produits du territoire de toute partie contractante importés sur le territoire de toute autre partie contractante ne seront pas frappés, directement ou indirectement, de taxes ou d'autres impositions intérieures, de quelque nature qu'elles soient, supérieures à celles qui frappent, directement ou indirectement, les produits nationaux similaires. En outre, aucune partie contractante n'appliquera d'autre façon de taxes ou d'autres impositions intérieures aux produits importés ou nationaux d'une manière contraire aux principes énoncés au paragraphe premier.

"3. En ce qui concerne toute taxe intérieure existante, incompatible avec les dispositions du paragraphe 2 mais expressément autorisée par un accord commercial qui était en vigueur au 10 avril 1947 et qui consolidait le droit d'entrée sur le produit imposé, la partie contractante qui applique la taxe sera libre de différer à l'égard de cette taxe l'application des dispositions du paragraphe 2 jusqu'à ce qu'elle ait pu obtenir d'être dispensée des engagements contractés aux termes de cet accord et recouvrer ainsi la faculté de relever ce droit dans la mesure nécessaire pour compenser la suppression de la protection assurée par la taxe.

"4. Les produits du territoire de toute partie contractante importés sur le territoire de toute autre partie contractante ne seront pas soumis à un traitement moins favorable que le traitement accordé aux produits similaires d'origine nationale en ce qui concerne toutes lois, tous règlements ou toutes prescriptions affectant la vente, la mise en vente, l'achat, le transport, la distribution et l'utilisation de ces produits sur le marché intérieur. Les dispositions du présent paragraphe n'interdiront pas l'application de tarifs différents pour les transports intérieurs fondés exclusivement sur l'utilisation économique des moyens de transport en non sur l'origine du produit.

"5. Aucune partie contractante n'établira ni ne maintiendra de réglementation quantitative intérieure portant sur le mélange, la transformation ou l'utilisation, en quantités ou en proportions déterminées, de certains produits, qui exigerait, directement ou indirectement, qu'une quantité ou une proportion déterminée d'un produit visé par la réglementation provienne de sources nationales de production. En outre, aucune partie contractante n'appliquera d'autre façon de réglementations quantitatives intérieures d'une manière contraire aux principes énoncés au paragraphe premier.

"6. Les dispositions du paragraphe 5 ne s'appliqueront à aucune réglementation quantitative intérieure en vigueur sur le territoire d'une partie contractante au 1er juillet 1939, au 10 avril 1947 ou au 24 mars 1948, au choix de la partie contractante, sous réserve qu'il ne soit apporté à aucune réglementation de ce genre qui serait contraire aux dispositions du paragraphe 5 de modification préjudiciable aux importations et que la réglementation en question soit considérée comme un droit de douane aux fins de négociations.

"7. Aucune réglementation quantitative intérieure concernant le mélange, la transformation ou l'utilisation de produits en quantités ou en proportions déterminées ne sera appliquée de façon à répartir ces quantités ou proportions entre les sources extérieures d'approvisionnement.

"8. *a*) Les dispositions du présent article ne s'appliqueront pas aux lois, règlements et prescriptions régissant l'acquisition, par des organes gouvernementaux, de produits achetés pour les besoins des pouvoirs publics et non pas pour être revendus dans le commerce ou pour servir à la production de marchandises destinées à la vente dans le commerce.

"*b*) Les dispositions du présent article n'interdiront pas l'attribution aux seuls producteurs nationaux de subventions, y compris les subventions provenant du produit des taxes ou impositions intérieures qui sont appliquées conformément aux dispositions du présent article et les subventions sous la forme d'achat de produits nationaux par les pouvoirs publics ou pour leur compte.

"9. Les parties contractantes reconnaissent que le contrôle des prix intérieurs par fixation de maxima, même s'ils se conforment aux autres dispositions du présent article, peut avoir des effets préjudiciables pour les intérêts des parties contractantes qui fournissent des produits importés. En conséquence, les parties contractantes qui appliquent de telles mesures prendront en considération les intérêts des parties contractantes exportatrices en vue d'éviter ces effets préjudiciables, dans toute la mesure où il sera possible de le faire.

"10. Les dispositions du présent article n'empêcheront pas une partie contractante d'établir ou de maintenir une réglementation quantitative intérieure sur les films cinématographiques impressionnés conforme aux prescriptions de l'article IV."

B

Le texte de l'article VI sera le suivant:

"ARTICLE VI

"Droits anti-dumping et compensateurs

"1. Les parties contractantes reconnaissent que le dumping, qui permet l'introduction des produits d'un pays sur le marché d'un autre pays à un prix inférieur à leur valeur normale, est condamnable s'il cause ou menace de causer un préjudice important à une production établie d'une partie contractante ou s'il retarde sensiblement la création d'une production nationale. Aux fins d'application du présent article, un produit exporté d'un pays vers un autre doit être considéré comme étant introduit sur le marché d'un pays importateur à un prix inférieur à sa valeur normale, si le prix de ce produit est:

"*a*) Inférieur au prix comparable pratiqué au cours d'opérations commerciales normales pour un produit similaire, destiné à la consommation dans le pays exportateur,

"*b*) Ou, en l'absence d'un tel prix sur le marché extérieur de ce dernier pays, si le prix du produit exporté est:

"i) Inférieur au prix comparable le plus élevé pour l'exportation d'un produit similaire vers un pays tiers au cours d'opérations commerciales normales,

"ii) Ou inférieur au coût de production de ce produit dans le pays d'origine, plus un supplément raisonnable pour les frais de vente et le bénéfice.

"Il sera dûment tenu compte, dans chaque cas, des différences dans les conditions de vente, des différences de taxation et des autres différences affectant la comparabilité des prix.

"2. En vue de neutraliser ou d'empêcher le dumping, toute partie contractante pourra percevoir sur tout produit faisant l'objet d'un dumping un droit anti-dumping dont le montant ne sera pas supérieur à la marge de dumping afférente à ce produit. Aux fins d'application du présent article, il faut entendre par marge de dumping la différence de prix déterminée conformément aux dispositions du paragraphe premier.

"3. Il ne sera perçu sur un produit du territoire d'une partie contractante, importé dans le territoire d'une autre partie contractante, aucun droit compensateur dépassant le montant estimé de la prime ou de la subvention que l'on avoir été accordée, directement ou indirectement, à la fabrication, à la production ou à l'exportation dudit produit dans le pays d'origine ou d'exportation, y compris toute subvention spéciale accordée pour le transport d'un produit déterminé. Il faut entendre par le terme "droit compensateur" un droit spécial perçu en vue de neutraliser toute prime ou subvention accordée, directement ou indirectement, à la fabrication, à la production ou à l'exportation d'un produit.

"4. Aucun produit du territoire d'une partie contractante, importé dans le territoire d'une autre partie contractante, ne sera soumis à des droits anti-dumping ou compensateurs du fait qu'il est exonéré des droits ou taxes qui frappent le produit similaire lorsqu'il est destiné à être consommé dans le pays d'origine ou le pays d'exportation, ou du fait que ces droits ou taxes sont remboursés.

"5. Aucun produit du territoire d'une partie contractante, importé dans le territoire d'une autre partie contractante, ne sera soumis à la fois à des droits anti-dumping et à des droits compensateurs en vue de remédier à une même situation résultant du dumping ou de subventions à l'exportation.

"6. Aucune partie contractante ne percevra de droits anti-dumping ou compensateurs à l'importation d'un produit du territoire d'une autre partie contractante, à moins qu'elle ne constate que l'effet du dumping ou de la subvention, selon le cas, est tel qu'il cause ou menace de causer un préjudice important à une production nationale établie ou qu'il retarde sensiblement la création d'une production nationale. Les PARTIES CONTRACTANTES pourront, par dérogation aux prescriptions du présent paragraphe, permettre à une partie contractante de percevoir un droit anti-dumping ou compensateur à l'importation d'un produit quelconque en vue de compenser un dumping ou une subvention qui cause ou menace de causer un préjudice important à une production d'une autre partie contractante exportant le produit en question dans le territoire de la partie contractante importatrice.

"7. Il sera présumé qu'un système destiné à stabiliser soit le prix intérieur d'un produit de base, soit la recette brute des producteurs nationaux d'un produit de ce genre, indépendamment des mouve-

ments des prix à l'exportation, et qui a parfois pour résultat la vente de ce produit pour l'exportation à un prix inférieur au prix comparable demandé pour un produit similaire aux acheteurs du marché intérieur, n'entraîne pas un préjudice important au sens du paragraphe 6, s'il est établi après consultation entre les parties contractantes intéressées de façon substantielle au produit en question:

"*a*) Que ce système a eu également pour résultat la vente à l'exportation de ce produit à un supérieur au prix comparable demandé pour le produit similaire aux acheteurs du marché intérieur,

"*b*) Et que ce système, par suite de la réglementation effective de la production, ou pour toute autre raison, est appliqué de telle façon qu'il ne stimule pas indûment les exportations ou ne cause aucun autre préjudice sérieux aux intérêts d'autres parties contractantes."

C

Au paragraphe 5 de l'article XIII, les mots suivants seront supprimés: "et aux réglementations et prescriptions d'ordre intérieur visées aux paragraphes 3 et 4 de l'article III".

D

Le préambule du paragraphe 9 de l'article XV sera le suivant:

"9. Aucune des dispositions du présent Accord n'aura pour effet d'interdire:".

E

Le texte de l'article XVIII sera le suivant:

"ARTICLE XVIII

"Aide de l'Etat en faveur du développement économique et de la reconstruction

"1. Les parties contractantes reconnaissent que, pour faciliter l'établissement, le développement ou la reconstruction de certaines branches d'activité industrielle ou agricole, il peut être nécessaire de faire appel à une aide spéciale de l'Etat et que, dans certaines circonstances, l'octroi de cette aide sous la forme de mesures de protection est justifié. Elles reconnaissent aussi qu'un recours déraisonnable à ces mesures grèverait indûment leur propre économie, imposerait au commerce international des restrictions injustifiées et pourrait accroître sans nécessité les difficultés d'adaptation de l'économie d'autres pays.

"2. Les PARTIES CONTRACTANTES et les parties contractantes intéressées observeront le secret le plus absolu sur les questions relevant du présent article.

"A

"3. Si une partie contractante, dans l'intérêt de son développement économique ou de sa reconstruction ou afin d'augmenter un droit applicable à la nation la plus favorisée, à l'occasion de la conclusion

d'un nouvel accord préférentiel, conformément aux dispositions du paragraphe 3 de l'article premier, se propose de prendre une mesure non discriminatoire affectant les importations ou qui serait contraire à une obligation qu'elle a contractée aux termes de l'article II du présent Accord, mais qui ne contrevient pas aux autres dispositions de cet Accord, cette partie contractante devra:

"*a*) Soit entrer directement en négociation avec toutes les autres parties contractantes. Les listes correspondantes jointes au présent Accord seront modifiées conformément aux termes de l'accord qui interviendrait à la suite de ces négociations;

"*b*) Soit s'adresser directement aux PARTIES CONTRACTANTES. Elle pourra également s'adresser à celles-ci, au cas où l'accord visé à l'alinéa *a*) ne pourrait être obtenu. Les PARTIES CONTRACTANTES détermineront la ou les parties contractantes que la mesure projetée affecterait de façon appréciable et provoqueront entre la partie contractante requérante et la ou les parties contractantes en cause des négociations en vue d'aboutir rapidement à un accord suffisamment général. Les PARTIES CONTRACTANTES fixeront des délais pour ces négociations en se conformant dans toute la mesure du possible aux propositions que la partie contractante requérante aura pu faire et elles notifieront ces délais aux parties contractantes intéressées. Les parties contractantes entameront et poursuivront sans interruption ces négociations dans les délais fixés par les PARTIES CONTRACTANTES. A la demande d'une partie contractante, les PARTIES CONTRACTANTES pourront, si elles approuvent en principe la mesure projetée, prêter leur concours pour faciliter les négociations. Lorsqu'un accord suffisamment général aura été réalisé, les PARTIES CONTRACTANTES pourront relever la partie contractante requérante de l'engagement visé au présent paragraphe, sous réserve des limitations qui auront pu être admises d'un commun accord par les parties contractantes intéressées au cours des négociations.

"4. *a*) Si, à la suite des mesures prises en vertu du paragraphe 2, les importations de tout produit en cause, ou de produits qui peuvent lui être directement substitués, subissent un accroissement qui, s'il se prolongeait, compromettrait sérieusement la création, le développement ou la reconstruction de telle ou telle branche d'activité industrielle ou agricole, et si aucune mesure préventive compatible avec les dispositions du présent accord ne semble devoir donner les résultats cherchés, la partie contractante requérante pourra, après en avoir informé les PARTIES CONTRACTANTES et, si possible, après les avoir consultées, adopter telles autres mesures que pourra comporter la situation. Toutefois, ces mesures ne devront pas limiter les importations plus qu'il ne sera nécessaire pour annuler les effets de l'accroissement des importations mentionné dans le présent alinéa. Sauf dans des circonstances exceptionnelles, ces mesures ne devront pas

avoir pour effet de ramener les importations au-dessous du niveau atteint par celles-ci au cours de la période représentative la plus récente précédant la date à laquelle la partie contractante aura entamé la procédure visée au paragraphe 3.

"*b*) Les PARTIES CONTRACTANTES détermineront dès que possible s'il y a lieu de maintenir en vigueur, de suspendre ou de modifier ces mesures. Celles-ci cesseront en tout cas d'être appliquées dès que les PARTIES CONTRACTANTES auront constaté que les négociations ont abouti ou sont abandonnées.

"*c*) Les relations entre les parties contractantes, aux termes de l'article II du présent Accord, devant comporter des avantages réciproques, toute partie contractante dont le commerce est affecté de façon appréciable par les mesures prises pourra suspendre, à l'égard de la partie contractante requérante, des obligations ou des concessions sensiblement équivalentes qui résulteront du présent Accord, sous réserve que les PARTIES CONTRACTANTES aient été consultées par la partie contractante et qu'elles n'aient pas fait d'objection.

"B

"5. Au cas où une mesure non discriminatoire affectant les importations porterait sur un produit au sujet duquel la partie contractante a contracté une obligation aux termes de l'article II du présent Accord et serait contraire à l'une des autres dispositions du présent Accord, les dispositions de l'alinéa *b*) du paragraphe 3 seront appliquées. Toutefois, avant d'accorder la dispense, les PARTIES CONTRACTANTES donneront à toutes les parties contractantes qu'elles considéreront comme affectées de façon appréciable l'occasion d'exposer leurs vues. Les dispositions du paragraphe 4 seront également applicables dans ce cas.

"C

"6. Si une partie contractante, en considération de son développement économique ou de sa reconstruction, se propose de prendre une mesure non discriminatoire affectant les importations, qui est contraire aux dispositions du présent Accord autres que celles de l'article II, mais qui ne porte pas sur un produit au sujet duquel cette partie contractante a contracté une obligation aux termes de l'article II, cette partie contractante en informera les PARTIES CONTRACTANTES, et leur communiquera par écrit les raisons qu'elle invoque en faveur de la mesure qu'elle projette de prendre pendant une période déterminée.

"7. *a*) A la suite de la requête présentée par cette partie contractante, les PARTIES CONTRACTANTES autoriseront la mesure projetée et accorderont pour une période déterminée la dispense nécessaire si, compte tenu des besoins de la partie contractante requérante en matière de développement économique ou de reconstruction, il est établi que la mesure

"i) Est destinée à protéger une industrie déterminée créée entre le 1er janvier 1939 et le 24 mars 1948 et

que des conditions anormales résultant de la guerre protégeaient pendant cette période de son développement;

"ii) Ou est destinée à favoriser la création ou le développement d'une industrie déterminée dont l'objet est la transformation d'un produit de base national, lorsque les ventes à l'étranger de ce produit ont été sensiblement réduites par suite de restrictions nouvelles ou accrues imposées à l'étranger;

"iii) Ou est nécessaire, compte tenu des possibilités et des ressources dont dispose la partie contractante requérante, pour la création ou le développement d'une industrie déterminée dont l'objet est la transformation d'un produit de base national ou d'un sous-produit de cette industrie qui sans cela serait perdu pour réaliser une utilisation plus complète et plus rationnelle des ressources naturelles et de la main-d'œuvre de la partie contractante requérante et pour élever dans l'avenir le niveau de vie dans le territoire de la partie contractante requérante, si cette mesure ne risque pas d'avoir, à la longue, un effet préjudiciable sur le commerce international;

"iv) Ou ne semble pas devoir restreindre le commerce international plus que toute autre mesure raisonnable autorisée par le présent Accord qui pourrait être appliquée sans difficultés excessives, et s'il est établi que cette mesure est la plus propre à donner les résultats cherchés, eu égard aux conditions économiques de la branche d'activité industrielle ou agricole en question et aux besoins de la partie contractante requérante en matière de développement économique ou de reconstruction.

"Pour l'application des dispositions du présent alinéa, il est entendu:

"1) Qu'aucune demande de la partie contractante requérante tendant à appliquer une telle mesure, avec ou sans modification, au delà de la période déterminée initialement par les PARTIES CONTRACTANTES ne sera soumise aux dispositions du présent paragraphe,

"2) Et que les PARTIES CONTRACTANTES n'autoriseront aucune mesure aux termes des dispositions des alinéas i), ii) ou iii) ci-dessus qui soit de nature à affecter gravement les exportations d'un produit de base dont l'économie d'une autre partie contractante dépend pour une grande part.

"*b*) La partie contractante requérante appliquera toute mesure autorisée aux termes de l'alinéa *a*) de façon à éviter de léser sans nécessité les intérêts commerciaux ou économiques d'une autre partie contractante.

"8. Si la mesure projetée ne rentre pas dans le cadre des dispositions du paragraphe 7, la partie contractante pourra:

"*a*) Soit entrer directement en consultation avec la ou les parties contractantes qu'à son avis cette mesure affecterait de façon appréciable. En même temps, la partie contractante informera les PARTIES CONTRACTANTES de ses consultations afin de leur permettre de s'assurer si toutes les parties contractantes que cette mesure affecterait de façon appréciable sont invitées à participer à ces consultations. Dès qu'un accord complet ou suffisamment général aura été réalisé, la partie contractante qui envisage de prendre la mesure en question adressera une requête aux PARTIES CONTRACTANTES. Celles-ci examineront cette requête sans retard pour s'assurer qu'il a été dûment tenu compte des intérêts de toutes les parties contractantes que cette mesure affecterait de façon appréciable. Si les PARTIES CONTRACTANTES constatent qu'il en est ainsi—que de nouvelles consultations entre les parties contractantes intéressées aient lieu ou non—elles relèveront la partie contractante requérante des obligations qui lui incombent aux termes de la disposition du présent Accord applicable en l'espèce, sous réserve des limitations qu'elles pourront imposer;

"*b*) Soit s'adresser directement aux PARTIES CONTRACTANTES. Elle pourra également s'adresser à celles-ci au cas où l'accord complet ou suffisamment général visé à l'alinéa *a*) ci-dessus ne pourrait être réalisé. Les PARTIES CONTRACTANTES transmettront sans retard la communication qui leur aura été adressée aux termes du paragraphe 6 à la partie contractante ou aux parties contractantes qu'elles considéreront comme affectées de façon appréciable par la mesure projetée. Cette partie contractante ou ces parties contractantes feront connaître aux PARTIES CONTRACTANTES, dans les délais fixés par ces dernières et après avoir étudié les effets probables qu'aurait la mesure projetée sur leur économie, si elles élèvent des objections contre cette mesure.

"i) Si la ou les parties contractantes intéressées n'élèvent pas d'objection contre la mesure projetée, les PARTIES CONTRACTANTES relèveront immédiatement la partie contractante requérante des obligations qui lui incombent aux termes de la disposition du présent Accord applicable en l'espèce.

"ii) Si des objections sont élevées, les PARTIES CONTRACTANTES examineront sans retard la mesure projetée, en tenant compte des dispositions du présent Accord, des raisons invoquées par la partie contractante requérante, des besoins du développement économique ou de la reconstruction de cette partie contractante, des vues exposées par la ou les parties contractantes considérées comme devant être affectées de façon appréciable, des répercussions immédiates ou à long terme que la mesure projetée, avec ou sans modification, aura probablement sur le commerce international, ainsi que des réper-

cussions à long terme qu'elle aura probablement sur le niveau de vie dans le territoire de la partie contractante requérante. Si, à la suite de cet examen, les PARTIES CONTRACTANTES autorisent, avec ou sans modification, la mesure projetée, elles relèveront la partie contractante requérante des obligations qui lui incombent aux termes de la disposition du présent Accord applicable en l'espèce, sous réserve des limitations qu'elles pourront imposer.

"9. Si, du fait que les PARTIES CONTRACTANTES envisagent d'autoriser une mesure mentionnée au paragraphe 6, les importations de tout produit en cause, ou de produits qui peuvent lui être directement substitués, subissent ou menacent de subir un accroissement assez considérable pour compromettre la création,le développement ou la reconstruction de telle ou telle branche d'activité industrielle ou agricole, et si aucune mesure préventive compatible avec les dispositions du présent Accord ne semble devoir donner les résultats cherchés, la partie contractante requérante pourra, après en avoir informé les PARTIES CONTRACTANTES et, si possible, après les avoir consultées, adopter telles autres mesures que pourra comporter la situation en attendant que les PARTIES CONTRACTANTES aient statué sur sa demande. Toutefois, ces mesures ne devront pas avoir pour effet de ramener les importations au-dessous du niveau atteint par celles-ci au cours de la période représentative la plus récente précédant la date à laquelle la notification aura été adressée aux termes du paragraphe 6.

"10. Les PARTIES CONTRACTANTES devront, aussitôt que possible, mais en principe dans les quinze jours qui suivront la réception de la requête présentée conformément aux dispositions du paragraphe 7 ou des alinéas *a*) ou *b*) du paragraphe 8, aviser la partie contractante requérante de la date à laquelles elles lui feront connaître si elles la relèvent ou non de l'obligation dont il s'agit. Le délai séparant cette date du jour de la réception de la requête sera aussi court que possible et ne dépassera pas quatre-vingt-dix jours; toutefois, si des difficultés imprévues surgissent avant la date fixée, le délai pourra être prolongé après consultation avec la partie contractante requérante. Si la partie contractante requérante n'a reçu aucune notification à la date fixée, elle pourra, après en avoir informé les PARTIES CONTRACTANTES, prendre la mesure projetée.

"11. Toute partie contractante pourra maintenir une mesure non discriminatoire de protection affectant les importations qui était en vigueur le 1er septembre 1947 et qui avait été prise en vue de la création, du développement ou de la reconstruction de telle ou telle branche particulière de l'industrie ou de l'agriculture, même si cette mesure n'est pas autorisée par d'autres dispositions du présent Accord, à condition que cette mesure, chacun des produits qu'elle vise, ainsi que la nature et le but de cette mesure, aient été notifiés aux autres parties contractantes le 10 octobre 1947 au plus tard.

"12. Toute partie contractante qui maintiendra une mesure de ce genre fera connaître aux PARTIES CONTRACTANTES, dans les soixante jours après être devenue partie contractante, les raisons qu'elle invoque en faveur du maintien de cette mesure, et le délai pendant lequel

elle désire la maintenir en vigueur. Les PARTIES CONTRACTANTES examineront dès que possible, et, en tout cas, douze mois après la date à laquelle cette partie contractante sera devenue partie contractante, comme si la mesure avait fait l'objet d'une demande d'autorisation soumise aux PARTIES CONTRACTANTES aux termes des paragraphes 1 à 10 inclusivement du présent article.

"13. Les dispositions des paragraphes 11 et 12 du présent article ne s'appliqueront pas aux mesures concernant un produit au sujet duquel la partie contractante a assumé des obligations aux termes de l'article II du présent Accord.

"14. Lorsque les PARTIES CONTRACTANTES prescriront de modifier ou de supprimer une mesure dans un délai déterminé, elles tiendront compte de la nécessité où pourra se trouver la partie contractante de disposer d'un certain temps pour procéder à cette modification ou à cette suppression."

F

L'alinéa *b*) et la lettre *"a)"* du paragraphe 5 de l'article XXVI seront supprimés.

G

i) Le texte ci-après sera inséré à l'Annexe I à la suite des notes interprétatives relatives à l'article II:

"AD ARTICLE III

"Toute taxe intérieure ou autre imposition intérieure ou toute loi, réglementation ou prescription visée au paragraphe premier qui s'applique au produit importé comme au produit national similaire et qui est perçue ou imposée, dans le cas du produit importé, au moment ou au lieu de l'importation, n'en sera pas moins considérée comme une taxe intérieure ou une autre imposition intérieure ou comme une loi, une réglementation ou une prescription visée au paragraphe premier et sera en conséquence soumise aux dispositions de l'article III.

"Paragraphe premier

"L'application du paragraphe premier aux taxes intérieures imposées par les autorités gouvernementales ou administratives locales du territoire d'une partie contractante est régie par les dispositions du dernier paragraphe de l'article XXIV. L'expression "mesures raisonnables en son pouvoir" qui figure dans ce paragraphe ne doit pas être interprétée comme obligeant, par exemple, une partie contractante à abroger une législation nationale donnant aux autorités visées ci-dessus le pouvoir d'imposer des taxes intérieures qui sont contraires, dans la forme, à la lettre de l'article III, sans être contraires, en fait, à l'esprit de cet article, si cette abrogation devait entraîner de graves difficultés financières pour les autorités locales intéressées. En ce qui concerne les taxes perçues par ces autorités locales et qui seraient contraires tant à la lettre qu'à l'esprit de l'article III, l'expression "mesures raisonnables en son pouvoir" permet à une partie contractante d'éliminer progressivement ces taxes au cours d'une période de transition, si leur suppression immédiate risque de provoquer de graves difficultés administratives et financières.

"*Paragraphe 2*

"Une taxe satisfaisant aux prescriptions de la première phrase du paragraphe 2 ne doit être considérée comme incompatible avec les dispositions de la deuxième phrase que dans le cas où il y a concurrence entre, d'une part, le produit imposé et, d'autre part, un produit directement concurrent ou un produit qui peut lui être directement substitué et qui n'est pas frappé d'une taxe semblable.

"*Paragraphe 5*

"Les mesures de réglementation compatibles avec les dispositions de la première phrase du paragraphe 5 ne seront pas considérées comme contrevenant aux dispositions de la deuxième phrase si le pays qui applique la réglementation produit en quantités substantielles tous les produits soumis à cette réglementation. On ne pourra invoquer le fait qu'en attribuant une proportion ou une quantité déterminée à chacun des produits soumis à la réglementation on a maintenu un rapport équitable entre les produits importés et les produits nationaux pour soutenir qu'une réglementation est conforme aux dispositions de la deuxième phrase."

ii) Le texte des notes interprétatives relatives à l'article VI figurant à l'Annexe I sera le suivant:

"AD ARTICLE VI

"*Paragraphe premier*

"Le dumping occulte pratiqué par des maisons associées (c'est-à-dire la vente par un importateur à un prix inférieur à celui qui correspond au prix facturé par un exportateur avec lequel l'importateur est associé, et inférieur également au prix pratiqué dans le pays exportateur) constitue une forme de dumping de prix pour laquelle la marge de dumping peut être calculée en partant du prix auquel les marchandises sont revendues par l'importateur.

"*Paragraphes 2 et 3*

"Note 1

"Comme il arrive souvent dans la pratique douanière, une partie contractante pourra exiger une garantie raisonnable (caution ou dépôt d'espèces) pour le paiement de droits anti-dumping ou compensateurs en attendant la constatation définitive des faits dans tous les cas où l'on soupçonnera qu'il y a dumping ou subvention.

"Note 2

"Le recours à des changes multiples peut, dans certains cas, constituer une subvention à l'exportation à laquelle peuvent être opposés les droits compensateurs aux termes du paragraphe 3, ou une forme de dumping obtenue par le moyen d'une dévaluation partielle de la monnaie, à laquelle peuvent être opposées les mesures prévues au paragraphe 2. L'expression "recours à des changes multiples" vise les pratiques qui sont le fait des Gouvernements ou qui sont approuvées par eux."

iii) Le texte ci-après sera inséré à l'Annexe I à la suite des notes interprétatives relatives à l'article XVII:

"AD ARTICLE XVIII

"Paragraphe 3

"La clause relative au relèvement d'un droit applicable à la nation la plus favorisée à l'occasion de la conclusion d'un nouvel accord préférentiel ne sera appliquée qu'après l'insertion à l'article premier du nouveau paragraphe 3 lors de l'entrée en vigueur de l'amendement prévu dans le Protocole portant modification de la Partie I et de l'article XXIX de l'Accord général sur les tarifs douaniers et le commerce, en date du 14 septembre 1948.

"Paragraphe 7 a), alinéas ii) *et* iii)

"Dans ces deux alinéas, le mot "transformation" vise le traitement que comporte la fabrication de produits semi-finis ou de produits finis, en partant d'un produit de base ou d'un sous-produit obtenu au cours de ce traitement; il ne s'applique pas aux opérations de haute technique industrielle."

2. Le présent Protocole sera déposé auprès du Secrétaire général des Nations Unies dès sa signature à la conclusion de la deuxième session des PARTIES CONTRACTANTES.

3. Le dépôt du présent Protocole constituera à la date à laquelle il sera effectué le dépôt de l'instrument d'acceptation de l'amendement figurant au paragraphe premier du présent Protocole par toute partie contractante dont le représentant aura signé le Protocole sans réserve.

4. Les instruments d'acceptation des parties contractantes qui n'auront pas signé le présent Protocole, ou qui l'auront signé en réservant leur acceptation, seront déposés suprès du Secrétaire général des Nations Unies.

5. Dès le dépôt des instruments d'acceptation, conformément aux paragraphes 3 et 4 du présent Protocole, par les deux tiers des Gouvernements qui seront à cette date parties contractantes, l'amendement figurant au paragraphe premier du présent Protocole entrera en vigueur conformémnt aux dispositions de l'article XXX de l'Accord.

6. Le Secrétaire général des Nations Unies avisera tous les Gouvernements intéressés de chaque acceptation de l'amendement figurant au présent Protocole et de la date à laquelle ledit amendement sera entré en vigueur.

7. Le Secrétaire général est autorisé à effectuer l'enregistrement du présent Protocole au moment voulu.

EN FOI DE QUOI les représentants des Gouvernements susmentionnés, dûment autorisés à cet effet, ont signé le présent Protocole.

FAIT à Genève, en un seul exemplaire rédigé dans les langues française et anglaise, les deux textes faisant également foi, le 14 septembre mil neuf cent quarante-huit.

For the Commonwealth of Australia: *Pour le Commonwealth d'Australie:*

JOHN A. TONKIN
Ad referendum

For the Kingdom of Belgium: *Pour le Royaume de Belgique:*

M. SUETENS

For the United States of Brazil: *Pour les Etats-Unis du Brésil:*

JOÃO CARLOS MUNIZ
Ad referendum

For Burma: *Pour la Birmanie:*

For Canada: *Pour le Canada:*

L. D. WILGRESS
Ad referendum

For Ceylon: *Pour Ceylan:*

O. E. GOONETILLEKE
Ad referendum

For the Republic of China: *Pour la République de Chine:*

WUNSZ KING
Ad referendum

For the Republic of Cuba: *Pour la République de Cuba:*

S. CLARK

For the Czechoslovak Republic: *Pour la République tchécoslovaque:*

Z. AUGENTHALER
Ad referendum

For the French Republic: *Pour la République française:*

ANDRÉ PHILIP

For India: *Pour l'Inde:*

C. DESAI
Ad referendum

For Lebanon: *Pour le Liban:*

M. MOBARAK

For the Grand Duchy of Luxembourg: *Pour le Grand-Duché de Luxembourg:*

J. WOULBROUN

For the Kingdom of the Netherlands: *Pour le Royaume des Pays-Bas:*

E. DE VRIES

For New Zealand: *Pour la Nouvelle-Zélande:*

L. S. NICOL
Ad referendum

For the Kingdom of Norway: *Pour le Royaume de Norvège:*

TORFINN OFTEDAL

For Pakistan: *Pour le Pakistan:*

S. A. HASNIE

For Southern Rhodesia: *Pour la Rhodésie du Sud:*

For Syria: *Pour la Syrie:*

H. DJEBBARA

For the Union of South Africa: *Pour l'Union Sud-Africaine:*

A. J. NORVAL
Ad referendum

For the United Kingdom of Great Britain and Northern Ireland: *Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:*

R. SHACKLE
Ad referendum

For the United States of America: *Pour les Etats-Unis d'Amérique:*

LEROY D. STINEBOWER

Agreement between the United States of America and Belgium respecting waiver of passport visas for American citizens and extension of period of validity for Belgian citizens. Effected by exchange of notes dated at Washington October 12 and 26, 1948; entered into force October 26, 1948.

October 12, 26, 1948
[T. I. A. S. 1891

The Belgian Embassy to the Department of State

AMBASSADE DE BELGIQUE
No. 4723

The Belgian Embassy presents its compliments to the Department of State and has the honor to inform the Department that the Belgian Government has decided to waive from the 15th of October 1948 all visa requirements for American citizens rightfully bearing valid American passports who wish to proceed to Belgium either for transit or for a stay not exceeding two months.

It should be understood that this measure does not alter otherwise the present Belgian regulations governing the sojourn, the establishment or employment of foreigners which remain applicable to American citizens as before.

The Belgian Government has further decided that American military personnel belonging to the American Forces of occupation in Germany on detached service or on leave, will be authorized to proceed to Belgium on presentation of a military certificate of identity, bearing a photograph of the holder, together with either an order of mission or a leave furlough. The previous visa requirements on the latter document will be waived from the 15th of October 1948.

A valid american passport will still be required from American military personnel travelling in civilian clothes proceeding to Belgium either on duty or on leave.

The civilian personnel of American nationality employed by agencies of the American Government or of the American Army similar to the "Army Exchange Service" (with the exception of the technical counsellors representing commercial interests) and the American personnel of the Red Cross are submitted to the same regulations as the military personnel as far as they travel in uniform. In their case a "letter of authority to visit a foreign country" by which the United States Army takes full responsability for the journey takes the place of the order of mission or passport.

An American passport is needed for journeys performed by the above mentioned categories of personnel when they travel in civilian clothes.

The Belgian Embassy understands that the Government of the United States of America contemplates granting to Belgian subjects who intend to proceed to the United States for a temporary

visit non-immigrant visas which would be valid for presentation at a port of entry at any time or any numbers of times during a period of twenty-four months instead of the present twelve months. The waiving of passport fees for non-immigrant temporary visitors would be continued.

Having decided to waive altogether visa requirements for American citizens proceeding for short stays in Belgium, the Belgian Government would appreciate it if the Government of the United States could instruct the American consular and immigration authorities to reduce to the minimum the formalities accompanying the issuance of non-immigrant visas to Belgian nationals and to facilitate to the utmost the entry in the United States of the rightful bearers of such visas.

The Belgian Embassy would be very grateful if the Department of State would be good enough to inform the Embassy whether these proposals are agreeable to the Government of the United States.

WASHINGTON, *October 12, 1948*

THE DEPARTMENT OF STATE
Washington, D.C.

The Acting Secretary of State to the Belgian Ambassador

The Acting Secretary of State presents his compliments to His Excellency the Belgian Ambassador and has the honor to refer to the Embassy's note number 4723 of October 12, 1948, concerning the visa requirements for American citizens who wish to proceed to Belgium and to remain therein for a temporary period of time.

Waiver by Belgium of passport visa requirements for American citizens.

It is understood that beginning October 15, 1948, American citizens, in possession of valid passports issued by the Government of the United States, proceeding to continental Belgium for transit or for a stay of not exceeding two months, are not required to be in possession of valid visas; and that such American citizens are subject to the present Belgian regulations governing the sojourn, establishment or employment in Belgium of persons of other than Belgian nationality.

It is also understood that beginning October 15, 1948, military personnel of the American Occupation Forces in Germany who are American citizens, who are on detached service or on furlough, and who are in possession of a military certificate of identity bearing a photograph of the holder, together with travel orders or evidence of authorized military furlough, may proceed to continental Belgium for transit or for a stay of not exceeding two months without the necessity of obtaining a valid Belgian visa. Such personnel traveling to continental Belgium and who are in civilian clothes, however, are

required to be in possession of valid passports issued by the Government of the United States.

It is further understood that beginning October 15, 1948, civilian personnel employed by agencies of the Government of the United States or by the American Army, who are American citizens (with the exception of technical counsellors representing commercial interests), and personnel of the Red Cross who are American citizens, may proceed to continental Belgium in the same manner as the military personnel mentioned in the preceding paragraph, provided they are in possession of letters of authority to visit a foreign country issued by the appropriate American Army authorities. Such personnel traveling to continental Belgium and who are in civilian clothes, however, are required to be in possession of valid passports issued by the Government of the United States.

The Government of the United States is appreciative of these concessions upon the part of the Government of Belgium and desires to grant as nearly as possible similar concessions to Belgian nationals who apply for visas with which to proceed to the United States as nonimmigrants.

Under the provisions of Section 30, Alien Registration Act of 1940, approved June 28, 1940, any alien seeking to enter the United States who does not present a valid visa or other permit to enter, except in emergency cases, shall be excluded from admission. In view of this provision of law, the Government of the United States cannot reciprocate in identical terms. However, the Government of the United States will grant passport visas without fees and valid for any number of applications for admission into the United States within a period of twenty-four months from date of issuance, instead of the present twelve months' period of validity of such visas, to Belgian nationals who are proceeding to the United States and its possessions for business or pleasure purposes and who are *bona fide* nonimmigrants within the meaning of the immigration laws of the United States, provided the Belgian passport of each bearer remains valid during the period of the validity of the visa. All other classes of nonimmigrant passport visas granted Belgian nationals will continue to be valid, as at present, for a period of twelve months, provided the Belgian passport of each bearer remains valid for that period of time.

54 Stat. 673.
8 U.S.C. § 451.

Extension of period of validity for Belgian nationals proceeding to the U. S.

This arrangement will not disturb the reciprocal nonimmigrant passport visa fee arrangement concluded between the Governments of the United States and Belgium and which became effective February 17, 1947, whereby each Government agreed to waive nonimmigrant passport visa fees for nationals of the other country.

61 Stat., Pt. 4, p. 4117.

The period of validity of a visa relates only to the period within which it may be used in connection with an application for admission at a port of entry into the United States and its possessions, and not to the length of stay in the United States which may be permitted the bearer after he is admitted. The period of each stay will, as at present, continue to be determined by the immigration authorities.

Period of validity.

Fee for immigration visa.

43 Stat. 153.
8 U. S. C. § 201 note.
62 Stat., Pt. 1, pp. 7, 241, 335.

The fee for an immigration visa and application therefor to permit an alien to apply for admission into the United States with the privilege of residing permanently in this country is $10.00. The amount of this fee is prescribed by the Immigration Act of 1924, and it may not be changed on the basis of a reciprocal arrangement.

The Government of Belgium may be assured that American diplomatic and consular officers will facilitate to the utmost, consistent with the immigration laws and regulations, the granting of nonimmigrant passport visas to qualified Belgian nationals who are in possession of valid Belgian passports.

H J L

DEPARTMENT OF STATE,
Washington, October 26, 1948.

Multilateral agreement respecting the establishment of the Indo-Pacific Fisheries Council. Formulated at Baguio February 26, 1948; entered into force November 9, 1948.

February 26, 1948
[T. I. A. S. 1895]

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

ORGANISATION DES NATIONS UNIES
POUR L'ALIMENTATION ET L'AGRICULTURE

FAO FISHERIES MEETING

Baguio, Philippines
25–28 February 1948

AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL

On a motion from the Delegation of the United States seconded by the Delegate from the Netherlands the meeting

"RESOLVED

That the representatives of governments members of the Food and Agriculture Organization of the United Nations here assembled, recognizing the mutual interest of their several nations in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and believing that this end can best be attained by international collaboration, do hereby recommend to their respective governments for consideration, the acceptance of the following agreement for the establishment of an Indo-Pacific Fisheries Council."

60 Stat. 1886.

Preamble

The Governments of Burma, China, France, India, the Netherlands, the Republic of the Philippines, the United Kingdom and the United States of America, members of the Food and Agriculture Organization of the United Nations, having a mutual interest in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and desiring to further the attainment of these ends through international cooperation by the establishment of an Indo-Pacific Fisheries Council agree as follows:

Article I

The Council

1. The contracting Governments agree to establish a Council, to be known as the Indo-Pacific Fisheries Council, for the purpose of carrying out the functions and duties hereinafter set forth in Article III.

2. The members of the Council shall be the Governments which accept this Agreement in accordance with the provisions of Article IX thereof.

Post, p. 3715.

Article II

Organization

1. Each member Government shall be represented at meetings of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Council by alternates, experts and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each member Government shall have one vote. Decisions of the Council shall be taken by a simple majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall elect a Chairman and a Vice-Chairman.

4. The Council shall determine the frequency, dates and place of its meeting and establish rules governing its procedure.

5. The chairman shall call a meeting of the Council at least once in every year, unless directed otherwise by a majority of the member Governments. The initial meeting shall be called by the Food and Agriculture Organization of the United Nations within six months after the entry into force of this Agreement. and at such place as it may designate.

Post, p. 3715.

6. The seat of the Council shall be at the seat of the Regional Office of the Food and Agriculture Organization of the United Nations most conveniently situated within the area defined in Article IV. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

7. The Food and Agriculture Organization of the United Nations shall provide the Secretariat for the Council and shall appoint its Secretary.

Article III

Functions

The Council shall have the following functions and duties:

a. To formulate the oceanographical, biological and other technical aspects of the problems of development and proper utilization of living aquatic resources;

b. To encourage and coordinate research and the application of improved methods in every day practices;

c. To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;

d. To recommend to member Governments such national or cooperative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;

e. To undertake, where appropriate, cooperative research and development projects directed to this end;

f. To propose, and where necessary to adopt, measures to bring about the standardization of scientific equipment, techniques and nomenclature;

g. To extend its good offices in assisting member Governments to secure essential materials and equipment;

h. To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by member Governments or by the Food and Agriculture Organization of the United Nations and other international, national or private organizations, with related interests;

i. To report annually to the Conference of the Food and Agriculture Organization of the United Nations upon its activities, for the information of the Conference; and to make such other reports to the Food and Agriculture Organization of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.

Article IV

Area

The Council shall carry out the functions and duties set forth in Article III in the Indo-Pacific areas.

Article V

Cooperation with International Bodies

The Council shall cooperate closely with other international bodies in matters of mutual interest.

Article VI

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at meetings of the Council shall be determined and paid by their respective Governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman and Vice-Chairman of the Council when performing duties connected with its work during intervals between its meeting, shall be determined and paid by the Food and Agriculture Organization of the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that Organization.

3. The expenses of research or development projects undertaken by individual members of the Council, whether independently or upon the recommendation of the Council, shall be determined and paid by their respective Governments.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the member Governments in the form and proportion to which they shall mutually agree.

Article VII

Amendments

Any proposal for amending this Agreement shall require the approval of a two-thirds majority of all the Members of the Council. An exception to this rule is made in the following cases:

(1) Amendments to the Agreement extending the functions of the Council require the approval of the Conference of the Food and Agriculture Organization of the United Nations in addition to approval by a two-thirds majority of all the Members of the Council;

(2) Amendments of the Agreement extending the powers of the Council to incur expenses to be borne by the Food and Agriculture Organization of the United Nations, shall require the approval of a two-thirds majority of all the Members of the Council and of the Director-General of the Food and Agriculture Organization of the United Nations.

Article VIII

Acceptance

1. This Agreement shall be open to acceptance by Governments which are members of the Food and Agriculture Organization of the United Nations.

2. This Agreement shall also be open to acceptance by Governments which are not members of the Food and Agriculture Organization of the United Nations, with the approval of the Conference of the Food and Agriculture Organization of the United Nations and of two-thirds of the members of the Council. Participation by such Governments in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat as determined by the Council and approved by the Food and Agriculture Organization Conference.

3. The notifications of acceptance of this Agreement shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned of their receipt.

Article IX

Entry into Force

1. This Agreement shall enter into force upon the date of receipt of the fifth notification of acceptance.[1]

2. Notifications of acceptance received after the entry into force of this Agreement shall enter into force on the date of their receipt by the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of their receipt.

Article X

Withdrawal

Any member Government may withdraw from this Agreement, at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Government by giving written notice of such withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of such withdrawal. Notices of withdrawal shall become effective three months from the date of their receipt by the Director-General.

Formulated at Baguio this 26th day of February, one thousand nine hundred and forty-eight, in the English language, in a single copy which shall be deposited in the archives of the Food and Agriculture Organization of the United Nations, which shall furnish certified copies thereof to the Governments members of the Food and Agriculture Organization of the United Nations. Deposit.

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and further

"RESOLVED

That the Director-General of the Food and Agriculture Organization of the United Nations be requested to communicate the text of the agreement adopted by the meeting, together with this resolution, to all governments members of the Food and Agriculture Organization of the United Nations; and that the governments here represented and any other member government that may be interested be invited to accept the agreement."

and further

"RESOLVED

That the working [2] Committees appointed at this Conference continue to function informally until the entry into force of the Agree-

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[1] Entered into force Nov. 9, 1948, the date of receipt, by the Food and Agriculture Organization of the United Nations, of the fifth notification of acceptance. Notifications of acceptances have been received from the following countries: Burma, Jan. 7, 1949; China, Feb. 3, 1949; France, June 30, 1948; India, Nov. 9, 1948; the Netherlands, Nov. 12, 1948; the Philippines, July 23, 1948; Siam, Oct. 6, 1948; and the United States, Sept. 3, 1948.

[2] Committees on Hydrology, Biology, Taxonomy and Technology.

ment in cooperation with the Fisheries Division of the Food and Agriculture Organization of the United Nations."

With respect to the first part of the resolution the Delegate of the United States made the following statement:

"The further instructions the U.S. Delegation has been awaiting regarding the need for referral of the Agreement to the FAO Conference have been received.

"These instructions permit concurrence in Resolution one with the qualification that the United States reserve its position with regard to the Agreement entering into effect without referral to the next FAO Conference.

"Since this matter has already been fully discussed and it is apparent that the U.S. position is not shared by other countries it is merely requested that the reservation on this one point be made a matter of record in the minutes of the meeting."

With respect to the resolutions the Delegate of France made a statement as follows:

"La délégation française accepte les résolutions de la Conférence dans leur rédaction en langue anglaise sous reserve de l'exactitude de la traduction française.
"(The French delegation accepts the resolutions of the Conference in the English text, subject to the correctness of the French translation)."

Liaison with other International Bodies

It was moved by the Burmese Delegate, seconded by the U.S. Delegate,

"That this meeting draws the attention of the proposed Indo-Pacific Fisheries Council to the need for the avoidance of duplication of effort between the proposed Indo-Pacific Fisheries Council and any similar bodies created by other International Organizations and desires to record its opinion that the Indo-Pacific Fisheries Council should be regarded as the principle organ in those fisheries matters coming within its competence."

I certify that this is a true and correct copy of the Agreement reached at Baguio, Philippines, February 26, 1948, for the Establishment of the Indo-Pacific Fisheries Council.

Herbert Broadley
Acting Director-General

Agreement between the United States of America and Canada respecting control of exports of potatoes from Canada to the United States. Effected by exchange of notes signed at Washington November 23, 1948; entered into force November 23, 1948.

November 23, 1948
[T. I. A. S. 1896]

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

WASHINGTON, D. C.,
November 23rd, 1948.

No. 538

SIR,

I have the honour to refer to the discussions which have taken place between the representatives of the Government of Canada and of the Government of the United States of America regarding the problems which would confront the Government of the United States in the operation of its price support and other programmes for potatoes if the imports of Canadian potatoes, during this current crop year, were to continue to be unrestricted. After careful consideration of the various representations which have been made to the Canadian Government on this subject, the Canadian Government is prepared to:

1. Include Irish potatoes in the list of commodities for which an export permit is required under the provisions of the Export and Import Permits Act.

2. Withhold export permits for the movement of table stock potatoes to the United States proper, excluding Alaska.

3. Issue export permits for the shipment of Canadian certified seed potatoes to the United States, but only under the following circumstances:

(a) Export permits will be issued to Canadian exporters for shipments to specified States in the United States and such permits will only be granted within the structure of a specific schedule. The schedule is designed to direct the shipment of Canadian certified seed potatoes into those States where there is a legitimate demand for certified seed potatoes and only during a short period immediately prior to the normal seeding time. A draft of this schedule is now being jointly prepared by Canadian and United States officials.

(b) Export permits would only be granted to Canadian exporters who could give evidence that they had firm orders from legitimate United States users of Canadian seed potatoes. Canadian exporters would also be required to have included in any contract into which they might enter with a United States seed potato importer a clause in which the importer would give an assurance that

the potatoes would not be diverted or reconsigned for table stock purposes.

(c) The Canadian Government would survey the supply of Canadian certified seed potatoes by class and consider the possibility of giving precedence to the export of Foundation and Foundation A classes of certified seed.

(d) The names and addresses of the consignees entered on the export permit would be compiled periodically and this information would be forwarded to the United States Government.

In instituting a system which has the effect of restricting exports of Canadian potatoes to the United States, the Canadian Government recognizes a responsibility to the Canadian commercial grower in certain surplus potato areas and is prepared to guarantee a minimum return on gradable potatoes for which the grower cannot find a sales outlet. Although the details of such a programme have not been finalized, it is anticipated that the Canadian Government will announce, at approximately the same time as potatoes are placed under export control, a floor price which will be effective April 1st, 1949 for certain carlot shipping areas in the East. To implement this programme the Canadian Government would inspect the potato holdings of commercial growers in Prince Edward Island, and several counties of New Brunswick, on or after April 1st and would undertake to pay a fixed price for every hundred pounds of Canada No. 1 potatoes found in the bins. It is not anticipated that any actual payment would be made at that time and it would be understood that if any of the potatoes examined were subsequently sold or used for seed purposes the owner would forfeit any claim for assistance on such potatoes. In other words, the Canadian Government would make no payment on potatoes which move into export trade, or which are used for seed purposes.

It should be noted that the Canadian proposals to institute export permit control on Canadian potatoes and to inaugurate a price support programme are contingent upon assurances from the United States Government that:

a) The United States Government will not hereafter impose any quantitative limitations or fees on Canadian potatoes of the 1948 crop exported to the United States under the system of regulating the movement of potatoes from Canada to the United States outlined herein.

b) The Canadian Government proposal, as outlined herein, to guarantee a floor price to certain commercial growers in the Maritime Provinces would not be interpreted by United States authorities as either a direct or indirect subsidy and that in consequence there would be no grounds for the imposition of countervailing duties under Section 303 of the United States Tariff Act of 1930.

46 Stat. 687.
19 U. S. C. § 1303.

If the United States Government in its replying note accepts the Canadian proposals and gives to the Canadian Government the assurances required, as outlined above, this note and the reply thereto will constitute an agreement on this subject.

Accept, Sir, the renewed assurances of my highest consideration.

H H WRONG

The Honourable GEORGE C. MARSHALL,
Secretary of State of the United States,
Washington, D. C.

The Acting Secretary of State to the Canadian Ambassador

NOVEMBER 23, 1948

EXCELLENCY:

The Government of the United States appreciates the assurance of the Government of Canada contained in your note no. 538 of November 23, 1948, that the Government of Canada is prepared, contingent upon the receipt of certain assurances from the Government of the United States, to establish the controls outlined therein over the exportation of potatoes from Canada to the United States.

In view of the adverse effect which unrestricted imports of Canadian potatoes would have on the potato programs of the United States and the fact that it is anticipated that the Canadian proposal will substantially reduce the quantity of potatoes which would otherwise be imported into the United States, and in the interest of international trade between the United States and Canada and other considerations, the United States Government assures the Canadian Government that it will not hereafter impose any quantitative limitations or fees on Canadian potatoes of the 1948 crop imported into the United States under the system of regulating the movement of potatoes to the United States outlined in the Canadian proposal.

The Government of the United States also wishes to inform the Canadian Government with respect to that Government's proposal to guarantee a floor price to certain commercial growers in the Maritime Provinces, that in the opinion of the Treasury Department, the operation of such a proposal as outlined by the Canadian Government would not be considered as a payment or bestowal, directly or indirectly, of any bounty or grant upon the manufacture, production, or export of the potatoes concerned and no countervailing duty would, therefore, be levied, under the provisions of Section 303, Tariff Act of 1930, as a result of such operation of the proposal on potatoes imported from Canada. 46 Stat. 687. 19 U. S. C. § 1303.

The United States Government agrees that your note under reference, together with this reply, will constitute an agreement on this subject.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT A. LOVETT
Acting Secretary of State of the United States of America

His Excellency
HUME WRONG,
Ambassador of Canada.

September 21, October 8, November 17, 20, 1948
[T. I. A. S. 1897]

Agreements between the United States of America and France respecting economic cooperation under Public Law 472, 80th Congress, amending the agreement of June 28, 1948. Effected by exchange of notes dated at Paris September 21 and October 8, 1948; entered into force October 8, 1948. And exchange of notes signed at Paris November 17 and 20, 1948; entered into force November 20, 1948.

The American Embassy to the French Ministry of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 907. *Paris, September 21, 1948.*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Economic Cooperation Agreement between the United States of America and France signed on June 28, 1948. Examination of the official text of this Agreement has revealed a clerical error in Article XII, paragraph 2, which seriously affects the substance of this paragraph. The proviso at the end of sub-paragraph (b), which reads:

62 Stat., Pt. 2, p. 2223.

62 Stat., Pt. 2, p. 2235.

> "provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953."

should begin at the margin and should not be a part of sub-paragraph (b). In other words, this proviso should modify both sub-paragraph (a) and sub-paragraph (b).

The Embassy suggests that this note and the reply of the Foreign Office should constitute a recognition by the two Governments of the clerical error mentioned above and their agreement that the proviso applies to termination under both sub-paragraph (a) and sub-paragraph (b) of Article XII, paragraph 2, of the Agreement under reference.

62 Stat., Pt. 2, p. 2234.

DJR

The MINISTRY OF FOREIGN AFFAIRS,
Paris.

The French Ministry of Foreign Affairs to the American Embassy

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

LIBERTÉ-ÉGALITÉ-FRATERNITÉ

RÉPUBLIQUE FRANÇAISE

Service de Coopération Economique

PARIS, *le*

Le Ministère des Affaires Etrangères présente ses compliments à l'Ambassade des Etats-Unis et, en réponse à la note du 21 septembre

de cette Ambassade, au sujet de l'interprétation de l'Article XII paragraphe 2 de l'Accord de Coopération Economique entre la France et les Etats-Unis d'Amérique relatif à l'application du programme de relèvement européen, a l'honneur de lui faire savoir que le texte en langue française de cet Accord, tel qu'il est rédigé, ne comporte pas d'erreur de présentation.

La seule interprétation qu'il soit possible de donner du document original en langue française est conforme à celle indiquée par l'Ambassade des Etats-Unis dans la note n° 907, c'est-à-dire que la réserve qui se trouve à la fin du sous-paragraphe (b):

> ". . . étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 Juin 1953."

modifie à la fois le sous-paragraphe (a) et le sous-paragraphe (b).

En conséquence, le Ministère des Affaires Etrangères a l'honneur de faire savoir à l'Ambassade des Etats-Unis qu'il est d'accord pour que le texte officiel en langue anglaise relatif à l'Article XII paragraphe (b) soit modifié dans sa présentation, conformément aux indications données dans la note n° 907 de l'Ambassade des Etats-Unis mais qu'il estime inutile d'apporter une modification au texte original en langue française./.

–8 Oct 1948

AMBASSADE DES ETATS-UNIS
Paris.

Translation

MINISTRY OF FOREIGN AFFAIRS

LIBERTY, EQUALITY, FRATERNITY
FRENCH REPUBLIC

Economic Cooperation Service

PARIS,

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and, in reply to the Embassy's note of September 21, with regard to the interpretation of Article XII, paragraph 2, of the Economic Cooperation Agreement between France and the United States of America relating to the application of the European recovery program, has the honor to inform it that the French text of this Agreement, as worded, does not contain any error in presentation.

62 Stat., Pt. 2, p. 2234.

The only interpretation it is possible to give to the original document in the French language is in conformity with that indicated by the Embassy of the United States in note No. 907, that is, that the reservation which is at the end of sub-paragraph (b):

62 Stat., Pt. 2, p. 2248.

> ". . . étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 Juin 1953."

modifies both sub-paragraph (a) and sub-paragraph (b).

Consequently, the Ministry of Foreign Affairs has the honor to inform the Embassy of the United States that it is in agreement that the official text in the English language relating to Article XII, paragraph (b), should be amended in its presentation, in conformity with the indications given in note No. 907 of the Embassy of the United States, but that it considers it unnecessary to make an amendment in the original text in the French language.

Oct. 8, 1948

EMBASSY OF THE UNITED STATES
Paris.

The American Ambassador to the French Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 1211 *Paris, November 17, 1948*

EXCELLENCY:

I have the honor to refer to the Economic Cooperation Agreement between our two Governments which was signed on June 28, 1948, and to call your attention to an apparent discrepancy between the English and French texts in paragraph 5 of Article IV. The English text in question reads as follows: ". . . from any point of entry in France to the consignee's designated point of delivery in France . . .". The French text of this passage reads as follows: ". . ., depuis le lieu d'entrée en territoire métropolitain français, jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français."

62 Stat., Pt. 2, p. 2223.

62 Stat., Pt. 2, p. 2228, 2242.

In order that the paragraph under reference in the French text may have the same territorial applicability as that in the English text, when considered in the light of Article XI, I suggest that the French text be amended to read as follows: ". . ., depuis le lieu d'entrée en France, jusqu'au point de destination indiqué par le destinataire en France."

62 Stat., Pt. 2, p. 2233.

If you agree, I propose that this note and your reply constitute a record of agreement to the abovementioned suggested amendment to the French text of the Economic Cooperation Agreement.

Please accept, Excellency, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

His Excellency
M. ROBERT SCHUMAN,
Minister of Foreign Affairs,
Paris.

The French Minister of Foreign Affairs to the American Ambassador

LIBERTÉ · ÉGALITÉ · FRATERNITÉ

RÉPUBLIQUE FRANÇAISE

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

PARIS, *le 20 Novembre 1948*

MONSIEUR L'AMBASSADEUR,

Votre Excellence a bien voulu attirer mon attention, par sa communication du 17 novembre, sur une légère différence de texte qui apparaît entre la version française et la version anglaise de l'Accord de Coopération Economique signé entre les deux Gouvernements le 28 juin dernier.

Le paragraphe 5 de l'Article 4 de cet Accord se lit en effet ". . . from any point of entry in France to the consignee's designated point of delivery in France . . .", alors que le texte français porte ". . . depuis le lieu d'entrée en territoire métropolitain français, jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français".

Ainsi que Votre Excellence a bien voulu le suggérer, le texte français devrait se lire dorénavant ". . . depuis le lieu d'entrée en France, jusqu'au point de destination indiqué par le destinataire en France", l'expression "France" devant être entendue au sens de l'Article XI de l'Accord.

Ainsi que Votre Excellence a bien voulu le proposer, sa lettre du 17 Novembre et ma réponse de ce jour constitueront l'accord de nos deux Gouvernements à la modification de rédaction envisagée.

Je saisis cette occasion, Monsieur l'Ambassadeur, pour renouveler à Votre Excellence les assurances de ma haute considération./.

SCHUMAN

Son Excellence
l'Honorable JEFFERSON CAFFERY
Ambassadeur des Etats-Unis d'Amérique
à Paris.

Translation

LIBERTY, EQUALITY, FRATERNITY

FRENCH REPUBLIC

MINISTRY
OF
FOREIGN AFFAIRS

PARIS, *November 20, 1948*

MR. AMBASSADOR:

Your Excellency was so good as to call my attention, in your communication of November 17, to a slight difference in the texts of the French and English versions of the Economic Cooperation Agreement signed between the two Governments on June 28, last.

Paragraph 5 of Article 4 of this Agreement reads in effect: ". . . from any point of entry in France to the consignee's designated point of delivery in France . . . ", while the French text

62 Stat., Pt. 2, p. 2228.

states: ". . . depuis le lieu d'entrée en territoire métropolitain français, jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français".

As you were good enough to suggest, the French text should henceforth read ". . . depuis le lieu d'entrés en France, jusqu'au point de destination indiqué par le destinataire en France", the word "France" being understood in the sense of Article XI of the Agreement.

62 Stat., Pt. 2, p. 2233.

As you were so good as to propose, your letter of November 17 and my reply of today's date shall constitute the agreement of our two Governments to the amendment in wording envisaged.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurances of my high consideration.

SCHUMAN

His Excellency
JEFFERSON CAFFERY,
Ambassador of the United States of America
in Paris.

Agreement between the United States of America and the United Nations respecting a loan for construction and furnishing of the headquarters of the United Nations. Signed at Lake Success, New York, March 23, 1948; entered into force August 30, 1948.

March 23, 1948
[T. I. A. S. 1899]

LOAN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED NATIONS

It is hereby agreed by the Government of the United States of America and the United Nations as follows:

Sum for construction, etc., of U. N. headquarters.

(1) Subject to the terms and conditions of this Agreement, the Government of the United States will lend to the United Nations a sum not to exceed in the aggregate $65,000,000. Such sum shall be expended only as authorized by the United Nations for the construction and furnishing of the permanent headquarters of the United Nations in its headquarters district in The City of New York, as defined in the Agreement Between the United States of America and the United Nations Regarding the Headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947, including the necessary architectural and engineering work, landscaping, underground construction and other appropriate improvements to the land and approaches, and for other related purposes and expenses incident thereto.

61 Stat., Pt. 4, p. 3416.

(2) Such sum, or parts thereof, will be advanced by the United States through the Secretary of State, to the United Nations upon request of the Secretary-General or other duly authorized officer of the United Nations and upon the certification of the architect or engineer in charge of construction, countersigned by the Secretary-General or other duly authorized officer, that the amount requested is required to cover payments for the purposes set forth in paragraph (1) above which either (a) have been at any time made by the United Nations, or (b) are due and payable, or (c) it is estimated will become due and payable within sixty days from the date of such request. All sums not used by the United Nations for the purposes set forth in paragraph (1) will be returned to the United States through the Secretary of State when no longer required for said purposes. No amounts will be advanced hereunder after July 1, 1951, or such later date, not after July 1, 1955, as may be agreed to by the Secretary of State.

(3) All sums advanced hereunder will be receipted for on behalf of the United Nations by the Secretary-General or other duly authorized officer of the United Nations.

Annual payments by the U. N.

(4) The United Nations will repay, without interest, to the United States the principal amount of all sums advanced hereunder, in annual payments beginning on July 1, 1951, and on the dates and in the

amounts indicated, until the entire amount advanced under this agreement has been repaid as follows:

Date	Amount	Date	Amount
July 1, 1951	$1,000,000	July 1, 1967	$2,500,000
July 1, 1952	1,000,000	July 1, 1968	2,500,000
July 1, 1953	1,500,000	July 1, 1969	2,500,000
July 1, 1954	1,500,000	July 1, 1970	2,500,000
July 1, 1955	2,000,000	July 1, 1971	2,500,000
July 1, 1956	2,000,000	July 1, 1972	2,500,000
July 1, 1957	2,000,000	July 1, 1973	2,500,000
July 1, 1958	2,000,000	July 1, 1974	2,500,000
July 1, 1959	2,000,000	July 1, 1975	2,500,000
July 1, 1960	2,500,000	July 1, 1976	1,500,000
July 1, 1961	2,500,000	July 1, 1977	1,500,000
July 1, 1962	2,500,000	July 1, 1978	1,500,000
July 1, 1963	2,500,000	July 1, 1979	1,500,000
July 1, 1964	2,500,000	July 1, 1980	1,500,000
July 1, 1965	2,500,000	July 1, 1981	1,500,000
July 1, 1966	2,500,000	July 1, 1982	1,000,000

However, in the event the United Nations does not request the entire sum of $65,000,000 available to it under this Agreement, the amount to be repaid under this paragraph will not exceed the aggregate amount advanced by the United States. All amounts payable to the United States under this paragraph will be paid, out of the ordinary budget of the United Nations, to the Secretary of State of the United States in currency of the United States which is legal tender for public debts on the date such payments are made. All sums repaid to the United States will be receipted for on behalf of the United States by the Secretary of State.

(5) The United Nations may at any time make repayments to the United States of funds advanced hereunder in excess of the annual installments as provided in paragraph (4) hereof.

Restrictions on the U. N.
61 Stat., Pt. 4, p. 3432.

(6) The United Nations agrees that, in order to give full effect to Section 22 (a) of the Agreement regarding the Headquarters of the United Nations referred to in paragraph (1) above (under which the United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States), it will not, without the consent of the United States, while any of the indebtedness incurred hereunder is outstanding and unpaid, create any mortgage, lien or other encumbrance on or against any of its real property in the headquarters district as defined in said Agreement. The United Nations also agrees that the United States, as a condition to giving its consent to any such disposition or encumbrance, may require the simultaneous repayment of the balance of all installments remaining unpaid hereunder.

Effective date.

(7) The effective date [1] of this Agreement shall be the date on which the Government of the United States notifies the United Nations that the Congress of the United States, with the approval of the

[1] Aug. 30, 1948. See *post*, p. 3727.

President, has made available the funds necessary to be advanced in accordance with the provisions of this Agreement.

In Witness Whereof, the Government of the United States of America, acting by and through the United States Representative to the United Nations, and the United Nations, acting by and through the Secretary-General, have respectively caused this Agreement to be duly signed in duplicate at Lake Success, New York on this 23rd day of March, 1948.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

WARREN R. AUSTIN,
United States Representative to the United Nations [SEAL]

FOR THE UNITED NATIONS:

TRYGVE LIE
Secretary-General

The United States Representative to the United Nations
Secretary-General

UNITED STATES MISSION
TO THE UNITED NATIONS

UN. 1657/C

August 30, 1948

Procedure for loan.

The United States Representative at the Seat of the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to notify him that on August 11, 1948, the President of the United States of America signed the Bill (now Public Law 903) authorizing a $65,000,000 interest-free loan to the United Nations for the construction of the Headquarters of the United Nations in New York.

62 Stat., Pt. 1, p. 1286.

The United States Representative has the honor to advise the Secretary-General that the general procedure whereby the United States Government will make available to the United Nations funds in accordance with the Headquarters Loan Agreement, and whereby reports will be rendered thereon, will be as follows:

1. The Secretary-General will deposit with the Department of State, through the United States Mission to the United Nations, formal designations of the persons who will serve, within the terms of Section 2 of the Agreement, as duly authorized officers for requesting the advance of funds.

Ante, p. 3725.

2. Requests for advances will be made to the United States Department of State, through the United States Mission to the United Nations, over the signature of the Secretary-General or a duly authorized officer, and will bear certification as to whether the request is to cover payments by the United Nations which

(a) have been made,
(b) are due and payable, or
(c) it is estimated will become due and payable within sixty days of the date of request,

Ante, p. 3725.

and which are for purpose cited in Section 1 of the Agreement. The certification should cite the broad category of expense covered, and will be signed by the architect or engineer in charge of construction and countersigned by the Secretary-General or a duly authorized officer.

3. The Secretary-General or a duly authorized officer will sign a receipt for each payment received and will forward the receipt to the United States Department of State through the United States Mission to the United Nations.

4. The Secretary-General or a duly authorized officer will report periodically to the United States Department of State, through the United States Mission to the United Nations, on amounts which will be available for return to the Department as funds which have not been disbursed within ninety (90) days of their receipt. Return to the Department of State through the United States Mission to the United Nations will be effected within thirty (30) days after expiration of the ninety (90) day period.

Repayments.

5. Repayments under the repayment schedule beginning July 1, 1951, will be made to the United States Department of State through the United States Mission to the United Nations and receipted for on behalf of the United States by the Secretary of State or his duly authorized representative.

6. Pending the appropriation by the Congress of the full amount of of the loan, advances will be limited to the twenty-five million dollars ($25,000,000.00) to be available to the Department under the Reconstruction Finance Corporation loan. The Secretary-General will be notified immediately when the funds are available to the Department and may be drawn upon by the United Nations.

It is understood that representatives of the Department of State are in consultation with officials of the United Nations regarding details of the documentation and, in particular, regarding the details of provision four above.

Certified photostatic copy:
For the Secretary-General,

Ivan Kerno
Assistant Secretary-General
in charge of the Legal Department

Agreement and protocol between the United States of America and Italy respecting air transport services. Signed at Rome February 6, 1948; operative from February 6, 1948; entered into force definitively September 2, 1948.

February 6, 1948
[T. I. A. S. 1902]

AIR TRANSPORT AGREEMENT

between the Government of the United States of America and the Government of Italy

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ACCORDO PER I TRASPORTI AEREI

tra il Governo Italiano ed il Governo degli Stati Uniti d'America

AIR TRANSPORT AGREEMENT

between the Government of the United States of America and the Government of Italy

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF ITALY:

Desiring to conclude an Agreement for the purpose of promoting direct air communications between their respective territories,

Have accordingly appointed authorized representatives for this purpose, who have agreed as follows:

Article 1

For the purposes of the present Agreement, and its Annex, except where the text provides otherwise:

"Aeronautical authorities."

(*a*) The term « aeronautical authorities » shall mean in the case of the United States of America, the « Civil Aeronautics Board » and any person or agency authorized to perform the functions exercised at the present time by the « Civil Aeronautics Board » and, in the case of Italy, the Ministry of Defense – Air [Direzione Generale dell'Aviazione Civile e Traffico Aereo], and any person or agency authorized to perform the functions exercised at present by the said Ministry of Defense – Air [Direzione Generale dell'Aviazione Civile e Traffico Aereo].

"Designated airlines."

(*b*) The term « designated airlines » shall mean those airlines that the aeronautical authorities of one of the contracting parties have communicated in writing to the aeronautical authorities of the other contracting party that they are the airlines that it has designated in conformity with Article 3 of the present Agreement for the routes specified in such designation.

"Territory."

(*c*) The term « territory » shall have the meaning given to it by Article 2 of the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

61 Stat., Pt. 2, p. 1181.

(*d*) The definitions contained in paragraphs (*a*), (*b*) and (*d*) of Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944 shall be applied to the present Agreement and its Annex.

61 Stat., Pt. 2, p. 1207.

Article 2

Rights.
Post, p. 3740.

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

ACCORDO PER I TRASPORTI AEREI
tra il Governo Italiano ed il Governo degli Stati Uniti d'America

Il GOVERNO ITALIANO ed il GOVERNO DEGLI STATI UNITI di AMERICA:

desiderando concludere un Accordo allo scopo di promuovere comunicazioni aeree dirette fra i loro rispettivi territori, hanno pertanto nominato i propri rappresentanti, i quali debitamente autorizzati, convengono quanto segue:

Articolo 1

Ai fini del presente Accordo e del suo Allegato, salvo nei casi ove il testo provveda altrimenti:

a) « Autorità aeronautiche » significa, nel caso che si riferisca agli Stati Uniti d'America, il « Civil Aeronautics Board » e qualsiasi persona o Ente autorizzati ad assolvere le funzioni esercitate attualmente dal « Civil Aeronautics Board »; nel caso che si riferisca all'Italia il Ministero della Difesa-Aeronautica, Direzione Generale dell'Aviazione Civile e Traffico Aereo, e qualsiasi persona od Ente autorizzati ad assolvere le funzioni esercitate attualmente dal Ministero della Difesa-Aeronautica, Direzione Generale dell'Aviazione Civile e Traffico Aereo.

b) « Imprese di trasporto aereo designate » indica le persone, o società o enti che, secondo quanto sarà stato comunicato per iscritto dalle autorità aeronautiche di una delle Parti Contraenti alle autorità aeronautiche dell'altra Parte Contraente, siano stati designati, in conformità dell'art. 3 del presente Accordo, a svolgere attività su ciascuna delle rotte indicate con detta comunicazione.

c) « Territorio » ha il significato ad esso attribuito dall'art. 2 della Convenzione per l'Aviazione Civile Internazionale di Chicago del 7 dicembre 1944.

d) Si applicano al presente Accordo ed al suo Allegato, le definizioni contenute nei paragrafi *a*), *b*) e *d*) dell'art. 96 della Convenzione per l'Aviazione Civile Internazionale di Chicago del 7 dicembre 1944.

Articolo 2

Ciascuna delle Parti Contraenti concede all'altra Parte Contraente i diritti, specificati nell'Allegato, necessari per stabilire le rotte ed i servizi aerei civili internazionali, ivi descritti, sia che detti servizi abbiano inizio immediatamente, sia che abbiano inizio in data posteriore, a scelta della Parte Contraente alla quale tali diritti sono concessi.

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Article 3

Inauguration of air services.

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 2 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 7 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned, provided that:

Post, p. 3734.

1. the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by the present Agreement; and,

2. in areas of hostilities or of military occupation, or in areas affected thereby, such operations shall be subject to the approval of the competent military authorities.

Article 4

Charges.

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(*a*) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(*b*) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of the airlines of such contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most-favored-nation.

(*c*) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

Post, p. 3740.

Article 5

Certificates of airworthiness, etc.

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operating the routes

Articolo 3

Ciascuno dei servizi aerei specificati nell'Allegato avrà inizio appena la Parte Contraente, alla quale a norma dell'art. 2, sia stato concesso il diritto di designare una o più imprese di trasporto aereo sulla rotta specificata, abbia autorizzato una impresa di trasporto aereo a svolgere attività su tale rotta.

La Parte Contraente che concede il diritto sarà obbligata, ai sensi dell'art. 7 del presente Accordo, a concedere il permesso di funzionamento alle imprese di trasporto aereo interessate che le saranno state debitamente notificate, a condizione che:

1) alle imprese di trasporto aereo designate nell'Allegato possa essere richiesto, prima che sia loro concesso di iniziare le attività previste dal presente Accordo, di dimostrare alle autorità aeronautiche della Parte Contraente che concede i diritti, che esse sono in grado di adempiere alle disposizioni legislative e regolamentari normalmente stabilite dalla Parte concedente i diritti;

2) nelle zone ove sono in corso operazioni di guerra, o di occupazione militare, o nelle zone ad esse connesse, tali attività aeree siano soggette all'approvazione delle competenti autorità militari.

Articolo 4

Ai fini di prevenire pratiche discriminatorie e di assicurare parità di trattamento, le due Parti Contraenti convengono quanto segue:

a) Ciascuna delle Parti Contraenti può imporre o permettere che siano imposte tasse giuste e ragionevoli per l'uso degli aeroporti pubblici e degli altri impianti posti sotto il suo controllo. Ognuna delle Parti Contraenti si impegna, nondimeno, che dette tasse non siano maggiori di quelle dovute, per l'uso di detti aeroporti e impianti, dai propri aeromobili nazionali adibiti ad analoghi servizi internazionali.

b) Ai combustibili, lubrificanti, pezzi di ricambio introdotti nel territorio di una Parte Contraente dall'altra Parte Contraente o dai suoi cittadini per l'uso esclusivo degli aeromobili delle imprese di trasporto aereo di tale Parte Contraente, si concede, per ciò che concerne i diritti doganali, diritti di ispezione od altri diritti nazionali o tasse della Parte Contraente nel cui territorio si introducono, lo stesso trattamento applicato alle imprese di trasporto aereo nazionali o alle imprese di trasporto aereo della nazione più favorita.

c) I combustibili, i lubrificanti, i pezzi di ricambio, le dotazioni normali e i rifornimenti che sono rimasti a bordo degli aeromobili civili delle imprese di trasporto aereo di una Parte Contraente autorizzata a gestire le rotte ed i servizi descritti nell'Allegato, all'entrata nel territorio dell'altra Parte Contraente e all'uscita da esso, sono esenti da diritti doganali, tasse d'ispezione, diritti o tasse simili, ancorchè detti materiali siano usati o consumati da detti aeromobili in volo su tale territorio.

Articolo 5

I certificati di navigabilità, i brevetti e le licenze, rilasciati e resi validi da una Parte Contraente ed in corso di validità, sono riconosciuti come validi dall'altra Parte Contraente per quanto concerne lo svolgimento dell'attività sulle

Post, p. 3740.

and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 6

Laws and regulations.

(*a*) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airlines designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(*b*) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the airlines designated by the other contracting party upon entrance into or departure from, or while within the territory of the first party.

Article 7

Withholding or revocation of rights.

Post, p. 3740.

Notwithstanding the provisions of Article 9 hereof, each contracting party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to the present Agreement by a carrier designated by the other contracting party in the event that it is not satisfied that substantial ownership and effective control of such carrier are vested in nationals of the other contracting party, or in case of failure by such carrier, or the Government designating such carrier, to comply with the laws and regulations referred to in Article 6 hereof, or otherwise to perform its obligations hereunder or to fulfil the conditions under which the rights are granted in accordance with the present Agreement and its Annex.

Article 8

Registration.

The present Agreement, its Annex, and all contracts connected therewith shall be registered with the International Civil Aviation Organization (I.C.A.O.).

Article 9

Notice of intention to terminate agreement.

Either of the contracting parties may at any time notify the other of its intention to terminate the present Agreement. Such a notice shall be sent simultaneously to the International Civil Aviation Organization. In the event such communication is made, the present Agreement shall terminate one year after the date of receipt of the notice to terminate, unless by agreement between

rotte e nei servizi descritti nell'Allegato. Tuttavia, ciascuna delle Parti Contraenti si riserva il diritto di non riconoscere, per i voli sul proprio territorio, i brevetti e le licenze rilasciati ai suoi cittadini da un altro Stato.

Articolo 6

a) Le leggi ed i regolamenti di una Parte Contraente, che disciplinano l'entrata nel proprio territorio o l'uscita da esso di aeromobili destinati alla navigazione aerea internazionale e l'esercizio di tali aeromobili mentre si trovano nel territorio della stessa Parte Contraente, si applicano agli aeromobili delle imprese di trasporto aereo designate dall'altra Parte Contraente e devono essere osservati da tali aeromobili nell'entrare e nell'uscire o mentre si trovano nel territorio della prima Parte.

b) Le leggi ed i regolamenti di una Parte Contraente, che disciplinano l'entrata nel proprio territorio o l'uscita da esso dei passeggeri, degli equipaggi e del carico degli aeromobili, così come le disposizioni relative all'entrata, all'uscita, alla emigrazione, ai passaporti, alle dogane e alle pratiche sanitarie, si applicano ai passeggeri, agli equipaggi, ed al carico delle imprese di trasporto aereo, designate dall'altra Parte Contraente, all'entrata, all'uscita o durante la permanenza nel territorio della prima Parte.

Articolo 7

Salvo quanto dispone il successivo art. 9, ciascuna delle Parti Contraenti si riserva il diritto di negare o revocare l'esercizio dei diritti specificati nell'Allegato al presente Accordo, alle imprese di trasporto aereo designate dall'altra Parte Contraente, ove non sia soddisfatta la condizione che una parte importante della proprietà ed il controllo effettivo di tali imprese si trovino nelle mani di persone aventi la nazionalità dell'altra Parte Contraente, o nel caso in cui le dette imprese o il Governo che le abbia designate, non adempiano alle leggi ed ai regolamenti indicati nell'art. 6 del presente Accordo, o altrimenti non si attengano alle conseguenti obbligazioni, o cessino dal soddisfare alle condizioni cui i diritti sono subordinati, a norma del presente Accordo e del suo Allegato.

Articolo 8

Il presente Accordo ed il suo Allegato, ed ogni altro atto o strumento ad essi relativo, saranno registrati presso l'Organizzazione dell'Aviazione Civile Internazionale (O. A. C. I.).

Articolo 9

Ciascuna delle Parti Contraenti può, in qualsiasi momento, comunicare all'altra Parte Contraente la sua intenzione di denunciare il presente Accordo. La comunicazione sarà inviata contemporaneamente all'Organizzazione dell'Aviazione Civile Internazionale (O. A. C. I.). Ove tale comunicazione sia effettuata, il presente Accordo cessa di avere effetto un anno dopo la data nella quale sia stata ricevuta la comunicazione della denuncia salvo che, per accordo

the contracting parties the communication under reference is withdrawn before the expiration of that time. If the other contracting party fails to acknowledge receipt, notice shall be deemed as having been received fourteen (14) days after its receipt by the International Civil Aviation Organization (I.C.A.O.).

Article 10

Modification of annex.
Post, p. 3740.

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty (60) days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

Article 11

Amendment.

If a general multilateral air transport Convention accepted by both contracting parties enters into force, the present Agreement shall be amended so as to conform with the provisions of such Convention.

Article 12

Disputes.
Post, p. 3740.

Except as otherwise provided in the present Agreement or its Annex, any dispute between the contracting parties relative to the interpretation or application of the present Agreement or its Annex, which cannot be settled through consultation, shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each contracting party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either contracting party.

Each of the contracting parties shall designate an arbitrator within two months of the date of delivery by either party to the other party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months. If the third arbitrator is not agreed upon, within the time limitation indicated, the vacancy thereby created shall be filled by the appointment of a person, designated by the President of the Council of I. C. A. O., from a panel of arbitral personnel maintained in accordance with the practice of I. C. A. O. The executive authorities of the contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each party.

Article 13

Changes in routes.
Post, p. 3743.

Changes made by either contracting party in the routes described in the schedules attached except those which change the points served by these airlines in the territory of the other contracting party shall not be considered as modifi-

tra le Parti Contraenti, tale comunicazione sia annullata prima dello spirare di detto termine. Qualora l'altra Parte Contraente non accusi ricezione della comunicazione, questa si considera ricevuta quattordici (14) giorni dopo la data in cui essa sia pervenuta alla Organizzazione dell'Aviazione Civile Internazionale (O. A. C. I.).

Articolo 10

Se una delle Parti Contraenti intende di modificare le rotte o le condizioni prevedute nell'Allegato, essa può richiedere una consultazione tra le autorità competenti di ambo le Parti Contraenti; tale consultazione deve iniziarsi entro i sessanta (60) giorni dalla data della richiesta. Qualora le dette autorità concordino nuove condizioni o modifiche al contenuto dell'Allegato, le loro decisioni entreranno in vigore dopo che siano state confermate con uno scambio di note diplomatiche.

Articolo 11

Nel caso in cui una convenzione multilaterale per i trasporti aerei, sottoscritta o ratificata da ambo le Parti Contraenti, entri in vigore, il presente Accordo sarà modificato in guisa da concordare con le disposizioni contenute in tale convenzione.

Articolo 12

Salvo diverse disposizioni del presente Accordo e del suo Allegato, ogni controversia tra le Parti Contraenti, circa l'interpretazione e l'applicazione del presente Accordo e del suo Allegato, che non possa essere risolta a mezzo di consultazioni, sarà sottoposta al giudizio di una commissione arbitrale di tre membri, due dei quali saranno nominati dalle due Parti Contraenti ed il terzo scelto d'accordo dai due sopracitati membri, purchè questo terzo non abbia la nazionalità di una delle due Parti Contraenti.

Ciascuna delle Parti Contraenti designerà l'arbitro entro il periodo di due mesi dalla data di consegna dall'una all'altra Parte di una nota diplomatica richiedente un giudizio arbitrale; il terzo arbitro sarà scelto entro un mese trascorso il detto periodo. Se entro il limite di tempo indicato non è stato raggiunto l'accordo sulla scelta del terzo membro, questi verrà nominato dal Presidente del Consiglio dell'O. A. C. I., tra le persone comprese nella lista di arbitri tenuta a norma dei regolamenti dell'O. A. C. I. Le competenti autorità delle Parti Contraenti faranno del loro meglio, con i poteri loro attribuiti, per uniformarsi al parere espresso dagli arbitri. Le spese per il giudizio arbitrale saranno sostenute per metà da ciascuna delle Parti.

Articolo 13

I cambiamenti introdotti da una delle Parti Contraenti alle rotte descritte nei relativi elenchi della Tabella non saranno considerati quali modifiche all'Allegato, salvo quelli che modifichino gli scali serviti dalle imprese di trasporto

Notice.

cations of the Annex. The aeronautical authorities of either contracting party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other contracting party.

Consultation.
Post, p. 3742.

If such other aeronautical authorities find that, having regard to the principles set forth in Section VII of the Annex to the present Agreement, interests of their air carrier or carriers are prejudiced by the carriage by the air carrier or carriers of the first contracting party of traffic between the territory of the second contracting party and the new point in the territory of the third country, the two contracting parties shall consult with a view to arrive at a satisfactory agreement.

Article 14

Provisional authorization superseded.

The present Agreement supersedes the provisional authorization for United States civil air services granted by the Italian Government in its Notes verbale dated July 16, 1945,[1] October 1, 1946[1] and April 14, 1947.[1]

Article 15

Entry into force.

The present Agreement, including the provisions of the Annex thereto, shall become operative from the day it is signed. The Italian Government shall notify the Government of the United States of the completion of formalities prescribed by the internal legislation of Italy, and the Government of the United States shall consider the Agreement as becoming definitive upon the date of such notification.[2]

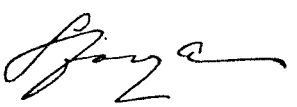
IN WITNESS WHEREOF, the undersigned have signed the present Agreement.

Authentic languages.

DONE in duplicate, at Rome, this 6th day of February 1948, in the English and Italian languages, each of which shall be of equal authenticity.

For the Government of the United States of America

For the Government of Italy



[1] Not printed.

[2] Entered into force definitively Sept. 2, 1948, the date of a communication from the Italian Embassy at Washington to the Department of State giving notification of the completion of formalities prescribed by the internal legislation of Italy in respect of the agreement.

aereo nel territorio dell'altra Parte Contraente. Le autorità aeronautiche di ciascuna delle Parti Contraenti potranno pertanto procedere unilateralmente ad effettuare i detti cambiamenti, semprechè ne diano immediata notifica alle autorità aeronautiche dell'altra Parte Contraente.

Se l'una o l'altra delle dette autorità aeronautiche ritenga che, in relazione ai principi enunciati nella sezione VII dell'Allegato al presente Accordo, i trasporti effettuati dalle imprese di trasporto aereo della prima Parte Contraente tra il territorio della seconda Parte Contraente e una nuova località nel territorio di un terzo Stato, ledano gli interessi delle proprie imprese di trasporto aereo, le due Parti Contraenti si consulteranno al fine di giungere ad un accordo soddisfacente.

Articolo 14

Il presente Accordo sostituisce le autorizzazioni provvisorie rilasciate dal Governo Italiano a favore dei servizi aerei civili degli Stati Uniti con le Note Verbali del 16 luglio 1945, del 1° ottobre 1946 e del 14 aprile 1947.

Articolo 15

Il presente Accordo ed il suo Allegato avranno effetto dal giorno della firma. Il Governo Italiano notificherà al Governo degli Stati Uniti l'adempimento delle formalità stabilite dalla legislazione interna italiana e, nei riguardi del Governo degli Stati Uniti, l'Accordo diverrà definitivo alla data della notifica.

IN FEDE DI CHE, i sottoscritti hanno firmato il presente Accordo.

FATTO in duplice originale, a Roma, il 6 febbraio 1948, nelle lingue italiana ed inglese, i due testi facendo egualmente fede.

Per il
Governo Italiano

Per il
Governo degli Stati Uniti d'America

ANNEX

SECTION I

U. S. rights of transit in Italy.

The Government of Italy grants to the Government of the United States of America the right to conduct air transport services by one or more air carriers of United States nationality designated by the latter country on the routes, specified in Schedule One attached, which transit or serve commercially the territory of Italy.

Post, p. 3748.

SECTION II

Italian rights of transit in U. S.

The Government of the United States of America grants to the Government of Italy the right to conduct air transport services by one or more air carriers of Italian nationality designated by the latter country on the routes, specified in Schedule Two attached which transit or serve commercially the territory of the United States of America.

Post, p. 3748.

SECTION III

One or more air carriers designated by each of the contracting parties under the conditions provided in the present Agreement and the Annex thereto will enjoy, in the territory of the other contracting party, rights of transit and of stops for non-traffic purposes, as well as the right of commercial entry and departure for international traffic in passengers, cargo and mail at the points enumerated on each of the routes specified in the Schedules attached.

Post, p. 3748.

SECTION IV

The air transport facilities (*facilitazioni*) available hereunder to the travelling public shall bear a close relationship to the requirements of the public for such transport.

SECTION V

Equal opportunity for operation.

There shall be a fair and equal opportunity for the carriers of the contracting parties to operate on any route between their respective territories covered by the present Agreement and Annex.

Ante, p. 3730.

SECTION VI

In the operation by the air carriers of either contracting party of the trunk services (*servizi a lungo percorso*) described in the present Annex, the interest of the air carriers of the other contracting party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

ALLEGATO

SEZIONE I

Il Governo Italiano concede al Governo degli Stati Uniti d'America il diritto di esercire servizi di trasporto aereo sulle rotte specificate al n. 1 dell'unita Tabella, che transitino o facciano scalo commerciale in territorio italiano, con una o più imprese di trasporto aereo di nazionalità statunitense, designate dal Governo degli Stati Uniti.

SEZIONE II

Il Governo degli Stati Uniti d'America concede al Governo Italiano il diritto di esercire servizi di trasporto aereo sulle rotte specificate al n. 2 dell'unita Tabella, che transitino o facciano scalo commerciale in territorio statunitense, con una o più imprese di trasporto aereo di nazionalità italiana, designate dal Governo Italiano.

SEZIONE III

Le imprese di trasporto aereo designate da ciascuna delle Parti Contraenti secondo le disposizioni dell'Accordo e del presente Allegato, godranno, nel territorio dell'altra Parte Contraente, dei diritti di transito e di scalo per fini non di traffico, così come del diritto di caricare e di scaricare passeggeri, merci e posta in traffico internazionale, nei punti indicati in ciascuna delle rotte specificate negli elenchi allegati.

SEZIONE IV

Le facilitazioni relative ai trasporti aerei (*facilities*) offerte in virtù del presente Allegato, devono corrispondere strettamente alle esigenze dei viaggiatori.

SEZIONE V

Le imprese di trasporto aereo delle Parti Contraenti godranno di eque e pari possibilità nell'esercizio delle rotte che collegano i loro rispettivi territori, secondo l'Accordo ed il presente Allegato.

SEZIONE VI

Nella gestione dei servizi a lungo percorso (*trunk services*) sulle rotte indicate nel presente Allegato, le imprese di trasporto aereo di ciascuna delle Parti Contraenti terranno in considerazione gli interessi delle imprese dell'altra Parte Contraente, allo scopo di non influire indebitamente sui servizi che queste offrono sulle stesse rotte o su una parte di esse.

SECTION VII

Provision of adequate capacity.

The services provided by a designated air carrier under the present Agreement and Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic.

Right to embark, etc.

The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the present Annex shall be applied in accordance with the general principles of orderly development to which both contracting parties subscribe and shall be subject to the general principle that capacity should be related:

(*a*) to traffic requirements between the country of origin and the countries of destination;

(*b*) to the requirements of through airline operations (trunk services); and

(*c*) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

SECTION VIII.

In so far as the air carrier or carriers of one contracting party may be temporarily prevented through difficulties arising from the War from taking immediate advantage of the opportunity referred to in Section V above, the situation shall be reviewed between the contracting parties with the object of facilitating the necessary development, as soon as the air carrier or carriers of the first contracting party is or are in a position increasingly to make their proper contribution to the service.

Ante, p. 3740.

SECTION IX

Consultation respecting observance of principles.

It is the intention of both contracting parties that there should be regular and frequent consultation between their respective aeronautical authorities and that there should thereby be close collaboration in the observance of the principles and the implementation of the provisions outlined in the present Agreement and Annex.

SECTION X

Determination of rates.

(*A*) The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other carriers, as well as the characteristics of each service.

Approval.

(*B*) The rates to be charged by the air carriers of either contracting party between points in the territory of the United States and points in Italian territory referred to in the attached Schedules shall, consistent with the provisions of the present Agreement and its Annex, be subject to the approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present Annex, within the limits of their legal powers.

SEZIONE VII

I servizi offerti da una impresa, designata secondo l'Accordo e il presente Allegato, avranno per obiettivo principale di offrire una capacità corrispondente alle domande di traffico tra il Paese del quale detta impresa possiede la nazionalità ed il Paese di ultima destinazione del traffico.

Il diritto di sbarcare o di imbarcare su tali servizi, in uno o più punti delle rotte specificate nel presente Allegato, traffico internazionale destinato a terzi territori o da essi proveniente, sarà applicato in conformità con i principî generali di razionale sviluppo ai quali ambo le parti sottoscrivono e sarà soggetto al principio generale che la capacità debba essere posta in relazione:

a) alle esigenze di traffico tra il Paese di origine e i Paesi di destinazione,

b) alle esigenze di esercizio delle linee a lungo percorso (*trunk services*), e

c) alle esigenze di traffico della zona attraversata dalla linea aerea, tenuto conto dei servizi locali e regionali.

SEZIONE VIII

Nel caso in cui le imprese di trasporto aereo di una Parte Contraente siano temporaneamente impedite, per difficoltà sorgenti dallo stato di guerra, di usufruire immediatamente delle possibilità di cui alla Sezione V del presente Allegato, la situazione sarà nuovamente esaminata dalle due Parti Contraenti, allo scopo di facilitare il necessario sviluppo dei servizi aerei della prima Parte Contraente, non appena le imprese di quest'ultima saranno in grado di contribuire più intensamente al servizio.

SEZIONE IX

E' intendimento delle due Parti Contraenti che abbiano luogo regolari e frequenti consultazioni tra le rispettive autorità aeronautiche e che vi sia con ciò tra esse una stretta collaborazione nell'osservanza dei principî e nell'applizione delle prescrizioni contenute nell'Accordo e nel presente Allegato.

SEZIONE X

A) La determinazione delle tariffe, in conformità dei paragrafi seguenti, sarà fatta entro limiti ragionevoli, tenendo conto di tutti i fattori rilevanti, quali il costo di esercizio, l'equo guadagno, le tariffe praticate da qualsiasi altra impresa, come pure le caratteristiche di ciascun servizio.

B) Le tariffe che saranno praticate dalle imprese di trasporto aereo di ciascuna delle Parti tra gli scali del territorio degli Stati Uniti e gli scali del territorio italiano, specificate negli elenchi allegati, sono subordinate, in conformità delle disposizioni dell'Accordo e del presente Allegato, all'autorizzazione delle autorità aeronautiche delle Parti Contraenti che agiranno, conformemente agli obblighi di cui al presente Allegato, entro i limiti dei loro poteri legali.

Filing of proposed rate.

(*C*) Any rate proposed by the air carrier or carriers of either contracting party shall be filed with the aeronautical authorities of both contracting parties at least thirty (30) days before the proposed date of introduction; provided that this period of thirty (30) days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

I. A. T. A.

(*D*) The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association (hereinafter called I. A. T. A.), for a period of one year beginning in February 1947, any rate agreements concluded through this machinery during this period and involving United States air carriers will be subject to approval of the Board. Rate agreements concluded through this machinery may also be required to be subject to the approval of the aeronautical authorities of Italy pursuant to the principles enunciated in paragraph (*B*) above.

(*E*) The contracting parties agree that the procedure described in paragraphs (*F*), (*G*) and (*H*) of this Section shall apply:

1. If during the period of the Civil Aeronautics Board's approval of the I. A. T. A. traffic conference machinery, either any specific rate agreement is not approved, within a reasonable time by either contracting party, or a conference of I. A. T. A. is unable to agree on a rate, or

2. If at any time no I. A. T. A. machinery is applicable, or

3. If either contracting party at any time withdraws or fails to renew its approval of that part of the I. A. T. A. traffic conference machinery relevant to this Section.

Prevention of unfair or uneconomic rates.

(*F*) In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the Civil Aeronautics Board at present is empowered to act with respect to such rates for the transport of persons and property by air within the United States, each of the contracting parties shall thereafter exercise its authority in such manner as to prevent any rate or rates proposed by one of its carriers for services from the territory of one contracting party to a point or points in the territory of the other contracting party from becoming effective, if in the judgment of the aeronautical authorities of the contracting party whose air carrier or carriers is or are proposing such rate, that rate is unfair or uneconomic. If one of the contracting parties on receipt of the notification referred to in paragraph (*C*) above is dissatisfied with the rate proposed by the air carrier or carriers of the other contracting party, it shall so notify the other contracting party prior to the expiry of the first fifteen (15) of the thirty (30) days referred to, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

Notice of dissatisaction with proposed new rate.

In the event that such agreement is reached, each contracting party will exercise its best efforts to put such rate into effect as regards its air carrier or air carriers.

C) Qualunque tariffa proposta dalle imprese di trasporto aereo di una delle Parti Contraenti sara notificata alle autorità aeronautiche di ambo le Parti Contraenti almeno trenta (30) giorni prima della data proposta per l'entrata in vigore; tuttavia, detto periodo di trenta (30) giorni potrà essere ridotto in casi particolari, previo accordo delle autorità aeronautiche di ambo le Parti Contraenti.

D) Poichè il « Civil Aeronautics Board » degli Stati Uniti ha approvato per il periodo di un anno a decorrere dal febbraio 1947 la procedura delle conferenze del traffico della Associazione Internazionale dei Trasporti Aerei (qui successivamente indicata con la sigla I. A. T. A.), tutti gli accordi in materia di tariffe concluse secondo questa procedura durante tale periodo e interessanti le imprese degli Stati Uniti d'America saranno sottoposti all'approvazione del « Civil Aeronautics Board ». Gli accordi sulle tariffe conclusi secondo la detta procedura possono pure essere soggetti all'approvazione delle autorità aeronautiche dell'Italia conformemente ai principî enunciati nel precedente paragrafo *B*).

E) Le Parti Contraenti convengono che la procedura di cui ai paragrafi *F*), *G*) e *H*) di questa Sezione sarà applicata:

1) quando, durante il periodo stabilito per l'approvazione da parte del « Civil Aeronautics Board » della procedura delle conferenze del traffico della I. A. T. A., non sia stato approvato alcun accordo specifico in materia di tariffe entro un limite di tempo ragionevole da ambo le Parti Contraenti, oppure quando una conferenza della I. A. T. A. non sia stata in grado di determinare una tariffa, o

2) quando in nessun modo sia applicabile la procedura della I. A. T. A., o

3) quando una delle Parti Contraenti in qualunque momento ritiri la sua approvazione o si astenga dal rinnovarla per quella parte della procedura delle conferenze del traffico della I. A. T. A. che si riferisce a questa sezione.

F) Nel caso in cui alle autorità aeronautiche degli Stati Uniti siano conferiti poteri legali di fissare tariffe eque ed economiche per il trasporto aereo in servizio internazionale di persone e di cose e di sospendere le tariffe proposte, analogamente a quanto il « Civil Aeronautics Board » può attualmente disporre per le tariffe relative al trasporto aereo di persone e di cose nell'interno degli Stati Uniti, ciascuna delle Parti Contraenti eserciterà successivamente la propria autorità in modo da impedire che le tariffe proposte da una delle proprie imprese di trasporto aereo per i servizi dal territorio di una Parte Contraente ad uno o più scali nel territorio dell'altra Parte Contraente, divengano effettive, qualora, a giudizio delle autorità aeronautiche della Parte Contraente le cui imprese propongono le tariffe stesse, le tariffe in questione non siano considerate eque ed economiche.

Se una delle Parti Contraenti, nel ricevere la notifica di cui al precedente paragrafo *C*), non è soddisfatta della tariffa proposta dalle imprese dell'altra Parte Contraente, essa ne darà notifica all'altra Parte Contraente prima che siano scaduti i primi quindici (15) giorni del periodo sopra previsto di trenta (30) giorni, e le Parti Contraenti si adopereranno di raggiungere l'accordo sulla tariffa conveniente.

Nel caso in cui un accordo sia raggiunto, ciascuna delle due Parti Contraenti farà del suo meglio affinchè tale tariffa sia applicata dalle proprie imprese di trasporto aereo.

Provisional rate pending settlement of dispute.

If agreement has not been reached at the end of the thirty (30) day period referred to in paragraph (*C*) above, the proposed rate may, unless the aeronautical authorities of the country of the air carrier concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph (*H*) below.

(*G*) Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the contracting parties is dissatisfied with any rate proposed by the air carrier or carriers of either contracting party for services from the territory of one contracting party to a point or points in the territory of the other contracting party, it shall so notify the other prior to the expiry of the first fifteen (15) of the thirty (30) day period referred to in paragraph (*C*) above, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will use its best efforts to cause such agreed rate to be put into effect by its air carrier or carriers.

It is recognized that if no such agreement can be reached prior to the expiry of such thirty (30) days, the contracting party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

Advisory report.

(*H*) When in any case under paragraph (*F*) and (*G*) above the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the proposed rate or an existing rate of the air carrier or carriers of the other contracting party, upon the request of either, both contracting parties shall submit the question to the International Civil Aviation Organization for an advisory report, and each party will use its best efforts under the powers available to it to put into effect the opinion expressed in such report.

Ove non sia stato raggiunto l'accordo nel termine dei trenta (30) giorni di cui al precedente paragrafo *C*), la tariffa proposta può entrare in vigore provvisoriamente, in attesa che la divergenza sia risolta in conformità della procedura prevista dal successivo paragrafo *H*), a meno che le autorità aeronautiche della Parte Contraente alla quale appartiene l'impresa di trasporto aereo non ritengano conveniente sospendere l'applicazione della tariffa stessa.

G) Se, prima che i suddetti poteri siano conferiti per legge alle autorità aeronautiche degli Stati Uniti, una delle Parti Contraenti non sia soddisfatta delle tariffe proposte dalle imprese dell'una o dell'altra Parte Contraente per i servizi che collegano il territorio di una delle Parti Contraenti con il territorio dell'altra Parte Contraente, essa ne darà notifica all'altra Parte anteriormente alla scadenza dei primi quindici (15) giorni del periodo di trenta (30) giorni previsto dal precedente paragrafo *C*), e le Parti Contraenti si adopereranno per raggiungere l'accordo sulla tariffa conveniente.

Nel caso che tale accordo sia raggiunto, ciascuna delle Parti Contraenti farà del suo meglio affinchè le tariffe concordate siano adottate dalle proprie imprese di trasporto aereo.

Resta inteso che, ove un tale accordo non possa essere raggiunto prima che termini il periodo di trenta (30) giorni, la Parte Contraente che ha sollevato obiezione sulle tariffe, può prendere le misure che essa ritiene necessarie per impedire che il servizio in questione abbia inizio o continui l'applicazione delle tariffe contestate.

H) Qualora, nei casi previsti dai precedenti paragrafi *F*) e *G*), le autorità aeronautiche delle due Parti Contraenti non raggiungano l'accordo sulla tariffa più conveniente, entro un ragionevole periodo di tempo dall'inizio della consultazione promossa per il ricorso di una delle Parti Contraenti sulla tariffa proposta o già applicata dalle imprese di trasporto aereo dell'altra Parte Contraente, la questione, su richiesta dell'una o dell'altra Parte Contraente, sarà portata davanti l'O. A. C. I. per un parere consultivo, e ognuna delle Parti Contraenti farà del suo meglio, nei limiti dei poteri di cui dispone, per uniformarsi al parere espresso dall'O. A. C. I.

SCHEDULE

1. An airline or airlines designated by the Government of the United States shall be entitled to operate air services on each of the air routes indicated via intermediate points, in both directions, and to make scheduled landings in Italy at the points specified in this paragraph:

The United States of America to MILAN, ROME, NAPLES and beyond.

2. An airline or airlines designated by the Government of Italy shall be entitled to operate air services on a route or routes and to make scheduled landings in the United States at a point or points to be agreed to between the Government of the United States of America and the Government of Italy at such time as the Government of Italy resolves to commence operations.

3. Points on any of the specified routes may at the option of the designated airline or airlines be omitted on any or all flights.

PROTOCOL

Rights of U. S. air carriers.

At the time of signing the Air Transport Agreement between the Government of the United States of America and the Government of Italy, the two contracting parties have further agreed as follows:

The airports on Italian territory, whose construction, improvement or installations have been financed in whole or part by the Government of the United States and which will be open to international civil traffic, will be open to the duly authorized air carriers of the United States who will enjoy thereon, on a non-discriminatory basis, right of transit and non-traffic stop. They will likewise enjoy there the commercial rights which may be granted them by the present Agreement and the Annex thereto or any other agreement now in force or later concluded.

Ante, pp. 3730, 3740.

Rome, February 6th, 1948.

For the Government of the United States of America

For the Italian Government

TABELLA

1. Le imprese di trasporto aereo designate dal Governo degli Stati Uniti hanno il diritto di esercire servizi aerei su ciascuna delle rotte aeree indicate, con scali intermedi, in ambedue le direzioni, e di fare in Italia prestabiliti atterraggi negli scali specificati qui di seguito:

Stati Uniti d'America a MILANO, ROMA, NAPOLI e oltre.

2. Le imprese di trasporto aereo designate dal Governo Italiano hanno il diritto di esercire servizi aerei sulla rotta o sulle rotte concordate fra il Governo degli Stati Uniti d'America ed il Governo Italiano e di fare negli Stati Uniti prestabiliti atterraggi negli scali da concordare fra i due Governi allorquando il Governo Italiano deciderà di dare inizio a tali servizi aerei.

3. Gli scali su ciascuna delle rotte specificate possono, a scelta delle imprese di trasporto aereo designate, essere omessi per uno o per tutti i voli.

PROTOCOLLO

Al momento della firma dell'Accordo per i Trasporti Aerei fra il Governo degli Stati Uniti d'America ed il Governo d'Italia, le due Parti Contraenti hanno inoltre concordato quanto segue:

Gli aeroporti in territorio Italiano aperti al traffico civile internazionale, dei quali la costruzione, i miglioramenti e le installazioni sono state finanziati in tutto o in parte dal Governo degli Stati Uniti, saranno aperti agli aeromobili degli Stati Uniti debitamente autorizzati, che potranno inoltre usufruire, su una base non discriminatoria, dei diritti di transito e di scalo tecnico. Ugualmente, gli stessi aeromobili potranno usufruire inoltre sui predetti aeroporti italiani dei diritti commerciali contemplati dal presente Accordo e dal suo Allegato, o da qualsiasi altro accordo attualmente in vigore o che sarà da concludersi in futuro fra le due Parti Contraenti.

Roma, 6 febbraio 1948.

Per il
Governo Italiano

Per il
Governo degli Stati Uniti d'America

November 17, and December 22, 1948
[T. I. A. S. 1903]

Agreement between the United States of America and Luxembourg respecting economic cooperation under Public Law 472, 80th Congress, amending the agreement of July 3, 1948. Effected by exchange of notes dated at Luxembourg November 17 and December 22, 1948; entered into force December 22, 1948.

The American Legation to the Luxembourg Ministry of Foreign Affairs

No. 45

LEGATION OF THE
UNITED STATES OF AMERICA

The Legation of the United States of America presents its compliments to the Grand Ducal Ministry of Foreign Affairs and has the honor to state that its Government has noticed the existence of a clerical error in the text of the Economic Cooperation Agreement between the United States of America and the Grand Duchy of Luxembourg.

62 Stat., Pt. 2, p. 2451.

The error concerns the proviso at the end of subparagraph (b), paragraph 2, Article XII of the Agreement and is of such a nature as to make it appear that the proviso modifies only subparagraph (b).

62 Stat., Pt. 2, p. 2471.

As interpreted by the Government of the United States of America, the proviso in question applies to termination of the Agreement under both subparagraphs (a) and (b) of paragraph 2, Article XII, as was intended, and not only to termination under subparagraph (b).

The Legation would appreciate a similar note from the Ministry indicating a like interpretation on the part of the Government of Luxembourg.

G. L. W. JR.

Luxembourg, November 17, 1948

The Luxembourg Ministry of Foreign Affairs to the American Legation

MINISTÈRE
DES AFFAIRES ETRANGÈRES

79/210.

Le Ministère des Affaires Etrangères présente ses compliments à la Légation des Etats-Unis d'Amérique et a l'honneur de lui marquer son accord avec la rectification suggérée dans l'obligeante note No. 45 du 17 novembre I948.

En conséquence, l'article XII, paragraphe 2 de l'accord, signé le 3 juillet I948 entre les Gouvernements des Etats-Unis d'Amérique et du Luxembourg, aura la forme suivante:

"Article XII

1 . . . . . .

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragr. 3 of this Article, this Agreement shall terminate either: 62 Stat., Pt. 2, p. 2472.

(a) Six months after the date of such notice of intention to terminate, or

(b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Luxembourg are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953." 62 Stat., Pt. 2, pp. 2462, 2465.

. . . . . .
. . . . . .

1. . . . .

2. Si, pendant la durée de l'Accord, l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet Accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation et de la terminaison de l'Accord. Si, après un délai de trois mois à dater de cette notification, les deux Gouvernements n'ont pas convenu de l'action à prendre dans ces circonstances, chaque Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Dans ce cas, sous réserve des dispositions du paragraphe 3 du présent Article, cet Accord prendra fin:

(a) Six mois après la notification de l'intention d'y mettre fin, ou

(b) Après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement du Luxembourg sont exécutées à l'égard de toute aide que le Gouvernement américain pourrait continuer à lui apporter après la date de cette notification;

étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la

notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953."

. . . .

. . . .

Le Ministère des Affaires Etrangères s'empresse d'informer la Légation des Etats-Unis qu'il a pris les mesures nécessaires pour que dans les textes officiels il soit tenu compte de cette rectification.

Luxembourg, le 22 décembre 1948.

A la

Légation des Etats-Unis d'Amérique à
Luxembourg

Translation

MINISTRY
OF FOREIGN AFFAIRS

79/210.

The Ministry of Foreign Affairs presents its compliments to the Legation of the United States of America and has the honor to inform it of its agreement to the correction suggested in its courteous note No. 45 of November 17, 1948.

Ante, p. 3750.

Consequently, Article XII, paragraph 2, of the Agreement signed on July 3, 1948, between the Governments of the United States of America and Luxembourg will have the following form:

62 Stat., Pt. 2, p. 2471.

[For the English and French language texts of Article XII, paragraph 2, see p. 3751.]

The Ministry of Foreign Affairs hastens to inform the Legation of the United States that it has taken the necessary steps in order that this correction be taken into account in the official texts.

Luxembourg, December 22, 1948.

[SEAL OF
GRAND DUCHY OF
LUXEMBOURG, MINISTRY OF
FOREIGN AFFAIRS]

Legation of the United States of America
Luxembourg

Agreement between the United States of America and Denmark respecting economic cooperation under Public Law 472, 80th Congress, amending the agreement of June 29, 1948. Effected by exchange of notes signed at Copenhagen November 4 and 18, 1948; entered into force November 18, 1948.

November 4, 18, 1948
[T. I. A. S. 1904]

The Danish Minister for Foreign Affairs to the American Ambassador

Ø. P. VI. Journal Nr. 73.D.139.

UDENRIGSMINISTERIET.

COPENHAGEN, *November 4, 1948.*

MONSIEUR l'AMBASSADEUR,

With reference to the Economic Cooperation Agreement signed in Copenhagen on June 29th, 1948, I have the honour to inform you that after consultation with Mr. Dahl, former Commercial Attaché to the American Embassy in Copenhagen, the following typographical errors in the Danish text have been corrected: 62 Stat., Pt. 2, p. 2199.

Page 4, Art. II § 1, line 4: delete Comma after "Regering",
Page 18, Art. XII, § 1, line 5: change "I Henhold til" to "med de Forbehold, som følger af Bestemmelserne i",
Page 18, penultimate line: "maate" should read "maatte",
Page 22, line 9: Insert "af" after "bevilget".

I hope you will have no objections to the above corrections and will be good enough to notify me of your agreement.

I avail myself of this opportunity to renew to you, Monsieur l'Ambassadeur, the assurance of my high consideration.

GUSTAV RASMUSSEN

His Excellency Ambassador
JOSIAH MARVEL, Jr.
The Embassy of the United States of America,
Copenhagen.

The American Ambassador to the Danish Minister for Foreign Affairs

AMERICAN EMBASSY,
No. 347 *Copenhagen, November 18, 1948.*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of November 4, 1948, which reads as follows:

"With reference to the Economic Cooperation Agreement signed in Copenhagen on June 29th, 1948, I have the honour to inform you that after consultation with Mr. Dahl, former Commercia 62 Stat., Pt. 2, p. 2199.

Attaché to the American Embassy in Copenhagen, the following typographical errors in the Danish text have been corrected:

Page 4, Art. II § 1, line 4: delete Comma after "Regering",
Page 18, Art. XII, § 1, line 5: change "I Henhold til" to "med de Forbehold, som følger af Bestemmelserne i",
Page 18, penultimate line: "maate" should read "maatte",
Page 22, line 9: Insert "af" after "bevilget".

"I hope you will have no objections to the above corrections and will be good enough to notify me of your agreement.

"I avail myself of this opportunity to renew to you, Monsieur l'Ambassadeur, the assurance of my high consideration."

I have pleasure in informing Your Excellency that my Government agrees that the Danish text of the Agreement will be read with these corrections incorporated.

Accept, Excellency, the renewed assurances of my highest consideration.

JOSIAH MARVEL, Jr.

His Excellency
GUSTAV RASMUSSEN,
Minister for Foreign Affairs,
Copenhagen.

Agreement and accompanying exchanges of notes between the United States of America and Chile respecting air transport services. Signed at Santiago May 10, 1947; entered into force December 30, 1948.

May 10, 1947
[T. I. A. S. 1905]

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CHILE

The President of the United States of America and the President of the Republic of Chile, having in mind:

The increasing importance and development which have evolved in commercial air navigation as well as the consideration that air transport has special characteristics and affords quick and certain communication between peoples; that it is the desire of both governments to organize international air services in orderly fashion, keeping in view the development of international cooperation in the field of air transportation; that both governments aspire to arrive at a general multilateral agreement which will govern all nations in the field of commercial aviation; that until such general agreement to which both governments have become parties is obtained, the two governments are disposed to draw up immediately a bilateral agreement on civil air transport.

For this purpose they have designated their Plenipotentiaries, to wit: Plenipotentiaries.

The President of the United States of America: His Excellency Mr. Claude G. Bowers, Ambassador of the United States of America.

The President of the Republic of Chile: His Excellency Mr. Raul Juliet, Minister of Foreign Affairs.

Who, after exhibiting their full powers and finding them to be in good and proper form, agree upon the following provisions:

ARTICLE I

Each of the contracting parties grants to the other contracting party the rights which are specified in the attached annexes for the purpose of establishing the routes and international commercial air services described in the said annexes. These services may be inaugurated immediately or at a later date, at the option of the contracting party to whom these rights are granted. Rights.
Post, pp. 3758, 3761.

ARTICLE II

Each of the air services described in the annexes may be placed in operation as soon as the contracting party to whom the right has been granted by Article I to designate one or more airlines of its nationality for the route in question has authorized an airline to serve such route. Said contracting party will be bound to give the appropriate operating Inauguration of air services.

permission to the airline or airlines concerned, subject to the terms of Article VI.

The designated company or companies may be required by the contracting party which grants the right to fulfill the conditions prescribed in the laws and regulations which normally govern the authorization of international air transport service before being permitted to engage in the operations contemplated by this agreement. It is understood, furthermore, that in areas of hostilities or of military occupation, or in areas affected thereby, the inauguration of such services will be subject to the approval of the appropriate military authorities.

ARTICLE III

Charges.

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) The fuel, lubricating oils, and spare parts brought into the territory of one of the contracting parties by the other contracting party or its nationals for the exclusive use of the aircraft of the airlines of said contracting party shall receive, with respect to customs duties, inspection fees or other national duties or charges by the contracting party in whose territory they have entered, the same treatment as that applicable to the national airlines engaged in international transport and to the airlines of the most-favored-nation.

(c) The fuel, lubricating oils, spare parts, regular equipment, and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the annexes shall be, upon arriving in or leaving the territory of the other contracting party, exempt from customs, inspection fees, or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE IV

Certificates of airworthiness, etc.

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annexes. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Post, pp. 3758, 3761.

ARTICLE V

Laws and regulations.

(a) The laws and regulations of one contracting party relating to the admission to or to departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of

the designated airlines of the other contracting party upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the airlines designated by the other contracting party upon entrance into or departure from, or while within the territory of the first party.

ARTICLE VI

Withholding or revocation of certificate or permit.

Each contracting party reserves the right to withhold or revoke the certificate or permit of an airline designated by the other contracting party: (a) in the event it is not satisfied that substantial ownership and effective control of such airlines are vested in nationals of the other contracting party; (b) or when the airline designated by the other contracting party fails to comply with the laws and regulations of the contracting party over whose territory it operates, in the manner established in Article V of this agreement; or (c) when said line otherwise fails to comply with the conditions under which the rights are granted in accordance with this agreement and its annexes.

ARTICLE VII

Registration.

This agreement and all contracts connected therewith will be registered with the International Civil Aviation Organization (ICAO).

ARTICLE VIII

Existing rights and privileges relating to air transport services which may have been granted previously by either of the contracting parties to an airline of the other contracting party shall continue in force according to their terms and subject to the stipulations of this agreement.

ARTICLE IX

Notice of intention to terminate agreement.

This agreement or any of the rights for air transport services granted thereunder may be terminated by either contracting party upon giving one year's prior notice to the other contracting party.

If a general multilateral aviation convention, accepted by both contracting parties, enters into effect, this agreement shall be modified in such a way so that its provisions will conform to those of the convention under reference.

ARTICLE X

Modification of routes or condition.

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in this agreement, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty (60) days from the date of the request. When these authorities mutually agree on new or revised conditions affecting this agreement, their recommendations regarding the matter with respect to Annex B will enter into effect after having been confirmed by an exchange of

Post, p. 3761.

diplomatic notes, and their recommendations with respect to the balance of the agreement will enter into effect once they have been approved in conformity with the constitutional laws of the respective contracting party.

ARTICLE XI

Disputes.

Any dispute between the contracting parties relative to the interpretation or application of this agreement, or its annexes, which cannot be settled through consultation shall be submitted for an advisory report to the Council of the International Civil Aviation Organization, unless the contracting parties agree to submit the dispute for an arbitral decision by the same organization, or to some other organization designated by common agreement between the same contracting parties, these alternatives being subject to the constitutional provisions governing each country. The executive authorities of each of the contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such report.

ARTICLE XII

Entry into force.

This agreement will be approved by each contracting party in accordance with its own law and shall enter into force upon an exchange of the respective instruments of the two contracting parties indicating such approval.[1] Both contracting parties shall undertake to make effective the provisions of this agreement, within their respective administrative powers, from the date on which it is signed.

Authentic languages.

In witness whereof, the undersigned Plenipotentiaries, being duly authorized by their respective governments, have signed the present agreement in duplicate in the English and Spanish languages, each of which shall be of equal authenticity.

Done at Santiago this 10th day of May, 1947.

For the Government of the United States of America:
CLAUDE G BOWERS

For the Government of the Republic of Chile:
R. JULIET

[SEAL]

[SEAL]

ANNEX "A"

The high contracting parties agree upon the following:

Equal opportunity for operation.
Post, p. 3761.

A) The airlines of the two contracting parties operating on the routes described in Annex "B" of this agreement shall enjoy fair and equal opportunity for the operation of services on the said route.

[1] Entered into force Dec. 30, 1948, instruments of approval of the agreement having been exchanged at Santiago on that date.

B) The air transport capacity offered by the airlines of both countries should be closely related to traffic requirements.

C) In the operation of common sections of trunk routes, established in Annex "B" of this agreement, the airlines of the contracting parties should take into account their reciprocal interests so as not to affect unduly their respective services.

Provision of adequate capacity.

D) The services provided by an airline designated under this agreement and its annexes shall retain as their primary objective the provision of capacity adequate to the traffic demand between the country (or points under its jurisdiction) of which such airline is a national and the country of ultimate destination of the traffic.

Right to embark, etc.

E) The right to embark and to disembark at points under the jurisdiction of the other country passengers, cargo, and mail destined for or coming from third countries shall be applied in accordance with the general principles of orderly development. Both governments agree that traffic capacity shall be related to:

1) The traffic requirements between the country of origin (or points under its jurisdiction) and the countries of destination;

2) The requirements of through airline operation; and

3) The traffic requirements of the zone through which the airline passes, taking previously into account the requirements of local or regional services.

Consultation respecting application of measures.

F) The appropriate aeronautical authorities of each of the contracting parties may consult from time to time, or at the request of one of the parties, to determine the extent to which the principles set forth in this Annex are being followed by the airlines designated by the contracting parties. When these authorities agree on further measures necessary to give these principles practical application, the executive authorities of each of the contracting parties will use their best efforts under the powers available to them to put such measures into effect.

Designation of routes, airports, etc.

G) Each contracting party may, subject to the provisions of this agreement, designate the routes to be followed within its territory by the airline or airlines of the other contracting party. The airline or airlines of either contracting party shall, if the regulations of the other contracting party so require, land at an airport designated by that contracting party for the purpose of customs and other examinations. On departure from the territory of a contracting party, such aircraft shall, if that party so requires, depart from a similarly designated customs airport.

Determination of rates.

H) a. The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other airline, as well as the characteristics of each service (such as speed and comfort).

b. The rates to be charged by the airlines of either contracting party between points in the territory of the United States and points in Chilean territory on the routes described in Annex "B" shall, consistent with the provisions of the present Agreement and its An-

Post, p. 3761.

nexes, be subject to the prior approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present Annex, within the limits of their legal powers.

Filing of proposed rate.
Post, p. 3761.

c. Any rate proposed by the airline or airlines of either contracting party to be in effect on the routes described in Annex "B" shall be filed with the aeronautical authorities of both contracting parties at least thirty (30) days before the proposed date of introduction; provided that this period of thirty (30) days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

Approval of rate agreements.

d. The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association, for a period of one year beginning in February 1947, any rate agreements concluded through this machinery during this period and involving United States air carriers will be subject to approval of the Board. Rate agreements concluded through this machinery may also be required to be subject to the approval of the aeronautical authorities of the Republic of Chile pursuant to the principles enunciated in paragraph (b) above.

e. When the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the rate, they shall follow the procedure prescribed in Article XI of the Agreement.

Ante, p. 3758.
Post, p. 3761.

I) On each of the routes described in Annex "B", the authorized airline or airlines may operate non-stop flights between any of the points on such route omitting stops at one or more of the other points on such route, without prejudice to the principles established in Article X of this Agreement.

Ante, p. 3757.

Change of gauge.

J) a. Every change of gauge justifiable for reasons of economy of operation, shall be permitted on any stop of the established routes.

b. Nevertheless, no change of gauge may be made in the territory of one or the other contracting parties when it modifies the characteristics of the operation of a through airline service or if it is incompatible with the principles enunciated in the present Agreement and its Annexes.

Changes in routes.

K. Changes made by either contracting party in the routes described in Annex "B" except those which change the points served by these airlines in the territory of the other contracting party, shall not be considered as modifications of the Annex. The aeronautical authorities of either contracting party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other contracting party.

If such other aeronautical authorities find that, having regard to the principles set forth in this Annex, interests of the airline or airlines of their nationality are prejudiced by the carriage by the airline or airlines of the first contracting party of traffic between the territory

of the second contracting party and the new point in the territory of the third country, the authorities of the two contracting parties shall consult with a view to arriving at a satisfactory agreement.

CLAUDE G BOWERS
R. JULIET

ANNEX "B"

U. S. rights of transit in Chile.

A) Airlines of the United States of America, authorized under the present Agreement, are accorded rights of transit and non-traffic stop in the territory of the Republic of Chile, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail on the following routes via intermediate points in both directions:

B) The United States and/or the Canal Zone to Arica, Antofagasta, and to Santiago and beyond Chile (a) from Arica to points in Bolivia and beyond, (b) from Antofagasta to points in Argentina and beyond, and (c) from Santiago to points in Argentina and beyond.

Chilean rights of transit in U. S.

C) Airlines of the Republic of Chile authorized under the present Agreement are accorded rights of transit and non-traffic stop in the territory of the United States of America and points under its jurisdiction, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail on the following routes via intermediate points in both directions:

D) From Chile to Miami and/or New York and beyond the United States of America.

CLAUDE G BOWERS
R. JULIET

CONVENIO SOBRE TRANSPORTE AEREO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE CHILE

EL Presidente de los Estados Unidos de América y el Presidente de la República de Chile, considerando:

La creciente importancia y desarrollo que ha adquirido la aeronavegación comercial;

Que este medio de transporte aéreo tiene características especiales y permite rápidas y estables comunicaciones entre los pueblos;

Que es el deseo de ambos Gobiernos organizar ordenadamente los servicios aéreos internacionales, teniendo en vista el desarrollo de la cooperación internacional en el campo del transporte aéreo;

Que ambos Gobiernos aspiran a llegar a un Convenio Multilateral General que rija a todas las naciones en materia de aviación comercial;

Que mientras queda concertado este Acuerdo General del cual ambos Gobiernos se hayan hecho Parte, están conformes en celebrar desde luego un Convenio bilateral sobre transporte aéreo civil;

PARA lo cual han designado a sus Plenipotenciarios, a saber:

El Presidente de los Estados Unidos de América al Excelentísimo Señor Claude G. Bowers, Embajador de los Estados Unidos de América en Chile;

El Presidente de la República de Chile al Excelentísimo señor don Raúl Juliet Gómez, Ministro de Relaciones Exteriores;

Los cuales, después de exhibir sus plenos poderes y de encontrarlos en buena y debida forma, convienen en las siguientes disposiciones:

ARTICULO I

Cada una de las Partes Contratantes otorga a la otra los derechos que se especifican en los anexos adjuntos, con el objeto de establecer las rutas y servicios aéreos comerciales internacionales que en dichos anexos se indican. Estos servicios podrán inaugurarse inmediatamente o en una fecha ulterior, a opción de la Parte Contratante a la cual se otorgan estos derechos.

ARTICULO II

Cada uno de los servicios aéreos indicados en los anexos, podrá comenzar sus operaciones tan pronto como la Parte Contratante a la cual el artículo I otorga el derecho de designar una o más líneas aéreas de su nacionalidad para la ruta en cuestión, haya autorizado una línea aérea para servir dicha ruta. Dicha Parte Contratante estará obligada a otorgar a la línea o líneas aéreas interesadas el permiso de funcionamiento correspondiente sujeto a los términos del artículo VI.

Podrá exigirse a la Empresa o Empresas designadas por la Parte Contratante que otorgue los derechos, que cumplan las condiciones

prescritas en las leyes y reglamentos que regulan normalmente las autorizaciones para servicios de transporte aéreo internacional, antes de ser autorizadas para iniciar las operaciones contempladas en este Convenio. Queda entendido, además, que en las zonas de hostilidades o de ocupación militar, o en las zonas afectadas por ellas, la inauguración de dichos servicios estará sometida a la aprobación de las Autoridades Militares correspondientes.

ARTICULO III

A fin de impedir prácticas discriminatorias y de asegurar la igualdad de tratamiento, ambas Partes Contratantes convienen en que:

a) Cada una de las Partes Contratantes podrá imponer, o permitirá que se impongan cargas justas y razonables por el uso de aeropuertos públicos y otras instalaciones bajo su control. Cada una de las Partes Contratantes conviene, sin embargo, en que todas estas cargas no serán mayores que las que paguen por el uso de tales aeropuertos e instalaciones sus aeronaves nacionales que se dediquen a servicios internacionales similares;

b) El combustible, aceites lubricantes, y piezas de repuesto introducidos en el territorio de una de las Partes Contratantes por la otra Parte Contratante o sus nacionales, para el uso exclusivo de los aviones de las líneas aéreas de dicha Parte Contratante, recibirán, en lo que se refiere a derechos de aduana, derechos de inspección u otros impuestos nacionales o cargas por la Parte Contratante en cuyo territorio hayan entrado, el mismo tratamiento que el aplicado a las líneas aéreas nacionales de transporte internacional y a las líneas aéreas de la nación más favorecida.

c) El combustible, aceites lubricantes y piezas de repuesto; equipo regular y materiales de aviación retenidos a bordo de las aeronaves civiles de las líneas aéreas de una de las Partes Contratantes, autorizadas para explotar las rutas y servicios a que se refieren los anexos, estarán a la llegada y salida del territorio de la otra Parte Contratante, exentos de derechos de aduana, derechos de inspección u otros gravámenes o derechos similares, aún cuando tales abastecimientos sean empleados o consumidos por dichas aeronaves durante el vuelo sobre dicho territorio.

ARTICULO IV

Los Certificados de Navegación Aérea, certificados de competencia y licencias expedidas o validados por una de las Partes Contratantes y aún vigentes, serán reconocidos como válidos por la otra Parte Contratante para los fines de mantener las rutas y servicios que se describen en los anexos. Cada una de las Partes Contratantes se reserva, sin embargo, el derecho de no reconocer, cuando se trate de vuelos sobre su propio territorio, los certificados de competencia y licencias otorgados a sus propios nacionales por otro Estado.

ARTICULO V

a) Las leyes y reglamentos de una de las Partes Contratantes relativos a la entrada o salida de su territorio de aeronaves dedicadas a

la navegación aérea internacional o a la circulación y navegación de tales aeronaves, mientras se encuentran se encuentran dentro de su territorio, se aplicarán a las aeronaves de las líneas aéreas designadas por la otra Parte Contratante a la entrada, salida o mientras se encuentren dentro del territorio de la primera Parte.

b) Las leyes y reglamentos de una de las Partes Contratantes sobre entrada o salida de su territorio de pasajeros, tripulación o carga de aeronaves, tales como las disposiciones relativas a la entrada, despacho, inmigración, pasaportes, aduanas y cuarentena, serán cumplidas por o en representación de tales pasajeros, tripulación o carga de las líneas aéreas designadas por la otra Parte Contratante, tanto a la entrada como a la salida o mientras permanezcan en territorio de la primera Parte.

ARTICULO VI

Ambas Partes Contratantes se reservan el derecho de retener o revocar el certificado o permiso de una línea aérea designada por la otra Parte Contratante: a) en el caso en que no esté conforme del hecho que la propiedad substancial y el control efectivo de tal línea aérea se encuentren en posesión de nacionales de la otra Parte Contratante; b) o cuando la línea aérea designada por la otra Parte Contratante no cumpla con las leyes y reglamentos de la Parte Contratante sobre cuyo territorio opera, en la forma establecida en el artículo V de este Convenio, o c) cuando de otra manera dicha línea no cumpla las condiciones bajo las cuales se han concedido los derechos, de acuerdo con el presente Convenio y sus anexos.

ARTICULO VII

El presente Convenio y todos los contratos relacionados con él serán registrados en el Organismo de Aviación Civil Internacional (OACI).

ARTICULO VIII

Los derechos y privilegios actualmente vigentes y relacionados con los servicios de transporte aéreo que puedan haber sido concedidos anteriormente por cualquiera de las dos Partes Contratantes a una línea aérea de la otra Parte Contratante, continuarán en vigencia según sus términos y sujetos a las estipulaciones de este acuerdo.

ARTICULO IX

Este Convenio o cualquiera de los derechos otorgados por él a los servicios de transporte aéreo, pueden darse por terminados por cualquiera de las Partes Contratantes con aviso previo de un año que se comunicará a la otra Parte.

Si una Convención General multilateral de aviación, aceptada por ambas Partes Contratantes, entra en vigencia, este acuerdo será modificado de tal manera que sus disposiciones se conformen a aquellas de la Convención en referencia.

ARTICULO X

En el caso que cualquiera de las Partes Contratantes considere conveniente modificar las rutas o condiciones establecidas en este

Convenio, podrá pedir la consulta entre las autoridades competentes de ambas Partes Contratantes, debiendo iniciarse dicha consulta dentro de un período de 60 días a contar de la fecha de la petición. Cuando estas autoridades lleguen a acuerdo mutuo sobre modificaciones o nuevas condiciones que afecten a este Convenio, sus recomendaciones sobre materias relacionadas con el anexo B entrarán en vigencia después de haber sido confirmadas por un cambio de notas diplomáticas, y sus recomendaciones sobre materias relacionadas con el resto del Convenio entrarán en vigencia una vez aprobadas en conformidad a las leyes constitucionales de la respectiva Parte Contratante.

ARTICULO XI

Cualquiera divergencia entre las Partes Contratantes relativas a la interpretación o aplicación de este acuerdo o sus anexos que no pueda ser solucionada por medio de consulta, será sometida a informe consultivo del Consejo de la Organización de Aviación Civil Internacional, a menos que las Partes Contratantes convengan en someter la controversia a la decisión arbitral del mismo Organismo u otro Organismo designado de común acuerdo por las mismas Partes Contratantes; quedando estas alternativas sujetas a las disposiciones constitucionales que rijan en cada país.

Las autoridades ejecutivas de las Partes Contratantes realizarán sus mayores esfuerzos, dentro de sus facultades, para dar cumplimiento a la opinión expresada en el informe consultivo.

ARTICULO XII

Este Convenio será aprobado por cada Parte Contratante en conformidad a sus propias leyes y entrará en vigencia en el momento del canje de los respectivos instrumentos de ambas Partes Contratantes que certifiquen tal aprobación. Ambas Partes Contratantes procurarán hacer efectivas las disposiciones de este Convenio, dentro de sus respectivas facultades administrativas, desde la fecha de su firma.

EN FE de lo cual, los Plenipotenciarios suscritos, debidamente autorizados por sus respectivos Gobiernos, firman el presente Convenio en doble ejemplar en lenguas castellana e inglesa, cada uno de los cuales será de igual autenticidad, en Santiago, a diez días del mes de Mayo de mil novecientos cuarenta y siete.

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA

[SEAL] CLAUDE G BOWERS

Embajador de los Estados Unidos de América

POR EL GOBIERNO DE CHILE

[SEAL] R. JULIET

Ministro de Relaciones Exteriores.

ANEXO "A"

LAS Altas Partes Contratantes acuerdan lo siguiente:

A) Las empresas de transporte aéreo de ambas Partes Contratantes que operen en las rutas a que se refiere el Anexo "B" del presente

acuerdo, disfrutarán de una oportunidad justa e igual en el funcionamiento de los servicios en dichas rutas;

B) La capacidad de transporte aéreo ofrecida por las empresas de transporte de ambos países, deberá estar estrechamente relacionada con las necesidades del tráfico;

C) En el funcionamiento de secciones comunes en las rutas troncales, fijadas en el anexo "B" del presente Convenio, las empresas de transporte aéreo de las Partes Contratantes deberán tomar en cuenta sus recíprocos intereses de manera de no afectar indebidamente sus respectivos servicios;

D) Los servicios proporcionados por una empresa de transporte aéreo establecida según este acuerdo y sus anexos, mantendrán como su objetivo principal el proporcionar una capacidad adecuada a las demandas del tráfico entre el país (o puntos bajo su jurisdicción) del cual dicha empresa de transporte aéreo es nacional y el país de último destino del tráfico;

E) El derecho de embarcar o desembarcar en puntos situados bajo la jurisdicción del otro país, pasajeros, carga y correspondencia destinados a, o procedentes de terceros países, se regirá de acuerdo con los principios generales de un desarrollo ordenado. Ambos Gobiernos aceptan que la capacidad de tráfico estará relacionada con:

1°. – Las necesidades del tráfico entre el país de orígen (o puntos bajo su jurisdicción) y los países de destino;

2°. – Las necesidades inherentes a líneas que operan a través de varios países; y

3°. – Las exigencias del tráfico de la zona a través de la cual pasa la línea aérea, tomando previamente en cuenta las exigencias de los servicios aéreos locales o regionales;

F) Las autoridades aeronáuticas correspondientes de cada una de las Partes Contratantes podrán consultarse de tiempo en tiempo, o a pedido de una de las Partes, con el fin de determinar hasta qué punto los principios estipulados en este anexo se están cumpliendo por las líneas aéreas designadas por las Partes Contratantes. Cuando estas autoridades acuerden las medidas adicionales necesarias para dar a estos principios una aplicación práctica, las autoridades ejecutivas de cada una de las Partes Contratantes se esforzarán, de acuerdo con las facultades de que dispongan, para hacer efectivas tales medidas;

G) Sujeto a las disposiciones del presente acuerdo, cada una de las Partes Contratantes podrá designar la ruta que seguirán en su territorio la línea o líneas aéreas de la otra Parte Contratante. La línea o líneas aéreas de cualquiera de las Partes Contratantes, si los reglamentos de la otra Parte Contratante así lo exigen, aterrizarán en el aeropuerto que designe dicha Parte Contratante para revisiones de aduana y otras. Al partir del territorio de una Parte Contratante, dichas aeronaves lo harán, si esa Parte así lo exige, desde un aeropuerto habilitado, igualmente designado;

H) a. – Las tarifas que se determinaren conforme a los párrafos siguientes deberán ser razonables, y se fijarán teniendo en cuenta todos los factores pertinentes, tales como gastos de explotación, utili-

dades equitativas, precios cobrados por otras empresas, y características de cada servicio (tales como velocidad y confort);

b. – Las tarifas que habrán de cobrar las líneas aéreas de cualquiera de las Partes Contratantes entre los diversos puntos del territorio de los Estados Unidos de América y del territorio de la República de Chile, mencionados en el anexo "B", deberán estar sujetas, de conformidad con las disposiciones del presente acuerdo y sus anexos, a la previa aprobación de las autoridades aeronáuticas de las Partes Contratantes, las cuales actuarán con arreglo a sus obligaciones según el presente anexo, dentro del límite de sus facultades legales;

c. – Cualquiera tarifa propuesta por la línea o líneas aéreas de cualquiera de las Partes Contratantes para regir en las rutas fijadas en el anexo "B", deberá comunicarse a las autoridades aeronáuticas de ambas Partes Contratantes, por lo menos con 30 días de anticipación a la fecha que se propone para que entren en vigor. En determinados casos este período de 30 días podrá reducirse cuando así lo acuerden las autoridades aeronáuticas de ambas Partes Contratantes;

d. – En virtud de haberse aprobado por la Civil Aeronautics Board de los Estados Unidos de América el régimen para la conferencia de tráfico de la Asociación de Transporte Aéreo Internacional, por un período de un año, a contar desde febrero de 1947, cualquier acuerdo sobre tarifas concluído a través de dicha conferencia durante el citado plazo, que afecte a las líneas aéreas de los Estados Unidos de América, estará sujeto a la aprobación de la Civil Aeronautics Board. Los Convenios sobre tarifas concertados mediante esta conferencia deberán también estar sujetos a la aprobación de las autoridades aeronáuticas de la República de Chile, conforme a los principios enunciados en el párrafo b) precedente.

Cuando las autoridades aeronáuticas de ambas Partes Contratantes no puedan llegar a un acuerdo sobre la tarifa adecuada dentro de un término razonable, después de las negociaciones iniciadas, debido a la querella de una de las Partes Contratantes respecto a la tarifa objetada, se seguirá el procedimiento prescrito en el artículo XI del Convenio;

I) En cada una de las rutas indicadas en el anexo "B" la línea aérea o líneas aéreas autorizadas podrán efectuar vuelos sin escala entre cualesquiera de los puntos de dicha ruta, omitiendo escalas en uno o más de los otros puntos de dicha ruta, sin perjuicio de los principios establecidos en el artículo X del presente Convenio;

J) a. – Todo trasbordo de tráfico (change of gauge) justificable por razones de economía de explotación será admitido en cualquiera escala de las rutas establecidas;

b. – No obstante, ningún trasbordo de tráfico (change of gauge) podrá efectuarse en los territorios de una u otra de las Partes Contratantes, cuando él modifique las características de la explotación de un servicio de largo recorrido, o sea incompatible con los principios enunciados en el presente Convenio y sus anexos;

K) Los cambios hechos por cualquiera de las Partes Contratantes en las rutas designadas en el anexo "B", excepto aquellos que cambien

los puntos servidos por estas líneas aéreas en el territorio de la otra Parte Contratante no serán considerados como modificaciones al anexo. Las autoridades aeronáuticas de ambas Partes Contratantes pueden por lo tanto proceder unilateralmente a hacer tales cambios, quedando entendido, sin embargo, que se dará aviso sin retardo de cualquier cambio a las autoridades aeronáuticas de la otra Parte Contratante.

Si las autoridades aeronáuticas de la otra Parte mencionada consideran que, en vista de los principios establecidos en este anexo, los intereses de la línea o líneas aéreas de su nacionalidad se perjudicaren con el transporte por la línea o líneas aéreas de la Primera Parte Contratante del tráfico entre el territorio de la segunda Parte Contratante y el nuevo punto en el territorio del tercer país, las autoridades de las dos Partes Contratantes se consultarán con el objeto de llegar a un acuerdo satisfactorio.

CLAUDE G BOWERS

R. JULIET

ANEXO "B"

A) Se acuerda a las líneas aéreas de los Estados Unidos de América autorizadas según el presente Convenio, los derechos de tránsito y de escala con fines no comerciales en el territorio de la República de Chile, así como el derecho de recoger y descargar tráfico internacional de pasajeros, carga y correspondencia en las siguientes rutas vía puntos intermedios en ambas direcciones:

B) Los Estados Unidos y/o la Zona del Canal a Arica, Antofagasta y hasta Santiago y más allá de Chile; (a) desde Arica a puntos en Bolivia y más allá; (b) desde Antofagasta a puntos en Argentina y más allá; y (c) desde Santiago a puntos en Argentina y más allá.

C) A las líneas aéreas de la República de Chile autorizadas según el presente Convenio, se otorga, se otorga en el territorio de los Estados Unidos de América y puntos bajo su jurisdicción los derechos de tránsito y de escala con fines no comerciales, así como el derecho de recoger y descargar tráfico internacional de pasajeros, carga y correspondencia en las siguientes rutas, vía puntos intermedios en ambas direcciones:

D) Desde la República de Chile a Miami y/o Nueva York y más allá de los Estados Unidos de América.

CLAUDE G BOWERS

R. JULIET

The American Ambassador to the Chilean Minister for Foreign Affairs

AMERICAN EMBASSY
No. 115 *Santiago, May 10, 1947*

EXCELLENCY:

I have the honor to present herewith a statement of the understanding upon which the government of the United States proposes to execute the Air Transport Agreement entered into with the government of Chile.

Pan American Grace Airways Inc.

1. A unique situation exists concerning the Panama Canal Zone by reason of the relationship between the United States of America and the Panama Canal Zone arising out of certain treaties between the Republic of Panama and the United States of America. Pan American Grace Airways at present operates certain air services which originate in the Canal Zone. It is contemplated that, should an airport suitable for international airline operations be completed in the Republic of Panama, Pan American Grace Airways might transfer its base of operations to such an airport in the Republic of Panama, provided, of course, that the Republic of Panama should accede thereto. It is understood that such an operation by that air carrier of the United States of America which would originate its services in the Republic of Panama would exist because of the unique situation concerning the Canal Zone referred to above; and, because of the highly unusual situation involved therein, the Government of the Republic of Chile would consider that that designated airline of the United States of America might originate its operations at such time and under such circumstances from a point in the Republic of Panama.

The Government of Chile understands that, since Pan American Grace Airways Inc. is 50 percent owned by, and is therefore a part of, the Pan American World Airways system and, furthermore, has been operating under the terms of a contract between the company and the Government of Chile between the Canal Zone and Chile for the past eighteen years, the United States' routes authorized in Annex "B" are expected to be operated as a through airline operation between the United States and Chile. The Government of Chile, therefore, does not regard the fact that Pan American Grace Airways Inc. may be technically originating its services from an airport in the Republic of Panama as establishing a precedent since, as indicated above, by reason of Pan American Grace Airways' close affiliation with the Pan American Airways system and the fact that Pan American Grace Airways Inc. has been operating its present routes for many years with a close connection in the Canal Zone with the Pan American World Airways system, the bulk of the originating traffic on these routes will continue, as in the past, to originate in the United States.

Ante, p. 3761.

Use of Allbrook Field, Canal Zone.

Until such time as an airport in the Republic of Panama suitable for international air transport operations is completed, airlines designated by the Republic of Chile may serve the Republic of Panama from Allbrook Field in the Canal Zone, subject to the military requirements referred to in Article 2 of this Agreement.

Ante, p. 3755.

Limitation.

44 Stat. 568.
49 U. S. C. §§ 171, 174–177, 179–184.
52 Stat. 973.
49 U. S. C. §§ 401–681; Supp. I, ch. 9.
62 Stat., Pt. 1, pp. 470, 493, 1093, 1216.

With reference thereto, the Government of the United States of America has called attention to its Air Commerce Act of 1926 as amended by its Civil Aeronautics Act of 1938 which precludes the carriage by foreign aircraft of traffic between the Canal Zone and points in the United States and the authorization of Chilean airlines hereby expressed is accordingly subject to the limitation established by the above referred to legislation.

Certain West Coast routes.
Ante, p. 3761.

2. Although the Chilean routes to the United States as described in Annex B of the Agreement do not include a route to San Francisco, California, and beyond, as desired by the government of Chile, since it is not believed that such a route is presently justified economically, it is understood that Chile has a predominant interest in the Pacific and that, in view of this consideration, and when surrounding circumstances concerning possible future routes have sufficiently developed, each government contemplates requesting the other government for consultation (pursuant to the Agreement) regarding a modification of Annex B to include the desired West Coast routes, as well as other routes if traffic potentialities justify their consideration.

Suspension of service.
Ante, p. 3760.

3. In connection with the provisions of paragraph I of Annex A, it is understood that each contracting party will notify the other contracting party, as soon as practicable, whenever it receives notice of intent of one of its designated airlines to suspend service to a point or between points in the territory of the other contracting party, in order that the latter contracting party may have the opportunity to request consultation with respect to the proposed suspension if it considers that such proposed suspension may be prejudicial to its interests, provided that nothing herein stated shall prejudice the right of the contracting party operating the service concerned to suspend service within 30 days after notice of intention to suspend has been given to the other contracting party.

Ante, p. 3759.

4. It is understood that the Government of Chile interprets the local and regional services referred to in paragraph E 3 of Annex A to mean those services which unite two or more points between neighboring and contiguous countries. The Government of the United States, although it recognizes the possibility that this definition may prove to be the correct one, is not in a position to express its agreement with it at the present time.

Customs airports.

Ante, p. 3759.
Ante, p. 3761.

5. It is understood that the Government of Chile, if it elects to designate entry and exit customs airports, as provided for in paragraph G of Annex A, will designate these airports in such a manner as to permit the United States routes described in Annex B, and any other United States routes which may later be approved by the Government of Chile, to be operated without operational disadvantage to the United States airline or airlines designated to fly such routes. For example, on a service entering Chile at Arica and proceeding to points in Bolivia and beyond, the customs airport which Chile would designate for original entry would be Arica and the same airport would be designated as the customs airport of departure; on a service entering Chile at Antofagasta and proceeding to points in Argentina and beyond, the customs airport for both entry and departure would be Antofagasta;

on a service entering Chile at Antofagasta and proceeding to Santiago and thence to points in Argentina and beyond, the customs airport of original entry would be Antofagasta and the customs airport of departure would be Santiago.

6. With reference to Article II, it is understood by both contracting parties that the operating schedules of a designated airline or airlines will be regular and approved by the Aeronautical Authorities of both contracting parties. However, the provisions of Annex A shall govern the frequencies of schedules operated. *Ante*, p. 3755. *Ante*, p. 3758.

CLAUDE G. BOWERS

His Excellency
Señor don RAÚL JULIET G.
Minister for Foreign Affairs
Santiago

The Chilean Minister for Foreign Affairs to the American Ambassador

REPÚBLICA DE CHILE
MINISTERIO
DE RELACIONES EXTERIORES

Nº 004996.— SANTIAGO, *10 de Mayo de 1947*

SEÑOR EMBAJADOR:

Tengo el honor de someter a Vuestra Excelencia la presente declaración como interpretación de la forma como el Gobierno de Chile se propone ejecutar el Convenio de Transporte Aéreo que ha concertado con el Gobierno de los Estados Unidos.

1º. – Una situación especial existe en cuanto a la Zona del Canal de Panamá a causa de las relaciones entre los Estados Unidos y la Zona, emanada de ciertos tratados entre la República de Panamá y los Estados Unidos de América.—La "Panamerican Grace Airways" actualmente opera ciertos servicios aéreos que se originan en la Zona del Canal. Se contempla que, en el caso que se habilitara un aeropuerto adaptable al tráfico aéreo internacional en la República de Panamá, la "Panamerican Grace Airways" podría transladar su base de operaciones a tal aeropuerto en la República de Panamá, siempre que, naturalmente, la República de Panamá consintiera en ello. Se entiende que tal operación de esa línea aérea de los Estados Unidos de América, cuyos servicios tendrían su origen en la República de Panamá, existiría en razón de la situación única concerniente a la Zona del Canal mencionada más arriba; y en razón de la situación extraordinaria allí creada, el Gobierno de Chile podría considerar que esta línea aérea designada por los Estados Unidos de América pudiera tener como lugar de origen de sus operaciones en tal oportunidad y bajo tales circunstancias un punto en la República de Panamá.

El Gobierno de Chile entiende que, considerando que "Panamerican Grace Airways" pertenece en un 50% y es por lo tanto parte de "Panamerican World Airways System", y que, aun más, ha estado operando en conformidad a los términos de una concesión otorgada a la Compañía por el Gobierno de Chile durante los últimos 18 años,

las líneas de los Estados Unidos autorizadas en el anexo "B" deberán ser operadas como una línea aérea continua entre los Estados Unidos y Chile. El Gobierno de Chile, por consiguiente, no considera que el hecho que "Panamerican Grace Airways" pueda técnicamente tener como punto de origen de sus servicios un aeropuerto en la República de Panamá, establezca un precedente, desde que, como se ha indicado más arriba, por razón de la estrecha afiliación de "Panamerican Grace Airways" con "Panamerican World Airways System" y del hecho de que "Panamerican Grace Airways" ha estado operando sus rutas actuales por muchos años con una íntima conexión en la Zona del Canal con "Panamerican World Airways System", el grueso del volumen del tráfico producido en dichas rutas continuará como en el pasado teniendo su origen en los Estados Unidos de América.

Hasta el momento en que un aeropuerto de la República de Panamá adaptable a las operaciones de transporte aéreo internacional se habilitare, las líneas aéreas designadas por la República de Chile podrían atender la República de Panamá desde Allbrook Field en la Zona del Canal, sujetas a los requisitos militares mencionados en el artículo II del Convenio.

Con referencia a esta situación, el Gobierno de los Estados Unidos de América desea llamar la atención sobre su Ley de Comercio Aéreo de 1926, modificada por la Ley de Aeronáutica Civil de 1938, que impide el transporte de tráfico por aviones extranjeros entre la Zona del Canal y puntos en los Estados Unidos de América y la autorización a las líneas aéreas chilenas aquí expresadas, quedará sujeta a la limitación establecida por las disposiciones legales arriba referidas.

2°. – Aunque las rutas chilenas a los Estados Unidos tal como se describen en el anexo "B" de este Convenio no incluyen una ruta a San Francisco, California, y más allá, como lo desea el Gobierno de Chile, y como no se cree que tal ruta esté justificada económicamente por el momento, se contempla, sin embargo, el hecho de que Chile tiene un interés predominante en el Pacífico y que, en vista de esta consideración, y cuando las demás circunstancias relativas al establecimiento de futuras rutas posibles hayan sido debidamente desarrolladas, cada Gobierno contempla el solicitar del otro Gobierno por consulta (conforme a este Convenio) la modificación del anexo "B" a fin de incluir las deseadas rutas por la costa occidental, como asimismo otras rutas si la potencialidad de tráfico justificara su consideración.

3°. – En relación con las disposiciones del párrafo I, anexo "A", queda comprendido que cada Parte Contratante notificará a la otra Parte Contratante, tan pronto como sea practicable, cuando reciba informaciones respecto del propósito de alguna de las líneas aéreas designadas en el sentido de suspender servicios hacia un punto o entre diferentes puntos dentro del territorio de la otra Parte Contratante, a fin de que la Parte Contratante afectada pueda tener la oportunidad de pedir consulta con respecto a la suspensión propuesta en el caso que considere que tal suspensión pueda ser perjudicial a sus intereses; en el sentido de que nada de lo aquí estipulado perjudique el derecho de la Parte Contratante que opere el servicio en cuestión para sus-

pender el servicio dentro de un plazo de treinta días después de haberse dado a la otra Parte la noticia de la intención de suspender el servicio.

4°. – Queda comprendido que el Gobierno de Chile interpreta los servicios locales y regionales a que se hace referencia en el párrafo E 3, anexo "A", en el sentido de que aquellos servicios son los que unen dos o más puntos entre países vecinos y contiguos.

El Gobierno de los Estados Unidos, aunque reconoce la posibilidad de que esta definición pueda llegar a ser correcta, no está en situación de manifestar desde ahora su conformidad.

5°. – Queda comprendido que el Gobierno de Chile, si llega a designar aeropuertos aduaneros de entrada y salida, tal como se contempla en el párrafo G del anexo "A", hará la designación de tales aeropuertos en forma de permitir que las rutas de los Estados Unidos descritas en el anexo "B", y toda otra ruta de los Estados Unidos que más tarde pueda ser aprobada por el Gobierno de Chile, puedan ser operadas sin desventaja alguna en cuanto a su operación, no perjudicándose así la línea aérea o las líneas aéreas de los Estados Unidos designadas para volar en estas rutas.—Por ejemplo, tratándose de un servicio que entrara al territorio chileno en Arica y que prosigue a puntos en Bolivia y más allá, el aeropuerto aduanero que Chile designaría para la entrada inicial sería Arica y este mismo aeropuerto sería designado como el aeropuerto aduanero de salida; así, en un servicio que entrara en territorio chileno en Antofagasta y que prosigue a puntos en Argentina y más allá, el aeropuerto aduanero tanto para la entrada como para la salida sería Antofagasta; en un servicio que entrara a Chile en Antofagasta y que prosigue a Santiago y de ese punto a puntos en Argentina y más allá, el aeropuerto aduanero inicial de entrada sería Antofagasta y el aeropuerto aduanero de salida sería Santiago.

6°. – Con referencia al artículo II queda comprendido por ambas Partes Contratantes que los itinerarios de operación de una línea aérea designada o líneas aéreas designadas serán regulares y aprobados por las autoridades aeronáuticas de ambas Partes Contratantes; sin embargo, las disposiciones del anexo "A" regirán las frecuencias de los itinerarios operados.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

R. JULIET

Al Excelentisimo Señor CLAUDE G. BOWERS,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.–
Presente.

Translation

REPUBLIC OF CHILE
MINISTRY
OF FOREIGN RELATIONS

No. 004996.–

SANTIAGO, *May 10, 1947*

MR. AMBASSADOR:

I have the honor to submit to Your Excellency the present declaration as an interpretation of the manner in which the Government of

Chile proposes to execute the Air Transport Agreement entered into with the Government of the United States.

[For the English language text of the numbered paragraphs, see p. 3769.]

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

R. JULIET

His Excellency
CLAUDE G. BOWERS,
Ambassador Extraordinary and Plenipotentiary of the United States of America,
Santiago.

The American Ambassador to the Chilean Minister for Foreign Affairs

No. 116

AMERICAN EMBASSY
Santiago, May 10, 1947

EXCELLENCY:

I have the honor to state to Your Excellency that the air transport agreement between the Government of Chile and the Government of the United States of America, signed on this day, will be approved by each Contracting Party in accordance with its own laws and shall enter into force upon an exchange of the respective instruments of the two Contracting Parties indicating such approval. Both Contracting Parties will undertake to make effective the provisions of this agreement, within their respective administrative powers, from the date on which it is signed.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

CLAUDE G. BOWERS

His Excellency
Señor don RAÚL JULIET G.
Minister for Foreign Affairs of Chile
Santiago

The Chilean Minister for Foreign Affairs to the American Ambassador

REPÚBLICA DE CHILE
MINISTERIO
DE RELACIONES EXTERIORES

Nº. 004995

SANTIAGO, *10 de Mayo de 1947.–*

SEÑOR EMBAJADOR:

Tengo el honor de manifestar a Vuestra Excelencia que el Convenio sobre Transporte Aéreo entre el Gobierno de Chile y el Gobierno de los Estados Unidos de América, suscrito en esta misma fecha, será aprobado por cada Parte Contratante en conformidad a sus propias

leyes y entrará en vigencia en el momento del canje de los respectivos instrumentos de ambas Partes Contratantes que certifiquen tal aprobación. Ambas Partes Contratantes procurarán hacer efectivas, desde esta fecha, las disposiciones de este Convenio, dentro de sus restectivas facultades administrativas.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

R. JULIET

Al Excmo. Señor CLAUDE G. BOWERS,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de America.-
Presente.-

Translation

REPUBLIC OF CHILE
MINISTRY
OF FOREIGN RELATIONS

No. 004995

SANTIAGO, *May 10, 1947.-*

MR. AMBASSADOR:

I have the honor to inform Your Excellency that the Air Transport Agreement between the Government of Chile and the Government of the United States of America, signed on this day, will be approved by each Contracting Party in accordance with its own laws and shall enter into force upon the exchange of the respective instruments of the two Contracting Parties indicating such approval. The two Contracting Parties will undertake to make the provisions of this Agreement effective, beginning with this date, within their respective administrative powers.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

R. JULIET

His Excellency CLAUDE G. BOWERS,
Ambassador Extraordinary and Plenipotentiary of the United States of America,
Santiago.

November 22, 29, 1948
[T. I. A. S. 1906]

Agreement between the United States of America and Belgium respecting economic cooperation under Public Law 472, 80th Congress, amending the agreement of July 2, 1948. Effected by exchange of notes signed at Brussels November 22 and 29, 1948; entered into force November 29, 1948.

The Belgian Minister for Foreign Affairs to the American Ambassador

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES
ET DU
COMMERCE EXTÉRIEUR

Direction Générale du
Commerce Extérieur
IIe Direction
2e Section: Plan Marshall
n° 61
Dossier n° 12

BRUXELLES, LE *22 novembre 1948*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement belge ayant constaté, tout comme le Gouvernement des Etats-Unis d'Amérique, qu'une erreur altère le sens du Paragraphe 2 de l'Article XII de la Convention de Coopération Economique, est d'accord que le texte véritable de ce Paragraphe devrait être le suivant:

"2. Si, pendant la durée de l'Accord, l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet Accord, il le notifiera par écrit à l'autre Gouvernement, Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation et de la terminaison de l'Accord. Si, après un délai de trois mois à dater de cette notification, les deux Gouvernements n'ont pas convenu de l'action à prendre dans ces circonstances, chaque Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Dans ce cas, sous réserve des dispositions du paragraphe 3 du présent Article, cet Accord prendra fin:

a) Six mois après la notification de l'intention d'y mettre fin, ou

b) Après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement de Belgique sont exécutées à l'égard de toute aide que le Gouvernement américain pourrait continuer à lui apporter après la date de cette notification;

étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953."

"2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) Six months after the date of such notice of intention to terminate, or

(b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Belgium are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of the Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953." 62 Stat., Pt. 2, pp. 2184, 2187.

Votre Excellence voudra bien me confirmer l'accord du Gouvernement des Etats-Unis d'Amérique sur cette correction au texte de la Convention.

Je saisis cette occasion, Monsieur l'Ambassadeur, pour renouveler á Votre Excellence les assurances de ma très haute considération.

P. H. SPAAK

Son Excellence
l'Amiral ALAN GOODRICH KIRK,
Ambassadeur des Etats-Unis
d'Amérique,
á Bruxelles.

Translation

MINISTRY OF FOREIGN AFFAIRS
AND FOREIGN COMMERCE

Office of the Director General of
Foreign Commerce
Second Administrative Division
2nd Section: Marshall Plan
No. 61
File No. 12

BRUSSELS, *November 22, 1948*

Mr. AMBASSADOR:

I have the honor to inform Your Excellency that the Belgian Government, having noted, as has the United States Government, that an error changes the meaning of paragraph 2 of Article XII of the Economic Cooperation Agreement, agrees that the proper text of that paragraph should be the following: 62 Stat., Pt. 2, p. 2192.

[For the French and English language texts of Article XII, par. 2, see pp. 3776, 3777.]

Your Excellency will be so good as to confirm to me the United States Government's approval of this correction in the text of the Agreement.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurances of my very high consideration.

P. H. SPAAK

His Excellency
ALAN GOODRICH KIRK,
Ambassador of the United States of America,
Brussels.

The American Ambassador to the Belgian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 1902 *Brussels, November 29, 1948.*

EXCELLENCY:

I have the honor to acknowledge receipt of the letter of Your Excellency dated November 22, 1948, of which the text is as follows:

"J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement belge ayant constaté, tout comme le Gouvernement des Etats-Unis d'Amérique, qu'une erreur altère le sens du Paragraphe 2 de l'Article XII de la Convention de Coopération Economique, est d'accord que le texte véritable de ce Paragraphe devrait être le suivant:

"2. Si, pendant la durée de l'Accord, l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet Accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation et de la terminaison de l'Accord. Si, après un délai de trois mois à dater de cette notification, les deux Gouvernements n'ont pas convenu de l'action à prendre dans ces circonstances, chaque Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Dans ce cas, sous réserve des dispositions du paragraphe 3 du présent Article, cet Accord prendra fin:

a) Six mois après la notification de l'intention d'y mettre fin, ou

b) Après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement de Belgique sont exécutées à l'égard de toute aide que le Gouvernement américain pourrait continuer à lui apporter après la date de cette notification:

étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953."

"2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

(a) Six months after the date of such notice of intention to terminate, or

(b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Belgium are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of the Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953."

62 Stat., Pt. 2, pp. 2184, 2187.

"Votre Excellence voudra bien me confirmer l'accord du Gouvernement des Etats-Unis d'Amérique sur cette correction au texte de la Convention."

I have the honor to inform Your Excellency that my Government is in agreement with the text as given above.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

ALAN G. KIRK

His Excellency
Monsieur PAUL HENRI SPAAK,
Minister for Foreign Affairs,
Brussels.

December 10, 1948
[T. I. A. S. 1908]

Agreement between the United States of America and Korea respecting economic cooperation under Public Law 793, 80th Congress. Signed at Seoul December 10, 1948; entered into force December 14, 1948.

AGREEMENT ON AID BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

PREAMBLE

The Government of the Republic of Korea having requested the Government of the United States of America for financial, material and technical assistance to avert economic crisis, promote national recovery, and insure domestic tranquility in the Republic of Korea, and

The Congress of the United States of America, in the Act approved June 28, 1948, (Public Law 793, 80th Congress), having authorized the President of the United States of America to furnish assistance to the people of the Republic of Korea, and

62 Stat., Pt. 1, p. 1054.

The Government of the United States of America and the Government of the Republic of Korea, believing that the furnishing of such assistance, on terms consonant with the independence and security of the Government of the Republic of Korea, will help to achieve the basic objectives of the Charter of the United Nations and the United Nations General Assembly Resolutions

59 Stat. 1031.

美合衆國及大韓民國
間之
援助協定
前文

大韓民國政府七大韓民國의 경제적 危機를 防止하며 國力復興을 促進하고 國內安定을 確保하기 爲하여, 美合衆國政府의 財政的, 物質的 및 技術的 援助를 要請하였으므로,

美合衆國國會七一九四八年六月二十八日에 制定된 法律(第八十次會, 法律七九三號)에依하여 美合衆國大統領이 大韓民國國民에게 援助를 提供할 權限을 同大統領에게 賦與하였으며,

美合衆國政府 및 大韓民國政府七 大韓民國政府의 獨立과 安全保障에 合致되는 條件에依한 援助의 提供이 國際聯合憲章의 根本目的과, 一九四七年十一月十四日의 國際聯合總會決議의 根本目的을 達成하는데 有

on November 14, 1947, and will further strengthen the ties of friendship between the American and Korean peoples:

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

ARTICLE I

The Government of the United States of America will furnish the Government of the Republic of Korea such assistance as the President of the United States of America may authorize to be provided in accordance with the Act of Congress approved June 28, 1948, (Public Law 793, 80th Congress), and any Acts amendatory or supplementary thereto.

ARTICLE II

The Government of the Republic of Korea, in addition to making the most advantageous use of all available Korean resources, will make similarly effective use of the aid furnished to the Government of the Republic of Korea by the Government of the United States of America. In order further to strengthen and stabilize the economy of Korea as soon as possible, the Government of the Republic of Korea hereby undertakes to effectuate, among others

效하고, 美國國民及韓國國民間의親善的結合을一層鞏化할것을確信하고

下記署名人은各自政府가그目的으로써適當히委任받아下記와如히協定한다。

第一條

Assistance to Korea.

美合衆國政府는, 一九四八年六月二十八日에認准된法律(第八十議會, 法律七九三號)及該法律에改正又는補完에依하여美合衆國大統領의許與한範圍內의援助를, 大韓民國政府에提供하기로한다。

62 Stat., Pt. 1, p. 1054.

第二條

Measures for advantageous use of resources.

大韓民國政府는韓國의모든資源을最有效한方法으로利用할뿐아니라美合衆國政府가大韓民國政府에提供하는援助도같은有效한方法으로利用하기로한다。韓國經濟를可及的速히強化하며安定시키기爲하여, 大韓民國政府는就中下記方策을

the following measures:

(a) The balancing of the budget through the exercise of economy in governmental expenditures and the increase of governmental revenues by all practicable means.

(b) The maintenance of such controls over the issuance of currency and the use of private and governmental credit as are essential to the attainment of economic stability.

(c) The regulation of all Foreign Exchange transactions and the establishment of foreign trade controls, including an export and import licensing system, in order to insure that all foreign exchange resources make a maximum contribution to the welfare of the Korean people and recovery of the Korean economy.

(d) The establishment of a rate of exchange for the Korean currency as soon as economic conditions in Korea warrant such action.

(e) The exertion of all possible efforts to attain maximum production, collection and equitable distribution of locally-produced supplies, including the continuance of a program of collection and distribution of indigenously-produced

有効히實行하기로한다.

(가) 實際的인모든方法으로政府의支出을節約하며政府의收入을增加하여豫算의均衡을圖한다.

(나) 經濟的安定을達成하기에必要한通貨發行의統制及公私信用의統制를實施한다.

(다) 모든外國換資源으로하여금韓國民의福利及韓國經濟復興에最大限度로貢獻케함을保障하기爲하여, 一切의外國換去來의管理及輸入輸出許可制를包含한一切의外國貿易統制方法을實施한다.

(라) 韓國內의經濟的條件이許容되는대로可及的速히韓國通貨換錢率을制定한다.

(마) 下記目的을爲하여國內生產糧穀의收集及配給制의繼續을包含한國內生產物資의最大限度生產, 收集及適正한配給에着手한다.

cereal grains designed to

(1) Assure a minimum adequate staple ration at controlled prices for all non-self-suppliers, and where necessary to distribute to indigent and needy persons their fair share of available food supplies; and

(2) Obtain foreign exchange.

(f) The facilitation of private foreign investments in Korea together with the admittance of private foreign traders to transact business in Korea subject to such restrictions as are prescribed in the Constitution and the Laws of the Republic of Korea.

(g) The development of Korean export industries as rapidly as practicable.

(h) The management or disposition of government-owned productive facilities and properties in such a manner as will insure in the general welfare, the furtherance of maximum production.

ARTICLE III

1. The Government of the United States of America will appoint an official (hereinafter referred to as the United States Aid Representative) to discharge the responsibilities in

(나) 全非農家를 爲하야 公定價格으로 適當한 最小限度의 主食糧配給을 保障하며 必要한 境遇에는 細民에게 食糧의 公正한 量을 配給할 것

(2) 外國換을 獲得할 것.

(바) 大韓民國의 憲法及法律에 規定된 諸制限內에서 韓國에 對한 外國人의 私的投資及私的 外國貿易商의 韓國에 入國하야 營業에 從事함을 容易케 할 것.

(사) 實際的으로 可能한 限急速히 韓國의 輸出産業을 發展시킬 것.

(아) 一般의 福利를 爲하야 最大限度의 生産을 保全할 수 있도록 政府所有의 生産施設及財産을 運營又는 處理할 것.

第參條

1. 美合衆國政府는 本協定條件下에서 美合衆國政府의 韓國에 對한 責任을 履行할 代表一人(以下美國援助代表

United States Aid Representative.

Korea of the Government of the United States of America under the terms of this Agreement. Within the terms of this Agreement, the United States Aid Representative and his staff will assist the Government of the Republic of Korea to make the most effective use of Korea's own resources and of aid furnished to the Government of the Republic of Korea by the Government of the United States of America, thereby to advance reconstruction and promote economic recovery in Korea as soon as possible.

라고略稱함)을任命한다. 本協定條件內에서美國援助代表及其職員은, 大韓民國政府가韓國自體의資源及美合衆國으로부터大韓民國政府에提供된援助를가장有效하게利用하여可及的速히韓國內의經濟再建及發展을促進하도록大韓民國政府를援助한다.

Privileges and immunities.

2. The Government of the Republic of Korea agrees to extend diplomatic privileges and immunities to the United States Aid Representative and members of his mission.

2. 大韓民國政府는美國援助代表及其使節團職員에게外交使節의特典을賦與할것을協約한다.

Assistance to U. S. Aid Representative.

3. The Government of the Republic of Korea will furnish all practicable assistance to the United States Aid Representative in order to enable him to discharge his responsibilities. The Government of the Republic of Korea will permit the free movement of employees of the Government of the United States of America engaged in carrying out the provisions of this Agreement to, in or from Korea; facilitate the employment of Korean nationals and residents;

3. 大韓民國政府는美國援助代表가그의責任을履行할수있게하기爲하여, 모든實際的方法으로代表를援助한다.
大韓民國政府는本協定規定의實施에從事하는美合衆國政府職員의自由로韓國에出入하며, 韓國內에서旅行함을許하며, 韓國國民及住民

authorize the acquisition of facilities and services at reasonable prices; and in other ways assist the United States Aid Representative in the performance of his necessary duties. The Government of the Republic of Korea, in consultation with the United States Aid Representative, will effectuate such mutually acceptable arrangements as are necessary for the utilization of the petroleum storage and distribution facilities, and other facilities which are required to carry out the objectives of this Agreement.

4. The Government of the Republic of Korea will permit the United States Aid Representative and his staff to travel and to observe freely the utilization of assistance furnished to Korea by the Government of the United States of America, and will recognize his right to make such recommendations in respect thereto as he deems necessary for the effective discharge of his responsibilities under this Agreement. The Government of the Republic of Korea will maintain such accounts and records pertaining to the Aid Program, and will furnish the United States Aid Representative such reports and information as he may request.

의雇傭의便宜를與하며, 相當한報酬로便宜라勞務를얻는權限을許與하며. 또其他方法으로美國援助代表의任務遂行上必要한協助를提供한다. 大韓民國政府는美國援助代表와協議하야本協定의目的을完遂함에要하는石油貯藏庫及配給施設及其他施設의利用에必要한措置를相互間에容認된대로實施하기로한다.

4. 大韓民國政府는美國政府로부터韓國에提供한援助의活用에關하야美國援助代表及그職員이自由로히旅行하며視察함을許하고本協定下의責任을有效하게遂行함에必要하다고認定하는대로, 此에關하야建議할權利를認定한다. 大韓民國政府는美國援助代表가要求하는援助에關한会計와記錄을保存하며, 同代表에게그의要求하는. 資料를提供한다.

Abuses or violations of agreement.

5. In the event the United States Aid Representative ascertains the existence of abuses or violations of this Agreement, he will so inform the Government of the Republic of Korea. The Government of the Republic of Korea will promptly take such action as is necessary to correct such abuses or violations as are found to exist and inform the United States Aid Representative of action taken. If, in the opinion of the United States Aid Representative, appropriate corrective action is not taken by the Government of the Republic of Korea, he may take such steps as may be appropriate and proper and may recommend to the Government of the United States of America the termination of further assistance.

(5.) 美國援助代表가 本協定의 濫用又는 違反의 存在함을 確認하는 境遇에는 大韓民國政府에 此를 通知한다. 大韓民國政府는 그러한 事實을 發見하는 때로 迅速히 그러한 濫用又는 違反을 矯正하기에 必要한 措置를 取하고, 此措置에 關하여 美國援助代表에게 通知한다. 萬若, 美國援助代表의 意見으로 適當한 矯正措置를 大韓民國政府가 取하지 않는다고 認定되면, 全代表는 適當한 措置를 取하거나 또는 其以上의 援助를 終止하도록 美合衆國政府에 建議할 수 있다.

Operating agency.

6. The Government of the Republic of Korea will establish an operating agency to develop and administer a program relating to the requirements, procurement, allocation, distribution, pricing, and accounting for supplies obtained under this Agreement. In the development and execution of such a program the operating agency will consult with the United States Aid Representative.

(6.) 大韓民國政府는, 本協定下에 取得하는 物資의 請求, 獲得, 配定, 配給, 價格査定 및 會計에 關한 計劃을 進行하고 處理하기 爲하여 運營機關을 둔다. 그 計劃의 進行 및 實行에 있어서 그 運營機關은 美援助代表와 協議한다.

ARTICLE IV

1. The Government of the Republic of Korea will develop an overall economic recovery plan designed to stabilize the Korean economy. An integral part of this economic recovery plan will be an import-export program to be agreed upon by the United States Aid Representative and the Government of the Republic of Korea. In consonance with this agreed upon import-export program, the Government of the Republic of Korea will transmit to the United States Aid Representative fully justified import requirements, together with estimates of export availabilities, this information to be transmitted at such times and in such form as may be desired by the United States Aid Representative.

2. The Government of the Republic of Korea will insure that the periodic allocation of foreign exchange by categories of use will be made in consultation with and with the concurrence of the United States Aid Representative, and that expenditures of foreign exchange will be made in accordance with such allocations.

第四條

Economic recovery plan.

(1.) 大韓民國政府는 韓國經濟를 安定시키기 爲하여 全体的 經濟復興計劃을 遂行하겠다。此經濟復興計劃의 必須部分은 美國援助代表와 大韓民國政府間에 合意된 輸入輸出計劃이다。合意된 此輸入輸出計劃에 依하여 大韓民國政府는 充分히 正當하다고 認定되는 輸入要求와 輸出可能品의 豫想高를 美國援助代表에게 傳達한다。 此資料는, 美國援助代表가 要請하는, 期間과, 樣式에 依하여 傳達한다。

(2.) 大韓民國政府는 美國援助代表와의 協議及同意下에 外國換의 定期的 配定을 使用類別에 依하여 行하며, 그 外國換의 支出은 此配定에 依하여 行한것을 保障한다。

Consultants and technicians.

3. Where it is deemed necessary, the Government of the Republic of Korea will employ foreign consultants and technicians to assure the effective utilization of domestic resources and of equipment and materials brought into Korea under the import-export program. The Government of the Republic of Korea will in each case inform the United States Aid Representative of its intention to employ such individuals.

ARTICLE V

Distribution of supplies.

1. The Government of the Republic of Korea will take all appropriate steps regarding the distribution within Korea of goods provided by the Government of the United States of America pursuant to this Agreement, and of similar goods imported through the use of other funds or produced locally, to insure a fair and equitable distribution of these supplies at reasonable prices consistent with local economic conditions within the Republic of Korea, and to insure that all such goods are used for the purpose envisaged by this Agreement.

Special account in the Bank of Chosun.

2. The Government of the United States of America shall from time to time notify the Government of the Republic of Korea of the indicated dollar cost of commodities, services, and technical information (including

3. 大韓民國政府는必要하다고認定되는때에, 國內資源의有效한利用及輸入輸出計劃에依하여韓國에輸入된設備及物資의有效한利用을保障하기爲하여外國人顧問及技術者를採用한다。大韓民國政府는그러한個人을採用할時마다그採用의意思를美國援助代表에게通知한다。

第五條

1. 大韓民國政府는本協定에依하여美國政府에서提供한物資及其他資金의使用에依하여輸入된同種의物資又는同種의國內生產物資의韓國內配給에關하여大韓民國에서其經濟事情에符合되는適正價格으로此種物資의公平한配給을保障하며此種의모든物資는本協定에明示된目的을爲하여使用된것을保障하도록모든適當한方策을取한다。

2. 美合衆國政府는隨時로本協定에依하여贈與로서韓國에提供한物資、勞務及技術的援助의各種表示價格(製作

any cost of processing, storing, transporting, repairing or other services incident thereto) made available to Korea on a grant basis pursuant to this Agreement. The Government of the Republic of Korea, upon notification of such indicated dollar costs, shall thereupon deposit in a special account in its name at the Bank of Chosun a commensurate amount in won, computed at a won-dollar ratio which shall be agreed to at such time between the Government of the Republic of Korea and the United States Aid Representative. The Government of the Republic of Korea will use any balance in the special account, to pay the United States Aid Representative such funds, as he may require from time to time to meet the won expenses incurred in the discharge of his responsibilities within Korea, under this Agreement. The remaining sums in the special account may be used only for such other purposes as may be agreed upon from time to time between the Government of the Republic of Korea and the United States Aid Representative.

3. The Government of the Republic of Korea will not permit the re-export of goods provided by the Government of the United States of

貯藏、運搬、修繕、又는 其他 關係事務의 費用 包含)을 大韓民國政府에 通牒한다。

大韓民國政府는 此等 貨表示價格의 通牒을 接受하면, 朝鮮銀行에 大韓民國政府名義로 特別計定을 設置하여야 한다。當時 大韓民國政府及美國援助代表間에 協定된 通貨換錢率에 依하여 換算된 前記價格에 對한 圓貨額當額을 預金한다。大韓民國政府는 美國援助代表가 韓國內에서 本協定下의 責任을 遂行하기 爲하여 要하는 圓貨費用에 充當하며 또 隨時로 要請하는 資金을 支拂하기 爲하여 其特別計定의 殘額을 使用한다。以上의 目的에 使用하고、또는 特別計定의 殘額은 大韓民國政府及美國援助代表間에 隨時 協定된 他目的에 限하여 此를 使用한다。

3. 大韓民國政府는 美國援助代表의 同意없이는 本協定에 依하여 美國政府가 提供한 物品의 再輸出

America pursuant to this Agreement or the export or re-export of commodities of the same character produced locally or otherwise procured, without the concurrence of the United States Aid Representative.

Marking, etc., commodities furnished by U. S.

4. The Government of the Republic of Korea will insure that all commodities made available under this Agreement or the containers of such commodities shall, to the extent practicable, be marked, stamped, branded, or labeled in a conspicuous place as legibly, indelibly, and permanently as the nature of such commodities or containers will permit, in such a manner as to indicate to the people of Korea that such commodities have been furnished or made available by the United States of America.

ARTICLE VI

Most-favored-nation treatment.

1. The Government of the Republic of Korea will undertake to use its best endeavors to cooperate with other countries in facilitating and stimulating an increasing interchange of goods and services with other countries and in reducing public and private barriers to trade with other countries.

2. Pending the entry into force

言許치 않으며, 美國의 國內生產品又는 其他 方法에 依하야 獲得한 美國物品의 輸出又는 再輸出을 許치아니한다.

4. 大韓民國政府는 本協定下에서 接受하는 一切의 物品又는 그러한 物品의 容器에 實際可能한 限, 잘 보이는 곳에 그러한 物品又는 容器의 性質이 許하는 限에서 明瞭하게 消抹되지 않도록, 恒久的으로, 標를 하거나, 印을 찍거나 烙印을 하거나, 貼紙를 하여, 그러한 物品을 美合衆國이 提供又는 轉移하였다는 것을 韓國國民에게 表示하도록 한다.

第六條

1. 大韓民國政府는 他國과의 地域交易 및 分野交換의 增進을 圖謀 振興함에 있어 他國들과의 貿易에 對한 公私의 障害를 減輕하는 데 있어서 他國들과 協力하기로 한다.

2. 美合衆國政府 及 大

of a Treaty of Amity and Commerce between the Government of the United States of America and the Government of the Republic of Korea, the Government of the United States of America shall accord, immediately and unconditionally, to the merchandise trade of the Republic of Korea treatment no less favorable than that accorded to the merchandise trade of any third country. Similarly, treatment no less favorable than that accorded to the merchandise trade of any third country shall be accorded, immediately and unconditionally, within the Republic of Korea, to the merchandise trade of the United States of America.

3. Departures from the application of the most-favored-nation treatment provided for in paragraph 2 of this Article shall be permitted to the extent that they are in accord with the exceptions recognized under the General Agreement on Tariffs and Trade, dated October 30, 1947, concluded at the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as now or hereafter amended. The provisions of this paragraph shall not be construed to require compliance with the procedures specified in the General

韓民國政府間의友好及通商條約이效力을發生한때까지美合衆國政府는 即時無條件으로 如何한 第三國의 商品交易에 賦與하는 待遇보다 못하지 않은 待遇를 大韓民國의 商品交易에 賦與한다。

同樣으로 大韓民國에서도 如何한 第三國의 商品交易에 賦與하는 待遇보다 못하지 않은 待遇를 即時無條件으로 美合衆國의 商品交易에 賦與한다。

3. 本條第一項에規定된 最惠國民待遇의 適用에서의 離脫은, 一九四七年十月三十日附 貿易及雇傭에 關한 國際聯合의 準備委員의 第二次會議에서 締結된 關稅及貿易에 關한 一般協定에서 認定된 例外及現在及將來의 同協定改正에 依하여 認定된 例外와 符合되는 範圍內에서 此를 許容한다。本項의 規定은 前記例外의 適用에 關하여 所一般協定

61 Stat., Pts. 5 and 6.

Agreement with regard to the application of such exception.

4. The provisions of paragraphs 2 and 3 of this Article shall apply, with respect to the United States of America, to all territory under its sovereignty or authority.

5. The Government of the Republic of Korea shall accord reciprocal most-favored-nation treatment to the merchandise trade of any area in the free territory of Trieste, Japan or Western Germany in the occupation or control of which the Government of the United States participates, for such time and to such extent as such area accords most-favored-nation treatment to the merchandise trade of the Republic of Korea.

6. The provisions of paragraphs 2 and 3 of this Article shall not derogate from such other obligations concerning the matters contained in this Agreement as may at any time be in effect between the Government of the United States of America and the Government of the Republic of Korea.

7. The Government of the Republic of Korea will take the measures which it deems appropriate

에 特記한 手續의 適用을 要求하는 것으로 解釋하지 않는다.

4. 本條 第二項 及 第三項의 規定은 美合衆國의 主權 又는 權限下에 있는 全領土에 此를 適用한다.

5. 大韓民國 政府는, 合衆國 政府가 占領 又는 其統治에 參與하고 있는, 三個의 스크 自由領, 日本 又는 西部獨逸의 如何한 地域의 商品交易에 對하여도, 大韓民國의 商品交易에 前記 地域의 最惠國民 待遇를 賦與하는 期間中 及 賦與하는 程度로, 相互的인 最惠國民 待遇를 賦與한다.

6. 本條 第一項 及 第二項의 規定은, 美合衆國 政府 及 大韓民國 政府間에 何時에든지 發效되어 있을 本 協定에 包含된 事項에 附隨되는 他 戰爭을 終止한 것이 아니다.

7. 大韓民國 政府는 公私間 商業에 있어서 相互 貿易에 影響

to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which have the effect of interfering with the purposes and policies of this Agreement.

8. The provisions of this Article and of Article VII shall apply during such period as the Government of the United States of America extends aid to the Government of the Republic of Korea under the terms of this Agreement, unless superseded by a Treaty of Amity and Commerce.

ARTICLE VII

The Government of the Republic of Korea shall, with respect to commercial, industrial, shipping and other business activities, accord to the Nationals of the United States of America treatment no less favorable than that now or hereafter accorded by the Republic of Korea to Nationals of any third country. As used in this paragraph, the word "Nationals" shall be understood to include natural and juridical persons.

ARTICLE VIII

The Government of the Republic of Korea will facilitate the transfer to the United States of America,

을 주는 商業上의 活動 或은 商業上의 約定으로서 本 協定의 目的과 政策에 障害를 미치는 것을 防止함에 適當하다고 認定되는 方策을 取한다。

8. 本條 及 第七條의 規定은, 友好通商條約에 依하야 廢止되지 않는 限, 本 協定 條件下에 美合衆國 政府가 大韓民國 政府를, 援助하는 期間中 此를 適用한다。

第七條

Treatment of U. S. nationals.

大韓民國 政府는, 商業, 產業, 海運 及 其他 營業 行爲에 關하야, 現在에 或 第三國 國民에게 賦與하는 或는 將來 賦與할 待遇보다 못하지 않는 待遇를 美合衆國 國民에게 賦與한다。本項에 「國民」이라 함은 自然人 及 法人을 包含하는 것으로 解釋한다。

第八條

大韓民國 政府는, 國內 使用 及 商業 輸出用으로 大韓民國에 있

for stockpiling or other purposes, of materials originating in the Republic of Korea which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and the Republic of Korea after due regard for the reasonable requirements of the Republic of Korea for domestic use and commercial export of such materials. The Government of the Republic of Korea will take such specific measures within the intent of this Agreement as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the Republic of Korea, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of the Republic of Korea will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

要보하는適當한量의 韓國產原料를考慮한 後에, 美合衆國이그自國內資源의不足이나 또는不足의可能性을 考慮한結果로要求하는同韓國產原料를, 美合衆國備蓄貯藏의目的 또는其他目的을 위하여 그리고 美合衆國政府及 大韓民國政府間에協定된 數量과期間에 依하여 賣買, 交易, 物物交換及其他의適當한 條件으로 美合衆國에 移送의便宜를圖謀한다。 大韓民國政府는, 本項規定을實踐하기爲하여本協定의趣意의 範圍內에서必要한 特定方法을取한다。此方法은大韓民國內에서 如斯한原料의增產을 圖謀하는同時에 如斯한原料를美國으로 移送하는데 障害가 되는모든原因을除去함을 包含한다。

大韓民國政府는, 美合衆國政府가請求하는때에는本項規定實踐에必要한細目協定을 爲한交涉을開始할 것에 同意한다。

ARTICLE IX

1. The Government of the Republic of Korea and the Government of the United States of America will cooperate in assuring the peoples of the United States of America and of Korea full information concerning the goods and technical assistance furnished to the Government of the Republic of Korea by the Government of the United States of America.

2. The Government of the Republic of Korea will permit representatives of the press and radio of the United States of America to travel and to observe freely and to report fully regarding the receipt and utilization of American aid.

3. The Government of the Republic of Korea will permit representatives of the Government of the United States of America, including such committees of the Congress as may be authorized by their respective houses to observe, advise, and report on the distribution among the people of commodities made available under this Agreement.

4. The Government of the Republic of Korea will cooperate with the United States Aid Representative in providing full and continuous publicity in Korea on the purpose,

第 九 條

Publicity regarding aid.

1. 大韓民國政府及美合衆國政府는 美合衆國政府가 大韓民國政府에 提供하는 物資及技術的援助에 關하야 美合衆國國民及韓國國民에게 充分히 報道하기에 協力할 것이다。

2. 大韓民國政府는 美合衆國의 新聞及라디오 代表가 美國援助의 接受及活用에 關하야 韓國內에 旅行하며 自由로히 觀察하며 充分히 報道함을 許諾할 것이다。

3. 大韓民國政府는 美合衆國國會各院에 任命하는 委員會及其他 美合衆國政府代表가 本協定下에 接受한 物品을 國民에게 配給함에 關하야 視察建議及報道를 行함을 許諾할 것이다。

4. 大韓民國政府는 本援助協定에 依하야 美合衆國政府가 大韓民國政府에 提供하는 經濟的及技術的援

source, character, scope, amounts and progress of the economic and technical aid provided to the Government of the Republic of Korea by the Government of the United States of America under the provisions of this Aid Agreement.

ARTICLE X

Termination.

1. Any or all assistance authorized to be provided pursuant to this Agreement will be terminated —

(a) If requested by the Government of the Republic of Korea.

(b) If the United Nations finds that action taken or assistance furnished by the United Nations makes the continuance of assistance by the Government of the United States of America pursuant to this Agreement unnecessary or undesirable.

(c) If the President of the United States of America determines that the Government of the Republic of Korea is not adhering to the terms of this Agreement; or whenever he finds, by reason of changed conditions that aid provided under this Agreement is no longer necessary or desirable; or whenever he finds that, because of changed conditions, aid under this Agreement is no longer consistent with the national interests of the United States of America.

助의目的, 規模, 性格, 範圍, 數量及進展에關하여韓國內에 充分한査察을繼續하여야하며 美國政府代表와協力한다.

第拾條

1. 本協定에依하여提供한 수있게된援助의全部又는一部는 下記와如한때에此를廢止한다.

(가) 大韓民國政府가要請한때.

(나) 國際聯合이取하는 行爲又는國際聯合이提 供하는援助에依하여本 協定下에美合衆國政府가提 供하는援助를繼續함이 必要가없거나繼續치않는것이좋다 고國際聯合이認定하는때.

(다) 大韓民國政府가本協 定의條件을遵守치않는 다고美合衆國大統領이 認定하는때; 事情의變 하므로本協定下의援 助가不必要하거나又는 不適當하다고美合衆國 大統領이認定하는때; 事情의變함으로本協定下 의援助가美合衆國의國家 的利害關係와符合되지 않다고美合衆國大統領 이認定하는때.

ARTICLE XI

This Agreement shall become effective with the formal notification to the Government of the United States of America that the Korean National Assembly has consented to this Agreement.[1] It shall remain in force until three (3) months after the day on which either Government shall have given to the other notice of intention to terminate. This Agreement may be amended at any time by agreement between the two Governments.

Entry into force; duration.

Amendment.

ARTICLE XII

This Agreement shall be registered with the United Nations.

Done in duplicate, in the English and Korean languages at Seoul, Korea, this 10th day of December 1948. The English and Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

Registration.

Prevailing text.

For the Government of the United States of America:

[2]

For the Government of the Republic of Korea:

[3]

[4]

第拾壹條

本協定은韓國國會가本協定에同意하였다는事을美合衆國政府에公式으로通知한日부터同時에效力을發生한다。本協定은一方의政府가他方의政府에廢止한意思를通告한後、(參)個月까지此를施行한다。本協定은兩國政府間의協定에依하여어느때나此를改正할수있다。

第拾貳條

本協定은國際聯合에此를登錄한다。

一九四八年拾貳月拾日韓國서울에서英文及韓國文으로本書貳通을作成한다。英語本文及韓國語本文은同樣의效力을生하나相異가있는境遇에는英語本文에依한다。

美國代表

大韓民國代表

[1] Entered into force Dec. 14, 1948, the date on which the Korean Minister of Foreign Affairs at Seoul notified the Chief of Civil Affairs Section of the United States Armed Forces in Korea that the National Assembly of the Republic of Korea ratified the Aid Agreement on Dec. 13, 1948.

[2] John J. Muccio. [3] Lee, Bumsuk. [4] D. Y. Kim.

December 1, 1948
[T. I. A. S. 1909]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting duty-free entry and payment of transportation charges on relief supplies and packages for the United Kingdom. Effected by exchange of notes signed at London December 1, 1948; entered into force December 1, 1948.

The American Chargé d'Affaires ad interim and the Minister of the Economic Cooperation Administration to the British Secretary of State for Foreign Affairs

AMERICAN EMBASSY, LONDON
No. 3625 *December 1, 1948.*

SIR:

We have the honor to propose that for the purpose of giving effect to Article VI, paragraph 2, read with Article IV, paragraph 5, of the Economic Cooperation Agreement between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America signed on July 6, 1948 (hereinafter referred to as the Economic Cooperation Agreement), an agreement shall be made between the Governments of the United Kingdom and the United States in the following terms:–

62 Stat., Pt. 2, pp. 2602, 2600.

Paragraph 1.

Duty-free treatment.

The Government of the United Kingdom shall accord duty-free treatment on entry into the United Kingdom of:

(a) Supplies of relief goods or standard packs donated to or purchased by United States voluntary non-profit relief agencies qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to charitable organizations including United Kingdom branches of these agencies which have been or hereafter shall be approved by the Government of the United Kingdom.

(b) Relief packages originating in the United States and sent by parcel post or commercial channels addressed to an individual residing in the United Kingdom whether packed privately or by order placed with a commercial firm.

(c) Standard packs put up by United States voluntary non-profit relief agencies or their approved agents, qualified under ECA regulations, to the order of individuals in the United States and sent for delivery addressed to individuals residing in the United Kingdom.

Paragraph 2.

For the purposes of this Agreement:

(a) "relief goods" shall not include tobacco, cigars, cigarettes, or alcoholic liquors;

(b) "relief packages" shall not include goods other than foodstuffs, discarded apparel, medical supplies, or soap, and shall not exceed 22 lbs. gross weight; and

(c) "standard packs" shall contain only such articles which qualify under ECA regulations and are approved by the Government of the United Kingdom.

Paragraph 3.

Transportation charges (as defined in paragraph 5 of Article IV of the Economic Cooperation Agreement) in the United Kingdom on "relief goods", "relief packages", and "standard packs", which comply with the provisions of paragraphs 1 and 2 above, shall be defrayed as follows:

Defrayal of transportation charges.
62 Stat., Pt. 2, p. 2600.

(a) The amount of terminal charges for shipments which are sent by United States parcel post addressed to individuals in the United Kingdom shall be computed by the United Kingdom postal services in the manner now or hereafter provided by the applicable agreements. Such charges shall be reimbursed to the United Kingdom postal service out of the special account provided for in Article IV of the Economic Cooperation Agreement (hereinafter referred to as the special account) and no claim for such charges shall be made against the United States.

Reimbursement for certain charges.

62 Stat., Pt. 2, p. 2599.

(b) With respect to shipments which are originally despatched from the United States by any regular established commercial channels and forwarded in the United Kingdom by an approved agent of the shipper to the addressee by United Kingdom parcel post for delivery as parcels originating in the United Kingdom, such parcels not exceeding 15 lbs. gross weight shall be accepted by United Kingdom parcel post services without payment of postal charges by such agent. The United Kingdom postal service shall be reimbursed for postal charges on such parcels out of the special account upon presentation of adequate documentation. Parcels exceeding 15 lbs. but not exceeding 22 lbs. gross weight are covered by sub-paragraph (c) of this paragraph.

(c) With respect to shipments which are originally despatched from the United States by any commercial channel and forwarded in the United Kingdom by an approved agent of the shipper to the addressee by United Kingdom carrier, the United Kingdom shall reimburse such agent or United Kingdom carrier, as the case may be, out of the special account upon presentation of adequate documentation.

(d) With respect to any charges incidental to transportation which may be incurred by an agent of a shipper under sub-paragraphs (b) and (c) of this paragraph, other than parcel post charges and carrier charges, such approved agent shall be reimbursed by the Government of the United Kingdom out of the special account upon presentation of adequate documentation.

Paragraph 4.

Monthly statements.

The Government of the United Kingdom shall make payments out of the special account for the purposes mentioned in paragraph 3 above, and shall submit to the ECA Mission in the United Kingdom with a copy to the Controller, ECA Washington, monthly statements of the amounts so expended in form satisfactory to the Government of the United Kingdom and the said Mission, provided that each such statement shall at least show total weight carried and charges therefor, and adjustments shall be made to the special account if shown to be required by ECA audit.

Paragraph 5.

Entry into force of pars. 3 and 4.

So far as practicable effect shall be given to paragraphs 3 and 4 as though they had come into force on April 3, 1948.

Paragraph 6.

Territorial application of Agreement.

(a) The present Agreement shall, on the part of the Government of the United Kingdom, apply to the United Kingdom of Great Britain and Northern Ireland, and to any other territories (including the Channel Islands) for whose international relations the Government of the United Kingdom is responsible to which it may be extended by a notification addressed by the Government of the United Kingdom to the Government of the United States from the date on which such notification is received by the Government of the United States.

(b) Nothing in the present Agreement shall be construed as imposing any obligation contrary to the terms of a Trusteeship Agreement in force in relation to any such territory.

"United Kingdom."

(c) For the purposes of the present Agreement the term "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland (excluding the Channel Islands) and any territory to which the present Agreement shall have been extended under sub-paragraph (a) of this paragraph and in respect of which such extension has not ceased in accordance with paragraph 7 (c).

Paragraph 7.

Entry into force; duration.

(a) The present Agreement shall come into force immediately. Subject to the provisions of sub-paragraphs (b) and (c) of this paragraph and to such modification as may be agreed upon between the competent authorities of the Governments of the United States and the United Kingdom, it shall remain in force for the same period as the Economic Cooperation Agreement.

Termination.

(b) The present Agreement may be terminated by six months' notice given in writing by either party to the other at any time.

(c) The Government of the United Kingdom shall have the right by giving six months' notice in writing to the Government of the United States to terminate the application of this Agreement to any territory named in such notice to which it has been extended under sub-paragraph (a) of paragraph 6 hereof.

2. If the above proposal is acceptable to the Government of the United Kingdom we have the honor further to propose that this

note and your reply to that effect shall constitute an Agreement on the above terms between the two Governments.

Accept, Sir, the renewed assurances of our highest consideration.

J. C. HOLMES
THOMAS K. FINLETTER

The Right Honorable ERNEST BEVIN, M. P.,
Secretary of State for Foreign Affairs,
Foreign Office, S.W. 1.

The British Secretary of State for Foreign Affairs to the American Ambassador and the Minister of the Economic Cooperation Administration

FOREIGN OFFICE, S. W. 1.
1st December, 1948.

GENTLEMEN,

I have the honour to acknowledge the receipt of your Note of the 1st December, 1948, the text of which is as follows:– *Ante*, p. 3798.

"We have the honour to propose that for the purpose of giving effect to Article VI, paragraph 2, read with Article IV, paragraph 5, of the Economic Co-operation Agreement between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America, signed on 6th July, 1948, (hereinafter referred to as the Economic Co-operation Agreement) an agreement shall be made between the Governments of the United Kingdom and the United States in the following terms:– 62 Stat., Pt. 2, pp. 2602, 2600.

Paragraph 1.

The Government of the United Kingdom shall accord duty-free treatment on entry into the United Kingdom of:

(a) Supplies of relief goods or standard packs donated to or purchased by United States voluntary non-profit relief agencies qualified under Economic Co-operation Administration (hereinafter referred to as ECA) regulations and consigned to charitable organisations including United Kingdom branches of these agencies which have been or hereafter shall be approved by the Government of the United Kingdom.

(b) Relief packages originating in the United States and sent by parcel post or commercial channels addressed to an individual residing in the United Kingdom whether packed privately or by order placed with a commercial firm.

(c) Standard packs put up by United States voluntary non-profit relief agencies or their approved agents, qualified under ECA regulations, to the order of individuals in the United States and sent for delivery addressed to individuals residing in the United Kingdom.

Paragraph 2.

For the purposes of this Agreement:–

(a) "relief goods" shall not include tobacco, cigars, cigarettes, or alcoholic liquors;

(b) "relief packages" shall not include goods other than foodstuffs, discarded apparel, medical supplies or soap, and shall not exceed 22 lbs. gross weight; and

(c) "standard packs" shall contain only such articles which qualify under ECA regulation and are approved by the Government of the United Kingdom.

Paragraph 3.

Transportation charges (as defined in paragraph 5 of Article IV of the Economic Co-operation Agreement) in the United Kingdom on "relief goods", "relief packages", and "standard packs", which comply with the provisions of paragraphs 1 and 2 above, shall be defrayed as follows:–

62 Stat., Pt. 2, p. 2600.

(a) The amount of terminal charges for shipments which are sent by United States parcel post addressed to individuals in the United Kingdom shall be computed by the United Kingdom postal service in the manner now or hereafter provided by the applicable agreements. Such charges shall be reimbursed to the United Kingdom postal service out of the special account provided for in Article IV of the Economic Co-operation Agreement (hereinafter referred to as the special account) and no claim for such charges shall be made against the United States.

62 Stat., Pt. 2, p. 2599.

(b) With respect to shipments which are originally despatched from the United States by any regular established commercial channels and forwarded in the United Kingdom by an approved agent of the shipper to the addressee by United Kingdom parcel post for delivery as parcels originating in the United Kingdom such parcels not exceeding 15 lbs. gross weight shall be accepted by United Kingdom parcel post services without payment of postal charges by such agent. The United Kingdom postal service shall be reimbursed for postal charges on such parcels out of the special account upon presentation of adequate documentation. Parcels exceeding 15 lbs. but not exceeding 22 lbs. gross weight are covered by sub-paragraph (c) of this paragraph.

(c) With respect to shipments which are originally despatched from the United States by any commercial channel and forwarded in the United Kingdom by an approved agent of the shipper to the addressee by United Kingdom carrier, the United Kingdom shall reimburse such agent or United Kingdom carrier, as the case may be, out of the special account upon presentation of adequate documentation.

(d) With respect to any charges incidental to transportation which may be incurred by an agent of a shipper under sub-paragraphs (b) and (c) of this paragraph, other than parcel post charges and carrier charges, such approved agent shall be reimbursed by the Government of the United Kingdom out of the special account upon presentation of adequate documentation.

Paragraph 4.

The Government of the United Kingdom shall make payments out of the special account for the purposes mentioned in paragraph 3 above, and shall submit to the ECA Mission in the United Kingdom with a copy to the Controller, ECA Washington, monthly statements of the amounts so expended in form satisfactory to the Government of the United Kingdom and the said Mission, provided that each such statement shall at least show total weight carried and charges therefor and adjustments shall be made to the special account if shown to be required by ECA audit.

Paragraph 5.

So far as practicable effect shall be given to paragraphs 3 and 4 as though they had come into force on 3rd April, 1948.

Paragraph 6.

(a) The present Agreement shall, on the part of the Government of the United Kingdom, apply to the United Kingdom of Great Britain and Northern Ireland, and to any other territories (including the Channel Islands) for whose international relations the Government of the United Kingdom is responsible to which it may be extended by a notification addressed by the Government of the United Kingdom to the Government of the United States from the date on which such notification is received by the Government of the United States.

(b) Nothing in the present agreement shall be construed as imposing any obligation contrary to the terms of a Trusteeship Agreement in force in relation to any such territory.

(c) For the purposes of the present Agreement, the term "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland (excluding the Channel Islands) and any territory to which the present Agreement shall have been extended under sub-paragraph (a) of this paragraph and in respect of which such extension has not ceased in accordance with paragraph 7 (c).

Paragraph 7.

(a) The present Agreement shall come into force immediately. Subject to the provisions of sub-paragraphs (b) and (c) of this paragraph and to such modification as may be agreed upon between the competent authorities of the Governments of the United States and the United Kingdom, it shall remain in force for the same period as the Economic Co-operation Agreement.

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(b) The present Agreement may be terminated by six months' notice given in writing by either party to the other at any time.

(c) The Government to the United Kingdom shall have the right by giving six months' notice in writing to the Government of the United States to terminate the application of this Agreement to any territory named in such notice to which it has been extended under sub-paragraph (a) of paragraph 6 hereof.

2. If the above proposal is acceptable to the Government of the United Kingdom we have the honour further to propose that this note and Your Excellency's reply to that effect shall constitute an Agreement on the above terms between the two Governments".

2. The terms set out in the Note are acceptable to the Government of the United Kingdom and I have the honour to confirm that your note and this reply shall constitute an Agreement between the two Governments on the above terms.

I have the honour to be, with the highest consideration,
Your obedient Servant,

(For the Secretary of State)
C. P. MAYHEW.

His Excellency
the Honourable
LEWIS W. DOUGLAS,
etc., etc., etc.

Mr. THOMAS K. FINLETTER,
etc., etc., etc.
1, Grosvenor Square,
W. 1.

Agreement between the United States of America and the Republic of the Philippines respecting a United States Educational Foundation in the Philippines, amending the agreement of March 23, 1948. Effected by exchange of notes signed at Manila December 8 and 20, 1948; entered into force December 20, 1948.

December 8, 20, 1948
[T. I. A. S. 1910]

The American Chargé d'Affaires ad interim to the Philippine Secretary of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA,

No. 2266

Manila, December 8, 1948.

EXCELLENCY:

I have the honor to refer to Article 5 of the Fulbright Agreement [1] between the Government of the United States of America and the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the United States of America and the Republic of the Philippines for the sale of surplus war property, which is worded as follows:

62 Stat., Pt. 2, p. 1880.

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors (hereinafter designated the 'Board').

The Board.

"The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the 'Chief of Mission') shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one representative of American business interests in the Philippines and one representative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

Chief of Mission.

Members of Board.

"The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippines members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfer of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

[1] Signed Mar. 23, 1948.

Expenses.

"The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board."

The Department of State has reconsidered its policy relating to the pattern of membership of the Board of Directors of USEFP and now suggests the following amendment to Article 5, which equalizes the representation of our two countries on the Board and vests in the Philippine Government the right to appoint and remove its own representatives. Although the proposed amendment removes all specifications as to fields of interest to be represented by appointees, it is hoped to obtain as wide a representation as possible of private and governmental interests among the representatives of each country.

62 Stat., Pt. 2, p. 1880.

The Board.

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of ten Directors (hereinafter designated the 'Board'), five of whom shall be citizens of the United States of America and five of whom shall be citizens of the Philippines. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated 'the Chief of Mission') shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The citizens of the United States of America on the Board, at least three of whom shall be officers of the United States Foreign Service establishment in the Philippines, shall be appointed and removed by the Chief of Mission; the citizens of the Philippines on the Board shall be appointed and removed by the Government of the Republic of the Philippines.

Chief of Mission.

Chairman of Board.

"The Directors shall serve from the time of their appointment until one year from the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the Philippines, expiration of term of service or otherwise, shall be filled in accordance with this procedure.

Expenses.

"The Directors shall serve without compensation but the Foundation is authorized to pay the necessary expenses of the Directors in attending the meetings of the Board."

Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended.

Accept, Excellency, the renewed assurances of my highest consideration.

THOMAS H. LOCKETT
Charge d'Affaires, a.i.

His Excellency
ELPIDIO QUIRINO
Secretary of Foreign Affairs,
Republic of the Philippines.

The Philippine Acting Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *December 20, 1948*

SIR:

I wish to acknowledge receipt of your note No. 2266, dated December 8, 1948, which reads as follows: *Ante*, p. 3805.

"I have the honor to refer to Article 5 of the Fulbright Agreement between the Government of the United States of America and the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the United States of America and the Republic of the Philippines for the sale of surplus war property, which is worded as follows: 62 Stat., Pt. 2, p. 1880.

'The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors (hereinafter designated the Board).

'The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the Chief of Mission) shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one representative of American business interests in the Philippines and one representative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

'The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippines members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfer of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

'The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board.'

"The Department of State has reconsidered its policy relating to the pattern of membership of the Board of Directors of USEFP and now suggests the following amendment to Article 5, which equalizes 62 Stat., Pt. 2, p. 1880.

the representation of our two countries on the Board and vests in the Philippine Government the right to appoint and remove its own representatives. Although the proposed amendment removes all specifications as to fields of interest to be represented by appointees, it is hoped to obtain as wide a representation as possible of private and governmental interests among the representatives of each country.

'The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of ten Directors (hereinafter designated the Board), five of whom shall be citizens of the United States of America and five of whom shall be citizens of the Philippines. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the Chief of Mission) shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The citizens of the United States of America on the Board, at least three of whom shall be officers of the United States Foreign Service establishment in the Philippines, shall be appointed and removed by the Chief of Mission; the citizens of the Philippines on the Board shall be appointed and removed by the Government of the Republic of the Philippines.

'The Directors shall serve from the time of their appointment until one year from the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the Philippines, expiration of term of service or otherwise, shall be filled in accordance with this procedure.

'The Directors shall serve without compensation but the Foundation is authorized to pay the necessary expenses of the Directors in attending the meetings of the Board.'

"Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended."

and to inform you that the suggested amendment to Article 5 of the Fulbright Agreement, quoted therein, is acceptable to the Government of the Republic of the Philippines, and, therefore, as of this date, subject agreement may be considered so amended.

62 Stat., Pt. 2, p. 1880.

Accept, Sir, the renewed assurances of my high consideration.

FELINO NERI
Felino Neri
Acting Undersecretary

The Honorable THOMAS H. LOCKETT
Charge d'Affaires ad interim
United States Embassy
Manila

Agreement and understanding between the United States of America and Italy respecting duty-free entry and payment of transportation charges on relief supplies and packages for Italy. Effected by exchanges of notes signed at Rome November 26, 1948; entered into force November 26, 1948.

November 26, 1948
[T. I. A. S. 1914]

The American Ambassador to the Italian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 2131

November 26, 1948

EXCELLENCY:

I have the honor to refer to paragraph 2, Article VI and paragraph 5, Article IV of the Economic Cooperation Agreement between Italy and the United States of America, signed in Rome on June 28, 1948.

62 Stat., Pt. 2, pp. 2436, 2432.

In accordance with the above-mentioned provisions and pursuant to exchanges of views between the Ministry of Foreign Affairs and the Italian Delegation for European Economic Cooperation on the one hand, and the Embassy of the United States of America and the Economic Cooperation Administration mission in Rome on the other, it is understood that:

Duty-free treatment.
62 Stat., Pt. 2, p. 2436.

(1) The Italian Government, pursuant to paragraph 2, Article VI, shall admit under duty-free treatment:

(a) Supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies qualified under ECA regulations, such supplies to be distributed in accordance with instructions of such agencies, by and consigned to ENDSI (Ente Nazionale Distribuzione Soccorsi in Italia), an organization created by Legislative Decree of the Lieutenant General, dated September 28, 1944, Official Gazette No. 62 of September 30, 1944, for the purpose of distributing relief goods. "Relief Goods" shall be construed as meaning supplies or products intended for relief purposes, excluding nonessential luxury items.

(b) Standard relief parcels supplied by CARE (Cooperative for American Remittances to Europe), or by such similar agencies as may be mutually agreed upon.

(c) Gift parcels labelled "U.S.A. Gift Parcel", shipped by parcel post from individuals in the United States of America, its territories and insular possessions, to individuals residing in Italy, packed in accordance with current international postal regulations, weight not to exceed 10 kilograms gross; limited to food, but not more than 2 kilograms coffee, and not more than 3 kilograms sugar; clothing and clothing materials, shoes and

shoemaking materials, and medical and health supplies excluding narcotics, alkaloids and saccarine; in such quantities as to clearly indicate usage limited to addressee and family and limited to one parcel per month for each individual Italian addressee.

(d) Gift parcels labelled "U.S.A. Gift Parcel", shipped other than by parcel post, from individuals, partnerships, corporations or associations in the United States, its territories and insular possessions, addressed to individuals residing in Italy, provided that the weight, content and other limitations as given in (c) above shall apply and provided further that ENDSI is designated as the receiving agency and acts as distribution agent.

Transportation costs. 62 Stat., Pt. 2, p. 2432.

(2) As regards transportation costs within Italy referred to in paragraph 5, Article IV of the Economic Cooperation Agreement, it is understood that:

(a) Relief goods, standard relief parcels and packages admitted duty free under (1) a, b and d above shall be received, warehoused, handled and transported to designated recipient without charge by ENDSI to donor, recipient or relief agency. All costs for such services shall be borne by ENDSI with funds made available by the Italian Government, and not from the Special Account (Lire Fund).

(b) With respect to gift parcels referred to in (1) c above, the Italian Postal Service shall determine its charges within Italy at the rates established by the international postal system. The Italian Postal Service shall be reimbursed for such charges from the Special Account (Lire Fund).

Reimbursement of charges; monthly report.

(3) The Italian Government shall reimburse the Italian Postal Service for its charges under (2) b above from the Special Account, and shall submit monthly to the ECA mission—copy to the ECA Controller in Washington—a report of the amounts reimbursed, in a form satisfactory to the Italian Government and to the ECA mission, it being understood that each of such reports shall specify the total weight transported and charges therefor. If any adjustment in the amount of such reimbursements is necessary as a result of ECA audit, such adjustment shall be made promptly.

Effectivity.

(4) With regard to duty-free treatment, the terms of this note shall take effect immediately. With regard to the defrayment of postal charges for gift parcels, the terms of this note shall take effect after notification has been given the Italian Government by the U. S. Government that postage has been reduced and charges therefor may then be paid from the special account. However, with respect to the provisions in (2) a above, the terms of this note shall be effective retroactively to July 1, 1948.

If the foregoing is in accord with the understanding of the Italian Government, I would appreciate Your Excellency's so advising me. The two notes then exchanged will constitute agreement by our two Governments in the premises.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency
Count CARLO SFORZA,
Minister for Foreign Affairs,
Rome.

The Italian Minister for Foreign Affairs to the American Ambassador

IL MINISTRO DEGLI AFFARI ESTERI n.44/7350/605

ROMA, *26 novembre 1948*

ECCELLENZA,

ho l'onore di riferirmi alla Nota di V. E. n. 2131 del 26 novembre 1948 con la quale Ella ha voluto comunicarmi quanto segue:

"Ho l'onore di riferirmi al paragrafo 2 dell'Art. 6, e al paragrafo 5 dell'Art. 4 dell'Accordo di Cooperazione Economica fra l'Italia e gli Stati Uniti d'America firmato in Roma il 28 giugno 1948.

In conformità alle disposizioni di cui ai suddetti paragrafi e sulla base degli scambi di vedute fra il Ministero degli Affari Esteri e la Delegazione della Cooperazione Economica Europea da una parte e l'Ambasciata degli Stati Uniti d'America e la Missione dell'Amministrazione per la Cooperazione Economica in Roma dall'altra, resta inteso quanto segue:

1) – il Governo italiano, in conformità al paragrafo 2 dell'Art. 6, ammetterà in franchigia doganale:

a) – le merci assistenziali donate a o acquistate da organizzazioni assistenziali volontarie statunitensi non aventi scopo di lucro e qualificate dalle norme dell'ECA. Tali merci saranno consegnate, per essere distribuite secondo le intenzioni delle organizzazioni stesse, all'E.N.D.S.I. (Ente Nazionale Distribuzione Soccorsi in Italia), organismo creato, allo scopo di distribuire i soccorsi, con il D.L.L. del 28 settembre 1944 n. 220, pubblicato sul n. 62 della Gazzetta Ufficiale del 30 settembre 1944. Per merci assistenziali debbono intendersi merci o prodotti dei quali possa giustificarsi un fine di assistenza con l'esclusione quindi dei prodotti voluttuari.

b) – I pacchi tipo assistenziali forniti dalla C.A.R.E. (Cooperativa per gli invii americani in Europa) o da simili organizzazioni che siano eventualmente riconosciute di comune accordo.

c) – Pacchi dono che portino l'etichetta "U.S.A. Gift Parcel" (Pacco postale dono U.S.A.) spediti per posta da persone singole negli Stati Uniti d'America, nei suoi territori o possedimenti insulari, a persone singole residenti in Italia, confezionati secondo le vigenti norme postali internazionali. Il peso lordo di ogni pacco non deve superare i 10 kg., ed il contenuto deve essere limitato: a generi alimentari, ma con non più di kg. 2 di caffè e kg. 3 di zucchero; a vestiario e materiale per vestiario; a calzature, accessori di calzature e

parti di calzature; ed a medicinali e prodotti igienici; in quantità tali che sia chiaro che l'uso è limitato al destinatario e famiglia. (Sono esclusi gli alcaloidi, gli stupefacenti e la saccarina). Ciascun destinatario italiano non potrà ricevere mensilmente più di un pacco.

d) – Pacchi dono che portino l'etichetta "U. S. A. Gift Package" (Pacco dono U.S.A.) spediti in diverso modo che per posta da persone singole, società, compagnie e associazioni negli Stati Uniti, suoi territori o possedimenti insulari, a persone residenti in Italia a condizione che siano osservate le limitazioni in numero, peso, contenuto e ogni altra indicata nel paragrafo c) di cui sopra e purchè l'E.N.D.S.I. sia designata come Ente ricevente e di distribuzione.

2) – Per quanto riguarda le spese di trasporto in Italia di cui al paragrafo 5 dell' Art. 4 dell'Accordo per la Cooperazione Economica resta inteso che:

a) – le merci assistenziali, i pacchi tipo e gli altri pacchi assistenziali ammessi in franchigia doganale come dal paragrafo 1, punti a) b) e d) sopra indicati, saranno ricevuti, immagazzinati, trasportati e distribuiti a cura dell' E.N.D.S.I. senza alcun onere per il donatore, il destinatario o l'Ente assistenziale. Tutti gli oneri per tali servizi saranno sostenuti dall' E.N.D.S.I. con fondi messi a sua disposizione dal Governo Italiano e non dal fondo speciale.

b) – Per quanto riguarda i pacchi dono di cui al paragrafo 1 c) sopra indicato, l'Amministrazione postale italiana stabilirà i diritti postali per il trasporto in Italia ai tassi previsti dagli Accordi postali internazionali. L'Amministrazione delle Poste Italiane sarà rimborsata dell'importo di tali diritti postali sul "Fondo Speciale" (Fondo lire).

3) – Il Governo italiano, nel rimborsare l'Amministrazione italiana delle Poste dei suoi diritti postali come dal paragrafo 2 b) sul conto speciale, presenterà mensilmente alla Missione ECA in duplice copia (di cui una per il Controllore dell'ECA a Washington) un resoconto degli importi rimborsati in una forma concordata tra il Governo italiano e la Missione ECA. Rimane inteso che ognuno di tali resoconti preciserà il peso totale trasportato ed i relativi diritti postali. Ove si renda necessaria una qualsiasi rettifica per quanto riguarda l'ammontare di tali rimborsi, in base alle risultanze contabili dell'ECA, si procederà prontamente a tali rettifiche.

4) – Per ciò che concerne la franchigia doganale, i termini della presente Nota avranno immediato effetto. Per ciò che concerne il rimborso delle spese postali per i pacchi dono le disposizioni della presente Nota andranno in vigore non appena il Governo italiano riceva notizia dal Governo degli Stati Uniti che le tariffe postali sono state ridotte e che pertanto l'importo dei diritti postali potrà essere pagato sul "Fondo speciale". Tuttavia per quanto riguarda le disposizioni di cui al paragrafo 2 a) sopra indicato, i termini della presente Nota avranno effetto retroattivo a datare dal 1° luglio 1948".

Se quanto precede è in armonia con l'intendimento del Governo italiano gradirei che V. E. volesse darmene comunicazione. Le due

Note così scambiate costituiranno un accordo in materia fra i nostri due Governi".

Ho l'onore di comunicarLe che il Governo italiano concorda su quanto precede e che il presente scambio di Note costituisce un accordo fra i nostri due Governi.

Voglia gradire, Eccellenza, gli atti della mia più alta considerazione.

SFORZA

S. E. JAMES CLEMENT DUNN
Ambasciatore degli Stati Uniti d'America
Roma

Translation

THE MINISTRY OF FOREIGN AFFAIRS

No. 44/7350/605

ROME, *November 26, 1948*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 2131 of November 26, 1948, in which you were good enough to inform me as follows:

Ante, p. 3809.

[For the English language text of this note, as signed, see p. 3809.]

I have the honor to inform you that the Italian Government is in agreement on the foregoing and that the present exchange of Notes constitutes an agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

SFORZA

His Excellency JAMES CLEMENT DUNN
Ambassador of the United States of America
Rome

The American Ambassador to the Italian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 2132

November 26, 1948

EXCELLENCY:

I have the honor to refer to your Excellency's Note No. 44/7350/605 dated November 26 with regard to the duty-free treatment and inland transportation of certain supplies of relief goods, relief parcels and gift packages.

It is the understanding of my Government that nothing in that Note shall change the present status of relations between the United States voluntary relief agencies and A.A.I. (Amministrazione Aiuti Internazionali), the organization created by Legislative Decree No. 5 of January 4, 1946, Official Gazette No. 25 of January 30, 1946, and Legislative Decree No. 1006 of September 19, 1947, Official Gazette No. 229 of October 6, 1947.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency
Count CARLO SFORZA,
Minister for Foreign Affairs,
Rome.

The Italian Minister for Foreign Affairs to the American Ambassador

IL MINISTRO DEGLI AFFARI ESTERI n.44/7351/606

ROMA, *26 novembre 1948*

ECCELLENZA,

ho l'onore di riferirmi alla Nota di V. E. n.2132 del 26 novembre 1948 con la quale Ella ha voluto comunicarmi quanto segue:

"Ho l'onore di riferirmi all Nota di V.E. n.44/7350/605 del 26 novembre 1948 relativa alla franchigia doganale e al trasporto interno di alcune forniture di generi di assistenza, pacchi assistenziali e pacchi dono.

E' intendimento del mio Governo che niente della Nota suddetta verrà a modificare l'attuale stato delle relazioni tra le Organizzazioni assistenziali volontarie degli Stati Uniti e l'A.A.I. (Amministrazione per gli Aiuti Internazionali), Organismo creato in base al Decreto Legislativo n.5 del 4 gennaio 1946, Gazzetta Ufficiale n.25 del 30 gennaio 1946, e Decreto Legislativo n.1006 del 19 settembre 1947, Gazzetta Ufficiale n.229 del 6 ottobre 1947".

Ho l'onore di comunicarLe che il Governo italiano è d'accordo su quanto precede.

Voglia gradire, Eccellenza, gli atti della mia più alta considerazione.

SFORZA

S. E. JAMES CLEMENT DUNN
Ambasciatore degli Stati Uniti d'America
Roma

Translation

THE MINISTRY OF FOREIGN AFFAIRS No. 44/7351/606

ROME, *November 26, 1948*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 2132 of November 26, 1948, in which you were good enough to inform me as follows:

[For the English language text of this note, as signed, see p. 3813.]

I have the honor to inform you that the Italian Government is in agreement on the foregoing.

Accept, Excellency, the assurances of my highest consideration.

SFORZA

His Excellency
JAMES CLEMENT DUNN
Ambassador of the United States of America
Rome

Agreement between the United States of America and Italy respecting economic cooperation under Public Law 472, 80th Congress, amending the agreement of June 28, 1948. Effected by exchange of notes signed at Rome September 28 and October 2, 1948; entered into force October 2, 1948.

September 28, and October 2, 1948
[T. I. A. S. 1917]

The American Ambassador to the Italian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

F. O. No. 1904

EXCELLENCY,

I have the honor to refer to the Economic Cooperation Agreement between the United States of America and Italy, which was signed at Rome on June 28, 1948, and, under the instructions of my Government, to suggest that the following interpretation be accepted and agreed upon as representing the intent of the agreement:

62 Stat., Pt. 2, p. 2421.

In Article XII, paragraph 2, sub-paragraph (b), the words ". . . provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than July 30, 1953.", [1] and the corresponding words in the Italian text, shall be understood as applying to and modifying both sub-paragraph (a) and sub-paragraph (b) of Article XII, paragraph 2.

62 Stat., Pt. 2, p. 2444.
62 Stat., Pt. 2, pp. 2434 and 2438.

62 Stat., Pt. 2, p. 2442.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

ROME, *September 28, 1948.*

His Excellency
Count CARLO SFORZA,
Minister for Foreign Affairs,
Rome.

The Italian Minister for Foreign Affairs to the American Ambassador

IL MINISTRO DEGLI AFFARI ESTERI
04794/448

ROMA, *2 ottobre 1948*

ECCELLENZA,

ho l'onore di accusare ricevuta della nota n. 1904 in data 28 settembre 1948.

In detta nota, relativa all'Accordo di Cooperazione Economica fra l'Italia e gli Stati Uniti firmato a Roma il 28 giugno 1948, l'Eccellenza

[1] The correct date is "June 30, 1953."

Vostra suggerisce una precisazione di interpretazione, a proposito dell'Articolo XII di quell'Accordo.

Precisamente che le parole del paragrafo 2, lettera b)/ ". . . a condizione, tuttavia, che l'art. V ed il paragrafo 3 dell'art. VII rimangano in vigore sino a due anni dopo la data di tale notifica dell'intenzione di porre termine all'accordo, ma non oltre il 30 giugno 1953."/si riferiscano tanto alla lettera a) quanto alla lettera b).

Ho l'onore di comunicarLe che il Governo italiano concorda circa tale interpretazione.

Colgo l'occasione per ricambiare all'Eccellenza Vostra i sensi della più alta considerazione.

SFORZA

Sua Eccellenza
JAMES CLEMENT DUNN
Ambasciatore degli Stati Uniti d'America
Roma

Translation

THE MINISTRY OF FOREIGN AFFAIRS
04794/448

ROME, *October 2, 1948*

EXCELLENCY:

I have the honor to acknowledge receipt of note No. 1904 dated September 28, 1948.

In the said note, with reference to the Economic Cooperation Agreement between Italy and the United States of America, which was signed at Rome on June 28, 1948, Your Excellency suggests an interpretation of Article XII of that Agreement:

62 Stat., Pt. 2, p. 2421.

62 Stat., Pt. 2, p. 2444.

62 Stat., Pt. 2, pp. 2434 and 2438.

Specifically, that the words of paragraph 2, sub-paragraph (b), ". . . provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate the agreement, but not later than June 30, 1953" apply to both sub-paragraph (a) and sub-paragraph (b).

I have the honor to inform you that the Italian Government is in agreement with that interpretation.

I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

SFORZA

His Excellency
JAMES CLEMENT DUNN
Ambassador of the United States of America
Rome

Interim agreement between the United States of America and Korea respecting military and security measures effective until completion of the withdrawal of United States forces from Korea. Signed at Seoul August 24, 1948; entered into force August 24, 1948.

August 24, 1948
[T. I. A. S. 1918]

SEOUL, KOREA
24 August 1948

EXECUTIVE AGREEMENT BETWEEN THE PRESIDENT OF THE REPUBLIC OF KOREA AND THE COMMANDING GENERAL, UNITED STATES ARMY FORCES IN KOREA, CONCERNING INTERIM MILITARY AND SECURITY MATTERS DURING THE TRANSITIONAL PERIOD

PREAMBLE

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, exchanged notes on August 9, 1948, [1] and August 11, 1948, [1] respectively, concerning the progressive and orderly transfer of governmental functions from the Commanding General of United States Army Forces in Korea to the Government of the Republic of Korea leading to the withdrawal of United States forces from Korea and the termination of the United States Occupation;

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, have appointed representatives to consult for the purpose of facilitating the progressive and orderly transfer of governmental responsibility, and of facilitating arrangements for the withdrawal of forces under the command of the Commanding General, United States Army Forces in Korea;

Whereas, the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea have revealed the common interest of the Government of the Republic of Korea and the Commanding General, United States Army Forces in Korea in maintaining the security of Korea, and in continuing the organization, training and equipping of Security Forces of the Republic of Korea now in being, until the completion of the withdrawal of United States forces;

Whereas, it is desirable to establish an agreed basis for accomplishing the common military and security requirements which were revealed by the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea; and

[1] Not printed.

Whereas, Article 61 of the Constitution of the Republic of Korea provides that the President of the Republic of Korea shall be the Commander-in-Chief of the National Military Forces and that the organization and formation of the military forces shall be determined in accordance with law;

Therefore, the President of the Republic of Korea in his dual capacity of Chief Executive of the Republic of Korea and Commander-in-Chief of the National Military Forces and the Commanding General, United States Army Forces in Korea, agree upon the following military and security measures to be effective until the completion of the withdrawal of United States forces from Korea;

ARTICLE I

Interim duties of Commanding General, United States Army Forces in Korea.

The Commanding General, United States Army Forces in Korea, agrees that, pursuant to directives from his government and within his capabilities, he will continue to organize, train and equip the Security forces of the Republic of Korea now in being, provided that his obligation shall cease upon the completion of withdrawal from Korea of forces under his command.

ARTICLE II

Transfer of responsibility.

The Commanding General, United States Army Forces in Korea, agrees to transfer to the Government of the Republic of Korea progressively, and as rapidly as he deems compatible with common security, responsibility for the direction of the Security Forces of the Republic of Korea, consisting of all Police, Coast Guard and Constabulary units now in being, and the President of the Republic of Korea agrees to accept progressively, for the Government of the Republic of Korea, responsibility for the direction of these forces. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain until completion of withdrawal of United States Army Forces as contemplated in par 4 (c) of Resolution No. II passed by the United Nations General Assembly 14 November 1948 [1] (which reads as follows: "(c) arrange with the occupying powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within 90 days".) the authority to exercise such over-all operational control of Security Forces of the Republic of Korea (including the Constabulary and Coast Guard and such National Police detachments as may be stationed in critical areas) as he deems necessary in the interests of common security, or to facilitate the organization, training and equipping of the Security Forces of the Republic of Korea. The provisions of this article shall not interfere with the sovereign rights of the Government of the Republic of Korea in the administration of the Korean Security Forces, the screening of their personnel to eliminate enemies of the

Control of Korean Security Forces.

[1] The resolution mentioned, No. 112 (II), was passed Nov. 14, 1947 (United Nations, *Official Records of the Second Session of the General Assembly: Resolutions, 16 September–29 November 1947*, p. 18. Lake Success, 1948. U. N. doc. A/519).

Government of the Republic of Korea, the selection of recruits to fill the ranks of existing or future units and the formation of such additional Korean Security Forces as may be provided by law in accordance with the provisions of Article 61 of the Constitution of the Republic of Korea.

ARTICLE III

Control over vital areas and facilities.

Pursuant to the provisions of the note transmitted by the President of the Republic of Korea to the Commanding General, United States Army Forces in Korea, on August 9, 1948, the President of the Republic of Korea agrees that the Commanding General, United States Army Forces in Korea, shall retain control over areas and facilities of vital importance (such as ports, camps, railways, lines of communication, airfields, etc.) which he deems necessary in order to accomplish the transfer of authority to the Government of the Republic of Korea and the withdrawal of United States occupation forces from Korea in accordance with the United Nations General Assembly Resolution on Korea. The Commanding General, United States Army Forces in Korea agrees to list for the Government of the Republic of Korea as soon as practicable those areas and facilities as described above currently in use by his forces, and to keep the Government informed of all changes therein. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain exclusive jurisdiction over the personnel of his command, both military and civilian, including their dependents, whose conduct as individuals shall be in keeping with pertinent laws of the Republic of Korea. It is further agreed that any individuals under the jurisdiction of the Commanding General, United States Army Forces in Korea, as described above, who may be apprehended by law enforcement agencies of the Government of the Republic of Korea shall be immediately turned over to the custody and control of the Commanding General, United States Army Forces in Korea, and that any individuals not under the jurisdiction of the Commanding General, United States Army Forces in Korea, who may be apprehended in acts detrimental to the security of personnel or property under his jurisdiction, shall be immediately turned over to the custody and control of the Government of the Republic of Korea.

Jurisdiction over certain individuals.

ARTICLE IV

Determination of details of transfer.

It is agreed between the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, that the details for accomplishing the progressive and orderly transfer of responsibility for all Korean Security Forces to the Government of the Republic of Korea in accordance with the principles herein set forth in this interim agreement shall be determined between appropriate officials of the Government of the Republic of Korea and of the United States Army Forces in Korea and the transfer of responsibility for the Korean Security Forces to the Government of the Republic of Korea shall begin at the earliest practicable time.

ARTICLE V

Registration of agreement.

This agreement shall be registered with the Government of the United States of America and with the Government of the Republic of Korea, in duplicate in the English and Korean languages, at Seoul, Korea, this 24 day of August, 1948. The English text and the Korean text shall have equal force, but in the case of divergence the English text shall prevail.

Prevailing text.

SYNGMAN RHEE
[SEAL] *President of the Republic of Korea*

JOHN R HODGE *Lt Gen USA*
[SEAL] *Commanding General, United States Army Forces in Korea*

外務部

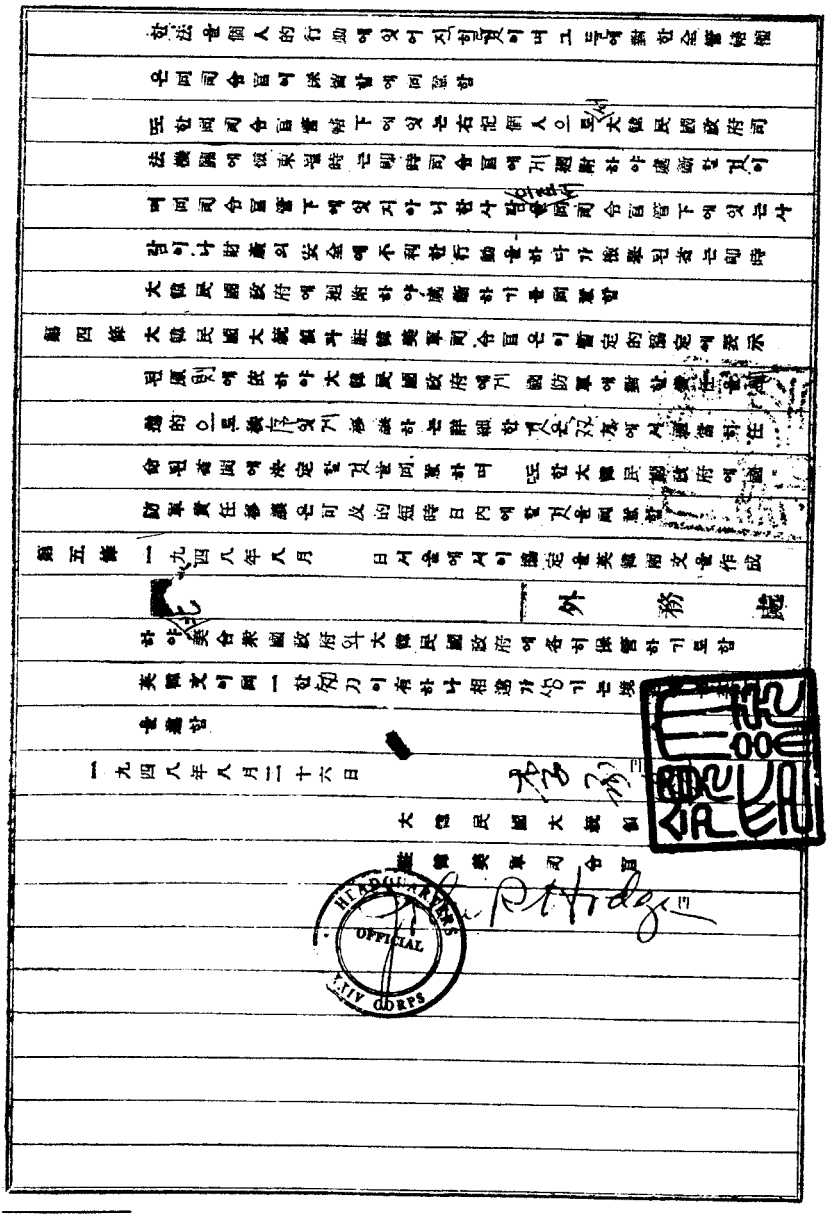
了時終結함

第二條 駐韓美軍司令官은共同安全이許하다고生覺할때에漸進
的으로可及的速히全警察、海岸警備隊、及現在編成中인
國軍으로된大韓民國國防軍의指揮權을大韓民國政府에게
移讓하기를同意하며大韓民國大統領이國防軍指揮責任을
引受하기로同意함
또한駐韓美軍司令官은一九四七年十一月十四日國際聯合
總會決議文第二號四節C에提示된美軍撤兵이完了할때가
지共同의安全과大韓民國國軍의組織、訓練及武裝에必要
하다고生覺할때에는大韓民國國防軍(陸軍、海岸警備隊
及危險地帶에配置된國立警察의一部로된)의運用에全權
을保留함
이條文은大韓民國의行政이나、大韓民國의主權을排除하

外務部

는人事詮衡이나現任又는未來의部隊의人選이나、또는大
韓民國憲法第六十一條에依하야國防軍을增設하는權의大
韓民國政府의主權에干涉하는바가아님

第三條 大韓民國大統領의一九四八年八月九日附駐韓美軍司令官
에게交附한覺書內容에依하야國際聯合總會의韓國에關한
決議文에있는韓國占領美軍撤退履行과大韓民國政府에行
政權移讓完成에必要하다고生覺할때에大韓民國大統領은駐
韓美軍司令官에게必要한地點(港口、陣地、鐵道、通
信、飛行場等)과施設에對한支配權을保留하도록同意함
駐韓美軍司令官은右에말한美軍이使用하는地點과施設의
目錄을作成하야大韓民國政府에通知하며또한變更이있을
때는可及的速히通知할것을同意함 또한駐韓美軍司令官
의指導下에있는軍人、軍屬及그들의家族은大韓民國의適切



[1] Syngman Rhee.
[2] John R Hodge.

November 9, 12, 1948
[T. I. A. S. 1926]

Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting passport visa fees. Effected by exchange of notes signed at London November 9 and 12, 1948; entered into force November 12, 1948.

The British Minister of State for Foreign Affairs to the American Chargé d'Affaires ad interim

FOREIGN OFFICE, S. W. 1.
No. UR 7266/6229/G *9th November, 1948.*

SIR,

I have the honour to inform you that, with a view to facilitating the movement of citizens of the United States of America to this country, His Majesty's Government in the United Kingdom are prepared to abolish the visa requirement for United States citizens travelling to the United Kingdom.

2. Accordingly, on and after the 12th November, United States citizens will be free to travel from any place whatever to the United Kingdom of Great Britain and Northern Ireland without the necessity of obtaining a visa, provided that they are furnished with valid United States passports. The competent British officials are being instructed in this sense, and it is proposed to release to the Press a joint Foreign Office and Home Office announcement on the same date. I should be grateful if, on the American side, any announcement of this news could be similarly delayed, so as to allow time for the new procedure to be introduced smoothly.

3. You will appreciate that the abolition of the visa requirement does not exempt United States citizens coming to the United Kingdom from the necessity of complying with the laws and regulations of the United Kingdom concerning the entry, residence (temporary or permanent) and employment or occupation of foreigners, and travellers who are unable to satisfy the immigration authorities that they comply with these laws and regulations are liable to be refused leave to enter or land.

4. I am conveying this information to you in the confident belief that the action we are taking will be for the mutual benefit of our two countries. I would at the same time express the hope of His Majesty's Government that, as a measure of reciprocity, the United States Government will give the greatest possible relief from United States visa charges and formalities to British subjects who are *bona fide*

non-immigrants within the meaning of the immigration laws of the United States.

I have the honour to be with high consideration, Sir,
Your obedient Servant,

(For Mr. McNeil)
ROGER MAKINS

Mr. JULIUS C. HOLMES,
etc., etc., etc.,
1, Grosvenor Square,
W. 1.

The American Chargé d'Affaires ad interim to the British Minister of State for Foreign Affairs

No. 3496

AMERICAN EMBASSY
London, November 12, 1948

SIR:

I have the honor to acknowledge, with deep appreciation, the receipt of your note, No. UR 7266/6229/G, dated November 9, 1948, informing me that His Majesty's Government in the United Kingdom has decided, effective November 12, 1948, to abolish the visa requirement for United States citizens travelling to the United Kingdom.

The Department of State was informed immediately upon receipt of the note under reference, of this gracious gesture of His Majesty's Government, and the Embassy has now been notified that the United States Government — effective November 12 — will grant to British subjects resident in the United Kingdom, in possession of valid British passports, who are eligible to enter the United States as bona fide non-immigrants, gratis passport visas, and in cases of temporary visitors, such visas may be made valid for entries over a period of 24 months, provided the passport concerned remains valid for that period. The same arrangement will be put into effect outside the United Kingdom for British subjects proceeding to the United States as temporary visitors, who are resident within the United Kingdom, but who are temporarily absent therefrom, as soon as American Diplomatic and Consular officers can be notified.

Accept, Sir, the renewed assurances of my highest consideration.

JULIUS C. HOLMES

The Right Honorable
H. MCNEIL, M. P.,
Minister of State,
Foreign Office,
London, S. W. 1

February 27, 1948
[T. I. A. S. 1930]

Agreement between the United States of America and France respecting a mutual aid settlement, implementing the agreement of May 28, 1946. Effected by exchange of notes signed at Washington February 27, 1948; entered into force February 27, 1948.

The Secretary of State to the French Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 27, 1948

EXCELLENCY:

Expenditures of the U. S. Armed Forces in France and French overseas territories.

I have the honor to refer to the recent conversations between representatives of the Government of the United States of America and representatives of the Government of the French Republic, regarding expenditures of the United States Armed Forces in France and French overseas territories, and to state that the Government of the United States of America is prepared to give effect to an agreement in the following terms:

Settlement of lend-lease, reciprocal aid, etc.

61 Stat., Pt. 4, p. 4216.

1. Reference is made to the "Declaration made in Paris by the President of the Provisional Government of the French Republic and in Washington by the President of the United States on May 28, 1946", which stated that representatives of the respective governments had met together in Washington and had discussed important economic and financial problems of common interest, among which was the settlement of lend-lease, reciprocal aid and other accounts.

Troop pay and procurement.

61 Stat., Pt. 4, p. 4175.

2. By a "Memorandum of Understanding dated May 28, 1946, between the Government of the United States of America and the Provisional Government of the French Republic Regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus Property, and Claims", arrangements and procedures for the settlement of past and future troop pay and procurement of United States Armed Forces in France and French overseas territories were agreed upon. These arrangements were incorporated in a "Joint United States-French Report of the Troop Pay and United States Armed Forces Procurement Sub-Committee", and a "Memorandum of Agreement Between the Government of the United States and the Provisional Government of the French Republic Regarding Expenditures of the United States Armed Forces in French Territory".

61 Stat., Pt. 4, p. 4206.

3. The aforementioned report contained an estimate with respect to obligations of the United States Armed Forces for procurement through the French authorities (AFA) from September 2, 1945 through December 25, 1945 in the amount of $100 million. In addition, the report contained an estimate of United States Army procurement in France from December 26, 1945 through March 31, 1946 in the amount of $20 million.

4. By the "Memorandum of Agreement Between the Government of the United States of America and the Provisional Government of the French Republic Regarding Expenditures of United States Armed Forces in France and French Overseas Territories", it was agreed that goods and services procured by the United States Armed Forces before the termination of reciprocal aid, when ineligible, and after the termination of reciprocal aid, would be paid for on the basis of the French authorities' presentation of appropriate documents in a form acceptable to the United States Armed Forces as has been, or may be, agreed upon between the United States Armed Forces and the French authorities. 61 Stat., Pt. 4 p. 4206.

5. In accordance with the arrangements made on May 28, 1946, appropriate vouchers and certifications by the French Government, acceptable to the United States, have been presented for payment by the United States Armed Forces. These vouchers, upon which payment has already been made, are summarized as follows:

Date Voucher Presented	*French Voucher*	*Date Paid*	*Payment by USAF*
October 17, 1946	$ 20,567	October 30, 1946	$ 20,567
May 29, 1946	81,910,500	January 23, 1947	81,910,500
March 17, 1947	18,056,625	April 30, 1947	18,056,625
March 17, 1947	19,973,250	April 30, 1947	19,973,250
	$119,960,942		$119,960,942

6. In accordance with an exchange of letters in October 1947 [1] between Major General C. B. Magruder, United States Army, and Mr. Robert Schuman, French Minister of Finance, the French authorities presented, on January 31, 1948, to the Department of the Army, a recapitulation of all claims for goods and services procured for or by the United States Armed Forces before the termination of reciprocal aid, when ineligible, as well as for the period September 2, 1945 through December 31, 1946, totaling $241,191,887. Of this amount, it is recognized that $2,889,616 covers procurement effected subsequent to December 31, 1946. This latter amount is outside the purview of this agreement and will be settled in accordance with paragraph eight below. Review of this recapitulation presented by the French Government of the total of the claims for the period September 2, 1945 through December 25, 1945, and for the period December 26, 1945 through March 31, 1946, indicates that the amounts of $100,000,000 and $20,000,000 set forth in the aforementioned Report were underestimated. It has been agreed between the United States Government and the French Government that the provisions of the aforementioned Report and the aforementioned Memorandum of Agreement should be amended to take account of these considerations. 61 Stat., Pt. 4 p. 4199.

7. After considering all claims presented by the French Government against the United States Armed Forces and all claims presented by the United States Armed Forces against the French Government, and after examining the amounts originally estimated as payable by the United States Armed Forces to the French Government for

[1] Not printed.

procurements of goods, services and facilities by them or on their behalf, following the reciprocal aid period through December 31, 1946, and the amounts finally claimed on both sides, it is agreed between the United States Government and the French Government that the following provisions covering goods, services and facilities furnished the United States Armed Forces will supersede the arrangements and procedures established on May 28, 1946, in so far as they are inconsistent therewith:

A. It is agreed that a payment of $87,000,000 will be made by the United States Army on behalf of the United States Armed Forces to the French Government for obligations during the period prior to September 2, 1945, when ineligible for reciprocal aid, and for the period September 2, 1945 through December 31, 1946. The French Government agrees that this payment by the United States Armed Forces, together with any and all other amounts already paid by such Forces to the French Government, is in full, complete and final settlement for obligations during the above-mentioned periods. In this respect it is recognized that the United States Army is discharging other United States Government agencies' obligations included in the claims presented by the French Government on January 31, 1948, it being understood, however, that claims against United States Government agencies, other than the United States Armed Forces not included in the above-mentioned claims, are not covered by this agreement.

B. The United States Government agrees to pay forthwith to the French Government the amount stated in paragraph A above in payment of the aforementioned obligations. To the extent that the United States Department of the Army holds French francs in its official accounts, such French francs may be used in settlement of the aforementioned obligations at their dollar value at the time of their purchase.

C. The French Government agrees to pay to the United States Armed Forces upon the execution of this settlement, the sum of $1,452,312.86, covering certain transfers to France by the United States Army after March 1, 1946 ($142,586.00), V-Mail paper provided to France ($500,000.00), the printing of certain Allied military currencies ($559,726.86) and an amount estimated to be sufficient to cover certain transfers to the French Government by the United States Navy ($250,000). The last amount is subject to adjustment upon determination of the applicable French Government liability not otherwise provided for.

Waiving of claims against U. S. Armed Forces or U. S. Government.

D. Except as otherwise expressly provided in the within agreement, the French Government hereby acquits, and forever waives any and all claims against the United States Armed Forces or the United States Government,

i. Which have arisen or will arise against the United States Armed Forces as a result of or incident to its operations in

France or French overseas territories, and procurement by the United States Armed Forces of supplies, services, utilities, facilities, goods and properties from or through the French Government, its nationals, or others in Continental France and in French overseas territories, prior to September 2, 1945, when ineligible for reciprocal aid, and during the period September 2, 1945 through December 31, 1946. The payment by the United States Armed Forces to the French Government of the final amount stated in paragraph A above will discharge the United States Armed Forces of any and all liabilities pertaining thereto which have arisen or will arise in any place.

ii. Which have arisen or will arise out of completed, delivered, or cancelled portions of all contracts entered into prior to January 1, 1947 in connection with the procurement referred to in the foregoing paragraph by representatives of the United States Armed Forces with French Government agencies, nationals, or others owning property, rendering services or residing in France or French overseas territories.

Reimbursement of French Government.

8. The United States Armed Forces agree to continue to reimburse the French Government for the procurement of goods, services and facilities obtained through the French Government in France and in French overseas territories subsequent to December 31, 1946 on the basis of the French authorities' presentation of appropriate documents in a form acceptable to the United States Armed Forces as has been, or may be, agreed upon between the United States Armed Forces and the French authorities.

Waiving of claims against French Government.

9. Except as otherwise specifically provided in the within agreement, the United States Government hereby acquits and forever waives any and all claims against the French Government for supplies, services, utilities, facilities, goods and properties provided to the French Government or its overseas territories by the United States Armed Forces wherever they may be from March 2, 1946 through December 31, 1946. The United States Government will discharge the French Government of any and all liabilities pertaining thereto which have arisen or will arise in any place for this period.

10. It is understood and agreed that claims arising out of acts or omission in France or French overseas territories, of members of the United States Armed Forces or civilian personnel attached to such Forces, are not settled within the terms of this agreement and shall be regulated under such terms as already have been agreed upon between the United States Government and the French Government in the "United States-French War Settlement Committee Agreed Combined Statement with Respect to Claims" of May 28, 1946. Conversely, it is recognized that similar claims of the United States against France arising out of acts or omissions of French nationals in France or French overseas territories are not settled within the terms of this agreement.

61 Stat., Pt. 4, p. 4185.

11. Other agreements between the United States and France, except in so far as they are not consistent with the terms of the within agreement, shall remain in full force and effect.

Effective date.

The Government of the United States of America will consider this agreement, in the terms outlined above, to be in effect on the date of your reply note indicating that the terms of the agreement are in accord with the understanding of your Government and that your Government approves of those terms.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

WILLARD L. THORP

His Excellency
HENRI BONNET,
Ambassador of the French Republic.

The French Ambassador to the Secretary of State

AMBASSADE DE FRANCE
AUX ETATS-UNIS

WASHINGTON, *le February 27, 1948*

MR. SECRETARY:

I am pleased to confirm that the terms of your note of February 27, 1948, regarding expenditures of the United States Armed Forces in France and French Overseas Territories, are in accordance with the understanding of my Government and that my Government approves those terms and considers them to be in effect from and after this date./.

Accept, Mr. Secretary, the renewed assurances of my highest consideration.

For the Ambassador

[1]

The Hon. GEORGE C. MARSHALL
Secretary of State
Washington, D. C.

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[1] Armand Bérard.

Agreements between the United States of America and Brazil respecting a cooperative health and sanitation program in Brazil, amending and extending the agreement of November 25, 1943, as modified. Effected by exchange of notes signed at Rio de Janeiro December 15 and 30, 1948; entered into force January 14, 1949, operative retroactively January 1, 1949. And exchange of notes signed at Rio de Janeiro July 28 and August 23, 1944; entered into force August 23, 1944.

July 28 and August 23, 1944, and December 15 and 30, 1948
[T. I. A. S. 1939

The American Ambassador to the Brazilian Acting Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Rio de Janeiro, December 15, 1948

No. 315

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of the United States of Brazil and The Institute of Inter-American Affairs arising out of the exchange of correspondence between the Acting Secretary of State of the United States of America and the Minister of Finance of Brazil on March 14, 1942, as later modified and extended, which provided for the initiation and execution of the existing health and sanitation program in Brazil. I also refer to the note of Your Excellency's Ministry of December 13, 1948,[1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

57 Stat. 1322.

Post, p. 3835.

As Your Excellency knows, the aforementioned Basic Agreement, as amended, provides that the health and sanitation program will terminate on December 31, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Brazil, that an extension of such program would be desirable. I have been advised by the Department of State in Washington, D. C., that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of six (6) months from December 31, 1948 through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $250,000 U.S. Cy. to the Serviço Especial de Saúde Pública (SESP) for use in carrying out project activities of the program on condition that Your Government would contribute to the SESP for the same purpose the sum of Cr$50,000,000.00. The Institute would also be willing during the same extension period to make available funds to be retained by the Institute, and not deposited to the account of the SESP, for payment of salaries and other expenses of the members of the Institute Health and Sanitation Division Field

[1] Not printed.

Staff, who are maintained by the Institute in Brazil. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to Your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Education and Health and The Institute of Inter-American Affairs.

The Government of the United States of America will consider the present note and your reply concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature[1] of an agreement by the Minister of Education and Health of Brazil and by a representative of The Institute of Inter-American Affairs embodying the above-mentioned technical details.

Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

HERSCHEL V. JOHNSON

His Excellency
Ambassador HILDEBRANDO P. P. ACCIOLY,
Acting Minister for Foreign Affairs,
Rio de Janeiro.

The Brazilian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DAS RELAÇÕES EXTERIORES,
RIO DE JANEIRO.

DAI/155/112.63

Em 30 de dezembro de 1948.

SENHOR EMBAIXADOR,

Tenho a honra de acusar o recebimento da nota nº 315, de 15 de dezembro corrente, na qual Vossa Excelência se refere ao Acôrdo Básico entre o Govêrno dos Estados Unidos do Brasil e o "Institute of Inter-American Affairs", decorrente da troca de correspondência entre o Secretário de Estado dos Estados Unidos da América e o Ministro da Fazenda do Brasil, a 14 de março de 1942, posteriormente modificado e prorrogado, o qual estabelece o início e a execução do programa, em realização, sôbre saneamento e saúde pública no Brasil.

2. Informa-me Vossa Excelência, na referida nota, de que o Govêrno dos Estados Unidos da América, em virtude dos benefícios mútuos auferidos com o programa de cooperação mencionado, concorda com a sugestão feita pelo Govêrno dos Estados Unidos do Brasil no sentido de ser o mesmo prorrogado.

3. Comunica-me, assim, Vossa Excelência, que o Govêrno dos Estados Unidos da América considera que um ajuste pode ser feito, a fim de que o "Institute of Inter-American Affairs" continue sua parti-

[1] Jan. 14, 1949.

cipação no programa de cooperação mencionado, por um periodo de seis (6) mêses, ou seja de 31 de dezembro de 1948 a 30 de junho de 1949.

4. Ficará estipulado, no ajuste em questão, que durante o referido período de prorrogação, o "Institute of Inter-American Affairs" contribuirá para o Serviço Especial de Saúde Pública (SESP) com..... U.S.$250,000 (duzentos e cincoenta mil dólares), em moeda corrente, soma essa destinada à execução das atividades projetadas no programa, devendo o Govêrno dos Estados Unidos do Brasil contribuir para a mesma organização e para os mesmos fins, com a importância de Cr$50.000.000,00 (cincoenta milhões de cruzeiros).

5. O "Institute of Inter-American Affairs" comprometer-se-á ainda a contribuir, durante a mesma prorrogação, com as somas destinadas ao pagamento de salários e outras despesas dos membros do Corpo técnico e administrativo de sua "Health and Sanitation Division" no Brasil, somas essas que não serão depositadas na conta do SESP e permanecerão na posse do "Institute". As quantias referidas serão em acréscimo às somas já exigidas na vigência do Acôrdo Básico, como contribuição das partes e destinadas à execução de seu programa.

6. É-me grato comunicar a Vossa Excelência que o Govêrno dos Estados Unidos do Brasil concorda com o Govêrno dos Estados Unidos da América na prorrogação do Acôrdo de cooperação em matéria de saneamento e saúde pública no Brasil, nos têrmos acima expressos, devendo esta nota e a nota de Vossa Excelência, datada de 15 de dezembro e a que a princípio me reporto, constituir a expressão de tal acôrdo entre os dois Governos, acôrdo que entrará em vigor na data da assinatura, pelo Senhor Ministro de Estado da Educação e Saúde do Brasil e o Representante do "Institute of Inter-American Affairs", do respectivo instrumento de prorrogação, com os pormenores técnicos acima mencionados.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

RAUL FERNANDES

A Sua Excelência o Senhor HERSCHEL V. JOHNSON,
Embaixador dos Estados Unidos da América.

Translation

MINISTRY OF FOREIGN AFFAIRS,
RIO DE JANEIRO.
December 30, 1948.

DAI/155/112.63

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of note no. 315, of December 15th of the current year, in which Your Excellency refers to the Basic Agreement between the Government of the United States of Brazil and the Institute of Inter-American Affairs which resulted from an exchange of correspondence between the Secretary of State of the United States of America and the Minister of the Treasury of Brazil on March 14, 1942, and was later amended and extended, and

Ante, p. 3831.

57 Stat. 1322.

which provides for the beginning and execution of the program now in progress on sanitation and public health in Brazil.

2. Your Excellency informs me in that note that the Government of the United States of America, in virtue of the mutual benefits derived from the aforementioned program of cooperation, agrees with the suggestion made by the Government of the United States of Brazil that it be extended.

3. Your Excellency also informs me that the Government of the United States of America believes that an arrangement may be made for the Institute of Inter-American Affairs to continue to participate in the program of cooperation in question for a period of six (6) months, from December 31, 1948 to June 30, 1949.

4. The aforesaid arrangement shall provide that during the period of extension the Institute of Inter-American Affairs will contribute $250,000 U.S. cy. (two hundred and fifty thousand dollars) in currency to the Serviço Especial de Saúde Pública (SESP) [Special Public Health Service (SPHS)]. This amount is to be used in the fulfillment of the planned activities of the program, and the Government of the United States of Brazil shall contribute the amount of $50,000,000.00 Cruzeiros (fifty million cruzeiros) to the same organization and for the same purposes.

5. The Institute of Inter-American Affairs further undertakes to contribute, during this period of extension, the amounts to be used in the payment of salaries and other expenses of the members of the technical and administrative personnel of its Health and Sanitation Division in Brazil. This money will not be deposited to the account of the SESP and will remain in the possession of the Institute. These amounts will be in addition to the amounts already required under the Basic Agreement, as a contribution by the parties intended for the execution of the program thereof.

6. I take pleasure in communicating to Your Excellency that the Government of the United States of Brazil agrees with the Government of the United States of America on the extension of the Agreement on cooperation in matters of sanitation and public health in Brazil, according to the terms set forth above. This note and that of Your Excellency of December 15th, to which I refer in the beginning, shall constitute the expression of such agreement between the two Governments. This agreement shall come into force on the date of signature of the appropriate instrument of extension, with the aforesaid technical provisions, by the Minister of State for Education and Health of Brazil and the Representative of the Institute of Inter-American Affairs.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

RAUL FERNANDES

His Excellency
HERSCHEL V. JOHNSON,
Ambassador of the United States of America.

The American Ambassador to the Brazilian Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 87. *Rio de Janeiro, Brazil,*
July 28, 1944.

EXCELLENCY:

I have the honor to refer to the Health and Sanitation Agreement between the Governments of the United States of Brazil and the United States of America, concluded at Rio de Janeiro on November 25, 1943. 57 Stat. 1338.

In this connection, I refer to a letter dated July 18, 1944, a copy of which is enclosed, from Major General George C. Dunham, Executive Vice President of the Institute of Inter-American Affairs, to His Excellency Dr. Gustavo Capanema, Minister of Education and Health of Brazil, in which General Dunham proposes certain slight alterations in the original agreement in order to facilitate and improve the execution of the cooperative program of health and sanitation by the Serviço Especial de Saude Pública (S.E.S.P.), and to provide for increasing participation by Brazilians in the operation of the S.E.S.P.

I should appreciate it if Your Excellency would study these proposals in conjunction with the appropriate authorities of the Brazilian Government and, if agreeable, if you would write me indicating your approval.

Accept, Excellency, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

His Excellency
Dr. OSWALDO ARANHA,
Minister for Foreign Affairs,
Rio de Janeiro.

[Enclosure]

The American Executive Vice-President of The Institute of Inter-American Affairs to the Brazilian Minister of Education and Health

A-2369

RIO DE JANEIRO, *July 18, 1944*

His Excellency
Doctor GUSTAVO CAPANEMA
Minister of Education and Health
Rio de Janeiro, Brazil

EXCELLENCY:

I have the honor of referring to the agreement between the Ministry of Education and Health of Brazil and The Institute of Inter-American Affairs dated November 25, 1943 providing for the cooperative program of health and sanitation in Brazil now being carried out by the cooperative service designated as the SESP. In order to facilitate and improve the execution of the cooperative program of health and sanitation by the SESP and to provide for increasing participation by Brazilians in the operation of the SESP, I am now proposing for 57 Stat. 1338.

consideration by Your Excellency the following modifications in certain clauses of the agreement referred to above.

Clause III which reads:

"The Government of Brazil shall appoint as Superintendent of SESP the Chief of Field Party, Health and Sanitation Division, The Institute of Inter-American Affairs. The Superintendent shall have as an administrative assistant a qualified expert duly appointed by the Minister of Education and Health and acceptable to the said Superintendent."

will be amended to read:

Superintendent.

"The Government of Brazil shall appoint a Superintendent of the SESP who shall be acceptable to the Chief of Field Party of the Institute.

Delegation of authority.

"With the approval of the Minister the Superintendent of SESP may delegate his authority to persons employed by the SESP and to members of the Field Party of the Institute who may, by mutual agreement between the Chief of Field Party and the Superintendent of the SESP, be assigned to the SESP."

57 Stat. 1339.

Clause IV which reads:

"The health and sanitation program in Brazil shall continue to consist of individual projects. The kind of work and the specific projects to be undertaken in execution of this agreement and the allocation of funds therefor shall be agreed upon by the Minister of Education and Health and the Chief of Field Party in his capacity as representative of the Health and Sanitation Division of the Institute and shall be carried out by the Superintendent of the SESP in conformity with policies prescribed jointly by the Minister and the Chief of Field Party for the Institute."

will be amended to read:

Individual projects.

"The policies and administrative procedures governing the realization of the health and sanitation program in Brazil shall be mutually agreed upon by the Minister of Education and Health and the Chief of Field Party. The health and sanitation program shall consist of individual projects. Each project shall be embodied in a written project description which shall be mutually agreed upon and signed by the Superintendent of the SESP and the Chief of Field Party and which shall define the kind of work to be done, the allocation of funds therefor and such other matters as the Superintendent of the SESP and the Chief of Field Party shall desire to include. All projects shall be carried out by the Superintendent of the SESP in conformity with policies jointly prescribed by the Minister of Education and Health and the Chief of Field Party."

Clause X which reads: 57 Stat. 1340.

"The Superintendent of SESP shall have the sole power to select, appoint and discharge the employees of SESP and shall determine the salaries, transfers and conditions of employment within the SESP. The employees of SESP shall be remunerated from SESP funds. The Brazilian public officials employed in the SESP shall incur no loss of their civil service status as employees of the Government of Brazil."

will be amended to read:

"The Superintendent of SESP shall have the power to select, appoint, and discharge the employees of SESP and shall determine the salaries, transfers, and conditions of employment within the SESP (except for employees on a professional and technical level who will be employed by SESP upon mutual agreement between the Superintendent of SESP and the Chief of Field Party). The employees of SESP shall be remunerated from SESP funds. The Brazilian public officials employed in SESP shall incur no loss of their civil service status as employees of the Government of Brazil." Selection, etc., of SESP employees.

Clause XIV which reads: 57 Stat. 1341.

"The Superintendent of SESP shall furnish the Minister of Education and Health any information which is desired concerning the SESP or its activities. Reports shall be provided to the Minister regarding the progress of the work of SESP and its specific projects at such time or times as agreed to by the Minister and the Superintendent."

will be amended to read:

"The Superintendent of SESP shall provide the Minister and the Chief of Field Party with reports regarding the progress of the work of SESP and its specific projects at such intervals as may be agreed upon by them and the Superintendent of SESP. The Chief of Field Party or his delegates may inspect the projects, activities, records and files of SESP as necessary." Reports; inspection.

It should also be understood that wherever in the agreement the phrase "the Minister of Education and Health" is mentioned it will be interpreted to mean the "Minister of Education and Health or his delegate". I propose for consideration by Your Excellency, in order to facilitate the operation of the SESP, that the delegate of the Minister of Education and Health as mentioned above be the Superintendent of the SESP. "Minister of Education and Health."

It is understood that the agreement of November 25, 1943 shall remain in full force and effect, except insofar as it is specifically amended by the foregoing modifications. Force and effect of prior agreement. 57 Stat. 1338.

If these modifications are acceptable to Your Excellency, this letter and Your Excellency's acceptance will constitute a binding and

effective agreement between The Institute of Inter-American Affairs and the Ministry of Education and Health in accordance with the terms contained therein.

Accept, Excellency, the assurances of my highest consideration.

GEORGE C. DUNHAM
Major General, U. S. Army
Executive Vice-President
The Institute of Inter-American Affairs

Based upon information and belief, it is my opinion that this document is a true and exact copy of the original instrument.

WILLIAM T. THURMAN
Assistant Secretary
The Institute of Inter-American Affairs

The Brazilian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DAS RELAÇÕES EXTERIORES,
RIO DE JANEIRO.

DAI/DEC/235/512.6 (22) *Em 23 de agôsto de 1944.*

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da Nota nº 87, de 28 de julho último, em que Vossa Excelência se reporta ao Acôrdo sôbre saneamento e saúde, concluido nesta cidade a 25 de novembro de 1943, entre os Governos do Brasil e dos Estados Unidos da América.

2. Refere-se Vossa Excelência à carta, datada de 18 de julho último, cuja cópia inclui, do Senhor Major General George C. Dunham, Vice-Presidente do Instituto de Assuntos Inter-americanos, ao Senhor Doutor Gustavo Capanema, Ministro da Educação e Saúde do Brasil, propondo algumas ligeiras alterações ao mencionado Acôrdo, no sentido de facilitar e melhorar a execução do programa de saneamento e saúde pelo Serviço Especial de Saúde Pública (S.E.S.P.).

3. Em resposta, estou autorizado a declarar a Vossa Excelência que o Govêrno brasileiro aceita integralmente as alterações sugeridas pelo Senhor Major General Dunham, e que nesse sentido o meu colega da Educação e Saúde responderá à carta que o mesmo lhe dirigiu a 18 de julho último.

Aproveito o ensejo para reiterar a Vossa Excelência os protestos da minha mais alta consideração.

P. LEÃO VELLOSO

A Sua Excelência o Senhor JEFFERSON CAFFERY,
Embaixador dos Estados Unidos da América.

The Brazilian Minister of Education and Health to the American Executive Vice-President of the Institute of Inter-American Affairs

DAI/241/512.6(22)/1944/Anexo único.
Ministério da Educação e Saúde

497 RIO DE JANEIRO, *24 de Agôsto de 1944.*

SENHOR VICE PRESIDENTE:

Tenho a honra de acusar recebimento da carta de 18 de Julho último, pela qual Vossa Excelência com o objetivo de facilitar e melhorar a execução do programa cooperativo de saúde e saneamento, empreendido pelo Serviço Especial de Saúde Pública, e afim de permitir a crescente participação de elementos brasileiros na atuação do referido Serviço, propõe as seguintes modificações em cláusulas do contrato entre o Govêrno Brasileiro e o Govêrno Norte americano, assinado em 25 de Novembro de 1943:

A cláusula III, assim redigida:

O Govêrno Brasileiro designará como Superintendente do SESP, o Chefe da Missão Técnica da Divisão de Saúde e Saneamento do Instituto de Assuntos Inter-Americanos. O Superintendente terá como assistente administrativo um especialista qualificado, nomeado pelo Ministro da Educação e Saúde e aceito pelo mencionado Superintendente. – Com a aprovação do Ministro, o Superintendente do SESP poderá delegar seus poderes a pessoas empregadas pelo SESP ou pelos membros da Missõ Técnica do Instituto".

passará a ser redigida:

"O Govêrno Brasileiro designará um Superintendente do SESP que for aceito pelo Chefe da Missão Técnica do Instituto. Com a aprovação do Ministro o Superintendente do SESP poderá delegar seus poderes a funcionários do SESP e a membros da Missão Técnica do Instituto que poderão, por acôrdo mutuo entre o Chefe da Missão Técnica e do Superintendente do SESP, ser designados para o SESP".

Cláusula IV redigida:

"O programa de saúde e saneamento para o Brasil continuará a consistir em projetos separados. A especie de trabalho, os projetos específicos que devam ser realizados em execução dêste acôrdo e a consequente consignação de fundos, serão assentados entre o Ministro da Educação e Saúde e o Chefe da Missão na sua qualidade de representante da Divisão de Saúde e Saneamento do Instituto, competindo a execução ao Superintendente do SESP segundo os principios assentados em comum acôrdo pelo Ministro e pelo Chefe da Missão da parte do Instituto".

passará a ser redigida:

"Os principios e normas administrativas a serem seguidos para a execução do programa de saúde e saneamento no Brasil serão decididos de comum acôrdo pelo Ministro da Educação e Saúde e pelo Chefe da Missão Técnica. O programa de saúde e saneamento

consistirá de projetos separados. Cada projeto será incorporado numa descrição de projeto que será mutuamente aprovada e assinada pelo Superintendente do SESP e pelo Chefe da Missão Técnica. Essa descrição definirá a natureza dos trabalhos a serem executados a consequente consignação de fundos e assuntos outros que o Superintendente do SESP e o Chefe da Missão Técnica julgarem necessário incluir. Todos os projetos serão executados pelo Superintendente do SESP de acôrdo com os principios assentados em comum acôrdo pelo Ministro da Educação e Saúde e pelo Chefe da Missão Técnica".

Cláusula X redigida:

"O Superintendente do SESP terá a autoridade exclusiva de escolher, nomear e demitir os funcionários do SESP e estabelecerá os salários, transferências e condições de emprego dentro do SESP. Os funcionários do SESP serão remunerados com os fundos do SESP. Os funcionários públicos brasileiros, quando a serviço do SESP, não perderão os direitos que naquele caráter lhes correspondem".

passará a ser redigida:

"O Superintendente do SESP terá a autoridade exclusiva de escolher, nomear e demitir os funcionários do SESP e estabelecerá os salários transferências e condições de emprego dentro do SESP (execetuando-se os que forem empregados de comum acôrdo pelo Superintendente do SESP e pelo Chefe da Missão Técnica, em caráter profissional e técnico). Os funcionários do SESP serão remunerados com os fundos do SESP. Os funcionários públicos brasileiros, quando a serviço do SESP não perderão os direitos que naquele caráter lhes correspondam".

Cláusula XIV redigida:

"O Superintendente do SESP fornecerá ao Ministro da Educação e Saúde tôdas as informações desejadas a-respeito do SESP ou de suas atividades. Serão apresentados ao Ministro relatórios sôbre o andamento do trabalho do SESP e de seus projetos nas ocasiões combinadas pelo Ministro e o Superintendente.

passará a ser redigida:

"O Superintendente do SESP fornecerá ao Ministro da Educação e Saúde e ao Chefe da Missão Técnica, relatórios sôbre o progresso das atividades do SESP e seus projetos específicos nas ocasiões que forem combinadas entre êles e o Superintendente do SESP. O Chefe da Missão Técnica, ou os seus delegados, poderão inspecionar os projetos e atividades, bem como os registros e arquivos do SESP, quando assim julgarem necessário".

Propõe ainda V. Exa., na mencionada carta:

a) que onde no contrato se menciona" O Ministro da Educação e Saúde deverá ser interpretado "O Ministro da Educação e Saúde ou o seu delegado".

b) que êsse delegado seja o Superintendente do Serviço Especial de Saúde Pública; e

c) que o contrato de 25 de Novembro de 1943 permaneça em inteiro vigor e efeito, exceto quanto às modificações específicas acima descritas.

Havendo ponderado convenientemente as alterações sugeridas por V. Excia., e depois de haver submetido o assunto à alta consideração do Sr. Presidente da República, apraz-me comunicar-lhe que aprovo e aceito as referidas alterações, passando as mesmas a constituir compromisso efetivo entre o Instituto de Assuntos Interamericanos e o Ministério da Educação e Saúde, de acôrdo com os têrmos contidos na mencionada carta de V. Excia., e no presente documento.

Valho-me do ensêjo para reiterar a Vossa Excelência as expressões do meu distinto aprêço e estima.

GUSTAVO CAPANEMA.

Translation

MINISTRY OF FOREIGN RELATIONS,
RIO DE JANEIRO.

DAI/DEC/235/512.6(22)

August 23, 1944.

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of your note No. 87 of July 28 last, in which Your Excellency refers to the Agreement on health and sanitation between the Governments of Brazil and the United States of America which was concluded in this city on November 25, 1943. *Ante*, p. 3835.

2. Your Excellency refers to the letter dated July 18 last, a copy of which is enclosed, from Major General George C. Dunham, Vice President of the Institute of Inter-American Affairs, to Doctor Gustavo Capanema, Minister of Education and Health of Brazil, suggesting some slight modifications of the aforementioned Agreement in order to facilitate and improve the execution of the cooperative program of health and sanitation by the Special Public Health Service (S.E.S.P.). *Ante*, p. 3835.

3. In reply, I have been authorized to inform Your Excellency that the Brazilian Government accepts the modifications suggested by Major General Dunham in their entirety, and that in this connection my colleague of the Ministry of Education and Health will reply to the letter that he sent to him on July 18 last.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

P. LEÃO VELLOSO

His Excellency
JEFFERSON CAFFERY,
Ambassador of the
United States of America.

Translation

DAI/241/512.6(22)/1944/one enclosure
Ministry of Education and Health
497

RIO DE JANEIRO, *August 24, 1944.*

MR. VICE PRESIDENT:

I have the honor to acknowledge the receipt of your letter of July 18 last in which Your Excellency, in order to facilitate and improve the execution of the cooperative program of health and sanitation undertaken by the Special Public Health Service, and in order to allow an increasing participation by Brazilians in the operation of the aforementioned Service, proposes the following modifications in certain clauses of the agreement between the Brazilian Government and the Government of the United States, signed on November 25, 1943:

Ante, p. 3835.

57 Stat. 1338.

[For the English language text of the modifications quoted in this letter, see p. 3836 ff.]

Your Excellency further suggests in the aforementioned letter:

a) that wherever in the agreement the phrase "the Minister of Education and Health" is mentioned it will be interpreted to mean the "Minister of Education and Health or his delegate".

b) that this delegate be the Superintendent of the Special Public Health Service; and

57 Stat. 1338.

c) that the agreement of November 25, 1943 shall remain in full force and effect, except insofar as it is specifically amended by the foregoing modifications.

After giving due consideration to the modifications suggested by Your Excellency, and after submitting the matter to the high consideration of the President of the Republic, I take pleasure in communicating to you that I approve and accept the aforementioned modifications, and that they will constitute an effective agreement between the Institute of Inter-American Affairs and the Ministry of Education and Health in accordance with the terms contained in Your Excellency's letter and in the present document.

I avail myself of this occasion to renew to Your Excellency the assurances of my distinguished consideration and esteem.

GUSTAVO CAPANEMA.

Agreements between the United States of America and Iran respecting a United States military mission with the Imperial Iranian Gendarmerie, amending and further extending the agreement of November 27, 1943. Effected by exchanges of notes dated at Tehran September 11 and 13, 1948; entered into force September 13, 1948.

September 11, 13, 1948
[T. I. A. S. 1941]

The Iranian Ministry of Foreign Affairs to the American Embassy

نمونه ۸

وزارت امور خارجه

یادداشت

وزارت امورخارجه شاهنشاهی بااظهارتعارفات خود بسفارتکبرای کشورهای متحدهٔ امریکاراجع به تجدید نظر درمادهٔ ۲۰ قرارداد استخدام هیئت مستشاری امریکائی درژاندارمری شاهنشاهی ایران احتراما اشعارمیدارد ۰ مقامات مربوطه دولت شاهنشاهی بااصلاح مادهٔ مزبور بشرح زیر موافقت دارند :

((وزیرکشور رئیس هیئت را بسمت مستشار وزارت کشور درامورمربوطه بژاندارمری شاهنشاهی ایران برای مدت این قرارداد منصوب خواهد نمود وخدمت اوصرفاجنبهٔ مشورتی خواهد داشت برای اینکه نامبرده بتواند پیشنهادهای شایسته وجامعی — بنماید فرماندهکل ژاندارمری تمام اطلاعات مربوطه بامورسازمانی وتعلیماتی ژاندارمری رادردسترس هیئت خواهد گذاشت هیئت نامبرده ممکن است بازرسیهاوتحقیقاتی راکه برای دادن پیشنهادات درامورسازمانی وتعلیماتی لازم باشد بعمل آورند ۰

هیئت پیشنهادات مزبوررا بوسیلهٔ رئیس‌کل ژاندارمری به وزارت کشورارسال — خواهد داشت))

وزارت امورخارجه شاهنشاهی ازآن سفارتکبرای خواهشمنداست موافقت مقامات مربوطه کشورهای متحده امریکارا نسبت به مادهٔ اصلاحی بالا بوزارت امورخارجه اعلام فرمایند

سفارتکبرای کشورهای متحدهٔ امریکا — تهران

Translation

MINISTRY OF FOREIGN AFFAIRS
4TH POLITICAL DIVISION

Number 3526 *Sept. 11, 1948*

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and concerning the revision of article 20 of the employment contract of the American Military Mission [1] with the Imperial Iranian Gendarmerie has the honor to state that the Imperial Government authorities concerned agree to the amendment of the said article as stated hereunder:

57 Stat. 1265.

"The Minister of Interior will appoint the Chief of the Mission as Advisor to the Ministry of Interior for affairs relative to the Imperial Gendarmerie for the period of this contract, and his services shall be purely of an advisory nature. To enable him to make competent and comprehensive recommendations the Commanding General of the Gendarmerie shall make all information concerning the organization and training affairs of the Gendarmerie available to the Mission. The said Mission may make such inspections and investigations as may be necessary for it to propose recommendations relating to organization and training affairs. The Mission shall submit such recommendations through the Commanding General of the Gendarmerie to the Ministry of Interior".

The Imperial Ministry of Foreign Affairs requests the Embassy's courtesy in advising this ministry of the agreement of the United States authorities concerned with regard to the above-mentioned article.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

The American Embassy to the Iranian Ministry of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 347 TEHRAN, IRAN, *September 13, 1948.*

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and with reference to the Ministry's note No. 3526, dated September 11, 1948 relative to the revision of Article 20 of the agreement covering the United States Military Mission with the Imperial Iranian Gendarmerie has the honor to inform the Ministry that the Government of the United States is agreeable to the amendment of this article in the terms given in the Ministry's note under acknowledgment, namely:

57 Stat. 1265.

[1] Signed Nov. 27, 1943.

"The Minister of Interior will appoint the Chief of the Mission as Advisor to the Ministry of Interior for affairs relative to the Imperial Gendarmerie for the period of this contract, and his services shall be purely of an advisory nature. To enable him to make competent and comprehensive recommendations, the Commanding General of the Gendarmerie shall make all information concerning the organization and training affairs of the Gendarmerie available to the Mission. The said Mission may make such inspections and investigations as may be necessary for it to propose recommendations relating to organization and training affairs. The Mission shall submit such recommendations through the Commanding General of the Gendarmerie to the Ministry of Interior". Chief of Mission. Functions.

As previously agreed, this revised Article 20 will be effective as of June 20, 1948. Effective date.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

J. C. W.

THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
Tehran.

The Iranian Ministry of Foreign Affairs to the American Embassy

نمونه ۸

وزارت امورخارجه

یادداشت

وزارت امورخارجه شاهنشاهی بااظهارتعارفات خود به سفارتکبرای کشورهای متحده امریکا احتراماً اشعارمیدارد .

نظربااینکه قرارداد استخدام هیئت مستشاری امریکائی درژاندارمری شاهنشاهی ایران درتاریخ دهم مهرماه ۱۳۲۷ مطابق ۲ اکتبر ۱۹٤۸ خاتمه پیدامیکند مقامات مربوطه دولت شاهنشاهی بارعایت اصلاحی که درمادهٔ ۲۰ قرارداد مزبور بعمل آمده وضمن یادداشت شماره ۳۵۲٦ مورخهٔ ۲۰/ ٦/ ۲۷ باستحضار آن سفارتکبری رسیده است باتجدید قرارداد استخدام هیئت نامبرده برای مدت دوسال دیگر ازتاریخ ۱۱ مهرماه ۱۳۲۷ مطابق ۳ اکتبر ۱۹٤۸ موافقت دارند .

بنابراین ازآن سفارتکبری خواهشمنداست موافقت مقامات مربوطه کشورهای متحدهٔ امریکارا نسبت به تجدیدقرارداد مزبور بشرح بالا بوزارت امورخارجه اعلام فرمایند.

سفارتکبرای کشورهای متحده امریکا ــ تهران

Translation

MINISTRY OF FOREIGN AFFAIRS,
4TH POLITICAL DIVISION
September 11, 1948

Note No: 3528

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to state:

In view of the employment contract of the American Advisory Mission with the Imperial Iranian Gendarmerie terminating on October 2, 1948 (Mehr 10, 1327) the Imperial Government authorities concerned, taking into consideration the amendment made in article 20 of the contract and brought to the Embassy's kind attention by note No. 3526 of September 11, 1948, are in accord with the renewal of the said Mission's employment contract for another period of two years, beginning October 3, 1948 (Mehr 11, 1327).

The Imperial Ministry of Foreign Affairs, therefore, requests that Embassy to be so kind as to advise this Ministry of the agreement of the United States authorities concerned with the renewal of the said contract as stated above.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

The American Embassy to the Iranian Ministry of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 348

TEHRAN, IRAN, *September 13, 1948.*

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to acknowledge the receipt of the Ministry's note No. 3528, dated September 11, 1948 relative to the renewal of the agreement covering the United States Military Mission with the Imperial Iranian Gendarmerie.

U. S. approval of renewal.

The Government of the United States is agreeable to the renewal for two additional years commencing October 3, 1948 of the agreement, with the revised Article 20 as given in the Imperial Ministry's note No. 3526 of September 11, 1948 and the Embassy's note of today's date.

Ante, p. 3844.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

J.C.W.

THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
Tehran.

August 14, October 27, November 5, 1948
[T. I. A. S. 1943]

Agreement between the United States of America and Panama respecting passport visa fees. Effected by exchange of notes signed at Panamá August 14, October 27, and November 5, 1948; entered into force November 5, 1948, operative January 1, 1949.

The American Ambassador to the Panamanian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 38

Panamá, R. P., August 14, 1948.

EXCELLENCY:

I have the honor to refer to the Embassy's Note No. 458 of September 2, 1947,[1] the Ministry's Note D. P. 2592 of November 12, 1947,[1] to previous correspondence and to various informal conversations with the Second Secretary of the Ministry, all pertaining to my government's proposal that temporary visitors' visas be issued gratis to citizens of the United States and the Republic of Panamá on a reciprocal basis.

I am pleased to inform Your Excellency that the Government of the United States will on or after the 1st day of November, 1948, grant to Panamanian nationals who qualify as temporary visitors for business or pleasure purposes under the provisions of section 3 (2) of the Immigration Act of 1924, as amended, gratis non-immigrant passport visas valid for any number of applications for admission into the United States and its possessions during a period of twenty-four (24) months from date of issuance, provided the passports of the bearers remain valid for that period of time, if, on and after the same date, the Government of Panamá will accord a similar courtesy to American citizens in a like category entering Panamá. All other non-immigrant passport visas granted to qualified Panamanian nationals will be without fee and valid for any number of applications for admission into the United States during a period of twelve (12) months, provided the passports of the bearers remain valid for that period of time, if the Government of Panamá will accord a similar courtesy to American citizens in a like category entering Panamá.

43 Stat. 154.
8 U. S. C. § 203 (2).
62 Stat., Pt. 1, p. 7.

The period of validity of a visa relates only to the period within which it may be used in connection with an application for admission at a port of entry into the United States and its possessions, and not to the length of stay in the United States which may be permitted the bearer after he is admitted. The period of time an alien may be permitted to stay in the United States is determined by the immigration authorities at the time the alien is admitted.

[1] Not printed.

The fee for an immigration visa to permit an alien to apply for admission into the United States and its possessions with the privilege of residing permanently therein is $10.00. The amount of this fee is prescribed by the Immigration Act of 1924, and it may not be changed on the basis of a reciprocal arrangement. 43 Stat. 153. 8 U. S. C. § 201 note.

Please accept, Excellency, the renewed assurances of my highest consideration.

MONNETT B. DAVIS

His Excellency
Ing. ERNESTO JAEN GUARDIA,
Minister for Foreign Affairs,
Panamá, R. P.

The Panamanian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES

D. P. #2010 PANAMÁ, *27 de Octubre de 1948*

SEÑOR EMBAJADOR:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia N° 38, de 14 de Agosto de este año, acerca de la proposición del ilustrado Gobierno de Vuestra Excelencia para expedición gratuita de visas temporales de visitantes a ciudadanos de la República de Panamá y los Estados Unidos, sobre base de reciprocidad.

Me es grato hacer del conocimiento de Vuestra Excelencia que mi Gobierno está anuente en aceptar la proposición formulada tendiente a facilitar y fomentar los viajes de recreo y de negocios entre nuestros dos países.

Por lo tanto a partir del primero de Enero de 1949 los Consulados panameños en el exterior expedirán a los nacionales norteamericanos que se califiquen como turistas o transeuntes, dentro de nuestra legislación vigente, visas gratis de turismo o tránsito para fines de recreo o de negocios según el caso, válidas para cualquier número de peticiones de admisión a la República de Panamá durante un período de veinticuatro (24) meses a partir de la fecha de expedición, siempre que los pasaportes sean válidos por ese período y que a partir de esa fecha el Gobierno de los Estados Unidos otorgue la misma cortesía a los ciudadanos panameños en igual categoría que viajen a los Estados Unidos.

El período de validez de una visa se refiere solamente al período dentro del cual puede ser utilizada en relación con la solicitud de admisión en un puerto de entrada al territorio Nacional y no a la extensión de la permanencia que se permita en la República al portador después de ser admitido en el país. El período de tiempo durante el cual puede permitirse la permanencia de un extranjero en la República es determinado por las autoridades panameñas de inmigración al momento de la admisión del extranjero.

Mi Gobierno desea dejar constancia de que este arreglo en cuanto a visas de turismo o de tránsito no afecta en lo absoluto las disposiciones vigentes o que se dictaren en el futuro en materias de tarjetas de turismo ni tiene relación con las visas oficiales, diplomáticas o especiales.

El presente acuerdo, una vez formalizado con la aceptación definitiva de parte del Gobierno de Vuestra Excelencia reforma y subroga en todas sus partes cualesquiera otro arreglo o arreglos existentes entre nuestros dos países en relación con visas de turismo y de tránsito a ciudadanos de los Estados Unidos y la República de Panamá, a base de reciprocidad.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración

IGNACIO MOLINO JR
Ignacio Molino Jr.
Ministro de Relaciones Exteriores.

A Su Excelencia
MONNET B. DAVIS,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos.
Ciudad.

Translation

MINISTRY OF FOREIGN AFFAIRS

D. P. #2010

PANAMÁ, *October 27, 1948*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note No. 38, dated August 14, 1948, regarding the proposal of Your Excellency's Government relative to the issuance of temporary visitor's visas, free of charge, to citizens of the Republic of Panamá and of the United States, on a reciprocal basis.

I am pleased to inform Your Excellency that my Government is willing to accept the proposal formulated with a view to facilitating and encouraging recreational and business trips to our respective countries.

Therefore, as of January 1, 1949, Panamanian Consulates abroad will issue to United States citizens who qualify as tourists or transients, in accordance with our legislation in force, free tourist or transit visas for recreational or business purposes, as the case may be, valid for any number of applications for entry into the Republic of Panamá during a period of twenty-four (24) months from the date of issuance, provided that the passports are valid for that period and that as of the said date the Government of the United States extends the same courtesy to Panamanian citizens of the same category who travel to the United States.

The period of validity of a visa refers only to the period within which it may be used in relation to the application for entry into a port of entry of the national territory and not to the extension of sojourn which may be granted in the Republic to the bearer after he is admitted into the country. The period during which an alien may stay in the Republic is determined by the Panamanian immigration authorities at the time of the said alien's entry.

My Government wishes to state for the record that this agreement relative to tourist or transit visas in no wise affects provisions which are in force or which may be adopted in the future regarding tourist cards, and that it has no bearing on official, diplomatic or special visas.

After the present agreement has become effective through its definitive acceptance by Your Excellency's Government, it shall amend and supersede completely any other existing agreement or agreements between our two countries concerning tourist or transit visas for citizens of the United States and of the Republic of Panamá, on a reciprocal basis.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

IGNACIO MOLINO JR
Ignacio Molino Jr.
Minister of Foreign Affairs.

His Excellency
MONNETT B. DAVIS,
Ambassador Extraordinary and Plenipotentiary
of the United States.
Panamá.

The American Ambassador to the Panamanian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA
Panamá, November 5, 1948.

No. 84

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. DP 2010 of October 27, 1948, wherein the Government of Panama accepts the proposal made by my Government as indicated in my Note No. 38 dated August 14, 1948 for the reciprocal extension of the validity of visitors' visas issued to citizens of Panama and the United States. I am pleased to note that, for the purpose of achieving full reciprocity, Your Excellency's acceptance will include the issuance of transit visas to United States citizens to enable them to enter the Republic of Panama for business reasons.

I wish to inform Your Excellency that Note No. DP-2010 under reference has been forwarded to the Department of State in order that appropriate instructions may be issued to American Consular and Diplomatic establishments for the purpose of issuing visitors' visas for business and pleasure under the new agreement on January 1, 1949.

Please accept, Excellency, the renewed assurances of my highest consideration.

MONNETT B. DAVIS

His Excellency
Licenciado IGNACIO MOLINO Jr.,
Minister for Foreign Affairs,
Panamá.

Agreement between the United States of America and Italy respecting the procedure for final settlement of claims of Italian prisoners-of-war. Effected by exchange of letters signed at Rome February 14, 1948; entered into force February 14, 1948.

February 14, 1948
[T. I. A. S. 1948]

The American Treasury Representative to the Italian Minister of the Treasury

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Address official communications to:
AMERICAN EMBASSY

Rome, Italy, February 14, 1948

MY DEAR MR. MINISTER:

With respect to the settlement of certain wartime claims of Italian former Prisoners-of-War, there is attached herewith a Memorandum outlining a proposed procedure for processing such claims still outstanding.

If you are in agreement with the procedure outlined, your letter of acknowledgement, together with this letter and attachment, will constitute a definitive agreement regarding procedure.

Very truly yours,

HENRY J. TASCA
Treasury Representative

His Excellency
GUSTAVO DEL VECCHIO
Minister of the Treasury
Rome.

Attachment as stated

MEMORANDUM WITH RESPECT TO PROCEDURE FOR FINAL SETTLEMENT OF CLAIMS OF ITALIAN FORMER PRISONERS-OF-WAR

The Government of the United States, in order to implement relevant provisions of the "Memorandum of Understanding" reached with the Lombardo Mission on August 14, 1947, providing for the settlement of certain wartime claims of individuals in Italy who are Italian nationals and who have claims arising from their status as Prisoners-of-war in custody of the United States, proposes the following procedure for the settlement of such claims:

61 Stat., Pt. 4, p. 3962.

Public announcement.

The Italian Government will immediately upon the effective date of implementation of the proposals below regarding procedures, issue a public announcement, to be circulated in every way possible, requesting Italian nationals who are holders of Military Payment Orders and Certificates of Credit, who have not already done so, to transmit such documents to the Liaison Office, Prisoner-of-war Division, Ministry of Defense. Such Military Payment Orders and Certificates of Credit will be turned over to the appropriate United States authorities for screening and checking. A "Statement of Credit Balance", in lieu of each authentic Military Payment Order or Certificate of Credit presented, will be returned to the Italian Government. The Italian Government is requested to undertake to pay promptly in lire at the rate of exchange as provided below all certified claims as indicated in the individual "Statements" transmitted from time-to-time by the United States Government to the designated Italian authorities. In accordance with Article II, paragraph 11 of the "Memorandum of Understanding" referred to above, the United States Government will pay in dollars to the Italian Government an amount equal to the total of Military Payment Orders and Certificates of Credit collected, as indicated in the aforesaid "Statements of Credit Balance".

Military Payment Orders and Certificates of Credit.

"Statement of Credit Balance."

Payment of claims.

61 Stat. Pt. 4, p. 3965.

Safeguards against fraud and erroneous payments.

In connection with the acceptance of Military Payment Orders and Certificates of Credit, the Italian Government is requested to observe the following safeguards against fraud and erroneous payments:

1. Payee should be required to present positive identification prior to any acceptance and payment for Military Payment Order or Certificate of Credit held.

2. All Military Payment Orders or Certificates of Credit should be signed in the presence of an official of the Italian Government prior to any acceptance or payment.

3. An affidavit of nationality should be submitted by all persons presenting Certificates for payment to the effect that such persons were nationals of Italy on October 31, 1947. Such affidavits of na-

tionality should also be accompanied by a certification by a local official of the Italian Government.

4. No Military Payment Orders will be accepted which appear to have been altered or tampered with in any manner. However, consideration may be given to statements submitted which contain explanations of such alteration or tampering of such a nature as clearly to warrant payment of the amount involved.

5. All Military Payment Orders and Certificates of Credit collected will be retained by the United States Government for its official records.

6. Legal heirs of deceased Prisoners-of-War, or person or persons authorized under Italian law to bind an estate in event of death or legal disability will be entitled to payment of Military Payment Orders or Certificates of Credit issued by the United States Government to Prisoners-of-War now deceased or under legal disability, and who at the time of their death were nationals of Italy, provided the steps indicated in Annex I are taken.

Post, p. 3856

7. Legal heirs of a deceased Prisoner-of-War, or person or persons authorized under Italian law to bind his estate in event of death or legal disability will, in addition, execute appropriate certificates as indicated in Annexes I and II, attached to this Memorandum.

Post, p. 3856.

The question of whether holders of Certificates shall immediately receive payment in local currency or whether they shall in the first instance receive receipts pending the final working-out of arrangements respecting settlement between the United States and Italy is a matter for decision by the Italian Government.

Counterfeit or improperly documented certificates and orders.

However, the United States Government does not undertake to pay dollars for counterfeit or improperly documented Certificates of Credit and Military Payment Orders. All such Certificates of Credit and Military Payment Orders discovered by the United States Government subsequent to transfer by the Italian Government and payment therefor in dollars will be subject to refund in dollars from the Italian Government to the United States Government.

Payments free of deductions, commissions, and charges.

All payments made under the above procedure will be free of deductions, commissions and charges. The Italian Government will apply the rate of exchange prevailing on the dollar for United States Government expenditures on the date of announcement of the agreed procedure for conversion of Certificates of Credit and Military Payment Orders.

Holders of Military Payment Orders and Certificates of Credit turned in subsequent to the date of public announcement should be required to sign a statement such as is provided in Annex III to this Memorandum.

Post, p. 3857.

Time limitation.

The United States Government desires the Italian Government to expedite in every way possible the collection of these instruments over a reasonable period of time. The Italian Government will establish a deadline of two months from the date of public announcement of agreed procedure for the presentation of Military Payment

Orders and Certificates of Credit. While the Italian Government will make every effort to assure that all claims are presented on or before two months from the date of the public announcement of the agreement regarding procedure, the United States Government will consider sympathetically any request for extension of such time period.

ANNEX I

AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF MILITARY PAYMENT ORDERS

1. The person or persons who, under Italian law, are the legal heirs of deceased Prisoners-of-War or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will take the following action in order to effect encashment of Military Payment Orders issued by the United States to Italian former Prisoners-of-War who are now deceased or mentally incompetent, or under physical or legal disability:

(a) On the face of the Military Payment Order, under the caption "Received Payment", the legal heir, (heirs), or person (persons) authorized as herein stated will inscribe the name of the former Prisoner-of-War as indicated on the Payment Order, followed by his own signature and the words "legal heir (heirs) under Italian law" or such other designation as may be appropriate under Italian law.

(b) The following affidavit will be attached to the Military Payment Order, to be completed by the legal heir:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached Military Payment Order, who was, on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased, (mentally incompetent), (under physical or legal disability). There is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

_____

(Signature)

ANNEX II

AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF CERTIFICATES OF CREDIT BALANCE

The person or persons who, under Italian law, are the legal heirs of a deceased Prisoner-of-War, or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will attach to the original Certificate of Credit Balance the following affidavit:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached original Certificate of Credit Balance, who was on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased (mentally incompetent), (under physical or legal disability). In confirmation thereof, there is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

(Signature)

ANNEX III

AFFIDAVIT

HOLDERS OF MILITARY PAYMENT ORDERS AND CERTIFICATES OF CREDIT TURNED IN AFTER OCTOBER 31, 1947

"I, the undersigned, declare that the attached Military Payment Order and/or Certificate of Credit was issued to me by the United States Government, and was for amounts which, under the provisions of the Conventions on Prisoners-of-War then in force, accrued to my credit for the period I was held in the custody of the United States Government as a Prisoner-of-War during World War II. I further declare that on October 31, 1947, I was a national of Italy. There is attached herewith a duly authorized and authentic certificate of nationality."

(Signature) (Prisoner-of-War Number)

The Italian Minister of the Treasury to the American Treasury Representative

REPUBBLICA ITALIANA
Il Ministro del Tesoro

Prot. n. 305179 A. V. ROMA, *li 14 febbraio 1948*

EGREGIO DOTT. TASCA,

mi riferisco alla sua lettera del 14 febbraio c. a. ed al "Memorandum" ad essa allegato, concernente il regolamento e le modalità di pagamento dei titoli di credito in possesso di militari italiani già prigionieri di guerra negli U.S.A. –

Ho il piacere di informarla che le intenzioni manifestate dal Governo Americano e la procedura indicata nel suddetto "Memorandum", sono da ritenersi soddisfacenti.

Resta inteso, pertanto, che lo stesso "Memorandum" costituisce accordo definitivo circa la procedura da seguire per il regolamento e la liquidazione dei crediti di cui trattasi.

Colo l'occasione, egregio Dott. Tasca, per rinnovarle le assicurazioni della mia più alta considerazione.

IL MINISTRO
DEL VECCHIO

Dott. HENRY J. TASCA
Treasury Representative
– Ambasciata S. U. A. – Roma

Translation

ITALIAN REPUBLIC
The Ministry of the Treasury

Prot. n. 305179 A. V. ROME, *February 14, 1948*

DEAR DR. TASCA:

Ante, p. 3853.

I refer to your letter of February 14, 1948, and to the "Memorandum" thereto attached, regarding the regulation and methods of payment of credit certificates held by Italian soldiers formerly prisoners of war in the United States of America.

I am happy to inform you that the intentions manifested by the United States Government and the procedure indicated in the aforementioned "Memorandum", are to be considered as satisfactory.

It is understood, therefore, that the same "Memorandum" constitutes a definitive agreement with respect to the procedure to be followed in the regulation and liquidation of the credits in question.

I avail myself of the occasion, Dear Dr. Tasca, to renew to you the assurances of my highest consideration.

THE MINISTER
DEL VECCHIO

Dr. HENRY J. TASCA
Treasury Representative
American Embassy - Rome

December 7, 16, 1948
[T. I. A. S. 1951]

Agreement between the United States of America and the United States/United Kingdom occupied areas in Germany respecting duty-free entry and payment of transportation charges on relief supplies and packages for United States/United Kingdom occupied areas in Germany. Effected by exchange of letters signed at Berlin December 7 and 16, 1948; entered into force December 16, 1948.

The United States Political Adviser for Germany and the Deputy Special ECA Representative to the Bizone to the United States/United Kingdom Military Governors

DECEMBER 7, 1948

BIPARTITE BOARD
Berlin, Germany

GENTLEMEN:

For the purpose of giving effect to Article VI, paragraph 2, read with Article IV, paragraph 5, of the Economic Cooperation Agreement between the United States of America and the United States/United Kingdom Military Governors, signed on 14 July 1948, it is understood that the United States/United Kingdom Military Governors in Germany, acting on behalf of the United States/United Kingdom occupied areas in Germany, and the Government of the United States of America have agreed as follows:

62 Stat., Pt. 2, pp. 2287, 2286.

Duty-free entry items.

1. The United States/United Kingdom Military Governors shall accord duty-free entry into the United States/United Kingdom occupied areas in Germany of:

(a) Supplies of relief goods or standard packs donated to or purchased by voluntary nonprofit relief agencies having their headquarters in the United States of America and qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to such charitable organizations (including branches of such agencies in the United States/United Kingdom occupied areas in Germany) as have been or hereafter shall be approved by the United States/United Kingdom Military Governors.

(b) Relief packages originating in the United States and sent by parcel post or commercial channels to any person residing in the United States/United Kingdom occupied areas in Germany, whether packed privately or by order placed with a commercial firm.

(c) Standard packs put up by voluntary nonprofit relief agencies having their headquarters in the United States of America and qualified under ECA regulations, or their approved agents, on

the order of persons in the United States and sent for delivery to any person residing in the United States/United Kingdom occupied areas in Germany.

Definition of scope of duty-free entry items.

2. For the purpose of this agreement, the term "relief goods" (paragraph 1 (a) above) shall not include tobacco, cigars, cigarettes, alcoholic beverages, or such other commodities as may be agreed upon by the United States/United Kingdom Military Governors and the United States Government; "relief packages" (paragraph 1 (b) above) shall include only such goods as are qualified for ocean freight subsidy under the ECA Act and regulations issued by the Administrator thereunder and as may be agreed upon for entry into the United States/United Kingdom occupation areas by the United States/United Kingdom Military Governors and the United States Government; "standard packs" (paragraph 1 (c) above) shall contain only those articles which qualify under ECA regulations and are approved by the United States/United Kingdom Military Governors.

62 Stat., Pt. 1, p. 137.

Costs of transportation on duty-free entry items.

62 Stat., Pt. 2, p. 2286.

3. Costs of transportation (as defined in paragraph 5 of Article IV of the Economic Cooperation Agreement) in the United States/United Kingdom occupied areas in Germany on "relief goods", "relief packages" and "standard packs" shall be defrayed as follows:

(a) The amount of such costs for all shipments sent by United States parcel post to persons in the United States/United Kingdom occupied areas in Germany shall be computed by the German postal services in those areas in the manner now or hereafter provided by relevant agreements, rules and regulations of the International Postal System. Such costs shall be reimbursed to such postal service out of the Special Account provided for in Article IV of the Economic Cooperation Agreement between the United States of America and the United States/United Kingdom Military Governors and no claim for such costs shall be made against the United States of America.

62 Stat., Pt. 2 p. 2285.

(b) Shipments originally dispatched from the United States of America by regular established commercial channels and forwarded by German parcel post in the United States/United Kingdom occupied areas in Germany by an approved agent of the shipper to the addressee shall be accepted by the German postal service without payment of postal charges by the agent. The German postal service shall be reimbursed for such parcel post charges out of the Special Account upon presentation of adequate documentation.

(c) Shipments originally dispatched from the United States of America by commercial channel and forwarded by common or contract carrier to the United States/United Kingdom occupied areas in Germany by an approved agent of the shipper to the addressee shall be accepted by the carrier, who may or may not demand from the agent payment of carrier charges. The carrier or the agent, as the case may be, shall be reimbursed for such charges out of the Special Account upon presentation of adequate documentation.

(d) Any charges incurred by an agent of a shipper under subparagraphs (b) and (c) above, other than parcel post or carrier charges, shall be repaid to such agent out of the Special Account upon presentation of adequate documentation.

Payment of costs of transportation on duty-free entry items.

4. The United States/United Kingdom Military Governors shall make payments out of the Special Account for the purposes specified in subparagraphs (a), (b), (c), and (d) of paragraph 3 above, and shall submit to the ECA Mission in the United States/United Kingdom occupied areas in Germany (with a copy to Controller, ECA Washington) monthly statements of such payments in such form as may be agreed by the United States/United Kingdom Military Governors and the Mission, provided that every statement shall show total weight carried and costs of transportation incurred. Adjustments shall be made in the Special Account, as shown to be required by ECA audit, if requested by ECA within one year of the submission of the relevant documents and information.

Monthly statements of payments.

Adjustments.

Entry into force; duration.

5. The terms of this note shall become effective immediately and shall remain in force, subject to such prior termination or modification as may be agreed upon between the Government of the United States of America and the United States/United Kingdom Military Governors for the same period as the Economic Cooperation Agreement of 14 July 1948.

62 Stat., Pt. 2, p. 2279.

If the foregoing is in accord with your understanding, we should appreciate your so informing us. The two notes then exchanged will constitute an agreement in the premises between the United States/United Kingdom Military Governors in Germany acting on behalf of the United States/United Kingdom occupied areas in Germany and the United States of America.

Yours very truly,

ROBERT D. MURPHY
United States Political Adviser for Germany

N. H. COLLISSON
Deputy Special ECA Representative to the Bizone

The United States/United Kingdom Military Governors to the United States Political Adviser for Germany and the Deputy Special ECA Representative to the Bizone

THE BIPARTITE BOARD
OFFICE OF THE BIPARTITE SECRETARIAT
Berlin

16 DECEMBER 1948

GENTLEMEN:

For the purpose of giving effect to Article VI, paragraph 2, read with Article IV, paragraph 5, of the Economic Cooperation Agreement between the United States of America and the United States/United Kingdom Military Governors, signed on 14 July 1948, it is understood that the United States/United Kingdom Military Governors in Germany, acting on behalf of the United States/United Kingdom occupied areas in Germany, and the Government of the United States of America have agreed as follows: 62 Stat., Pt. 2, pp. 2287, 2296.

1. The United States/United Kingdom Military Governors shall accord duty-free entry into the United States/United Kingdom occupied areas in Germany of:

(a) Supplies of relief goods or standard packs donated to or purchased by voluntary non-profit relief agencies having their headquarters in the United States of America and qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to such charitable organizations (including branches of such agencies in the United States/United Kingdom occupied areas in Germany) as have been or hereafter shall be approved by the United States/United Kingdom Military Governors.

(b) Relief packages originating in the United States and sent by parcel post or commercial channels to any person residing in the United States/United Kingdom occupied areas in Germany, whether packed privately or by order placed with a commercial firm.

(c) Standard packs put up by voluntary nonprofit relief agencies having their headquarters in the United States of America and qualified under ECA regulations, or their approved agents, on the order of persons in the United States and sent for delivery to any person residing in the United States/United Kingdom occupied areas in Germany.

2. For the purpose of this agreement, the term "relief goods" (paragraph 1 (a) above) shall not include tobacco, cigars, cigarettes, alcoholic beverages, or such other commodities as may be agreed upon by the United States/United Kingdom Military Governors and the United States Government; "relief packages" (paragraph 1 (b) above) shall include only such goods as are qualified for ocean freight subsidy under the ECA Act and regulations issued by the Administrator thereunder and as may be agreed upon for entry into the United 62 Stat., Pt. 1, p. 137.

States/United Kingdom occupation areas by the United States/United Kingdom Military Governors and the United States Government; "standard packs" (paragraph 1 (c) above) shall contain only those articles which qualify under ECA regulations and are approved by the United States/United Kingdom Military Governors.

3. Costs of transportation (as defined in paragraph 5 of Article IV of the Economic Cooperation Agreement) in the United States/United Kingdom occupied areas in Germany on "relief goods", "relief packages" and "standard packs" shall be defrayed as follows:

62 Stat., Pt. 2, p. 2286.

(a) The amount of such costs for all shipments sent by United States parcel post to persons in the United States/United Kingdom occupied areas in Germany shall be computed by the German postal services in those areas in the manner now or hereafter provided by relevant agreements, rules and regulations of the International Postal System. Such costs shall be reimbursed to such postal service out of the Special Account provided for in Article IV of the Economic Cooperation Agreement between the United States of America and the United States/United Kingdom Military Governors and no claim for such costs shall be made against the United States of America.

62 Stat., Pt. 2, p. 2285.

(b) Shipments originally dispatched from the United States of America by regular established commercial channels and forwarded by German parcel post in the United States/United Kingdom occupied areas in Germany by an approved agent of the shipper to the addressee shall be accepted by the German postal service without payment of postal charges by the agent. The German postal service shall be reimbursed for such parcel post charges out of the Special Account upon presentation of adequate documentation.

(c) Shipments originally dispatched from the United States of America by commercial channel and forwarded by common or contract carrier to the United States/United Kingdom occupied areas in Germany by an approved agent of the shipper to the addressee shall be accepted by the carrier, who may or may not demand from the agent payment of carrier charges. The carrier or the agent, as the case may be, shall be reimbursed for such charges out of the Special Account upon presentation of adequate documentation.

(d) Any charges incurred by an agent of a shipper under subparagraphs (b) and (c) above, other than parcel post or carrier charges, shall be repaid to such agent out of the Special Account upon presentation of adequate documentation.

4. The United States/United Kingdom Military Governors shall make payments out of the Special Account for the purposes specified in subparagraphs (a), (b), (c), and (d) of paragraph 3 above, and shall submit to the ECA Mission in the United States/United Kingdom occupied areas in Germany (with a copy to Controller, ECA Washing-

tion) monthly statements of such payments in such form as may be agreed by the United States/United Kingdom Military Governors and the Mission, provided that every statement shall show total weight carried and costs of transportation incurred. Adjustments shall be made in the Special Account, as shown to be required by ECA audit, if requested by ECA within one year of the submission of the relevant documents and information.

5. The terms of this note shall become effective immediately and shall remain in force, subject to such prior termination or modification as may be agreed upon between the Government of the United States of America and the United States/United Kingdom Military Governors for the same period as the Economic Cooperation Agreement of 14 July 1948.

62 Stat., Pt. 2 p. 2279.

In accordance with your letter of 7 December 1948, it is understood that that letter, together with this letter, constitute an agreement in the premises between the United States/United Kingdom Military Governors in Germany acting on behalf of the United States/United Kingdom occupied areas in Germany and the United States of America.

B. H. ROBERTSON
B. H. Robertson
General
Military Governor
British Zone

LUCIUS D CLAY
Lucius D. Clay
General, U. S. Army
Military Governor
U. S. Zone

ROBERT D. MURPHY
United States Political Adviser for Germany

N. H. COLLISSON
Deputy Special ECA Representative to the Bizone

June 28, 30, 1948
[T. I. A. S. 1952]

Agreement between the United States of America and Peru respecting a cooperative educational program in Peru, extending and modifying the agreement of April 4, 1944, as modified and extended. Effected by exchange of notes signed at Lima June 28 and 30, 1948; entered into force July 6, 1948, operative retroactively July 1, 1948.

The American Chargé d'Affaires ad interim to the Peruvian Minister for Foreign Affairs

AMERICAN EMBASSY,
No. 1025 *Lima, Perú, June 28, 1948.*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of Perú and the Inter-American Educational Foundation, Inc., dated April 4, 1944, as later modified and extended, which provided for the initiation and execution of the existing cooperative educational program in Perú. I also refer to Your Excellency's note of June 25, 1948 [1] suggesting the consideration by our respective Governments of a further extension of that Agreement. In accordance with legislation enacted during 1947 by the Congress and approved by the President of the United States all of the property, funds, functions, personnel, liabilities, and restrictions of the Inter-American Educational Foundation, Inc., were transferred to The Institute of Inter-American Affairs, a corporate instrumentality of the United States created by such legislative action. Consequently, the participation by the United States in the cooperative education program is now being effectuated through the Institute of Inter-American Affairs.

61 Stat., Pt. 4, p. 3871.

As Your Excellency knows, the agreement of April 4, 1944, as amended, provides that the cooperative education program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Perú that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of 1 year, from June 30, 1948 through June 30, 1949. It would be understood, that during such period of extension the Institute would make a contribution of $40,000.00 U. S. Currency to the Servicio Cooperativo Peruano Norteamericano de Educación for use in carrying out project activities of the program on condition that Your Government would contribute to the Servicio for the same purpose the sum of Soles 1,565,469.08 (241,398.46 U. S. Cy.). The Institute would also be

[1] Not printed.

willing during the same extension period to make available an amount not exceeding $125,000.00 U. S. Cy. to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Education Division Field Staff who are maintained by the Institute in Perú. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to Your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Education and the Institute of Inter-American Affairs.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature [1] of an agreement by the Minister of Public Education of Perú and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details. Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

R. M. DE LAMBERT
Chargé d'Affaires ad interim

His Excellency,
General don ARMANDO REVOREDO IGLESIAS,
Minister for Foreign Affairs,
Lima.

The Peruvian Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

N°: (D)-6-3/48

LIMA, *30 de junio de 1948.*

SEÑOR ENCARGADO DE NEGOCIOS:

Tengo a honra avisar recibo a Vuestra Señoría de su atenta nota N° 1025, de 28 del mes próximo pasado, en la cual, con relación a la prórroga del Convenio Básico de Educación entre el Gobierno del Perú y el Instituto de Asuntos Inter-Americanos, me hace saber que el Instituto efectuaría una contribución de $ 40.000.00, moneda de los Estados Unidos, al Servicio Cooperativo Peruano-Norteamericano, para ser utilizada en las actividades sujetas al acuerdo modificado y prorrogado, y con una suma no mayor de $125.000, que sería retenida por el Instituto para el pago de sueldos y otros gastos del personal de la División de Educación del Instituto en el Perú.

[1] July 6, 1948.

Me es grato informar a Vuestra Señoría que, según me ha comunicado el Ministerio de Educación Pública, el Gobierno del Perú estaría dispuesto a contribuir, para la realización del Convenio con la suma de S/.1,565.469.08.

De acuerdo con lo expuesto en la comunicación que contesto, puede V. E. considerar este cambio de Notas como el convenio constituído entre nuestros dos Gobiernos, que entrará en vigor en la fecha en que se firme la Prórroga del Servicio Cooperativo Peruano Norteamericano de Educación en el Perú, entre el Ministro de Educación Pública y el Instituto de Asuntos Inter-Americanos.

Aprovecho la oportunidad para reiterar a Vuestra Señoría las seguridades de mi distinguida consideración.

A REVOREDO I

Al Honorable señor RICHARD M. DE LAMBERT,
Encargado de Negocios
de los Estados Unidos de América,
Ciudad.–

Translation

MINISTRY OF FOREIGN AFFAIRS
AND WORSHIP

No. (D)-6-3/48

LIMA, *June 30, 1948.*

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge the receipt of Your Excellency's courteous note no. 1025 dated the 28th of this past month in which, regarding the extension of the Basic Agreement on Education concluded between the Government of Peru and the Institute of Inter-American Affairs, you inform me that the Institute would contribute $40,000.00 (U. S. currency) to the Peruvian-North American Cooperative Service, for the activities envisaged in the amended and extended Agreement, and would contribute a sum not to exceed $125,000.00, which would be retained by the Institute for payment of salaries and other personnel expenses of the Education Division of the Institute in Peru.

I am pleased to inform Your Excellency that the Ministry of Public Education has advised me that the Government of Peru would be willing to contribute the sum of 1,565,469.08 soles for the implementation of the Agreement.

In accordance with the terms of the communication to which I am replying, Your Excellency may consider this exchange of notes as the Agreement concluded between our two Governments, which shall go into effect on the date of the signature of the Extension of the Peruvian-North American Cooperative Educational Service in Peru, between the Minister of Public Education and the Institute of Inter-American Affairs.

I avail myself of this opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

A REVOREDO I

The Honorable RICHARD M. DE LAMBERT,
Chargé d'Affaires
of the United States of America,
City.–

September 26, and December 9, 1947, and May 6, and June 7, 1948
[T. I. A. S. 1954]

Agreement between the United States of America and the Republic of the Philippines respecting a naval charter for lease of vessels to the Philippines under Public Law 454, 79th Congress, modifying the agreement of March 21, 1947. Effected by exchanges of notes signed at Manila September 26 and December 9, 1947, and May 6 and June 7, 1948; entered into force June 7, 1948.

The American Ambassador to the Philippine Secretary of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA,

No. 0039 *September 26, 1947.*

EXCELLENCY:

I have the honor to refer to the Agreement Between the Government of the United States of America and the Government of the Philippines on Military Assistance to the Philippines signed at Manila on March 21, 1947 and to enclose a form of Naval Charter for the lease of vessels made available by the United States Navy to the Government of the Philippines under the terms of that Agreement. The Embassy believes that Your Excellency's Government will find the terms of the proposed Charter, which was prepared under the direction of the Chief of Naval Operations of the United States, satisfactory and will be prepared to designate the person who shall sign the agreement in behalf of the Government of the Philippines. The Commander, U. S. Naval Forces Philippines has been designated as the person to sign the Charter in behalf of the United States.

61 Stat., Pt. 3, p. 3283.

Post, p. 3872.

Your Excellency will observe that Article I of the Charter proposes that the Charter shall remain in effect until terminated by mutual agreement, but in no event beyond the termination date of Public Law No. 454 of the 79th Congress of the United States, Second Session, or any extension thereof. This is in accordance with Article 5 of the aforementioned Military Assistance Agreement which specifies that title to vessels furnished under the terms of the Agreement on a non-reimbursable basis shall remain in the United States. Your Excellency will also observe that Article IX of the proposed Charter provides that notwithstanding the provisions of Article 5 of the Military Assistance Agreement, the owners and the charterers, that is to say the Government of the United States and the Government of the Philippines, may agree as to any or all of the vessels covered by the Charter that title be transferred to the charterers under the provisions of the above-cited Public Law No. 454.

60 Stat. 315. 50 U. S. C. app §§ 1861–1866.

61 Stat., Pt. 3, p. 3284.

Post, p. 3873.

Should Your Excellency's Government desire to enter into such an agreement for the transfer of the title to any or all of the vessels as an exception to and notwithstanding the provisions of Article 5 of the Military Assistance Agreement, I am authorized by my Government

61 Stat., Pt. 3 p. 3284.

to make and confirm such an agreement by an exchange of notes on the understanding that such action applies only to naval vessels covered by the proposed Charter and does not establish a precedent for future transfers that may be made of other vessels or of other equipment, which transfers in the absence of special agreements such as that proposed herein, would be guided by Article 5 of the Military Assistance Agreement.

Application to naval vessels only.

As soon as the competent authorities of Your Excellency's Government have had an opportunity to study the terms of the proposed Charter, which, it is hoped and believed, will be found acceptable in its present form, I shall be happy to receive your comments together with the decision of the Government of the Republic of the Philippines as to whether it desires to take title to the vessels in question. In the event that the decision of Your Excellency's Government is in the affirmative, it is suggested that this note and such affirmative reply be accepted as constituting an agreement to modify the provisions of Article 5 of the Military Assistance Agreement with respect to this particular transaction.

61 Stat., Pt. 3 p. 3284.

Accept, Excellency, the renewed assurances of my highest consideration.

EMMET O'NEAL

Enclosure:
Draft of proposed
Charter.

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs for the
Republic of the Philippines.

[Enclosure]

NAVAL CHARTER FOR LEASE OF VESSELS UNDER UNITED STATES PUBLIC LAW 454 79TH CONGRESS [1]

In consideration of the mutual interest in matters of common defense, THE GOVERNMENT OF THE UNITED STATES (hereinafter referred to as "the Owners") represented by the ———— acting pursuant to (1) the authority of and in compliance with United States Public Law 454, 79th Congress, 2nd Session, approved June 26, 1946, and of the directions of the President of the United States, (2) the agreement between the Government of the Republic of the Philippines and the Government of the United States of America on military assistance, dated March 21, 1947, and the related agreement as to military bases, and (3) the concurrence of the Secretary of State of the United States, hereby leases and the Government of the Republic of the Philippines (hereinafter referred to as "the Charterers") acting by and through ————, hereby accepts for the period and upon the terms and conditions stated herein, the vessels (including ships, boats, barges, and floating drydocks) identified on lists annexed hereto,

"Owners."

60 Stat. 315. 50 U. S. C. app. §§ 1861–1866.

61 Stat., Pt. 3, p. 3283.

"Charterers."

[1] The charter was completed and signed at Manila July 2, 1948.

or which in the future may be annexed hereto, upon agreement of the Owners and the Charterers.

ARTICLE I

Period of operation.

THIS charter shall operate with respect to each vessel covered thereby, from the date of the delivery of such vessel to the Charterers and shall continue until terminated by mutual agreement between the Owners and the Charterers, but in no event beyond the termination date of United States Public Law 454, 79th Congress, 2nd Section or any extension thereof.

60 Stat. 315.
50 U. S. C. app. §§ 1861–1866.

ARTICLE II

Delivery.

EACH vessel, together with its available on board spares and allowances including consumable stores and fuel, shall be or has heretofore been delivered to the Charterers on an "as is, where is" basis, at a time mutually agreed or to be agreed upon; delivery in either event to be evidenced by a delivery certificate in the form prescribed by the Secretary of the Navy. The Charterers shall have the use of all outfitting, equipment, appliances, fuel, consumable stores and spare and replacement parts belonging to the Owners on board each such vessel at the time of its delivery. The fuel and consumable stores on board the vessel at the time of redelivery shall become the property of the owners.

ARTICLE III

Condition of vessels upon delivery.

EACH vessel is a Naval vessel of the Government of the United States which has been administratively determined to be excess to requirements; and the Government of the United States therefore makes no representation or warranty as to the condition of said vessels, and the said vessels shall be accepted by the Charterers "as is, where is", at the time of delivery thereof; and the Owners shall not be liable to the Charterers by reason of anything arising out of the physical condition of any such vessels.

ARTICLE IV

Flags; titles.

THE Charterers shall on delivery place each vessel under their own flag, but the title to the vessel shall not thereby be affected.

ARTICLE V

Alteration of vessels

THE Charterers may, for military purposes and at their own expense, remove or alter any of the fittings or arrangements on board any of the vessels and may erect any new things which may be required by the Charterers.

ARTICLE VI

Liability of Charterers.

ALL vessels during the currency of this charter shall be at the absolute disposal and under the complete control of the Charterers; the Charterers shall hold harmless and indemnify the Owners against any and all costs, expenses, losses, damages, and claims (including

those arising by reason of the transfer or use of Bofors 40 mm guns or guns of similar types made or produced under or pursuant to an agreement dated June 21, 1941 between the Government of the United States of America and Aktisbolaget Bofors), regardless of the nature thereof, arising out of or connected with the transfer, use, and operation of the vessel, and whether or not said liability arises out of contract or tort; and nothing contained herein shall be construed to give rise to or to permit or to confer or recognize the existence of any lien of any character against any of such vessels, but the Charterers shall indemnify and hold harmless the Owners by reason of any lien liabilities that may be chargeable to or asserted against any such vessel.

ARTICLE VII

Redelivery of vessels upon expiration of charter.

UPON the expiration of this charter, or upon prior redelivery of any vessels, each vessel, unless lost, shall be redelivered at a port of the United States of America or other location as may be designated by the Owners in such condition as the vessel is in at the termination of its operational service. Should any vessel during the currency of this charter sustain any damage from any cause whatsoever, as in the opinion of the Charterers render it expedient to treat her as a total loss, the Charterers shall, where practicable, consult with the Owners before declaring her to be a total loss.

ARTICLE VIII

Title, etc., in case of total loss.

IT is understood and agreed that, in the event of a total loss of any vessel subject to this Charter, all right, title and interest of the Owners in and to such vessel shall vest in the Charterers as of the date of the loss thereof.

ARTICLE IX

Transfer of title.

NOTWITHSTANDING the provisions of Article V of the agreement between the Government of the Republic of the Philippines and the Government of the United States of America on military assistance dated March 21, 1947 and this Charter, the Owners and the Charterers may agree, as to any or all of the vessels covered by this Charter, that title be transferred to the Charterers under the provisions of United States Public Law 454, 79th Congress, 2nd Session. In the event that it is agreed that title to any or all of the vessels covered by this Charter be transferred to the Charterers, such vessels shall be striken from the list of vessels covered by this Charter and transfer of title shall be evidenced by a delivery certificate or document in a form to be prescribed by the Secretary of the Navy, and shall be made upon the express condition that the Government of the Republic of the Philippines will hold harmless and indemnify the Government of the United States, its officers, agents, servants and employees against any and all claims, demands, losses, damages, expenses and costs regardless of the nature thereof, arising out of or connected with the transfer of title to such vessel or vessels or the use and operation thereof by the Government of the Republic of the Philippines, whether or not said lia-

61 Stat., Pt. 3, p. 3284.

60 Stat. 315.
50 U. S. C. app. §§ 1861–1866.

bility arises out of contract or tort; and without limiting the generality of the foregoing, will hold harmless and indemnify the Government of the United States, its officers, agents, servants and employees against any and all claims, demands, expenses, damages and costs arising or growing out of transfer to the Government of the Republic of the Philippines of Bofors 40 mm guns or guns of similar type made or produced under or pursuant to an agreement dated June 21, 1941 between the Government of the United States of America and Aktiebolaget Bofors.

ARTICLE X

Sale or transfer of charter.

THE Charterers shall not, without the consent of the Owners, sell or transfer or assign this charter or any interest therein or make any arrangement whereby the maintenance, management or operation of any of the vessels is to be performed by anyone not an officer, employee, or agent of the Charterers.

ARTICLE XI

Relinquishment of physical possession or transfer of title to vessels.

THE Charterers shall not, as to any vessels covered by this Charter or as to any vessels title to which is transferred pursuant to Article IX hereof, relinquish physical possession of or transfer title to any of the vessels, equipment, outfitting, appliances or spare and replacement parts on board, without the specific consent of the President of the United States and shall not (1) permit use of any of the vessels or property so transferred, (2) disclose any plan, specification or other information pertaining thereto, or (3) disclose any technical information furnished, by or to anyone not an officer, employee, or agent of the Government of the Republic of the Philippines; and security classifications covering such equipment will be safeguarded in accordance with the requirements imposed thereon by the Secretary of the Navy.

ARTICLE XII

Personnel

As long as this Charter shall remain in effect the Government of the Republic of the Philippines shall not engage or accept the services of any personnel of any Government other than the United States of America for duties of any nature connected with the use and operation of the vessels transferred pursuant to this Charter, except by mutual agreement between the Government of the Republic of the Philippines and the Government of the United States of America.

Done at_____this_____ day of_____1947.

For and on behalf of the Government of the United States of America:

_____

Done at_____this_____ day of_____1947.

For and on behalf of the Government of the Republic of the Philippines:

_____

* * * * * * * * * * * * *

"DELIVERY CERTIFICATE"

In accordance with the Charter between the Government of the United States of America and the Government of the Republic of the Philippines dated _____covering the transfer of Naval vessels and equipment pursuant to Public Law 454–79th Congress, the undersigned, as authorized representative of the Navy of the Republic of the Philippines, accepts the below described craft, together with its on board equipment, stores and fuel from_____ authorized representative of the United States Navy.

60 Stat. 315. 50 U. S. C. app. §§ 1861–1866.

U.S. NAVAL TYPE	DESIGNATION	NAME	PHILIPPINE NAME

_____

For the Philippine Navy

Instructions: Delivery Certificate to be executed in quadruplicate. Original to be forwarded to BuShips, copy to BuSandA (Foreign Accounts Division); CNO (Op–414); Copy to Philippine Representative.

The Philippine Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *December 9, 1947*

EXCELLENCY:

I have the honor to refer to your note of September 26, 1947, enclosing a copy of the proposed "Naval Charter for Lease of Vessels" between the Republic of the Philippines and the United States of America for consideration of the appropriate authorities of my Government.

Ante, p. 3870.

Ante, p. 3871.

After a study of the proposed agreement, I am happy to inform you that the draft is satisfactory to the Philippine Government with the exception of the following observations:

(a) That the lists of vessels referred to in the first paragraph of the note which will be annexed to the agreement shall include only such vessels as may be selected by the Republic of the Philippines acting through the Chief of Staff of the Armed Forces of the Philippines.

(b) That the vessels so selected by the Republic of the Philippines through its Chief of Staff of the Armed Forces shall be accepted by the charterers in A–1 operational condition complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances.

With the above understanding, I shall be ready to sign the agreement in behalf of my Government.

My Government appreciates the opportunity accorded to the Republic of the Philippines to own the vessels covered by the agreement in accordance with the provisions of Article IX of the draft. I shall convey to the Embassy in due course the decision of the Philippine Government as to the acquisition of title to the vessels in question.

Ante, p. 3873.

I have also been recently informed that the present training unit of the United States Navy consisting of eight officers and twenty-eight enlisted men who are assisting the present Off-Shore Patrol Training Center at Cavite in the training of the personnel of the Philippine Off-Shore Patrol will be disbanded on or before January 1, 1948 due to lack of statutory funds for their maintenance. The United States Naval Training Unit has been rendering invaluable services to the Off-Shore Patrol Training Staff and its withdrawal will seriously interrupt the training program of the Off-Shore Patrol which is just starting and growing.

61 Stat., Pt. 3, p. 3284.

I wish to recall in this connection that Article 6 (d) of the Military Assistance Agreement provides for making available selected facilities of United States Army and Navy Training establishments to provide training for key personnel of the Philippine armed forces and in order to comply with the spirit and purpose of the said agreement between our two Governments, I have the honor to suggest that the present United States Naval Training Unit be either retained or absorbed by the United States Military Advsory Group.

Accept, Excellency, the renewed assurances of my highest consideration.

ELPIDIO QUIRINO.

His Excellency EMMET O'NEAL
American Ambassador
United States Embassy
Manila

The American Chargé d'Affaires ad interim to the Philippine Secretary of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 1335

May 6, 1948

EXCELLENCY:

I have the honor to advert to Your Excellency's note of December 9, 1947 referring to the Ambassador's note No. 0039, September 26, 1947 in regard to a proposed agreement by exchange of notes which would cover the transfer of title, notwithstanding the provisions of Article V of the Military Assistance Agreement of March 21, 1947, to certain naval vessels which would be made available under charter to the Philippine Government by the United States Navy in accordance with the terms of the latter Agreement.

61 Stat., Pt. 3, p. 3284.

The second paragraph of Your Excellency's note states, referring to the form of "Naval Charter for Lease of Vessels under United States Public Law 454, 79th Congress" as an "Agreement":

60 Stat. 315. 50 U. S. C. app. §§ 1861-1866.

Philippine Government exceptions to Charter.

"After a study of the proposed agreement, I am happy to inform you that the draft is satisfactory to the Philippine Government with the exception of the following observations:

"(a) That the lists of vessels referred to in the first paragraph of the note which will be annexed to the agreement shall

include only such vessels as may be selected by the Republic of the Philippines acting through the Chief of Staff of the Armed Forces of the Philippines.

(b) That the vessels so selected by the Republic of the Philippines through its Chief of Staff of the Armed Forces shall be accepted by the charterers in A–1 operational condition complete with all items of equipment, appliances, fuel consumable stores and spare and replacement parts in accordance with the standard table of allowances.

"With the above understanding, I shall be ready to sign the agreement in behalf of my Government."

Comments of Commander, U. S. Naval Forces, Philippines.

A copy of Your Excellency's note having been sent to the Commander, United States Naval Forces, Philippines, the latter commented to his superiors at Washington as follows:

"(a) The provision that only such vessels as may be selected by the Republic of the Philippines will be transferred under the charter, is agreeable to this command.

"(b) The provision that such vessels as are selected by the Republic of the Philippines shall be in A–1 condition, complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances, is not in accordance with present directives. Neither the basic agreement under which the vessels are being transferred nor the proposed procedure for the charter require the U. S. Government to furnish fuel or consumable stores on a non-reimburseble basis. Items of equipment, appliances and spare parts are furnished on a basis of whether or not they are in the area and excess to the needs of the Navy.

"(c) This command is necessarily guided in the entire vessel transfer program by directives from higher authority. Such directives, to date, specify that every attempt shall be made to make vessels scheduled for transfer operable in so far as possible. No funds are available for a greater amount of work nor for the supplying of stores or spares which would have to be procured elsewhere than from Navy excess stocks."

Concurrence.

The Chief of Naval Operations on April 15, 1948 expressed concurrence with the foregoing comments by COMNAVPHIL upon the Philippine reservations, as copied above, and, in turn, I have been authorized by the Secretary of State of my Government to convey those views to Your Excellency as representing the decision of that highest professional United States Navy authority.

Assuming the continuance of the interest of the Department of National Defense in acquiring the vessels in question, it would seem only fair to report to Your Excellency that information has informally come to the Embassy that, because of impending appropriation expirations, it would be desirable to arrange to take deliveries before June 30, 1948.

Accept, Excellency, the renewed assurances of my highest consideration.

THOMAS H. LOCKETT
Charge d'Affaires a.i.

His Excellency
ELPIDIO QUIRINO,
Secretary of Foreign Affairs of the Republic of the Philippines.

The Philippine Undersecretary of Foreign Affairs to the American Chargé d'Affaires ad interim

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *June 7, 1948*

SIR:

I wish to refer to His Excellency the United States Ambassador's note (1335) of May 6, 1948, in connection with our note of December 9, 1947 replying to the Ambassador's note of September 26, 1947, regarding a proposed agreement by exchange of notes which would cover the transfer of title, notwithstanding the provisions of Article V of the Military Assistance Agreement of March 21, 1947, to certain naval vessels which would be made available under charter to the Philippine Government by the United States Navy in accordance with the terms of the latter Agreement.

61 Stat., Pt. 3, p. 3284.

The third and fourth paragraphs of the Ambassador's note of May 6, 1948, in considering the Philippine reservations expressed in the second paragraph of our note of December 9, 1947, state:

Ante, p. 3876.

Ante, p. 3875.

"A copy of Your Excellency's note having been sent to the Commander, United States Naval Forces, Philippines, the latter commented to his superiors at Washington as follows:

'(a) The provision that only such vessels as are selected by the Republic of the Philippines will be transferred under the charter, is agreeable to this command.

'(b) The provision that such vessels as are selected by the Republic of the Philippines shall be in A–1 condition, complete with all items of equipment, appliances, fuel, consumable stores and spare and replacement parts in accordance with the standard table of allowances, is not in accordance with present directives. Neither the basic agreement under which the vessels are being transferred nor the proposed procedure for the charter require the U. S. Government to furnish fuel or consumable stores on a non-reimbursable basis. Items of equipment, appliances and spare parts are furnished on a basis of whether or not they are in the area and excess to the needs of the Navy.

'(c) This command is necessarily guided in the entire vessel transfer program by directives from higher authority. Such directives, to date, specify that every attempt shall be made to

make vessels scheduled for transfer operable in so far as possible. No funds are available for a greater amount of work nor for the supplying of stores or spares which would have to be procured elsewhere than from Navy excess stocks.'

"The Chief of Naval Operations on April 15, 1948 expressed concurrence with the foregoing comments by COMNAVPHIL upon the Philippine reservations, as copied above, and, in turn, I have been authorized by the Secretary of State of my Government to convey those views to your Excellency as representing the decision of that highest professional United States Navy authority."

I am glad to inform you that, after proper consideration by the appropriate Philippine authority, the Government of the Republic of the Philippines hereby accepts the conditions of transfer as hereinabove set forth by the Commander, United States Naval Forces, Philippines, and concurred in by the Chief of Naval Operations of the United States, in so far as they affect the provisions of the proposed "Naval Charter for Lease of Vessels under United States Public Law No. 454, 79th Congress". *Ante*, p. 3871. 60 Stat. 315. 50 U. S. C. app. §§ 1861–1866.

My Government also hereby expresses its desire to take title to the vessels in question and to enter into such an agreement for the transfer of title to any or all of the vessels as an exception and notwithstanding the provisions of Article V of the Military Assistance Agreement, on the understanding that such action applies only to naval vessels covered by the proposed Charter and does not establish a precedent for future transfers that may be made of other vessels or of other equipment, which transfers in the absence of special agreements such as that provided for herein, would be guided by Article V of the Military Assistance Agreement. My Government considers the Ambassador's notes of September 26, 1947 and May 6, 1948 and our note of December 9, 1947 as constituting an agreement to modify the provisions of Article V of the Military Assistance Agreement with respect to this particular transaction. 61 Stat., Pt. 3, p. 3284. *Ante*, pp. 3870, 3876, 3878.

It will therefore be highly appreciated if appropriate steps may be taken by the Embassy for an expeditious transfer of title of these vessels to the Republic of the Philippines in accordance with Article IX of the proposed charter so that we may have full authority to use these vessels in any way deemed expedient. The Honorable, the Secretary of National Defense, an official of this Government, will be designated to sign the agreement in behalf of the Government of the Republic of the Philippines. *Ante*, p. 3873.

Accept, Sir, the renewed assurances of my high consideration.

BERNABE AFRICA

Bernabe Africa
Undersecretary

THOMAS H. LOCKETT, Esquire
Charge d'Affaires, a. i.
American Embassy,
Manila

July 8, 29, 1948
[T. I. A. S. 1958]

Agreement between the United States of America and Colombia respecting a cooperative health and sanitation program in Colombia, modifying and extending the agreement of February 14 and 19, 1946. Effected by exchange of notes signed at Bogotá July 8 and 29, 1948; entered into force July 31, 1948, operative retroactively from June 30, 1948.

The American Ambassador to the Colombian Minister of Foreign Relations

No. 151 BOGOTA, *July 8, 1948*

EXCELLENCY:

Extension proposed.

I have the honor to refer to the notes exchanged by the Ambassador of the United States to Colombia and His Excellency the Minister of Foreign Affairs of Colombia, dated February 14 and 19, 1946, respectively, and to the Basic Agreement subsequently entered into during the same month between the Government of Colombia and The Institute of Inter-American Affairs, which notes and agreement provided for the continuation of the existing cooperative health and sanitation program in Colombia. I also refer to Your Excellency's note of July 7, 1948, [1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

61 Stat., Pt. 3, p. 2880.

As Your Excellency knows, the mentioned Basic Agreement provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Colombia that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $60,000.00 United States currency to the Servicio Cooperativo Inter-Americano de Salud Publica, for use in carrying out project activities of the program, on condition that your Government would contribute to the Servicio for the same purpose the sum of 1,000,000 pesos. The Institute would also be willing, during the same extension period, to make available funds to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Health and Sanitation Division Field Staff, who are maintained by the Institute in Colombia. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

Contributions by U. S. and Colombia.

[1] Not printed.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible. in order that the technical details of the extension may be worked out by officials of the Ministry of Health and Sanitation and The Institute of Inter-American Affairs.

The Government of the United States of America will consider the present Note and your reply Note concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature [1] of an Agreement by the Minister of Hygiene of Colombia and by a Representative of the Institute of Inter-American Affairs embodying the above mentioned technical details. Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WILLARD L. BEAULAC

His Excellency
Doctor EDUARDO ZULETA ANGEL,
Minister of Foreign Relations,
Colombia.

The Colombian Minister of Foreign Relations to the American Ambassador

MINISTERIO DE
RELACIONES EXTERIORES
OI-570 -

BOGOTÁ, *julio 29 de 1948.*

SEÑOR EMBAJADOR:

Me honro en avisar recibo a Vuestra Excelencia de su nota número 151 fechada el 8 de julio de 1948, en la cual se esbozan las condiciones en que el Gobierno de los Estados Unidos de América está dispuesto a aceptar una prórroga del Convenio básico entre el Gobierno de Colombia y el Instituto de Asuntos Interamericanos, que dispone la continuación del programa cooperativo de salubridad y saneamiento de Colombia.

Me complazco en manifestar a Vuestra Excelencia que mi Gobierno conviene en la prórroga proyectada de aquel Convenio, sobre la base expuesta en la nota de Vuestra Excelencia y que, por tanto, el Gobierno de Colombia considerará que la nota de Vuestra Excelencia y la presente respuesta de conformidad, constituyen un Convenio celebrado entre nuestros dos Gobiernos, el cual entrará en vigencia desde el día en que el Ministro de Higiene de Colombia y un representante del Instituto de Asuntos Interamericanos firmen un Convenio que incluya los detalles técnicos de dicha prórroga.

[1] July 31, 1948.

Con este motivo, me es grato renovar a Vuestra Excelencia los sentimientos de mi más elevada consideración.

EDUARDO ZULETA A.

Eduardo Zuleta Angel.

A Su Excelencia el señor
WILLARD L. BEAULAC,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Ciudad.

Translation

MINISTRY OF
FOREIGN RELATIONS
01–570

BOGOTÁ, *July 29, 1948.*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note No. 151 of July 8, 1948, which outlines the conditions under which the Government of the United States of America is prepared to accept an extension of the Basic Agreement between the Government of Colombia and the Institute of Inter-American Affairs providing for the continuation of the cooperative health and sanitation program of Colombia.

Ante, p. 3880.

61 Stat., Pt. 3, p. 2883.

I take pleasure in informing Your Excellency that my Government agrees to the extension contemplated of that Agreement on the basis set forth in Your Excellency's note, and that the Government of Colombia will, therefore, consider that Your Excellency's note and the present reply thereto constitute an agreement concluded between our two Governments which will come into force beginning with the date on which the Minister of Hygiene of Colombia and a representative of the Institute of Inter-American Affairs sign an agreement which includes the technical details of the said extension.

I take pleasure in renewing to Your Excellency the expression of my highest consideration.

EDUARDO ZULETA A.
Eduardo Zuleta Angel.

His Excellency
WILLARD L. BEAULAC,
Ambassador Extraordinary and Plenipotentiary of
the United States of America.
City.

Agreement between the United States of America and Canada respecting the operation and maintenance of a land line communication system between Edmonton, Alberta, and Fairbanks, Alaska. Effected by exchange of notes signed at Washington March 1 and 31, 1948; entered into force March 31, 1948.

March 1, 31, 1948
[T. I. A. S. 1966]

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

No. 95

MARCH 1, 1948.

SIR:

I have the honour to refer to Canadian-United States discussions which were held in Ottawa from October 31 to November 2, 1946, concerning the future operation and maintenance of the war-built land line communication system between Edmonton, Alberta, and Fairbanks, Alaska.

2. At these meetings it was recommended, subject to the consideration and approval of the Permanent Joint Board on Defence, that a number of facilities from Edmonton to the Alaskan border should be assigned for exclusive use of the United States, the annual rental to be $271,000.

3. Subsequently at a meeting of the Permanent Joint Board on Defence on November 19–20, 1946, a report of these meetings was considered and approved, and on April 1, 1947, the Canadian Department of Transport made these facilities available to the United States authorities. At the present time the Canadian Government's Operating Agency, the Canadian National Telegraph, who are responsible for the operation and maintenance of the system on Canadian soil, are forwarding monthly accounts for the rental of these facilities to the Commanding Officer, Alaska Communications System, in Seattle, but payments have not been made as formal authority for the lease has not yet been arranged.

4. The Permanent Joint Board on Defence therefore recommended at the meeting of September 11–12, 1947:

"Communication Circuits of the Alaska Highway

The Board noted that the United States forces have definite need of the voice and teletype circuits along the Alaska Highway and that the Canadian authorities have made the circuits available. The Board approves this arrangement and recommends that the contract covering it be signed by the competent Canadian authorities as soon as possible, in order that accounts may be paid."

5. In order that the lease of these facilities may therefore be arranged on a governmental basis, my Government wishes to recommend that this lease be implemented as outlined in Annex I of this note.

6. I should therefore be glad if you would inform me whether your Government is agreeable to these arrangements. Your favourable reply to this note will be considered as constituting an inter-governmental agreement with respect to the facilities outlined in Annex I of this note.

Accept, Sir, the renewed assurances of my highest consideration.

H H WRONG

The Honourable GEORGE C. MARSHALL,
Secretary of State,
Washington, D. C.

[Enclosure]

ANNEX I

ARTICLE 1

Communication facilities available to U.S.

The Government of Canada agrees to make available to the Government of the United States of America the following communication facilities over the telephone and telegraph lines, owned by the Government of Canada, and located along the Alaska Highway in Canada, between Edmonton, Alberta, and the border of the territory of Alaska and Canada:–

A. for voice frequency only,
   (a) Two channels, Edmonton to the said border
   (b) Two channels, Whitehorse to the said border
   (c) One channel, Whitehorse to Edmonton.
B. for standard teletype frequency only
   (d) Two channels, Edmonton to the said border
   (e) Three channels, Whitehorse to said border.

ARTICLE 2

Payment by U.S.

The Government of the United States of America shall pay the Government of Canada for the use of the said communication facilities the sum of $271,000, in United States funds, for the year commencing April 1, 1947. Payments shall in future be made in equal monthly instalments but payment for the period from April 1st 1947 to February 29th 1948, shall be paid in one instalment forthwith upon the conclusion of this agreement.

The Government of the United States of America agrees to pay for the use of such additional communication facilities as may be required by the said Government and as may otherwise be available for use, at such rates and charges as are adopted as standard in respect of the telephone and telegraph lines located along the Alaska Highway in Canada.

Credit for reductions and readjustments.

The Government of Canada agrees to credit the Government of the United States of America for reductions and readjustments of facilities in accordance with the prevailing rates that are adopted

as standard in respect of the telephone and telegraph lines located along the Alaska Highway in Canada, provided that the total annual aggregate payments by the Government of the United States of America do not fall below the amount of $271,000 per annum above stated.

ARTICLE 3

Simultaneous use and operation by Canada and U.S.

The two Governments agree that the said communication facilities between Edmonton, Alberta, and the Alaska-Canada border, which are a continuation of and connected with similar communication facilities owned by the Government of the United States of America and extending from the said border to Fairbanks, Alaska, are capable of use and operation only if, when and to the extent that the communication facilities owned by the Government of the United States of America and located in Alaska as aforesaid, are simultaneously maintained in use and operation and are available.

It is further agreed between the said Governments that payments reserved under Article 2 hereof shall accrue only if and to the extent that the communication facilities made available hereunder by the Government of Canada are properly maintained for use and operation.

ARTICLE 4

Maintenance.

The two Governments agree that the portions of telephone and telegraph lines owned by the Government of Canada and located in Canada along the Alaska Highway, shall be maintained by the Government of Canada, and that the said lines owned by the Government of the United States of America and located in the territory of Alaska, shall be maintained by the Government of the United States of America; and that such maintenance shall be carried out in accordance with standard practice.

ARTICLE 5

Duration of agreement.

This agreement shall remain in force during the period the telephone and telegraph lines, aforesaid, extending from Edmonton, Alberta, to Fairbanks, Alaska, are maintained by the respective Governments.

ARTICLE 6

Supplementary arrangements.

Supplementary arrangements for the purpose of giving effect to this agreement may be made between the operating departments or agencies of the respective Governments.

ARTICLE 7

Termination.

Subject to the provision of Article 5, this agreement shall remain in force until such time as the two Governments mutually agree that it shall cease or until either Government shall have given one year's notice to the other Government of intention to terminate the agreement.

The Acting Secretary of State to the Canadian Ambassador

DEPARTMENT OF STATE
WASHINGTON

Mar 31 1948

EXCELLENCY:

Ante, p. 3883.

I have the honor to refer to your note No. 95, dated March 1, 1948, concerning the future operation and maintenance of the war-built land-line communication system between Edmonton, Alberta, and Fairbanks, Alaska. Your note summarized the results of discussions held on this subject in the Permanent Joint Board on Defense and recommended that the lease of these facilities be arranged on a governmental basis as outlined in Annex I enclosed with your note.

Ante, p. 3884.

Acceptance.

I am pleased to inform you that the proposals set forth in your note No. 95 and in Annex I thereto are accepted by this Government. This Government also concurs in the proposal that your note and this reply shall be regarded as constituting the agreement arrived at between the two Governments with respect to the facilities outlined in Annex I of your note.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT A. LOVETT
Acting Secretary

His Excellency
HUME WRONG,
Canadian Ambassador.

Agreement between the United States of America and Mexico respecting temporary migration of Mexican agricultural workers, superseding the agreements of April 26, 1943, and March 10, 1947. Effected by exchange of notes signed at México, D. F., February 20 and 21, 1948; entered into force February 21, 1948.

February 20, 21, 1948
[T. I. A. S. 1968]

The American Chargé d'Affaires ad interim to the Mexican Secretary for Foreign Relations

No. 1776

MEXICO, D. F., *February 20, 1948*

EXCELLENCY:

I have the honor to refer to conversations which have recently been held in El Paso, Texas, and in Mexico City between representatives of the United States of America and the United Mexican States with the object of arriving at a mutual and satisfactory agreement for the further recruiting of Mexican agricultural workers for the United States, and to the results of these conversations by which an agreement was signed between the said representatives on February 17, 1948. The text of the agreement is as follows:

"MIGRATION OF MEXICAN AGRICULTURAL WORKERS

"In view of the termination on December 31, 1947, of the joint administration of the Agreement of April 26, 1943, under which Mexican agricultural workers temporarily migrated to the United States to cooperate in agricultural production in that country, and in view of the continued need for additional agricultural workers in certain regions of the United States, the Embassy of the United States in Mexico City, in a note to the Mexican Foreign Office dated November 10, 1947,[1] proposed conversations between representatives of the two Governments to formulate recommendations as to conditions and terms to govern future employment of Mexican agricultural workers in the United States. The Mexican Government expressed agreement to the proposed discussions and named the following delegation:

57 Stat. 1152.

"AS DELEGATES: Alfonso Guerra, Executive Officer of the Department of Foreign Affairs; Lic. Horacio Teran, Executive Officer of the Department of the Interior; Colonel Raul Michel, Consul General of Mexico at El Paso, Texas; and Lic. Celso Ledesma Labastida, Chief Counselor, Department of Labor and Social Welfare.

"AS ADVISERS: Arcadio Ojeda García, Chief of Immigration Service, Department of the Interior; Lic. Guillermo García Maynez, Counselor of the Labor Department; Roberto S. Urrea, Consul of Mexico at El Paso, Texas; Alberto Monroy, Chief of the Interdepartmental Office, Ciudad Juarez, Chihuahua; José Reyes Nava, Chief of the Interdepartmental Office at Reynosa, Tamaulipas, Mexico; Joaquin Terra-

[1] Not printed.

zas, Chief of the Interdepartmental Office, Mexicali, Baja California; and Daniel Chavez, Viceconsul of Mexico at El Paso, Texas.

"The United States Government at the same time designated the following delegation;

"As DELEGATES: William G. MacLean, Economic Adviser, Division of Mexican Affairs, Department of State; Watson B. Miller, Commissioner of Immigration and Naturalization; and Willard F. Kelly, Assistant Commissioner of Immigration and Naturalization, of the Department of Justice; and Walter Erb, Acting Assistant Director for Farm Placement, United States Employment Service, Department of Labor.

"As ADVISERS: Albert D. Misler, Chief Attorney, Department of Labor; William A. Whalen, District Director, United States Immigration and Naturalization Service, San Antonio, Texas; Grover C. Wilmoth, District Director, United States Immigration and Naturalization Service, El Paso, Texas; William A. Carmichael, District Director, United States Immigration and Naturalization Service, Los Angeles, California; Robert H. Robinson, Examiner, United States Immigration and Naturalization Service; Stephen E. Aguirre, Consul of the United States of America, Ciudad Juárez, Chihuahua, Mexico; and G. Wallace La Rue, Consul of the United States of America, Ciudad Juárez, Chihuahua, Mexico.

"The two delegations having met in joint session in the City of El Paso, Texas, from November 20, 1947, to December 2, 1947, followed by a further meeting in Mexico on February 9–11, 1948, between Mr. Maurice L. Stafford, First Secretary of the Embassy of the United States, and Dr. Alfonso Guerra, Oficial Mayor of the Ministry for Foreign Relations of the United Mexican States, and after full reconsideration of every prospect of the problem adopts the following resolutions as recommendations to their respective Governments with the understanding that they are to be made effective between the two Governments, if approved, by an exchange of notes through diplomatic channels, both delegations being in accord in recommending to their respective Governments that from the date of said notes, all future contracting of Mexican agricultural workers for employment in the United States, as well as the recontracting of those Mexican workers actually in the United States, should be governed by the terms of this Agreement.

Contracts.

"1. The contracts, whether renewals or new, will be on a direct worker to employer basis, with intervention by the two Governments, which shall oversee their observance in the form specified in this document. It is mutually understood that the term "employer" refers to the owner or operator of an agricultural property in the United States or to an association of such, and that the term "worker" refers to a Mexican national who is an agricultural worker.

"2. The form of contract which should be used accompanies this agreement, with the understanding that if it is considered necessary to make fundamental changes therein, such changes shall be the subject of consultation and agreement between the two Governments through diplomatic channels.

"3. Employers in the United States will be permitted to contract Mexican agricultural workers under this agreement for employment in a previously specified area. The appropriate authorities of the United States will inform those of Mexico three months in advance of the number of workers which may be required for the following period, and the Government of Mexico will make available the maximum number compatible with the labor needs of the Republic of Mexico. Said employers must (a) have certification by the United States Employment Service of the United States Department of Labor that workers are needed in that specified area, and that domestic workers are not available at prevailing wages in that area, and (b) be in possession of written authorization from the Immigration and Naturalization Service of the United States to bring in a specified number of such workers.

Certification of need.

Authorization.

"A copy of the certification mentioned in section (a) above shall be forwarded directly to the Mexican Ministry of Labor by the United States Employment Service. In order that the workers may have previous knowledge of the nature of the employment offered, the employer will furnish them complete information at the contracting centers, with the assistance of the Mexican authorities, in regard to name and address of employer, climate in the place of employment, salaries, and all other pertinent data.

"4. The authorizations specified in section (b) of the preceding paragraph should be granted only to those employers who post a bond or other satisfactory collateral with the Immigration and Naturalization Service sufficiently large to guarantee the return of the worker to his place of contract in Mexico without cost to him.

"5. Mexican workers entering the United States under the terms of this agreement shall not be obligated to engage in any military service.

Military service.

"6. In accordance with Executive Order No. 9346, issued by the President of the United States on May 27, 1943, Mexican workers in the United States under this agreement shall not suffer discriminatory acts of any kind. For the purposes of this article the appropriate agencies of both Governments shall cooperate.

Discriminatory acts.

3 CFR, Cum. Supp., p. 1280.

"7. Mexicans entering the United States under this agreement shall not be employed to displace other workers, or for the purpose of reducing rates of pay previously established.

Displacement of other workers; reduction in rates of pay.

"8. Contracts will be made between the employer and the worker under the supervision of a representative of each of the two Governments, and they must be written in Spanish and in English. The places of contract in the Republic of Mexico shall be freely determined by the Government of Mexico and advice thereof given to the American Government within three months from the time of notification of the number of workers needed by means of an exchange of diplomatic notes between the two Governments. It is understood that they shall not be south of a line from coast to coast through Guadalajara and Querétaro.

Exchange of diplomatic notes.

"The transportation of the worker from the place of contract to the place of employment and return to place of contract in Mexico,

Transportation expenses.

as well as food, lodging, and other expenses en route, including up to 35 kilograms of personal objects but not including furniture, shall be at the expense of the employer.

Physical examinations.

"9. Mexican health authorities at the place of contracting will see that the worker meets the necessary physical conditions, and officials of the United States Public Health Service will cooperate in this examination and at the same time will make the examinations required as a condition of entrance into the United States, without waiving in the latter case the right to further examination at the border, in which case workers who fail to pass this second examination shall be given transportation back to the place of contract.

"10. All transportation and living expenses from the place of contract to the place of employment and return, as well as any expenses incurred in the fulfillment of any requirements of a migratory nature, shall be met by the employer.

Wages.

"11. Wages to be paid the worker shall be the same as those paid for similar work to domestic agricultural workers under the same conditions within the same area, in the respective areas of employment. Piece rates shall be so set as to enable the worker of average ability to earn the prevailing wage. In any case the worker shall not be paid less than he would earn at the hourly rate set forth in the Individual Work Agreement, which shall be fixed taking into consideration the cost of living in the United States at the time of contracting. Where higher wages are paid for specialized tasks such as the operation of vehicles or machinery, Mexican workers shall be entitled to such wages while assigned to such tasks.

Transfer to another locality.

"12. The worker shall not be transferred from the place of employment to another locality without the express approval of the worker and the Mexican Consul with jurisdiction in the place of employment from which transfer is under consideration.

Wage deductions, limitation.

"13. No deductions of any kind shall be made from the wages of the workers except those specifically provided in the individual contract or required by law.

Hygienic lodgings.

"14. The Mexican workers will be furnished, without cost to them, with hygienic lodgings, adequate to the physical condition of the area and of a type used by the domestic agricultural workers of the area.

Occupational diseases and accidents.

"15. Workers admitted under this understanding shall enjoy as regards occupational diseases and accidents the same guarantees enjoyed by domestic agricultural workers under applicable state or federal legislation in the United States. The employer shall provide medicines and medical attention, in accordance with prevailing laws, customs or practices, or, in the absence of such, in accordance with equitable and just principles. When the employer provides medical attention to the worker because of acts of negligence of a third person, the employer shall be subrogated in the right of the worker to recover the cost of such medical care.

Contact representatives.

"16. Groups of workers admitted under this agreement shall have the right to elect their own representatives, from among the members of the group, to maintain contact between the workers and the employers.

U.S. Employment Service good offices.

"17. The United States Employment Service of the United States Department of Labor shall lend its good offices to the contracting parties with a view to obtaining full compliance with the terms of this agreement and the individual contract. The worker may request these good offices direct or through the Mexican Consul having jurisdiction in the place of employment.

Protection by Mexican consuls, etc.

"18. The Mexican Consuls or their duly accredited representatives, within their corresponding jurisdiction, in cooperation with the representatives of the United States Employment Service or the Immigration and Naturalization Service, will take all possible measures of protection in the interest of the Mexican workers in all questions affecting them, and the employer will grant such officials access to the place of employment when it is necessary not only for the protection of the worker but also for the maintenance of good relations between the employer and the worker.

Limitation of work periods.

"19. The Government of Mexico reiterates its intention to limit the contracting of workers to two periods of six months (one year) in order that the workers may not lose their ties with their homeland. However, it manifests its agreement that ten per cent of workers experienced in agricultural work may be recontracted for an additional period of six months in order that they may cooperate in the training of new contingents which enter the United States under the present agreement.

Illegal use of workers.

"20. Permission to contract workers will not be granted to those employers who use workers illegally in the United States.

Legal residents of border towns.

"21. With a view to impeding the migration to the United States of workers who have their permanent residence in Border towns, it is suggested to the delegation of the United States that those who are in this category be documented by the Mexican migration authorities only with Card Form 5–C, which only gives them the right to cross to the adjacent towns and not to be contracted for work in the interior of the United States. Therefore all such who are clearly shown to be legal residents of Border towns should be excluded from contracts.

Documentation as permanent residents of U.S., restriction.

"22. The delegation of the United States will recommend to its Government the continuance of present instructions to its diplomatic and consular representatives in Mexico, with a view to having them abstain, as they have done to date, from documenting as permanent residents of the United States, persons whose passports do not categorically so specify, with the exception of those who have family ties in that country.

Violation of Individual Work Agreement.

"23. When there arises a case of violation by the employer of the Individual Work Agreement or of the conditions under which authority for the admission of the workers to the United States has been issued, or there has been a violation by the worker of the conditions under which he was admitted, the United States Immigration and Naturalization Service will withdraw said authority or will cause the removal of the worker or workers involved, as the case may be, after the measures specified in the Individual Work Agreement have been completed.

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Maximum employment and wage rates.

"24. The United States Delegation declares that in view of the existing situation that does not permit the representative of the United States Department of Labor to fix a minimum weekly wage rate, because of lack of statutory authority, said Department will use its good offices in order that the Mexican workers may obtain maximum employment and wage rates. However, information in regard to salary and working conditions is to be circulated among the workers in the contracting centers, in the manner specified in the final paragraph of Article 3 of this agreement with a view that the workers themselves may be in a position to decline employment offered if the contracting conditions and wage rates do not appear to be to their interests.

Ante, p. 3889.

Withholding of percentage of wages.

"25. With a view to establishing savings funds, the employer shall withhold currently from the wages of the worker ten per cent of the wages due him and in regular pay days shall furnish him a signed acknowledgment in writing, typewritten or in ink, of the amount which has been withheld during the pay period. All wages so withheld are to be paid the worker upon termination of the contract in a certified or cashier's bank check to his order which must bear the stamp of the United States Immigration and Naturalization Service which shall be affixed at the time the worker crosses the international border into Mexico; such check shall be in dollars and in a form negotiable through any bank in Mexico once it has been endorsed as indicated.

"26. Article IX of the Consular Convention between the United States of America and the United Mexican States, formalized between the two Governments on August 12, 1942, shall apply in regard to Mexican workers in the case of all rights established therein.

57 Stat. 811.

Change of status.

"27. The Mexican Government reserves the right to require a change of status of any Mexican workers involved, after a study of the circumstances in case labor questions arise.

Renewal of contracts.

"28. Renewal of existing contracts may be made within the terms of this agreement on the conditions that all workers whose contracts are so renewed will retain their right to be returned to their place of contracting in Mexico.

Illegal migration.

"29. With a view to cooperation in the objective of this agreement the appropriate authorities of both Governments shall take all proper measures to prevent the illegal migration of Mexican agricultural workers to the United States and to insure the prompt repatriation of Mexican workers illegally in the United States.

Publicity.

"30. Both delegations will recommend to their respective Governments the greatest publicity for these measures and their underlying reasons, in order that the authorities charged with their application can count upon the fullest support of public opinion in both countries, this publicity to be made simultaneously and on a date to be agreed upon by both Chanceries.

Failure to return to Mexico.

"31. The presence in United States territory of workers who fail to return to Mexico after the period for which they are contracted or recontracted shall be considered illegal.

Liberty to purchase personal articles.

"32. The worker shall enjoy absolute liberty to purchase articles for his personal use in the place most convenient to him.

"33. The employer guarantees the worker the opportunity for employment for three quarters of the work days of the total period during which the Individual Work Agreement is, in fact, in effect. If the employer affords the worker, during such period, less employment than required under this provision, the worker shall be entitled to be paid the amount which he would have earned had he, in fact, worked for the guaranteed number of days. Guarantee of employment.

In determining whether the guarantee of employment provided for in this paragraph has been met, any day on which the worker fails to work, when afforded the opportunity to do so by the Employer, shall be counted as a day of employment in calculating the days of employment toward the satisfaction of this guarantee.

"For each work-day (except Sundays) on which the worker is willing to work and is physically able to carry on his work, and he is not employed for more than four hours, he will receive subsistence without cost to him. Said subsistence shall consist of three meals a day or their equivalent in cash. Subsistence.

"34. The officials of the United States Immigration and Labor Services shall not aid in the contracting of workers who are accompanied by their families. Workers accompanied by families.

"35. The proper authorities of the Government of the United States, in representation of the employers, are empowered, in cooperation with the Mexican authorities, to formulate the instructions necessary to facilitate both the sojourn of workers in the United States as well as the best interpretation of the several clauses of the labor contract. Formulation of instructions, etc.

The agreement set forth herein shall become effective through an exchange of notes between the two Governments, and shall supersede the agreements of April 26, 1943, and of March 10, 1947, on this subject, except in the case of workers now in the United States who, if recontracted, will be protected by said agreement in regard to transportation, lodging, and subsistence from place of employment to the place of original contracting. It shall continue in force until modified by mutual agreement or terminated by written notification of either Government, which shall become effective thirty days after the receipt of such notes. 57 Stat. 1152; 61 Stat., Pt. 4, p. 4097.

"36. The recontracting of Mexican laborers now in the United States will be effected immediately after this agreement is approved by both Governments. The first regular contracting within the Republic of Mexico will be effected one month after the exchange of notes and subsequent contracting in accordance with the provisions of Article 8 thereof. *Ante*, p. 3889.

By reason of the absence of the members of the United States and Mexican delegations who participated in the conversations at El Paso, Texas, and who are mentioned at the beginning of this document, the representatives intervening in the final revision, after reaching an agreement on each one of the articles thereof, signed the same at Mexico City on the 17th day of February, 1948. Signatures.

"For the United States Delegation.

(signed) Maurice L. Stafford
First Secretary of the Embassy of the United States of America.

For the Mexican Delegation.

(signed) Alfonso Guerra
Oficial Mayor of the Ministry for Foreign Relations."

Acceptance.

I am instructed to state that the Government of the United States is in accord with and accepts the agreement entered into by representatives of the two Governments on February 17, 1948 as cited above.

If this agreement is acceptable to the Government of Mexico, the Government of the United States of America is prepared to regard the present note and Your Excellency's reply concurring therein as constituting an agreement between the two Governments which shall take effect on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Chargé d'Affaires ad interim
RAYMOND H. GEIST

His Excellency
Señor Don JAIME TORRES BODET
Secretary for Foreign Relations
Mexico, D. F.

The Mexican Secretary for Foreign Relations to the American Chargé d'Affaires ad interim

SECRETARIA DE RELACIONES EXTERIORES
ESTADOS UNIDOS MEXICANOS
MEXICO

No. 3377.

MÉXICO, D. F., *21 de febrero de 1948.*

SEÑOR ENCARGADO DE NEGOCIOS:

Me es grato referirme a la atenta nota de Vuestra Señoría número 1776 fechada ayer, que a la letra dice:

"Tengo el honor de referirme a las conversaciones celebradas recientemente en El Paso, Texas, y en la ciudad de México entre representantes de los Estados Unidos de América y de los Estados Unidos Mexicanos con objeto de llegar a un mutuo y satisfactorio acuerdo para la nueva contratación de trabajadores agrícolas mexicanos con destino a los Estados Unidos, así como a los resultados de estas conversaciones mediante las cuales fué firmado un convenio entre los mencionados representantes, el 17 de febrero de 1948. El texto del convenio es como sigue:—"Migración de trabajadores agrícolas mexicanos.—En atención a que el treintiuno de diciembre de 1947 prescribió la vigencia de los acuerdos reformados el veintiseis de abril de mil novecientos cuarentitrés, mediante los cuales se establecieron las condiciones a las que debería sujetarse la cooperación de traba-

jadores mexicanos en labores agrícolas en los Estados Unidos de América y considerando que persiste la necesidad de nuevos contingentes de dicha índole en algunas regiones de ese país, el Gobierno de los Estados Unidos, por conducto de su Embajada en la ciudad de México y mediante Nota presentada a la Cancillería mexicana con fecha diez de noviembre de 1947, sugirió el intercambio de pláticas entre representantes de ambas partes, a fin de formular recomendaciones a los dos Gobiernos y determinar las condiciones bajo las cuales podrían efectuarse futuras contrataciones de carácter similar. La proposición fué aprobada por el Gobierno de México, designando para tal efecto una Delegación compuesta por los funcionarios siguientes:—COMO DELEGADOS: Señores Alfonso Guerra, Oficial Mayor de la Secretaría de Relaciones Exteriores; Horacio Terán, Oficial Mayor de la Secretaría de Gobernación; Raúl Michel, Cónsul General de México en El Paso, Texas y Celso Ledesma Labastida, Jefe de Abogados de la Secretaría de Trabajo y Previsión Social.—COMO ASESORES: Señores Arcadio Ojeda García, Jefe del Servicio de Población, Secretaría de Gobernación; Guillermo García Maynes, Abogado de la Secretaría de Trabajo; Roberto S. Urrea, Cónsul de México en El Paso, Texas; Alberto Monroy, Jefe de la Oficina Intersecretarial, Ciudad Juárez, Chihuahua; José Reyes Nava, Jefe de la Oficina Intersecretarial, Reynosa, Tamaulipas; Joaquín Terrazas, Jefe de la Oficina Intersecretarial, Mexicali, B. C., y Daniel Chávez, Vicecónsul de México en El Paso, Texas.—El Gobierno de los Estados Unidos, por su parte, integró su Delegación en la forma siguiente:—COMO DELEGADOS: Señores William G. MacLean, Consejero Económico, División de Asuntos Mexicanos, Departamento de Estado; Watson B. Miller, Comisionado de Inmigración y Naturalización y Willard F. Kelly, Subcomisionado de Inmigración y Naturalización del Departamento de Justicia, y Walter Erb, Subdirector Encargado de Colocaciones Agrícolas, Departamento de Colocaciones de los Estados Unidos.—COMO ASESORES: Señores Albert D. Misler, Abogado, Departamento de Trabajo; William A. Whalen, Director de Distrito, Servicio de Inmigración y Naturalización de los Estados Unidos, San Antonio, Texas; Grover G. Wilmoth, Director de Distrito, Servicio de Inmigración y Naturalización de los Estados Unidos, El Paso, Texas; William C. Carmichael, Director de Distrito, Servicio de Inmigración y Naturalización de los Estados Unidos, Los Angeles, Calif.; Robert H. Robinson, Oficial Mayor, Servicio de Inmigración y Naturalización de los Estados Unidos; Stephen E. Aguirre, Cónsul de los Estados Unidos de América en Ciudad Juárez, Chih., México y G. Wallace La Rue, Cónsul de los Estados Unidos de América, Ciudad Juárez, Chihuahua, México.—Reunidas dichas Delegaciones en la ciudad de El Paso, Texas, durante el período comprendido entre el 20 de Noviembre y el 2 de Diciembre de 1947, las cuales se hicieron representar posteriormente en la ciudad de México por los Señores Alfonso Guerra, Oficial Mayor de la Secretaría de Relaciones Exteriores y Maurice L. Stafford, Primer Secretario de la Embajada de los Estados Unidos de América, en reuniones que se efectuaron durante el período comprendido entre el 9 y el 11 de febrero de mil novecientos

cuarenta y ocho, con objeto de analizar todos los diversos aspectos del problema, llegaron a acuerdos que a título de recomendación someten a la consideración de sus respectivos Gobiernos y que al ser aprobados regirán en lo futuro tanto la contratación de trabajadores agrícolas mexicanos destinados a ser utilizados en los Estados Unidos, como la recontratación de los que se hallen actualmente en dicho país.—Las condiciones básicas para formalizar dichas contrataciones deberán ajustarse a las siguientes CLAUSULAS:—PRIMERA.—Los contratos o recontrataciones se celebrarán directamente entre el patrón y el trabajador, con la intervención de ambos Gobiernos que vigilarán su cumplimiento en la forma especificada en este documento. Ambas partes quedan entendidas de que el concepto "patrón" define al propietario o administrador de una finca agrícola en los Estados Unidos, o bien a una asociación de los mismos correspondiendo la mención "trabajador", a un individuo de nacionalidad mexicana que presta sus servicios en labores agrícolas.—SEGUNDA.—El modelo de contrato que deberá utilizarse se acompaña al presente documento en el concepto de que, de estimarse necesario hacer cambios fundamentales en el mismo, tales cambios serán motivo de consulta y acuerdo que ambos Gobiernos determinarán por los conductos diplomáticos.—TERCERA.—Conforme a los términos de este contrato, será permitida a los patrones o empleadores norteamericanos la contratación de trabajadores agrícolas mexicanos, para ser utilizados en una región previamente determinada. Las autoridades correspondientes de los Estados Unidos manifestarán a las de México, con tres meses de anticipación el número de braceros que se requerirán para el período siguiente y México proporcionará el número máximo compatible con las necesidades de la República en mano de obra. Los patrones deberán:—a).—Presentar un certificado extendido por el Servicio de Colocaciones del Departamento de Trabajo de los Estados Unidos, que haga constar que en la zona especificada existe necesidad de trabajadores y que dentro de las condiciones prevalecientes en la misma región no hay trabajadores americanos disponibles.—b).—Tener autorización escrita del Servicio de Inmigración y Naturalización de los Estados Unidos que los autorice a introducir al país un número especificado de trabajadores.—c).—Una copia de la certificación mencionada en el inciso (a) preinserto será proporcionada directamente a la Secretaría del Trabajo y Previsión Social de México, por el Departamento de Colocaciones de los Estados Unidos. Con el propósito de que los trabajadores tengan conocimiento previo de la naturaleza del trabajo ofrecido, el patrón les proporcionará una información completa en los puntos de contratación con el auxilio de las autoridades mexicanas, en lo que se refiere a nombre, dirección del patrón, clima de la región de empleo, salarios y demás datos pertinentes.—CUARTA.—La autorización señalada en el inciso (b) del párrafo preinserto, se otorgará únicamente a los patrones que depositen en el Servicio de Inmigración y Naturalización de los Estados Unidos, una fianza o garantía colateral que baste para garantizar el regreso del trabajador, sin costo alguno para él, al lugar de México en donde fué contratado.—QUINTA.—Los trabajadores mexicanos que entren a

territorio de los Estados Unidos al amparo de las estipulaciones de este Convenio no estarán obligados a prestar servicios militares.—SEXTA.—Los trabajadores mexicanos que se encuentren en los Estados Unidos al amparo de las estipulaciones de este Acuerdo, no sufrirán actos discriminatorios de ninguna naturaleza, de acuerdo con lo dispuesto por el Presidente de los Estados Unidos de América, mediante su Orden número 9346 del veintisiete de mayo de mil novecientos cuarentitrés. Las oficinas de ambos Gobiernos cooperarán para la realización de las finalidades de esta cláusula.—SEPTIMA. Los nacionales mexicanos que entren a los Estados Unidos de conformidad con lo que el presente Convenio expresa, no serán empleados para desplazar a otros trabajadores, ni para abatir tarifas de salarios previamente establecidas.—OCTAVA.—Los contratos se celebrarán entre el patrón y el trabajador bajo la supervisión de un representante de cada uno de los dos Gobiernos y deberán estar escritos en español y en inglés. Los lugares de contratación en la República Mexicana serán determinados libremente por el Gobierno de México y comunicados al de los Estados Unidos dentro de un plazo no mayor de tres meses a partir de la fecha en que se conozca la solicitud americana, resolución que deberá darse a conocer mediante intercambio de Notas diplomáticas entre los dos Gobiernos. Quedan excluídos de dichos lugares los situados al sur de una línea de costa a costa que pase por Guadalajara y Querétaro.—El transporte del trabajador desde el lugar de contratación hasta el del empleo y de éste a dicho punto en México, así como la alimentación, alojamiento y demás gastos inherentes a su viaje de ida a los campos de trabajo y de regreso a México, incluyendo el transporte hasta de 35 kilogramos de objetos de uso personal, con exclusión de muebles de casa, serán por cuenta del patrón.—NOVENA.—Las autoridades sanitarias mexicanas en el punto de contratación se encargarán del control sanitario de los trabajadores con objeto de asegurarse que reúnen las condiciones físicas necesarias para desempeñar el trabajo a que van destinados, exámenes médicos en los que cooperarán funcionarios del Departamento de Salubridad Pública de los Estados Unidos de América, quienes harán además la inspección que consideren necesaria para la admisión en dicho país de los contingentes que se seleccionen, sin perjuicio de poder hacer un nuevo examen en la frontera si lo consideran necesario, en cuyo caso, a los trabajadores que resulten rechazados después del segundo examen médico, se les proporcionarán, sin costo para ellos medios para regresar al punto de contratación.—DECIMA.—Los gastos de transporte, hospedaje y alimentación del lugar de contratación al de empleo y regreso, así como todos aquellos necesarios a la satisfacción de los requisitos migratorios serán por cuenta del patrón.—UNDECIMA.—Los salarios que se paguen al trabajador serán los mismos que disfruten por labores similares los trabajadores agrícolas norteamericanos, en la zona de trabajo a la que los primeros vayan destinados, siendo idénticas sus condiciones de trabajo. Las cuotas por labores a destajo se fijarán en forma tal que capaciten a un trabajador de habilidad media a ganar el salario prevaleciente. El trabajador mexicano en ningún caso recibirá un pago inferior al que disfrutaría,

de acuerdo con la cuota por hora que se estipule en el contrato individual de trabajo, la que será fijada tomando en consideración el costo de la vida en los Estados Unidos al efectuarse la contratación. En los lugares donde se paguen salarios mayores por trabajos especializados, tales como el manejo de vehículos o maquinaria, los trabajadores mexicanos tendrán derecho a tales salarios mayores cuando se les asignen dichos trabajos. – DUODECIMA. – El Trabajador mexicano no podrá ser transladado de su lugar de empleo a otra localidad sin su pleno consentimiento y la aprobación del Cónsul de México, cuya jurisdicción comprenda la zona en que el trabajador preste sus servicios y de la cual se pretenda transladarlo. – DECIMATERCERA. – No se harán descuentos de ninguna clase de los salarios de los trabajadores, con excepción de aquellos previstos específicamente en el Contrato Individual requeridos por la ley. – DECIMACUARTA. – Los trabajadores mexicanos recibirán sin costo alguno para ellos, habitaciones higiénicas adecuadas a las condiciones físicas de la región, del tipo de las que habita un trabajador norteamericano en la misma. – DECIMAQUINTA. – Los Trabajadores admitidos de acuerdo con este Convenio, gozarán, por lo que respecta a enfermedades y accidentes profesionales, de las mismas garantías de que disfruten los trabajadores agrícolas norteamericanos, conforme a lo prescrito por la legislación federal o estatal de los Estados Unidos. El patrón proporcionará medicinas y atención médica, de acuerdo con las Leyes vigentes, con las costumbres o prácticas o, en su defecto, de acuerdo con los principios de equidad y de justicia. Cuando el patrón se vea obligado a proporcionar atención médica por actos de negligencia de tercera persona, el patrón se reserva el derecho de recuperación en contra de esa tercera persona. – DECIMASEXTA. – Los grupos de trabajadores admitidos conforme al presente acuerdo tendrán derecho a elegir a sus representantes de entre los miembros de su grupo, los cuales deben mantener el contacto entre trabajadores y patrones. – DECIMASEPTIMA. – El Servicio de Colocaciones, dependiente del Departamento del Trabajo en los Estados Unidos, prestará sus buenos oficios a las partes contratantes a fin de lograr un absoluto cumplimiento a los términos de este Acuerdo y a los del Contrato Individual de Trabajo. El trabajador podrá requerir estos buenos oficios, directamente o por conducto del Cónsul de México a cuya jurisdicción corresponda el lugar donde preste sus servicios. – DECIMAOCTAVA. – Los Cónsules de México, sus auxiliares o representantes debidamente acreditados, dentro de sus respectivas jurisdicciones, en cooperación con los representantes del Servicio de Colocaciones y del Servicio de Inmigración de los Estados Unidos, tomarán todas las medidas que consideren necesarias para la protección de los intereses de los trabajadores mexicanos, obligándose los patrones a permitir el acceso de estos funcionarios a los lugares de trabajo cuando sea necesario tanto para la protección de los trabajadores como para el mantenimiento de buenas relaciones entre estos y el patrón. – DECIMANOVENA. – El Gobierno de México reitera su propósito de que se limite la contratación de trabajadores a dos períodos de seis meses (un año) con objeto de evitar su desvinculación de la Patria. Sin embargo, manifiesta su conformidad en que un 10%

de dichos trabajadores, experimentados en labores del campo, sean recontratados por un período adicional de seis meses, para que cooperen en el entrenamiento de los nuevos contingentes que se internen al amparo del presente arreglo.—VIGESIMA.—La autorización para contratar trabajadores mexicanos será negada de manera categórica a aquellos patrones que utilicen trabajadores internados ilegalmente en los Estados Unidos.—VIGESIMAPRIMERA.—Con objeto de impedir la inmigración en los Estados Unidos de Trabajadores que tengan su residencia permanente en las poblaciones fronterizas, se sugiere a la Delegación de los Estados Unidos que quienes se encuentren en estas condiciones sean documentados por las autoridades de Migración Mexicanas con la tarjeta forma 5–C únicamente, que sólo les da derecho para cruzar a las poblaciones aledañas y no para ser contratados para trabajar en el interior de los Estados Unidos. Por tanto todos aquellos que claramente sean residentes legales de dichos lugares fronterizos, serán excluídos de las contrataciones.—VIGESIMASEGUNDA.—La Delegación de los Estados Unidos recomendará a su Gobierno que refrende las instrucciones actuales a sus agentes diplomáticos y consulares en México en el sentido de que se abstengan, como lo han hecho, hasta ahora de documentar como residentes permanentes de los Estados Unidos a personas cuyo correspondiente pasaporte no especifique claramente que tal es el propósito del viaje, con la excepción de aquellos que tengan ligas familiares en aquel país.—VIGESIMATERCERA.—Cuando se presente el caso de violación del acuerdo individual del trabajo, por parte del patrón, o de las condiciones bajo las cuales la autorización para la admisión del trabajador fué expedida, o cuando haya habido violación por parte del trabajador, de las condiciones bajo las cuales fué admitido, el Servicio de Colocaciones del Departamento del Trabajo de los Estados Unidos y el Cónsul de México, su auxiliar o representante debidamente acreditado, conocerán del caso y, una vez satisfechos de la existencia de una situación anormal, adoptarán las medidas tendientes a remediarla, pudiendo, si ello se hace necesario, pedir al Servicio de Inmigración y Naturalización de los Estados Unidos, que cancele la autorización o resuelva el retiro del trabajador o trabajadores afectados, según sea el caso.—VIGESIMACUARTA.—En vista de la imposibilidad en que se encuentran los representantes del Departamento de Trabajo para fijar un salario mínimo semanal, en virtud de falta de legislación sobre la materia, se establecerán en los contratos bases que fijen para los trabajadores mexicanos empleo por el máximo de tiempo, a salarios máximos. Sin embargo, los datos referentes a salarios y condiciones de pago se harán conocer a los trabajadores en los centros de contratación en la forma prevista en la fracción (a) de la cláusula tercera del presente Acuerdo.—VIGESIMAQUINTA. FONDO DE AHORROS.—Con el propósito de fomentar la creación de los fondos de ahorro, el patrón retendrá periódicamente el diez por ciento del salario del trabajador, entregándole constancia de los descuentos que se le hagan en cada día de raya mediante un recibo firmado, escrito a máquina o con tinta en el que claramente se exprese la suma retenida. Todos los salarios descontados en tal forma deberán ser entregados al trabajador mediante

un cheque bancario certificado, a su nombre, que llevará el sello del Servicio de Inmigración y Naturalización de los Estados Unidos, que será puesto en el momento en que el trabajador cruce la frontera de regreso a México. Dichos cheques serán expedidos en moneda americana (dólares) y negociables después de ser endosados a través de cualquiera institución bancaria en México.—VIGESIMASEXTA.—El Artículo IX de la Convención Consular entre los Estados Unidos y México, formalizada entre los dos Gobiernos el 12 de agosto de 1942, regirá para todo lo relativo al ejercicio de los derechos que se establecen en este Convenio a favor de los trabajadores.—VIGESIMASEPTIMA.—En los casos de conflictos de carácter obrero, el Gobierno Mexicano se reserva el derecho de exigir un cambio de "status" de cualesquiera de los obreros mexicanos bajo contrato que resulten afectados, previo un estudio de las circunstancias, de cada caso.—VIGESIMAOCTAVA.—La renovación de los contratos en vigor podrá efectuarse conforme a las estipulaciones relativas de este Convenio, bajo la condición de que los trabajadores conservarán el derecho de ser regresados sin costo alguno para ellos, al lugar de contratación en México.—VIGESIMANOVENA.—Con la mira de cooperar a la realización de los propósitos de este Acuerdo, las autoridades correspondientes de ambos Gobiernos, tomarán todas aquellas medidas tendientes a evitar la emigración ilegal de trabajadores agrícolas mexicanos hacia los Estados Unidos, así como para asegurar la pronta repatriación de los trabajadores que se encuentren ilegalmente en los Estados Unidos.—TRIGESIMA.—Ambas Delegaciones recomendarán a sus respectivos Gobiernos que se dé la mayor publicidad a estas medidas y a las razones que las fundamenten, con el objeto de que las autoridades encargadas de su aplicación puedan contar con el mayor apoyo de la opinión pública de ambos países, debiéndose hacer dicha publicación simultáneamente y en la fecha que previamente se convenga por ambas Cancillerías.—TRIGESIMAPRIMERA.—Se considerará ilegal la permanencia en el territorio de los Estados Unidos de los trabajadores que no regresen a México después del período para el cual se contrataron o recontrataron.—TRIGESIMASEGUNDA.—El trabajador quedará en absoluta libertad para adquirir los artículos destinados a su consumo personal en el lugar que mejor le convenga.—TRIGESIMATERCERA.—El patrón garantizará al trabajador la oportunidad de trabajar las tres cuartas partes de los días laborables del período total durante el cual esté efectivamente en vigor el Contrato Individual de Trabajo. Si el patrón proporciona al trabajador, durante dicho período, menos trabajo del señalado por este artículo, el trabajador tendrá derecho a que se le pague el monto de lo que hubiera ganado si, de hecho, hubiera trabajado el número de días garantizado.— Al hacérsele el cómputo de los días laborados para determinar si la garantía de trabajo establecida por este artículo ha sido cumplida, cualquier día en que el trabajador haya declinado el trabajo ofrecido por el patrón será considerado como día laborado en abono de la garantía citada.— Por cada día laborable, (exceptuando los domingos), en que el trabajador esté dispuesto a prestar sus servicios, se halle físicamente capacitado para desempeñar su trabajo y no se le proporcione éste por una jornada

mayor de cuatro horas, recibirá subsistencia sin costo alguno para él. Dicha subsistencia consistirá en tres comidas al día o su equivalente en efectivo, a elección del trabajador.—TRIGESIMACUARTA.—Las Autoridades de Inmigración y de Trabajo de los Estados Unidos en ningún caso facilitarán la contratación de trabajadores que lleven consigo a sus familias.—TRIGESIMAQUINTA.—Las autoridades correspondientes del Gobierno de los Estados Unidos, en representación de los patrones, se encargarán, de acuerdo con los de México, de la formulación de los instructivos necesarios para facilitar tanto la estancia de los trabajadores en los Estados Unidos, como la mejor interpretación de algunas de las cláusulas de los contratos de trabajo.—TRIGESIMASEXTA.—Las recontrataciones de los trabajadores mexicanos residentes actualmente en los Estados Unidos se llevarán a cabo inmediatamente después de ser aprobado por ambos Gobiernos el presente documento; la primera contratación regular en la República Mexicana se efectuará un mes después de realizado el intercambio de notas; y, las subsecuentes, en la forma prevista en la cláusula octava del mismo.—El presente Convenio entrará en vigor mediante intercambio de Notas Diplomáticas entre los dos Gobiernos y dejará sin efecto los convenios de 26 de abril de 1943 y de 10 de marzo de 1947 sobre este asunto excepto en el caso de trabajadores actualmente en los Estados Unidos que, si son recontratados, serán protegidos por dichos convenios en lo que respecta a pago de transportes, alojamiento y subsistencia desde el lugar del empleo hasta el de contratación y de este al señalado originalmente en la República Mexicana. Este Convenio conservará su vigencia en tanto no sea modificado por mutuo acuerdo o denunciado mediante notificación escrita de cualquiera de las Altas Partes que lo suscriben, debiendo surtir sus efectos treinta días después de recibida la comunicación relativa.—En representación de los miembros de las Delegaciones Mexicana y Norteamericana, que tomaron parte en las pláticas de El Paso, Texas, a las que al principio del presente documento se hace mención, los funcionarios de ambos Gobiernos que intervinieron en su revisión final lo firman en la ciudad de México a los diecisiete días del mes de febrero de mil novecientos cuarenta y ocho.—POR LA DELEGACION MEXICANA.—Sr. Alfonso Guerra, Oficial Mayor de la Secretaría de Relaciones Exteriores.—Rúbrica.—POR LA DELEGACION NORTEAMERICANA.—Sr. Maurice L. Stafford, Primer Secretario de la Embajada de los Estados Unidos.—Rúbrica.—Tengo instrucciones de manifestar que el Gobierno de los Estados Unidos está de acuerdo y acepta el arreglo concertado entre los representantes de ambos Gobiernos el 17 de febrero de 1948, según queda expuesto. Si es aceptable por el Gobierno de México, el de los Estados Unidos de América está dispuesto a considerar la presente Nota y la de contestación aprobatoria de Vuestra Excelencia como constitutivas de un acuerdo entre los dos Gobiernos que iniciará su vigencia en la fecha de contestación de Vuestra Excelencia.—Raymond H. Geist, Chargé d'Affairs ad interim.—Firmado."

En debida respuesta me es satisfactorio manifestar a Vuestra Señoría la aceptación del Gobierno de los Estados Unidos Mexicanos

de los términos del documento preinserto que encuentra ajustados al acuerdo básico suscrito en esta capital, el 17 de febrero de 1948, por las Delegaciones de México y de los Estados Unidos de América; en la inteligencia de que, según lo manifesté al Excmo. Señor Embajador Walter Thurston en mi nota número 34425 del 13 de noviembre de 1947, no se autorizará la contratación de trabajadores mexicanos para Estados de la Unión Norteamericana en donde se hayan registrado actos de discriminación en contra de mexicanos o de personas de origen mexicano.

La Secretaría de Relaciones Exteriores espera que el acuerdo que con esta fecha se formaliza sirva de antecedente—dados los principios de mutua cooperación que norman las relaciones entre los pueblos de nuestros dos países y tomando en cuenta la circunstancia de que los servicios prestados por nuestros trabajadores favorecerán el mayor rendimiento de los campos norteamericanos—para que México pueda seguir adquiriendo en los Estados Unidos, con ayuda y apoyo de las autoridades competentes de ese Gobierno, aquellos productos alimenticios que necesita para complementar su actual producción agrícola.

Me es grato renovar a Vuestra Señoría el testimonio de mi más atenta consideración.

Jaime Torres Bodet.

Señor RAYMOND H. GEIST,
Encargado de Negocios ad interim
de los Estados Unidos de América.
Presente.

Translation

MINISTRY OF FOREIGN RELATIONS
UNITED STATES OF MEXICO
MEXICO

No. 3377

MEXICO, D. F., *February 21, 1948.*

MR. CHARGÉ D'AFFAIRES:

I have the pleasure of referring to your courteous note No. 1776 dated yesterday, which reads word for word as follows:

[For the English language text of this note, see p. 3887 ff.]

In reply I have the pleasure of informing you that the Government of the United Mexican States accepts the terms of the document quoted above, which it finds in conformity with the basic agreement signed in this capital on February 17, 1948 by the delegations of Mexico and the United States of America, with the understanding that, as I stated in my note number 34425 of November 13, 1947 [1] to His Excellency Ambassador Walter Thurston, authorization will not be given to engage Mexican workers for states in the United States of America where discriminatory acts are known to have been committed against Mexicans or persons of Mexican origin.

[1] Not printed.

In view of the principles of mutual cooperation that govern the relations between the peoples of our two countries and with due regard for the fact that the services rendered by our workers will help to increase agricultural production in the United States, the Department of Foreign Relations hopes that the agreement concluded on this date will serve as an antecedent for Mexico to continue to acquire, with the help and support of the competent authorities of the United States Government, the foodstuffs needed by Mexico to supplement her current agricultural production.

It gives me pleasure to renew to you, Sir, the assurances of my highest consideration.

JAIME TORRES BODET.

Mr. RAYMOND H. GEIST,
Chargé d'Affaires ad interim
of the United States of America.
City.

June 29 and July 6, 1948
[T. I. A. S. 1980]

Agreement between the United States of America and Honduras respecting a cooperative health and sanitation program in Honduras, extending and modifying the agreement of July 8, 1942, as extended and modified. Effected by exchange of notes signed at Tegucigalpa June 29 and July 6, 1948; entered into force July 6, 1948, operative retroactively from June 30, 1948.

The American Ambassador to the Honduran Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 19

TEGUCIGALPA, D. C., *June 29, 1948*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of Honduras and The Institute of Inter-American Affairs, dated July 8, 1942, as later modified and extended, which provided for the initiation and execution of the existing cooperative health and sanitation program in Honduras. I also refer to Your Excellency's note of April 21, 1948, [1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

61 Stat., Pt. 3, pp. 2319, 3114.

Period of extension.

As Your Excellency knows, the agreement of July 8, 1942, as amended, provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Honduras that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $50,000 United States Currency to the Servicio Cooperativo Inter-Americano de Salud Publica for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of L.500,000. The Institute would also be willing during the same extension period to make available funds to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Division of Health and Sanitation Field Staff, who are maintained by the Institute in Honduras. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

Contributions by U.S. and Honduras.

[1] Not printed.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Government, Justice, Health and Welfare and the Institute.

The Government of the United States of America will consider the present note and your note concurring therein as constituting an agreement between our two governments, which shall come into force on the date of signature [1] of an agreement by the Honduran Secretary of State in charge of the Ministry of Government, Justice, Health and Welfare and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

HERBERT S. BURSLEY

His Excellency
Dr. SILVERIO LAINEZ,
Minister for Foreign Affairs,
Tegucigalpa, D. C.

The Undersecretary of Foreign Affairs to the American Ambassador

SECRETARIA DE RELACIONES EXTERIORES
DE LA
REPUBLICA DE HONDURAS

N°. 69

TEGUCIGALPA, D.C., *6 de julio de 1948.*

EXCELENCIA:

Tengo el honor de referirme al atento oficio N°. 19 de fecha 29 de junio recién pasado, de Vuestra Excelencia, con respecto a la extensión del programa de cooperación sanitaria y salubridad en Honduras.

En relación con el mismo me es grato enviarle copia por duplicado de la Nota N°. 3728 de la Secretaría de Gobernación, Justicia, Sanidad y Beneficencia, aceptando la propuesta hecha por esa Honorable Embajada.

Con esta oportunidad me es grato renovar a Vuestra Excelencia las seguridades de mi más alto aprecio y distinguida consideración,

ALEJANDRO ALFARO ARRIAGA
Alejandro Alfaro Arriaga.

Excelentísimo Señor HERBERT S. BURSLEY,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Embajada Americana.

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[1] June 30, 1948.

The Acting Minister of the Interior, Justice, Health, and Welfare to the Minister of Foreign Affairs

SECRETARIA DE RELACIONES EXTERIORES
DE LA
REPUBLICA DE HONDURAS

MINISTERIO DE GOBERNACION, JUSTICIA,
SANIDAD Y BENEFICENCIA.
Tegucigalpa, D.C., Honduras, C.A.
30 de junio de 1948.

Of. N° 3728

SEÑOR MINISTRO:

Tengo el honor de acusar recibo a Ud. de la nota que literalmente dice:

"SECRETARIA DE RELACIONES EXTERIORES.–Palacio Nacional: Tegucigalpa, D.C., 30 de junio de 1948.–N° 3847.–Señor Ministro: He recibido la nota que textualmente dice: "EMBAJADA AMERICANA.– N° 19.–Tegucigalpa, D.C., 29 de junio de 1948.–Excelencia: Tengo el honor de referirme al Convenio Básico entre el Gobierno de Honduras y el Instituto de Asuntos Interamericanos, de fecha 8 de julio, 1942, según fue después modificado y extendido, el cual provee para la iniciación y ejecución del programa existente de cooperación sanitaria y salubridad en Honduras. También me refiero a la nota de Su Excelencia de 21 de abril, 1948, sugiriendo la consideración de parte de nuestros respectivos Gobiernos de una futura extensión del programa.–Como Su Excelencia sabe, el convenio de 8 de julio, 1942, según fue enmendado, manda que el programa cooperativo de sanidad y salubridad terminará el 30 de junio, 1948. Sinembargo, considerando los beneficios mutuos que ambos Gobiernos aprovechan del programa, mi Gobierno conviene con el Gobierno de Honduras, en que sería conveniente una extensión del programa. Tengo aviso del Departamento de Estado en Washington que pueden ahora hacerse arreglos para que el Instituto continúe su cooperación en el programa cooperativo por un período de un año, de junio 30, 1948 a junio 30, 1949. Se entendería que, durante tal período de extensión, el Instituto pondría una contribución de $ 50,000.00 moneda americana al Servicio Cooperativo Inter-Americano de Salud Pública, para usarlos en la conducción de las actividades del proyecto del programa, a condición de que su Gobierno contribuiría al mismo Servicio, para el mismo propósito con la suma de L 500,000.00. El Instituto también tendría gusto durante el mismo período de ejecución en tener fondos a la disposición para ser retenidos por el Instituto, y no depositados a la cuenta del Servicio, para pago de sueldos y otros gastos de los miembros de la División del Instituto de la oficialidad de campo de sanidad y salubridad, que son mantenidos por el Instituto en Honduras. Las cantidades referidas serían adicionales a las sumas ya requeridas bajo el presente convenio Básico, para contribuirse y ponerse a la disposición por las partes en la continuación del programa.– Si Su Excelencia conviene en que la extensión propuesta sobre las bases antes dichas es aceptable de parte de su Gobierno, apreciaría el recibo de la expresión de la opinión de Su Excelencia y el convenio del mismo, tan pronto como sea posible, para que puedan plantearse los detalles técnicos de la extensión, por los oficiales del Ministerio de

Gobernación, Justicia, Sanidad y Beneficencia, y el Instituto.– El Gobierno de los Estados Unidos de América considerará la presente nota y vuestra nota en el mismo tenor, como constituyendo un convenio entre nuestros dos Gobiernos, el cual entrará en vigor en la fecha de la firma de un Convenio, por el Secretario de Estado Encargado del Ministerio de Gobernación, Justicia, Sanidad y Beneficencia, y por el representante del Instituto de Asuntos Interamericanos, comprendiendo los detalles técnicos arriba mencionados.– Aprovecho esta oportunidad para reiterar a Su Excelencia las seguridades de mi más alta y distinguida consideración.– (f) HERBERT S. BURSLEY.–Su Excelencia Doctor Silverio Laínez, Ministro de Relaciones Exteriores, Tegucigalpa, D.C.".—Al hacer a usted la anterior trascripción le ruego se sirva comunicarme lo que al respecto tenga a bien resolver, para contestar la nota del Excelentísimo Señor Embajador de los Estados Unidos.– Con toda consideración me suscribo del Señor Ministro muy atentamente, (f) SILVERIO LAINEZ.– Señor Ministro de Gobernación, Justicia, Sanidad y Beneficencia, Su Despacho."

En contestación, me permito manifestarle, con ruego de hacerlo a su vez a la Embajada Americana, que el Gobierno de Honduras acepta, en la forma propuesta, la extensión por un año más, del Porgrama Cooperativo de Salud y Saneamiento, creado por el Convenio Básico entre el Gobierno de Honduras y el Instituto de Asuntos Interamericanos, de fecha 8 de julio de 1942, contribuyendo con la suma de L 500,000.00 que pagará en la forma siguiente:

En ó antes de Septiembre de 1948	L	75,000.00
En ó antes de Febrero de 1949	"	75,000.00
Suma	L	150,000.00

Además de la suma anterior, que se depositará al Crédito del SCISP en un Banco, el Gobierno conviene en enmendar y extender el Convenio de Proyecto de Honduras # 55 (S) "Funcionamiento del Sanatorio Nacional para Tuberculosos, Tegucigalpa, Honduras," firmado el 15 de febrero de 1948, por otro año adicional, desde el 1° de julio de 1948 hasta el 30 de junio de 1949 y proveer la suma de L 199,640.00, que depositará al crédito del SCISP en la forma siguiente:

En ó antes de julio 1, 1948	L	16,636.66
agosto 1, 1948	"	16,636,67
Sept. 1, 1948	"	16,636,67
oct. 1, 1948	"	16,636,66
nov. 1, 1948	"	16,636,67
dic. 1, 1948	"	16,636.67
enero 1, 1949	"	16,636.66
feb. 1, 1949	"	16,636.67
marzo 1, 1949	"	16,636.67
abril 1, 1949	"	16,636.66
mayo 1, 1949	"	16,636.67
junio 1, 1949	"	16,636.67
SUMA	L	199,640.00

Y, finalmente, el Gobierno hará también depositar al crédito del SCISP, durante el período de julio 1, 1948 a diciembre 31, 1948, una suma no menor de L 150,360.00 y por cuenta de las dependencias del Ministerio de Gobernación y Sanidad, como Distritos, Municipios, etc. Esta cantidad será depositada para el propósito o propósitos expresos de proyectos específicos, creados por convenios de proyecto entre los Distritos, Municipios, etc. y el SCISP.

RESUMEN:

Contribución directa del Gobierno, señalada por el Presupuesto General de Gastos vigente	L 150,000.00
Para funcionamiento Sanatorio Nacional para Tuberculosos	" 199,640.00
Depósitos de las dependencias del Ministerio de Gobernación	" 150,360.00
Total de la contribución del Gobierno	L 500,000.00

Como estimo que aceptada la propuesta, ha de procederse ya a plantearse los detalles técnicos del convenio de extensión por los oficiales competentes del Gobierno y del Instituto de Asuntos Interamericanos, deseo, con tal motivo, Señor Ministro, hacer presente al Gobierno Americano por el digno medio de su Embajador en nuestro país, el reconocimiento más sincero del Gobierno de Honduras, por esta nueva muestra de efectiva cooperación, que contribuirá una vez más a estrechar los vínculos de amistad, que siempre han existido entre nuestros dos Pueblos y Gobiernos.

Con toda consideración soy del Señor Ministro, su muy atento y seguro servidor,

C. COLINDRES ZEPEDA.

Al Señor MINISTRO DE RELACIONES EXTERIORES,
Su Despacho.

Translation

DEPARTMENT OF FOREIGN RELATIONS
OF THE
REPUBLIC OF HONDURAS

No. 69 TEGUCIGALPA, D.C., *July 6, 1948.*

EXCELLENCY:

I have the honor to refer to Your Excellency's communication No. 19, dated June 29, 1948, regarding the extension of the cooperative health and sanitation program in Honduras.

With respect thereto, I am pleased to send you a copy in duplicate of Note No. 3728 of the Ministry of the Interior, Justice, Health, and Welfare, accepting the proposal made by your Embassy.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest esteem and most distinguished consideration.

ALEJANDRO ALFARO ARRIAGA
Alejandro Alfaro Arriaga.

His Excellency
HERBERT S. BURSLEY,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
American Embassy.

Translation

DEPARTMENT OF FOREIGN RELATIONS
OF THE
REPUBLIC OF HONDURAS

MINISTRY OF THE INTERIOR, JUSTICE,
HEALTH, AND WELFARE
Tegucigalpa, D.C., Honduras, C.A.
No. 3728 *June 30, 1948.*

MR. MINISTER:

I have the honor to acknowledge receipt of your note, which reads as follows:

"DEPARTMENT OF FOREIGN RELATIONS. – National Palace: Tegucigalpa, D.C., June 30, 1948. – No. 3847. – Mr. Minister: I have received the note, the text of which is: 'AMERICAN EMBASSY. – No. 19. – Tegucigalpa, D.C., June 29, 1948. – Excellency: I have the honor to refer to the Basic Agreement between the Government of Honduras and the Institute of Inter-American Affairs, dated July 8, 1942, as it was later amended and extended, which provides for initiation and execution of the existing cooperative health and sanitation program in Honduras. I also refer to Your Excellency's note of April 21, 1948, suggesting consideration on the part of our respective Governments of a future extension of the program. – As Your Excellency knows, the Agreement of July 8, 1942, as amended, provides that the cooperative health and sanitation program shall end on June 30, 1948. However, considering the mutual benefits which both Governments receive from the program, my Government agrees with the Government of Honduras that an extension of the program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its cooperation in the cooperative program for a period of one year, from June 30, 1948 to June 30, 1949. It would be understood that during such extended period, the Institute would make a contribution of $50,000.00 U.S. cy. to the Inter-American Cooperative Public Health Service, to be used in carrying out the activities of the project in the program, on condition that your Government contribute to the same Service, for the same purpose, the sum of 500,000 lempiras. During the same period of execution, the Institute would also like to have at its disposal funds, to

61 Stat., Pt. 3, pp. 2319, 3114.

be retained by the Institute and not deposited to the account of the Service, for the payment of salaries and other expenses of the members of the Institute's Division of health and sanitation field officers who are maintained by the Institute in Honduras. The amounts referred to would be in addition to the sums already required under the present Basic Agreement, to be contributed and made available by the parties in the continuation of the program. – If Your Excellency agrees that the extension as proposed on the aforesaid bases is acceptable to your Government, I should appreciate receiving, as soon as possible, the expression of Your Excellency's opinion and its agreement, in order that the technical details of the extension may be determined by officials of the Ministry of the Interior, Justice, Health, and Welfare and the Institute. – The Government of the United States of America will consider the present note and your note regarding the same matter as an agreement between our two Governments, which will enter into force on the date that an Agreement containing the above-mentioned technical details is signed by the Secretary of State charged with the Ministry of the Interior, Justice, Health, and Welfare and by a representative of the Institute of Inter-American Affairs. – I avail myself of this occasion to renew to Your Excellency the assurances of my highest and most distinguished consideration. – (Signed) HERBERT S. BURSLEY. – His Excellency, Doctor Silverio Laínez, Minister of Foreign Affairs, Tegucigalpa, D.C. – On transmitting to you the foregoing copy, I respectfully request you to advise me what may be decided in the matter, in order that I may answer the note of His Excellency the Ambassador of the United States. – With all consideration, I am, Mr. Minister, respectfully yours, (signed) SILVERIO LAÍNEZ. – The Minister of the Interior, Justice, Health, and Welfare. His office."

61 Stat., Pt. 3, p. 2334.

In answer, permit me to inform you, at the same time requesting that you in turn inform the American Ambassador, that the Government of Honduras accepts, in the form proposed, the extension for one year more, of the Cooperative Health and Sanitation Program, created by the Basic Agreement between the Government of Honduras and the Institute of Inter-American Affairs, dated July 8, 1942, and will contribute the sum of 500,000.00 lempiras, to be paid as follows:

In or before September 1948	75,000.00 lempiras
In or before February 1949	75,000.00 "
Total	150,000.00 "

In addition to the foregoing sum, which shall be deposited to the credit of the Inter-American Cooperative Public Health Service in a Bank, the Government agrees to amendment and extension of the Agreement of Project #55 of Honduras (S), "Functioning of the National Tuberculosis Sanitorium, Tegucigalpa, Honduras," signed on February 15, 1948, for an additional year, from July 1, 1948 to June 30, 1949, and to provide the sum of 199,640.00 lempiras, which it will deposit to the credit of the Inter-American Cooperative Public Health Service, in the following manner:

On or before July 1, 1948	16,636.66	lempiras
August 1, 1948	16,636.67	"
September 1, 1948	16,636.67	"
October 1, 1948	16,636.66	"
November 1, 1948	16,636.67	"
December 1, 1948	16,636.67	"
January 1, 1949	16,636.66	"
February 1, 1949	16,636.67	"
March 1, 1949	16,636.67	"
April 1, 1949	16,636.66	"
May 1, 1949	16,636.67	"
June 1, 1949	16,636.67	"
TOTAL	199,640.00	"

And finally, the Government will also deposit to the credit of the Inter-American Cooperative Public Health Service, during the period July 1, 1948 to December 31, 1948, a sum not less than 150,360.00 lempiras, for the account of the branches of the Ministry of the Interior and Health, such as Districts, Municipalities, etc. This sum shall be deposited for the express purpose or purposes of specific projects, created by project agreements between the Districts, Municipalities, etc., and the Inter-American Cooperative Public Health Service.

SUMMARY:

Direct contribution of the Government, allocated in the current General Budget of Expenditures	150,000.00	lempiras
For functioning of the National Tuberculosis Sanitorium	199,640.00	"
Deposits of branches of the Ministry of the Interior	150,360.00	"
Total contribution of the Government	500,000.00	"

Since I consider that, now the proposal has been accepted, the next step is determination of the technical details of the extension of the agreement by the competent officials of the Government and the Institute of Inter-American Affairs, I wish, with such purpose in mind, Mr. Minister, to express to the American Government, through its Ambassador in our country, the most sincere recognition on the part of the Government of Honduras for this new demonstration of effective cooperation, which will again contribute to strengthening the ties of friendship that have always existed between our two peoples and Governments.

With every consideration, I am, Mr. Minister,

Yours respectfully,

C. COLINDRES ZEPEDA.

To the MINISTER OF FOREIGN RELATIONS,
His Office.

January 24, March 2, April 9, 14, 1948
[T. I. A. S. 1981]

Agreement between the United States of America and Canada respecting the transfer of defense installations and equipment, extending and modifying the agreement of March 30, 1946. Effected by exchange of notes signed at Ottawa January 24 and March 2, 1948; entered into force March 2, 1948, operative retroactively to April 1, 1947. And supplementary exchange of notes signed at Ottawa April 9 and 14, 1948.

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF
EXTERNAL AFFAIRS
CANADA

No. 20

OTTAWA, *January 24th, 1948.*

EXCELLENCY,

I have the honour to refer to the Exchange of Notes of March 30, 1946 (No. 44 from this Department to you and your Note No. 470) on the subject of war surpluses and related matters.

60 Stat. 1741, 1751.

60 Stat. 1743.

2. Paragraph 10 of Note No. 44 referred to reads as follows:

> "At the request of the Canadian Government, and in order to provide equipment necessary for the training programs of the Canadian armed forces, the United States Government will endeavour to make available surplus military type equipment, up to April 1, 1947, in such quantities and at such prices as may be negotiated between the two Governments up to a maximum cost of $7,000,000 (U. S.). The Canadian Government will make a payment on account into a suspense account of the United States Government of $7,000,000 (U. S.) to apply against such purchases. If the United States Government is unable to provide under this agreement the amount of equipment that the Canadian Government desires to purchase and therefore the payment on account should exceed the amount finally determined to be payable, the excess remaining in the suspense account will be returned to the Canadian Government."

3. In my Note No. 126 of October 10, 1947,[1] the request was made that steps be taken to reduce to U. S. $6,000,000 the Canadian deposit of U. S. $7,000,000 paid into a suspense account of the United States Government as a result of these arrangements, and, in your Note No. 783 of December 4, 1947, [1] you replied that U. S. $1,000,000 had been returned to the relevant Canadian authorities in accordance with my request.

4. As a recent Order-in-Council of my Government has limited to U. S. $3,800,000 the amount to be spent on purchases of the surplus

[1] Not printed.

military equipment in question, I should appreciate it if the United States Government would now arrange to return to my Government U. S. $2,200,000 of the amount remaining in the above-mentioned suspense account.

5. It would appear that paragraph 10 of this Department's Note No. 44 of March 30, 1946, at least in so far as it relates to the intention of the United States Government to make available surplus military equipment, ceased to have effect after April 1, 1947. On the other hand, successive Orders-in-Council of my Government have extended beyond that date the period of time within which the Canadian Armed Forces are permitted to complete the purchases envisaged in the Exchange of Notes of March 30, 1946. Under the recent Order-in-Council mentioned in paragraph 4 above, this period has now been extended to June 30, 1948. 60 Stat. 1741.

6. The availability of the equipment that the Canadian Armed Forces still wish to purchase has already been determined. Additional time is, however, required to permit completion of negotiations for the purchases contemplated. Consequently, my Government would appreciate it if your Government would agree to the terms of the paragraph quoted in paragraph 2 above continuing in effect until June 30, 1948.

7. If the United States Government is agreeable to this proposal, it is the suggestion of my Government that my present Note, together with your Note replying thereto, constitute an agreement effective from the date of your reply and retroactive to April 1, 1947.

Accept, Excellency, the renewed assurances of my highest consideration.

ESCOTT REID
for the
Secretary of State
for External Affairs.

His Excellency,
The United States Ambassador to Canada,
United States Embassy,
Ottawa.

The American Ambassador to the Canadian Secretary of State for External Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 55. *Ottawa, March 2, 1948.*

EXCELLENCY:

I have the honor to refer to your Excellency's note No. 20, dated January 24, 1948, concerning the exchange of notes of March 30, 1946 on the subject of war surpluses and related matters. 60 Stat. 1741.

The proposal contained in your note No. 20 for an extension until June 30, 1948 of the provisions of paragraph 10 of your note No. 44, dated March 30, 1946, in order to provide additional time for the completion of purchases contemplated in paragraph 10 is acceptable to my Government, and this note, together with your note No. 20, are considered as constituting an agreement effective from this date and retroactive to April 1, 1947.

60 Stat. 1743.

As soon as I receive further instructions from my Government, I shall reply with regard to your request for the return of $2,200,000 of the amount remaining in the suspense account.

Please accept, Excellency, the assurances of my highest consideration.

RAY ATHERTON

His Excellency
The Right Honorable
The Secretary of State
for External Affairs,
Ottawa, Canada.

The American Ambassador to the Canadian Secretary of State for External Affairs

AMERICAN EMBASSY
No. 95 *Ottawa, April 9, 1948.*

EXCELLENCY:

I have the honor to refer to your note No. 20, dated January 24, 1948 and to my note No. 55 of March 2, 1948 concerning war surpluses and constituting an agreement to extend the time for completion of purchases thereof.

Return of amount in suspense account.

In your note it was also requested that $2,200,000 of the amount remaining in the suspense account be returned to the Canadian authorities. My government has now completed its examination of the matter and has agreed to the return of this sum. A check for $2,200,000 will, therefore, be forwarded in the near future to the Treasury officer of the Canadian government in Washington.

I would suggest that, if suitable to you, this note together with your reply, be considered a part of the agreement embodied in the two notes referred to above.

Please accept, Excellency, the assurances of my highest consideration.

RAY ATHERTON

His Excellency
The Right Honorable
The Secretary of State
for External Affairs,
Ottawa.

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF
EXTERNAL AFFAIRS
CANADA

No. 94

OTTAWA, *April 14, 1948.*

EXCELLENCY,

I have the honour to refer to your Note No. 95 of April 9, 1948, in which you state that the United States Government will shortly be forwarding to the Canadian Treasury Officer in Washington a cheque for $2,200,000 of the amount deposited by the Canadian Government in a United States Government suspense account for application against purchases of United States war surpluses made by the Canadian authorities.

The Canadian Government is agreeable to your suggestion that this Note together with your Note No. 95 of April 9, 1948, be considered as forming part of the agreement embodied in my Note No. 20 of January 24, 1948, and your Note No. 55 of March 2, 1948.

Accept, Excellency, the renewed assurances of my highest consideration.

ESCOTT REID
for the
Secretary of State for
External Affairs.

His Excellency
The United States Ambassador to Canada,
United States Embassy,
Ottawa.

August 27 and October 5, 1948
T. I. A. S. 1992]

Agreement between the United States of America and Costa Rica respecting a cooperative food production program in Costa Rica, extending the agreement of February 20 and 27, 1948. Effected by exchange of notes signed at San José August 27 and October 5, 1948; entered into force October 5, 1948, operative retroactively from June 30, 1948.

The American Chargé d'Affaires ad interim to the Costa Rican Acting Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 175

SAN JOSÉ, *August 27, 1948*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of Costa Rica and the Institute of Inter-American Affairs, embodied in the exchange of correspondence between the representative of the Institute and the Secretary of State in the Office of Agriculture of Your Excellency's Government, dated October 14 and 15, 1942, [1] respectively, as later modified and extended, [2] which provided for the initiation and execution of the existing cooperative program of agriculture in Costa Rica. Also I refer to Your Excellency's note no. 1425–B of August 27, 1948, [1] suggesting the consideration by our respective governments of a further extension of that Agreement.

Period of extension.

As Your Excellency knows, the agreement under reference provides that the cooperative program of agriculture will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my government agrees with the Government of Costa Rica that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948 through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $75,000.00 U. S. currency to the Servicio Technico Interamericano de Cooperacion Agricola for use in carrying out project activities of the program on condition that Your Excellency's Government would contribute to the Servicio for the same purpose the sum of Colones /420,000.00. The Institute would also be willing during the same extension period to make available an amount not exceeding $123,395.00 U. S. Currency to be retained by the Institute, and not deposited to the account of the Servicio, for

Contributions by U.S. and Costa Rica.

[1] Not printed.

[2] For the text of the agreement extending the program until June 30, 1948, see 62 Stat., Pt. 2, p. 2045.

payment of salaries and other expenses of the members of the Institute Food Supply Division Field Staff, who are maintained by the Institute in Costa Rica. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be worked out by officials of the Ministry of Agriculture and Industries and the Institute of Inter-American Affairs.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two governments, which shall come into force on the date of signature [1] of an agreement by the Secretary of State in charge of the portfolio of Agriculture and Industries of Costa Rica and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

ANDREW E DONOVAN II

Andrew E. Donovan II
Chargé d'Affaires ad interim

His Excellency
Lic. GONZALO FACIO,
Acting Minister of Foreign Affairs,
San José.

The Costa Rican Minister of Foreign Relations and Worship to the American Ambassador

REPUBLICA DE COSTA RICA
MINISTERIO
DE RELACIONES EXTERIORES Y CULTO

N° 1983-B

SAN JOSÉ, *5 de octubre de 1948*

EXCELENCIA:

Tengo el honor de referirme a la nota N° 175 de la Embajada Americana, que lleva fecha 27 de agosto del año en curso, que se relaciona con el asunto de la prórroga del programa cooperativo de agricultura que llevan a cabo en conjunto la República y el Instituto de Asuntos Inter-Americanos, en conexión con la propuesta contenida en nota 1425–B de este Ministerio para que el Gobierno de los Estados Unidos conviniera en pagar la mitad del costo del programa agrícola que la República intenta desarrollar por medio del Servicio Técnico Inter-Americana de Cooperación Agrícola.

[1] Aug. 30, 1948.

Comunicada al Ministerio de Agricultura la nota N° 175 en referencia, ese Despacho manifiesta en oficio 2383 de 29 del mes pasado que está en un todo de acuerdo con la propuesta de su Ilustrado Gobierno y está conforme en contribuir con la suma de $420,000.00 (cuatrocientos veinte mil colones) al desarrollo del programa cooperativo de agricultura que será prorrogado hasta el 30 de junio del año entrante.

De acuerdo con lo anterior, en conformidad con los deseos expresados en la nota que contesto, el próximo trámite de este negocio sería la firma del acuerdo previsto entre el Ministerio de Agricultura y un representante del Instituto Inter-Americanos.

Sirva esta ocasión para reiterar a Vuestra Excelencia los sentimientos de mi más elevada y distinguida consideración.

BENJAMÍN ODIO

Excelentísimo Señor
Don NATHANIEL P. DAVIS
Embajador Extraordinario y
Plenipotenciario de los Estados Unidos
Ciudad

Translation

REPUBLIC OF COSTA RICA
MINISTRY OF FOREIGN
RELATIONS AND WORSHIP

No. 1983-B

SAN JOSÉ, *October 5, 1948*

EXCELLENCY:

I have the honor to refer to note No. 175 of the United States Embassy, dated August 27 of this year, regarding the extension of the agricultural cooperation program which is being carried out jointly by the Republic and the Institute of Inter-American Affairs, in connection with the proposal contained in note no. 1425–B of this Ministry that the Government of the United States agree to pay half the cost of the agricultural program which the Republic wishes to carry out by means of the Inter-American Technical Service of Agricultural Co-operation.

After the aforementioned note no. 175 had been transmitted to the Ministry of Agriculture, the latter stated, in communication no. 2383 dated the 29th of last month, that it was in complete agreement with the proposal of your Government and that it agreed to contribute the sum of $420,000.00 (four hundred twenty thousand colones) for the execution of the agricultural co-operation program which will be extended to June 30 of next year.

In accordance with the foregoing, and in compliance with the wishes expressed in the note to which I am replying the next step in this matter would be the signature [1] of the contemplated agreement by the Ministry of Agriculture and a representative of the Institute of Inter-American Affairs.

[1] The agreement was signed Aug. 30, 1948; see *ante*, p. 3917.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

BENJAMÍN ODIO

His Excellency
NATHANIEL P. DAVIS
Ambassador Extraordinary and
Plenipotentiary of the United States
City.

July 1, 14, 1948
[T. I. A. S. 1999]

Agreement between the United States of America and Bolivia respecting a cooperative health and sanitation program in Bolivia, modifying and extending the agreement of July 15 and 16, 1942, as modified and extended. Effected by exchange of notes signed at La Paz July 1 and 14, 1948; entered into force July 14, 1948, operative retroactively from June 30, 1948.

The American Ambassador to the Bolivian Minister for Foreign Affairs and Worship

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 621

LA PAZ, BOLIVIA
July 1, 1948

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the government of Bolivia and The Institute of Inter-American Affairs, arising out of correspondence exchanged between the representative of the Institute and the Minister of Labor, Public Health and Social Welfare of Bolivia, dated July 15 and July 16, 1942, respectively, as later modified and extended, which provided for the initiation and execution of the existing cooperative health and sanitation program in Bolivia. I also refer to Your Excellency's note no. P. y D. 60 of January 19, 1948, [1] suggesting the consideration by our respective governments of a further extension of that Agreement.

56 Stat. 1864; 58 Stat. 1568.

Period of extension.

As Your Excellency knows, the Basic Agreement, as amended, provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Bolivia that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension the Institute would make a contribution of $100,000 U.S. Cy. to the Servicio Cooperativo Inter-Americano de Salud Pública, for use in carrying out project activities of the program, on condition that your Government would contribute to the Servicio for the same purpose the sum of B/. 28,000,000. The Institute would also be willing during the same extension period to make available additional funds to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Health and Sanitation Division Field Staff who are maintained by the Institute in Bolivia. The amounts

Contributions.

[1] Not printed.

referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministerio de Higiene y Salubridad and The Institute of Inter-American Affairs.

The Government of the United States of America will consider the present Note and Your Excellency's reply Note concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature [1] of an agreement by the Minister of Hygiene and Health of Bolivia and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

JOSEPH FLACK.

His Excellency
Señor ADOLFO COSTA DU RELS,
Minister for Foreign Affairs and Worship,
La Paz.

The Bolivian Minister for Foreign Affairs and Worship to the American Ambassador

REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES EXTERIORES
Y CULTO

No. TC. y ONU. 717 -

LA PAZ, *14 de julio de 1948.*

SEÑOR EMBAJADOR:

Con referencia a la atenta nota de Vuestra Excelencia No. 621, de 1° del corriente mes, tengo el honor de llevar a su conocimiento que mi Gobierno acepta, conforme a las bases citadas, la prórroga del Programa Cooperativo de Salud Pública hasta el 30 de junio de 1949, y se halla de acuerdo en que la vigencia de tal prórroga se haga efectiva en la fecha en que, los personeros del Ministerio de Higiene y Salubridad y del Instituto de Asuntos Interamericanos, suscriban un pliego conteniendo los detalles técnicos que se citan en el oficio que contesto.

Aprovecho la oportunidad para renovar al señor Embajador, los sentimientos de mi más alta y distinguida consideración.

A. GUTIERREZ P.
Ministro de Relaciones Exteriores

A Su Excelencia JOSEPH FLACK,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Presente. -

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[1] June 30, 1948.

Translation

REPUBLIC OF BOLIVIA

MINISTRY OF FOREIGN AFFAIRS
AND WORSHIP

No. TC. y ONU. 717 -

LA PAZ, *July 14, 1948.*

MR. AMBASSADOR:

With reference to Your Excellency's note no. 621 of the 1st instant, I have the honor to inform you that my Government accepts, in accordance with the terms mentioned, the extension of the Cooperative Public Health Program until June 30, 1949, and that it agrees that the said extension become effective on the date that the representatives of the Ministry of Hygiene and Sanitation and the Institute of Inter-American Affairs affix their signatures to a document containing the technical details mentioned in the official communication to which I reply.

I avail myself of this opportunity to renew to you, Mr. Ambassador, the assurances of my highest and most distinguished consideration.

A. GUTIERREZ P.
Minister of Foreign Affairs

His Excellency JOSEPH FLACK,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
City. -

Agreement between the United States of America and Guatemala respecting the Inter-American Highway, supplementing the agreement of May 19, 1943. Effected by exchange of notes signed at Guatemala May 18, 1948; entered into force May 18, 1948.

May 18, 1948
[T. I. A. S. 2001]

The American Ambassador to the Guatemalan Minister for Foreign Affairs

No. 65

GUATEMALA, *May 18, 1948.*

EXCELLENCY:

I have the honor to refer to the agreement effected by an exchange of notes on May 19, 1943 concerning cooperation between the United States and Guatemala in the improvement of the Inter-American Highway in Guatemala pursuant to Public Law No. 375 of the United States of America, approved December 26, 1941, and subject to the appropriation of the necessary funds by the Congress of the United States of America.

57 Stat. 1111.

55 Stat. 860.

The Congress of the United States of America in an act, approved May 3, 1945, appropriated for the Inter-American Highway $1,000,000 of the $20,000,000 authorized by the act of December 26, 1941 (Public Law No. 375). This appropriation, however, was made subject to the condition imposed by the following proviso:

Appropriation.

59 Stat. 117.

"Provided, That no part of the appropriation made in this paragraph for use in any cooperating country shall be available for obligation or expenditure unless said cooperating country executes a written agreement that it will impose no restrictions on the use of the highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of the cooperating country."

In view of the intention of the Federal Works Agency of the United States of America to allot the above-mentioned appropriation of $1,000,000 for expenditure in Guatemala, my Government proposes that, as a supplementary agreement to the agreement effected by an exchange of notes on May 19, 1943, the Government of Guatemala will, in accordance with the proviso of the aforesaid appropriation act of May 3, 1945, agree to the condition that it will not impose any restriction on the use of the Inter-American Highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of Guatemala.

57 Stat. 1111.

Except as amended herein, there shall remain in full force and effect the Agreement effected by the exchange of notes of May 19, 1943, and any memorandum of understanding related thereto concluded subsequently between the Director General of Roads on behalf

of the Republic of Guatemala and the Commissioner of Public Roads on behalf of the Government of the United States of America.

Effective date.

The Government of the United States of America is prepared, if this proposal is acceptable to the Government of Guatemala, to regard the present note and Your Excellency's reply to the same effect as constituting an agreement between the two Governments which shall take effect this day, supplementing the agreement effected by an exchange of notes on May 19, 1943.

57 Stat. 1111.

I avail myself of this opportunity to extend to Your Excellency the renewed assurances of my highest and most distinguished consideration.

EDWIN J. KYLE.

His Excellency
Licenciado ENRIQUE MUÑOZ MEANY,
Minister for Foreign Affairs,
Guatemala.

The Guatemalan Minister for Foreign Affairs to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA
SECCION DIPLOMATICA

693 (73–0)

7929

GUATEMALA, *18 de mayo de 1948.*

SEÑOR EMBAJADOR:

Tengo el honor de acusar recibo de la atenta nota de Vuestra Excelencia, fecha de hoy, relativa a la asignación de $1.000.000 hecha por el Congreso de los Estados Unidos (Acta del 3 de mayo de 1945) para la carretera Interamericana, que se sujeta a la condición impuesta por el siguiente inciso:

"Se dispone que ninguna parte de la asignación hecha en virtud de este párrafo, para emplearse en cualquier país cooperante, quede disponible para obligaciones o gastos, a menos que dicho país cooperante perfeccione un convenio escrito, en que se comprometa a no imponer restricciones para el uso de la carretera, ni a crear ningún impuesto o carga, por tal uso, directa o indirectamente, para el tráfico o vehículos de cualquier otro país, cuando tales impuestos o cargas no se apliquen con igual fuerza, para el mismo uso de la carretera, al tráfico o vehículos del país cooperante."

Manifiesta Vuestra Excelencia que, en vista de la disposición de la Agencia Federal de Obras de los Estados Unidos de América de adjudicar la asignación arriba mencionada de $1.000.000 para invertirla en Guatemala, el Gobierno de los Estados Unidos de América propone un convenio suplementario al convenio efectuado por canje de notas el 19 de mayo de 1943, por el cual el Gobierno de Guatemala convenga en la condición contenida en el Acta de Asignación antes mencionada del 3 de mayo de 1943.

Vuestra Excelencia manifiesta además que el Gobierno de los Estados Unidos de América se encuentra listo, en caso de ser aceptada esta propuesta, para considerar la nota a que se acusa recibo y la respuesta de mi Gobierno como constitutivas de un convenio entre los dos Gobiernos entrando en vigor con esta misma fecha, y complementando el convenio efectuado por canje de notas el 19 de mayo de 1943.

Tengo el honor de informar a Vuestra Excelencia que el Gobierno de Guatemala acepta la propuesta de su ilustrado Gobierno en el entendido de que, sin perjuicio de lo que se establece por medio del presente acuerdo, quedará en toda su fuerza y vigor el Convenio celebrado por cambio de notas de 19 de mayo de 1943, y cualquier memorándum de entendimiento relativo al mismo Convenio que se haya concluído posteriormente entre el Director General de Caminos en representación del Gobierno de Guatemala y el Comisionado de Caminos Públicos en nombre del Gobierno de los Estados Unidos de América.

Asimismo, debo manifestar a Vuestra Excelencia que mi Gobierno conviene en la condición de que Guatemala no impondrá ninguna restricción para el uso de la carretera Interamericana, ni cobrará ningún impuesto ni gravamen directa ni indirectamente por tal uso, por tráfico ni por vehículos de ningún otro país que no se apliquen igualmente por el mismo uso de la carretera, por tráfico o por vehículos de Guatemala, pero que, como requisito formal esta condición queda sujeta a aprobación del Congreso de Guatemala.

El Gobierno de Guatemala considera este arreglo como suplemento del arreglo entre los dos Gobiernos efectuado por canje de notas de fecha 19 de mayo de 1943, y en vigor desde esta misma fecha.

Sírvase aceptar Excelencia la renovada seguridad de mi más alta y distinguida consideración,

E. MUÑOZ MEANY.

Excelentísimo Señor Doctor EDWIN J. KYLE
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Ciudad.-

Translation

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA
DIPLOMATIC SECTION

693 (73-0)
7929

GUATEMALA, *May 18, 1948.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's courteous note dated today relative to the appropriation of $1,000,000 by the Congress of the United States (Act of May 3, 1945) for the Pan American Highway, which is subject to the condition established in the following proviso: 59 Stat. 117.

"Provided, That no part of the appropriation made in this paragraph for use in any cooperating country shall be available for obliga-

tion or expenditure unless said cooperating country executes a written agreement that it will impose no restrictions on the use of the highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of the cooperating country."

Your Excellency states that, in view of the intention of the Federal Works Agency of the United States of America to allot the above-mentioned appropriation of $1,000,000 for expenditure in Guatemala, the Government of the United States of America proposes a supplementary agreement to the agreement effected by an exchange of notes on May 19, 1943, by which the Government of Guatemala agrees to the proviso of the aforesaid appropriation act of May 3, 1943.[1]

57 Stat. 1111.
59 Stat. 117.

Your Excellency further states that the Government of the United States of America is prepared, if this proposal is accepted, to regard the note the receipt of which is hereby acknowledged and the reply of my Government as constituting an agreement between the two Governments which shall take effect this day, supplementing the agreement effected by an exchange of notes on May 19, 1943.

I have the honor to inform Your Excellency that the Government of Guatemala accepts the proposal of your illustrious Government with the understanding that, without prejudice to the provisions established by means of the present agreement, the agreement effected by an exchange of notes on May 19, 1943, and any memorandum of an understanding relative to the same agreement which may have been reached subsequently between the Director General of Highways representing the Government of Guatemala and the Commissioner of Public Roads in the name of the Government of the United States of America will continue in full effect.

Furthermore, I am to state to Your Excellency that my Government agrees to the condition that Guatemala will impose no restrictions on the use of the Pan American Highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of Guatemala, but that, as a formal requirement, this proviso is subject to the approval of the Congress of Guatemala.

The Government of Guatemala considers this arrangement as supplementary to the arrangement effected between the two Governments by an exchange of notes dated May 19, 1943, and as entering in effect this day.

Accept, Excellency, the renewed assurance of my highest and most distinguished consideration.

E. MUÑOZ MEANY.

His Excellency EDWIN J. KYLE
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
City.–

[1] This should read ". . . act of May 3, 1945".

Agreement between the United States of America and Ecuador respecting a cooperative health and sanitation program in Ecuador, modifying and extending the agreement of February 24, 1942, as modified and extended. Effected by exchange of notes signed at Quito August 6 and 18, 1948; entered into force August 20, 1948, operative retroactively from June 30, 1948.

August 6, 18, 1948
[T. I. A. S. 2003]

The American Ambassador to the Ecuadoran Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 227

Quito, August 6, 1948

EXCELLENCY:

I have the honor to refer to the notes exchanged between His Excellency the Minister Counselor of the Ecuadoran Embassy to the United States of America and His Excellency the Under Secretary of State of the United States of America on February 24, 1942, and the Basic Agreement, as amended, between the Republic of Ecuador and The Institute of Inter-American Affairs, entered into in January 1943,[1] providing for the initiation and execution of the existing cooperative health and sanitation program in Ecuador. I also refer to Your Excellency's note no. 123–DDP, of August 5, 1948,[1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

57 Stat. 1370.

As Your Excellency knows, the above referred to Basic Agreement provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Republic of Ecuador that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $100,000.00 U.S. cy. to the Servicio Cooperativo Interamericano de Salud Publica for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of 4,020,000.00 sucres. The Institute would also be willing during the same extension period to make available funds to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Health and Sanitation Division Field Staff, who are maintained by the Institute in Ecuador. The amounts referred to would be in addition to the sums already required under the present

Period of extension.

Contributions.

[1] Not printed.

Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Social Welfare and Labor and The Institute of Inter-American Affairs.

Entry into force.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two governments, which shall come into force on the date of signature[1] of an agreement by the Minister of Social Welfare and Labor of Ecuador and by a representative of the Institute of Inter-American Affairs embodying the above mentioned technical details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

JOHN F. SIMMONS

His Excellency
Doctor ANTONIO PARRA VELASCO,
Minister for Foreign Affairs,
Quito.

The Ecuadoran Minister of Foreign Affairs to the American Ambassador

REPÚBLICA DEL ECUADOR
MINISTERIO DE RELACIONES EXTERIORES

Nº 133-DDP.

DEPARTAMENTO DIPLOMATICO

QUITO, *a 18 de Agosto de 1948.*

SEÑOR EMBAJADOR:

Tengo el honor de llevar a conocimiento de Vuestra Excelencia, que el señor Ministro de Previsión Social, en nota número 182–AJ., de 17 de agosto de 1948, me manifiesta estar listo a suscribir con el Instituto de Asuntos Interamericanos (The Institute of Inter-american Affairs) el Convenio cuyo texto se acompaña, a efecto de que continúen los Servicios Cooperativos de Salud Pública y Saneamiento que realiza en el Ecuador el mencionado Instituto.

Válgome de la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

A P VELASCO

Antonio Parra Velasco
Ministro de Relaciones Exteriores

ANEXO.[2]

Al Excelentísimo Señor Don JOHN F. SIMMONS,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de Norte América.
Presente.

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[1] Aug. 20, 1948.
[2] Not printed.

Translation

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN RELATIONS

DIPLOMATIC DEPARTMENT

No. 133-DDP.

QUITO, *August 18, 1948.*

MR. AMBASSADOR:

I have the honor to inform Your Excellency that the Minister of Social Welfare, in note number 182–AJ., of August 17, 1948, [1] informs me that he is prepared to sign, jointly with the Institute of Inter-American Affairs, the Agreement the text of which is transmitted herewith, to the end that the Cooperative Public Health and Sanitation Services which the aforesaid Institute is carrying out in Ecuador may be continued.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

A P VELASCO

Antonio Parra Velasco
Minister of Foreign Relations

Enclosure [1]

His Excellency JOHN F. SIMMONS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
City.

[1] Not printed.

October 27, 28, 1947
T. I. A. S. 2021]

Arrangement between the United States of America and Liberia respecting passport visas. Effected by exchange of notes signed at Monrovia October 27 and 28, 1947; entered into force October 28, 1947, operative December 1, 1947.

The American Chargé d'Affaires ad interim to the Liberian Acting Secretary of State

LEGATION OF THE
UNITED STATES OF AMERICA
Monrovia, Liberia, October 27, 1947

No. 271

EXCELLENCY:

I have the honor to set forth below the terms of the arrangement regarding the period of validity of temporary visitors visas to be granted on a reciprocal basis to nationals of our two countries as understood by me to have been approved in the course of conversations recently conducted by the Legation with your Department of State:

1. As of the date on which this arrangement becomes effective, non-immigrant temporary visitors visas shall be granted by each of our respective countries to nationals of the other to be valid for an initial period of two years from the date of issue instead of an initial period of one year as at present.

2. It is understood that the period of validity of two years means that the visas granted will be valid for presentation at a port of entry at any time, or any number of times, during the two-year period. However, the immigration officials at the port of entry of either country may, as heretofore, specify the authorized length of stay of the alien for each visit.

3. It is further understood that no visa granted for a period of two years will be valid for such period unless the passport or other acceptable travel document is valid for such period. However, if the passport or travel document is not valid for the full period of two years at the time the visa is granted, the passport or travel document may be extended by the issuing authority for the full period of two years or more in which event the visa shall be considered as valid for the full period of two years.

4. The present agreement will in no way affect the arrangement [1] existing between our two Governments whereby all non-immigrant passport visa fees are waived on a reciprocal basis.

If the above provisions are acceptable to Your Excellency's Government, this note and the reply signifying assent thereto shall, if agreeable to Your Excellency's Government, be regarded as consti-

[1] Signed Aug. 31, 1925; not printed.

tuting an arrangement between our two Governments which shall become effective on December 1, 1947. Effective date.

Please accept, Excellency, the renewed assurances of my highest consideration.

RUPERT A. LLOYD, JR.
Rupert A. Lloyd, Jr.
American Charge d'Affaires a. i.

His Excellency CHAS. T. O. KING
Acting Secretary of State, R. L.
Monrovia

The Liberian Acting Secretary of State to the American Chargé d'Affaires ad interim

DEPARTMENT OF STATE
MONROVIA, LIBERIA.
2135/DF *28th October, 1947.*

MR. CHARGE D'AFFAIRES:

I have the honour to acknowledge receipt of your Note Number 271, dated October 27, 1947 regarding terms of arrangement between our respective Governments with respect to the period of validity of temporary visitors visas which is to be granted on a reciprocal basis to nationals of our two countries in the light of conversations had by your Legation with the Department of State.

In reply, I have the honour to advise the acceptance and assent by my Government to the following provisions as constituting an arrangement between our two Governments effective as of December 1, 1947:

1. As of the date on which this arrangement becomes effective, non-immigrant temporary visitors visas shall be granted by each of our respective countries to nationals of the other to be valid for an initial period of two years from the date of issue instead of an initial period of one year as at present.

2. It is understood that the period of validity of two years means that the visas granted will be valid for presentation at a port of entry at any time, or any number of times, during the two-year period. However, the immigration officials at the of entry of either country may, as heretofore, specify the authorized length of stay of the alien for each visit.

3. It is further understood that no visa granted for a period of two years will be valid for such period unless the passport or travel document is valid for such period. However, if the passport or travel document is not valid for the full period of two years at the time the visa is granted, the passport or travel document may be extended by the issuing authority for the full period of two years or more in which event the visa shall be considered as valid for the full period of two years.

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4. The present agreement will in no way effect the arrangement existing between our two governments whereby all non-immigrant passport visa fees are waived on a reciprocal basis.

Please accept, Mr. Charge d'Affaires, the renewed assurance of my high consideration and esteem.

CHAS. T. O. KING
Charles T. O. King,
Acting Secretary of State.

RUPERT A. LLOYD, JR., ESQR.,
American Charge d'Affaires, a. i.,
American Legation,
Monrovia.

Agreement between the United States of America and Panama respecting the Colón Corridor. Effected by exchange of notes signed at Panamá May 26, 1947; entered into force May 26, 1947.

May 26, 1947
[T. I. A. S. 2029]

The American Ambassador to the Panamanian Minister of Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 417

Panamá, R. P., May 26, 1947

EXCELLENCY:

I have the honor to refer to Article VIII of the General Treaty of March 2, 1936, between the United States of America and Panamá, and to recall to Your Excellency's attention the fact that when the Trans-Isthmian Highway was built between the boundary of the Canal Zone and the Republic of Panamá near Cativa and Randolph Road a change of alignment of the Trans-Isthmian Highway was made for engineering purposes with the result that at the present time the location of the Trans-Isthmian Highway differs from that of the corridor established by said Article VIII in that area.

53 Stat. 1818.

In order that the Government of Panamá may proceed with the completion of the Colón Corridor from Randolph Road to the City of Colón, and benefit by the availability of the equipment which is now being used on the project of filling certain swamp areas in the City of Colón, the Government of the United States of America proposes that, by way of modus vivendi pending the coming into force of appropriate provisions effecting necessary modifications in existing treaties or conventions between the two countries, it be mutually agreed by and between the Government of the United States of America and the Government of Panamá as follows:

Alteration of Colón Corridor location.

(a) That between the boundary near Cativa and the Randolph Road overpass the Colón Corridor location will be altered to conform to that shown on Exhibit C [1] of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933–7C).

Randolph Road overpass.

(b) That the Randolph Road overpass will be constructed in substantial conformity with the plans for such construction set forth in Exhibit F of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933–7F).

(c) That at the Randolph Road overpass the corridor will be no wider than is necessary to include the viaduct and ramps and will

[1] The exhibits referred to in this exchange of notes are not printed. Copies of these exhibits as received from the American Embassy with a certified copy of this note are deposited with the Agreement in the archives of the Department of State where they are available for reference.

not include any part of Randolph Road proper or of the railroad right-of-way.

(d) That between the Randolph-Road overpass and the boundary line between the City of Colón and the Canal Zone the corridor location will be altered to conform to that shown on Exhibit B of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933–7B). As so shown the corridor will end at its intersection with the City of Colón–Canal Zone boundary at mean low water line near Boundary Street.

(e) That between the Randolph Road overpass and the boundary line between the City of Colón and the Canal Zone the corridor road, including the storm and sanitary sewerage facilities made necessary by such road, will be constructed, by or at the expense of the Government of Panamá, in substantial conformity with the plans for such construction set forth in Exhibit E of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933–7E), as supplemented and modified by Exhibit B of The Panama Canal.

Maintenance of drainage facilities.

(f) That the Government of Panamá will at all times maintain in good structural condition the drainage facilities through the fills constructed for the corridor road.

U. S. right of travel.

53 Stat. 1818.

(g) That the right of the United States of America, under Article VIII of the General Treaty of 1936, of travel along the corridor, subject to such traffic regulations as may be established by the Government of Panamá, will extend and apply to the Colón entrance to the corridor, which, in view of the boundary change referred to in paragraph (i) hereof, will not form a part of the corridor.

Amendment of Art. VIII of the General Treaty.

53 Stat. 1818.

(h) That the two Governments will, as soon as possible, formally enter into a suitable convention amending Article VIII of the General Treaty in such manner as to alter the description of the corridor in the manner hereinbefore provided, and to include in substance the provisions of paragraphs (f) and (g) hereof.

Amendment of Art. V of the Boundary Convention.

38 Stat. 1900.

(i) That the two Governments will, as soon as possible, formally enter into a suitable convention, amending Article V of the Boundary Convention concluded on September 2, 1914, in such manner as to revise that portion of the City of Colón–Canal Zone boundary line which extends from the end of the corridor, as herein provided for, to Sixteenth Street, in conformity with the boundary revisions proposed by the Public Roads Administration and shown on its Exhibit A (August 6, 1946, P. C. Drwg. No. V. F. 933–7A). The convention will accord to the United States the right to construct highways connecting Bolivar Highway and the highway forming the Colón entrance to the corridor, such as the connecting highways outlined on Exhibit A of the Public Roads Administration. This paragraph and paragraphs (j) and (k) hereof shall be operative only in the event that the Colón entrance to the corridor is constructed in substantial conformity with Exhibits A and E of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933–7A and E).

(j) That the two Governments will, in the proposed convention referred to in paragraph (i) hereof, further amend Article V of the

Boundary Convention of 1914, in such manner as to revise that portion of the City of Colón–Canal Zone boundary line which extends from Sixteenth Street in a northwesterly direction to the center line of Bolivar Avenue, in conformity with the boundary revision proposed by The Panama Canal and marked on a copy of Panama Canal Drawing No. X–6113–53 dated July 6, 1945, which copy is marked Panama Canal Exhibit A. 38 Stat. 1900.

(k) That the two Governments will, in the proposed convention referred to in paragraphs (i) and (j) hereof, provide in substance, first, that the tracts of land transferred from the City of Colón to the Canal Zone, in consequence of the boundary changes provided for in said paragraphs (i) and (j), shall become parts of the Canal Zone in the same manner as though they had been included within the grants contained in the Convention of November 18, 1903, between the two Governments, and that the Government of Panamá undertakes that no private titles exist in and to such tracts of land; and, second, in respect to the tracts of land transferred from the Canal Zone to the City of Colón in consequence of the boundary changes agreed upon, the Government of the United States of America undertakes that no private titles exist in and to such tracts of land. 33 Stat. 2234.

(l) That the portion of the Boyd-Roosevelt Highway known as the Madden Dam Bypass Road is understood and agreed to form a part of the Trans-Isthmian Highway under the terms of the Trans-Isthmian Highway Convention of March 2, 1936, and that such agreement will be included in the proposed convention referred to in paragraph (m) hereof. Madden Dam Bypass Road. 53 Stat. 1869.

(m) Referring to the several areas in the Rio Madronal–Roque section of the Trans-Isthmian (Boyd-Roosevelt) Highway wherein the highway passes through Canal Zone territory, including the section of the highway between the Quebrada Madronal and the Quebrada Moja Polla, the section of the highway crossing the Agua Bendita and Chilibre Rivers, and the Roque overpass whereby such highway crosses the Madden Dam Corridor; and referring to the area wherein such highway passes through Canal Zone territory in crossing the Gatun River: – That the two Governments will, as soon as possible, formally enter into a suitable convention whereby the United States of America will transfer to the Republic of Panamá jurisdiction over suitable corridors, subject to terms similar to those contained in Article VIII of the General Treaty of 1936, as herein agreed to be amended, in order that the aforementioned sections of the Trans-Isthmian Highway shall be within the jurisdiction of the Republic of Panamá. In the case of the Roque overpass the corridor will be no wider than is necessary to include the viaduct and approaches, and will not include any part of Madden Road proper. In all cases wherein the aforesaid corridors traverse waterways, the corridors will not include any part of such waterways. Rio Madronal-Roque section. 53 Stat. 1818.

(n) That the right of the United States of America, under Article VII of the Trans-Isthmian Highway Convention of 1936, to enjoy equally the use of the portions of the Trans-Isthmian Highway within the jurisdiction of the Republic of Panamá, subject to the laws 53 Stat. 1872.

and regulations relating to vehicular traffic in force in the Republic of Panamá, shall extend and apply to the portion of the Boyd-Roosevelt Highway between the Roque overpass and the City of Panamá.

Rights, etc., under prior treaties.

(o) That the provisions of this agreement shall not affect the rights and obligations of the two Governments under treaties and conventions now in force between them, and particularly under Article VIII of the General Treaty of 1936 and Article II of the Trans-Isthmian Highway Convention of 1936, but without prejudice to the full force and effect of the provisions of this agreement which contemplate the conclusion of a convention for the purpose of adding to, or of modifying, abrogating, or replacing, provisions of such treaties and conventions.

53 Stat. 1818, 1870.

Modifications or deviations.

(p) That the terms of this agreement will be modified or deviated from only by agreement between the two Governments concluded by exchange of notes in the same manner as this agreement.

Effective date.

Upon the receipt of your reply note indicating that the Government of Panamá approves the agreement in accordance with the terms outlined above, the Government of the United States of America will consider the agreement to be effective beginning with the date of that note.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK T. HINES

His Excellency
Dr. RICARDO J. ALFARO,
Minister of Foreign Relations.

The Panamanian Minister of Foreign Relations to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES

D.P. No. 1227

PANAMÁ, *26 de Mayo de 1947*.

SEÑOR EMBAJADOR:

Tengo a honra avisar recibo de la atenta nota de Vuestra Excelencia No. 417, de esta fecha, que dice lo siguiente:

"Tengo el honor de referirme al artículo VIII del Tratado General de 2 de Marzo de 1936, celebrado entre los Estados Unidos de América y Panamá, y de llevar de nuevo a la atención de Vuestra Excelencia el hecho de que cuando se construyó la Carretera Transístmica entre el límite de la Zona del Canal y la República de Panamá cerca de Cativá y el Camino del Fuerte Randolph, se hizo, por razones de ingeniería, un cambio en el trazado de la Carretera Transístmica, con el resultado de que en la actualidad la ubicación de la Carretera Transístmica defiere de la del corredor establecido por el mecionado Artículo VIII en esa área.

A fin de que el Gobierno de Panamá pueda proceder a terminar el Corredor de Colón desde el Camino del Fuerte Randolph hasta

la Ciudad de Colón, y beneficiarse con el uso del equipo que ahora se está usando en los trabajos del relleno de ciertas áreas pantanosas en la Ciudad de Colón, el Gobierno de los Estados Unidos propone que, por vía de modus vivendi, hasta tanto éntren en vigencia estipulaciones apropiadas que efectúen las modificaciones necesarias en los tratados o convenciones existentes entre los dos países, se conviene mutuamente entre el Gobierno de los Estados Unidos y el Gobierno de la República de Panamá lo siguiente:

a) Que entre el límite cerca de Cativá y el paso elevado sobre el Camino de Randolph la ubicación sea alterada de manera que se conforme con la que aparece en el Anexo C de la entidad denominada Public Roads Administration, o sea Administración de Caminos Públicos (Agosto 6 de 1946, Diseño del Canal de Panamá N° V. F. 933–7C).

b) Que el paso elevado del Camino de Randolph será construído en sustancial conformidad con los planos adoptados para dicha construcción en el Anexo F de la entidad denominada Public Roads Administration (Agosto 6 de 1946, Diseño del Canal de Panamá N° V. F. 933–7 F).

c) Que en el paso elevado del Camino de Randolph el corredor no tendrá más anchura que la necesaria para incluír el viaducto y las rampas y no incluirá parte alguna del Camino de Randolph propiamente dicho o de la servidumbre de tránsito del ferrocarril.

d) Que entre el paso elevado del Camino de Randolph y la línea limítrofe de la Ciudad de Colón y la Zona del Canal la ubicación del Corredor será alterada de manera que se conforme a la que aparece en el Anexo B de la entidad denominada Public Roads Administration (Agosto 6 de 1946, Diseño del Canal de Panamá No. V. F. 933–7B). Tal como aparece allí, el corredor terminará su intersección con la línea limítrofe entre la Ciudad de Colón y la Zona del Canal, en la línea de la bajamar cerca de la Calle Limítrofe.

e) Que entre el paso elevado del Camino de Randolph y la línea limítrofe entre la Ciudad de Colón y la Zona del Canal, el camino del corredor, inclusive las obras de desagüe y sanitarias que dicho camino requiera, serán construídas por el Gobierno de Panamá, o a su costa, en sustancial conformidad con los planos trazados para dicha construcción en el Anexo E. de la entidad denominada Public Roads Administration (Agosto 6 de 1946, Diseño del Canal de Panamá V. F. 933–7E), tal como ha sido adicionado y modificado por el Anexo B del Canal de Panamá.

f) Que el Gobierno de Panamá mantendrá en todo tiempo en buena condición estructural los desagües de los rellenos construídos para el camino del Corredor.

g) Que el derecho de los Estados Unidos de América, de conformidad con el Artículo VIII del Tratado General de 1936, de hacer uso del Corredor, con sujeción a los reglamentos de tránsito que sean establecidos por el Gobierno de Panamá, se extenderá y aplicará a la entrada del Corredor en Colón, la cual en vista del

cambio de límite de que trata el parágrafo (i) de esta nota, no formará parte del Corredor.

h) Que los dos Gobiernos celebrarán, tan pronto como sea posible, una covención apropiada por la cual se reforme el Artículo VIII del Tratado General en el sentido de cambiar la descripción del corredor de la manera anteriormente expuesta y que incluya en sustancia las estipulaciones de los parágrafos (f) y (g) de esta nota.

i) Que los dos Gobiernos celebrarán, tan pronto como sea posible, una convención apropiada que modifique el Artículo V de la Convención de Límites celebrada el 2 de septiembre de 1914, en forma que revise la porción de la línea limítrofe entre la Ciudad de Colón y la Zona del Canal que se extiende desde el final del corredor, según aquí se estipula, hasta la Calle Diez y Seis, de conformidad con las modificaciones propuestas en materia de límites por la entidad denominada Public Roads Administration, según aparece en el Anexo A (Agosto 6 de 1946, Diseño del Canal de Panamá No. V. F. 933–7A). La convención otorgará a los Estados Unidos el derecho de construir carreteras que unan la Carretera Bolívar y la carretera que forma la entrada de Colón al corredor, tal como la que une las carreteras delineadas en el Anexo A de la citada Public Roads Administration. Este parágrafo y los parágrafos (j) y (k) de esta nota sólo tendrán aplicación en el caso de que la entrada de Colón al corredor sea construída en sustancial conformidad con los Anexos A y E de la dicha Public Roads Administration (Agosto 6 de 1946, Diseño del Canal de Panamá No. V. F. 933–7A y E).

j) Que los dos Gobiernos modificarán también, en la proyectada convención de que trata el parágrafo precedente, el Artículo V de la Convención de Límites de 1914, en forma que revise la porción de la línea limítrofe entre la Ciudad de Colón y la Zona del Canal que se extiende desde la Calle Diez y Seis en dirección noroeste hasta la línea central de la Avenida Bolívar, de conformidad con la modificación propuesta en materia de límites por el Canal de Panamá y señalada en una copia del Diseño del Canal de Panamá N° X–6113–53 fechado el 6 de julio de 1945, copia denominada Anexo A del Canal de Panamá.

k) Que en la proyectada convención a que se refieren los anteriores parágrafos (i) y (j), los dos Gobiernos estipularán en sustancia: primero, que los globos de terreno que se transfieren de la Ciudad de Colón a la Zona del Canal como consecuencia de los cambios limítrofes estipulados en dichos parágrafos (i) y (j) pasarán a ser parte de la Zona del Canal de la misma manera que si hubieran sido incluídos en las concesiones contenidas en la Convención de 18 de Noviembre de 1903 entre los dos Gobiernos, y que el Gobierno de Panamá se compromete a que no existan títulos de propiedad privada sobre dichos globos de terreno; y, segundo, con respecto a los globos de terreno que se trasfieren de la Zona del Canal a la Ciudad de Colón como consecuencia de los cambios limítrofes convenidos, el Gobierno de los Estados Unidos de América se compromete a que no existan títulos de propiedad privada sobre dichos globos de terreno.

l) Que es entendido y convenido que el tramo de la Carretera Boyd-Roosevelt conocido como Camino de la Represa de Madden forma parte de la Carretera Transístmica, de conformidad con los términos de la Convención sobre la Carretera Transístmica, de 2 de Marzo de 1936, y que tal acuerdo será incluído en la convención que se tiene en proyecto celebrar conforme al parágrafo (m) que sigue.

m) Con referencia a las diversas áreas del tramo Río Madroñal-Roque de la Carretera Transístmica, en que la carretera atraviesa territorio de la Zona del Canal, inclusive el tramo de la carretera entre la Quebrada Madroñal y la Quebrada Moja Pollo, y el tramo de la carretera que cruza los ríos Agua Bendita y Chilibre, y el paso elevado de Roque por donde la carretera cruza el Corredor de la Represa Madden; y con referencia al área en que dicha carretera atraviesa territorio de la Zona del Canal al cruzar el Río Gatún, los dos Gobiernos celebrarán tan pronto como sea posible una convención apropiada mediante la cual los Estados Unidos de América traspasarán a la República de Panamá la jurisdicción sobre corredores apropiados, con sujeción a términos similares a los contenidos en el Artículo VIII del Tratado General de 1936, según se ha convenido reformarlo por medio de esta nota, a fin de que los antedichos tramos de la Carretera Transístmica queden dentro de la jurisdicción de la República de Panamá. En el caso del paso elevado de Roque el corredor no tendrá más anchura que la necesaria para incluir el viaducto y sus entradas, y no comprenderá parte alguna del Camino de la Represa Madden propiamente dicho. En los casos en que los corredores antes mencionados atraviesen vías acuáticas, los corredores no incluirán parte alguna de tales vías.

n) Que el derecho de los Estados Unidos de América, de conformidad con el Artículo VII de la Convención de la Carretera Transístmica de 1936, de disfrutar en pie de igualdad el uso de la parte de la Carretera Transístmica situada dentro de la jurisdicción de la República de Panamá, con sujeción a las leyes y reglamentos relativos al tránsito de vehículos vigentes en la República de Panamá, se extenderá y aplicará a la porción de la Carretera Transístmica comprendida entre el paso elevado de Roque y la Ciudad de Panamá.

o) Que las estipulaciones de este acuerdo no afectarán los derechos y obligaciones de los dos Gobiernos según los tratados y convenciones vigentes entre ellos, y particularmente según el Artículo VIII del Tratado General de 1936 y el Artículo II de la Convención de la Carretera Transístmica de 1936, sin perjuicio del pleno vigor y efecto de las estipulaciones de este acuerdo que tienen en mira la celebración de una convención con el objeto de adicionar, modificar, abrogar o subrogar estipulaciones de dichos tratados y convenciones.

p) Que los términos de este acuerdo sólo podrán ser modificados o alterados mediante acuerdo entre los dos Gobiernos, celebrado por canje de notas de la misma manera que este acuerdo."

En contestación, tengo el honor de confirmar la inteligencia a que se ha llegado sobre los puntos anteriores según queda expuesta en la nota de Vuestra Excelencia a que me he referido.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

R. J. ALFARO

Ricardo J. Alfaro,
Ministro de Relaciones Exteriores.

Su Excelencia
FRANK T. HINES,
Embajador Extraordinario y
Plenipotenciario de los Estados Unidos de América,
Ciudad.–

Translation

D.P. No. 1227

MINISTRY OF FOREIGN RELATIONS

PANAMÁ, *May 26, 1947.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's courteous note No. 417, of even date, which states as follows:

[For the English language text of note No. 417, as signed, see *ante*, p. 3933.]

In reply, I have the honor to confirm the understanding which has been reached concerning the preceding points as expressed in Your Excellency's note to which I have referred.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

R. J. ALFARO

Ricardo J. Alfaro,
Minister of Foreign Relations.

His Excellency
FRANK T. HINES,
Ambassador Extraordinary and Plenipotentiary of
the United States of America,
City.—

Agreement between the United States of America and Iceland respecting passport visas. Effected by exchange of notes signed at Reykjavik October 1 and December 9, 1947; entered into force December 9, 1947, operative January 1, 1948.

October 1 and December 9, 1947
[T. I. A. S. 2031]

The American Chargé d'Affaires ad interim to the Icelandic Minister for Foreign Affairs

AMERICAN LEGATION,
REYKJAVIK, ICELAND
October 1, 1947.

No. 822

EXCELLENCY:

Pursuant to instructions from my Government, I have the honor to propose that the Government of Iceland and the Government of the United States enter into an agreement according to which each Government will, unless special circumstances exist, hereafter reciprocally issue visas to temporary visitors valid for a period of twentyfour months. It is suggested that this procedure enter into effect on December 1, 1947. This change, it should be noted, would not disturb the arrangement [1] between the two Governments whereby all non-immigrant passport visa fees are waived on a reciprocal basis.

Should the Government of Iceland accept the foregoing proposal, the affirmative reply of Your Excellency shall constitute, together with this note, the agreement of the two Governments in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

WILLIAM C. TRIMBLE
Charge d'Affaires ad interim

His Excellency
BJARNI BENEDIKTSSON,
Minister for Foreign Affairs
Reykjavik.

The Icelandic Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

UTANRÍKISRÁÐUNEYTIÐ [2]
REYKJAVIK
December 9th, 1947.

No. 189

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to acknowledge receipt of your note of October 1st 1947 in which you propose that the Government of Iceland and

[1] Dated Nov. 3 and Dec. 21, 1925, and June 11, 19, and 21, 1926; not printed.
[2] Ministry of Foreign Affairs.

the Government of the United States enter into an agreement according to which each Government will, unless special circumstances exist, hereafter reciprocally issue visas to temporary visitors valid for a period of twenty-four months.

I have the honour to inform you that the Government of Iceland accepts the foregoing proposal and that your note and the present reply shall constitute the agreement of the two Governments in this matter. At the same time it is suggested that this procedure enter into effect on January 1st 1948.

It is understood that the present agreement will not disturb the arrangement between the two Governments whereby all non-immigrant passport visa fees are waived on a reciprocal basis.

Accept, Monsieur le Chargé d'Affaires, the renewed assurances of my high consideration.

BJARNI BENEDIKTSSON

MR. WILLIAM C. TRIMBLE
Chargé d'Affaires ad interim
of the United States of America,
Reykjavik.

Agreement between the United States of America and Canada respecting flights of military aircraft. Effected by exchange of notes signed at Ottawa February 13, 1945; entered into force February 13, 1945.

February 13, 1945
[T. I. A. S. 2056]

The American Chargé d'Affaires ad interim to the Canadian Secretary of State for External Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
No. 285 *Ottawa, Canada, February 13, 1945.*

SIR:

With reference to negotiations that have recently taken place between representatives of the United States and Canadian Governments respecting air services of the Armed Forces of the United States and Canada, I have the honor to propose that an agreement be entered into between the two Governments as follows:

I

Use of airway facilities, etc.

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the United States Armed Forces engaged in air transport or ferry services (including aircraft being delivered to third countries) whether operated and maintained directly by military personnel or by United States or Canadian civilian personnel under contract with the United States Armed Forces, may, during the present war, fly into, through and away from Canada and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications which are available to aircraft of the Armed Forces of Canada, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by Canada in Newfoundland territory, along the routes which they are now flying and which are set forth in Part One of the attached confidential memorandum, [1] provided that aircraft operated and maintained by civilian personnel under contract with the United States Armed Forces shall be restricted to the routes indicated in Part One A of the attached confidential memorandum.

Post, p. 3947.

II

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the Armed Forces of Canada engaged in air transport or ferry services (including aircraft being

[1] No longer confidential.

delivered to third countries) whether operated and maintained directly by military personnel or by Canadian or United States civilian personnel under contract with the Armed Forces of Canada, may, during the present war, fly into, through and away from United States territory, including Alaska and Hawaii, and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications, which are available to aircraft of the United States Armed Forces in such territory, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by the United States in Newfoundland territory, along the routes which they are now flying and which are set forth in Part Two of the attached confidential memorandum, provided that aircraft operated and maintained by civilian personnel under contract with the Armed Forces of Canada shall be restricted to the routes indicated in Part Two A of the attached confidential memorandum.

Post p. 3948.

III

Additional flying routes over Canadian territory.

(a) The Armed Forces of the United States will not establish over Canadian territory regular flying routes for air transport or ferry services additional to those which are set forth in Part One B of the attached confidential memorandum without first having sought and obtained the approval of the Government of Canada. The Government of Canada agrees to give prompt and sympathetic consideration to any request submitted by the Government of the United States for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.

Post, p. 3948.

(b) Except in an emergency not extending for a period longer than 60 days, the Armed Forces of the United States will not cause any civilian contractors additional to the contractors listed in Part One A of the attached memorandum to operate air transport services over Canadian territory, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of Canada.

Post, p. 3947.

IV

Additional flying routes over U.S. territory.

(a) The Armed Forces of Canada will not establish over the territory of the United States, including Alaska and Hawaii, regular flying routes for air transport or ferry services additional to those which are set forth in Part Two B of the attached confidential memorandum without first having sought and obtained the approval of the Government of the United States. The Government of the United States agrees to give prompt and sympathetic consideration to any request submitted by the Government of Canada for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.

Post, p. 3948.

(b) Except in an emergency not extending for a period longer than

60 days, the Armed Forces of Canada will not cause any civilian contractors additional to the contractors listed in Part Two A of the attached memorandum to operate air transport services over United States territory, including Alaska and Hawaii, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of the United States.

Post, p. 3948.

V

Operation by certain civilian personnel of U.S., restriction.

Aircraft operated on behalf of the United States Armed Forces by civilian personnel under contract with the United States Armed Forces over routes in Canada shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of the United States and of Canada in Canada. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VI

Operation by certain civilian personnel of Canada, restriction.

Aircraft operated on behalf of the Armed Forces of Canada by civilian personnel under contract with the Armed Forces of Canada over routes in the United States, including Alaska and Hawaii, shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of Canada and of the United States in the United States, including Alaska and Hawaii. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VII

Carriage of passengers, etc., for hire.

(a) No passengers, goods or mail originating at or destined to points in Canada shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of the United States into, through or away from Canada pursuant to the provisions of Articles I and III of this agreement. Similarly, no passengers, goods or mail originating at or destined to points in the United States, including Alaska and Hawaii, shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of

Canada into, through or away from the United States, including Alaska and Hawaii, pursuant to the provisions of Articles II and IV of this agreement.

(b) Passengers, goods and mail other than those referred to in paragraph (a) of this Article may be carried for reward or hire on the aircraft referred to in this Article.

(c) The traffic of the aircraft referred to in paragraph (b) of this Article which may be carried shall be limited to passengers, goods or mail, the transportation of which is important in furtherance of the prosecution of the war, to relief or rehabilitation activities, or necessary to speed a return to peace-time conditions.

VIII

Exceptions to provisions.

The provisions of this agreement shall not be applicable to the tactical movement of combat type aircraft or to occasional flights of transport type aircraft belonging to the Armed Forces of either government, nor to any service conducted by a commercial airline company over a route for which it holds a certificate, license or permit issued by the competent aeronautical authorities of the respective Governments.

IX

Inconsistent undertakings superseded.

Upon entry into force of this agreement, the provisions hereof shall supersede any undertakings between the Government of Canada and the Government of the United States inconsistent therewith and pertaining to this subject and these undertakings shall not be deemed to be revived on termination of this agreement.

X

Termination.
Ante, p. 3943.

Notwithstanding the provisions of Articles I and II of this agreement, this agreement may be terminated at any time on six months' notice given in writing by either government to the other government. All rights acquired by either government under this agreement shall terminate for all purposes at the end of the present war. This agreement shall come into force on the 13th day of February, 1945.

Entry into force.

If these proposals are acceptable to the Government of Canada this note and your reply thereto, accepting the proposals, shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK
Lewis Clark,
Charge d'Affaires ad interim.

Enclosure.

The Right Honorable
The Secretary of State
for External Affairs,
Ottawa.

[Enclosure]

CONFIDENTIAL [1]

PART ONE

THE UNITED STATES

A. Routes which may be operated by civil air carriers under contract with the Armed Forces of the United States.

1. Great Falls to Fairbanks via Lethbridge-Calgary-Edmonton-Grand Prairie-Fort St. John-Fort Nelson-Watson Lake-Whitehorse-Northway-Tanacross-Big Delta.

   Northwest Airlines, Incorporated
   Western Air Lines, Incorporated.

2. Seattle to Edmonton.

   Northwest Airlines, Incorporated
   United Air Lines Transport Corporation

3. Minneapolis or Fargo to Edmonton via Regina.

   Northwest Airlines, Incorporated

4. Seattle to Annette Island via Prince George.

   Northwest Airlines, Incorporated
   Pan American Airways, Incorporated
   United Air Lines Transport Corporation

5. Seattle to Alaska via Annette Island and Juneau crossing over Canadian territory, or via Prince George-Fort St. John-Fort Nelson-Watson Lake-Whitehorse-Northway-Tanacross-Big Delta.

   Northwest Airlines, Incorporated
   Pan American Airways, Incorporated
   United Air Lines Transport Corporation

6. Canol Project:

   Edmonton-Waterways-Embarras-Fort Smith-Resolution-Hay River-Providence-Mills Lake-Wrigley-Norman-Canol Camp or Norman Wells.

   Between any of the following points: Edmonton-Waterways-Embarras-Fort Smith-Resolution-Hay River-Providence-Mills Lake-Simpson-Wrigley-Norman-Canol Camp or Norman Wells.

   Northwest Airlines, Incorporated
   United Air Lines Transport Corporation

7. Presque Isle or other points in Eastern United States to United Kingdom or Port Lyautey via Gander, Harmon, Botwood or Shediac.

   American Export Airlines, Incorporated
   Pan American Airways, Incorporated

[1] No longer confidential.

8. Presque Isle or other points in Eastern United States to United Kingdom via Goose Bay, Gander, Harmon, Botwood or Shediac.

American Airlines, Incorporated
Transcontinental & Western Air, Incorporated

9. Presque Isle or other points in Eastern United States to Marrakech via Gander.

American Airlines, Incorporated
Transcontinental & Western Air, Incorporated

10. Presque Isle or other points in Eastern United States to Greenland or Iceland via Goose Bay.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

11. Presque Isle or other points in Eastern United States to Goose Bay-BW-1 (or BW-8) Iceland or BW-2.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

12. On flights from points in the United States to Newfoundland, Greenland or Iceland, stops may be made at Dorval or Mingan en route.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

13. Crimson Route

Northeast Airlines, Incorporated

B. Routes which may be operated by the Armed Forces of The United States.

1. All of the routes listed in A above.
2. Columbus to Fort William via Minneapolis and Duluth.
3. Columbus to Montreal via Detroit, Toronto and Ottawa.
4. New York to Argentia via Sydney, Nova Scotia.
5. Fort William to Minneapolis.

PART TWO

CANADA

A. Routes which may be operated by civil air carriers under contract with the Armed Forces of Canada.

None

B. Routes which may be operated by the Armed Forces of Canada.

1. Megantic to Moncton via Millinocket and Houlton.

The Canadian Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF
EXTERNAL AFFAIRS
CANADA

NO. 12

OTTAWA, *February 13, 1945.*

EXCELLENCY:

I have the honour to acknowledge your note No. 285 of February 13 in which you propose that an agreement be entered into between the Canadian and United States Governments concerning air services of the Armed Forces of Canada and the United States. *Ante*, p. 3943.

The proposals set forth in your note are acceptable to the Canadian Government, and it is agreed that your note and this reply shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON
for Secretary of State for External Affairs.

His Excellency
The United States Ambassador to Canada,
Embassy of the United States of America,
Ottawa, Canada.

December 19, 1947, and January 5, 13, 1948
[T. I. A. S. 2061]

Agreement between the United States of America and Haiti respecting a cooperative food production program in Haiti, confirming and extending the agreement of August 28, 1944, as modified and extended. Effected by exchange of notes signed at Port-au-Prince December 19, 1947, and January 5, 1948; entered into force January 5, 1948. And agreements between the Haitian Government and the Institute of Inter-American Affairs. And exchange of notes signed January 13, 1948.

The American Ambassador to the Haitian Minister for Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 433

Port-au-Prince, Haiti, December 19, 1947

EXCELLENCY:

I have the honor to refer to the agreement executed on August 28, 1944 between the Minister of Agriculture on behalf of the Government of Haiti and the Vice-President of the Institute of Inter-American Affairs on behalf of the United States, as amended and extended by subsequent agreements signed by representatives of the two parties on July 20, 1945, October 16, 1945, and December 27, 1946, providing for a cooperative program in food production in the Republic of Haiti.

Post, p. 3953.

Post, pp. 3961, 3964, 3965.

Additional activities.

In accordance with such agreements, the cooperative program in food production was inaugurated in Haiti and a small staff of experts and technicians was sent to Haiti by the Institute to cooperate with officials of the Haitian Government in realizing the objectives of such program. As your Government is aware, recent studies made by officials of the Haitian Government in cooperation with members of the field staff of the Institute in Haiti have resulted in a proposal that certain additional activities be undertaken and carried out in order to accomplish more fully the general objectives of the program provided further funds are made available by the Haitian Government and the Institute for such additional activities.

Additional funds.

I have now been informed by the Department of State in Washington that the Institute, on behalf of the United States Government, will, if the Government of Haiti so desires, agree to the contribution of additional funds in the amount of $25,000 to be used in carrying out the program on condition that the Government of Haiti contribute an additional amount having the equivalent in Haitian currency of $75,000 U.S. Cy.

Except for the contributions of the additional funds, as mentioned above, all of the present terms and conditions provided for in the existing arrangement between the Government of Haiti and the Institute with respect to the cooperative program in food production

shall remain in effect during the period covered by the present agreement, that is, through June 30, 1948.

If Your Excellency agrees that the proposed arrangement as outlined above is acceptable to your Government, I should appreciate receiving an expression of Your Excellency's opinion, and agreement thereto as soon as may be possible in order that final arrangements for signing a proposed Supplemental Agreement covering such matters may be made by the officials of the Government of Haiti and the Institute of Inter-American Affairs.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

HAROLD H. TITTMANN

His Excellency
EDMÉE MANIGAT
Minister for Foreign Affairs
Port-au-Prince

The Haitian Secretary of State for Foreign Relations ad interim to the American Ambassador

SECRÉTAIRERIE D'ETAT
DES
RELATIONS EXTÉRIEURES
EC/A–4: 391

RÉPUBLIQUE D'HAÏTI
Port-au-Prince, le 5 Janvier 1948.

MONSIEUR L'AMBASSADEUR,

Faisant suite à ma lettre du 26 Décembre écoulé No. EC/A–4: 365, j'ai l'honneur d'informer Votre Excellence que le Gouvernement Haitien est disposé à verser une valeur de $75.000.00 U.S.Cy comme quote-part additionnelle à l'exécution du programme coopératif pour la production de vivres alimentaires.

En conséquence il m'est agréable de porter à la connaissance de Votre Excellence que le Gouvernement Haitien est prêt à signer l'Accord supplémentaire visé dans sa lettre du 19 Décembre dernier, No. 433.

Je saisis cette occasion pour réitérer à Votre Excellence, Monsieur l'Ambassadeur, l'assurance de ma très haute considération.

HONORAT

Georges Honorat
Secrétaire d'Etat des
Relations Extérieures a. i.

Son Excellence
Monsieur HAROLD H. TITTMANN,
Ambassadeur Extraordinaire et
Plénipotentiaire des Etats-Unis d'Amérique
Port-au-Prince.

Translation

MINISTRY OF STATE
FOR
FOREIGN RELATIONS
EC/A–4: 391

REPUBLIC OF HAITI
Port-au-Prince, January 5, 1948.

MR. AMBASSADOR:

Following my letter No. EC/A–4: 365 of December 26, [1] last, I have the honor to inform Your Excellency that the Haitian Government is prepared to contribute the amount of $75,000.00, United States Currency, as an additional share for the implementation of the cooperative program of foodstuffs production.

Consequently, I have the pleasure of notifying Your Excellency that the Haitian Government is ready to sign the supplementary Agreement referred to in its letter of December 19 last, No. 433.

Ante, p. 3950.

I avail myself of this opportunity to repeat to Your Excellency, Mr. Ambassador, the assurance of my very high consideration.

HONORAT

Georges Honorat
Secretary of State
for Foreign Relations ad interim

His Excellency
Mr. HAROLD H. TITTMANN,
Ambassador Extraordinary and
Plenipotentiary of the United States of America
Port-au-Prince.

[1] Not printed.

Memorandum of agreement between the Haitian Government and the Institute of Inter-American Affairs. Signed at Port-au-Prince, August 28, 1944; operative August 28, 1944.

MEMORANDUM OF AGREEMENT

The Government of the Republic of Haiti (hereinafter referred to as the "Government") and The Institute of Inter-American Affairs (hereinafter referred to as the "Institute"), a corporation of the Office of the Coordinator of Inter-American Affairs and an agency of the Government of the United States of America, have agreed to undertake a cooperative food production program for the purpose of alleviating adverse effects of the present war upon Haitian agriculture by assisting in the production of food crops with a view to stabilizing Haitian agriculture and increasing the supply of food available in accordance with the following terms and conditions.

The Government.

The Institute.

1. The cooperative food supply program may include (a) furnishing the Haitian farmers with seeds, planting stock, tools, insecticides, and other similar materials, and establishing grain storage and grain protection facilities in the Republic; (b) training Haitian Agricultural personnel; (c) furnishing technical advice and assistance to the Government of Haiti and to the farmers cooperating in increasing food production; and (d) such other projects and activities as may be determined necessary and advisable to stimulate the production of food crops.

Food production program.

2. The Institute will provide a field party of agricultural specialists acceptable to the Minister of Agriculture to assist in the consummation of the cooperative food production program. The field party shall be under the direction of an official who shall have the title of Chief of Field Party, Food Supply Division, The Institute of Inter-American Affairs. This official shall be the representative of the Institute in connection with the program to be undertaken in accordance with this agreement. The field party shall be of such size as the Institute, in agreement with the Department of Agriculture, considers appropriate.

Field party.

Chief of Field Party.

3. The cooperative food production program in Haiti shall consist of individual projects to be undertaken for the purpose of implementing the program. The projects and the funds allocated therefor shall be mutually agreed upon by the Minister of Agriculture for the Republic and the Chief of Field Party for the Institute.

Individual projects.

4. The cooperative food production program shall be undertaken and administered by the Ministry of Agriculture, with the assistance

Administration

of the Institute. In order that there may be funds to be used for the purpose of carrying out the cooperative food production program, it is agreed that the Institute shall make available the sum of $125,000 and that the Government shall make available the sum of $50,000. The funds to be made available by the two parties to this agreement are to be deposited in a bank named by the Government in the Republic of Haiti, which account shall be known as the "Cooperative Food Production Program–The Institute of Inter-American Affairs". The Government agrees to deposit the sum of $50,000 in said account upon the execution of this agreement and the Institute agrees to deposit the sum of $50,000 in said account upon the execution of this agreement. The Institute will also deposit in said account in such time or times and as required in the discretion of the Minister of Agriculture and the Chief of Party the additional sum of $75,000, making a total of $125.000 contribution by the Institute. The checks drawn against said account shall be signed by the Chief of Party of the Institute and an official designated by the Minister of Agriculture.

Establishment of account in bank.

Disbursement of funds.

The funds in the said account shall be disbursed by the Chief of Party only upon projects having the mutual approval of the Minister of Agriculture and the Chief of Party. Contracts and agreements involving the use of the funds of the said account shall be executed in the name of the Institute. The books and records of the Institute relating to the cooperative food production program in Haiti, shall be open at all times to inspection by both parties or authorized officials of the Government of Haiti. The Institute will furnish the Minister of Agriculture with such reports and accounting of funds of the said joint account at such times and in such detail as agreed to by the Minister of Agriculture and the Chief of Party.

Reports.

Funds withheld for purchases in U. S.

5. In view of the fact that some of the materials and supplies to be used in furthering the program must necessarily be purchased in the United States of America and paid for in dollars, the Chief of Party, upon joint approval of himself and the Minister of Agriculture may withhold from the deposits to be made by the Institute as hereinabove provided, an amount estimated to be necessary to pay for in dollars the purchases of materials and supplies in the United States of America. Any funds so withheld by the Institute for such purchases and not expended or obligated for materials or supplies shall be deposited in the said account referred to above at such time or times as may be determined upon by the two parties referred to in this paragraph.

Availability of funds; interest, etc.

6. The funds deposited by the parties to this agreement in the said account shall continue to be available for the purpose of this program during the existence of this agreement. Interest, if any, on any balances of funds to the credit of the said account shall be used for the purpose of carrying out the cooperative food production program. The parties hereto shall determine by mutual agreement the disposition of any unobligated funds remaining to the credit of the said account upon the termination of this agreement.

Exemption from taxes.

7. All employees of the Institute who are citizens of the United States and who are engaged in carrying out the objectives of the co-

operative food production program shall be exempted from all income tax payable to the Government of Haiti and from property taxes on personal property intended for their own use. Such employees shall also be exempt from head taxes and payment of custom and import duties on their personal effects, equipment and supplies for their own use.

If such effects are sold in Haiti, declaration will be made before the Fiscal Department of the National Bank of Haiti and full duty will be paid by the employees involved.

Office space, equipment, etc., furnished by Haiti.

8. The Government of Haiti in addition to the cash provided for above shall also furnish, if possible, office space, office equipment, except type-writer and adding machines, furnishings and will furnish such other materials and supplies, except automotive equipment, as are available and which may be necessary for the projects to be undertaken in connection with the cooperative food production program.

9. The Institute, in assisting with the cooperative food production program, shall be entitled to free postal, telegraph and telephone service, passes on railroads, rebates or preferential tariffs by domestic companies of maritime and river navigation, air travel, telegraph, telephone, railroad, etc., as are allowed to departments of the Government of Haiti and also freedom and immunity from import duties, excise, stamp, property, and any or all other taxes as well as all consular fees and charges, as allowed to departments of the Haitian Government.

Post, p. 3964.

10. The salaries, living allowances, traveling expenses and any other amounts directly payable to personnel of the Institute including the Chief of Party shall be paid exclusively from funds of the Institute and shall not be credited against the funds required to be deposited in the account herein described.

11. The Institute does not engage to make available any equipment, supplies or materials which are deemed necessary and essential by the Government of the United States of America to any phase of the war effort.

12. At the termination of this agreement, all property in the control of the parties to this agreement and which has been purchased with the funds of the said account shall be the property of the Government of Haiti.

Delegation of rights, powers, etc.

13. All rights, powers, and duties conferred by this agreement upon the Minister of Agriculture or the Chief of Party may be delegated to representatives thereof, provided that the said representatives shall be satisfactory to the other party.

Amendment.

14. This memorandum of agreement may be amended if deemed advisable by the Government of Haiti and the Institute of Inter-American Affairs and the amendments are to be in writing and signed by the representatives of the Government of Haiti and the Institute of Inter-American Affairs.

15. The Government of Haiti shall take the necessary legal steps to effectuate the terms of this agreement.

Effective date; duration.

16. This memorandum of agreement shall be effective as of the date hereof and shall remain in force until September 30, 1945.

Any balance of money not spent at the expiration of the term of this agreement shall be used to continue projects under way or previously agreed upon by the two parties.

IN WITNESS WHEREOF, the undersigned, duly authorized, sign the memorandum of agreement in duplicate, in English and in French, at Port-au-Prince, this 28th day of August 1944.

FOR THE GOVERNMENT OF THE REPUBLIC OF HAITI

M DARTIGUE

FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS

W C BRISTER

MEMORANDUM D'ACCORD

Le Gouvernement de la République d'Haiti (désigné ci-après "Le Gouvernement") et l'Institut des Affaires Inter-Américaines (désigné ci-après "L'Institut"), division de l'Office du Coordonnateur des Affaires Inter-Américaines, Agence du Gouvernement des Etats-Unis d'Amérique, sont d'accord pour entreprendre un programme coopératif de production de vivres alimentaires, dans le but d'alléger les conditions défavorables causées par la présente guerre sur l'agriculture haitienne en aidant à la production de produits alimentaires, dans le but de stabiliser l'agriculture haitienne et d'augmenter l'approvisionnement de vivres disponibles, selon les termes et conditions suivants:

1.–Le programme coopératif de production de vivres alimentaires pourra comprendre: (a) remise aux agriculteurs haitiens de semences, boutures, instruments aratoires, insecticides et autres matériels similaires et l'installation dans le pays de silos pour la conservation et l'emmagasinage de produits alimentaires; (b) facilités d'entrainement pour le personnel agricole Haitien; (c) conseil et assistance technique au Gouvernement Haitien et aux agriculteurs coopérant à l'augmentation de la production des vivres alimentaires, et, (d) tous autres projets et activités qui pourront être reconnus nécessaires et recommandables pour stimuler la production des vivres alimentaires.

2.– L'Institut fournira un groupe de Spécialistes en Agriculture acceptable au Secrétaire d'Etat de l'Agriculture pour aider à la réalisation du programme coopératif de production de vivres. Ce groupe de spécialistes sera placé sous la direction d'un fonctionnaire qui aura le titre de "Chef du Corps Technique délégué en Haiti, Division de Production de Vivres, Institut des Affaires Inter-Américaines." Ce fonctionnaire sera le représentant de l'Institut en ce qui concerne le programme à entreprendre en vertu de cet accord. Le Corps Technique comprendra autant de membres que l'Institut jugera nécessaire, d'accord avec le Département de l'Agriculture.

3.–Le programme coopératif de production de vivres alimentaires en Haiti consistera en projets spéciaux qui seront entrepris dans le but d'exécuter le dit programme. Les projets et les fonds qui y seront affectés seront conjointement approuvés par le Secrétaire d'Etat de l'Agriculture, pour le Gouvernement, et par le Chef du Corps Technique, pour l'Institut.

4.– Le programme coopératif de production de vivres alimentaires sera entrepris et administré par le Département de l'Agriculture, avec l'assistance de l'Institut. Afin de constituer les fonds nécessaires en vue de l'exécution du programme coopératif de production de vivres alimentaires, il est entendu que l'Institut avancera la somme de $125.000 et le Gouvernement la somme de $50.000.—Les fonds qui devront être

versés par les deux parties à cet accord devront être déposés dans une banque, en Haiti, désignée par le Gouvernement, lesquels constitueront un compte désigné sous la rubrique : "Programme Coopératif de Production de Vivres Alimentaires—Institut des Affaires Inter-Américaines". Le Gouvernement accepte de verser la somme de $50.000 au dit compte dès la mise en vigueur du présent accord et l'Institut accepte également de déposer la somme de $50.000 au dit compte au même moment. L'Institut déposera en outre au dit compte, en un seul versement ou par tranches, à la discrétion du Secrétaire d'Etat de l'Agriculture et du Chef du Corps Technique, la somme additionnelle de $75.000, portant ainsi le total des contributions de l'Institut à $125.000. Les chèques émis sur ce compte devront être signés par le Chef du Corps Technique de l'Institut et par un représentant du Secrétaire d'Etat de l'Agriculture.

Les fonds du dit compte seront dépensés par le Chef du Corps Technique, seulement pour les projets qui auront été approuvés par le Secrétaire d'Etat de l'Agriculture conjointement avec le Chef du Corps Technique. Les contrats et accords impliquant l'usage des fonds du dit compte devront être exécutés au nom de l'Institut. Les livres et archives de l'Institut, relatifs au programme coopératif de production de vivres alimentaires en Haiti, devront être ouverts à n'importe qual moment pour l'inspection par les deux parties au présent accord ou par des fonctionnaires autorisés du Gouvernement d'Haiti. L'Institut fournira au Secrétaire d'Etat de l'Agriculture tous rapports et pièces comptables relatifs aux fonds du dit compte commun aux deux parties, à tel moment et dans tels détails qui seront fixés par le Secrétaire d'Etat de l'Agriculture et le Chef du Corps Technique.

5.– Etant donné qu'une partie du matériel et des fournitures à employer dans l'exécution du programme doit être nécessairement achetée aux Etats-Unis d'Amérique et payée en dollars, le Chef du Corps Technique, après accord avec le Secrétaire d'Etat de l'Agriculture, pourra retenir des versements, plus haut mentionnés, à faire par l'Institut, toute somme reconnue nécessaire pour payer en dollars les achats de matériel et fournitures faits aux Etats-Unis d'Amérique. Tout fonds retenu par l'Institut pour de tels achats et qui n'aura pas été dépensé ou qui ne sera pas déjà engagé pour achat de matériel ou fournitures sera versé au dit compte, à tel moment qui pourra être déterminé par les deux parties mentionnées au présent paragraphe.

6.– Les fonds déposés au dit compte par les parties au présent accord continueront à être disponibles pour l'exécution de ce programme pendant la durée de cet accord. Les intérêts, s'il y en a, sur toutes balances de fonds au crédit du dit compte seront utilisés dans le but de mener à bonnes fins le programme coopératif de production de vivres alimentaires. Les parties, en outre, détermineront, après entente mutuelle, l'utilisation de tous fonds sur lesquels il n'y aura aucune obligation et restant au crédit du dit compte au moment de la cessation du présent accord.

7.–Tous les employés de l'Institut qui seront citoyens des Etats-Unis et qui seront engagés dans l'exécution du programme coopératif de production de vivres alimentaires seront exonérés de tout impôt sur le revenu payable au Gouvernement d'Haiti et de toute taxe sur les biens mobiliers destinés à leur usage personnel. De tels employés seront aussi dispensés du paiement de la carte d'identité, du permis de séjour, des droits de douane à l'importation sur leurs effets personnels et sur les équipements et fournitures destinés à leur usage personnel. En cas de vente, en Haiti, de ces derniers articles, déclaration devra être faite au préalable à la Banque Nationale de la République d'Haiti (Département Fiscal) qui émettra des bordereaux en paiement des droits de Douane, conformément aux lois douanières.

8.– Le Gouvernement d'Haiti, outre la valeur versée, comme stipulé plus haut, fournira également, si possible, le logement pour les bureaux, les ameublements et matériel de bureau, excepté les machines à écrire et à calculer, et fournira également tels autres matériels et fournitures dont il dispose, excepté le matériel roulant, qui peuvent être nécessaires pour les projets à entreprendre en relation avec le programme coopératif de production de vivres.

9.–L'Institut, en donnant son assistance en vue du programme coopératif de production des vivres, aura droit à la franchise postale, à l'usage gratuit du Service des téléphones et télégraphes, passage sur les chemins de fer, rabais ou tarifs préférentiels accordés par les Compagnies locales, maritimes et de navigation fluviale, de ligne aérienne, de téléphones, de télégraphes, de chemins de fer, etc.., tels que ces franchise, usage gratuit, rabais ou tarifs préférentiels sont accordés aux Services du Gouvernement Haitien, ainsi que l'exemption des droits d'accise et d'importation et de toutes autres taxes, y compris les taxes et frais consulaires, pour autant que les Services du Gouvernement en sont exonérés.

10.– Les salaires, les frais de logement et d'entretien, les dépenses pour voyages et toutes autres valeurs directement payables au personnel de l'Institut, y compris le Chef du Corps Technique, seront payés exclusivement avec les fonds de l'Institut et ne seront pas supportés par les fonds qui doivent être déposés au compte prévu au présent accord.

11.– L'Institut ne s'engage à fournir aucun équipement, fournitures ou matériel qui sont jugés nécessaires et essentiels par le Gouvernement des Etats-Unis d'Amérique à n'importe quelle phase de l'effort de Guerre.

12.– A l'expiration de cet Accord tous les biens en la possession des parties au présent accord et qui auront été achetés avec les fonds du compte plus haut mentionné seront propriété de l'Etat Haitien.

13.– Tous droits, pouvoirs et obligations conférés par cet accord au Secrétaire d'Etat de l'Agriculture ou au Chef du Corps Technique pourront être délégués à des représentants, pourvu que ces représentants soient acceptables à l'autre partie.

14.–Ce Memorandum d'Accord pourra être amendé au gré du Gouvernement Haitien et de l'Institut des Affaires Inter-Américaines et

les amendements devront être faits par écrit signés par les représentants du Gouvernement d'Haiti et de l'Institut des Affaires Inter-Américaines.

15.– Le Gouvernement d'Haiti prendra les mesures légales pour rendre effectif les termes du présent Accord.

16.– Ce Memorandum d'Accord sera effectif à la dâte de sa signature et restera en vigueur jusqu'au 30 Septembre 1945. Toute balance de fonds non dépensée à l'expiration de cet accord, devra être utilisée pour continuer les projets en cours ou ceux qui auront été antérieurement approuvés par les deux parties.

En foi de quoi, les soussignés dûment autorisés, signent le présent Memorandum d'Accord en double, en anglais et en français, à Port-au-Prince, ce 28 Août 1944.

M DARTIGUE

POUR LE GOUVERNEMENT DE LA REPUBLIQUE D'HAITI

W C BRISTER

POUR L'INSTITUT DES AFFAIRES INTER-AMERICAINES

Extension agreement between the Haitian Government and the Institute of Inter-American Affairs. Signed at Port-au-Prince, June 25, 1945, and at Washington July 20, 1945; operative July 20, 1945.

EXTENSION AGREEMENT

The Government of the Republic of Haiti (hereinafter referred to as "the Government") and The Institute of Inter-American Affairs (hereinafter referred to as "the Institute"), a corporation of the Office of Inter-American Affairs (formerly the Office of the Coordinator of Inter-American Affairs) and an Agency of the United States of America, having jointly executed on August 28, 1944, a Memorandum of Agreement (hereinafter called "the Agreement") covering a Cooperative Food Production Program in the Republic, and in view of the mutual advantages and benefits that are being derived by the two nations from the operation of such cooperative program have agreed to extend the Agreement in accordance with the following terms and conditions:

"The Government." "The Institute."

Ante, p. 3953. "The Agreement."

1. In addition to the sum of $125,000 made available by the Institute as referred to in paragraph 4 of the Agreement, the Institute shall make available the additional sum of $50,000 for the continuation of the cooperative food production program in Haiti, thereby making a total of $175,000 which the Institute has agreed to provide for such purpose. In addition to the sum of $50,000 made available by the Government, also referred to in paragraph 4 of the Agreement, the Government shall make available for the continuation of the same program the additional sum of $50,000, thereby making a total of $100,000 which the Governement has agreed to provide for such program.

Additional sums for continuation. *Ante*, p. 3953.

2. The Governement agrees to deposit on October 1, 1945 in the bank account "Cooperative Food Production Program—The Institute of Inter-American Affairs" heretofore established pursuant to the Agreement, the entire additional sum of $50,000 and The Institute agrees to deposit the sum of $35,000 in said account on said date. The Institute will also deposit in said account at such time or times, subsequent to October 1, 1945, as may be required in the joint discretion of the Minister of Agriculture and the Chief of Party, the additional sum of $15,000, provided that there may be retained by the Institute from the deposit of said additional sum of $15,000, such portion thereof as the Minister and the Chief of Party may jointly determine should be retained by the Institute for the purpose of paying in dollars the cost of purchases made in the United States for the said program.

Deposits.

Force and effect of prior agreement.

3. The said Agreement will remain in full force and effect for the purpose of extending the said cooperative food production program in Haiti until December 31, 1946 and the terms and provisions therein contained, except as modified by this Extension Agreement, will apply during the continuation of the said program. The administrative policies and procedures established by joint action of the Minister and the Chief of Party pursuant to, and in order to carry out the terms of, the Agreement will continue to apply with respect to such cooperative program until the termination of the program on December 31, 1946.
4. The Governement of Haiti shall take the necessary legal steps to effectuate the terms of this Extension Agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized, sign the extension agreement in duplicate, in English and in French, at Port-au-Prince, this 25th day of June 1945, and in Washington, this 20th day of July 1945.

FOR THE GOVERNMENT OF THE REPUBLIC OF HAITI

By M DARTIGUE

FOR THE INSTITUTE OF INTER AMERICAN AFFAIRS

By W C BRISTER

ACCORD DE PROLONGATION

Le Gouvernement de la République d'Haiti (dénommé ci-dessous "le Gouvernement") et l'Institut des Affaires Inter-Américaines (dénommé ci-dessous "l'Institut") une division de l'Office des Affaires Inter-Américaines (anciennement l'Office du Coordonnateur des Affaires Inter-Américaines) et une Agence du Gouvernement des Etats-Unis d'Amérique, ayant conjointement signé le 28 Août 1944 un Memorandum d'Accord (dénommé ci-dessous "l'Accord") relatif à un Programme Coopératif de Production de Vivres Alimentaires et, en vue des avantages et bienfaits mutuels que tirent les deux Nations de l'exécution d'un tel programme coopératif, sont convenus d'étendre la durée de l'Accord suivant les termes et conditions suivants:

1.– En plus de la valeur de $125,000 fournie par l'Institut comme il est mentionné au paragraphe 4 de l'Accord, l'Institut accordera une somme additionnelle de $50,000 pour la continuation du programme coopératif de vivres alimentaires en Haiti, portant ainsi à $175,000 le montant total que l'Institut s'est engagé à fournir à cette fin. En plus de la valeur de $50,000 fournie par le Gouvernement, comme il est aussi mentionné au paragraphe 4 de l'Accord, le Gouvernement donnera pour la continuation du même programme une somme additionnelle de $50,000, ce qui portera à $100,000 le montant total que le Gouvernement a accepté de fournir pour ce programme.

2.– Le Gouvernement s'engage à déposer le 1er Octobre 1945 au Compte Spécial "Programme Coopératif de Production de Vivres Alimentaires, Institut des Affaires Inter-Américaines" déjà établi en vertu de l'Accord, le montant entier de la somme additionnelle de $50,000 et l'Institut s'engage à déposer la somme de $35,000 au même compte et à la même date. L'Institut déposera aussi au même compte, à l'époque ou aux époques, postérieures au 1er Octobre 1945, que le Secrétaire d'Etat de l'Agriculture et le Chef du Corps Technique délégué en Haiti jugeront utile, la somme additionnelle de $15,000.– Il est cependant entendu que l'Institut pourra garder aux Etats-Unis d'Amérique toute portion de cette valeur additionnelle de $15,000 que le Secrétaire d'Etat de l'Agriculture et le Chef du Corps Technique pourront conjointement décider de faire retenir par l'Institut dans le but de payer en dollars les achats faits aux Etats-Unis d'Amérique pour l'exécution du dit programme.

3.– Le dit Accord restera en vigueur dans le but d'étendre le dit programme de production de vivres alimentaires en Haiti jusqu'au 31 Décembre 1946 et les termes et stipulations qui y sont contenus, excepté ceux qui sont modifiés par cet Accord de Prolongation, seront appliqués durant la continuation du dit programme.

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Les pratiques et procédures administratives établies conjointement par le Secrétaire d'Etat de l'Agriculture et le Chef du Corps Technique, en vertu de l'Accord et en vue de son exécution, continueront à être appliquées en ce qui concerne le programme coopératif jusqu'à son expiration le 31 Décembre 1946.

4.– Le Gouvernement de la République d'Haiti prendra toute action légale nécessaire pour mettre en exécution les termes du présent Accord de Prolongation.

Le Présent Accord de Prolongation a été signé en double original en Anglais et en Français, à Port-au-Prince, le 25 Juin 1945 et à Washington le 20 Juillet 1945, par les soussignés dûment autorisés.

POUR LE GOUVERNEMENT DE LA REPUBLIQUE D'HAITI

M DARTIGUE

Secrétaire d'Etat de l'Agriculture

POUR L'INSTITUT DES AFFAIRES INTER-AMERICAINES

W C BRISTER

Memorandum of agreement between the Haitian Government and the Institute of Inter-American Affairs. Signed October 16, 1945; operative October 16, 1945.

MEMORANDUM OF AGREEMENT [1]

AMENDMENT NUMBER 1

The memorandum of agreement executed on behalf of the Republic of Haiti and the Institute of Inter-American Affairs on August 28, 1944, providing for a Cooperative Food Production Program is hereby amended as follows:

Ante, p. 3953.

On the last line of paragraph 9, the words "as allowed to departments of the Haitian Government" shall be stricken out.

Ante, p. 3955.

IN WITNESS WHEREOF the parties hereto have caused this amendment to be executed by their duly authorized representatives this sixteenth day of October 1945.

REPUBLIC OF HAITI

by M. DARTIGUE

Minister of Agriculture

THE INSTITUTE OF INTER-AMERICAN AFFAIRS

by J. A. BAZAN

Acting Chief of Party

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[1] No French language text available.

Second extension agreement between the Haitian Government and the Institute of Inter-American Affairs. Signed December 27, 1946; operative December 27, 1946.

SECOND EXTENSION AGREEMENT

Relative to the Extension of the Cooperative Program in Food Production undertaken by the Government of the Republic of Haiti and the Government of the United States of America

This Second Extension Agreement between the Government of the Republic of Haiti (hereinafter called the "Government"), represented by Maurice Latortue, Minister of Agriculture of the Government of Haiti (hereinafter called the "Minister"), and the Institute of Inter-American Affairs, a corporate instrumentality of the Government of the United States of America (hereinafter called the "Institute"), represented by W. C. Brister, Vice President of the Institute, is entered into for the purpose of recording this second extension and modification of the cooperative program which was undertaken pursuant to a Memorandum of Agreement (hereinafter called the "Basic Agreement") executed on August 28, 1944 by W. C. Brister, Vice President of the Institute, and M. Dartigue, the Minister. The Basic Agreement was extended until December 31, 1946 pursuant to the Extension Agreement executed on July 20, 1945 by W. C. Brister, Vice President of the Institute and M. Dartigue, Minister of Agriculture of the Government of Haiti.

The Government.

The Minister.

The Institute.

"Basic Agreement." *Ante*, p. 3953.

Ante, p. 3961.

CLAUSE I

The parties hereto mutually intend, agree and declare that the Basic Agreement, as extended, be and hereby is further extended for an additional period of eighteen months, beginning the first day of January, 1947 and continuing until the thirtieth day of June, 1948, and modified according to the clauses hereinafter set forth.

Extension and modification. *Ante*, pp. 3953, 3961.

CLAUSE II

The financial obligations of the Institute and the Government of the Republic of Haiti under the Basic Agreement are considered to have been fulfilled by the contribution of $125,000 (USC) in United States currency, materials, supplies and equipment of any kind by the Institute; and by the contribution of Gourdes equivalent to $50,000 (USC) by the Government. In the same manner, the financial obligations of the Institute and Government under the Extension Agreement are considered to have been fulfilled by the contribution of $50,000 (USC) in United States currency, materials, supplies, and

Fulfillment of financial obligations.

equipment of any kind by the Institute; and by the contribution of Gourdes equivalent to $50,000 (USC) by the Government. Any of these funds remaining unexpended at the expiration of the Extension Agreement shall continue to be available for the purposes of the cooperative program of Food Production provided for in this Second Extension Agreement.

CLAUSE III

The Cooperative Food Production Program shall be financed by the parties during the period comprehended by this agreement as follows:

Deposit by the Institute.

(a) The Institute shall contribute a sum not to exceed Fifty Thousand Dollars ($50,000 USC) which shall be deposited in the joint account which has already been established, entitled "Cooperative Food Production Program—The Institute of Inter-American Affairs" (hereinafter called the "Joint Account"), in the following manner:

Joint Account.

On or before January 1, 1947	$25,000
On July 1, 1947	15,000
On December 31, 1947	10,000
Total	$50,000

Funds withheld for purchases in U.S.

(b) The Institute may withhold from the deposits called for by CLAUSE III (a) the estimated amounts deemed necessary by the Minister and the Chief of Field Party to pay for the purchase in the United States of America of materials, supplies and equipment, and other disbursements relating to the execution of this program. Any funds so withheld by the Institute shall be considered as if deposited under the terms under CLAUSE III (a) hereof but, if they are not expended or obligated for such purposes, they shall be deposited in the Joint Account at any time upon the mutual agreement of the Minister and the Chief of Field Party of the Institute in Haiti.

(c) In addition to the sum to be deposited in the Joint Account under CLAUSE III (a) hereof, the Institute will make a separate allocation of funds necessary to pay the salaries, living expenses, travel and transportation costs and other administrative and technical expenses of the members of the Institute Field Party and of other Institute employees in Haiti during the period comprehended by this Second Extension Agreement. The estimated sum of approximately $150,000 USC will be allocated for these purposes separately and apart from the funds to be deposited in the Joint Account by the Institute.

Deposit by the Government.

(d) The Government shall deposit into the Joint Account the equivalent in Haitian currency of One Hundred Seventy-Five Thousand Dollars ($175,000 USC) at the conversion rate of five (5) Gourdes per U. S. Dollar in the following manner:

On or before January 1, 1947	$87,500
On or before July 1, 1947	87,500
Total	$175,000

(e) By written agreement between the Minister and the Chief of Field Party of the Institute in Haiti, the schedule for making deposits as provided under CLAUSES III (a) and (d) hereof may be amended as required by the needs of the program. Amendment of deposit schedules.

(f) Contributions, in addition to those set out in CLAUSES III (a) and (d) hereof, may be received and deposited in the Joint Account from any source whatsoever and expended by it, in the same manner as other funds, for the uses and objectives in the cooperative program in Food Production. Additional contributions.

(g) Any funds deposited in the Joint Account which may be unexpended and unobligated at the termination of the period comprehended by this Second Extension Agreement, will remain the property of the Government and continue to be used in furtherance of the purposes of the cooperative program. However, in order to insure the realization of the objectives of the Cooperative program of Food Production, the Minister and the Chief of Field Party of the Institute in Haiti will determine by mutual agreement the precise use and the disposition to which all such unexpended and unobligated funds and property will be applied after the expiration of this Second Extension Agreement. Unexpended funds.

(h) By mutual agreement between the Minister and the Chief of Field Party of the Institute in Haiti, funds deposited in the Joint Account may be used to reimburse or to defray the salaries, living expenses, travel and transportation costs and other expenses of such additional members of the Institute Field Party and other Institute employees in Haiti as the parties mentioned may agree are necessary to be employed. Such funds may be contributed or granted for such purposes from the Joint Account to the Institute or to any other organization, but in every case the Minister and the Chief of Field Party will enter into a written project agreement setting forth the scope and other necessary terms of such contributions or grants. Salaries and expenses of additional personnel.

CLAUSE IV

The Chief of Field Party, acting on behalf of the Institute, shall be allowed to withdraw imports and all other shipments from the customs warehouse upon his certification to the Director of Customs that the imports and shipments received consist of equipment or materials to be used in connection with the conduct of the activities of the Cooperative Food Production Program.

CLAUSE V

The administrative policy and procedures heretofore established by joint action of the Minister and the Chief of Field Party, pursuant

Ante, p. 3953.
Ante, p. 3961

to, and in order to carry out the terms of the Basic Agreement and the Extension Agreement, will continue to apply with respect to the Cooperative Food Production program for the period comprehended under this second Extension Agreement.

CLAUSE VI

Force and effect of prior agreements.
Ante, pp. 3953, 3961.

The Agreement and the Extension Agreement heretofore referred to, shall remain in full force and effect for the purposes of extending the Cooperative Food Production program through June 30, 1948, except as they are modified by or are inconsistent with this Second Extension Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Second Extension Agreement to be executed by their duly authorized representatives, in duplicate, in the English and French languages at Port-au-Prince, Haiti this twenty-seventh day of December, 1946.

FOR THE REPUBLIC OF HAITI

BY MAURICE LATORTUE
Minister of Agriculture

FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS

BY W. C. BRISTER
Vice President

SECOND ACCORD DE PROLONGATION

Relatif à la Prolongation du Programme Coopératif pour la Production de Vivres Alimentaires entrepris par le Gouvernement de la République d'Haiti et le Gouvernement des Etats-Unis d'Amérique.

Ce Second Accord de Prolongation entre le Gouvernement de la République d'Haiti (ci-après dénommé le "Gouvernement"), représenté par Maurice Latortue, Ministre de l'Agriculture du Gouvernement de la République d'Haiti (ci-après dénommé le "Ministre") et The Institute of Inter-American Affairs, une agence du Gouvernement des Etats-Unis d'Amérique (ci-après dénommé "l'Institute") représenté par W. C. Brister, Vice-Président de l'Institute, est signé pour prolonger une deuxième fois, tout en le modifiant, le programme coopératif entrepris conformément au Memorandum d'Accord (ci-après dénommé "Accord Originaire") signé le 28 Aout 1944 par W. C. Brister, Vice-Président de l'Institute et M. Dartigue, Ministre. L'Accord Originaire fut prolongé pour une période prenant fin le 31 Décembre 1946, conformément à l'Accord de Prolongation signé le 20 Juillet 1945 par W. C. Birster, Vice-Président de "l'Institute" et M. Dartigue, Ministre de l'Agriculture du Gouvernement de la République d'Haiti.

CLAUSE I

Les parties sus-désignées désirent et conviennent mutuellement que l'Accord Originaire, comme déjà modifié par l'Accord de Prolongation, soit encore prolongé, et, par les présentes, déclarent que l'Accord est prolongé pour une période additionnelle de dix-huit mois, à commencer le premier jour de Janvier 1947 et à finir le trentième jour de Juin 1948, moyennant les modifications prévues aux clauses ci-dessous.

CLAUSE II

Les obligations financières de "l'Institute" et celles du Gouvernement de la République d'Haiti prises en vertu de l'Accord Originaire sont considérées comme avoir été remplies. Pour "l'Institute", par l'apport de $125,000 (USC) en espèces, matériaux, fournitures et matériel de toutes sortes; et pour le Gouvernement, par l'apport en Gourdes d'une valeur équivalente à $50,000 (USC). Egalement les obligations de "l'Institute" et celles du Gouvernement prises en vertu de l'Accord de Prolongation sont considérées comme avoir été remplies par l'apport, par "l'Institute" de $50,000 (USC) en espèces, matériaux, fournitures et matériel de toutes sortes et par celui, en Gourdes, par le Gouvernement, d'une valeur équivalente à $50,000 (USC). Toute valeur non dépensée à l'expiration de l'Accord de Prolongation continuera à être disponible pour l'exécution du programme coopératif de Production de Vivres Alimentaires comme prévu dans ce Second Accord de Prolongation.

CLAUSE III

Le Programme Coopératif de Production de Vivres Alimentaires sera financé par les parties durant la période stipulée dans cet Accord comme suit:

(a) "L'Institute" contribuera pour une somme n'excédant pas Cinquante Mille Dollars ($50,000) USC) laquelle somme sera déposée dans le compte déjà ouvert sous la rubrique "Programme Coopératif de Production de Vivres Alimentaires–Institute of Inter-American Affairs (ci-après appelé "Compte Commun") (Joint Account), de la manière suivante:

Le ou avant le 1er Janvier 1947	$25,000
Le 1er Juillet 1947	15,000
Le 31 Décembre 1947	10,000
Total:	$50,000

(b) "L'Institute" peut retenir des fonds déposés suivant la Clause III (a) les valeurs estimées nécessaires, par le Ministre et le Chef du Corps Technique (Chief of Field Party) à l'achat, aux Etats-Unis d'Amérique, de matériaux, fournitures et matériel et au paiement des autres dépenses relatives à l'exécution de ce programme. Les valeurs ainsi retenues par "l'Institute" seront considérées comme déposées selon les termes de la Clause III (a), de la présente, mais, si ces valeurs ne sont pas dépensées ou engagées aux fins ci-dessus, elles seront transférées au Compte Commun à n'importe quel moment et ce, suivant commun accord entre le Ministre et le Chef du Corps Technique de "l'Institute" en Haiti.

(c) En addition à la somme à déposer au Compte Commun suivant la Clause III (a), dela présente, l"Institute" fera séparément une prévision de fonds nécessaire au paiement des salaires, frais d'entretien, frais de voyage et de transport et des autres dépenses administratives et techniques des membres de la Mission Technique de "L'Institute" et autres employés de "l'Institute" en Haiti durant la période stipulée par ce Second Accord de Prolongation. Une somme estimée à environ $150,000 (USC) sera allouée à ces fins, laquelle somme ne sera pas comprise dans les fonds à déposer par "l'Institute" au Compte Commun.

(d) Le Gouvernement déposera au Compte Commun la contrevaleur en monnaie haitienne de Cent Soixante-Quinze Mille Dollars ($175,000 USC) au taux de conversion de cinq (5) Gourdes pour un dollar américain, de la manière suivante:

Le ou avant le 1er Janvier 1947	$87,500
Le 1er Juillet 1947	87,500
Total:	**$175,000**

(e) Par accord signé du Ministre et du Chef du Corps Technique de "l'Institute" en Haiti, les dates arrêtées aux Clauses III (a) et (d), de la présente, pour déposer les fonds, pourront être changées selon les besoins du programme.

(f) En addition aux apports stipulés aux Clauses III (a) et (d), de la présente, d'autres apports de quelque provenance que ce soit, peuvent être reçus et déposés au Compte Commun, et seront dépensés suivant la procédure employée pour les autres fonds destinés à l'exécution du programme coopératif de Production de Vivres Alimentaires.

(g) Toute valeur déposée au Compte Commun et non employée ou non engagée à la fin de la période stipulée dans ce Second Accord de Prolongation restera la propriété du Gouvernement et servira à continuer le programme coopératif. Cependant, dans le but d'assurer la réalisation des buts du Programme Coopératif de Production de Vivres Alimentaires, le Ministre et le Chef du Corps Technique de "l'Institute" en Haiti d'un commun accord à l'expiration du Second Accord de Prolongation, détermineront l'usage précis des fonds non utilisés et non engagés et celui des autres biens.

(h) D'un commun accord entre le Ministre et le Chef du Corps Technique de "l'Institute" en Haiti, les fonds déposés au Compte Commun peuvent être employés pour rembourser ou couvrir les salaires, frais d'entretien, frais de voyage et de transport et autres dépenses des membres additionnels de la Mission Technique de "l'Institute" et des employés en Haiti que les parties ci-dessus mentionnées peuvent juger nécessaire d'employer. Ces fonds peuvent être tirés du Compte Commun sous forme de contribution ou de don accordé à "l'Institute" ou à toute autre organisation, mais dans chaque cas, le Ministre et le Chef du Corps Technique devront signer un accord de projet établissant les buts et autres conditions de telle contribution ou don.

CLAUSE IV

Le Chef du Corps Technique, agissant au nom de "l'Institute", sera autorisé à retirer des dépots de la douane les articles importés et tous autres articles reçus sur un certificat au Directeur de la Douane attestant que ces articles importés et reçus consistant en matériel, fournitures, sont pour l'exécution du Programme Coopératif de Production de Vivres Alimentaires.

CLAUSE V

L'organisation administrative et les règlements actuellement en vigueur arrêtés d'un commun accord, entre le Ministre et le Chef du Corps Technique en vue de l'Exécution des termes de l'Accord Originaire et de ceux de l'Accord de Prolongation continueront à être appliqués en ce qui concerne le Programme Coopératif de Production de Vivres Alimentaires, pour la période stipulée dans ce Second Accord de Prolongation.

CLAUSE VI

L'Accord Originaire et l'Accord de Prolongation dont il est fait mention dans le présent instrument, continueront à avoir force et vigueur pour l'exécution du Programme Coopératif de Production de Vivres Alimentaires, à l'exception de leurs clauses modifiées par ou contraires à celles de ce Second Accord de Prolongation.

En foi de quoi, les parties ci-dessus désignées ont fait signer ce Second Accord de Prolongation par leurs représentants dûment autorisés en double original, en texte anglais et en texte français, à Port-au-Prince, ce vingt-septième jour de Décembre 1946.

GOUVERNEMENT DE LA REPUBLIQUE D'HAITI

PAR: MAURICE LATORTUE

Ministre de l'Agriculture

THE INSTITUTE OF INTER-AMERICAN AFFAIRS

PAR W. C. BRISTER

Vice-Président

SUPPLEMENTAL AGREEMENT

Relative to the Cooperative Program in Food Production undertaken by the Government of the Republic of Haiti and the Institute of Inter-American Affairs.

This Supplemental Agreement between the Government of the Republic of Haiti (hereinafter called the "Republic"), represented by Jean David, Secretary of State for Agriculture of the Republic (hereinafter called the "Secretary of State"), and The Institute of Inter-American Affairs, a corporate instrumentality of the Government of the United States of America (hereinafter called the "Institute") represented by W. Alan Laflin, Chief of Field Party of the Food Supply Division of the Institute in Haiti (hereinafter called the "Chief of Field Party"), is entered into for the purpose of recording a modification of the Cooperative Food Production Program in Haiti which was undertaken pursuant to a Memorandum of Agreement executed on August 28, 1944 by the Secretary of State for Agriculture on behalf of the Government of Haiti and the Vice-President of the Institute, as amended and extended by subsequent agreements signed by representatives of the two parties on July 20, 1945, October 16, 1945 and December 27, 1946 (all of which agreements are hereinafter collectively referred to as the "Basic Agreement").

The Republic.

The Secretary of State.

The Institute.

Chief of Field Party.

Ante, p. 3953.

Ante, pp. 3961, 3964, 3965.

Basic Agreement.

CLAUSE I

The parties hereto mutually intend, agree and declare that the Basic Agreement, as extended, be and hereby is further supplemented and modified according to the Clauses hereinafter set forth.

Supplementation and modification.

CLAUSE II

The parties hereby recognize, and acknowledge their financial obligations with respect to the Cooperative Food Production Program as required by the Basic Agreement to be in the amount of $175,000 on the part of the Institute which amount has been and is being contributed by the Institute in the form of United States Currency, materials, supplies, and equipment; and an amount equivalent in Haitian currency of $225,000 (USC) on the part of the Republic in the form of cash contributions to the joint account entitled, "Cooperative Food Production Program—The Institute of Inter-American Affairs" referred to in Clause III of the Extension Agreement signed on behalf of the parties hereto on December 27, 1946.

Financial obligations.

Ante, p. 3966.

CLAUSE III

Further financing.

The Cooperative Food Production Program shall be further financed by the parties during the period ending June 30, 1948 as follows:

A. The Institute shall contribute Twenty-Five Thousand Dollars ($25,000) which shall be deposited to the credit of the joint account referred to in Clause II hereof on or before January 15, 1948.

B. The Republic shall deposit in the said joint account referred to in Clause II hereof the equivalent in Haitian currency of Seventy-Five Thousand Dollars ($75,000) (USC), computed at the conversion rate of 5 Gourdes per U. S. dollar in accordance with the following schedule:

On or before the date of execution of this Supplemental Agreement	$25,000
On or before January 15, 1948	25,000
On or before March 15, 1948	25,000
Total	$75,000

C. The funds, deposited to the joint account referred to in Clause II hereof by either the Republic as to its second required deposit (equivalent of $25,000 USC) or the Institute as to its only deposit of $25,000, shall not be expended until both such deposits have been made as herein provided.

CLAUSE IV

Ante, pp. 3961, 3964, 3965.

All of the terms and conditions of the Basic Agreement which are not contrary to or inconsistent with the provisions of this Supplemental Agreement shall continue to remain in effect and be completely binding upon the parties hereto.

CLAUSE V

Effective date.
Post, p. 3977.

This Supplemental Agreement shall become effective as soon as appropriate diplomatic notes confirming and accepting the terms of this Supplemental Agreement have been exchanged [1] between the Secretariat of State for Foreign Affairs of the Republic and the Embassy of the United States of America to Haiti.

IN WITNESS WHEREOF, The parties hereto have caused this Supplemental Agreement to be executed by their duly authorized representatives, in duplicate, in the English and French languages at Port-au-Prince, Haiti, this eighth day of January, 1948.

FOR THE REPUBLIC OF HAITI

By JEAN DAVID

Secretary of State for Agriculture

FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS

By W ALAN LAFLIN

Chief of Field Party Food Supply Division in Haiti

[1] Jan. 13, 1948.

ACCORD SUPPLEMENTAIRE

relatif au Programme Coopératif de Production de Vivres alimentaires entrepris par le Gouvernement de la République d'Haiti et l'Institut des Affaires Inter-américaines.

Cet accord supplémentaire entre le Gouvernement de la République d'Haiti ci-après dénommé la "République", représenté par Monsieur Jean David, Secrétaire d'Etat de l'Agriculture (ci-après dénommé "le Secrétaire d'Etat") et l'Institut des Affaires Inter-américaines agence légale du Gouvernement des Etats-Unis d'Amérique (ci-après dénommé "l'Institut"), représenté par Monsieur W. Alan Laflin, Chef de Mission de la Division des Vivres alimentaires de l'Institut en Haiti (ci-après dénommé le "Chef de Mission") est conclu en vue de modifier le Programme Coopératif de Production de Vivres alimentaires en Haiti qui a été entrepris conformément à un Memorandum d'Accord signé le 28 août 1944 par le Secrétaire d'Etat de l'Agriculture au nom du Gouvernement Haitien et le Vice-Président de l'Institut, tel qu'amendé et prorogé par des accords subséquents signés par les représentants des deux parties le 20 juillet 1945, le 16 octobre 1945 et le 27 décembre 1946 (tous accords ci-après désignés collectivement par les termes "Accord Principal".)

CLAUSE I

Les parties entendent mutuellement, conviennent et déclarent que l'Accord Principal, tel que prorogé, sera et par la présente est complété et modifié selon les clauses ci-après arrêtées.

CLAUSE II

Les parties reconnaissent par la présente et certifient que leurs obligations financières relativement au Programme Coopératif de Production de Vivres alimentaires telles que définies dans l'Accord Principal sont de $175.000 de la part de l'Institut, laquelle somme a été et est actuellement payée par l'Institut sous forme de monnaie légale des Etats-Unis, matériel, fournitures et équipement; et d'un montant équivalent en monnaie légale d'Haiti de $225.000 (Monnaie légale des Etats-Unis) de la part de la République, laquelle contribution a été et est actuellement payée par la République sous forme de contribution en argent au compte commun intitulé "Programme Coopératif de Production de Vivres alimentaires-Institut des Affaires Inter-américaines" mentionné dans la clause III de l'Accord de Prorogation signé au nom des parties le 27 décembre 1946.

CLAUSE III

Le Programme Coopératif de Proudction de Vivres alimentaires sera en outre financé par les parties pendant la période finissant le 30 juin 1948 de la manière suivante :

A. L'Institut contribuera pour une somme de Vingt-Cinq Mille Dollars ($25.000) qui sera déposée au crédit du compte commun mentionné dans la clause II du présent accord le ou avant le 15 Janvier 1948.

B. La République fera le dépôt audit compte commun mentionné dans la clause II du présent accord de l'équivalent en monnaie haitienne de Soixante Quinze Mille Dollars ($75.000) (Monnaie légale des Etats-Unis) calculé au taux de conversion de 5 Gourdes pour 1 dollar américain conformément au tableau suivant :

A la date ou avant la date d'exécution du présent accord supplémentaire	$25.000
Le ou avant le 15 Janvier 1948	25.000
Le ou avant le 15 Mars 1948	25.000
TOTAL	$75.000

C. Les fonds, déposés par la République au compte commun mentionné dans la clause II du présent accord comme second dépôt (l'équivalent de $25.000 (Monnaie légale des Etats-Unis) ou par l'Institut comme unique dépôt de $25.000, ne seront pas dépensés jusqu'à ce que ces deux dépôts aient été faits comme ici prévu.

CLAUSE IV

Tous les termes et toutes les conditions de l'Accord Principal qui ne sont pas contraires aux dispositions du présent accord supplémentaire ou incompatibles avec elles continueront à s'appliquer et à lier complètement les parties.

CLAUSE V

Cet accord supplémentaire deviendra effectif aussitôt que les notes diplomatiques le confirmant et l'acceptant auront été échangées entre la Secrétairerie d'Etat des Relations Extérieures de la République d'Haiti et l'Ambassade des Etats-Unis d'Amérique en Haiti.

EN FOI DE QUOI, les parties intéressées, par leurs représentants dument qualifiés, ont signé le présent Accord Supplémentaire en double original, en anglais et en français, à Port-au-Prince, Haiti, ce 8 Janvier 1948

POUR LA REPUBLIQUE D'HAITI

JEAN DAVID

Secrétaire d'Etat de l'Agriculture

POUR L'INSTITUT DES AFFAIRES INTER-AMERICAINES

W ALAN LAFLIN

Chef de Mission Division des Vivres alimentaires en Haiti

The American Embassy to the Haitian Ministry for Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 471

The Embassy of the United States of America presents its compliments to the Secretariat of State for Foreign Affairs and has the honor to confirm and accept the Supplemental Agreement between the Government of the Republic of Haiti and the Institute of Inter-American Affairs, a corporate instrumentality of the Government of the United States of America, which was signed at Port-au-Prince the eighth day of January 1948. *Ante*, p. 3973.

PORT-AU-PRINCE, *January 13, 1948*

The Haitian Ministry for Foreign Relations to the American Embassy

SECRÉTAIRERIE D'ETAT
DES
RELATIONS EXTÉRIEURES — REPUBLIQUE D'HAITI

SG/A-8 : 422

La Secrétairerie d'Etat des Relations Extérieures présente ses compliments à l'Ambassade des Etats-Unis d'Amerique et a l'honneur de l'informer que, le 8 Janvier en cours, a été signé par le Secrétaire d'Etat de l'Agriculture, Monsieur Jean David, et par le représentant de l'Institut des Affaires Interaméricaines, Monsieur W. A. Laflin, le nouvel accord supplémentaire relatif au programme coopératif de Production des vivres alimentaires entrepris par le Gouvernement de la République d'Haiti et l'Institut des Affaires Interaméricaines.

G. H.

PORT-AU-PRINCE, *le 13 Janvier 1948.*

Translation

MINISTRY OF STATE
FOR
FOREIGN RELATIONS — REPUBLIC OF HAITI

SG/A-8 : 422

The Office of the Secretary of State for Foreign Affairs presents its compliments to the Embassy of the United States of America, and has the honor to inform it that, on the 8th of January, the Secretary of State for Agriculture, Mr. Jean David, and the representative of the Institute of Inter-American Affairs, Mr. W. A. Laflin, signed the new Supplementary Agreement relating to the Cooperative Program for the Production of Foodstuffs undertaken by the Government of the Republic of Haiti and the Institute of Inter-American Affairs. *Ante*, p. 3973.

G. H.

PORT-AU-PRINCE, *January 13, 1948.*

December 8, 1943
[T. I. A. S. 2063]

Agreement between the United States of America and Mexico respecting a cooperative health and sanitation program in Mexico, modifying the agreement of June 30 and July 1, 1943. Effected by exchange of notes signed at Mexico December 8, 1943; entered into force December 8, 1943, operative January 1, 1944.

The American Ambassador to the Mexican Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
MÉXICO, D.F.
December 8, 1943.

No. 2098

EXCELLENCY:

I have the honor to refer to the note of this Embassy No. 1426 of June 30, 1943, and to Your Excellency's reply No. 344 of July 1, 1943, through which exchange the Government of the United States of America and the United Mexican States laid the basis for a program of cooperation in health and sanitation, which is an implementation of Resolution No. XXX, approved at the Third Meeting of the Ministers of Foreign Affairs of the American States held at Rio de Janeiro in January 1942. I also have to refer to a subsequent exchange of letters between Dr. Victor Fernández Manero, Jefe del Departamento de Salubridad de México, and Dr. George C. Dunham, the Representative of the Institute of Inter-American Affairs, each dated July 2, 1943,[1] in which administrative and other details based upon the exchange of notes above referred to are set forth and mutually agreed upon.

57 Stat. 1121, 1123.

Contribution by Institute.

I am now pleased to inform Your Excellency that the Institute of Inter-American Affairs, a dependency of the Office of the Coordinator of Inter-American Affairs, in view of the interest expressed by the Government of Mexico in carrying through this program in the broadest and most effective manner, is now prepared, subject to agreement by Your Excellency's Government to the details of this note, to contribute an additional sum of money for the cooperative program of public health and sanitation in Mexico for the purpose of cooperating with the Ministry of Health and Public Welfare in expanding the cooperative program of public health and sanitation, and providing for the termination of the program so far as the participation of my Government is concerned, within a predetermined period of time.

Amount.

57 Stat. 1121.

In addition to the $2,500,000 which my Government indicated that it was prepared to contribute towards this program in this Embassy's note No. 1426 of June 30, 1943, it is now proposed for the consideration of your Government that the Institute of Inter-American Affairs,

[1] Not printed.

a dependency of the Office of the Coordinator of Inter-American Affairs, contribute an additional sum not to exceed $2,500,000 to be expended over a period of five years, beginning January 1, 1944, and that the Government of Mexico agree to use its best efforts to contribute a sum not to exceed $2,500,000 to be combined with these funds contributed by the Institute of Inter-American Affairs and expended over the same period of time for the cooperative program of public health and sanitation in Mexico.

Allocation.

Under the terms of the agreement reached by the exchange of notes above referred to, the Institute of Inter-American Affairs agreed to contribute $2,500,000 for a cooperative program of public health and sanitation in Mexico, and it is now proposed that this original amount of $2,500,000 which the Institute of Inter-American Affairs has previously agreed to contribute, be allocated on an annual basis through agreement between the Representative of the Institute of Inter-American Affairs in Mexico and the Minister of Public Health and Public Welfare of Mexico. This amount would be so apportioned that of the original $2,500,000 available, $700,000 would be allocated for use in 1943–1944; $600,000 for the year 1945; $500,000 for the year 1946; $400,000 for the year 1947; and $300,000 for the year 1948. This, it will be noted, would cover the sum the Institute of Inter-American Affairs agreed to contribute in the exchange of letters between the Jefe del Departamento de Salubridad de Mexico and the Representative of the Institute of Inter-American Affairs under date of July 2, 1943.

In order to provide for the allocation and expenditure of the additional sum of not to exceed $2,500,000 which the Institute of Inter-American Affairs, a dependency of the Office of the Coordinator of Inter-American Affairs, is now prepared to contribute for the purposes outlined above, and the like sum which the Government of Mexico agrees to use its best efforts to contribute during the same period, the sum of not to exceed $2,500,000 contributed by the Institute of Inter-American Affairs would be apportioned at the rate of $500,000 each year for the five years beginning January 1, 1944. The Government of Mexico will take all the necessary measures to endeavor to contribute an amount not to exceed $2,500,000 which will be apportioned at the rate of $300,000 during the year 1944; $400,000 in 1945; $500,000 in 1946; $600,000 in 1947; and $700,000 in 1948. Through this arrangement the total amount to be expended each year for the cooperative program of health and sanitation would be $1,500,000, considering the remainder of 1943–1944 as one year.

It is proposed for the consideration of Your Excellency that the terms of the original agreement respecting details, as expressed in the exchange of letters between the Jefe del Departamento de Salubridad Publica de Mexico and the Representative of the Institute of Inter-American Affairs dated July 2, 1943 will remain in effect and in full force with regard to the expenditure of any and all funds contributed by the Government of Mexico and the Institute of Inter-American Affairs for the cooperative program of health and sanitation to the end of the year 1948—the period during which the total

of $5,000,000 contributed by the Government of the United States to the collaborative program shall be available.

For the information of Your Excellency, and as supplementing the exchange of letters referred to in the preceding paragraph, I append hereto a copy of a letter dated November 1, addressed by General George C. Dunham, the Executive Vice President of the Institute of Inter-American Affairs, to His Excellency Dr. Gustavo Baz, the Secretary of Public Health and Public Assistance, a copy of a letter addressed by Dr. Baz to General Dunham dated November 6 [1] in reply, as well as a further letter from General Dunham to Dr. Baz in reply to the latter's letter dated December 6 which also bears the date of December 6.

It is with much satisfaction that I note this further development in this collaborative program of health and sanitation between our two countries, and I have every confidence that Your Excellency will view this development with the same satisfaction, as it is a further evidence of the constantly increasing understanding and collaboration of our two peoples.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosures: [2]

1. Copy of letter from General Dunham to Dr. Baz, dated November 1, 1943;
2. Copy of letter from Dr. Baz to General Dunham, dated December 6, 1943;
3. Copy of letter from General Dunham to Dr. Baz, dated December 6, 1943.

His Excellency
Señor Licenciado EZEQUIEL PADILLA,
Minister for Foreign Affairs,
México, D.F.

The Mexican Minister for Foreign Affairs to the American Ambassador

03104 MÉXICO, D.F., *8 de diciembre de 1943.*

SEÑOR EMBAJADOR:

Me es grato acusar recibo de la muy atenta nota N° 2098, del día de hoy, en la que Vuestra Excelencia me dice lo siguiente:

"Tengo el honor de referirme a la nota de esta Embajada N° 1426, del 30 de junio de 1943, y a la contestación de Vuestra Excelencia, N° 344, del 1° de julio de 1943, por medio de cuyo canje los Gobiernos de los Estados Unidos de América y de los Estados Unidos Mexicanos echaron los cimientos de un programa de cooperación en materia de sanidad e higiene, que proporciona los medios de cumplir la Resolución N° XXX, aprobada en la III

[1] The correct date is Dec. 6, 1943.
[2] Not printed.

Reunión de Consulta de los Ministros de Relaciones Exteriores de las Repúblicas Americanas, celebrada en Río de Janeiro, en enero de 1942. También debo referirme al canje posterior de cartas entre el Dr. Víctor Fernández Manero, Jefe del Departamento de Salubridad de México y el Dr. George C. Dunham, Representante del Instituto de Asuntos Interamericanos, fechadas ambas el 2 de julio de 1943, en las que se exponen detalles de carácter administrativo y otros, basados en el canje de notas arriba mencionado, y se llega a un acuerdo sobre ellos.

"Me es ahora grato comunicar a Vuestra Excelencia que el Instituto de Asuntos Interamericanos, dependencia de la Oficina del Coordinador de Asuntos Interamericanos, en vista del interés que ha expresado el Gobierno de México para llevar a cabo este programa en la forma más amplia y más efectiva, está ahora dispuesto, con sujeción a la conformidad del Gobierno de Vuestra Excelencia con los detalles de esta nota, a contribuir con una cantidad adicional de dinero al programa cooperativo de sanidad e higiene públicas en México, con el objeto de cooperar con la Secretaría de Asistencia Pública y Salubridad para ampliar el programa cooperativo de sanidad e higiene públicas, y atender a la terminación del programa por lo que hace a la participación de mi Gobierno, dentro de un plazo de tiempo predeterminado.

"Además de los Dls. 2.500,000.00 que mi Gobierno indicó estar dispuesto a contribuir a dicho programa, en la nota de esta Embajada N° 1426 del 30 de junio de 1943, se propone ahora, para la consideración de Vuestro Gobierno, que el Instituto de Asuntos Interamericanos, dependencia de la Oficina del Coordinador de Asuntos Interamericanos, contribuya con una cantidad adicional, que no exceda de Dls. 2.500,000.00 que se expenderá a través de un período de cinco años, a partir del 1° de enero de 1944, y que el Gobierno Mexicano convenga en desplegar sus mejores esfuerzos para contribuir con una cantidad que no exceda de Dls. 2.500,000.00, que se combinará con los fondos que contribuya el Instituto de Asuntos Interamericanos, para invertirse durante el mismo período en el programa cooperativo de sanidad e higiene públicas en México.

"Según los términos del convenio a que se llegó mediante el canje de notas de que más arriba se hace mérito, el Instituto de Asuntos Interamericanos convino en contribuir con la cantidad de Dls. 2.500,000.00 para un programa cooperativo de sanidad e higiene públicas en México, y ahora se propone que dicha cantidad original de Dls. 2.500,000.00, que el Instituto de Asuntos Interamericanos previamente conviniera en aportar, sea asignada sobre determinada base anual por medio de un convenio que celebren el Representante en México del Instituto de Asuntos Interamericanos y el Secretario de Asistencia Pública y Salubridad de México. Dicha cantidad se distribuirá de tal modo, que de los Dls. 2.500,000.00 disponibles originalmente, se asignarían Dls. 700,000.00 para su uso en 1943–1944; Dls. 600,000.00 al año de 1945; Dls. 500,000.00 al año de 1946; Dls. 400,000.00 al año de 1947 y Dls. 300,000.00 al año de 1948. Como se verá, esto abarca la cantidad que el Instituto de

Asuntos Interamericanos convino en aportar en virtud del canje de cartas de fecha 2 de julio de 1943, entre el Jefe del Departamento de Salubridad de México y el Representante del Instituto de Asuntos Interamericanos.

"Para disponer la distribución e inversión de la cantidad adicional, no mayor de Dls. 2.500,000.00, que el Instituto de Asuntos Interamericanos, dependencia de la Oficina del Coordinador de Asuntos Interamericanos, está ahora dispuesto a aportar para los fines arriba expuestos, y de la cantidad igual que el Gobierno Mexicano conviene en desplegar sus mejores esfuerzos para contribuir durante idéntico período, la cantidad, no mayor de Dls. 2.500,000.00, aportada por el Instituto de Asuntos Interamericanos se asignaría a razón de Dls. 500,000.00 anualmente durante cinco años a partir del 1° de enero de 1944. El Gobierno de México tomará todas las medidas necesarias para tratar de contribuir con una cantidad no mayor de Dls. 2.500,000.00 que se distribuirá a razón de Dls. 300,000.00 en el año de 1944; Dls. 400,000.00 por el año de 1945; Dls. 500,000.00 por el año de 1946; Dls. 600,000.00 por el año de 1947; y Dls. 700,000.00 por el año de 1948.

"Por medio de este convenio la cantidad que se habría de invertir cada año en el programa cooperativo de sanidad e higiene, considerándose como un solo año lo que resta de 1943 y el de 1944, ascendería a Dls. 1,500,000.00.

"Se propone, para estudio de Vuestra Excelencia, que los términos del convenio original relativo a los detalles, tales como se exponen en el canje de cartas entre el Jefe del Departamento de Salubridad Pública de México y el Representante del Instituto de Asuntos Interamericanos, de fecha 2 de julio de 1943, sigan en pie y en pleno vigor con respecto a la inversión de cualesquier y de todos los fondos que aporten el Gobierno Mexicano y el Instituto de Asuntos Interamericanos al programa cooperativo de sanidad e higiene, hasta el fin del año de 1948—período durante el cual estará disponible la cantidad total de Dls. 5.000,000.00 con que contribuye el Gobierno de los Estados Unidos al programa de colaboración.

"Para conocimiento de Vuestra Excelencia, y como complemento al canje de cartas a que se refiere el párrafo anterior, adjunto a la presente copia de una carta de fecha 1° de noviembre, dirigida por el General George C. Dunham, Vicepresidente Ejecutivo del Instituto de Asuntos Interamericanos, a Su Excelencia el Dr. Gustavo Baz, Secretario de Salubridad y Asistencia, copia de una carta en contestación que dirigió el Dr. Baz al General Dunham, con fecha 6 de noviembre, y otra carta más del General Dunham al Dr. Baz en respuesta a la carta de este último de fecha 6 de diciembre, también fechada el 6 de diciembre.

"Es con honda satisfacción que advierto esta nueva fase del programa cooperativo de sanidad e higiene entre nuestros dos países, y estoy seguro que Vuestra Excelencia considerará este acontecimiento con la misma satisfacción, ya que constituye una prueba adicional del entendimiento y colaboración, constantemente crecientes, entre nuestros dos pueblos."

Al manifestar a Vuestra Excelencia que el Gobierno de México está completamente de acuerdo con los términos de la comunicación preinserta, le ruego hacer presente al de los Estados Unidos de América nuestra sincera apreciación por esta nueva y valiosa prueba de colaboración que tan bien corresponden a las excelentes relaciones que ligan a nuestros dos países.

Aprovecho la oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

E. PADILLA

Excelentísimo Señor
GEORGE S. MESSERSMITH,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Presente.

Translation

03104

MEXICO, D.F., *December 8, 1943.*

MR. AMBASSADOR:

I am pleased to acknowledge receipt of your very courteous note No. 2098, dated today, in which Your Excellency states the following:

[For English language text of note No. 2098, as signed, see p. 3978.]

On informing Your Excellency that the Government of Mexico fully agrees to the terms of the communication quoted above, I respectfully request you to express to the Government of the United States of America our sincere appreciation of this new and valuable proof of collaboration which so well corresponds to the excellent relations between our two countries.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency
GEORGE S. MESSERSMITH,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
City.

July 23 and September 24, 1946
[T. I. A. S. 2064]

Agreements and exchanges of letters between the United States of America and Belgium respecting a mutual aid settlement. Signed at Washington September 24, 1946; entered into force September 24, 1946. And exchange of memorandums signed at Washington July 23 and September 24, 1946; entered into force September 24, 1946.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BELGIUM REGARDING SETTLEMENT FOR LEND LEASE, RECIPROCAL AID, PLAN A, SURPLUS PROPERTY, AND CLAIMS.

The Government of the United States of America and the Government of Belgium have reached an understanding regarding a settlement for lend-lease and reciprocal aid, for the Belgian Government's obligation to the United States Government for civilian supplies furnished under the military relief program (Plan A), for certain surplus property, and for other financial claims of each Government against the other arising out of the conduct of the war. This settlement is complete and final. In arriving at this understanding, both Governments have recognized the benefits accruing to each from their contributions to the defeat of their common enemies, and have adhered to the principles expressed in Article VII of the preliminary agreement on principles applying to mutual aid in the prosecution of the war against aggression, signed at Washington on June 16, 1942. Both Governments agree that their contributions to each other in the common war effort through lend-lease, reciprocal aid and Plan A are substantially in balance. They agree that no further benefits are due or will be sought by either Government from the other on these accounts or, except as hereinafter specifically provided, as consideration for surplus property or the settlement of claims or other obligations arising out of the war.

56 Stat. 1506.

1. In recognition of the mutual benefits received by the two Governments from the interchange of lend-lease and reciprocal aid, and from the United States share of civilian supplies furnished under the military relief program (Plan A), it is agreed that:

Exclusions from payments.

A. Neither Government will make any payment to the other for lend-lease and reciprocal aid articles and services heretofore transferred or retransferred, or remaining to be transferred under previous agreement.

B. The Belgian Government will make no payment to the United States Government for the United States share of the combined claim against the Belgian Government for Plan A. As agreed in an exchange of memoranda between the two Governments, dated July 23, 1946, and September 24, 1946, the Belgian Government

Post, pp. 3994, 3995.

recognizes that the settlement hereby made with the United States Government in no way impairs the obligation of the Belgian Government to the United Kingdom and Canadian Governments for their shares of the combined claim for Plan A, and agrees to establish a reserve of 10 per cent of the combined bills in the Banque Nationale de Belgique which will be made payable to the United Kingdom and Canadian Governments to the extent and in the manner necessary to carry out the existing financial arrangements among the three supplying Governments. Any amounts of the reserve not so paid will not be claimed by the United States Government and will revert to the free disposition of the Belgian Government upon notification by the three supplying Governments.

2. In consideration of the United States surplus property heretofore transferred and heretofore designated for transfer to the Belgian Government under agreed procedures (estimated at approximately $18,000,000 in transfer value), it is agreed that:

Transfer of property to U.S. Government.

A. (1) As and when requested by the United States Government, the Belgian Government will transfer to the United States Government, or provide Belgian francs for the acquisition of, real property in Belgium, the Belgian Congo and the Grand Duchy of Luxembourg to be mutually agreed upon, and will pay the expense of improvements in and furnishing of property of the United States Government in Belgium, the Belgian Congo and Luxembourg, up to an aggregate value of $5,450,000.

(2) As and when requested by the United States Government, the Belgian Government will provide Belgian francs up to an aggregate value of $3,000,000, which will be used exclusively to carry out cultural and educational programs agreed upon between the Government of the United States of America and the Governments of Belgium and Luxembourg.

(3) Any francs provided under this sub-paragraph A will be at the par value between the two currencies established in conformity with procedures of the International Monetary Fund, or, if no such par value exists, at the rate most favorable to the United States Government used in any official Belgian Government transaction at the time payment is requested.

Processing of certain claims.

B. (1) The Belgian Government will process certain claims against the United States Government, and its war contractors and subcontractors, and discharge their liability with respect thereto, namely:

(a) Claims of individuals, firms and corporations asserted or about to be asserted in courts of Belgium, the Belgian Congo or Luxembourg against the United States Government, or respecting which the ultimate liability is that of the United States Government, arising from maritime incidents occurring on or after September 3, 1939 and prior to July 1, 1946. In addition, as part of the general settlement, the Belgian Government, without giving rise to any financial obligation on the part of the United States Govern-

ment, will, at the request of the United States Government, take such steps as may be necessary, including the assumption of financial responsibility, to release vessels and cargoes belonging to the United States Government from legal actions brought in such courts to enforce any such claims.

(b) Claims of individuals, firms and corporations domiciled or resident in Belgium, the Belgian Congo or Luxembourg (except individuals who are exclusively United States nationals) against the United States Government, its contractors and subcontractors, for royalties under license contracts for the use of inventions, patented or unpatented, or for infringement of patent rights, in connection with war production carried on or contracted for prior to September 2, 1945.

(c) Claims of individuals, firms and corporations domiciled or resident in Belgium, the Belgian Congo or Luxembourg against the United States Government arising out of acts or omissions in Belgium, the Belgian Congo or Luxembourg of members of the United States Armed Forces or civilian personnel attached to such forces, both line-of-duty and non-line-of-duty, occurring on or after September 3, 1939 and prior to September 2, 1945 in the case of contracts, and occurring on or after September 3, 1939 and prior to July 1, 1946 in the case of other acts and omissions.

(d) Claims of subjects of Belgium or Luxembourg, whether individuals, firms or corporations, against the United States Government arising out of the requisitioning for use in the war program of property located in the United States in which the claimant had an interest.

(2) The undertaking of the Belgian Government in the preceding sub-paragraph (1) is valued at $5,000,000, not subject to adjustment.

Dollar obligation of Belgian Government to U.S.

C. (1) The undertakings of the Belgian Government in sub-paragraphs A and B above constitute a payment by the Belgian Government to the United States Government of $13,450,000 toward the total purchase price of the above-mentioned United States surplus property. The excess over $13,450,000 of the total purchase price (determined in accordance with usual procedures) of the surplus property heretofore transferred to the Belgian Government and hereafter transferred under designations heretofore made will be a dollar obligation of the Belgian Government to the United States Government.

(2) In the event that the United States Government should not be able to avail itself fully of the provisions of sub-paragraph A, the amount not availed of will, upon appropriate notification by the United States Government, be added to the dollar obligation of the Belgian Government to the United States Government.

(3) These dollar obligations of the Belgian Government will be governed by the provisions of paragraph 5 below.

Line of credit to Belgian Government.

3. The United States Government hereby makes available to the Belgian Government a line of credit of $10,000,000 for the purchase of

United States surplus property contracted for with the Foreign Liquidation Commissioner before October 1, 1946, other than the surplus property referred to in paragraph 2 above. The resulting dollar obligation will be governed by the provision of paragraph 5 below.

4. The two Governments have agreed on the acquisition by the Belgian Government of certain United States surplus property remaining in Belgium on or after October 1, 1946, and, in stated circumstances, before September 30, 1946, on the basis of a division between the two Governments of the proceeds of sales. The share accruing to the United States Government of these proceeds will be a dollar obligation of the Belgian Government and will be governed by the provisions of paragraph 5 below.

Annual installments of dollar obligation.

5. A. Payment of the total of the dollar obligations of the Belgian Government to the United States Government referred to in paragraphs 2C, 3, and 4 above shall be made in annual instalments over a period ending July 1, 1976. The first annual instalment shall be due and payable on July 1, 1947, and shall be equal to one-thirtieth of the total dollar obligation as of that date. Each subsequent instalment shall be equal to the total unpaid balance as of the date of the instalment divided by the number of instalments remaining to be paid.

Interest.

B. Interest on the unpaid balance of the total dollar obligation shall be paid by the Belgian Government at the fixed rate of two and three-eights per cent per annum, accruing from July 1, 1947, except that, with respect to dollar obligations arising after July 1, 1947, interest shall accrue from the first day of July next following the date on which the obligation arises. Interest shall be payable annually, the first payment to be made on July 1, 1948.

C. The Belgian Government may at any time or times anticipate the payment of any instalments or any part thereof. Such payments will be credited first to past due interest, if any, and then to the unpaid instalments in inverse order of maturity, and the number of instalments remaining to be paid will thereby be reduced by the number of instalments thus paid in full.

D. In the event that the United States Government wishes to receive Belgian francs for the payment of any or all expenditures to be made after December 31, 1946 by the United States Government, including its agencies, in Belgium, the Belgian Congo, or Luxembourg, the United States Government may request Belgian francs in specified amounts at any time or times after December 31, 1946 and the Belgian Government agrees to furnish Belgian francs in such amounts at such time or times, subject to the limitations that (1) the aggregate of the dollar equivalents of such amounts (computed at the par value or rate specified in paragraph 2A (3)) shall not exceed $5,000,000 and (2) the aggregate of the dollar equivalents of any such amounts (computed as so specified) requested in the twelve-month period beginning any first day of July, added to the amount of the annual instalment and interest, if any, payable in such period under sub-paragraphs A and B above and any payments already made by the Belgian Government in such period under sub-paragraph C above, shall not exceed $2,000,000

Ante, p. 3985.

and (3) the dollar equivalent of any single amount (computed as so specified) shall not exceed the unpaid balance of the total dollar obligation at the time payment of such amount is requested, plus interest then past due, if any. In the event that Belgian francs are so received, the United States dollar equivalent thereof (computed as so specified) will be credited first to past due interest, if any, and then to the unpaid balance of the total dollar obligation.

U.S. troop pay.

6. The two Governments have agreed upon arrangements and procedures for the settlement of past and future troop pay of United States Armed Forces in Belgium. The United States Government will continue to expedite payment under agreed procedures for supplies and services furnished by the Belgian Government to United States Government agencies on and after September 2, 1945.

Settlement of claims.

7. A. Notwithstanding the provisions of paragraph 1, claims in the following categories will be settled in accordance with procedures already established or to be established after appropriate discussions:

(1) Claims by the United States Government for the cost, and claims by the Belgian Government for the excess of amounts deposited by it with the United States Government over the cost, of supplies and services procured under cash reimbursement lend-lease requisitions filed by the Belgian Government.

(2) Claims arising out of lend-lease requisitions for locomotives wherein the Belgian Government agreed to pay landed cost.

(3) Claims by the Belgian Government for the excess of amounts deposited by it with the United States Government under the exchange of notes between the Foreign Economic Administration and the Belgian Ambassador on October 20 and October 25, 1944 [1] over the cost of supplies and services procured thereunder and transferred to the Belgian Government on or before February 28, 1945.

B. Each Government waives all its claims against the other, and all its claims respecting which the ultimate liability is that of the other, which arose out of (1) maritime incidents occurring prior to July 1, 1946, or (2) requisitioning for use in the war program of property of the other Government.

C. All other financial claims of either Government against the other, except those arising out of established arrangements where liability has heretofore been acknowledged and the method of computation agreed, which (1) arose out of lend-lease or reciprocal aid, or (2) otherwise arose out of incidents connected with the conduct of the war occurring on or after September 3, 1939 and prior to September 2, 1945, and which are not otherwise dealt with in this Memorandum, are hereby waived.

Obligation of Belgian Government respecting silver.

8. Nothing in this Memorandum affects the obligation of the Belgian Government in connection with silver transferred to it by the United States Government under lend-lease.

Right of recapture of supplies.

9. Each Government reserves the right of recapture of any supplies of types essentially or exclusively for use in war or warlike exercises

[1] Not printed.

held by the other Government, which were supplied on lend-lease or reverse lend-lease, but each Government has indicated that it does not intend to exercise generally its right of recapture of such supplies. Each Government agrees that all such supplies held by it will be used only for purposes compatible with the principles of international security and welfare set forth in the Charter of the United Nations. 59 Stat. 1031. Merchant vessels which were made available to the Belgium Government under lend-lease are to be returned to the United States Government.

Disposal of lend-lease supplies, restriction.

10. Disposals to third Governments of lend-lease and reverse lend-lease supplies of types essentially or exclusively for use in war or warlike exercises will be made only with the consent of the supplying Government. All other materials supplied on lend-lease or reverse lend-lease may be disposed of without restriction by the recipient Government, and no further payment therefor will be required by the supplying Government.

Title to lend-lease articles.

11. Except as provided under paragraphs 9 and 10 of this Memorandum of Understanding, the Belgian Government and the United States Government receive full title to lend-lease and reverse lend-lease articles respectively held as of September 2, 1945, or transferred at any time thereafter, and not subsequently returned.

Status of inconsistent provisions.

12. To the extent that the provisions of this Memorandum of Understanding are inconsistent with those contained in any previous agreement, the provisions of this Memorandum shall prevail.

13. The two Governments agree to conclude such specific agreements as may be necessary to implement this general understanding.

Effective date.

14. This Memorandum of Understanding will be effective upon signature.

Done at Washington, in duplicate, this 24th day of September, 1946.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

W. L. CLAYTON
Acting Secretary of State
of the United States of America

FOR THE GOVERNMENT OF BELGIUM:

SILVERCRUYS
Ambassador of Belgium
at Washington

AGREEMENT RELATING TO THE TRANSFER OF UNITED STATES SURPLUS PROPERTY IN BELGIUM

As stated in paragraph 4 of the Memorandum of Understanding regarding settlement for lend-lease, reciprocal aid, Plan A, surplus property, and claims, dated September 24, 1946, and as part of the general settlement set forth in the Memorandum of Understanding, the Government of the United States of America and the Government of Belgium have reached agreement for the transfer to the Belgian Government of certain property which is or may be declared surplus to the needs of the United States Government. This agreement has been reached as a means of implementing and continuing mutual assistance in the solution of the common problem of the liquidation of residual United States surplus stocks in Belgium. It is the intention of the two Governments that the plan herein set forth for the liquidation of these stocks shall operate to their mutual benefit, and without an inequitable burden on either Government.

Ante, p. 3987.

Title to U.S. property in Belgium.

1. The two Governments agree that, except as set forth in paragraph 2 below, title to all United States Government property in Belgium, declared surplus to the Office of the Foreign Liquidation Commissioner, United States Department of State, and all United States Government scrap and salvage in Belgium, shall pass to the Belgian Government at the following times for the property indicated:

(a) On October 1, 1946: all such property declared surplus or becoming scrap or salvage prior to that date.

(b) On the date of declaration as surplus or the date on which it becomes scrap or salvage: any such property declared surplus or becoming scrap or salvage on or after October 1, 1946.

(c) Prior to October 1, 1946, on the date or dates of notice of passage of title given by the Office of the Foreign Liquidation Commissioner to the Belgian Government: any such property specified in any such notice.

Exceptions.

2. Specifically excepted from the property, title to which is to pass under this agreement, are the following:

(a) Ammunition and other non-demilitarized combat materiel.

(b) Railway rolling stock (including locomotives) and spare parts therefor.

(c) Special technical facilities of the Air Navigation, Communication and Weather-Control Units. The disposal of these facilities is reserved for separate treatment.

(d) Property located in Belgium which on October 1, 1946 has been sold or is under contract or commitment for sale by the United States Government (1) to any purchasers other than the Belgian Government or (2) to the Belgian Government under arrangements other than this agreement. Property shall be considered under contract or commitment for the purposes of this paragraph if, prior to 2400 hours, Paris time, September 30, 1946, the Central Field Commissioner, Office of the Foreign Liquidation Commissioner, in Paris, in the case of surplus property, or such United States Government

authority as has jurisdiction thereof, in the case of scrap and salvage, has received an offer therefor under a formal invitation to bid (which is accepted not later than October 10, 1946) or has arrived at a written or oral understanding which the Central Field Commissioner or such other authority regards as firm.

Obligations of Belgian Government.

3. (a) All obligations (including, but not limited to, expenses, claims, rents, and requisitions, but specifically excluding the obligations set forth in sub-paragraph (b) below), incident to the care, custody, and liquidation of United States Government property in Belgium, except property transferred to the Belgian Government under arrangements other than this agreement and except the property specified in sub-paragraphs 2 (a), 2 (b), and 2 (c) above, will, to the following extent, be borne by the Belgian Government:

(1) From the date at which title passes hereunder in the case of any property transferred to the Belgian Government pursuant to this agreement before October 1, 1946.

(2) From October 1, 1946, in the case of all other property which prior to or on that date or at any time thereafter is declared surplus to the Office of the Foreign Liquidation Commissioner, Department of State, or becomes scrap or salvage, except that in the case of property declared surplus or becoming scrap or salvage after December 10, 1946 the obligation of the Belgian Government shall attach only from the date on which such property is declared surplus or becomes scrap or salvage.

Obligations of U.S. Government.

(b) The following will not be obligations of the Belgian Government but will continue to be obligations of the United States Government:

(1) Expenses of pay, maintenance and administration of United States military and civilian personnel and of prisoners of war held by the United States.

(2) Tort claims asserted against the United States Government arising in connection with the care, custody and liquidation of property of which the Belgian Government has not taken possession hereunder at the time the claim arises.

Prompt possession of transferred property.

4. The Belgian Government agrees to take possession of the property transferred to it under paragraph 1 of this agreement as promptly as possible after transfer of title, and of such other United States surplus property and scrap and salvage in Belgium as may be mutually agreed upon, in accordance, in both cases, with procedures to be agreed upon between representatives of the two Governments.

Sale of transferred property.

5. The Belgian Government agrees to sell the property transferred to it under this agreement expeditiously and at the best possible monetary return, with due regard for the necessities of the Belgian economy, and, in case of a contemplated bulk sale, to obtain the prior consent of the United States Government.

Gross proceeds.

6. (a) The gross proceeds of sales of the property transferred hereunder will be shared equally by the two Governments. Gross proceeds, for the purposes of this agreement, are defined as the total

amount reported by the Belgian Government as received from purchasers, not including customs duties and transfer taxes insofar as such duties and taxes are shown separately as additions to the sales price on sales documents. The fair value of property transferred to the Belgian Government hereunder and retained by the Belgian Government for its own use will be considered part of the gross proceeds.

Quarterly reports.

(b) The Belgian Government agrees to report to the United States Government quarterly, beginning March 31, 1947, the amount in Belgian francs of the gross proceeds of sales of the property transferred to it under this agreement. The share of such proceeds accruing to the United States will, on the several dates of such reports, become a dollar obligation of the Belgian Government to the United States Government. The dollar amount of the obligation will be computed at the par value between the two currencies established in conformity with procedures of the International Monetary Fund, or, if no such par value exists, at the rate most favorable to the United States Government used in any official Belgian Government transaction at the time payment is requested. The dollar obligations of the Belgian Government under this agreement will be governed by the provisions of paragraph 5 of the Memorandum of Understanding of September 24, 1946, between the two Governments.

Ante. p. 3987.

Determination of financial interest of U.S. in unsold property.

7. The two Governments recognize that a time will be reached after which continued disposal by the Belgian Government of the property transferred hereunder on the basis of equal sharing of the gross proceeds may impose an inequitable burden on the Belgian Government. When, in the opinion of the Belgian Government, this time has been reached or is in view, it will so report to the United States Government with supporting data. Promptly thereafter, or promptly after September 30, 1948 if no such report has been submitted, the two Governments will agree on the basis for a final determination of the financial interest of the United States Government in the unsold property transferred hereunder.

Nonimportation of property into U.S.

8. The Belgian Government will use its best endeavors to insure that property transferred pursuant to this agreement shall not be imported into the United States in the same or substantially the same form, unless such property is to be imported into the United States on consignment to a person or firm in the United States for the purpose of reconditioning for re-export, or by a member or veteran of the United States Armed Forces for his personal use, or unless such importation is otherwise authorized.

Nondiscrimination in distribution of property.

9. The Belgian Government, when it disposes of or distributes property pursuant to this agreement, will use its best endeavors to avoid discrimination against the legitimate interests of the United States manufacturers of such property, or their agents or distributors. Members and veterans of the United States Armed Forces, United States Government Agencies, United States citizens and non-profit institutions, and UNRRA and the International Red Cross will be accorded an opportunity to buy the property transferred under this agreement on the same basis and at the same priority as accorded to other buyers of like character.

Maritime property.

10. Because of the importance of maritime property to the economic rehabilitation of Europe the two Governments agree on the desirability of their exchanging views regarding any proposed sale by the Belgian Government of maritime property transferred hereunder. Accordingly, prior to any such sale, the Belgian Government will consult with the United States Government, and will give due consideration to its views as to the relative needs of the various claimant countries and as to a fair and equitable pricing policy for any such property.

Done at Washington, in duplicate, this 24th day of September, 1946.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

DONALD H CONNOLLY
Foreign Liquidation Commissioner
of the United States of America

FOR THE GOVERNMENT OF BELGIUM:

SILVERCRUYS
Ambassador of Belgium
at Washington

The Department of State to the Belgian Embassy

MEMORANDUM

In identic notes to the Government of Belgium dated June 19, 1946,[1] the Governments of the United States, the United Kingdom, and Canada set forth the respective share of each Government in the combined claim for the civilian supplies furnished by the Allied armies for the population of Belgium, and indicated that each Government would communicate further with your Government concerning the method of settlement for its share.

Discussions have since been held between representatives of your Government and of the United States Government with regard to the final settlement of war accounts, and consideration has been given to the method of settlement for the United States share of the combined claim for civilian supplies furnished the Government of Belgium and the Government of Luxembourg. As a result of these discussions, the United States Government has decided that the most satisfactory method of accomplishing settlement for its shares of the combined claims against the Government of Belgium and the Government of Luxembourg for civilian supplies would be to regard them as a part of the United States contribution to the common war effort and subject to the concurrence of the Government of Luxembourg to include these shares in the over-all settlement of war accounts between the United States and Belgian Governments.

Since the Government of the United States is committed by written agreements to participate on a combined basis with the United Kingdom and Canadian Governments in the collection of the total bill for these supplies and in the determination of the relative shares of each in the proceeds, it is necessary for this Government to stipulate that this method of settlement for the United States shares of the combined bills is conditional upon the fulfillment of the following conditions:

a) That the Belgian Government recognize that the settlement to be made with the United States Government in no way impairs the validity of the obligation of the Belgian Government to the United Kingdom and Canadian Governments for their shares of the combined bills.

b) That the Belgian Government establish a reserve of 10 percent of the combined bills being presented to the Government of Belgium and to the Government of Luxembourg. This reserve is to be established forthwith for bills heretofore submitted and at the time of submission for bills hereafter submitted. It is to be deducted from the United States share, and is to be held in the name of the Belgian Government in the Banque Nationale de Belgique in funds convertible into sterling or Canadian dollars, or both, at rates to be agreed upon by the Government of Belgium with the United Kingdom and Canadian Governments. The reserve will be payable to the United Kingdom and Canadian

[1] Not printed.

Governments to the extent and in such proportions of sterling and Canadian dollars as the United States, United Kingdom, and Canadian Governments may determine by combined agreement to be necessary in order to comply with the existing financial arrangements among the three supplying governments. Any amounts of the reserve not so paid will not be claimed by the United States Government and will revert to the free disposition of the Belgian Government upon combined notification by the United States, United Kingdom, and Canadian Governments.

WLC

DEPARTMENT OF STATE,
Washington, July 23, 1946

The Belgian Embassy to the Department of State

AMBASSADE DE BELGIQUE

D.1074
No. 8123

MEMORANDUM

Reference is made to the Memorandum from the Government of the United States to the Government of Belgium dated July 23, 1946. The provisions of this Memorandum are accepted by the Government of Belgium.

S

WASHINGTON, *September 24th, 1946.*

The Acting Secretary of State to the Belgian Ambassador

DEPARTMENT OF STATE
WASHINGTON
September 24, 1946

MY DEAR MR. AMBASSADOR:

Representatives of your Government and of this Government have discussed several questions of interpretation with respect to the language of the Memorandum of Understanding between our two Governments to be signed today. I am writing to state the understanding of this Government with respect to these questions.

Ante, p. 3984.

1. The "United States surplus property heretofore transferred and heretofore designated for transfer to the Belgian Government under agreed procedures", referred to in the opening sentence of paragraph

Ante, p. 3985.

2 of the Memorandum of Understanding, is the property which originally was transferred or designated for transfer to the Government of Belgium as defense articles of civilian utility no longer required by the United States Army for its own uses, under the letter of October 19, 1945 [1] from the Secretary of State of the United States to the Minister of Foreign Affairs of Belgium.

Ante, pp. 3985, 3988.

2. The term "maritime incidents", as used in paragraphs 2B (1) (a) and 7B of the Memorandum of Understanding, includes damages to shore structures, aids to navigation, and port installations, fixed or moveable, arising out of marine operations.

I should appreciate it if you would advise me whether the foregoing is in accordance with the understanding of your Government.

Sincerely yours,

W. L. CLAYTON
Acting Secretary of State

His Excellency
Baron ROBERT SILVERCRUYS,
Ambassador of Belgium.

The Belgian Ambassador to the Acting Secretary of State

AMBASSADE DE BELGIQUE

D.1121
No. 8122

WASHINGTON, *September 24th, 1946*

MY DEAR MR. SECRETARY:

I have your letter of today's date setting forth your Government's understanding with respect to certain questions of interpretation relating to the language of the Memorandum of Understanding between our two Governments to be signed today.

Ante, p. 3984.

I am happy to advise you that the understanding of the Government of Belgium on these matters coincides with the understanding of your Government.

Sincerely yours,

The Belgian Ambassador
SILVERCRUYS

The Honorable WILLIAM L. CLAYTON,
Acting Secretary of State,
Washington, D. C.

The Acting Secretary of State to the Belgian Ambassador

DEPARTMENT OF STATE
WASHINGTON
September 24, 1946

MY DEAR MR. AMBASSADOR:

Ante, p. 3985.

With reference to paragraph 2A (1) of the Memorandum of Understanding between our two Governments to be signed today, it is the

[1] Not printed.

understanding of my Government that the obligation of your Government, set forth in that paragraph, to transfer real property, or provide Belgian francs for the acquisition of real property, and pay the expense of improvements in and furnishing of property, in Belgium, the Belgian Congo, and the Grand Duchy of Luxembourg, up to an aggregate value of $5,450,000 is subject to the limitation that the obligation of your Government shall not exceed $5,000,000 with respect to Belgium nor $200,000 with respect to the Belgian Congo nor $250,000 with respect to the Grand Duchy of Luxembourg. It is further the understanding of my Government that paragraph 2C (2) of the Memorandum of Understanding is applicable to the provisions of paragraph 2A (1) as limited by the above understanding.

Ante, p. 3986.

I should appreciate it if you would inform me whether the foregoing is in accordance with the understanding of your Government.

Sincerely yours,

W. L. CLAYTON
Acting Secretary of State

His Excellency
Baron ROBERT SILVERCRUYS,
Ambassador of Belgium.

The Belgian Ambassador to the Acting Secretary of State

AMBASSADE DE BELGIQUE

D.1121
No. 8142

WASHINGTON, *September 24th, 1946*

MY DEAR MR. SECRETARY:

In reply to your letter of today's date regarding the obligation of my Government under paragraph 2A(1) of the Memorandum of Understanding between our two Governments to be signed today, I am happy to advise you that the understanding of my Government on the matters mentioned in your letter coincides with the understanding of your Government as set forth in your letter.

Ante, p. 3985.

Sincerely yours,

The Belgian Ambassador
SILVERCRUYS

The Honorable WILLIAM L. CLAYTON,
Acting Secretary of State,
Washington, D. C.

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BELGIUM REGARDING THE PURCHASE OF BELGIAN FRANCS FOR USE BY THE UNITED STATES ARMED FORCES

The Government of the United States of America and the Government of Belgium have agreed upon the following provisions, which shall supersede those provisions of any prior agreements which are inconsistent therewith:

Purchase rate.

1 (a) All Belgian francs drawn from the Government of Belgium by the United States Armed Forces minus Belgian francs returned to the Government of Belgium and minus Belgian francs paid out for local procurement eligible for reciprocal aid will be purchased at the rate of 43.77325 francs to the dollar.

(b) Except as provided in paragraph 1 (c) below, all Belgian francs required by the United States Armed Forces for use in Belgium and Luxembourg, in addition to those purchased as provided in paragraph 1 (a) above, will be purchased against payment of their counter-value in United States dollars from the Banque Nationale de Belgique, which shall make such francs available.

Acceptance of Belgian francs, restriction.

(c) The United States Armed Forces may accept Belgian francs from, and shall accept Belgian francs from none other than, members of the United States Armed Forces, and quasi-official organizations, agencies and personnel in and under the military establishment. The United States Armed Forces shall take all practical measures to avoid the acquisition of Belgian francs derived from non-official channels.

Use of Belgian francs.

2. Belgian francs acquired by the United States Armed Forces may be used only for: (a) exchange of funds, and encashment of dollar instruments authorized by the United States Armed Forces, of troops and personnel in and under the military establishment, and (b) procurement of goods and services.

Effective date.

3. This Memorandum of Agreement will be effective upon signature.

Signed at Washington, in duplicate, this 24th day of September, 1946.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
W. L. CLAYTON
Acting Secretary of State
JOSEPH J. O'CONNELL JR
Acting Secretary of the Treasury
GEORGE J RICHARDS,
Budget Officer for the War Department

FOR THE GOVERNMENT OF BELGIUM
SILVERCRUYS
Ambassador of Belgium at Washington

The Belgian Ambassador to the Acting Secretary of State

AMBASSADE DE BELGIQUE

D.1121
No. 8110

WASHINGTON, *September 24th, 1946*

MY DEAR MR. SECRETARY:

It is the understanding of my Government that 128 million Belgian francs which the United States Army disbursed for open market procurement in Belgium prior to V-J Day and which it was agreed between our two Governments were disbursed for supplies and services eligible as reciprocal aid, will be deducted from the franc drawings for which the United States War Department will make dollar payment in accordance with the terms of the Memorandum of Agreement between the Government of the United States of America and the Government of Belgium regarding the purchase of Belgian francs for use by the United States Armed Forces. Accordingly, my Government has agreed that it will not present for payment by the United States Army vouchers for supplies and services furnished to the United States Army prior to September 2, 1945.

Ante, p. 3998.

This letter will confirm to you the understanding of my Government that this claim has been treated as part of the Belgian reverse lend-lease accounts and accounted for as such rather than as a claim for goods and services for which the United States Army will make payment.

Yours sincerely,

The Belgian Ambassador
SILVERCRUYS

The Honorable WILLIAM L. CLAYTON,
Acting Secretary of State,
Washington, D. C.

The Belgian Ambassador to the Acting Secretary of the Treasury

AMBASSADE DE BELGIQUE

D.1056
No. 8112

WASHINGTON, *September 24th, 1946*

MY DEAR MR. SECRETARY:

Reference is made to the Memorandum of Agreement between the Government of the United States of America and the Government of Belgium regarding the purchase of Belgian francs for use by the United States Armed Forces, executed in Washington on September 24th, 1946.

Ante, p. 3998.

I have been instructed by my Government to advise you that Belgian francs acquired by finance officers of the United States Armed Forces in accordance with the provisions of paragraph 1 of the agreement referred to above, may be turned over by finance officers of the United States Armed Forces to the Belgian authorities at any time, and such

francs will be purchased by the Government of Belgium against dollars at the rate at which they were acquired by such finance officers.

Yours sincerely,

The Belgian Ambassador
SILVERCRUYS

The Honorable JOSEPH J. O'CONNELL,
Acting Secretary of the Treasury,
Washington, D. C.

The Acting Secretary of the Treasury to the Belgian Ambassador

THE SECRETARY OF THE TREASURY
WASHINGTON

SEPTEMBER 24, 1946

MY DEAR MR. AMBASSADOR:

Reference is made to your letter to me of September 24, 1946, regarding the repurchase of Belgian francs acquired by finance officers of the United States Armed Forces in accordance with the provisions of paragraph 1 of the Memorandum of Agreement between the Government of the United States of America and the Government of Belgium regarding the Purchase of Belgian Francs for Use by the United States Armed Forces, executed in Washington on September 24, 1946.

Ante, p. 3998.

It is the understanding of the United States Government that in the event of a devaluation of the Belgian franc, the two Governments will cooperate to effect the necessary adjustments expeditiously. In order to prepare for such an eventuality it will be the policy of the United States Government to provide to the Belgian Government relevant information regarding the Belgian franc disbursements and holdings of the military establishment in Belgium. It is the intention of the United States Armed Forces to advise you quarterly through a United States Treasury representative of the amount of francs disbursed for the procurement of goods and services and of the amount of francs reported as in the accounts of Army finance officers.

It is our understanding that the obligation of the Belgian Government to repurchase, at the rate of purchase, Belgian francs tendered by the United States Armed Forces shall be limited to the Belgian francs in official United States Armed Forces accounts, and francs held by quasi-official organizations in and under the military establishment.

I am pleased to advise you that under new procedures established by the United States Armed Forces in the European Theater of Operations on the 16th of September, 1946 the United States Armed Forces are no longer accepting Belgian francs from authorized personnel for their accommodation, except in exceptional cases resulting from the change in procedures and orders.

Very truly yours,

JOSEPH J O'CONNELL JR
Acting Secretary of the Treasury

His Excellency
THE AMBASSADOR OF BELGIUM
Washington, D. C.

The Acting Secretary of State to the Belgian Ambassador

DEPARTMENT OF STATE
WASHINGTON
September 24, 1946

MY DEAR MR. AMBASSADOR:

In the Memorandum of Interpretation, dated April 17, 1945, with respect to the agreement between the United States of America and Belgium under Section 3 (c) of the Lend-Lease Act my Government gave its consent to the retransfer by the Government of Belgium to the Government of Luxembourg of articles to be delivered by my Government to the Government of Belgium under the agreement referred to. By a letter of the same date from the Secretary of State to the Belgian Ambassador my Government pointed out that if it should not be able to conclude arrangements with the Grand Duchy of Luxembourg required by the Lend-Lease Act my Government's consent to future retransfers of such articles by the Government of Belgium to the Grand Duchy of Luxembourg would have to be qualified or revoked. 59 Stat. 1647. 55 Stat. 32. 22 U. S. C. § 412 (c).

I now take pleasure in advising you that in consequence of the signing today of the Memorandum of Understanding between our two Governments no requirement of the Lend-Lease Act remains unsatisfied with respect to retransfers of such articles by the Government of Belgium to the Government of the Grand Duchy of Luxembourg and there will accordingly be no occasion for this Government to qualify or revoke its above-mentioned consent to such retransfers. *Ante*, p. 3984. 55 Stat. 31. 22 U. S. C. §§ 411-419; Supp. I, § 415 (b).

You will understand, of course, that any contemplated retransfers by the Government of Belgium to the Government of the Grand Duchy of Luxembourg of lend-lease supplies of types essentially or exclusively for use in war or warlike exercises will be subject to the provisions of paragraph 10 of the Memorandum of Understanding and will therefore be made only with the consent of my Government. *Ante*, p. 3989.

Sincerely yours,

W. L. CLAYTON
Acting Secretary of State

His Excellency
Baron ROBERT SILVERCRUYS,
Ambassador of Belgium.

The Belgian Ambassador to the Acting Secretary of State

AMBASSADE DE BELGIQUE
D.1064
No. 8111

WASHINGTON, *September 24th, 1946.*

MY DEAR MR. SECRETARY:

I have your letter of today's date with reference to retransfers by my Government to the Government of the Grand Duchy of Luxembourg of articles delivered to my Government by the Government of

the United States of America under the Agreement dated April 17, 1945 between our two Governments under Section 3 (c) of the Lend-Lease Act.

59 Stat. 1642.
55 Stat. 32.
22 U. S. C. § 412 (c).

I take pleasure in noting your assurance that in consequence of the signing today of the Memorandum of Understanding between our two Governments there will be no occasion for your Government to qualify or revoke its previously given consent to such retransfers.

Ante, p. 3984.

My Government shares your understanding that any contemplated retransfers by it to the Government of the Grand Duchy of Luxembourg of lend-lease supplies of types essentially or exclusively for use in war or warlike exercises will be subject to the provisions of paragraph 10 of the Memorandum of Understanding and will therefore be made only with the consent of your Government.

Ante, p. 3989.

Sincerely yours,

The Belgian Ambassador
SILVERCRUYS

The Honorable WILLIAM L. CLAYTON,
Acting Secretary of State,
Washington, D. C.

Agreement between the United States of America and Luxembourg respecting a mutual aid settlement. Effected by exchange of memorandums signed at Luxembourg August 29, 1946; entered into force August 29, 1946.

August 29, 1946
[T. I. A. S. 2065]

The American Chargé d'Affaires ad interim to the Luxembourg Minister of State and Minister of Finance

LEGATION OF THE UNITED STATES OF AMERICA
Luxembourg, August 29, 1946

EXCELLENCY:

I have the honor in accordance with instructions of my Government to refer to conversations between representatives of the Grand Ducal Government of Luxembourg and the Government of the United States with regard to the settlement of the respective shares of the Governments of the United States, the United Kingdom and Canada in the combined claim for the civilian supplies furnished by the Allied armies for the population of the Grand Duchy of Luxembourg and to transmit to Your Excellency in connection therewith a memorandum setting forth the agreement of the Luxembourg Government to settlements with the United States Government.

If the provisions of the memorandum now enclosed are acceptable to the Government of Luxembourg a reply from the Government of Luxembourg expressing its concurrence will be appreciated by my Government.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

GEORGE WALLER

Enclosure:
Memorandum.

His Excellency
MONSIEUR PIERRE DUPONG,
President of the Government,
Minister of Finance, etc., etc., etc.,
Luxembourg.

[Enclosure]

Memorandum Presented to the Government of Luxembourg by the American Legation

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In identic notes to your Government dated June 19, 1946, [1] the Governments of the United States, the United Kingdom, and Canada set forth the respective share of each Government in the combined

[1] Not printed.

claim for the civilian supplies furnished by the Allied armies for the population of the Grand Duchy of Luxembourg, and indicated that each Government would communicate further with your Government concerning the method of settlement for its share.

Method of settlement.

Discussions have since been held between the representatives of the Government of Belgium and of the United States Government with regard to the final settlement of war accounts. In this connection, representatives of the United States Government and the Government of Belgium have discussed with representatives of the Grand Duchy of Luxembourg the method of settlement for the United States share of the combined claim for civilian supplies (Plan A) furnished to the Government of Luxembourg. As a result of these discussions, it has been decided that, subject to the concurrence of the Grand Duchy of Luxembourg, the most satisfactory method of accomplishing settlement for the United States share of Plan A supplies furnished the Government of Luxembourg would be to include this share (and to require no payment therefor from the Belgian Government) in the over-all settlement between the United States Government and the Belgian Government of lend-lease, reciprocal aid, and other war accounts, in which the Belgian Government and the Grand Duchy have been continually associated.

Since the Government of the United States is committed by written agreements to participate on a combined basis with the United Kingdom and Canadian Governments in the collection of the total bill for these supplies and in the determination of the relative shares of each in the proceeds, it is necessary for this Government to stipulate that this method of settlement for the United States share of the combined bills for the civilian supplies furnished the Grand Duchy of Luxembourg is conditional upon the fulfillment of the following conditions:

Conditions.

a) That the Luxembourg Government recognize that the settlement to be made with the United States Government in no way impairs the validity of the obligation of the Luxembourg Government to the United Kingdom and Canadian Governments for their shares of the combined bills.

b) That the Belgian Government establish a reserve of 10 percent of the combined bills being presented to the Luxembourg Government and the Belgian Government. This reserve is to be established forthwith for bills heretofore submitted and at the time of submission for bills hereafter submitted. This reserve is to be deducted from the United States share, and is to be held in the name of the Belgian Government in the Banque Nationale de Belgique in funds convertible into sterling or Canadian dollars, or both, at rates to be agreed upon by the Government of Belgium with the United Kingdom and Canadian Governments. The reserve will be payable to the United Kingdom and Canadian Governments to the extent and in such proportions of sterling and Canadian dollars as the United States, United Kingdom, and Canadian Governments may determine by combined

agreement to be necessary in order to comply with the existing financial arrangements among the three supplying governments. Any amounts of the reserve not so paid will not be claimed by the United States Government, and will revert to the free disposition of the Belgian Government upon combined notification by the United States, United Kingdom, and Canadian Governments.

If the provisions of this memorandum are acceptable to the Government of Luxembourg, it will be appreciated if the Government of the United States might have a reply from the Government of Luxembourg expressing its concurrence.

GEORGE WALLER

LUXEMBOURG
August 29, 1946

The Luxembourg Minister of State and Minister of Finance to the American Chargé d'Affaires ad interim

MEMORANDUM

Reference is made to the memorandum from the Government of the United States to the Grand Duchy of Luxembourg dated August 29, 1946. The Grand Duchy of Luxembourg accepts the Provisions in the reference memorandum. *Ante*, p. 4003. Acceptance.

P. DUPONG
Minister of State and Minister of Finance

LUXEMBOURG
August 29, 1946

September 12, 1946
[T. I. A. S. 2067]

Memorandum of understanding between the United States of America and Luxembourg respecting waiver of certain claims arising out of the conduct of the war. Signed at Luxembourg September 12, 1946; entered into force September 12, 1946.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG REGARDING CLAIMS BETWEEN THE TWO GOVERNMENTS ARISING OUT OF THE CONDUCT OF THE WAR

The Government of the United States of America and the Government of the Grand Duchy of Luxembourg have agreed as follows:

1. The obligation of the Government of the Grand Duchy of Luxembourg to the Government of the United States of America for the United States share of the combined claim for civilian supplies furnished by the Allied armies to the Government of the Grand Duchy of Luxembourg (Plan A) is the subject of a separate arrangement.

2. All other financial claims between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg which arose out of incidents connected with the conduct of the war occurring between September 3, 1939 and September 2, 1945, except claims arising out of existing arrangements where the liability for payment has heretofore been acknowledged and the method of computation agreed, are hereby waived, and neither government will hereafter raise or pursue any such claims against the other.

Signed at Luxembourg, in duplicate, this 12th day of September 1946.

For the Government of the United States of America

[SEAL] GEORGE PLATT WALLER
George Platt Waller

For the Government of the Grand Duchy of Luxembourg

[SEAL] PIERRE DUPONG.
Pierre Dupong

ACCORD ENTRE LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE ET LE GOUVERNEMENT DU GRAND-DUCHE DE LUXEMBOURG AU SUJET DES REVENDICATIONS ENTRE LES DEUX GOUVERNEMENTS RESULTANT DE LA CONDUITE DE LA GUERRE.

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Grand-Duché de Luxembourg sont d'accord sur ce qui suit:

1. L'obligation du Gouvernement du Grand-Duché de Luxembourg envers le Gouvernement des Etats-Unis d'Amérique pour la part des Etats-Unis dans la revendication collective pour les approvisionnements civils fournis par les armées alliées au Gouvernement du Grand-Duché de Luxembourg (Plan A) fait l'objet d'un accord séparé.

2. Toutes les autres revendications financières entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Grand-Duché de Luxembourg qui sont résultées d'événements se rattachant à la conduite de la guerre, survenus entre le trois septembre 1939 et le deux septembre 1945, exception faite des revendications résultant d'accords existants où la responsabilité des paiements a été reconnue jusqu'ici et la méthode de calcul convenue sont par la présente effacées et aucun des gouvernements ne pourra désormais élever ou poursuivre une telle revendication contre l'autre.

Signé en double à Luxembourg, le douze septembre 1946.

Pour le Gouvernement des Etats-Unis d'Amérique

[SEAL] GEORGE PLATT WALLER
George Platt Waller

Pour le Gouvernement du Grand-Duché de Luxembourg

[SEAL] PIERRE DUPONG
Pierre Dupong

October 23, 1945, and May 6, 1947
[T. I. A. S. 2073]

Agreement between the United States of America and Guatemala respecting a cooperative educational program in Guatemala, confirming and accepting the agreement of August 12, 1944, as amended. Effected by exchange of notes signed at Guatemala October 23, 1945, and May 6, 1947; entered into force May 6, 1947, operative retroactively from August 12, 1944.

The American Ambassador to the Guatemalan Minister of Foreign Relations

EMBASSY

No. 396

Guatemala, October 23, 1945.

EXCELLENCY:

I have the honor to refer to Note No. 11959, of September 16, 1944, of Your Excellency's Ministry, and to previous and subsequent correspondence relating to the Cooperative Educational Program which is being undertaken jointly by the Government of Guatemala and the Government of the United States under terms of an agreement signed on August 12, 1944 by the then Minister of Public Education of Your Excellency's Government and the Vice President of the Inter-American Educational Foundation, Inc., a corporation of the Office of the Coordinator of Inter-American Affairs and an agency of the Government of the United States of America.

59 Stat. 1272.

Post, p. 4011.

The original agreement of August 12, 1944 was drawn in quite general terms. A survey of the schools made since the Agreement was signed, and the scope of the plans which the Ministry of Public Education has made for their improvement, have indicated the desirability of amplifying the terms of the original agreement. I understand that the Ministry of Public Education of Your Excellency's Government and qualified experts of the Foundation have now agreed informally to a continuation and amplification of the Cooperative Educational Program, and of the terms of the original agreement.

Special organism; contributions.

In this respect, it is my understanding that the Government of Guatemala is prepared to create as an integral part of its Ministry of Education, a special organism with juridical personality to be known as the Servicio Cooperativo Interamericano de Educacion, which shall act as the intermediary between the two governments in carrying out the Cooperative Program, and of which the Special Representative of the Foundation shall be appointed Director. It is my further understanding that the Government of Guatemala is prepared, to contribute Fifty Thousand Quetzales (Q50,000) in cash, over a period of three years, to a bank account to be established in the name of the Servicio for carrying out local projects and to set up, also in the name of the Servicio, a special account of One Hundred Thousand Quetzales (Q100,000) to be used, over the same period of

time, exclusively in the construction of school buildings in connection with the Cooperative Program as mutually agreed upon by the Minister of Public Education and the Special Representative of the Foundation. I am advised that the Foundation is prepared on its part to contribute the sum of One Hundred Thousand Dollars ($100,000) in cash, over a period of three years, to the Servicio account for local projects and to provide, over the same period, technical personnel and pay their salaries and expenses in an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000).

Facilities, exemptions, etc.

I understand, also, that the Government of Guatemala is disposed to continue making available to the Foundation, and to make available to the Servicio, such office space, office equipment and furnishings, and other of its facilities, materials and supplies as it may conveniently supply for the program, and that it is disposed to grant to the Servicio exemtion and immunity from any and all taxes, fees, charges, imposts, and customs duties whether national, departmental, provincial, or municipal and from all requirements for licenses, and to grant both to the Servicio and to its official personnel all the rights and privileges, such as postal, telegraph, and telephone franks and right to special government rates allowed by domestic companies of maritime, rail and air travel, telegraph and telephone, etc., which are enjoyed by the dependencies and officials of the Government of the Republic. I understand that the Republic is disposed to accept the Foundation as an agency of the Government of the United States, entitled to the exemptions and immunities enumerated above, and also to grant to the Foundation all the rights and privileges enumerated above, and to the personnel of the Foundation, who are citizens of the United States of America, exemption from all Guatemalan income taxes and social security taxes on income on which they are obliged to pay equivalent taxes to the United States of America, from property taxes on personal property intended for their own use, and from customs duties on their personal effects and on supplies and equipment imported and exported for their personal use.

I understand that, pursuant to Article 9 of the original agreement, the details of the expanded Cooperative Program are currently being worked out in an amplificatory Agreement [1] between the representatives of the Ministry of Public Education of Your Excellency's Government and the Inter-American Educational Foundation, Inc.

Post, p. 4013.

Post, p. 4019.

I should appreciate receiving from Your Excellency confirmation that my understanding of the arrangements described in this note is correct and that the points outlined herein are satisfactory to the Government of Guatemala.

Please accept, Excellency, the reassurance of my highest and most distinguished consideration.

EDWIN J. KYLE.

His Excellency
Licenciado don GUILLERMO TORIELLO,
Minister of Foreign Relations,
Guatemala.

[1] Signed Oct. 23, 1945.

The Guatemalan Minister of Foreign Relations to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA
SECCION DIPLOMATICA

7271

360. E. (73-0)

GUATEMALA, *6 de mayo de 1947.*

SEÑOR EMBAJADOR:

Tengo el honor de informar a Vuestra Excelencia, con referencia a su atenta nota número 396, de fecha 23 de octubre de 1945, y a correspondencia anterior sobre el mismo asunto, que por Decreto emitido el 15 de abril próximo pasado, el Congreso de la República aprobó el Convenio sobre un programa cooperativo educacional y el Convenio ampliatorio del mismo, suscritos en esta capital por el Ministro de Educación Pública, en representación del Gobierno de Guatemala, y por el VicePresidente de la Fundación Educacional Interamericana de los Estados Unidos de Norte América, el 12 de agosto de 1944 y el 23 de octubre de 1945, respectivamente.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi consideración más alta y distinguida,

EUGENIO SILVA PEÑA
Ministro de Relaciones Exteriores.

Excelentísimo Señor EDWIN J. KYLE,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de Norte América.
Ciudad.

Translation

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA
DIPLOMATIC SECTION

7271

360 .E. (73-0)

GUATEMALA, *May 6, 1947.*

MR. AMBASSADOR:

I have the honor to inform Your Excellency, that in reference to your courteous note No. 396 dated October 23, 1945, and to previous correspondence on the same subject, the Congress of the Republic, by Decree issued on April 15, 1947, approved the Agreement on a cooperative educational program and the respective amplificatory Agreement, signed in this capital by the Minister of Public Education representing the Government of Guatemala and by the Vice President of the Inter-American Educational Foundation of the United States of America on August 12, 1944 and October 23, 1945, respectively.

Ante, p. 4008.

Post, pp. 4011, 4019.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

EUGENIO SILVA PEÑA
Minister of Foreign Relations.

His Excellency EDWIN J. KYLE,
Ambassador Extraordinary and Plenipotentiary of the United States of America.
City.

Agreement between the Republic of Guatemala and the Inter-American Educational Foundation, Inc.

The REPUBLIC OF GUATEMALA (hereinafter called the "Republic"); and the INTER-AMERICAN EDUCATIONAL FOUNDATION, INC., a corporation of the office of the Coordinator of Inter-American Affairs and an agency of the Government of the United States of America (hereinafter called the "Foundation"), have decided to celebrate the following contract to undertake a cooperative educational program to promote Inter-American understanding by bringing about a better interchange of educators, educational ideas and methods between Guatemala and the United States, pursuant to Resolution 28 adopted by the First Conference of Ministers and Directors of Education of the American Republics held in Panama in September and October 1943.

The Republic.

The Foundation.

1. The said cooperative educational program may include:

Program.

a. Furnishing by the Foundation of a Field Staff of educational specialists requested by the Secretaría de Estado en el Despacho de Educación Publica for service in Guatemala in carrying out the cooperative educational program;

b. Grants to permit Guatemalan educators to go to the United States for specialized training, to lecture, to teach and to interchange ideas and experience with United States educators;

c. Exploration and survey in Guatemala of local educational needs and resources for carrying out training projects in the normal schools in the field of teacher training for rural, and primary and elementary urban schools.

d. Development, adaptation, and exchange of suitable teaching materials for teachers on the primary and elementary levels.

e. Local projects needed to implement the program in Guatemala.

2. The Field Staff shall be under the direction of an official who shall have the title of Special Representative, Inter-American Educational Foundation, Inc., and who shall be the representative of the Foundation in connection with the program to be undertaken in accordance with this Agreement. The Special Representative and other members of the Field Staff shall be acceptable to the Republic.

Special Representative.

3. The said cooperative educational program shall be carried out in Guatemala through the Secretaría de Estado en el Despacho de Educación Pública de la República de Guatemala, with the technical advice and assistance of the Field Staff of the Foundation, as provided herein. It shall consist of individual Projects. The Projects shall consist of specific kinds of work and activity to be undertaken by the representatives of either or both Governments in the execution of this Agreement. The Projects and the allocation of funds therefor shall be mutually agreed upon in writing by the Secretaría de Estado en el Despacho de Educación Pública of the Republic and the Special Representative of the Foundation.

Projects.

Salaries and expenses.

4. The Foundation shall pay the salaries and other expenses payable directly to the members of the Field Staff in an amount not to exceed Seventy Thousand Dollars ($70,000), U.S. currency and shall in addition pay into a special bank account in the bank of the Republic's choice, to be entitled "Cooperative Education Program—Inter-American Educational Foundation, Inc.", from time to time on the basis of need as determined by the Special Representative of the Foundation and the Secretaría de Estado en el Despacho de Educación Pública, the sum or sums which will aggregate Thirty Thousand Dollars ($30,000), U.S. currency. The Republic shall, in addition to its regular budget for education, pay into the said special bank account from time to time on the basis of need, as determined by the Secretaría de Estado en el Despacho de Educación Pública and the Special Representative of the Foundation, the sum or sums which will aggregate Fifty Thousand Quetzaltes (Q50,000), Guatemalan currency. Within sixty days after the execution of this Agreement the Foundation shall pay into the said special bank account the sum of Ten Thousand Dollars ($10,000), U.S. currency, and the Republic shall pay into the said special bank account Seventeen Thousand Quetzales (Q17,000), Guatemalan currency, as the first installment from each Government for the said cooperative educational program. The funds in the said special bank account shall be administered by the Foundation and devoted exclusively to the said cooperative educational program as provided herein, and all Contracts necessary to carry out the terms of the Projects mutually agreed to by the representatives of the two Governments shall be in the name of the Foundation. If the Republic desires and so notifies the Foundation in writing, checks for the expenditure of funds in the said special bank account shall be countersigned by a representative of the Republic. The books and records of the Foundation relating to the said cooperative educational program shall be open at all times for inspection by representatives of the Republic, and the Foundation shall render financial reports to the Republic at such times as may be agreed upon between the Secretario de Estado en el Despacho de Educación Pública and the Special Representative of the Foundation.

Special bank account.

Administration of funds.

Records; financial reports.

Assistance to Foundation.

5. The Foundation shall use its best efforts to obtain such assistance and cooperation of the Coordinator of Inter-American Affairs and other agencies, both public and private, in the United States, as may be appropriate for the execution of the said cooperative educational program. The Republic shall make available office space, office equipment, furnishings and such other of its facilities, material, equipment and supplies as it may conveniently provide for the said program, and shall lend the general assistance thereto of the other Departments of the Republic.

Assistance by the Republic.

Funds withheld for purchases in U.S.

6. In view of the fact that many purchases of materials and supplies must necessarily be made in the United States of America the Secretario de Estado en el Despacho de Educación Pública and the Special Representative of the Foundation may agree to withhold from the

payments to be made by the Foundation, into the said special bank account, as provided herein, an amount deemed to be necessary to pay for such purchases of materials and supplies in the United States of America. Any funds so withheld by the Foundation for such purchases and not expended or obligated therefor shall be deposited in the said special bank account at any time upon the mutual agreement of the Secretario de Estado en el Despacho de Educación Pública and the Special Representative of the Foundation.

Disposition of funds.

7. The funds paid and payable into the said special bank account by the parties hereto shall continue to be available for the said cooperative educational program during the existence of this Agreement. Interest, if any, on any balances of funds in the said special bank account shall be used for the said cooperative educational program. The Secretario de Estado en El Despacho de Educación Pública and the Special Representative of the Foundation shall determine by mutual agreement the disposition of any unobligated funds remaining in the said special bank account upon the termination of this Agreement. In the event that, upon the expiration of each twelve-month period of this Agreement, the Foundation deems that the said funds which it has set aside for the payment of salaries and other expenses directly payable to members of the Field Staff, as provided in Paragraph 4 hereof, will be more than is needed for that purpose, the Foundation, at the end of each such twelve-month period, shall advise the Republic of the additional sum which has become available for Projects and such additional sum shall be paid into the said special bank account or otherwise disposed of pursuant to this Agreement. At least six months prior to the termination of this Agreement the Foundation shall similarly notify the Republic as to what, if any, of such funds will be available for Projects of the said cooperative educational program during the remainder of the program, and the disposition of any such funds so made available shall be determined by mutual agreement between the Secretario de Estado en el Despacho de Educación Pública and the Special Representative of the Foundation.

Interest on funds.

Surplus administrative funds.

Notification to Republic of funds available for Projects.

Delegation of authority.

8. Any right, power, or duty conferred by this Agreement upon either the Secretario de Estado en el Despacho de Educación Pública or the Special Representative of the Foundation may be delegated by the recipient thereof to representatives, provided that such representatives are satisfactory to the said official of the other Government.

Amendment.

9. This Agreement may be amended from time to time if deemed advisable by the parties hereto, such amendments to be in writing and signed by representatives of the Republic and the Foundation.

Cooperation by Executive Power of Republic.

10. The Executive Power of the Republic will take the necessary steps to obtain the legislation, decrees, orders or resolutions necessary to carry out the terms of this Agreement.

Duration.

11. This Agreement shall be in force for a period of three years from the date hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives, in English and in Spanish, in Guatemala, C.A., on the twelfth day of August, 1944.

REPUBLIC OF GUATEMALA

By LUIS GAITAN
Secretario de Estado en el Despacho de Educación Pública

INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.

By KENNETH HOLLAND
Vice-President

CONVENIO ENTRE LA REPUBLICA DE GUATEMALA Y THE INTER-AMERICAN EDUCATION FOUNDATION INC. 1944.–

LA REPUBLICA DE GUATEMALA (en adelante llamada "La República"), y the INTER-AMERICAN EDUCATIONAL FOUNDATION, INC., un organismo de la Oficina del Coordinador de Asuntos Interamericanos y agencia del Gobierno de los Estados Unidos de América (en adelante llamada la "Fundación"), han decidido celebrar el siguiente Convenio, con el fín de poner en práctica un Programa Cooperativo Educacional para promover el mejor entendimiento interamericano, mediante el intercambio de educadores e ideas y métodos educativos entre Guatemala y los Estados Unidos, de conformidad con la Resolución XXVIII de la Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas, adoptada en Panamá en Septiembre y Octubre de 1943.

1. –El mencionado Programa Cooperativo Educacional podría comprender:

   a) –Envío, por parte de la Fundación, y a requerimiento de la Secretaría de Estado en el Despacho de Educación Pública, de un Cuerpo de educadores especializados, que prestarán sus servicios en Guatemala, para llevar adelante el Programa Cooperativo Educacional;

   b) –Facilidades para que educadores guatemaltecos vayan a los Estados Unidos con el objeto de seguir cursos de especialización, contribuyendo, por su parte, por medio de conferencias y otros procedimientos adecuados, al intercambio de ideas y experiencias con los educadores de los Estados Unidos;

   c) –Estudio, en la República de Guatemala, de las necesidades y recursos locales con vistas a establecer una serie de proyectos, acerca de la preparación que están llamadas a suministrar las Escuelas Normales para Maestros de enseñanza rural y de enseñanza primaria urbana;

   d) –Desarrollo, adaptación e intercambio de materiales adecuados de enseñanza para los maestros de la escuela primaria;

   e) –Adopción de planes de trabajo locales para el desarrollo del Programa en Guatemala.

2. –El Cuerpo de educadores especializados a que se refiere el inciso a) del Artículo anterior, estará bajo la dirección de un funcionario con el cargo de Representante Especial de la Inter-American Educational Foundation, Inc., a quien se tendrá como Delegado de la Fundación para todo lo relacionado con el Programa que será puesto en práctica de acuerdo con este Convenio. La designación del Representante Especial así como la de los demás técnicos de su Oficina debe recibir, previamente, la aceptación del Gobierno de la República.

3. —El desarrollo del Programa Cooperativo Educacional de que se trata, se llevará a cabo por medio de la Secretaría de Estado en el Despacho de Educación Pública de Guatemala, con la asesoría técnica y la cooperación del Cuerpo de educadores de la Fundación, del que ya se ha hecho mérito, y consistirá en planes de trabajo locales sobre determinadas actividades que estarán encomendadas a los Representantes de uno o de los dos países entre los que se celebra este Convenio. Tales planes de trabajo, así como el empleo de los fondos necesarios para llevarlos a cabo, habrán de ser previamente aprobados mediante un documento que, de mutuo acuerdo, suscribirán el Secretario de Estado en el Despacho de Educación Pública de Guatemala y el Representante Especial de la Fundación.

4. —La Fundación tendrá a su cargo cubrir los sueldos y los otros gastos que deban ser pagados directamente a los miembros del Cuerpo de educadores especializados, para lo que habrá de disponer de una suma que no exceda de SETENTA MIL DOLARES ($70.000.oo), moneda americana; debiendo depositar además, en una cuenta especial abierta en el Banco que al efecto elija la República, y bajo el rubro de "COOPERATIVE EDUCATION PROGRAM-INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.", conforme lo exijan las necesidades y según lo determinen el Representante Especial de la Fundación y el Secretario de Estado en el Despacho de Educación Pública, la suma o sumas necesarias para totalizar TREINTA MIL DOLARES ($30.000.oo), moneda americana. La República, en adición al Presupuesto General de Gastos del Ramo, abonará de tiempo en tiempo la cuenta mencionada, con base en las necesidades y conforme lo determinen el Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación, la suma o sumas necesarias para totalizar CINCUENTA MIL QUETZALES (Q50.000.oo), moneda guatemalteca. Sesenta días después de la adopción de este Convenio, la Fundación colocará en la mencionada cuenta especial la suma de DIEZ MIL DOLARES ($10.000.oo), moneda americana, y la República, por su parte, colocará en la mencionada cuenta la suma de DIECISIETE MIL QUETZALES (Q17.000.oo), moneda guatemalteca, como primer abono de cada Gobierno para el desarrollo del Programa Cooperativo Educacional. Los fondos de la mencionada cuenta especial serán administrados por la Fundación y dedicados exclusivamente al desarrollo de dicho Programa Cooperativo Educacional, tal como queda establecido por este Convenio; y todos los contratos necesarios para llevar adelante los puntos contenidos en los planes de trabajo aceptados de mutuo acuerdo por los Representantes de los dos Gobiernos, serán celebrados en nombre de la Fundación. Si la República lo desea, notificándolo por escrito a la Fundación, los cheques para la inversión de fondos de la mencionada cuenta especial, irán firmados por un representante de la República. Los libros y registros de la Fundación, relacionados con el Programa Cooperativo Educacional, estarán

siempre disponibles para su inspección por parte de los Representantes de la República, y la Fundación rendirá cuentas relativas al manejo de fondos a la República, en cualquier momento que así lo acuerden el Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación.

5. —La Fundación empleará sus mejores esfuerzos a fín de obtener la ayuda y la cooperación del Coordinador de Asuntos Interamericano, así como de otras agencias, tanto públicas como privadas de los Estados Unidos, y en la medida que lo juzgue oportuno, para la ejecución del Programa Cooperativo Educacional. La República proporcionará local para la Oficina, así como el equipo, implementos y materiales necesarios para la misma, a la que prestará la cooperación que tal Oficina pueda necesitar de otras dependencias del Gobierno.

6. —En vista de que muchas compras de implementos y materiales tendrán necesariamente que hacerse en los Estados Unidos de América, el Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación, podrán disponer que se reserve, de los abonos que habría de hacer la Fundación a la cuenta especial de la que se habla más arriba, una suma destinada al pago de tales compras de implementos y materiales en los Estados Unidos de América. Los fondos así retenidos por la Fundación para las compras de que se trata, y que aún no se adeuden ni hayan sido invertidos, serán depositados en la mencionada cuenta especial en cualquier tiempo, mediante mutuo acuerdo entre el Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación.

7. —Los fondos abonados o por abonarse por las partes interesadas a la cuenta especial, continuarán en disponibilidad para el desarrollo del Programa Cooperativo Educacional durante la duración de este Convenio. Los intereses, si los hubiere en algún capítulo de tales fondos de la cuenta especial, serán utilizados para el desarrollo del Programa Cooperativo Educacional. El Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación determinarán, de mutuo acuerdo, el destino que haya de darse a los fondos de la cuenta especial no invertidos a la terminación de este Convenio. En el caso de que, a la expiración de cada período de doce meses de los que comprende este Convenio, la Fundación considere que las sumas que se han reservado para el pago de sueldos y otros gastos de los miembros del Cuerpo de educadores especializados, conforme al punto 4)—de este Convenio, exceden de lo que se necesita para tal objeto, la misma Fundación, al fín de cada período de doce meses, dará a conocer a la República el dato relativo a la suma adicional que, por tal concepto, quede en disponibilidad para sufragar los planes de trabajo; y dicha suma adicional será entonces abonada a la

cuenta especial, o destinada en otra forma a la ejecución del Convenio. Por lo menos seis meses antes de la terminación de este Convenio, la Fundación notificará igualmente a la República acerca de los fondos disponibles, si los hubiere, para los planes de trabajo del Programa Cooperativo Educacional, durante el período que falte para la terminación del Convenio; y el destino que haya de darse a tales fondos será determinado de mutuo acuerdo entre el Secretario de Estado en el Despacho de Educación Pública y el Representante Especial de la Fundación.

8. –Todo derecho, poder o responsabilidad que por medio de este Convenio adquieran así el Secretario de Estado en el Despacho de Educación Pública como el Representante Especial de la Fundación, puede ser delegado por cada uno de ellos en sus representantes, siempre que tales representantes sean juzgados idóneos por la otra de las partes.

9. –Este Contrato puede ser reformado de tiempo en tiempo, si las partes interesadas consideran necesaria tal reforma, la cual se hará constar por escrito y será autorizada con la firma de los Representantes de la República y de la Fundación.

10. –El Poder Ejecutivo de la República tomará las medidas necesarias para que sean adoptados las leyes, decretos, órdenes o resoluciones necesarios para llevar a la práctica los términos de este Convenio.

11. –El presente Convenio estará en vigor durante un período de tres años, a contar de esta fecha.

EN FE DE LO CUAL, las partes contratantes suscriben este Convenio por medio de sus Representantes autorizados, en los idiomas inglés y español, en la ciudad de Guatemala, C.A., a los doce días del mes de Agosto de mil novecientos cuarenta y cuatro.

POR REPUBLICA DE GUATEMALA
LUIS GAITAN
Secretario de Estado en el Despacho de Educación Pública

POR THE INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.
KENNETH HOLLAND
Vice-Presidente.

Amplifying Agreement between the Republic of Guatemala and the Inter-American Educational Foundation, Inc.

The REPUBLIC OF GUATEMALA (hereinafter called the "Republic"); and the INTER-AMERICAN EDUCATIONAL FOUNDATION, INC., a corporation of the Office of Inter-American Affairs and an Agency of the Government of the United States of America (hereinafter called the "Foundation"), have decided to celebrate the following contract of amplification of the Agreement signed between representatives of the Republic and the Foundation on August 12, 1944, which Agreement provided for the undertaking of a Cooperative Educational Program to promote Inter-American understanding by bringing about a better interchange of educators, and educational ideas and methods, between Guatemala and the United States, pursuant to Resolution 28 of the First Conference of Ministers and Directors of Education of the American Republics held in Panama in September and October, 1943, and pursuant to Resolution 58 adopted by the Inter-American Conference on Problems of War and Peace, held at Mexico City in February and March, 1945.

The Republic.

The Foundation.

Ante, p. 4011.

The said original Agreement of August 12, 1944 was drawn in general terms. A survey of the schools made since the Agreement was signed, and the scope of the plans which the Ministry of Public Education has made for their improvement, have indicated the desirability of amplifying the terms of the said original Agreement. The parties hereto therefore agree, effective as of this date, to the continuation and amplification of the Cooperative Educational Program in Guatemala and of the terms of the said original Agreement as follows:

Effective date.

1. The Republic shall create, as an integral part of its Ministry of Public Education, an organism with juridical personality to be known as the SERVICIO COOPERATIVO INTERAMERICANO DE EDUCACION (hereinafter called the "Servicio"), which shall be the intermediary between the two Governments for the carrying out of the said Cooperative Educational Program in Guatemala. The Field Staff of the Foundation shall render technical advice and assistance to the Servicio in carrying out the said Program.

The Servicio.

2. The Field Staff of the Foundation shall be under the direction of an official who shall have the title of Special Representative, Inter-American Educational Foundation, Inc., and who shall be the representative of the Foundation in connection with the Cooperative Educational Program in Guatemala. The Special Representative and the other members of the Field Staff shall be acceptable to the Republic. The Minister of Public Education shall be the representative of the Republic in connection with the Cooperative Educational Program.

Special Representative.

3. The Special Representative of the Foundation shall be the Director of the Servicio. The Director of the Servicio shall, in agreement with the Minister of Public Education, select, appoint, and discharge its employees and determine their salaries and conditions of employment. The Director shall direct, manage, and supervise the other affairs and activities of the Servicio, and may delegate

Director.

authority to persons employed by the Servicio, to officials or employees of the Republic, or to members of the Field Staff of the Foundation. Contracts for the execution of Projects mutually agreed upon as hereinafter provided shall be executed in the name of the Servicio by the Director of the Servicio or by his duly designated representative.

4. The said Cooperative Educational Program shall include:

Collaboration.

A. Collaboration between Guatemalan educators and a Field Staff of educational specialists requested by mutual accord between the Minister of Public Education and the Special Representative of the Foundation and furnished by the Foundation for service in Guatemala in carrying out the Cooperative Educational Program.

Activities.

B. Provision, by means of mutually approved Project Agreements, for the advancement of the program in Guatemala through such activities as:

(1) Exploration and survey of local educational needs and resources for carrying out teacher-training projects in the normal schools;

(2) Training and specialization of Guatemalan teachers in Guatemala and in the United States;

(3) Provision of opportunities for Guatemalan educators to go to the United States to lecture, to teach, and to interchange ideas and experience with the United States educators;

(4) Development, adaptation, procurement, and exchange of suitable teaching materials for teachers and teacher-trainers;

(5) Other Projects of an educational nature which may be mutually agreed upon as provided herein.

Projects.

5. The Cooperative Educational Program shall consist of individual Projects of specific kinds of work and activity. The Projects and the allocations of funds therefor shall be mutually agreed upon in writing by the Minister of Public Education and the Special Representative of the Foundation, and the Projects shall be carried out through the Servicio in conformity with policies and procedures prescribed jointly by the Minister of Public Education and the Special Representative of the Foundation. Projects previously agreed upon pursuant to the said original Agreement shall be carried out through the Servicio in accordance with the terms of this Agreement.

Ante, p. 4011.

Special bank account.

6. Pursuant to the said original Agreement, a special bank account entitled "Cooperative Education Program—Inter-American Educational Foundation, Inc." has been established by the Foundation in the Banco Central de Guatemala. Promptly upon the creation of the Servicio, the Foundation shall deposit the unobligated balance of the funds in the said special bank account, in a different bank account to be established in the name of the Servicio. The Foundation shall pay into the said bank account of the Servicio the total sum of One Hundred Thousand dollars ($100,000), U.S. Currency, and the Republic shall pay into the said bank account of the Servicio the total sum of Fifty Thousand quetzales (Q50,000), Guatemalan Currency, as provided herein. The payments by each party shall be made, respectively, unless other dates of deposit are established by mutual agree-

Schedule of payments.

ment between the Minister of Public Education and the Special Representative of the Foundation, in conformity with the following schedule:

Date	Deposits to be made by the Foundation	Deposits to be made by the Republic
On or before November 15, 1945	$33, 334. 00	Q 17, 000. 00
On or before November 15, 1946	33, 333. 00	17, 000. 00
On or before November 15, 1947	33, 333. 00	16, 000. 00
	$100, 000. 00	Q 50, 000. 00

The amount of the initial deposit of each party above specified shall be reduced respectively by the amount or amounts of any funds already deposited by that party into the said special bank account opened in the name of the Foundation pursuant to the said original Agreement. The funds deposited for any given period by either party in the bank account of the Servicio shall not be withdrawn therefrom until the funds for that period have been deposited by both parties.

Salaries and expenses.

7. The Foundation shall, in addition to its contribution in cash to the bank account of the Servicio, determine and pay the salaries and other expenses of its Field Staff in Guatemala during the period of this Agreement in an amount not to exceed One Hundred Fifty Thousand dollars ($150,000), U. S. Currency. The Republic shall, in addition to its said contribution for local Projects to the bank account of the Servicio, establish a special fund in the total amount of One Hundred Thousand quetzales (Q100,000), Guatemalan Currency, to be devoted exclusively to the construction of school buildings in connection with the said Cooperative Educational Program, as mutually agreed upon by the Minister of Public Education and the Special Representative of the Foundation. The said sum of One Hundred Thousand quetzales (Q100,000) shall be deposited by the Republic in a separate bank account in the name of the Servicio at such time or times and in such amount or amounts as shall be agreed upon by mutual agreement between the Minister of Public Education and the Special Representative of the Foundation. Accordingly, the maximum cash contribution of the Foundation for the said Cooperative Educational Program shall be Two Hundred Fifty Thousand dollars ($250,000), and that of the Republic shall be One Hundred Fifty Thousand quetzales (Q150,000). The Republic shall also continue to make available to the Foundation and shall make available to the Servicio such office space, office equipment and furnishings and such other of its facilities, material, equipment, and supplies as it may conveniently provide for the program.

Additional contribution by Republic.

Availability and disposition of funds.

8. The funds paid and payable by the parties hereto into the bank account of the Servicio shall continue to be available for the said Cooperative Educational Program during the existence of this Agreement. Interest, if any, on the funds in the bank account of the Servicio shall be used for the purposes of the said Cooperative Educational Program. The Minister of Public Education and the

Special Representative of the Foundation shall determine by mutual agreement the disposition of any unobligated funds remaining in the bank accounts of the Servicio upon the termination of this Agreement.

Audit of accounts.

The accounts of the Servicio shall be audited at such times and in such manner as may be agreed upon between the Minister of Public Education and the Special Representative of the Foundation.

Funds withheld for purchases in U.S.

9. In view of the fact that purchases of some materials and supplies must be made in the United States of America, the Minister of Public Education and the Special Representative of the Foundation may agree to withhold from the deposits to be made by the Foundation into the bank account of the Servicio, as provided herein, an amount or amounts deemed to be necessary to pay for such purchases. Any funds so withheld by the Foundation for such purchases and not obligated therefor shall be deposited in the bank account of the Servicio at any time upon the mutual agreement of the Minister of Public Education and the Special Representative of the Foundation.

Exemptions, immunities, etc.

10. The Servicio shall be exempt and immune from any and all taxes, fees, charges, imposts and customs duties, whether national, departmental, provincial or municipal, and from all requirements for licenses. The Servicio and its official personnel shall also enjoy all the rights and privileges which are enjoyed by departments and officials of the Republic. Such rights and privileges shall include, for example, postal, telegraph and telephone franks and the right to special rates allowed to the departments of the Republic by domestic companies of maritime, railroad, and air travel, telegraph, telephone, etc. The Republic agrees to accept and recognize the Foundation as an Agency of the Government of the United States of America, and, accordingly, the Foundation shall be entitled, among other things, to all the exemptions and immunities enumerated above. The Foundation shall also enjoy all the rights and privileges above set forth. The personnel of the Foundation who are citizens of the United States of America shall be exempt from all Guatemalan income taxes and social security taxes with respect to income on which they are obliged to pay income or social security tax to the Government of the United States of America, and from property taxes on personal property intended for their own use. Said employees shall also be exempt from customs duties on their personal effects and on supplies and equipment imported or exported for their personal use.

Delegation of authority.

11. Any right, power, or duty conferred by this Agreement upon either the Minister of Public Education or the Special Representative of the Foundation may be delegated by the recipient thereof to one or more representatives, provided that each such representative shall be satisfactory to both officials.

Cooperation by Executive Organism of the Republic.

12. The Executive Organism of the Republic shall take the necessary steps to obtain the legislation, decrees, orders or resolutions necessary to carry out the terms of this Agreement, and this Agreement shall remain in force until at least June 30, 1948. It shall be terminated by either party hereto on that date or at any time thereafter by giving to the other party at least sixty (60) days' written notice in advance.

Duration; termination.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, in English and in Spanish, by their duly authorized representatives, in Guatemala, C.A., this twenty third day of October 1945.

REPUBLIC OF GUATEMALA
By: M M AVILA A
Secretario de Educación

INTER AMERICAN EDUCATIONAL FOUNDATION, INC.
By: KENNETH HOLLAND
President

LA REPUBLICA DE GUATEMALA (en adelante llamada "La República") y the INTER-AMERICAN EDUCATIONAL FOUNDATION, INC., un organismo de la Oficina del Coordinador de Asuntos Inter-Americanos y agencia del Gobierno de los Estados Unidos de América (en adelante llamada la "Fundación"), han decidido celebrar el siguiente Convenio ampliatorio del firmado por los Representantes de la República y la Fundación, el doce de agosto de mil novecientos cuarenta y cuatro, con el fin de poner en práctica un Programa Cooperativo Educacional para promover el mejor entendimiento interamericano, mediante el intercambio de educadores e ideas y métodos educativos entre Guatemala y los Estados Unidos, de conformidad con la Resolución XXVIII de la Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas, adoptada en Panamá en Septiembre y Octubre de 1943, y de conformidad con la Resolución LVIII del Congreso Inter-Americano sobre los Problemas de la Guerra y la Paz, adoptada en México en Febrero y Marzo de mil novecientos cuarenta y cinco.

El Convenio original de doce de agosto de mil novecientos cuarenta y cuatro, fué redactado en términos generales. Un estudio de las escuelas del país hecho desde que el Convenio fué firmado y la amplitud de los proyectos que prepara el Ministerio de Educación Pública para mejorar las condiciones de la escuela guatemalteca, han indicado la conveniencia de ampliar los términos del convenio original. Por lo tanto, las partes contratantes, con el fin de continuar y ampliar el Programa Cooperativo Educacional en Guatemala y los términos del Convenio original de fecha doce de agosto de mil novecientos cuarenta y cuatro, acuerdan de conformidad con el Articulo No. 9 de dicho Convenio, hacerlo como se estipula a continuacion:

1. La República establecerá, adscrito al Ministerio de Educación Pública, un organismo con personería jurídica denominado el Servicio Cooperativo Inter-Americano de Educación (en adelante llamado el "Servicio") que será el intermediario entre los dos gobiernos, para llevar a cabo dicho Programa Cooperativo Educacional en Guatemala. El cuerpo de educadores especializados de la Fundación prestará asesoría técnica y cooperación al "Servicio" para llevar adelante dicho Programa.

2. El personal de la Fundación estará bajo la dirección de un Funcionario con el cargo de Representante Especial de la Inter-American Educational Foundation, Inc., a quien se tendrá como delegado de la Fundación en Guatemala para todo lo relacionado con el Programa Cooperativo Educacional. El nombramiento del Representante Especial, y de los otros miembros del personal de educadores especializados, debe ser aprobado previamente por la República. El Ministro de Educación Pública será el representante de la República en todo lo relativo al Programa Cooperativo Educacional.

3. El Representante Especial de la Fundación será Director del "Servicio". El Director del "Servicio", de acuerdo con el Ministro de Educación Pública, elegirá y nombrará, a sus empleados, los removerá en caso necesario, y determinará los sueldos y condiciones de empleo.

El Director orientará, administrará, e inspeccionará todos los asuntos y las actividades del "Servicio". El Director puede delegar su autoridad en personas empleadas por el "Servicio", en oficiales o empleados de la República, o en miembros del cuerpo de educadores de la Fundación. Los contratos para realizar los planes mutuamente aprobados, como adelante se especifica, serán celebrados en nombre del "Servicio" por el Director del mismo o por su representante legal.

4. El Programa Cooperativo Educacional comprenderá:

A. Colaboración entre los educadores guatemaltecos y un cuerpo de educadores especializados, seleccionados de acuerdo mutuo entre el Ministro de Educación Pública y el Representante Especial de la Fundación y enviados por ésta para prestar sus servicios en Guatemala y desarrollar el Programa Cooperativo Educacional.

B. Desarrollo, por medio de proyectos locales mutuamente aprobados, de actividades, que tienen por objeto la realización total del programa en Guatemala, como las siguientes:

(1) Estudio en la República de las necesidades y recursos locales con vistas a llevar a cabo una serie de proyectos para la preparación de maestros en las escuelas normales.

(2) Preparación y perfeccionamiento de profesores guatemaltecos en Guatemala y en los Estados Unidos.

(3) Dar oportunidades para que educadores guatemaltecos vayan a los Estados Unidos, donde, por medio de conferencias y otros procedimientos adecuados, contribuyan al intercambio de ideas y experiencias con los educadores de los Estados Unidos.

(4) Desarrollo, adaptación, adquisición e intercambio de materiales adecuados para los maestros de escuelas elementales y los profesores de escuelas normales.

(5) Otras actividades de carácter educacional que serán mutuamente aprobadas, de conformidad con este Convenio.

5. El Programa Cooperativo Educacional consistirán en planes específicos de trabajo, sobre determinadas actividades. Los planes y las asignaciones que su desarrollo demande se estipularán de mutuo acuerdo, en forma escrita, entre el Ministro de Educación Pública y el Representante Especial de la Fundación. Dichos planes se pondrán en acción por medio del "Servicio", conforme a la política y el procedimiento mutuamente acordados entre el Ministro de Educación Pública y el Representante Especial de la Fundación. Todos los planes previamente aprobados de acuerdo con el Convenio original serán realizados por medio del "Servicio" conforme a los términos del presente Convenio.

6. De acuerdo con dicho Convenio original, la Fundación ha abierto una cuenta especial en el Banco Central de Guatemala, bajo el rubro "Cooperative Education Program, Inter-American Educational Foundation, Inc." Tan pronto como se establezca el "Servicio", la Fundación depositará el saldo de dicha cuenta especial, en una cuenta nueva a nombre del mismo "Servicio". La Fundación aportará a esta cuenta del "Servicio" la cantidad total de Cien Mil Dólares

($100,000) moneda americana, y la República aportará a la misma cuenta del "Servicio" la cantidad total de Cincuenta Mil Quetzales (Q50,000) moneda guatemalteca, como estipula este Convenio. Si otras fechas de depósito no hubieren sido acordadas previamente entre el Ministro de Educación Pública y el Representante Especial de la Fundación, los depósitos respectivos se harán, por las partes contratantes, de conformidad con el plan siguiente:

Fecha	Depósito que efectuará la Fundación	Depósito que efectuará la República
El 15 de noviembre de 1945 o antes,	$33, 334. 00	Q 17, 000. 00
El 15 de noviembre de 1946 o antes	$33, 333. 00	Q 17, 000. 00
El 15 de noviembre de 1947 o antes	$33, 333. oo	Q 16, 000. oo
	$100, 000. oo	Q 50, 000. oo

Las sumas ya depositadas por cualquiera de las partes en virtud del Convenio original, formarán parte del primer depósito, en la cuenta del "Servicio", como lo establece el presente contrato. Los fondos depositados en la cuenta del "Servicio" por cualquiera de las partes contratantes, de conformidad con las obligaciones ya mencionadas, no podrán gastarse mientras no se hayan hecho efectivas ambas contribuciones correspondientes al período.

7. La Fundación determinará los gastos y salarios del cuerpo de educadores especializados que presten sus servicios en Guatemala de acuerdo con este Convenio, y los pagará en adición a su contribución en la cuenta del "Servicio", siempre que no exceden de la suma de Ciento Cincuenta Mil Dólares ($150,000) moneda americana mientras esté en vigor el presente Convenio. La República, en adición a su contribución en la cuenta del "Servicio", dedicará un fondo especial de Cien Mil Quetzales (Q100,000) para ser invertido exclusivamente en la construcción de edificios para escuelas rurales relacionadas con el Programa Cooperativo, según lo acuerden el Ministro de Educación Pública y el Representante Especial de la Fundación. La República depositará dicha cantidad de Cien Mil Quetzales en una cuenta bancaria distinta a nombre del "Servicio", en los tiempos y en las cantidades que se convengan entre el Ministro de Educación Pública y el Representante Especial de la Fundación. De este modo la Fundación contribuirá al dicho Programa Cooperativo, hasta con la suma total de Dos Cientos Cincuenta Mil Dólares ($250,000) moneda americana, y la República contribuirá hasta con la suma total de Ciento Cincuenta Mil Quetzales (Q150,000). La República continuará proporcionando a la Fundación y proporcionará al "Servicio", el local, el equipo, el mobiliario y cualesquiera otras facilidades para el buen funcionamiento de la oficina, y además, material, equipo y utensilios necesarios que convenientemente pueda suministrar para el desarrollo del Programa.

8. Los fondos abonados o que deban abonarse en la cuenta del "Servicio" por las partes contratantes, estarán disponibles para el desarrollo del Programa Cooperativo Educacional mientras está en vigor este Convenio. Los intereses, si los hubiere, serán utilizados en el mismo sentido. El Ministro de Educación Pública y el Repre-

sentante Especial de la Fundación determinarán, de mutuo acuerdo, el destino que deba darse a los fondos de las cuentas del "Servicio" no invertidos al término de éste Convenio. Los libros y registros del "Servicio" se revisarán en las fechas y en la forma que se acuerden entre el Ministro de Educación Pública y el Representante Especial de la Fundación.

9. En vista de que algunas compras de implementos y materiales tendrán que hacerse en los Estados Unidos de América, el Ministro de Educación Pública y el Representante Especial de la Fundación, podrán disponer que, de los abonos que habría de hacer la Fundación a la cuenta del "Servicio", se reserven las cantidades destinadas al pago de dichas compras, y si hubieren saldos de estas cantidades, éstos serán depositados en la cuenta del "Servicio", en cualquier tiempo, mediante acuerdo mutuo entre el Ministro de Educación Pública y el Representante Especial de la Fundación.

10. El "Servicio" estará exento de cualquier contribución, impuesto, derecho, cargo, tributo y derechos de aduana, ya sean nacionales, departamentales, provinciales, o municipales, y de todo requerimiento para licencias. El "Servicio" y su personal oficial, en ejercicio de sus funciones, tambien gozarán de los derechos y concesiones de que disfruten las diversas dependencias de la República. Tales derechos y concesiones podrán consistir en franquicia postal, telegráfica y telefónica, el derecho a ciertas tarifas especiales concedidas a las dependencias de la República por empresas particulares de servicio marítimo, ferrocarrilero, aéreo, telegráfico, telefónico, etc. La República aceptará y reconocerá a la Fundación como una agencia del Gobierno de los Estados Unidos, y así mismo, la Fundación gozará entre otras cosas, de todas las exenciones, e inmunidades enumeradas, así como de los derechos y concesiones ya establecidos en el presente Convenio. El personal de la Fundación, de nacionalidad norteamericana, estará exento del pago de todo impuesto sobre la renta y descuentos destinados al seguro social sobre rentas sujetas a impuestos de carácter semejante a los del Gobierno de los Estados Unidos. Tales funcionarios estarán también exentos del pago de derechos aduaneros y otros impuestos sobre sus efectos personales y sobre equipos y suministros importados o exportados para su propio uso.

11. Todo derecho, poder o responsabilidad que en virtud de este Convenio adquieran el Ministro de Educación Pública o el Representante Especial de la Fundación, puede ser delegado por cada uno de ellos en sus representantes legales, siempre que estos representantes sean juzgados idóneos por la otra parte.

12. El Organismo Ejecutivo de la República tomará las medidas necesarias para que se emitan las leyes, decretos, órdenes y resoluciones indispensables al cumplimiento de los términos de este Convenio, el cual estará en vigor, por lo menos, hasta el treinta de junio de mil novecientos cuarenta y ocho. Su vigencia caducará en cualquier tiempo después del treinta de junio de mil novecientos cuarenta y ocho, mediante denuncia de una de las partes, la cual deberá presentarse por escrito a la otra parte, con anticipación no menor de sesenta días.

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EN FE DE LO CUAL, las partes contratantes suscriben este Convenio por medio de sus representantes autorizados, en los idiomas inglés y español, en la ciudad de Guatemala, República de Guatemala, C. A. el día veintitrés de Octubre de mil novecientos cuarenta y cinco.

POR LA REPUBLICA DE GUATEMALA

M M AVILA A

Ministro de Educación Pública

POR INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.

KENNETH HOLLAND

Presidente

Agreement between the United States of America and Haiti respecting a cooperative food production program in Haiti, modifying and extending the agreement of August 28, 1944, as modified and extended. Effected by exchange of notes signed at Port-au-Prince June 25 and 29, 1948; entered into force June 30, 1948.

June 25 and 29, 1948
[T. I. A. S. 2075]

The American Ambassador to the Haitian Secretary of State for Foreign Affairs

AMERICAN EMBASSY,
No. 711 *Port-au-Prince, Haiti, June 25, 1948.*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Government of Haiti and the Institute of Inter-American Affairs, dated August 28, 1944, as later modified and extended, which provided for the initiation and execution of the existing cooperative program of agriculture in Haiti. I also refer to Your Excellency's note of June 24, 1948 [1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

Ante, pp. 3953, 3961, 3964, 3965, 3973.

As Your Excellency knows, the agreement of August 28, 1944, as amended, provides that the cooperative program of agriculture will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Haiti that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $100,000.00 United States currency to the Service Cooperatif Inter-Americain de Production Agricole for use in carrying out project activities of the program on condition that your Government would contribute to the Service for the same purpose the sum of at least 1,500,000 Gourdes ($300,000.00). The Institute would also be willing during the same extension period to make available an amount not exceeding $137,012.00 United States currency to be retained by the Institute, and not deposited to the account of the Service, for payment of salaries and other expenses of the members of the Institute Food Supply Field Staff who are maintained by the Institute in Haiti. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

Ante, p. 3950.

[1] Not printed.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Agriculture and the Institute of Inter-American Affairs.

The Government of the United States of America will consider the present Note and your reply Note concurring therein as constituting an agreement between our two Governments which shall come into force on the date of signature [1] of an Agreement by the Haitian Secretary of State for Agriculture and by a representative of the Institute of Inter-American Affairs embodying the above-mentioned technical details.

Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

HAROLD H. TITTMANN,
American Ambassador.

His Excellency
EDMÉE MANIGAT,
Secretariat of State for Foreign Affairs,
Port-au-Prince.

The Haitian Secretary of State for Foreign Affairs to the American Ambassador

SECRÉTAIRERIE D'ETAT
DES
RELATIONS EXTÉRIEURES
No. SG/A-3:1.326

RÉPUBLIQUE D'HAÏTI
Port-au-Prince, le 29 Juin 1948.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception à Votre Excellence de sa lettre en date du 25 courant, No. 711, relative au renouvellement de l'accord du 28 août 1944 pour une période d'une année finissant le 30 août 1949.

J'ai noté que les détails techniques dudit accord à conclure entre l'Institut des Affaires Inter-américaines et le Gouvernement haitien devront être discutés par les fonctionnaires compétents des deux organismes.

Il m'est agréable d'informer Votre Excellence que les bases ci-dessous énumérées:

a) contribution du Gouvernement haitien : $ 300.000.00;
b) " de l'Institut : 100.000.00

outre une valeur de $ 137.012.00 destinée au paiement des salaires et autres frais des membres du personnel de la Food Supply sont acceptées par le Gouvernement de la République.

[1] June 30, 1948.

Je saisis cette occasion pour renouveler à Votre Excellence, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

EDMÉE MANIGAT

Son Excellence
Monsieur HAROLD H. TITTMANN,
Ambassadeur Extraordinaire et Plénipotentiaire
des Etats-Unis d'Amérique,
Port-au-Prince.

Translation

MINISTRY OF STATE
FOR
FOREIGN AFFAIRS

REPUBLIC OF HAITI

No. SG/A-3:1.326

Port-au-Prince, June 29, 1948.

MR. AMBASSADOR:

I have the honor to acknowledge to Your Excellency the receipt of your letter No. 711, dated the 25th of this month, concerning the renewal of the Agreement of August 28, 1944, for a period of one year ending on August 30, 1949.[1]

Ante, p. 4029.
Ante, p. 3953.

I have noted that technical details of the said Agreement to be concluded between the Institute of Inter-American Affairs and the Haitian Government must be discussed by the competent officials of the two bodies.

I have the pleasure of informing Your Excellency that the bases shown below:

a) share of the Haitian Government: $300,000.00
b) " of the Institute : $100,000.00

in addition to an amount of $137,012.00, intended for the payment of salaries and other expenses of the personnel of the Food Supply, are accepted by the Government of the Republic.

I avail myself of this opportunity to renew to Your Excellency, Mr. Ambassador, the assurance of my high consideration.

EDMÉE MANIGAT

His Excellency
Mr. HAROLD H. TITTMANN,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Port-au-Prince.

[1] The correct date is June 30, 1949.

June 29 and July 10, 1948
[T. I. A. S. 2076]

Agreement between the United States of America and Guatemala respecting a cooperative educational program in Guatemala, modifying and extending the agreement of August 12, 1944, as modified and extended. Effected by exchange of notes signed at Guatemala June 29 and July 10, 1948; entered into force July 11, 1948, operative retroactively from June 30, 1948.

The American Ambassador to the Guatemalan Minister for Foreign Affairs

No. 90.

GUATEMALA, *June 29, 1948.*

EXCELLENCY:

I have the honor to refer to the Basic Agreement between the Republic of Guatemala and the Inter-American Educational Foundation, Inc., dated August 12, 1944, as later modified and extended, which provided for the initiation and execution of the existing cooperative educational program in Guatemala. I also refer to the note of April 16, 1948, [1] in which the Ambassador of Guatemala to the United States of America requested the Secretary of State of my Government to arrange, if possible, for the extension of that Agreement.

Ante, pp. 4011, 4019.

In accordance with legislation enacted during 1947 by the Congress and approved by the President of the United States all of the property, funds, functions, personnel, liabilities, and restrictions of the Inter-American Educational Foundation, Inc., were transferred to The Institute of Inter-American Affairs, a corporate instrumentality of the United States created by such legislative action. Consequently, the participation by the United States in the cooperative education program is now being effectuated through The Institute of Inter-American Affairs.

Ante, p. 4011.

As Your Excellency knows, the agreement of August 12, 1944, provides that the cooperative education program will terminate on July 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Guatemala that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $20,000 United States Currency to the Servicio Cooperativo Interamericano de Educacion for use in carrying out project activities of the program on condition that your Government would contribute directly to the Servicio for the same purpose the sum of Q80,000, in addition to the sum of not less than Q40,500 which the Republic in its regular budget will expend on

[1] Not printed.

educational activities closely related to the program of the Servicio. The Institute would also be willing during the same extension period to make available an amount not exceeding $60,000 United States Currency to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Education Division Field Staff, who are maintained by the Institute in Guatemala. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Public Education and The Institute of Inter-American Affairs.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two governments, which shall come into force on the date of signature [1] of an agreement by the Minister of Public Education of Guatemala and by a representative of the Institute of Inter-American Affairs embodying the above mentioned technical details. Entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

EDWIN J. KYLE

His Excellency
Licenciado ENRIQUE MUÑOZ MEANY,
Minister for Foreign Affairs,
Guatemala.

The Guatemalan Minister for Foreign Affairs to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA
SECCION DIPLOMATICA

360.E. (73.0) GUATEMALA, *10 de julio de 1948.*

SEÑOR EMBAJADOR:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia número 90, de fecha 29 de junio recién pasado, relacionada con la prórroga, por un año, del Programa Cooperativo Educacional que se ha desarrollado en el país, de conformidad con el convenio suscrito por el Ministro de Educación Pública, en representación del Gobierno de Guatemala, y por el Representante de la Fundación Educacional Interamericana de los Estados Unidos, y la ampliación del mismo, fechadas el 12 de agosto de 1944 y el 23 de octubre de 1945, respectivamente.

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[1] July 11, 1948.

Me complace manifestar a Vuestra Excelencia que el Gobierno de Guatemala está de acuerdo en que el mencionado programa, cuyos beneficios han sido tan importantes, se prorrogue por un año, del 30 de junio de 1948 al 30 de junio de 1949, en las siguientes condiciones: durante el período de prórroga el Instituto de Asuntos Interamericanos contribuirá con $20.000 moneda de los Estados Unidos para el Servicio Cooperativo Interamericano de Educación que se emplearán en desarrollar las actividades proyectadas del programa en el entendido de que el Gobierno de Guatemala contribuirá directamente al Servicio, para los mismos fines, con la suma de $80.000, además de una cantidad no menor de $40.500 que el Gobierno de Guatemala tomará de su presupuesto general y que invertirá en actividades educativas estrechamente relacionadas con el programa. El Instituto estará dispuesto a proporcionar, durante la prórroga, una suma que no pasará de $60.000 moneda de los Estados Unidos que será retenida por dicho organismo y que no se depositará a la cuenta del Servicio, para el pago de sueldos y otros gastos de los miembros del personal de la División del Instituto que se establezcan en la República. Las sumas mencionadas serían adicionales a las establecidas en el presente convenio básico como contribución de las partes para el desarrollo del programa.

Es entendido que la presente nota y la atenta comunicación de Vuestra Excelencia número 90, de fecha 29 de junio recién pasado perfeccionan el convenio entre los Gobiernos de Guatemala y de los Estados Unidos de Norteamérica para la prórroga del Programa Cooperativo Educacional en Guatemala por un año, contado a partir del 30 de junio de 1948, que entrará en vigor en la fecha de la firma de un convenio por el Ministro de Educación Pública de Guatemala y un Representante del Instituto de Asuntos Interamericanos que comprenda los detalles técnicos a que se ha hecho referencia.

Me es muy grato expresar al ilustrado Gobierno de los Estados Unidos, por el digno medio de Vuestra Excelencia, el agradecimiento de mi Gobierno por esta importante colaboración en el campo educativo.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración,

E. MUÑOZ MEANY.

Excelentísimo señor Doctor EDWIN J. KYLE
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América,
Ciudad.

Translation

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF GUATEMALA
DIPLOMATIC SECTION

360.E. (73.0) GUATEMALA, *July 10, 1948.*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note number 90 of June 29 last, in respect to the extension, for the period

Ante, p. 4032.

of one year, of the Cooperative Educational Program which has been put into effect in the country, in conformity with the agreement signed by the Minister of Public Education, representing the Government of Guatemala, and the Representative of the Inter-American Educational Foundation of the United States, and also to the expansion of said program, dated respectively August 12, 1944 and October 23, 1945. *Ante*, pp. 4011, 4019.

It gives me great pleasure to inform Your Excellency that the Government of Guatemala agrees that the aforementioned program, which has been so highly beneficial, should be extended for one year, from June 30, 1948 to June 30, 1949, under the following conditions: during the period of extension, the Institute of Inter-American Affairs will contribute $20,000 U. S. Cy. to the Inter-American Cooperative Education Service, this sum to be used for the activities contemplated in the program, it being understood that the Government of Guatemala will make a direct contribution to the Service, for the same purposes, of $80,000, in addition to a sum of not less than $40,500 which the Government of Guatemala will draw from its general budget and which will be employed in educational activities closely associated with the program. The Institute will be prepared to provide, during the period of extension, a sum not in excess of $60,000 U.S. Cy., which will be held by said organization and not deposited to the account of the Service, to cover salaries and other expenses of the personnel of the Division of the Institute who are to work in the Republic. The aforementioned sums will be in addition to those provided under the present basic agreement as a contribution from the parties for the execution of the program.

It is understood that the present note and Your Excellency's communication number 90 of June 29 last, constitute the agreement between the Governments of Guatemala and of the United States of America on the extension of the Cooperative Educational Program in Guatemala for one year, beginning on June 30, 1948, which will become effective on the date that an agreement is signed between the Minister of Public Education of Guatemala and a Representative of the Institute of Inter-American Affairs containing the technical details to which reference has been made. *Ante*, p. 4032.

I take great pleasure in expressing to the Government of the United States, through Your Excellency, the appreciation of my Government for such an important act of collaboration in the educational field.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. MUÑOZ MEANY.

His Excellency
Doctor EDWIN J. KYLE
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
City.

June 28, 1946
[T. I. A. S. 2097]

Agreement between the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and France respecting machinery of control in Austria. Signed at Vienna June 28, 1946; entered into force June 28, 1946.

ALLIED COMMISSION FOR AUSTRIA

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE MACHINERY OF CONTROL IN AUSTRIA

The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter called the Four Powers);

In view of the declaration issued at Moscow on 1st November, 1943, [1] in the name of the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see reestablished a free and independent Austria, and in view of the subsequent declaration issued at Algiers on 16th November, 1943 by the French Committee of National Liberation concerning the independence of Austria;

Considering it necessary, in view of the establishment, as a result of free elections held in Austria on 25th November, 1945, of an Austrian Government recognized by the Four Powers, to redefine the nature and extent of the authority of the Austrian Government and of the functions of the Allied organization and forces in Austria and thereby to give effect to Article 14 of the Agreement signed in the European Advisory Commission on 4th July, 1945; [2] Have agreed as follows:—

Article 1

Authority of Austrian Government; reservations.

The authority of the Austrian Government shall extend fully throughout Austria, subject only to the following reservations:—

(a) The Austrian Government and all subordinate Austrian authorities shall carry out such directions as they may receive from the Allied Commission;

(b) In regard to the matters specified in Article 5 below neither the Austrian Government nor any subordinate Austrian authroity shall take action without the prior written consent of the Allied Commission.

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[1] *Department of State Bulletin*, Nov. 6, 1943, p. 310.

[2] Not printed.

Article 2

(a) The Allied organization in Austria shall consist of

Allied organization.

(i) an Allied Council, consisting of four High Commissioners, one appointed by each of the Four Powers;

(ii) an Executive Committee, consisting of one high ranking representative of each of the High Commissioners;

(iii) Staffs appointed respectively by the Four Powers, the whole organization being known as the Allied Commission for Austria.

(b) (i) The authority of the Allied Commission in matters affecting Austria as a whole shall be exercised by the Allied Council or the Executive Committee or the Staffs appointed by the Four Powers when acting jointly.

(ii) The High Commissioners shall within their respective zones ensure the execution of the decisions of the Allied Commission and supervise the execution of the directions of the central Austrian authorities.

(iii) The High Commissioners shall also ensure within their respective zones that the actions of the Austrian provincial authorities deriving from their autonomous functions do not conflict with the policy of the Allied Commission.

(c) The Allied Commission shall act only through the Austrian Government or other appropriate Austrian authorities except:—

Action by Allied Commission, limitation; exceptions.

(i) to maintain law and order if the Austrian authorities are unable to do so;

(ii) if the Austrian Government or other appropriate Austrian authorities do not carry out directions received from the Allied Commission;

(iii) where, in the case of any of the subjects detailed in Article 5 below, the Allied Commission acts directly.

(d) In the absence of action by the Allied Council, the four several High Commissioners may act independently in their respective zones in any matter covered by subparagraphs (i) and (ii) of paragraph (c) of this Article and by Article 5, and in any matter in respect of which power is conferred on them by the agreement to be made under Article 8 (a) of this agreement.

Independent action by High Commissioners.

Post, p. 4040.

(e) Forces of occupation furnished by the Four Powers will be stationed in the respective zones of occupation in Austria and Vienna as defined in the Agreement on Zones of Occupation in Austria and the administration of the City of Vienna, signed in the European Advisory Commission on 9th July, 1945. Decisions of the Allied Council which require implementation by the forces of occupation will be implemented by the latter in accordance with instructions from their respective High Commissioners.

Forces of occupation.

61 Stat., Pt. 3, p. 2679.

Article 3

Primary tasks of Allied Commission.

The primary tasks of the Allied Commission for Austria shall be:

(a) To ensure the enforcement in Austria of the provisions of the Declaration on the Defeat of Germany signed at Berlin on 5th June, 1945.

60 Stat. 1649.

(b) To complete the separation of Austria from Germany, and to maintain the independent existence and integrity of the Austrian State, and pending the final definition of its frontiers to ensure respect for them as they were on 31st December, 1937;

(c) To assist the Austrian Government to recreate a sound and democratic national life based on an efficient administration, stable enconomic and financial conditions and respect for law and order;

(d) To assist the freely elected Government of Austria to assume as quickly as possible full control of the affairs of state in Austria;

(e) To ensure the institution of a progressive long-term educational program designed to eradicate all traces of Nazi ideology and to instill into Austrian youth democratic principles.

Article 4

Removal of certain restrictions.

(a) In order to facilitate the full exercise of the Austrian Government's authority equally in all zones and to promote the economic unity of Austria, the Allied Council will from the date of signature of this Agreement ensure the removal of all remaining restrictions on the movement within Austria of persons, goods, or other traffic, except such as may be specifically prescribed by the Allied Council or required in frontier areas for the maintenance of effective control of international movements. The zonal boundaries will then have no other effect than as boundaries of the spheres of authority and responsibility of the respective High Commissioners and the location of occupation troops.

Customs and travel control.

(b) The Austrian Government may organize a customs and frontier administration, and the Allied Commission will take steps as soon as practicable to transfer to it customs and travel control functions concerning Austria which do not interfere with the military needs of the occupation forces.

Article 5

Field of direct action by Commission.

The following are the matters in regard to which the Allied Commission may act directly as provided in Article 2 (c) (iii) above:

(i) Demilitarization and disarmament (military, economic, industrial, technical, and scientific);

(ii) The protection and security of the Allied forces in Austria, and the fulfilment of their military needs in accordance with the Agreement to be negotiated under Article 8 (a).

(iii) The protection, care, and restitution of property belonging to the Governments of any of the United Nations or their nationals:

(iv) The disposal of German property in accordance with the existing agreements between the Allies.

(v) The care and evacuation of, and exercise of judicial authority over prisoners of war and displaced persons:

(vi) The control of travel into and out of Austria until Austrian travel controls can be established.

(vii) (a) The tracing, arrest, and handing-over of any person wanted by one of the Four Powers or by the International Court for War Crimes and Crimes against Humanity.

(b) The tracing, arrest, and handing-over of any person wanted by other United Nations for the crimes specified in the preceding paragraph and included in the lists of the United Nations Commission for War Crimes.

The Austrian Government will remain competent to try any other person accused of such crimes and coming within its jurisdiction, subject to the Allied Council's right of control over prosecution and punishment for such crimes.

Article 6

Submission of Austrian legislation to Allied Council.

(a) All legislative measures, as defined by the Allied Council, and international agreements which the Austrian Government wishes to make except agreements with one of the 4 Powers, shall, before they take effect or are published in the State Gazette be submitted by the Austrian Government to the Allied Council. In the case of constitutional laws, the written approval of the Allied Council is required, before any such law may be published and put into effect. In the case of all other legislative measures and international agreements it may be assumed that the Allied Council has given its approval if within thirty-one days of the time of receipt by the Allied Commission it has not informed the Austrian Government that it objects to a legislative measure or an international agreement. Such legislative measure or international agreement may then be published and put into effect. The Austrian Government will inform the Allied Council of all international agreements entered into with one or more of the 4 Powers.

Disapproval of Austrian legislation by Allied Council.

(b) The Allied Council may at any time inform the Austrian Government or the appropriate Austrian authority of its disapproval of any of the Legislative measures or administrative actions of the Government or of such authority, and may direct that the action in question shall be cancelled or amended.

Article 7

Diplomatic and consular relations of Austrian Government.

The Austrian Government is free to establish diplomatic and consular relations with the Governments of the United Nations. The establishment of diplomatic and consular relations with other Governments shall be subject to the prior approval of the Allied Council. Diplomatic Missions in Vienna shall have the right to communicate directly with the Allied Council. Military Missions accredited to the Allied Council shall be withdrawn as soon as their respective Governments establish diplomatic relations with the Austrian Government, and in any case within two months of the signature of this agreement.

Article 8

Immunities of Allied Commission and occupation forces.

(a) A further agreement between the four Powers shall be drawn up and communicated to the Austrian Government as soon as possible, and within three months of this day's date defining the immunities of the members of the Allied Commission and of the forces in Austria of the Four Powers and the rights they shall enjoy to ensure their security and protection and the fulfilment of their military needs:

(b) Pending the conclusion of the further agreement required by Article 8 (a) the existing rights and immunities of members of the Allied Commission and of the forces in Austria of the Four Powers, deriving either from the Declaration on the Defeat of Germany or from the powers of a Commander-in-Chief in the field, shall remain unimpaired.

60 Stat. 1649.

Article 9

Four-Power appointees.

(a) Members of the Allied Council, the Executive Committee and other staffs appointed by each of the Four Powers as part of the Allied Commission may be either civilian or military.

(b) Each of the Four Powers may appoint as its High Commissioner either the Commander-in-Chief of its forces in Austria or its diplomatic or political representative in Austria or such other official as it may care to nominate.

(c) Each High Commissioner may appoint a deputy to act for him in his absence.

(d) A High Commissioner may be assisted in the Allied Council by a political adviser and/or a military adviser who may be respectively the diplomatic or political representative of his Government in Vienna or the Commander-in-Chief of the forces in Austria of his Government.

Meetings of Allied Council.

(e) The Allied Council shall meet at least twice in each month or at the request of any member.

Article 10

Duties of Executive Committee.

(a) Members of the Executive Committee, shall, when necessary, attend meetings of the Allied Council;

(b) The Executive Committee shall act on behalf of the Allied Council in matters delegated to it by the Council;

(c) The Executive Committee shall ensure that the decisions of the Allied Council and its own decisions are carried out;

(d) The Executive Committee shall coordinate the activities of the Staffs of the Allied Commission.

Article 11

Divisions of Allied Commission.

(a) The staffs of the Allied Commission in Vienna shall be organized in Divisions matching one or more of the Austrian Ministries or Departments with the addition of certain Divisions not corresponding to any Austrian Ministry or Department. The List of Divisions is given in Annex I to this Agreement; this organization may be changed at any time by the Allied Council;

Post, p. 4043.

(b) The Divisions shall maintain contact with the appropriate Departments of the Austrian Government and shall take such action and issue such directions as are within the policy approved by the Allied Council or the Executive Committee;

(c) The Divisions shall report as necessary to the Executive Committee;

(d) At the Head of each Division there shall be four Directors, one from each of the Four Powers, to be collectively known as the Directorate of that Division. Directors of Divisions or their representatives may attend meetings of the Allied Council or of the Executive Committee in which matters affecting the work of their Divisions are being discussed. The four officials acting as the head of each Division may appoint such temporary subcommittees as they deem desirable.

Article 12

Unanimity of decisions.

The decisions of the Allied Council, Executive Committee, and other constituted bodies of the Allied Commission shall be unanimous.

Rotation of Chairmanship.

The Chairmanship of the Allied Council, Executive Committee and Directorates shall be held in rotation.

Article 13

Assumption of civil administration by Vienna Municipality.

The existing Inter-Allied Command in Vienna, formerly known as the Kommendatura, shall continue to act as the instrument of the Allied Commission for affairs concerning Vienna as a whole until its functions in connection with civil administration can be handed over to the Vienna Municipality. These will be handed over progressively and as rapidly as possible. The form of supervision which will then be applied will be decided by the Allied Council. Meanwhile the Vienna Inter-Allied Command shall have the same relation to the Municipal Administration of Vienna as the Allied Commission has to the Austrian Government.

Article 14

Entry into force; duration.

The present Agreement shall come into operation as from this day's date and shall remain in force until it is revised or abrogated by agreement between the Four Powers. On the coming into effect of the present Agreement the Agreement signed in the European Advisory Commission on 4th July 1945, shall be abrogated. The Four Powers shall consult together not more than six months from this day's date with a view to its revision.

In witness whereof the present Agreement has been signed on behalf of each of the Four Powers by its High Commissioner in Austria.

Authentic languages.

Done this twenty eighth day of June 1946 at Vienna in quadruplicate in English, in French and in Russian each text being equally authentic. A translation into German shall be agreed between the four High Commissioners and communicated by them as soon as possible to the Austrian Government.

For the Government of the United Kingdom

Lieutenant General
J. S. STEELE

For the Government of the United States of America

General
MARK W. CLARK

For the Government of the Union of Soviet Socialist Republics

Colonel General
V KURASOV

For the Government of the French Republic

General de Corps d'Armee
M BÉTHOUART

ALLIED COMMISSION FOR AUSTRIA

ANNEX 1 TO THE AGREEMENT ON MACHINERY OF CONTROL IN AUSTRIA

List of the Divisions of the Allied Commission (See Article 11(a))

Ante, p. 4041.

(a) Divisions each matching one or more Ministries or Departments of the Austrian Government:—

Division	Austrian Departments
1. Internal Affairs	(Interior (Chancery (except Foreign Depart- (ment)
2. Political	Chancery (Foreign Department)
3. Legal	Law and Justice
4. Finance	Finance
5. Education	Public Education and Religious Affairs
6. Social Administration	Social Administration
7. Economic	(Economic Planning and Property (Control (Commerce and Reconstruction (Food (Agriculture and Forestry (Electrification and Power
8. Transport and Communications	Transportation

(b) Divisions not matching any Austrian Ministry or Department:—

9. Reparations, Deliveries and Restitution
10. Prisoners of War and Displaced Persons
11. Naval
12. Military
13. Air.

COMMISSION ALLIEE POUR L'AUTRICHE

Accord entre les Gouvernements du Royaume-Uni, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et de la République Française sur le mécanisme de contrôle en Autriche

Les Gouvernements du Royaume-Uni de la Grande Bretagne et d'Irlande du Nord, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et le Gouvernement de la République Française (qui sont désignés par la suite dans ce document par l'expression "Les Quatre Puissances"):

Considérant la déclaration faite à Moscou le 1er Novembre 1943, au nom des Gouvernements de Grande-Bretagne, des Etats-Unis et de l'Union des Républiques Socialistes Soviétiques par laquelle les trois Gouvernements ont fait connaitre leur accord sur le fait que l'Autriche devait être libérée de la domination allemande et ont déclaré qu'ils souhaitaient voir le rétablissement d'une Autriche libre et indépendante, et considérant la déclaration ultérieure faite à Alger le 16 Novembre 1943 par le Comité Français de Libération Nationale, relative à l'indépendance de l'Autriche:

Jugeant nécessaire, étant donné l'établissement, à la suite des élections libres qui ont eu lieu en Autriche, le 25 Novembre 1945, d'un Gouvernement Autrichien reconnu par les Quatre Puissances, de définir à nouveau la nature et l'étendue de l'autorité du Gouvernement Autrichien et des fonctions des organisations et des forces Alliées en Autriche, et par là de mettre en exécution l'article 14 de l'accord signé à la Commission Consultative Européenne le 4 Juillet 1945, ont convenu ce qui suit:

Article 1

L'Autorité du Gouvernement Autrichien s'exercera pleinement sur l'ensemble du territoire de l'Autriche, sous les seules réserves suivantes:

(a) Le Gouvernement Autrichien et toutes les Autorités Autrichiennes qui lui sont subordonnées, exécuteront toutes les instructions qu'ils pourront recevoir de la Commission Alliée.

(b) En ce qui concerne les questions stipulées à l'article 5 ci-dessous, ni le Gouvernement Autrichien, ni aucune Autorité Autrichienne subordonnée ne prendra aucune mesure sans avoir obtenu au préalable, le consentement écrit de la Commission Alliée.

Article 2

(a) L'organisation Alliée en Autriche comprendra:

(i) Un Conseil Allié, composé de quatre Hauts-Commissaires; chacune des quatre Puissances désignant l'un d'entre eux.

(ii) Un Comité Exécutif composé d'un Représentant de grade élevé de chacun des Hauts-Commissaires;

(iii) Des organismes accrédités respectivement par les quatre Puissances,

l'ensemble de l'organisation étant connu sous le nom de Commission Alliée pour l'Autriche.

(b) i) L'Autorité de la Commission Alliée pour les questions affectant l'Autriche dans son ensemble sera exercée par le Conseil Allié ou le Comité Exécutif ou les organismes accrédités par les quatre Puissances lorsqu'ils agissent conjointement.

(ii) Les Hauts-Commissaires devront assurer dans leurs zones respectives l'application des décisions de la Commission Alliée et contrôler l'exécution des directives des autorités centrales autrichiennes.

(iii) Les Hauts-Commissaires devront également s'assurer dans leurs zones respectives que les actes des Autorités provinciales autrichiennes découlant de leurs fonctions autonomes, ne sont pas contraires à la politique de la Commission Alliée.

(c) La Commission Alliée n'agira que par l'intermédiaire du Gouvernement Autrichien ou d'autres Autorités Autrichiennes qualifiées, sauf:

(i) pour maintenir l'ordre public si les Autorités Autrichiennes en sont incapables;

(ii) si le Gouvernement Autrichien ou d'autres Autorités Autrichiennes qualifiées n'exécutent pas les directives reçues de la Commission Alliée;

(iii) dans le cas ou pour l'une quelconque des questions énumérées à l'article 5 ci-dessous, la Commission Alliée agit directement.

(d) En l'absence d'une mesure prise par le Conseil Allié, les quatre Hauts-Commissaires peuvent agir indépendamment dans leurs zones respectives, dans l'un quelconque des cas visés par les sous-paragraphes (i) et (ii) du paragraphe (c) du présent article et par l'article 5 et dans chaque cas pour lequel le pouvoir leur en est donné en vertu de l'accord prévu par le paragraphe (b) de l'article 8 du présent accord.

(e) Les troupes d'occupation fournies par les quatre Puissances seront stationnées dans leurs zones respectives d'occupation en Autriche, et à Vienne, comme il a été précisé dans l'accord sur les zones d'occupation en Autriche et l'administration de la ville de Vienne, signé par la Commission Consultative Européenne

le 9 Juillet 1945. Les décisions du Conseil Allié dont l'exécution ne peut être confiée qu'aux troupes d'occupation, seront mises en application par ces dernières, conformément aux instructions de leurs Hauts-Commissaires respectifs.

Article 3

Les tâches essentielles de la Commission Alliée pour l'Autriche seront les suivantes:

(a) Assurer en Autriche l'application des clauses de la Déclaration sur la défaite de l'Allemagne, signée à Berlin, le 5 Juin 1946.

(b) Achever la séparation de l'Autriche et de l'Allemagne et assurer l'intégrité et l'existence indépendante de l'Etat Autrichien, et, en attendant qu'elles soient définitivement fixées, assurer le respect des frontières telles qu'elles étaient à la date du 31 Décembre 1937.

(c) Aider le Gouvernement Autrichien a recréer une vie nationale démocratique et équilibrée, fondée sur une administration efficace, sur de stables conditions économiques et financières et sur le respect de l'ordre et de la loi.

(d) Aider le Gouvernement Autrichien librement élu à assurer le plus rapidement possible le plein contrôle des affaires de l'Etat en Autriche.

(e) Assurer l'établissement d'un programme d'éducation progressif et à longue échéance, destiné à extirper toute trace d'idéologie nazie et à inculquer des principes démocratiques à la jeunesse autrichienne.

Article 4

(a) Afin de faciliter le plein exercice de l'autorité du Gouvernement Autrichien uniformément dans toutes les zones et de favoriser l'unité économique de l'Autriche, le Conseil Allié assurera, à compter de la date de la signature de cet accord, la suppression des dernières restrictions au mouvement à l'intérieur de l'Autriche, des personnes et des marchandises ou à toute autre circulation excepté celles de ces restrictions que le Conseil Allié peut spécialement prescrire, ou celles qu'exige le maintien du Contrôle efficace des déplacements internationaux dans les régions frontalières. Les limites des zones n'auront alors d'autre effet que de limiter les sphères d'autorité et de responsabilité des Hauts-Commissaires. respectifs et l'emplacement des troupes d'occupation.

(b) Le Gouvernement Autrichien est autorisé à organiser une administration douanière et frontalière et la Commission Alliée prendra aussitôt que possible, des mesures pour lui transférer celles des fonctions de contrôle de la douane et des déplacements intéressant l'Autriche, qui n'affectent pas les besoins militaires des troupes d'occupation.

ARTICLE 5

La Commission pourra agir directement ainsi qu'il est prévu à l'article 2(c) (iii) ci-dessus, dans les questions suivantes:

i) démilitarisation et désarmement (militaire, économique, industriel technique et scientifique).

ii) protection et sécurité des forces alliées en Autriche et satisfaction de leurs besoins militaires, conformément à l'accord qui devra être négocié conformément au paragraphe (a) de l'article 8.

iii) protection, prise en charge et restitution des biens appartenant au Gouvernement de l'une quelconque des Nations-Unies ou à ses ressortissants.

iv) disposition des biens allemands conformément aux accords existant entre les Alliés.

v) prise en charge, évacuation et exercice de la justice, en ce qui concerne les prisonniers de guerre et les personnes déplacées.

vi) contrôle de l'entrée et de la sortie de l'Autriche, jusqu'à ce qu'un contrôle autrichien des voyages soit établi.

vii)

a) la recherche, l'arrestation, la livraison de toute personne réclamée par l'une quelconque des quatre Puissances ou par le Tribunal International pour crime de guerre ou pour crime contre l'humanité.

b) la recherche, l'arrestation, la livraison de toute personne réclamée par d'autres Nations-Unies pour les crimes prévus à l'alinéa ci-dessus et inscrite sur la liste de la Commission des Nations-Unies pour les crimes de guerre.

Le Gouvernement Autrichien restera compétent pour juger toute autre personne accusée de tels crimes et relevant de sa juridiction, sous réserve du droit, pour le Conseil Allié, de contrôler la poursuite et la condamnation de ces crimes.

Article 6

(a) Toutes les mesures législatives, telles qu'elles sont définies par le Conseil Allié, et les accords internationaux que le Gouvernement Autrichien désire conclure, à l'exception des accords conclus avec l'une des quatre Puissances, devront, avant leur mise en vigueur ou leur publication au Bulletin Officiel, être soumis par le Gouvernement Autrichien au Conseil Allié.

Lorsqu'il s'agit de lois constitutionnelles, l'approbation écrite du Conseil Allié est obligatoire avant qu'aucune de ces lois puisse être publiée et être mise en vigueur.

Pour toutes les autres mesures législatives et pour les accords internationaux, le Conseil Allié sera réputé avoir donné son approbation si, dans un délai de 31 jours à dater de leur réception par la

Commission Alliée, celle-ci n'a pas fait connaitre au Gouvernement Autrichien qu'elle a des objections à faire valoir à l'encontre de la mesure législative ou de l'accord international ladite mesure législative ou ledit accord international pourra alors être publié et être mis en vigueur.

Le Gouvernement Autrichien devra porter à la connaissance du Conseil Allié tous les accords internationaux conclus avec l'une ou plusieurs des quatre Puissances.

(b) Le Conseil Allié peut, à tout moment, informer le Gouvernement Autrichien ou les Autorités Autrichiennes compétentes qu'il désapprouve l'une des mesures législatives ou administratives prises par le Gouvernement ou par ces Autorités et peut ordonner que la mesure en question soit rapportée ou amendée.

Article 7

Le Gouvernement Autrichien est libre de nouer des relations diplomatiques et consulaires avec les Gouvernements des Nations-Unies. L'établissement de relations diplomatiques et consulaires avec les autres Gouvernements sera soumis à l'approbation préalable du Conseil Allié. Les Missions diplomatiques à Vienne auront le droit de communiquer directement avec le Conseil Allié. Les Missions accréditées auprès du Conseil Allié seront retirées aussitôt que leurs Gouvernements respectifs auront établi des relations diplomatiques avec le Gouvernement Autrichien et, en tout cas, dans un délai de deux mois à compter de la date de la signature de cet accord.

Article 8

(a) Un nouvel accord entre les quatre Puissances sera rédigé et communiqué au Gouvernement Autrichien aussitôt que possible et dans un délai maximum de trois mois à compter de ce jour. Il définira les immunités des Membres de la Commission Alliée et des troupes des quatre Puissances en Autriche, ainsi que les droits dont ils jouiront pour assurer leur sécurité et leur protection et la satisfaction de leurs besoins militaires.

(b) En attendant la conclusion de l'accord à venir prévu par le paragraphe (a) de l'article 8, les droits et immunités actuels des Membres de la Commission Alliée et des troupes des quatre Puissances en Autriche, institués soit par la Déclaration sur la défaite de l'Allemagne, soit en vertu des pouvoirs d'un Commandant en Chef en campagne, demeureront sans changement.

Article 9

(a) Les Membres du Conseil Allié, du Comité Exécutif et des autres organismes désignés par chacune des quatre Puissances pour faire partie de la Commission Alliée, peuvent être soit civils, soit militaires.

(b) Chacune des quatre Puissances peut désigner comme Haut-Commissaire soit le Commandant en Chef de ses Forces en Autriche, soit son représentant diplomatique ou politique en Autriche, soit tout autre fonctionnaire à son choix.

(c) Chaque Haut-Commissaire peut désigner un adjoint pour le supléer en son absence.

(d) Un Haut-Commissaire peut être assisté au Conseil Allié par un Conseiller Politique et/ou un Conseiller Militaire qui peuvent respectivement être le représentant politique ou diplomatique de son Gouvernement à Vienne, ou le Commandant en Chef des Forces de son Gouvernement en Autriche.

(e) Le Conseil Allié se réunira au moins deux fois par mois ou sur la demande de l'un de ses Membres.

Article 10

(a) Les Membres du Comité Exécutif assisteront, lorsqu'il est nécessaire, aux séances du Conseil Allié.

(b) Le Comité Exécutif statuera au nom du Conseil Allié dans les affaires qui lui sont confiées par le Conseil Allié.

(c) Le Comité Exécutif assurera l'exécution des décisions du Conseil Allié et de ses propres décisions.

(d) Le Comité Exécutif coordonnera les activités des organismes de la Commission Alliée.

Article 11

(a) Les organismes de la Commission Alliée seront constitués en Divisions, correspondant à un ou plusieurs Ministères ou Départements Autrichiens et comprenant en outre certaines divisions ne correspondant à aucun Ministère ou département autrichien. La liste des divisions est donnée à l'annexe 1 de cet accord; cette organisation peut être modifiée à tout moment par le Conseil Allié.

(b) Les divisions entretiendront des rapports avec les départements qualifiés du Gouvernement Autrichien; elles prendront toutes mesures et donneront toutes instructions dans le cadre de la politique arrêtée par le Conseil Allié ou par le Comité Exécutif.

(c) Les Divisions feront rapport, s'il y a lieu, au Comité Exécutif.

(d) A la tête de chaque Division, se trouveront quatre Directeurs à raison d'un pour chacune des quatre Puissances, dont la réunion portera le nom de Directoire de la Division. Les Directeurs des Divisions ou leurs Représentants, peuvent assister aux réunions du Conseil Allié et du Comité Exécutif au cours desquelles les questions intéressant le travail de leurs Divisions sont discutées. Les quatre personnalités qui remplissent les fonctions de Chef de chaque Division peuvent créer tel ou tel sous-comité provisoire selon qu'ils l'estiment désirable.

Article 12

Les décisions du Conseil Allié, du Comité Exécutif et des autres organismes constitués, de la Commission Alliée, seront prises à l'unanimité.

La présidence du Conseil Allié, du Comité Exécutif et des Directoires sera assurée par roulement.

Article 13

Le Commandement Intérallié actuel de Vienne, précédemment connu sous le nom de Kommandantur, continuera à statuer en tant qu'organe d'exécution de la Commission Alliée, pour les affaires intéressant Vienne, dans son ensemble, jusqu'à ce que les fonctions qu'il exerce en matière d'administration civile puissent être remises à la municipalité de Vienne. Ces fonctions seront remises progressivement et aussi rapidement que possible. La nature du contrôle qui sera alors exercé fera l'objet d'une décision du Conseil Allié. Entre temps, le Commandement intérallié de Vienne aura, vis à vis de l'administration municipale de Vienne, le même rôle que la Commission Alliée vis à vis du Gouvernement Autrichien.

ARTICLE 14

Le présent accord entrera en vigueur à la date de ce jour et restera en vigueur jusqu'à sa révision ou jusqu'à son abrogation d'un commun accord entre les quatre Puissances. Au moment de sa mise en application, l'accord actuel signé à la Commission Consultative Européenne, le 4 Juillet 1945 sera abrogé. Dans un délai maximum de 6 mois à compter de ce jour, les quatre Puissances se consulteront en vue de sa révision.

En foi de quoi le présent accord a été signé au nom de chacune des quatre Puissances et par son Haut-Commissaire en Autriche.

Fait le, 28 juin 1946 à Vienne, en quatre exemplaires, en anglais, français et russe, chaque texte ayant la même valeur authentique. Une traduction en allemand sera approuvée par les quatre Hauts-Commissaires et communiquée par leurs soins aussitôt que possible au Gouvernement Autrichien.

Pr. le Gouvernement
du Royaume-Uni

Lieutenant-Général

J. S. STEELE.

Pr. le Gouvernement
des Etats-Unis d'Amérique

Général

MARK W. CLARK.

Pr. le Gouvernement de
l'Union des Républiques
Socialistes-Soviétiques

Colonel Général

V KURASOV

Pr. le Gouvernement
de la
République Française

Général de Corps d'Armée

M BÉTHOUART

ANNEXE I à l'ACCORD SUR LE MECANISME DE CONTROLE EN AUTRICHE

Liste des Divisions de la Commission Alliée (Voir article 11(a)

(a) Divisions correspondant à un ou plusieurs Ministères ou Départements du Gouvernement Autrichien.

Division	Départements Autrichiens
1. Affaires Intérieures	(Intérieur (Chancellerie (sauf le département
2. Politique	(des Affaires Etrangères) Chancellerie (Département des Affaires Etrangères).
3. Justice	Législation et Justice
4. Finances	Finances
5. Education	Instruction publique et Cultes
6. Affaires Sociales	Affaires Sociales
7. Economie	(Planification économique et Protec- (tion des Biens (Commerce et Reconstruction (Ravitaillement (Agriculture et Forêts (Electrification et Energie.
8. Transports et Communications	Transports

(b) Divisions ne correspondant à aucun Ministère ou département autrichien.

9. Réparations, restitutions et contrôle des Biens
10. P.D.R
11. Marine
12. Guerre
13. Air

СОЮЗНИЧЕСКАЯ КОМИССИЯ ПО АВСТРИИ

С О Г Л А Ш Е Н И Е

между Правительствами Союза Советских Социалистических Республик, Соединенного Королевства, Соединенных Штатов Америки и Французской Республики о контрольном аппарате в А в с т р и и.

Правительства Союза Советских Социалистических Республик, Соединенного Королевства Великобритании и Северной Ирландии, Соединенных Штатов Америки и Правительство Французской Республики /именуемые в дальнейшем Четырьмя Державами/,

Ввиду Декларации, опубликованной в Москве 1-го ноября 1943г. от имени Правительств Соединенного Королевства, Соединенных Штатов Америки и Союза Советских Социалистических Республик, в которой три Правительства об"явили о своем согласии на то, что Австрия должна быть освобождена от германского господства и заявили, что они желают видеть восстановленной свободную и независимую Австрию, и ввиду последующей Декларации, опубликованной Французским Комитетом Национального Освобождения в Алжире 16 ноября 1943 года в отношении независимости Австрии,

Считая необходимым, ввиду создания, в результате свободных выборов, состоявшихся в Австрии 25 ноября 1945 года, Австрийского Правительства, признанного Четырьмя Державами, снова определить сущность и об"ем полномочий Австрийского Правительства, а также функции союзнических организаций и вооруженных сил в Австрии и тем самым претворить в жизнь ст.14 Соглашения, подписанного Европейской Консультативной Комиссией 4 июня 1945 года,

Р е ш и л и следующее:

СТАТЬЯ 1.

Полномочия Австрийского Правительства будут полностью распространены повсюду в Австрии, подлежа лишь следующим оговоркам:

а/ Австрийское Правительство и все нижестоящие австрийские власти будут выполнять такие указания, какие они могут получить от Союзнической Комиссии;

б/ Что касается вопросов, изложенных в ст.5 ниже, ни Австрийское Правительство, ни какие-либо нижестоящие австрийские власти не будут действовать без предварительного письменного согласия Союзнической Комиссии.

СТАТЬЯ 2.

а/ Союзническая организация в Австрии будет состоять из:

I/ Союзнического Совета, состоящего из Четырех Верховных Комиссаров, назначенных по одному от каждой из Четырех Держав;

II/ Исполнительного Комитета, состоящего из одного представителя высокого ранга от каждого из Четырех Верховных Комиссаров;

III/ Штатов, соответственно назначенных Четырьмя Державами. Вся организация в целом будет известна, как Союзническая Комиссия по Австрии.

б/ 1/ В вопросах, затрагивающих Австрию в целом, власть Союзнической Комиссии будет осуществляться Союзническим Советом или Исполнительным Комитетом или штатами, назначенными Четырьмя Державами, действующими совместно.

II/ Верховные Комиссары должны в их соответствующих зонах обеспечить выполнение решений Союзнической Комиссии, и контроль над проведением в жизнь директив центральных австрийских властей.

III/ Верховные Комиссары также обеспечат в их соответствующих зонах, чтобы действия австрийских провинциальных властей, вытекающие из их автономных функций, не противоречили политике Союзнической Комиссии.

с/ Союзническая Комиссия будет действовать только через Австрийское Правительство или другие соответствующие австрийские власти, за исключением:

1/ Поддержание закона и порядка, в тех случаях, когда австрийские власти не в состоянии это выполнить;

II/ Если Австрийское Правительство или другие соответствующие австрийские власти не выполняют директив, полученных от Союзнической Комиссии;

III/ Когда в случаях, изложенных в нижеупомянутой статье 5, Союзническая Комиссия действует непосредственно.

d/ При отсутствии действий со стороны Союзнического Совета, Четыре Особых Верховных Комиссара могут действовать самостоятельно в своих зонах, в любом вопросе, предусмотренном подпараграфами 1/ и II/ параграфа с/ этой статьи и статьей 5, и по любому вопросу, по которому им дано это право соглашением, подлежащим заключению в соответствии со статьей 8 /а/ настоящего Соглашения.

е/ Оккупационные войска, представленные Четырьмя Державами, будут размещены в соответствующих зонах оккупации Австрии и города Вена, как определено Соглашением о зонах оккупации в Австрии и управлении городом Вена, подписанным в Европейской Консультативной Комиссии 9 июля 1945 года. Решения Союзнического Совета, подлежащие выполнению оккупационными войсками, будут осуществляться последними в соответствии с инструкциями их соответ-

ствующих Верховных Комиссаров.

СТАТЬЯ 3.

Основные задачи Союзнической Комиссии по Австрии сводятся к следующему:

а/ Обеспечить соблюдение в Австрии условий Декларации о поражении Германии, подписанной в Берлине 5 июня 1945 года;

б/ Завершить отделение Австрии от Германии, поддержать независимое существование и целость Австрийского Государства, и до окончательного определения его границ обеспечить их неприкосновенность по положению на 31 декабря 1937 года;

с/ Содействовать Австрийскому Правительству в возрождении здоровой и демократической национальной жизни, основанной на действенной администрации, устойчивых хозяйственных и финансовых условиях и уважении закона и порядка;

д/ Содействовать свободно избранному Правительству Австрии, чтобы оно возможно скорее приняло на себя полный контроль над государственными делами в Австрии;

е/ Обеспечить введение прогрессивной долгосрочной программы в учебных заведениях, направленной на искоренение всех следов нацистской идеологии и привитие австрийской молодежи демократических принципов.

СТАТЬЯ 4.

а/ В целях облегчения полного осуществления власти Австрийского Правительства одинакого во всех зонах и для поощрения экономического единства Австрии, Союзнический Совет обеспечит, начиная со дня подписания этого Соглашения, устранение оставшихся ограничений передвижения в пределах Австрии для отдельных лиц, товаров или другого передвижения, за

исключением таких, которые могут быть предписаны специально Союзническим Советом или требуемы в пограничных районах для поддержания эффективного контроля над международными передвижениями. Зональные границы будут тогда действовать только как границы сфер власти и ответственности соответствующих Верховных Комиссаров и размещения оккупационных войск.

б/ Австрийское Правительство может организовать таможенную и пограничную администрацию и Союзнический Совет, как только практически окажется возможным, передаст ей функции контроля над таможней и передвижением, касающиеся Австрии и не затрагивающие военные нужды оккупационных сил.

СТАТЬЯ 5.

Ниже приведены пункты, по которым Союзническая Комиссия может действовать непосредственно, как это предусмотрено выше в ст.2 /с/,/Ш/:

1. Демилитаризация и разоружение /военное, экономическое, промышленное, техническое и научное/.

2. Защита и безопасность Союзнических сил в Австрии и удовлетворение их военных нужд в соответствии с Соглашением, которое должно иметь место согласно ст.8 /а/.

3. Защита, попечение и возврат имущества, принадлежащего какому-либо Правительству Об"единенных Наций или их гражданам.

4. Распоряжение германским имуществом в соответствии с существующими соглашениями между Союзниками.

5. Попечение, эвакуация и осуществление судебной власти в отношении военнопленных и перемещенных лиц.

6. Контроль въезда и выезда из Австрии до тех пор, пока не станет возможным установить австрийский контроль над передвижением.

7. а/ Розыск, арест и передача любого лица, разыскиваемого одной из Четырех Держав или Международным Трибуналом за военные преступления или преступления против человечества.

б/ Розыск, арест и передача любого лица, разыскиваемого другими Объединенными Нациями за преступления, определение которых дано в предыдущем параграфе, и включенные в списки Комиссии Объединенных Наций по военным преступлениям.

За Австрийским Правительством остается право судить любое другое лицо, обвиненное в таких преступлениях и входящее в его юрисдикцию, с условием права контроля Союзническим Советом за судебным преследованием и наказанием за такие преступления.

СТАТЬЯ 6.

а/ Все законодательные мероприятия, как это определено Союзническим Советом, и международные Соглашения, которые Австрийское Правительство желает заключить, за исключением соглашений с одной из Четырех Держав, должны, прежде, чем они будут введены в действие или опубликованы в Государственном Бюллетене, быть представлены Австрийским Правительством Союзническому Совету. В случае рассмотрения конституционных законов, требуется письменное одобрение Союзнического Совета, прежде чем любой такой закон сможет быть опубликован и введен в действие.

В отношении всех других законодательных мероприятий и международных соглашений можно считать, что Союзнический Совет одобрил закон, если в тече-

ние тридцати одного дня с момента получения его Союзнической Комиссией она не информировала Австрийское Правительство о том, что она возражает против данного законодательного мероприятия или международного Соглашения.

Такое законодательное мероприятие или международное Соглашение может быть затем опубликовано и введено в действие. Австрийское Правительство сообщит Союзническому Совету обо всех международных Соглашениях, заключенных с одной или несколькими из Четырех Держав.

б/ Союзнический Совет может в любое время проинформировать Австрийское Правительство или соответствующие австрийские власти о своем неодобрении любого из законодательных мероприятий или административных действий Правительства или его органа, и может указать на то, что такое действие должно быть аннулировано или исправлено.

СТАТЬЯ 7.

Австрийское Правительство свободно устанавливать дипломатические и консульские отношения с Правительствами Об"единенных Наций. Установление дипломатических и консульских отношений с другими Правительствами должно быть предварительно одобрено Союзническим Советом. Дипломатические миссии в Вене должны иметь право сообщаться непосредственно с Союзническим Советом.

Военные Миссии, аккредитованные при Союзническом Совете, должны быть отозваны, как только их Правительства установят дипломатические отношения с Австрийским Правительством, и во всяком случае, в течение двух месяцев после подписания этого Соглашения.

СТАТЬЯ 8.

а/ Должно быть составлено дальнейшее Соглашение

между Четырьмя Державами и сообщено Австрийскому Правительству в течение 3 месяцев, начиная с сегодняшнего дня, определяющее неприкосновенность членов Союзнической Комиссии и Вооруженных Сил Четырех Держав в Австрии и право, которыми они должны обладать для обеспечения своей безопасности и защиты и удовлетворения своих военных потребностей.

б/ До заключения дальнейшего Соглашения, требуемого статьей 8 /а/, существующие права и неприкосновенность членов Союзнической Комиссии и Вооруженных Сил Четырех Держав в Австрии, вытекающие из Декларации о поражении Германии или из власти Главнокомандующего, должны оставаться неизменными.

СТАТЬЯ 9.

а/ Члены Союзнического Совета, Исполнительного Комитета и другой персонал, назначенный каждой из Четырех Держав как Часть Союзнической Комиссии, могут быть гражданскими или военными;

б/ Каждая из Четырех Держав может назначить своим Верховным Комиссаром или своего Главнокомандующего вооруженными силами в Австрии или своего дипломатического или политического представителя в Австрии, или же любое другое официальное лицо по своему усмотрению;

с/ Каждый Верховный Комиссар может назначить заместителя для исполнения своих обязанностей во время его отсутствия;

д/ Верховный Комиссар может иметь в Союзническом Совете в качестве помощника политического советника и, или военного советника, которыми могут соответственно являться дипломатический или политический представитель его Правительства в Вене или Главнокомандующий Вооруженными Силами его Правительства в Австрии;

е/ Союзнический Совет должен заседать не менее двух раз в месяц или по требованию одного из представителей.

СТАТЬЯ 10.

а/ Члены Исполнительного Комитета будут присутствовать, когда это нужно, на заседаниях Союзнического Совета;

б/ Исполнительный Комитет будет действовать от имени Союзнического Совета в вопросах, порученных ему Советом;

с/ Исполнительный Комитет будет обеспечивать выполнение решений Союзнического Совета и своих собственных решений;

д/ Исполнительный Комитет будет координировать деятельность штаба Союзнической Комиссии.

СТАТЬЯ 11.

а/ Штаб Союзнической Комиссии в Вене должен быть организован в Отделы, соответствующие одному или более Австрийским Министерствам или Департаментам, с добавлением нескольких Отделов, не соответствующих ни одному из австрийских Министерств или Департаментов. Список Отделов дан в приложении 1 к этому Соглашению. Эта организация может быть изменена в любое время Союзническим Советом;

б/ Отделы должны поддерживать связь с соответствующими Департаментами Австрийского Правительства, а также принимать меры и издавать директивы в рамках общих принципов, одобренных Союзническим Советом или Исполнительным Комитетом;

с/ Отделы будут докладывать по мере необходимости Исполнительному Комитету;

д/ Во главе каждого Отдела должны находиться четыре директора, по одному от каждой из Четырех Держав, которые совместно будут называться Директоратом этого Отдела. Директора Отделов или их представители могут присутствовать на заседаниях Союзнического Совета или

Исполнительного Комитета, на которых обсуждаются вопросы, касающиеся работы их Отделов. Четыре должностных лица, действующие, как начальники каждого Отдела, могут, поскольку они считают это желательным, назначать временные Подкомитеты.

СТАТЬЯ 12.

Решения Союзнического Совета, Исполнительного Комитета и других подчиненных органов Союзнической Комиссии должны быть единогласными.

Председательство в Союзническом Совете, Исполнительном Комитете и Директорате будет происходить по очереди.

СТАТЬЯ 13.

Существующее в Вене Межсоюзническое Комендатура, известное ранее как Комендатура, будет продолжать действовать в качестве органа Союзнической Комиссии по делам, касающимся г.Вена в целом, до тех пор, пока его функции, связанные с гражданским управлением, смогут быть переданы самоуправлению г.Вена. Эти функции будут переданы постепенно и, по возможности, быстрее. Союзнический Совет определит форму наблюдения, которая будет затем применена.Тем временем Венское Межсоюзническое Комендатура будет находиться в таком же отношении к самоуправлению г. Вена, в каком находится Союзническая Комиссия к Австрийскому Правительству.

СТАТЬЯ 14.

Настоящее Соглашение должно войти в действие с сего дня и будет оставаться в силе до пересмотра или отмены его по соглашению между Четырьмя Державами. По вступлении в силу настоящего Соглашения, Соглашение, подписанное в Европейской Консультативной Комиссии 4 июня 1945 года, будет отменено. Четыре Державы

должны не позднее, чем через 6 месяцев с сего дня совместно консультироваться на предмет пересмотра этого Соглашения.

В подтверждение сего, настоящее Соглашение было подписано от имени каждой из Четырех Держав ее Верховным Комиссаром в Австрии.

Составлено пражцать восьмого июня 1946 года в Вене в четырех одинаковых экземплярах на английском, французском и русском языках, причем каждый текст является аутентичным.

Перевод на немецкий язык должен быть утвержден Четырьмя Верховными Комиссарами и направлен как можно скорее Австрийскому Правительству.

За Правительство Союза Советских Социалистических Республик	За Правительство Соединенного Королевства	За Правительство Соединенных Штатов Америки	За Правительство Французской Республики
Генерал-полковник	Генерал-лейтенант	Генерал	Корпусной генерал
В.В.КУРАСОВ	Дж.С. С Т И Л	Мэрк В.КЛАРК	М.Э.БЕТУАР
Курасов [1]	J.S. Steele [2]	Mark W. Clark [3]	M Béthouart [4]

[1] V Kurasov.
[2] J. S. Steele.
[3] Mark W. Clark.
[4] M Béthouart.

Приложение 1
к Соглашению о
Контрольном аппа-
рате в Австрии.

СОЮЗНИЧЕСКАЯ КОМИССИЯ
ПО АВСТРИИ

Список Отделов Союзнической Комиссии
/см.статью 11 /а/.

а/ Отделы, соответствующие каждый одному или более Министерствам или Департаментам Австрийского Правительства:

ОТДЕЛЫ	АВСТРИЙСКИЕ ДЕПАРТАМЕНТЫ
1. Внутренних Дел	Внутренних Дел - Гос.Канцелярия /за исключением Департ.Иностранных Дел/.
2. Политический	Гос. Канцелярия /Деп.Иностр.Дел/
3. Правовой	Законов и права
4. Финансовый	Финансов
5. Народного образования	Народного образования и религии
6. Социального управления	Социального управления
7. Экономический	Экономического планирования и контроля над имуществом Торговли и восстановления Продовольственный Сельского и лесного хозяйства Электрификации и энергетики
8. Транспорта и связи	Транспорта

б/ Отделы, не соответствующие Австрийским Министерствам или Департаментам:

9. Репараций, поставок и реституций
10. Военнопленных и перемещенных лиц
11. Военно-Морской
12. Военный
13. Военно-Воздушный

April 19, 1947
[T. I. A. S. 2109]

Agreement between the United States of America and France respecting coal exports from the three Western Zones of Germany. Effected by exchange of notes signed at Moscow April 19, 1947; entered into force April 19, 1947.

The Secretary of State to the French Minister of Foreign Affairs

DELEGATION OF THE UNITED STATES OF AMERICA

[Moscow]
April 19th, 1947

DEAR MONSIEUR BIDAULT,

In agreement with the United Kingdom Secretary of State for Foreign Affairs [1] I send you herewith the proposals for a sliding scale for coal exports from the three Western Zones as at present constituted which have been prepared as a result of conversations which have taken place during the past few days between your representatives and those of Mr. Bevin and myself.

In my conversation with the President of the Republic, M. Auriol, I gave him assurance of the desire of my Government to make every effort to assist France in meeting her requirements for coal. We have now made the fullest efforts possible to meet the requirements for coal of France and the countries represented in the European Coal Organization, bearing in mind the necessity for rehabilitating the peaceful industries of Germany with the object of bringing the German economy into balance as quickly as possible in accordance with the American and British programs.

I hope to learn that you accept the proposals made at the production levels shown in the sliding scale. It is the intention that the percentages of the sliding scale shall apply for the second half of 1947. At the end of the year the position can be examined again in the light of the conditions then prevailing.

Faithfully yours,

G C MARSHALL

Monsieur GEORGES BIDAULT
Minister of Foreign Affairs of the
French Republic

[1] For similar exchange of notes between the British Secretary of State for Foreign Affairs (Bevin) and the French Minister of Foreign Affairs (Bidault) see British Treaty Series No. 53 (1947).

Enclosure to Secretary of State's letter to M. Bidault; Dated *19th April, 1947*

PROJECTED SCALE OF EXPORT AND INTERNAL ALLOCATION OF COAL FOR THE THREE WESTERN ZONES OF GERMANY, IN RELATION TO FUTURE LEVEL OF COAL PRODUCTION.

(Thousands of metric tons).

Daily Output Ruhr-Aachen plus Saar	Percent Allocated to Export	Estimated Monthly Export Tonnage	Estimated Monthly Internal Tonnage
(net merchantable coal, excluding raw brown coal, in terms of hard coal equivalent).			
280	21. 0	1187	4465
290	21. 5	1262	4608
300	21. 5	1309	4778
310	22. 0	1387	4917
320	22. 5	1467	5055
330	22. 5	1516	5223
340	23. 0	1602	5365
350	23. 5	1691	5505
360	24. 0	1782	5642
370	25. 0	1913	5739

Notes: 1. Monthly figures are for calendar months of 25 working days.
2. Exports represent total exports (including exports to Austria, to countries belonging to the European Coal Organisation and bunker coal).
3. It is anticipated that allocations will be made quarterly with later adjustments as required. Assistance may be required from the importing countries to move the contemplated tonnages of export coal.

The French Minister of Foreign Affairs to the Secretary of State

LE MINISTRE

AFFAIRES ÉTRANGÈRES

[Moscou]
19 avril 1947.

MONSIEUR LE SECRÉTAIRE D'ETAT,

J'ai l'honneur d'accuser réception de votre lettre du 19 avril concernant les exportations de charbon des trois zones occidentales de l'Allemagne. Je suis heureux de constater que vous avez donné, dans une large mesure, satisfaction aux demandes depuis longtemps présentées par le Gouvernement français, en fixant par une formule d'application générale le montant des exportations de charbon en fonction de la production allemande. Bien qu'encore éloignés de ce que nous avions espéré, les chiffres qui sont joints à votre lettre constituent, de votre part et de celle du Gouvernement des Etats-Unis, un effort de compréhension que nous apprécions, connaissant les préoccupations dont vous vous êtes fait l'écho. Je vous remercie donc de cette communication, dont je prends acte.

Toutefois, en raison de l'écart qui subsiste entre ce que nous pouvons espérer de vos propositions et les besoins minimum vitaux de l'économie

française, tels que je les ai définis au nom du Gouvernement français, je vous demande de bien vouloir en outre nous prêter votre assistance en ce qui concerne la question sarroise et ses répercussions sur notre situation charbonnière.

Je vous demande de bien vouloir, lorsque le rattachement économique de la Sarre à la France aura été décidé, accepter de faire une notification conjointe de cette décision à l'organisation européenne du charbon (Eco). En faisant cette notification, vous voudrez bien indiquer que la France présentera désormais devant Eco les ressources et les besoins de l'ensemble franco-sarrois, et inviter cet organisme à tirer les conclusions de cette situation nouvelle. J'attacherais du prix à recevoir votre accord sur les dispositions contenues dans les lettres que nous échangeons, et dont j'accepte la teneur./.

Veuillez agréer, Monsieur le Secrétaire d'Etat, les assurances de ma très haute considération.

BIDAULT

Monsieur GEORGE C. MARSHALL,
Secrétaire d'Etat
des Etats-Unis d'Amérique.

Translation

THE MINISTER

FOREIGN AFFAIRS
[Moscow]
April 19, 1947.

MR. SECRETARY OF STATE:

I have the honor to acknowledge receipt of your letter of April 19 concerning exports of coal from the three western zones of Germany. I am pleased to note that you have, in large measure, complied with the requests which were made long ago by the French Government, in fixing, by a formula of general application, the amount of exports of coal as a function of German production. Although still far from what we had expected, the figures which are enclosed with your letter constitute an effort on your part and on that of the United States Government to understand, which we appreciate, knowing the cares which you have echoed. I thank you therefore for this communication, of which I take note.

However, on account of the difference which exists between what we can expect from your proposals and the minimum vital requirements of French economy, as I have defined them in the name of the French Government, I request you to be good enough to lend us your assistance in the Saar question and its repercussions on our coal situation.

I request that, when the economic annexation of the Saar to France has been decided upon, you will be so good as to consent to make a joint notification of this decision to the European Coal Organization (Eco). In making this notification, please indicate that France will, in the future, lay before the Eco the supplies and requirements of France and the Saar as a whole, and invite that organization

to draw conclusions from this new situation. I should value your approval of the provisions contained in the notes which we exchange and of which I accept the terms.

Please accept, Mr. Secretary of State, the assurances of my very high consideration.

BIDAULT

Mr. GEORGE C. MARSHALL,
Secretary of State
of the United States of America.

The Secretary of State to the French Minister of Foreign Affairs

DELEGATION OF THE UNITED STATES OF AMERICA
[Moscow]
April 19th, 1947

DEAR MONSIEUR BIDAULT,

In answer to your letter of April 19th in reply to my letter of the same date, about the export of coal from the three Western Zones of Germany, I am happy to state that the arrangements contained in these letters have my approval.

Faithfully yours,

G C MARSHALL

Monsieur GEORGES BIDAULT
Minister of Foreign Affairs of the
French Republic

June 9, 21, and July 7, 8, 1947
[T. I. A. S. 2110]

Arrangement between the United States of America and Denmark respecting passport visa fees. Effected by exchanges of notes dated at Copenhagen June 9 and 21 and July 7 and 8, 1947; entered into force July 8, 1947.

The American Embassy to the Danish Ministry for Foreign Affairs

AMERICAN EMBASSY
Copenhagen, June 9, 1947

AIDE-MEMOIRE

It is understood that the Danish Embassy at Washington has informally discussed with the Department of State the possibility of effecting a reciprocal arrangement for the abolition of non-immigrant passport visa requirements. Unfortunately Section 30 of the Alien Registration Act of 1940 makes it impossible for the United States Government to enter into an agreement for the abolition of visas for persons entering the United States.

54 Stat. 673.
8 U. S. C. § 451.

However, should the Danish Government feel disposed to waive visa requirements for American citizens entering Denmark for a temporary period, the Government of the United States would be inclined to grant gratis visas valid for twenty-four months to Danish subjects coming to the United States for a temporary visit. Such visas would be valid for any number of entries into the United States or United States territory within the period above mentioned, provided the non-immigrant status of the bearer is maintained at the time of each application for admission. The period of validity of a visa relates only to the period within which it may be used in connection with an application for admission to the United States, but does not refer to the length of the stay of the alien in the United States, which is a matter within the discretion of the immigration authorities.

CTS

ROYAL MINISTRY FOR FOREIGN AFFAIRS,
Copenhagen.

The Danish Ministry for Foreign Affairs to the American Embassy

UDENRIGSMINISTERIET.[1] A. Journal Nr. 36. D. 57. a.

Note verbale.

Referring to the American Embassy's Aide Memoire no. 261 of September 3rd, 1946, [2] regarding American joint passports being

[1] Ministry for Foreign Affairs.
[2] Not printed.

valid for entry into Denmark and later conversations on the same subject the Ministry for Foreign Affairs have the honour to inform the Embassy that the Ministry of Justice have informed the authorities concerned that American passports including the bearer's wife and children under 21 years of age are valid for entry into Denmark as from June 14th, 1947. 2 copies of the circular [1] regarding this matter are enclosed.

Furthermore the Ministry of Justice have agreed in principle to the abolition of non-immigrant visa requirements for United States citizens coming to Denmark provided that the visa facilities mentioned in the Embassy's Aide Memoire of June 9th, 1947, be granted Danish subjects visiting the United States.

In order to expedite the abovementioned visa arrangement the Ministry for Foreign Affairs would appreciate at the earliest convenience to be informed of the American Government's attitude towards the matter.

COPENHAGEN, *June 21st, 1947.*

THE AMERICAN EMBASSY,
Copenhagen.

The Danish Ministry for Foreign Affairs to the American Embassy

UDENRIGSMINISTERIET. A. Journal Nr. 36. D. 57. a.

Note verbale.

The Ministry for Foreign Affairs present their compliments to the American Embassy and with reference to their note verbale of June 21st, 1947, have the honour to inform the Embassy that according to a decree issued by the Ministry of Justice on June 27th, 1947, no visas are required as from that date for citizens of the United States of America visiting Denmark.

In case it is desired to extend the visit for a period exceeding 3 months, or, if the visitor should wish to take up employment in this

[1] Not printed.

country, an application to that effect must be submitted to the competent Danish authorities.

COPENHAGEN, *July 7th, 1947.*

THE AMERICAN EMBASSY,
Copenhagen.

The American Embassy to the Danish Ministry for Foreign Affairs

No. 142

AMERICAN EMBASSY
Copenhagen, Denmark, July 8, 1947

The American Embassy presents its compliments to the Royal Ministry for Foreign Affairs and has the honor to acknowledge the receipt of the Ministry's note verbale (A. Journal Nr. 36. D. 57. a.) of July 7, 1947. It is noted with satisfaction that according to a decree issued by the Ministry of Justice on June 27, 1947, visas are no longer required for citizens of the United States of American visiting Denmark. Note has also been taken of the fact that this decree does not affect the length of stay in the country and that application must be made to the competent Danish authorities if the stay exceeds three months or if the visitor wishes to take employment in Denmark.

The United States Government in view of the above action regarding requirements for United States citizens proceeding to Denmark, has authorized its consular offices to issue to non-immigrant Danish subjects, other than officials, visas valid for any number of entries into the United States and its possessions during the period of 24 months from the date of issuance, provided they hold valid Danish passports and continue to maintain non-immigrant status. The period of validity of the visa relates to the period within which the visa is used for presentation at a port of entry and not to the length of stay in the United States, which is a matter for determination by the immigration or other appropriate authorities. The provisions of the agreement of July 1925 [1] relative to the waiver of visa fees for non-immigrants continue in effect.

CTS

ROYAL MINISTRY FOR FOREIGN AFFAIRS
Copenhagen, Denmark

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[1] Not printed.

Agreement between the United States of America and Spain respecting restitution of monetary gold looted by Germany. Effected by exchange of notes signed at Madrid April 30 and May 3, 1948; entered into force May 3, 1948.

April 30 and May 3, 1948
[T. I. A. S. 2123]

The American Chargé d'Affaires ad interim to the Spanish Minister for Foreign Affairs

AMERICAN EMBASSY
Madrid, April 30, 1948

EXCELLENCY:

Under instructions of my Government, I have the honor to refer to various conversations which have been held by representatives of this Embassy and of Your Excellency's Ministry in connection with the information on Spanish gold holdings requested in this Embassy's Note Verbal No. 2372 of September 26, 1946.[1]

In the course of these conversations, Your Excellency's Government has made available a statement of its gold acquisitions from 1939 to date and of its present gold holdings. From these data, it has been found that eight bars totaling a fine weight of 101.6 kilograms were gold taken by Germany from the Netherlands, although Your Excellency's Government had not been aware of their looted origin either at the time of acquisition or subsequently. I now understand that Your Excellency's Government, in implementation of its declaration of solidarity with Bretton Woods Resolution VI [2] and the Gold Declaration of 1944, is ready to restitute the 101.6 kilograms of fine gold above mentioned.

9 F. R. 2096.

I therefore have the honor to inform Your Excellency that I am instructed by my Government to state that restitution of that amount by Your Excellency's Government will be considered by my Government as fulfillment of the requirements of the Bretton Woods Resolution and the Gold Declaration, provided the Government of Your Excellency is agreeable to make further restitution of any additional identifiable monetary gold taken by Germany, should it be found that any such gold may have been acquired by Spain. In this connection, may I add that no claims for any such additional gold presented after April 30, 1949 will be considered.

I am further instructed to inform Your Excellency that, upon receipt of agreement on the part of Your Excellency's Government to the foregoing, the United States Treasury will publicly make known that Spain will no longer be subject to the Gold Declaration of 1944 and that international gold movements by Spain will be free from restrictions applied on the grounds of any part thereof having been of possible looted origin.

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[1] Not printed.

[2] Department of State pub. 2187.

I would greatly appreciate confirmation by Your Excellency of the above understanding in order that I may inform my Government accordingly.

Accept, Excellency, the renewed assurances of my highest consideration.

PAUL T. CULBERTSON
Chargé d'Affaires ad interim

His Excellency
Don ALBERTO MARTÍN ARTAJO
Minister for Foreign Affairs,
Madrid.

The Spanish Minister for Foreign Affairs to the American Chargé d'Affaires ad interim

MINISTERIO DE ASUNTOS EXTERIORES

NÚM. 392 MADRID, *3 de mayo de 1948.*

Muy señor mío: Tengo la honra de acusar recibo a su Nota de fecha 30 de abril último, que traducida dice lo siguiente:

"Siguiendo instrucciones de mi Gobierno tengo el honor de referirme a diversas conversaciones que han celebrado Representantes de esta Embajada con el Ministerio a cargo de Vuestra Excelencia en relación con la información solicitada en la Nota Verbal de esta Embajada número 2.372, de 26 de septiembre de 1946.

En el curso de esas conversaciones el Gobierno de Vuestra Excelencia ha facilitado una declaración de sus adquisiciones de oro a partir de 1939 hasta la fecha y de sus existencias actuales de oro. De esta información se deduce que ocho barras con un peso total de 101,6 kilogramos finos, eran de oro tomado por Alemania en Holanda, y de cuyo origen, el pillaje, el Gobierno de Vuestra Excelencia no había tenido conocimiento ni en el momento de su adquisición ni con posterioridad.

Entiendo que ahora el Gobierno de Vuestra Excelencia, en cumplimiento de su declaración de solidaridad con la Resolución VI de Bretton Woods y con la Declaración del Oro de 1944, se halla dispuesto a devolver los 101,6 kilogramos de oro fino antes mencionados.

Por ello tengo el honor de informar a Vuestra Excelencia que tengo instrucciones de mi Gobierno para declarar que la restitución de esa cantidad por el Gobierno de Vuestra Excelencia, será considerada por mi Gobierno como cumplimiento de las disposiciones de la Resolución de Bretton Woods y de la Declaración del Oro, ha condición de que el Gobierno de Vuestra Excelencia acceda a restituir posteriormente cualquier otra cantidad adicional de oro amonedado identificable ocupado por Alemania, en el caso de que

se averigüe que oro de esa naturaleza haya podido ser adquirido por España. En relación con este asunto me permito añadir que no será atendida ninguna reclamación por cualquier cantidad adicional de oro de esa naturaleza, presentada después del 30 de abril de 1949.

Se me han dado también instrucciones para que informe a Vuestra Excelencia que una vez recibida la conformidad por parte del Gobierno de Vuestra Excelencia sobre lo que antecede, la Tesorería de los Estados Unidos dará a conocer públicamente que España no quedará sujeta por más tiempo a la Declaración del Oro de 1944 y de que los movimientos internacionales de oro por parte de España quedarán libres de restricciones fundadas en que alguna parte del mismo haya tenido como posible orígen el pillaje.

Agradecería mucho la confirmación de Vuestra Excelencia de lo que más arriba queda convenido a fin de que yo pueda informar a mi Gobierno".

Tengo la honra de manifestarle la conformidad de mi Gobierno con lo que antecede.

Aprovecho la oportunidad, Señor Encargado de Negocios, para reiterarle las seguridades de mi distinguida consideración.

ALBERTO MARTIN ARTAJO

Al Señor PAUL T. CULBERTSON,
Encargado de Negocios a. i. de los Estados Unidos de América.–

Translation

MINISTRY OF FOREIGN AFFAIRS

No. 392

MADRID, *May 3, 1948.*

DEAR SIR:

I have the honor to acknowledge receipt of your note dated April 30 last, which, in translation, reads as follows:

[For the English language text of the note, see *ante*, p. 4071.]

I have the honor to inform you that my Government agrees to the foregoing. Agreement Spain.

I avail myself of the opportunity, Mr. Chargé d'Affaires, to renew to you the assurances of my distinguished consideration.

ALBERTO MARTIN ARTAJO

Mr. PAUL T. CULBERTSON,
Chargé d'Affaires ad interim
of the United States of America.–

June 9, 1947
[T. I. A. S. 2127]

Agreement between the United States of America and Italy respecting air service facilities in Italy. Effected by exchange of notes signed at Rome June 9, 1947; entered into force June 9, 1947.

The American Ambassador to the Italian Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

F. O. No. 261

ROME, *June 9, 1947.*

EXCELLENCY,

I have the honor to invite Your Excellency's attention to the air navigation, communication, and weather facilities installed at the following places in Italy by the United States military services:

a. Rome, Ciampino
b. Naples, Capodichino
c. Pisa, San Giusto
d. Amendola
e. Cagliari, Elmas
f. Palermo, Bocca di Falco
g. Trapani (Borrizzo)
h. Bari, Palese
i. Milan, Linate
j. Vibo Valentia

A list of the installations at these points is now being prepared and will be forwarded to Your Excellency for inclusion as an Annex [1] to this note. This list is being prepared by the competent United States Authorities in consultation with the appropriate Italian officials, taking into account the need for such facilities in order to operate in accordance with the requirement of the International Civil Aviation Organization (ICAO). As those installations become surplus to United States military requirements, it is the intention of my Government that they, together with one year's supply of maintenance parts and expendable supplies, wherever theater surplus stocks permit, should be transferred to the Italian Government. In addition, the Government of the United States of America, through either the United States Army, United States Navy, Civil Aeronautics Administration, or private agency, will do everything possible to assist the Government of Italy or its representatives in purchasing, through regular commercial channels, maintenance parts and expendable supplies for the operation of the facilities.

Transfer to Italian Government.

With reference to the list referred to above, it is understood that the equipment turned over at Pisa shall within 90 days of the time of

[1] Not printed.

turnover be transferred to Milan in accordance with paragraph 4 below at the Italian Government's expense and Milan will receive all the benefits of the present agreement.

Consideration for transfer.

As sole consideration for transfer of equipment, the Italian Government, recognizing on the one hand the immediate necessity of insuring the safety of international air traffic in an adequate manner until regulations are established by the International Civil Aviation Organization (ICAO) and applied by the said Government in execution of its international undertakings, and, on the other hand, the special interests of United States aviation during the period in which American Armed Forces will participate in the occupation of ex-enemy countries, will undertake:

Undertakings by Italian Government.

1. To operate and maintain without interruption all the installations in a manner satisfactory for air traffic into and away from airdromes at which the facilities are located and along the international air routes converging on those airdromes.

2. To provide the full service of all facilities to all aircraft on a non-discriminatory basis with charges, if any, only for non-operational messages, until an international agreement on charges has been promulgated by ICAO.

3. To transmit weather reports in accordance with the international procedures in use at the time of the transfer of the facilities in a manner adequate to insure an integrated meteorological network for the international air routes unless changed by international agreement to which the Governments of the United States and Italy are parties.

4. Subject to the possibility of obtaining necessary spare parts, to continue the operation of all types of facilities in their present locations or at new locations deemed preferable by the representatives of both Governments until (a) new facilities are installed in accordance with standards promulgated by ICAO or (b) it is determined by the Governments of Italy and the United States that there is no longer a need for the original facilities. It is understood that the aeronautical facilities will be devoted exclusively to aeronautical service and will not be diverted to the communication service.

5. To provide English-speaking operators at air-to-ground and control tower communication positions until regulations covering voice transmissions are promulgated by ICAO; and further until such regulations are promulgated, to grant permission to a representative of the United States air carriers authorized to serve an airdrome to enter its control tower and, when in the opinion of the representative a case of necessity exists, subject to the authority of the commander of the airdrome, to talk to the pilot of any United States aircraft flying in the vicinity of the airdrome.

6. To utilize for air-ground and control tower communications the radio frequencies allotted for such purpose by ICAO on the basis of International Telecommunications regulations prescribing allocations of radio frequency bands.

7. To authorize and facilitate day-to-day adjustments in air communication service matters by direct communication between the operating agency of Italy and the service agency of the United States Government, United States air carriers, or a communication organization representing one or more of them.

Training of Italian personnel.

Subject to availability of Army communications personnel at Ciampino, the United States Government will continue to train Italian communications personnel until August 1, 1947.

If the foregoing is satisfactory to the Italian Government, Your Excellency's reply to that effect, together with this note, will be considered as constituting an agreement between our two governments with respect to the matters outlined herein.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

JAMES CLEMENT DUNN

His Excellency
Count CARLO SFORZA,
Minister of Foreign Affairs,
Rome.

The Italian Minister of Foreign Affairs to the American Ambassador

MINISTERO DEGLI AFFARI ESTERI

18482/180 ROMA, *9 Giugno 1947.*

ECCELLENZA,

In relazione alla Sua lettera in data odierna sono lieto di confermarLe che il Governo italiano ha approvato le disposizioni di cui alla lettera surriferita concernente la cessione al Governo italiano di impianti metereologici, di telecomunicazione, di navigazione aerea, dichiarati "surplus" dal Governo degli S. U. A.

Resta inteso che le disposizioni di cui al paragrafo 5 avranno valore fin tanto che non entrerà in vigore il regolamento al riguardo promulgato dalla International Civil Aviation Organization.

Sono lieto inoltre di comunicarLe che il Governo italiano è d'accordo che la Sua comunicazione insieme con la presente risposta vengano considerate come costituenti un accordo fra i nostri due Governi sulla materia.

Mi è grata l'occasione, Eccellenza, per rinnovarLe l'assicurazione della mia più alta considerazione.

SFORZA

S. E. JAMES DUNN
Ambasciatore degli S. U. A.
Roma

Translation

MINISTRY OF FOREIGN AFFAIRS

18482/180 ROME, *June 9, 1947.*

EXCELLENCY:

With respect to your note of today's date, I am pleased to confirm to you that the Italian Government has approved the provisions mentioned in the aforesaid note concerning the granting to the Italian Government of meteorological, telecommunication, and air-navigation stations declared surplus by the Government of the United States of America.

It is understood that the provisions mentioned in paragraph 5 will be valid until the coming into force of the pertinent regulations promulgated by the International Civil Aviation Organization.

I am pleased, furthermore, to inform you that the Italian Government agrees that your communication, together with the present reply is considered as constituting an agreement between our two Governments concerning the matter.

I avail myself of the occasion, Excellency, to renew to you the assurances of my highest consideration.

SFORZA

His Excellency
JAMES DUNN
Ambassador of the United States of America
Rome

December 21, 1945, and January 15, 1946
[T. I. A. S. 2131]

Agreement between the United States of America and Spain respecting air transport services, amending the agreement of December 2, 1944. Effected by exchange of notes verbales dated at Madrid December 21, 1945, and January 15, 1946; entered into force January 15, 1946.

The American Embassy to the Spanish Ministry of Foreign Affairs

No. 1379

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to inform the Ministry, under instructions received today from the Department of State, that Transcontinental World Airways, the airline indicated by the Civil Aeronautics Board of the United States to operate the route between the United States and Madrid via Lisbon, plans to inaugurate its service to Madrid on January 1, 1946 from New York, via Newfoundland, Ireland and Lisbon. The first flight is due to reach Madrid on January 2. It would depart from Madrid on its return flight on January 3. The service, for the time being, would be weekly; departures from New York being on January 1, 8, 15, etc. and from Madrid on Jan. 3, 10, 17, etc. However, it is the Embassy's understanding that the runway extension at present under construction at Barajas airport probably will not be completed in time to permit of this service being inaugurated as planned by the company, which is being kept informed of the progress of the construction work at Barajas by the Embassy.

Until such time as this airline is enabled to extend its services eastward from Madrid, this city will be its European terminus. At such time as this route can be extended to conform with the Transcontinental and Western Airline's route as communicated to the Ministry of Foreign Affairs in the Embassy's Note Verbale No. 535 of July 11, 1945, [1] this company will provide service through Madrid to Algiers, as authorized in Article I (a) (Route No. 2) of the Civil Air Agreement signed at Madrid on December 2, 1944.

58 Stat. 1473.

Under date of July 11, the Embassy communicated to the Ministry the details of the air routes between the United States and Europe by which the CAB of the United States had authorized three airlines of the United States to operate. The Ministry will have noted that the route allocated to Transcontinental and Western Airlines provides for a spur route to be operated by this company from Madrid to Rome, thence to North Africa via Athens. This spur route is not covered in Article I (a) 2 of the Civil Air Agreement of December 2, 1944.

58 Stat. 1473.

[1] Not printed.

In accordance with instructions from the Department of State the Embassy has the honor to inform the Ministry of Foreign Affairs that it would appreciate its consent to the effecting of an appropriate revision of the route definition as set forth in Article I (a) 2 of the Bilateral Air Agreement referred to above, to be modified to read as follows: 58 Stat. 1473.

"Route 2. A route from the United States through Lisbon to Madrid, proceeding therefrom (a) to Rome and points beyond and (b) to Algiers and points beyond, return being made over the same route."

The establishment of two routes to be operated from Madrid by Transcontinental World Airways (the name of this company having been modified recently to better describe the greater scope of its operations) will add considerably to the volume of traffic through Madrid, particularly as the route which it is now proposed to add will permit of through service by TWA from New York to Madrid, thence to the important traffic centers of Rome and Athens, which would be touched on the route to Cairo.

The Embassy expresses the hope that approval for this additional route through Madrid may be formalized by an early indication of the Ministry's willingness to effect the appropriate modification of Article I (a) 2 of the agreement of December 2, 1944, as set forth above.

MADRID, *December 21, 1945.*

The Spanish Ministry of Foreign Affairs to the American Embassy

MINISTERIO DE ASUNTOS EXTERIORES

P. E.

NÚM. 63

NOTA VERBAL

El Ministerio de Asuntos Exteriores saluda atentamente a la Embajada de los Estados Unidos de América y en contestación a la Nota Verbal de la Embajada nº 1.379, de 21 de diciembre de 1945, tiene la honra de manifestarle su conformidad a que la ruta nº 2, prevista en el artículo I (a) 1 del "Convenio entre España y los Estados Unidos de América, relativo al funcionamiento de Servicios Internacionales de Transporte Aéreo" firmado con fecha 2 de diciembre de 1944, quede redactado de la siguiente forma:

Ruta número 2

"Ruta desde los Estados Unidos por Lisboa a Madrid continuando desde aquí:

a) A Roma y puntos ulteriores; y
b) A Argel y puntos ulteriores,

efectuándose el regreso por la misma ruta".

Al propio tiempo el Ministerio participa a la Embajada que ha tomado nota de que, en cuanto el aeropuerto de Madrid-Barajas se encuentre en condiciones de recibir los grandes aviones de transporte transoceánicos, empezará a funcionar la línea explotada por la Empresa Transcontinental World Airways y que este servicio será semanal.

MADRID, *15 de enero de 1946.*

A LA EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA EN MADRID. –

Translation

MINISTRY OF FOREIGN AFFAIRS

P. E.

No. 63

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and in reply to the Embassy's Note Verbale No. 1379 of December 21, 1945, has the honor to inform it that it agrees that the definition of Route 2 as set forth in Article I (a) 1 of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services" signed on December 2, 1944, be modified to read as follows:

Ante, p. 4078.

58 Stat. 1473.

Route 2

"A route from the United States through Lisbon to Madrid, proceeding therefrom:

a) To Rome and points beyond; and

b) To Algiers and points beyond, return being made over the same route".

At the same time the Ministry informs the Embassy that it has taken note of the fact that, as soon as the Madrid-Barajas airport is in condition to receive large transoceanic transport planes, the line operated by Transcontinental World Airways will begin to function, and that this service will be weekly.

MADRID, *January 15, 1946.*

THE EMBASSY OF THE UNITED STATES OF AMERICA IN MADRID. –

Agreement between the United States of America and Spain respecting air transport services, amending the agreement of December 2, 1944, as amended. Effected by exchange of notes verbales dated at Madrid February 21 and March 12, 1946; entered into force March 12, 1946.

February 21 and March 12, 1946
[T. I. A. S. 2132]

The American Embassy to the Spanish Ministry of Foreign Affairs

NOTE VERBALE

No. 1626

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to its Note No. 575 of July 14, 1945 [1] concerning the suggested revision of route definitions set forth in Article I (a) 1. of the Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services. 58 Stat. 1473.

In pursuance of that Note and in view of the desire of Pan American Airways to inaugurate service in the near future over a route from the United States to Lisbon, Barcelona, and Marseilles, the Embassy is desirous of obtaining the early agreement of the Spanish Government to the proposed re-definition of Route 1 to read as follows:

"A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route."

At the same time, because of its bearing on the safety of United States commercial airline operations between Portugal and the United Kingdom, the agreement of the Spanish Government is requested to the inclusion of the following paragraph (as proposed also in the Embassy's Note No. 575) as part of Article I (a) 1. and immediately following the revised route descriptions:

"Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom."

The Embassy has noted with gratification the Ministry's Note Verbale No. 63 (P.E.) of January 15, 1946 conveying the agreement of the Spanish Government to the proposed modification of Route 2, as defined in Article I (a) 1. of the December 2, 1944 Agreement, to cover the projected operations of Transcontinental and Western Air (Trans-World Airlines) into and through Spain. *Ante*, p. 4079.

MADRID, *February 21, 1946.*

[1] Not printed.

The Spanish Ministry of Foreign Affairs to the American Embassy

MINISTERIO DE ASUNTOS EXTERIORES

P.E.

NÚM. 200

NOTA VERBAL

El Ministerio de Asuntos Exteriores saluda atentamente a la Embajada de los Estados Unidos de América, y en contestación a la Nota Verbal de la Embajada nº 1626, de 21 de febrero último, tiene la honra de participarle la conformidad del Gobierno español para la nueva definición propuesta por las autoridades norteamericanas, para la ruta nº 1, fijada en el Artículo I (a), del "Convenio entre España y los Estados Unidos de América relativo al funcionamiento de servicios internacionales de transporte aéreo", con la redacción siguiente:

"Ruta desde los Estados Unidos por Lisboa a Barcelona, continuando desde aquí a Marsella y posiblemente puntos ulteriores, efectuándose el vuelo de regreso por la misma ruta".

El Ministerio confía que la empresa Pan American Airways, esté en situación de inaugurar en breve plazo el servicio en la mencionada ruta.

Respecto de la segunda petición contenida en la referida Nota Verbal nº 1626, el Gobierno Español está igualmente conforme, con que a fin de reforzar la seguridad de funcionamiento de la línea aérea comercial norteamericana entre Portugal y el Reino Unido, se incluya el siguiente párrafo, como parte del Art. I (a) 1.y a continuación inmediatamente de las descripciones revisadas de rutas:

"Se concede a las líneas aéreas norteamericanas en territorio español los derechos de tránsito y escala técnica en una ruta entre Portugal y el Reino Unido".

Como en la actualidad los posibles aterrizajes para escala técnica en dicha región, no se encuentran por el momento en condiciones de prestar servicio, el Ministerio ruega a la Embajada, tenga a bien manifestar cuáles son los puntos del territorio español en que eventualmente desearían aterrizar los aviones en la línea de referencia, para informar a la Embajada sobre las condiciones en que se encuentran actualmente.

MADRID, *12 de marzo de 1.946.*

A LA EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA. –

Translation

MINISTRY OF FOREIGN AFFAIRS

P. E.

No. 200

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and, in reply to the Embassy's Note Verbale No. 1626 of February 21 last, has the honor to inform it that the Spanish Government agrees to the new definition proposed by the American authorities for Route 1, set forth in Article I (a) of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services", to read as follows: *Ante*, p. 4081. 58 Stat. 1473.

"A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route".

The Ministry hopes that Pan American Airways will be able to inaugurate service on this route shortly.

With respect to the second request contained in the aforesaid Note Verbale No. 1626, the Spanish Government also agrees, for the purpose of increasing the safety of United States commercial airline operations between Portugal and the United Kingdom, to the inclusion of the following paragraph as a part of Article I (a) 1. and immediately following the revised route descriptions:

"Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom".

Since at the present time the possible landing fields for non-traffic stops in that area are not prepared to render service, the Ministry requests the Embassy to be good enough to specify the points in Spanish territory at which aircraft of the line under reference might eventually wish to land, in order that the Ministry may inform the Embassy as to their present condition.

MADRID, *March 12, 1946.*

THE EMBASSY OF THE UNITED STATES OF AMERICA.—

September 23, 24, 1948
[T. I. A. S. 2148]

Agreement between the United States of America and Panama respecting a cooperative education program in Panama, extending the program provided for by the agreement of November 13 and 14, 1944. Effected by exchange of notes signed at Panamá September 23 and 24, 1948; entered into force September 24, 1948; operative retroactively from June 30, 1948.

The American Ambassador to the Panamanian Minister for Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

No. 58

PANAMÁ, PANAMÁ, *September 23, 1948*

EXCELLENCY:

I have the honor to refer to the notes exchanged on November 13 and 14, 1944, between the Ambassador of the United States to your Government and the Minister of Foreign Affairs and to the Basic Agreement between the Republic of Panamá and the Inter-American Educational Foundation, Inc., dated February 25, 1946, which provided for the initiation and execution of the existing cooperative education program in Panamá. I also refer to Your Excellency's note of August 7, 1948, [1] suggesting the consideration by our respective Governments of a further extension of that Agreement. In accordance with legislation enacted during 1947 by the Congress and approved by the President of the United States all of the property, funds, functions, personnel, liabilities, and restrictions of the Inter-American Educational Foundation, Inc., were transferred to The Institute of Inter-American Affairs, a corporate instrumentality of the United States created by such legislative action. Consequently, the participation by the United States in the cooperative education program is now being effectuated through The Institute of Inter-American Affairs.

59 Stat. 1871.

Post, p. 4094.

61 Stat., Pt. 1, p. 780.
22 U. S. C. Supp. I, §§ 281–281*i*.

As Your Excellency knows, the Basic Agreement of February 25, 1946, provides that the cooperative education program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Panamá that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $41,199.00 U. S. Currency to the Servicio Cooperativo Interamericano de Educación

Post, p. 4094.

[1] Not printed.

for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of B/s 101,000.00. The Institute would also be willing during the same extension period to make available an amount not exceeding $20,000.00 U. S. Currency to be retained by the Institute, and not deposited to the account of the Servicio, for payment of salaries and other expenses of the members of the Institute Education Division Field Staff, who are maintained by the Institute in Panamá. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Education and The Institute of Inter-American Affairs.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

MONNETT B. DAVIS

His Excellency
ERNESTO JAÉN GUARDIA,
Minister for Foreign Affairs,
Panamá, Panamá

The Panamanian Minister for Foreign Affairs to the American Ambassador

MINISTERIO DE RELACIONES EXTERIORES D. P. N° 1733.

PANAMÁ, *Septiembre 24 de 1948.*

SEÑOR EMBAJADOR:

Tengo a honra referirme a la atenta comunicación de Vuestra Excelencia N° 58, de fecha 23 del corriente, que reza textualmente así:

"Tengo el honor de referirme a las notas cruzadas el 13 y 14 de noviembre de 1944 entre el Embajador de los Estados Unidos ante el Gobierno de Vuestra Excelencia y el entonces Ministro de Relaciones Exteriores y el Acuerdo Básico entre la República de Panamá y la Inter-American Educational Foundation, Inc., de fecha 25 de febrero de 1946, el cual dispone lo relativo a la iniciación y realización del programa existente de cooperación educativa en Panamá. Me refiero así mismo a la nota de Vuestra Excelencia, de fecha 7 de agosto de 1948, en la que se sugiere que nuestros respectivos Gobiernos den consideración a una nueva prórroga de aquel Acuerdo. De conformidad con la legislación promulgada por el Congreso en el curso del año de 1947 y sancionada por el Presidente de los Estados Unidos, todos los bienes, fondos, funciones, personal, obligaciones y restricciones de la Inter-American Education Foundation, Inc., fueron traspasados a The Institute of Inter-

American Affairs (Instituto de Asuntos Inter-Americanos), organismo del Gobierno de los Estados Unidos creado por la mencionada acción legislativa. En consecuencia, la participación de los Estados Unidos en el programa de cooperación educativa se efectúa ahora por medio del Instituto de Asuntos Inter-Americanos.

"Como lo sabe Vuestra Excelencia, el Acuerdo Básico de 25 de febrero de 1946 estipula que el programa de cooperación educativa termina el 30 de junio de 1948. Sin embargo, considerando los mutuos beneficios que ambos gobiernos están derivando del programa, mi Gobierno conviene con el Gobierno de Panamá en que sería de desear la prórroga de dicho programa. El Departamento de Estado en Washington me ha comunicado que pueden efectuarse ahora arreglos para que el Instituto continúe su participación en el programa cooperativo por un período de un año, del 30 de junio de 1948 al 30 de junio de 1949. Quedaría entendido que durante dicho período de prórroga, el Instituto haría un aporte de $41.199.oo, moneda de los Estados Unidos, al Servicio Cooperativo Interamericano de Educación para su uso en la realización de las actividades proyectadas en el programa, a condición de que el Gobierno de Vuestra Excelencia contribuya al Servicio para el mismo fin con la suma de B/101,ooo.oo. El Instituto estaría dispuesto también a aportar durante el mismo período de la prórroga, una suma que no exceda de $20,000.oo, moneda de los Estados Unidos para que sea retenida por el Instituto, y no depositada a cuenta del Servicio, para el pago de sueldos y otros gastos del personal de terreno de la División de Educación del Instituto que éste mantiene en Panamá. Las sumas a que se hace referencia serían en adición a las ya requeridas de conformidad con el actual Acuerdo Básico las cuales deben ser aportadas por las partes para dar complimiento al programa.

"Si Vuestra Excelencia conviene en que es aceptable la prórroga propuesta sobre la base antes expuesta, agradecería la expresión de la opinión y aquiescencia de Vuestra Excelencia lo más pronto que sea posible a fin de que puedan prepararse los detalles técnicos de la prórroga por los funcionarios del Ministerio de Educación y del Instituto de Asuntos Inter-Americanos".

En respuesta, tengo a honra manifestar a Vuestra Excelencia que el Gobierno de la República acepta la prórroga propuesta en las condiciones expuestas en la nota arriba transcrita.

Aprovecho la oportunidad para testimoniarle las seguridades de mi más alta y distinguida consideración.

E. JAÉN GUARDIA

Ernesto Jaén Guardia,
Ministro de Relaciones Exteriores.

Su Excelencia,
MONNETT B. DAVIS,
Embajador de los Estados Unidos,
Ciudad.-

Translation

MINISTRY FOR FOREIGN AFFAIRS D. P. No. 1733.

PANAMÁ, *September 24, 1948.*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous communication No. 58 of the 23rd instant, the text of which is as follows:

[For the English language text of the note, see *ante*, p. 4084.]

In reply, I have the honor to inform Your Excellency that the Government of the Republic accepts the proposed extension on the terms set forth in the note transcribed above.

I avail myself of this opportunity to express to you the assurances of my highest and most distinguished consideration.

E. JAÉN GUARDIA

Ernesto Jaén Guardia,
Minister for Foreign Affairs.

His Excellency
MONNETT B. DAVIS,
Ambassador of the United States,
City.-

EXTENSION AGREEMENT

The Government of the Republic of Panama (hereinafter referred to as the "Republic"), represented by Manuel Varela Jr., the Minister of Education (hereinafter referred to as the "Minister"), and The Institute of Inter-American Affairs (hereinafter referred to as the "Institute"), a corporate instrumentality of the Government of the United States of America and successor to the Inter-American Educational Foundation, Inc., (hereinafter referred to as the "Foundation"), represented by its Special Representative, Education Division, Ernest C. Jeppsen (hereinafter referred to as the "Special Representative"), have agreed, pursuant to the request of the Republic, and in accordance with the note dated August 7, 1948, between the American Ambassador and the Panamanian Minister for Foreign Affairs,[1] upon the following technical details for extending and modifying, in the manner hereinafter set forth, the Agreement executed by the Republic and the Foundation on February 25, 1946, (hereinafter referred to as the "Basic Agreement"), providing for a cooperative educational program to be carried on in Panama.

"Basic Agreement." *Post*, p. 4094.

CLAUSE I

Period of extension.

The cooperative educational program provided for in the Basic Agreement is hereby extended for an additional period of one year from June 30, 1948, through June 30, 1949.

All activities which have been and are being carried out in accordance with the Basic Agreement by the parties concerned from June 30, 1948, to and including the effective date of this Extension Agreement are hereby ratified and approved in full.

CLAUSE II

Additional funds.

In addition to the funds originally required by the Basic Agreement to be contributed or otherwise made available by the parties hereto with respect to the cooperative educational program, the parties hereto shall contribute and make available additional funds for use in continuing the program during the period covered by this Extension Agreement in accordance with the following schedule:

Salaries and expenses of field staff.

A. The Institute shall make available the funds necessary to pay the salaries and all other expenses of its field staff in Panama during the period covered by this Extension Agreement, provided that the amount of such funds shall not exceed $41,199.00. This amount shall be administered by the Institute and shall not be deposited to the credit of the Servicio Cooperativo Interamericano de Educacion (hereinafter referred to as the "Servicio").

[1] Not printed.

B. The Institute shall deposit to the credit of the Servicio the sum of $20,000.00, as follows: Deposits by the Institute.

On or before November 1, 1948	$ 10,000.00
On or before February 1, 1949	$ 10,000.00
Total	$ 20,000.00

C. The Republic shall deposit to the credit of the Servicio the sum of B/s 101,000.00, as follows: Deposits by the Republic.

On or before November 1, 1948	B/ 36,000.00
On or before February 1, 1949	B/ 35,000.00
On or before March 1, 1949	B/ 30,000.00
Total	B/101,000.00

In addition, the Ministry of Education shall provide the necessary instructional staff for Servicio Projects, as indicated in each Project Agreement. If additional funds are available from the Republic, they shall be allocated to specific projects as needed and as agreed upon by the Minister of Education and the Special Representative. Instructional staff.

D. Funds deposited to the credit of the Servicio pursuant to Clause II of this agreement by one of the parties shall not be available for withdrawal or expenditure until the other party's deposit scheduled on the same date has been made. Availability of funds, limitation.

CLAUSE III

The parties hereto, by written agreement of the Minister and the Special Representative, may amend the schedules for making the deposits required by Clause II hereof, may provide for advance purchases of equipment or materials by either party with appropriate credit against the payments due under the schedules, and may provide for contributions of funds by either or both parties, or by third parties, for use in effectuating the cooperative educational program in addition to the funds required to be contributed by this Extension Agreement and the Basic Agreement. Amendment of schedules for making deposits, etc.

Post, p. 4094.

CLAUSE IV

The Basic Agreement shall remain in full force and effect for the purpose of extending the cooperative educational program, as provided herein, and all provisions of the Basic Agreement shall be applicable to all operations and activities under this Extension Agreement to the same extent and with the same effect as though expressly set forth herein; EXCEPT that the Basic Agreement, in its application to the period provided for in this Extension Agreement, shall be deemed to be amended and supplemented by the provisions of this Extension Agreement including the following particulars: Force and effect.

Privileges and immunities.

1. The parties hereto declare their recognition that the Institute, being a corporate instrumentality of the United States of America wholly owned, directed, and controlled by the Government of the United States of America, is entitled to share fully in all the privileges and immunities, including immunity from suit in the courts of the Republic, which are enjoyed by the United States of America.

Unexpended funds.

2. The parties hereto agree that any funds which remain unexpended on the termination of this Extension Agreement, shall, unless otherwise agreed upon in writing by the parties hereto at that time, be returned to the parties hereto in the proportion of the respective contributions made by the parties under the Basic Agreement and under Clause II of this Extension Agreement.

Post, p. 4094; *ante*, p. 4088.

Use of funds for salaries, living expenses, transportation, etc.

3. By mutual agreement between the Minister and the Special Representative, funds of the Servicio may be used to reimburse or defray the salaries, living expenses, travel and transportation costs, and other expenses of such additional personnel of the Education Division of the Institute in Panama as the parties mentioned may agree are necessary to be employed, in addition to the employees referred to under Clause II hereof. Such funds may be contributed or granted for such purposes by the Servicio to the Institute or to any other organization, but in every case the Minister and the Special Representative will enter into a written project agreement setting forth the scope and the other necessary terms of such contributions or grants.

References to the Inter-American Educational Foundation, Inc.

4. All references in the Basic Agreement to the Inter-American Educational Foundation, Inc., shall, for the purpose of this Extension Agreement, be deemed to refer to the Institute.

CLAUSE V

Legislation, etc.

The Republic undertakes to obtain or promulgate such legislation, decrees, orders or resolutions as may be necessary to effectuate the terms of this Extension Agreement.

CLAUSE VI

Effective date.

This Extension Agreement shall become effective upon ratification by the National Assembly of the Republic of Panama. [1]

IN WITNESS WHEREOF, the parties hereto have caused this Extension Agreement to be executed by their duly authorized representatives, in quintuplicate, in the Spanish and English languages, in Panama, Republic of Panama, this 28th day of September, 1948.

REPUBLIC OF PANAMÁ

By M VARELA JR

THE INSTITUTE OF INTER-AMERICAN AFFAIRS

By ERNEST C JEPPSEN

[1] Feb. 8, 1949.

EXTENSION DEL ACUERDO.-

El Gobierno de la República de Panamá (que de ahora en adelante se llamará la "República), representada por el Sr. Manuel Varela Jr., Ministro de Educación (que de ahora en adelante se llamará "Ministro"), y el Instituto de Asuntos Inter-Americanos (que de ahora en adelante se llamará el "Instituto"), una corporación del Gobierno de los Estados Unidos de América, sucesora de la Fundación Inter-Americana de Educación, Inc., (que de ahora en adelante se llamará "Fundación"), representada por su Representante Especial, de la División de Educación, Sr. Ernest C. Jeppsen (que de ahora en adelante se llamará "Representante Especial"), han acordado, conforme la solicitud de la República, y de acuerdo con la nota fechada el día 7 de Agosto de 1948 entre el Embajador Americano y el Ministro Panameño de Relaciones Exteriores, sobre los siguientes detalles técnicos para extender y modificar, en la manera que aquí se estipula, el acuerdo ejecutado por la República y la Fundación el día 25 de Febrero de 1946) que de ahora en adelante se llamará el "Acuerdo Básico"), autorizando un programa educacional cooperativo para ser llevado a cabo en Panamá.

CLAUSULA I

El programa educacional cooperativo acordado en el Acuerdo Básico se extiende por medio de este documento por un período adicional de un año desde el 30 de Junio de 1948 al 30 de Junio de 1949.

Todas las actividades que han sido o estan siendo llevadas a cabo, en conformidad con el Acuerdo Básico, por las partes interesadas desde el 30 de Junio de 1948 a, e incluyendo, la fecha vigente de esta Extensión del Acuerdo, son por este medio ratificadas y aprobadas en su totalidad.

CLAUSULA II

Además de los fondos que originalmente el Acuerdo Básico requiere sean contribuídos o de alguna otra forma se hagan disponibles por las partes signatarias contribuirán y harán disponibles fondos adicionales para la continuación del programa durante el período que cubre esta Extensión del Acuerdo en conformidad con el siguiente plan:

A.-El Instituto hará disponible los fondos necesarios para cubrir los salarios y demás gastos de su personal en Panamá durante el período que cubre esta Extensión del Acuerdo, con tal que la suma total de dichos fondos no exceda la cantidad de B/.41,199.oo.- Esta cantidad será suministrada por el Instituto y no será depositada a la cuenta del Servicio Cooperativo Inter-Americano de Educación (que de ahora en adelante se llamará "Servicio").

B.-El Instituto depositará a cuenta del Servicio la suma de . . . $20,000.oo, según sigue:

El 1 de Noviembre de 1948, o antes	$10, 000. oo
El 1 de Febrero de 1949, o antes.	$10, 000. oo
Total	$20, 000. oo

C–La República depositará a cuenta del Servicio la suma de . . . B/.101,000.oo, según sigue:

El 1 de Noviembre de 1948	B/.36,000.oo
El 1 de Febrero de 1949, o antes	B/.35,000.oo
El 1 de Marzo de 1949, o antes	B/.30,000.oo
Total	B/.101,000.oo

Además, el Ministerio de Educación suministrará el personal docente necesario para los proyectos del Servicio, como se indicará en cada Acuerdo del Proyecto. Si la República aporta fondos adicionales, ellos serán asignados a proyectos específicos según sean necesarios y acordados por el Ministerio de Educación y el Representante Especial.

D.–Los fondos depositados a cuenta del Servicio por una de las partes, según Cláusula II de este Acuerdo, no podrán ser retirados o desembolsados hasta que el depósito correspondiente en dicha fecha haya sido hecho por la otra parte.

CLAUSULA III

Las partes signatarias, por acuerdo escrito entre el Ministro y el Representante Especial, pueden reformar los planes para hacer los depósitos requeridos en la Cláusula II de este documento; pueden adelantar la compra de equipo y materiales por cualquiera de las partes, siempre que el importe de dicha compra se le acredite a las cuotas señaladas en el plan; y pueden acordar la contribución de fondos por cualquiera de ambas partes – por una tercera parte – para usarse en el desarrollo del programa cooperativo educacional, además de los fondos disponibles de acuerdo con esta Extensión del Acuerdo y del Acuerdo Básico.

CLAUSULA IV

El Acuerdo Básico tendrá vigencia y regirá en todo lo concerniente a la extensión del programa cooperativo educacional, tal como se estipula aquí, y todas las disposiciones del Acuerdo Básico serán aplicables a todas las operaciones y actividades señaladas en esta Extensión del Acuerdo al efecto y con la misma vigencia y fuerza como si fueran expresamente estipuladas aquí; EXCEPTUANDO, que el Acuerdo Básico en lo que se refiere al período acordado en esta Extensión del Acuerdo, se considerará reformado o suplementado por las disposiciones de este documento, incluyendo las siguientes:

1.– Las partes declararán reconocer aquí que siendo el Institututo una corporación de los Estados Unidos de América, de propiedad, dirigida y controlada por el Gobierno de los Estados Unidos de América, debe gozar de todos los privilegios e inmunidades, incluyendo inmunidad de ser llamada a juicio por las Cortes o Tribunales de la República, de los cuales gozan los Estados Unidos de América.

2.– Las partes acuerdan que los fondos sobrantes después de la terminación de esta Extensión del Acuerdo, deben reembolsarse a las partes signatarias en proporción a las contribuciones respectivas hechas por cada parte de conformidad con el Acuerdo Básico y también de acuerdo con la Cláusula II de esta Extensión del Acuerdo, a menos que dichas partes hayan acordado otra cosa por escrito al terminar la Extensión del Acuerdo.

3.– Por acuerdo mutuo entre el Ministro y el Representante Especial, los fondos del Servicio pueden usarse para reembolsar o sufragar los salarios, gastos de subsistencia, gastos de viaje y transportación, y otros gastos del personal adicional de la División de Educación del Instituto en Panamá, según acuerden las partes signatarias que es necesario emplear, además del personal mencionado en la Cláusula II de este documento. Dichos fondos pueden ser contribuídos o concedidos para tales propósitos por el Servicio al Instituto o a cualquiera otra organización pero en cada instante el Ministro y el Representante Especial celebrarán un proyecto de acuerdo por escrito en el cual se fijará el alcance y demás condiciones necesarias para tales contribuciones o concesiones.

4.– Todas las disposiciones del Acuerdo Básico que se refieren a la Fundación Inter-Americana de Educación, Inc., deben, para los efectos de la Extensión del Acuerdo, considerarse que se refieren al Instituto.

CLAUSULA V

La República se encargará de obtener y promulgar las leyes, decretos, ordenanzas y resoluciones que puedan ser necesarias para el cumplimiento de los términos de esta Extensión del Acuerdo.

CLAUSULA VI

Esta Extensión del Acuerdo regirá desde la fecha en que sea ratificada por la Asamblea Nacional de la República de Panamá.

EN FE DE LO CUAL, las partes signatarias han ordenado que esta Extensión del Acuerdo sea ejecutada por sus representantes autorizados, en quintuplicado, en Español e Inglés, en Panamá, República de Panamá, a los 28 días del mes de Septiembre de mil novecientos cuarenta y ocho.

REPUBLICA DE PANAMA

Por M VARELA Jr

INSTITUTO DE ASUNTOS INTER-AMERICANOS

Por ERNEST C JEPPSEN

AGREEMENT

The Government. THE GOVERNMENT OF THE REPUBLIC OF PANAMA, (hereinafter called the Government), represented by the Minister of Education, and the Inter-American Educational Foundation, Inc., a corporation of the Office of Inter-American Affairs and an agency of the Government of the United States of America (hereinafter called the Foundation), represented by its President, have decided to execute the following agreement for the purpose of carrying out a cooperative educational program designed to promote closer inter-American relations through the exchange of educators, ideas, and educational methods between Panama and the United States, pursuant to Resolution No. 28, adopted by the First Conference of Ministers and Directors of Education of the American Republics held in Panama from September to October, 1943, [1] and to Resolution No. 58, adopted by the Inter-American Conference on the Problems of War and of Peace, held in the City of Mexico, from February to March, 1945.[2] For the aforesaid purpose the contracting parties agree as follows:

The Foundation.

The Servicio. 1. – The Government shall create as an integral part of the Ministry of Education a body to be called Servicio Cooperativo Interamericano de Educacion (hereinafter called the Servicio) which shall be the intermediary between the Government of Panama and the Foundation.

Special Representative. 2. – The personnel that the Foundation may send to Panama shall be under the direction of an official who shall have the title of Special Representative of the Inter-American Educational Foundation, Inc., and who shall represent the Foundation in all activities connected with the program to be carried out under the terms of the present agreement. The Special Representative, as well as the other experts sent by the Foundation, must be acceptable to the Government in order to exercise their functions.

The Director. 3. – The Special Representative of the Foundation shall be the Director of the Servicio. The Executive Power shall appoint the personnel of the Servicio in accordance with the recommendation of the Minister of Education and the Director of the Servicio, and shall in like manner determine the salaries and working conditions of said personnel. The Director of the Servicio shall administer, superintend, and direct the other affairs of the Servicio. Such contracts as may be necessary to carry out any project of the Cooperative Educational Program shall be executed in the name of the Servicio by the Director thereof or by the representative he may designate.

4. – The Cooperative Educational Program which shall place special emphasis on vocational education may include:

[1] Final Act of the First Conference of Ministers and Directors of Education of the American Republics (Pan American Union, 1943), p. 25.

[2] Final Act of the Inter-American Conference on Problems of War and Peace (Pan American Union, 1945), p. 102.

(a) The furnishing by the Foundation of a vocational educational specialist, who will be the Special Representative, and such additional expert or experts as may be needed in the opinion of the Minister of Education and the Special Representative of the Foundation to carry out the Cooperative Educational Program and as may be retained with the limited funds available. Special Representative.

(b) The arrangements that are necessary in order that educators of Panama can go to the United States at the expense of the Servicio for the purpose of perfecting themselves in their respective specialties, deliver lectures, teach, and exchange ideas and experiences with educators in the United States; Panamanian educators to U. S.

(c) The study and investigation of the educational needs and resources of Panama for the purpose of carrying out certain projects connected with the training of personnel to teach in primary, secondary, and normal institutions; Study of educational needs and resources.

(d) The elaboration, adaptation, and exchange of suitable educational material and any other plans that may be necessary to carry out the program in Panama. Exchange of educational material and plans.

5.—The aforesaid Cooperative Educational Program shall consist of specific projects. The nature of these projects and the activities engaged in, as well as the allocation of the necessary funds, shall be determined by agreement between the Minister of Education and the Special Representative and shall be carried out through the agency of the Servicio, in accordance with such rules and procedures as may be decided upon by mutual agreement between the Minister of Education and the Representative of the Foundation. The Minister of Education shall be the representative of the Government in all matters pertaining to the Cooperative Educational Program. Projects.

6.—The total contribution of the Foundation to the Cooperative Educational Program shall by FIFTY THOUSAND DOLLARS ($50,000.00), currency of the United States; said sum shall be retained by the Foundation and shall be used for the payment of the salaries and other expenses of the Foundation's experts who render services to the Cooperative Educational Program in Panama. In the event that the Foundation should consider at any time during the term of the present agreement that the sum of FIFTY THOUSAND DOLLARS ($50,000.00) is more than is required for the payment of the salaries and other expenses of the experts, the Foundation shall notify the Minister of Education, and such unnecessary amount as there may be shall be deposited to the account of the Servicio in such manner as may be determined by mutual agreement between the Minister of Education and the Special Representative of the Foundation. The direct contribution to be made by the Government to the Cooperative Educational Program, shall be not less than FIFTY THOUSAND BALBOAS (B/s. 50,000); said sum shall be deposited in the account of the Servicio on the dates hereinafter stipulated, unless other dates are fixed by mutual Contributions.

agreement between the Minister of Education and the Special Representative of the Foundation.

Deposits.

Date	Amount
Within a period of 60 days after the approval of the present agreement by the Cabinet of the Republic of Panama	B/s. 10,000
On or about the 15th of the twelfth month after the date stipulated for making the first deposit.	20,000
On or about the 15th of the twelfth month after the date stipulated for making the second deposit	20,000
	B/s. 50,000

Technical assistance.

The Foundation also agrees to furnish the Government with the technical assistance and advice of its vocational educational specialists in the planning of a School of Arts and Crafts in the City of Panama which the Government plans to establish at an approximate cost of TWO MILLION BALBOAS (B/s. 2,000,000) and in the establishment of other institutions that may be necessary for the development of vocational education in the country.

Additional assistance.

7.–The Foundation also agrees to furnish the Cooperative Educational Program with all the assistance it can render by reason of its organization and personnel in the United States of America, its relations with other cooperating educational bodies in the United States, its experience and its special facilities, which, within the limits imposed by the funds available, may provide many of the services required in connection with the tours and studies of Panamanian educators who go to the United States.

The Government also agrees to:

Specialists.

(a) Appoint specialists to collaborate with Foundation personnel and to pay for the services thereof.

Office quarters, equipment, etc.

(b) Make available quarters, furniture, office supplies, materials, equipment, transportation, and other materials that may be necessary in carrying out the program and

(c) Lend the cooperation of its other departments and agencies.

Purchases in the U.S.

8. – In the cases in which some of the materials needed in carrying out the program are purchased in the United States, the Minister of Education and the Special Representative of the Foundation may agree that such purchase be made through the Foundation and may determine the manner of payment to be adopted.

Availability of funds.

9. – The funds contributed by the contracting parties to the account of the Servicio shall be available to the Cooperative Educational Program throughout the life of this agreement. In the event that the account of the Servicio should earn any interest, it shall be spent on the Cooperative Educational Program. The Minister of Education and the Special Representative of the Foundation shall decide by mutual agreement what disposal is to be made of any unobligated funds remaining in said bank account of the Servicio upon the termination of the present contract. The expenditures of the Servicio as well as the account thereof shall be at all times subject to examination by the Office of the Comptroller General of the Republic.

Disposition of unobligated funds.

Immunity of Servicio from taxes, etc.

10. – The Servicio shall be exempt from all imposts, taxes, fees, charges, or customs duties, whether national, provincial, or municipal, and from all requirements as to permits and licenses. The Servicio and its personnel shall also enjoy all of the rights and privileges enjoyed by officials of the Republic of like rank. Such rights and privileges shall include, for instance, postal, telegraph, and telephone franks, and the right to special rates granted to the Ministries of the Republic by maritime, railway, and air companies, domestic and national telegraphs and telephones, etc. The Government agrees that the Inter-American Educational Foundation, Inc., since it is, as stated in the beginning, a corporation of the Office of Inter-American Affairs and an agency of the Government of the United States of America, as well as the Foundation's personnel shall enjoy the exemptions, immunities, rights, and privileges hereinbefore mentioned. The officials of the Foundation who are citizens of the United States of America shall be exempt from any and all Panamanian taxes on income, and from the social security contributions with respect to income which they are obliged to pay to the Government of the United States of America, and from all taxes on articles of personal use. Said employees shall also be exempt from customs duties on their personal effects, supplies, and equipment imported or exported for their own use.

Rights and privileges.

Exemption of U. S. citizens from income taxes, etc.

Delegation of power etc.

11. – Any power, authority, or function that may be conferred by this agreement upon the Minister of Education or upon the Special Representative of the Foundation, may be delegated by them to their representatives or substitutes, provided such representatives are satisfactory to both officials.

Legislation, etc.

12. – The Government agrees to issue such decrees, resolutions or orders as may be necessary to carry out the terms of this agreement and to ask from the Legislative Power such legislation as may be required to the same end.

Duration.

13. – The present agreement shall remain in force until June 30, 1948, and may be cancelled by either of the parties on that date, or at any time thereafter, by notifying the other party in writing at least 60 days in advance.

In witness whereof, the contracting parties hereto have caused this agreement to be executed in English and Spanish by their duly authorized representatives in Panama, Republic of Panama, this 25th day of February 1946.

FOR THE INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.	FOR THE REPUBLIC OF PANAMA
KENNETH HOLLAND	[SEAL] JOSÉ D. CRESPO
President	*Minister of Education*

CONVENIO

EL GOBIERNO DE LA REPUBLICA DE PANAMA, (que de ahora en adelante se llamará el Gobierno) representado por el Ministro de Educación y la Inter–American Educational Foundation, Inc., (Fundación Educativa Interamericana, S. A.) corporación de la Oficina de Asuntos Interamericanos y entidad del Gobierno de los Estados Unidos de América (que de aquí en adelante se llamará la Fundación), representada por su Presidente, han decidido celebrar el siguiente contrato a fin de realizar un programa cooperativo educacional tendiente a promover el acercamiento interamericano mediante el intercambio de educadores, ideas y métodos educativos entre Panamá y los Estados Unidos, de acuerdo con la Resolución Número 28 adoptada por la Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas celebrada en Panamá, de septiembre a octubre de 1943 y con la Resolución Número 58 adoptada por la Conferencia Interamericana sobre los Problemas de la Guerra y de la Paz, celebrada en la ciudad de México, de febrero a marzo de 1945. Para tal efecto las partes contratantes convienen lo siguiente:

1. – El Gobierno creará como parte integrante del Ministerio de Educación una entidad que se denominará Servicio Cooperativo Interamericano de Educación (que de ahora en adelante se llamará el Servicio), y que será el intermediario entre el Gobierno de Panamá y la Fundación.

2. – El personal que la Fundación envíe a Panamá estará bajo la dirección de un funcionario que tendrá el título de Representante Especial de la Inter-American Educational Foundation, Inc. y que representará a la Fundación en toda actividad relacionada con el programa que se realice bajo los términos del presente convenio. El Representante Especial, lo mismo que los otros expertos que envíe la Fundación deberán tener la aceptación del Gobierno para ejercer sus funciones.

3. – El Representante Especial de la Fundación será el Director del Servicio. El Poder Ejecutivo nombrará al personal del Servicio de acuerdo con la recomendación del Ministro de Educación y del Director del Servicio, y determinará, de la misma manera, los sueldos y las condiciones de trabajo de dicho personal. El Director del Servicio administrará, vigilará y dirigirá los demás asuntos del Servicio. Los contratos necesarios para llevar a cabo cualquier proyecto del Programa Cooperativo de Educación serán ejecutados en nombre del Servicio por el Director de éste o por el representante que él designe.

4. – En el programa cooperativo de Educación se dará preferencia especial a la educación vocacional. Dicho Programa puede comprender:

a) Suministro por la Fundación de un experto en materia de educación vocacional quien será el Representante Especial de la Fundación, y de tantos expertos como el Ministro de Educación y el Representante Especial de la Fundación juzguen necesarios para la realización del Programa Cooperativo de Educación y como lo permitan los fondos disponibles.

b) Arreglos necesarios para que educadores panameños vayan a los Estados Unidos por cuenta del Servicio con el objeto de perfeccionarse en sus respectivas especialidades, dictar conferencias, enseñar y cambiar ideas y experiencias con educadores de los Estados Unidos.

c) Estudio e investigación de las necesidades y recursos educativos de Panamá con el objeto de llevar a cabo ciertos proyectos relacionados con el perfeccionamiento de personal para la enseñanza primaria, secundaria y normal.

d) Elaboración, adaptación e intercambio de materiales de enseñanza adecuados y cualesquiera otros planes que sean necesarios para la realización del programa en Panamá.

5.–El Programa Cooperativo de Educación aludido constará de proyectos específicos. El carácter de estos proyectos y las actividades que se realicen, así como la asignación de los fondos necesarios, serán determinados por acuerdo entre el Ministro de Educación y el Representante Especial de la Fundación. Tales proyectos y actividades se llevarán a cabo por conducto del Servicio, de acuerdo con las pautas y procedimientos que, por mutuo acuerdo, determinen el Ministro de Educación y el Representante de la Fundación. El Ministro de Educación será el Representante del Gobierno en todos los asuntos que se relacionen con el Programa Cooperativo de Educación.

6.–La contribución total de la Fundación al Programa Cooperativo de Educación será de CINCUENTA MIL DOLARES ($50.000) moneda de los Estados Unidos; dicha suma será retenida por la Fundación en Washington y se destinará al pago de los sueldos y otros gastos de los expertos de la Fundación que presten servicio al Programa Cooperativo de Educación en Panamá. En el caso de que la Fundación considere, en cualquier momento, durante la vigencia del presente convenio, que la suma de CINCUENTA MIL DOLARES ($50.000) es más de la que requiere el pago de los sueldos y otros gastos de los expertos, la Fundación notificará al Ministro de Educación, y el excedente que no sea necesario se depositará en la cuenta del Servicio, según lo determinen por mutuo acuerdo el Ministro de Educación y el Representante Especial de la Fundación. La contribución directa que el Gobierno hará al Programa Cooperativo de Educación será de CINCUENTA MIL BALBOAS (B/s. 50.000); dicha suma será depositada en la cuenta del Servicio en las fechas que a continuación se estipulan, a menos que por mutuo acuerdo del Ministro de Educación y el Representante Especial de la Fundación se fijen otras fechas.

Fecha	Cantidad
Dentro de un plazo de 60 días después de la aprobación del presente Convenio por el Consejo de Gabinete de la República de Panamá	B/s. 10.000
Alrededor del 15 del duodécimo mes después de la fecha estipulada para hacer el primer depósito	B/s. 20.000
Alrededor del 15 del duodécimo mes después de la fecha estipulada para hacer el segundo depósito	B/s. 20.000
	B/s. 50.000

La Fundación se compromete asimismo a asesorar técnicamente al Gobierno, por medio de sus especialistas en materia de educación vocacional, en la labor de planear una Escuela de Artes y Oficios en la ciudad de Panamá que el Gobierno tiene el proyecto de llevar a cabo a un costo aproximado de DOS MILLONES DE BALBOAS (B/s. 2.000.000) y en la creación de otras instituciones que sean necesarias para el desarrollo de la educación vocacional en el país.

7.–La Fundación también conviene en suministrar al Programa Cooperativo de Educación toda la ayuda que pueda prestar mediante su organización y personal en los Estados Unidos de América, sus vínculos con otras entidades educativas cooperadoras de los Estados Unidos, su experiencia y sus facilidades especiales las cuales, dentro de los límites que imponen los recursos disponibles, pueden proveer muchos de los servicios que se requieren en relación con las jiras y estudios de los educadores panameños que vayan a los Estados Unidos, por cuenta del Servicio.

El Gobierno también conviene en:

a) Nombrar especialistas que colaboren con el personal de la Fundación y a pagar los servicios de los mismos.

b) Facilitar local, mobiliario, útiles de oficina, materiales, equipos, transporte y otros materiales que sean necesarios para la realización del Programa, y

c) Prestar la cooperación de otros de sus departamentos y entidades.

8. – En los casos en que la compra de algunos de los materiales necesarios para la realización del programa se haga en los Estados Unidos, el Ministro de Educación y el Representante Especial de la Fundación pueden acordar que tal compra se haga por conducto de la Fundación y determinar el método de pago que ha de adoptarse.

9.–Los fondos con que contribuyen las partes contratantes a la cuenta del Servicio estarán a la disposición del Programa Cooperativo de Educación durante la vigencia de este convenio. En el caso de que la cuenta del Servicio devengue algún interés, éste será invertido en el Programa Cooperativo de Educación. El Ministro de Educación y el Representante Especial de la Fundación determinarán por mutuo acuerdo cómo debe disponerse de cualesquiera fondos no comprometidos que queden de dicha cuenta bancaria del Servicio a la terminación del presente convenio. Los gastos del Servicio, así como la cuenta del mismo estarán sujetos, en todo momento, al examen de la Contraloría General de la República.

10.–El Servicio estará exento de todo impuesto, contribución, honorarios, cargas o derechos de aduana, ya sean nacionales, provinciales o municipales y de todo requisito para permisos y licencia. El Servicio y su personal gozarán también de todos los derechos y privilegios de que gozan los funcionarios de la República de igual categoría. Tales derechos y privilegios incluirán, por ejemplo, las franquicias postal, telegráfica y telefónica y el derecho a precios especiales concedidos a los Ministerios de la República por compañías marítimas, ferrocarrileras y aéreas, de telégrafos y teléfonos internos, nacionales, etc.

El Gobierno conviene en que la Fundación Educativa Interamericana, S. A. por ser, como se ha expresado al principio, una corporación de la Oficina de Asuntos Interamericanos y entidad del Gobierno de los Estados Unidos de América, y el personal de la Fundación gozarán de las exenciones, inmunidades, derechos y privilegios anteriormente mencionados. Los funcionarios de la Fundación que son ciudadanos de los Estados Unidos de América estarán exentos de todo impuesto panameño sobre la renta y de las contribuciones de seguro social respectivas a las rentas que están obligados a pagar al Gobierno de los Estados Unidos de América y de todo impuesto sobre bienes de uso personal. Dichos empleados estarán también exentos de los derechos de aduana sobre sus efectos personales, abastos y equipo que importen o exporten para su propio uso.

11. – Cualquier facultad, autoridad o función que se confiera por medio de este convenio al Ministro de Educación o al Representante Especial de la Fundación, podrá ser delegada por ellos a representantes o sustitutos suyos, con tal que tales representantes satisfagan a ambos funcionarios.

12. – El Gobierno se compromete a expedir los decretos, resoluciones y resueltos que sean necesarios para el cumplimiento de los términos de este convenio y a solicitar del Poder Legislativo la legislación que se requiera para el mismo efecto.

13. – El presente convenio estará vigente hasta el 30 de Junio de 1948, y podrá ser cancelado por cualquiera de las partes en esa fecha o en cualquier momento posterior, notificando a la otra parte por escrito por lo menos con 60 días de anticipación.

En testimonio de lo cual las partes contratantes del presente han hecho ejecutar este convenio en Inglés y en Español por sus representantes debidamente autorizados, en Panamá, República de Panamá, hoy 25 de febrero de 1946.

POR LA REPUBLICA DE PANAMA,

JOSÉ D. CRESPO [SEAL]

Ministro de Educación

POR LA INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.,

KENNETH HOLLAND

Presidente.

October 19, 1948
[T. I. A. S. 2150]

Agreement between the United States of America and France respecting air service facilities at Tan-Son-Nhut airport in Indochina. Signed at Saigon October 19, 1948; entered into force October 19, 1948.

AGREEMENT
BETWEEN THE GOVERNMENT OF THE U. S. A. AND THE GOVERNMENT OF FRENCH REPUBLIC.

ENCLOSURE: Inventory of Radio equipment.

The Government of the United States of America, represented by George M. ABBOTT, American Consul General, Saigon, and the Government of the French Republic, Ministry of Public Works, Transport and Tourism Secretariat General of Civil and Commercial Aviation, represented by Colonel Charles LAFON, Director of Civil Aviation in Indochina, have on this 19th day of October 1948, entered into the following agreement regarding the radio equipment of American lend lease origin listed in the attached annex:

The Government of the United States of America approves the re-transfer to the Government of the French Republic of the equipment in question by the British Government and relinquishes all title to such equipment. The Government of the French Republic in turn agrees:

Operation and maintenance of installations.

1° – To operate and maintain without interruption all the installations in a manner satisfactory for air traffic into and away from airdromes at which the facilities are located and along the international air routes converging on those airdromes.

Service of all facilities.

2° – To provide the full service of all facilities to all aircraft on a non-discriminatory basis with charges, if any, only for non-operational messages, until an international agreement on charges has been promulgated by ICAO.

Transmission of weather reports.

3° – To transmit weather reports in accordance with the international procedures in use at the time of the transfer of the facilities in a manner adequate to insure an integrated meteorological network for the international air routes unless changed by international agreement to which the Governments of the United States of America and French Republic are parties.

Continuation of operation.

4° – To continue the operation of all types of facilities in their present locations or at new locations deemed preferable by the representatives of both Governments until (a) new facilities are installed in accordance with standards promulgated by ICAO or (b) it is determined by the Government of French Republic and the United States that there is no longer a need for the original facilities. It is understood that the aeronautical facilities will be devoted exclusively to aeronautical service and will not diverted to the communication service.

Provision of English speaking operators.

5° – To provide English speaking operators at air to ground and Control Tower communication positions until regulations covering such voice transmissions are promulgated by the ICAO and further until such regulations are promulgated to grant permission to a representative of the U. S. air carriers authorized to serve an airdrome to enter its Control Tower and when in the opinion of the representative a case of necessity exists to talk to the pilot of any U. S. aircraft flying in the vicinity of the airdrome.

Utilization of radio frequencies allotted by ICAO.

6° – To utilize for air-ground and control tower communications the radio frequencies allotted for such purpose by ICAO on the basis of International Telecommunications regulations prescribing allocations of radio frequency bands.

Facilitation of adjustments.

7° – To authorize and facilitate day-to-day adjustments in the air communication service matters by direct communication between the Department of Civil Aviation and the service agency of the United States Government, United States air carriers, or a communication organization representing one or more of them.

Technical adviser.

8° – To authorize U. S. air carriers or the Civil Aeronautics Administration of the U. S. to designate a technical adviser to advise and assist the agency by the French Republic Government to operate the facilities so far as they relate to the safety and efficiency of U. S. airline operation, this designation is to continue as long as it is useful to nue as long as it is useful to U.S. air carriers./.[1]

Attached is a copy of the letter from the American Consul General to the British Consul General approving this transfer.

For the Government of the French Republic	For the Government of the United States of America
CH LAFON	GEORGE M ABBOTT
Charles Lafon *Director of Civil Aviation in Indochina.*	George M. Abbott *American Consul General.*
[SEAL]	[SEAL]

[1] Repetition in the original. The French language text of this clause reads, in translation: "this designation is to continue as long as it is useful to United States air carriers."

INVENTORY OF RADIO EQUIPMENT

Articles N°

1 Radio Receiver, BC–445–B
2 Transmitter, BC–458–A
3 Modulator Unit, BC–456–A
4 Control Box, BC–451–A
5 Transmitter, CKP 52245–A
6 Receiver, CKP 46152–A
7 Power Unit, CKP 21881–A
8 Loud Speaker, RCA
9 Transmitter, type BC–610–E
10 Transmitter, type ET–4336
11 Control Rack, MI–11619
12 Double Throw enclosed Safety Switches 4 pole, 60 amp 230 volts.
13 Multi Breaker Switches, type M
14 Frequency Meter, SRC–211
15 Triumph Multi Range Meter
16 Receivers Type AR 88
17 Receivers Type AR 88
18 Receivers Type AR 88
19 Receivers Type AR 88
20 Receivers Type BC–1066–B
21 Signal Generator, L–196–B
22 Eureka Beacon, AN/TPN/1

[Attachment]

AMERICAN CONSULATE GENERAL
Saigon, French Indochina, Sept. 1948

FRANK S. GIBBS, Esquire,
H. B. M. *Consul General,*
Saigon.

SIR AND DEAR COLLEAGUE,

Authorization for transfer of equipment.

You are hereby authorized to transfer to the Government of the French Republic, represented by Colonel Charles LAFON, Director of Civil Aviation in Indochina, the American radio equipment left at TAN-SON-NHUT Airport by Royal Air Force Staging Post N° 2 at the time of its withdrawal.

This equipment includes items N° 1 to 23 on Form SPB 3–1 signed by Squadron Leader Edgar Jacques WICHT on May, 1948 An inventory of this material is attached to the agreement being entered into between the Government of the French Republic and my Government concerning future use of this equipment, a copy of which is enclosed for your information./.

Signed: GEORGE M. ABBOTT
American Consul General.

CONVENTION

entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française

P. Jointe: 1 inventaire de matériel radio

Le Gouvernement des Etats-Unis d'Amérique représenté par M. George M. ABBOTT, Consul Général Américain à SAIGON, et

le Gouvernement de la République Française, Ministère des Travaux Publics, Transports et Tourisme, Secrétariat Général à l'Aviation Civile et Commerciale, représenté par le Colonel Charles LAFON, Directeur de l'Aviation Civile et Commerciale en Indochine, ont en ce 19ème jour du Mois d'Octobre 1948, signé un accord concernant l'équipement radio d'origine prêt-bail américain detaillé dans l'annexe ci-joint:

Le Gouvernement des Etats-Unis d'Amérique approuve la remise au Gouvernement de la République Française de l'équipement en question par le Gouvernement Britannique et abandonne tout titre de propriété au sujet de cet équipement. Le Gouvernement de la République Française de son côté s'engage:

1°/ – A exploiter et entretenir sans interruption toutes les installations de manière satisfaisante pour le trafic aérien au-dessus et au delà des aérodromes sur lesquels se trouvent les installations, et le long des routes aériennes internationales convergeant sur ces aérodromes.

2°/ – A assurer le plein service de toutes les facilités à tous les appareils sans discrimination avec frais, s'il y a lieu, seulement pour les messages hors service, jusqu'à ce qu'un accord international au sujet des frais ait été promulgué par l'O.A.C.I.

3°/ – A transmettre les rapports météorologiques, conformément aux procédures internationales en vigueur au moment du transfert des installations, d'une manière propre à assurer l'intégration d'un réseau métérologique aux routes aériennes internationales sauf changement suivant accord international dont les Gouvernements des Etats-Unis d'Amérique et de la République Française seront parties contractantes.

4°/ – A poursuivre l'exploitation de tous les types de facilités dans leurs positions actuelles ou à de nouveaux emplacement jugés préférables par les représentants des deux Gouvernements jusqu'à ce que (a) de nouvelles facilités soient installées conformémemt aux standards promulgués par l'O.A.C.I. ou (b) jusqu'à ce que le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique estiment que les facilités d'origine ne sont plus nécessaires. Il est entendu que les facilités aéronautiques seront consacrées uni-

quement au service aéronautique et ne seront pas utilisées au profit du service de communication.

5°/ – A pourvoir d'opérateurs parlant anglais des postes de communications Air/Sol et de la Tour de Contrôle jusqu'à ce qu'une réglementation concernant ces transmissions vocales soit promulguée par l'O.A.C.I., et de plus jusqu'à ce que des règlements soient promulgués autorisant un représentant des transporteurs aériens des Etats-Unis autorisés à desservir un aérodrome, à pénétrer dans la Tour de Contrôle et lorsque, de l'avis du représentant, il s'avère nécessaire, à parler au pilote de tout appareil des Etats-Unis volant à proximité de l'aérodrome.

6°/ – A utiliser pour les communications Air/Sol et Tour de Contrôle les fréquences radio attribuées dans ce but par l'O.A.C.I. sur la base des règlementations internationales des Télécommunications prescrivant les attributions de bandes de fréquences radio.

7°/ – A autoriser et faciliter les mises au point au jour le jour des questions concernant le service de communication aéronautique par contact direct entre la Direction de l'Aéronautique Civile en Indochine et l'Administration compétente du Gouvernement des Etats-Unis d'Amérique, Transporteurs Aériens des Etats-Unis où un organisme de communication représentant un ou plusieurs d'entre eux.

8°/ – A autorisér les transporteurs aériens des Etats-Unis ou la Direction de l'Aéronautique Civile des Etats-Unis à désigner un technicien pour conseiller et aider le service désigné par le Gouvernement de la République Française pour exploiter les facilités dans la mesure où elles concernent la sécurité et l'efficacité du fonctionnement des lignes aériennes des Etats-Unis, cette affectation se continuera aussi longtemps qu'elle s'avèrera utile aux transporteurs aériens des Etats-Unis.

Ci-joint une copie de la lettre du Consul Général d'Amérique au Consul Général Britannique à SAIGON, approuvant ce transfert.

Pour le Gouvernement de la
République Française,
CH LAFON

Charles Lafon
Directeur de l'Aéronautique
Civile en Indochine
[SEAL]

Pour le Gouvernement des
Etats-Unis d'Amérique,
GEORGE M ABBOTT

George M. Abbott
Consul Général Américain
[SEAL]

INVENTAIRE DE L'EQUIPEMENT RADIO

Article N°

1 Radio Receiver, BC–445–B
2 Transmitter, BC–458–A
3 Modulator Unit, BC–456–A
4 Control Box, BC–451–A
5 Transmitter, CKP 52245–A
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21 Signal Generator, L–196–B
22 Eureka Beacon, AN/TPN/1

[Attachment]

CONSULAT GÉNÉRAL AMÉRICAIN
Saigon, Indochine Française, Sept. 1948

Monsieur FRANK S. GIBBS
Consul Général de Sa Majesté Britannique
Saigon.

MONSIEUR ET CHER COLLÈGUE,

Vous êtes par la présente, autorisé à transférer au Gouvernement de la République Française, représenté par le Colonel Charles LAFON, Directeur de l'Aéronautique Civile en Indochine, l'équipement radio que le Poste d'Escale N° 2 de la Royal Air Force a laissé au moment de son départ à l'Aéroport de TAN-SON-NHUT.

Cet équipement comprend les articles 1 à 23 figurant sur l'imprimé SPB 3–1 signé par le Squadron Leader Edger Jacques WICHT le 11 Mai 1948. Un inventaire de ce matériel est joint à l'Accord convenu entre le Gouvernement de la République Française et mon Gouvernement concernant l'utilisation future de ce matériel dont je vous joins copie pour information.

Signe: GEORGE M. ABBOTT
Consul Général Américain.

April 8, 9, 11, 23, 1946
[T. I. A. S. 2157]

Agreement between the United States of America and Uruguay respecting a cooperative health and sanitation program in Uruguay, modifying and extending the agreement of October 1 and November 1, 1943. Effected by exchange of notes signed at Montevideo April 8 and 23, 1946; entered into force April 23, 1946; operative January 1, 1947. And exchange of letters signed at Montevideo April 9 and 11, 1946.

The American Ambassador to the Uruguayan Minister of Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA
Montevideo, April 8, 1946

No. 38

EXCELLENCY:

I have the honor to refer to the note of the Acting Secretary of State of the United States of America of October 1, 1943, and to the reply of His Excellency the Ambassador of Uruguay in Washington, relative to the cooperative program of public health and sanitation provided for by Resolution XXX approved at the Third Meeting of the Ministers of Foreign Affairs of the American Republics held at Rio de Janeiro in January, 1942. Pursuant to this exchange of notes, the Executive Vice-President of The Institute of Inter-American Affairs, an agency of the Government of the United States of America, addressed under date of November 13, 1943, a communication to His Excellency the Minister of Public Health,[1] in which he outlined the terms and conditions under which The Institute of Inter-American Affairs would be prepared to carry out a cooperative program of public health and sanitation in the Republic of Uruguay. This proposal was accepted by the Minister of Public Health on November 17, 1943,[1] and under these arrangements the health and sanitation program has been successfully carried out in Uruguay.

58 Stat. 1434.

More recently there have been conversations between the Chief of Field Party of The Institute and His Excellency the Minister of Public Health with a view to examining the possibilities of extending the period and scope of the program. Under date of August 29, 1945, the Minister of Public Health addressed the President of The Institute of Inter-American Affairs [1] expressing the belief that the program should be continued through the calendar year 1947.

My Government has given most sympathetic consideration to this matter and I am pleased to be able to inform Your Excellency that it is prepared to cooperate with Your Excellency's Government in extending the program in Uruguay and to make available additional funds for that purpose. The period of extension, the sums to be made available by both Governments, and any additional details with regard to the continuance and scope of the program would be worked out by mutual agreement between the Minister of Public Health and

[1] Not printed.

Mr. Clarence I. Sterling, Jr., representing The Institute of Inter-American Affairs, and would be incorporated, as in the previous instance, in a written agreement between the Ministry and the Institute.

Accept, Excellency, the renewed assurances of my highest consideration.

WILLIAM DAWSON

To His Excellency
Sr. Dr. don EDUARDO RODRÍGUEZ LARRETA,
Minister of Foreign Relations,
Montevideo.

The Uruguayan Minister of Foreign Relations to the American Ambassador

MINISTERIO
DE
RELACIONES EXTERIORES

D.I.I.C.C. 910/943-316- MONTEVIDEO, *abril 23 de 1946.*

SEÑOR EMBAJADOR:

Tengo el agrado de acusar recibo de la nota N° 38, de fecha 8 del mes en curso, por la que tuvo a bien hacerme saber que el Gobierno de Vuestra Excelencia está dispuesto a cooperar con el del Uruguay para extender el programa cooperativo de salud pública y sanidad previsto por la Resolución XXX aprobada en la Tercera Reunión de los Ministros de Relaciones Exteriores de las Repúblicas Americanas y proporcionar fondos adicionales con ese fin.

Al agradecer a V. E. los buenos propósitos que animan al Gobierno de los Estados Unidos, cúmpleme expresarle que en esta fecha trasmito copia de la nota que contesto al Ministerio de Salud Pública.

Reitero al señor Embajador las seguridades de mi muy alta consideración.

Por el Ministro
ALFREDO PACHECO
Alfredo Pacheco
Director de Secciones
en ejercicio de la Dirección General

Al Excelentísimo
Señor WILLIAM DAWSON,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.

Translation

MINISTRY
OF
FOREIGN RELATIONS

D.I.I.C.C. 910/943-316- MONTEVIDEO, *April 23, 1946.*

MR. AMBASSADOR:

I take pleasure in acknowledging receipt of note No. 38 of the 8th of the current month, in which you were good enough to inform me that Your Excellency's Government is prepared to cooperate with Uruguay in extending the public health and sanitation program contemplated by Resolution XXX adopted at the Third Meeting of Ministers of Foreign Affairs of the American Republics and in allocating additional funds for that purpose.

Ante, p. 4108.

Thanking Your Excellency for the good intentions shown by the Government of the United States, I am to inform you that I am today transmitting to the Ministry of Public Health a copy of the note to which this is the reply.

I renew to the Ambassador the assurances of my highest consideration.

For the Minister
ALFREDO PACHECO
Alfredo Pacheco
Division Director
Acting Director General

His Excellency
WILLIAM DAWSON,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.

The Representative of The Institute of Inter-American Affairs to the Uruguayan Minister of Public Health

THE INSTITUTE OF INTER-AMERICAN AFFAIRS
DIVISION OF HEALTH AND SANITATION

18 DE JULIO 2083
MONTEVIDEO-URUGUAY MONTEVIDEO, *April 9, 1946*

Dr. FRANCISCO FORTEZA
Minister of Public Health
Oriental Republic of Uruguay
Montevideo.

DEAR MR. MINISTER:

I have the honor to refer to the agreement concluded in November 1943 between the Oriental Republic of Uruguay, acting through the Minister of Public Health of the Government of Uruguay, and the United States of America, represented by The Institute of Inter-American Affairs, a corporation of the Office of Inter-American Affairs and an agency of the Government of the United States of America, acting through the Executive Vice President of the Institute of Inter-American Affairs. The agreement referred to provided for the in-

58 Stat. 1434.

auguration and execution of a cooperative health and sanitation program in Uruguay in conformity with Resolution XXX, approved at the Third Meeting of Ministers of Foreign Affairs of the American Republics held in Rio de Janeiro in January 1942.

The agreement of November 1943 arose out of correspondence on November 13, 17, and 18, 1943,[1] between General Goerge C. Dunham, as Executive Vice President of The Institute of Inter-American Affairs and Sr. Dr. don Luis Mattiauda, as Uruguayan Minister of Public Health, which exchange of correspondence was based upon an exchange of diplomatic notes under dates of October 1, 1943 and November 1, 1943, between the Honorable A. A. Berle, Jr., as Acting Secretary of State, on behalf of the United States of America, and Sr. Dr. don Juan Carlos Blanco, Ambassador of Uruguay to the United States of America, on behalf of the Oriental Republic of Uruguay. 58 Stat. 1434.

I have the further honor to refer to the letter dated August 29, 1945 from Sr. Dr. don Luis Mattiauda, the Uruguayan Minister of Public Health, to General George C. Dunham, President of the Institute of Inter-American Affairs, proposing the extension of the health and sanitation program, and to recent conversations which have taken place between you, as Minister of Public Health of the Government of Uruguay, and Dr. H. Jackson Davis, as the Chief of Field Party in Uruguay of the Health and Sanitation Division of The Institute of Inter-American Affairs, concerning the possibility of extending such program.

As the duly authorized representative of The Institute of Inter-American Affairs, I have the honor of informing you, Mr. Minister, that the Government of the United States of America, as represented by The Institute of Inter-American Affairs, is in agreement with the proposal that the cooperative program of health and sanitation be extended, and I therefore have the pleasure officially to propose to you, Mr. Minister, the continuation of the mentioned cooperative health and sanitation program being carried out in Uruguay, upon the following terms and conditions:

1. The contribution of the parties called for in the agreement of November 1943, which may not yet have been made upon the effective date of this proposed extension agreement, shall be paid over in accordance with the provisions of the agreement of November 1943, to the Servicio Cooperativo Interamericano de Salud Pública (hereinafter called the "S.C.I.S.P."), which is the special entity within and subordinated to the Ministry of Public Health of the Uruguayan Government and through which the cooperative program of health and sanitation is being carried out. S. C. I. S. P.

2. In addition to the contribution of One Hundred Thousand Dollars ($100,000) U. S. currency on the part of the Government of Uruguay and the contribution of Five Hundred Thousand Dollars ($500,000) U. S. currency on the part of The Institute of Inter-American Affairs required to be made to the cooperative health and sanitation program by the parties to the agreement of November Additional funds.

[1] Not printed.

58 Stat. 1434.

1943, there shall be deposited to the order of the S.C.I.S.P. in its bank account in Montevideo, Uruguay, the sum of One Hundred and Fifty Thousand Dollars ($150,000) U. S. currency by the Oriental Republic of Uruguay and the sum of Seventy-Five Thousand Dollars ($75,000) U. S. currency by the Institute of Inter-American Affairs.

Installments.

3. The additional funds mentioned in the preceding clause 2 shall be deposited as aforesaid to the order of the S.C.I.S.P. by installments at such times and in such amounts as shall be mutually agreed upon by the Minister of Public Health and the Chief of Field Party in Uruguay of The Institute of Inter-American Affairs, each installment to be paid in the proportion of the equivalent of $2.00 U. S. currency on the part of the Oriental Republic of Uruguay for every $1.00 U. S. currency on the part of The Institute of Inter-American Affairs.

Purchases in the U. S.

4. In view of the fact that many purchases of materials and supplies for the cooperative health and sanitation program must necessarily be made in the United States by The Institute of Inter-American Affairs, the contributions of The Institute of Inter-American Affairs to the S. C. I. S. P. pursuant to the agreement of November 1943, and this proposed extension agreement, shall include the cost of acquiring and transporting such materials and supplies to Uruguay for use in carrying out projects approved by the Minister of Public Health and the Chief of Party of The Institute of Inter-American Affairs.

5. Apart from the modifications in the amount and proportion of the contribution of funds as required by clause 2 and the designation of the termination date as provided by clause 7, the aforesaid cooperative health and sanitation program in Uruguay shall continue to be carried out in conformity with the mentioned agreement of November 1943 as well as Executive Decree No. 9266 dated November 14, 1944 specifically issued with respect to such agreement and such program shall also continue to be carried out in accordance with all the rules, regulations and policies established and to be established pursuant to said agreement of November 1943. All provisions of the agreement of November 1943 shall be continued during the existence of the proposed extension agreement in so far as they are not inconsistent with or have not been specifically modified by the terms hereof.

Exemptions and privileges.

6. Continuance is provided, likewise, for the duration of the extended agreement, of all exemptions and privileges granted to officials of The Institute of Inter-American Affairs appointed for the cooperative health and sanitation program and who will carry out their functions in Uruguay, temporarily or permanently, who will enjoy the benefits granted to the S. C. I. S. P. and its officials and the exemption of customs and import duties on personal effects, equipment and provisions which they import or cause to be imported for their own use, in accordance with what was established in said agreement of November 1943.

58 Stat. 1434.

Effective date.

7. The agreement to extend the cooperative health and sanitation program as herein proposed, shall become effective after the terms hereof have been accepted in writing by you, as Minister of Public Health of Uruguay, and after the legislation, decrees and resolutions

which may be necessary from the constitutional, legal and administrative viewpoint for the fulfillment of the extended agreement have been issued by the competent authorities of the Republic.

The extended agreement shall remain in force until December 31, 1947. Duration.

If this proposal is acceptable to the Government of Uruguay, this letter and the acceptance thereof by the Government of Uruguay will constitute a binding and effective agreement between the Oriental Republic of Uruguay and The Institute of Inter-American Affairs, an agency of the Government of the United States of America, in accordance with the terms thereof.

I take this opportunity to extend to you, Mr. Minister, the assurances of my highest consideration.

The Institute of Inter-American Affairs

By: _____

CLARENCE I. STERLING, Jr.
Representative

Certified True Copy
H JACKSON DAVIS
Chief of Field Party

The Uruguayan Minister of Public Health to the Representative of The Institute of Inter-American Affairs

Q N° 289630
REPÚBLICA ORIENTAL DEL URUGUAY
MINISTERIO
DE
SALUD PÚBLICA

Nota. 5687

MONTEVIDEO *abril 11 de 1946*

Señor Delegado del Instituto de Asuntos
Interamericanos
Ingeniero CLARENCE STERLING

DE MI CONSIDERACIÓN:

Tengo el agrado de llevar a su conocimiento que el Poder Ejecutivo de la Nación en la sesión del Consejo de Ministros realizada el 10 del corriente tomando en consideración la nota del Instituto de Asuntos Interamericanos de los Estados Unidos de Norte América que usted representa, resolvió aceptar la extensión hasta el 31 de diciembre de 1947 del convenio celebrado en noviembre de 1943, relacionado con el programa de salud y sanidad a desarrollarse en el Uruguay.–

El Consejo de Ministros impuesto de los términos de su nota, asi como de la obra realizada con la colaboración del Instituto Interamericano, acordó, por unanimidad de votos, dejar expresa constancia de los resultados alcanzados en esa materia y expresar a la vez que desea seguir manteniendo ese nexo con el Servicio Cooperativo Interamericano con lo cual quedó aprobada la prórroga del convenio, autorizando a esta Secretaría de Estado para suscribir el nuevo compromiso en representación del Poder Ejecutivo.–

Me complazco en acompañar testimonio del acta correspondiente del Consejo de Ministros y expresarle en consecuencia, que el Ministerio de Salud Pública a mi cargo presta su aprobación a los términos de la proposición contenida en su referida carta del 9 del corriente.–

Aprovecho la oportunidad para reiterar al señor Delegado las expresiones de mi particular consideración.–

F S FORTEZA
Dr Francisco S. Forteza
Ministro de Salud Publica.–

N N° 240207

PRESIDENCIA DE LA REPUBLICA

SECRETARIA

TESTIMONIO:– Copia del Acta N° 433 correspondiente a la Sesión celebrada por el Consejo de Ministros el 10 de abril de 1946: "Poco después, el señor Ministro de Salud Pública dió cuenta que se encontraba en nuestra capital el señor Clarence I. Sterling, representante del Instituto de Asuntos Interamericanos de Estados Unidos, quien, de acuerdo con las gestiones iniciadas oportunamente por el ex Ministro doctor Mattiauda, y proseguidas por la Secretaría de Estado actualmente a su cargo, proponía la continuación, por un año más, en el Uruguay, del programa de medicina preventiva que se realiza con la colaboración de ese Instituto y que vence el 31 de diciembre próximo.– Agregó el doctor Forteza que, si bien con anterioridad a la firma de dicho convenio, ya se había iniciado esa lucha en nuestro país, sus resultados han sido mucho mas positivos, desde que se cuenta con la colaboración de la mencionada entidad, no porque se carezca aquí de técnicos, desde que existen profesionales muy capacitados en la materia, sino por la orientación de los métodos que lleva a la práctica.– Prosiguió diciendo que el convenio, aparte de su carácter científico, encierra una finalidad simbólica, como tuvo oportunidad de ponerlo de manifiesto en el Senado cuando se aprobó el proyecto primitivo, pues viene a constituir un exponente más de la política de buena vecindad iniciada por el Presidente Roosevelt.– Por lo tanto, el doctor Forteza propuso que el Consejo declarase que la obra realizada con motivo de este convenio ha sido beneficiosa para el país y que se desea seguir manteniendo este nexo con el Servicio Cooperativo Americano, lo que fué compartido por unanimidad, quedando, en consecuencia aprobada dicha prórroga y autorizado el señor Ministro para firmar con el Sr. Sterling el documento respectivo.–"

Concuerda fielmente lo testimoniado con el original de su tenor obrante en el Libro de Actas del Consejo de Ministros de la República Oriental del Uruguay.–

JULIÁN F ALVAREZ C

Dr. Julian F. Alvarez Cortés
Secretario del Consejo de Ministros

Translation

Q No. 289630
REPUBLIC OF URUGUAY
MINISTRY
OF
PUBLIC HEALTH

Note 5687

MONTEVIDEO *April 11, 1946*

Mr. CLARENCE STERLING
Representative of the Institute of
Inter-American Affairs

DEAR SIR:

I have the honor to inform you that at the meeting of the Council of Ministers held on the 10th of this month to consider the note of the Institute of Inter-American Affairs of the United States of America, which you represent, the Executive Power of the Nation resolved to accept the extension to December 31, 1947 of the agreement concluded in November 1943 concerning the health and sanitation program to be carried out in Uruguay. 58 Stat. 1434.

Being informed of the terms of your note, as well as of the work accomplished with the collaboration of the Institute of Inter-American Affairs, the Council of Ministers unanimously agreed especially to note in the records the results achieved in that field and at the same time to express their desire to continue maintaining that bond with the Inter-American Cooperative Service, and the extension of the agreement was thus approved and this Ministry of State was authorized to sign the new agreement in representation of the Executive Power.

I am pleased to transmit herewith a certified copy of the respective act of the Council of Ministers and to state to you that the Ministry of Public Health under my direction gives its approval to the terms of the proposal contained in your letter of the 9th of this month, referred to above.

I avail myself of this opportunity to renew to you the assurances of my special consideration.

F S FORTEZA

Dr Francisco S. Forteza
Minister of Public Health.–

[Enclosure]

Translation

N No. 240207
OFFICE OF THE PRESIDENT
OF THE REPUBLIC

SECRETARIAT

CERTIFIED COPY:–Copy of Act No. 433, corresponding to the meeting held by the Council of Ministers on April 10, 1946: "A little later, the Minister of Public Health stated that Mr. Clarence I.

Sterling, representative of the Institute of Inter-American Affairs of the United States, was in our capital city and that in accordance with steps initiated at the opportune time by Dr. Mattiauda, the former Minister, and continued by the Ministry at present under his direction, he was proposing the continuation for another year of the program of preventive medicine which is being carried out in Uruguay in collaboration with that Institute and which will expire December 31 next. Dr. Forteza added that although even before the said agreement was signed that campaign had been started in our country, its results have been much more positive since we had the cooperation of the aforementioned agency, not because there is a lack of technicians here, for we have very able professionals in this field, but because of the orientation of methods that is being put into practice. He continued saying that the agreement, aside from its scientific character, embodies a symbolic aim, as he had opportunity to point out in the Senate when the original project was approved, because it constitutes another manifestation of the Good Neighbor Policy initiated by President Roosevelt. Therefore Dr. Forteza proposed that the Council declare that the work accomplished through this agreement has been beneficial to the country and that it is desired to continue to maintain this link with the Inter-American Cooperative Service; this proposal was unanimously accepted and consequently the said extension was approved and the Minister was authorized to sign the respective document with Mr. Sterling."

The foregoing is a true and faithful copy of the original that appears in the Minutes of the Council of Ministers of the Republic of Uruguay.

JULIÁN F ALVAREZ C

Dr. Julian F. Alvarez Cortés
Secretary of the Council of Ministers

Agreement between the United States of America and Uruguay respecting a cooperative health and sanitation program in Uruguay, supplementing and extending the agreement of October 1 and November 1, 1943, as modified and extended. Effected by exchange of notes signed at Montevideo November 10, 1947, and January 3, 1948; entered into force January 3, 1948; operative retroactively January 1, 1948. And agreement between the Government of Uruguay and The Institute of Inter-American Affairs signed at Montevideo January 3, 1948.

November 10, 1947, and January 3, 1948
[T. I. A. S. 2158]

The American Ambassador to the Uruguayan Minister for Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Montevideo, Uruguay, November 10, 1947

No. 194

EXCELLENCY:

I have the honor to refer to the exchange of notes between the Honorable A. A. Berle, Jr., Acting Secretary of State of the United States of America, and His Excellency Dr. Juan Carlos Blanco, Ambassador of Uruguay to the Government of the United States of America, on October 1, and November 1, 1943, respectively, concerning the establishment of a cooperative program of health and sanitation in Uruguay. It will be recalled that my Government agreed to send a small staff of experts and technicians to Uruguay to cooperate with officials of the Uruguayan Government in the execution of the proposed program in conformity with detailed arrangements subsequently to be effected by agreement between the Government of Uruguay and the Institute.

58 Stat. 1434.

Following the exchange of the above communications, details with regard to the execution of the program were agreed to by the Minister of Public Health of Uruguay and the Executive Vice President of the Institute, in accordance with which there was established within the Ministry of Public Health the Servicio Cooperativo Inter-Americano de Salud Pública through which the cooperative program has been administered. These arrangements subsequently were modified to provide, among other things, for additional contributions to the cooperative program by the parties and for the extension of the program until December 31, 1947.

It has been suggested that the cooperative program of health and sanitation in Uruguay be extended and I now have been advised by the Department of State in Washington that The Institute of Inter-American Affairs is agreeable to the extension of the program for a period from the expiration date of the present agreement, which is December 31, 1947, through June 30, 1948, with the understanding that the unexpended portion of funds heretofore contributed and those to be contributed by the two parties for the execution of the

program will continue to be available therefor and will be sufficient to permit the continuation of the program until June 30, 1948, without further contribution of project funds by the Institute.

If Your Excellency agrees that the proposed arrangement as outlined above is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as possible in order that final arrangements for signing the Extension Agreement may be made by officials of the Oriental Republic of Uruguay and The Institute of Inter-American Affairs.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

ELLIS O. BRIGGS

To His Excellency
Señor Don MATEO MARQUES CASTRO,
Minister for Foreign Affairs,
Montevideo.

The Uruguayan Minister for Foreign Affairs to the American Ambassador

MINISTERIO
DE
RELACIONES EXTERIORES

D.I.I.C.C. 910/943-5- MONTEVIDEO, *enero 3 de 1948.*

SEÑOR EMBAJADOR:

Con referencia a la nota de Vuestra Excelencia N° 194, de fecha 10 de noviembre próximo pasado, relacionada con el establecimiento de un programa cooperativo de salud y sanidad en el Uruguay, tengo el honor de remitirle adjunto a la presente, copia de la Resolución presidencial de fecha 30 de diciembre de 1947, por la cual se autoriza al Ministerio de Salud Pública a prestar aprobación, en nombre del Gobierno de la República, a la propuesta formulada por el Instituto de Asuntos Interamericanos para prorrogar hasta el 30 de junio de 1948 el Convenio existente entre el Gobierno de la República y ese Instituto.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi muy alta consideración.

Por el Ministro
ALFREDO PACHECO
Alfredo Pacheco
Director General

Al Excelentísimo
Señor ELLIS O. BRIGGS,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de America.
Presente.

Translation

MINISTRY
OF
FOREIGN AFFAIRS

D.I.I.C.C. 910/943-5-

MONTEVIDEO, *January 3, 1948.*

MR. AMBASSADOR:

With reference to Your Excellency's note No. 194 of November 10 last concerning the preparation of a cooperative health and sanitation program in Uruguay, I have the honor to transmit to you herewith a copy of the Presidential Decree of December 30, 1947, [1] authorizing the Ministry of Public Health to approve, in the name of the Government of the Republic, the proposal made by the Institute of Inter-American Affairs to extend to June 30, 1948 the present Agreement between the Government of the Republic and that Institute.

Ante, p. 4117.

I avail myself of this opportunity to renew to Your Excellency the assurances of my very high consideration.

For the Minister
ALFREDO PACHECO
Alfredo Pacheco
Director General

His Excellency
ELLIS O. BRIGGS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America.
City.

[1] Not printed.

JANUARY 3, 1948

EXTENSION AGREEMENT

This EXTENSION AGREEMENT between the República Oriental del Uruguay (hereinafter called the "Republic") represented by the Minister of Public Health of the Republic (hereinafter referred to as the "Minister"), and The Institute of Inter-American Affairs, a corporate instrumentality of the Government of the United States of America (hereinafter called the "Institute") represented by Dr. H. Jackson Davis, Chief of Field Party, Health and Sanitation Division of the Institute in Uruguay (hereinafter called the "Chief of Field Party"), is entered into for, the purpose of extending and modifying the cooperative health and sanitation program which was jointly undertaken by the Republic and the Institute pursuant to the agreement entered into between the Republic and the Institute, as embodied in the exchange of correspondence between the Executive Vice President of the Institute and the Minister of Public Health of the Republic on November 13, 17 and 18, 1943, [1] respectively, as supplemented and modified by the agreement contained in the exchange of correspondence dated April 9 and 11, 1946 between the Institute, represented by Mr. Clarence I. Sterling Jr., and the Republic, represented by the Minister of Public Health, which agreement was accepted pursuant to Decree No. 12389 of the Executive Branch dated April 25, 1946 (all of such correspondence being hereinafter collectively referred to as the Basic Agreement).

Basic Agreement. *Ante*, p. 4108.

CLAUSE I

Extension.

The parties hereto mutually intend, agree and declare that the term of the Basic Agreement be and hereby is extended for an additional period of six months beginning the first day of January, 1948 and terminating the thirtieth day of June, 1948.

CLAUSE II

Chief of Field Party.

The Institute shall continue to maintain in the Republic of Uruguay during the term of this Extension Agreement, a group of its officials and technicians which shall continue to be under the direction of the Chief of Field Party who shall be acceptable to the Republic and who shall be the representative of the Institute in Uruguay in connection with the cooperative program of health and sanitation to be carried out in accordance with this Extension Agreement.

CLAUSE III

S. C. I. S. P. *Ante*, p. 4108.

The special service created in the Ministry of Public Health of Uruguay, pursuant to the Basic Agreement, under the name of "Servicio Cooperativo Interamericano de Salud Pública" (hereinafter called "S.C.I.S.P."), shall continue to act as an intermediary between the Government of the Republic and the Institute, and shall continue to be charged with the execution of the cooperative program of health and sanitation in Uruguay in accordance with the Basic Agreement and this Extension Agreement. The Chief of Field Party of the

[1] Not printed.

Institute shall continue to serve as director of the S.C.I.S.P. for the period comprehended by the Extension Agreement.

CLAUSE IV

Projects.

The cooperative program of health and sanitation in Uruguay shall continue to consist of individual projects. The nature and extent of each project and the distribution of the funds for the execution thereof shall be determined and agreed upon in writing by the Minister and the Chief of Field Party, and shall be carried out by the Director of S.C.I.S.P. in conformity with policies prescribed jointly by the Minister and the Chief of Field Party.

CLAUSE V

Obligation of the Republic.
Ante, p. 4108.

The parties hereto acknowledge that the obligation of the Republic under the Basic Agreement for the cooperative program of health and sanitation in Uruguay is $250,000 U. S., and that the obligation of the Institute under the Basic Agreement for the same program is $575,000 U. S., and agree that the contributions of the parties called for in the Basic Agreement which may not have been made upon the effective date of this Extension Agreement shall be paid over in accordance with the Basic Agreement. The parties further agree that the unexpended portion of the funds contributed or to be contributed pursuant to the Basic Agreement will continue to remain available to further finance the cooperative program of health and sanitation in Uruguay during the period established by this Extension Agreement. It is further understood and agreed that no contribution by the Institute to the cooperative program of health and sanitation in Uruguay in addition to those required to be made in accordance with the Basic Agreement are contemplated by this Extension Agreement.

Obligation of the Institute.

Unexpended funds.

CLAUSE VI

Salaries and expenses.

The salaries, living allowances, travel expenses and any other amounts payable directly to, or on account of, the members of the field party of the Institute shall continue to be paid by the Institute from funds of the Institute other than those referred to in Clause V of this Extension Agreement which are required to be deposited to the account of the S.C.I.S.P. in accordance with the Basic Agreement.

Ante, p. 4108.

CLAUSE VII

Rights and privileges granted S. C. I. S. P.

All rights and privileges enjoyed by official government departments and others of the Government of the Republic of Uruguay and by the personnel and employees of the same, shall continue to be granted to the S.C.I.S.P. and to its personnel and employees for the duration of this Extension Agreement. Such rights and privileges shall include for example and not exclusively, free mailing privileges, telephone and telegraph services, free transportation on railways administered by the Uruguayan Government, and the right to such reductions or preferential rates as are granted to Uruguayan Government. departments by national marine or river navigation companies, air transportation, telegraph and telephone rates. etc.. and also freedom and ex-

Tax, etc., exemption.

emption from excise, stamp, consular fees, property, and any all other taxes.

CLAUSE VIII

Privileges and immunities granted the Institute.

The Republic of Uruguay recognizes and accepts the Institute as a corporate instrumentality of the Government of the United States of America and, accordingly, agrees that the Institute will enjoy the same rights, privileges and immunities as are accorded to official government departments of the Government of the Republic of Uruguay with respect to operations of the Institute which are related to, or property which is to be used for, the cooperative program of health and sanitation in Uruguay. Continuance is provided, likewise, during the term of this Extension Agreement of the exemption of all employees of the Institute who are citizens of the United States of America and who are engaged in carrying out the objectives of the cooperative program of health and sanitation in Uruguay from all income taxes and social security taxes with respect to income on which they are obliged to pay income or social security taxes to the Government of the United States, of America and from property taxes on personal property intended for their own use. Employees of the Institute and members of their families with them in Uruguay also shall be exempt from the payment of customs and import duties on their personal effects and supplies imported for their own use.

CLAUSE IX

Administration.
Ante, p. 4108.

The general policies inaugurated pursuant to the Basic Agreement, or to be inaugurated pursuant to the Extension Agreement, for the execution of the cooperative program of health and sanitation in Uruguay, including, but not limited to, the making of contracts, disbursement and accounting of funds deposited to the account of S.C.I.S.P. employment and payment of salaries of personnel of S.C.I.S.P., the purchase, use, inventory, control and disposition of property, and any other administrative matters, shall, during the term of this Extension Agreement, be continued, determined or established subject to mutual agreement between the Minister and the Director of S.C.I.S.P.

CLAUSE X

Disposition of property, etc., at termination of Extension Agreement.

All materials, equipment and supplies purchased with funds of the S.C.I.S.P. shall become the property of the Republic and any property acquired by S.C.I.S.P. which is not expended, used or obligated at the termination of the period fixed by this Extension Agreement shall remain the property of the Republic and shall be devoted to the cooperative program of health and sanitation in Uruguay in such manner as may be agreed upon in writing by the Minister and the Chief of Field Party. Any funds of S.C.I.S.P. remaining at the close of the cooperative program of health and sanitation in Uruguay shall be disposed of in such manner and for such purposes as may be mutually agreed upon by the Minister and The Chief of Field Party.

CLAUSE XI

Any rights, powers, or duties conferred by this Extension Agreement upon either the Minister, the Chief of Field Party, or the Director of the S.C.I.S.P., may be delegated in writing by the recipient thereof to their respective representatives, provided that such representatives are satisfactory to the other parties. Delegation of powers.

CLAUSE XII

The books and accounts of the S.C.I.S.P. shall be available at any time for inspection or audit by any appropriate agency of the Government of the Republic of Uruguay and by the Institute. The Director of S.C.I.S.P. shall continue to furnish to the Minister and to the Chief of Field Party any information which may be desired concerning the S.C.I.S.P. or its activities, and shall render reports to the Government of Uruguay and to the Institute at such intervals as may be agreed upon between the Minister and the Chief of Field Party. Availability of accounts for inspection, etc. Reports.

CLAUSE XIII

The Government of Uruguay will obtain the necessary legislation, decrees, orders or resolutions necessary to carry out the terms of this Extension Agreement. Legislation.

CLAUSE XIV

This Extension Agreement shall supplement the provisions of the Basic Agreement, the terms and provisions of which, insofar as they are not contrary to or inconsistent with the terms and provisions of this Extension Agreement shall continue in full force and effect during the term covered by this Extension Agreement. Force and effect. *Ante*, p. 4108.

CLAUSE XV

This Extension Agreement shall become effective as soon as diplomatic notes confirming and accepting this Extension Agreement have been exchanged by the Minister of Foreign Relations of the Republic and the Ambassador of the United States of America to Uruguay or upon the date of execution hereof in the event that diplomatic notes approving the extension of the cooperative program of health and sanitation in Uruguay, as herein provided, have been exchanged prior to the date of execution of this Extension Agreement. Effective date.

IN WITNESS WHEREOF, the parties hereto have caused this Extension Agreement to be executed by their duly authorized representatives, in duplicate in the English and Spanish language, at Montevideo, Uruguay, this third day of January, 1948

FOR THE REPUBLICA ORIENTAL DEL URUGUAY	FOR THE INSTITUTE OF INTER-AMERICAN AFFAIRS
ENRIQUE M. CLAVEAUX	H. JACKSON DAVIS
Enrique M. Claveaux	H. Jackson Davis
Minister of Public Health	*Chief of Field Party*

ENERO 3, 1948

PRORROGA DE CONVENIO

La presente PRORROGA DE CONVENIO entre la República Oriental del Uruguay (en adelante llamada "República") representada por su Ministro de Salud Pública (en adelante citado como el "Ministro"), y el Instituto de Asuntos Interamericanos (en adelante llamado el "Instituto"), una corporación del Gobierno de los Estados Unidos de América, representado por el Dr. H. Jackson Davis, Jefe de Misión, División de Salud y Sanidad del Instituto en el Uruguay (en adelante llamado el "Jefe de Misión"), es celebrada con el objeto de extender y modificar el programa cooperativo de salud y sanidad que fué emprendido conjuntamente por la República y el Instituto en el intercambio de notas entre el Vice Presidente Ejecutivo del Instituto y el Ministro de Salud Pública de la República en Noviembre 13, 17 y 18 de 1943, respectivamente, y de acuerdo a la suplementación y modificación por el convenio contenidoenel intercambio de notas fechadas Abril 9 y 11, 1946 entre el Instituto, representado por el Sr. Clarence I. Sterling (hijo) y la República representada por el Ministro de Salud Pública, cuyo convenio fué aceptado de conformidad con el Decreto No. 12389 del Poder Ejecutivo de la República, de fecha Abril 25 de 1946 (toda dicha correspondencia siendo en adelante globalmente designada como el "Convenio Básico").

Cláusula I

Las partes tienen la intención, acuerdan y declaran reciprocamente que el término del Convenio Básico sea y por el presente quede extendido por un período adicional de seis meses comenzando el primer día de Enero de 1948 y finalizando el trigésimo día de Junio de 1948.

Cláusula II

El Instituto seguirá manteniendo en la República del Uruguay durante el término de esta Prorroga de Convenio, un grupo de sus funcionarios y técnicos, el que continuará bajo la dirección de un Jefe de Misión, que deberá ser aceptable a la República y quien será el representante del Instituto en el Uruguay en relación con el programa cooperativo de salud y sanidad a llevarse a cabo de acuerdo con esta Prorroga de Convenio.

Cláusula III

El servicio especial creado en el Ministerio de Salud Pública del Uruguay, de conformidad con el Covenio Básico, bajo el nombre del "Servicio Cooperativo Interamericano de Salud Pública" (en adelante llamado S.C.I.S.P.), seguirá actuando como intermedario entre el Gobierno de la República y el Instituto, y continuará encargandose de la ejecución del programa cooperativo de salud y sanidad en el Uruguay de acuerdo con el Convenio Básico y esta Prorroga de Convenio. El Jefe de Misión del Instituto continuará sirviendo como Director del S.C.I.S.P. durante el período comprendido por esta Prorroga de Convenio.

Clausula IV

El programa cooperativo de salud y sanidad en el Uruguay continuará consistiendo en proyectos individuales. La naturaleza y alcance de cada proyecto y la distribución de los fondos para la ejecución del mismo serán determinados y convenidos por escrito por el Ministro y el Jefe de Misión, y serán llevados a cabo por el Director del S.C.I.S.P. de conformidad con las reglas prescriptas conjuntamente por el Ministro y el Jefe de Misión.

Clausula V

Las partes reconocen que la obligación de la República bajo el Convenio Básico para el programa de salud y sanidad en el Uruguay es de $250.000 dólares, y que la obligación del Instituto bajo el Convenio Básico para el mismo programa es de $575.000 dólares, y están de acuerdo que las contribuciones de las partes exigidas en el Convenio Básico y que no hubieren sido efectuadas en la fecha en que entra en vigencia esta Prorroga de Convenio serán pagadas de acuerdo con el Convenio Básico. Las partes además convienen que la porción no gastada de los fondos contribuídos o a ser contribuídos de conformidad con el Convenio Básico continuará disponible para tambien financiar el programa cooperativo de salud y sanidad en el Uruguay durante el período establecido por esta Prorroga de Convenio. Queda además entendido y convenido que por esta Prorroga de Convenio no se contempla ninguna contribución por el Instituto al programa cooperativo de salud y sanidad en el Uruguay fuera de aquellas requeridas de acuerdo con el Convenio Básico.

Cláusula VI

Los sueldos, asignaciones para subsistencias, viáticos y cualesquiera otras sumas pagas directamente a, o por cuenta de, miembros de la misión del Instituto, continuarán siendo pagadas por el Instituto con fondos del Instituto, distintos de los referidos en la Clausula V de esta Prorroga de Convenio, debiendo estos ultimos ser depositados a la cuenta del S.C.I.S.P. de acuerdo con el Convenio Básico.

Clausula VII

Todos los derechos y privilegios que beneficien a las reparticiones oficiales del gobierno y otros del Gobierno de la República Oriental del Uruguay y el personal y empleados de las mismas, continuarán siendo reconocidos al S.C.I.S.P. y a su personal y empleados para la duración de esta Prorroga de Convenio. Tales derechos y privilegios incluirán, por ejemplo y no exclusivamente, franquicia postal, servicios telefónicos y telegráficos, transporte gratuito en los ferrocarriles administrados por el Gobierno Uruguayo, y el derecho a tales reducciones o tarifas preferenciales como fueren concedidas a reparticiones del Gobierno Uruguayo por la marina nacional o las compañías de navegación en los ríos, transportes aéreos, tarifas telegráficas y telefónicas, etc., y tambien franquicia y exención de los impuestos sobre consumos, timbres, honorarios consulares, bienes, y cualquier otro impuesto.

Clausula VIII

La República Oriental del Uruguay reconoce y acepta al Instituto como una corporación del Gobierno de los Estados Unidos de América, y por consiguiente, está de acuerdo en que el Instituto goce de los mismos derechos, privilegios e inmunidades como las condedidas a las reparticiones gubernamentales oficiales del Gobierno de la República Oriental del Uruguay con respecto a operaciones del Instituto que estén relacionadas con, o la propiedad que se utilice para, el programa cooperativo de salud y sanidad en el Uruguay. Asimismo, se establece la continuación durante el término de esta Prorroga de Convenio de la exención de todos los empleados del Instituto que fueren ciudadanos de los Estados Unidos de América y estuvieren empeñados en el desarrollo de los objetivos del programa cooperativo de salud y sanidad en el Uruguay, de todos los impuestos sobre rentas e impuestos de previsión social que gravaren a la renta sobre la cual estén obligados a pagar impuesto sobre la renta o impuesto de previsión social al Gobierno de los Estados Unidos de América, y de los impuestos sobre los bienes personales destinados a su propio uso. Los empleados del Instituto y miembros de sus familias que se encuentren con ellos en el Uruguay, también estarán exonerados del pago de derechos de aduana o importación sobre sus efectos personales y provisiones para su propio uso.

Clausula IX

Las normas generales aplicadas de conformidad al Convenio Básico, o a aplicar de conformidad a la Prorroga de Acuerdo, para la ejecución del programa cooperativo de salud y sanidad en el Uruguay, incluyendo, pero no estando limitadas a, la estructuración de contratos, desembolso y contabilización de fondos depositados en la cuenta del S.C.I.S.P. empleo y pago de personal del S.C.I.S.P., la compra, uso, inventario, contralor y disposición de propiedad, y cualquier otro asunto administrativo, serán durante el término de esta Prorroga de Convenio, continuadas, determinadas o establecidas a mutuo acuerdo entre el Ministro y el Director del S.C.I.S.P.

Clausula X

Todos los materiales, equipos y provisiones comprados con fondos del S.C.I.S.P. se convertirán en propiedad de la República y cualquier bien adquirido por el S.C.I.S.P. que no hubiere sido gastado, usado o comprometido a la terminación del período fijado por esta Prorroga de Convenio permanecerá como propiedad de la República y será destinado al programa cooperativo de salud y sanidad en el Uruguay en forma y condiciones a convenir por escrito por el Ministro y el Jefe de Misión. Cualquier fondo del S.C.I.S.P. que quedare al cierre del programa cooperativo de salud y sanidad en el Uruguay será destinado de un modo tal y para tales fines como fueren mutuamente acordados por el Ministro y el Jefe de Misión.

Clausula XI

Cualquier derecho, poder, o deber acordados por esta Prorroga de Convenio al Ministro, o al Jefe de Misión, o al Director del SCISP podrá ser delegado por escrito por el recibidor del mismo a sus representantes respectivos, siempre que tales representantes fueren aceptables para las demás partes.

Cláusula XII

Los libros y cuentas del SCISP estarán disponibles en cualquier momento para inspección o intervención por cualquier repartición competente del Gobierno de la República Oriental del Uruguay y por el Instituto. El Director del SCISP continuará proporcionando al Ministro y al Jefe de Misión cualquier información que se deseare referente al SCISP o sus actividades, y suministrará informes al Gobierno del Uruguay y al Instituto en tales plazos como hubieren sido convenidos entre el Ministro y el Jefe de Misión.

Cláusula XIII

El Gobierno del Uruguay promoverá la legislación, decretos, órdenes o resoluciones necesarias para llevar a cabo los términos de esta Prórroga de Convenio.

Cláusula XIV

Esta Prórroga de Convenio será complementaria a las disposiciones del Convenio Básico, los términos y estipulaciones del cual, en cuanto no fueren contrarios o incompatibles con los términos y disposiciones de esta Prórroga de Convenio continuarán en completa vigencia y efecto durante el término cubierto por esta Prórroga de Convenio.

Cláusula XV

Esta Prórroga de Convenio entrará en vigencia tan pronto como se haya efectuado un intercambio de notas diplomáticas entre el Ministro de Relaciones Exteriores de la República y el Embajador de los Estados Unidos de América, o en la fecha de la ejecución del presente convenio en el caso que las notas diplomáticas aprobando la extensión del programa cooperativo de salud y sanidad en el Uruguay, de acuerdo a las previsiones aquí incluídas, hubieren sido intercambiadas antes de la fecha de ejecución de esta Prórroga de Convenio.

EN FE DE LO CUAL, las partes han dispuesto la celebración de esta Prórroga de Convenio por sus representantes debidamente autorizados, por duplicado en los idiomas Inglés y Español, en Montevideo, Uruguay, a los tres días de Enero de 1948.

POR LA REPUBLICA ORIENTAL DEL URUGUAY	POR EL INSTITUTO DE ASUNTOS INTERAMERICANOS
ENRIQUE M. CLAVEAUX	H. JACKSON DAVIS
Enrique M. Claveaux	J. Jackson Davis
Ministro de Salud Pública	*Jefe de Misión*

June 25 and July 20, 1948
[T. I. A. S. 2159]

Agreement between the United States of America and Uruguay respecting a cooperative health and sanitation program in Uruguay, modifying and extending the agreement of October 1 and November 1, 1943, as modified and extended. Effected by exchange of notes signed at Montevideo June 25 and July 20, 1948; entered into force October 7, 1948; operative retroactively July 1, 1948.

The American Ambassador to the Uruguayan Minister of Foreign Affairs

EMBASSY OF THE UNITED STATES
OF AMERICA

No. 88

Montevideo, June 25, 1948

EXCELLENCY:

I have the honor to refer to the Basic Agreement, as amended, between the Oriental Republic of Uruguay and The Institute of Inter-American Affairs, arising out of the exchange of notes between His Excellency Juan Carlos Blanco, Ambassador of Uruguay to the United States of America and His Excellency A. A. Berle, Jr., Acting Secretary of State of the United States of America, dated October 1, 1943 and November 1, 1943, as later modified and extended, which provided for the initiation and execution of the existing cooperative health and sanitation program in Uruguay. I also refer to Your Excellency's note of May 26, 1948, [1] suggesting the consideration by our respective Governments of a further extension of that Agreement.

58 Stat. 1434.
Ante, pp. 4108, 4117.

As Your Excellency knows, the above referred to Basic Agreement provides that the cooperative health and sanitation program will terminate on June 30, 1948. However, considering the mutual benefits which both governments are deriving from the program, my Government agrees with the Government of Uruguay that an extension of such program would be desirable. I have been advised by the Department of State in Washington that arrangements may now be made for the Institute to continue its participation in the cooperative program for a period of one year, from June 30, 1948, through June 30, 1949. It would be understood that, during such period of extension, the Institute would make a contribution of $50,000 U. S. Cy. to the Servicio Cooperativo Interamericano de Salud Publica for use in carrying out project activities of the program on condition that your Government would contribute to the Servicio for the same purpose the sum of not less than $250,000 U. S. cy. The Institute would also be willing during the same extension period to make available funds to be retained by the Institute, and not deposited to the ac-

[1] Not printed.

count of the Servicio, for payment of salaries and other expenses of the members of the Institute Health and Sanitation Division Field Staff, who are maintained by the Institute in Uruguay. The amounts referred to would be in addition to the sums already required under the present Basic Agreement to be contributed and made available by the parties in furtherance of the program.

If Your Excellency agrees that the proposed extension on the above basis is acceptable to your Government, I would appreciate receiving an expression of Your Excellency's opinion and agreement thereto as soon as may be possible in order that the technical details of the extension may be worked out by officials of the Ministry of Public Health and The Institute of Inter-American Affairs.

The Government of the United States of America will consider the present note and your reply note concurring therein as constituting an agreement between our two Governments, which shall come into force on the date of signature of an agreement by the Minister of Public Health of Uruguay and by a representative of the Institute of Inter-American Affairs [1] embodying the above mentioned technical details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

ELLIS O. BRIGGS

To His Excellency
Sr. Dr. Don DANIEL CASTELLANOS,
Minister of Foreign Affairs,
Montevideo.

The Uruguayan Minister of Foreign Affairs to the American Ambassador

MINISTERIO
DE
RELACIONES EXTERIORES

D.I.I.C.C.
910/943-713.-

MONTEVIDEO, *20 de julio de 1948.-*

SEÑOR EMBAJADOR:

Con referencia a la nota de Vuestra Excelencia, N° 88, de fecha 25 de junio ppdo., relativa a la ampliación del Convenio sobre Programa Cooperativo de Salud y Sanidad en el Uruguay, tengo el honor de expresar a Vuestra Excelencia que el Ministerio de Salud Pública ha hecho saber a esta Secretaría de Estado, de acuerdo con la resolución del Consejo de Ministros de 21 de abril ppdo. su opinión favorable a dicha prórroga hasta el 30 de junio de 1949 y, a tal efecto, se adoptarán las medidas correspondientes.

[1] Oct. 7, 1948.

Reitero a Vuestra Excelencia las seguridades de mi alta consideración.

Por el Ministro
J CARRERE S
Justino Carrere Sapriza
Subsecretario

Al Excelentísimo Señor
ELLIS O. BRIGGS,
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de America.–

Translation

MINISTRY
OF
FOREIGN AFFAIRS

D.I.I.C.C.
910/943–713.–

MONTEVIDEO, *July 20, 1948.–*

MR. AMBASSADOR:

Ante, p. 4128.

Referring to Your Excellency's Note No. 88, dated June 25, last, relating to the extension of the Agreement on the Cooperative Health and Sanitation Program in Uruguay, I have the honor to notify Your Excellency that the Ministry of Public Health has informed this Department of State, in accordance with the resolution of the Council of Ministers of April 21, last, of its approval of the said extension to June 30, 1949, and the appropriate measures will be adopted to that effect.

I renew to Your Excellency the assurances of my high consideration.

For the Minister
J CARRERE S
Justino Carrere Sapriza
Under Secretary

His Excellency
ELLIS O. BRIGGS,
Ambassador Extraordinary and Plenipotentiary of the United States of America.–

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